

ORDINANCE NO. 05-18-2022-D

AN ORDINANCE AMENDING, REPEALING, AND ENACTING THE PAYSON CITY MUNICIPAL CODE.

WHEREAS, the Payson City Council desires to adopt the following with the applicable attachments provided herein;

NOW THEREFORE, be it ordained by the Mayor and City Council of Payson City, in the State of Utah, as follows:

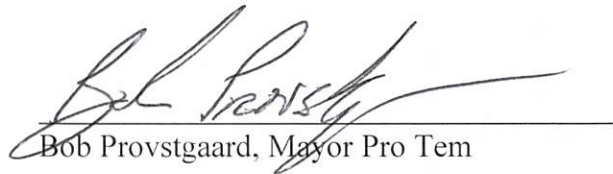
SECTION I: **ADOPTION** The Payson Municipal Code attached hereto as Exhibit "A" along with and including all City Maps and other attached documents, is hereby adopted in its entirety as provided in Exhibit "A" and incorporated herein by this reference.

SECTION II: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith prior to the date of this Ordinance, are hereby repealed, subsumed, and replaced with the exhibit adopted herein.


SECTION III: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION IV: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from the 18th day of May 2022 and after the required approval and publication according to law.

Passed and ordained this 18th day of May, 2022.


Bob Provstgaard, Mayor Pro Tem

Attest:


Kim E. Holindrake, City Recorder



Preface

The Municipal Code of Payson, Utah began in-house in 2021 with the assistance of Municipal Code Corporation. This Municipal Code shall be cited as the Payson City Code or “PCC” as an acronym.

PCC references found within the code maintain a structure by subject matter using a decimal numbering system which identifies the chapter and section (**for example: 1.01.010**). This complete set of numbers is designed to aid in searching and/or referencing the Municipal Code, and to assist in subsequent codification as new ordinances are added to the Municipal Code.

- The first number in the sequence (1.01.010) designates the **Title** level
- The second series of numbers (1.**01**.010) designates the **Chapter** level
- The last series (1.01.**010**) designates the **Section** level

The legislation herein may be arranged as an alphanumeric ordered list **A, 1, a, (1), (A), (a)** to show hierarchal relationships. The legislation may also be arranged as an unordered list (using bullets, discs, squares, etc.) to show items without hierarchal relationships. These list structures assist in subsequent codification as new legislation is added. To forego the naming of each list item and to more granularly reference legislation that employs alphanumeric characters, use “Paragraph” followed by the desired alphanumeric reference(s), comma separated. For example, “Paragraph B,7,d”, specifically references item “d”, of item “7”, of item “B”—whereas “Paragraph B” refers more generally to any or all of list item B’s descendants.

References herein revealing “Utah Code” implies a reference to the "[Utah State Legislature](#)".

Vacant titles, chapters, or sections may be designed for future use and may be marked “Reserved” to ease internal expansion. The legislative history identifies the specific legal sources of a section as may be provided in footnotes.

The Municipal Code is supplemented from time to time with amendments and additions made by the municipality. The specific legal sources that comprise this Municipal Code have been adopted during the codification process from the original formatting of the official hard copy. In the event of discrepancies between the online Municipal Code and the official adopted legislation, the legislation typically governs. Municipal Code Corporation provides a searchable database of the Municipal Code for easy reference and convenience.

THE ONLINE MUNICIPAL CODE MAY NOT REFLECT THE MOST CURRENT VERSION OF ALL ADOPTED LEGISLATION. ALSO, THE MUNICIPAL CODE MAY

NOT REFLECT RULES OR OTHER REGULATIONS PROMULGATED UNDER THE
AUTHORITY OF THE CODE, INCLUDING TECHNICAL SPECIFICATIONS.

Title 1 General Provisions

1.04 Adoption Of Code

1.08 Interpretation, Repeal, Legislative Effect

1.12 Liabilities And Penalties

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1.04 Adoption Of Code

1.04.010 Code Adopted

1.04.020 Publication

1.04.030 Effect On Prior Legislation

1.04.010 Code Adopted

All ordinances of a general nature now in force in Payson, Utah, as revised, compiled and hereinafter set forth in the volume entitled "Revised Ordinances of Payson City, Utah, 1998", contained within and other said titles, are adopted, passed, published and declared to be the revised ordinances of Payson City, Utah, 1998.

1.04.020 Publication

These revised ordinances in the volume are entitled as provided in PCC 1.04.010, containing 13 titles and various chapters and sections contained in said titles, are hereby published by the authority of the City Council.

1.04.030 Effect On Prior Legislation

All ordinances passed by the City Council subsequent to the printing of the above described published volume entitled "Revised Ordinances of Payson City, 1998, are hereby declared to remain in force and effect, but all ordinances which are in conflict with the revised ordinances of Payson City, 1998, are hereby repealed.

1.08 Interpretation, Repeal, Legislative Effect

1.08.010 Repeal Of Existing Ordinances

1.08.020 Effect Of Repealing Ordinances

1.08.030 Definitions For Code Construction

1.08.040 When Ordinances Take Effect--Publication Proof

1.08.010 Repeal Of Existing Ordinances

All the ordinances contained in this book shall be known as Revised Ordinances of Payson City, Utah, 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 above limits and provisions of the next Section, all ordinances of Payson City, a municipal corporation heretofore in force (except those that are of private, local, or temporary character, including franchises, grants, dedications, easements, rates for electrical power and special levies for local assessments) are hereby repealed.

1.08.020 Effect Of Repealing Ordinances

The repeal of the ordinances as provided in PCC 1.08.010 shall not revive the ordinances previously repealed nor affect any right which has accrued, commenced under or by virtue of the ordinance repealed nor the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded.

1.08.030 Definitions For Code Construction

In the construction of the revised ordinances and all ordinances amendatory thereof, the following rules shall be observed, unless such construction would be inconsistent with 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.
- C. Words in the masculine gender comprehend,
- D. as well as the feminine and neuter.

The word PERSON includes bodies politic and corporate partnerships, associations and companies.

The word WRITING includes all printing, writing and typewriting.

The word SIGNATURE includes any name, mark or sign written with the intent to authenticate any instrument or writing.

The word MONTH means a calendar month, unless otherwise expressed, and the word YEAR or the abbreviation A.D. is equivalent to the expression YEAR of OUR LORD.

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 written one in the word DEPOSE.

The word PROPERTY includes both real and personal property.

The words LAND, REAL ESTATE and REAL PROPERTY includes lands, tenements,

hereditaments, water rights, possessory rights and claims.

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.

The words HIGHWAY and ROAD include public bridges, and may be held equivalent to the words COUNTY WAY, COUNTRY ROAD, COMMON ROAD, and STATE ROAD.

The word STREET includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

When any time is specified in these ordinances, it shall mean standard time, as distinguished from solar time, and the words MIDNIGHT or NOON shall be taken to be midnight or noon standard time.

The word OWNER applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessees or the whole or of a part of such building or land.

The word TENANT or OCCUPANT applied to a building or land shall include any person who occupies the whole or part of such building or land, either alone or with others.

- A. Words prohibiting anything being done, except in accordance with a license or permit or authority from the Board of Officers, shall be construed as giving such Board of Officers power to license or permit or authorize such thing to be done.

The word OFFICER shall include officers and boards in charge of departments and members of such boards.

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 isolate law, or to injure another, or to acquire any advantage.

The terms NEGLECT, NEGLIGENCE, NEGLIGENT, 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.

The term KNOWINGLY imports only a knowledge that the facts exist which bring the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.

The term BRIDE 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 on any public or official capacity.

The term CORRUPTLY imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act, established either by proof or by presumption of law.

- A. The enacting style of all ordinances of Payson City shall "be it ordained by the City Council of Payson City, Utah."

1.08.040 When Ordinances Take Effect--Publication Proof

All ordinances, before taking effect, shall be deposited in the office of the city recorder and published at least once in some newspaper published within the city, and shall take effect on the twenty-first day after publication, or the thirty-first day after their final passage of such ordinance. Ordinances, if so provided therein may take effect at a later date. Measures necessary for the immediate preservation of the peace, health or safety of the city, may, if so provided in the ordinance, take effect at an earlier date, but no such emergency measure shall become immediately operative unless it shall state in a separate section the reason why it is necessary that it should become effective; provided further, that when a revision is made and the revised ordinances are published by authority of the city council, no further publication shall be deemed necessary; and provided further, that ordinances establishing rules and regulations for the construction of buildings, the installation of plumbing, the installation of electric wiring or other related or similar work, and rules and regulations controlling traffic and relating to the prevention of fires within the corporate limits where such rules and regulations have been printed as a code in book form, may be adopted and take effect without further publication, if reference is made to such code, and not less than three copies of such code shall have been filed for use and examination by the public in the office of the recorder prior to the adoption of such ordinance by the city council.

The city recorder shall record all ordinances in a book kept for that purpose, together with affidavits of publication by the publisher, or his agent; and said book or a certified copy of the ordinances, under the seal of the city, shall be received as evidence in all courts and places without further proof, or if printed in book or pamphlet form by authority of the city council, they shall be so received.

1.12 Liabilities And Penalties

[1.12.010 Intent To Defraud](#)

[1.12.020 Aiding Offense--Liability Of Employer](#)

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1.12.070 Persons Authorized To Enforce Ordinances And Issue Citations

1.12.010 Intent To Defraud

Whenever, by any of the provisions of the revised ordinances, an intent to defraud is required in order to constitute any offense, it is sufficient if any intent appears to defraud any persons, association or body politic or corporate whatever.

1.12.020 Aiding Offense--Liability Of Employer

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 direct 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 described for the offense.

1.12.030 Essentials Of Crime

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

1.12.040 Penalties For Violations

Where the performance of any act is prohibited or declared to be unlawful, by any provision of any ordinance, included in these revised ordinances, or ordinances hereafter enacted, and no penalty for the violation of such ordinance is imposed by any ordinance, the doing of such act is a Class C Misdemeanor.

1.12.050 Reduction Of Sentence For Good Behavior

Every person undergoing sentence for thirty days or more, who has not been guilty of a breach of the rules of the prison, shall be entitled to a reduction of the period of his sentence as follows: From a term of one month, five days; from a term of two months, ten days; from a term of three months, fifteen days; from a term of four months, twenty days; from a term of five months, twenty-five days; from a term of six months, thirty days. Proportionate reductions shall be made for the fractional parts of a month included in any sentence.

1.12.060 Prisoners Of Labor

Whenever any person is sentenced to imprisonment for violation of any city ordinance, and such person is required by the judgment of the Court to Labor, such labor shall be performed under the direction of the Chief of Police.

1.12.070 Persons Authorized To Enforce Ordinances And Issue Citations

A. **Officers Authorized to Enforce City Ordinances.** The following officers are

authorized and directed by Payson City to enforce the ordinances of Payson City as indicated and issue citations and/or swear out criminal complaints to individuals or corporations who violate said ordinances:

1. **Police Officers.** All ordinances of Payson City;
2. **Zoning Enforcement Officers.** All ordinances pertaining to zoning.
3. **Building and Housing Inspectors.** All ordinances pertaining to buildings and other structures;
4. **License Inspectors.** All ordinances pertaining to city business and regulatory licensing; and
5. **Animal Control Officers.** All ordinances pertaining to animal control.

B. **Identification.** Except for police officers, all other individuals shall be sworn as enforcement officers and issued appropriate identification.

C. All ordinances or parts of ordinances in conflict with ordinance are hereby repealed.

1.16 Elections

1.16.010 Primary Elections Re-Established

1.16.020 Effective Date

1.16.030 Campaign Finance Disclosure

1.16.010 Primary Elections Re-Established

Payson City Ordinance No. 2.9.84, passed February 9, 1984, by the City Council of Payson, Utah, is hereby repealed, and primary elections are hereby re-established as provided in Utah Code 20A (1953 as amended).

1.16.020 Effective Date

This ordinance shall become effective upon publication, and shall not affect the 1989 Payson City Elections, but shall apply to Payson City Elections held thereafter.

1.16.030 Campaign Finance Disclosure

A. **Definitions (All Definitions Not Listed Here Shall Be Defined by the State Election Laws).**

CANDIDATE means any person who: (a) files a declaration of candidacy for a public office; or (b) receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

CONTRIBUTION means any of the following when done for political purposes: (i) a gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity; (ii) an express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity; (iii) any transfer of funds from another reporting entity or a corporation to the filing entity; (iv) compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity; (v) remuneration from any organization or its directly affiliated organization that has a registered lobbyist to compensate a legislator for a loss of salary or income while the Legislature is in session; (vi) salaries or other remuneration paid to a legislator by any agency or subdivision of the state, including school districts, for the period the Legislature is in session; and (vii) goods or services provided to or for the benefit of the filing entity at less than fair market value. (b)

CONTRIBUTION does not include: (i) services provided without compensation by individuals volunteering a portion or all of their time on behalf of the filing entity; or (ii) money lent to the filing entity by a financial institution in the ordinary course of business.

ELECTION means each: (a) regular general election; (b) regular primary election; and (c) special election at which candidates are eliminated and selected.

EXPENDITURE means any of the following made by a reporting entity or an agent of a reporting entity on behalf of the reporting entity:

1. any disbursement from contributions, receipts, or from the separate bank account required by Utah Code 20A-11;
2. a purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;
3. an express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;
4. compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
5. a transfer of funds between the filing entity and a candidate's personal campaign committee;
6. goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value; or
7. an independent expenditure, as defined in Utah Code § 20A-11-1702.

EXPENDITURE does not include:

- a. services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
- b. money lent to a reporting entity by a financial institution in the ordinary course of business; or
- c. anything listed in this definition that is given by a reporting entity to candidates for office or officeholders in states other than Utah.

REPORTING DATE means: (i) ten days before a municipal general election, for a campaign finance statement required to be filed no later than 30 days after a municipal primary or general election.

REPORTING LIMIT means \$50.00

- B. Filing and Timing of Campaign Finance Statement.** Each candidate for municipal office who is not eliminated at a municipal primary election shall file with the City Recorder a campaign finance statement: (A) no later than seven (7) days before the municipal general election and (B) no later than thirty (30) days after the municipal general election. Each candidate for municipal office who is eliminated at a municipal primary election shall file with the City Recorder a campaign finance statement no later than thirty (30) days after the municipal primary election. A campaign finance statement is considered filed if it is received in the City Recorder's office by 6:00 p.m. on the date it is due.
- C. Filing Fee.** The Governing Body may from time to time assess a declaration of candidacy filing fee. This fee will be set by the Governing Body as part of the fee schedule resolution.
- D. Contents of Statement.**
1. Each required campaign finance statement, except as provided in paragraph D,2, shall:
 - a. Report all of the candidate's itemized and total campaign contributions, including in-kind and other non-monetary contributions, as of the reporting date;
 - b. report all of the candidate's itemized and total expenditures as of the reporting date;
 - c. identify for each contribution that exceeds the reporting limit, the amount of the contribution and the name of the donor;
 - d. identify the aggregate total of all contributions that individually do not exceed the reporting limit; and

e. identify for each campaign expenditure, the amount of the expenditure and the name of the recipient of the expenditure.

2. Report the total amount of all campaign contributions and expenditures if the candidate receives \$500 or less in campaign contributions and spends \$500 or less on the candidates campaign.

E. **Public Information.** Notwithstanding any provision of Title 63, Chapter 2, Governmental Records Access and Management Act, the City Recorder shall make each campaign finance statement filed by a candidate available for public inspection and copying no later than one business day after the statement is filed.

F. **Penalty for Noncompliance.** Any candidate who fails to comply with this ordinance is guilty of an infraction. If a candidate fails to file a campaign finance statement before the municipal general election by the deadline specified above, the municipal clerk or recorder shall inform the appropriate election official who: (i) shall: (A) if practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or (B) if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and (ii) may not count any votes for that candidate. A candidate who files a campaign finance statement seven days before a municipal general election is not disqualified if: (i) the statement details accurately and completely the information required under paragraph D, except for inadvertent omissions or insignificant errors or inaccuracies; and (ii) the omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

1.20 Transient Room Tax

1.20.010 Transient Room Tax

1.20.010 Transient Room Tax

A. There is hereby levied upon the business of every person, company, corporation, or other like and similar persons, groups or organizations, doing business in Payson City as motor courts, motels, hotels, inns or the like, and similar public accommodations, a transient room tax equal to one percent (1.0%) of the gross revenue derived from the rent for each and every occupancy of a suite, room or rooms, for a period of thirty (30) days or less.

B. For purposes of this Section, gross receipts shall be computed upon the base room rental rate. There shall be excluded from the gross revenue, by which this tax is measured:

1. The amount of any sales or use tax imposed by the state of Utah or by

- any other governmental agency upon a retailer or consumer;
2. The amount of any county transient room tax or resort communities tax levied under authority of Utah Code 59-12 (1953 as amended), or its successor;
 3. Receipts from the sale or service charge for any food, beverage, or room-service charges in connection with the occupancy of the suite, room or rooms, not included in the base room rate; and
 4. Charges made for supplying telephone service, gas or electrical energy service, not included in the base room rate.
- C. The City may collect on the same basis and schedule as established for the transient room tax being collected by the Utah State Tax Commission. Every person or business taxed hereunder shall report and remit to that person or entity designated by the City Administration as responsible for collection of the amount of tax due for the period covered by the report.
- D. The City may contract with the Utah State Tax Commission or other agencies to perform all functions incident to the administration and operation of this Chapter and is further authorized to participate in such enforcement measures, including but not limited to levies and other penalties, as may be established by the Utah State Tax Commission.

1.24 Uniform Local Sales And Use Tax

1.24.010 Title

1.24.020 Purpose

1.24.030 Effective Date

1.24.040 Sales Tax

1.24.050 Use Tax

1.24.060 Execution

1.24.070 Contract With State Tax Commission

1.24.080 Penalties

1.24.090 Severability

1.24.010 Title

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

1.24.020 Purpose

The Utah Legislature has authorized Municipalities of the State of Utah to enact Sales and Use Tax Ordinances imposing a 58/64 percent tax, effective July 1, 1986, and has authorized said tax to be increased to 1 percent effective July 1, 1987.

It is the purpose of this ordinance to levy and impose a 58/64 percent local option sales and use tax effective July 1, 1986, to increase said sales and use tax to 1 percent effective July 1, 1987, to authorize and designate the Utah State Tax Commission as agent for the municipality to collect the tax and to conform with the requirements of the Uniform Local Sales and Use Tax Law of Utah, Utah Code 11-9 (1953 as amended).

1.24.030 Effective Date

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.

1.24.040 Sales Tax

- A. From and after 12:01 o'clock a.m., July 1, 1986, there is levied and there shall be collected and paid a tax on every retail sale of tangible personal property, services and meals made within the municipality at the rate of 58/64 percent. Said rate of 58/64 percent shall be increased to 1 percent from and after 12:01 o'clock a.m., July 1, 1987.
- B. For the purposes of this ordinance, 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. If 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 Utah Code 54 (1953 as amended), shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the municipality shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.
- C. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Utah Code 59-15 (1953 as amended), and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, excepting Utah Code §§ 59.15.1 and 50.15.21 thereof, and excepting for the amount of the sales tax levied therein, are hereby adopted and made a part of this ordinance as though fully set forth herein.
- D. Wherever, and to the extent that in Utah Code 59-15 (1953 as amended), the

State is named or referred to as the "taxing agent," the name of this municipality shall be substituted therefore. Nothing in this paragraph shall be deemed to require 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 Utah, nor shall the name of the municipality 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 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.

- E. If an annual license has been issued to a retailer under Utah Code § 59.15.3 (1953 as amended), an additional license shall not be required by reason of this Section.
- F. There shall be excluded from the purchase price paid or charged by which the tax is measured:
 - 1. The amount of any sales or use tax imposed by the State of Utah on a retailer or consumer.
 - 2. Receipts from the sale of tangible personal property on 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 Uniform Local Sales and Use Law of Utah.

1.24.050 Use Tax

- A. An excise 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 of this ordinance for storage, use or other consumption in the municipality at the rate of 58/64 percent of the sales price of the property.
- B. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Utah Code 59-16 (1953 as amended) and in force and effect on the effective date of this ordinance, applicable to use taxes, excepting the provisions of Utah Code §§ 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.
- C. Wherever and to the extent that in Utah Code 59-16 (1953 as amended), the State of Utah is named or referred to as the "taxing agency," the name of Payson City shall be substituted therefore. Nothing in this paragraph shall be deemed to require the substitution of the name of this 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 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.

D. There shall be exempt from the tax due under this Section:

1. The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;
2. 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 county of the State.

1.24.060 Execution

The Mayor is authorized to execute whatever documents are necessary to distribute sales and use tax revenues on the combination of point of sale and population factors set forth in Utah Code § 11.9.5 (1953 as amended).

1.24.070 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 Ordinance 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 reenacted by this ordinance.

1.24.080 Penalties

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor.

1.24.090 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 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein.

1.28 Utility Revenue Fee

[1.28.010 Revenue Tax On Public Utilities](#)

[1.28.020 Revenue Tax On Business In Competition With Public Utilities](#)

[1.28.030 Restricted Use Of Revenues](#)

1.28.010 Revenue Tax On Public Utilities

There is hereby levied upon the business of every person or company engaged in the business of supplying telephone service, or taxable energy as public utilities within the municipal limits of Payson City, an annual license fee equal to six percent (6%) of the gross revenue derived from the sale and use of the services of such utilities, delivered from and after May 1, 1990, within the corporate limits of Payson City.

A. Definitions.

BASIC LOCAL EXCHANGE SERVICE REVENUE as used herein shall mean revenues received from the furnishing of telecommunications within Payson City and access to the telecommunications network to either business, residential or other customers whether on a flat rate or measured basis, by means of an access line. Basic local exchange service does not include revenues obtained by the telephone public utility company from the provision of terminal telephone equipment services (such as basic telephone sets, private branch exchanges and key telephone systems), or from other telephone equipment which is obtainable from both the telephone company and other suppliers.

GROSS REVENUE as used herein, means the revenue derived from the sale and use of public utility services within Payson City, provided that "gross revenue", as applied to the telephone utility, shall be construed to mean basic local exchange services revenue.

PUBLIC UTILITY SERVICES means the sale and use of electric power and energy, natural gas, and basic local exchange telephone service.

- B. **Remittance Date.** Within forty-five days after the end of each month in a calendar year, the public utility taxed hereunder shall file with the City Treasurer a report of its gross revenue derived from the sale and use of public utility service in Payson City, as defined in this ordinance, together with a computation of the tax levied hereunder against the utility. Coincidental with the filing of such report, the utility shall pay to the City Treasurer the amount of the tax due for that calendar month subject to said report.

1.28.020 Revenue Tax On Business In Competition With Public Utilities

There is levied upon the business of every person or company engaged in the business, in Payson City, of supplying basic local exchange; telephone service, as defined in this Section, natural gas, or electric energy service in competition with public utilities, as

annual license tax equal to six percent (6%) of the gross revenue derived from the sale and use of such competitive services sold, used, or delivered within the corporate limits of Payson City, after May 1, 1990.

A. Definitions.

IN COMPETITION WITH PUBLIC UTILITIES means to trade in products or services within the same market as a public utility as defined under PCC 1.28.010 or its successor.

A. **Remittance Date.** Within forty-five days after the end of each month in a calendar year, any business taxed hereunder shall file with the City Treasurer a report of its gross revenue derived from the sale and use of services specified hereunder rendered in competition with public utilities in Payson City, together with a computation of the tax levied hereunder against such business. Coincidental with the filing of such report, the business shall pay to the City Treasurer the amount of the tax due for the calendar month, which is the subject of the said report.

1.28.030 Restricted Use Of Revenues

All revenues derived from the Utility Revenue Tax established by this ordinance shall be accounted for in a special capital projects construction fund to be used exclusively for funding or assisting in the funding of capital construction projects or for funding or assisting in the funding of debt service associated with capital construction projects approved by official action of the City Council for such funding assistance.

1.32 Mobile Telephone Service Revenue Act

[1.32.010 Repealer](#)

[1.32.020 Enactment](#)

[1.32.030 Definitions: Mobile Telephone Service Revenue Act](#)

[1.32.040 Tax Levied](#)

[1.32.050 Remittance Date](#)

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[1.32.070 Place Of Primary Use](#)

[1.32.080 Tax Against Customer](#)

[1.32.090 Nonapplication](#)

[1.32.100 Implementation Date](#)

[1.32.110 Severability](#)

[1.32.120 Effective Date](#)

1.32.010 Repealer

Any provision of the Payson City Code found to be in conflict with this ordinance is

hereby repealed.

1.32.020 Enactment

PCC 1.32, relating to the Mobile Telecommunication Service Revenue Act, is hereby enacted to read as follows.

1.32.030 Definitions: Mobile Telephone Service Revenue Act

For purposes of this ordinance, the following terms are defined as follows:

CUSTOMER means:

- A. The person or entity, having a place of primary use within the City, that contracts with the home service provider for mobile telecommunications services; or
- B. If the end user of mobile telecommunications services is not the contracting party, the end user of the mobile telecommunications services; but this clause applies only for the purpose of determining the place of primary use.
- C. CUSTOMER does not include:
 - 1. A reseller of mobile telecommunications service; or
 - 2. A serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

DESIGNATED DATABASE PROVIDER means a corporation, association, or other entity representing all the political subdivisions of a state that is:

- A. Responsible for providing an electronic database prescribed in subsection 119(a) of chapter 4, title 4 of the United States Code if the state has not provided such electronic database; and
- B. Approved by municipal and county associations or leagues of the state whose responsibility it would otherwise be to provide such database prescribed by sections 116 through 126 of chapter 4, title 4 of the United States Code.

ENHANCED ZIP CODE means a United States postal zip code of nine or more digits.

HOME SERVICE PROVIDER means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

LICENSED SERVICE AREA means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

MOBILE TELECOMMUNICATIONS SERVICE means commercial mobile radio service,

as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999. For purposes of this ordinance, mobile telecommunications services shall not include:

- A. Pager services using mobile devices that do not allow for two-way voice communication;
- B. Narrowband personal communications services; and
- C. Short message services (SMS).

PLACE OF PRIMARY USE means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be:

- A. The residential street address or the primary business street address of the customer; and
- B. Within the licensed service area of the home service provider.

PREPAID TELEPHONE CALLING SERVICES means the right to purchase exclusively telecommunications services that must be paid for in advance, that enables the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

RESELLER means:

- A. A provider who purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of, or integrates the purchased services into a mobile telecommunications service; and
- B. Does not include a serving carrier with which a home service provider arranges for the service to its customers outside the home service provider's licensed service area.

SERVING CARRIER means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed service area.

1.32.040 Tax Levied

There is levied upon every home service provider a tax of one dollar (\$1) per month for each telephone number assigned to any customer whose place of primary use is within the City. The home service provider may or may not pass this tax on to its customers. If the home service provider passes the tax on to the customer, and the tax is reflected on

the customer's bill, the tax shall be shown on the bill as a flat rate municipal tax charge.

1.32.050 Remittance Date

- A. Within thirty (30) days after the end of each calendar month, the home service provider taxed hereunder shall file, with the City Treasurer, a report computing the tax. Coincidental with the filing of such report, the business shall pay, to the City Treasurer, the amount of the tax due for the calendar month subject to the report. If the 30th day after the end of each calendar month falls on a Saturday, Sunday, or state or federal holiday, the deadline for filing the monthly report and remitting payment for that month is extended to the next subsequent business day.
- B. **Delinquent Payment.** Any payment not paid when due shall be subject to a delinquency penalty charge of ten percent (10%) of the unpaid amount. Failure to make full payment and penalty charges within sixty (60) days of the applicable payment date shall constitute a violation of this ordinance. All overdue amounts, including penalty charges, shall bear interest until paid at the rate of an additional ten percent (10%) per annum.
- C. **Reconciliation.** Within three (3) years after the filing of any report or the making of any payment, the City Treasurer may examine such report or payment, determine the accuracy thereof, and, if the City Treasurer finds any errors, report such errors to the home service provider for correction. If any tax, as paid, shall be found deficient, the home service provider shall within sixty (60) days remit the difference, and if the tax as paid be found excessive, the City shall within sixty (60) days refund the difference plus interest at the same rate as if such amount was deficient. In the event of a disagreement, the home services provider shall file under protest pending the resolution of the dispute between the parties or through the courts.
- D. **Record Inspection.** The records of the home service provider pertaining to the reports and payment of the tax, including, but not limited to, any records deemed necessary by the City to calculate or confirm proper payment by the home service provider, shall be open for inspection by the City and its duly authorized representatives upon reasonable notice at all reasonable business hours of the home services provider within the statute of limitations period defined in the "Reconciliation" paragraph C above.
- E. **Home Service Provider Duty To Cooperate On Record Inspection.**
 - 1. In order to facilitate any record inspection, the home service provider shall, upon thirty (30) days' prior written request:
 - a. Grant the City or its duly authorized representatives reasonable access to those portions of the books and records of the home service provider necessary to calculate and confirm property payment of the tax; or

- b. Provide the City or its duly authorized representatives with reports containing or based on information necessary to calculate and confirm proper payment of the tax.
2. Any requests for such books, records, reports, or portions thereof shall specify in writing the purpose for such request. Any books, records, reports, or portions thereof provided by the home service provider to the City under a claim that such documents are confidential business records are hereby designated as “protected records” and shall not be copied or disclosed by the City to third parties without the written permission of the home service provider, unless such documents are determined by a court of law to constitute “public records” within the meaning of the Utah Government Records Access and Management Act.

1.32.060 Requirement To Maintain Electronic Database Or Enhanced Zip Code Listing

A. Electronic Database.

1. **Provision Of Database.** The State may provide an electronic database to a home service provider; or, if the State does not provide such an electronic database, the designated database provider may choose to provide an electronic database to a home service provider.
2. **Format.**
 - a. Such electronic database, whether provided by the State or the designated database provider, shall be provided in a format approved by the American National Standards Institute’s Accredited Standards Committee X12, which, allowing for *de minimis* deviations, designates for each street address in the City, including, to the extent practicable, any multiple postal street addresses applicable to one street location, the appropriate taxing jurisdictions, and the appropriate code identified by one nationwide standard numeric code.
 - b. Such electronic database shall also provide the appropriate code for each street address with respect to political subdivisions that are not taxing jurisdictions when reasonably needed to determine the proper taxing jurisdiction.
 - c. The nationwide standard numeric codes shall contain the same number of numeric digits, with each digit or combination of digits referring to the same level of taxing jurisdiction throughout the United States, using a format similar to FIPS 55-3 or other

appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission or their successors. Each address shall be provided in standard postal format.

B. Notice; Updates. The State or designated database provider that provides or maintains an electronic database described above shall provide notice of the availability of the then-current electronic database and any subsequent revisions thereof, by publication in the manner normally employed for the publication of informational tax, charge, or fee notices to taxpayers in such State.

C. User Held Harmless. A home service provider using the data contained in an electronic database described above shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of any error or omission in such database provided by the City or designated database provider. The home service provider shall reflect changes made to such database during a calendar quarter, not later than thirty (30) days after the end of such calendar quarter the State has issued notice of the availability of an electronic database reflecting such changes under the “Notice; Updates” paragraph B above.

D. Procedure If No Electronic Database Provided.

1. **Safe Harbor.** If neither the State nor the designated database provider provides an electronic database, a home service provider shall be held harmless from any tax, charge, or fee liability in the City that otherwise would be due solely as a result of an assignment of a street address to an incorrect taxing jurisdiction, if the home service provider employs an enhanced zip code to assign each street address to a specific taxing jurisdiction and exercises due diligence to ensure that each such street address is assigned to the correct taxing jurisdiction. If an enhanced zip code overlaps boundaries of taxing jurisdictions of the same level, the home service provider must designate one specific jurisdiction within such enhanced zip code for use in taxing the activity for such enhanced zip code. Any enhanced zip code assignment changed is deemed to be in compliance with this Section. For purposes of this Section, there is a rebuttable presumption that a home service provider has exercised due diligence if the home service provider demonstrates that it has:

- a. Expended reasonable resources to implement and maintain an appropriately detailed electronic database of street address assignments to taxing jurisdictions;
- b. Implemented and maintained reasonable internal controls to promptly correct missassignments of street addresses to taxing jurisdictions; and

- c. Used all reasonably obtainable and usable data pertaining to municipal annexations, incorporations, reorganizations, and any other changes in jurisdictional boundaries that materially affect the accuracy of such database.

2. **Termination Of Safe Harbor.** The “Safe Harbor” paragraph D,1 above applies to a home service provider that is in compliance with the requirements of the “Safe Harbor” paragraph D,1 with respect to a state for which an electronic database is not provided, until the later of:

- a. Eighteen (18) months after the nationwide standard numeric code has been approved by the Federation of Tax Administrators and the Multistate Tax Commission; or
- b. Six (6) months after the State or a designated database provider in the State provides such database.

1.32.070 Place Of Primary Use

A. A home service provider is responsible for obtaining and maintaining the customer’s place of primary use. Subject to the “Requirement to Maintain Electronic Database or Enhanced Zip Code Listing” PCC 1.32.060, and if the home service provider’s reliance on information by its customer is in good faith, a home service provider:

- 1. May rely upon the applicable residential or business street address supplied by the home service provider’s customer.
- 2. Is not liable for any additional taxes, charges, or fees based on a different determination of the place of primary use for taxes, charges, or fees that are customarily passed on to the customer as a separate address under existing agreements.

B. A home service provider may treat the address used by the home service provider for tax purposes for any customer under a service contract or agreement in effect two (2) years after the date of this amendment to this ordinance as that customer’s place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdiction to which taxes, charges, or fees on charges for mobile telecommunication services are remitted.

1.32.080 Tax Against Customer

Each customer shall accurately report the customer’s place of primary use. The customer shall be liable for any taxes not paid by the home service provider as a result

of the customer's failure to accurately report the customer's place of primary use.

1.32.090 Nonapplication

This ordinance does not apply to the determination of the taxing situs of:

- A. Prepaid telephone calling services; or
- B. Air-ground radiotelephone service, as defined in section 22.99 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

1.32.100 Implementation Date

If this ordinance is adopted before January 1, 2001, a home service provider shall have a minimum of thirty (30) days' notice before being obligated to collect the tax described in the ordinance. After January 1, 2001, a home service provider shall have a minimum of sixty (60) days' notice before being obligated to collect the tax described in this ordinance. After January 1, 2001, a home service provider shall receive a minimum of sixty (60) days' notice regarding any changes to this ordinance.

1.32.110 Severability

If the "Monthly Tax Levied" PCC 1.32.040 above is for any reason determined to be, or is rendered, illegal, invalid, or superseded by other lawful authority, including any state or federal, legislative, regulatory, or administrative authority having jurisdiction thereof, or determined to be unconstitutional, illegal, or invalid by any court of competent jurisdiction, such section shall be deemed a separate, distinct, and independent provision, and such determination shall have no effect on the validity of any other section; provided, however, upon such event and in lieu of such tax, there is levied upon every home service provider a tax equal to six percent (6%) of the annual gross revenue of the home service provider generated from services and products to customers.

1.32.120 Effective Date

This ordinance shall take effect January 1, 2001.

1.36 Telecommunications Tax

[1.36.010 Definitions: Telecommunications Tax](#)

[1.36.020 Levy Of Tax](#)

[1.36.030 Rate](#)

[1.36.040 Rate Limitation And Exemption Therefrom](#)

[1.36.050 Effective Date Of Tax Levy](#)

[1.36.060 Interlocal Agreement For Collection Of The Tax](#)

[1.36.070 Repeal Of Inconsistent Taxes And Fees](#)

[1.36.080 Procedure For Taxes Erroneously Recovered From Customers](#)

1.36.010 Definitions: Telecommunications Tax

As used in this ordinance:

COMMISSION means the Utah State Tax Commission.

CUSTOMER.

- A. Subject to paragraphs B and C, CUSTOMER means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.
- B. For purposes of this ordinance, CUSTOMER means:
 - 1. the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or
 - 2. if the end user is not the person described in paragraph B,1, the end user of telecommunications service.
- C. CUSTOMER does not include a reseller:
 - 1. of telecommunications service; or
 - 2. for mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

END USER means the person who uses a telecommunications service.

- A. 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.

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 59-12, Sales and Use Tax Act and determined in accordance with Utah Code § 59-12-207 (1953 as amended).

GROSS RECEIPTS FROM TELECOMMUNICATION SERVICE means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

- A. a tax, fee, or charge:

1. imposed by a governmental entity;
 2. separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and
 3. imposed only on a telecommunications provider;
- B. sales and use taxes collected by the telecommunications provider from a customer under Utah Code 59-12, Sales and Use Tax Act; or
- C. interest, 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.

MOBILE TELECOMMUNICATIONS SERVICE is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

MUNICIPALITY means Payson City Corporation.

PLACE OF PRIMARY USE.

- A. 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:
1. the residential street address of the customer; or
 2. the primary business street address of the customer; or
- B. for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

SERVICE ADDRESS.

- A. Notwithstanding where a call is billed or paid, SERVICE ADDRESS means:
1. if the location described in this paragraph A,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 paragraph A,1 is not known but the location described in this paragraph A,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 paragraphs A,1 and A,2 are not known, the location of a customer's place of primary use.

TELECOMMUNICATIONS PROVIDER.

- A. Subject to paragraph B and C, TELECOMMUNICATIONS PROVIDER means a person that:
 1. owns, controls, operates, or manages a telecommunications service; or
 2. engages in an activity described in paragraph A,1 for the shared use with or resale to any person of the telecommunications service.
- B. A person described in paragraph A is a telecommunications provider whether or not the Public Service Commission of Utah regulates:
 1. that person; or
 2. the telecommunications service that the person owns, controls, operates, or manages.
- C. TELECOMMUNICATION PROVIDER. Does not include an aggregator as defined in Utah Code § 54-8b-2 (1953 as amended).

TELECOMMUNICATIONS SERVICE means:

- A. telephone service, as defined in Utah Code § 59-12-102 (1953 as amended), other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and
- B. mobile telecommunications service, as defined in Utah Code § 59-12-102 (1953 as amended):
 1. that originates and terminates within the boundaries of one state; and
 2. only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 116 et seq.

1.36.020 Levy Of Tax

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to this municipality.

1.36.030 Rate

The rate of the tax levy shall be 3.5% of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality subject to the provisions of Utah Code § 10-1-407 (1953 as amended) which is incorporated herein by reference.

1.36.040 Rate Limitation And Exemption Therefrom

The rate of this levy shall not exceed 3.5% of the telecommunication providers' 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; or
- C. a local special election.

1.36.050 Effective Date Of Tax Levy

This tax shall be levied beginning July 1, 2007.

1.36.060 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 § 10-1-405 (1953 as amended) for the collection, enforcement, and administration of this municipal telecommunications license tax;

1.36.070 Repeal Of Inconsistent Taxes And Fees

Any tax or fee previously enacted by this municipality under authority of Utah Code § 10-1-203 (1953 as amended) or Title 11, Chapter 26, Local Taxation of Utilities Limitation, which deal specifically with telecommunications service, 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 § 72-7-102 (1953 as amended), and is not related to the municipality's loss of use 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 municipalities 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 § 72-7-108 (1953 as amended), in this municipality.

1.36.080 Procedure For Taxes Erroneously Recovered From Customers

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 municipal telecommunications license taxes authorized by Utah Code § 10-1-401 et. seq., (1953 as amended):

- A. unless the customer provides the telecommunications provider written notice that:
 - 1. the customer requests a refund of the amounts paid by the customer pursuant to Utah Code § 10-1-403(2); and
 - 2. contains the information necessary to determine the validity of the request described in paragraph A,1; and

- B. before 60 days from the day on which the telecommunications provider receives the written notice required by paragraph A.

1.38 Municipal Energy Sales And Use Tax

[1.38.010 Purpose](#)

[1.38.020 Definitions](#)

[1.38.030 Sales And Use Tax](#)

[1.38.040 Exemptions](#)

[1.38.050 No Effect Upon Existing Franchises - Credit For Franchise Fees](#)

[1.38.060 No Collection Contract With State Tax Commission](#)

[1.38.070 Incorporation Of Part 1, Chapter 12, Title 59, Utah Code Including Amendments](#)

[1.38.080 No Additional License To Collect Required - No Additional License Or Reporting Requirement](#)

1.38.010 Purpose

It is the intent of the City to provide both a stable revenue source and create a more competitive environment for the energy industry by repealing its utility franchise tax ordinance #12-04-96A insofar as it applies to municipal energy, and adopting the municipal energy tax pursuant to, and in conformance with, Utah Code § 10-1-301 "The Municipal Energy Sales and Use Tax Act."

1.38.020 Definitions

CONSUMER. A person who acquires taxable energy for any use that is subject to the Municipal Energy Sales and Use Tax.

CONTRACTURAL FRANCHISE FEE. A fee:

- A. Provided for in a franchise agreement; and

- B. That is consideration for the franchise agreement; or
- C. A fee similar to paragraph A of this definition; or
- D. A combination of paragraphs A and B of this definition.

DELIVERED VALUE. The fair market value of the taxable energy delivered for sale or use in the municipality and includes:

- A. The value of energy itself; and
- B. Any transportation, freight, customer demand charges, services charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the city.
- C. Delivered Value does not include the amount of a tax paid under:
 - 1. Utah Code 59-12 Part 1, Tax Collection; or
 - 2. Utah Code 59-12 Part 2, The Local Sales and Use Tax Act.

ENERGY SUPPLIER. A person supplying taxable energy, except for persons supplying a de minimis amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.

FRANCHISE AGREEMENT. A franchise or an ordinance, contract, or agreement granting a franchise.

FRANCHISE TAX.

- A. A franchise tax;
- B. A tax similar to a franchise tax; or
- C. Any combination of paragraphs A and B of this definition.

PERSON. 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.

SALE. Any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

- A. Installment and credit sales;
- B. Any closed transaction constituting a sale;
- C. 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.

STORAGE. Any keeping or retention of taxable energy in the city for any purpose except sale in the regular course of business.

USE.

- A. The exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.
- B. Use does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.

TAXABLE ENERGY. Gas and electricity.

1.38.030 Sales And Use Tax

There is hereby levied, subject to the provisions of this chapter, a tax on every sale or use of taxable energy made within the city equaling six percent (6%) of the delivered value of taxable energy to the consumer. This tax shall be known as the Municipal Energy Sales and Use Tax.

- A. The tax shall be calculated on the delivered value of the taxable energy to the consumer.
- B. The tax shall be in addition to any sales or use tax on taxable energy imposed by the city authorized by Utah Code 59-12 Part 2 the Local Sales and Use Tax Act.

1.38.040 Exemptions

- A. No exemptions are granted from the Municipal Energy Sales and Use Tax except as expressly provided in Utah Code § 59-1-104.
- B. The following are exempt from the Municipal Energy Sales and Use Tax, pursuant to Utah Code § 10-1-305(2)(b).
 - 1. Sales and use of aviation fuel, motor fuel, or special fuel subject to taxation under Utah Code 59-13;
 - 2. Sales and use of taxable energy that is exempt from taxation under federal law, the Constitution of the United States, or the Utah Constitution;
 - 3. 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 or a fuel subject to taxation under Utah Code 59-13;

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. Sale or use of taxable energy for any purpose other than as a fuel or energy; and
 7. Sale of taxable energy for use outside the boundaries of the 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 by another municipality within the state authorized by Utah Code 59-12 Part 3; and
 2. The city is paid the difference between the tax paid to another municipality and the tax that would otherwise be due under this chapter, if the tax due under this chapter exceeds the tax paid to another municipality.

1.38.050 No Effect Upon Existing Franchises - Credit For Franchise Fees

This chapter shall not alter any existing franchise agreements between the city and energy supplies.

There is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:

- A. The energy supplier pays the contractual franchise fee to the city pursuant to a franchise agreement in effect on July 1, 1997;
- B. The contractual franchise fee passed through by the energy supplier to a consumer as a separately itemized charge; and
- C. The energy supplier has accepted the franchise.

1.38.060 No Collection Contract With State Tax Commission

- A. On or before the effective date of this chapter, the city shall contact 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. The mayor, with the approval of the city council, is hereby authorized to enter into supplemental 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.

- B. An energy supplier shall pay the Municipal energy Sales and Use Tax revenues collected from consumers directly to the city monthly if:
1. The city is the energy supplier; or
 2. The energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah customers equals \$1,000,000 or more; and the energy supplier collects the Municipal Energy Sales and Use Tax.
 3. An energy supplier paying the Municipal Energy Sales and Use Tax directly to the 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 Utah Code § 10-1-307(4).

1.38.070 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 Utah Code 10-1 Part 3, Municipal Energy Sales and Use Tax Act, as well as this chapter, all of the provisions of Utah Code 59-12 Part 1, as amended, and in force and effect on the effective date of this chapter, insofar as they relate to sales and use taxes, excepting Utah Code §§ 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, and to the extent that in Utah Code 59-12 Part 1, as amended, the State of Utah is named or referred to as the "taxing agency," the name of Payson City shall be substituted, insofar as is necessary for the purposes of that part, as well as Utah Code 10-1 Part 3, as amended. Nothing in this subparagraph shall be deemed to require substitution of the name of Payson 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 Payson 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 the 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 Utah Code 59-12 Part 1, as amended, which would be applicable to the city, for the purposes 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.

1.38.080 No Additional License To Collect Required - No Additional License Or

Reporting Requirement

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 Utah Code § 59-12-106.

Title 2 Municipal Government

[2.04 City Seal And Compensation Of Officers](#)

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2.04 City Seal And Compensation Of Officers

[2.04.010 The City Seal](#)

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2.04.010 The City Seal

The corporate seal of the City of Payson, Utah, shall be circular in form, and one and one-half inches in diameter, with a capital letter "P" in Old English in the center of the seal, and encircled with a wreath, with the words "CITY OF PAYSON, UTAH, CORPORATE SEAL" in capital letters after the margin thereof and the same is hereby established and declared to be the seal of the City of Payson, Utah.

2.04.020 Compensation Of Officers

- A. The elective and statutory officers shall receive such compensation for their services as the Governing Body may fix, adopting compensation or compensation schedules enacted after public hearing.
- B. The compensation schedules for all elected, statutory and appointed offices shall be submitted as part of the budget each year and approved as part of the budgeting process after a public hearing.
- C. The Governing Body shall comply with Utah Code § 10-3-818 in setting compensation for elected and statutory officers.

2.08 Governing Body

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2.08.010 Form Of Government

Payson City is a fourth class City governed by Utah Code § 10-3b-103 (1953 as amended). Payson City is governed by the six-member council form of government. The Governing Body has appointed, by ordinance, a City Manager pursuant to provisions of Utah Code § 10-3b-303 (1953 as amended).

2.08.020 Governing Body

In accordance with Utah Code § 10-3b-301 et. seq. (1953 as amended), the Governing Body of Payson City shall be a council composed of six (6) members one of whom shall be the Mayor and five (5) of whom shall be City Council members hereinafter referred to as the Governing Body.

2.08.030 Powers And Duties

The Governing Body shall exercise the legislative and executive powers of Payson City and may perform such other functions as may be specifically provided or necessarily implied by law. It is the responsibility of the Governing Body to adopt, ordain, and resolve, by majority vote of a quorum of the Governing Body, all laws, ordinances, resolutions, policies and procedures of Payson City.

2.08.040 Meetings

A. **Regular Meetings.** In accordance with Utah Code § 10-3-502 (1953 as

amended), the City Council shall hold regular meetings on the first and third Wednesday of each month at the Payson City Center located at 439 West Utah Avenue, Payson, Utah, in accordance with an annual meeting schedule adopted annually by the Governing Body by ordinance. If the meeting date is a legal holiday or a quorum of the City Council is not available, the meeting may be canceled or may be held on an alternate date set by the City Council.

- B. **Special Meetings.** In accordance with Utah Code § 10-3-502 (1953 as amended), the Mayor or any two (2) City Council members may call a special meeting for the purpose of discussing and acting upon any business of the City. The calling of a special meeting shall be entered into the minutes of the Governing Body. Notice of the special meeting shall be served by the City Recorder or Clerk on each member of the Governing Body who did not call the special meeting by delivering the notice personally or by leaving it at the member's primary residence at least three (3) hours prior to the special meeting in addition to an attempt to contact the City Council member by phone. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required by this Section. A quorum of the Governing Body must be present to conduct a special meeting.
- C. **Closed Meeting.** A closed meeting may be held upon the affirmative vote of at least two thirds of the City Council members present at an open meeting for which notice is given and a quorum is present to discuss certain items as provided under Utah Code 52-4 (1953 as amended). The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name shall be entered on the minutes of the Governing Body. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.
- D. **Adjourned Meetings.** If the business noticed on the agenda of a regular or special meeting is not completed before adjournment of that meeting, an adjourned meeting may be held to continue the uncompleted business. A motion to adjourn at the regular or special meeting shall specify the date and the time for the continuation of the meeting. No adjourned meeting shall be scheduled for a date later than the next regular meeting.

2.08.050 Open Meetings Law

All meetings of the City Council shall be open to the public, except closed meetings defined in Utah Code 52-4 (1953 as amended).

2.08.060 Electronic Meetings

Pursuant to Utah Code § 52-4-207 (1953 as amended), the Payson City council authorizes and allows electronic meetings by complying with the following written procedures:

- A. The anchor location shall be the Payson City Council Chambers located at 439 West Utah Avenue, Payson, Utah 84651.
- B. An electronic meeting will only be allowed if there is a quorum at the anchor location.
- C. Members of the Governing Body can only participate electronically in emergency or extenuating situations.
- D. If a member of the Governing Body is going to be absent for an extended period of time, the Mayor must give his consent to allow that member of the Governing Body to participate electronically in the city council meetings.
- E. Prior to or at the beginning of an electronic meeting, the Chair of the public body shall verify that proper notice of the meeting was given pursuant to Utah Code § 54-4-207 (1953 as amended).
- F. Prior to or at the beginning of the electronic meeting or portion of the electronic meeting in which non-present members will be participating, the Chair shall confirm that the non-present members are connected via electronic means (i.e., telephonic or telecommunications conference).
- G. The electronic connection shall be such that all members, both present and non-present, may hear the proceedings of the meeting, or portion of the meeting, in which they are participating.
- H. If voting is required, the Chair shall require a roll call vote, so that the non-present members' votes may be counted.
 - I. The Chair shall require all participants in the electronic meeting to verbalize their statements and responses, so that the non-present members may hear them.
 - J. The Chair shall require that all visual aids and written materials not available to the non-present members be verbally described.

2.08.070 Agenda

A written agenda for each regular meeting shall be prepared by the City Manager or designee, reviewed by the Mayor, and distributed to the Governing Body. Items may be placed on the agenda by the Mayor, City Manager, or any member of the City Council. The agenda may not be modified within twenty four (24) hours of a City Council meeting.

2.08.080 Minutes

Written minutes shall be kept of all meetings of the Governing Body as required by Utah Code § 52-4-203 (1953 as amended), and shall be presented to the Governing Body for review, correction and approval. The written minutes of an open meeting shall include the date, time, and place of the meeting; the names of members of the Governing Body present and absent; the substance of all matters proposed, discussed or decided by the

Governing Body; a record, by individual member, of each vote taken; the name of each person who is not a member of the Governing Body who after being recognized, provides testimony or comments to the Governing Body; a summary of the testimony or comments provided by the public; and any other information that any member of the Governing Body requests be entered into the minutes of the meeting.

A recording of an open meeting shall be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting and shall be properly labeled or identified with the date, time and place of the meeting. The written minutes of an open meeting are public records and shall be available within a reasonable time. A recording of an open meeting is a public record and shall be available to the public for listening within three business days after the end of the meeting. No recording is required to be kept of an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the Governing Body. Written minutes made available before approval by the Governing Body shall be clearly identified as "awaiting formal approval" or some other appropriate notice that the written minutes are subject to change until formally approved.

2.08.090 Public Records

In accordance with Utah Code § 10-3-603 (1953 as amended), the minutes, journals, books, records, accounts and documents of the Governing Body shall be kept at the office of the City Recorder. Approved copies shall be open and available to the public during regular business hours for examination and copying pursuant to the Payson City Government Records Access and Management Ordinance.

2.08.100 Public Notice Of Meetings

In accordance with Utah Code § 52-4-202 (1953 as amended), the Governing Body shall give public notice at least once each year of its annual meeting schedule as provided by law. In addition, the Governing Body shall give not less than 24 hours public notice of the agenda, date, time and place of each of its meetings except for emergency meetings permitted by state statute.

2.08.110 Mayor Presides

The Mayor shall chair and preside at the meetings of the Governing Body pursuant to Utah Code § 10-3b-302. In the absence of the Mayor or because an inability or refusal to act, the City Council may elect a member of the Council to preside over the meeting as Mayor pro tempore, who shall have all of the powers and duties of the Mayor during any absence, disability or refusal. Each appointment of Mayor pro tempore shall be in effect until the Mayor returns or until another is appointed by the Governing Body.

2.08.120 Attendance

The Governing Body shall have the power to compel the attendance of its own members

and to provide such penalties as it deems necessary for the failure to comply therewith in accordance with Utah Code § 10-3-505 (1953 as amended).

2.08.130 Rules Of Procedure

Except as otherwise provided by law, and in accordance with Utah Code § 10-3-606 (1953 as amended), the Governing Body may determine its own rules of procedure for the proper conduct of its meetings. The Governing Body has adopted resolution #05-15-02 dictating conduct and procedures to be followed during the meetings of the Governing Body.

2.08.140 Rules Of Conduct

In accordance with Utah Code § 10-3-608 (1953 as amended), the Governing Body, with the affirmative vote of two thirds of its members may expel any person who is disorderly during the meeting of the Governing Body. The Governing Body, in accordance with Utah Code § 10-3-607 (1953 as amended), may also, upon a two thirds vote of its members expel or fine any member of the Governing Body for disorderly conduct. This Section or any action taken by the Governing Body pursuant hereto does not preclude prosecution under any other provision of law.

2.08.150 Attendance Of Witnesses And Evidence

In accordance with Utah Code § 10-3-610 (1953 as amended), the Governing Body may require the attendance of any person to give testimony or produce records, documents or items for inspection, copying or examination necessary or useful for the governance of Payson City. The Governing Body shall issue subpoenas in its own name in the manner provided in the Utah Rules of Civil Procedure or may by ordinance establish its own procedure for issuing subpoenas under this Section.

2.08.160 Quorum

No action of the Governing Body shall be official or of any affect unless a quorum is present, except as otherwise provided by law. Three (3) or more voting Council members shall constitute a quorum.

2.08.170 Voting

A. **How Taken.** Consistent with Utah Code § 10-3-506 (1953 as amended), a roll call vote shall be taken and recorded for all ordinances, resolutions, and any action which would create a liability against Payson City. In all other cases, at the request of any member of the City Council, an “aye” or a “no” vote shall be taken and recorded. Every resolution or ordinance shall be in writing before the vote is taken.

B. **Number Required.** In accordance with Utah Code § 10-3-507 (1953 as

amended), and the contents of this Title, the minimum number of affirmative votes required to pass any ordinance, resolution, or to take any action by the Governing Body, unless otherwise provided by law or this Title, shall be a majority of all voting members of the Governing Body. Any ordinance, resolution, or motion of the Governing Body having fewer favorable votes than required herein shall be deemed defeated and invalid. Fewer votes may be allowed to adjourn a meeting from time to time, or fill a vacancy in the Governing Body.

- C. **Mayor Voting.** In accordance with Utah Code § 10-3b-302 (1953 as amended), the Mayor is a nonvoting member of the Governing Body. The Mayor shall not vote except in cases of a tie vote of the other council members present at a council meeting; when the council is voting on whether to appoint or dismiss the City Manager, or when considering an ordinance that enlarges or restricts the mayor's powers, duties, or functions.
- D. **Veto.** In accordance with Utah Code § 10-3b-302 (1953 as amended), the Mayor shall have no power to veto an ordinance, tax levy, or appropriation of the Governing Body unless otherwise specifically authorized by state statute.

2.08.180 Reconsideration

In accordance with Utah Code § 10-3-508 (1953 as amended), any action taken by the Governing Body may not be reconsidered or rescinded at any special meeting unless the number of members of the Governing Body present at the special meeting is equal to or greater than the number of members present at the meeting when the action was approved.

2.08.190 Final Action On Committee Reports

In accordance with Utah Code § 10-3-609 (1953 as amended), any final action on any report of any committee appointed by the Governing Body shall be deferred to the next regular meeting or special council meeting of the Governing Body on the request of any two (2) City Council members.

2.08.200 Appointment Of Other Officers

- A. **Advice And Consent.** In accordance with Utah Code § 10-3-916 (1953 as amended), on or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to each of the offices of City Recorder and City Treasurer. The Mayor, with the advice and consent of the council, may appoint and fill vacancies in all offices provided for by law or ordinance. All appointed officers shall continue in office until their successors are appointed and qualified. If an appointed officer does not continue in office for whatever reason and a successor has not yet been appointed and confirmed, the Mayor, with the advice and consent of the City Council may appoint a temporary officer to fulfill the duties of

the office until such time as a successor is hired.

- B. General Administration.** In accordance with Utah Code § 10-3-916 (1953 as amended), the Governing Body, may, by ordinance, designate such other officers as may be necessary for the order and well being of the City, define their duties, fix their term and compensation, and require them to take and subscribe an oath of office. The Governing Body may divide the work of the City into departments. The duties, powers and privileges of all officers in any way connected with the city government not herein defined, shall be defined by the City Manager. Defining these duties, powers and privileges shall not preclude the City Manager or the Governing Body from defining by ordinance further and additional duties to be performed by any such officer.

2.08.210 Administration Of Payson City

In accordance with Utah Code §§ 10-3b-104 and 10-3b-303 (1953 as amended), the administrative powers, authority, and duties are appropriately divided between the Mayor and the City Manager in accordance with PCC 2.12 and PCC 2.20. The Mayor and City Manager shall be responsible to accomplish and implement Payson City Policy established by the Governing Body. The Governing Body shall not be involved in the administration of the City beyond the establishment of appropriate legislative policies and procedures, and the City Council assignments as given by the Mayor with the advice and consent of the City Council.

2.08.220 Compensation

In accordance with Utah Code § 10-3-818 (1953 as amended), the Governing Body shall be paid a monthly salary as established in the annual municipal budget adopted by ordinance following a public hearing. The Governing Body shall not receive additional compensation to attend meetings and shall not be reimbursed for costs associated with missing the member of the Governing Body's primary employment. The Governing Body shall be entitled to reimbursement for Payson City related expenses as set forth in the Payson City Personnel Policy. Members of the Governing Body may elect to receive as additional compensation, pursuant to City Council Motion dated July 5, 2006, a cell phone allowance of \$50 and a mileage allowance of \$50 in lieu of filing for reimbursement expenses. Exceptions to this Section may be granted by the Governing Body on a case-by-case basis.

2.08.230 Board Of Adjustment

No member of the City Council, as a representative of the Payson Governing Body, may attend the meetings of the Board of Adjustment, interfere or attempt to influence the Board of Adjustment or any of the members of the Board of Adjustment before, during or after any meeting of the Board of Adjustment.

2.12 Mayor

[2.12.010 Duties](#)

[2.12.020 Presiding Officer](#)

[2.12.030 Legislative Participation](#)

2.12.010 Duties

In accordance with Utah Code § 10-3b-302 (1953 as amended), the Mayor shall be the Chair and preside at the meetings of the Governing Body. In the event that the Mayor is absent, unable or refuses to act, the Governing Body may elect a member of the Council to preside over the meeting who shall have all powers and duties of the Mayor during the absence, inability, or refusal of the Mayor. Except as otherwise provided in this Title, and in accordance with Utah Code § 10-3b-104 (1953 as amended), the Mayor shall have the following duties and responsibilities:

- A. The Mayor is the chief executive officer of Payson City to whom all employees and department heads of the city report through the City Manager. The Mayor shall report to the Governing Body regarding the exercise of these responsibilities at City Council Meeting when deemed necessary. The Governing Body may reverse the decision of the Mayor through the City Manager by a simple majority vote.
- B. The Mayor shall sign officially for and in behalf of the City all deeds, bonds, bills, notes, obligations and other agreements, documents and papers, previously approved by the City Council, to which the City is legally a party.
- C. The Mayor shall keep the peace and enforce the laws of Payson City.
- D. The Mayor shall, or cause a designee to, remit fines and forfeitures.
- E. The Mayor shall, or cause a designee to, report remittances to the Governing Body at its next regular meeting.
- F. The Mayor shall perform all duties prescribed by law, resolution or ordinance.
- G. The Mayor shall ensure that all the laws, ordinances, resolutions, motions of the Governing Body and policies are faithfully executed and observed.
- H. Together with the City Manager, the Mayor shall report to the City Council the condition of Payson City and recommend for consideration by the City Council any measures that would be in the best interest of Payson City.
- I. When necessary, the Mayor shall call upon the residents of Payson City over the age of 21 to assist in enforcing the laws of the state and Payson City.
- J. The Mayor shall appoint, with the advice and consent of the City Council, persons to fill:
 - 1. The appointive positions of Payson City including the City Recorder, City Treasurer, Municipal Judge, City Attorney, Police Chief, City Engineer and Fire Chief.

2. Vacancies on commissions, committees, and boards.
 3. Positions on newly created temporary or permanent commissions, committees, and boards.
- K. Together with the City Manager, present persons to fill new or vacated positions of Department Heads of each recognized department of Payson City in accordance with the adopted personnel policies.
 - L. The Mayor shall, at any reasonable time, examine and inspect the official books, papers, records, or documents of Payson City or any officer, employee, or agent of Payson City.
 - M. The Mayor may release any person imprisoned for violation of any municipal ordinance provided that the Mayor informs members of the City Council prior to the release.
 - N. In accordance with Utah Code § 10-3-301 (1953 as amended), the Mayor may not serve as the City Recorder or City Treasurer.

2.12.020 Presiding Officer

The Mayor shall be the presiding officer of Payson City and represent the City at all appropriate functions. The Mayor, or designee, shall attend meetings of the Utah League of Cities and Towns, Utah County Council of Governments, Mountainland Association of Governments, South Utah County Mayor's Meetings, and other appropriate and necessary meetings. In the absence of the Mayor or because of an inability or refusal to act, the Governing Body may elect a member of the Council to represent Payson City as Mayor pro tempore, who shall have all the powers and duties of the Mayor during his absence, disability or refusal. Each election of the Mayor pro tempore shall be entered into the minutes of the meeting and shall be in effect until the Mayor returns or until another is appointed by the Governing Body.

2.12.030 Legislative Participation

- A. The Mayor shall obtain approval from the City Council prior to any official representation of Payson City in policy making or legislative matters with other public or private agencies except as specifically authorized in advance by the City Council. Any binding commitments, contracts or agreements advanced or proposed by the Mayor which involves the encumbrance or the expenditure of City funds shall be approved in advance by the Governing Body in accordance with the procedures set forth in the Utah Uniform Municipal Fiscal Procedures Act, as amended.
- B. It is not the responsibility of the Mayor to employ or terminate any City employee except as provided in PCC 2.12.010 paragraphs I and J. As a member of the Governing Body, the Mayor shall participate in and vote when the council is

voting on whether to appoint or dismiss the City Manager, or when considering an ordinance that enlarges or restricts the mayor's powers, duties, or functions.

C. The City Manager has been appointed to address the day to day administrative functions of the City, the more serious atypical administrative issues shall be the responsibility of the Mayor. An atypical administrative issue is defined as an issue that has not been previously acted upon by the City Council whereby an ordinance, resolution, motion or policy has been created. The Mayor shall play a critical role in the legislative function of Payson City by being an active participant in the creation of policies, procedures, resolutions, ordinances and other laws of Payson City. The Mayor shall be the primary point of contact for citizen input and suggestions, complaints, and examples of exemplary behavior. The Mayor will obtain information about the needs of the community from any or all of the following sources:

1. The Mayor shall be the official representative of Payson City in associating with civic groups unless previously assigned to another City Council member.
2. Government and quasi-government groups including, but not limited to federal, state and local elected officials, the Utah League of Cities and Towns, Utah County Council of Governments, Mountainland Association of Governments, South Utah County Mayor's Meetings and other entities that affect Payson City.
3. City Council members and employees of Payson City.
4. Any other source that will provide the Mayor with the information necessary to notify the City Council of the needs of the community.

After the Mayor has first obtained the information from the sources listed above, the Mayor shall present the information to the City Council for potential action by the Governing Body. The Mayor will also present a plan of action to the City Council that includes the following:

- A. The action necessary to resolve the situation through enactment, repeal or alteration of a Payson City policy, procedure, resolution, ordinance or law.
- B. The Council member assigned oversight to that administrative function of the City, or a Councilmember appointed by the Mayor with the advice and consent of the City Council to assist the Mayor in the formulation of the ordinance, resolution, motion or policy of the City Council.
- C. The staff members that the Mayor will need assistance from to properly explore the issue or to resolve the situation and the anticipated staff time.
- D. The anticipated fiscal impact of the necessary action to address the issue or resolve the situation and if a budget amendment will be required.

E. The anticipated timeframe for action by the City Council to address the issue or resolve the situation.

After the Mayor has worked with the appropriate parties including, but not limited to, staff, petitioners, consultants, and any other appropriate entity, and developed the solution to the issue, the Mayor shall present the information to the Governing Body for consideration. The Governing Body shall deliberate on the issue and determine the appropriate action. After the Governing Body determines the appropriate action, the Governing Body will forward the issue to the City Manager for administrative action, if any. The City Manager will follow the direction of the Governing Body and report when the issue has been resolved.

When ideas or issues that are not part of the day to day administrative functions of Payson City are brought to the Governing Body, staff or any other person associated with the Payson City Corporation, the information shall be forwarded to the Mayor for development and exploration of the appropriate solution to the issue.

If the Mayor fails to act on an issue presented to the Mayor, any entity can request an appearance before the Governing Body. Any City Council member can bring an issue before the Governing Body if the Mayor has failed to act on an issue and more than one (1) regular meeting of the Governing Body has past.

2.16 Appointed Officers

2.16.010 Office Creation

2.16.020 Employment Agreements

2.16.030 Vacancies

2.16.040 City Recorder

2.16.050 City Treasurer

2.16.060 City Attorney

2.16.070 Justice Court

2.16.080 City Engineer

2.16.010 Office Creation

In accordance with Utah Code § 10-3b-105 (1953 as amended), the Governing Body may create any office deemed necessary for the proper governance of Payson City and shall, by resolution or ordinance, prescribe the power and duties to be performed by appointed officials.

2.16.020 Employment Agreements

Nothing in this Title shall be construed as a limitation on the power or authority of the Governing Body to enter into any supplemental agreement with an appointed official delineating additional terms and conditions of employment not inconsistent with any provisions of this Title.

2.16.030 Vacancies

The Governing Body may appoint and fill vacancies in all appointed offices provided for by law or ordinance. All appointed officers shall continue in office until their successors are appointed and qualified.

2.16.040 City Recorder

- A. **Appointment.** In accordance with Utah Code § 10-3-916 (1953 as amended), on or before the first Monday in February following a municipal election, the Mayor, with the advice and consent of the City Council shall appoint a qualified person to the office of City Recorder.
- B. **Bond Required.** The City Recorder shall be covered by the blanket bond as provided in PCC 2.28.060. The blanket bond shall be filed with the City Treasurer.
- C. **Office.** In accordance with Utah Code § 10-6-137 (1953 as amended), the City Recorder shall occupy an office in the City Hall or at some other place convenient thereto as the Governing Body may direct.
- D. **City Auditor.** The City Recorder is the ex-officio City Auditor, and shall perform the duties of that office, including the preparation and presentation to the Governing Body of monthly summary financial reports and quarterly detail financial reports prepared in the manner prescribed in the Uniform Accounting Manual for Utah Cities.
- E. **Corporate Seal.** The City Recorder shall keep the Corporate Seal. When certified by the City Recorder under the Corporate Seal, copies of all papers filed in the City Recorder's office and transcripts from all records of the Governing Body shall be admissible in all courts as originals.
- F. **Meetings Of City Council.** The City Recorder shall attend the meetings as assigned and keep the record of the proceedings of the Governing Body.
- G. **Actions Of City Council.** The City Recorder shall record all ordinances, resolutions, and regulations passed by the Governing Body in the manner provided in Utah Code.
- H. **Contracts.** In accordance with Utah Code § 10-6-138 (1953 as amended), the City Recorder shall countersign all contracts made on behalf of the City or to which the City is a party and shall maintain a properly indexed record of all such contracts.
- I. **Accounting.** In accordance with Utah Code § 10-6-139 (1953 as amended), the City Recorder under the direction of the City Manager shall maintain the general books for each fund of the City and shall keep accounts with all receiving and disbursing officers of the City including all subsidiary records relating thereto.

- J. **Bonds.** In accordance with Utah Code § 10-6-139 (1953 as amended), the City Recorder shall maintain a list of all outstanding bonds of the City, including their purpose, amount, terms, date and place payable.
- K. **Claims.** In accordance with Utah Code § 10-6-139 (1953 as amended), the City Recorder shall pre-audit all claims and demands against the City before they are allowed.
- L. **Payments.** In accordance with Utah Code § 10-6-139 (1953 as amended), the City Recorder shall prepare and certify the necessary checks in payment. The checks shall include an appropriate certification pursuant to Utah Code § 11-1-1 (1953 as amended), examples of which shall be presented in the Uniform Accounting Manual for Utah Cities.
- M. **Warrants.** In accordance with Utah Code § 10-6-140 (1953 as amended), in the event the City is without funds on deposit in one of its appropriate bank accounts with which to pay any lawfully approved claim, the City Recorder shall draw and sign a warrant upon the City Treasurer for the payment of the claim and tender the warrant to the payee named thereon.
- N. **Monies.** The City Recorder shall pay into the City Treasury all monies belonging to the City coming into the Recorder's office.
- O. **Elections And Appointments.** The City Recorder shall manage all municipal election procedures and requirements as provided in the Utah Code Annotated, 1953, as amended, and shall keep a record of all persons elected or appointed to any office within the City, including the date of appointment or election, term of office, date of death, resignation, or removal, and name of person appointed to fill any vacancy.
- P. **Limitations.** In accordance with Utah Code § 10-3-301 (1953 as amended), the City Recorder shall not serve as the City Treasurer.
- Q. **Records Of the City.** The City Recorder shall keep all the books, records, accounts, and documents of the City at the Recorder's Office. Such records shall be open for public inspection pursuant to the provisions of the Payson City Government Records Access and Management Act.
- R. **Appeal Of Employee.** The City Recorder shall receive an appeal taken by an employee who has been discharged or transferred from one position to another pursuant to Utah Code § 10-3-1106 (1953 as amended). When a proper appeal has been filed, the City Recorder shall refer a copy to the Board of Appeals.
- S. **Additional Duties.** The City Recorder shall perform such other and further duties as the Governing Body may provide by ordinance, resolution, regulation or directive.

2.16.050 City Treasurer

- A. **Appointment.** In accordance with Utah Code § 10-3-916 (1953 as amended), on or before the first Monday in February following a municipal election, the Mayor with the advice and consent of the City Council shall appoint a qualified person to the office of City Treasurer.
- B. **Bond Required.** Before commencing duties, the City Treasurer shall execute and file with the City Recorder an official bond as required by PCC 2.28.060.
- C. **Custodian.** In accordance with Utah Code § 10-6-141 (1953 as amended), the City Treasurer shall be the custodian of all money, bonds, or other securities belonging to the City. The City Treasurer shall collect and receive all monies payable to the City, including taxes, assessments, licenses, fines, forfeitures, service charges, fees and other revenues of the City. The City Treasurer shall keep an accurate account of all monies received hereunder and shall promptly deposit all such monies in the appropriate bank accounts of the City.
- D. **Commingling With Personal Funds.** In accordance with Utah Code § 10-6-146 (1953 as amended), the City Treasurer shall promptly deposit all city funds in the appropriate bank accounts of the city. It shall be unlawful for any person to commingle city funds with his or her own money. Whenever it shall appear that the treasurer or any other officer is making profit out of public money, or is using the same for any purpose not authorized by law, such treasurer or officer shall be suspended from office.
- E. **Receipts.** In accordance with Utah Code § 10-6-142 (1953 as amended), the City Treasurer shall give or cause to be given to every person paying money to the city treasury, a receipt or other evidence of payment therefore, specifying the date of payment and account paid. The City Treasurer shall file the duplicate of such receipt or evidence of payment in the office of the City Recorder.
- F. **Checks.** In accordance with Utah Code § 10-6-143 (1953 as amended), the City Treasurer shall sign all checks prepared by the City Recorder and shall, prior to affixing a signature, determine or cause to be determined that sufficient funds are on deposit in the appropriate bank account of the City to honor such check.
- G. **Warrants.** In accordance with Utah Code § 10-6-144 (1953 as amended), the City Treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the City. The City Treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.
- H. **Special Assessments.** In accordance with Utah Code § 10-6-145 (1953 as amended), the City Treasurer shall receive all monies received by the City on any special assessment and shall apply the payments thereof to the cost of the improvement for which the assessment was made.
- I. **Accounting.** In accordance with Utah Code § 10-6-141 (1953 as amended), the City Treasurer shall keep an accurate detailed accounting of all transactions,

receipts, collections, disbursements and other matters within the Treasurer's charge as provided by state law or as the Governing Body may by ordinance or resolution direct.

J. **Limitations.** In accordance with Utah Code § 10-3-301 (1953 as amended), the City Treasurer shall not serve as the City Recorder.

K. **Additional Duties.** The City Treasurer shall perform such other and further duties as the Governing Body may provide by ordinance, resolution, regulation or directive.

2.16.060 City Attorney

The Governing Body has established the appointed position of City Attorney. The City Attorney must be a regularly licensed attorney and shall perform the duties required by the general laws and by the ordinances of the City and such other duties as the Governing Body may by ordinance or resolution require. The City Attorney shall attend the meetings of the City Council to provide legal counsel. In case of disability or inability, the City Attorney may, with the consent and approval of the Governing Body, appoint a deputy to advise the City officers in any or all legal matters and to perform any duty ordinarily performed by the City Attorney.

2.16.070 Justice Court

A. **Authority.** Payson City has created a City Justice Court in accordance with State statute. Article VIII, Section 1, Utah Constitution, authorizes the creation of a court not of record to be known as the justice court. The judges of this court are Justice Court Judges.

B. **Duties.** The Payson City Justice Court shall adhere to Utah Code 78A-7 (1953 as amended), in administering the powers and duties of the court.

C. **Appointment Of Judge.** The Justice Court Judge shall be appointed according to the procedures set forth in Utah Code § 78A-7-202 (1953 as amended). Once appointed, the Justice Court Judge shall be certified by the State Judicial Council prior to performing any duties.

D. **Term Of Office-Judge.** The term of office of a municipal Justice Court Judge is six years, beginning the first Monday following the date of appointment or retention election.. Before each retention election each Justice Court Judge shall be evaluated in accordance with the performance evaluation program established by the Judicial Council in Utah Code § 78A-2-104(5) (1953 as amended).

E. **Eligibility-Judge.** A Justice Court Judge must meet the eligibility requirement of Utah Code § 78A-7-201 (1953 as amended).

F. **Compensation Of Judge.** The Governing Body shall determine the

compensation to be paid to the Justice Court Judge pursuant to the guidelines established in Utah Code § 78A-7-206 (1953 as amended).

G. **Vacancy-Judge.** Vacancies in the office of Justice Court Judge shall be filled as provided in Utah Code § 78A-7-202 (1953 as amended).

H. **Fines, Fees And Forfeitures Collected.** The Justice Court shall remit all fines and forfeitures pursuant to Utah Code §§ 78A-7-119, 120, 121 & 122 (1953 as amended).

I. **Clerks And Staff.** The City Governing Body shall provide adequate funding to provide sufficient clerical personnel to conduct the business of the court; sufficient public prosecutors to attend the court and perform the duties of prosecution; sufficient peace officers to attend the court when required to provide security; and to provide the costs of defense for persons charged with a public offense who are determined by the court to be indigent under Utah Code 77-32 (1953 as amended).

2.16.080 City Engineer

The Governing Body has established the appointed position of City Engineer pursuant to Utah Code § 10-3-917 (1953 as amended). The city engineer shall be licensed by the state of Utah and shall perform the duties required by him by the general laws and by the ordinances of the city and such other duties as the council may by ordinance or resolution require. The City Engineer shall serve as the Development Services Director with supervisory responsibilities over building services, planning and zoning as well as economic development. The City Engineer shall be under the direction of the City Manager.

2.20 City Manager

[2.20.010 Appointment Of City Manager](#)

[2.20.020 Term Of Office](#)

[2.20.030 Employment Agreements](#)

[2.20.040 Resignation](#)

[2.20.050 Powers And Duties](#)

2.20.010 Appointment Of City Manager

The office of City Manager has been established by the Governing Body of Payson City pursuant to Utah Code § 10-3b-303 (1953 as amended), and shall continue in force and effect as an appointed office of the City. The appointment of a person to be known as City Manager shall be by the governing body. Once approved, the Mayor shall sign the employment contract entered into with the City Manager on behalf of the City.

2.20.020 Term Of Office

The City Manager shall serve at the pleasure of the governing body. The term of

employment may be renewed at any time. Any person serving as City Manager of the municipality under this Section may be removed with or without cause by a majority vote of the Governing Body convened in a regularly scheduled City Council meeting, subject, however to the provisions of next succeeding paragraphs.

- A. **Notice.** In the case of intended removal by the Governing Body, the City Manager shall be furnished with a written notice stating the Council's intention at least thirty (30) days before the effective date of removal.
- B. **Meeting.** Within seven days after the delivery to the City Manager of such notice of intention to remove, the City Manager may by written notification to any City Council member, request a confidential executive meeting with the Governing Body. Thereafter the Council shall fix a time for the meeting, which shall be held, at its usual meeting place, but before the expiration of the thirty (30) day period, at which the City Manager shall appear and be heard.
- C. **Discretion Of Council.** In removing the City Manager, the Governing Body may use its uncontrolled discretion and its action shall be final and may or may not depend upon any particular showing or degree of proof at the meeting.

2.20.030 Employment Agreements

Nothing in this Title shall be construed as a limitation on the power or authority of the Governing Body to enter into any supplemental agreement with the City Manager delineating additional terms and conditions of employment not inconsistent with any provisions of this Ordinance.

2.20.040 Resignation

Before voluntarily resigning from the position of City Manager, the City Manager shall give the Governing Body thirty (30) days notice in writing of the intention to resign.

2.20.050 Powers And Duties

Pursuant to the authority outlined in Utah Code § 10-3b-303 (1953 as amended), the powers, duties, and obligations of the City Manager are as follows:

- A. The City Manager of Payson City is the administrative officer to whom all employees of the City shall report. The City Manager shall be under the direct supervision of the Mayor, as chief executive officer, and shall answer directly to the Mayor, subject to the ultimate authority of the Governing Body.
- B. The City Manager shall be directly responsible to the Mayor for the administration of all City affairs placed in the charge of the City Manager, subject to the ultimate authority of the Governing Body.
- C. The City Manager shall hire and, when deemed necessary, suspend or remove

any City employee with the exception of the appointive employees listed in PCC 2.12.010 paragraph I in accordance with the adopted personnel policies of Payson City. The City Manager may authorize any administrative officer who is subject to the direction and supervision of the City Manager to exercise these powers with respect to subordinates in that officer's department, office or agency.

- D. The City Manager shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by law.
- E. Except for the purpose of inquiry or preparation of legislation in accordance with PCC 2.12.030, the Mayor, the City Council and its members shall not provide direction or instruction either publicly or privately to Department Heads, Superintendents, Appointed Officials, City employees, or any subordinates of the City Manager except through the City Manager.
- F. The City Manager shall attend meetings of the Governing Body with the right to take part in the discussion but not to vote, and to present to the Mayor and City Council any proposed adoption, repeal or alteration of any policy, procedure, resolution, ordinance or law. The City Manager shall cause the appropriate staff members to attend the meetings of the Governing Body.
- G. The City Manager shall prepare and submit the annual budget and capital improvements program to the Governing Body; and keep the Governing Body advised as to the financial condition and needs of the City. The City Manager shall also serve as the City Budget Officer.
- H. The City Manager shall utilize the buildings, equipment and other physical holdings of Payson City as he sees fit to maximize the productivity of City officials and employees and to ensure the health and safety of the community.
- I. The City Manager shall notify the Mayor and City Council of any emergency existing in any department under his supervision.
- J. The City Manager shall perform such other duties as may be required of him by the Payson City Code or by the Governing Body through ordinance or resolution.
- K. In the City Manager's temporary absence, the powers and duties vested in the position of City Manager shall rest with the City Attorney, unless otherwise determined by the Governing Body to be delegated as seen fit until the return of the City Manager.
- L. The City Manager shall carry out the policies and programs established by the Governing Body.
- M. The City Manager shall examine and inspect the books, records, and official papers of any office, department, agency, board, or commissions of the City and make investigations and require reports from all personnel.
- N. The City Manager shall faithfully execute and enforce all applicable laws,

ordinances, motions, policies, rules and regulations, and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the municipality are observed.

2.24 Legislation

2.24.010 Ordinances

2.24.020 Resolutions

2.24.030 Regulations

2.24.040 Public Records

2.24.050 Rules Of Construction

2.24.010 Ordinances

- A. **Legislative Power.** Except as otherwise specifically provided, the Governing Body shall exercise its legislative powers through ordinances pursuant to Utah Code § 10-3-830 (1953 as amended).
- B. **Extent Of Power.** The Governing Body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by law pursuant to Utah Code § 10-3-702 (1953 as amended).
- C. **Form.** In accordance with Utah Code §§ 10-3-506 & 704 (1953 as amended), every ordinance shall be in writing before the vote is taken and shall contain and be in substantially the following order and form:
1. a number;
 2. a title which indicates the nature of the subject matter of the ordinance;
 3. a preamble which states the need or reason for the ordinance;
 4. an ordaining clause which states: "Be it ordained by the Payson City Council";
 5. the body or subject of the ordinance;
 6. when applicable, a statement indicating the penalty for violation of the ordinance or a reference that the punishment is covered by an ordinance which prescribes the fines and terms of imprisonment for the violation of a municipal ordinance;
 7. a statement indicating the effective date of the ordinance or the date when the ordinance shall become effective after publication or posting as required by this law, a line for the signature of the Mayor or acting mayor to sign the ordinance; and a place for the City Recorder to attest the ordinance and fix the seal of Payson City.
- D. **Improper Form.** In accordance to Utah Code § 10-3-705 (1953 as amended), no

ordinance shall be void or unlawful by reason of its failure to conform to the provisions of this Section.

- E. **Effective Date.** In accordance to Utah Code § 10-3-712 (1953 as amended), unless otherwise provided in the ordinance, ordinances shall become effective twenty (20) days after publication or posting, or thirty (30) days after final passage by the Governing Body, whichever is sooner.
- F. **Signed.** Ordinances passed or enacted by the Governing Body shall be signed by the Mayor, or if the Mayor is absent, unable, or refuses to sign, by the Mayor pro tempore or by a quorum of the Council Members, before taking effect pursuant to Utah Code § 10-3-705 (1953 as amended).
- G. **Recording.** In accordance with Utah Code § 10-3-713 (1953 as amended), ordinances passed or enacted by the Governing Body shall be recorded by the City Recorder in a book used exclusively for that purpose, before taking effect. The City Recorder shall give each ordinance a number, if the Governing Body has not already done so and shall make or cause to be made a certificate stating the date of passage and the date of publication or posting of the ordinance.
- H. **Publication.**

1. All ordinances, except those enacted pursuant to Utah Code §§ 10-3-706 through 10-3-710 (1953 as amended), shall be deposited in the office of the City Recorder and a short summary of the ordinance shall be published at least once in a newspaper published within Payson City, or if there is no newspaper published in Payson City, then a complete copy of the ordinance shall be posted in three (3) public places within Payson City, before taking effect.
2. Any ordinance, code, or book, other than the state code, 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 (3) copies 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 Governing Body.
3. Any state law 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 State code.
4. The ordinance adopting the code or book shall be published in the manner provided in this Section pursuant to Utah Code § 10-3-711 (1953 as amended).

- I. **Prima Facie Evidence.** The record and certificate prepared by the City Recorder

or a certified copy thereof shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification. In addition, the ordinances printed and published by the authority of the Governing Body, shall be prima facie evidence of the contents, passage, and legal publication of such ordinances, as of the dates mentioned in the publication, in all courts and administrative proceedings in accordance with Utah Code § 10-3-715 (1953 as amended).

- J. **Proved Under Seal.** The contents of all Payson City ordinances, the dates of passage, and at the date of publication or posting, may be proved by the certification of the City Recorder under the seal of Payson City pursuant to Utah Code § 10-3-714 (1953 as amended).
- K. **Penalty.** The Governing Body may provide a penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Utah Code § 76-3-301 (1953 as amended), and/or by a term of imprisonment not to exceed the maximum class B misdemeanor term of imprisonment under Utah Code § 76-3-200 (1953 as amended). The Governing Body may also impose a civil penalty for the unauthorized use of municipal property, including, but not limited to, the use of parks, streets, and other public grounds or equipment.
- L. **Liability.** In accordance with Utah Code § 10-3-702 (1953 as amended), an officer of Payson City shall not be convicted of a criminal offense where he relied on or enforced an ordinance he or she reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he or she enforced an ordinance on advice of legal counsel pursuant to Utah Code § 10-3-711 (1953 as amended).

2.24.020 Resolutions

- A. **Administrative Powers.** In accordance with Utah Code § 10-3-717 (1953 as amended), unless otherwise required by law, the Governing Body may exercise all administrative powers by resolution.
- B. **Form.** In accordance with Utah Code § 10-3-718 (1953 as amended), any resolution passed by the Governing Body shall be in a form and contain sections substantially similar to that prescribed for ordinances.
- C. **Effective Date.** In accordance with Utah Code § 10-3-719 (1953 as amended) resolutions may take effect on passage or at a later date as the Governing Body may determine, but resolutions may not become effective more than three months from the date of passage.
- D. **Publications.** In accordance with Utah Code § 10-3-719 (1953 as amended), resolutions need not be published or posted.

- E. **Filing.** Resolutions shall be retained on file in the records of Payson City, but need not be codified.
- F. **Limitation.** No punishment, fine, or forfeiture may be imposed by resolution.
- G. **Proved Under Seal.** The contents and dates of passage of all Payson City Resolutions may be proved by the certification of the City Recorder under the seal of Payson City.

2.24.030 Regulations

- A. **Authorization.** When and to the extent authorized by ordinance, an administrative officer of the City may promulgate regulations governing the administration of the City.
- B. **Defined.** A regulation is any administrative rule, policy, procedure, or decision of the City which is or can be applied to recurrent situations or problems, or which is intended to govern one or more activities or services of the City for an extensive period of time.
- C. **Requirements.** In promulgating a regulation the administrative officer shall substantially comply with the following:
 - 1. **Written.** The regulation shall be in writing.
 - 2. **Consistency.** The regulation shall be consistent with the Payson City Code and other provisions of law.
 - 3. **Not Arbitrary Or Capricious.** The regulation in whole or in part, shall not be arbitrary or capricious.
 - 4. **City Manager Approval.** The regulation shall be submitted to and approved by the City Manager.
 - 5. **City Attorney.** After approval by the City Manager, the regulation shall be submitted to the City Attorney for review and comment.
 - 6. **Governing Body.** After approval of the City Manager and review by the City Attorney, the regulation must be incorporated by reference into a resolution of the Governing Body. Such resolution must be duly passed and adopted.
- D. **Ratification.** In the event any act performed or position taken by a City official on behalf of the City is called into question for failure to comply with the requirements of paragraph C, the Governing Body may ratify the act or position by resolution. In which event such act shall be deemed to have been performed and such position shall be deemed to have been taken pursuant to a valid regulation.

- E. **Effect.** Regulations adopted shall have the force and effect of resolutions adopted by the Governing Body.
- F. **Proved Under Seal.** The contents and dates of passage of all Payson City Regulations may be proved by the certification of the City Recorder under the seal of Payson City.

2.24.040 Public Records

The ordinances, resolutions, regulations, and any other books, records, accounts or documents of Payson City shall be kept at the office of the City Recorder. Approved copies shall be open and available to the public during regular business hours for examination and copying pursuant to the Payson City Government Records Access and Management Act.

2.24.050 Rules Of Construction

Unless expressly provided to the contrary, the following rules shall govern construction and interpretation of the ordinances, resolutions, and regulations of Payson City:

- A. **Amendment Or Repeal.** Unless otherwise specifically provided, any amendment or repeal shall not affect any right which has accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the provision amended or repealed, nor shall any repeal have the effect of reviving any provision previously repealed or superseded.
- B. **Severability.** If any part of provision of an ordinance, resolution, or regulation is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other provision, and all provisions, clauses and words of the ordinance, resolution, or regulation shall be severable.
- C. **Titles And Headings.** Titles and headings form no part of the ordinances, resolutions, or regulations, have no binding or interpretive effect, and shall not alter the legal effect of any part of the provisions for any reason, unless otherwise provided by law.
- D. **Common And Specific Usage.** All words and phrases shall be construed and understood according to the common use and understanding of the language, however, the technical words and phrases and such other words and phrases that have acquired a particular meaning or which are specified as having a particular meaning shall be construed and understood according to such particular meaning.
- E. **Liberal Construction.** All provisions of the ordinances, resolutions, and regulations of Payson City shall be liberally construed according to the import of their terms to promote justice and to achieve the objectives of the law.
- F. **Gender And Number.** Unless otherwise indicated from the context of the

ordinance, resolution, or regulation, all words in the singular shall include the plural and all words used in the masculine gender shall extend and apply to the feminine gender and vice-versa.

G. **Tenses.** The use of any verb in the present tense shall include the future and past tense when such would be a reasonable interpretation of the provision.

H. **City.** The word “City”, when capitalized, shall be understood to refer to Payson City, unless the context clearly indicates otherwise.

2.28 Taking Office

[2.28.010 Eligibility For Mayor And Council Members](#)

[2.28.020 Election Of Mayor And Council Members](#)

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[2.28.040 Vacancies In Office Of Mayor Or Council Member](#)

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[2.28.100 Official Neglect Or Misconduct](#)

[2.28.110 Transfer Of Records](#)

2.28.010 Eligibility For Mayor And Council Members

A. **Chosen By Voters.** The Mayor and members of the City Council shall be elected by the registered voters of Payson City.

B. **Resident And Registered Voter.** In accordance with Utah Code § 10-3-301 (1953 as amended), any person elected to the office of Mayor or member of the City Council must be a resident of and a registered voter in Payson City. Each elected officer of Payson City shall maintain residency within the boundaries of the City during his or her term of office. If an elected officer of the City establishes his or her principal place of residence outside the municipality during his or her term of office, that person’s elected office is automatically vacant. If an elected officer is absent from the City anytime during his or her term of office for a continuous period of more than sixty (60) days without the consent of the Governing Body, that person’s elected office is automatically vacant.

C. **City Employee.** No member of the Governing Body shall, upon taking office, be an employee of Payson City. Any employee of Payson City shall be entitled to run for office while a municipal officer or employee but, if elected, shall comply with the provisions of this Section or Utah Code § 10-3-1108 (1953 as amended), prior to taking office.

2.28.020 Election Of Mayor And Council Members

- A. **Elected.** The Mayor and members of the City Council shall be elected in an at-large municipal election held on the Tuesday after the first Monday in November, as provided in Utah Code § 10-3-201 (1953 as amended).
- B. **Procedure.** The municipal elections and primary elections for Mayor and members of the City Council shall be conducted in the manner provided for in the Utah Municipal Election Code for fourth class cities.
- C. **Districts.** The Governing Body, for purposes of an election, may combine regular Utah County voting districts into one or more Payson City municipal election districts by designating the location and address of each such district. If only two districts are combined, the polling place shall be within the combined district or within one-half mile of the boundaries of the combined voting district. If more than two districts are combined the polling place should be as near as practical to the middle of the combined district pursuant to Utah Code § 20A-5-301 (1953 as amended).
- D. **Primary Elections.** No primary elections shall be held for the offices of Mayor or City Council and all openings for such offices shall be filled at the November general municipal election of Payson City, unless:
 - 1. the number of candidates exceeds twice the number of offices to be filled, or
 - 2. primary election is otherwise required by law, in which cases a primary election shall be held in the manner provided in the Utah Municipal Election Code, as set forth in Utah Code § 20A-9-404 (1953 as amended).

2.28.030 Term Of Office For Mayor And Council Members

The elected Mayor and members of the City Council shall begin their term of office at 12:00 p.m. on the first Monday in January following their election, and shall continue in office for four (4) years thereafter and until their respective successors are chosen and qualified, except in case of death, resignation, removal, or disqualification from office pursuant to Utah Code § 10-3-201 (1953 as amended).

2.28.040 Vacancies In Office Of Mayor Or Council Member

- A. In accordance with Utah Code § 20A-1-510 (1953 as amended), if any vacancy occurs in the office of Mayor or the City Council, the Governing Body shall appoint a registered voter in the City to fill the unexpired term of office vacated until the January following the next municipal election. Before acting to fill the vacancy, the Governing Body shall give public notice of the vacancy at least two weeks before the City Council meets to fill the vacancy, and identify in the notice, the date, time, and place of the meeting where the vacancy will be filled, and

provide information regarding the person to whom a person interested in being appointed to fill the vacancy may submit their name for consideration and any deadline for submittal.

- B. If, for any reason, the Governing Body does not fill the vacancy within thirty (30) days after the vacancy occurs, the City Council shall vote upon the names that have been submitted. The two persons having the highest number of votes shall come before the Governing Body and the City Council shall vote again. If neither candidate receives a majority vote of the Governing Body at that time, the vacancy shall be filled by lot in the presence of the City Council.
- C. A vacancy in the office of Mayor or Council member shall be filled by an interim appointment, followed by an election to fill a two (2) year term, if:
 - 1. the vacancy occurs, or a letter of resignation is received, by the Governing Body at least fourteen (14) days before the deadline for filing for election in an odd numbered year, and;
 - 2. two (2) years of the vacated term will remain after the first Monday of January following the next municipal election.
 - 3. The public election shall be conducted according to the requirement and procedures of Utah Code 20A-5 (1953 as amended).

2.28.050 Oath Of Office

- A. **Required.** In accordance with Utah Code § 10-3-827 (1953 as amended), before entering on their respective duties, all officers of Payson City, whether elected or appointed, shall take the constitutional oath of office as set forth in Article IV, §10 of the Constitution of Utah.
- B. **Time.** Elected officials shall take their oath of office at 12:00 p.m. on the first Monday in January following their election or as soon thereafter as is practical. Appointed officers shall take their oath of office at any time before entering on their duties.
- C. **Administered.** The oath of office shall be administered by the City Recorder, any Judge, or any Notary Public.
- D. **Filed.** All oaths of office shall be filed with the City Recorder.
- E. **Failure To Comply.** No official act of any officer shall be invalid for the reason that he or she failed to take the oath of office.

2.28.060 Bond

- A. **Required.** In accordance with Utah Code § 10-3-819 (1953 as amended), before commencing duties, elected and appointed officers of the City shall execute a

corporate surety bond or blanket bond with good and sufficient sureties payable to Payson City conditioned for the faithful performance of the duties of his or her office and the payment of all monies received by such officer according to the law and the ordinances of Payson City in an amount as set forth by resolution of the City Council.

- B. **Limitation On Treasurer's Bonds.** In accordance with Utah Code § 10-3-821 (1953 as amended), the City Treasurer's bond may not be set at an amount less than that established by the State money management council pursuant to Utah Code § 51-7-15 (1953 as amended).
- C. **Filed.** All bonds shall be filed with the City Recorder, except the City Recorder's bond, if different from the blanket bond, which shall be filed with the City Treasurer pursuant to Utah Code § 10-3-825 (1953 as amended).
- D. **Approval Of Bonds.** In accordance with Utah Code § 10-3-822 (1953 as amended), the bonds for members of the City Council shall be approved by the Mayor, and the bond of the Mayor shall be approved by the City Council, at the first meeting of the Governing Body in January following a municipal election.
- E. **Premium Charge.** In accordance with Utah Code § 10-3-823 (1953 as amended), the premium charged by a corporate surety for any official bond shall be paid by Payson City.
- F. **Additional Bonds.** The City Council may at any time require further and additional bonds of any or all elected or appointed officers of the City by resolution or ordinance pursuant to Utah Code § 10-3-825 (1953 as amended).

2.28.070 Salaries

- A. **Generally.** In accordance with Utah Code § 10-3-818 (1953 as amended), elected and appointed officers of the City shall receive such compensation for their services as the Governing Body may fix by ordinance pursuant to the procedure set forth in paragraph B.
- B. **Adopting, Changing Or Amending Compensation.** Upon its own motion, the Governing Body may review or consider the compensation of any officer or officers of the City or a salary schedule applicable to any officer or officers of the City for the purpose of determining whether it should be adopted, changed or amended. In the event the Governing Body decides that the compensation or compensation schedules should be adopted, changed or amended, it shall set a time and place of a public hearing at which all interested persons shall be given an opportunity to be heard. Notice of the time, place and purpose of the meeting shall be published at least seven (7) days prior thereto by a publication in at least one issue of a newspaper published in Utah County and generally circulated in Payson City. After the conclusion of the public hearing, the City Council may enact an ordinance fixing, changing, or amending the compensation of any

elective or appointed officer of the City or adopting a compensation schedule applicable to any officer or officers.

C. **Monthly Compensation.** The compensation of all City officers shall be paid at least monthly.

2.28.080 Failure To Qualify For Office

Whenever any person duly elected to any office of the City fails to qualify for such office within sixty (60) days after the date beginning of the term of office for which he or she was elected, such office shall thereupon become vacant and shall be filled as provided by law. Whenever the bond of any officer of the City is canceled, revoked, annulled, or otherwise becomes void or of no effect, without another proper bond being given so that continuance of bonded protection is afforded the office of such officer shall thereupon become vacant and shall be filled as provided by law.

2.28.090 Duties And Powers Defined

The duties, powers and privileges of all elected and appointed officers of the City shall be defined by the Governing Body pursuant to State Law and PCC 2.

2.28.100 Official Neglect Or Misconduct

In accordance with Utah Code § 10-3-826 (1953 as amended), in case any officer of the City willfully omits to perform any duty, or willfully and corruptly commits oppression, misconduct, misfeasance, or malfeasance in office, the person if guilty of a class A misdemeanor, shall be removed from office, and is not eligible for any City office thereafter.

2.28.110 Transfer Of Records

Every officer and employee of the City upon expiration of his or her term for any cause whatsoever shall, within five (5) days after notification and request to do so, deliver to his or her successor all books and records which may be the property of the City.

2.32 Purchases And Encumbrances

[2.32.010 Scope](#)

[2.32.020 Services](#)

[2.32.030 Supplies, Materials And Equipment](#)

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[2.32.070 Emergency Purchases](#)

[2.32.080 Purchasing Coordinator](#)

[2.32.090 Award Of Contract Without Competition](#)

[2.32.100 Pre-Qualification Of Bidders, Proponents And Suppliers](#)

2.32.010 Scope

- A. No purchases shall be made and no encumbrances shall be incurred for the benefit of the City, except as provided in Utah Code §§ 10-6-122, 10-6-123, 10-6-139 and 11-39-101 et al, (1953 as amended). Pursuant to Utah Code § 63G-6-104 (1953 as amended), the following sections of the Utah Procurement Code are applicable to Payson City; Utah Code §§ 63G-6-103, 105, 301, 303-420, 422, 501-602, 801-806, and 815-820 and are hereby incorporated by reference.
- B. No purchases shall be made and no encumbrance shall be incurred unless funds sufficient to cover the purchase or encumbrance have been budgeted and are available and the purchase is approved by the appropriate City officials as herein provided.
- C. Notwithstanding the provisions of paragraph A, whenever any purchase or encumbrance is made with State or Federal funds and the applicable State or Federal law or regulations are in conflict with this Chapter to the extent that following the provisions of this Chapter would jeopardize the use of those or future State or Federal funds, such conflicting provisions of this Chapter shall not apply and the City shall follow the procedure required by the State or Federal law or regulation.

2.32.020 Services

All contracts for services shall be made as follows:

- A. Prior approval of all contracts for services must be obtained from the City Manager.
- B. In order to promote overall economy and the best use for the purposes intended, the City Manager shall be responsible for assuring that all contracts for services awarded shall obtain the desired services for the lowest possible price. The use of competitive request for proposals is highly recommended for the procurement of services of consultants, professionals and other service providers.

2.32.030 Supplies, Materials And Equipment

All purchases of supplies, materials and equipment shall be made as follows:

- A. Any purchase in an amount less than two thousand dollars (\$2,000.00) shall be considered an operating expense and not a capital item, and may be approved by the department superintendent if the item does not cause an overage to the department's budget.
- B. Purchases or contracts for the purchase of supplies, materials or equipment

where the amount to be paid by the City is between two thousand dollars (\$2,000.00) and ten thousand dollars (\$10,000.00) may be approved by the City Manager if the item does not cause an overage to the department's budget.

- C. Purchase or contracts for the purchase of supplies, materials or equipment where the amount to be paid by the City is greater than ten thousand dollars (\$10,000.00) must be approved by the Governing Body, unless it is a specific item approved in the municipal budget.
- D. In order to promote overall economy and the best use for the purposes intended, the City Manager shall be responsible for assuring that all purchases or contracts for the purchase of materials, supplies and equipment awarded shall obtain the desired product for the lowest responsible price. This may include receiving informal competitive proposals and/or using the State agreements and contracts pursuant to Utah Code § 63G-6-424 (1953 as amended).

2.32.040 Construction

A. Definitions.

As used in this Section, the words LOWEST RESPONSIVE RESPONSIBLE BIDDER means any prime contractor who has submitted a bid in compliance with the invitation to bid and within the requirements of the plans and specifications for the building improvement or public works project, is the low bidder that satisfies the criteria relating to financial strength, past performance, integrity, reliability, and other factors necessary to assess the ability of the bidder to perform fully and in good faith the contract requirements, has furnished a bid bond or equivalent in money as a condition to the award of a prime contract and who furnishes a payment and performance bond as required by law.

As used in this Section, BUILDING IMPROVEMENT means the construction or repair of a public building or structure.

As used in this Section, PUBLIC WORKS PROJECT means the construction of a park or recreational facility; or a pipeline, culvert, dam, canal, or other system for water, sewage, storm water, or flood control; and does not include the replacement or repair of existing infrastructure on private property; or construction commenced before June 1, 2003.

As used in this Section, CONSUMER PRICE INDEX means the Consumer Price Index for All Urban Consumers as published by the Bureau of Labor Statistics of the United States Department of Labor.

As used in this Section, DESIGN-BUILD PROJECT means a building improvement or public works project costing over \$ 250,000 with respect to which both the design and construction are provided for in a single contract with a

contractor or combination of contractors capable of providing design-build services; and (b) does not include a building improvement or public works project: (i) that is undertaken by a local entity under contract with a construction manager that guarantees the contract price and is at risk for any amount over the contract price; and (ii) each component of which is competitively bid.

As used in this Section, EMERGENCY REPAIRS means a building improvement or public works project undertaken on an expedited basis to: (a) eliminate an imminent risk of damage to or loss of public or private property; (b) remedy a condition that poses an immediate physical danger; or (c) reduce a substantial, imminent risk of interruption of an essential public service.

- B. When the Governing Body intends to undertake any new building improvement to be paid for out of the funds of the city, the governing body shall cause plans, specifications, and an estimate of the cost of the improvement made. If the estimated cost is less than forty thousand dollars (\$40,000) for the year 2003; and for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percentage change in the Consumer Price Index during the previous calendar year, the City may make the improvement without calling for formal competitive bids for making the same.
- C. If the estimated cost for the proposed new building improvement shall exceed forty thousand dollars (\$40,000) for the year 2003; and for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percentage change in the Consumer Price Index during the previous calendar year, the City, if it determines to make the improvement, shall do so by contract let to the lowest responsible bidder after publication of notice at least twice in a newspaper of general circulation printed and published in the City at least five (5) days prior to the opening of bids.
- D. When the Governing Body intends to undertake any new public works project to be paid for out of the funds of the city, the governing body shall cause plans, specifications, and an estimate of the cost of the project. If the estimated cost is less than one hundred twenty five thousand dollars (\$125,000) for the year 2003; and for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percentage change in the Consumer Price Index during the previous calendar year, the City may make the improvement without calling for formal competitive bids for making the same.
- E. If the estimated cost for the proposed public works project shall exceed one hundred twenty-five thousand dollars (\$125,000) for the year 2003; and for each year after 2003, the amount of the bid limit for the previous year, plus an amount calculated by multiplying the amount of the bid limit for the previous year by the lesser of 3% or the actual percentage change in the Consumer Price Index

during the previous calendar year, the City, if it determines to make the improvement, shall do so by contract let to the lowest responsible bidder after publication of notice at least twice in a newspaper of general circulation printed and published in the City at least five (5) days prior to the opening of bids.

- F. The Governing Body shall have the right to reject any or all bids presented, without cause, and all notices calling for bids shall so state. If the bids are rejected and the Governing Body decides to re-solicit bids, it shall advertise anew in the same manner as before. If, after twice advertising as herein provided, and no bid is received that is satisfactory, the Governing Body may proceed under its own direction to make the improvement.
- G. Nothing in this Section requires the City to call for bids for emergency repairs; for a building improvement or public works project if the estimated cost is less than the amount required in paragraphs B and D; or for the conduct or management of any of the departments, business, or property of the City.
- H. Work excluded under this paragraph shall comply with Utah Code § 72-6-108 (1953 as amended), as applicable.

2.32.050 Performance And Payment Bonds

A performance bond and a payment bond in an amount equal to 100% of the price specified in the contract shall be required. The form and amount of said bond shall be described in the notice inviting bids or soliciting price quotations. The City Manager may waive requirement of a performance or payment bond if the manager has good cause to believe that a performance and/or payment bond may not be needed to protect the City.

2.32.060 Rejection Of Bids Or Price Solicitation

Any and all bids or request for proposals may be rejected without cause and the City may re-invite bids or re-solicit request for proposals when it is in the best interests of Payson City.

2.32.070 Emergency Purchases

The City Manager is authorized to make purchases of up to ten thousand dollars (\$10,000.000) in emergency situations when such purchases are deemed to be immediately necessary. The City Manager shall present written documentation and justification for any purchases made under this Section to the Governing Body as soon as possible after the purchases have been made.

2.32.080 Purchasing Coordinator

The City Recorder shall serve as purchasing coordinator to formalize purchasing procedures and to oversee the purchasing function. Purchasing procedures shall be presented in writing to all departments and shall be consistent with this ordinance.

2.32.090 Award Of Contract Without Competition

A contract may be awarded for a supply, service or construction item without completing the bidding process if it is determined that there is only one source for the required supply, service, or construction item; or the award to a specific supplier, service provider, or contractor is a condition of a donation that will fund the full cost of the supply, service, or construction item.

2.32.100 Pre-Qualification Of Bidders, Proponents And Suppliers

Where deemed appropriate by the City, bidders, proponents and/or suppliers may be pre-qualified for particular types of supplies, services and construction to determine the responsibility of such bidder, proponent or supplier.

- A. **Standard Of Responsibility.** Factors to be considered in determining whether the standard of responsibility has been met by a bidder, proponent, or supplier include:
1. 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;
 2. A satisfactory record of performance;
 3. A satisfactory record of integrity;
 4. Legal qualifications to contract with Payson City; and,
 5. Whether all necessary information has been supplied in connection with the inquiry concerning responsibility.
- B. **Information Pertaining To Responsibility.** The bidder, proponent or supplier shall supply information requested by the City concerning the responsibility of such bidder, proponent or supplier. If such information is not supplied, City shall base the determination of responsibility upon any available information or may find the bidder, proponent or supplier non-responsible if such failure, as determined by City, is unreasonable.

2.36 Disposition Of Personal And Real Property

[2.36.010 Scope Of Disposition Of Personal Property](#)

[2.36.020 Identification, Review And Approval For Disposal Of Personal Property](#)

[2.36.030 Methods Of Disposal Of Personal Property](#)

[2.36.040 Conveyance For Value Of Personal Property](#)

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[2.36.060 Irrevocable Transfer By Contribution, Donation, Or Gift To Qualifying Entities Regarding Personal Property](#)

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[2.36.090 Scope Of Disposition Of Real Property](#)

[2.36.100 Notice Of Conveyance Of Disposition Of Real Property](#)

2.36.010 Scope Of Disposition Of Personal Property

No City personal property with an original purchase price of one thousand dollars (\$1,000) or more, or supplies with an aggregate value of one thousand dollars (\$1,000) or more, shall be transferred, traded, sold, salvaged, discarded or destroyed except as provided in this Chapter. If it is determined that the personal property with an original purchase price of one thousand dollars (\$1,000) or more currently has no value or nominal value, it may be disposed as described below. City personal property with an original purchase price of less than one thousand dollars (\$1,000) will be considered nominal and may be disposed at the direction of the City Manager as deemed appropriate without regard to this Chapter, yet with the objective of obtaining optimum value for the City. The City Manager will provide a semiannual report, which will include the purchaser or recipient, of these nominal dispositions to the Governing Body.

2.36.020 Identification, Review And Approval For Disposal Of Personal Property

- A. Department Superintendents shall, at the direction of the City Manager, identify surplus personal property within their departments and report the surplus to the City Manager. The City Manager shall review the reports with department superintendents to determine whether the property is in fact surplus and the method of disposal of the surplus property.
- B. Upon written approval of the City Manager such property may be disposed of as directed and in a manner consistent with this Chapter.

2.36.030 Methods Of Disposal Of Personal Property

Personal property with an original purchase price of one thousand dollars (\$1,000) or more and determined to be surplus under the criteria set forth in this Chapter shall be disposed of by any of the following methods:

- A. **Interdepartmental Transfer.** Transfers between departments within the same budgetary fund may be made without regard to monetary value exchange. The book value of the asset at the time of transfer will be shifted to the receiving department on the fixed asset schedules. Transfers between departments within different budgetary funds must exchange a monetary value for the asset in addition to transferring the fixed asset record to the receiving department. The basis for the monetary exchange shall be the book value or ten percent (10%) of the original cost, whichever is greater.
- B. **Trade-In.** Surplus personal property may be traded for other property or

equipment being purchased.

- C. **Sale.** Any sale of surplus personal property shall be by sealed bid, public auction or other internet web based auction, except as otherwise provided herein in accordance with PCC 2.36.040.
- D. **Salvage, Discard Or Destruction.** Personal property shall not be salvaged, discarded or destroyed without the express authorization of the Governing Body.
- E. **Replacement.** Items approved for replacement in the annual budget by the Governing Body may be disposed by any of the means set forth in this Chapter except as stated in paragraph D without further action of the Governing Body. Department superintendents, with approval of the City Manager, may trade the item for the replacement item without further application of this Chapter. All other disposal means must comply with the provisions herein.
- F. **Irrevocable Transfer.** Personal property may be disposed by contributing, donating or making a gift of the property to another governmental unit, civic or nonprofit organization in accordance with PCC 2.36.060.

2.36.040 Conveyance For Value Of Personal Property

- A. Every transfer, sale or trade of personal property with an original purchase price of one thousand Dollars (\$1,000) or more shall be based upon the highest and best economic return to the City, except that special consideration may be given to other units of government, other public or quasi-public organizations or nonprofit organizations. If a transfer is made to a qualifying governmental, public, quasi-public or nonprofit entity, the value of the item transferred may be determined by the City Manager or by a method specified by the City Manager and shall be conducted in conformance with PCC 2.36.060.
- B. The highest and best economic return to the City, as referred to in this Chapter, shall be determined by one or more of the following methods:
 - 1. Sealed competitive bid;
 - 2. Public auction;
 - 3. Internet web based auction;
 - 4. Valuation by qualified and disinterested consultant;
 - 5. Other professional publications and valuation services; or
 - 6. An informal market survey in the case of items of personal property possessing readily discernible market value.
- C. The sale of City personal property shall be directed by the City Recorder and shall be by sealed bid, public auction or other internet web based auction. The City Manager may waive the sealed bid or auction requirement when the value of

the property has been valued by an alternate method specified under this paragraph, and:

1. The value of the property is considered negligible in relation to the costs of sale by bid or at public auction;
2. Sale by bidding procedures at public auction are deemed unlikely to produce a competitive offer; or
3. Circumstances indicate that bidding or sale at public auction will not be in the best interests of the City.

2.36.050 Disposition Of Proceeds Of Personal Property

All revenue derived from sales of personal property shall be credited to the general fund of the City, except when the property is owned and was purchased by an enterprise fund, in which case the revenues shall be credited to the enterprise fund, which owned the property.

2.36.060 Irrevocable Transfer By Contribution, Donation, Or Gift To Qualifying Entities Regarding Personal Property

- A. Personal property may be disposed by contribution, donation, or gift to another governmental unit, civic or nonprofit organization which meets the following criteria:
 1. The entity has obtained an exemption pursuant to Section 501(C)(3), Internal Revenue Code, from the Internal Revenue Service;
 2. The entity exists primarily to serve the needs of the public; and
 3. The property is to be used for bona fide public purposes with only incidental benefit to the nonprofit entity.
- B. Written requests for transfer to a qualifying agency shall be made to the City Manager. The City Manager shall determine the value of the property to be transferred as directed in PCC 2.36.040.

2.36.070 Conveyance Documents Regarding Personal Property

The City Treasurer will convey any personal property by signing and executing the appropriate title, bill of sale or other document.

2.36.080 Validity Of Actions Regarding Personal Property

No provision of this Section shall be construed to require or to invalidate any conveyance by the City or to vest rights of action of any kind against the City, its officers,

or employees.

2.36.090 Scope Of Disposition Of Real Property

City real property of over an acre shall be considered significant. No City real property of over an acre shall be transferred, traded, sold, or condemned except as in compliance with this Chapter. City real property of one acre or less shall not be considered significant and may be disposed at the direction of the Governing Body as deemed appropriate without regard to this Chapter, yet must still be disposed of with the objective of obtaining optimal value for the City. The City Manager will provide an annual report, which will include the purchaser or recipient, of these nominal dispositions to the Governing Body.

2.36.100 Notice Of Conveyance Of Disposition Of Real Property

Prior to the disposition of any real property of over an acre, the City will allow an opportunity for public comment and shall publish notice in a newspaper of general circulation in Payson City at least 14 days before the opportunity for public comment.

2.40 Policy Considerations

2.40.010 Policy Considerations

2.40.020 Definitions: Policy Considerations

2.40.030 Guidelines Advisory

2.40.040 Review Of Decision

2.40.050 Reviewing Guidelines

2.40.060 Results Of Review

2.40.070 Severability

2.40.010 Policy Considerations

There is an underlying policy that the City, strongly favoring the careful consideration of matters involving Constitutional Taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending law suits alleging such issues. At the same time, the legitimate role of government has lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a Constitutional Taking. These provisions are to assist governments in considering decisions that may involve Constitutional Takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of the City to lawfully regulate real property and fulfill its other duties and functions.

2.40.020 Definitions: Policy Considerations

CONSTITUTIONAL TAKING means actions by the City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

- A. The Fifth or Fourteenth Amendment to the Constitution of the United States;
- B. Article I, Section 22, of the Utah Constitution;
- C. Any Court ruling governing the physical taking or exaction of private real property by a government entity;

Actions by the City involving the physical taking or exaction of private real property is not a Constitutional Taking if the physical taking or exaction:

- A. Bears an essential nexus to legitimate governmental interests; and
- B. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

2.40.030 Guidelines Advisory

The guidelines adopted and decisions rendered pursuant to the provisions of this Section are advisory, and shall not be construed to expand or limit the scope of the City's liability for a Constitutional Taking. The reviewing body or person shall not be required to make any determination under this ordinance except pursuant to PCC 2.40.050.

2.40.040 Review Of Decision

Any owner of private real property who claims there has been a Constitutional Taking of their private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such a review:

- A. The person requesting a review must have obtained a final and authoritative determination, internally, within the City, relative to the decision from which they are requesting review.
- B. Within thirty (30) days from the date of the formal decision that gave rise to the concern that a Constitutional Taking has occurred, the person requesting the review shall file in writing, in the office of the City recorder, a request for review of that decision. A copy shall also be filed with the City attorney.
- C. The Governing Body or an individual or body designated by the Governing Body shall immediately set a time to review the decision that gave rise to the Constitutional Takings claim
- D. In addition to the written request for review, the applicant must submit, prior to the

date of the review, the following:

1. Name of the applicant requesting review;
2. Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
3. A detailed description of the grounds for the claim that there has been a Constitutional Taking;
4. A detailed description of the property taken;
5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged Constitutional 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;
6. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;
7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
8. 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;
9. The assessed value of and ad valorem taxes on the property for the previous three years;
10. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
11. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;
12. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning of development or utilization of the property;
13. For income producing property, itemized income and expense statements from the property for the previous three years;

14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
 15. The Governing Body or their designee may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a Constitutional Taking.
- E. An application shall not be deemed to be "complete" or "submitted" until the reviewing body certifies to the applicant, that all the materials and information required above, have been received by the City. The reviewing body shall promptly notify the applicant of any incomplete application.
- F. The Governing Body or an individual or body designated by them shall hear all the evidence related to and submitted by the applicant, City, or any other interested party.
- G. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application for review has been received by the City Recorder. The decision of the Governing Body or designee regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission or council that rendered the final decision that gave rise to the Constitutional Takings claim.
- H. If the governing Body fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved.

2.40.050 Reviewing Guidelines

The Governing Body shall review the facts and information presented by the applicant to determine whether or not the action by the City, constitutes a Constitutional Taking as defined in this Chapter. In doing so, they shall consider:

- A. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.
- B. Whether a legitimate governmental interest exists for the action taken by the City.
- C. Is the property and exaction taken, roughly proportionate and reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

2.40.060 Results Of Review

After completing the review, the reviewing body shall make a determination regarding the above issues and where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the Constitutional Takings Claim.

2.40.070 Severability

In the event that any section or portion thereof of this ordinance is deemed or declared to be unconstitutional or otherwise void and unenforceable, the remaining sections or portions thereof shall nevertheless remain in full force and effect.

2.44 Establishing A Records Access And Management Program

[2.44.010 Short Title](#)

[2.44.020 Purpose And Intent](#)

[2.44.030 Definitions: Establishing A Records Access And Management Program](#)

[2.44.040 Right Of Public Access](#)

[2.44.050 Access To Private, Controlled, And Protected Documents](#)

[2.44.060 Fees](#)

[2.44.070 Procedures For Access](#)

[2.44.080 Denials](#)

[2.44.090 Records That Must Be Disclosed](#)

[2.44.100 Private Records](#)

[2.44.110 Controlled Records](#)

[2.44.120 Protected Records](#)

[2.44.130 Records Classification And Designation](#)

[2.44.140 Records Retention](#)

[2.44.150 Segregation Of Records](#)

[2.44.160 Appeals](#)

[2.44.170 Judicial Review](#)

[2.44.180 Confidential Treatment Of Records For Which No Exemption Applies](#)

[2.44.190 Request To Amend A Record](#)

[2.44.200 Rights Of Individuals On Whom Data Is Maintained](#)

[2.44.210 Criminal Penalties](#)

2.44.010 Short Title

The ordinance is known as the "Payson City Government Records Access and Management Act".

2.44.020 Purpose And Intent

In enacting this act, the City recognizes two constitutional rights:

- A. The right of privacy in relation to personal data gathered by the City; and
- B. The public's right of access to information concerning the conduct of the public's business.
- C. The City also recognizes a public policy interest in allowing the City to restrict access to certain records, as specified in PCC 2, for the public good.

It is the intent of the City to:

- A. Promote the public's right of easy and reasonable access to unrestricted public records; and
- B. Provide guidelines for both disclosure and restrictions on access to government records, which are based on the equitable weighing of the pertinent interests and which are consistent with nationwide standards of information practices; and
- C. Specify those conditions under which the public interest in allowing restrictions on access to records may outweigh the public's interest in access; and
- D. Prevent abuse of confidentiality by permitting confidential treatment of records only as provided in this Chapter; and
- E. Favor public access when, in the application of this Chapter, countervailing interests are of equal weight; and
- F. Establish fair and reasonable records management practices.

2.44.030 Definitions: Establishing A Records Access And Management Program

AUDIT means:

- A. a systematic examination of financial, management, program, and related records for the purpose of determining the fair presentation of financial statements, adequacy of internal controls, or compliance with laws and regulations; or
- B. a systematic examination of program procedures and operations for the purpose of determining their effectiveness, economy, efficiency, and compliance with statutes and regulations.

CHRONOLOGICAL LOGS means the regular and customary summary records of law enforcement agencies and other public safety agencies that show the time and general nature of police, fire, and paramedic calls made to the agency and any arrests or jail bookings made by the agency.

CLASSIFICATION classify, and their derivative forms mean determining whether a record series, record, or information within a record is public, private, controlled, protected, or exempt from disclosure under Utah Code § 63-2-201 (3)(b) (1953 as amended).

COMPUTER PROGRAM means a series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program.

COMPUTER PROGRAM does not mean: (i) the original data, including numbers, text, voice, graphics, and images; (ii) analysis, compilation, and other manipulated forms of the original data produced by use of the program; or (3) the mathematical or statistical formulas, excluding the underlying mathematical algorithms contained in the program, that would be used if the manipulated forms of the original data were to be produced manually.

CONTRACTOR means: any person who contracts with the City to provide goods or services directly to the City; or any private, nonprofit organization that receives funds from the City. CONTRACTOR does not mean a private provider.

CONTROLLED RECORD means a record containing data on individuals that is controlled as provided by PCC 2.44.110.

DESIGNATION, DESIGNATE and their derivative forms mean indicating, based on the City's familiarity with a record series or based on the City's review of a reasonable sample of a record series, the primary classification that a majority of records in a record series would be given if classified and the classification that other records typically present in the record series would be given if classified.

ELECTED OFFICIAL means each person elected to a state office, county office, municipal office, school board or school district office, or special district office, but does not include judges.

EXPLOSIVE means a chemical compound, device, or mixture: (a) commonly used or intended for the purpose of producing an explosion; and that contains oxidizing or combustive units or other ingredients in proportions, quantities, or packing so that an ignition by fire, friction, concussion, percussion, or detonator of any part of the compound or mixture may cause a sudden generation of highly heated gases; and the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or causing death or serious bodily injury.

GOVERNMENT AUDIT AGENCY means any governmental entity that conducts an audit.

GROSS COMPENSATION means every form of remuneration payable for a given period to an individual for services provided including salaries, commissions, vacation pay, severance pay, bonuses, and any board, rent, housing, lodging, payments in kind, and any similar benefit received from the individual's employer.

INDIVIDUAL means a human being.

INITIAL CONTACT REPORT means an initial written or recorded report, however titled, prepared by peace officers engaged in public patrol or response duties describing official actions initially taken in response to either a public complaint about or the discovery of an apparent violation of law, which report may describe:

- A. the date, time, location, and nature of the complaint, the incident, or offense;
- B. names of victims;
- C. the nature or general scope of the agency's initial actions taken in response to the incident;
- D. the general nature of any injuries or estimate of damages sustained in the incident;
- E. the name, address, and other identifying information about any person arrested or charged in connection with the incident; or
- F. the identity of the public safety personnel, except undercover personnel, or prosecuting attorney involved in responding to the initial incident.

Initial contact reports do not include follow-up or investigative reports prepared after the initial contact report. However, if the information specified in paragraph A of this definition appears in follow-up or investigative reports, it may only be treated confidentially if it is private, controlled, protected, or exempt from disclosure under Utah Code § 63-2-201(3)(b) (1953 as amended).

NOTICE OF COMPLIANCE means a statement confirming that a governmental entity has complied with a records committee order.

PERSON means any individual, nonprofit or for-profit corporation, partnership, sole proprietorship, or other type of business organization or any combination acting in concert with one another.

PRIVATE PROVIDER means any person who contracts with the City to provide services directly to the public.

PRIVATE RECORD means a record containing data on individuals that is classified private as provided by PCC 2.44.100.

PROTECTED RECORD means a record that is classified protected as provided by PCC 2.44.120.

PUBLIC RECORD means a record that is not private, controlled, or protected and that is not exempt from disclosure as provided in Utah Code § 63-2-201(3)(b) (1953 as amended).

RECORD means a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics that is prepared, owned, received, or retained by the City; and where all of the information in the original is reproducible by photocopy or other mechanical or electronic means. **RECORD** does not mean:

- A. A personal note or personal communication prepared or received by an employee or officer of the City in the employee's or officer's private capacity;
- B. A temporary draft or similar material prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom he is working;
- C. material that is legally owned by an individual in the individual's private capacity;
- D. material to which access is limited by the laws of copyright or patent unless the copyright or patent is owned by the City;
- E. proprietary software;
- F. junk mail or a commercial publication received by the City or an official or employee of the City;
- G. a book that is cataloged, indexed, or inventoried and contained in the collections of libraries open to the public;
- H. material that is cataloged, indexed, or inventoried and contained in the collections of a library open to the public, regardless of physical form or characteristics of the material;
 - I. a daily calendar or other personal note prepared by the originator for the originator's personal use or for the personal use of an individual for whom the originator is working;
- J. a computer program that is developed or purchased by or for the City for its own use or
- K. a note or internal memorandum prepared as part of the deliberative process by a member of the judiciary, an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function; or
- L. a telephone number or similar code used to access a mobile communication device that is used by an employee or officer of the City, provided that the employee or officer of the City has designated at least one business telephone number that is a public record as provided in Utah Code § 63-2-301 (1953 as amended).

RECORD SERIES means a group of records that may be treated as a unit for purposes of designation, description, management, or disposition.

RECORDS OFFICER means the City recorder and other individuals as appointed by the Mayor to work in the care, maintenance, scheduling, designation, classification, disposal, and preservation of records.

SCHEDULE, SCHEDULING and their derivative forms mean the process of specifying

the length of time each record series should be retained by the City for administrative, legal, fiscal, or historical purposes and when each record series should be transferred to the state archives or destroyed.

SUMMARY DATA means statistical records and compilations that contain data derived from private, controlled, or protected information but that do not disclose private, controlled, or protected information.

2.44.040 Right Of Public Access

- A. Every person has the right to inspect a public record free of charge and the right to take a copy of a public record during normal working hours, subject to the payment of costs and fees pursuant to PCC 2.44.060.
- B. All records are public unless otherwise expressly provided by this ordinance or State or Federal law or regulation.
- C. The following records are not public:
 - 1. Records that is private, controlled, or protected under PCC 2.44.100, PCC 2.44.110, and PCC 2.44.120; and
 - 2. records to which access is restricted pursuant to court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.
- D. Only those records specified in PCC 2.44.100, PCC 2.44.110, and PCC 2.44.120 may be classified private, controlled, or protected.
- E. The City may not disclose a record that is private, controlled, or protected to any person except as provided in PCC 2.44.050.
- F. The City may, at its discretion, disclose records that are private under PCC 2.44.100 or protected under PCC 2.44.120 to persons other than those specified in PCC 2.44.050 if the City council, or a designee, determines that there is no interest in restricting access to the record, or that the interests favoring access outweigh the interest favoring restriction of access.
 - 1. In addition to the disclosure under paragraph F above, the City may disclose a record that is protected under PCC 2.44.120 if: (i) the City Council or designee determines the disclosure is mutually beneficial to the subject of the record, the City, and the public; and the disclosure serves a public purpose related to public safety or consumer protection; and (ii) the person who receives the record from the City agrees not to use or allow the use of the record for advertising or solicitation purposes.
- G. The disclosure of records to which access is governed or limited pursuant to

court rule, another state statute, federal statute, or federal regulation, including records for which access is governed or limited as a condition of participation in a state or federal program or for receiving state or federal funds, is governed by the specific provisions of that statute, rule or regulation.

- H. This chapter applies to records described in paragraph G insofar as this Chapter is not inconsistent with the statute, rule, or regulation.
- I. The City shall provide a person with a certified copy of a record if: The person requesting the record has a right to inspect it; identifies the record with reasonable specificity; and pays the lawful fees.
 - 1. Upon request, the City may provide a record in a particular form if the City determines it is able to do so without unreasonably interfering with the City's duties and responsibilities and the requestor agrees to pay for the City for providing the record in the requested form in accordance with PCC 2.44.060.
- J. In response to a request, the City is not required to; (i) create a record in response to a request; (ii) compile, format, manipulate, package, summarize, or tailor information; (iii) provide a record in a particular format, medium, or program not currently maintained by the City; (iv) fulfill a person's records request if the request unreasonably duplicates prior records requests from that person; or (v) fills a person's records request if: (a) the record requested is accessible in the identical physical form and content in a public publication or product produced by the City entity receiving the request; (b) the City provides the person requesting the record with the public publication or product; and (c) the City specifies where the record can be found in the public publication or product.
- K. If a person requests copies of more than 50 pages of records, and if the records are contained in files that do not contain records that are exempt from disclosure and if the City can provide reasonable safeguards to protect the public from the potential for loss of a public record, the City may:
 - 1. Provide the requester with the facilities for copying the requested records and require that the requester make the copies; or
 - 2. Allow the requester to provide his own copying facilities and personnel to make the copies at the City offices, and waive the fees for copying the records.
- L. If the City owns an intellectual property right and offers the intellectual property right for sale, or license, the City may control by ordinance or policy the duplication, and distribution of the material based on terms the City considers to be in the public interest.
- M. Nothing in this ordinance shall be construed to limit or impair the rights or protections granted to the City under federal copyright or patent law as a result of

its ownership of the intellectual property right.

- N. The City may not use the physical form, electronic or otherwise, in which a record is stored to deny, or unreasonably hinder the rights of persons to inspect and receive copies of a record under this ordinance.
- O. The City may provide access to an electronic copy of a record in lieu of providing access to its paper equivalent.

2.44.050 Access To Private, Controlled, And Protected Documents

A. Upon request the City shall disclose a private record to:

1. The subject of the record;
2. The parent or legal guardian of an un-emancipated minor who is the subject of the record;
3. The legal guardian of a legally incapacitated individual who is the subject of the record;
4. Any other individual who;
 - a. has a power of attorney from the subject of the record; or
 - b. submits a notarized release from the subject of the record or legal representative dated no later than 90 days before the date the request is made; or
 - c. if the record is a medical record described in PCC 2.44.100 paragraph B, is a health care provider, as defined in Utah Code § 26-33a-102, if releasing the record or information in the record is consistent with normal professional practice and medical ethics; or
5. Any person to whom the record must be provided pursuant to court order.

B. Upon request, the City shall disclose a controlled record to:

1. A physician, psychologist, or certified social worker, insurance provider or producer, or a government public health agency upon submission of: (a) a release from the subject of the record that is dated no more than 90 days prior to the date the request is made; and (b) a signed acknowledgment of the terms of disclosure of controlled information as provided paragraph C: and
2. Any person to whom a record must be disclosed pursuant to Court Order.

C. A person who receives a record from the City in accordance with paragraph B,1 may not disclose controlled information from that record to any person, including the subject of the record.

- D. If there is more than one subject of a private or controlled record, the portion of the record that pertains to another subject shall be segregated from the portion that the requester is entitled to inspect.
- E. Upon request the City shall disclose a protected record to:
1. The person who submitted the record;
 2. Any other individual who;
 - a. has a power of attorney from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification; or
 - b. submits a notarized release from all persons, governmental entities, or political subdivisions whose interests were sought to be protected by the protected classification or from their legal representatives dated no more than 90 days prior to the date the request is made; or
 3. Any person to whom a record must be provided pursuant to a court order.
- F. The City may disclose a private, controlled, or protected record to another governmental entity, political subdivision, another state, the United States, or a foreign government only as provided by Utah Code § 63-2-206 (1953 as amended).
- G. Before releasing a controlled or protected record, the City shall obtain evidence of the requester's identity.
- H. The City shall disclose a record pursuant to the terms of a court order signed by a judge from a court of competent jurisdiction, provided that:
1. the record deals with a matter in controversy over which the court has jurisdiction;
 2. the court has considered the merits of the request for access to the record; and
 3. the court has considered and, where appropriate, limited the requester's use and further disclosure of the record in order to protect: (i) privacy interests in the case of private or controlled records; (ii) business confidentiality interests in the case of records protected under PCC 2.44.120; (iii) and privacy interests or the public interest in the case of other protected records;
 4. to the extent the record is properly classified private, controlled, or protected, the interests favoring access, considering limitations thereon, outweigh the interests favoring restriction of access; and

5. where access is restricted by a rule, statute, or regulation referred to in PCC 2.44.040 paragraph C,2, the court has authority independent of this ordinance to order disclosure.
- I.
 1. The City may disclose or authorize disclosure of private or controlled records for research purposes if the City:
 - a. determines that the research purpose cannot reasonably be accomplished without use of disclosure of the information to the researcher in individually identifiable form;
 - b. determines that the proposed research is bona fide and the value of the research outweighs the infringement upon personal privacy;
 - c. requires the researcher to assure the integrity, confidentiality, and security of the records and requires the removal or destruction of the individual identifiers associated with the records as soon as the purpose of the research project has been accomplished;
 - d. prohibits the researcher from disclosing the record in individually identifiable form except as provided in paragraph I, or using the record for purposes other than the research approved by the City; and
 - e. secures from the researcher a written statement of his understanding of and agreement to the conditions of this paragraph and the researcher's understanding that violation of the terms of this paragraph may subject him to criminal prosecution under PCC 2.44.210.
 2. A researcher may disclose a record in individually identifiable form if the record is disclosed for the purpose of auditing or evaluating the research program and no subsequent use or disclosure of the record in individually identifiable form will be made by the auditor or evaluator except as provided by this section.
 3. The City may require indemnification as a condition of permitting research under this paragraph.
 - J. Under PCC 2.44.040 paragraph F and PCC 2.44.160 paragraph H the City may disclose to persons other than those specified in this section records that are private under PCC 2.44.100, or protected under PCC 2.44.120 subject to Utah Code § 63-2-308 (1953 as amended), if a claim for business confidentiality has been made.
 - K. Pursuant to Utah Code § 63-2-403(11)(b) (1953 as amended) the state records committee may require the disclosure to persons other than those specified in this section of records that are private under PCC 2.44.100, controlled under

PCC 2.44.110, or protected under PCC 2.44.120.

- L. Under Utah Code § 63-2-404(8) (1953 as amended), the court may require the disclosure to persons other than those specified in this section of records that are private under PCC 2.44.100, controlled PCC 2.44.110, or protected under PCC 2.44.120.

2.44.060 Fees

- A. The City may charge a reasonable fee to cover the City's actual cost of providing a record or compiling a record in a form other than that maintained by the City. The fees are set by resolution.
 - 1. The City may fulfill a record request without charge when it determines that:
 - a. Releasing the record primarily benefits the public rather than a person;
 - b. The individual requesting the record is the subject of the record; or
 - c. The requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
 - 2. The City may not charge a fee for:
 - a. Reviewing a record to determine whether it is subject to disclosure; or
 - b. Inspecting a record.
 - 3. A person who believes that there has been an unreasonable denial of a fee waiver under paragraph A,1 may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under PCC 2.44.160.

2.44.070 Procedures For Access

- A. A person making a request for a record shall furnish the City with a written request containing the person's name, mailing address, daytime telephone number, if available, and a description of the record requested that identifies the record with reasonable specificity.
 - 1. Subject to paragraph B,2 a person making a request for a record shall submit the request to the governmental entity that prepares, owns or retains the record.
 - 2. In response to a request for a record, the City may not provide a record

that it has received under Utah Code § 63-2-206 (1953 as amended), as a shared record if the record was shared for the purpose of auditing, if the governmental entity is authorized by state statute to conduct an audit. If the City is prohibited from providing a record under this Section, it shall deny the record request and inform the person making the request that records requested must be submitted to the governmental entity that prepares, owns, or retains the record.

1. As soon as reasonably possible, but no later than ten business days after receiving a written request, or five business days after receiving a written request if the requester demonstrates that expedited response to the record request benefits the public rather than the person, the City shall respond to the request by:
 - a. approving the request and providing the record;
 - b. denying the request;
 - c. notifying the requester that it does not maintain the record and providing, if known, the name and address of the governmental entity that does maintain the record; or
 - d. notifying the requester that because of one of the extraordinary circumstances listed in, paragraph D, it cannot immediately approve or deny the request. The notice shall describe the circumstances relied upon and specify the date when the record will be available.
2. Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person.

B. The following circumstances constitute 'extraordinary circumstances' that allow the City to delay approval or denial by an additional period of time as specified in paragraph C,d if the City determines that due to the extraordinary circumstances it cannot respond within the time limits provided in paragraph B:

1. another governmental entity is using the record as part of an audit and returning the record before the completion of the audit would impair the conduct of the audit;
2. another governmental entity is using the record, in which case the City shall promptly request that the governmental entity currently in possession return the record;
3. the request is for a voluminous quantity of records or a record series containing a substantial number of records;
4. the requestor seeks a substantial number of records or records series in

requests filed within five working days of each other;

5. the City is currently processing a large number of records requests;
6. the request requires the City to review a large number of records to locate the records requested;
7. the decision to release a record involves legal issues that require the City to seek legal counsel for the analysis of statutes, rules, ordinances, regulations, or case law;
8. segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires extensive editing; or
9. segregating information that the requester is entitled to inspect from information that the requester is not entitled to inspect requires computer programming.

C. If one of the extraordinary circumstances listed in paragraph D precludes approval or denial within the time specified in paragraph B, the following time limits apply to the extraordinary circumstances:

1. for claims under paragraph D,2, the governmental entity currently in possession of the record shall return the record to the originating entity within five business days of the request for the return unless returning the record would impair the holder's work;
2. for claims under paragraph D,1, the originating City shall notify the requester when the record is available for inspection and copying;
3. for claims under paragraphs D,3, D,4, D,5 and D,6, the City shall:
 - a. disclose the records that it has located which the requester is entitled to inspect;
 - b. provide the requester with an estimate of the amount of time it will take to finish the work required to respond to the request;
 - c. complete the work and disclose those records that requester is entitled to inspect as soon as reasonably possible; and
 - d. for any person that does not establish a right to an expedited response as authorized by paragraph C,1, the City may choose to (1) require the person to provide for copying of the records as provided in PCC 2.44.040 paragraph K; or (2) treat a request for multiple records as separate record requests, and respond sequentially to each request;
4. for claims under paragraph D,7, the City shall either approve or deny the request within five business days after the response time specified for the

original request has expired;

5. for claims under paragraph D,8, the City shall fulfill the request within 15 business days from the date of the original request; or
6. for claims under paragraph D,9, the City shall complete its programming and disclose the requested records as soon as reasonably possible.

D. If the City fails to provide the requested records or issue a denial within the specified time period, that failure is considered the equivalent of a determination denying access to the record.

2.44.080 Denials

- A. If the City denies the request in whole or part, it shall provide a notice of denial to the requester either in person or by sending the notice to requester's address.
- B. The notice of denial shall contain the following information:
 1. A description of the record or portions of the record to which access was denied, provided that the description does not disclose private, controlled, or protected information or records to which access is restricted pursuant to court Rule, another state statute, federal statute, or federal regulation, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds.
 2. Citations to the provisions of this ordinance, another state statute, federal statute, court rule or order or federal regulation that exempt the record or portions of the record from disclosure, provided that the citations do not disclose private, controlled, or protected information;
 3. Statement that the requester has the right to appeal the denial to the city council; and
 4. The time limits for an appeal, and the name and business address of the city council.
- C. Unless otherwise required by a court or agency of competent jurisdiction, the City may not destroy or give up custody of any record to which access was denied until the period for an appeal has expired or the end of the appeals process, including judicial appeal.

2.44.090 Records That Must Be Disclosed

A. **As Used In This Section.**

BUSINESS ADDRESS means a single address of the City designated for the

public to contact and employee or officer of the City.

BUSINESS E-MAIL ADDRESS means a single e-mail address of the City designated for the public to contact an employee or officer of the City.

BUSINESS TELEPHONE NUMBER means a single telephone number of the City designated for the public to contact and employee or officer of the City.

- B. The following records are public except to the extent they contain information expressly permitted to be treated confidentially under the provisions of PCC 2.44.040 paragraphs B,2 and G.
1. Laws and ordinances;
 2. The name, gender, gross compensation, job title, job description, business address, Business e-mail address, business telephone number, number of hours worked per pay period, dates of employment, and relevant education, previous employment, and similar job qualification of a current or former employee and officer of the City, excluding undercover law enforcement personnel and investigative personnel if disclosure could reasonably be expected to impair the effectiveness of investigations or endanger any individual's safety;
 3. Final opinions, including concurring and dissenting opinions, and orders that are made by the City in an administrative, adjudicative, or judicial proceeding except that if the proceedings were properly closed to the public, the opinion and order may be withheld to the extent that they contain information that is private, protected, or controlled;
 4. Final interpretation of statutes or rules by the City unless classified as protected as provided in PCC 2.44.120 paragraphs O, P, and Q.
 5. Information contained in or compiled from a transcript, minutes, or report of the open portion of a meeting of the City pursuant to Utah Code 52-4, Open and Public Meetings Act, including the records of all votes of each member of the City council;
 6. Judicial records unless a court orders the records to be restricted under the rules of civil or criminal procedure or unless the records are private under this ordinance;
 7. Unless otherwise classified as private under Utah Code § 63-2-302.5 (1953 as amended), records or parts of records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning commissions, the Division of Forestry, Fire and State Lands, the School and Institutional Trust Lands Administration, the Division of Oil, Gas and Mining, the Division of water Rights, or other governmental entities that give public notice of:

- a. titles or encumbrances to real property;
 - b. restrictions on the use of real property;
 - c. the capacity of persons to take or convey title to real property; or
 - d. tax status for real and personal property;
8. Records of the Department of Commerce that evidence incorporations, mergers, name changes, and uniform commercial code filings;
 9. Data on individuals that would otherwise be private under this ordinance if the individual who is the subject of the record has given the City written permission to make the records available to the public;
 10. Documentation of the compensation that the City pays to a contractor or private provider;
 11. Summary data; and
 12. Voter registration records, including an individual's voting history, except for those parts of the record that are classified as private in PCC 2.44.100.
- C. The following records are normally public, but to the extent that a record is expressly exempt from disclosure, access may be restricted under PCC 2.44.040 paragraph C,2 or PCC 2.44.100, PCC 2.44.110, and PCC 2.44.120.
1. Administrative staff manuals, instructions to staff, and statements of policy;
 2. Records documenting a contractor's or private provider's compliance with the terms of a contract with the City;
 3. Records documenting the services provided by a contractor or a private provider to the extent the records would be public if prepared by the City;
 4. Contracts entered into by the City;
 5. Any account, voucher, or contract that deals with the receipt or expenditure of funds by the City;
 6. Records relating to governmental assistance or incentives publicly disclosed, contracted for, or given by the City, encouraging a person to expand or relocate a business in Utah, except as provided in Utah Code § 63-2-304(35) (1953 as amended);
 7. Chronological logs and initial contact reports;
 8. Correspondence by and with the City in which the City determines or states an opinion upon the rights of the state, a political subdivision, the public, or any person;

9. Empirical data contained in drafts if:
 - a. the empirical data is not reasonably available to the requester elsewhere in similar form; and
 - b. the City is given a reasonable opportunity to correct any errors or make non-substantive changes before release;
10. Drafts that are circulated to anyone other than a governmental entity, a political subdivision, a federal agency if the City and the federal agency are jointly responsible for implementation of a program or project that has been legislatively approved; and
11. Drafts that have never been finalized but were relied upon by the City in carrying out action or policy;
12. Original data in a computer program if the City chooses not to disclose the program;
13. Arrest warrants after issuance, except that, for good cause, a court may order restricted access to arrest warrants prior to service;
14. Search warrants after execution and filing of the return, except that a court, for good cause, may order restricted access to search warrants prior to trial;
15. Records that would disclose information relating to formal charges or disciplinary actions against a past or present City employee if:
 - a. The disciplinary action has been completed and all time periods for administrative appeal have expired; and
 - b. The charges on which the disciplinary action was based were sustained;
16. Records maintained by the Division of Forestry, Fire and State Lands, the School and Institutional Trust Lands Administration, or the Division of Oil, Gas and Mining that evidence mineral production on government lands;
17. Final audit reports;
18. Occupational and professional licenses;
19. Business licenses; and
20. A notice of violation, a notice of agency action under Utah Code § 63-46(b)(3) (1953 as amended), or similar records used to initiate proceedings for discipline or sanctions against persons regulated by the City, but not including records that initiate employee discipline.

D. The list of public records in this section is not exhaustive and should not be used

to limit accesses to records.

2.44.100 Private Records

A. The Following Records Are Private.

1. Records concerning an individual's eligibility for unemployment insurance benefits, social services, welfare benefits, or the determination of benefit levels;
2. Records containing data on individuals describing medical history, diagnosis, condition, treatment, evaluation, or similar medical data;
3. Records of publicly funded libraries that when examined alone or with other records identify a patron;
4. Records received or generated in a Senate or House ethics committee concerning any alleged violation of the rules on legislative ethics, prior to the meeting, and after the meeting, if the ethics committee meeting was closed to the public;
5. Records concerning a current or former employee of, or applicant for employment with the City that would disclose that individual's home address, home telephone number, Social Security number, insurance coverage, marital status, or payroll deductions;
6. Records or parts of records under Utah Code § 63-2-305.5 (1953 as amended) that a current or former employee identifies as private according to the requirements of that section;
7. That part of a record indicating a person's Social Security number or federal employer identification number if provided under Utah Code §§ 31A-23a-104, 31A-25-202, 31A-26-202, 58-1-301, 61-1-4, or 61-2-6 (1953 as amended).
8. That part of a voter registration record identifying a voter's driver license or identification card number, Social Security number, or last four digits of the Social Security number;
9. A record that (i) contains information about an individual; (ii) is voluntarily provided by the individual; and goes into an electronic database that is designated by and administered under the authority of the City Council and acts as a repository of information about the individual that can be electronically retrieved and used to facilitate the individual's online interaction with a state agency;
10. Information provided to the Commissioner of Insurance under Utah Code §§ 31A-23a-115(2)(a) or 31A-23a-302(3); and
11. Information obtained through a criminal background check under Utah

Code 11-40, Criminal Background Checks by Political Subdivisions
Operating Water Systems.

B. The Following Records Are Private If Properly Classified By The City.

1. Records concerning a current or former employee of, or applicant for employment with the City, including performance evaluations and personal status information such as race, religion, or disabilities, but not including records that are public under PCC 2.44.090 paragraphs B,2 and C,15 or private under paragraph A,2.
2. Records describing an individual's finances, except that the following are public:
 - a. Records described in PCC 2.44.090 paragraph B;
 - b. Information provided to the City for the purpose of complying with a financial assurance requirement; or
 - c. Records that must be disclosed in accordance with another statute;
3. Records of independent state agencies if the disclosure of those records would conflict with the fiduciary obligations of the agency;
4. Other records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy;
5. Records provided by the United States or by a governmental entity outside the state that are given with the requirement that the records be managed as private records, if the providing entity states in writing that the record would not be subject to public disclosure if retained by it.

2.44.110 Controlled Records

A Record Is Controlled If;

- A. The record contains medical, psychiatric, or psychological data about an individual;
- B. The City reasonably believes that:
 1. Releasing the information in the record to the subject of the record would be detrimental to the subject's mental health or to the safety of any individual; or
 2. Releasing the information would constitute a violation of normal professional practice and medical ethics; and

3. The City has properly classified the record.

2.44.120 Protected Records

The following records are protected if properly classified by the City:

- A. Trade secrets as defined in Utah Code § 13-24-2 (1953 as amended) if the person submitting the trade secret has provided the City with the information specified in Utah Code § 63-2-308 (1953 as amended).
- B. Commercial information or non-individual financial information obtained from a person if:
 - 1. Disclosure of the information could reasonably be expected to result in unfair competitive injury to the person submitting the information or would impair the ability of the City to obtain necessary information in the future;
 - 2. The person submitting the information has a greater interest in prohibiting access than the public in obtaining access; and
 - 3. The person submitting the information has provided the City with the information specified in Utah Code § 63-2-308 (1953 as amended).
- C. Commercial or financial information acquired or prepared by the City to the extent that disclosure would lead to financial speculations in currencies, securities, or commodities that will interfere with a planned transaction by the City or cause substantial financial injury to the City or state economy;
- D. Records the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, a commercial project entity as defined in Utah Code § 11-13-103(4) (1953 as amended);
- E. Test questions and answers to be used in future license, certification, registration, employment, or academic examinations;
- F. Records the disclosure of which would impair governmental procurement or give an unfair advantage to any person proposing to enter into a contract or agreement with the City, except that this paragraph does not restrict the right of a person to see bids submitted to or by the City after bidding has closed;
- G. Records that would identify real property or the appraisal or estimated value of real or personal property, including intellectual property, under consideration for public acquisition before any rights to the property are acquired unless:
 - 1. public interest in obtaining access to the information outweighs the City's need to acquire the property on the best terms possible;
 - 2. the information has already been disclosed to persons not employed by or under a duty of confidentiality to the City;

3. In the case of records that would identify property, potential sellers of the property described have already learned of the City's plans to acquire the property;
 4. In the case of records that would identify the appraisal or estimated value of property, the potential sellers have already learned of the City's estimated value of the property; or
 5. The property under consideration for public acquisition is a single family residence and the governmental entity seeking to acquire the property has initiated negotiations to acquire the property as required under Utah Code § 78-34-4.5 (1953 as amended);
- H. Records prepared in contemplation of sale, exchange, lease, rental, or other compensated transaction of real or personal property including intellectual property, which, if disclosed prior to completion of the transaction, would reveal the appraisal or estimated value of the subject property, unless:
1. The public interest in access outweighs the interests in restricting access, including the City's interest in maximizing the financial benefit of the transaction; or
 2. When prepared by or on behalf of the City, appraisals or estimates of the value of the subject property have already been disclosed to persons not employed by or under a duty of confidentiality to the City;
- I. Records created or maintained for civil, criminal, or administrative enforcement purposes or audit purposes, or for discipline, licensing, certification, or registration purposes if release of the records:
1. Reasonably could be expected to interfere with investigations undertaken for enforcement, discipline, licensing, certification, or registration purposes;
 2. Reasonably could be expected to interfere with audits, disciplinary, or enforcement proceedings;
 3. Would create a danger of depriving a person of a right to a fair trial or impartial hearing;
 4. Reasonably could be expected to disclose the identity of a source who is not generally known outside of government and, in the case of a record compiled in the course of an investigation, disclose information furnished by a source not generally known outside of government if disclosure would compromise the source; or
 5. Reasonably could be expected to disclose investigative or audit techniques, procedures, policies, or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts;

- J. Records the disclosure of which would jeopardize the life or safety of an individual;
- K. Records the disclosure of which would jeopardize the security of governmental property, governmental programs, or governmental record keeping systems from damage, theft, or other appropriation or use contrary to law or public policy;
- L. Records that, if disclosed, would jeopardize the security or safety of a correctional facility, or records relating to incarceration, treatment, probation, or parole, that would interfere with the control and supervision of an offender's incarceration, treatment, probation or parole;
- M. Records that, if disclosed, would reveal recommendations made to the Board of Pardons and Parole by an employee of or contractor for the Department of Corrections, the board of Pardons and Parole, or the Department of Human Services that are based on the employee's or contractor's supervision, diagnosis, or treatment of any person within the board's jurisdiction;
- N. Records and audit work papers that identify audit, collection, and operational procedures and methods used by the Utah State Tax Commission if disclosure would interfere with audits or collections;
- O. Records of a governmental audit agency relating to an ongoing or planned audit until the final audit is released;
- P. Records prepared by or on behalf of the City solely in anticipation of litigation that are not available under the rules of discovery;
- Q. Records disclosing an attorney's work product, including the mental impressions or legal theories of an attorney or other representative of the City concerning litigation;
- R. Records of communications between the City and an attorney representing, retained or employed by the City if the communications would be privileged as provided in Utah Code § 78-24-8 (1953 as amended);
- S. Drafts, unless otherwise classified as public;
- T. Records concerning the City's strategy about collective bargaining or pending litigation;
- U. Records of investigations of loss occurrences and analyses of loss occurrences;
- V. Records, other than personnel evaluations, that contain a personal recommendation concerning an individual if disclosure would constitute a clearly unwarranted invasion of personal privacy, or disclosure is not in the public interest;
- W. Records that reveal the location of historic, prehistoric, paleontological, or biological resources that if known would jeopardize the security of those resources or of valuable historic, scientific, educational, or cultural information;

- X. Records of independent state agencies if the disclosure of the records would conflict with the fiduciary obligations of the agency;
- Y. Records provided by the United States or by a government entity outside the state that are given to the City with a requirement that they be managed as protected records if the providing entity certifies that the record would not be subject to public disclosure if retained by it;
- Z. Transcripts, minutes, or reports of the closed portion of a meeting of a public body except as provided in Utah Code § 52-4-206 (1953 as amended);
- AA. Records that would reveal the contents of settlement negotiations but not including final settlements or empirical data to the extent that they are not otherwise exempt from disclosure;
- AB. Memoranda prepared by staff and used in the decision-making process by an administrative law judge, a member of the Board of Pardons and Parole, or a member of any other body charged by law with performing a quasi-judicial function;
- AC. Records that would reveal negotiations regarding assistance or incentives offered by or requested from the City for the purpose of encouraging a person to expand or locate a business in Utah, but only if disclosure would result in actual economic harm to the person or place the City at a competitive disadvantage, but this section may not be used to restrict access to a record evidencing a final contract;
- AD. Materials to which access must be limited for purposes of securing or maintaining the City's proprietary protection of intellectual property rights including patents, copyrights, and trade secrets;
- AE. The name of a donor or a prospective donor to the City, including an institution within the state system of higher education defined in Utah Code § 53B-1-102 (1953 as amended), and other information concerning the donation that could reasonably be expected to reveal the identity of the donor, provided that:
 - 1. the donor requests anonymity in writing;
 - 2. any terms, conditions, restrictions, or privileges relating to the donation may not be classified protected by the City under this paragraph; and
 - 3. except for an institution within the state system of higher education defined in Utah Code § 53B-1-102 (1953 as amended), the City to which the donation is made is primarily engaged in educational, charitable, or artistic endeavors, and has no regulatory or legislative authority over the donor, a member of the donor's immediate family, or any entity owned or controlled by the donor or the donor's immediate family;
- AF. Accident reports, except as provided in Utah Code §§ 41-6a-404, 41-12a-202,

and 73-18-13 (1953 as amended);

- AG. A notification of workers' compensation insurance coverage described in Utah Code § 34A-2-205 (1953 as amended);
- AH. Records that provide detail as to the location of an explosive, including a map or other document that indicates the location of a production facility or a magazine;
- AI. Information contained in the database described in Utah Code § 62A-3-311.1 (1953 as amended);
- AJ. records provided by any pawnbroker or pawnshop to a law enforcement agency or to the central database in compliance with Title 13, Chapter 32a, Pawnshop Transaction Information Act;
- AK. Unless otherwise classified as public under PCC 2.44.090 and except as provided under Utah Code § 41-1A116 (1953 as amended), an individual's home address, home telephone number, or personal mobile telephone number, if:
 - 1. the individual is required to provide the information in order to comply with a law, ordinance, rule, or order of a governmental entity; and
 - 2. the subject of the record has a reasonable expectation that the information will be kept confidential due to the nature of the law, ordinance, rule, or order and the individual complying with the law, ordinance, rule, or order.

2.44.130 Records Classification And Designation

- A. The Mayor hereby appoints the city recorder or designee to comply with Utah Code § 63-2-903 (1953 as amended) which includes being trained to work with the state archives regarding the care, maintenance, scheduling, disposal, classification, designation, access, and preservation of records.
- B. The City shall:
 - 1. Evaluate all record series that it uses or creates;
 - 2. Designate those record series as provided by this ordinance;
 - 3. Report the designation of its record services to the state archives.
- C. The City may classify a particular record, record series, or information within a record at any time, but is not required to classify a particular record, record series, or information until access to the record is requested.
- D. The City may re-designate a record series or reclassify a record or record series, or information within a record at any time.
- E. Any person who provides to the City a record that the person believes should be

protected under PCC 2.44.120 paragraphs A or B shall provide with the record a written claim of business confidentiality and a concise statement of reasons supporting the claim of business confidentiality.

2.44.140 Records Retention

- A. All classified and categorized records shall be retained by the City for a time period as specified and established by the State Division of Archives and Records.
- B. If a department creates or maintains documents that are not under this Chapter nor are categorized by the established retention schedule referred to in paragraph A, the department superintendent shall inform the recorder of the contents, type and purpose of the documentation. The superintendent, recorder and any other affected department superintendent, shall determine the retention period. If an agreement cannot be reached, the longest period shall be adopted. Such a determination is subject to review by the City Manager and is also subject to the appeals process of this Chapter.
- C. Records that are retained for the purpose of evidence, for either criminal, civil or administrative purposes shall be retained for the time prescribed by the retention schedule or until the exhaustion of all possible appeals, whichever is longer.

2.44.150 Segregation Of Records

Notwithstanding any other provision in this ordinance, if the City receives a request for access to a record that contains both information that the requester is entitled to inspect and information that the requester is not entitled to inspect under this ordinance, and, if the information the requester is entitled to inspect is intelligible, the City:

- A. Shall allow access to information in the record that the requester is entitled to inspect under this ordinance; and
- B. May deny access to information in the record if the information is exempt from disclosure to the requester, issuing a notice of denial.

2.44.160 Appeals

- A. Any person aggrieved by the City's access determination under this ordinance, including a person not a party to the City's proceeding, may appeal the determination within thirty (30) days to the Mayor by filing a notice of appeal to the City Recorder.
- B. If the City claims extraordinary circumstances and specifies the date when the records will be available under PCC 2.44.070 paragraph C and, if the requester believes the extraordinary circumstances do not exist or that the time specified is

unreasonable, the requester may appeal the City's claim of extraordinary circumstances or date for compliance within thirty (30) days after notification of a claim of extraordinary circumstances by the City, despite the lack of a "determination" or its equivalent under PCC 2.44.070 paragraph G.

- C. The notice of appeal shall contain the petitioner's name, mailing address, and daytime telephone number as well as a short statement of facts, reasons, and legal authority in support of the appeal.
- D. If the appeal involves a record that is the subject of a business confidentiality claim under Utah Code § 63-2-308 (1953 as amended), the City recorder shall:
 - 1. Send notice of the requester's appeal to the business confidentiality claimant within three business days after receiving notice, except that if notice under this Section must be given to more than thirty five (35) persons, it shall be given as soon as reasonably possible; and
 - 2. Send notice of the business confidentiality claim and the schedule for the Mayor's determination to the requester within three business days after receiving notice of the requester is appeal.
 - 3. The claimant shall have seven business days after notice is sent by the City Recorder to submit further support, for the claim of business confidentiality.
- E. The mayor shall make a determination on any appeal within the following period of time:
 - 1. Within five (5) business days after the Mayor's receipt of the notice of appeal; or
 - 2. Within twelve (12) business days after the City sends the requester's notice of appeal to a person who submitted a claim of business confidentiality.
- F. If the mayor fails to make a determination within the time specified in paragraph D, the failure shall be considered the equivalent of an order denying the appeal.
- G. The provisions of this Section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this Section.
- H. The mayor may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or non-disclosure, order the disclosure of information properly classified as private under PCC 2.44.100 paragraph B or protected under PCC 2.44.120 if the interests favoring access outweigh the interest favoring restriction of access.
- I. During the timeframes set forth in paragraph D the mayor may conduct a hearing. At the hearing, the mayor shall allow the parties to testify, present evidence, and comment on the issues. The Mayor may allow other interested persons to

comment on the issues.

- J. After the hearing, if any, and within the timeframes set forth in paragraph D, the mayor shall issue a signed order either granting the petition in whole or in part or upholding the determination of the City in whole or in part. The order of the City shall include a statement of reasons for the decision, including citations to this ordinance or other statutes that govern disclosure of records, provided that the citations do not disclose private, controlled, or protected information. The order shall be sent to all participants. If the mayor affirms the determination of the City in whole or in part, the order shall state that the requester has the right to appeal the decision to the state records committee pursuant to Utah Code § 63-2-403 (1953 as amended) or district court, the time limits for filing an appeal, and the name and business address of the executive secretary of the state records committee.
- K. A person aggrieved by the City's classification or designation determination under this ordinance, but who is not requesting access to the records, may appeal that determination using the procedures provided in this Section. If a nonrequester is the only appellant, the procedures provided in this Section shall apply, except that the determination on the appeal shall be made within 30 days after receiving the notice of appeal.
- L. The duties of the mayor under this Section may be delegated.

2.44.170 Judicial Review

- A. Any party to a proceeding before the Mayor or the state records committee may petition for judicial review by the district court of the mayor's or record committee's order by following the procedures and time frames set forth in Utah Code § 63-2-404 (1953 as amended).

2.44.180 Confidential Treatment Of Records For Which No Exemption Applies

- A. A court may, on appeal or in a declaratory or other action, order the confidential treatment of records for which no exemption from disclosure applies if:
 - 1. There are compelling interest favoring restriction of access to the record; and
 - 2. The interests favoring restriction of access clearly outweigh the interests favoring access.
- B. If the City requests a court to restrict access to a record under this Section, the court shall require the City to pay the reasonable attorneys' fees incurred by the lead party in opposing the City's request, if:
 - 1. The court finds that no statutory or constitutional exemption from

- disclosure could reasonably apply to the record in question; and
2. The court denies confidential treatment under this Section.
- C. This Section does not apply to records that are specifically required to be public under statutory provisions outside of this ordinance or under PCC 2.44.190 except as provided in paragraph D.
- D.
1. Access to drafts and empirical data in drafts may be limited under this Section, but the court may consider, in its evaluation of interests favoring restriction of access, only those interests that relate to the underlying information, and not to the deliberative nature of the record.
 2. Access to original data in a computer program may be limited under this Section, but the court may consider, in its evaluation of interest favoring restriction of access, only those interests that relate to the underlying information, and not to the status of that data as part of a computer program.

2.44.190 Request To Amend A Record

- A. Subject to paragraph H, an individual may contest the accuracy or completeness of any public, or private, or protected record concerning him by requesting the City to amend the record. However, this Section does not affect the right of access to private or protected records.
- B. The request shall contain the following information:
1. The requester's name, mailing address, and daytime telephone number; and
 2. A brief statement explaining why the City should amend the record.
- C. The City shall issue an order either approving or denying the request to amend no later than 30 days after receipt of the request.
- D. If the City approves the request, it shall correct all of its records that contain the same incorrect information as soon as practical. The City may not disclose the record until it has amended it.
- E. If the City denies the request it shall:
1. Inform the requester in writing; and
 2. Provide a brief statement giving its reasons for denying the request.
- F. If the City denies a request to amend a record, the requester may submit a written statement contesting the information in the record.

G. The City shall:

1. File the requester's statement with the disputed record if the record is in a form such that the statement can accompany the record or make the statement accessible if the record is not in a form such that the statement can accompany the record; and
2. Disclose the requester's statement along with the information in the record whenever the City discloses the disputed information.

H. The requester may appeal the denial of the request to amend a record pursuant to PCC 2.44.160.

- I. This Section does not apply to records relating to title to real or personal property, medical records, judicial case files, or any other records that the City determines must be maintained in their original form to protect the public interest and to preserve the integrity of the record system.

2.44.200 Rights Of Individuals On Whom Data Is Maintained

A. The City shall file with the state archivist a statement explaining the purposes for which record series designated private or controlled are collected and used by the City. That statement is a public record.

B. Upon request, the City shall explain to an individual:

1. The reasons the individual is asked to furnish to the City information that could be classified private or controlled;
2. The intended uses of the information;
3. The consequences for refusing to provide the information, and
4. The reason and circumstances under which the information may be shared with or provided to other persons or governmental entities.

C. The City may not use private or controlled records for purposes other than those given in the statement filed with the state archivist under paragraph A or for purposes other than those for which another governmental entity could use the record under Utah Code § 63-2-206 (1953 as amended).

2.44.210 Criminal Penalties

- A. A public employee or other person who has lawful access to any private, controlled, or protected record under this Chapter, and who intentionally discloses, provides a copy of, or improperly uses a private, controlled or protected record knowing that such disclosure or use is prohibited under this chapter, is guilty of a class B misdemeanor.

- B. It is a defense to prosecution under paragraph A that the actor used or released private, controlled or protected information in the reasonable belief that the use or disclosure of the information was necessary to expose a violation of law involving government corruption, abuse of office, or misappropriation of public funds or property.
- C. It is a defense to prosecution under paragraph A that the record could have lawfully been released to the recipient if it had been properly classified.
- D. A person who by false pretenses, bribery, or theft, gains access to or obtains a copy of any private, controlled, or protected record to which he is not legally entitled is guilty of a class B misdemeanor.
- E. No person shall be guilty under paragraph D who receives the record, information, or copy after the fact and without prior knowledge of or participation in the false pretenses, bribery, or theft.
- F. A public employee who intentionally refuses to release a record the disclosure of which the employee knows is required by law or by final unappealed order from the City, the records committee, or a court, is guilty of a class B misdemeanor.

2.48 Police

2.48.010 Police Department-Establishment-Composition

2.48.020 Police-Powers And Duties Of Policeman

2.48.030 Chief Of Police-Appointment

2.48.040 Oath And Bond Required

2.48.050 Care And Custody Of Prisoners

2.48.060 Interference With Police Department-False, Misleading, Etc., Reports

2.48.010 Police Department-Establishment-Composition

There is established a regularly constituted police force to be known as the City Police Department which shall consist of a chief of police and such other police officers as shall be employed by the chief of police with the consent and approval of the city council.

2.48.020 Police-Powers And Duties Of Policeman

The chief of police and all police officers of the city shall have the following powers and duties: (a) To suppress riots, disturbances and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state, this code or any other ordinance of the city. (b) To execute and serve all warrants, processes, commitments, and all writs whatsoever issued by the city judge. (c) To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads or highways, enforce every law relating to the suppression of offenses, render such assistance to the collection of licenses as shall be required by the license collector and perform all duties enjoined upon them by law and ordinance.

2.48.030 Chief Of Police-Appointment

The mayor shall appoint the chief of police subject to the advice and consent of the city council.

2.48.040 Oath And Bond Required

The chief of police and ex-officio jailer shall, before assuming the duties of office, take and subscribe the constitutional oath of office and furnish bond to the city in such sum, not less than Five Hundred Dollars, as may be fixed by resolution or ordinance, during the month of October preceding each election of city officers.

2.48.050 Care And Custody Of Prisoners

The chief of police shall receive and safely keep all persons duly committed to his custody and file and preserve all commitments by which persons are committed, and keep a record of each, showing the date of arrest, offense, charged term of commitment, date of release and the name, age, and place of birth and description of the person committed, in a book kept for that purpose.

2.48.060 Interference With Police Department-False, Misleading, Etc., Reports

No person shall willfully make to the police department any false, fraudulent, misleading or unfounded report or statement, or willfully misrepresent any fact for the purpose of interfering with the orderly operation of any police department or with the intention of misleading any police officer.

2.52 Boards And Committees

[2.52.010 Historic Preservation Board](#)

[2.52.020 Payson Forebay Committee](#)

[2.52.030 Appeal Board](#)

[2.52.040 Economic Development Board](#)

2.52.010 Historic Preservation Board

- A. **Historic Preservation Management.** The Payson City Historic Preservation Board is hereby established and shall be managed and operated by the Payson City Council.
- B. **Board-Established-Terms Of Office.** There is hereby created and established a Historic Preservation Board of Directors of Payson City, which shall consist of the following residents of the City: the president of the Payson Historical Society or designee; the president of the People Preserving Peteetneet or designee; the president of the Payson Historical Downtown Alliance or designee; the president of the Payson chapter of the Daughters of the Utah Pioneers or designee; the Community Services Director or designee; and two at large citizens appointed by

the Mayor with the advice and consent of the City Council for a three year term or until a successor is appointed. A Chair shall be appointed annually from among its members by the Board. The City Council shall approve the initial board of directors as well as all replacements to the board.

- C. **Director Removal-Vacancies.** Any director may be removed for misconduct or neglect of duty by the City Council. Vacancies in the Board of Directors occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term or in the same manner as original appointments.
- D. **Directors To Serve Without Compensation.** Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the general fund as approved by the City Council.
- E. **Board-Chair-Duties.** The Chair shall present the agenda as hereinafter provided, of all material pertaining to the historical preservation effort to be considered at each and every meeting of the board. The chair shall preside at and conduct the meetings. If the Chair is not available, the remaining directors shall appoint a director to conduct the meeting.
- F. **Board-Space For Meetings, Equipment.** The City Council shall establish and furnish suitable space for the meetings and the carrying on of the business and functions of the board.
- G. **Board-Meetings-Absence.** The Board shall meet in regular meetings at a time designated by the Board. Special meetings may be convened at any time as determined by the City Council or the Chair of the Board upon giving notice to all members of the Board and the City Council. At least four members of the Board must attend said meeting in response to said notice, and a certified copy of the minutes of each special board meeting shall be furnished all members of the Board and the City Council. Absence of a member of the Board from three regular meetings in any four-month period shall have the effect of vacating the office of the member unless such absence is authorized or approved by Board action.
- H. **Board Meetings-Agenda-Powers.** The agenda for each meeting of the board shall be prepared by the Chair and said agenda may cover all matters pertaining to the operation of the Payson City historic preservation effort, which require attention or administrative action thereon. The Board shall have the power in respect to all matters of operation of the historic preservation effort to have read into the minutes of the board meetings, board decisions, and recommendations on any such matters; and shall have the power to add matters to the aforesaid agenda of the Board which have not been submitted for their consideration as hereinabove provided. The powers of the Board are advisory and shall extend to all phases of the historic preservation effort within the limits of Payson City. The Board shall have no authority to bind Payson City financially. All recommendations regarding grants, loans or other financial matters shall be

determined by the City Council. The City Council shall make all policy decisions and will act upon all recommendations of the Board.

- I. **Board-Annual Reports.** The Board of Directors shall make an annual report to the City Council of the condition and operation of the Historic Preservation effort, including a financial statement.
- J. **Board To Adopt Rules Governing Historic Preservation.** The Board of Directors shall make and adopt rules and regulations not inconsistent with law, for the governing of the Historic Preservation effort. All such rules and regulations shall be approved by the City Council.
- K. **Board To Cooperate With Other Volunteer Boards.** The Board of Directors shall work in harmony with the various boards and committees of Payson City regarding historic preservation, but shall not override the authority or independence of any such board or committee.

2.52.020 Payson Forebay Committee

- A. **Payson Forebay Committee Established.** The Payson Forebay Committee is hereby established and shall be managed and operated by the Payson City Council. The purpose and intent of the committee is to improve coordination between Payson residents, staff, appointed and elected leaders and local management agencies and partners to increase opportunities for outdoor recreation through the development of trails and connections within the Payson Forebay Recreation Area.
- B. **Duties And Responsibilities.** The Committee shall act in an advisory capacity to the city council and shall have the following duties and responsibilities:
 - 1. To implement the goals and recommendations of the Forebay Area Management Plan (“Management Plan”).
 - 2. To advise the city council in all policy matters pertaining to the development of trails and recreation opportunities in the Payson Forebay Recreation Area (“Forebay”) through written reports, public presentations, surveys, and other useful materials.
 - 3. To cooperate with local schools, state and federal land management agencies, other government agencies, businesses, and civic groups for the advancement of sound recreation and trail planning and programming.
 - 4. To assist in promoting public trail recreation programs and stimulate public interest in establishing programs, trail adoptions, and other improvement projects related to outdoor recreation facilities.
 - 5. To broaden citizen input by serving as a liaison for individuals and organizations having an interest in outdoor recreation programs and trail

improvements.

6. To present recommendations to the city council, and possibly the planning commission, which have been approved by the Committee.
7. To play an active role in coordinating volunteer efforts to maintain the property, including general trail upkeep, signage, and recreation improvements.

C. Committee Membership And Appointment.

1. The members of the Committee shall be appointed by the mayor, with the advice and consent of the city council. In organizing the Committee, the mayor and city council shall ensure:
 - a. Committee members shall be residents of Payson, Utah.
 - b. The Committee shall consist of five (5) or seven (7) voting members assigned terms of two (2) years. Initially, appointments will be made for one- and two-year terms to avoid all positions expiring the same year. Each committee member shall be eligible for additional terms if approved by the city council. Non-voting members may be appointed.
 - c. The Committee should represent a wide spectrum of recreation interests to ensure diversity in recreation facilities and improvements as outlined in the Management Plan.
 - d. A member of the city council shall be appointed to act as a liaison between the Committee and the City Council, but the city council liaison is not considered an appointed member with voting authority on Committee matters.
 - e. City staff may or may not be selected as non-voting members to support the Committee as determined by the mayor.
 - f. The Committee may establish sub-committees or other positions to help carry out its responsibilities.
2. Candidates will be considered by an application/interview process following advertisement in the Payson Chronicle and the Payson City newsletter mailed in the utility bill.

D. Committee Member Removal-Vacancies. Any committee member may be removed by the mayor, with the advice and consent of the city council, for misconduct or neglect of duty. Vacancies occasioned by removals, resignations, change of resident status, or otherwise, shall be filled for the unexpired term in the same manner as original appointments.

E. Committee Members To Serve Without Compensation. Members of the Committee shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the general fund as approved by the city council.

F. Officers And Duties. The Committee shall select a chair, vice-chair, and secretary. These will be twelve (12) month assignments and selected annually. Positions may serve consecutive terms.

1. The Chair's duties shall include:

- a. Organizing and conducting regular meetings, including agendas, locations, and other arrangements.
- b. Presenting an annual report to the city council of the condition and operation of the Committee and progress of Plan implementation.
- c. Making presentations to the planning commission or city council as necessary. This duty may be delegated to another committee member.
- d. Representing Payson residents and city leadership as requested by the city council in recreation and trail planning processes

2. The Vice-Chair's duties shall include:

- a. Supporting the Committee Chair in his/her duties, as assigned.
- b. Leading Committee meetings and business in the absence of the Chair. If the Chair and Vice-Chair are not available, the remaining committee members shall appoint a Temporary Chair to conduct the meeting.

3. The Secretary's duties shall include:

- a. Managing appropriate public outreach, noticing, social media, and other materials on behalf of the Committee.

G. Meeting Space And Equipment. The city council shall establish and furnish suitable space for the meetings and the carrying on of the business and functions of the Committee.

H. Committee Meetings-Absence. The Committee shall organize and conduct regular meetings at least quarterly, and more often if necessary. The date and time of the meeting shall be set by a majority vote of a quorum.

Absence of a committee member from twenty-five percent (25%) of the Committee's scheduled meetings during any twelve month period shall have the effect of vacating the office of the member unless such absence is authorized or

approved by Committee action.

I. Voting.

1. The Committee shall vote to make recommendations regarding proposed improvements and activities in the Payson Forebay Recreation Area and the implementation of the Management Plan.
 - a. Each voting member shall have one (1) vote. A vote shall be taken and recorded by a yes, no, or abstain. Members must be present to vote.
 - b. A quorum shall consist of four (4) voting members. No meeting is official unless a quorum of members is present.
 - c. The minimum number of votes required to take any action shall be a majority of those present at the meeting, provided there is a quorum, but shall never be less than four.
2. The Committee shall have no authority to bind Payson City financially. All recommendations regarding grants, loans or other financial matters shall be determined by the city council. The city council shall make all policy decisions and will act upon all recommendations of the Committee.

2.52.030 Appeal Board

A. Right Of Officers And Employees Of Payson City To Appeal Certain Personnel Actions.

1. An employee to which paragraph A,2 applies may not be discharged, suspended without pay, or involuntarily transferred to a position with less remuneration:
 - a. because of the employee's politics or religious belief; or
 - b. incident to, or through changes, either in the elective officers, governing body, or heads of departments.
2. Except as provided in paragraph A,3, each employee of Payson 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 paragraph B.
3. Paragraph A,2 does not apply to:
 - a. positions appointed by the mayor or other person or body exercising executive power in the city;
 - b. the police chief;

- c. the assistant police chief;
 - d. the fire chief;
 - e. the assistant fire chief;
 - f. the head of each city department (superintendent);
 - g. probationary employees;
 - h. part-time employees;
 - i. or seasonal employees.
4. Nothing in this paragraph A or the following paragraphs may be construed to limit the city's ability to define cause for an employee termination or reduction in force.

B. Rules For Appeals.

1. If an employee is discharged, suspended for more than two days without pay, or involuntarily transferred from one position to another with less remuneration for any reason, the employee may, subject to paragraph B,2, appeal the discharge, suspension without pay, or involuntary transfer to a board to be known as the appeal board, established under paragraph C.
2. The employee shall exhaust the employee's rights under the city's grievance procedure found in section 780 of the Payson City Personnel Policy before appealing to the board.
3. Each appeal under paragraphs B,1 and B,2 shall be taken by filing written notice of the appeal with the City Recorder within ten days after the employee receives notice of the final disposition of the city's internal grievance procedure.
 - a. Upon the filing of an appeal under paragraph B,3, the municipal recorder shall forthwith refer a copy of the appeal to the appeal board.
 - b. Upon receipt of the referral from the municipal recorder, the appeal board shall forthwith commence its investigation, take and receive evidence, and fully hear and determine the matter, which relates to the cause for the discharge, suspension, or transfer.
4. An employee who is the subject of the discharge, suspension, or transfer may:
 - a. appear in person and be represented by counsel;
 - b. have a public hearing;

- c. confront the witness whose testimony is to be considered; and
 - d. examine the evidence to be considered by the appeal board.
5. Each decision of the appeal board shall be by secret ballot, and shall be certified to the recorder within 15 days from the date the matter is referred to it, except as provided in paragraph B,6.
 6. For good cause, the board may extend the 15-day period under paragraph B,5 to a maximum of 60 days, if the employee and municipality both consent.
 7. If it finds in favor of the employee, the board shall provide that the employee shall receive:
 - a. the employee's salary for the period of time during which the employee is discharged or suspended without pay; or
 - b. any deficiency in salary for the period during which the employee was transferred to a position of less remuneration.
 8. A final action or order of the appeal board may be appealed to the Court of Appeals by filing with that court a notice of appeal.
 9. Each notice of appeal under paragraph B,8 shall be filed within 30 days after the issuance of the final action or order of the appeal board.
 10. The Court of Appeals' review shall be on the record of the appeal board and for the purpose of determining if the appeal board abused its discretion or exceeded its authority.

C. Appeal Board-Selection Of Board Members. The Payson City Appeal Board shall consist of the governing body of Payson City. The Mayor shall be the chair of the appeal board. If the Mayor does not participate in the appeal board, the participating members shall appoint a chair for that particular appeal. Three or more members of the Appeal Board shall constitute a quorum sufficient to hear appeals. A simple majority of the participating quorum will determine the decision. A participating member may not abstain from voting. The voting shall be limited to upholding or reversing the decision before board on appeal.

D. Rules And Procedures. The Appeal Board may adopt reasonable procedural rules for the conduct of its business, not inconsistent with this ordinance or other applicable law.

2.52.040 Economic Development Board

A. Economic Development Board. The Payson City Economic Development Board is hereby established and shall be managed and operated by the Payson

City Council. Under the direction and authority of the Payson City Council, the Payson Economic Development Board shall actively promote economic development, including improvement of all business conditions within Payson City, in order to maximize employment opportunities, increase tax base, and to enrich the quality of life in Payson City. The Payson City Economic Development Board will recruit industrial and commercial businesses and act as a liaison between businesses and the Payson City Council. Additionally, the Board will strive to promote tourism, educational opportunities, residential growth, and downtown development.

- B. **Board-Established-Terms Of Office.** There is hereby created and established an Economic Development Board of Directors of Payson City, which shall consist of the following: the Payson City Mayor; a Payson City Council Member appointed by the City Council; a diverse cross section of persons from the Payson community and surrounding area that have a desire to promote economic development in Payson. The number shall be determined by the Board. The Board shall serve for a three year term or until a successor is appointed. A Chair shall be appointed annually from among its members by the Board. The City Council shall approve the initial board of directors as well as all replacements to the board.
- C. **Director Removal-Vacancies.** Any director may be removed for misconduct or neglect of duty by the city council. Vacancies in the Board of Directors, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term or in the same manner as original appointments.
- D. **Directors To Serve Without Compensation.** Directors shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from the Economic Development Fund as approved by the City Council.
- E. **Board-Chair-Duties.** The Chair shall present the agenda as hereinafter provided, of all material pertaining to the economic development effort to be considered at each and every meeting of the board. The chair shall preside at and conduct the meetings. If the Chair is not available, the remaining directors shall appoint a director to conduct the meeting. The Chair shall also report to the City Council quarterly at a regularly scheduled City Council Meeting.
- F. **Board-Space For Meetings, Equipment.** The Board shall establish and furnish suitable space for the meetings and the carrying on of the business and functions of the board.
- G. **Board-Meetings-Absence.** The Board shall meet in regular meetings at a time designated by the Board. Special meetings may be convened at any time as determined by the City Council or the Chair of the Board upon giving notice to all members of the Board and the City Council. At least six members of the Board must attend said meeting in response to said notice, and a certified copy of the minutes of each special board meeting shall be furnished all members of the

Board and the City Council. Absence of a member of the Board from three regular meetings in any four month period shall have the effect of vacating the office of the member unless such absence is authorized or approved by Board action.

- H. **Board Meetings-Agenda-Powers.** The agenda for each meeting of the board shall be prepared by the Chair and said agenda may cover all matters pertaining to the operation of the Payson City economic development effort, which require attention or administrative action thereon. The Board shall have the power in respect to all matters of operation of the economic development effort to have read into the minutes of the board meetings, board decisions, and recommendations on any such matters; and shall have the power to add matters to the aforesaid agenda of the Board which have not been submitted for their consideration as hereinabove provided. The powers of the Board are advisory and shall extend to all phases of the economic development effort within the limits of Payson City. The Board shall have no authority to bind Payson City financially. All recommendations regarding grants, loans or other financial matters shall be determined by the City Council. The City Council shall make all policy decisions and will act upon all recommendations of the Board.
- I. **Board-Annual Reports.** The Board of Directors shall make an annual report to the City Council of the condition and operation of the economic development effort, including a financial statement.
- J. **Board To Adopt Rules Governing Economic Development.** The board of directors shall make and adopt rules and regulations not inconsistent with law, for the governing of the economic development effort. All such rules and regulations shall be approved by the City Council.

Title 3 Business Licenses And Regulations

3.04 General Provisions

3.08 Alcohol And Beer Licenses And Regulations

3.12 Tobacco, Electronic Cigarette, And Nicotine Product Retail Licenses And Regulations

3.16 Sexually Oriented Businesses

3.20 Regulations Of Specific Businesses

3.24 Secondhand, Junk, Antique Dealers

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3.04.180 Cooperation With The Chamber Of Commerce

3.04.190 Severability Clause

3.04.010 Applicability

This Title applies to all applications for business licenses, allowable business activities, necessary approvals and obligations of applicants to obtain and maintain a license to conduct business within Payson City. Unless otherwise expressly provided through adoption of a complementary or conflicting resolution or ordinance by the Payson City Council, the provisions of this Title shall apply to all business licensing activities within Payson City. All businesses must conform to the provisions of PCC 13, Zoning Ordinance. Furthermore, only uses specifically listed herein and that are consistent with

the Zoning Ordinance are allow in Payson City; any other use or business operation is prohibited.

3.04.020 Definitions: Business Licenses And Regulations

The following terms and definitions shall have the specific meaning indicated herein. Any word or phrase not included in this Section shall be construed to have the most common definition as found in the latest edition of the Webster's New World Dictionary.

ANTIQUÉ DEALER shall mean any person who engages in the buying, selling, bartering and exchanging of old furniture, coins, currency or other materials bought or sold as having antique value.

AUCTIONEER means a person who conducts a public competitive sale of property by outcry to the highest bona fide bidder.

AUCTION HOUSE means a building, parcel, or location from which an auction is conducted. Auction houses shall not include estate auctions conducted at the residence of the deceased, auctions for the liquidation of a business licensed under this Title if conducted on the premises of that business, or auctions to dispose of abandoned or unclaimed property if conducted on the premises of a business licensed under this Title and the property to be auctioned was initially received or stored in the regular course of the business.

AUTOMATED TELLER MACHINE FACILITY means the area comprised of one or more automatic teller machines, and any adjacent space, which is made available to banking customers.

BUSINESS LICENSE means a certificate issued by Payson City that indicates approval from Payson City to commence and operate a business within the City. A business license will not be construed to provide approval of any activity that requires approval from any Federal, State, or County agency.

BUSINESS LICENSE COORDINATOR shall mean the Payson City employee charged with the administration of the provisions of this Title. The Business License Coordinator shall operate under the guidance and direction of the City Manager.

BUSINESS OWNER is defined as one of the following:

- A. In a sole proprietorship, the sole proprietor.
- B. In a partnership, each general partner.
- C. In a limited liability company, each officer of the company with a Resolution of the Board.
- D. In a corporation, each officer and director of the corporation with a Resolution of the Board.

- E. For the purposes of this Title, business owner may also be referred to as applicant, licensee, owner or other similar term to be in context with the particular regulation.

CHECK CASHING BUSINESS means any person duly licensed by the superintendent of banks to engage in the business of cashing checks, drafts or money orders for consideration pursuant to the provisions of the banking laws.

CITY shall mean the Payson City Municipal Corporation, which may be referred to as City, community, or municipality.

CONTRIBUTIONS mean and include the words alms, money, subscription, property or any donations under the guise of a loan, money or property.

CHRISTMAS TREE means a tree, usually fir or evergreen, but including any tree sold to be decorated and used as part of the Christmas celebration and commemoration.

FOOD CART means a cart:

- A. that is not motorized; and
- B. that a vendor, standing outside the frame of the cart, uses to prepare, sell, or serve food or beverages for immediate human consumption.

FOOD TRUCK means a fully encased food service establishment:

- A. on a motor vehicle or on a trailer that a motor vehicle pulls to transport; and
- B. from which a food truck vendor, standing within the frame of the vehicle, prepares, cooks, sells, or serves food or beverages for immediate human consumption.
- C. FOOD TRUCK does not include a food cart or an ice cream truck.

HANDYMAN is defined as a person engaged in the alteration, repair, remodeling, or addition to or improvement of a building with a contracted or agreed value of less than \$1000, including both labor and materials, and including all changes or additions to the contracted or agreed upon work. Work in the plumbing and electrical trades must be performed by a licensed electrician or plumber.

ITINERANT MERCHANT OR ITINERANT VENDOR is defined as any person, firm or corporation, whether as owner, agent, consignee or employee, whether or not a resident of Payson City, who engages in a temporary business of selling and delivering goods, wares and merchandise within the City, and who, in furtherance of such purpose, does not conduct the activity substantially within a permanent building or structure but rather hires, leases, uses or occupies a non-permanent building or structure, motor vehicle,

tent, public room in any hotel, motel, lodging house, apartment, shop or any street, alley or other place within the City for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this Chapter merely by reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

JUNK DEALER shall mean any person engaged in buying and selling, bartering and exchanging old metal, glass, rags, rubber, paper or other discarded materials.

MOBILE FOOD BUSINESS means a business that serves food or beverages from a self-contained unit that is a motorized vehicle or a trailer. The term MOBILE FOOD BUSINESS shall include concession carts, concession trailers, or other mobile vending unit.

PAWNBROKER shall mean any person who loans or advances money on deposit of personal property used as collateral, or deals in the purchase, exchange or possession of personal property on condition of selling the property back to the depositor or other patrons if unredeemed.

PUBLIC AREA means an area to which the public or a substantial group of persons has access, and includes, but is not limited to alleys, bridges, buildings, driveways, parking lots, parks, playgrounds, plazas, sidewalks, and streets open to the general public, and the doorways and entrances to buildings and dwellings, and the grounds enclosing them.

SEASONAL PRODUCE STAND shall mean a temporary business established to allow the sale of fresh fruit, vegetables, flowers and other similar perishable goods.

SECONDHAND DEALER shall mean any person who keeps a store, office, or place of business for the purpose of purchasing, bartering, exchanging or selling secondhand goods including, but not limited to, used clothing, books, musical instruments, coins, wares or similar secondhand household merchandise.

SOLICITOR, CANVASSER, PEDDLER, HAWKER OR HUCKSTER means any individual whether or not a resident of Payson City, traveling either by foot, motor vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise or carrying, conveying, or transporting meats, fish, vegetables, fruits, farm products or provisions, whether or not payment and delivery are made simultaneously or whether payment is taken for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes, for sale a sample of the subject of such sale, or whether the individual is collecting advance payments on such sales, provided that such definition shall include any person who, for themselves, or for any other person, firm or corporation, hires, leases, uses or occupies any building

structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within Payson City for the sole purpose of exhibiting samples and taking orders for future delivery.

SOLICITATION IN AN AGGRESSIVE MANNER means and includes:

- A. Intentionally or recklessly making any physical contact with or touching another person in the course of the solicitation without the person's consent.
- B. Following the person being solicited or continuing to solicit within five (5) feet of the person being solicited, if the conduct is:
 - 1. Intended to or is likely to cause a reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession.
 - 2. Is intended to or is reasonably likely to intimidate the person being solicited into responding affirmatively to the solicitation.
- C. Intentionally or recklessly blocking the safe or free passage of the person being solicited or requiring the person, or the driver of a vehicle, to take evasive action to avoid physical contact with the person making the solicitation. Acts authorized as an exercise of one's constitutional right to picket or legally protest shall not constitute obstruction of pedestrian or vehicular traffic.
- D. Intentionally or recklessly using obscene or abusive language or gestures intended to or likely to cause fear of imminent bodily harm or the commission of a criminal act upon property in the person's possession that would likely intimidate the person into responding affirmatively to the solicitation.
- E. Entering or attempting to enter a private residence while soliciting goods or services without being invited by the resident.

3.04.030 Business License Required

A business owner, agent, or employee will not commence or operate any business, trade, calling, profession or occupation without a current and valid business license issued by Payson City. Commencement or operation of any business, trade, calling, profession or occupation without obtaining a current and valid business license from Payson City or without complying with any and all regulations of such business, trade, calling, profession or occupation shall constitute a separate violation of this Title each day that the business, trade, calling, or profession or occupation is conducted.

3.04.040 Index Of Business Licenses

An index containing the names of all licensees and the type of license issued to each licensee will be maintained by the Administration Department of Payson City. Copies of the index will be made available only under the provisions of the Government Records

Access and Management Act and shall be subject to a fee established to offset any publication and labor costs involved with the preparation of the index for distribution.

3.04.050 Application For A Business License

- A. A business owner, as defined in PCC 3.04.020, will apply for a business license on a form approved by Payson City together with the payment of all applicable fees in accordance with the Payson City fee resolution. The application shall indicate all business owners and persons (excluding shareholders or their equivalent) having a legal or equitable ownership interest in the subject business, trade, profession or other activity. Applicants for a business license shall submit a properly completed application form that includes, but may not be limited to:
1. Name of applicant and/or authorized agent, address, date of birth and contact telephone numbers.
 2. If the primary management is going to be performed by someone other than the applicant, the name, address, date of birth and contact telephone numbers of the primary person in charge of the overall day to day management of the business, trade, profession, occupation or activity.
 3. A written description of the business, trade, profession, occupation or activity for which a license is requested, including any other business names which may be used.
 4. The address of the property where the subject business, trade, profession, occupation or activity is to be conducted.
 5. The State Tax and Federal Tax number of the subject business, corporation, trade, profession, occupation or activity, if applicable.
 6. The "entity" number of the subject business, trade, profession, occupation or activity, if applicable.
 7. Any information necessary to calculate an applicable fee in accordance with the adopted fee resolution of Payson City.
 8. Any other information required by federal, state, county or Payson City statute, resolution or ordinance, or as reasonably required by the City.
 9. Proof that the business is properly licensed or registered with the State of Utah, if applicable.
 10. A space for the applicant or applicants authorized agent to sign under penalty of law that all the information contained in the application is accurate and true.
 11. Any application materials or information specifically required in another section of this Title.

12. Any applicant subject to the provisions of this Chapter must submit a business statement that provides detail about the anticipated business activities, the expected number of employees, demonstration of zoning compliance, future expansion plans, and any other information that can be used to ensure proper review. The business statement should represent both the immediate and anticipated future business practices and will be reviewed regularly to ensure that the business complies with the business statement. Future uses may be limited to those indicated in the business statement.
 13. Change in Ownership will require a new Business License Application, review, inspections, inspection fees and application fees
- B. The information required in this Section shall be kept current. If any of the information required in this Section changes, the business owner(s) shall provide the City with the correct information within thirty (30) days from the date of the change.
 - C. A business license may be denied by the Business License Coordinator if it is determined that any of the information used to approve a business license or the calculation of the business license fee is incorrect, false or misleading.
 - D. **Structures Containing More Than One Business.** If a structure contains more than one business such as a multi-tenant commercial building, a large retail structure with interior lease space, a strip mall, or similar building, each separate business or activity shall be required to obtain and maintain a business license.
 - E. **Business With More Than One Location.** A separate business license must be obtained and a separate fee paid for each location of a business with more than one location.
 - F. **Relocation Of A Business Within Payson City.** A business that is relocated from one location to another location within Payson City shall obtain a new business license. The business owner shall submit an application and submit a fee in accordance with the adopted fee resolution. All necessary inspections and other applicable regulations will apply.

3.04.060 Issuance Of A Business License

Prior to the issuance of a business license, the Business License Coordinator shall ensure that the following criteria are satisfied.

- A. The Business License Coordinator shall submit copies of the application to the Fire Department, Health Department and, for certain businesses where specifically provided for herein, to the Police Department for review, unless a specific provision of this Title requires submission to fewer or additional departments, divisions or agencies.

- B. The Business License Coordinator shall determine if the proposed business activity is allowed in the zoning district and if any additional approvals are necessary.
- C. In accordance with PCC 3.04.070, all inspections must be completed and all conditions of the inspections satisfied by the applicant.
- D. After receiving signed, written approval from each Department identified in this Section, the Business License Coordinator shall prepare a business license for issuance.
- E. The business license shall be signed by the Business License Coordinator and shall contain, at a minimum, the following information:
 - 1. The name of the licensee.
 - 2. The business name.
 - 3. The type of business licensed; including the class of the license, if such licenses are divided into classes.
 - 4. The date the license was issued.
 - 5. The expiration date of the license.
 - 6. The place or address where the licensed business is to be conducted.
 - 7. The business license number.
- F. If the business is licensed to conduct more than one type of business, as defined herein, the certificate of license shall state each type of business licensed.
- G. The business license fee must be submitted in accordance with the adopted fee resolution of Payson City.
- H. All preschool and daycare providers are required to complete a criminal background check. A business license will be issued prior to receiving a certificate and/or report from the Bureau of Criminal Investigation or a Utah State daycare license.

3.04.070 Inspections

As a condition of the issuance, continuation or renewal of a business license, the applicant shall, upon request of the City, permit inspections of the premises and any appropriate business records, at any reasonable time. The business must be in compliance with all applicable zoning, building, fire, health and safety regulations. Furthermore, additional inspections may be required for specific business activities such as alcohol and beer licenses. Payson City may refuse to issue a license or may suspend or revoke a license if the applicant or licensee should, for any reason, fail or refuse to allow an inspection.

If an annual inspection is required, it is the responsibility of the business owner to schedule the appropriate inspection(s) and submit payment of applicable inspection fees.

3.04.080 Term, Renewal And Transfer Of Business License

Unless otherwise noted herein, a business license shall be valid for one (1) year from the date of issuance. The business license must be renewed prior to the expiration date of the previous business license. Prior to issuance of a renewed business license, all applicable fees shall be paid and all necessary inspections must be completed. Although Payson City will make every attempt to provide at least a two (2) week notice to each business owner of an expiring license, the ultimate responsibility to renew the business license rests with the business owner.

If a license is not renewed prior to the expiration of a previous license, the applicant shall be subject to a late fee. The late fee assessed is dependent upon the lateness of the business license renewal as follows:

- A. 1-30 days past due, grace period. No late fee.
- B. 31-60 days past due, \$40.00 late fee plus an additional \$40.00 per month late.
- C. 60 days or more past due:
 - 1. License becomes inactive
 - 2. The business owner must reapply for a license, new application fees will apply (new expiration date will be one year from the original expiration date)
 - 3. Citation for operating without a license may be issued
- D. If the applicant chooses not to renew the business license and continues to operate a business, the matter shall be forwarded to the City Attorney for appropriate legal action.

A business license granted or issued in accordance with the provisions of this Title is not in any manner assignable or transferable. Furthermore, a business licenses shall not be transferred from one location to another location or from one business owner to another business owner.

3.04.090 Failure To Obtain A Business License

It shall be unlawful for any person to engage in any activity for which an application is necessary until any required investigation and inspections are completed and the license is approved and issued. Any person engaging a business activity without a license for which a license is required, including circumstances where a license is expired, or has been suspended or revoked, shall, in addition to applicable criminal

penalties, be required to pay all applicable fees as though a license had been issued during the period of unlicensed activity.

3.04.100 Compliance With Regulations

Issuance of a business license or any other regulatory license described in this Title does not exempt an applicant from compliance with applicable zoning requirements, regulations of the adopted building and fire codes, or other applicable regulatory requirement not described in this Title.

3.04.110 Exemptions

Unless otherwise provided in this Title, the provisions of this Title shall not be construed to require a business license for an activity which is conducted, managed or operated wholly for charitable, religious or other non-profit purposes from which profit is not derived, directly or indirectly by any person. Qualification under the federal tax laws for non-profit status shall be prima facie evidence that a business satisfies the charitable, religious or non-profit purposes described above. The business owner claiming an exemption shall have the burden of proof in establishing such status.

A business license is not required for operation of any vehicle or equipment in Payson City when:

- A. The vehicle or equipment is merely passing through the City.
- B. The only business activity of the vehicle or equipment in Payson City is delivery of goods to existing licensed businesses.
- C. The vehicle or equipment belongs to a general contractor or sub-contractor engaged in contract work in Payson City, without offices in Payson City, but with offices within Utah County in a jurisdiction which has reciprocal licensing for contractors with Payson City. The contractor or sub-contractor must have valid state and local licenses from the jurisdiction in which their office is located.

3.04.120 Penalty

It is unlawful for any business owner, agent, or employee to perform any act prohibited by this Title. Any violation of this Title is subject to a Class C misdemeanor unless otherwise prosecutable in accordance with another applicable criminal or civil statute. Each day that violation of this Title continues shall constitute a separate offense.

3.04.130 Denial Of A Business License

Payson City may deny the application for a business license for any of the following reasons:

- A. The applicant does not meet the qualifications for a business license as provided

in this Title.

- B. A returned check for the required license fees that has been received by Payson City indicating non-payment of fees.
- C. Failure to submit any assessed late payment penalty fees.
- D. A City Department has disapproved the application pursuant to the provisions of this Title.
- E. False or incomplete information given on the application.
- F. Non-compliance with any city, state or federal statutes, or any Health Department regulations governing the applicant's business.
- G. Any other reason expressly provided for in this Title.

If an application for a business license is denied, the applicant will be informed in writing of the denial and the reasons why the application is denied. An appeal of the denial of a business license shall be forwarded to the City Council.

3.04.140 Suspension Or Revocation Of A Business License

Payson City may suspend or revoke a business license, including an alcohol or beer license or any other license regulated by this Title, for any of the following reasons:

- A. The license should not have been issued.
- B. The licensee no longer satisfies the qualifications for a license as provided under this Title.
- C. False or incomplete information was provided on an application.
- D. A violation of the provisions of this Title or any regulations of city, state or federal statutes governing the licensee's business has occurred.
- E. Violation of this Title by the agents or employees of a licensee and violations of any other laws by the agents or employees committed while acting as an agent or employee of the licensee.
- F. Failure to pay a required fee.
- G. Any other reason expressly provided for in this Title.
- H. The suspension or revocation of any other permits necessary to operate the business has occurred. (i.e. Conditional Use Permit)

It is unlawful for any business owner, agent, or employee who has had a license suspended or revoked by the City Council to reapply for or obtain a business license until the reasons for the suspension or revocation have been corrected.

3.04.150 Suspension Or Revocation Hearing

Licenses issued under the provisions of this Title may be suspended or revoked by action of the City Council due to failure on the part of the licensee to comply with the conditions and requirements under which the license is granted or because of illegal activities. A license shall not be suspended or revoked under the provisions of this Title until a hearing has been conducted following appropriate notice has been provided to the licensee or applicant.

Notice of the hearing shall be given by sending a copy of the notice by certified mail, return receipt requested, to the applicant at the address shown in the applicant's last application for a business license. It is the applicant's duty to maintain, at all times, a current address with Payson City. Notice is deemed received if notice is sent to the last address on file with the City and is not returned as unclaimed, unknown, moved, or for any other reason identified by the postal service.

Hearings to consider suspension or revocation of a license issued by the City shall be held by the City Council. All witnesses called at such hearings may be sworn by a person duly authorized to administer oaths, and a record of the hearing shall be created. At the request and expense of any party, a hearing may be recorded by a court reporter.

A licensee shall have the right to appear at the hearing in person or by counsel, or both, and present evidence or argument on the licensee's or applicant's behalf, cross-examine witnesses, and in all proper ways defend the licensee's or applicant's position.

The City Council shall make a ruling and decision based upon the evidence presented at the hearing and shall issue and adopt written findings of fact and conclusions of law in appropriate cases and issue written orders or decisions. An appeal may be taken to a court of competent jurisdiction in the time and manner provided by State statute.

3.04.160 Display Of Business License

Each business license shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that it may be easily seen. When a business license has expired, it shall be removed and an expired business license, which is not in force and effect, shall not be permitted to remain posted within the place of business unless validated as a renewal. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall possess the license at all times accessible for inspection by an authorized officer during all times the licensee is engaged in or pursuing the business for which a business license is granted. In the event the business license is issued for a coin-operated machine or device, the license shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

3.04.170 Multiple Business Licenses

Any business owner conducting business within Payson City who is required to have any other type of license by local, state or federal law shall be required to obtain a business license in addition to the other required license(s), including beer or alcohol license, federal firearm license, and other various licenses.

3.04.180 Cooperation With The Chamber Of Commerce

In an effort to ensure the involvement of the business community, the Business License Coordinator will notify the Chamber of Commerce of all anticipated changes to this Title or the adopted fee resolution prior to the adoption of any amendments. The awareness and participation from the businesses in the community can create a positive atmosphere and better understanding of the need for the regulations herein.

3.04.190 Severability Clause

If any section, subsection, or clause of this Title shall be deemed to be unconstitutional or otherwise invalid, that Section, subsection, or clause shall be severed from this Title with the remaining sections, subsections, and clauses to continue in full force and affect.

3.08 Alcohol And Beer Licenses And Regulations

3.08.010 Statutory Authority And Definitions

3.08.020 License Required

3.08.030 Alcohol And Beer License Categories

3.08.040 Duties

3.08.050 Beer Handler's Permit

3.08.010 Statutory Authority And Definitions

The provisions of the Alcoholic Beverage Control Act, as cited in Utah Code Part 32A and this Chapter shall govern the selling and dispensing of alcoholic beverages within Payson City, except where otherwise allowed by the Alcoholic Beverage Control Act and set forth herein. The words and phrases used in this Chapter shall be consistent with the meanings specified in the Utah Alcoholic Beverages Control Act and are adopted and incorporated by reference unless a different meaning is clearly evident.

The location of any business that chooses to obtain an alcohol or beer license shall satisfy the distance and location requirements of the Alcoholic Beverage Control Act.

3.08.020 License Required

It shall be unlawful for any person to sell, offer to sell, or provide to the public any type of alcoholic beverages without first obtaining the appropriate license from Payson City and the State of Utah where applicable. All licensees shall comply with the Alcoholic Beverage Control Act, as cited in Utah Code § 32A-1-101 et. seq. (1953 as amended), and the rules and regulations promulgated by the Department of Alcoholic Beverage Control.

An alcoholic beverage license shall be obtained in addition to the business license required pursuant to PCC 3.04. Each applicant for a license in accordance with this Chapter shall submit a complete application form together with the payment of all applicable fees in accordance with PCC 3.04.060.

3.08.030 Alcohol And Beer License Categories

Alcohol and beer licenses shall be issued classified as follows:

- A. **Class A.** Licenses shall entitle the holder thereof to sell beer, light beer, malt liquor, or malted beverages for consumption off premise in accordance with the Alcoholic Beverage Control Act.
- B. **Class B.** Licenses shall entitle the holder thereof to sell beer, light beer, malt liquor, or malted beverages for consumption on premise in accordance with the Alcoholic Beverage Control Act. The license will also allow consumers to consume beverages off premise when permitted by the Alcoholic Beverage Control Act.
- C. **Class C.** Licenses shall entitle the holder thereof to sell alcoholic beverages in conjunction with the operation of a private club in accordance with the Alcoholic Beverage Control Act.
- D. **Class D.** Licenses shall entitle the holder thereof to sell alcoholic beverages in conjunction with the operation of a restaurant in accordance with the Alcoholic Beverage Control Act.
- E. **Class E.** Licenses shall entitle the holder thereof to sell alcoholic beverages of the type specified in the application for a single event in accordance with the Alcoholic Beverage Control Act and with such restrictions as may be imposed on the license. Payson City shall have the discretion to grant or deny such a permit after consideration of the type of event, the type of persons expected to attend such event, the location of the event, the time of the event, the proximity to residential areas, public areas, schools, and churches.
- F. **Class F.** Licenses shall entitle the holder thereof to manufacture, warehouse, or sell wholesale alcoholic beverages in accordance with the Alcoholic Beverages Control Act.

3.08.040 Duties

Each person or entity granted a license in accordance with the provisions of this Chapter shall abide by the following:

A. Each Class A License Holder.

1. Shall comply with all provisions of the Alcoholic Beverage Control Act.

2. Shall comply with all provisions of this Title.
3. Shall not permit beer, light beer, malt liquor, or malted beverages to be sold from drive-up windows.
4. Shall not permit beer, light beer, malt liquor, or malted beverages to be sold between the hours of 1:00 a.m. and 6:00 a.m.

B. Each Class B License Holder.

1. Shall comply with all provisions of the Alcoholic Beverage Control Act.
2. Shall comply with all provisions of this Title.
3. Shall not permit performers or entertainers to wear any costume or attire or to engage in any conduct prohibited by Utah Code § 32A-10-206(10) (1953 as amended).
4. Shall not permit beer, light beer, malt liquor, or malted beverages to be sold between the hours of 1:00 a.m. and 10:00 a.m.

C. Each Class C License Holder.

1. Shall comply with all provisions of the Alcoholic Beverage Control Act.
2. Shall comply with all provisions of this Title.
3. Shall not permit beer, light beer, malt liquor, or malted beverages to be sold between the hours of 1:00 a.m. and 10:00 a.m.

D. Each Class D License Holder.

1. Shall comply with all provisions of the Alcoholic Beverage Control Act.
2. Shall comply with all provisions of this Title.

E. Each Class E License Holder.

1. Shall comply with all provisions of the Alcoholic Beverage Control Act.
2. Shall comply with all provisions of this Title.
3. Shall comply with all of the restrictions imposed for a single event by Payson City.

F. Class F License Holder.

1. Shall comply with all provisions of the Alcoholic Beverage Control Act.
2. Shall comply with all provisions of this Title.

3.08.050 Beer Handler's Permit

The regulations for issuance of a Beer Handler's Permit are included in this Section. The Business License Coordinator shall ensure that all Payson City and State of Utah regulations are satisfied prior to the issuance of a permit in accordance with the regulations of this Section.

- A. **General Regulations.** The following regulations are applicable to each Beer Handler's Permit issued by Payson City. Each applicant for a permit shall satisfy each of the provisions.
1. A licensee involved in the transaction of retail beer sales for off premise consumption (Class "A" retail sales) shall require any and all employees involved in the transaction of retail beer sales to obtain a Beer Handler's Permit from the Utah County Health Department. All employees of a licensee involved in the transaction of retail beer sales will be required to possess and wear a Beer Handler's Permit while on duty. This permit shall be worn in a conspicuous place that is clearly visible to any person.
 2. New employees of a licensee shall obtain a Beer Handler's Permit within thirty (30) days of hire. During this thirty (30) day period, the employee may sell alcoholic beverages in accordance with the State Alcoholic Beverage Control Act, the regulations of the Alcoholic Beverage Control Commission, and the provisions of this Chapter.
 3. The licensee is required to inform the Utah County Health Department of any employee possessing a Beer Handler's Permit whose employment is terminated for conduct that would be punishable under the statutes or ordinances regulating alcoholic beverages. Licensees shall permit law enforcement officers and Utah County Health Department employees to conduct random Beer Handler's Permit compliance checks on licensee's premises.
 4. To obtain a Beer Handler's Permit, applicants must:
 - a. Fill out a Beer Handler's Permit application form available from the Utah County Health Department.
 - b. Produce acceptable photo identification showing the identity of the applicant.
 - c. Attend a Beer Handler's Permit training session administered by, or approved by, the Utah County Health Department.
 - d. Pass the Beer Handler's Permit test given by the Utah County Health Department.
 5. If the regulations of condition paragraph A,4 above are satisfied, the Utah County Health Department shall issue the applicant a Beer Handler's

Permit photo identification card. This permit must be possessed and conspicuously worn by the applicant while on duty so that the permit is clearly visible to any person.

6. The Utah County Health Department shall not grant a Beer Handler's Permit to any individual who has had a felony conviction within three (3) years, or a misdemeanor conviction involving alcohol or controlled substances within one (1) year.

B. Penalties For Violation Of Beer Handler's Permit.

1. If the holder of a Beer Handler's Permit fails to satisfy the provisions of this Title, the holder shall be subject to the following violations:
 - a. A violation of this Title or of any law involving the sale of an alcoholic beverage is a class C misdemeanor and is subject, upon conviction, to the penalties as provided by law, together with the following permit suspension provisions:
 - (1) 1st Violation – Automatic suspension of the employee's Beer Handler's Permit for a period of one (1) year.
 - (2) 2nd Violation – Automatic suspension of the employee's Beer Handler's Permit for an additional period of one (1) year.
 - (3) Any Subsequent Violation – Automatic suspension of the employee's Beer Handler's Permit for a period of three (3) years.
 - b. The licensee shall report any known violation involving the sale of an alcoholic beverage to the Utah County Health Department within thirty (30) days.
 - c. Any violation of these provisions by a licensee or any employee of the licensee shall subject the licensee to the following penalties:
 - (1) The first violation shall result in a warning.
 - (2) A second violation within twenty-four (24) months of a prior violation will result in a civil fine of two hundred fifty (250) dollars.
 - (3) A third violation within twenty-four (24) months will result in a civil fine of five hundred (500) dollars and the licensee shall have its license to sell beer suspended for a period of three (3) consecutive days, on a Thursday through Saturday.
 - (4) A fourth violation within twenty-four (24) months will result

in a civil fine of five hundred (500) dollars and the licensee shall have its license to sell beer suspended for a period of thirty (30) consecutive days. Additionally, the licensee shall be placed on probation for a period of one (1) year. Any violation by the licensee or any employee of the licensee during the period of probation shall result in the revocation of the licensee's license to sell beer. The licensee shall not be eligible to reapply for a new license for at least six (6) months from the date of revocation.

2. Failure to pay any fine imposed for a violation within thirty (30) days of the imposition of such fine shall be grounds for revocation of the licensee's license to sell beer.

C. Appeal Procedures.

1. The licensee shall have the right to request a hearing by the City Council to contest the existence of any violation of this Section or the imposition of any penalty under this Section. A written request for a hearing must be filed by the licensee with the Business License Coordinator and with the City Attorney within fifteen (15) days of the date of mailing of the City's notice of violation to the licensee. The request for a hearing shall include the licensee's name, address, telephone number, and a statement of the licensee's basis for disputing the existence of a violation or the imposition of a penalty. A timely request for a hearing shall stay the imposition of any penalty until the hearing is decided. The City's finding of a violation shall be considered final if the licensee fails to request a hearing within the time period set forth above.
2. The Business License Coordinator shall notify the licensee in writing of the date and time for the hearing. Hearings before the City Council shall be conducted informally. Formal rules of evidence and court procedure shall not apply. The hearings are administrative in nature, and hearsay is admissible, but the evidence must have some probative weight and reliability to be considered. The licensee shall be given an opportunity to be heard at the hearing, shall have the right to be represented by counsel, and may call witnesses. The City Council shall consider all of the evidence and shall take any action they deem appropriate as it relates to the licensee. The City Council's decision shall be made orally at the end of the hearing or in writing within ten (10) business days following the hearing. The decision of the City Council is the final administrative function of the City and any further appeal shall be filed in a Court of competent jurisdiction.
3. In addition to the revocation these procedures, revocation of a beer license may occur for violation of this Title, any of the provisions of the

Alcoholic Beverage Control Act, or the loss of a State issued license or permit.

3.12 Tobacco, Electronic Cigarette, And Nicotine Product Retail Licenses And Regulations

3.12.010 Statutory Authority And Definitions

3.12.020 License Required

3.12.030 Retail Tobacco Categories

3.12.040 Duties

3.12.050 Restrictions

3.12.010 Statutory Authority And Definitions

The provisions of the Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit, as cited in Utah Code 10.8, 26.57 and 26.62 and this Chapter shall govern the selling and dispensing of Tobacco, Electronic Cigarette, and Nicotine Product within Payson City. The words and phrases used in this Chapter shall be consistent with the meanings specified in the Utah Code 10.8, 26.57 and 26.62 and are adopted and incorporated by reference unless a different meaning is clearly evident.

3.12.020 License Required

It shall be unlawful for any person to sell, offer to sell, or provide to the public any type of tobacco, electronic cigarette, and/or nicotine product without first obtaining the appropriate license from Payson City, the State of Utah and the local health department, where applicable. All licensees shall comply with the Electronic Cigarette and Nicotine Product Regulation Act, as cited in Utah Code 10.8, 26.57 and 26.62.

A tobacco license shall be obtained in addition to the business license required pursuant to PCC 3.04. Each applicant for a license in accordance with this Chapter shall submit a complete application form together with the payment of all applicable fees in accordance with PCC 3.04.060.

3.12.030 Retail Tobacco Categories

- A. Retail tobacco specialty business as defined in Utah Code 10.8.41.6.1.h.
- B. General retail tobacco business as defined in Utah Code 26.62.102.5.

3.12.040 Duties

Each person or entity granted a license in accordance with the provisions of this Chapter shall comply with all provisions of the Electronic Cigarette and Nicotine Product Regulation Act.

3.12.050 Restrictions

- A. Retail tobacco specialty businesses allowed within Payson City is one (1) business per every 20,000 residents, as per the current census data and in accordance to the provisions in Utah Code 10.8.1.6.a.ii.
- B. The location of any business that chooses to obtain a tobacco, electronic cigarette, and/or nicotine product retail permit shall satisfy the distance and location requirements of Utah Code 10.8.

3.16 Sexually Oriented Businesses

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3.16.010 Purpose Of Provisions

It is the purpose and object of this Chapter to establish reasonable and uniform regulations governing the time, place, and manner for the operation of sexually oriented businesses and their employees in Payson City. This Chapter shall be construed to protect the governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions.

3.16.020 Application Of Provisions

This Chapter imposes regulatory standards and license requirements on certain business activities, which are characterized as sexually oriented businesses, and certain employees of those businesses characterized as sexually oriented business

employees. Except where the context or specific provisions require, this Chapter does not supersede or nullify any other related City ordinances.

3.16.030 Definitions: Sexually Oriented Businesses

Because the definitions of sexual oriented businesses are unique and apply specifically to this Chapter, for the purpose of this Chapter the following words shall have the following meanings:

ADULT BOOKSTORE OR ADULT VIDEO STORE. A commercial establishment which, as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter; or photographs, films, motion pictures, video cassettes, or video reproductions slides, or other visual representations, the central theme of which depicts or describes “specified sexual activities” or “specified anatomical areas”, or instruments, devices, or paraphernalia which are designated for use in connection with “specified sexual activities”, except for legitimate medically recognized contraceptives.

ADULT BUSINESS. An adult motion picture theater, adult bookstore, or adult video store.

ADULT MOTION PICTURE THEATER. A commercial establishment which, as its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas.”

ADULT THEATER. A theater, concert hall, auditorium, or similar commercial establishment which, as its principal business, features persons who appear in live performances in a state of semi-nudity or which are characterized by the exposure of “specified sexual activities” or by “specified anatomical areas.”

EMPLOY. Hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.

ESCORT. Any 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. 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 whose relationship with their patron is characterized by a bona fide contractual relationship. 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.

ESCORT SERVICE. An individual or entity that, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

ESCORT SERVICE RUNNER. Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort, or patron by contacting or meeting with escort services, escorts, or patrons at any location within the city, whether or not such third person is employed by the escort service, escort, patron, or by another business, or is an independent contractor or self-employed.

NUDITY. A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

OPERATOR. The manager or other person principally in charge of a sexually-oriented business.

OUTCALL SERVICES. Services performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including but not limited to escorts, models, dancers and other similar employees.

PATRON. Any person who contracts with or employs any escort services or escort or the customer of any business licensed pursuant to this Chapter.

PECUNIARY COMPENSATION. Any commission, fee, salary tip, gratuity, hire, profit, reward, or any other form of consideration.

PERSON. Any person, unincorporated association, corporation, partnership, or other legal entity.

SEMI-NUDE. A state of dress in which opaque clothing covers no more than the areola of the female breast; and the male or female genitals, pubic region, and anus shall be fully covered by an opaque covering no narrower than four inches wide in the front and five inches wide in the back, which shall not taper to less than one inch wide at the narrowest point.

SEMI-NUDE DANCING AGENCY. Any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, or offers to furnish, books, or otherwise engages the service of a professional dancer licensed pursuant to this Chapter for performance or appearance at a business licensed for adult theaters.

SEMI-NUDE ENTERTAINMENT BUSINESS, INCLUDING ADULT THEATER. Where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.

SEXUALLY ORIENTED BUSINESS. Semi-nude entertainment businesses, sexually oriented outcall services, adult businesses, escort services, and semi-nude dancing agencies, as defined by this Chapter.

SEXUALLY ORIENTED BUSINESS EMPLOYEES. Employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, persons making outcall meetings, dancers, escorts, models, guards, escort runners, drivers, chauffeurs, and other similar employees, whether or not hired as employees, agents, or as independent contractors. Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers, cooks, serving persons, and similar employees, except where they may be managers or supervisors of the business.

SPECIFIED ANATOMICAL AREAS. The human male or female pubic area or anus with less than a full opaque covering, male genitals in a discernibly turgid state (even if completely and opaquely covered), or the human female breast below a point immediately above the top of the areola, with less than full opaque covering.

SPECIFIED SEXUAL ACTIVITIES.

A. Acts of:

1. Masturbation
2. Human sexual intercourse
3. Sexual copulation between a person and a beast
4. Fellatio
5. Cunnilingus
6. Bestiality
7. Pederasty
8. Buggery
9. Any anal copulation between a human male and another human male, human female, or beast

B. Manipulating, caressing or fondling by any person of:

1. The genitals of a human
2. The pubic area of a human
3. The breast or breasts of a human female

C. Flagellation or torture by or upon a person clad in undergarments, a mask or

bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

3.16.040 Obscenity And Lewdness - Statutory Provisions

Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable Federal or State statutes prohibiting obscenity. Furthermore, nothing in this Chapter shall be deemed to permit or allow conduct, or the showing or display of any matter which is contrary to the provisions of Utah Code §§ 76-9-702 or 76-9-703. For the purpose of sexually oriented businesses the definition of “private parts” in the Utah Code Annotated shall be construed to mean “nudity” as defined in this Chapter.

3.16.050 Location And Zoning Restrictions

It is unlawful for any sexually oriented business to conduct business at any location within Payson City not zoned to allow such business.

3.16.060 Business License Required

It is unlawful for any person to operate a sexually oriented business, as specified herein, without first obtaining a business license to operate as a sexually oriented business in accordance with this Chapter and PCC 3.04. Furthermore, it is unlawful for any business premises to operate or be licensed for more than one category of sexually-oriented business, except that a business may have a license for both outcall services and a semi-nude dancing agency on the same premises.

3.16.070 Exemptions From License Requirements

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State for activities in the classroom.

3.16.080 Legitimate Artistic Modeling

The City does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment of the United States Constitution or similar State protections. The City intends to prohibit prostitution and related offenses occurring under the guise of nude modeling. A licensed outcall employee may appear in a state of nudity before a customer or patron, providing that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least twenty-four hours before the nude appearance. All of the other applicable provisions of this Chapter shall still apply to nude appearances.

In the event of a contract for nude modeling or appearance signed more than forty-eight hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this Chapter. During such unlicensed nude appearance, it is unlawful to:

- A. Appear nude or semi-nude in the presence of persons under the age of eighteen.
- B. Allow, offer, or agree to any touching of the contracting party or other person by the individual appearing nude.
- C. Allow, offer, or agree to commit prostitution, solicitation of prostitution solicitation of a minor, or committing activities harmful to a minor.
- D. Allow, offer, commit or agree to any sex act as defined by City ordinances or State statute.
- E. Allow, offer, agree, or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude.
- F. Allow, offer or agree for the individual appearing nude to be within five (5) feet of any other person while performing or while nude or semi-nude.

3.16.090 Employee Licenses

It is unlawful for any sexually oriented business to employ or for any individual to be employed by a sexually oriented business in the capacity of a sexually oriented business employee, unless that employee first obtains a sexually oriented business employee license.

3.16.100 Application Information

Before any applicant may be licensed to operate a sexually oriented business or as a sexually oriented business employee pursuant to this Chapter the applicant shall comply with the provisions of PCC 3.04 and in addition, shall comply with the following:

- A. The application for all applicants or individuals must include:
 - 1. Any other names or aliases used by the individual.
 - 2. The age, date, and place of birth of the employee(s).
 - 3. Height, weight, color of hair, and color of eyes.
 - 4. Present business address and telephone number.
 - 5. Present residence and telephone number.
 - 6. Utah driver's license or identification number.
 - 7. Social security number.

8. Acceptable written proof that any individual is at least eighteen years of age.
- B. Two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Police Department shall accompany the application for a business license. For persons not residing in Payson City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.
 - C. Any individual applicant required to obtain a sexually oriented business employee license as an escort or a semi-nude entertainer, shall provide a certificate from the Utah County Health Department stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases.
 - D. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether the applicant previously operated or is seeking to operate, in this or any other county, city, or state has ever had a license, permit, or authorization to conduct business denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, the applicant shall state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application.
 - E. The applicant shall include all criminal convictions or pleas of no contest, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or other entity subject to disclosure under this Chapter, for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of no contest, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually oriented business or employee license shall constitute a waiver of disclosure of any criminal conviction or pleas of no contest for the purpose of any proceeding involving the business or employee license.
 - F. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of interest in the property specifically acknowledging the type of business for which the applicant seeks a license. In addition to furnishing such notarized statement, the applicant shall furnish the name, address, and phone number of

the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.

- G. The applicant shall provide a description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, and any rules, regulations, or employment guidelines under or by which the business intends to operate. This description shall also include:
1. The hours that the business or service will be open to the public, and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity.
 2. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities.
 3. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances.
 4. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

3.16.110 Premises Location And Name

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 such business shall require a separate license. A sexually oriented business shall not conduct business in Payson City under any name other than the business name specified in the application.

3.16.120 Conditions Of Issuance

The Business License Coordinator shall act upon the application for a business license regulated by this Chapter within thirty (30) days after receipt of a completed application, unless the provisions of PCC 3.04 have not been satisfied and/or any one of the following:

- A. The applicant is under eighteen years of age.
- B. The applicant is overdue in payment of any federal, state, county or city taxes, fees, fines, or penalties assessed against the applicant or imposed on the applicant in relation to a sexually oriented business.
- C. The premises to be used for the business has been disapproved by the Utah

County Health Department, the Fire Department, the Police Department, the Building Official, or the zoning officials as not being in compliance with applicable laws and ordinances of Payson City. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain from the Business License Coordinator an extension of time of no more than fifteen (15) days for their review. If an extension is granted, the City shall issue a temporary license rendering completion of the City's review. The total time for the City to approve or deny a business license shall not exceed forty-five (45) days from the receipt of a completed application and payment of all fees. Businesses located outside of the corporate boundaries of the City, but requiring a license under this Chapter, may be denied a license pursuant to this Chapter if the business does not have a valid business license to conduct business at a different location from the appropriate jurisdiction for that location.

- D. The required business license fees have not been paid.
- E. All applicable sales and use taxes have not been paid.
- F. An applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in statutes or ordinances from any jurisdiction.

3.16.130 Advertising

It is unlawful for any advertisement by the sexually oriented business or employee, to fail to state that the business or employee is licensed by the City, and shall include the City license number.

3.16.140 Regulations And Unlawful Activities

It is unlawful for any sexually oriented business or sexually oriented business employee(s) to:

- A. Allow minors in excluded areas.
- B. Allow, offer, or agree to conduct any outcall business with persons under the age of eighteen years.
- C. Allow, offer, or agree to allow any alcohol to be stored, used, sold or consumed on or in the licensed premises.
- D. Allow the outside door to the premises to be locked while any customer is in the premises.
- E. Allow, offer, or agree to gambling on the licensed premises.
- F. Allow, offer, or agree to any sexually oriented business employee touching or being touched by any patron or customer including the placement of any money

or object on the performer or within the costume of the performer.

- G. Touching of specified anatomical areas, whether clothed or unclothed, is prohibited.
- H. Allow, offer, or agree to illegal possession, use, sale, or distribution of controlled substances on the licensed premises.
 - I. Allow sexually oriented business employees to possess, use, sell, or distribute controlled substances while engaging in the activities of the business.
 - J. Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering, or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor.
- K. Allow, offer, commit, or agree to any specified sexual activity as validly defined by City ordinance or State statute in the presence of any customer or patron.
- L. Allow, offer, or agree to any outcall employee appearing before any customer or patron in a state of nudity.
- M. Allow, offer, or agree to allow a patron or customer, or employee to masturbate in the presence of the sexually oriented business employee or on the premises of a sexually oriented business.
- N. Allow, offer, or agree to commit an act of lewdness as defined in this Title.
- O. Place anything within the costume, or adjust or move the costume while performing, so as to render the performer in a state of nudity.

3.16.150 Outcall Services

It is unlawful for any business or employee providing outcall services contracted for in Payson City to fail to comply with the following requirements:

- A. All businesses licensed to provide outcall services pursuant to this Chapter shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services will be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this Section for a period not less than one (1) year from the date of provision of services. 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.

- B. All outcall businesses licensed pursuant to this Chapter shall maintain an open office or telephone at which the licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall businesses which premises are licensed within the City, private rooms or booths where the patrons may meet with the outcall employee shall not be provided on the premises, nor shall patrons meet outcall employees at the business premises.
- C. Outcall services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.
- D. All employees of outcall services who provide outcall services within Payson City shall be licensed in accordance with this Chapter, regardless of the primary location of the business.

3.16.160 Design Of Adult Business Premises

In addition to the general requirements of disclosure for a sexually oriented business, any applicant for a business license as an adult business shall also submit a diagram, drawn to scale, of the premises. The design and construction, prior to granting a business license or conducting business, shall conform to the following:

- A. 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 to which any patron is permitted access for any purpose, excluding restrooms.
- B. Restrooms may not contain any video reproduction equipment or any business merchandise. Signs shall be posted requiring only one person being allowed in the restroom per stall, and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.
- C. For businesses which exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.
- D. The diagram required shall not necessarily be a professional engineer's or architect's blueprint. However, the diagram must show marked internal dimensions, all overhead lighting fixtures, and ratings for illumination capacity. The premises shall at all times be equipped and operated 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 (5) candle foot measured at floor level.

3.16.170 Design Of Semi-Nude Entertainment Premises

It is unlawful for business premises licensed for semi-nude entertainment to:

- A. Permit a bed, sofa, mattress, or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance.
- B. Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors, and restroom doors to be lockable from the inside.
- C. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

Adult theaters shall require that the performance areas shall be separated from the patrons by a minimum of three feet, which separation shall be delineated by a physical barrier at least three (3) feet high.

3.16.180 Location Restrictions

It is unlawful for any business licensed for semi-nude entertainment to be located within one thousand (1,000) feet of a business licensed for the sale or consumption of alcohol.

3.16.190 Semi-Nude Dancing Agencies

It is unlawful for any individual or entity to furnish, schedule, or otherwise engage or permit any person to perform as a professional dancer, model, or performer in a state of semi-nudity or nudity, either gratuitously or for pecuniary compensation unless such person or agency is licensed pursuant to this Chapter.

3.16.200 Defenses To Prosecution

It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in a modeling class operated by a proprietary school licensed by the State, or a college, junior college, or university supported entirely or partly by taxation or 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.

3.16.210 Compliance Time Limits For Existing Businesses

The provisions of this Chapter shall be applicable to all persons and businesses

described herein, whether the described activities were established before or after the effective date of the provisions in this Chapter and regardless of whether such persons and businesses are currently licensed to conduct business in the City.

3.20 Regulations Of Specific Businesses

3.20.010 Community Events

3.20.020 Home Occupations

3.20.030 Automatic Teller Machines (ATM's)

3.20.010 Community Events

Community events are allowed only if they are related to a particular cultural, traditional, or community activity or event for a period not to exceed thirty (30) calendar days. In making a determination to approve the event, the Business License Coordinator shall consider the following criteria:

- A. The nature, location, and manner of operation of the activity or event shall not constitute a health or safety hazard to the public.
- B. The goods or services displayed are customarily and traditionally related to a widely celebrated or observed activity, event, or holiday.
- C. The activity or event is consistent with other uses permitted in the zoning district.
- D. The use does not interfere with pedestrian facilities, fire lanes, driveways, or traffic visibility.
- E. Parking on the property is adequate to serve any existing permanent businesses and/or community event use.
- F. The community event possesses a valid Payson City business license.

The sponsor of the community event must submit to the Business License Coordinator, at least fifteen (15) days prior to an event, the following information:

- A. A list of all participants, including their names and addresses.
- B. Location of the event.
- C. Dates of commencement and termination of the event.
- D. Temporary sales tax numbers.

If the sponsor desires to add additional participants after the above information has been submitted to the Business License Coordinator, the sponsor must notify the Business License Coordinator and update the list of participants.

3.20.020 Home Occupations

Each applicant for a home occupation shall satisfy the application requirements of PCC 3.04 herein and all applicable regulations of PCC 13, Zoning Ordinance. Prior to the issuance of a business license for a home occupation, the Business License Coordinator shall review the regulations of the Zoning Ordinance to ensure that the proposed use is allowed and that all requirements of the zone have been satisfied. If there is a conflict between this Title and PCC 13, Zoning Ordinance, shall take precedent.

Notwithstanding any other provision of this Chapter or any other ordinance of Payson City, any home occupation which becomes non-conforming upon the adoption of this Chapter shall not be renewed when discontinued for any period of time by the present licensee. Home Occupation licenses shall not be transferred from one person to another or from one location to another.

The home occupation shall satisfy all other requirement procedures such as payment of fees, late penalties, renewal, revocation, denial, and suspension of license.

3.20.030 Automatic Teller Machines (ATM's)

An automated teller machine (ATM) is an electronic banking outlet that allows customers to complete basic transactions without the aid of a branch representative or teller.

All ATMs within Payson city must located on the same lot and be within 50 feet of the primary financial institution, unless the ATM is contained within another licensed commercial business or is of a temporary nature for an approved city event.

3.24 Secondhand, Junk, Antique Dealers

[3.24.010 Business License And Bond Required](#)

[3.24.020 Display Of Merchandise](#)

[3.24.030 Record Keeping Requirements](#)

[3.24.040 Garage Sale Limitations](#)

[3.24.050 Furnishing Of False Information](#)

[3.24.060 Licensee Liable For Acts Of Employees](#)

3.24.010 Business License And Bond Required

It is unlawful for any person to operate a secondhand, junk or antique dealer business in Payson City, without first obtaining a business license in accordance with the provisions of this Chapter and PCC 3.04. Furthermore, before any business license is issued to a secondhand, junk or antique dealer in accordance with the provisions of this Title, the applicant for the business license shall execute and deliver to Payson City a bond in the amount of five thousand (5,000) dollars issued by a corporate surety authorized to do business in the State of Utah to be held for the duration of the operation of the business in Payson City.

3.24.020 Display Of Merchandise

All merchandise held for sell by a secondhand, junk or antique dealer will be displayed in a structure approved by Payson City. Temporary sales locations, outdoor displays and other short-term business activities are not allowed in accordance with this Section.

3.24.030 Record Keeping Requirements

The holder of a business license issued for a use regulated by this Chapter shall keep a substantial record of the time and date of receiving any goods and an accurate description of all articles received. The records shall be maintained for a period of two (2) years from the date of the transaction.

All entries shall be made in a legible manner. The Police Department shall also be permitted to have access, during business hours, to all areas of the premises for inspection of the premises and records or any other information regarding a transaction that the police department may require.

3.24.040 Garage Sale Limitations

Garage sales shall not be used to generate regular income for a property owner. For instance, a regularly scheduled sale that would amount to a swap meet is not allowed. Therefore, it is unlawful for any person to hold or participate as a seller in more than five (5) sales of personal property at a private residence during a calendar year, or in any sale exceeding seven (7) consecutive days in length. A business license is not required for a garage sale.

3.24.050 Furnishing Of False Information

It is unlawful for any person to willfully give the licensee or the licensee's employee(s) false or misleading information, which the licensee is required by this Chapter to obtain from such person. Likewise, it is unlawful for any licensee or an employee(s) of the licensee to document false information.

A licensee or employee(s) shall not knowingly accept any item that has had the manufacturer's serial number or an owner's personal identification mark altered, defaced mutilated or removed.

3.24.060 Licensee Liable For Acts Of Employees

The holder of a license issued in accordance with this Chapter is strictly liable for any and all acts of their employees for any violation by them of any provisions of this Chapter.

3.28 Residential Solicitation

[3.28.010 Purpose](#)

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[3.28.160 Deceptive Soliciting Practices Prohibited](#)
[3.28.170 "No Solicitation" Notice](#)
[3.28.180 Duties Of Solicitors](#)
[3.28.190 Time Of Day Restrictions](#)
[3.28.200 Buyer's Right To Cancel](#)
[3.28.210 Penalties](#)

3.28.010 Purpose

Residents of the City have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

There must be a balance between these substantial interests of the City and its citizens, and the effect of the regulations in this Chapter on the rights of those who are regulated. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door-to-door solicitation, the experience of its law enforcement officers and those affected by door-to-door canvassing and solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door-to-door solicitation, the City adopts this Chapter to promote the City's substantial interests in:

- A. Respecting citizen's decisions regarding privacy in their residences;
- B. Protecting persons from criminal conduct;

- C. Providing equal opportunity to Advocate for and against religious belief, political position, or charitable activities; and
- D. Permitting truthful and non-misleading door-to-door solicitation regarding lawful goods or services in intrastate or interstate commerce.

The City finds that the procedures, rules and regulations set forth in this Chapter are narrowly tailored to preserve and protect the City interests referred to herein while at the same time balancing the rights of those regulated.

3.28.020 No Other City License Or Approval Required

- A. Registered Solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the City to engage in door-to-door solicitation.
- B. Any business licensed by the City under another City ordinance that uses employees, independent contractors, or agents for door-to-door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a certificate, unless otherwise exempt from registration.
- C. Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.
- D. Nothing herein is intended to interfere with or supplant any other requirement of federal, state or other local government law regarding any license, permit or certificate that a registered solicitor is otherwise required to have or maintain.

3.28.030 Definitions: Residential Solicitation

For the purposes of this Chapter, the following definitions shall apply:

ADVOCATING. Speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

APPEALS OFFICER. The City Council or designee of the City responsible for receiving the information from the City and appellant regarding the denial or suspension of a certificate and issuing a decision as required by this Chapter.

APPELLANT. The person or entity appealing the denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of the applicant or registered solicitor.

APPLICANT. An individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a

certificate permitting door-to-door solicitation.

APPLICATION FORM. A standardized form provided by the City to an applicant to be completed and submitted as part of registration.

B.C.I. An original or copy, dated no older than 180 days prior to the date of the application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

BUSINESS. A commercial enterprise licensed by the City as a person or entity under this Title, having a fixed or temporary physical location within the City.

CERTIFICATE. A temporary, annual, or renewal certificate permitting door-to-door solicitation in the City applied for or issued pursuant to the terms of this Chapter.

CHARITABLE ACTIVITIES. Advocating by persons or entities that either are, or support, a charitable organization.

CHARITABLE ORGANIZATION. Includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:

A. That is:

1. A benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;
2. For the benefit of a public safety, law enforcement, or firefighter fraternal association; or
3. Established for any charitable purpose; and

B. That is tax exempt under applicable provisions of the Internal Revenue Code of 1986 as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

C. Charitable organization includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the City or State of Utah.

COMPETENT INDIVIDUAL. A person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

COMPLETED APPLICATION. A fully completed application form, a B.C.I, two copies of

the original identification relied on by the Applicant to establish proof of identity, and the tendering of fees.

CRIMINALLY CONVICTED. The final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

DISQUALIFYING STATUS. Anything specifically defined in this Chapter as requiring the denial or suspension of a certificate, and any of the following:

- A. The applicant or registered solicitor has been criminally convicted of:
 - 1. Felony homicide;
 - 2. Physically abusing, sexually abusing, or exploiting a minor;
 - 3. The sale or distribution of controlled substances; or
 - 4. Sexual assault of any kind.

- B. Criminal charges currently pending against the applicant or registered solicitor for:
 - 1. Felony homicide;
 - 2. Physically abusing, sexually abusing, or exploiting a minor;
 - 3. The sale or distribution of controlled substances; or
 - 4. Sexual assault of any kind.

- C. The applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years.

- D. The applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years.

- E. The applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of: (i) moral turpitude, or (ii) violent or aggravated conduct involving persons or property.

- F. A final civil judgment been entered against the applicant or registered solicitor within the last five (5) years indicating that: (i) the applicant or registered solicitor had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant or registered solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. 523(a)(2), (a)(4), (a)(6), or (a)(19).

- G. The applicant or registered solicitor currently on parole or probation to any court,

penal institution, or governmental entity, including being under house arrest or subject to a tracking device.

- H. The applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction.
- I. The applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

DOOR TO DOOR SOLICITATION. The practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or attempting to further the sale of goods and or services.

ENTITY. Includes a corporation, partnership, limited liability company, or other lawful entity, organization, society or association.

FEES. The cost charged to the applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the Certificate and//or Identification Badge.

FINAL CIVIL JUDGEMENT. A civil judgment that would be recognized under state law as a judgment to which collateral estoppel would apply.

GOODS. One or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

HOME SOLICITATION SALE. To make or attempt to make a Sale of Goods or Services by a Solicitor at a residence by means of door-to-door solicitation, regardless of:

- A. The means of payment or consideration used for the purchase;
- B. The time of delivery of the goods or services; or
- C. The previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

LICENSING OFFICER. The City employee(s) or agent(s) responsible for receiving from an applicant or registered solicitor the completed application and either granting, suspending, or denying the applicant's certificate.

NO SOLICITATION SIGN. A reasonably visible and legible sign that states "No Soliciting," "No Solicitors," "No Salespersons," "No Trespassing," or words of similar import.

POLITICAL POSITION. Any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

REGISTERED SOLICITOR. Any person who has been issued a current certificate by the City.

REGISTRATION. The process used by the City Licensing Officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.

RELIGIOUS BELIEF. Any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

RESIDENCE. Any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the City, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, a public street, or public rights-of-way.

RESPONSIBLE PERSON OR ENTITY. Person or entity responsible to provide the following to an applicant, registered solicitor, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

- A. Maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
- B. Facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and
- C. Refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

SALE OF GOODS OR SERVICES. The conduct and agreement of a solicitor and the competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three days under any applicable federal, state, or local law.

SERVICES. Those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

SOLICITING OR SOLICIT OR SOLICITATION. Any of the following activities:

Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;

- A. Seeking to obtain prospective customers to apply for or to purchase insurance,

subscriptions to publications, or publications;

- B. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
- C. Seeking to obtain orders or prospective customers for goods or services;
- D. Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale.
- E. Other activities falling within the commonly accepted definition of “soliciting,” such as hawking or peddling.

SOLICITOR OR SOLICITORS. A person(s) engaged in door-to-door solicitation.

SUBMITTED IN WRITING. The information for an appeal of a denial or suspension of a Certificate, submitted in any type of written statement to the City offices by certified, registered, priority, overnight or delivery confirmation mail, or hand delivery.

SUBSTANTIATED REPORT. An oral, written, or electronic report:

- A. That is submitted to and documented by the City;
- B. Submission by any of the following:
 - 1. A competent individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;
 - 2. City law enforcement or Licensing Officer; or
 - 3. Any other regularly established law enforcement agency at any level of government;
- C. That provides any of the following information regarding a registered solicitor:
 - 1. Documented verification of a previously undisclosed disqualifying status of a registered solicitor;
 - 2. Probable cause that the registered solicitor has committed a disqualifying status which has not yet been determined to be a disqualifying status;
 - 3. Documented, eye-witness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this Chapter; or
 - 4. Probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City.

WAIVER. The written form provided to Applicant by the City wherein Applicant agrees that the City may obtain a name/date of birth BCI background check on the Applicant for licensing purposes under this Chapter, and which contains Applicant's notarized signature.

3.28.040 Exemptions From Chapter

The following are exempt from registration under this Chapter:

- A. Persons specifically invited to a residence by a competent individual prior to the time of the person's arrival at the Residence.
- B. Persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual.
- C. Persons advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase.
- D. Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved in writing by the school administration, and that such student Solicitors carry current picture student identification from the educational institution for which they are soliciting.

Those persons exempt from registration are not exempt from the duties and prohibitions outlined in PCC 3.28.170, PCC 3.28.180 and PCC 3.28.190 while advocating or soliciting.

3.28.050 Solicitation Prohibited

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a private residence within the City by solicitors, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this Chapter.

3.28.060 Registration Of Solicitors

Unless otherwise exempt under this Chapter, all persons desiring to engage in door-to-door solicitation within the City, prior to doing so, shall submit a completed application to the Licensing Officer and obtain a certificate.

3.28.070 Application Form

The Licensing Officer shall provide a standard application form for use for the registration of solicitors. Upon a request to the Licensing Officer, or as otherwise provided herein, any person or entity may obtain in person, or by mail, a copy of an application form. Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

A. **Review Of Written Disclosures.** An affirmation that the applicant has received and reviewed the disclosure information required by this Chapter.

B. **Contact Information.**

1. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
2. Applicant's telephone number, home address and mailing address, if different;
3. If different from the applicant, the name, address, and telephone number of the responsible person or entity; and
4. The address by which all notices to the applicant required under this Chapter are to be sent.

C. **Proof Of Identity.** An in-person verification by the Licensing Officer of the applicant's true identity by use of any of the following which bear a photograph of said applicant:

1. A valid driver's license issued by any State;
2. A valid passport issued by the United States;
3. A valid identification card issued by any State; or
4. A valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant.

D. **Proof Of Registration With Department of Commerce.** The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah State Department of Commerce;

E. **Special Events Sales Tax Number.** The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity for which the applicant will be soliciting;

F. **Marketing Information.**

1. The goods or services offered by the applicant, including any commonly known, registered or trademarked names.
2. Whether the applicant holds any other licenses, permits, registrations, or

other qualifications required by federal or state law to promote, provide, or render advice regarding the offered Goods or Services.

G. BCI Background Check. The Applicant shall provide:

1. An original or a copy of a BCI background check as defined in PCC 3.28.030; and
2. A signed copy of a waiver whereby applicant agrees to allow the City to obtain a name/date of birth BCI background check on applicant for purposes of enforcement of this Chapter.

H. Responses To Questions Regarding “Disqualifying Status.” The applicant shall be required to affirm or deny each of the following statements on the application form:

1. Has the Applicant been criminally convicted of:
 - a. Felony homicide;
 - b. Physically abusing, sexually abusing, or exploiting a minor’
 - c. The sale or distribution of controlled substances; or
 - d. Sexual assault of any kind.
2. Are any criminal charges currently pending against the Applicant for:
 - a. Felony homicide;
 - b. Physically abusing, sexually abusing, or exploiting a minor;
 - c. The sale or distribution of controlled substances; or
 - d. Sexual assault of any kind.
3. Has the Applicant been criminally convicted of a felony within the last ten (10) years;
4. Has the Applicant been incarcerated in a federal or state prison within the past five (5) years;
5. Has the Applicant been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
 - a. Moral turpitude or violent or aggravated conduct involving persons or property.
6. Has a final civil judgment been entered against the Applicant within the past five (5) years indicating that the Applicant had either engaged in fraud, or intentional misrepresentation, or that a debt of the Applicant was

non-dischargeable in bankruptcy pursuant to 11 U.S.C. 523(a)(2), (a)(4), (a)(6), or (a)(19);

7. If the Applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
8. Does the Applicant have an outstanding arrest warrant from any jurisdiction; or
9. Is the Applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

I. **Fee.** The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the certificate and/or identification badge.

J. **Execution Of Application.** The Applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful and accurate.

3.28.080 Written Disclosures

The application form shall be accompanied by written disclosures notifying the applicant of the following:

- A. The applicant's submission of the application authorizes the City to verify information submitted with the completed application including:
 1. The applicant's address;
 2. The applicant's and/or responsible person or entity's state tax identification and special use tax numbers, if any; and
 3. The validity of the applicant's proof of identity.
- B. The City may consult any publicly available sources for information on the applicant, including but not limited, to databases for any outstanding warrants, protective orders, or civil judgments.
- C. Establishing proof of identity is required before registration is allowed. Identification of the fee amount that must be submitted by applicant with a completed application.
- D. The applicant must submit a BCI background check with a completed application.
- E. To the extent permitted by State and/or Federal law, the applicant's BCI

background check shall remain a confidential, protected, private record not available for public inspection.

- F. The City will maintain copies of the applicant's application form, proof of identity, and identification badge. These copies will become public records available for inspection on demand at the City offices whether or not a certificate is denied, granted, or renewed.
- G. The criteria for disqualifying status, denial, or suspension of a certificate under the provisions of this Chapter.
- H. That a request for a temporary certificate will be granted or denied the same business day that a Completed Application is submitted.

3.28.090 When Registration Begins

The Licensing Officer shall not begin the registration process unless the Applicant has submitted a completed application. The original identification submitted to establish proof of identity shall be returned after the Licensing Officer verifies the Applicant's identity. A copy of the identification may be retained by the Licensing Officer. If an original B.C.I. background check is submitted by the Applicant, the Licensing Officer shall make a copy of the B.C.I. background check and return the original to the Applicant.

3.28.100 Issuance Of Certificates

The Licensing Officer shall review the completed application submitted by the applicant and issue a certificate in accordance with the following:

- A. **Temporary Certificate.** A temporary Certificate may be issued allowing the applicant to immediately begin door-to-door solicitation upon the following conditions:
 - 1. Applicant's submission of a completed application;
 - 2. Applicant's submission of the required fee;
 - 3. The provision of proof of identity;
 - 4. The applicant's representations on the application form do not affirmatively show a disqualifying status;
 - 5. The B.C.I. does not affirmatively show a disqualifying status; and
 - 6. The Applicant has not previously been denied a Certificate by the City, or had a Certificate revoked for grounds that still constitute a Disqualifying Status under this Chapter.
 - 7. A temporary certificate will automatically expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual

certificate, whichever period is shorter.

B. Annual Certificate. Within twenty-five (25) calendar days of the issuance of a temporary Certificate the City shall:

1. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to those disclosed with the application form.
2. Issue written notice to the applicant and the responsible person or entity, if any, that the applicant either will be issued an annual certificate, eligible for renewal at the end of the calendar year from the date of issuance of the temporary Certificate or will not be issued an annual certificate for reasons cited in PCC 3.28.140.

C. Renewal Certificate. An annual certificate shall be valid for one year from the date of issuance of the temporary certificate and shall expire at midnight on the anniversary date of issuance. Any annual certificate that is not suspended, revoked, or expired may be renewed upon the request of the registered solicitor and the submission of a new completed application and payment of the fee, unless any of the conditions for the denial, suspension or revocation of a certificate are present as set forth in PCC 3.28.140, or a disqualifying status is present.

3.28.110 Form Of Certificate And Identification Badge

A. Certificate Form. Should the Licensing Officer determine that the applicant is entitled to a certificate the Licensing Officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the License Officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the City.

B. Identification Badge. With both the temporary and annual certificates, the City shall issue each registered solicitor an identification badge that shall be worn prominently on his or her person while soliciting in the City. The identification badge shall bear the name of the City and shall contain: (a) the name of the registered solicitor; (b) address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity is provided; (c) a recent photograph of the registered solicitor; and (d) the date on which the certificate expires.

3.28.120 Maintenance Of Registry

The Licensing Officer shall maintain and make available for public inspection a copy or record of every completed application received and the certificate or written denial

issued by the City. The applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The Licensing Officer may furnish to the head of the City's law enforcement agency a listing of all applicants, those denied, and those issued a certificate.

3.28.130 Non-Transferability Of Certificates

Certificates shall be issued only in the name of the applicant and shall list the responsible party or entity, if any. The certificate shall be non-transferable. A registered solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different: (a) goods or services; or (b) responsible person or entity, from those designated in the originally submitted completed application, shall submit a written change request to the Licensing Officer. A new certificate based on the amended information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before the new certificate is given to the registered solicitor, the registered solicitor shall obtain a revised identification badge from the City, after payment of the fee for the identification badge.

3.28.140 Denial, Suspension Or Revocation Of A Certificate Of Registration

A. **Denial Of A Certificate.** Upon review, the Licensing Officer shall refuse to issue a Certificate to an Applicant for any of the following reasons:

1. Denial of Temporary Certificate.
 - a. The Application Form is not complete;
 - b. The applicant fails to (1) establish proof of identity, (2) provide a B.C.I. or (3) pay the fees;
 - c. The completed application or B.C.I. indicates that the applicant has a disqualifying status; or
 - d. The applicant has previously been denied a certificate by the City, or has had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.

B. Denial Of Annual Certificate.

1. The information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect;
2. Since the submission of the completed application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
3. Failure to complete payment of the fees;
4. Since the submission of the application, the City has received a substantiated report regarding the past or present conduct of the

applicant;

5. Since the submission of the application, the City or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a disqualifying status; or
6. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that: (i) the applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. 523(a)(2), (a)(4), (a)(6), or (a)(19).

C. Denial Of Annual Certificate Renewal.

1. The information submitted by the applicant when seeking renewal of a certificate is found to be incomplete or incorrect;
2. Since the submission of the renewal application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
3. Failure to complete payment of the fees;
4. Since the submission of the application or granting of a certificate, the city has received a substantiated report regarding the past or present conduct of the solicitor;
5. The City or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a disqualifying status; or
6. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that: (i) the applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. 523(a)(2), (a)(4), (a)(6), or (a)(19).

D. Suspension Or Revocation. The City shall either suspend or revoke a certificate when any of the reasons warranting the denial of a certificate occurs.

E. Notice Of Denial Or Suspension. Upon determination of the Licensing Officer to deny an applicant's completed application or to suspend a registered solicitor's certificate, the City shall cause written notice to be sent to the applicant or registered solicitor by the method indicated in the completed application. The notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by Applicant upon one (1) business day notice to the City, and the date upon which the denial or suspension of the certificate shall

take effect. It shall further state that the applicant or registered solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in PCC 4.28.030 definition Substantiated Report paragraph C,4, in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a certificate automatically results in its revocation.

3.28.150 Appeal

An applicant or registered solicitor whose certificate has been denied or suspended shall have the right to appeal to the City Council or its designee. Any appeal must be submitted by the applicant, the responsible person or entity, or legal counsel for either who: (a) documents the relationship with the applicant or responsible person or entity; or (b) is licensed or authorized by the State of Utah to do so, and makes the assertion of an agency relationship. The following procedures and requirements shall apply:

- A. Any appeal must be submitted in writing to the City Recorder with a copy to the License Officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.
- B. Upon request of the applicant or registered solicitor, within one business day, the City will make available any information upon which it relied in making the determination to either deny or suspend the certificate.
- C. The Appeals Officer shall review, de novo, all written information submitted by the applicant or registered solicitor to the Licensing Officer, any additional information relied upon by the Licensing Officer as the basis for denial, suspension or revocation, and any additional information supplied by the City, applicant or registered solicitor. Any additional information submitted by any party to the appeal to the Appeals Officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the Appeals Officer regarding the additional information submitted by the opposing party.
- D. The Appeals Officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in paragraph C, the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.
 1. The denial or suspension of the certificate shall be reversed by the Appeals Officer if upon review of the written appeal and information

submitted the Appeals Officer finds that the Licensing Officer made a material mistake of law or fact in denying or suspending the applicant or registered solicitor's certificate.

2. If the written appeal and information submitted indicates that the Licensing Officer properly denied or suspended the certificate of the applicant or registered solicitor, the denial or suspension of the certificate shall be affirmed and constitute a determination that the suspended certificate is revoked.
3. The decision of the Appeals Officer shall be delivered to the applicant or registered solicitor by the means designated in the completed application, or as otherwise agreed upon when the appeal was filed.

- E. After the ruling of the Appeals Officer, the applicant or solicitor is deemed to have exhausted all administrative remedies with the City.
- F. Nothing herein shall impede or interfere with the applicant's, solicitor's, or City's right to seek relief in a court of competent jurisdiction.

3.28.160 Deceptive Soliciting Practices Prohibited

- A. A solicitor shall not intentionally make any materially false or fraudulent statement in the course of soliciting.
- B. A solicitor shall immediately disclose to the consumer during face-to-face solicitation; (i) the name of the solicitor; (ii) the name and address of the entity with whom the solicitor is associated; and (iii) the purpose of the solicitor's contact with the person and/or competent individual. This requirement may be satisfied through the use of the badge and an informational flyer.
- C. A solicitor shall not use a fictitious name, an alias, or any name other than his or her true and correct name.
- D. A solicitor shall not represent directly or by implication that the granting of a certificate of registration implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.

3.28.170 "No Solicitation" Notice

- A. Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.
- B. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

- C. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.
- D. The provisions of this Section shall apply also to solicitors who are exempt from registration pursuant to the provisions of this Chapter.

3.28.180 Duties Of Solicitors

- A. Every person soliciting or advocating shall check each residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If such sign or placard is posted such solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a certificate of registration does not in any way relieve any solicitor of this duty.
- B. It is a violation of this Chapter for any person soliciting or advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating, a home solicitation sale, door-to-door soliciting, or soliciting.
- C. It is a violation of this Chapter for any solicitor through ruse, deception, or fraudulent concealment of a purpose to solicit, to take action calculated to secure an audience with an occupant at a residence.
- D. Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.
- E. The solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent;
- F. The solicitor shall not follow a person into a residence without their explicit consent;
- G. The solicitor shall not continue repeated soliciting after a person and/or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods or services of the solicitor;
- H. The solicitor shall not use obscene language or gestures.

3.28.190 Time Of Day Restrictions

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before 9:00 a.m. or after 9:00 p.m. Mountain Time, unless the solicitor has express prior permission from the resident to do so.

3.28.200 Buyer's Right To Cancel

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "buyer's right to cancel" shall be in the form required by the Utah Code § 70C-5-103 (1953 as amended), or a current version thereof or any State or Federal law modifying or amending such provision.

3.28.210 Penalties

Any person who violates any term or provision of this Chapter shall be guilty of a Class B Misdemeanor and shall be punished by a fine of not to exceed \$1,000.00 and/or a jail sentence of not to exceed six (6) months.

3.32 Itinerant Merchant Or Itinerant Vendor

[3.32.010 License Application](#)

[3.32.020 Classifications](#)

[3.32.030 Denial Of License](#)

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3.32.010 License Application

Itinerant merchants and itinerant vendors are allowed to conduct business in the commercial and industrial zoning districts of the city upon satisfaction of the regulations of this Title and the applicable sections of PCC 13, Zoning Ordinance. The applicant must submit an application in accordance with PCC 3.04 and obtain a business license for the business activities proposed. All business activities must be consistent with the uses identified in PCC 13, Zoning Ordinance or the uses listed in this Chapter. Furthermore, the temporary uses listed in PCC 13.24 of the Zoning Ordinance are subject to the provisions of this Title and the regulations of the Zoning Ordinance. In addition to the information required in PCC 3.04 and other applicable regulations, the following information is required:

- A. A detailed site plan that indicates the location of the business on the site, vehicular and pedestrian access to the business, the size of the display, the parking area available and any other information that will allow the Business License Coordinator to effectively process the application.
- B. The anticipated hours of operation and location for which the right to sell is desired.
- C. A statement of whether or not the applicant has been convicted of a felony,

misdemeanor or ordinance violation (other than traffic violations), the nature of the offense or violation, the penalty or punishment imposed, the date and place where such an offense occurred, and other pertinent details.

- D. A copy of the registration of the vehicle(s) being used in conducting the business for which the license is issued for, if applicable.
- E. A written statement giving permission to the applicant to use the owner's property for the business.

3.32.020 Classifications

Due to unique circumstances or characteristics of a specific itinerant business, the following specific regulations have been established to ensure that the business activity is conducted in a manner consistent with local, state and federal standards.

- A. **Auctions And Auctioneers.** In addition to compliance with all regulations of this Title, all auctions and auctioneers shall satisfy the following, unless the auction is held for charitable or benevolent purposes, any religious activity, the sale of household goods or effects by the owner thereof at the place of residence; or to the sale of live animals or poultry at any stockyards, stock show or fair.
 - 1. An auctioneer shall not sell or offer for sale at public auction any goods, wares or merchandise while describing the good, wares or merchandise with respect to character, quality, kind, or value or otherwise, to make any fraudulent, untruthful or unwarranted statements tending in any way to mislead bidders, or to substitute an article sold for another.
 - 2. An auctioneer, or other person concerned or interested in any auction sale, shall not conduct an auction sale in a manner or place that may cause people to gather in crowds upon the sidewalks or public streets of Payson City and obstruct the sidewalk or street. It is unlawful for any person to make or cause to be made any noisy announcements of an auction sale. It is unlawful for any person to employ any noise-making device to attract the attention of passersby.
- B. **Christmas Tree, Seasonal Fruit, Vegetable, Concession Carts And Flower Sales.** Prior to the issuance of a license, each applicant shall complete a business license application and pay the required fees as set by resolution of the City Council. The applicant shall ensure compliance with provisions of this Chapter, including, but not limited to, the removal of the goods to be sold and the cleaning of the site upon which the business was located. Any garbage produced by the business or patrons must be sealed in a waste container, that is animal proof. The waste must be properly disposed of off sight on a weekly basis or greater if needed. In the event the licensee does not comply with the provisions of this Chapter the City may complete the work or cause the work to be done and a reasonable cost shall be charged against the licensee.

C. Fireworks Licensing. Fireworks shall not be offered for sale without having first applied for and received a business license from Payson City and a permit from the Payson City Fire Department. A license may be issued for the sale of fireworks only for the periods on or between June 20 and July 24 of each year, on or before December 20 and January 2 of each year, and 15 days before and on the Chinese New Year. However, due to climatic concerns, sale restrictions may be imposed by the Fire Department.

Specific regulations that relate to fireworks stands include:

1. Applications for a license to sell fireworks shall be made in writing to the Business License Coordinator at least three (3) days prior to the time the applicant wishes to begin selling fireworks, and shall include:
 - a. The payment of the business license fee and all inspection fees.
 - b. The proposed location or locations of the fireworks stand and type of structure (temporary stand or in permanent building).
 - c. Submission to Payson City, insurance certificates evidencing public liability insurance coverage in the amount of \$100,000 and property damage insurance coverage in the amount of \$200,000.
 - d. Evidence of a sales tax permit from the State of Utah.
 - e. A list of fireworks for review by the Fire Chief.
2. Upon receipt of the application, the Business License Coordinator shall forward the application to the Fire Department which shall inspect the proposed premises for compliance with applicable regulations and direct the Business License Coordinator to issue or deny the permit.
3. Fireworks stands shall not be located within twenty five (25) feet of a building, structure or other fireworks stand.
4. Fireworks stands shall not be located within fifty (50) feet of any gasoline pump, gasoline dispensing service, or liquid propane gas tank or dispensing device.
5. Fireworks stands shall comply with all zoning provisions, building codes and fire codes. All stands shall be erected in a manner that will ensure the safety of tenants and patrons.
6. A stand that measures less than twenty four (24) feet in length must have at least two (2) exits. Each stand in excess of twenty four (24) feet in length must have at least three (3) exits.
7. Each stand shall maintain a two and one-half (2½) gallon water pressure type fire extinguisher or an ABC fire extinguisher near each required exit

and maintained in good working order.

8. All weeds and combustible material shall be cleared from the location of the stand, including a distance of at least twenty five (25) feet surrounding the stand.
9. The following signs must be posted conspicuously on or near the site:
 - a. Two (2) signs bearing the message "NO SMOKING WITHIN TWENTY FIVE (25) FEET OF THIS STAND" in letters at least three inches tall shall be displayed on each side of a fireworks stand.
 - b. A sign bearing the message "DISCHARGE OF FIREWORKS PROHIBITED WITHIN ONE HUNDRED (100) FEET OF THIS STAND" in letters at least three inches tall shall be displayed on each side of the fireworks stand.
 - c. A sign bearing the message "FIREWORKS MAY BE DISCHARGED THREE DAYS PRIOR, ON THE DAY OF, AND THREE DAYS FOLLOWING JULY 4, JULY 24, JANUARY 1, AND THE CHINESE NEW YEAR" in letters at least three inches tall shall be displayed on the inside of the fireworks stand.
 - d. A sign bearing any specific requirements imposed by the Fire Department, if any.
10. There shall be at least one supervisor, 18 years of age or older, on duty at the stand at all times when the sale of fireworks is in progress. All fireworks shall be effectively kept away from any kind of self-service by the public and shall be placed in a location which is unavailable and inaccessible to members of the public.
11. Fireworks stands shall be removed within five (5) days after retail sales are required to cease.
12. The applicant shall assure compliance with provisions of this Chapter, including, but not limited to, the removal of the stand and the cleaning of the site upon which it was located. In the event the licensee does not comply with the provisions of this Chapter or remove the stand or clean the site, the City may complete the work or cause the work to be done and a reasonable cost shall be charged against the licensee.
13. Overnight occupancy or any other habitation of a fireworks stand is not allowed.
14. Fireworks stands may only be approved on property in a commercial zone.
15. Any garbage produced by the business or patrons must be sealed in a

waste container, that is animal proof. The waste must be properly disposed of off sight on a weekly basis or greater if needed.

(For statutory provisions, see Utah Code §§ 53-7-225 et. seq. and 11-3-1 et. seq. (1953 as amended))

D. Mobile Food Businesses. Payson City expressly finds that mobile food businesses within the city limits present special challenges to the public health, safety and welfare of Payson City residents. It is the purpose and intent of the City Council to provide responsible companies and individuals who engage in the operation of mobile food businesses with clear and concise regulations to prevent hazards to safety, traffic or health, as well as preserve the peace, safety and welfare of the community.

3.32.030 Denial Of License

Upon the review of the application, the City may refuse to approve a business license to the applicant under this Chapter for any of the following reasons:

- A. The applicant does not satisfy the provisions of this Title or PCC 13, Zoning Ordinance.
- B. The location and time of such itinerant activities would endanger the safety and welfare of the applicant, employees or patrons.
- C. The applicant has been convicted of a felony, misdemeanor or ordinance violation involving a sex offense, trafficking in controlling substances or any violent acts against persons or property within the five (5) years preceding the date of application.
- D. The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five (5) years preceding the date of application.
- E. The applicant has been denied a license under this Title within the past year, unless the applicant can and does show to the satisfaction of the Business License Coordinator that the reasons for the earlier denial no longer exist.

The reasons for disapproval from the City shall be noted on the application, and the applicant shall be notified that the application is not approved and that no license will be issued. Notice shall be mailed to the applicant at the address shown on the application form.

3.32.040 License Expiration

All licenses issued in accordance with the provisions of this Chapter shall bear an expiration date consistent with the regulations of this Chapter.

- A. Food trucks license are valid for one year from the date of issuance.
- B. Fireworks stand licenses are valid for 3 months from the date of issuance.
- C. All other itinerant license will expire December 31st of the year of issuance. The fees shall not be prorated.

3.32.050 License Exhibition And Sales Tax Permit

Every person required to obtain a license under the provisions of this Chapter shall exhibit the license in a conspicuous location in view of prospective customers and City employees. Additionally, the sales tax permit used by the licensee shall be displayed in a prominent place in view of patrons.

3.32.060 License Suspension And Revocation

Any permit issued under this Chapter may be suspended or revoked by the City for any of the following reasons, in addition to PCC 3.04:

- A. Fraud, misrepresentation or false statement made by the applicant of conducting business activities.
- B. Conducting business activities contrary to the provisions of this Title and any conditions of approval or contrary to what the applicant stated or implied in their application.
- C. Conviction for any crime involving moral turpitude.
- D. Conducting business activities in a manner that creates a public nuisance, constitutes a breach of the peace or endangers the health, safety, or general welfare of the public.
- E. Any habitation or overnight occupancy of any place of business by an itinerant merchant.

3.32.070 Claims Of Exemption

Any person claiming to be legally exempt from the regulations set forth in this Chapter, or from the payment of a fee, shall cite to the Business License Coordinator the statute or other legal authority under which exemption is claimed and shall present proof of qualification for such exemption.

3.32.080 Special Considerations

The following special considerations apply to issuance of a business license for specific activities:

- A. A business license is required for any soliciting, vending, itinerant activities,

during any City sponsored celebration, event, gathering or other public event including, but not limited to Onion Days, Salmon Supper, Scottish Festival, or any other event designated by the City Council. To provide an opportunity for vendors to be successful, the number of business licenses will be strictly limited by Payson City and additional business licenses will not be issued. Any person operating any type of temporary business during these events is in violation of this Title and subject to any legal remedies available to Payson City.

- B. Any gathering expected to be attended by more than three hundred (300) persons will require a mass gathering permit issued by the Utah County/City Health Department. Furthermore, a complete list of all merchants and vendors shall be provided to Payson City and a business license obtained for each merchant or vendor.

3.36 Agricultural Support Services

3.36.010 Permitted Agricultural Support Services

3.36.020 License Required

3.36.030 Location For Operations

3.36.010 Permitted Agricultural Support Services

Agricultural support services include the sale of agricultural products or services including, but not necessarily limited to the following:

- A. Sale of agricultural products
- B. Tree sales
- C. Kennels
- D. Fur farms
- E. Boarding of animals

3.36.020 License Required

It is unlawful for any person, firm, or corporation to engage in business without first obtaining a business license from the City, as required in PCC 3.04.

3.36.030 Location For Operations

It is unlawful for any agricultural business to operate or remain in any area unless it is specifically allowed in PCC 13, Zoning Ordinance.

3.40 Supplemental Provisions

3.40.010 Vending Machines And Similar Ancillary Uses

3.40.020 Space Rental And Subleasing

In certain circumstances there are attributes of business operations that are impractical to address in the main body of this Title. In order to address these specific instances, this Chapter has been established as supplementary provisions to the contents of this Title. These requirements are intended to be in addition to all other applicable regulations of this Title or any other ordinance or resolution of Payson City.

3.40.010 Vending Machines And Similar Ancillary Uses

The dispensing of products through a vending machine must be approved by the Business License Coordinator consistent with the provisions of this Section. The Business License Coordinator may deny the placement of vending machines or similar ancillary uses if the requirements of this Section cannot be satisfied.

- A. The operator of the vending machine shall provide written acknowledgement from the property owner for placement of the vending machine.
- B. A detailed Site Plan indicating the location, dimensions, and general appearance of the vending machine together with a written explanation of the business activity shall be submitted for review by staff. The Business License Coordinator must determine that the vending machine does not cause any obvious impacts on the host business or surrounding primary businesses.
- C. The operator of the vending machine must obtain a business license consistent with the requirements of PCC 3.04.
- D. The vending machine will not be placed in any public right-of-way, on any public sidewalk or pedestrian facility, or within the clear view area defined in PCC 13, Zoning Ordinance.
- E. The vending machine shall not be attached or chained to any street light pole, power pole, publicly owned fence, or bus bench or facility.
- F. If it is determined that off-street parking will be required to operate the vending machine, the applicant must demonstrate that there is ample parking on site to accommodate the primary business and the parking necessary to operate the vending machine. If any existing parking stalls are intended to be removed to accommodate the vending machine, the Business License Coordinator may approve the removal considering access, appearance, traffic circulation and safety concerns.
- G. Additional signage on the commercial site to promote the vending operation is not allowed.
- H. The contents of the vending machine shall not violate any federal, state or local laws pertaining to the distribution of the products in the vending machine.
- I. A vending machine located inside of a conforming commercial business is exempt from the regulations of this Section.

3.40.020 Space Rental And Subleasing

The owner of a conforming commercial business may rent space or sublease a structure only if the activities of the lessee are consistent with the regulations of this Title and any other applicable ordinance or resolution of Payson City. A separate business license is required for each lessee in accordance with the provisions of this Title.

Title 4 Public Utilities

[4.04 Payson City Water Ordinance](#)

[4.08 Water Service - General Provisions](#)

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4.04 Payson City Water Ordinance

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4.04.010 Title And Penalty

This Title may be known, cited, and referred to as the City Water Ordinance. Any person violating any of the provisions of this Title shall be guilty of a Class C misdemeanor, and upon conviction, shall be punished in accordance with Utah State law.

Notwithstanding any provision or agreement to the contrary, the City may terminate culinary water or pressurized irrigation services without notice where, in the City's judgment, a clear emergency or serious health or safety hazard exists, for so long as such conditions exist, or where there is unauthorized use of or connection to the city culinary water system or pressurized irrigation system collectively known as city water systems.

No culinary water or pressurized irrigation service connection to any premises shall be installed or maintained by the City unless the water supply is protected as required by the City, County, State, and/or Federal laws, regulations, codes, and this Title. A water service found to be in violation of this Title shall be discontinued after written notification and due process of the violation.

4.04.020 Purpose For Title

This Title is adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare.
- B. To provide adequate water service for present residents, future growth, and development in the City in accordance with the City General Plan.
- C. To protect water supplies in case of fire, flood, landslides, and other geologic and natural hazards.
- D. To provide adequate and efficient water facilities for current and future residents of the City.
- E. To establish reasonable standards of design and orderly layout of the city water systems.
- F. To insure water facilities are available with sufficient capacity to serve proposed development.
- G. To prevent pollution of streams and ponds, assure the adequacy of drainage facilities, protect subsurface water, encourage the wise use and management of natural resources throughout the City, and preserve the integrity, stability, beauty of the community, and value of the land.

4.04.030 Water Superintendent

The city water systems shall be under the supervision of the Water Superintendent as directed by the Public Works Director. It shall be the duty of the Water Superintendent to supervise, manage, operate, and maintain the city water systems in accordance with the provisions of the City Code and any other rules and regulations adopted by the City. The Water Superintendent shall authorize all connections to the city water systems and keep suitable maps and records of all connections, repairs, and extensions.

The Water Superintendent shall supervise the maintenance of the city water systems and all extensions or repairs thereof, and ensure that appropriate inspections are completed. The Public Works Director may employ, subject to the approval of the Mayor and City Council, such help as shall be necessary to carry out the duties prescribed by City Code and any other rules and regulations adopted by the City.

4.04.040 Rates Schedules And Connection Fees

The City has adopted and established fee schedules, connection fees, and rules and regulations governing the city water systems. The City Council is constituted as a Board of Equalization of water system rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust.

4.04.050 Water Restrictions

The Mayor is hereby authorized and empowered during times of emergency to issue on behalf of the City, and at the direction of the City Council, an order restricting the use of

water. The order shall be given by proclamation and signed by the Mayor. Notice may be given in such manner as the Mayor may determine.

4.04.060 Conveyance Of Water Rights, Requirements For Development

The following requirements pertain to new development within the City. These requirements are intended to be in harmony with the requirements of PCC 13, Zoning Ordinance and PCC 12, Subdivision Ordinance. An applicant for development approval shall satisfy the following requirements:

- A. It is the intent of the City to assure each future property owner reasonable access to adequate water to make said property productive; and, to initiate a program to provide funding and adequate water resources for more efficient city water systems.
- B. All developers of subdivisions or land owners requesting a building permit within the boundaries of the City shall provide adequate water to be distributed through the city’s water systems with appropriate easements along a suitable location by which to convey the water to each property. Adequate water shall be assessed as follows, except as noted:

Zone	Acre Feet of Indoor Water Per ERC*	Acre Feet of Irrigation Water Per Acre or Per Connection +
A-5, Agriculture	0.3	3.2
R-1-A, Residential Agriculture	0.3	3.2
R-1-12, Residential	0.30	0.48 ⁺
R-1-10, Residential	0.30	0.42 ⁺
R-1-9, Residential	0.30	0.38 ⁺
R-1-75, Residential	0.30	0.32 ⁺
R-2-75, Residential	0.30	0.32 ⁺
PO-1, CC-1, GC-1, I-1, I-2, S-1, R&D, All R-M-O Overlay Zones, Planned Residential Developments, R-MF	Site Specific – 0.30 acre-ft per ERC	Site Specific - 3.2 acre-ft per irrigable acre

* ERC – An ERC is an Equivalent Residential Connection, which means it is the equivalent of one average residential homes worth of water usage.

The irrigation water right requirement is the same on the Culinary System and PI System. the A-5 and the R-1-A zones are using the irrigatable acreage for the water requirement where the other zones are using the ERC calculation for the water requirement. Anything with the * is Based on the ERC number for culinary water usage.

+ Acre-feet per connection based on the residential zoning definition in PCC 13, Zoning Ordinance, and irrigated area level of service. The numbers are calculated by taking the Irrigated Acreage listed in the adopted Pressurized Irrigation Impact Fee Plan adopted on 9-2-2020 on Table 3-5. You take the number listed in the table and multiply it by 43,560 to obtain the water per connection based on the lot size.

Water rights or source shall be dedicated to or procured from the City—at the City’s discretion—prior to the time of recording of the plat in which the lot or unit is located. If the lot is existing, but water rights or sources have not been dedicated to or procured from the City in sufficient quantities to meet the requirements of this Section, they are required to be dedicated to or procured from the City prior to the issuance of a building permit. The following is a list of water rights or source that may be acceptable to the City:

- A. **Peteetneet Creek (Payson Canyon) Water.** All Peteetneet Creek Water is owned by the City. At the time of development approval, all Peteetneet Creek Water attached to any land proposed to be subdivided or developed shall revert to the ownership of the City and shall not be used on any other property or to satisfy any other water requirement.
- B. **Underground Water Rights.** Water rights approved by the Public Works Director and approved by the Utah Division of Water Rights for underground withdrawal and municipal use in the City Culinary Water System service area.
- C. **Strawberry Water.** Only limited Strawberry water shall be accepted when approved by the Public Works Director at the amount of 0.88 acre-feet per share.
- D. **Salem Canal Water.** Only limited Salem Canal Company water shall be accepted when approved by the Public Works Director at the amount of 0.88 a/f per acre foot of water.
- E. **Central Utah Project Water.** City has contractual rights to obtain 5,123.96 acre feet of Central Utah Project (CUP) water when the project is complete. The City will accept cash in order to obtain and pay for the cost of CUP water based on the following formula: The estimated repayment cost for 5,123.96 acre-feet of CUP water, spread over the repayment term, discounted to present value, which equals \$5,383.00. An exception exists for applicants who have submitted a completed application for development approval (preliminary plat or site plan) by May 1, 2020 and can show that they already had water rights for that development on May 1, 2020.

As a condition of subdivision approval, all lots shall be connected to the pressurized irrigation system as required by PCC 4.04.090. Irrigation easements at a suitable location may be required at the time the system is installed. No open ditches shall be allowed unless accepted and required by the City Engineer and approved by the irrigation company and the City. Appropriate grates, gates, vents, valves, drains, and other control structures may also be required. In accordance with Utah Code § 73-1-15 (1953 as amended), the developer shall be responsible for obtaining written approval from all affected irrigation companies for any proposed work before final subdivision approval is granted. The developer shall also meet the specifications for pipe or covering size and requirements established and approved by the City Engineer in accordance with the provisions of state law.

The provisions of this Section apply only to properties located within the city limits. Any application for annexation will be required to meet all water requirements of PCC 13.26, Annexation Ordinance.

If a subdivision is proposed on land that water rights have been previously transferred to the City as part of the annexation process, a credit shall be given toward satisfying the requirements of this Section.

When a building permit is requested for more units than the property was designed to accommodate on the original plat or exceeds the number for which water rights were conveyed, the additional water rights shall be conveyed before the permit shall be issued.

The installation of the city water systems shall be consistent with the requirements of PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, and the Design Guidelines and Standard Specifications of the City. The distribution lines required for new development shall be at least eight (8) inches in size and of a material approved by the City Engineer in the Design Guidelines and Standard Specifications.

Any project that proposes a water storage facility to satisfy the requirements of this Title, PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, the adopted Fire Code, or any other relevant development ordinance of the City, the following requirements shall apply:

- A. All new storage facilities shall have a capacity of at least Two Hundred Fifty Thousand (250,000) gallons.
- B. If the new storage facility has a capacity of less than Five Hundred Thousand (500,000) gallons, the facility shall be located below ground.
- C. The City may require applicants to explore options that may provide water storage facilities in the most efficient manner including communication with other applicants.
- D. All new water storage facility plans and technical specifications must be

reviewed and approved by the City. The color and landscaping requirements of the new water storage facility must be approved by the City Council.

- E. Individual water pumping stations that provide water on an on-demand basis are not allowed. Water pumping stations that pump to an approved water storage facility are acceptable.

4.04.070 Application For New Water Service, Payment

A. **Application For New Service.** Applicants for new water service from the City shall make written application on forms prepared by the City and pay all applicable fees including a utility deposit. An owner having a recent record of six (6) continuous months of timely and complete payments to the City for water service, shall not be required to pay a deposit to obtain water service for a residential structure containing four (4) or less dwelling units.

1. The City may accept a guarantee, in lieu of the customer deposit required in this Section, subject to the following:
 - a. The guarantor must agree in writing to pay all obligations incurred by the named purchaser of water service and for charges to connect, disconnect or reconnect, if the obligations are not paid when due by the purchaser.
 - b. The guarantor may withdraw the guarantee by giving thirty- (30) day written notice thereof and by paying the unpaid obligations of the purchaser through and including the notice period.
2. Deposits may be applied to the payment of delinquent accounts. Renewal of deposits applied to delinquent accounts may be required as a condition of the continuation of water service.

B. **Payment.** Bills for water use shall be rendered monthly or as determined by the City. If bills are not paid within sixty (60) days, the City may cause the water to be turned off. Before the water is turned on again, all unpaid water bills shall be paid in full together with a reconnection fee in an amount as established by the city fee schedule.

4.04.080 Open Ditch Irrigation

A. **Irrigation Secretary To List Property And Prepare Schedule.** On or before the fifteenth of January each year the irrigation secretary shall ascertain the number of city lots and the number of acres of land irrigated by open ditch irrigation, and the name of all persons, corporations, companies and firms owning, being in possession, charge or control thereof, and make a schedule of the same and return it to the Water Superintendent previous to the first of February of the same

year. The City shall keep an account with the amount of assessment and the amount paid.

- B. **Appeal Of Apportionment.** Any person aggrieved at the proportion of water may, on written complaint, be heard by the City Council. All complaints must be presented within twenty (20) days from the origin of the act. If any person is aggrieved at the decision of the City Council, they may appeal the decision to the appropriate district court within thirty (30) days.
- C. **Entitlement To Use Of Water.** Persons owning property with open ditch irrigation shall be entitled to the use of water as fixed by the water schedule, provided the assessment has been paid and that all the requirements of this Section have been complied with by the owner. It shall be unlawful for any person to use water without first having paid the assessment. Open ditch irrigation will not be extended to any new property. The responsibility of the City in regard to irrigation water ends when irrigation water has been brought to the respective property line of the property in question, or to the head ditch feeding the property.
- D. **Permission To Make Change In Street.** The property owner shall keep in constant repair all necessary bridges and culverts, where the ditch crosses any street, road, or sidewalk, and shall be liable for all damages occurring by their neglect.

No open, unbridged, dangerous, or unsafe ditch or canal across any sidewalk, or use of any water by means of an open, unbridged, dangerous, or unsafe ditch or canal is permitted.

- E. **Surplus Water.** It shall be the duty of all persons using or conveying water for irrigation purposes to conduct any surplus or waste water into the city open ditch irrigation system. It shall be unlawful for any person to permit flooding of any street, sidewalks, or private property or to unnecessarily waste water. It shall be unlawful for any person, during the freezing non-irrigation season of the year, to conduct or turn surplus or waste water into any irrigation ditch situated on any public street of the City.
- F. **Users To Control Water.** Persons using water for irrigation shall be required to control the water distributed to them, and shall be liable for all damages caused through their neglect.
- G. **Changes In Irrigation Water System.** It shall be unlawful to alter, move, cover, or change any head gate, irrigation ditch, pipeline, or other right-of-way through which city open ditch irrigation water travels, without the prior written consent of the Water Superintendent. Any person proposing to make a change shall submit written plans describing the change. The plans, when approved, shall be implemented at the expense of the person proposing the change. Any person making a change prohibited by this Section shall be liable for all damages and costs caused by the unauthorized action including the cost of any corrective or

restoration work deemed necessary by the City.

- H. **Head Gates.** Any person who shall convey any water from any ditch or canal of the City without first having provided a good and sufficient head gate through which to take such water, to the acceptance of the Water Superintendent, or fail to keep such head gate in good repair, shall be guilty of a Class C misdemeanor. Every person that takes any water under the control of the City at any time when the water is distributed by authority of the City to any other person, or take any greater quantity of such water than has been duly distributed or interfere with or changes any flow or any water when lawfully distributed to any other person for irrigation or other useful purposes, except when authorized to make such changes, or willfully or maliciously breaks or injures any dam, canal, head gate, water ditch, or other means of diverting or conveying water for irrigation or other useful purposes, or digs away the bank or banks or any ditch, canal, or reservoir forming part of the city open ditch irrigation system, shall be guilty of a Class C misdemeanor.

Where more than one turn-out from the main feeder ditch has been allowed for a single account owner, the owner is responsible for closing all turnouts diverting water to the property prior to the beginning of the scheduled turn of the following account owner.

4.04.090 Pressurized Irrigation

- A. **Connections And Extensions.** No connection shall be made to the pressurized irrigation system and no extension shall be made to any installation served by the pressurized irrigation system until a permit has been issued by the City Engineer. The City Engineer shall not issue a permit until the required connection and other fees have been paid.

All pressurized irrigation system users shall keep their service pipe and connections and other apparatus in good repair and protected from frost at their own expense, but no person, except under the direction of the Public Works Director, shall be allowed to dig into the street, parking strip, sidewalk, or other public property or right-of-way for the purpose of laying, removing, or repairing any service pipe.

- B. **Wasting Water Prohibited.** It shall be unlawful for any pressurized irrigation user to waste water by imperfect stop-taps, valves, leaky joints, or pipes, or to allow tanks or watering troughs to leak or overflow. Additionally, water shall not be wasted by allowing water to run from hose bibs, excessive watering, open pipes, or other apparatus, or to use the water in such a manner as to cause it to overflow into the neighboring yards, property, streets, or sidewalks, or in violation of the rules and regulations set forth by resolution for controlling the pressurized irrigation system.

The City Council may, by resolution, regulate, restrict, or limit the use of water during water shortage periods and shall have the power to take all necessary means to make any necessary regulations as circumstances may require to protect the users of the pressurized irrigation system.

- C. **City To Have Unrestricted Access.** The City shall at all ordinary hours have unrestricted access to places supplied with water from the pressurized irrigation system for the purpose of examining the apparatus to ascertain the amount of water used and the manner of its use.
- D. **City Not Liable For Damage.** The City shall not be liable for any damage due to the pressurized irrigation system by reason of stoppage or interruption of the pressurized irrigation supply caused by fires, scarcity of water, accidents to works or mains, alterations, additions, repairs, or from any other cause.
- E. **Water Not For Motors.** No water shall be supplied from the pipes of the pressurized irrigation system for the purposes of driving any motor, siphon, turbine, or other wheels, or any hydraulic engines or elevators, or for driving or propelling machinery of any kind, nor shall any license be granted or issued for any such purpose except by special permission of the City.
- F. **Connection Required.** The record owners, or their duly authorized agents, of all residential sites and all commercial sites located within the City that require outside watering of lawns or plants whose properties lie within three hundred (300) feet of the pressurized irrigation system shall connect their properties to the pressurized irrigation system and pay the applicable fees and charges, unless the sites are part of a newly annexed area and the annexation agreement dictates when existing sites will be connected to the pressurized irrigation system. Property that is required to be connected to the pressurized irrigation system shall not be issued a building permit for construction unless the building permit applicant shall first connect the property to the pressurized irrigation system, or agree to connect the property to the pressurized irrigation system, and provide adequate assurances of connection, in a form acceptable to the City, including the payment of all applicable fees and costs.

It shall be unlawful for the owner or occupant of any property served by the pressurized irrigation system, or any user thereof, to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from the premises or pressurized irrigation fixtures.

G. Prohibitions.

1. It shall be unlawful for any person, after the pressurized irrigation system has been turned off from the premises for either non-payment of utility charges as provided for herein or for a violation of the rules and regulations pertaining to the city water systems, to turn on or allow the water to be turned on or used without authorization from the Water Superintendent.

2. It shall be unlawful for any person to destroy, deface, injure, or interfere with the operation of any part, pipe, fixture, appliance, or appurtenance of the pressurized irrigation system.
3. It shall be unlawful for any person to place or introduce into the pressurized irrigation system or any source of water supplying the system any matter, substance, chemical, or compound without authorization from the Water Superintendent.
4. It shall be unlawful for any person to connect any part of the pressurized irrigation system to any part of any culinary water system to create a potential cross-connection whereby irrigation water could be introduced into the culinary water system.
5. It shall be unlawful for any person to use substantial quantities of water from the pressurized irrigation system for the purpose of flood irrigating any property. Except for incidental watering of shrubs, flowers, and other limited use applications, water from the pressurized irrigation system used for irrigation of lawns, gardens, and other irrigation applications must be applied through either a sprinkler or drip irrigation system, including sprinklers attached to garden hoses.
6. Any water owned by a landowner for the purpose of use in the pressurized irrigation system that has been used to satisfy the water requirements of this Title shall not be removed or transferred to another location without the written approval of the City. If any such water is removed or transferred, the landowner's connection to the pressurized irrigation system will be disconnected until the landowner satisfies the water requirements of this Title. The City will require each developer that proposes to use water not owned by the City to satisfy the requirements of this Title to deed restrict the water to remain appurtenant to the land.

H. Water Service Outside City Limits. The City prohibits anyone outside the city limits to connect to the pressurized irrigation system. Users outside the city limits that are currently connected to the pressurized irrigation system may remain connected to the system.

I. Failure To Pay For Service. If the owner of any of the premises fails to pay the required fees and charges applicable to the pressurized irrigation system or violates any provisions of this Section, the City may cause the culinary water system or pressurized irrigation system to be shut off from the premises, and the City shall not be required to turn the utility on again until all arrears are paid in full.

J. Shut-Off Valve. Persons connecting to the pressurized irrigation system shall be required to provide and install a valve independent of the City's shut-off valve with which they may control the pressurized irrigation service to their premises.

At no time will a person be allowed to tamper with or operate the City's shut-off valve unless acting under the direction of the Water Superintendent. Shut-off valve shall be located and installed in the resident's irrigation box adjacent to and directly behind irrigation meter box. No connections are to be made in the irrigation box, including and not limited to filters, tees, elbows, etc.

K. **Use Of Culinary Water.** It shall be unlawful for any person or entity to use culinary water for outside watering of lawns or plants if the property is connected to the pressurized irrigation system and water is available in the system, or the owner is required to connect to the pressurized irrigation system pursuant to this Title and has not done so.

L. **Pressurized Irrigation Meters.** When a new service line is installed connecting any unit or premises to the pressurized irrigation system of the City, an irrigation meter must be installed. All irrigation meters shall be installed in easily accessible locations selected by the Water Superintendent.

Irrigation meters shall be furnished and installed by the City. Irrigation meters shall not be installed until new main lines have been pressure tested and approved and service lines, including meter boxes and appurtenances, have been inspected and approved. No meters shall be installed until all applicable fees have been paid including connection fees and main line extension fees as appropriate.

It shall be unlawful for any person to tamper with, modify, or deface in any manner an irrigation meter or meter box. Modifications or connections to piping inside the meter box are prohibited or at any point on the service line between the meter and the distribution main are prohibited. Any such connections shall be removed at the expense of the owner of the property being served. Additionally, it shall be unlawful for any person or persons to deface, mutilate, tear down, or in any way destroy any signs or markers erected by the City.

4.04.100 Watershed Protection

A. **Jurisdiction, Rules, And Regulations.** It is the intent of the City to protect its watershed and to assert jurisdiction over the City Watershed Area, including aquifers and surface waters to the maximum extent allowed by law consistent with the Utah Drinking Water Source Protection Rule as adopted and/or amended by the State of Utah Department of Environmental Quality. In addition to the provisions of this Section, the City is hereby authorized to prescribe rules and regulations not contrary to law, for governing all matters of water quality. It shall be unlawful for any person to commit any act that will pollute any source of water in the City Watershed Area pursuant to the Utah Drinking Water Source Protection Rule or any other rule or standard adopted by the City.

B. **Construction Conditions.** It shall be unlawful to construct or remodel any

structure within the City Watershed Area without first securing approval from the City in accordance with these provisions. No structure in the watershed shall be approved without complying with all requirements set forth in this Section.

All applicants for a building permit within the City Watershed Area shall submit a copy of all plans, specifications and drawings required to the City. In addition, any other necessary permits, approval by the City Engineer, shall be obtained for all construction in the City Watershed Area. Building permits and plan approvals by other agencies of government, including county, state, and federal government, shall not be considered approval by the City.

C. Sewage Disposal Requirements.

1. Approval for the construction and maintenance of all garbage or sewage disposal systems within the City Watershed Area shall be under the direct supervision and control of the City Engineer. It shall be unlawful to:
 - a. Construct, use, or maintain any sewage disposal system anywhere within the watershed without first obtaining the written approval of the City. The City shall only give approval for the construction, use, or maintenance of a sewage disposal system if the owner of the sewage disposal system can demonstrate that the use or maintenance of the sewage disposal system will not violate established standards or rules for Drinking Water Source Protection Zones. At the time of adoption of this Section, existing systems shall be allowed to continue as long as they are not modified, expanded, damaged, become inoperable, or otherwise constitute a threat of contamination to the City Watershed Area.
 - b. Deposit any dead animal within the City Watershed Area.
 - c. Damage, vandalize, alter, or destroy any authorized sewage disposal system in the City Watershed Area.
 - d. Pump sewage storage vaults or conduct a scavenger operation except in accordance with all applicable laws, rules, and regulations. A sewage disposal system within the City Watershed Area shall be sealed immediately if it is unsanitary or does not comply with the water quality requirements of federal, state, or local law or regulations. Facilities may not be used until made sanitary and conform to the requirements of federal, state, and local law and regulations. It shall be unlawful for any person to use or maintain any facility sealed in accordance with the provisions of this Section.
2. When the City determines that a sewage disposal system violates applicable laws, rules, or regulations or is a potential hazard to the watershed and cannot be adequately corrected, the City shall order the

destruction and removal of the sewage disposal system. The cost of all remedies or destruction and removal shall be the responsibility of the property owner.

- D. **Sanitary Sewage Disposal System Required.** Any person who owns, operates, maintains, or permits the use of any house, cottage, cabin, human habitation, or camping place shall provide and maintain a sewage disposal system satisfactory to the Department of Water Resources. Failure to do so may result in the closure, seal, and prevention of use of the house, cottage, cabin, human habitation, or camping place.

Septic tanks and drain fields in the City Watershed Area may only be used if permitted by the City and approved by other governing agencies. The use of chemical toilets in the City Watershed Area shall be installed and used only with the prior written approval of the City. This approval shall be in addition to approval by other governing agencies. All vaults or other approved receptacles used by any persons for storage of sewage shall be emptied completely at least once each year. If determined a health hazard by the City, owners of such facilities shall keep the level of sewage below sixty (60) percent of the vault's capacity to allow sufficient reserve for emergencies. The contents removed from any sewage holding tank or vault must be removed by a licensed scavenger operation at the cost of the owner to an approved sewage facility. It shall be unlawful for any person to construct, locate, or maintain any vault for the deposit or storage of sewage within one hundred (100) feet of any spring, marsh, watercourse, water source, or reservoir.

- E. **Animals.** It shall be unlawful to keep or maintain for a period in excess of thirty (30) days any domestic animals, including but not limited to, dogs, cattle, horses, sheep, and hogs within the City Watershed Area without first obtaining a written animal permit from the City. Applicants shall inform the City of the number and type of animals and their proposed method of controlling and maintaining the animals. Animal enclosures shall be kept and maintained in a reasonably clean and sanitary condition at all times and shall be subject to inspection by the City. Fecal waste must be disposed of in a manner approved by the City.

It is unlawful for any person to permit an animal to run loose upon any City Watershed Area. Any such animal shall be deemed stray, and the City may cause any such animal to be impounded.

- F. **Camping And Campfire Restrictions.** The City may require that picnicking or camping be restricted from certain designated places. The City may prohibit campfires within fifteen hundred (1500) feet of any well or spring protection area.
- G. **Vehicles.** It shall be unlawful for any person to operate any motor vehicle including, but not limited to, motorcycles, trail bikes, dune buggies, motor scooters, or jeeps upon any public property within the watershed, except on

designated roads, without first obtaining the written permission of the public entity that is in possession of the property, with the exception of the use of real property primarily devoted to agricultural purposes.

4.04.110 Culinary Water Source Protection

- A. **Short Title And Purpose.** This Section shall be known as the “Culinary Water Source Protection Ordinance.” The purpose of the ordinance is to insure the provision of a safe and sanitary drinking water supply for the City by the establishment of culinary water source protection zones surrounding the wellheads for all wells and the spring collection area margin for all springs that are the supply sources for the city culinary water system and by the designation and regulation of property uses and conditions that may be maintained within such zones.
- B. **Definitions.** When used in this Section, the following words and phrases shall have the following meanings:

DESIGN STANDARD. A control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

LAND MANAGEMENT STRATEGIES. Zoning and non-zoning controls that include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts, agreements, and so forth.

POLLUTION SOURCE. The point a source discharges contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" that are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

1. **Animal Feeding Operation.** A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12) month period, and crops, vegetation forage growth, or post-harvest residues that are not sustained in the normal growing season over any

portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

2. **Animal Unit.** A unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
3. **Extremely Hazardous Substances.** means those substances that are identified in Section 302(EHS) column of the "TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III," (EPA 560/4-91-011).
4. **Potential Contamination Source.** Any facility or site that employs an activity or procedure that may potentially contaminate ground water. A pollution source is also a potential contamination source.

REGULATORY AGENCY. Any governmental agency with jurisdiction over hazardous waste as defined herein.

SANITARY LANDFILL. A disposal site where solid wastes, including putrescible wastes or hazardous wastes, are disposed of on land by placing earth cover thereon.

SEPTIC TANK/DRAIN-FIELD SYSTEMS. A system that is comprised of a septic tank and a drain-field that accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By design, septic tank/drain-field system discharges cannot be controlled with design standards.

WELLHEAD. The upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

- C. **Establishment Of Culinary Water Source Protection Zones.** There are hereby established use districts known as Zone One, Zone Two, Zone Three, and Zone Four of the Culinary Water Source Protection Zones, identified and described as follows:

1. **Zone One.** The area within a one hundred- (100) foot radius from the wellhead or spring collection area margin.
2. **Zone Two.** The area within a Two Hundred Fifty- (250) day ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.

3. **Zone Three (Waiver Criteria Zone).** The area within a three- (3) year ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.
4. **Zone Four.** The area within a fifteen-(15) year ground-water time of travel to the wellhead or spring collection area margin, the boundary of the aquifer(s) that supplies water to the ground-water source, or the ground-water divide, whichever is closer.

D. Permitted Uses. The following uses shall be permitted within Culinary Water Source Protection Zones:

1. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial zones so long as uses conform to the rules and regulations of the regulatory agencies.
2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

E. Prohibited Uses. The following uses or conditions shall be and are hereby prohibited within Culinary Water Source Protection Zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under paragraph D.

1. **Zone One.** The location of any pollution source as defined herein.
2. **Zone Two.** The location of a pollution source unless its contaminated discharges can be controlled with design standards.
3. **Zones Three And Four.** The location of a potential contamination source unless it can be controlled through land management strategies.

F. Administration. The policies and procedures for administration of any Culinary Water Source Protection Zone established under this ordinance, including without limitation those applicable to nonconforming uses, exception, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance as the same is presently enacted or may from time to time be amended.

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4.08.010 Spring Protection Zone

Concentrated sources of pollution including, but not limited to, septic tanks, drain fields, garbage dumps, pit-privies, corrals, etc., shall not be allowed within Spring Protection Zones. Spring Protection Zones include all land within fifteen hundred (1500) feet of a spring collection area. Sewer lines may be permitted within Spring Protection Zones at the discretion of the City Engineer. Sewer lines shall be no less than three hundred (300) feet from a spring. The provisions of this Section shall be superseded by State or Federal regulations if such impose stricter standards.

4.08.020 Protection Of Water Transmission Line

No person shall establish, construct, or maintain any structure including field drains, septic tanks, pit-privies, nearer than three hundred (300) feet to any city water main line without first procuring written permission from the City Engineer.

4.08.030 Water Main Line Extensions

It shall be unlawful for any person to make any extension of any pipe or water fixture attached to city water systems without first obtaining a permit from the City Engineer. Additionally, it shall be unlawful for any person other than duly authorized employees of the department to open or close any water gate valve in connection with the city water systems.

When an applicant desires or is required to install water connections and extensions for a subdivision or development, the applicant may voluntarily extend the water main line. The applicant for a project that requires the extension of a water main line shall pay the cost of the extension. No person shall construct a water main line extension without first having plans for the main line extension approved by the City Engineer. All subdivisions shall have a complete water distribution system installed before subdivision improvements are accepted by the City. The design and construction of the water

distribution system shall be approved by the City Engineer before the system is installed. The water distribution system shall be installed at the applicant's expense.

If an applicant installs a water main line extension to serve a parcel of property, the water main line extension shall originate at the nearest adequate existing water main and extend completely across the parcel of property being developed along all public street frontages. The applicable cost shall include replacement of all road surface damaged or removed for installation of new extensions in accordance with the Design Guidelines and Standard Specifications.

4.08.040 Maintenance Of Water Mains And Service Connections

The responsibility of maintenance of water mains and the property being serviced by the new water service line is borne by the applicant until the City accepts, by dedication, the new water mains and service connections. Service connections therefrom shall be as follows:

- A. Once dedicated, all water mains and the service connections therefrom that are located on public property shall be maintained by the City, except that the City will not maintain a service connection at any point between the meter and the facility it serves. Service lines from the meter to the facility shall be kept in good repair and free from leaks by the owner of the property serviced. If a water meter is located in any place other than a location near the property line, the City will only maintain the lines to the curb box or valve located on the property line.
- B. Water mains and service lines that are located on private property shall be maintained and repaired by the property owner and not by the City. Provided, however, that water mains that are on private property, located within a utility easement, and part of the city water systems shall be maintained and repaired by the City. Water service to or through main lines or service lines on private property may be discontinued if the owner of the lines fails or refuses to repair the lines when reasonably requested by the City.
- C. The City shall maintain all water meters including those on private property. The City shall have the right to enter private property to inspect, repair, or replace water meters.

4.08.050 Service Line Connections

Service line connections shall not be made to the city water systems or to main water lines on private property without a permit authorized by the City Engineer and payment of the appropriate fees. All connection expenses shall be borne by the applicant including trenching from the new service location or building to the main water lines. Inspection and final approval of the installation shall be by the Water Superintendent or designee

Water service connections including the main line tap, service line, meter box, yoke, ring, and lid, must be installed by a qualified and licensed plumber or a pre-qualified utility contractor at the expense of the applicant. No tapping or connecting to water mains will be allowed in temperatures below forty (40) degrees Fahrenheit.

4.08.060 Separate Service Lines Required

Service lines must be arranged to supply each separate unit or premises with a separate meter placed near the street curb. Where water is supplied through one service to one or more units or premises, the City may either refuse to furnish water until separate services are provided or continue to supply water on the condition that one (1) person shall be responsible to pay for all water used through the service.

4.08.070 Abandoned Water Service Lines

When a water service line is abandoned in favor of a different service line, the old service line shall be disconnected from the main line and the old service tap shall be plugged at the main line. The cost of all work shall be the responsibility of the owner of the property being serviced by the new water service line. Work described in this Section shall be inspected by the City before backfilling.

4.08.080 Water Meters

When a new service line is installed connecting any unit or premises to an unmetered private line, which is supplied water from the City or when a service pipe is connected directly to city water systems, a water meter must be installed. All water meters shall be installed in easily accessible locations selected by the Water Superintendent.

Water meters shall be furnished and installed by the City. Water meters shall not be installed until new main lines have been pressure tested, disinfected, and approved and service lines, including meter boxes and appurtenances, have been inspected and approved. No meters shall be installed until all applicable fees have been paid including water connection fees and main line extension fees as appropriate. If any meter malfunctions and fails to register, the water shall be charged for the time the meter is out of order at the average daily rate as registered by the meter for the previous meter reading period when the meter was in order.

It shall be unlawful for any person to tamper with, modify, or deface in any manner a water meter or meter box. Modifications or connections to piping inside the meter box are prohibited or at any point on the service line between the meter and the main line are prohibited. Any such connections shall be removed at the expense of the owner of the property being served. Additionally, it shall be unlawful for any person or persons to deface, mutilate, tear down, or in any way destroy any signs or markers erected by the City.

4.08.090 Use Of Unmetered Water

Use of unmetered water through any service line, main line, or fire hydrant is prohibited unless authorized by the City. Use of a "jumper" in place of a meter to convey water through a service line is at all times prohibited.

4.08.100 Resuming Use After Turn-Off Prohibited

It shall be unlawful for any person after the water has been turned off from any lot or premises, because of non-payment of rates or other violation of the rules and regulations pertaining to the water supply, to turn on or allow the water to be turned on, or use or allow the water to be used without permission of the Water Superintendent.

4.08.110 Wasting Water

It shall be unlawful to waste water or to allow it to be wasted by imperfect stops, valves, leaky joints, or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets, or stops, or through basins, water closets, urinals, sinks, or other apparatus.

4.08.120 Cost Of Pumping Water

When it becomes necessary to pump water, the cost of the pump or pumps and the installation thereof together with the cost of operation shall be borne by the benefitted party, and all water shall be metered. No pumps shall be installed unless the pumps shall have a capacity to create twenty (20) pounds or more per square inch at the highest meter where the water shall be delivered.

4.08.130 Use And Regulation Of Fire Hydrants And Valves

It shall be unlawful for any person, without obtaining prior permission from the City, to turn on, turn off, operate, or tamper with any fire hydrant or any valve constituting a part of city water systems for any purpose. In addition to the criminal punishment hereinafter provided, any person violating this provision shall be liable for all ensuing damages to the city water systems and to private property.

Pipes to be used only in case of fire will be allowed within buildings on the following conditions. The fire pipes must be entirely disconnected from those pipes used for other purposes, and hose pipes or branches must be arranged by means of seals or otherwise used only in case of fire. Any water used through fire pipes for other than fire purposes shall require a meter to be installed on the fire pipes.

The City shall charge a uniform fee per inch of diameter per month of water main requested for standby service for fire protection as fixed by the city fee schedule.

4.08.140 Shutting Off Water - City Liability

The City reserves the right, without notice, to shut off the water from its mains for the purpose of making repairs or extensions or for other purposes, and no claim shall be

made against the City, by reason of any breakage, or for any damage that may result from the shutting off of water for repairing, laying or relaying mains, hydrants, or other connections or for any other reason.

In case of leaks or other accidents to service pipes or other apparatus connected with the waterworks, licensed plumbers may shut off the water at the curb/meter box to make necessary repairs.

4.08.150 Access

Access at all ordinary hours shall be allowed to the Water Department, or other authorized persons to all places supplied with water from the city water systems, to examine the apparatus, the amount of water used, the manner of its use, and to make all necessary shut offs for vacancy, delinquency, and violations of this Title.

4.08.160 Fire Service Lines

Private fire service lines designed to provide fire protection to a building or buildings shall be constructed according to city specifications, Plumbing Code adopted by the State of Utah, and the International Fire Code latest edition at the expense of the owner of the building being serviced. Maintenance associated with such fire service lines shall also be at the expense of the owner.

4.08.170 Water Service Outside Of City Limits

Connection to the city culinary water system for properties outside of the city limits, but within the Annexation Policy Plan area, is allowed only under the following conditions. Each request will be reviewed by the Public Works Director on a case-by-case basis. The Public Works Director is under no obligation to approve the request. The City may allow connections to any existing or new building if the residence can be connected to both wastewater and culinary water city systems. The approval for any non-resident to connect to the city culinary water system does not set a precedent for future connections. The City reserves the right to refuse service to any non-resident.

- A. The water main must be able to be extended or exist in front of the proposed residence and must be paid for by the residence requesting the water and sewer line connections.
- B. All connections must be metered with a water meter provided by the City at the expense of the non-resident. The non-resident user will be required to pay according to the city fee schedule.
- C. The culinary water will be used for domestic purposes and will not be used for agricultural pursuits. Any verification of non-domestic use (inside use and incidental landscape maintenance not to exceed eight thousand (8,000) square feet of turf area) will result in termination of service.

- D. The non-resident will be responsible for payment of all associated impact fees and connection fees according to the city fee schedule. Furthermore, the non-resident will be required to transfer adequate water rights to serve the dwelling or unit in an amount according to PCC 4.04.060. The City may, at the option of the City, accept money in lieu of water rights when addressing an emergency situation.
- E. If the non-resident uses rights assigned to a private well to satisfy the water transfer requirement, the subject well shall be appropriately capped in accordance with state statute.
- F. The non-resident is responsible for all construction costs associated with the connection to the culinary water main. Furthermore, the non-resident is responsible to obtain any necessary permits that may be required by non-city entities including, but not limited to, Utah County and the Utah Department of Transportation.
- G. If deemed appropriate by the City Council at the recommendation of the Public Works Director, a non-resident, as a condition of approval, may be required to submit an application for annexation, submit payment of application fees, and complete the annexation process. If it is not practicable for the property to be annexed into the City, the request may still be approved by the Public Works Director if it is feasible to connect to the culinary water system.
- H. The request to connect to the city culinary water system will not be approved simply to avoid compliance with federal, state, or local laws (i.e. drilling new wells, decontamination of an existing well).
- I. The City will not accept any responsibility or liability associated with the inability of the property owner to obtain culinary water from the previous source, which must be evidenced by a hold harmless agreement from the non-resident.
- J. Following a recommendation from the Fire Chief, the Public Works Director may, but is not obligated to, approve an extension of, or connection to, the culinary water system for improvement to the firefighting system. The non-resident for extension of or connection to the culinary water system must demonstrate that the extension or connection will significantly improve the ability of the City to provide fire protection and will not impact the fire flow of the existing system.
 - 1. Each non-resident requesting extension of or connection to the culinary water system for firefighting purposes must be able to demonstrate that the extension or connection will not be used to satisfy water requirements of another government agency, that the water will not be used for any purpose other than fire protection, and that the provision of fire protection through use of the culinary water system will not place an inordinate burden on the culinary water system due to the size or building materials of the structure or the contents of the structure.

Water service outside of the city limits will require a finding of surplus water and a written contract between the non-resident and the City. Any use not authorized by the contract may result in disconnection from the culinary water system. The City reserves the right to pursue any legal remedies to enforce such contract or recover damages or lost water from the non-resident.

4.08.180 Cross Connection Control And Backflow Prevention

A. **Title And Purpose.** This Section shall be known as the “Culinary Water Source Protection and Backflow Prevention Ordinance.” The purpose of the ordinance is to ensure the provision of a safe and sanitary drinking water supply for the City by the establishment of culinary backflow prevention definitions and requirements to protect the health and safety of those using the water system.

B. **Definitions.** When used in this Section, the following words and phrases shall have the following meanings:

APPROVED BACKFLOW ASSEMBLY. An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water meeting an applicable specification or as suitable for the proposed use.

AUXILIARY WATER SUPPLY. Any water supply on or available to the premises other than the city's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another city's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or may be objectionable and constitute an unacceptable water source over which the Water Superintendent does not have authority for sanitary control.

BACKFLOW. The reversal of the normal flow of water caused by either back-pressure or back-siphonage.

BACK-PRESSURE. The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system from any source(s) other than the intended source.

BACK-SIPHONAGE. The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.

BACKFLOW PREVENTION ASSEMBLY. An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Plumbing Code, as adopted by the State of Utah in the

Cross Connection Control Program for Utah maintained by the Division of Drinking Water.

CONTAMINATION. Degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds, or other materials that may create a health hazard.

CROSS CONNECTION. Any physical connection or arrangement of piping or fixtures that may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary conditions, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices, sliding multiport tubes, or other plumbing arrangements.

CROSS CONNECTION-CONTROLLED. A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

CROSS CONNECTION-CONTAINMENT. The installation of an approved backflow assembly as the water service connection to any premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross connections within the water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a water system when there are actual or potential cross connections that cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

RIGHT OF ENTRY. Employees of the City shall have the right to enter any place which is plumbed with water from the City drinking water distribution system to conduct a hazard survey or any other examination or test reasonably required for the enforcement of this Section.

RESPONSIBILITY OF COST. Any user of drinking water installing a backflow prevention device or assembly shall pay all costs for installation and testing.

TESTING. Backflow prevention devices must be tested by the owner 10 days after installation and every year thereafter by a technician certified by the Utah State Bureau of Drinking Water Committee. Test results shall be furnished to the Public Works Department of the City and the Utah State Bureau of Drinking Water and Sanitation.

VIOLATION. Drinking water service may be discontinued to any user who is found in violation of this Section and who fails to take corrective action within ten

days after violation notification, except that drinking water service may be discontinued immediately if a threat to the water supply exists. Any person who violates the provisions of this Section shall be civilly liable to Payson City, or to third persons suffering damage, for all damages approximately caused by said violation.

PRESSURIZED IRRIGATION CROSS CONNECTION. Pressurized irrigation water is not treated and is not to be used for any drinking water purpose, but is for outdoor watering use only. No cross connections with the drinking water system shall be allowed without backflow prevention. Additionally, there shall be no direct connection between Culinary and Pressurized Irrigation lines. In addition to any criminal penalty, such person shall also be subject to termination of drinking and pressurized irrigation water service from the City and shall be responsible for the costs of disinfecting the City's drinking water system, together with all other costs incurred by the City as a result of the cross connection.

C. Requirements.

1. No water service connection to any premises shall be installed or maintained by the Water Superintendent unless the water supply is protected as required by State laws, regulations, codes, and this ordinance. Service of water to a lot, parcel, or property found to be in violation of this ordinance shall be discontinued by the Water Superintendent after due process of written notification of violation and an appropriate time suspension for voluntary compliance, if:
 - a. A backflow prevention assembly required by this ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or
 - b. It is found that a backflow prevention assembly has been removed or by-passed, or
 - c. An unprotected cross connection exists on the premises, or
 - d. The periodic system survey has not been conducted.
2. Service will not be restored until such conditions or defects are corrected.
3. The system(s) shall be open for inspection at all reasonable times to authorized representatives of the Water Superintendent to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey (R309-400 of the Utah Administrative Code).
4. Whenever the Water Superintendent deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line or

immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.

5. The type of protective assembly required shall depend upon the degree of hazard that exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
6. All presently installed backflow prevention assemblies that do not meet the requirements of this Section but were approved assemblies for the purposes described herein at the time of installation and that have been properly maintained, shall, except for the inspection and maintenance requirements, be excluded from the requirements of these rules so long as the Water Superintendent is assured that it will satisfactorily protect the public water system.
7. Whenever the existing backflow preventer is moved from the present location or requires more than minimum maintenance or when the Water Superintendent finds that the operation of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting all local and state requirements.
8. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified survey/inspections, and operational tests made at once per year at the consumer's expense. In those instances where the Water Superintendent deems the hazard to be great, certified surveys/inspections and tests may be required at more frequent intervals. It shall be the duty of the Water Superintendent to see that these tests are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.
9. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
10. No backflow prevention assemblies shall be installed so as to create a safety hazard. Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level.

D. Pollution Of Culinary Water System.

1. Protection of culinary water from the possibility of contamination or pollution through compliance with Utah Public Drinking Water Rules (UPDWR) and the Plumbing Code, as adopted by the State of Utah. Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants that could backflow into the public culinary water system.
2. It shall be unlawful at any place supplied with water from the city culinary

water system:

- a. To install or use any physical connection or arrangement of piping or fixtures that may allow any fluid or substance not suitable for human consumption to come in contact with potable water in the city culinary water system.
 - b. To connect the culinary water system and pressurized irrigation water system together.
 - c. To install any connection, arrangement, or fixtures without using a backflow prevention device or assembly designed to prevent backflow. Any such device or assembly must be approved for installation by the City Engineer.
 - d. To install any backflow prevention device or assembly that is not installed as required in the adopted Plumbing Code.
3. Any user of the city culinary water system shall pay all costs of installation and testing of backflow prevention devices or assemblies. Backflow prevention devices or assemblies required by this Section shall be tested as frequently as determined by the City Engineer. Test results shall be furnished to the City and the Utah State Department of Environmental Quality, Division of Drinking Water.
 4. Water service may be discontinued to any user who is found to be in violation of this Section and who fails to take corrective action within ten (10) days after notification, except that water service may be disconnected immediately if an immediate threat to the water supply exists. Any person who violates the provisions of this Section shall be liable to the City, and third parties other than the City, for all damage caused by the violation.
 5. The responsibility to enforce the applicable sections of the Plumbing Code begins at the point of service (downstream side of the meter) and continues throughout the developed length of the city culinary water system. The City Engineer or designee will review all plans to ensure that unprotected cross connections are not an integral part of the water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention assembly, in accordance with the adopted Plumbing Code. Water vacating the culinary water system must do so via approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the adopted Plumbing Code.
 6. Whether employed by the consumer or utility to survey, test, repair, or maintain backflow prevention assemblies the certified backflow technicians, surveyors, or repair persons will have the following responsibilities:

- a. To insure acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
- b. To make reports of testing and/or repair to the Water Superintendent on a form approved for such use by the Water Superintendent within time frames as described by the Division of Drinking Water.
- c. Prepare a report that shall include the list of materials or replacement parts used. Replacement parts shall be equal in quality to parts originally supplied by the manufacturer of the assembly being repaired. A certified technician shall perform all tests of the mechanical assemblies and be responsible for the competence and accuracy of all tests and reports.
- d. To not change the design, material, or operational characteristics of the assembly during testing, repair, or maintenance.
- e. To insure the license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition and to be equipped with, and be competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
- f. The certified technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested, and by whom. The technician's license number must also be on this tag. In the case of a consumer requiring an assembly to be tested, any certified technician is authorized to make the test and report the results of that test to the consumer, and the Water Superintendent. The installation, replacement, or repair of assemblies must be made by a tester having appropriate licensure from the Department of Commerce, Division of Professional Licensing, except when the backflow technician is an agent of the assembly owner.

4.08.190 Water Pollution Prohibited

It shall be unlawful for any person to maintain or erect any building, pens, or stalls for any horses, cattle, sheep, swine, or other animals or to permit any of such animals to be corralled, bedded, or to run at large within three hundred (300) feet of any stream from which water for the city culinary water system shall be taken at any point within fifteen (15) miles above the point where the water of the stream is taken into the city culinary water system.

It shall likewise be unlawful for any person to construct or maintain within three hundred (300) feet of any such stream at any point within fifteen (15) miles above the point where the water of such system is taken into the city culinary water system, any closet, privy, or outhouse without providing an effective septic tank or other germ destroying appliance. Such tanks or appliances, prior to being placed in use, are subject to inspection and approval of the City.

4.08.200 Private Systems And Private Wells

As specified in PCC 13.14 of PCC 13, Zoning Ordinance, private drinking water wells may be allowed in the A-5-H, Annexation Holding Zone and the Mountain and Hillside Zones, as outlined in the respective ordinance. Only one single-family dwelling shall be connected per well.

Wells must satisfy the requirements of the Utah Division of Environmental Quality; the Utah County Health Department; and any other agency having authority to regulate on-site utility systems. Written documentation certifying the proposed on-site system conforms to the pertinent state and county health regulations shall be provided. A building permit shall not be issued until the required approvals have been granted.

4.12 Solid Waste Collection And Removal

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4.12.010 Definitions: Solid Waste Collection And Removal

For the purposes of this Chapter, the following terms, phrases, words, and their derivatives shall have the meaning given herein. When not consistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include words in the plural number. The word “shall” is always mandatory and not merely discretionary.

CITY means the City of Payson.

PERSON is any person, firm, partnership, association, corporation, company or organization of any kind.

GARBAGE shall be held to include and mean kitchen and table refuse, leavings and offal, swill, and also every accumulation of animal and vegetable and other matter that attends the preparation, consumption, decay and dealing in or storage of meats, fish, fowls, birds, fruits and vegetables.

WASTE MATTER shall include and be held to mean crockery, bottles, tin cans, metal vessels, trimmings from lawns and gardens, pasteboard boxes, berry boxes, rags, paper, straw, sawdust, packing material, shavings, boxes, ashes, and all rubbish or other refuse.

4.12.020 Collection By City

All occupied property in Payson City shall be provided with waste removal services by the City beginning February 1, 1968 and charges for this service shall be made to the occupant or owner on their regular utility bill except as provided for in PCC 4.12.220.

4.12.030 Application For Service

All applications for utility service shall include solid waste service. Applicants may apply for more than one residential container and pay the rate established pursuant to PCC 4.12.220. Commercial applicants shall apply for the size of container that best fits the needs of the applicant.

4.12.040 Collection Supervised By Superintendent Of Solid Waste Department

All refuse accumulated in the city shall be collected, conveyed and disposed of by the city under the supervision of the superintendent of the Solid Waste Department of Payson City. The superintendent shall have the authority to make regulations concerning the days of collection, type and location of waste containers, and such other matters pertaining to the collection, conveyance and disposal as he shall find necessary, and to change and modify the same after notice as required by law, provided that such regulations are not contrary to the provisions hereof.

4.12.050 Appeals

Any person aggrieved by the regulations of the superintendent shall have the right of appeal to the City Council of Payson City, who shall have the authority to confirm, modify, or revoke any such regulation or fee.

4.12.060 Creation Of Solid Waste Department And Office Of Superintendent

There is hereby created a Solid Waste Department of Payson City, and the office of superintendent of said department. The Department shall be managed, operated and supervised by the superintendent appointed by the City Council of Payson City and under the direction of the City Manager. The City Council may authorize such other employees as may be required and necessary for the operation and maintenance of the department.

4.12.070 Duties Of Superintendent

The superintendent shall have charge of the Solid Waste Department, and all property of the City used by said Department. The superintendent shall efficiently manage the system of collection and removal of garbage and waste matter in accordance with law, and under the direction of the City Council of Payson City.

4.12.080 Establishment And Collection Of Charges

For the services of collecting and disposing of garbage and waste matter, the owner, attendant, or occupant of each place from which garbage or waste matter is collected by the city, or other authorized personnel and individuals, shall be charged such rates as may be established by resolution of the City Council of Payson City. Said charge shall be deemed to be a civil debt owing to Payson City from the occupants of said property. Payson City shall place said charges on the monthly utility bill and shall be collected, and accounted for, and used as provided by law.

4.12.090 Disposal Of Garbage-Burning

- A. **Use Of Sanitary Fill.** No person, firm or corporation shall, for the purpose of final disposal thereof, dump, place, or bury in any lot, street, alley, gutter, land, or in any water or waterway, within the corporate limits of Payson City, any garbage or waste matter, as defined herein, or any substance condemned by the superintendent of the waste removal department, or any other deleterious or offensive substance, and all such substances must be disposed of at the Payson City landfill, or other approved landfill.
- B. **Burning Prohibited.** No person, firm or corporation shall, for the purpose of final disposal thereof, burn in any lot, street, alley, gutter or on any land, any garbage, deleterious, offensive or any substance condemned by the Solid Waste Superintendent. Any burning within the municipal limits of Payson City shall receive approval from the city fire chief.

4.12.100 Rules And Regulations

The superintendent of the Solid Waste Department of Payson City, subject to the approval of the City Council of Payson City, shall have the power to establish rules and regulations consistent with the provisions of state law and this Chapter, governing the keeping, collection, removal and disposal of garbage and waste matter.

4.12.110 Collection Of Garbage And Waste Matter On Premises

No person owning or occupying any building, lot, or premises in the city shall suffer, allow or permit to collect and remain upon said lot or premises any garbage as defined in PCC 4.12.010 for a period of more than one week, or any waste matter as defined in PCC 4.12.010 for a period of more than four weeks.

4.12.120 Containers To Be Kept Clean

All garbage and waste matter containers shall be kept in a clean and sanitary condition by the owner or person using the same, and garbage containers 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.

4.12.130 Use Of Containers

All garbage and waste matter shall be placed in the container or containers provided by Payson City.

4.12.140 Points Of Collection

Points of collection may be established by the superintendent of the Solid Waste Department from time to time.

4.12.150 Frequency Of Collection

- A. **Residential.** Refuse accumulated by residence shall be collected at least once each week.
- B. Commercial, Industrial, and other business establishments as deem it necessary may enter into an agreement for a greater frequency of collection. Where necessary to protect the public health, the superintendent shall have the authority to require that more frequent collections be made.

4.12.160 Limitations Of Quantity

Residential. The Solid Waste Department shall only collect accumulations of refuse that fit within the approved containers during a collection period for the charge established by resolution.

Commercial. The Solid Waste Department shall collect accumulations of refuse of Commercial, Industrial and other business establishments during the collection period or as established by agreement for the charge established by resolution.

4.12.170 Infectious Of Flammable Refuse

Contagious Disease Refuse. The removal of wearing apparel, bedding, or other refuse from homes or other places where highly infectious or contagious diseases have prevailed should be performed under the supervision and direction of the city/county health officer. Such refuse shall not be placed in containers for regular collection.

4.12.180 Liquid Garbage

No liquid garbage shall be deposited with any garbage or waste matter. All kitchen garbage shall be drained of all moisture and completely wrapped in paper before being placed in the garbage container.

4.12.190 Inspection

The Solid Waste Department, or other duly authorized representative shall visit all premises within the municipal limits of the city from time to time to examine the sanitary conditions of each premise to determine whether the provisions of the Chapter are being complied with. Upon notification by the Solid Waste Department, all persons, firms or corporations shall, within three days after notice, comply with the provisions of this Chapter, or be deemed guilty of a class C misdemeanor.

4.12.200 Only Authorized Agents To Collect Garbage

It shall be unlawful for any person, firm, or corporation, other than the Solid Waste Department of Payson City, to collect, remove or dispose of garbage in Payson City. The provisions of this Section shall not apply to any person transporting his own garbage and/or waste matter to the landfill of Payson City, or the places outside the city limits.

4.12.210 Refuse Property Of City

Ownership of refuse material set out for collection or deposited at the city landfill shall be vested in Payson City.

4.12.220 Fees And Rates

Fees and rates for collection of disposable refuse shall be determined and adopted by resolution of the City Council. The City Council of Payson City may, for good cause shown, exempt a person from garbage collection fees provided such person shall file a claim of exemption with the Payson City Recorder, who shall then submit all such claims to the City Council. The person shall be exempt from garbage fees for such time as determined by the City Council, providing sanitary practices prevail on the premises.

The City Council shall have the authority to waive fees for the C & D Landfill to individuals for the purpose of economic development and/or elimination of blighted buildings. Individuals must apply to the city council and show the public benefits the city receives by waiving the above stated fees. The City Council will only approve the request if the public benefit outweighs loss of revenue to the city.

4.12.230 Use Of City Landfill

Any person may use the Payson City Landfill or other place of disposal established by the waste removal department providing said person shall comply with the rules and regulations as herein stated and as provided herein.

4.12.240 Penalty For Violations

Any violation of this Chapter shall be deemed a Class C Misdemeanor.

4.16 Sewer And Wastewater

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4.16.010 Superintendent Of Sewers Created

There is hereby created and established within and for Payson City the office of Superintendent of Sewers.

4.16.020 Responsibility Of Superintendent

The sewer system shall be under the immediate control of the superintendent of sewers who shall be responsible for the proper care and operation thereof, including the responsibility for the inspection and supervision of all sewer connections within the city limits.

4.16.030 Right Of Entry

Whenever necessary to make an inspection to enforce any of the provisions of this ordinance or whenever the Superintendent or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe as defined in the International Plumbing Code or these ordinances, the Superintendent or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Superintendent by the plumbing code, provided that if such building or premises be occupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused the Superintendent or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to properly permit entry therein by the Superintendent or his authorized representative for the purpose of inspection and examination pursuant to this Ordinance.

4.16.040 Permit For Sewer Connection

Applications for a permit for a sewer connection must be made in writing to the city Development Services Department by the owner of the premises or his authorized agent, and must be accompanied by a plan showing the cause of the connection, its size and location. The application and plan, together with all impact, connection and special assessment fees shall be deposited with the city. A permit will be granted only after the applicant has complied with all applicable codes and building standards.

4.16.050 Fees Not Waived By Payment Of Assessments

The payment of any of the above assessments does not in any way relieve the owner from the payment of other fees mentioned in this code.

4.16.060 Inspection Of Sewer Connections

Inspection of the sewer-connection, or connection to any sewage disposal unit shall be notified at least twenty four (24) hours in advance by the plumber that the connection is complete and ready for inspection. The entire length of the sewer shall be fully exposed. No backfilling shall be done until the inspection is made and work accepted. If any portion of the work is not completed in accordance codes, standards and specifications and the instructions of the inspector, it shall be corrected prior to the inspection being passed.

4.16.070 Permit For Street Excavations

It shall be unlawful for any person to excavate in any public street before first obtaining a written permit from the city and posting a proper bond. Caution must be taken to prevent the destruction or disturbance of any gutter, drain, gas, water, or other pipe or conduit or the injury or destruction of property of any kind. Blue Stake Center must be called and utilities marked, as well as city utilities.

4.16.080 Barricades At Excavations

It shall be unlawful for any person to fail or neglect to maintain proper and sufficient barricades and signals at or near every excavation required in this Title. All excavations shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the city. The applicant shall obtain all necessary construction and work permits from the authorities when any work or construction is to be done in any public street, alley, road or other public way.

4.16.090 Construction, Excavation And Backfill Requirements

The construction, excavation and backfill requirements shall be in accordance with the Payson City Technical Specifications and Standards.

4.16.100 Privies, Cesspools, Septic Tanks Prohibited Within City Boundaries

It shall be unlawful for any person to construct any privy, vault, cesspool or septic tank upon any lot or real estate located within the city boundaries.

All existing residential structures currently serviced by a vault, privy, cesspool or septic tank that is within 300 feet of the municipal sewer system shall disconnect from the existing vault, privy, cesspool or septic tank and connect to the municipal sewer system at the owner's expense, unless the existing residential structure is part of a newly annexed area and the annexation agreement dictates when existing structures will be

connected to the municipal sewer system.

4.16.110 Standards And Specifications For Building Sewer Connections

A building sewer or sewer connection shall be deemed that part of the piping extending from the building drain to its connection with the main sewer.

It shall be unlawful for any person to construct or attach any private drain with the public sewers of Payson City, except under full compliance with the provisions of this Title.

All sewer connections or building sewers shall be not less than four inches or more than six inches in diameter.

- A. **Polyvinyl Chloride Sewer Pipe.** PVC sewer pipe and fittings shall be of type and source approved by the International Plumbing Code, as adopted by the State of Utah. Approved pipe presently includes ASTM 3033 (SDR 41) and ASTM 3034 (SDR 34). Pipe shall be schedule 40. Joints shall be Bell and Spigot, ASTM 3040 (SDR 34), 4" for service connections.

PVC sewer pipe and fitting shall not be used in any reach of pipe that will carry acid or corrosive wastes, unless such pipe is of a type approved by the International Plumbing Code for such application.

- B. **Concrete Sewer Pipe.** Due to the tendency of concrete to be attacked by chemical combinations produced by wastewater, concrete sewer pipe will normally not be approved for use in sewers where the pipe is being laid to minimum grade.

If concrete sewer pipe is approved for use, it shall conform to ASTM C14, Class 3, for diameters eighteen inches or less. Reinforced concrete sewer pipe and fittings shall conform to ASTM C76, Class 2, for diameters twenty one inches or larger, as well as for smaller diameters where required by the Engineer. Joints shall be of the Bell and Spigot rubber gasket design conforming to ASTM C443.

- C. **Other Pipe Materials.** Pipes and fittings constructed of materials other than those specified above may be used if approved by the Engineer and the International Plumbing Code. Any such pipe shall comply with the applicable ASTM designation.

- D. **Manholes.** Precast concrete manhole sections shall conform to ASTM C478 for eccentric cone and to ASTM C76 for cylindrical sections. Concrete bases for manholes shall be cast in place or precast conforming to Payson City Specifications. Other manhole materials, such as preformed fiberglass, may be approved by the Engineer. Concrete stabilization rings shall be Class A concrete.

Manholes shall conform to Part III of the Utah State Division of Health Code of Waste Disposal Regulations.

E. **Service Connections.** Service lines shall be constructed of materials approved by the International Plumbing Code for the particular application. Minimum pipe size shall be four inches diameter.

F. **Sewer Lateral Cleanout.**

Definitions.

SEWER LATERAL CLEANOUT means a point of access where a sewer lateral can be serviced.

OPERATOR means a person who owns, operates or maintains an underground facility. An “operator” does not include an owner of real property where underground facilities are:

A. Located Within.

1. The owner’s property; or
2. A public street adjacent to the owner’s property, a right-of-way adjacent to the owner’s property, or a public utility easement adjacent to the owner’s property;

B. Used exclusively to furnish services to the owner’s property; and

C. Maintained under the operation and control of that owner

D. An operator need not mark or locate an underground facility the operator does not own.

Locating Laterals On Private Property.

A. An excavator may enter or access an owner’s property or dwelling to locate a sewer lateral with the owner’s permission.

Installation and location of sewer lateral cleanouts – Records.

A. An operator or person installing or replacing a sewer lateral cleanout beginning August 1, 2009 shall install or replace the sewer lateral cleanout in a manner so that the lateral can be located, including:

1. house sheets
2. electronic markers
3. electronic databases

B. An operator or person installing or replacing a sewer lateral cleanout beginning

August 1, 2009 shall install a service box over the sewer lateral cleanout.

1. service box must be 12x6x8 or larger
 2. sewer lateral cleanout shall have a metal cap
- C. An operator or person installing a sewer lateral cleanout shall notify the sewer operator of the sewer lateral cleanout location for record keeping purposes.
- D. All new, replaced or contractor located sewer lateral cleanouts shall be GPS by operator or contractor with the GPS location given to the Superintendent within 48 hours of location.
- E. Beginning on August 1, 2009, a sewer operator shall maintain records identifying where all new, replaced or contractor – identified sewer lateral cleanouts are located within the sewer operator’s jurisdiction.
- F. An Inspection of the Sewer Connections pursuant to PCC 4.16.060 shall apply to Sewer Lateral Cleanouts.

A sewer operator shall provide to an excavator information in the sewer operator’s possession pertaining to a sewer lateral cleanout location within the sewer operator’s jurisdiction. The sewer operator shall provide the information within 48 hours of the excavator’s request.

4.16.120 Sewer Connection Fee

The schedule of charges to be imposed for sewer connections shall be set by the City Council from time to time by resolution.

4.16.130 User Rate Fee And Charges

The council shall by resolution fix the rates and charges for sewer service and provide the time of payment. The rate set by resolution should generate sufficient revenues to maintain, operate replace physical plant needs of the system and paying debt service requirements of the system.

Users Outside City Limits.

The City may allow connections to any existing or new residential building if the residence can be connected to both wastewater and culinary water city systems. These connections will be approved by the Public Works Director upon meeting the ability to connect to the facilities and if in the interest of the City there are no issues with the facilities to do so. The cost of connecting to the facilities, including impact and connection fees, will be charged to each property owner as detailed in the adopted fee schedule. The property owner shall also be responsible to properly disconnect existing septic tanks pursuant to Utah County regulations.

4.16.140 Direct Connection From Privy, Cesspool Or Steam Exhaust Prohibited

No privy, vault, cesspool, exhaust from steam engine or blow off from a steam boiler shall be connected directly with a sewer.

4.16.150 Discharging Waste From Cesspools And Septic Tanks At Sewage Treatment Plant

It shall be unlawful for any person, firm or corporation to discharge the waste material collected and gathered in cleaning cesspools or septic tanks at any place within the corporate limits of the city except at the designated site created for such purposes at the sewage disposal treatment plant of Payson City.

Any person who violates the provisions of this Section shall be deemed guilty of a Class C Misdemeanor.

4.16.160 Sewer Treatment Plant Charges For Trucked-In Waste

Trucked in waste as provided in PCC 4.16.170 shall not be permitted in the Payson City sewage system without a written permit first obtained from the Superintendent. The Superintendent shall have sole discretion of what trucked in waste is acceptable to the plant. Charges for trucking in sewage shall be set by the Payson City Council from time to time by resolution.

4.16.170 Storm Water, Etc., Prohibited In Sanitary Sewers

No person shall discharge or cause to be discharged any storm water surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

4.16.180 Discharge Of Storm Water, Etc.

Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to a natural outlet approved by the superintendent. Industrial cooling water or unpolluted process waters may be discharged, on approval of the superintendent, to a storm sewer, combined sewer or natural outlet.

4.16.190 Water And Waste Prohibited In Public Sewers

Except as hereinafter provided, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewer:

- A. Any liquid or vapor having a temperature higher than one hundred and fifty degrees Fahrenheit.
- B. Any water or waste which may contain more than twenty parts per million, by

weight, of fat, oil, or grease.

- C. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- D. Any garbage with the exception of household garbage disposals.
- E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, paunch manure, or any other solid or viscous substances capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
- F. Any waters or wastes having a PH lower than six or higher than eight and five tenths, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- G. Any waters or waste containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant.
- H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- I. Any noxious or malodorous gas or substances capable of creating a public nuisance. (Statutory authority, Utah Code § 10.8.46 (1953 as amended)).

4.16.200 Grease, Etc., Interceptors May Be Required; Specifications

Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sands, and other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection.

Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, or watertight, and equipped with easily removable covers which when bolted in place shall be gas tight and water tight.

4.16.210 Maintenance Of Grease, Etc., Interceptors

Where installed, all grease, oil and sand interceptors shall be maintained by the owner, at the owners expense, in continuously efficient operation at all times.

4.16.220 When Preliminary Treatment Required

Users whose facilities produce potential discharges in quantities or concentrations which are prohibited under PCC 4.16.190, must provide preliminary treatment facilities designed to bring such discharges into compliance with said ordinance.

Plans, specifications, and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Superintendent and of the water pollution control committee of the State of Utah, and no construction of such facilities shall be commenced until said approvals are obtained in writing.

4.16.230 Amalgam Separator(s)

Amalgam separator(s) must be installed in Dental Dischargers who remove amalgam according to 40 CFR 441.

- A. Amalgam process wastewater means any wastewater generated and discharged by a dental discharger through the practice of dentistry that may contain dental amalgam.
- B. Amalgam separator means a collection device designed to capture and remove dental amalgam from the amalgam process wastewater of a dental facility.
- C. Dental amalgam means an alloy of elemental mercury and other metal(s) that is used in the practice of dentistry.
- D. Dental Discharger means a facility where the practice of dentistry is performed, including, but not limited to, institutions, permanent or temporary offices, clinics, home offices, and facilities owned and operated by Federal, state or local governments, that discharges wastewater to a publicly owned treatment works (POTW).
- E. Existing Sources means a dental discharger that is not a new source.
 - 1. No later than July 14, 2020, any existing source must achieve the §441.30 pretreatment standards for the removal of dental amalgam solids from all amalgam process wastewater and implementing the best management practices.
- F. New Sources means any new source as of July 14, 2017 is subject to comply with the requirements of 441.30(a) and (b) and the reporting and recordkeeping requirements of §441.50.
- G. Requirements from this section must meet the most current requirements of the Environmental Protection Agency (EPA) 40 CFR 441.

4.16.240 Damaging Or Tampering With Sewer Structure, Appurtenance, Or Equipment

No unauthorized person shall maliciously, willfully, or negligently break, damage,

destroy, uncover, deface or tamper with any structure, appurtenance, or equipment which is a part of the municipal sewage works. Any person violating this provision shall be guilty of a class C misdemeanor.

4.16.250 Notice To Cease Violations

Any person found to be violating any provision of this Chapter shall be served by the city with written notice stating the nature of the violations and providing a reasonable time limit for the satisfactory correction thereof; not to exceed thirty days, however. The offender shall, within the period of time stated in such notice, or prior to the expiration of thirty days from notice, permanently cease all violations.

4.16.260 Use Of City Sewer System Mandatory

It shall be unlawful for the owner or any other person occupying or having charge of any premises within the city limits which are situated within 300 feet of a sewer main to dispose of sewage there from by any means other than by use of the city sewer system, unless the premise is part of a newly annexed area and the annexation agreement dictates when existing structures will be connected to the municipal sewer system.

It shall be unlawful to construct or to continue to use any other sewage disposal system, such as a privy, vault, cesspool or septic tank on such property except as provided in PCC 4.16.110.

4.16.270 Sewer Service Lines

Payson City shall maintain and repair all collection mains, however, it shall be the responsibility of resident to maintain sewer service lines from building to city main.

4.16.280 Penalty For Continuing Violation

Any person, firm or corporation who shall violate any provisions of this Chapter shall be guilty of a class C misdemeanor. Each day in which any such violation shall continue shall be deemed a separate offense.

4.16.290 Liability For Violation

Any person, firm or corporation who shall violate any provisions of this Chapter shall be civilly liable to the city by reason of such violation. Civil liability may include, but shall not be limited to, fines, fees and penalties imposed by the State of Utah and/or the Federal Government on Payson City that is directly attributable to the person, firm or corporation.

4.16.300 Plumbing Code

The International Plumbing Code as adopted and amended by the State of Utah, is hereby adopted by Payson City.

4.16.310 Disconnection Of Service

If the user of sewer service fails within the time fixed in the resolution to pay the utility bill, which includes the sewer fees, the sewer service shall be discontinued until the utility bill is paid.

4.20 Pretreatment

4.20.010 General Provisions

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A. Purpose And Policy.

1. This Pretreatment Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) for Payson City Corporation and enables Payson City to comply with all applicable State and Federal laws including the Clean Water Act (33 U.S.C. 1251 et seq.), the General Pretreatment Regulations found in the U.S. Code of Federal Regulations (CFR) 40 CFR Part 403, and the Utah Administrative Code R317-8-8. The objectives of this Pretreatment Ordinance are:
 - a. To prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW;
 - b. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or otherwise be incompatible with the POTW;
 - c. To ensure that the quality of the wastewater treatment plant sludge is maintained at a level which allows its use and disposal in compliance with applicable statutes and regulations found in 40 CFR Part 503;

- d. To protect POTW personnel who may be affected by wastewater and sludge in the course of their employment and to protect the general public;
- e. To improve the opportunity to recycle and reclaim wastewater and sludge from the POTW;
- f. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW; and
- g. To enable Payson City to comply with its Utah Pollution Discharge Elimination System Permit (USPES) conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

2. This Pretreatment Ordinance shall apply to all users of the POTW. This Pretreatment Ordinance authorizes issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires industrial user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

B. Administration. Except as otherwise provided herein, the Wastewater Superintendent, shall administer, implement, and enforce the provisions of this Pretreatment Ordinance. Any powers granted to or duties imposed upon the Superintendent may be delegated by the Superintendent to duly authorized Payson City personnel.

C. Definitions. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Pretreatment Ordinance, shall have the meaning hereinafter designated.

ACT or THE ACT. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq. and any subsequent amendments thereto.

APPROVAL AUTHORITY means the State of Utah, Department of Environmental Quality, Division of Water Quality (DWQ) or its successor agency.

AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER or AUTHORIZED REPRESENTATIVE shall mean:

- 1. If the Industrial User is a corporation, Authorized Representative shall mean:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other

person who performs similar policy or decision-making functions for the corporation.

- b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- c. If the Industrial User is a partnership, or sole proprietorship, an Authorized Representative shall mean a general partner or proprietor, respectively;
- d. If the Industrial User is a Federal, State or local governmental facility, an Authorized Representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his/her designee;
- e. The individuals described in paragraphs 1,a–1,c above may designate another authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Payson City's Wastewater Superintendent.

BIOCHEMICAL OXYGEN DEMAND (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20o centigrade expressed in terms of mass and concentration [milligrams per liter (mg/l)]. This test must be performed in accordance with approved procedures found in 40 CFR Part 136.

BEST MANAGEMENT PRACTICES or BMP'S means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in this Ordinance [40 CFR 403.5(a) (1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD (40 CFR 403.6 and 40 CFR Parts 405-471). Any regulation containing pollutant discharge limits promulgated by the U.S. EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) which apply to a specific category of industrial users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL INDUSTRIAL USER. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

CHAIN OF CUSTODY (COC). A record of each person involved in the possession of a sample from the person who collects the sample to the person who analyzes the sample in the laboratory.

CHEMICAL OXYGEN DEMAND or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

CODE OF FEDERAL REGULATIONS (CFR). A codification of Federal rules published by the Office of the Federal Register National Archives and Records administration. Title 40 of the CFR contains the regulations for Protection of the Environment.

COLOR. The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

COMPOSITE SAMPLE. The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either flow or time, to minimize the effect or the variability of the individual samples. This sampling should be in accordance with 40 CFR Part 403 Appendix E Subpart I - Composite Method.

COMPLIANCE SCHEDULE. A schedule of remedial measures included in a permit or an enforcement order, including a sequence of interim requirements (for example, actions, operations, or milestone events) that lead to compliance with the CWA and regulations.

CONTROL AUTHORITY. The City of Payson. A POTW with an approved Pretreatment Program or the approval authority in the absence of a POTW Pretreatment Program.

DAILY MAXIMUM. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

DAILY MAXIMUM LIMIT. The maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

ENVIRONMENTAL PROTECTION AGENCY OR EPA. The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Management Division Director or other duly authorized official of said agency.

EXISTING SOURCE. Any source of discharge, the construction or operation of which commenced prior to the publication of proposed categorical Pretreatment Standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

GRAB SAMPLE. A sample which is taken from a waste stream on a one-time basis, over 15 minutes or less, without regard to the flow in the waste stream and without consideration of time. This sampling should be in accordance with 40 CFR Part 403 Appendix E Subpart II - Grab Method.

HAZARDOUS WASTE. Any pollutant listed and characterized under 40 CFR part 261, which can do significant damage to the POTW.

INDIRECT DISCHARGE OR DISCHARGE means the introduction of pollutants into a POTW from any non-domestic source regulated under section 307(b), (c) or (d) of the Act. An indirect discharge is the introduction of pollutants into the POTW from any nondomestic source.

USER or INDUSTRIAL USER. A source of indirect discharge.

INSTANTANEOUS LIMIT. The maximum concentration (or loading) of a pollutant allowed to be discharged at any time, determined from the analysis of any grab or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE. A Discharge which, alone or in conjunction with a Discharge or Discharges from other sources both:

1. Inhibits or disrupts the POTW; and
2. Causes a violation of Payson City's UPDES permit or prevents sewage sludge use or disposal in compliance with any of the following statutory/state or local regulations): Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly

referred to as the Resource Conservation and Recovery Act (RCRA); 40 CFR Part 503 governing the use and disposal of sewage sludge; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

LEGAL AUTHORITY. 40 CFR 403.8(f)(1) As stated in the regulation, the authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, the legal authority must enable the POTW to:

1. Deny or condition new or increased contributions of pollutant to the POTW (403.8 (f)(1)(i).
2. Require compliance with applicable Pretreatment Standards and Requirements (4103.8 (f)(1)(ii).
3. Control users through permits, orders, or similar means to ensure compliance with applicable standards and requirements (403.8 (f)(1)(ii).
4. Require the development of a compliance schedule by users (403.8 F9 (iv)(A).
5. Require the submission of all notices and self-monitoring reports (403.8 (f)(1)(iv)(B).
6. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance or noncompliance by users (403.8 (f)(1)(v).
7. Obtain remedies for noncompliance by users including the authority to seek injunctive relief and seek or assess penalties of at a maximum of \$10000 per day per violation (403.8 (f)(1)(vi).

LOCAL LIMIT. Specific discharge limits developed to protect the POTW in accordance with 40 CFR 403.5 and enforced by Payson City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in this Ordinance. The technical based local limits and development documents are kept in a separate file at the Wastewater Treatment Plant and can be reviewed if requested.

MEDICAL WASTE. Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, fomites, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

MONTHLY AVERAGE. The arithmetic average value of all samples taken in a calendar month for an individual pollutant parameter. The monthly average may be the average of all grab samples taken in a given calendar month, or the

average of all composite samples taken in a given calendar month.

MONTHLY AVERAGE LIMIT. The highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES). The National Program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing discharge permits from point sources to waters of the United States, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the CWA.

PRETREATMENT STANDARDS or STANDARDS. Pretreatment Standards shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users, which includes but is not limit to prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

NEW SOURCE. (40 CFR 403.3(m))

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - a. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 - b. The building, structure, facility of installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - c. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
2. Construction on a site at which an Existing Source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs 1,b or 1,c above but otherwise alters, replaces, or adds to

existing process or production equipment.

3. Construction of a new source as defined has commenced if the owner or operator has begun, or caused to begin as part of a continuous on site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment;
or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - c. Entered into a binding contractual obligation for the purchase of facilities or equipment which is intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

NON-CONTACT COOLING WATER. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

PASS THROUGH. A discharge which exits the POTW into waters of the State in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of Payson City Wastewater Treatment Plant UPDES permit, including an increase in the magnitude or duration of a violation.

PAYSON CITY. Payson City Corporation, a duly organized political subdivision of the State of Utah.

PERSON. Any individual, partnership, co partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all Federal, State or local governmental entities.

PH. A measure of the acidity or alkalinity of a substance, expressed in standard units.

POLLUTANT. (40 CFR 122.2). Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and industrial wastes, and the characteristics of the wastewater [i.e., pH, temperature,

TSS, turbidity, color, BOD, Chemical Oxygen Demand, toxicity, odor].

PRETREATMENT. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

PRETREATMENT COORDINATOR. A person who under the Superintendents direction administers the Pretreatment Program.

PRETREATMENT INSPECTOR. A person(s) who under the Superintendents direction administers the Pretreatment Program, along with the Pretreatment Coordinator.

PRETREATMENT REQUIREMENTS. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

PRETREATMENT STANDARDS or STANDARDS. Pretreatment Standards shall mean Categorical Pretreatment Standards, State Pretreatment requirements, and Local Limits established by the Payson City.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES. Absolute prohibitions against the discharge of certain substances or wastewater characteristics; these prohibitions appear in Section 2.2.1 of this Pretreatment Ordinance.

PUBLICLY OWNED TREATMENT WORKS (POTW). A treatment works, as defined by section 212 of the Act (33 U.S.C. section 1292), which is owned by Payson City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. It also includes sewers, pipes and other conveyances if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

SEPTIC TANK WASTE. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE. Human excrement and gray water (household showers, dish washing operations, etc.)

SIGNIFICANT INDUSTRIAL USER (SIU). Except as provided in paragraphs (3) and (4) of this definition, a Significant Industrial User is:

1. Industrial Users subject to Categorical Pretreatment Standards; or
2. Any other Industrial User that
 - a. Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excludes sanitary, noncontact cooling and boiler blowdown wastewater),
 - b. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the treatment Plant or,
 - c. Is designated as significant by Payson City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
3. Payson City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to Payson City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - b. The Industrial User annually submits the certification statement required in Section 6.20.060 I. 5. [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - c. The Industrial User never discharges any untreated concentrated wastewater
4. Upon a finding that a User meeting the criteria in paragraph 2 of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, Payson City may at any time, on its own initiative or in response to a petition received from an Industrial User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.

SIGNIFICANT NON-COMPLIANCE (SNC) 40 CFR 403.8(f)(2)(viii). Industrial

user violations meeting one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 6.20.010 C.
2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6)-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 6.20.010 C. multiplied by the applicable TRC criteria (TRC=1.4 for BOD, TSS, fats, oils and grease, and TRC=1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined by paragraph 2 of this definition (Daily Maximum, long term average, Instantaneous Limit, or narrative standard) that the Wastewater Superintendent determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
4. Any other discharge violation that the Control Authority believes has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Payson City personnel or the general public);
5. Any discharge of pollutants that have caused imminent endangerment to human health, welfare or to the environment or have resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
6. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
7. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
8. Failure to accurately report noncompliance;
9. Any other violation(s), which may include a violation of Best Management Practices, which the Wastewater Superintendent determines will adversely affect the operation or implementation of the local pretreatment

program.

SLUG LOAD OR SLUG DISCHARGE. 40 CFR 403.8 (f)(2)(vi). Any discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in Section 2.2 of this Pretreatment Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE. A classification pursuant to the Standard Industrial Classification Manual issued by the U.S. Office of Management and Budget.

STORM WATER. Rain water, snow melt, and surface runoff and drainage.

SUPERINTENDENT. The person designated by Payson City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Pretreatment Ordinance or Duly Authorized Representative of the Superintendent.

TOTAL SUSPENDED SOLIDS (TSS) or SUSPENDED SOLIDS. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

TOXIC POLLUTANT. Any pollutant listed as toxic under section 307 (a)(1) of the CWA, or in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of the CWA.

TREATMENT PLAN EFFLUENT. Any discharge from the POTW into waters of the State of Utah.

WASTEWATER. Liquid and water-carried industrial wastes, and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

WASTEWATER TREATMENT PLANT or TREATMENT PLANT. That portion of the POTW designed to provide treatment including recycling and reclamation of sewage and industrial waste.

90-DAY FINAL COMPLIANCE REPORT (40 CFR 403.12(d)). A report submitted by categorical industrial users within 90 days following the date for final compliance with the standards. This report must contain flow measurement (of regulated process streams and other streams), measurement of pollutants, and a

certification as to whether the categorical standards are being met.

WATERS OF THE STATE means all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion thereof, except that bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish and wildlife, shall not be considered to be "waters of the state" under this definition (Utah Code § 19-5-102).

D. **Abbreviations.** The following abbreviations shall have the designated meanings. Some of the abbreviations are included in the definition paragraph C but are repeated here for the sake of clarity.

BOD - Biochemical Oxygen Demand
BMR - Baseline Monitoring Report
CFR - Code of Federal Regulations
CIU - Categorical Industrial User
COD - Chemical Oxygen Demand
CWA - Clean Water Act
EPA - U.S. Environmental Protection Agency
Gpd - Gallons Per Day
IU - Industrial User
L - Liter
Mg - Milligrams
mg/l - Milligrams Per Liter
NOV - Notice of Violation
NPDES - National Pollutant Discharge Elimination System or the Utah Pollutant Discharge Elimination System
O&M - Operation and Maintenance
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIC - Standard Industrial Classification
SIU - Significant Industrial User
SNC - Significant Non-Compliance
SWDA - Solid Waste Disposal Act (42U.S.C. 6901, et seq.)
TSS - Total Suspended Solids
USC - United States Code

4.20.020 General POTW Use Requirements

A. **Prohibited Discharge Standards.**

1. No industrial user shall introduce or cause to be introduced into the

POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not the source is subject to categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or requirement. Furthermore, no user may contribute the following substances to the POTW:

- a. Pollutants which create a fire or explosive hazard in the POTW system, including, but not limited to waste streams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40 CFR 261.21.
- b. Pollutants which will cause corrosive structural damage to the POTW, but in no case Discharges with pH lower than 5.0, unless the works is specifically designed to accommodate such Discharges;
- c. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference,
- d. Any pollutant, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- e. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40° C (104° F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits;
- f. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.
- g. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may case acute or chronic worker health and safety problems.
- h. Any trucked or hauled pollutants, except at discharge points designed by the Superintendent in accordance with this Pretreatment Ordinance.
- i. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- j. Any wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and

vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating Payson City's Wastewater Treatment Plants UPDES Permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent (10%) from the seasonably established norm for aquatic life.

- k. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the Superintendent in compliance with applicable State or Federal regulations.
 - l. Storm water, surface water, ground water, artisan well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted industrial wastewater, unless specifically authorized by the Superintendent.
 - m. Any sludge, screening, or other residues from the pretreatment of industrial wastes.
 - n. Any medical wastes, except as specifically authorized by the Superintendent in a wastewater discharge permit.
 - o. Any wastewater causing, alone or in conjunction with other sources, the treatment plant effluent to fail a toxicity test.
 - p. Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
 - q. Any discharge of fats, oils, or greases of animal or vegetable origin is limited to 100 mg/L.
2. Pollutants prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the POTW. If the industrial user storing the specified pollutant does not have a pretreatment facility, the floor drain shall be either plugged with concrete or valved. The valve shall be locked closed at all times and opened only with permission from the Superintendent.

B. National Categorical Pretreatment Standards.

1. National Categorical Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial subcategories have been established by EPA in 40 CFR Chapter I, Subchapter N, Parts 405-471 and are hereby incorporated.

2. Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.
3. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Wastewater Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
4. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Wastewater Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
5. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Wastewater Superintendent shall impose an alternate limit in accordance with 40 CFR 403.6(e).
6. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that Wastewater Superintendent convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Wastewater Superintendent. Wastewater Superintendent may establish equivalent mass limits only if the Industrial User meets all the conditions set forth below.

To be eligible for equivalent mass limits, the Industrial User must:

- a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
- b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
- c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
- d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the Wastewater Superintendent whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph B,6,c. Upon notification of a revised production rate, the Wastewater Superintendent will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph B,6,a as long as it discharges under an equivalent mass limit.

When developing equivalent mass limits, the Wastewater Superintendent:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to this Ordinance. The Industrial User must also be in compliance with this Ordinance regarding the prohibition of bypass.

C. State Pretreatment Requirements. State of Utah Pretreatment Standards

contained in the Utah Administrative Code R317-8-8 are hereby incorporated. Any User subject to a state pretreatment standard is required to comply with the applicable standard.

D. Payson City Wastewater Treatment Plant Local Limits.

1. The Wastewater Superintendent is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
2. Local limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Wastewater Superintendent may impose mass limitations in addition to the concentration based limitations as stated in paragraph D. The development documents for local limits are kept at the Wastewater Treatment Plant office and can be reviewed if requested.
3. The Wastewater Superintendent may develop Best Management Practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement Local Limits and the requirements of paragraph A.
4. Pollutant local limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of these limits. Specific local limits are presented in the local limits development document and are hereby incorporated as part of this Ordinance.

E. Right Of Revision. The Wastewater Superintendent reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharge to the POTW consistent with the purpose of this Pretreatment Ordinance. In addition, the Wastewater Superintendent is authorized to temporarily or permanently revoke or suspend issuance of any permit at any time in order to protect the POTW from Pass Through or Interference in order to maintain compliance with any UPDES permit requirement or pretreatment program requirement. The Wastewater Superintendent shall also have the right to deny new or increased contributions or to set additional conditions on such contributions to protect the POTW, including limits that may be more stringent than the approved Local Limits.

F. Special Agreement. The Wastewater Superintendent reserves the right to enter into special agreements with industrial users setting out special terms under which they may discharge to the POTW. In no case will a special agreement waive compliance with a Pretreatment Standard or Requirement. However, the industrial user may request a net gross adjustment of a Categorical Standard in accordance with 40 CFR 403.15. They may also request, from EPA, a variance from the Categorical Pretreatment Standard. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when established that

particular Pretreatment Standard. An industrial user requesting a variance must comply with procedural and substantive provision in 40 CFR 403.13.

- G. **Dilution.** No industrial user shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Wastewater Superintendent may impose mass limitations on industrial users which are using dilution to meet applicable Pretreatment Standards or Requirements or in other cases when the imposition of mass limitations is appropriate.

4.20.030 Pretreatment Of Wastewater

- A. **Pretreatment Facilities.** Users shall provide wastewater treatment as necessary to comply with this ordinance and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 6.20.010 A. of this ordinance within the time limitations specified by EPA, the State, or the Wastewater Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Wastewater Superintendent for review, and shall be acceptable to the Wastewater Superintendent before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to Payson City under the provisions of this ordinance.

B. Additional Pretreatment Measures.

1. The Wastewater Superintendent may require industrial users to restrict their discharge during peak flow periods, designate certain wastewater be discharged only into specific sewers, relocated and/or consolidate points of discharge, separate municipal waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and secure the industrial user's compliance with the requirements of this Pretreatment Ordinance.
2. Each person discharging into the POTW greater than 50,000 gallons per day, may be required by the Wastewater Superintendent to install and maintain, on his property and at his expense, a suitable storage and flow control facility to insure equalization of flow over a twenty-four (24) hour period. The facility shall have a capacity for at least one-hundred and fifty percent (150%) of the daily discharge volume and shall be equipped with alarms and a rate of discharge controller, the regulation of which shall be directed by the Wastewater Superintendent. A wastewater discharge

permit may be issued solely for flow equalization.

3. Grease, oil and sand interceptors and traps shall be provided when, in the opinion of the Wastewater Superintendent or Pretreatment Coordinator, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interceptor and trap units shall be of type and capacity approved by the Wastewater Superintendent or Pretreatment Coordinator and shall be so located to be easily accessible for cleaning and inspection. Interceptors shall be inspected and cleaned at least quarterly unless otherwise stated by the Wastewater Superintendent or Pretreatment Coordinator by the owner at his/her expense. Traps must be cleaned at least weekly unless otherwise stated by the Wastewater Superintendent or Pretreatment Coordinator by the owner at his/her expense.
4. Industrial users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
5. Sampling manholes shall be located in an area to allow for ease of cleaning, sampling and inspection by the User and the Pretreatment Department. No parking shall be allowed on the sampling manhole.

C. Accidental Discharge/Slug Discharge Control Plans. The Pretreatment Coordinator may require any industrial user to develop and implement a slug control plan. At least once every two (2) years the Pretreatment Coordinator shall evaluate whether each significant industrial user needs such a plan. The Pretreatment Coordinator may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Any industrial user required to develop and implement a slug control plan shall submit a plan which addresses, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Type and quantity of stored chemicals;
3. Procedures for immediately notifying the Wastewater Superintendent or Pretreatment Coordinator of any accidental or slug discharge. Such notification must also be given for any discharge which could violate any of the Prohibited Discharge Standards in Section 2.6.6 of this Pretreatment Ordinance; and
4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to:
 - a. Inspection and maintenance of storage areas,

- b. Handling and transfer of materials, loading and unloading operations,
- c. Control of plant site run-off,
- d. Worker training,
- e. Building of containment structures or equipment,
- f. Measures for containing toxic organic pollutants (including solvents), and/or
- g. Measures and equipment for emergency response.

D. Tenant Responsibility. It is the responsibility of owner/operators of shopping malls/strip centers to require any business, tenant, or user that is subject to this Pretreatment Ordinance to fully meet the requirements of this Pretreatment Ordinance and all other applicable federal, State or local regulations.

It is the responsibility of each owner, tenant, or User located in shopping malls/strip centers to obtain from the Pretreatment Coordinator any applicable discharge permits, licenses and approvals to discharge to the WWTP.

All existing shopping malls/strip centers shall have one year from written notification from the Pretreatment Coordinator to fully comply with this Pretreatment Ordinance.

E. Business/Industrial Parks. It is the responsibility of owners/operators of business/industrial parks designed for the conglomeration of commercial and industrial operations, research and development, scientific and other business endeavors, and conducted in a business park-like setting, to require their tenants to comply with applicable sections of this Pretreatment Ordinance and any other applicable federal, State or local regulations.

F. Commercial And Institutional Pools. The owner(s) of commercial and institutional (non-residential) swimming pools, when draining a swimming pool to the sanitary sewer system, must restrict the volume of discharge to prevent surcharging (hydraulic overload) of the sewer system. The WWTP must be advised in advance of plans to drain a swimming pool to the WWTP sewer system and may require, among other conditions, specific times of day that the discharge may take place. The owner(s) of all commercial and institutional swimming pools must prepare a BMP (Best Management Practice) Plan that describes procedures acceptable to Wastewater Superintendent for draining their pool(s) to the sanitary sewer system.

G. Recreational Vehicle (RV) Dump Stations.

1. It shall be the responsibility of owner/operators of commercial recreational

vehicle (RV) wastewater dump stations to obtain permission from the Wastewater Superintendent to connect an RV dump station to the WWTP Collection system. Owner/operators of commercial RV dump stations are responsible for compliance with all applicable federal, state, and local wastewater discharge standards, including those general and specific prohibitions listed in Section 6.20.020 A. It shall be the responsibility of owner/operators of commercial RV dump stations to post appropriate signage next to wastewater discharge points that prohibit the discharge of the following:

- a. Flammable and/or explosive materials, materials having a flashpoint less than 140 degrees F
 - b. Solid or viscous materials
 - c. Toxic, hazardous, or corrosive materials
 - d. Noxious or malodorous materials.
2. The owner/operator of a commercial RV dump station is liable for damages and losses of WWTP if it is determined that a discharge of damaging and prohibited substances emanated from User's establishment. It shall be the User's sole responsibility to pay for all associated costs therewith, including but not limited to, investigation, sampling, analysis, damages, fines and penalties and any other costs that are the result of said discharges.
 3. It is prohibited for any owner/operator of a commercial RV dump station to allow the discharge of any wastes other than RV generated wastes, including but not limited to, commercially hauled wastes, grease interceptor wastes, and car wash interceptor wastes, and any other wastes generated and/or hauled by a business.

H. Hauled Wastewater. Septic tank waste may be accepted into the POTW only at locations designated by the Wastewater Superintendent, and at such times as are established by the Wastewater Superintendent. Such waste shall not violate this ordinance or any other requirements established or adopted by Payson City. The Wastewater Superintendent may require septic tank waste haulers to obtain individual wastewater discharge permits from Payson City.

The Wastewater Superintendent may require haulers of industrial waste to obtain individual wastewater discharge permit. The Wastewater Superintendent may require generators of hauled industrial waste to obtain individual wastewater discharge permits. The Wastewater Superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

Industrial waste haulers may discharge loads only at locations designated by the Wastewater Superintendent. No load may be discharged without prior consent of the Wastewater Superintendent. The Wastewater Superintendent may collect samples of each hauled load to ensure compliance with applicable Standards. The Wastewater Superintendent may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

Waste haulers (septic and industrial) must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of waste, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

Fees for discharging hauled wastewater will be established as part of the Payson City Fee Schedule as authorized by Payson City governing body.

- I. **Vandalism.** No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW. Any person found in violation of this requirement shall be subject to the sanctions set out in Sections 10-12, below.

4.20.040 Individual And General Wastewater Discharge Permits

Payson City uses individual and general wastewater discharge permits (6.20.040) as control mechanisms to control and enforce limits upon IUs that indirectly discharge to the POTW.

- A. **Wastewater Analysis.** When requested by the Pretreatment Coordinator, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Pretreatment is authorized to prepare a form for this purpose and may periodically require Users to update this information. If the User changes or adds a process the User is required to update the information provided to the Pretreatment Coordinator thirty (30) days prior to the process being changed or added.
- B. **Individual Wastewater Discharge Permit And General Permit Requirement.** No Significant Industrial User shall discharge wastewater into the POTW without first obtaining an individual or general wastewater discharge permit from the Wastewater Superintendent, except that a Significant Industrial User that has filed a timely application pursuant to Section 6.20.040 C. of this Pretreatment Ordinance may continue to discharge for the time period specified therein.

The Wastewater Superintendent may require other Users to obtain individual or general wastewater discharge permits as necessary to carry out the purposes of

this Pretreatment Ordinance.

Any violation of the terms and conditions of an individual or a general wastewater discharge permit shall be deemed a violation of this Pretreatment Ordinance and subjects the wastewater discharge permittee to the sanctions set out in Sections 6.20.110 through 6.20.130 of this Pretreatment Ordinance. Obtaining an individual or a general wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

C. Individual And General Wastewater Discharge Permitting: Existing

Connections. Any User required to obtain an individual or a general wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Pretreatment Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Pretreatment Coordinator for an individual or a general permit wastewater discharge permit in accordance with Section 6.20.040 E. of this Pretreatment Ordinance, and shall not cause or allow discharges to the POTW to continue after one-hundred eighty (180) days of the effective date of this Pretreatment Ordinance except in accordance with an individual or a general permit wastewater discharge permit issued by the Wastewater Superintendent.

D. Individual And General Wastewater Discharge Permitting: New

Connections. Any User required obtaining an individual or a general wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this individual or general permit wastewater discharge permit, in accordance with Section 6.20.040 E. of this Pretreatment Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. The Wastewater Superintendent or Pretreatment Coordinator has the right to place conditions on new or increased contributions from existing users.

E. Individual And General Wastewater Discharge Permit Application Contents.

All Users required to obtain an individual or a general wastewater discharge permit must submit a permit application. Users that are eligible may request a general permit under Section 6.20.040 H. All permittees that will be continuing to discharge are required to complete an application ninety (90) days prior to the permit expiring. The Pretreatment Coordinator shall approve a form to be used as a permit application. The Pretreatment Coordinator may require Users to submit all or some of the following information as part of a permit application:

1. Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Hours of Operation: Number and type of employees, hours of

- operation, either proposed or actual hours.
 - c. Contact information, description of activities, facilities, and plant production processes on the premises;
 - d. The description of activities, facilities, and plant production processes and the premises;
2. **Environmental Permits.** A list of any environmental control permits held by or for the facility.
3. **Description of Operations.**
- a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - b. Identify the Categorical Pretreatment Standards applicable to each regulated process.
 - c. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
 - d. Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - e. Type and amount of raw materials processed (average and maximum per day);
 - f. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
 - g. Pollutants: Submit the results of sampling and analysis identifying the nature and concentration (and/or mass, where required by the standard or by Payson City) of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long term average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations and shall be sampled and analyzed in accordance with procedures set out in this Pretreatment Ordinance (6.20.060 A.).
4. Time and duration of discharges;
5. The location for monitoring all wastes covered by the permit;

6. **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 6.20.020 B. 3. (40 CFR 403.6(e)).
7. **Certification.** A statement reviewed by the industrial user's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis. If not, state whether additional O&M and/or additional pretreatment is required to meet the Pretreatment Standards and requirements.
8. **Measurement of Pollutants.**
 - a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Pretreatment Coordinator of regulated pollutants in the discharge from each regulated process.
 - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.20.060 I. of this Pretreatment Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Pretreatment Coordinator the applicable Standards to determine compliance with the Standard.
 - e. Sampling must be performed in accordance with procedures set out in Section 6.20.060 I. 2. of this Pretreatment Ordinance.
9. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.20.060 D. 2. [40 CFR 403.12(e)(2)].
10. Any request to be covered by a general permit based on Section 6.20.040 H.
11. Any other information as may be deemed necessary by the Pretreatment Coordinator to evaluate the permit application.
 - a. Incomplete or inaccurate applications will not be processed and

will be returned to the User for revision.

b. Based on information provided by the permittee as required in Section 6.20.040 H., the Pretreatment Coordinator will review within sixty (60) days to determine if:

(1) Additional information is needed; or

(2) A permit is not necessary; or

(3) If a permit will be required before the IU is allowed to discharge to the POTW.

12. Should any of the information requested or supplied be considered by the User to be confidential, the User shall indicate in writing which information is deemed confidential in accordance with Section 6.20.090 of this Pretreatment Ordinance. Information regarding sampling and analysis of the discharge cannot be considered confidential information.

F. Application Signatories And Certifications. All individual and general wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative, see Section 6.20.010 C., of the User and contain the certification statement in Section 6.20.060 I. 5. a..

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or people who manage the system, or those people directly responsible for gathering the information, the information submitted is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Pretreatment Coordinator prior to or together with any reports to be signed by an Authorized Representative.

A facility determined to be a Non-Significant Categorical Industrial User by the Wastewater Superintendent pursuant to 6.20.010 C. must annually submit the signed certification statement in Section 6.20.060 I. 2..

G. Individual And General Wastewater Discharge Permit Decisions. The Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete permit application, the Wastewater Superintendent will determine whether to issue an individual or general wastewater discharge permit. The Wastewater Superintendent may deny or conditionally approve any application for an individual or general wastewater discharge permit.

H. Wastewater Discharge Permitting: General Permits.

1. The Wastewater Superintendent may use at his/her discretion the use of general permits to control SIU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:
 - a. Involve the same or substantially similar types of operations;
 - b. Discharge the same types of wastes;
 - c. Require the same effluent limitations;
 - d. Require the same or similar monitoring; and
 - e. In the opinion of the Wastewater Superintendent, are more appropriately controlled under a general permit than under an individual wastewater discharge permits.
2. To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with Section 6.20.060 D. 2. for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Wastewater Superintendent has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 6.20.060 D. 2..
3. The Wastewater Superintendent will retain a copy of the general permit, documentation to support the POTW's determination that a specific SIU meets the criteria in Section 6.20.010 C. and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit. 40 CFR 403.8(f)(1)(iii)(A)(1) through (5)
4. The Wastewater Superintendent may not control an SIU through a general permit where the facility is subject to production based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs

whose limits are based on the Combined Wastestream Formula (Section 6.20.020 B.) or Net/Gross calculations (Section 6.20.20 D). 40 CFR 403.6(e) and 40 CFR 403.15

4.20.050 Individual And General Wastewater Discharge Permit Issuance

- A. Individual And General Wastewater Discharge Permit Duration.** An individual or general wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. An individual or general wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of Wastewater Superintendent. Each individual or general wastewater discharge permit will indicate a specific date upon which it will expire.
- B. Individual And General Wastewater Discharge Permit Contents.** An individual or a general wastewater discharge permit shall include such conditions as are deemed necessary by the Wastewater Superintendent to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

Individual and general wastewater discharge permits must contain:

1. A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
2. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Wastewater Superintendent or Pretreatment Coordinator. Each wastewater discharge permit will indicate a specific date upon which it will expire.
3. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
4. A statement that the individual or general wastewater discharge permit is nontransferable without prior notification to the Wastewater Superintendent in accordance with Section 6.20.050 D. of this Pretreatment Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
5. Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
6. Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State,

and local law.

7. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.20.060 D. (40 CFR 403.12(e)(2))
8. A statement of applicable civil, criminal penalties and administrative penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
9. Requirements to control Slug Discharge, if determined by the Wastewater Superintendent or Pretreatment Coordinator to be necessary.
10. Any grant of the monitoring waiver by the Wastewater Superintendent must be included as a condition in the User's permit or other control mechanism. (See Section 6.20.060 D. 2. for additional requirements).
11. Requirement that the permittee notify the Wastewater Superintendent of changes to the industrial user discharge ninety (90) days prior to the change. The Wastewater Superintendent may deny or conditionally approve the change prior to the User making the change at the facility that may impact the discharge at the facility to the POTW.
12. A statement that the wastewater discharge permit may be revoked upon violation of the terms and conditions of the permit as stated this Pretreatment Ordinance.
13. A statement that grants the Wastewater Superintendent, Pretreatment Coordinator and Pretreatment Inspector(s) the right of entry into all industrial user properties, facilities, buildings, etc. when wastewater is known or expected to be generated and/or discharged.
14. Individual or general wastewater discharge permits may contain, but need not be limited to, the following conditions:
 - a. Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - b. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW
 - c. Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges;

- d. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- f. Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- g. A statement that compliance with the individual or general wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual or general wastewater discharge permit; and
- h. Other conditions as deemed appropriate by the Wastewater Superintendent to ensure compliance with this Pretreatment Ordinance, and State and Federal laws, rules, and regulations.
- i. Any and all pretreatment equipment must be properly operated and maintained. A record of any maintenance must be kept and maintained for five (5) years from the permit expiration date. This record must be submitted to the Pretreatment Coordinator annually.
- j. The Chain of Custody documents and analysis records must be submitted with monitoring reports and retained with the records.

C. Permit Modification.

1. The Wastewater Superintendent may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - b. To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the individual wastewater discharge permit issuance;
 - c. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - d. Information indicating that the permitted discharge poses a threat to the POTW, related personnel, or the receiving waters;
 - e. Violation of any terms or conditions of the individual wastewater

- discharge permit;
 - f. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - g. Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
 - h. To correct typographical or other errors in the individual wastewater discharge permit; or
 - i. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 6.20.050 D.
2. The Wastewater Superintendent may modify a general permit for good cause, including, but not limited to, the following reasons:
- a. To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
 - b. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - c. To correct typographical or other errors in the individual wastewater discharge permit; or
 - d. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 6.20.050 D.

D. Individual And General Wastewater Discharge Permit Transfer.

1. Individual or coverage under general wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least one-hundred eighty (180) days advance notice to the Wastewater Superintendent and the Wastewater Superintendent approves the individual or coverage under the general wastewater discharge permit transfer. The notice to the Wastewater Superintendent must include a written certification by the new owner or operator which:
- a. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - b. Identifies the specific date on which the transfer is to occur; and
 - c. Acknowledges full responsibility for complying with the existing individual or general wastewater discharge permit.

2. Failure to provide advance notice of a transfer renders the individual or coverage under the general wastewater discharge permit void as of the date of facility transfer.

E. Individual And General Wastewater Discharge Permit Revocation.

1. The Wastewater Superintendent may revoke an individual or coverage under a general wastewater discharge permit for good cause, including, but not limited to, the following reasons:
 - a. Failure to notify the Wastewater Superintendent of significant changes to the wastewater prior to the changed discharge;
 - b. Failure to provide prior notification to the Wastewater Superintendent of changed conditions pursuant to Section 6.20.060 E. of this Pretreatment Ordinance;
 - c. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - d. Falsifying self-monitoring reports;
 - e. Falsifying certification statements;
 - f. Tampering with monitoring equipment;
 - g. Refusing to allow the Wastewater Superintendent, Pretreatment Coordinator, Pretreatment Inspector or any other Pretreatment Program Administer timely access to the facility premises and records;
 - h. Failure to meet effluent limitations;
 - i. Failure to pay fines;
 - j. Failure to pay sewer charges;
 - k. Failure to meet compliance schedules;
 - l. Failure to complete an industrial wastewater survey or the individual or general wastewater discharge permit application or reapplication;
 - m. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - n. Violation of any Pretreatment Standard or Requirement, or any terms of the individual or general wastewater discharge permit or this Pretreatment Ordinance.
2. Non-compliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show

cause under these standards why the proposed action should not be taken. However, notwithstanding any other provisions of this Section, the Wastewater Superintendent may in his or her sole discretion immediately revoke any discharge permit where the discharge reasonably appears to present an imminent endangerment to the health or welfare of persons.

3. Individual or coverage under general wastewater discharge shall be voidable upon cessation of operations or transfer of business ownership. All individual or general of a new individual wastewater discharge permit to that User.

F. Individual And General Wastewater Discharge Permit Reissuance. A User with an expiring individual or general wastewater discharge permit shall apply for individual or general wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 6.20.040 E. of this Pretreatment Ordinance, a minimum of ninety (90) days prior to the expiration of the User's existing individual or general wastewater discharge permit.

G. Regulation Of Waste Received From Other Jurisdictions.

1. If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Wastewater Superintendent shall enter into an interlocal agreement with the contributing municipality.
2. Prior to entering into an agreement required by paragraph G,1 above, the Wastewater Superintendent shall request the following information from the contributing municipality:
 - a. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - b. An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - c. Such other information as the Wastewater Superintendent may deem necessary.
3. An interlocal agreement, as required by paragraph G,1 above, shall contain the following conditions:
 - a. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Pretreatment Ordinance and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 6.20.060 A. of this Pretreatment Ordinance. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to Payson City's ordinance or Local Limits;

- b. A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- c. A provision specifying which pretreatment implementation activities, including individual or general wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Wastewater Superintendent or Pretreatment Coordinator; and which of these activities will be conducted jointly by the contributing municipality and the Wastewater Superintendent or Pretreatment Coordinator;
- d. A requirement for the contributing municipality to provide the Wastewater Superintendent or Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- e. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- f. Requirements for monitoring the contributing municipality's discharge;
- g. A provision ensuring the Wastewater Superintendent or Pretreatment Coordinator access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Wastewater Superintendent; and
- h. A provision specifying remedies available for breach of the terms of the interlocal agreement.
- i. Payson City has primary responsibility for permitting, compliance monitoring, or enforcement, the interlocal agreement should specify that the municipality (in which the POTW is located) has the right to take action to enforce the terms of the contributing municipality's ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers in the event the contributing jurisdiction is unable or unwilling to take such action.

4.20.060 Reporting Requirements

- A. **Baseline Monitoring Reports (BMR).** Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4),

whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Wastewater Superintendent or Pretreatment Coordinator a report which contains the information listed in paragraphs below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the Wastewater Superintendent or Pretreatment Coordinator a report which contains the information listed in the paragraphs below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below.

1. All information required in Sections 6.20.040 E. 1., 2., 3., and 6. (40 CFR 403.12(b)(1)-(7))
2. Measurement of pollutants.
 - a. The User shall provide the information required in Section 6.20.040 E. 8.
 - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
 - d. Sampling and analysis shall be performed in accordance with Section 6.20.060 I.;
 - e. The Pretreatment Coordinator may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and
 - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such

sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

3. Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 6.20.010 C. and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
4. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section .20.060 B. of this Pretreatment Ordinance.
5. Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.20.060 I. 5. a. of this Pretreatment Ordinance and signed by an Authorized Representative as defined in Section 6.20.010 C.

B. Compliance Schedule Progress Report. The following conditions shall apply to the compliance schedule required by Section 6.20.060 A. 4. of this Pretreatment Ordinance:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, beginning and conducting routine operation).
2. No increment referred to above shall exceed nine (9) months.
3. The User shall submit a progress report to the Pretreatment Coordinator no later than fourteen (14) days following each date in the schedule, and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the industrial user to return to the established schedule, and
4. In no event shall more than nine (9) months elapse between such progress reports to the Pretreatment Coordinator.

C. Compliance Reports On Compliance With Categorical Pretreatment

Standard Deadline. Within ninety (90) days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any categorical industrial user subject to such Pretreatment Standards and Requirements shall submit to the Pretreatment Coordinator a report containing the information required by this Pretreatment Ordinance including but not limited to flow measurement, sampling, chain of custody and analysis of pollutants. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a determined measure of the User's long term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 6.20.060 I. 5. a. of this Pretreatment Ordinance. All sampling will be done in conformance with Section 6.20.060 I. 2..

D. Periodic Compliance Report.

1. All Significant Industrial User must, at a frequency determined by the Pretreatment Coordinator submit no less than twice per year (June and December) reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards, and the measured or estimated average, and maximum daily flows for the reporting period. In case where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Pretreatment Coordinator or the Pretreatment Standard necessary to determine the compliance status of the User.
2. The Wastewater Superintendent may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:
 - a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - b. The monitoring waiver is valid only for the duration of the effective

period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 6.20.040 E. 9.

- c. In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - d. The request for a monitoring waiver must be signed in accordance with Section 6.20.040 E. 9., and include the certification statement in Section 6.20.060 I. 5. a. (40 CFR 403.6(a)(2)(ii)).
 - e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - f. Any grant of the monitoring waiver by the Wastewater Superintendent must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Wastewater Superintendent for three (3) years after expiration of the waiver.
 - g. Upon approval of the monitoring waiver and revision of the User's permit by the Wastewater Superintendent, the Industrial User must certify on each report with the statement in Section 6.20.060 I. 5. c. below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
 - h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.20.060 D. 1., or other more frequent monitoring requirements imposed by the Wastewater Superintendent, and notify the Wastewater Superintendent.
 - i. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
3. All periodic compliance reports must be signed and certified in accordance with Section 6.20.060 I. 5. a. of this Pretreatment Ordinance.
4. All wastewater samples must be representative of the User's discharge.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

5. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Pretreatment Coordinator, using the procedures prescribed in Section 6.20.060 I. 2. of this Pretreatment Ordinance, the results of this monitoring shall be included in the report. (40 CFR 403.12(g)(6))

E. Reports Of Changed Conditions.

1. Each industrial user is required to notify the Pretreatment Coordinator of any planned or significant changes to the User's operations or system which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change, including changes that may affect slug discharges to the POTW. Significant changes shall be considered to be changes beyond the typical operating range of the User or changes that would have significant impact of POTW operations.
 - a. The Pretreatment Coordinator may require the industrial user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of individual or general wastewater discharge permit application under Section 6.20.040 E. of this Pretreatment Ordinance.
 - b. The Wastewater Superintendent may issue an individual or general wastewater discharge permit or modify an existing Wastewater Discharge Permit under Section 6.20.050 C. of this Pretreatment Ordinance in response to changed conditions or anticipated changed conditions.
2. The Wastewater Superintendent may approve, deny or conditionally approve the change based on the effects the change may have on the POTW and/or the Pretreatment Program.

F. Reports Of Potential Problems. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug Discharge or a Slug Load that may cause potential problems for the POTW, the User shall immediately notify the Pretreatment Coordinator of the incident either in person or by telephone conversation. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

Within five (5) days following such discharge, the User shall, unless waived by the Wastewater Superintendent or Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User or any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; not shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Pretreatment Ordinance.

A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph A, above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.

Failure to notify the Wastewater Superintendent or Pretreatment Coordinator of potential problem discharge shall be deemed a separate violation of this Pretreatment Ordinance.

Significant Industrial Users are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a Slug Discharge.

- G. Reports From Unpermitted Users.** All User not required to obtain an individual or general wastewater discharge permit shall provide appropriate reports as required by the Pretreatment Coordinator.
- H. Notice Of Violation/Repeat Sampling And Reporting.** If sampling performed by a User indicates a violation, the User must notify the Pretreatment Coordinator within twenty-four (24) hours and of becoming aware of the violation and in writing within five (5) days of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the POTW performs sampling at the User's facility at least once a month, or if the POTW performs sampling at the User between the time when the initial sampling was conducted and the time when the User or POTW receives the results of this sampling, or if the POTW has performed the sampling and analysis in lieu of the Industrial User. If the POTW sample indicates a violation the POTW may require the User to resample within thirty (30) days. The User is required to submit a five (5) day report to explain the violation.
- I. Notification Of The Discharge Of Hazardous Waste.** Any industrial user who commences the discharge of hazardous waste shall notify the POTW, the EPA

Regional Waste Management Division Director, and the State Department of Environmental Quality, Division of Solid and Hazardous Waste Authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the industrial user discharges more than one-hundred (100) kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, and estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than thirty (30) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under Section 6.20.060 E., of this Pretreatment Ordinance. The notification requirement in this section does not apply to pollutants already reported under the Self-monitoring Requirements of Sections 6.20.060 A., 6.20.060 C., and 6.20.060 D. of this Pretreatment Ordinance.

Dischargers are exempt from the requirement of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substances as a hazardous waste, the industrial user must notify the Wastewater Superintendent, the EPA Regional Waste Management Waste Division Director, and State Department of Environmental Quality, Division of Solid and Hazardous Waste Authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Pretreatment Ordinance, a permit issued there

under, or any applicable Federal or State law.

1. **Analytical Requirements.** All pollutant analyses, including sampling techniques, to be submitted as part of an individual or general wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Pretreatment Coordinator or other parties approved by EPA.

All sampling analysis shall be performed by a laboratory certified by the Utah Bureau of Laboratory Improvements.

2. **Sample Collection.** Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling, performed during the period covered by the report and based on data that is representative of conditions occurring during the reporting period.
 - a. Except as indicated in Subsections 2 and 3 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator. Where time-proportional composite sampling or grab sampling is authorized by the Pretreatment Coordinator, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Pretreatment Coordinator, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
 - b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

c. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.20.060 A. and 6.20.060 C., a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Pretreatment Coordinator may authorize a lower minimum. For the reports required by paragraphs Section 6.20.060 D., the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

3. **Date Of Receipt Of Reports.** Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, or report with no postmark affixed, the date of receipt of the report by the POTW shall govern.

4. **Record Keeping.** Users subject to the reporting requirements of this Pretreatment Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Pretreatment Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 6.20.020 D. Any record, books, documents, memoranda, reports, correspondence, enforcement, special orders or litigation activities and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of the Users in connection with its discharge. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years following the expiration of the permit. This period shall be automatically extended for the duration of any litigation concerning the User or Payson City, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator. Records shall be maintained in a central location in either a hard copy or electronic format.

5. **Certification Statements.**

a. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 6.20.040 F.; Users submitting baseline monitoring reports under Section 6.20.060 A.

5.; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.20.060 C.; Users submitting periodic compliance reports required by Section 6.20.060 D. 1. - 4., and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.20.060 D. 2. and 4.. The following certification statement must be signed by an Authorized Representative:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- b. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Wastewater Superintendent pursuant to 6.20.010 C. and 6.20.040 F. Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]: The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in 6.20.010 C.)

The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

- c. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.02.060 D. 2. must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.02.060 D. 1.

4.20.070 Compliance Monitoring

A. Right Of Entry: Inspection And Sampling. The Wastewater Superintendent or Pretreatment Coordinator shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Pretreatment Ordinance and any individual or general wastewater discharge permit or order issued hereunder. Users shall allow the Wastewater Superintendent or Pretreatment Coordinator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Wastewater Superintendent or Pretreatment Coordinator shall be permitted to enter without delay for the purposes of performing specific responsibilities.

The Wastewater Superintendent or Pretreatment Coordinator shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

The Wastewater Superintendent or Pretreatment Coordinator may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually or as required per the manufacturer's requirements, to ensure their accuracy.

Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the

written or verbal request of the Wastewater Superintendent or Pretreatment Coordinator and shall not be replaced. The costs of clearing such access shall be borne by the User.

Unreasonable delays in allowing the Wastewater Superintendent or Pretreatment Coordinator access to the User's premises shall be a violation of this Pretreatment Ordinance.

Payson City Pretreatment Staff may use a camera to photograph areas of the facility as necessary for carrying out the duties of the IPP including, but not limited to, documentation of the User's compliance status and for reinforcement of written reports. The User shall be allowed to review copies of the photographs for confidentiality claims.

The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facility should be provided in accordance with the POTW's requirements and all applicable local construction standard and specifications. Such facilities shall be constructed and maintained in a manner that enables the Pretreatment Coordinator to perform independent monitoring activities.

All Significant Industrial Users will be inspected at least annually including review of facilities and reports. Inspections will not typically be announced to the User in advance of the inspection.

- B. **Search Warrants.** If the Wastewater Superintendent, Pretreatment Coordinator or Pretreatment Inspector has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Pretreatment Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the POTW designed to verify compliance with this Pretreatment Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Wastewater Superintendent, Pretreatment Coordinator or Pretreatment Inspector may seek issuance of a search warrant from a court of competent jurisdiction. The warrant shall be served by the Wastewater Superintendent or Pretreatment Program Administrator(s) in the company of a uniformed police officer of Payson City or office of that jurisdiction. In the event of an emergency affecting public health and safety, inspections shall be made without the issuance of a warrant.

4.20.080 Fats, Oils, Grease, And Sand (FOGS) Control

- A. **General.** The following Section is applicable to Commercial and Industrial Users that have the potential to discharge deleterious wastewaters containing elevated

levels of fat, oils, grease and/or sand and grit to the POTW.

B. Definitions. The following definitions are supplemental to this Pretreatment Ordinance and applicable to this Section:

COMMERCIAL USER. Any business or public or private entity, except for Significant Industrial Users (SIU), who causes or permits the contribution or discharge of wastewater into the POTW; and who may be regulated, where necessary, to comply with this Pretreatment Ordinance.

COMMON INTERCEPTOR. One or more interceptors receiving deleterious wastewater from more than one establishment.

DWELLING UNIT. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, for not more than one (1) family, or a congregate residence for ten (10) or fewer persons. For purposes of this Section, dwelling unit includes hotel rooms, dormitory rooms, apartments, condominiums, sleeping rooms in nursing homes, and similar living units.

FOG. Fats, oil and grease of vegetable and animal origin.

FOGS. Fats, oil, grease (of vegetable and animal origin), petroleum oils (or crude oil origin), and soil (sand, dirt, etc.).

FOOD SERVICE ESTABLISHMENT (FSE) means any building, vehicle, place, or structure, or any room or division in a building, vehicle, place, or structure where food is prepared, served, or sold for immediate consumption on or in the vicinity of the premises; called for or taken out by customers; or prepared prior to being delivered to another location for consumption.

GREASE INTERCEPTOR. A structure or device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are below-ground units in outside areas with a minimum capacity of 800 gallons.

GREASE TRAP. A device designed for the purpose of removing and preventing fats, oils, and grease from entering the sanitary sewer collection system. These devices are typically compact under-the-sink units located near food preparation areas.

PETROLEUM OIL. Hydrocarbon fuels, oils, greases, and like products, derived from crude oil.

SAND/OIL and OIL INTERCEPTOR. A structure or device designed for the

purpose of separating sand, dirt, and petroleum oils and preventing them from entering the sanitary sewer collection system. These devices are below-ground units in outside areas with a minimum capacity of 800 gallons.

SURCHARGEABLE BUSINESS. A Commercial or Industrial User whose wastewater strength may exceed parameters established by the POWT, and is subject to surcharges (fees) based on wastewater strength and volume as outlined in the Payson City Fee Schedule.

- C. Interceptor And Trap Installation Specifications.** Grease and Sand/Oil Interceptors, as described by the International Plumbing Code (IPC), shall be required of any Commercial User when the Wastewater Superintendent or Pretreatment Coordinator determines they are necessary for the proper handling of wastewater containing FOGS in excessive amounts except that such interceptors shall not be required for residential dwelling units.

All construction plans for interceptors shall be submitted to the Wastewater Superintendent or Pretreatment Coordinator for review and approval prior to installation. All interceptors shall be of a type, construction, and capacity approved by Wastewater Superintendent or Pretreatment Coordinator.

All interceptors shall be installed and located so as to be readily accessible for cleaning by the User and inspection by Pretreatment Program Staff. Interceptor access manholes should not be located in parking spaces or adjacent to entrances or exits.

All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, water tight and equipped with easily removable covers which are gas and water tight.

All existing commercial or industrial businesses shall have one year upon notification by the Wastewater Superintendent or Pretreatment Coordinator to install an interceptor where required by POTW standards.

Interceptors for businesses that have closed shall be dewatered and cleaned by the owner of said establishment. A representative of Pretreatment Program Staff may inspect and verify this process has been completed to the satisfaction of the Wastewater Superintendent or Pretreatment Coordinator.

Grease Traps are only allowed in place of grease interceptors when it is physically impossible to install a grease interceptor outside of the building or business. As such, a variance request from the owner of the property must be made to the Wastewater Superintendent or Pretreatment Coordinator with a letter from a Utah State certified plumber or engineer.

Alternative, but equivalent, FOGS management BMPs may be approved on a case-by-case basis, in lieu of installation of interceptors and traps.

D. General FOGS Waste Discharge Limits And Requirements. It shall be unlawful to discharge within POTW jurisdiction, any sanitary wastewater, commercial and industrial waste, or other polluted waters, except where suitable treatment has been provided in accordance with provisions of this Pretreatment Ordinance. The following are general requirements and prohibitions applicable to this Section:

1. The discharge of any substance into the sewer system that exceeds or violates general or specific prohibitions listed in Section 6.20.020 A. is prohibited.
2. The discharge into the sewer system of FOGS that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral except as provided herein is prohibited.
3. Installation and use of food grinders in new and/or remodeled FSE's is not recommended.
4. Emulsifiers, enzymes or degreasers shall not be added as sewer aids to any plumbing that leads to, directly or indirectly to any interceptor.
5. The disposal of cooking oil (yellow grease) into the sewer system is prohibited. All waste cooking oils shall be collected, stored and labeled properly in receptacles such as barrels or drums for recycling or other acceptable methods of disposal.
6. The discharge of wastewater with temperatures in excess of one-hundred forty degrees (140°) F to any FOGS control device including interceptors and traps is prohibited.
7. The discharge of waste from toilets, urinals, washbasins, and other fixtures containing fecal materials into sewer lines intended for interceptor service is prohibited.
8. The discharge to the sewer system of any waste including FOGS and solid materials that were otherwise removed from an interceptor or other FOGS control device is prohibited. Wastes removed from interceptors must be hauled off and properly disposed of periodically in compliance with operation and maintenance requirements.
9. Operation of an interceptor with FOGS and solids (floating + settled) accumulation exceeding twenty-five percent (25%) of the design hydraulic depth of the interceptor is prohibited.
10. Commercial Users shall during regular business hours, provide immediate and safe access to the Wastewater Superintendent or

Pretreatment Coordinator or his or her designee to the Users premises and FOGS handling BMP facilities.

11. The Pretreatment Coordinator may require visual monitoring at the expense of the Commercial User to observe conditions of the User's sewer lateral and lines downstream.

E. Kitchen Best Management Practices (BMP Requirements). All Food Service Establishments (FSE) shall be required, at a minimum, to implement and comply with the following Kitchen BMPs, whenever applicable:

1. Drain screens (strainers) shall be installed on all drainage pipes in food preparation areas.
2. All waste cooking oil shall be collected and stored properly in recycling receptacles such as barrels or drums. Such recycling receptacles shall be maintained properly to ensure that they do not leak.
3. All garbage and food waste shall be disposed of directly into trash bins or containers, and not in sinks, drainage pipes or the sewer system. Food waste should be disposed of in lined trash bins.
4. Employee Training: Employees of the FSEs shall be trained twice each calendar year in the following areas:
 - a. How to "dry wipe/scrape" pots, pans, dishware and work areas before washing to remove FOG.
 - b. How to properly dispose of garbage, food waste and solids in lined plastic bags prior to disposal in trash bins or containers to prevent leaking and odors.
 - c. The location and use of absorbent products to clean under fryer baskets and other locations where FOG may be spilled or accumulated.
 - d. How to properly dispose of cooking oil from fry equipment into a FOG receptacle such as a barrel or drum without spilling.
 - e. Training shall be documented and employee signatures recorded indicating each employee's attendance and understanding of the practices reviewed. Training records shall be available for review at any time by the Pretreatment Coordinator, or designee.
5. Exhaust filters shall be maintained in good operating condition utilizing frequent cleaning practices. The wastewater generated from cleaning the exhaust filter shall be disposed properly.
6. Kitchen BMP and "NO GREASE" signs, posters or similar information in appropriate language(s) shall be prominently displayed in the food

preparation and dishwashing areas at all times.

7. Absorbent materials shall be placed under fryers and other areas where FOG typically or frequently drips or spills.
8. Covered devices shall be used in transporting FOG to prevent spills.
9. FOG containers shall be emptied before they are full to avoid accidental or incidental spills.
10. "Spill Kits" (e.g., absorbent materials, kitty litter) shall be provided and readily available in the event a spill.

F. Interceptor Operation And Maintenance Requirements. All existing and newly constructed interceptors shall be operated in accordance with the manufacturer's specifications. The maintenance frequency for all Commercial Users with interceptors shall be determined by the following:

1. Where installed, an interceptor shall be fully maintained by the User at its sole expense, in a continuous, efficient manner at all times subject to Payson City Pretreatment Program inspection and approval.
2. Interceptors shall be maintained in efficient operating condition by the periodic removal of the full contents of the interceptor. Interceptors shall be fully pumped out and cleaned at a frequency such that the combined floating and settled FOGS accumulation does not exceed twenty-five percent (25%) of the design hydraulic depth of the Interceptor. This is to ensure that the minimum hydraulic retention time and required available volume is maintained to effectively intercept and retain FOGS.
3. If an interceptor is at any time observed by the Pretreatment Coordinator or designee to contain floating and settled FOGS accumulation in excess of twenty-five percent (25%), the user shall be required to have the interceptor serviced as soon as possible, but no later than seventy-two (72) hours, such that all FOGS, sludge, and other materials are completely removed from the interceptor.
4. The owner of the property on which a Common Interceptor and/or the facilities discharging to a Common Interceptor are located shall be primarily responsible for the maintenance, upkeep, and repair of the interceptor.
5. No Commercial User shall increase the use of water or in any other manner attempt to dilute a discharge as a way of achieving compliance with this Pretreatment Ordinance.

G. Grease Trap Operation And Maintenance Requirements. Where installed, a grease trap shall be fully maintained by the User at its sole expense, in a continuous, efficient manner at all times subject to Pretreatment Program

inspection and approval.

A FSE may use or be required to install grease traps, in lieu of installation of a grease interceptor when (1) installation of an interceptor cannot physically be accomplished, (2) there is not adequate slope for gravity flow between kitchen plumbing fixtures and a proposed grease interceptor and/or between the grease interceptor and the private collection lines or the public sewer, or (3) no alternative pretreatment can be installed. Sizing and installation of grease traps shall conform to Payson City Design Standards and Construction Specifications.

Grease traps shall be operated in accordance with the manufacturer's specifications.

Grease traps shall be maintained in efficient operating condition by removing accumulated grease on an as needed basis, or the frequency specified by the manufacturer, but no less than weekly.

Grease traps shall be fully emptied of all food residues and any FOG waste during the cleaning and scraping process.

Grease traps shall be inspected periodically, but in no event less than once a month, to check for leaking seams and pipes, and for effective operation of the baffles and flow-regulating device. Grease traps and their baffles shall be maintained free of all caked-on FOG and waste. Removable baffles shall be removed and cleaned during the maintenance process.

Automatic dishwashers and food grinder units shall not be connected to or discharged into any grease trap.

No FSE shall increase the use of water or in any other manner attempt to dilute a discharge as a way of achieving compliance with this Pretreatment Ordinance.

H. Notification Requirements. A Commercial and Industrial User shall comply with the following notification requirements:

1. Notification of Spills and/or Sanitary Sewer Overflows (SSO).

- a. In the event a User is unable to comply with the FOGS Pretreatment Ordinances due to a breakdown of equipment, accidents, or human error or the User has reasonable belief that its discharge will violate the FOGS Pretreatment Ordinances, the User or its representative shall immediately notify the Pretreatment Coordinator by telephone at: (801) 465-5277.
- b. If the material discharged has the potential to cause or results in sewer blockage or SSO, the User shall immediately notify the POTW and the Pretreatment Coordinator by telephone at: (801)

465-5277.

- c. Confirmation of this notification shall be made in writing to the Pretreatment Coordinator no later than five (5) working days from the date of the incident to the following address:

Pretreatment Coordinator
Payson City WWTP
439 West Utah Avenue
Payson, Utah 84651.

- 2. The written notification shall state:
 - a. The date of the incident,
 - b. The reasons for the discharge or spill
 - c. What steps were taken to immediately correct the problem and
 - d. What steps are being taken to prevent a recurrence.
- 3. Such notification shall not relieve the user of any expense, loss, damage or other liability that may be incurred as a result of damage or otherwise arising out of a violation of this Pretreatment Ordinance, or other applicable law.
- 4. Commercial Users shall notify the Pretreatment Coordinator in writing at least sixty (60) days prior to any facility expansion and/or remodeling or process modifications that may result in new or substantially increased FOGS discharges or a change in the nature of the discharge. The User shall submit any information requested by the Pretreatment Coordinator for evaluation of the effect of such expansion and/or remodeling or process modifications on the users FOGS discharge to the sewer system. The written notification shall state:
 - a. The FSE name,
 - b. Name the title of the users contact person or person most knowledgeable concerning the facility expansion and/or
 - c. Remodeling or process modifications,
 - d. Address of the user
 - e. Telephone number of the user,
 - f. Date of the proposed facility expansion and/or
 - g. Remodeling or process modifications and
 - h. The reasons for the same.

I. Record Keeping Requirements.

1. The following records shall be maintained for no less than three (3) years and the Commercial User shall make them available to Pretreatment Coordinator, or designee:
 - a. A record or logbook of interceptor or trap cleaning and maintenance practices and activities. The record or logbook shall include:
 - (1) Dates inspected;
 - (2) Name of inspector;
 - (3) Inspector's observations concerning the effectiveness of the interceptor or trap in controlling FOGS;
 - (4) Dates cleaned; and
 - (5) Dates and nature of maintenance.
 - b. A record or logbook of FSE Kitchen BMPs being implemented including employee training. The record or logbook shall include:
 - (1) Date of training;
 - (2) Time and length of training;
 - (3) Names of employees in training;
 - (4) Training topic;
 - (5) Training instructor.
 - c. Any other information deemed appropriate by the Pretreatment Coordinator to ensure compliance with this Pretreatment Ordinance.
 - d. Copies of records and manifests of waste hauling of interceptor contents, which will include:
 - (1) Name of hauling company and disposal site
 - (2) Name and signature of operator performing the pump out
 - (3) Documentation of volume of water and FOGS removed
 - (4) Documentation if repairs to the interceptor are required.
 - (5) Records of any spills and/or cleaning of the lateral or sewer system.

2. **Inspections And Sampling.** Commercial Users are inspected on a regular basis by Pretreatment Department to determine if the businesses are in compliance with this Pretreatment Ordinance. The purpose of inspections is as follows:

- a. To verify if Users are complying with Pretreatment Ordinances.
- b. To collect and analyze samples and compare results to established discharge limitations.
- c. To provide evidence in support of enforcement actions.
- d. To verify correction of problems.
- e. To maintain records of User discharge constituents.
- f. To provide data in order to calculate surcharge fees.

3. **Commercial Wastewater Discharge Permit.** All Commercial Users subject to this Section are required to obtain a Commercial Wastewater Discharge Permit. Commercial Wastewater Permits may contain numeric and/or narrative discharge limitations specific to the business. Any variance from the rules set forth in this Section must be described in writing in the Users permit and issued by the Wastewater Superintendent or his authorized representative. Terms of the permits are fully enforceable under the Enforcement Response Plan (ERP).

4. **Fees.** Payson City has established a fee schedule for the use of the wastewater collection system and POTW. They are published in the Payson City Fee Schedule. Fees are charged to Users of the POTW collection system:

- a. Wastewater strength (BOD, TSS, oil and grease, etc.) (A flat fee is charged to Users that cannot be sampled).
- b. Inspection and sampling costs
- c. Permit issuance and renewal
- d. Construction inspection and plan review

4.20.090 Confidential Information

Information and data on an industrial user obtained from reports, surveys, individual or general wastewater discharge permit applications, individual or general wastewater discharge permits, and monitoring programs, and from Payson City Pretreatment Program inspections and sampling activities, shall be available to the public without restriction unless the User specifically requests, and is able to demonstrate the satisfaction of the Wastewater Superintendent, that the release of such information

would divulge information, processes or methods of productions entitled to protection as trade secrets under applicable State Law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall immediately be made available, upon request, to governmental agencies for uses related the UPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

4.20.100 Publication Of Users In Significant Non-Compliance

The Wastewater Superintendent or Pretreatment Coordinator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Industrial Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs C, D or H) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in PCC 4.20.010 paragraph C; (40 CFR 403.3(l))
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by PCC 4.20.010 paragraph C multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); (40 CFR 403.3(l))
- C. Any other violation of a Pretreatment Standard or Requirement as defined by PCC 4.20.010 paragraph C (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Wastewater Superintendent or Pretreatment Program Administrator(s) determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public; (40 CFR 403.3(l))
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Wastewater Superintendent's or Pretreatment Coordinator exercise of its emergency authority to halt or prevent such a discharge;

- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports, 90-day compliance reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the Wastewater Superintendent or Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

4.20.110 Administrative Enforcement Remedies

- A. **Notification Of Violation.** When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Wastewater Superintendent may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Wastewater Superintendent. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the Wastewater Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- B. **Administrative Fees.** Notwithstanding any other section of this Pretreatment Ordinance, any user found to have violated any provision of this Pretreatment Ordinance, its wastewater discharge permit, and orders issued hereunder, or any other Pretreatment Standard or Requirement may be fined in an amount no to exceed \$10,000 per day per violation. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. Payson City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

Assessments may be added to the user's next scheduled sewer service charge and the Wastewater Superintendent shall have such other collection remedies as

may be available for service charges and fees.

Unpaid charges, fines and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance and interest shall accrue thereafter at a rate of one percent (1%) per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.

Users desiring to dispute such fines must file a written request for the Wastewater Superintendent to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine, unless otherwise approved by the Wastewater Superintendent. Where a request has merit, the Wastewater Superintendent shall convene a hearing on the matter within fourteen (14) days of receiving the request from the industrial user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the industrial user.

Issuance of an Administrative fine shall not be a prerequisite for taking any other action against the user.

- C. **Consent Orders.** The Wastewater Superintendent may enter into Consent Orders, assurances of compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 6.20.110 E. and 6.20.110 F. of this Pretreatment Ordinance and shall be judicially enforceable.
- D. **Show Cause Hearing.** The Wastewater Superintendent may order a User which has violated, or continues to violate, any provision of Pretreatment Ordinances, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Wastewater Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail at least fifteen (15) days prior to the hearing. Such notice may be served on any Authorized Representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- E. **Compliance Orders.** When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or

any other Pretreatment Standard or Requirement, the Wastewater Superintendent may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

F. Cease And Desist Orders. When the Wastewater Superintendent finds that a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Wastewater Superintendent may issue an order to the User directing it to cease and desist all such violations and directing the User to:

1. Immediately comply with all requirements.
2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

G. Emergency Suspensions.

1. The Wastewater Superintendent may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The Wastewater Superintendent may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.
 - a. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Wastewater Superintendent may take such

steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Wastewater Superintendent may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Wastewater Superintendent that the period of endangerment has passed, unless the termination proceedings in Section 6.20.110 H. of Pretreatment Ordinances are initiated against the User.

- b. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Wastewater Superintendent prior to the date of any show cause or termination hearing under Sections 6.20.110 D. or 6.20.110 H. of Pretreatment Ordinances.

2. Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension of a permit and/or discharge to the POTW.

H. Termination Of Discharge.

1. In addition to the provisions in Section 6.20.050 D. of this Pretreatment Ordinance, any User who violates the following conditions is subject to discharge termination:
 - a. Violation of individual or general wastewater discharge permit conditions;
 - b. Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - c. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - d. Refusal of access to the User's premises for the purpose of inspection, monitoring, or sampling; or
 - e. Violation of the Pretreatment Standards in Section 2 of this Pretreatment Ordinance.
2. Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 6.20.110 D. of this Pretreatment Ordinance why the proposed action should not be taken. Exercise of this option by the Wastewater Superintendent shall not be a bar to, or a prerequisite for, taking any other action against the User.

4.20.120 Judicial Enforcement Remedies

- A. **Injunctive Relief.** When the Wastewater Superintendent finds a User has violated, or continues to violate, any provision of this Pretreatment Ordinance, Pretreatment Standard or Requirement, individual or general wastewater discharge permit or orders issued hereunder, or any other pretreatment standard or requirement, the Wastewater Superintendent may petition a court of competent jurisdiction through Payson City Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual or general wastewater discharge permit, order, or other requirement imposed by this Pretreatment Ordinance on activities of the User. The Wastewater Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.
- B. **Civil Penalties.** A User who has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to Payson City for a maximum civil penalty of \$10,000 per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

In the event that an Industrial User discharges such pollutants which cause Payson City to violate any conditions of its UPDES Permit and Payson City is fined by EPA or the State of Utah for such violations, then such Industrial Users shall be fully liable for the total amount of the fines and civil penalties assessed against Payson City by EPA or the State of Utah and administrative costs incurred.

The Wastewater Superintendent may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by Payson City.

The POTW may file a suit in court to impose, assess and recover civil penalties together with actual damages.

In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for,

taking any other action against a User.

- C. **Criminal Prosecution.** Payson City will refer to the State of Utah criminal violations of any Pretreatment Standards or permit conditions. The Attorney General's office for Utah and/or the District Attorney's office for Utah County may, at their discretion, initiate appropriate criminal action. The POTW may assist the prosecuting attorney's office where appropriate to support the action taken.

A User who willfully or negligently violates any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than ninety (90) days, or both.

A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of not more than \$25,000 per violation per day or be subject to imprisonment for not more than one (1) year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

A User who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Pretreatment Ordinance, individual or general wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Pretreatment Ordinance shall, upon conviction, be punished by a fine of not more than \$25,000 per violation, per day, or imprisonment for not more than six (6) months, or both.

In the event of a second conviction, a User shall be punished by a fine of not more than \$50,000 per violation, per day, or imprisonment for not more than one (1) year, or both.

- D. **Remedies Nonexclusive.** The remedies provided for in this Pretreatment Ordinance are not exclusive. The POTW may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with POTW's enforcement response plan. However, POTW may take other action against any User when the circumstances warrant. Further, the POTW is empowered to take more than one enforcement action against any noncompliant User.
- E. **Falsification And Tampering With Pretreatment Equipment.** 40 CFR 403.8(f) (1)(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such

contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its UPDES permit.

4.20.130 Supplemental Enforcement Action

- A. **Penalties For Late Reports.** A penalty of \$100 shall be assessed to any User for each day that a report required by this Pretreatment Ordinance, a permit or order issued hereunder is late, beginning five (5) days after the date the report is due, higher penalties may also be assessed where reports are more than thirty to forty (30-45) days late. Actions taken by the Wastewater Superintendent to collect late reporting penalties shall not limit the Wastewater Superintendent's authority to initiate other enforcement actions that may include penalties for late reporting violations.
- B. **Liability Insurance.** The Wastewater Superintendent may decline to reissue an individual or general wastewater discharge permit to any user which failed to comply with the provisions of this Pretreatment Ordinance, any order, or a previous Wastewater Discharge Permit issued hereunder, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.
- C. **Payment Of Outstanding Fees And Penalties.** The Wastewater Superintendent may decline to issue or reissue an individual or general wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Pretreatment Ordinance, a previous individual wastewater discharge permit, or order issued hereunder.
- D. **Water Supply Severance.** Whenever a user has violated or continues to violate the provisions of this Pretreatment Ordinance, orders, or an individual or general wastewater discharge permit issued hereunder, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- E. **Public Nuisance.** A violation of any provision of this Pretreatment Ordinance, an individual or general wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Wastewater Superintendent. Any person(s) creating a public nuisance shall be subject to the provisions of Payson City Code 12.01 governing such nuisances, including reimbursing to Payson City for any costs incurred in removing, abating, or remedying said nuisance.
- F. **Referral For State Action.** The Wastewater Superintendent may refer to the State's Division of Water Quality and to the office of the State Attorney General violations under the provisions of the Utah Water Quality Act, Utah Code 19-5 (1953 as amended) and/or any other applicable law.

4.20.140 Affirmative Defenses To Discharge Violations

A. **Upset.** For the purpose of this Section, UPSET means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Pretreatment Standards because of factors beyond the control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

1. An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Pretreatment Standards if the requirements of the paragraph below, are met.
2. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and the User can identify the cause(s) of the upset.
 - b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - c. The User has submitted the following information to the Wastewater Superintendent within twenty-four (24) hours of becoming aware of the upset if this information is provided orally, a written submission must be provided within five (5) days:
 - (1) A description of the indirect discharge and cause of noncompliance.
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - (3) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
3. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
4. Users will have the opportunity for a judicial determination on any claim of upset in an enforcement action brought for non-compliance with Categorical Pretreatment Standards.
5. User shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards upon

reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or has failed.

B. Bypass. For the Purpose of this Section:

BYPASS means the intentional diversion of waste streams from any portion of any Industrial User's Treatment Facility.

SEVERE PROPERTY DAMAGE means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirement to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

1. Bypass Notification.

- a. If a User knows in advance of the need for a bypass, it shall submit prior notice to the POTW, at least ten (10) days before the date of the bypass if possible.
- b. A User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the POTW with twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided with five (5) days of the time the User becomes aware of the bypasses. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Wastewater Superintendent may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

2. Bypass. Bypass is prohibited, and the Wastewater Superintendent may take enforcement action against an Industrial User for a bypass, unless;

- a. Bypass was unavoidable to prevent loss of life, personal injury, or sever property damage.

- b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. The Industrial User submitted notices as required under paragraph (C) of this section.
3. The Wastewater Superintendent may approve an anticipated bypass, after considering its adverse effects, if the POTW determines that it will meet the three (3) conditions listed in paragraph (D)(1) of this section.

4.20.150 Appeals

A. **Initial Appeal Hearing.** A person whose permit is denied, or is granted subject to conditions or terms deemed unacceptable, a permittee/user assessed a civil penalty under these standards, or on issued an administrative order under these standards shall have the right to petition the Wastewater Superintendent for reconsideration within thirty (30) days of notice of its issuance.

Failure to petition the Wastewater Superintendent within thirty (30) days of notice is deemed a waiver by the permittee/User of his/her right to challenge the terms, conditions, and/or decisions of the Wastewater Superintendent.

In its petition, the appealing party must indicate the individual or general wastewater discharge permit provisions or other matters objected to, the reasons for the objection, and the alternative condition, if any, the appealing party seeks to place in the individual or general wastewater discharge permit.

The appealing party may request a hearing before the Wastewater Superintendent and shall set forth in detail the specific issues to be contested.

The Wastewater Superintendent shall make a final decision on the contested permit, penalty, order or matter within thirty (30) calendar days of the after receipt of the petition or the conclusion of any hearing held thereon.

The Wastewater Superintendent shall transmit to the appellant a copy of the decision by registered or certified mail.

The effectiveness of the individual or general wastewater discharge permit shall not be stayed pending the appeal.

- B. Final Appeal Hearing.** Any decision by the Wastewater Superintendent made as a result of the petition and any hearing held under Section 6.20.151 may be appealed to the City Council upon filing a written demand within ten (10) calendar days of receipt of notice of the Wastewater Superintendent's decision.

Failure to make written demand within the time specified herein shall bar further appeal.

The City Council may hold a hearing and shall make a final decision on the appeal within sixty (60) calendar days of the date of the appeal was filed and shall transmit to the appellant a written copy of the decision by registered or certified mail.

The decision of the City Council shall be considered the final administrative action for purposes of judicial review.

4.20.160 Miscellaneous Provisions

- A. Wastewater Treatment Rates User Fees.** User fees should be assessed whenever there is a need to recover the cost of treating wastewater.
- B. Pretreatment Charges And Fees.** Payson City may adopt charges and fees for reimbursement of cost of setting up and operating Payson City's Pretreatment Program, which may include:
1. Fees for wastewater discharge permit applications, including the cost of processing such applications.
 2. Fees for monitoring, inspection, and surveillance procedures including the cost of collecting and analyzing an Industrial User's discharge, and reviewing monitoring reports submitted by Industrial Users.
 3. Fees for reviewing and responding to accidental discharge procedures and construction.
 4. Fees for filing appeals.
 5. Fees to recover administrative and legal costs (not included in this Section) associated with the enforcement activity taken by the Wastewater Superintendent to address IU noncompliance, and
 6. Other fees as Payson City may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Pretreatment Ordinance and are separate from all other fees, fines, and penalties chargeable by Payson City.
- C. Severability.** If any provision of this Pretreatment Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and

shall continue in full force and effect.

- D. **Conflicts.** All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Pretreatment Ordinance are hereby repealed to the extent of the inconsistency of conflict.

4.24 Power And Light

4.24.010 Power And Light General Provisions

4.24.020 Installation Of Power Systems

4.24.030 Power Rates

4.24.040 Power Meters

4.24.050 Electrical Power Pole Attachment Utility Rate

4.24.060 Distributed Generation Program

4.24.010 Power And Light General Provisions

- A. **Department Of Power And Light-Created.** There is hereby created the department of Power and Light of Payson City, which shall be managed and operated by the Payson City Council.
- B. **Appointment Of Director And Employees Of The Department Of Power And Light.** The Payson City Council shall appoint the Director of the power and light department, together with such other employees as shall be required and necessary for the operation and maintenance of said department. Said Director may be removed by the Mayor and City Council of Payson City, pursuant to law.
- C. **Duties Of Director.** The Director shall have the charge of the Power and Light department and all property of the city used by said department. Director shall manage effectively the system of the department of power and light.
- D. **Administrative Authority.** The City Manager, or person assigned by the City Manager, shall be responsible for administering the functions of accounting, billing, cashing, and customer services for the Department of Power and Light, in conformity with the Uniform Fiscal Procedures Act for Utah Cities. The City Recorder shall keep separate general ledger accounts for the electric department as prescribed by the City Council and shall furnish the Council with all reports required to carry out its responsibilities.
- E. **Funds-Collections-Applications.** The City Treasurer shall abide by credit policies established by the Payson City Council. Employees under his/her supervision shall faithfully account for and promptly pay over to the city treasurer all moneys received for the account of the department of power and light.
- F. **Board, Membership, And Appointment.** There is hereby created and established a body to be designated as the "Payson Power Board" that shall be composed of five (5) members, all of who shall be appointed by the Mayor and Power and Light Director with the advice and consent of the City Council. One of

Board Member shall be a member of the City Council.

G. Duty And Powers.

1. The matters of determining the general policy and the administration of the Electrical Power and Light Department shall be vested in the City Council.
2. The extent of the authority and discretion to be vested in the Director of the Power and Light Department shall be determined by City Council.
3. It is hereby declared as policy that matters pertaining to a general policy and the administration of the Power and Light Department be referred to the Power and Light Director with the advice, counsel, and recommendations of the Payson Power Board.

H. Term, Vacancies, Qualifications, Removal.

1. **Term.** Each appointed member shall serve for a term of five (5) years except as otherwise provided in this Section. The term of the member who is likewise a member of the City Council shall be as determined by the Mayor and with the advice and consent of the City Council. The first Power Board shall be appointed to terms so that the term of one member expires each year.
 2. **Vacancies.** Vacancies occurring due to death, disability, resignation or removal, shall be filled by appointment. The term of such appointment shall be for the remainder of the unexpired term.
 3. **Qualifications.** The members of the Power Board shall be resident voters and taxpayers of Payson City and shall be selected without regard to political considerations and solely on the basis of qualification for the position.
 4. **Removals.** Any member of the Power Board may be removed, with or without cause, by the Mayor an Power and Light Director with the advice and consent of the City Council.
- I. **Rules.** The Board shall formulate its own rules for selection of a chair, time, place, and manner of calling the meetings and other procedural matters, provided that there shall be at least one meeting each quarter.

4.24.020 Installation Of Power Systems

- A. **Business License-Required.** No person shall engage in the installation, and construction of any Power distribution system, except work done for or on the property of Payson City, without first obtaining and paying for a Business license, from Payson City conforming with the rules and regulations of PCC 3, business

licenses and procedure.

- B. **License-Application.** The applicant shall, be approved by the Power and Light Director or may appear before the City Council in determining the fitness of such applicant to engage in electrical work for which Business License is requested. A minimum of 50 hours of underground distribution work must be shown.
- C. **Fees.** At the time of obtaining a Building permit, all fees, as set forth by resolution of the City Council, need to be paid. This includes plan review, inspection fees and Payson City Business license. This entitles Applicant to engage in the electrical work described in this Section.
- D. **Business License-Expiration-Renewal.** Each Business License shall be for the calendar year, shall expire at midnight on December thirty-first (31st) following the date of its issue, and shall conform to PCC 3.
- E. **Business License-Revocation.** Upon presentation of charges in writing that the holder of any Electrical business license has violated any provisions of this Section or any ordinance of Payson City regulating electrical installation or is incompetent or unfit to comply with such provisions, the Electrical Director shall investigate such Charge and if in its opinion the same is sustained, shall make recommendations to the city council for the revocation of such license. The holder of the license shall be notified in writing by the city council that such recommendation has been made, that a hearing has been set to address this matter and that unless he can show good and sufficient cause to the City Council why the license should not be revoked, the City Council shall revoke the license. This notification shall be delivered to the holder of the certificate at least five days in advance of the hearing by the City Council. When a license has been revoked, a new one shall not be granted to the same person until the city council determines that the applicant is qualified as provided by this Section and any applicable State law.

The City Council may at any time, on its own motion, and after notice, and hearing and for good and proper cause, revoke any license.

- F. **Electrical Wiring Inspector-Duties Listed.** The Payson City Council will retain a qualified electrical wiring inspector, who shall perform all the duties required of that officer by the ordinances of Payson City.

It shall be the duty of the electrical wiring inspector to inspect and supervise the construction, installation, and repairs of all electric distribution power lines in the city, except as hereinafter provided.

It shall be the duty of the said inspector to inspect any and all work for which permits have been issued when practical after notice by the contractor that the work is ready for inspection. The inspector shall indicate the results of the inspection by a tag or label, explaining items that need to be done or if OK, so

indicates by dating and signing of appropriate inspection.

G. Specifications.

1. Independent service. Each flat or dwelling place in an apartment house, flat, or building designed for two or more dwellings, shall be provided with an independently metered service in a readily accessible location. Meter base is on the outside of the building.
2. Underground service (600 volts or less) is to be installed by contractor from meter base to transformer, power pole or secondary splice box. Minimum buried depth is 24" in minimum PVC (sch. 40) duct of 2" with a pull string installed in the duct.
3. (See 4-2 Electrical Construction Standard and materials)
4. For an individual residence (non-subdivision) the overhead and underground wire will be provided by the City. The homeowner will be responsible for the trenching and the conduit with pull string from the meter base to either pole or splice box. Payson City will pull in the wire and make connections up at the pole. If a connection is made at the pole the individual resident will need to provide steel rigid 90 and the first 10 foot section of either IMC Steel or rigid for the riser pole and must be set in the manner that the rest of the riser may be built squarely with the pole. Payson City crews will build the riser past the first ten feet, using material furnished by the contractor
5. Meter Base or service location will be located by Payson City Power Department and installed by contractor, on the sides of the house within the front 10 feet.
6. All new Single Phase Construction (200 AMPS or less) is required to have an electrical service main disconnecting means on the outside of each residence.
7. When existing three wire service is changed by Payson City to new triplex wire, the customer is required to give a point of attachment on the home. In cases of emergency Payson City will install a temporary point of attachment but the homeowner will be required to go back and give a permanent point of attachment within 48 hours of the emergency.
8. Overhead services will be located by Payson City Corporation and installed by contractor. No electrical service will be connected having been installed in a carport, on an elevated porch, or similar "not readily accessible location."
9. Metering services enclosed by additions to previous structures will be required to be relocated on the outside of such addition in an accessible location, or the homeowner may install remote metering. The cost of installing remote metering lies with the homeowner.

10. Payson City Corporation will not be responsible for or required to repair any faulty device beyond the point of attachment of the original installation.

H. Subdivision And Mobile Home Parks Distribution Requirements. There is hereby levied a comprehensive fee to cover the expenses incurred to extend any and all high voltage distribution lines for the electrical servicing of a particular building, residence, Mobile Home Park or Subdivision. This fee is levied to cover initial expenditures to supply any and all electrical requirements for annexations and building sites not previously having been served. The power line extension fee will also be levied when an existing high voltage line is not adequate to supply requirements of new construction or development. It will be the developer's responsibility to supply all labor, materials, for all power line extensions. Any extensions that involve existing high-powered city lines that are energized will be updated by Payson City crews at the developer's expense. These fees will be set by resolution.

The department of Power and Light hereby sets specification standards and guidelines for the underground electrical distribution system of all Subdivisions and Mobile Home parks in Payson Utah. See 4-2 Electrical Construction Standard and Materials.

1. High voltage distribution systems in subdivisions will be loop connected where advantageous and be connected in a balanced three phase network if practical as determined by the Power and Light Director.
2. All high voltage distribution systems in sub-divisions and mobile home parks will be installed according to design and layout prepared by Payson Power and Light and provided to the developer. An as-built map of the power net work must be submitted to the department of Power and Light after installation.
3. All electrical distribution, primary and secondary systems are to be installed in a PVC Duct (sch 40) network and generally in property fronts. All PVC Duct network must be inspected before back filling.
4. As per the PCC 12 Subdivision Ordinance. All costs incurred, including labor and material, will be paid by the developer. The City will provide labor for terminating primary connections and will assist contractor pulling any underground primary wire. The City will perform all work done on overhead energized conductors and the Contractor will pay all costs associated with any line extensions involving live primary wires.
5. Estimated material and labor charges are to be bonded prior to installation.
6. The Developer or subcontractor can install the distribution system,

however they must be licensed with the city prior to beginning construction. All installations must be inspected and approved prior to burial of underground systems. All materials are to meet or exceed the specifications of the 4-2 Electrical Construction Standard and Materials.

7. Final grade shall be established for the placement of transformers, secondary splice boxes, and any other necessary equipment. Costs incurred as a result of a grade change such as transformer realignment shall be born by the subdivider/developer.
8. Individual residences within the subdivision will be responsible to trench, back fill, and install 600 Volt URD triplex cable in a PVC (sch 40) Duct from the secondary splice box or transformer to the meter main disconnect(rigid pipe and sweep 90') according to the original design and layout.
9. Damaged equipment and material as a result of carelessness by equipment operators or a dig-in to electrical cable will be repaired at the expense of the responsible party.
10. All temporary power stations that are located on the housing foundations and will provide permanent power upon final completion and inspection of residence. The temporary power stations are to be affixed permanently either by pouring the section of rigid conduit to which it is attached directly in the concrete foundation or anchoring to the concrete foundation. Meterbases must also be supported.
11. All meter bases are to be set at 4' 6"- 6'(center of meter socket) above permanent grade and are to be spotted by an agent of the Power department.
12. All garages, shops, or any other building on property already receiving services from Payson City requesting an additional power drop for garage or other said building will be required to pay applicable connection fees as per City Council resolution.
13. All street lighting in Subdivisions shall be installed by the subdivider according to city specifications.
14. All other problems or questions are to be discussed with the Payson City electrical Director. Variations in this policy must be approved by the Payson City Council.

I. Inspection-Certificate. Upon application for inspection of any distribution system as hereinafter provided the said inspector shall, after inspection and examination issue a certificate showing the result of such examination and any corrections in said work necessary to be made.

J. Unlawful Installation-Disconnection. If said inspector shall find any part of any

electric distribution system or power wiring, to have been installed without permit, or installed not in accordance with the provisions of this Section or to be dangerous to life and property, the inspector shall have the right and power to disconnect such defective work and shall at the same time give written notice of such disconnection.

- K. **Use Of Disconnected Wiring Prohibited.** It shall be unlawful for any person to use any electrical power in, through, or by means of such disconnected distribution wiring.
- L. **Contracting Electricians-License-Defined.** It shall be unlawful for any person to engage in, commence, conduct or carry on a business of a contracting electrician without first obtaining a license to do so. A contracting electrician shall be defined as any person who installs any electrical distribution system wiring, furnishing lights or other electrical work for a stipulated amount or under contract.
- M. **Permit Application.** In order to secure a permit for the installation of electrical distribution system wiring, a written application shall be made to Payson City, and the applicant shall pay said department, in advance, the fee required in paragraph C.
- N. **Rules Governing Installation.** All electrical wiring installations, appliances for furnishing light, and other electrical work, shall be in conformity with the rules and requirements of the latest edition of the National Electrical Safety Code and the National Electrical Code, and all fittings and materials used in such installations must be sanctioned in the list of electrical fittings published by the National Board of Fire Underwriters, which rules and requirements and lists are hereby made a part of this Section.
- O. **Notification Of Inspection.** Upon the completion of the installation of any electrical wiring, it shall be the duty of the person doing the work to notify the city, who shall inspect the same, and if approved, there shall be issued a certificate of proper inspection which shall contain the date of such inspection and an outline of the result. It shall be unlawful for any person to turn on or connect such installation until such a certificate shall be issued. It shall also be unlawful to make any change, alterations, or extension in or to the installation of any electrical wiring after inspection, without notifying the city, and securing a permit to do so. (See paragraph C)
- P. **Right Of Entry.** The city power crews including inspector and meter reader shall have the right to enter any premises at all reasonable hours for the purpose of reading electrical meters or inspecting the electrical wiring.
- Q. **Vicious Animals.** The Payson City Inspector and Meter Reader, upon written notice to the owner or the landlord, where there is an electrical meter that is unattainable to be read or inspected because of a vicious animal, will be disconnected until alterations are made.

R. **Tree Trimming.** Payson City Power and Light crews or subcontractors shall have the right to enter and trim trees, shrubs, or bushes that interfere with or may interfere with the electrical system at the desecration of the Department.

S. **Liability To City.** Nothing in this Section shall be construed to relieve or lessen the responsibility of any person owning, operating or installing any electrical wires, fixtures, appliances, apparatus, construction or equipment for damages to anyone injured or damaged either in person or property by any defect therein. Nor shall the City or any agent thereof be held liable by reason of the inspection authorized herein or the certificate or inspection issued by the city wiring inspector.

T. **Code Adopted.**

1. The latest edition of the National Electric Code compiled by the National Fire Protection Association, prepared and published in code form by said association is hereby approved and adopted as the National Electric Code and by this reference is made a part of this Ordinance to the same extent and effect as though said Code was copied herein in full.
2. The latest edition of the National Electrical Safety Code compiled by the Institute of Electrical and Electronics Engineers, Inc. Prepared and published in code form by said association is hereby approved and adopted as the National Safety Code and by this reference is made a part of this Ordinance to the same extent and effect as though said Code was copied herein in full.

U. **Penalties For Violations.** Violation of any of the required acts, terms or conditions or the omission of any acts required by the National Safety Code adopted in this Section shall constitute a Class C misdemeanor.

4.24.030 Power Rates

A. **City Council To Adopt Schedule Of Rates.** The City Council of Payson shall adopt by resolution a schedule of rates to cover the costs of extension, connection and consumption of electric power. The City Council shall also adopt a policy setting forth the procedures and fees for the shut-off of City utility services relating to delinquent utility accounts.

B. **Application For Service-Contents.** Every person desiring to obtain electrical service from the department shall make application in writing, stating the location of the house or building by street number desired to be given such services, and stating whether or not it is a residence or business.

C. **Customer Accounts.** All Payson City Electrical Customer Accounts are confidential and will not be given out to the general public. Electrical Customers of Payson City may review their own accounts. Customers of Payson City may

receive a written copy of their own account at the cost of producing account information.

- D. Customer Deposit-When Required-Use.** The department of power and light may, before making any new connection for power service, require the purchaser thereof to deposit a sum of money equal to the estimated consumption of said purchaser for a period of two months. Minimum deposits will be set by resolution.

Residential Deposit. Residential deposits will be refunded to homeowners after six (6) consecutive months of full payments, made on or before the due date. Mobile home owners after twelve (12) consecutive months of full payments made, on or before the due date. Refund of deposit to rental units will be at the time of termination of power usage. If a purchaser is in default of payment for service more than for forty-five (45) days after due, the department, may discontinue service of said purchaser.

A consumer who believes that their bill is in error, or wish to discuss or dispute the bill for any reason, may request and receive a hearing with a Payson City official prior to interruption of service.

In case a delinquent account is referred to the City Attorney a reasonable attorney's fee and court costs must be paid by the defendant.

Commercial business deposit will not be required of an owner of a commercial business if a new account is being established by someone who currently has an active commercial account with Payson City for another business, and who's commercial account has been active and has not been in default for the past twenty-four (24) months. The Commercial establishment shall make a cash deposit or a Surety Bond deposit in place of cash payment. The Commercial customer will be responsible for all costs incurred for the bonding. If a purchaser is in default of payment for service more than Forty-five (45) days after due, the department may discontinue service to said purchaser.

At the end of 2 years (on the Anniversary date) Commercial Customer may request the bond to be canceled or the deposit to be applied to his account. At the time of the request the account must have a zero balance. The city will not pay any interest on the deposit or any fees connected therein with the bond while being held. A deposit will be required on all new building accounts to be paid at the time when connection fees are being paid.

- E. Credit-Discontinuing Service.** No credit shall be extended to any residential customer of electricity from said system for a period of more than forty (40) days; or to any commercial business for a period of more than forty (40) days. If service has been discontinued because of non-payment, it will not be restored until the payment of the delinquent amount is paid in full. A service charge is required by said customer if reconnection occurs during regular working hours, and an after-

hours service charge will be charged if reconnection occurs other than regular working hours. Fees will be set by resolution of Payson City Council. Even if a meter is not physically turned off, if the account is on the shut off list, the service fee will be charged.

4.24.040 Power Meters

- A. **Meters-Installation-Testing.** The department of power and light shall cause to be installed and maintained one meter per home or business. All Commercial businesses will be metered on a demand basis and billed accordingly. Building additions will not be supplied from a separate meter or additional meter, existing metering must be modified to accommodate additional power requirement. All meters will be tested periodically.
- B. **Damage To Property-Interruption Of Service.** All consumers of electricity connected with said meters shall be responsible on such consumer's premises, unless occasioned by cause beyond his control, or by the negligence of the department. The department shall not be responsible for any interruption or failure to supply electricity if such failure or interruption is without fault of said department of electrical power. Electrical wiring and equipment beyond the point of attachment shall be the responsibility of the consumer for any maintenance or repair.
- C. **Right To Meter Premises-Right Of Entry.** All consumers being served shall give the department employees permission to enter his/her premises to read and inspect meters, to repair and remove all or part of the apparatus or property owned by said department. The meter will be read and must be accessible at the time service is established and at certain periods thereafter.
- D. **Single Service Limitations.** The department shall not permit the use of power from a single service of two or more buildings, unless the buildings are under a common ownership, or leasehold. The buildings must be classed as one fire risk and operated as a single continuous property.
- E. **Penalties For Violations.** Any person, firm association or corporation violating any of the provisions of this Section, or any of the rules and regulations of the department shall be deemed guilty of a Class C misdemeanor.
- F. **Damaging Or Tampering With Electrical Structures, Appurtenances, Or Equipment.** No unauthorized persons, shall negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, equipment or meter that is part of the electrical system of Payson City. It shall be unlawful for any account holder, person, or his agent to (1) tamper with the meter (2) use any unauthorized electrical power from Payson City system (3) Damage any part of the electrical system. The account holder, or any other person, or agent with knowledge of 1, 2, 3 of the above occurring will be held criminally responsible if they fail to report the incident within 24 hours after the occurrence to Payson City.

Any person or persons who reconnect any electrical meter after being turned off because of non-payment will be in violation of a Class C Misdemeanor.

G. Temporary Power Unit Installation And Cost.

1. There will be a fee set by resolution, for Residential temporary power hook-up. All temporary power units will be metered. Each contractor will be responsible for providing their units. All inspections and accounts must be in place before temporary power is hooked-up. Residential units will be charged at the residential rate.
2. There will be a fee for Commercial and Industrial temporary hook-up set by resolution. Commercial and Industrial customers will provide their own temporary, including temporary unit, transformers and all other cost associated with the installation. They will be metered and charged at the General Service rate.
3. If part of this Ordinance is found to be invalid it shall not invalidate the remaining part of this Ordinance.

4.24.050 Electrical Power Pole Attachment Utility Rate

A. **Purpose.** The purpose of this Section is to establish a uniform rate to be applied in power pole line attachment agreements with private telecommunications and cable television companies which attach cables or lines to the city's power poles.

B. **Definitions.** The terms used in this Section shall have the following definitions:

AVERAGE NUMBER OF POLE ATTACHMENTS means the average number of pole line attachments per pole.

CARRYING CHARGE RATE means an amount equal to the sum of interest costs or return on net assets of 5.0% plus in lieu of tax transfer costs of 10.0%.

NET COST OF POLE means the average net cost of installing a power pole, including capital costs, labor and installation costs.

POLE HEIGHT means the standard height of a power pole, which shall be presumed to be 37.5 feet.

POLE ATTACHMENT means any attachment by a cable television system or provider of telecommunications service to a pole, duct, conduit, or right-of-way owned or controlled by Payson City.

POLE LINE ATTACHMENT RATE means the rate to be used by the city in

entering into power pole line attachment agreements with cable television and telecommunications providers, which shall be calculated as set forth in this Section.

SPACE OCCUPIED BY POLE LINE ATTACHMENT means the standard space occupied by one attachment to a power pole, which for the purposes of this Section shall be presumed to be one foot.

TOTAL USABLE POLE SPACE means the standard space on a power pole available for pole line attachments, which shall be presumed to be 13.5 feet.

TOTAL UNUSABLE POLE SPACE means the standard space on a power pole not available for pole line attachments, which shall be presumed to be 24 feet.

C. **Pole Line Attachment Rate Formulas.** The pole line attachment rate shall be set as determined by the following formulas:

1. Pole line attachment rate equals usable pole space factor plus unusable pole space factor, mathematically represented as follows:

Maximum Pole Line Attachment Rate = Usable Pole Space Factor +
Unusable Pole Space Factor

2. Usable pole space factor equal space occupied by pole line attachment divided by total usable space, multiplied by: (1) total usable space divided by pole height; (2) net cost of pole; (3) carrying charge rate, mathematically represented as follows:

Usable Pole Space Factor = $\frac{\text{Space Occupied By Pole Line Attachment}}{\text{Total Usable Space}}$

* Total Usable Space

* Net Cost Of Pole

* $\frac{\text{Carrying Charge Rate}}{\text{Total Usable Space Pole Height}}$

3. Unusable pole space factor equals two-thirds multiplied by: (1) total unusable pole space divided by pole height; (2) net cost of pole divided by number of attachments; (3) carrying charge rate, mathematically represented as follows:

Unusable Pole Space Factor = $\frac{2}{3} \times \left(\frac{\text{Total Unusable Pole Space}}{\text{Pole Height}} + \frac{\text{Net Cost Of Pole}}{\text{Number of Attachments}} + \text{Carrying Charge Rate} \right)$

* Total Unusable Pole Space

* Net Cost Of Pole

* $\frac{\text{Carrying Charge Rate}}{\text{Pole Height}}$

D. **Minimum Requirements For Power Pole Line Attachment Agreements.** At a minimum, all power pole line attachment agreements shall require private

telecommunications and cable television providers to comply with the following:

1. All requirements of the National Electrical Safety Code, and additional safety requirements deemed necessary by the power department.
2. Location, spacing, loading and guying requirements deemed necessary by the power department engineering manager.
3. All mandatory underground cable installation requirements, if any, imposed by law on all telecommunications and cable television providers.

E. Special Conditions.

1. All customers with an application date later than March 1, 2017 shall pay for the net energy used in accordance with the formula outlined below in paragraphs E,1,a and E,1,b. All customers with an application date prior to March 1, 2017 shall pay for the net energy used in accordance with the formula described below in paragraph c:
 - a. The customer shall pay for all electric energy used by the customer at the Residential rate. Energy supplied to the city by the customer from on the premises generation, which is fed back into the city's electric distribution system will be paid at the feed in tariff rate. This true up will happen each billing cycle no banking of energy will be accepted.
 - b. Commercial installations will be handled the same way as Residential customers but will be billed under their applicable power rate.
 - c. The Customer
 - (1) The customer shall pay for all electric energy supplied by the city to the customer in any billing period in excess of the amount of electric energy produced by the customer on the premises which is fed back into the city's electric distribution system during that same billing period.
 - (2) The customer shall receive a credit for all electrical energy produced by the customer on the premises which is fed back into the city's electrical distribution system during a billing period in excess of the amount of electric energy supplied by the city during that billing period, with such credit applied to the customer's future bills, except that any electric energy credit balance remaining in favor of the customer under the provisions of this paragraph E at the time of their April billing each year shall be zeroed out with no further liability to the city and no credit to the customer for said balance.

- (3) In the event the customer terminates service under this electric service schedule, any electric energy credit balance in favor of the customer under the provisions of this paragraph E shall be forfeited. The city will not make cash payment to customers based on their participation in the program.
 - (4) Customers who are being billed pursuant to this paragraph E,1,c who either sell or rent their home will be updated to the billing procedures of paragraphs E,1,a and E,1,b.
2. The price for electric energy provided to, or credited to, a customer participating in the Distributed Generation Program shall be the price charged by the city under the provisions of the electric service schedule for which the customer receives service.
 3. The Distributed Generation Program billing adjustment only applies to charges for energy. Participating customers are subject to all other charges, rates, terms and conditions of the electric service schedule under which the customer receives service except as expressly altered by this electric service Distributed Generation Program.
 4. The customer will release to City all renewable energy credits (RECs), solar renewable-energy credits (S-RECs), or other renewable attributes as appropriate based on actual on-site electric generation from the Renewable Resource.
 5. The customer shall be responsible for any damage caused by the customer-generating facility to the City's distribution system and/or neighboring services. The customer shall be responsible for the installation and maintenance of applicable protection equipment, and for any damage caused by improper application, maintenance of faulty equipment.
 6. Payson City shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

F. Application For Interconnection.

1. **Application Form.** When an applicant requests interconnection from the utility, the applicant shall be responsible for conforming to the rules and regulations that are in effect. The applicant seeking to interconnect a generating facility under these rules must fill out and submit a signed application form. Information must be accurate, complete and approved by the utility prior to installing the generating facility.

2. **Application Fees.** The utility requires a non-refundable interconnection application fee of \$100.00, with payment for the net meter.
3. **Applicants Are Customers.** All Applicants must take delivery of energy from Payson City at their applicable power rate schedule. The City may review its rate schedules at any time including the purchase price of distributed generation.
4. **Applicant Limits.** Applications will be accepted on a first-come, first served basis to the capacity limit of the circuit or the distribution system, as determined by the City. City may offer Customer the ability to pay for the cost to increase the circuit or distribution capacity limit to accommodate Customer request.
5. **Application Evaluation.** All generating interconnection requests pursuant to this Section will be reviewed by the utility for compliance with these rules. If the utility in its sole discretion find that the application does not comply with this Section, the utility may reject the application. If the utility rejects the application, it shall provide the applicant with written notification stating its reasons for rejecting the application.

G. Special Conditions.

1. The customer shall pay for the net energy used in accordance with the following formula:
 - a. The customer shall pay for all electric energy used by the customer at the Residential rate. Energy supplied to the city by the customer from on the premises generation, which is fed back into the city's electric distribution system will be paid at the feed in tariff rate. This true up will happen each billing cycle no banking of energy will be accepted.
 - b. Commercial installations will be handled the same way as Residential customer but will be billed under there applicable power rate.
2. The price for electric energy provided to, or credited to, a customer participating in the Distributed Generation Program shall be the price.

4.24.060 Distributed Generation Program

- A. **Purpose And Scope.** The purpose of this program is to establish rules for determining the terms and conditions governing the interconnection of electric generation facilities with a nameplate generating capacity of not more than 10 kilowatts for Residential and 25 kilowatts for Commercial to the electric system of Payson City.

B. Definitions.

APPLICANT means a customer of Payson Power and Light that desires to become a Generator operating a Generating Facility installed in Payson City's electric service territory.

ELECTRIC SYSTEM means all electrical wires, equipment, and other facilities owned or provided by the utility that are used to transmit electricity to customers.

GENERATING FACILITY means a source of electricity owned by the applicant or generator that is located on the applicant's side of the point of common coupling, and all facilities ancillary and appurtenant thereto, including interconnection facilities, which the applicant requests to interconnect to the utility's electric system.

GENERATOR means the entity that owns and/or operates the generating facility interconnected to the utility's electric system.

INTERCONNECTION means the physical connection of a generating facility to the electric system so that parallel operation may occur.

INTERCONNECTION AGREEMENT means the standardized terms and conditions that govern the interconnection of generating facilities pursuant to these rules. The model interconnection agreement may be modified to accommodate terms and conditions specific to individual interconnections, subject to the conditions set forth in these rules.

INTERCONNECTION FACILITIES means the electrical wires, switches and other equipment used to interconnect a generating facility to the electric system.

NET METERING means measuring the difference between the electricity supplied by the utility and the electricity generated by a generating facility that is fed back to the utility over the applicable billing period.

PARALLEL OPERATION or **OPERATING IN PARALLEL** means the synchronous operation of a generating facility while interconnected with the utility's electric system.

UTILITY means Payson City that owns and operates the electrical distribution system, or the electrical distribution system itself, onto which the applicant seeks to interconnect a generating facility.

C. Technical Standards For Interconnection.

1. General Interconnection Requirements.

- a. The generator shall comply with the requirements in paragraphs C,1,a,(1), C,1,a,(2), and C,1,a,(3). However, at its sole discretion, the utility may approve alternatives that satisfy the intent of, and/or may excuse compliance with, any specific elements of these requirements.
 - (1) Code and Standards. Applicant shall conform to all applicable codes and standards for safe and reliable operation. Among these are the National Electric Code (NEC), National Electric Safety Code (NESC), the Institute of Electrical and Electronic Engineers (IEEE), American National Standard Institute (ANSI), and Underwriters Laboratories (UL) standards, and local, state and federal building codes. The generator shall be responsible to obtain all applicable permit(s) for the equipment installations on its property.
 - (2) Safety. All safety and operating procedures for joint use equipment shall be in compliance with the Occupational Safety and Health Administration (OSHA) Standard 29, CFR 1910.269, the NEC, Washington Administrative Code (WAC) rules, the Washington Industrial Safety and Health Administration (WISHA) Standard, and equipment manufacturer's safety and operating manuals.
 - (3) Power Quality. Installations will be in compliance with all applicable standards including IEEE Standard 519-1992 Harmonic Limits.

2. Specific Interconnection Requirements.

- a. Applicant shall furnish and install on applicant's side of the meter, a UL- approved safety disconnect switch which shall be capable of fully disconnecting the applicant's generating facility from the utility's electric system. The disconnect switch shall be located adjacent to utility meters and shall be of the visible break type in a metal enclosure which can be secured by a padlock. The disconnect switch shall be accessible to utility personnel at all times.
- b. The requirement in paragraph C,2,a above may be waived by the utility if: (i) applicant provides interconnection equipment that applicant can demonstrate, to the satisfaction of the utility, performs physical disconnection of the generating equipment supply internally; and (ii) applicant agrees that its service may be disconnected entirely if generating equipment must be physically disconnected for any reason.

- c. The utility shall have the right to disconnect the generating facility at the disconnect switch under the following circumstances: when necessary to maintain safe electrical operating conditions; if the generating facility does not meet required standards; if the generating facility at any time adversely affects or endangers any person, the property of any person, the utility's operation of its electric system or the quality of the utility's service to other customers; or failure of the owner of record, as filed with the utility, to notify the utility of a sale or transfer of the generator, interconnection facilities or the premises on which the generator is located.
- d. Nominal voltage and phase configuration of applicant's generating facility must be compatible to the utility system at the point of common coupling.
- e. Applicant must provide evidence that its generation will never result in reverse current flow through the utility's network protectors. All instances of interconnection to secondary spot distribution networks shall require review and written pre-approval by the utility. Interconnection to distribution secondary grid networks is not allowed. Closed transition transfer switches are not allowed in secondary network distribution systems.

3. Specifications Applicable To All Inverter-based Interconnections.

Any inverter-based generating facility desiring to interconnect with the utility's electric system or modify an existing interconnection must meet the technical specifications, in their most current approved version, as set forth below.

- a. IEEE Standard 1547-2003, Standard for Interconnecting Distributed Resources with Electric Power Systems.
- b. UL Standard 1741, Inverters, Converters, and Controllers for use in Independent Power systems, Equipment must be UL listed.
- c. IEEE Standard 929-2000, IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.

4. Requirements Applicable To All Non-inverter-based

Interconnections. Non-inverter based interconnection requests may require more detailed review, testing, and approval by the utility, at applicant cost, of the equipment proposed to be installed to ensure compliance with applicable technical specifications, in their most current approved version, including:

- a. IEEE Standard 1547-2003, Standard for Interconnecting

Distributed Resources with Electric Power Systems.

- b. ANSI Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.
- c. Applicants proposing such interconnection may also be required to submit a power factor mitigation plan for utility review and approval.

D. Application For Interconnection.

1. **Application Form.** When an applicant requests interconnection from the utility, the applicant shall be responsible for conforming to the rules and regulations that are in effect. The applicant seeking to interconnect a generating facility under these rules must fill out and submit a signed application form. Information must be accurate, complete and approved by the utility prior to installing the generating facility.
2. **Application Fees.** The utility requires a non-refundable interconnection application fee of \$100.00, with payment for the net meter.
3. **Applicants Are Customers.** All Applicants must take delivery of energy from Payson City at their applicable power rate schedule. The City may review its rate schedules at any time including the purchase price of distributed generation.
4. **Applicant Limits.** Applications will be accepted on a first –come, first served basis to the capacity limit of the circuit or the distribution system, as determined by the City. City may offer Customer the ability to pay for the cost to increase the circuit or distribution capacity limit to accommodate Customer request.
5. **Application Evaluation.** All generating interconnection requests pursuant to this Section will be reviewed by the utility for compliance with these rules. If the utility in its sole discretion find that the application does not comply with this Section, the utility may reject the application. If the utility rejects the application, it shall provide the applicant with written notification stating its reasons for rejecting the application.

E. Special Conditions.

1. All customers with an application date later than March 1, 2017 shall pay for the net energy used in accordance with the formula outlined below in paragraphs E,1,a and E,1,b. All customers with an application date prior to March 1, 2017 shall pay for the net energy used in accordance with the formula described below in paragraph E,2:
 - a. The customer shall pay for all electric energy used by the

customer at the Residential rate. Energy supplied to the city by the customer from on the premises generation, which is fed back into the city's electric distribution system will be paid at the feed in tariff rate. This true up will happen each billing cycle no banking of energy will be accepted.

- b. Commercial installations will be handled the same way as Residential customers but will be billed under their applicable power rate.

2. The Customer

- a. The customer shall pay for all electric energy supplied by the city to the customer in any billing period in excess of the amount of electric energy produced by the customer on the premises which is fed back into the city's electric distribution system during that same billing period.
 - b. The customer shall receive a credit for all electrical energy produced by the customer on the premises which is fed back into the city's electrical distribution system during a billing period in excess of the amount of electric energy supplied by the city during that billing period, with such credit applied to the customer's future bills, except that any electric energy credit balance remaining in favor of the customer under the provisions of this paragraph E at the time of their April billing each year shall be zeroed out with no further liability to the city and no credit to the customer for said balance.
 - c. In the event the customer terminates service under this electric service schedule, any electric energy credit balance in favor of the customer under the provisions of this paragraph E shall be forfeited. The city will not make cash payment to customers based on their participation in the program.
 - d. Customers who are being billed pursuant to this paragraph E,2 who either sell or rent their home will be updated to the billing procedures of paragraphs E,1,a and E,1,b.
3. The price for electric energy provided to, or credited to, a customer participating in the Distributed Generation Program shall be the price charged by the city under the provisions of the electric service schedule for which the customer receives service.
4. The Distributed Generation Program billing adjustment only applies to charges for energy. Participating customers are subject to all other charges, rates, terms and conditions of the electric service schedule

under which the customer receives service except as expressly altered by this electric service Distributed Generation Program.

5. The customer will release to City all renewable energy credits (RECs), solar renewable-energy credits (S-RECs), or other renewable attributes as appropriate based on actual on-site electric generation from the Renewable Resource.
6. The customer shall be responsible for any damage caused by the customer-generating facility to the City's distribution system and/or neighboring services. The customer shall be responsible for the installation and maintenance of applicable protection equipment, and for any damage caused by improper application, maintenance of faulty equipment.
7. Payson City shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

Title 5 Storm Water

5.04 General Information

5.08 Land Disturbance Permits

5.12 Storm Water System Design And Management Standards

5.16 Post Construction

5.20 Waivers

5.24 Existing Locations And Developments

5.28 Inspections

5.32 Illicit Discharges

5.36 Enforcement

5.40 Penalties

5.44 Appeals

5.04 General Information

5.04.010 Findings

5.04.020 General Provisions

5.04.030 Definitions: Storm Water Ordinance

5.04.040 Storm Sewer Utility

5.04.050 Storm Sewer Utility Fee

5.04.060 Billing

5.04.010 Findings

The City Council makes the following findings regarding storm water runoff and City's storm sewer system:

- A. Historically, the City's storm sewer system consisted of a network of ditches that were previously used for irrigation. Those ditches are being removed as improvements are made by installing curb & gutter. With the elimination of the ditches there is no way for the storm water to be dispersed.
- B. The City's existing culverts and remaining ditches do not adequately handle the storm water runoff generated in the City.
- C. The City's anticipated growth will place increased demands on the already inadequate storm sewer system.
- D. Uncontrolled or inadequately controlled storm water runoff causes erosion and property damage.
- E. Uncontrolled or inadequately controlled storm water runoff hinders the City's ability to provide emergency services to its residents.
- F. Uncontrolled or inadequately controlled storm water runoff impedes the regular flow of traffic in the City.

- G. Uncontrolled or inadequately controlled storm water runoff poses hazards to the citizens of the community.
- H. Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that may jeopardize the integrity of ground waters and receiving waters including the City's culinary water supply.
- I. All developed properties in the City contribute to the need for the storm sewer system by converting natural ground cover into impervious surfaces.
- J. All developed properties in the City make use of or benefit from the City's operation and maintenance of the storm sewer system
- K. The State Department of Environmental Quality (DEQ) has determined that some of the city's storm water sumps must be included on the prioritized contamination sources for culinary wells.
- L. Inadequate drainage along existing streets due to the lack of an adequate storm sewer system causes the street pavement to deteriorate and fail thus increasing street maintenance costs.
- M. Absent effective maintenance, operation, regulation and control, of existing storm water drainage conditions in the City constitute a potential hazard to the health, safety and general welfare of the City, its residents, and its businesses.
- N. A storm sewer utility is the most equitable and efficient method of managing storm water in the City and ensuring that each property in the City pays its fair share of the amount that the property contributes to, benefits from, and otherwise uses the storm sewer system.

5.04.020 General Provisions

Purpose. It is the purpose of this ordinance to:

- A. Protect, maintain, and enhance the environment of Payson City.
- B. Establish responsibilities for controlling and managing storm water runoff.
- C. Protect the public health, safety and the general welfare of the citizens of the city, by controlling discharges of pollutants to the city's storm water system and to maintain and improve the quality of the receiving waters into which the storm water outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the city.
- D. Enable the City to comply with the National/Utah Pollution Discharge Elimination System permit (NPDES /UPDES) and applicable regulations, 40 CFR §122.26 for storm water discharges.
- E. Allow the City to exercise the powers granted by Utah Code, which provides that,

among other powers municipalities have with respect to storm water facilities, is the power by ordinance or resolution to:

- F. Exercise general regulation over the planning, location, construction, and operation and maintenance of storm water facilities in the municipality, whether or not owned and operated by the municipality;
- G. Adopt any rules and regulations deemed necessary to accomplish the purposes of this statute, including the adoption of a system of fees for services and permits;
- H. Establish standards to regulate the quantity of storm water discharged and to regulate storm water contaminants as may be necessary to protect water quality;
 - I. Review and approve plans and plats for storm water management in proposed subdivisions or commercial developments;
 - J. Issue permits for storm water discharges, or for the construction, alteration, extension, or repair of storm water facilities;
 - K. Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit;
 - L. Regulate and prohibit discharges into storm water facilities of sanitary, industrial, or commercial sewage or waters that have otherwise been contaminated; and
 - M. Expend funds to remediate or mitigate the detrimental effects of contaminated land or other sources of storm water contamination, whether public or private.

City Engineer shall administer the provisions of this ordinance. Nothing in this ordinance shall relieve any person from responsibility for damage to other persons or property, nor impose upon Payson City, its officers, agents or employees, any liability for damage to other persons or property.

5.04.030 Definitions: Storm Water Ordinance

For the purpose of this Title, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined in this Section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

AS BUILT PLANS means drawings depicting conditions as they were actually constructed.

BEST MANAGEMENT PRACTICES or BMPS are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by Payson City and that have been incorporated by reference into this ordinance as if fully set out therein. For purposes of

this Title, the relevant BMP's are more particularly defined in *Payson City Guidance Document for Storm water Management*.

CHANNEL means a natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

CITY ENGINEER means the City Engineer of Payson City or an authorized designee.

CITY STORM WATER SYSTEM means city-owned storm systems including without limitation gutters, catch basins, grates, pipelines, and property encumbrances that receive runoff from public right-of-way, private property, natural waterways and systems identified as city easements.

COMMUNITY WATER means any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of Payson City.

CONTAMINANT means any physical, chemical, biological, or radiological substance or matter which is not naturally occurring and introduced into the storm water system.

DESIGN STORM EVENT means a hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a storm water facility.

DISCHARGE means dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.

EASEMENT means an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

EROSION means the removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

EROSION AND SEDIMENT CONTROL PLAN means a written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

GENERAL CONSTRUCTION STORM WATER PERMIT means a permit required by the Utah Department of Environmental Quality, Division of water Quality.

HOT SPOT (PRIORITY AREA) means an area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in storm water.

ILLCIT CONNECTIONS means illegal and/or unauthorized connections to the municipal separate storm water system whether or not such connections result in discharges into that system. Any drain or conveyance whether on the surface or subsurface, which allows a contaminated or illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains or sinks regardless of whether said drain or connection had been previously allowed, permitted, or approved by government agency; or any drain or conveyance connected to or discharging to the storm drain system, which has not been (1) documented in plans, maps, or equivalent records submitted to the City, and (2) approved in writing by the City.

ILLCIT DISCHARGE means any discharge to the municipal separate storm drain system that is not composed entirely of storm water and not specifically exempted under this ordinance. Illicit discharges include both direct connections (e.g., wastewater piping either mistakenly or deliberately connected to the storm water system) and indirect connections (e.g., infiltration into the storm water system or spills collected by drain inlets).

IRRIGATION DITCHES means gravity irrigation ditches used by irrigation shareowners having a right of water passageway by ROW, easement or prescription. Irrigation ditches also include those facilities which function as a combined storm water and irrigation conveyance intended at times as a water routing and disposal system

LAND DISTRIBUTION PERMIT means a Payson City Land Disturbance Permit as adopted by the City.

LAND DISTRIBUTING ACTIVITY means any activity on property that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, development, re-development, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

MAINTENANCE means any activity that is necessary to keep a storm water facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a storm water facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the storm water facility or cause degradation of the storm water quality.

MAINTENANCE AGREEMENT means a document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) (MUNICIPAL SEPARATE STORM WATER SYSTEM) means the conveyances owned or operated by the

municipality for the collection and transportation of storm water, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT or NPDES PERMIT means a permit issued pursuant to 33 U.S.C. 1342.

NOTICE OF VIOLATION (N.O.V.). Whenever the City Engineer finds that a person is in non-compliance with this ordinance, the Engineer will order compliance by written notice of violation to the responsible person. Requirements in this Notice are at the discretion of the Engineer, and may include monitoring, payment to cover costs relating to the non-compliance, and the implementation of Best Management Practices.

OFF-SITE FACILITY means any facility being a structural BMP or otherwise located outside the subject property boundary described in the permit application for land development activity which is intended to form an integral part of the storm drain system for a given parcel.

ON-SITE FACILITY means a structural BMP located within the subject property boundary described in the permit application for land development activity.

PEAK FLOW means the maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

PERSON means any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government, this includes both the singular and plural form of said groups, who acts to discharge to or otherwise influence the storm water system in the City of Payson.

PRE-EXISTING CONDITIONS means conditions of property in its native state or changed under approval by the City or changed property that is grandfathered.

PRIORITY AREA means HOT SPOT as defined in this Section.

PROPERTY OWNER means a land owner of property within the boundary of Payson City.

RUNOFF means that portion of the precipitation on a drainage area that is discharged from the area into the municipal separate storm water system. Also, water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm drainage system.

SEDIMENT means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level or within any storm drainage conveyance system.

SEDIMENTATION means soil particles that can settle or have settled in the stream beds and disrupt the natural flow of the stream or otherwise disrupt the intended storm drain system function.

SOILS REPORT means a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

STABILIZATION means providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

STORM WATER means storm water runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.

STORM WATER DESIGN STANDARDS AND REGULATIONS means the current Payson City storm water standards and regulations as adopted by the City.

STORM WATER MASTER PLAN means the current Payson City Storm Water Master Plan as adopted by the City.

STORM WATER MANAGEMENT means the programs to maintain quality and quantity of storm water runoff to pre-development levels.

STORM WATER MANAGEMENT FACILITIES SYSTEM means the drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which storm water is collected, transported, pumped, treated or disposed of.

STORM WATER POLLUTION PREVENTION PLAN (SWAPP) means the set of drawings and other documents showing the location of the BMPs during the different phases of construction and system management and that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of storm water runoff to pre-development levels during and after construction.

SWMP means "Storm Water Management Program." A Technical Report including a copy of the Land Disturbance Permit, Notice of Intent (NOI) (if applicable), Storm Water Pollution Prevention Plan: during construction and post construction, storm water pollution prevention BMPs, spill prevention and countermeasure information, inspection records and signed and dated Certification Statement from the Site Operator and the responsible person preparing the report.

STORM WATER RUNOFF means flow on the surface of the ground or within the storm water system, resulting from precipitation or other forms of water origination being those which are both natural and artificially occurring.

STORM WATER UTILITY means the storm water utility created by ordinance of the city

to administer the storm water management ordinance, and other storm water rules and regulations adopted by the municipality to maintain and manage the storm water system of the City.

STRUCTURAL BMPS means devices that are constructed to provide control of both the quality and quantity of storm water runoff.

SURFACE WATER means and includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other water courses, lakes and reservoirs, ponds, sloughs, or other bodies of water.

WATERCOURSE means a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERSHED means all the land area that contributes runoff to a particular point along a waterway or other storm water conveyance.

UPDES means Utah Pollution Discharge Elimination System.

- A. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Payson City boundaries must provide written approval from the state, county or municipality or their agents.
- B. Property owners are responsible for the protection of canals per the relevant sections of this ordinance.
- C. Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.

5.04.040 Storm Sewer Utility

- A. **Creation.** The City Council hereby creates and establishes a storm sewer utility as part of the City's overall sewer system. The storm sewer utility shall plan, design, construct, maintain, administer and operate the City's storm sewer system.
- B. **Enterprise Fund.** The City Council hereby establishes a storm sewer utility enterprise fund to handle all income expenses and other financial transactions related to the storm sewer utility. All storm sewer utility service charges shall be deposited in the enterprise fund. Money in the storm sewer utility enterprise fund shall not be commingled with or transferred to other City funds. However, the storm sewer utility may pay other City funds for services and expenses directly attributable to the storm sewer utility. The enterprise fund shall be operated according to State law and City policy.
- C. **Facilities And Assets.** The storm sewer utility shall operate independently of City operations funded by the general fund. The storm sewer utility shall have the

same relationship to the City as other City utilities, such as the water utility and the sanitary sewer (waste water) utility. Upon creation of the utility, all of the City's storm sewer facilities and assets (other than streets and other facilities and assets designated by the City Manager) shall be transferred to the storm sewer utility in consideration for the storm sewer utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the City's storm sewer system.

- D. **Administration.** The storm sewer utility shall be administered by the City's Street Superintendent.

5.04.050 Storm Sewer Utility Fee

- A. **Imposed.** Each developed parcel of real property in the City shall be charged a storm sewer fee. However, when the City annexes property into the municipal limits of Payson City, no storm drain fee shall be assessed on the annexed property until such time as the annexed property is developed, until storm drain facilities are installed or as directed by an annexation agreement.
- B. **ESU.** The fee shall be based on the number of equivalent service units (ESU's) contained in the parcel. The City Council finds that the ESU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the storm sewer utility. Based on a study completed by an independent engineer, the City Council finds and establishes that one ESU equals 2,700 square feet of impervious surface area.
- C. **Calculation.** The City Council finds that each single family residential parcel contributes approximately the same amount of storm water runoff; therefore, each developed single family residential parcel shall pay a base rate of one (1) ESU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ESU's according to the measured impervious area on the parcel. The City Council may adopt separate rates for PRD's, condominiums and other uses that are not easily handled under the standard rate schedule.
- D. **Charge Per ESU.** The amount charged for each ESU shall be established by resolution of the City Council.
- E. **Exemptions And Credits.** The City Council may establish exemptions and credits to the storm sewer utility fee by resolution.
- F. **Policies.** The Street Superintendent may adopt policies, consistent with this ordinance and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this ordinance and any resolutions related to the storm sewer utility.
- G. **Appeals.** Any person or entity that believes that this ordinance, or any storm sewer utility rate resolution, was interpreted or applied erroneously may appeal to the Street Superintendent ("Superintendent"). The appeal shall be in writing,

shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. The Superintendent may elect to hold a hearing on the appeal. The Superintendent shall decide the appeal within ten (10) days of when the appeal is filed. If the person or entity is not satisfied with the Superintendent's decision, a further appeal may be made to the City Manager (or his or her designee). The appeal to the City Manager shall follow the same procedure as the appeal to the Superintendent. The City Manager's decision shall be final and binding on all parties.

5.04.060 Billing

The City Council finds that the City's storm sewer system, sanitary sewer system, culinary water system, and solid waste collection system are interrelated services that are part of a unified City plan to provide for the health, safety and welfare of the City and its residents in an environmentally responsible manner. Therefore, the storm sewer utility fee shall be included on the City's regular monthly utility bill for any given property, the storm sewer utility fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to the City by the person or entity paying for the City utility services provided to the property. All properties shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the storm sewer utility service. Failure to pay any portion of the utility bill may result in termination of water service.

5.08 Land Disturbance Permits

[5.08.010 When Required](#)

[5.08.020 Drainage Channels, Waterways And Sensitive Areas](#)

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[5.08.040 Exemptions](#)

[5.08.050 Application For A Land Disturbance Permit.](#)

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5.08.010 When Required

Every person will be required to obtain a land disturbance permit from the City Engineer in the following cases:

- A. Land disturbing activity that generally disturbs one (1) or more acres of land.
- B. Land disturbing activity of less than one (1) acre of land if such activity is part of a larger common plan of development that affects one (1) or more acre of land;
- C. Land disturbing activity of less than one (1) acre of land, if in the discretion of the City Engineer such activity poses a unique threat to water, or public health or safety;
- D. The creation and use of borrow pits.

- E. Development of a single family home.
- F. Processing of earthen materials such as top soil and gravel screening.
- G. Construction of parking lots.

5.08.020 Drainage Channels, Waterways And Sensitive Areas

Property owners shall not alter or restrict natural channels without proper Federal, State and City permits.

Modifications of sensitive areas are subject to and governed by PCC 14 Sensitive Lands. These actions will require a Land Disturbance Permit and approval from all other governing agencies.

Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Payson City boundaries must provide written approval from the state, county or municipality or their agents.

Property owners are responsible for the protection of canals per the relevant sections of this ordinance.

Discharges or modifications to the canals require written approval from the canal owners and applicable governing agencies.

5.08.030 Building Permit

No building permit shall be issued until the applicant has obtained a Land Disturbance Permit where the same is required by this ordinance.

5.08.040 Exemptions

The following activities are exempt from the permit requirement:

- A. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources including activities required to promote public safety, repairs to water lines and/or other City infrastructure repairs.
- B. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
- C. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate City, Federal, or State Agency.
- D. Additions or modifications to existing single family structures.

5.08.050 Application For A Land Disturbance Permit.

A. Each application shall include the following:

1. Name of applicant;
2. Business or residence address of applicant;
3. Name, address and telephone number of the owner of the property of record in the office of the Utah County Assessor;
4. Address and legal description of subject property including the tax reference number and parcel number of the subject property;
5. Name, address and telephone number of the contractor and any subcontractor(s) who shall perform the land disturbing activity and who shall implement the erosion and sediment control plan;
6. A statement indicating the nature, extent and purpose of the land disturbing activity including the size of the area for which the permit shall be applicable and a schedule for the starting and completion dates of the land disturbing activity.
7. The applicant shall obtain from any other state or federal agency any other appropriate environmental permits that pertain to the property such as the UPDES Storm Water General Permit for Construction Activities UTR 090000. However, the inclusion of those permits in the application shall not foreclose the City Engineer from imposing additional development requirements and conditions, commensurate with this ordinance, on the development of property covered by those permits.
8. Each application shall be accompanied by:
9. A storm water pollution prevention plan (SWPPP) providing for erosion and sediment control and storm water management during the land disturbing activity and after the activity has been completed meeting the requirements of Storm Water General Permit for Construction Activities Permit No. UTR 090000. Each application for a land disturbance permit shall be accompanied by payment of land disturbance permit and other storm water management fees, as adopted by resolution and found in the city fee schedule.

5.08.060 Review And Approval Of Application

The City Engineer will review each application for a land disturbance permit to determine its conformance with the provisions of this ordinance. Within 15 days after receiving an application, the City Engineer shall provide one of the following responses in writing:

A. Approval of the permit application;

- B. Approval of the permit application, subject to such reasonable conditions as may be necessary to secure substantially the objectives of this ordinance, and issue the permit subject to these conditions; or
- C. Denial of the permit application, indicating the reason(s) for the denial.

If the City Engineer has granted conditional approval of the permit, the applicant shall submit a revised plan that conforms to the conditions established by the City Engineer. However, the applicant shall be allowed to proceed with his land disturbing activity so long as it conforms to conditions established by the City Engineer.

No development plans will be released until the land disturbance permit has been approved.

Permit Duration. Every land disturbance permit shall expire and become null and void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction.

Notice Of Construction. The applicant must notify the City Engineer ten (10) working days in advance of the commencement of construction.

Inspection. Regular inspections of the storm water management system construction shall be conducted by the party responsible for the work and reviewed by the City Engineer. The property owner shall allow access to the City Engineer or a representative to inspect storm water control measures that discharge to the MS4. The inspection shall review the control measures in place, the maintenance plan, and the need for additional measures to completely address the erosion and sediment control for the project.

All inspections shall be documented and written reports prepared that contain the following information:

- A. The date and location of the inspection;
- B. Whether construction is in compliance with the approved storm water management plan;
- C. Variations from the approved construction specifications;
- D. Any violations that exist.
- E. Performance bonds.

The City Engineer may, at his discretion:

- A. Require the submittal of a performance security or performance bond prior to issuance of a permit in order to ensure that the storm water practices are installed

by the permit holder as required by the approved storm water plan.

1. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus any reasonably foreseeable additional related costs, e.g., for damages or enforcement.
2. The performance security shall contain forfeiture provisions for failure to complete work specified in the storm water management plan.
3. The applicant shall provide an itemized construction cost estimate complete with unit prices which shall be subject to acceptance, amendment or rejection by the City Engineer.
4. Alternatively the City Engineer shall have the right to calculate the cost of construction cost estimates.
5. The performance security or performance bond shall be released in full only upon submission of as-built plans written certification by a registered professional engineer licensed to practice in the State of Utah that the structural BMP has been installed in accordance with the approved plan, signed Notice of Termination of the Construction General Permit and other applicable provisions of this ordinance.

The City Engineer will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages can be made at the discretion of the City Engineer.

5.12 Storm Water System Design And Management Standards

[5.12.010 Prior Approval And Standard](#)

[5.12.020 Irrigation Ditches](#)

[5.12.030 Storm Water Design And BMP Manuals](#)

[5.12.040 General Performance Criteria For Storm Water Management](#)

[5.12.050 Minimum Control Requirements](#)

[5.12.060 Storm Water Pollution Prevention Plan Requirements](#)

5.12.010 Prior Approval And Standard

When a person is engaged in development activity which requires prior approval by the city and the issuance of a land disturbance permit, the following standards apply to the design and management of any water carrying system found on the property disturbed by that person. Prior to or during the site design process, applicants for land disturbance permits shall consult with the city engineer to determine if they are subject to storm water

design requirements in addition to what is described in this Section.

5.12.020 Irrigation Ditches

All existing irrigation ditches located on the site or straddling a site property boundary shall be piped with a sufficient size pipe and shall be coordinated with water user and the City Engineer.

Property owners are responsible for the protection of irrigation ditches per the relevant sections of this ordinance.

Discharges to private ditches require written approval from the ditch owners and design shall comply with the terms of approvals and the Storm Water Design Standards and Regulations and the Land Disturbance Permit.

Piping of ditches and modification to the diversion boxes require documented coordination with ditch owners or representative but are not required to receive written approval of ditch owners. Design and coordination requirements shall comply with the Storm Water Design Standards and Regulations and the Land Disturbance Permit documents.

5.12.030 Storm Water Design And BMP Manuals

The municipality adopts as its storm water design and best management practices (BMP) manuals the following publications, which are incorporated by reference in this ordinance as is fully set out herein:

- A. Payson City Storm Water Design Standards and Regulations.
- B. Payson City Storm Water Master Plan
- C. Guidance Document for Storm Water Management (EPA Construction Site Storm Water Runoff Control).
- D. Payson City Storm Water Technical Manual.

These manuals include a list of acceptable BMPs and include specific design performance criteria and operation and maintenance requirements for each storm water practice. The manuals may be updated and expanded from time to time, at the discretion of the governing body of the City, upon the recommendation of the City Engineer, based on improvements in engineering, science, monitory and local maintenance experience. Storm water facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards.

5.12.040 General Performance Criteria For Storm Water Management

Unless granted a waiver or judged by the City Engineer to be exempt, the following post construction performance criteria shall be addressed for storm water management at all sites:

- A. Design of storm drain systems within City boundaries that discharges into a Payson City storm drain system requires direct supervision of a Utah registered professional engineer, and shall carry the seal of the same supervising professional engineer.
- B. Site designs shall control the peak flow rates of storm water discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction storm water runoff to pre-construction levels according to the BMP manual. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.
- C. Specific channel protection criteria shall be provided as prescribed in the BMP manual to protect stream channels from degradation.
- D. Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.
- E. Storm water discharges from “hot spots” may require the application of specific structural BMPs and pollution prevention practices.
- F. Prior to or during the site design process, applicants for land disturbance permits shall consult with the City Engineer to determine if they are subject to additional storm water design requirements.
- G. Calculations for determining allowable peak flows and runoff volumes as found in the BMP manual shall be used for sizing all storm water facilities.

5.12.050 Minimum Control Requirements

Storm water discharge during all construction activities shall comply with the terms of the UPDES Storm Water General Permit for Construction Activities UTR 300000, Land Disturbance Permit, the Storm Water Design Standards and Regulations, and/or requirements set forth by the building Code, and the State of Utah UPDES requirements.

Storm water designs shall meet the multi-stage storm frequency storage and runoff volume requirements as identified in the BMP manual, along with the operation, installation, and maintenance standards in the BMP manual unless the City Engineer has granted the applicant a full or partial waiver for a particular BMP under PCC 5.12.040.

Runoff rates from one lot to another may not exceed pre-existing conditions or in such a manner that may unreasonably and unnecessarily cause more harm than formerly.

If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the City Engineer may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.

Soil, sediment, and debris brought onto streets and public ways must be removed by the end of the work day by machine, broom or shovel to the satisfaction of the City Engineer. Failure to remove the sediment, soil or debris shall be deemed a violation of this ordinance.

5.12.060 Storm Water Pollution Prevention Plan Requirements

Property owners are responsible to manage storm water runoff and sediment whether in conduit systems or on the surface that traverse or originate on their property, unless this responsibility is relinquished through the terms and conditions of an easement. In order to manage storm water the Property Owner must develop a storm water pollution prevention plan and implement the plan. The storm water pollution prevention plan shall include sufficient information to allow the City Engineer to evaluate the environmental and historical characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site.

To accomplish this goal the storm water pollution prevention plan shall include the following:

- A. Project Description: Briefly describe the intended project and proposed land disturbing activity number of units and structures to be constructed and infrastructure required.
- B. Topographic Base Map: A 1" = 500" topographic base map of the site which extends a minimum of 1000 feet beyond the limits of the proposed development and indicates:
- C. Existing surface water drainage including streams, ponds, culverts, ditches, sink holes, wetlands; and the type, size, elevation, etc., of nearest upstream and downstream drainage structures;
- D. Current land use including all existing structures, locations of utilities, roads, and easements;
- E. All other existing significant natural and artificial features including a general description of existing land cover. Individual trees and shrubs do not need to be identified.
- F. Proposed land use with tabulation of the percentage of surface area to be

adapted to various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading;

G. Proposed structural BMPs;

H. A written description of the site plan and justification of proposed changes in natural conditions may also be required.

Calculations. Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed storm water management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:

A. A description of the design storm frequency, duration, and intensity where applicable;

B. Time of concentration;

C. Soil curve numbers or runoff coefficients including assumed soil moisture conditions;

D. Peak runoff rates and total runoff volumes for each watershed area;

E. Infiltration rates, where applicable;

F. Culvert, storm water sewer, ditch and/or other storm water conveyance capacities;

G. Flow velocities;

H. Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and

I. Documentation of sources for all computation methods and field test results.

Soils Information. If a storm water management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure. In all cases where subsurface infiltration is a component of the storm water management plan a site specific percolation test shall be submitted based upon field observations and testing at the location of the infiltration facility.

Work Sequence. The projected sequence of work represented by the grading, drainage and sedimentation and erosion control plans as related to other major items of construction, beginning with the initiation of excavation and including the construction of

any sediment basins or retention facilities or any other structural BMP's.

Installation Maintenance And Repair Plan. The design and planning of all storm water management facilities shall include detailed installation, maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a storm water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.

5.16 Post Construction

5.16.010 As Built Plans

5.16.020 Landscaping And Stabilization Requirements

5.16.030 Inspection Of Storm Water Management Facilities

5.16.040 Records Of Installation And Maintenance Activities

5.16.050 Failure To Meet Or Maintain Design Or Maintenance Standards

5.16.010 As Built Plans

All applicants are required to submit as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be sealed by a registered professional engineer licensed to practice in Utah. A final inspection by the City Inspector is required before any performance security or performance bond will be released. The City Inspector shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMP's have been made and accepted by the City Inspector.

5.16.020 Landscaping And Stabilization Requirements

Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be re-vegetated according to a schedule approved by the City Engineer. The following criteria shall apply to re-vegetation efforts:

- A. Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over one hundred percent (100%) of the seeded area.
- B. Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

- C. Any area of re-vegetation must exhibit a minimum of seventy percent (70%) of the cover crop throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum seventy percent (70%) density for one (1) year is achieved.
- D. In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- E. Stabilization must occur as required in the Storm Water General Permit for Construction Activities Permit No UTR300000.

5.16.030 Inspection Of Storm Water Management Facilities

Periodic inspections of facilities shall be performed as provided for in this Title and PCC 4.16, Sewer And Wastewater.

5.16.040 Records Of Installation And Maintenance Activities

Parties responsible for the operation and maintenance of a storm water management facility shall make records of the installation of the storm water facility, and of all maintenance and repairs to the facility, and shall retain the records for at least 5 years. These records shall be made available to the City Engineer during inspection of the facility and at other reasonable times upon request.

5.16.050 Failure To Meet Or Maintain Design Or Maintenance Standards

If a responsible party fails or refuses to meet the design or maintenance standards required for storm water facilities under this ordinance, the City Engineer, 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 storm water management facility becomes a danger to public safety or public health, the City Engineer shall notify in writing the party responsible for maintenance of the storm water management facility. Upon receipt of that notice, the responsible person shall have 15 days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the City Engineer may take necessary corrective action. The cost of any action by the City Engineer under this section shall be charged to the responsible party.

5.20 Waivers

5.20.010 General

5.20.020 Conditions For Waiver

5.20.030 Downstream Damage, Etc., Prohibited

5.20.040 Land Disturbance Permit Not To Be Issued Where Waiver Requested

5.20.010 General

Every applicant shall provide for post construction storm water management as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water management plan requirements shall be submitted to the City Engineer for review, processing and approval or forwarding to City Council where deemed appropriate by City Engineer for approval.

5.20.020 Conditions For Waiver

The minimum requirements for storm water management 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 ordinance.
- B. Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water management plan that has been approved by the City Engineer.
- C. Provisions are made to manage storm water by an off-site facility. The off-site facility must be in place and designed to provide the level of storm water control that is equal to or greater than that which would be afforded by on-site practices. Further, the facility must be operated and maintained by an entity that is legally obligated to continue the operation and maintenance of the facility.

5.20.030 Downstream Damage, Etc., Prohibited

In order to receive a waiver, the applicant must demonstrate to the satisfaction of the City Engineer that the waiver will not lead to any of the following conditions downstream:

- A. Deterioration of existing 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 or property.

5.20.040 Land Disturbance Permit Not To Be Issued Where Waiver Requested

No land disturbance permit shall be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the plans must be resubmitted with a storm water pollution prevention plan.

5.24 Existing Locations And Developments

[5.24.010 Requirements For All Existing Locations And Developments](#)

[5.24.020 Requirements For Existing Problem Locations](#)

[5.24.030 Inspection Of Existing Facilities](#)

[5.24.040 Corrections Of Problems Subject To Appeal](#)

5.24.010 Requirements For All Existing Locations And Developments

The following requirements shall apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this ordinance:

- A. Denuded areas must be vegetated or covered under the standards and guidelines specified in the BMP manual and on a schedule acceptable to the City Engineer.
- B. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
- C. Drainage ways shall be properly covered in vegetation or secured with rip-rap, channel lining, etc., to prevent erosion.
- D. Trash, junk, rubbish, etc. shall be cleared from drainage ways.
- E. Storm water runoff shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures shall include those methods and measures identified in the Payson City Storm Water Management Program. Such control measures may include, but are not limited to, the following:

1. Ponds.

- a. Detention pond
- b. Extended detention pond
- c. Wet pond

2. Alternative Storage Measures.

- a. Constructed wetlands
- b. Infiltration systems
 - (1) Infiltration/percolation trench
 - (2) Infiltration basin
- c. Drainage (recharge) well
- d. Porous pavement

3. Filtering Systems.

- a. Catch basin inserts/media filter
- b. Sand filter
- c. Filter/absorption bed
- d. Filter and buffer strips
- e. Open channel, Swale

5.24.020 Requirements For Existing Problem Locations

The City Engineer shall in writing notify the owners of existing locations and developments of specific drainage, erosion or sediment problem affecting such locations and developments, and the specific actions required to correct those problems. The notice shall also specify a reasonable time for compliance.

5.24.030 Inspection Of Existing Facilities

The City Engineer may, to the extent authorized by state and federal law, establish inspection programs to verify that all storm water management facilities, including those built before as well as after the adoption of this ordinance, are functioning within design limits. These inspection programs may be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of the municipality's NPDES/UPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs.

5.24.040 Corrections Of Problems Subject To Appeal

Corrective measures imposed by the City Engineer under this Section are subject to appeal under PCC 5.44.

[5.28 Inspections](#)

[5.28.010 Purpose](#)

[5.28.020 Scope](#)

[5.28.030 Access](#)

[5.28.040 Follow-Up Inspections](#)

5.28.010 Purpose

To be in accordance with the General Permit for Discharges for Small Municipal Separate Storm Sewer Systems (MS4), Permit No. UTR090000, the City will conduct inspections to monitor all discharges to natural water bodies including lakes, rivers, stream and canals, storm water controls and BMPs.

5.28.020 Scope

Inspections relating to the MS4 Permit include but are not limited to illicit discharges, construction activities and post construction operation and maintenance of storm water controls, reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other BMPs either publicly or privately owned.

5.28.030 Access

Visual Inspections. Visual inspections of discharges to natural water bodies, spills, storm water related controls on private property within the City limits of Payson are permitted by the City Engineer at any time.

Other Inspections. When a visual inspection is not adequate to determine the extent of discharges to natural water bodies, spills or determine the status of storm water related controls on private property, the City will give 24 hours' notice of the inspection to take place and the extent of the inspection. Equipment and manpower necessary to perform the inspection will be allowed to access and work as necessary to determine the state of the situation.

Emergency Inspections. During times of emergency including discharges to natural water bodies, spills or potential damage to life or property, the City may access the location of concern as necessary and with the equipment required to determine the status of the situation. Reasonable attempts to contact the property owner prior to the inspection will be made prior to accessing private property.

5.28.040 Follow-Up Inspections

During initial or routine inspections if problems are identified which require corrective actions then a follow-up inspection will be scheduled.

5.32 Illicit Discharges

5.32.010 Scope

5.32.020 Prohibition Of Illicit Discharges

5.32.030 Prohibition Of Illicit Connections

5.32.040 Reduction Of Storm Water Pollutants By The Use Of Best Management Practices

5.32.050 Notification Of Spills

5.32.010 Scope

This Section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.

5.32.020 Prohibition Of Illicit Discharges

No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of storm water. The commencement, conduct or continuance of any non-storm water discharge to the municipal separate storm sewer system is prohibited except as described as follows:

Uncontaminated discharges from the following sources:

- A. Water line flushing or other potable water sources,
- B. Landscape irrigation or lawn watering with potable water,
- C. Diverted stream flows,
- D. Rising ground water,
- E. Groundwater infiltration to storm drains,
- F. Uncontaminated pumped groundwater,
- G. Discharges from potable water sources
- H. Foundation or footing drains,
 - I. Crawl space pumps,
- J. Lawn watering runoff
- K. Individual residential car washing
- L. Air conditioning condensation,
- M. Irrigation water
- N. Springs,
- O. Natural riparian habitat or wet-land flows,
- P. Swimming pools (if de-chlorinated - typically less than one PPM chlorine),
- Q. Water reservoir discharge (if de-chlorinated – typically less than one PPM chlorine)
- R. Residual street wash water
- S. Firefighting activities, and activities, and

- T. Any other uncontaminated water source
- U. Discharges specified in writing by the City Engineer as being necessary to protect public health and safety.
- V. Dye testing is an allowable discharge if the City Engineer has so specified in writing
- W. The prohibition shall not apply to any non-storm water discharge permitted under an UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the State of Utah Division of Water Quality, 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.

5.32.030 Prohibition Of Illicit Connections

- A. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited.
- B. 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.

5.32.040 Reduction Of Storm Water Pollutants By The Use Of Best Management Practices

Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMP's necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this Section.

5.32.050 Notification Of Spills

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 in, or may result in, illicit discharges or pollutants discharging into storm water, the municipal separate storm sewer system, the 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 the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the City

Engineer in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the City Engineer within three (3) business days of the telephone notice.

If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least 5 years.

5.36 Enforcement

5.36.010 Enforcement Authority

5.36.020 Notification Of Violation

5.36.030 Conflicting Standards

5.36.010 Enforcement Authority

The City Engineer or his designees shall have the authority to issue notices of violation, stop work orders, and citations, and to impose the civil penalties provided in this Section.

With the issuance of a Land Disturbance Permit or Storm water permit, the City Engineer shall be permitted to enter and inspect, including testing and investigation, facilities subject to this ordinance at all reasonable times and as often as necessary to determine compliance. Failure to comply with the terms of this ordinance may result in punitive actions by Payson City ordinance enforcement, by Utah County Health Department or by other means identified in permits or terms set forth in development applications.

5.36.020 Notification Of Violation

- A. **Written Notice.** Whenever the City Engineer finds that any permittee or any other person discharging storm water has violated or is violating this ordinance or a permit or order issued hereunder, the City Engineer may serve upon such person written notice of the violation. Within ten (10) days of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the City Engineer. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.
- B. **Consent Orders.** The City Engineer is empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the person to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as administrative orders issued pursuant to paragraphs D and E below.
- C. **Show Cause Hearing.** The City Engineer may order any person who violates

this ordinance or permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the person specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the violator show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing.

- D. **Compliance Order.** When the City Engineer finds that any person has violated or continues to violate this ordinance or a permit or order issued thereunder, he may issue an order to the violator directing that, following a specific time period, adequate structures, devices, be installed or procedures implemented and properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the construction of appropriate structures, installation of devices, self-monitoring, and management practices.
- E. **Cease and Desist Orders.** When the City Engineer finds that any person has violated or continues to violate this ordinance or any permit or order issued hereunder, the City Engineer may issue an order to cease and desist all such violations and direct those persons in noncompliance to:
 - F. Comply forthwith; or
 - G. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

5.36.030 Conflicting Standards

Whenever there is a conflict between any standard contained in this ordinance and in the BMP manual adopted by the municipality under this ordinance, the strictest standard shall prevail.

5.40 Penalties

5.40.010 Violation

5.40.020 Measuring Civil Penalties

5.40.030 Recovery Of Damages And Costs

5.40.040 Other Remedies

5.40.050 Remedies Cumulative

5.40.010 Violation

In accordance with Utah Code § 10-9a-803 (1953 as amended), any applicant that violates this Title may be charged with a Class C misdemeanor or an appropriate civil penalty and subject to all fines and imprisonment associated with such penalty per day for each day of violation. Each day of violation shall constitute a separate violation.

5.40.020 Measuring Civil Penalties

In assessing a civil penalty, the City Engineer may consider:

- A. The harm done to the public health or the environment;
- B. Whether the civil penalty imposed will be a substantial economic deterrent to the illegal activity;
- C. The economic benefit gained by the violator;
- D. The amount of effort put forth by the violator to remedy this violation;
- E. Any unusual or extraordinary enforcement costs incurred by the municipality;
- F. The amount of penalty established by ordinance or resolution for specific categories of violations; and
- G. Any equities of the situation which outweigh the benefit of imposing any penalty or damage assessment.

5.40.030 Recovery Of Damages And Costs

In addition to the civil penalty in PCC 5.40.020, the municipality may recover;

- A. All damages proximately caused by the violator to the municipality, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with, this ordinance, or any other actual damages caused by the violation.
- B. The costs of the municipality's maintenance of storm water facilities when the user of such facilities fails to maintain them as required by this ordinance.

5.40.040 Other Remedies

The municipality may bring legal action to enjoin the continuing violation of this ordinance, and the existence of any other remedy, at law or equity, shall be no defense to any such actions.

5.40.050 Remedies Cumulative

The remedies set forth in this Section shall be cumulative, not exclusive, and it shall not be a defense to any action, civil or criminal, that one (1) or more of the remedies set forth herein has been sought or granted.

5.44 Appeals

[5.44.010 Appeals To Municipal Governing Body](#)

[5.44.020 Appeals To Be In Writing](#)

[5.44.030 Public Hearing](#)

5.44.040 Appealing Decisions Of The Municipality's Governing Body

5.44.010 Appeals To Municipal Governing Body

Pursuant to Utah Code § 17-27a-707 any person aggrieved by the imposition of a civil penalty or damage assessment as provided by this ordinance may appeal said penalty or damage assessment to the municipality's governing body.

5.44.020 Appeals To Be In Writing

The appeal shall be in writing and filed with the municipal recorder or clerk within fifteen (15) days after the civil penalty and/or damage assessment is served in any manner authorized by law.

5.44.030 Public Hearing

Upon receipt of an appeal, the municipality's governing body shall hold a public hearing within thirty (30) days. Ten (10) days prior notice of the time, date, and location of said hearing shall be published in a daily newspaper of general circulation. Ten (10) day notice by registered mail shall also be provided to the aggrieved party, such notice to be sent to the address provided by the aggrieved party at the time of appeal. The decision of the governing body of the municipality shall be final.

5.44.040 Appealing Decisions Of The Municipality's Governing Body

Any alleged violator may appeal a decision of the municipality's governing body pursuant to the provisions of Utah Code § 17-27a-707.

Title 6 Public Peace And Safety

[6.04 Miscellaneous Offenses](#)

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6.04 Miscellaneous Offenses

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[6.04.160 Open Container](#)

[6.04.170 Group Demonstration Area](#)

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6.04.010 Conduct At Or Near Schools

- A. It shall be unlawful for any person to annoy, disturb or otherwise prevent or attempt to prevent the orderly conduct of the activities, administration or classes of any school or college in the City.
- B. It shall be unlawful for any person to harass, assault or molest any student or employee of any school or college while in or at such school or college or school building or parking lot or on any grounds thereof, in the City.
- C. It shall be unlawful for any person to loiter in, about, or on any school or college grounds or buildings, either on foot, or in or on any vehicle, without having some lawful reason to do so.
- D. It shall be unlawful for any person to conduct himself in an obscene, lewd, wanton or mischievous manner about or on any school or college building or grounds in the City.
- E. It shall be unlawful for any person to park or move a vehicle in the immediate vicinity of, or on the grounds of, any school or college in the City for the purpose

of annoying or molesting the students or employees thereof, or to induce, entice or invite students or employees into or on the vehicle for any unlawful purpose.

6.04.020 Obstructing Access To Premises; Disturbing Passersby

It is unlawful for any person to remain standing, lying or sitting on any street or highway or on any sidewalk, stairway, doorway, drive approach, window, or in front of any business, dwelling, school, church, sport or recreation facility, theater, or other gathering place in such a manner as to obstruct the free passage of persons, obstruct access of persons to or from premises, or to remain willfully thereon in said manner after being requested to move by any police officer. It is unlawful for any person to cause such obstruction as described herein, whether by themselves or by use of vehicles or other devices.

6.04.030 Curfew For Minors

A. **Purpose.** The governing body of Payson City finds, due to a seemingly ever increasing incidence of violence and other crime among juveniles in Utah County, being both drug related and gang related, that such crimes may be significantly inhibited and reduced by the enactment and enforcement of local law establishing a curfew prohibiting juveniles from remaining idly and purposelessly on the public streets late at night.

B. **Definitions.**

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.

EMERGENCY ERRAND means any errand or travel undertaken to directly and immediately seek or prevent or reduce the consequences of an illness or injury, criminal or potential criminal activity, or fire or other accident and shall include the seeking of aid and assistance from medical or emergency personnel or the purchase of medications.

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 sixteen (16) years for the purposes of paragraph C or who is under the age of eighteen (18) years for the purpose of paragraph D.

PUBLIC PLACES means any place open to the public whether 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.

C. **Curfew For Minors Under The Age Of Sixteen (16).** It shall be unlawful for any minor under the age of sixteen (16) years to remain or loiter upon any of the sidewalks, streets, alleys or public places in Payson City between the hours of 11 p.m. and 5 a.m. the following morning.

D. **Curfew For Minors Under The Age Of Eighteen (18).** It shall be unlawful for any minor under the age of eighteen (18) years to remain or loiter upon any of the sidewalks, streets, alleys or public places in Payson City between the hours of 11 p.m. and 5 a.m. Sunday through Thursday and between the hours of 1 a.m. and 5 a.m. Friday through Saturday.

E. **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 Chapter.

F. **Exceptions.** The provision of this Chapter shall not apply to any circumstance in which a 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 and from such employment;
3. Engaged on an emergency errand directed by the minor's parent, guardian or other responsible person having care and custody.
4. In a motor vehicle engaged in normal interstate travel beginning in, traveling through, or ending in Payson City.
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 boundaries of the minor's place of residence.

G. **Enforcement.**

1. Any minor who is in violation of the provisions of this Chapter 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 Chapter, to knowingly refuse to appear and take custody of said minor after being ordered to do so by a peace officer.
4. Any person who violates the provisions of this Chapter is guilty of a class

B Misdemeanor.

H. **Severability.** If any section, subsection, sentence or word of this Chapter is held, by a court of competent jurisdiction, to be invalid, the remaining unaffected portions shall remain in full legal force and effect.

6.04.040 Unlawful Intoxicating Chemical Compounds

- A. It shall be unlawful for any person, including a corporation or other entity, to manufacture, distribute, dispense, ingest, inhale, use, possess, purchase, sell, publicly display for sale, attempt to sell, give, trade or barter, any one or more of the following chemical compounds and/or substances, including their salts, isomers, homologues and salts of their isomers and homologues.
1. Salvia Divinorum or Salvinorum A; all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts derivative, mixture or preparation of such plant, its seeds or extracts;
 2. Pentyl-3-(1-naphthoyl) indole (also known as JWH-018);
 3. (6ar,10ar)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a, 7,10,10a-tetrahydrobenzo[c] chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);
 4. 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl) phenol (also known as CP-47,497), and the dimethylhexyl, dimethyloctyl and dimethylnonyl homologues of CP-47, 497;
 5. 1-Butyl-3-(1-naphthoyl) indole (also known as JWH-073);
 6. 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200);
 7. 1-Butyl-3-(2-methoxyphenylacetyl) indole (also known as JWH-250);
 8. 1-Hexyl-3-(1-naphthoyl) indole (also known as JWH-019);
 9. 1-Pentyl-3-(4-chloro-1-naphthoyl) indole (also known as JWH-398);
 10. N-benzylpiperazine (also known as BZP);
 11. 1-(3-trifluoromethylphenyl) piperazine (also known as TFMPP);
 12. Any similar structural analogs of the above chemical compounds;
 13. Any other synthetic cannabinoids.
- B. It is not an offense under paragraph A if the person was acting at the direction of an authorized agent of the City of Payson to enforce or ensure compliance with

this law prohibiting the sale of the aforementioned intoxicating chemical compound.

- C. If any of the aforementioned intoxicating chemical compounds are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.
- D. This Section shall not apply to drugs or substances lawfully prescribed or to drugs or substances which have been approved by the federal Food and Drug Administration or which are specifically permitted by Utah law.
- E. Any person found to be in violation of this Section will be guilty of a Class B misdemeanor and/or subject to a term of imprisonment not to exceed six months and a fine not to exceed \$1,000 and/or both. Each day during which a violation of paragraph A occurs shall constitute a separate offense.
- F. The City of Payson shall have the authority to seek an injunction to compel compliance of any business which fails to or refuses to comply with this Section.
- G. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provisions of this Ordinance which shall remain effective absent the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.
- H. This ordinance shall remain in effect until such time as the State of Utah enacts laws that supersede this ordinance.

6.04.050 Discharge Of Weapons

It shall be unlawful for any person to discharge any firearm or gun of any kind or nature within all land use zones within the City limits with the exception of the A-5 Agricultural and A-5-H Annexation Holding Zones, whether on public or private property. It shall also be unlawful to discharge or shoot a bow and arrow, blowgun, wrist rocket, slingshot, or any other type of instrument designed to propel or throw missiles capable of doing bodily harm on public or private property (including development archery ranges) in such a manner as to endanger persons or property or to cause the projectile or missile to cross into property owned by another when the person shooting the projectile or missile does not have permission to use such property for the purpose of discharging the weapon or devise. The provision prohibiting the discharge of firearms shall not apply to peace officers in the performance of their official duties, to the authorized use of established firing ranges or to any other lawful act.

A violation of this Section shall be punishable as a Class C misdemeanor.

6.04.060 Discharge Of Weapons In The A-5 Agricultural And A-5-H Annexation Holding Zones

- A. Within the A-5 Agricultural Zone and the A-5-H Annexation Holding Zone, the

discharging of weapons is allowed for hunting purposes subject to the following regulations:

- B. A person may not, without written permission from the owner or other person in charge, discharge a firearm across, into or within 600 feet of:
 - 1. a house or dwelling; or
 - 2. any structure where an animal is kept or fed including a barn, poultry yard, corral, feeding pen, or stockyard; or
 - 3. orchard, standing cornfield, standing silo, vehicle, or farm equipment.

- C. Night hunting is allowed pursuant to Utah Code § 23-13-17 (1953 as amended) and Section 13.3.4 of the Utah County Ordinance, which ordinances are hereby incorporated herein by reference.

6.04.070 Littering

It shall be unlawful for any person to throw or place litter in or on any street, alley, sidewalk, public buildings or grounds or on any private property without the permission of the owner. It shall also be unlawful for any person distributing handbills to throw any handbill on any street, alley, sidewalk, public grounds, or the yard or lot of any private property. For purposes of this Section "litter" shall include, but shall not be limited to any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, unused food, cigarette butts, cigar stump, quid of tobacco, rubbish, or similar refuse discarded as no longer being useful.

6.04.080 Register For Lodging Establishments

It shall be unlawful for any keeper, manager, clerk or other person having permanent or temporary charge of a hotel, motel, or other boarding or lodging house to rent a room to any guest without keeping a register containing the following:

- A. the name and signature of the guest.
- B. the address of the normal residence of the guest.
- C. the number or letter of any room assigned to the guest.
- D. the dates of entrance and departure of the guest.
- E. the license number and make and type of any vehicle driven by the guest.

6.04.090 Befouling Public Places

It shall be unlawful for any person to urinate or defecate in any public place or on private property where the act is open to public view.

6.04.100 Noise Control

A. **Definitions generally.** All terminology used in this Section and not defined in the following sections shall be in conformance with applicable American Standards Institute Publications. For the purposes of this Chapter, certain words and phrases used in this Chapter are defined as set forth in the following sections.

A-WEIGHTED SOUND PRESSURE LEVEL means the sound pressure level as measured with a sound level meter using the A-weighted network. The standard notation is dB(A) or dBA.

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 is also the A-weighted sound pressure level exceeded ninety percent of the time based on a measurement period which shall not be less than ten minutes.

CONTINUOUS SOUND means any sound that exists, essentially without interruption, for a period of ten minutes or more.

CYCLICALLY VARYING NOISE means any sound which varies in sound level such that the same sound level is obtained repetitively at reasonably uniform intervals of time.

DECIBEL means the logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as dB.

DEVICE means any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

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.

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.

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.

IMPULSIVE NOISE means a noise containing excursions usually less than one second, or sound pressure level 20 dB(A) or more over the ambient sound pressure level using the fast meter characteristic.

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, snowmobiles and racing vehicles.

MUFFLER means an apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

NOISE DISTURBANCE means any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.

NOISE means any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

PERCENTILE SOUND PRESSURE LEVEL means as follows:

1. **TENTH PERCENTILE NOISE LEVEL.** 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 L_{10} .
2. **NINETIETH PERCENTILE NOISE LEVEL.** The A-weighted sound pressure level that is exceeded ninety 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 L_{90} .

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.

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.

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 another person.

PUBLIC RIGHT-OF-WAY means any street, avenue, boulevard, highway or alley or similar place that is owned or controlled by a public governmental entity.

PUBLIC WORK VEHICLES means any publicly owned vehicle used for the

health, safety and welfare of the City (ie. snow removal, garbage collection).

PURE TONE means any sound that can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall consist 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 decibels for frequencies of 500 Hz and above, by eight decibels for frequencies between 160 Hz and 400 Hz and by fifteen decibels for frequencies less than or equal to 125 Hz.

REPETITIVE IMPULSIVE 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 10 dB(A).

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.

SOUND LEVEL METER means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, 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 the American National Standards Institute Publication S1.4-1971, or its successor publication.

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.

SOUND PRESSURE LEVEL means twenty times the logarithm to the base ten of the ratio of the RMS sound pressure to the reference pressure, which shall be twenty micropascals, denoted LP or SPL.

STATIONARY NOISE SOURCE means any device, fixed or movable, which is located or used on property other than a public right-of-way.

STEADY NOISE means a sound pressure level which remains essentially constant during the period of observation, i.e., does not vary more than 6 dB(A) when measured with the "slow" meter characteristic of a sound level meter.

B. 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 lawful fireworks and noise-makers used for celebration of an official holiday.
5. Any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the director of the city-county health department in accordance with paragraph G.
6. Any noise resulting from public works vehicles when deemed necessary for the health and safety of the City or as otherwise approved by the City in order to facilitate the completion of public works projects at hours that will not cause traffic congestion during the daytime hours. (i.e. snow removal, garbage pickup, nighttime projects by UDOT or other government project).

C. **General Noise Prohibitions.** In addition to the specific prohibitions outlined in paragraphs D, E and J, it is unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the city. It shall also be unlawful for any person to cause a noise disturbance or to allow to originate from property noise that constitutes a noise disturbance after once being requested to stop making the noise.

D. **Specific Noise 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 or other vehicle on any street or public place within the city except as a danger warning signal as provided in the Vehicle Code of the state, or the sounding of any such signaling device for an unnecessary and unreasonable period of time.
2. **Radios, Television Sets, Musical Instruments And Similar Devices.**
 - a. 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, except as provided for in paragraph D,3, in such a manner as to violate paragraph E or cause a noise disturbance.
 - b. The operating of any such device between the hours of nine p.m. and seven a.m., the following day in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty feet (fifteen meters) from such device when operated within a vehicle parked on a public right-of-way.

3. **Public Loudspeakers.** Using or operating a loudspeaker or 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 or transmitting music to any persons or assemblages of persons in such a manner as to violate paragraph E or cause a noise disturbance unless a permit as provided by paragraph G is first obtained.
4. **Hawkers And Peddlers.** Selling anything by outcry within any area of the city therein zoned primarily for residential uses in such a manner as to violate paragraph E or cause a noise disturbance. The provisions of this Section 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. **Animals.** Owning, keeping, possessing or harboring any animal or animals which, by frequent or habitual noise-making, violates paragraph E or causes a noise disturbance. The provisions of this Section shall apply to all private and public facilities, including any animal pounds, which hold or treat animals.
6. **Loading Operations.** Loading, unloading, opening or otherwise handling boxes, crates, containers or other objects between the hours of nine p.m. and seven a.m. of the following day in such a manner as to violate paragraph E or cause a noise disturbance.
7. **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 zones between the hours of nine p.m. and seven a.m. of the following day;
 - b. In any zone where such operation exceeds the sound level limits for an industrial land use as set forth in paragraph E.
8. **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 or garden equipment, in residential or commercial zones:
 - a. Outdoors between the hours of nine p.m. and seven a.m. of the following day;
 - b. Any such power equipment which emits a sound pressure level in excess of 74 dB(A) measured at a distance of fifty feet (fifteen

meters).

9. **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, chain saws, pavement breakers, log chippers, powered hand tools:
 - a. In residential or commercial zones between the hours of nine p.m. and seven a.m. of the following day;
 - b. In any zone if such equipment emits a sound pressure level in excess of 74 dB(A) measured at a distance of fifty feet (fifteen meters).
10. **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 the slow response on a sound level meter, unless a conspicuous and legible sign at least two hundred twenty-five square inches in area is posted near each public entrance stating: "WARNING: SOUND LEVELS WITHIN 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 paragraph E.
11. **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 paragraph G. This provision shall not be construed to permit conduct prohibited by other statutes, ordinances or regulations governing such activity.
12. **Racing Events.** Permitting any motor vehicle racing event at any place in such a manner as to violate paragraph E or cause a noise disturbance, without first obtaining a permit as provided by paragraph G.
13. **Powered Model Mechanical Devices.** The flying of a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or operating of model rocket vehicles or other similar noise-producing devices, between the hours of nine p.m. and seven a.m. the following day or in such a manner as to violate paragraph E or cause a noise disturbance.
14. **Dynamic Braking Devices (Commonly Referred To As Jacobs Brakes).** Operating any motor vehicle with a dynamic braking device engaged except for the aversion of imminent danger.

15. **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 operations violates paragraph E or causes a noise disturbance.
16. **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 fifty feet (fifteen meters) from the vehicle.
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 paragraph E or cause a noise disturbance for a consecutive period longer than fifteen 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 paragraph E 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 Alarms.** Sounding, operating or permitting to sound or operate an electronically amplified signal from any burglar alarm, bell, chime or clock, including, but not limited to, bells, chimes or clocks in schools, houses of religious worship or governmental buildings, which fails to meet the standards set forth in paragraph E 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 as a sound signal of imminent danger, in such a manner as to violate paragraph E or cause a noise disturbance.
21. **Recreational Vehicles And Snowmobiles.**
 - a. Operating a recreational vehicle or snowmobile in a manner that violates paragraph E or causes a noise disturbance.
 - b. Selling or operating any new (after model year 1977) recreational vehicle or snowmobile in the city unless such vehicle produces no more than a maximum sound level of 82 dB(A) at fifty feet (fifteen meters).

E. Zoning Noise Levels.

Use District	9 p.m.-- 7 a.m.	7 a.m.-- 9 p.m.
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Residential	50 dB(A)	55 dB(A)
Commercial - Agricultural	55 dB(A)	60 dB(A)
Industrial	75 dB(A)	80 dB(A)

1. Maximum Permissible Sound Levels.

- a. It shall be a violation of this Section for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period (which shall not be less than ten minutes unless otherwise provided in this Section) which exceeds the limits set forth for the following receiving zones when measured at the boundary or at any point within the property affected by the noise:
- b. When a noise source can be identified and its noise measured in more than one zoning category, the limits of the most restrictive use shall apply at the boundaries between different zone categories.

2. Correction For Duration Of Sound.

- a. It shall be a violation of this Section for any person to operate or permit to be operated any stationary source of sound within any zone which creates a tenth percentile sound pressure level (L10) of 15 dB(A) greater than the levels set forth for the receiving zone in paragraph E,1 for any measurement period. Such period shall not be less than ten minutes.
- b. Notwithstanding paragraph E,2,a, 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.

3. Correction For Character Of Sound.

- a. For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in paragraph A shall be reduced by 5 dB(A).
- b. Notwithstanding compliance with paragraph E,3,a, 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.

F. 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 city.

G. Permit.

1. Applications for a permit for relief from the noise restrictions in this Chapter on the basis of undue hardship may be made to the city development services department. Any permit granted by the director of the city development services department or his authorized representative shall contain all conditions upon which the 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:
 - a. That additional time is necessary for the applicant to alter or modify his activity or operation to comply with this Chapter; or
 - b. 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
 - c. That no reasonable alternative is available to the applicant.
2. The development services director may prescribe any reasonable conditions or requirements deemed necessary to minimize the adverse effects upon a community or the surrounding neighborhood.

H. Motor Vehicle Noise.

1. 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 in the following table. Noise shall be measured at a distance of at least twenty-five feet (seven and one-half meters) from the near side of the nearest lane(s) being monitored and at a height of at least four feet (1.2 meters) above the immediate surrounding surface. Sound Pressure Level, dB(A) Speed Limit 40 mph or less Speed Limit over 40 mph Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicles 90 94 Any other motor vehicle or any combination of vehicles towed by any

motor vehicle 80 84.

2. 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 provision of this Chapter relating to motor vehicle mufflers for noise control.
3. No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:
 - a. Free from defects that affect sound reduction;
 - b. Equipped with a muffler or other noise dissipative device; and
 - c. Not equipped with any cut-out, by-pass or similar device.

I. **Responsibility For Enforcement.** The city development services department shall have primary, but not exclusive, enforcement responsibility for this Chapter as it relates to stationary sources, and joint enforcement responsibility with appropriate law enforcement agencies as it relates to vehicular sources.

J. **Additional Remedies.** Violations of paragraphs B through H are deemed and declared to be a public nuisance, and as such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction.

K. **Penalty.** Any person violating any of the provisions of this noise ordinance shall be guilty of an infraction for a first offense. A second and subsequent violations shall be deemed a class C misdemeanor. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

L. **Severability.** It is the intention of the city council that each separate provision of this noise ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the city council that if any provision of this ordinance be declared to be invalid, all other provisions thereof shall remain valid and enforceable.

M. **Punishment.**

Sound Pressure Level, dB(A)	Speed Limit 40 mph or less	Speed Limit over 40 mph
Motor vehicles with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR)	90	94

of 10,000 pounds or more, or any combination of vehicles towed by such motor vehicles		
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	80	84

A first violation of this Section shall be punishable as an infraction. A second or subsequent violation of this Section shall be punishable as a Class C misdemeanor.

6.04.110 Parks Curfew

It shall be unlawful for any person to be in any public park between the hours of 11:00 p.m. and 6:00 a.m. of the following day.

6.04.120 Hazardous Materials

Definitions.

DISCHARGE means leakage, seepage, or other release.

HAZARDOUS MATERIAL means a substance or material a quantity and form determined by the United States Department of Transportation to be capable of posing an unreasonable risk to health and safety or property.

PERSON means any natural person or individual, governmental body, firm, association, partnership, co-partnership, joint venture, company, corporation, joint stock company, trust, estate, or any other legal entity, or their legal representative, agent or assigns.

6.04.130 Declaration Of Nuisance

The actual or threatened discharge of hazardous materials within the City Of Payson is hereby declared a nuisance.

6.04.140 Liability For Abatement Of Nuisance

Any person who owns, leases, operates, or controls any facility, equipment, or vehicles from which a discharge of hazardous materials has occurred, or is threatened to occur, shall be liable to the City of Payson for any expenses incurred by the City in connection with preventing, assessing, containing, cleaning up, or disposing of or attempting to prevent, assess, contain, cleanup, or dispose of any such discharge or threatened discharge.

6.04.150 Riding Skateboards, Roller Skates, Or Bicycles

- A. It shall be unlawful to ride or use a skateboard or roller skates on a public street or sidewalk in areas or upon public properties, including municipal parks, golf course, athletic playing fields, and the Payson City Center complex, that are posted so as to give notice that the use of such methods of conveyance are prohibited in such posted areas.
- B. It shall be unlawful to ride or use a skateboard or roller skates on any public street or sidewalk after dark. "After dark" shall mean from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise.
- C. It shall be unlawful to ride or use a bicycle on any sidewalk in that area of Payson City bounded by 100 North to 100 South and 100 East to 100 West.

6.04.160 Open Container

No person shall drink any alcoholic beverage while driving a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any street or highway.

- A. No person shall 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 public street or highway, any container whatsoever which contains any alcoholic beverage if the container has been opened, the seal thereon broken, or the contents of the container partially consumed.
- B. For the purposes of this Section:

PASSENGER COMPARTMENT. The area of the vehicle normally occupied by the driver and his 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 driver or passengers while inside the vehicle; and

ALCOHOLIC BEVERAGE. Any beverage with an alcoholic content of 3.2 per centum, or less, by weight.

- C. The provisions of paragraph A and B shall not apply to passengers in the living quarters of a mobile home or camper, but the driver of the vehicle will be prohibited from consuming alcoholic beverages as provided in paragraph A.
- D. The provisions of paragraph B shall not apply to passengers traveling in any duly licensed taxi cab or bus.
- E. Any person convicted of a violation of this Section is guilty of Class B Misdemeanor.

6.04.170 Group Demonstration Area

Definitions. As used in this Section:

DEMONSTRATION or DEMONSTRATING means all forms of expression of free speech directed toward an organizer or individuals participating in an event, including demonstrations, public assemblies, picketing, speechmaking, marching and holding vigils or services, and all other like forms of conduct which involve the communication or expression of views or grievances.

DEMONSTRATOR means a person demonstrating as an individual or as part of a group of two (2) persons.

GROUP DEMONSTRATION means a Demonstration engaged in by three (3) or more persons ("Demonstrators") congregated together in close proximity to one another.

GROUP DEMONSTRATION AREA means those areas designated by the City for the location of "Group Demonstrations" within an event area.

EVENT AREA means the area of the Event bounded by described City streets, on both sides of the street, or other described area when street description is not adequate.

UNLAWFUL DEMONSTRATION means a Demonstration, whether by a "Demonstrator" or a "Group Demonstration" in violation of Local, State, or Federal laws, or held outside the boundaries of a designated "Group Demonstration Area" or use of sound amplification devices or any conduct that is initiated without a City permit when a City permit is required prior to such conduct.

Application. An application is required for each protest event and shall be filed in the Payson Police Department. The purpose of the application is to provide the City with adequate information about the event, the anticipated assembly of individuals, and considerations for public safety.

Establishment. A City Committee comprising the City Manager, City Attorney and Chief of Police or their designees will review all applications. The Committee may establish a content neutral, free speech, "Group Demonstration Area" for any event which the Committee determines the establishment of a "Group Demonstration Area" would serve a substantial government interest such as traffic flow, crowd control, or public safety on public property. A "Group Demonstration Area" established by the Committee shall be content neutral and appropriately marked as a "Group Demonstration Area". All "Group Demonstration Areas" shall provide ample opportunity for protestors to communicate their messages, and be of ample size to accommodate the number of persons reasonably anticipated to exercise their free speech rights during the event.

Designation Of Area And Duration. For each event in which the Committee establishes a "Group Demonstration Area", Payson City shall make available to the public, at least 24 hours before the event, a map and description of the location of the event, boundaries of the event, location of the "Group Demonstration Area", boundaries

of the “Group Demonstration Area”, the hours of the regulations on the “Group Demonstration Area”, and any other restrictions. The “Group Demonstration Area”, duration of the protest regulations, and other restrictions shall be narrowly tailored to meet the legitimate government interest of crowd control, traffic control, or public safety.

Restrictions. In any area designated as a “Group Demonstration Area”, protestors may not engage in activities that obstruct or impede pedestrians or vehicles, or harass bystanders with physical contact. Demonstrators may not tie, nail, or otherwise physically attach any banners, signs, pictures, instructional materials, symbols, or other personal property to any city property or private property.

Sound Amplification Devices. The Committee may restrict or prohibit the use of mechanical loudspeakers or sound amplification devices in the “Group Demonstration Area” free speech zone, including, but not limited to, megaphones, bullhorns, and electric amplifiers. In any event a permit for the use of sound amplification devices must be obtained prior to the use of any such devices. If the Committee determines that the use of sound amplification devices will substantially interfere with the event or will substantially interfere with crowd control, traffic control, or public safety and that the protestors have a reasonable opportunity to communicate their message without sound amplification.

Penalties. Unlawful protest is an infraction, which offense is punishable by a fine in an amount not exceeding \$750.00. If the offense continues after a request by the police to desist, or if a person refuses to comply with the lawful order of the police to protest in the free speech zone, or if a person refuses to comply with the lawful order of the police regarding the use of any mechanical loudspeaker or sound amplification device at an event that the Free Speech Committee has restricted or prohibited such mechanical or sound amplification devices, that person is guilty of unlawful protest, a class C misdemeanor, which offense is punishable by imprisonment for a term not to exceed 90 days and a fine not exceeding \$750.00 or by both the fine and the term of imprisonment.

6.04.180 Targeted Residential Picketing

Purpose. The protection of the home is of the highest importance. The public health and welfare and the good order of the community require that citizens enjoy in their homes and neighborhoods a feeling of well-being, tranquility, and privacy and enjoy freedom from being a captive audience to unwanted speech in their homes. The practice of targeted residential picketing causes emotional disturbance and distress to residents, and has the potential to incite breaches of the peace and disrupt the well-being and tranquility of the home. Full opportunity exists for individuals to exercise their rights of free speech without resorting to targeted residential picketing. The provisions of this Section are enacted for the purpose of protecting the significant public interests stated above and are not to suppress free speech rights of any particular viewpoint. This Section is intended to establish a reasonable time, place and manner restriction that reconciles and protects the First Amendment rights of the picketers to peacefully communicate and express their ideas with the right of persons to enjoy the right to

tranquility, well-being and privacy in their residential dwellings.

Definitions. As used in this Section:

PICKETING means:

- A. the stationing or posting of one or more persons to apprise the public, vocally or by standing or marching with signs, banners, sound amplification devices, or other means, of an opinion or message; or
- B. the presence or gathering of a person or a group of people for a demonstration or protest.

RESIDENCE means any single-family, duplex or multifamily dwelling where the targeted occupant resides and is not used as a targeted occupant's sole place of business or as a place of public meeting.

TARGETED RESIDENTIAL PICKETING means picketing that:

- A. is specifically directed or focused toward a particular residence, or one or more occupants of a particular residence; and
- B. takes place within one hundred feet of the property line of that residence.

Prohibition. It is unlawful for any person, acting alone or in concert with others, to engage in targeted residential picketing in Payson City.

Penalty For Violation. Any violation of this Section is a Class C misdemeanor.

6.08 Pornography And Obscenity

[6.08.010 City Endorsement Of State Laws](#)

[6.08.020 Submission Of Movies For Review](#)

[6.08.030 Omission To Stop Illegal Use Of Land](#)

[6.08.040 Licensing](#)

[6.08.050 Public Display Of Sexual Material](#)

6.08.010 City Endorsement Of State Laws

The City Council hereby declares its endorsement of all state laws regulating pornographic and harmful materials and performances and encourages prosecution to the fullest extent possible of any violation of those laws, which may occur in the City.

6.08.020 Submission Of Movies For Review

- A. Every person or entity exhibiting films within the City shall submit to the office of the City Manager during the normal working day, or to the office of the Director of

Public Safety on other days or hours one correct copy of every X or R rated film, or any film containing a scene of explicit sexual conduct or a post-puberty topless female or a bottomless person which is to be shown in the City. The film must be submitted at least twelve (12) hours before its first exhibition in the City.

- B. The innocent or negligent failure to comply with the requirements of paragraph A is a malum prohibitum offense punishable by a mandatory fine of one hundred dollars (\$100.00). The willful or knowing failure to comply with the requirements of paragraph A is a criminal offense punishable as a Class B Misdemeanor.
- C. The copy of the film shall be returned to or made available to the party submitting it within the twelve (12) hour time period mentioned in paragraph A.

6.08.030 Omission To Stop Illegal Use Of Land

- A. It shall be unlawful for a landlord or landowner to fail 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 obscene. It shall also be unlawful to fail to remove the wrongdoer from the premises, after receiving official notification of the illegal conduct in writing from the County Attorney or City Attorney, and where there is probable cause for the landlord to believe the criminal conduct does exist.
- B. "Reasonable action" in this Section includes the prompt termination of tenancy and lawful ejection of the wrongdoers 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.

6.08.040 Licensing

- A. Pursuant to its authority to license and regulate occupations and activities as set forth in the Utah Code Annotated and in accord with its duty to declare and abate nuisances and protect the public morals, health and welfare, the City enacts the provisions of this Section.
- B. It is hereby declared that the willful or knowing public exhibition or commercial exploitation of that which is lewd or obscene is a serious public nuisance, and such conduct on the part of any person constitutes an offense of moral turpitude.
- C. The license of any person or other entity licensed to serve or deal with the public manifesting such unlawful conduct shall be suspended for a period of not less than six (6) months and shall not be reinstated until a thorough character investigation of the person or entity is conducted (the expense thereof to be borne by the person or entity up to two hundred ninety-nine dollars (\$299.00) and upon posting of a bond in the amount of one thousand dollars (\$1,000.00) to

ensure against further such activity.

- D. This licensing section shall be enforced by a civil action or proceedings but the adjudication of a conviction under the state criminal code or city ordinance for an offense dealing with lewdness, obscenity, or pornography shall be conclusively presumed to constitute a violation of this Section and shall lead to the mandatory immediate suspension of the license in accord with the above provisions.

6.08.050 Public Display Of Sexual Material

It shall be unlawful for any person knowingly to place explicit sexual material upon public display, or to knowingly fail to take prompt action to remove such a display from property in his possession or under his control after learning of its existence.

- A. For purposes of this Section:

EXPLICIT SEXUAL MATERIAL shall mean any material that appeals to a prurient interest in sex and depicts nudity, actual or simulated sexual conduct, sexual excitement or sadomasochistic abuse. It shall not include material which, taken in context, possesses serious educational value for minors or which possesses serious literary, artistic, political or scientific value. The meanings of "material", "nudity", "sexual conduct", and "sado-masochistic abuse" shall be the same as set forth in Utah Code § 76.10.1201 (1953, as amended).

PUBLIC DISPLAY shall mean the placing of material on any motion picture screen, viewing screen, billboard, marquee, newsstand, display rack, window, showcase, display case or similar place so that it is easily visible from a public street, sidewalk or thoroughfare, from the property of others, or in any place where minors are invited as part of the general public.

Title 7 Animal Control Regulations

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7.04 General

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7.04.010 Definitions: Animal Control Regulations

For the purpose 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:

ANIMAL means any non-human living creature, whether wild or domesticated.

ANIMAL AT LARGE means any domesticated animal, whether or not licensed, not under restraint.

ANIMAL CONTROL OFFICER means an authorized agent or police officer employed by Payson City.

ANIMAL UNDER RESTRAINT means any animal under control of its owner or persons having charge, care, custody, or control of said animal. Except that a dog shall not be considered under the control of the owner unless on a leash or lead, confined within a vehicle, or within the fenced real property limits of the owner.

BITE means an actual puncture, tear, or abrasion of the skin, inflicted by the teeth of an animal.

CAT means any age feline of the domesticated types.

CITY means the incorporated area of Payson City.

ANIMAL SHELTER means a facility owned or operated by a governmental entity or any animal welfare organization that is incorporated under the laws of the State of Utah and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other domestic animals.

DEPARTMENT means the Payson City Police Department, its agents and deputies.

DOG means a *Canis familiaris* of either sex, altered, or unaltered, or any other member of the *Canis* genus if owned or kept.

DOG LICENSE means a properly completed and validated dog license application issued by the City.

DOMESTICATED ANIMAL means any animal accustomed to live in or about the habitation of man, including but not limited to cats, dogs and fowl.

CHICKEN means a common domestic fowl (*Gallus domesticus*) or its young.

GUARD DOG means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on leash or under absolute control while working, so it cannot come into contact with the public.

IMPOUNDED ANIMAL means any animal taken into custody by the department as provided in this Title. *All abandoned animals are the property of Payson City.*

KENNEL means any lot, building structure, enclosure or premises whereupon or wherein three (3) or more dogs over four (4) months or age are kept or maintained for any purpose. Including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

LEASH means any rope, leather strap, chain or other material being held in the hand of the person capable of control and actually controlling the animal to which it is tied.

LICENSED DOG means a dog wearing its current dog license tag as required by this Title.

LICENSE TAG means a piece of metal or other durable material inscribed with a date and number, which has been issued by the City.

LIVESTOCK means a domestic animal or fur bearer raised or kept for profit, including, but not limited to: cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk, llamas, alpacas, emus, and other similar animals.

NEUTERED means having had the testicles removed; a castrated animal.

OWNER means any person, firm, association or corporation, who is either the legal owner, keeper, possessor, or the actual custodian of an animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal.

QUARANTINE means the isolation of an animal under the observation of a licensed veterinarian or in the custody of the animal shelter in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

SPAYED means having had the ovaries and uterus removed or extirpated; an ovariectomy.

STRAY means an animal that is at large.

VACCINATED DOG means a dog inoculated with an approved, currently valid, anti-rabies vaccine, and wearing a current dog license tag indicating proof of such vaccination.

VICIOUS ANIMAL.

- A. With a propensity, tendency, or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or
- B. Which attacks a human being or other domestic animal without provocation.

- C. Which is trained or used as a fighting animal. This provision shall not apply to dogs owned or used by government entity.

WILD ANIMALS means any animals of a species that in their natural life are wild, including hybrids and animals, which as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include:

- A. Alligators and crocodiles;
- B. Bears (Ursidae). All bears, including grizzly bears, brown bears, black bears, etc.;
- C. Cat Family (Felidae). All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.;
- D. Dog Family (Canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, etc.
- E. Porcupine (Erethizontidae);
- F. Primate (Non-Human). All subhuman primates;
- G. Raccoon (Prosynnidae). All raccoons, including eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- H. Skunks;
- I. Venomous fish and piranha;
- J. Venomous snakes and lizards;
- K. Weasels (Mustelidae). All including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc.

Despite the restrictions stated above, there shall be an exception granted to persons raising wild animals as defined for their pelts as a legitimate commercial purpose.

The keeping of any wild animal, which existed prior to the effective date of this ordinance, may be continued, except that if it is discontinued for one (1) year or more it shall then be deemed abandoned and any future keeping of wild animals shall be in conformity with this ordinance.

7.04.020 Penalty

Unless otherwise specified, any person violating any provision of this Title shall be guilty of an infraction, and unless a different penalty shall be provided for such violation by this Title, such violation shall be punished as provided in Utah Code §§ 76-3-204 and 76-3-301.

7.04.030 Enforcement Generally

- A. The department, each agent or officer thereof who is assigned to duties which include the enforcement of animal regulation laws, and any peace officer, are responsible for enforcing the provisions of this Title and other provisions of state law which they have a duty to enforce.
- B. Each of the individuals referred to in paragraph A shall have the power to make arrests for violations of those provisions of this Title and of state law for which the officer has a duty to enforce and to issue citations for such violations.

7.04.040 Right Of Entry For Enforcement

In the enforcement of any provisions of this Title, any animal control officer, police officer or authorized agent may enter the premises of any person to take possession of any animal in violation of this Title.

7.04.050 Power And Authority Of Animal Control Officer

In the performance of the duties set forth herein, the animal control officer is hereby vested with the power and authority of officers within the Payson Police Department. Badges of authority shall be issued by the Police Department.

7.04.060 Investigations

The department, public health officer and any peace officer may enter privately owned land to investigate reports of vicious animals, rabies, or other contagious animal diseases, and to investigate violations of and enforce the provisions of this Title.

7.04.070 Hindering And Obstructing Enforcement

It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal control officer from discharging his duties. Any person who shall hinder, delay, interfere with, or obstruct the animal control officer while engaging in capturing, securing or taking to the animal shelter any animal or animals to be impounded, or who shall break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter or ambulance, wagon or other vehicle used for the collecting or conveying of any animals to the shelter shall be guilty of a class B misdemeanor.

7.04.080 Wild Animals

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild animal, except that an animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent it from escaping or injuring the public are provided, and except for governmental agencies

or otherwise as provided for by state or federal regulations.

7.04.090 Running At Large

- A. It is unlawful for the owner or person having charge, care, custody, or control of any domesticated animal to allow such domesticated animal at any time to run at large. The owner or person charged with responsibility for an animal found running at large shall be strictly liable for any violation(s) committed by the animal, regardless of whether the person knows the animal is running at large.
- B. However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement duties, or while being trained for the above purposes so long as such dogs are under direct and effective sound or gesture control within sight of such individuals to assure that they do not violate any other provisions at law.

7.04.100 Regulation Of Chickens

- A. **Keeping Of Chickens.** Subject to the requirements of this Chapter and any other applicable provisions of this Title, six (6) hen chickens (no roosters), regardless of age, may be kept on a lot or parcel of land in any residential zone, provided the following provisions are met:
 - 1. The parcel is at least five thousand (5,000) square feet. Hen chickens are not allowed on parcels less than five thousand (5,000) square feet.
 - 2. The principal use on the lot or parcel shall be a single family dwelling, duplex or twin home.
 - 3. Chickens must be kept on a non-nuisance basis strictly for familial gain for the production and consumption of eggs and/or meat.
 - 4. All enclosures, pens and coops shall be located in the rear yard of the main dwelling provided all requirements of this Chapter are met.
 - 5. Enclosures, pens, and coops shall be located so as to prevent view of such areas from the street or neighboring properties to the greatest degree possible.
 - 6. Dead birds and unused eggs shall be removed within 24 hours and shall be properly discarded.
- B. **Enclosures Required.** To keep chickens, an enclosure, including a coop, is required, in accordance with the regulations established in this Section.
 - 1. The coop shall be structurally sound and located in a rear yard at least

thirty five (35) feet from any neighboring residential structures (inhabited); must be set back from the property line a minimum of ten (10) feet and must also meet the minimum setback for accessory structures within the zone. The coop and enclosure shall be hidden from the public view through the use of sight obscuring fencing materials or vegetative screening.

2. The coop and enclosure shall be maintained in a neat and sanitary condition and shall be cleaned as necessary to prevent any odor detectable at a property line. At a minimum the coop and enclosed area shall be cleaned weekly.
3. Chickens may be permitted to roam outside the enclosure, pen, or coop or rear yard of the main dwelling if the rear yard of the main dwelling is properly enclosed.
4. A zoning compliance certificate must be obtained from the Development Services Department verifying that the regulations of this Section have been complied with.

C. Food Dispensers. Chicken feed shall be stored in rodent- and predator-proof containers. Water shall be available to the chickens at all times.

7.04.110 Public Nuisance

The introduction, possession, or maintenance of any animal, or the allowing of any animal to be in contravention of this Chapter is hereby declared to be a public nuisance and shall be punishable as an infraction. The department, public health officer, and peace officers, are hereby authorized, directed, and empowered to summarily abate any such public nuisance by any means reasonably necessary, including but not limited to the destruction of the animal or animals involved.

A. Any animal which does any of the following shall be deemed a nuisance:

1. Causes damage to the property of anyone other than its owner or custodian;
2. Is a vicious animal as defined in this Title and kept in a manner contrary to this Title;
3. Causes unreasonable fouling of the air by odors;
4. Causes unsanitary conditions in enclosures 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 owner or custodian of such animal shall remove any such defecation to a proper trash receptacle. Unsighted persons while relying on a guide dog shall be exempt from this Section;

6. Barks, whines, or howls, or makes other disturbing noises in an excessive, continuous, or untimely fashion;
 - a. Excessive, continuous or untimely barking shall be defined for purposes of this Section as a dog barking, baying, crying, howling or making any other noise continuously and/or incessantly for a period of ten (10) minutes or barking intermittently for one-half hour or more to the disturbance of any person at any time of day or night regardless of whether the dog is physically situated in or upon private property; provided, however, that a dog shall not be deemed a "barking dog" for purposes of this Section if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon private property in or upon which the dog is situated or for any other legitimate cause which teased or provoked the dog.
 7. Molests passersby or chases passing vehicles;
 8. Attacks other domestic animals;
 9. Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of Utah Code 76-10 (1953, as amended);
 10. Disturbs the peace by loud noise at any time of the day or night.
- B. An animal is a nuisance if it is determined by the department to be a nuisance by virtue of being offensive or dangerous to the public health, welfare, or safety.
- C. Any animals, which by virtue of the number maintained, determined by the department to be offensive or dangerous to the public health, welfare or safety.

7.04.120 Attacks By Dogs

- A. **Attacking Dogs.** It is unlawful for the owner or person having charge, care, custody, or control of any dog to allow such dog to attack, chase, or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry," as used in this Section, means to harass by tearing, biting, or shaking with the teeth.
- B. **Owner Liability.** The owner in violation of paragraph A shall be strictly liable for violation of this Section. In addition to being subject to prosecution under paragraph A, the owner of such dog shall also be liable in damages to any person injured, or to the owner of any animal(s) injured or destroyed thereby.
- C. **Defenses.** The following may be considered in mitigating the penalties or damages, or in dismissing the charge:
1. That the dog was properly confined on the premises;

2. That the dog was deliberately or maliciously provoked.

- D. **Dogs May Be Killed.** Any law enforcement officer may kill a dog while it is committing any of the acts specified in paragraph A or while the dog is being pursued thereafter.
- E. **Penalty.** A violation of this Section shall be punishable as a Class C misdemeanor.

7.04.130 Vicious Animals

- A. An animal control officer upon probable cause that a violation of this Section has occurred may require the owner or custodian of a vicious animal to deliver possession of the animal to an animal control officer. If after demand, the owner or custodian fails or refuses to deliver possession of the animal to an animal control officer, the animal control officer may request an order from a court of competent jurisdiction requiring the owner or custodian to deliver possession of the animal to an animal control officer.
- B. An animal control officer may summarily impound a vicious animal which is at large or which is an immediate danger to humans or domesticated animals.
- C. If an animal control officer cannot gain control of a vicious animal the officer may summarily destroy the animal.
- D. If a vicious animal is impounded without the knowledge of the owner or custodian, notice that the animal has been impounded shall be given to the owner or custodian of the animal, if the same is known, by attaching a notice to a door at the residence thereof or by mailing a notice thereto.
- E. A vicious animal impounded by an order of court acting pursuant to this Section shall be destroyed or otherwise disposed of, as the court shall direct.
- F. A vicious animal impounded without a court order shall be held not less than five (5) days, after which it may be destroyed or otherwise disposed of as the supervising control officer may direct.
- G. The owner or custodian of an animal impounded other than by a court order may contest the impounding by filing notice with the proper court within five (5) days after the impounding.

7.04.140 Possession Of A Vicious Dog

Any animal deemed a vicious animal by a judge is prohibited in Payson City limits.

A violation of this Section shall be punishable as a Class C misdemeanor.

7.04.150 Allowing Vicious Animals To Go At Large

Any owner of a vicious animal, knowing its propensities, who allows it to go at large or who keeps it without ordinary care, and any animal while at large, or while not kept with ordinary care, causes injury to another animal or to any human being who has taken reasonable precaution which the circumstances permitted, is guilty of a Class B Misdemeanor unless the animal causes the death of a human being, whereupon the owner is guilty of a class A Misdemeanor.

7.04.160 Guard Dogs

Guard dogs shall be kept in such a manner so that they cannot come into contact with persons or other animals that are legally upon the premises where a guard dog is maintained. The property shall be posted with a sign clearly visible stating that a guard dog is on the premises.

7.04.170 Judicially Excluded Animals

It shall be unlawful to bring any animal into Payson City, which has been, in any jurisdiction:

- A. Judicially determined to be vicious, a nuisance, or a threat to the health or safety of human being or another animal; or
- B. Judicially removed from any county or municipality for violations of the laws or ordinances, which by their nature are also in violation of this Title.

7.04.180 Livestock

- A. The keeping of livestock is prohibited except as outlined in PCC 7.20 and PCC 7.24.
- B. It is unlawful for any person owning or having the custody, possession, or control of any animal of a class of livestock or fowl to allow, either negligently or with specific intent, the animal to run at large.
- C. All fencing of property where a class of livestock or fowl is kept shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstance, may be broken, damaged, or in any way create the possibility of injury to the confined animal or to allow the escape thereof.
- D. Any animal in violation of this Section may be impounded.
- E. A violation of this Section shall be punishable as a Class C misdemeanor.

7.04.190 Cruelty To Animals

- A. Utah Code § 76-9-301, as it may be amended from time to time, is hereby adopted by reference as a part of this Title.

Additionally, a person commits cruelty to animals if the person, without legal privilege to do so, carries or confines any animal in or upon any vehicle in a cruel or inhumane manner, including but not limited to carrying or confining such animal without adequate ventilation or for an unusual length of time. A violation of this provision of this Section shall be punishable as a Class C misdemeanor.

7.04.200 Animal Fighting

- A. It is unlawful for any person to:
1. own, possess, keep, or train an animal with the intent to engage it in an exhibition of fighting with another animal;
 2. cause an animal to fight with another animal or cause an animal to injure another animal for amusement or gain;
 3. 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 another animal; or
 4. permit or allow any act which violates paragraphs A,1, A,2 and A,3 on any premises under his/her charge; or to control, aid or abet any such act.
- B. Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenny, or other paraphernalia together with evidence that the paraphernalia is being used or intended for use in the unlawful training of an animal to fight with another animal, together with the possession of any such animal, is prima facie evidence of violation of paragraphs A,2 and A,3.
- C. A person who violates paragraph A is guilty of a class B misdemeanor.
- D. It is unlawful for person to knowingly and intentionally be present as a spectator at any place made for an exhibition of animal fighting, or to knowingly and intentionally be present at an animal fighting exhibition or any other occurrence of fighting or injury described in this Section. A person who violates this Section is guilty of a class B misdemeanor.
- E. Nothing in this Section shall be interpreted to prohibit any of the following:
1. The use of animals for the management of livestock by the owner, his employees or agents, or any other person in the lawful custody of livestock;
 2. The use of animals for hunting;
 3. The training of animals or the possession or use of equipment in the

training of animals for any purpose not prohibited by law.

7.04.210 Animal Fighting Exhibition

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, 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.

7.04.220 Authority To Arrest And Take Possession Of Animals And Property

- A. An animal control officer may enter any place, building, or tenement where an exhibition of animal fighting is occurring, or where preparations are being made for such an exhibition, and without a warrant arrest all persons present.
- B. Notwithstanding the provisions of PCC 7.04.230 any authorized officer who makes an arrest under paragraph A may lawfully take possession of all animals, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of animal fighting prohibited by PCC 7.04.200 or PCC 7.04.210. The officer, at the time of that taking, shall state his name and provide other identifying information to the person in charge of the animals or property taken.
- C. After taking possession of animals, paraphernalia, implements, or other property under paragraph B, the officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this Section. That affidavit shall include:
 - 1. the name of the person charged in the complaint;
 - 2. a description of all property taken;
 - 3. the time and place of the taking;
 - 4. the name of the person from whom the property was taken;
 - 5. the name of the person who claims to own the property, if known;
 - 6. a statement that the officer has reason to believe and does believe that the property taken was used or employed, or was to be used or employed, in violation of PCC 7.01.200 or PCC 7.01.210 and the grounds for such a belief.
- D. The officer shall deliver the confiscated property to the judge or magistrate who shall, by order place the property in the custody of the officer or any other person designated in the order, and that person shall keep the property until conviction or final discharge of the person against whom the complaint was made. The person so designated shall assume immediate custody of that property, and

retain that property until further order of the court. Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as the court may order. If the person charged is acquitted or discharged without conviction, the court shall, on demand, order the property to be returned to its owner.

7.04.230 Officers Authority To Take Possession Of Animals-Lien For Care

- A. Any law enforcement officer may take possession of any animal being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for them or upon permission of the owner destroy them.
- B. Officers caring for animals pursuant to this Section have a lien for the reasonable value of the care and/or destruction. Any court upon proof that the owner has been notified of the lien and the amount due, at least five (5) days prior, shall order the animal sold at public auction or destroyed.
- C. Any law enforcement officer may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal the officer shall take reasonable steps to obtain the opinion of a veterinarian or other witness to view the animal in his presence, or shall obtain consent to the destruction from the owner of the animal. Its owner may be cited and/or charged for impound and sheltering fees.

7.04.240 Number Of Animals

No person shall harbor or possess more than two (2) dogs and two (2) cats, four (4) months of age or older unless that person qualifies for and purchases a kennel license. The animal control officer must approve ownership of more than two (2) cats without said licenses for a legitimate business purpose.

- A. **Exception.** This Section shall not apply to the birth of puppies or kittens in a situation that is not an intentional commercial breeding business so long as the number of dogs and/or cats is reduced down to at least two (2) within four (4) months from the date of birth.

7.04.250 Commercial Kennel Regulations

A. Definitions.

CAGES means individual, portable facilities for containing dogs/cats.

EXERCISE YARD means an area enclosed by a fence of at least six (6) feet in height wherein dogs/cats are allowed to run and exercise. Every portion of an exercise yard fence shall be separate and removed from any property boundary

fence.

FENCING unless otherwise authorized, shall mean a good grade commercial chain link, carried on solid posts set in concrete, suggested minimum is 11 gauge wire, 2 inch steel posts set on no greater than 10 foot spans.

KENNEL means any lot, building structure, enclosure or premises whereupon or wherein three (3) or more dogs/cats over four (4) months of age are kept or maintained for any purpose, including boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

KENNEL BUILDING means a permanent structure designed, intended, or used exclusively for the housing of dogs/cats.

KENNEL RUN (INSIDE) means the separated area inside a kennel building used for the interior housing of dogs/cats.

KENNEL RUN (OUTSIDE) means an area adjacent to a kennel building and enclosed by a fence at least six (6) feet in height.

B. Location. Kennels shall only be allowed in the R-1-A and A-5 zones.

C. Requirements.

1. **License.** Each kennel must have a current valid kennel license and a current valid business license in those areas that require a business license in addition to a kennel license. Such licenses are required to be displayed and readily available for inspection by any authorized person.
2. **Records.** A kennel record must be kept available for inspection; such record to show: The name, current address, and telephone number of the owner of the dog/cat, the date the dog/cat entered the kennel, the reason for its being in the kennel, i.e. for boarding, sale, breeding, grooming, etc., the description of the dog/cat, (age, breed, sex, color, etc.). On any dog /cat over four (4) months of age, a current valid rabies certificate shall be maintained as a part of this record, as long as the dog/cat is maintained in the kennel.

D. Physical Facilities. The basic intent of these regulations is to see that all animals receive proper care, that they are being treated kindly, properly fed, and that their surroundings are being kept in a sanitary condition.

1. Animal Rooms.

- a. **Cage.** Cage length and width shall exceed the animal's length from the base of the tail to the tip of the nose by at least six (6) inches. Cage height shall exceed the animal's height by at least

four (4) inches. Small puppies/kittens may be caged together using their combined length according to the above formula. Cages shall be so constructed and be of such material as to be maintained in a sanitary condition. Animals shall be removed from and be provided with an exercise yard for their use for such periods as determined by the size, age, and condition of the animal. Diseased animals must be maintained apart from the healthy animals in suitable and separate quarters.

b. General. Walls and floors shall be of a material easily cleaned and kept in a sanitary condition. The room shall be properly screened, insect, and vermin proof. It shall be properly ventilated to prevent drafts and remove odors. Heating and cooling should be provided as required, with sufficient light (preferably natural) to allow observation of animals, and sanitation.

2. **Outdoor Facilities.** Shall be provided with windbreaks, roofing, and shelter adequate to protect the animals from the weather. The facilities shall be adequately drained and maintained in a sanitary manner. Adequate and sanitary means of disposing of droppings shall be provided. All kennel runs shall be fenced (chain link or welded wire to be separate and apart from a property boundary fence. Kennel runs shall have a minimum free and clear area of ten (10) square feet per dog. Indoor shelter, except where animals are caged, shall have a minimum of six (6) square feet per dog/cat. When the minimum area is provided it should be supplemented with exercise yards for dogs/cats that are maintained for extended periods. Kennels shall not be left unattended for a period in excess of twenty-four (24) hours. All animals shall be supplied with sufficient food and fresh water as the feeding habits of such animals require.

E. All area of kennel runs, yards, food storage, and auxiliary buildings shall be subject to inspection by authorized persons.

F. Emergency information, including name, address, and phone number, must be posted in a conspicuous place at the front of the property for use by authorized persons.

7.04.260 Residential Kennel Permit

A. **Permit Required.** No person shall operate or maintain a residential kennel without first obtaining a permit from the division of animal control.

B. **Application.** All applications for permits to operate or maintain a residential kennel shall be submitted in writing upon printed forms provided for such purposes by the city. The application shall first be referred to the city animal

control officer. Upon approval, the city shall issue the permit upon payment of the fee herein provided.

- C. The following minimum standards shall be complied with to obtain and maintain a residential kennel permit.
1. Allow adequate protection against weather extremes. Floors of buildings, runs and walls shall be of an appropriate material as required by the specific breed of animal and also to permit proper cleaning and disinfecting.
 2. Adequate ventilation shall be maintained and an appropriate temperature provided as required by the specific breed of animal housed therein.
 3. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
 4. Runs shall provide an adequate exercise area and protection from the weather.
 5. All animal quarters and runs are to be kept clean, dry and in a sanitary condition.
 6. The food shall be free of contamination, palatable and of sufficient nutritive value as to meet the normal daily requirements for the condition and size of the animal.
 7. Fresh water is to be available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of the removable type.
- D. After a residential kennel permit has been issued, the person or persons responsible for operation of the residential kennel shall submit to the animal control officer within thirty (30) days a proof of spay or neuter of any dog or cat beyond two (2) in number that are kept at the residential kennel. This proof shall come in the form of verification by a licensed veterinarian. Failure to submit this proof of spay/neuter within thirty (30) days will result in the immediate forfeiture of the residential kennel license and associated fees. As dogs and cats residing at the residential kennel die, are sold, given away, or are otherwise removed from the property, and other dogs or cats are obtained, no more than two (2) such animals may remain intact at any time. All others must be spayed or neutered and proof of such shall be submitted to the animal control officer within thirty (30) days of acquisition of the animal(s) or the residential kennel license shall be forfeited.
- E. All dogs and cats residing at a residential kennel must be kept current with licenses and vaccinations as required by other sections of this Title or the residential kennel license and associated fees will be forfeited.
- F. Persons currently housing more than two (2) dogs or cats, or combination thereof,

which are three (3) months of age or older at the time of passage of the residential kennel regulations shall have three (3) months to apply for a residential kennel permit or reduce the number of dogs and cats to be in accordance with other sections of this Title.

- G. The city shall have the power to revoke residential kennel permits in the event that the permit holder is convicted of any violation of the provisions of this Title.

7.04.270 Fees

Any person conducting, operating or maintaining a residential kennel shall pay to the city for the privilege of conducting, operating or maintaining such kennel an annual permit fee of twenty-five dollars (\$25.00) for each calendar year.

7.04.280 General Regulations Relating To Animals

Every person within Payson City who owns any animal or who owns, conducts, manages, or operates any animal establishment for which a license is required is also required by this Title to comply with the following:

- A. **Structural Strength.** Housing facilities for animals shall be structurally sound and shall be maintained in good repair, to protect the animals from injury, to contain the animals, and to restrict the entrance of other animals.
- B. All animals shall be supplied with sufficient good and wholesome food and fresh water as often as the feeding habits of the respective animals require.
- C. All animals and all animal buildings or enclosure shall be maintained in a clean and sanitary condition.
- D. All animals shall be so maintained so as to eliminate excessive odor and noise. The minimum requirements for noise control for kennels operated as a commercial business shall be the following:
 - 1. Kennels operated as a commercial business, or any operation where the owner of the kennel is not the owner of all animals housed in the kennel, shall house the animals in an enclosed structure to eliminate noise discernible beyond the premises on which the kennel is located; or
 - 2. Kennels operated as a commercial business, or any operation where the owner of the kennel is not the owner of all animals housed in the kennel; that house animals not in an enclosed structure shall refrain the animals from creating noise by means of electronic noise control so that no noise is discernible beyond the premises on which the kennel is located.
- E. No animal shall be without attention more than twenty-four (24) consecutive hours. Whenever an animal is left unattended at a commercial animal facility the telephone number of the Department of Animal Control or the name, address and

telephone number of the responsible person shall be posted in a conspicuous place at the front of the property. However this provision shall not apply to livestock. Livestock shall be attended at reasonable intervals.

- F. Animals shall be treated humanely and no conditions shall be maintained or permitted that are or could be injurious to the animal.
- G. Animal buildings and enclosures shall be so constructed and maintained as to prevent escape of the animal. All reasonable precautions shall be taken to protect the public from the animal and the animal from the public.
- H. Every building or enclosure wherein animals are maintained shall be constructed of a material easily cleaned and shall be properly ventilated to prevent drafts and to remove odors. Heating, cooling, and shelter shall be provided as required according to the physical need of the animal, with sufficient light to allow observation of animals and sanitation.
- I. Medical treatment shall be provided as necessary in order to maintain the health of the animals.
- J. All animal rooms, cages, kennels, and runs shall be of sufficient size to provide adequate and proper accommodations for the animals kept therein.
- K. Owners shall not allow animals that are natural enemies, temperamentally unsuited, or otherwise incompatible, to be quartered together or so near each other as to cause injury, fear, or torment.
- L. All wild animals permitted pursuant to this Title shall be maintained in buildings, enclosed yards, or cages as specified by the coordinator and such shall be kept at distances from adjacent buildings as specified in the Payson City Zoning Ordinance.

Representatives of the Payson City Police Department or other duly designated representatives of the City may enter any premises where animals are maintained for investigation or inspection as to whether or not any portion of such premises, building, structure, enclosure, pen, or cage is being used, kept, or maintained in violation of this or any other City ordinance. This Section does not permit any person to enter a private dwelling except where necessary to rescue an animal.

7.04.290 Loss Of Privilege To Maintain Dog In City

If the owner or custodian of any dog is convicted of any violation of this Title on three (3) or more different occasions during any twelve (12) month period, the Payson Justice Court may issue an order denying the right of the owner or custodian to maintain a dog in the City for a period of two (2) years. Prior to final denial of such privilege, the Court shall hold a hearing regarding the matter.

7.04.300 Injuries And Communicable Diseases

No person shall knowingly harbor or keep any dog or other animal with a serious injury or afflicted with mange, ringworm, distemper or any other contagious disease, unless such a dog or other animal is, in the opinion of the department or a veterinarian, being given adequate treatment for such disease. The department may take immediate possession of any such animal not being so treated or which is not responding to such treatment, and immediately dispose of the animal unless the owner shall forthwith place such animal under the control and treatment of a licensed veterinarian.

7.04.310 Fees, Charges, Etc.

The fees and charges which may be imposed under the provisions of this Title shall be as determined and established by resolution by the City Council from time to time and on file in the office of the City Recorder.

7.08 Impoundment

[7.08.010 Authorized](#)

[7.08.020 Animals To Be Impounded](#)

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[7.08.090 Destruction Of Animals](#)

[7.08.100 Vaccination](#)

[7.08.110 Establishment Of Animal Disposal Facilities](#)

7.08.010 Authorized

The department, peace officers and persons employed for animal regulation purposes by the City shall attempt to capture any animal found at large in violation of this Title. An Officer may destroy an animal at large if no other means are available and the animal may cause loss of life or serious injury.

7.08.020 Animals To Be Impounded

The following animals may be taken into custody by an animal control officer and impounded without the filing of a complaint:

- A. Any vicious animal not properly confined as required by this Title.
- B. Any animal running at large.
- C. Any unlicensed animal, which is required by this Title to be licensed. Any animal not wearing a tag shall be presumed to be unlicensed for purposes of this Section, except those dogs specifically exempted.

- D. Sick or injured animals whose owner cannot be located.
- E. Any abandoned animal.
- F. Any wild animal.
- G. Any animal to be held for quarantine.
- H. Any animal being kept or maintained contrary to the provisions of this Title.
- I. A dog which is barking excessively whose owner cannot be located within a reasonable time.

7.08.030 Capture By Individuals

Any person who finds an animal at large may take it into his/her possession and must within twenty-four (24) hours thereafter notify the department and surrender the animal to the department upon demand. No such action shall result in a charge against the City. The finder of an animal at large shall use reasonable care to preserve it from injury; however, he shall not be held liable if the animal dies, escapes or injures itself while he is carrying out the provisions of this Section except as occasioned by his own negligence.

7.08.040 Information Upon Relinquishment

Any person who relinquishes an animal to the department shall give his/her name, address and, if he/she is not the owner, the location where the animal was found.

7.08.050 Notice To Owner

Upon receipt of a lost or stray animal bearing a current year's license tag, the department shall make a reasonable attempt to contact the owner of record.

7.08.060 Redemption By Owner

The owner of an impounded animal may claim it prior to its legal disposition by providing proper identification, meeting all the legal requirements, and paying the applicable redemption fees for impoundment, board, medical care, vaccination, and/or other costs.

7.08.070 Holding Period

The department shall hold an impounded, lost or stray animal for not less than five (5) working so that the owner or custodian may claim it prior to other disposition.

7.08.080 Disposal Of Unredeemed Animals

South Utah Valley Animal may dispose of humanely, or may transfer to a new owner any impounded animal not claimed by its owner or custodian within the prescribed holding time. Animals relinquished by their owners may be humanely destroyed without regard

to the prescribed holding time in order to alleviate suffering or to protect other impounded animals from exposure to a contagious disease.

7.08.090 Destruction Of Animals

When, in the judgment of the Officer, it is determined that an animal should be destroyed for humane reasons, disease control or to protect the public or Officers from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order. Before destroying a suffering animal, the Officer shall obtain the judgment of one other persons that the animal is of unrecoverable condition.

7.08.100 Vaccination

Any animal impounded at South Utah Valley Animal Shelter may be vaccinated for disease control.

7.08.110 Establishment Of Animal Disposal Facilities

South Utah Valley Animal Shelter shall follow established humane procedures for euthanasia of animals. South Utah Valley Animal Shelter may, at its option, upon payment of applicable fees, accept animals for humane disposal. The owner or possessor of such animals shall first complete appropriate forms setting forth the facts constituting such ownership and/or possession, certifying that he/she has the right to request disposal of such animals and agree to hold the City and South Utah Valley Animal Shelter, its agents and employees harmless from any liability for its acceptance and disposal of such animals. The owner or person requesting the disposal of any animal shall certify in writing that, to the best of his knowledge, the animal has not bitten a human being or animal within the period established by this Title for isolation of biting animals and suspected rabid animals. Notwithstanding the foregoing, the department, South Utah Valley Animal Shelter, the health officer, or the County veterinarian may authorize, with permission of the owner if known, the euthanasia of a biting animal for the purpose of laboratory examination.

7.12 Licensing And Registration

7.12.010 Licenses Generally

7.12.020 Exceptions

7.12.030 Vaccination - Dogs

7.12.040 Voluntary Registration Of Cats

7.12.010 Licenses Generally

- A. **Required.** All dog owners, except tourists or visitors who stay less than one month in an area coming within the jurisdiction of this Title, shall apply for and obtain a separate dog license for each dog they own, possess, keep, or harbor, after it is four (4) months old. Each license shall be issued by Payson City. All

dog owners must possess a valid license at the time said animal is four (4) months old; or one month after acquiring said animal, or upon transferring into Payson City. Dog owners shall renew the dog license annually. If renewal is not required, dog owners shall within two (2) months after the expiration date advise the department of the reason therefore. Licenses not purchased or renewed shall be considered delinquent and a late fee as determined by the City Council shall be added to the cost of the new license.

- B. **Presumption That License Required.** Any dog legally impounded according to the provisions of this Title shall be presumed to be a dog which, prior to impounding, required a license, regardless of such dog's actual age or owner's place of residence.
- C. **Issuance.** Upon presentation by the dog owner of a properly completed license application form, including proof that the rabies vaccination will be valid throughout the license period, the proper license fee, and, if applicable the City shall issue a validated dog license. The dog owner shall retain the dog license for inspection by any person charged with the enforcement of this Title.
- D. **Validity; Rabies Vaccination Prerequisite To Issuance.** Licenses shall be valid for one, two, or three years from the date of issuance, depending upon the license purchased. No dog shall be licensed without proof of approved rabies vaccination.
- E. **Lost Or Damaged Tags; Tags To Be Worn; Exception.** Whenever a license tag is lost or damaged, the owner shall apply for and secure a replacement from South Utah Valley Animal Shelter upon payment of the prescribed fee. Each dog required to be licensed shall wear at all times the current license tag assigned to that dog; except:
 - 1. When the dog is participating in any dog exhibition, field trial, or competition; or
 - 2. When the dog is confined in a licensed kennel or veterinary hospital, in which case the license tag number shall be recorded and placed nearby so that it is readily identifiable with the dog with which it belongs; or if not licensed, that fact shall be clearly indicated on the facility's records. A license tag shall not be removed from any dog without the consent of the owner thereof.
- F. **Duty Of Person Issuing License.** Each duly authorized person issuing a dog license for any dog shall complete the license in duplicate. One copy shall be given to the owner of the licensed dog, which the owner shall retain in his possession, and South Utah Valley Animal Shelter will retain one copy.

7.12.020 Exceptions

The provisions of this Title shall not apply to the following:

- A. **Transient, Show Dogs.** Dogs whose owners are nonresidents temporarily within the City for thirty (30) days or less, or dogs brought into the City for purposes of participating in any dog show.
- B. **Dog Maintained In A Licensed Kennel.** Any dog that has not reached the age of four (4) months or any dog kept or maintained exclusively in a licensed kennel shall not be registered and no fee is required.
- C. **Dogs Used To Assist The handicapped (I.E. Seeing Eye, Hearing, Seizures) And Law Enforcement.** Any dog which has been duly or properly trained to assist the handicapped, or law enforcement personnel and is currently acting in that capacity.
- D. **Dogs Maintained By Impecunious Person.** If any person shall furnish evidence satisfactory to the department that such person, by reason of unavoidable poverty, merits exemption from the payment of any fees or charges by this Title, the dog shall be registered but the department shall waive the payment of any such fees or charges.
- E. **Police Service Dogs.**

7.12.030 Vaccination - Dogs

- A. **Vaccination Required.** Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor, or have custody of, within one month after it becomes four (4) months of age, or within one month after obtaining any dog over four (4) months of age. It shall be unlawful for any person or persons to own, keep, harbor, or possess or to have in his or her care, charge, or custody, any dog four (4) months of age or over unless such dog has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.
- B. **Exemption From Rabies Vaccination During Illness.** Notwithstanding any other provisions of this Title, a dog need not be vaccinated for rabies during an illness if a licensed veterinarian has examined the dog and certified in writing that such vaccination should be postponed because of a specified illness. Old age, debility and pregnancy are not considered contraindications to rabies vaccination. Exemption certificates are subject to approval by the department and shall be valid only for the duration of the illness. Exemption from vaccination does not exempt a dog from the licensing requirement.

7.12.040 Voluntary Registration Of Cats

The owner of any cat may, upon submission of proof of rabies vaccination, certified to by

a licensed veterinarian, and upon payment of the fee established by resolution of the City Council, be issued a license certificate and tag. No person shall remove a registration tag from a cat without the consent of the owner thereof. Licensing shall be valid for the period of rabies vaccination. The obtaining of such a license shall be optional on the part of the owner.

7.16 Rabies Control

7.16.010 Report Of Bites

7.16.020 Report Suspected Rabid Animals

7.16.030 Quarantined For Ten (10) Day Of Biting Or Suspected Rabid Animals

7.16.040 Examination Of Head

7.16.050 Domesticated Animals

7.16.060 Release

7.16.070 Animals Possibly Exposed To Rabies

7.16.010 Report Of Bites

All persons bitten and the parents or guardians of minor children bitten by a dog, cat, skunk, fox, coyote, bobcat, bat or other animal known to constitute a serious threat of rabies shall notify the department or the Utah County Health Department immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

7.16.020 Report Suspected Rabid Animals

Any person who observes or has knowledge of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies shall notify the department or City-County Health Department and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the department or City-County Health Department.

7.16.030 Quarantined For Ten (10) Day Of Biting Or Suspected Rabid Animals

Upon the reasonable order of the department or public health officer, a biting or suspected rabid animal shall be, at the owner's expense if owned, kept in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter, veterinary hospital, or other adequate facility in a manner approved by the department or City-County Health Department.

7.16.040 Examination Of Head

Any biting or suspected rabid animal or bat may be humanely euthanized immediately by the department or the health department, and such animals undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing the fluorescent antibody test to demonstrate the presence of rabies.

7.16.050 Domesticated Animals

If the biting or suspected rabid animal is of the domesticated variety that is owned or obviously could have an owner, said animal shall be confined for a period of ten (10) days to allow time for an attempt to locate an owner unless the County veterinarian or other licensed veterinarian shall reasonably deem it necessary to sacrifice the animal for the purpose of laboratory examination.

7.16.060 Release

Ten (10) days after the day of infliction of a bite by an animal, said animal may be released to its owner or sold by the department after a licensed veterinarian has examined that animal and in his opinion found it not to have had rabies in a transmittable state on the day of infliction of said bite. Non-immunized animals shall be, at the owner's expense, vaccinated for rabies before release to owner.

7.16.070 Animals Possibly Exposed To Rabies

Any animal of a species subject to rabies which has been bitten by a known rabid animal or bat, or which has been in intimate contact with such an animal, shall be isolated, at the owner's expense if owned, in strict confinement in a place and manner approved by the department or public health officer and observed by a licensed veterinarian for a period of four (4) months or destroyed. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the dog or cat has been vaccinated against rabies at least thirty (30) days prior to the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the State veterinarian, the dog or cat may be re-vaccinated in a manner prescribed by the department or the health department and isolated in strict confinement in a place and manner approved by the department or public health officer and observed by a licensed veterinarian for a period of thirty (30) days.

7.20 Regulations Governing The Keeping Of Livestock

7.20.010 Pre-Existing Rights

7.20.020 Allowable Nonconforming Livestock Permitted

7.20.030 Issuance Of Non-Conforming Livestock Permit

7.20.040 Revocation

7.20.050 Information Required For A Non-Conforming Livestock Permit

7.20.060 Conformance With Subdivision Regulations

7.20.070 Penalty For Violation

7.20.010 Pre-Existing Rights

If at the time of the adoption of the Payson City Zoning Ordinance of 1968, or any subsequent amendments thereto, a property owner legally maintained animals on a parcel of land within the City, that right shall be continued if the property owner has registered said right with the Payson City Recorder's Office and subject to the following

provisions:

- A. At least fifteen (15) consecutive days of any given calendar year animals are maintained on the property, and
- B. The number of animals has not increased nor the species changed from what was there at the time the right was established, the first day of April 1968, and
- C. The property has not been made part of a platted subdivision, nor has been divided pursuant to Utah Code § 10-9-601 et seq. and PCC 12, Subdivision Ordinance, and
- D. The property owner contacts the Animal Control Officer once a year when the animals are on the property to verify.

7.20.020 Allowable Nonconforming Livestock Permitted

From the effective date of this ordinance there is established a Nonconforming Livestock Permit which may be issued to property owners wishing to maintain livestock on property that does not have a pre-existing right to maintain animals. Said permit is not transferable through the sale of the property. The issuance of said permit is subject to the following provisions:

- A. No swine or male goats or stud horses will be permitted.
- B. No animals will be permitted, pursuant to this Section, in any of the Commercial or Professional Zones.
- C. The issuance of this permit does not grant permission for the building of any permanent structure connected with the housing of animals.
- D. Animals must be kept within a permanently established fence with posts embedded in the ground. Temporary fencing will not meet this requirement.
- E. The area where the animals are kept must be kept clean, free of objectionable odor, free of excessive numbers of flies, free of excessive accumulations of manure, and must not violate any City or State law regarding nuisance.
- F. Each applicant for this permit must obtain signed permission to keep animals on the subject property from each contiguous property owner before a permit will be issued. Once the signed permission is granted it will be considered valid until the conditional use permit is either vacated or revoked under the terms of this ordinance.
- G. There must be a minimum of 20,000 square feet.
- H. Two sheep or two goats may be kept on the initial 20,000 square feet. For each subsequent 10,000 square feet an additional animal unit shall be allowed. For purposes of this Section, an animal unit shall be defined as follows:

1. one horse, and one foal - (6 months of age or younger)
2. one cow, and one calf - (6 months of age or younger)
3. two sheep or
4. two female goats

- I. The issuance of a Nonconforming Livestock Permit is not an absolute right. It is therefore subject to annual review and renewal, and may be denied at any time without prejudice.
- J. The property to be used for keeping animals must be under one (1) ownership as recorded with the County Recorder, i.e.; several properties may not be fenced to create one pasture.
- K. No livestock may be kept within 100 feet of any dwelling unit.

7.20.030 Issuance Of Non-Conforming Livestock Permit

For those persons and property not eligible for consideration under PCC 7.20.010 there is the possibility of receiving a Nonconforming Livestock Permit. All of the conditions of PCC 7.20.020 must be met before a Nonconforming Livestock Permit may be considered. These permits expire December 31 of each year. A permit may be obtained at any time during the year but there must be a valid permit issued prior to any animals being kept on the property.

7.20.040 Revocation

A non-conforming livestock permit may be revoked at any time if a warning citation is issued pursuant to this ordinance and the problem cited is not corrected within 15 days.

7.20.050 Information Required For A Non-Conforming Livestock Permit

For both the Pre-existing Animal Right and the Nonconforming Livestock Permit the following information must be filed with the office of City Recorder, Payson City:

- A. The name of the property owner.
- B. The mailing address of the owner.
- C. If the property is being rented then the name and address of the renter must be included.
- D. The street address of the property being registered.
- E. The legal description of the property being registered
- F. The number and species of animal(s) being registered

A fee will be charged of \$25.00 for annual registration of a Nonconforming Livestock Permit. Fees will not be prorated.

7.20.060 Conformance With Subdivision Regulations

- A. Nothing herein shall be construed to allow the division of property into two or more lots without compliance with the provisions of the Payson Subdivision Ordinance.
- B. All subdivision requirements pertaining to improvements will be strictly enforced pursuant to PCC 12.

7.20.070 Penalty For Violation

Any one violating any of the provisions of this ordinance shall be deemed guilty of an infraction. Each day that said violation is permitted to continue will be considered a separate offense.

7.24 Keeping Of Animals In The A-5-H, Annexation Holding Zone

[7.24.010 Purpose And Intent](#)

[7.24.020 Animal Units Allowed](#)

[7.24.030 Prohibited Animals](#)

[7.24.040 Non-Conforming Animal Rights](#)

[7.24.050 Relationship To A-5, Agriculture Zone](#)

7.24.010 Purpose And Intent

Payson City has established the A-5-H, Annexation Holding Zone to provide areas within the City where agricultural pursuits can be encouraged and supported until alternative land uses are introduced or more intense development occurs. Payson City allows residents in the A-5-H Zone to keep animals on their property, including cats, dogs, horses, livestock, and domestic fowl in accordance with the provisions of this Chapter. Animals may not be kept on a residential property for commercial purposes. The property owner must satisfy setback, location and permit requirements for barns and shelters for animals.

7.24.020 Animal Units Allowed

To ensure the keeping of animals in a humane and appropriate manner that allows animals to coexist harmoniously with adjacent and abutting uses, the animal control officer may approve the keeping of animals on parcels in the A-5-H Zone provided the following requirements are satisfied.

On parcels containing two or more acres, a maximum of one animal or bird unit per acre

shall be allowed. Parcels containing less than two acres may be considered for a Nonconforming Livestock Permit as outlined in PCC 7.20.030.

For purposes of this Section, an animal or bird unit shall be defined as follows:

Animal Units:

Dogs and Cats

No person may harbor or possess more than four (4) dogs or more than four (4) cats, four (4) months of age or older without purchasing a kennel license.

Livestock	
2 head of cattle	1 animal unit
3 horses	1 animal unit
5 sheep	1 animal unit
5 nanny goats	1 animal unit
5 llamas or alpacas	1 animal unit

Horses shall include ponies, mules, burros and donkeys. Only horses six (6) months or older and cattle, sheep, and goats one year or older are counted in the ratio.

Domestic Fowl	
32 hen chickens	1 bird unit
16 ducks	1 bird unit
8 turkeys	1 bird unit
8 geese	1 bird unit

Only fowl six (6) months or older are counted in the ratio.

In the event a request for animals does not precisely align with the animal units herein, the animal control officer may determine equivalent animal units to assist in enforcing the regulations of this Chapter.

It is not the intention of this Chapter to limit a property owner's ability to comply with the Utah Farmland Assessment Act. If a property owner can demonstrate the animals on the parcel are necessary to maintain greenbelt status, the animal control officer may adjust the animal units to ensure compliance with the regulations.

7.24.030 Prohibited Animals

Certain animals are not appropriate in a city setting. In some instances, animals are not acceptable due to their aggressive nature, while other situations animal populations may create odors or noise that could be disruptive to the enjoyment of property by surrounding owners. Therefore, the following animals are only permitted in the A-5, Agricultural Zone and the A-5-H, Annexation Holding Zone.

- A. Stud horses
- B. Billy goats
- C. Roosters
- D. Swine
- E. Mink and similar fur bearing animals
- F. Feedlots

7.24.040 Non-Conforming Animal Rights

If a property owner can demonstrate the number and/or type of animals were permitted prior to annexation and properly maintained in accordance with Utah County ordinance, the City Council may allow the animals to remain on the parcel. Continuation of legal non-conforming animal rights may be allowed provided the keeping of animals have been continuously maintained and does not represent a nuisance to surrounding properties. The City Council is not obligated to permit animals that are not expressly allowed herein.

7.24.050 Relationship To A-5, Agriculture Zone

The A-5, Agriculture Zone was established to provide specific areas in the community where agricultural uses and pursuits would be preserved and allowed. The contents of this Chapter primarily address animal uses in newly annexed areas that are anticipated to transform into suburban development. Parcels included in the A-5, Agriculture Zone may request additional animals. The animal control officer has the discretion to allow additional animals to be kept of the site.

Title 8 Traffic Regulations

8.04 Traffic Regulations General Provisions

8.08 Administration

8.12 Enforcement And Obedience

8.16 One-Way Streets And Alleys

8.20 Stop And Yield Intersections, Railroad Crossings, Etc.

8.24 Miscellaneous Driving Rules

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8.32 Administrative Civil Infractions

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8.40 Stopping, Standing, Or Parking Prohibited In Specified Places

8.44 Stopping For Loading Or Unloading Only

8.48 Penalties And Procedure On Arrest

8.04 Traffic Regulations General Provisions

8.04.010 Adoption Of Utah Criminal And Traffic Code

8.04.020 Definitions Of Words And Phrases

8.04.010 Adoption Of Utah Criminal And Traffic Code

- A. Utah Code 41, 53, and 72, as they may from time to time be amended, are adopted by reference and are made a part of the ordinance of Payson City as is fully set forth in the body of the municipal code and shall take effect and be controlling within the limits of Payson; provided, however, that this Chapter is not intended to nor does it purport to grant to the city any powers or jurisdiction not specifically or by implication granted by law. Any section included in Utah Code 41, 53, and 72 dealing with administration by state agencies or other matters not applicable to traffic and motor vehicle control and regulation are hereby excluded from the said ordinances of the city.
- B. All ordinances of Payson City or statutes of the State of Utah relating to foot or vehicular traffic as set forth in paragraph A shall be applicable and enforceable upon public school property of the Nebo School District located within Payson City.
 1. For purposes of paragraph B, any reference to “highway”, “street”, “public right of way”, “roadway”, “public roadway”, or other similar term used to designate thoroughfares for use by motor vehicles shall include and refer to school parking lots, rights of way, roads, lanes, or other areas designated for vehicular use on school property.

8.04.020 Definitions Of Words And Phrases

The following words and phrases when used in this Title shall for the purpose of this Title have the meanings respectively ascribed to them in this Chapter.

ALLEY OR ALLEYWAY. A public way within a block primarily intended for service and access to abutting property by vehicles and not designed for general traffic.

AUTHORIZED EMERGENCY VEHICLE. Vehicles of the fire department, police vehicles and such ambulances and emergency vehicles of municipal departments of public service corporations as are designated or authorized by the police department or mayor and city council.

BICYCLE. Every device propelled by human power upon which any person may ride, having two tandem wheels either of which if more than twenty inches in diameter.

BUSINESS DISTRICT. The territory contiguous to and including the highway when within any six hundred feet along such highway there are buildings in use for business or industrial purposes including but not limited to hotels, banks, or office buildings, railroad stations and public buildings which occupy at least three hundred feet of frontage on one side or three hundred feet collectively on both sides of the highway.

COMMERCIAL VEHICLE. Every vehicle designed, maintained, or used primarily for the transportation of property.

CONTROLLED-ACCESS HIGHWAY. The term controlled-access highway shall mean every highway, street or roadway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

CROSSWALK.

- A. The part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or in the absence of curbs from the edges of the traversable roadway.
- B. Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

CURB LOADING ZONE. The term curb loading zone" shall mean a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

DRIVER. The word driver shall mean every person who drives or is in actual physical control of a vehicle.

FREIGHT CURB LOADING ZONE. The term freight curb loading zone shall mean a space adjacent to a curb for the exclusive use of vehicles during the loading or

unloading of freight.

HIGHWAY OR STREET. The word highway or street shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

INTERSECTION. The word intersection shall mean:

- A. The area embraced within the prolongation of connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadways of two highways which join one another at, or approximately at, right angles, or the area within which vehicles traveling from different highways, joining at any other angle may come in conflict.
- B. Where a highway includes two roadways thirty feet or more apart, then every crossing of each roadway of such highway by an intersecting highway shall be regarded as a separate intersection. In the event such intersecting highway also includes two roadway thirty feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection.

LANED ROADWAY. The term laned roadway shall mean a roadway, which is divided into two or more clearly marked lanes for vehicular traffic.

MOTOR VEHICLE. The term motor vehicle shall mean every vehicle which is self-propelled and every vehicle which is propelled by electricity.

MOTORCYCLE. The word motorcycle shall mean every vehicle other than a tractor having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and weighing less than twelve hundred fifty pounds.

OFFICIAL TIME STANDARD. Whenever certain hours are named herein, they shall mean standard time or daylight-saving time as may be in current use in this city.

OFFICIAL TIME-CONTROL DEVICES. The term official time-control devices shall mean all signs, signals, markings and devices not inconsistent with this title placed and erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

PARK or PARKING. The word park or parking 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.

PASSENGER CURB LOADING ZONE. The term passenger curb loading zone shall mean a place adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

PEDESTRIAN. The word pedestrian shall mean any person afoot.

PERSON. The word person shall mean every natural person, firm, co-partnership, association or corporation.

POLICE OFFICER. The term police officer shall mean every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

PRIVATE ROAD or DRIVEWAY. The term private road or driveway shall mean every way or place in private ownership and use for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

RAILROAD. The word railroad shall mean a carrier of persons or property upon cars, operated upon stationary rails.

RAILROAD TRAIN. The term railroad train shall mean a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

RESIDENCE DISTRICT. The term residence district shall mean the territory contiguous to and including a highway not comprising a business district when the property on such highway for a distance of three hundred feet or more is in the main improved within residences or residences and buildings in use for business

RIGHT OF WAY. The term right of way shall mean the privilege of the immediate use of the roadway.

ROADWAY. The word roadway shall mean that portion of highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two or more separate roadways, the term "roadway" as used herein shall refer to any such roadway separately, but not to all such roadways collectively.

SAFETY ZONE AND ISLANDS. The terms safety zone and islands shall mean the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is so marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

SIDEWALK. The word sidewalk shall mean that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use of pedestrians.

STAND or STANDING. The word stand or standing means the halting of a vehicle whether occupied or not, otherwise than for the purpose of and while actually engaged in receiving or discharging passengers.

STOP. The word stop, when required, means complete cessation from movement.

STOP or STOPPING. The word stop or stopping, when prohibited, means any halting

even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflicting with other traffic or in compliance with the directions of the police officer or traffic control sign or signal.

STREET OR HIGHWAY. The word street or highway shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purpose of vehicular traffic.

THROUGH HIGHWAY. The term through highway shall mean every highway or portion thereof on which vehicular traffic is given preferential right of way, and at the entrance to which vehicular traffic from intersecting highways is required by law to yield right of way to vehicles on such highways in obedience to either a stop sign or a yield sign, when such signs are erected as provided in this title.

TRAFFIC. The word traffic shall mean and include pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances either singly or together while using any highway for purposes of travel.

TRAFFIC CONTROL SIGNAL. The term traffic-control signal shall mean any device, whether manually, electrically or mechanically operated by which traffic is alternately directed to stop and to proceed.

VEHICLE. The word vehicle shall mean every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

STATUTORY DEFINITIONS--CITY DEFINED. Whenever any words and phrases used herein are not defined herein but are defined in the state laws regulating the operation of vehicles, any such definitions therein shall be deemed to apply to such words and phrases used herein. The word "city" shall be deemed to refer to Payson City.

SHORT TITLE. This Title may be known and cited as the "traffic ordinance".

8.08 Administration

8.08.010 Duties Of Police Department

8.08.020 Traffic Accident Reports

8.08.030 Police Department To Submit Annual Traffic Safety Report

8.08.010 Duties Of Police Department

It shall be the general duty of the police department to determine the installation and proper timing and maintenance of traffic control devices, to plan the operation of traffic on the streets and highways of this city and to cooperate with other city officials in the development and means to improve traffic conditions and to carry out the additional powers and duties imposed by ordinances of Payson City.

8.08.020 Traffic Accident Reports

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 police department, the Mayor and City Council, and such other persons as shall be designated by the Mayor and City Council.

8.08.030 Police Department To Submit Annual Traffic Safety Report

The police department shall annually prepare a traffic report, which shall be filed with the mayor and city council. Such report shall contain information on traffic matters in this city as follows:

- A. The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data.
- B. The number of traffic accidents investigated and other pertinent data on the safety activities of the police.
- C. The plans and recommendations of the division for future traffic safety activities.

8.12 Enforcement And Obedience

8.12.010 Authority Of Police And Fire Department Officials

8.12.020 Obedience To Police And Fire Department Officials

8.12.030 Persons Propelling Push Carts Or Riding Animals To Obey Traffic Regulations

8.12.040 Use Of Coasters, Roller Skates, And Similar Devices Restricted

8.12.050 Public Employees To Obey Traffic Regulations

8.12.060 Authorized Emergency Vehicles

8.12.010 Authority Of Police And Fire Department Officials

- A. It shall be the duty of the officers of the police department of such officers as are assigned by the chief of police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.
- B. Officers of the fire department, when at the scene of the fire, may be authorized by the chief of police or his or her designee to direct all traffic by voice, hand, or signal in conformance with traffic laws, provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians. Officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.
- C. Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

8.12.020 Obedience To Police And Fire Department Officials

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer or fire department official.

8.12.030 Persons Propelling Push Carts Or Riding Animals To Obey Traffic Regulations

Every person propelling any push cart or riding an animal upon a roadway, and every person driving any animal-drawn vehicle shall be subject to the provisions of this Title applicable to the driver of any vehicle, except those provisions of this Title which by their very nature can have no application.

8.12.040 Use Of Coasters, Roller Skates, And Similar Devices Restricted

No person upon roller skates, or riding in or by means of any coaster, toy vehicle, or similar device, shall go upon any roadway except while crossing a street on a crosswalk and when so crossing such person shall be granted all of the rights and shall be subject to all of the duties applicable to pedestrians. This Section shall not apply upon any street while set aside as a park street as authorized by ordinance of this city.

8.12.050 Public Employees To Obey Traffic Regulations

The provisions of this Title shall apply to the driver of any vehicle owned or used in the service of the United States Government, this state, county, or city or any other political subdivision of the state, and it shall be unlawful for any said driver to violate any provisions of this Title except as otherwise permitted in this Title or by state statute.

8.12.060 Authorized Emergency Vehicles

- A. The driver 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, shall be exempt from the driving restrictions imposed in PCC 8.12 to and including PCC 8.40, and PCC 8.48 to and including PCC 8.40 subject to the conditions set forth herein.
- B. The exemptions herein granted to an authorized emergency vehicle shall apply only when the driver of any said vehicle while in motion sounds an audible signal by bell, siren, or exhaust whistle as may be reasonable necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle.
- C. The foregoing provisions shall not relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless

disregard for the safety of others.

8.16 One-Way Streets And Alleys

8.16.010 Authority To Sign One-Way Streets And Alleys

8.16.020 Movement Of Traffic On One-Way Streets And Alleys

8.16.030 Authority To Restrict Direction Of Movement On Streets During Certain Periods

8.16.010 Authority To Sign One-Way Streets And Alleys

Whenever any ordinance of this city designates any one-way street or alley the chief of police shall place and maintain signs giving notice thereof, and no such regulation shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

8.16.020 Movement Of Traffic On One-Way Streets And Alleys

Upon those streets and parts of streets where are clearly marked as one-way streets, traffic shall move only in the indicated direction indicated by the signs which signs shall be maintained at every intersection where movement in the opposite direction is prohibited.

8.16.030 Authority To Restrict Direction Of Movement On Streets During Certain Periods

- A. The chief of police is hereby authorized to determine and designate streets, parts of streets or specific lanes thereon upon which vehicular traffic shall proceed in one direction during one period and the opposite direction during another period of the day and shall place and maintain appropriate markings, signs, barriers or other devices to give notice thereof. The chief of police may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the roadway.
- B. It shall be unlawful for any person to operate any vehicle in violation of such markings, signs, barriers or other devices so placed in accordance with this Section.

8.20 Stop And Yield Intersections, Railroad Crossings, Etc.

8.20.010 Through Streets Designated

8.20.020 Signs Required At Through Streets

8.20.030 Other Intersections Where Stop Or Yield Required

8.20.040 Stop Signs And Yield Signs

8.20.010 Through Streets Designated

Those streets and parts of streets marked and signed as through streets are hereby

declared to be streets for the purpose of this Chapter.

8.20.020 Signs Required At Through Streets

Whenever any ordinance of this city designates and describes a through street it shall be the duty of the chief of police to place and maintain a stop 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 to two such through streets or at the intersection of a through 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 chief of police.

8.20.030 Other Intersections Where Stop Or Yield Required

The chief of police is hereby authorized to determine and designate intersections where particular hazards exist upon other than through streets and to determine:

- A. whether vehicles shall stop at one or more entrances to any such intersection, in which event he shall cause to be erected a stop sign at every such place where a stop is required, or
- B. whether vehicles shall yield the right of way to vehicles on a different street at such intersections as prescribed in paragraph A, in which event he shall cause to be erected a yield sign at every place where obedience thereto is required.

8.20.040 Stop Signs And Yield Signs

- A. Every stop sign shall bear the word "Stop" in letters not less than eight inches in height. Every yield sign shall bear the word "Yield" in letters not less than seven inches in height. Every stop sign and every yield sign shall at nighttime be rendered luminous by internal lumination, or by a floodlight projected on the face of the sign, or by efficient reflecting elements in the face of the sign.
- B. Every stop sign and every yield sign shall be erected as near as practicable to the nearest line of the crosswalk on the near side of the intersection, or if there is no crosswalk, then as near as practicable to the nearest line of the intersecting roadway.

8.24 Miscellaneous Driving Rules

[8.24.010 Following Fire Apparatus Prohibited](#)

[8.24.020 Crossing Fire Hose](#)

[8.24.030 Driving Through Funeral Or Other Procession](#)

[8.24.040 Drivers In A Procession](#)

[8.24.050 When Permits Required For Parades Or Processions](#)

[8.24.060 Vehicle Shall Not Be Driven On A Sidewalk](#)

[8.24.070 Opening And Closing Vehicle Doors](#)

[8.24.080 Riding On Motorcycles](#)

[8.24.090 Clinging To Vehicles](#)

[8.24.100 Controlled Access](#)

[8.24.110 Boarding Or Alighting From Vehicles](#)

[8.24.120 Unlawful Riding](#)

[8.24.130 Driving Through Safety Zone Prohibited](#)

[8.24.140 Private Drives, Parking Lots, And Exit Only Access](#)

[8.24.150 Parking Vehicles Along The Parade Route](#)

8.24.010 Following Fire Apparatus Prohibited

The driver of any vehicle other than on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

8.24.020 Crossing Fire Hose

No vehicle shall be drive over any unprotected hose of a fire department when laid down on any street, private driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

8.24.030 Driving Through Funeral Or Other Procession

No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion or when such vehicles are conspicuously designated as required in this Title. This provision shall not apply at intersections where traffic is controlled by traffic-control signals or police officers.

8.24.040 Drivers In A Procession

Each driver in a funeral or other procession shall drive as near to the right-hand edge of the roadway as practicable and shall follow the vehicle ahead as close as is practicable and safe.

8.24.050 When Permits Required For Parades Or Processions

No funeral, procession or parade containing two hundred or more persons or fifty or more vehicles except the forces of the United States Army or Navy, the military forces of this state and the forces of the police and fire departments, shall occupy, march or proceed along any street except in accordance with a permit issued by the chief of police and such other regulations as are set forth herein which may apply.

8.24.060 Vehicle Shall Not Be Driven On A Sidewalk

The driver of a vehicle shall not drive within any sidewalk area except at a permanent or

temporary driveway.

8.24.070 Opening And Closing Vehicle Doors

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so, nor shall any person leave a door open on the side of a motor vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

8.24.080 Riding On Motorcycles

A person operating a motorcycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry other persons nor shall any other person ride on a motorcycle unless such motorcycle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat if designed for two persons, or upon another seat firmly attached to the rear or side of the motorcycle.

8.24.090 Clinging To Vehicles

No person riding upon any bicycle, coaster, roller skates, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

8.24.100 Controlled Access

No person shall drive a vehicle onto or from any controlled-access roadway except at such entrances and exits as are established by public authority.

8.24.110 Boarding Or Alighting From Vehicles

No person shall be boarding or alighting from any vehicle while such vehicle is in motion.

8.24.120 Unlawful Riding

No person shall ride on any vehicle upon any portion thereof not designated or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

8.24.130 Driving Through Safety Zone Prohibited

No vehicle shall at any time be driven through or within a safety zone.

8.24.140 Private Drives, Parking Lots, And Exit Only Access

It is an infraction for any person to drive non-stop through or across any private driveway

or parking lot, to block the access or use of any private driveway or parking lot by those entitled to the access of use thereof, and to enter a private driveway or parking lot from an exit only access.

8.24.150 Parking Vehicles Along The Parade Route

It is an infraction for any person to park a vehicle of any kind along the designated parade route beginning the morning before the Onion Days Parade and continuing until the completion of the parade. The parade route begins at the location of 1400 South Main Street and proceeds north along Main Street to 700 North. The parade route then turns East and ends at 200 East.

8.28 Driving On Right Side Of Highway, Overtaking, Passing, And Other Rules Of The Road

8.28.010 Signs Indicating Passing Zones

8.28.020 One-Way Traffic-Signs

8.28.030 Designation Of Distinctive Roadway Marking Or Markings, Where Placed, Rule For Drivers, Description Of Markings, Local Authorities May Place Markings

8.28.010 Signs Indicating Passing Zones

The chief of police or city council is authorized to determine those portions of any highway where overtaking and passing or driving to the left of the roadway would be especially hazardous or may be appropriate signs or marks on the roadway indicate the beginning and the end of such zones and when such signs or markings are in place and clearly visible to an ordinarily observant person every driver of a vehicle shall obey the directions thereof.

8.28.020 One-Way Traffic-Signs

- A. The chief of police or city council may designate any highway or any separate roadway under its jurisdiction for one-way traffic and shall erect appropriate signs giving notice thereof.
- B. Upon a roadway designated and sign posted for one-way traffic, a vehicle shall be driven only in the direction designated.
- C. A vehicle passing around a rotary traffic island shall be driven only to the right of such island.

8.28.030 Designation Of Distinctive Roadway Marking Or Markings, Where Placed, Rule For Drivers, Description Of Markings, Local Authorities May Place Markings

- A. The chief of police or city council shall be regulation, designate a distinctive roadway marking or markings which shall indicate that no vehicle shall drive along the highway to the left thereof, and the chief of police or city council is

authorized to place such marking or markings on any portion of a highway where the volume of traffic or the vertical or horizontal curvature of the roadway renders it hazardous to drive along the highway on the left of such marking or markings. When such marking or markings are in place the driver of a vehicle shall not drive along the highway to the left thereof.

- B. The following markings, until so changed by regulations of the city council or the chief of police, shall be distinctive roadway markings:
1. A double longitudinal line, painted yellow, each line four inches wide, and spaced four inches apart.
- C. Whenever the state road commission has designated a distinctive roadway marking or markings which shall indicate no driving along a highway to the left thereof, local authorities may place such markings upon streets or highways under their jurisdiction under the same conditions and with like effect as such marking or markings placed by the state road commission.

8.32 Administrative Civil Infractions

[8.32.010 Statement Of Intent](#)

[8.32.020 Acts Made Administrative Civil Infractions](#)

[8.32.030 Notice Of Administrative Civil Infraction](#)

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8.32.010 Statement Of Intent

The purpose of this Chapter is to decriminalize, where possible, certain violations of municipal law which have traditionally been regulated by the criminal laws. This is done to assist residents of the City of Payson, and others, by expediting the resolution of cases and to remove the social stigma attached to criminal actions. With the enactment of this Chapter, the City of Payson is acting, in part, pursuant to authorization found in Utah Code §§ 10-3-703 and 10-8-84. This Chapter is intended to address the constitutional issues set forth in 401 U.S. 395 (1971), and subsequent U.S. Supreme Court decisions.

8.32.020 Acts Made Administrative Civil Infractions

Civil Violations. The following acts are hereby declared to be administrative civil

infractions, unless otherwise specified:

- A. Violation of any of the parking regulations described in the Payson City Code;
- B. Violation of parking laws and regulations not inconsistent with these ordinances which are described in state statutes, including those benefiting disabled (handicapped) persons; and
- C. Violation of motor vehicle license plate and registration regulations when the motor vehicle is parked on public property.

8.32.030 Notice Of Administrative Civil Infraction

Any peace officer and any person trained and authorized by the Payson Police Department may issue a Notice of Administrative Civil Infraction (or Notice of Infraction) which notice shall contain the following information:

- A. The name and address of the person charged with the infraction;
- B. The infraction charged;
- C. The date and place of the infraction;
- D. If the infraction involved the use of a motor vehicle, the make of the vehicle and its license number; and
- E. Notice that the Notice of Infraction must be paid by a date certain or responded to by a date certain at the office of the Payson Police Department if the administrative civil infraction is to be contested.

8.32.040 Response To Notice Of Infraction

- A. Any person to whom a Notice of Infraction has been issued shall respond within fourteen (14) days thereof by:
 - 1. Paying the fee described in PCC 8.32.050; or
 - 2. Contesting the violation in the manner described in PCC 8.32.080.
- B. All payments must be received by the Payson Police Department within the times required by this Chapter. Fees may be paid by mail, but the risk of loss or delay of a payment shall be on the sender.

8.32.050 Fee For Infractions - Payment

- A. All fees, penalties, and interest related to civil infractions shall be paid to the Payson Police Department.

- B. The City Council shall by resolution establish the fees to be imposed for all administrative civil infractions. The City Council may also by resolution establish penalties for late payment and a rate of interest to accrue on fees that are not paid in a timely manner.

8.32.060 Contesting An Administrative Civil Infraction

A person charged with an administrative civil infraction may contest the same by delivering written notice of intent to contest to the Payson Police Department. The person contesting the infraction is responsible for providing a correct mailing address to the Payson Police Department.

8.32.070 Special Provisions Relating To Parking Regulations

If a Notice of Infraction relates to a parking regulation, the following rules shall apply:

- A. The Notice of Infraction may be issued by affixing it to the subject motor vehicle in a conspicuous place.
- B. Whenever a motor vehicle has been parked in violation of any parking regulation, the registered owner of the vehicle shall be responsible for such violation and liable for payment of the applicable fee.
- C. Any motor vehicle with respect to which three (3) or more Notices of Infraction within a one (1) year period beginning on the date of the first citation is in default and is hereby declared to be a public nuisance and the City of Payson may authorize said motor vehicle to be towed from the public streets at the expense and risk of the registered owner. The motor vehicle shall be held and not released until the unpaid fees, penalties, accrued interest and reasonable costs of towing and storage have been paid. Administrative civil infractions will be logged and tracked through the Payson Police Department reporting system, under the citation criteria.

8.32.080 Default

Any person who receives a Notice of Infraction shall be considered in default with respect to said infraction if the person:

- A. Fails to timely respond to the Notice of Infraction as outlined in PCC 8.32.040;
- B. Fails to provide a correct mailing address after filing a notice of intent to contest under PCC 8.32.060.

8.32.090 Criminal Violation

Notwithstanding any other provision herein to the contrary, it shall be a criminal

infraction, with exclusive original jurisdiction in the Payson City Justice Court:

- A. for a person to whom a Notice of Infraction has been issued and contests the violation under PCC 8.32.060;
- B. for a person to whom a Notice of Infraction has been issued to allow the subject action to go into default. A person who allows a Notice of Infraction to go into default shall be prosecuted for the underlying offense; or
- C. for a registered owner who fails or refuses to respond to a Notice of Infraction issued pursuant to PCC 8.32.030.

8.32.100 Civil Collection Actions

The City of Payson may pursue the collection of overdue and unpaid fees through any and all legal remedies available to the City.

8.36 Method Of Parking

[8.36.010 Standing Or Parking Close To Curb](#)

[8.36.020 Signs Or Markings Indicating Angle Parking](#)

[8.36.030 Obedience To Angle Parking Signs Or Markings](#)

[8.36.040 Permits For Loading Or Unloading At An Angle To The Curb](#)

[8.36.050 Lamps On Parked Vehicles](#)

8.36.010 Standing Or Parking Close To Curb

Except as otherwise provided in this ordinance, every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right-hand wheels of the vehicle parallel to and within eighteen inches of the right-hand curb.

8.36.020 Signs Or Markings Indicating Angle Parking

- A. The chief of police shall determine upon what streets angle parking shall be permitted and shall mark or sign such streets but such angle parking shall not be indicated upon any federal aid or state highway within this city unless the state road commission has determined by resolution or order entered in its minutes that the roadway is of sufficient width to permit angle parking without interfering with the free movement of traffic.
- B. Angle parking shall not be indicated or permitted at any place where passing traffic would thereby be cause or require to drive upon the left side of the street.

8.36.030 Obedience To Angle Parking Signs Or Markings

On those streets which have been signed or marked by the chief of police for angle parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

8.36.040 Permits For Loading Or Unloading At An Angle To The Curb

- A. The chief of police is authorized to issue special permits to permit the backing of a vehicle to the curb for the purpose of loading or unloading merchandise or materials subject to the terms and conditions of such permit. Such permit may be issued either to the owner or lessee of real property or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized therein.
- B. It shall be unlawful for any permittee or other person to violate any of the terms or conditions of any such permit.

8.36.050 Lamps On Parked Vehicles

- A. Whenever a vehicle is lawfully parked upon a street or highway during the hours between a half hour after sunset and a half hour before sunrise and in the even there is sufficient light to reveal any person or object within a distance of five hundred feet upon such street or highway no lights need be displayed upon such parked vehicle.
- B. Whenever a vehicle is parked or stopped upon a roadway or shoulder adjacent thereto, whether attended or unattended, during the hours between a half hour after sunset and a half hour before sunrise and there is not sufficient light to reveal any person or object within a distance of five hundred feet upon such highway, such vehicle so parked or stopped shall be equipped with one or more lamps meeting the following requirements: At least one lamp shall display a white or amber light visible from a distance of five hundred feet to the front of the vehicle, and this same lamp or at least one hundred feet to the rear of the vehicle, and the location of said lamp or lamps shall always be such that at least one lamp or combination of lamps meeting the requirements of this Section is installed as near as practicable to the provisions shall not apply to a motor-driven cycle.
- C. Any lighted head lamps upon a parked vehicle shall be depressed or dimmed.

8.40 Stopping, Standing, Or Parking Prohibited In Specified Places

[8.40.010 Stopping, Standing, Or Parking Prohibited--No Signs Required](#)

[8.40.020 Parking Not To Obstruct Traffic](#)

[8.40.030 All-Night Parking Prohibited](#)

[8.40.040 Parking For Certain Purposes Prohibited](#)

[8.40.050 Parking Adjacent To Schools](#)

[8.40.060 Parking Prohibited On Narrow Streets](#)

[8.40.070 Standing Or Parking On One-Way Streets](#)

[8.40.080 Standing Or Parking On One-Way Roadways](#)

[8.40.090 No Stopping, Standing Or Parking Near Hazardous Or Congested Places](#)

8.40.100 Illegally Parked Vehicles

8.40.010 Stopping, Standing, Or Parking Prohibited--No Signs Required

- A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic-control device, in any of the following places:
1. On a sidewalk;
 2. In front of a public or private driveway;
 3. Within an Intersection;
 4. Within five feet of a fire hydrant;
 5. On a crosswalk;
 6. Within twenty feet of a crosswalk at an intersection;
 7. Within thirty feet upon the approach to any flashing beacon, stop sign or traffic-control signal located at the side of a roadway;
 8. 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 the traffic division indicates a different length by signs or markings;
 9. Within fifty feet of the nearest rail or a railroad crossing;
 10. Within twenty feet of the driveway entrance of any fire station and seventy-five feet of said entrance when properly sign posted;
 11. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
 12. On the roadway side of any vehicle stopped or parked at the edge or curb of the street;
 13. Upon any bridge or other elevated structure upon a highway or within a highway tunnel;
 14. At any place where official signs prohibit stopping.
- B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.

8.40.020 Parking Not To Obstruct Traffic

No person shall park any vehicle upon a street or alley in such a manner or under such conditions as to leave available less than ten feet of width of the roadway or alley for free movement of vehicular traffic, and no person shall stop, stand, or park a vehicle in such

position as to block the driveway entrance to any abutting property.

8.40.030 All-Night Parking Prohibited

No Vehicle shall be parked in any Municipal Public Parking Lot between the hours of twelve p.m. and five a.m. of any day.

Permits may be obtained for Municipal Public Parking Lots, which are posted “No over-night parking except by permit, between the hours of twelve p.m. and five a.m. of any day.

Parking Permits may be purchased by property owners of legally existing non-conforming residential properties if said properties cannot physically accommodate legal on-site parking. Permits for residential over-night parking shall be purchased and renewed annually and shall be limited to a maximum of two permits per legally existing residential unit. The actual number of permits per unit will be determined by considering, the number of existing off-street stalls and any physical space available for additional off-street parking stalls. Permit fees shall be set by council resolution. Other permit conditions may be required administratively if deemed necessary to minimize negative impacts.

Government vehicles are permitted in all municipal public parking lots.

8.40.040 Parking For Certain Purposes Prohibited

It shall be a class C misdemeanor for the owner of a motor vehicle, camper, trailer, boat, or other type of vehicle 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 motor vehicles, campers, trailers, boats, or other vehicles at that location. It shall be a class C misdemeanor for the owner or lessee of such property to allow another person to park a motor vehicle, camper, trailer, boat or other vehicle on the property for the purpose of displaying it for sale unless such owner or lessee has a city business license to engage in the business of selling such merchandise at that location.

8.40.050 Parking Adjacent To Schools

- A. The chief of police is hereby authorized to erect signs indicating no parking upon either or both sides of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.
- B. When official signs are erected indicating no parking upon either side of the street adjacent to any school property as authorized herein, no person shall park a vehicle in any such designated place.

8.40.060 Parking Prohibited On Narrow Streets

- A. The chief of police is hereby authorized to erect signs indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs when the width of the roadway does not exceed thirty feet.
- B. When official signs prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle upon any such street in violation of any such sign.

8.40.070 Standing Or Parking On One-Way Streets

The chief of police is authorized to erect signs upon the left hand side of any one-way street to prohibit the standing or parking of vehicles, and when such signs are in place, no person shall stand or park a vehicle upon such left-hand side in violation of any such sign.

8.40.080 Standing Or Parking On One-Way Roadways

In the event a street includes two or more separate roadways in traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking. The chief of police is authorized to determine when standing or parking may be permitted upon the left-hand side of any such one-way roadway and to erect signs giving notice thereof.

8.40.090 No Stopping, Standing Or Parking Near Hazardous Or Congested Places

- A. The chief of police is hereby authorized to determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- B. When official signs are erected at hazardous or congested places as authorized herein no person shall stop, stand or park a vehicle in any such designated place.

8.40.100 Illegally Parked Vehicles

- A. **Towing and Impoundment.** The following vehicles, together with or in addition to any other vehicles parked in violation of any provision of this Title or the laws of the state, are declared to be nuisances:
 - 1. Any unattended vehicle stopped, standing or parked in violation of any of the provisions of this Title;
 - 2. A vehicle found upon the streets or alleys of the city with faulty or defective equipment;

3. A vehicle left unattended upon any bridge, viaduct or at any subway where such vehicle constitutes an obstruction to traffic;
4. Any vehicle upon a street so disabled as to constitute an obstruction to traffic and the person in charge of the vehicle is by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
5. 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; or emergency construction projects.
6. Any vehicle continuously parked upon any public street or right-of-way for seventy-two (72) hours.
7. Any vehicle the driver of which has been taken into custody by the police department under such circumstances as would leave the vehicle unattended in a street, alley or restricted parking area;
8. Any vehicle found being driven on the streets not in a proper condition to be driven;
9. Any vehicle found so parked as to constitute a fire hazard or an obstruction to fire-fighting apparatus.
10. Any vehicle parked on a public street that is unlicensed, unregistered, or uninsured.

B. It shall be illegal for any camp trailer, mobile home, semi-trailer, utility trailer, or any other type trailer which is not capable of self-propulsion, but which in some manner must be towed or pulled to remain upon any public street or right-of-way for a period of time in excess of twenty-four (24) hours.

8.44 Stopping For Loading Or Unloading Only

[8.44.010 Chief Of Police To Designate Curb Loading Zones](#)

[8.44.020 Permits For Curb Loading Zones](#)

[8.44.030 Standing In Passenger Curb Loading Zone](#)

[8.44.040 Standing In Freight Curb Loading Zone](#)

[8.44.050 Chief Of Police To Designate Public Carrier Stops And Stands](#)

[8.44.060 Stopping, Standing, Or Parking Of Buses And Taxicabs Regulated](#)

[8.44.070 Restricted Use Of Bus And Taxicab Stands](#)

8.44.010 Chief Of Police To Designate Curb Loading Zones

The chief of police is hereby authorized to determine the location of passenger and freight curb loading zones and shall place and maintain appropriate signs indicating the same and stating the hours during which the provisions of this Chapter are applicable.

8.44.020 Permits For Curb Loading Zones

The chief of Police shall not hereafter designate or stop any curb loading zone upon special request of any person unless such person makes application for a permit of such zone and for two signs to indicate the ends of each such zone. The chief of police upon granting a permit and issuing such signs shall collect from the applicant and deposit in the city treasury a service fee of ten dollars per year or fraction thereof and may by general regulations impose conditions upon the use of such signs and for reimbursement of the city for the value thereof in the event of their loss or damage and their return in the event of misuse or upon expiration of permit. Every such permit shall expire at the end of one year.

8.44.030 Standing In Passenger Curb Loading Zone

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 a 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.

8.44.040 Standing In Freight Curb Loading Zone

No person shall stop, stand or park a vehicle for any purpose or length of time other than for the expeditious unloading and delivery or pick-up and loading 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. In no case shall the stop for loading and unloading of materials exceed thirty minutes.

8.44.050 Chief Of Police To Designate Public Carrier Stops And Stands

The chief of police is hereby authorized and required to establish bus stops, bus stands, taxicab stands and stands for other passenger common-carrier motor vehicles on such public streets in such places and in such number as he shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs.

8.44.060 Stopping, Standing, Or Parking Of Buses And Taxicabs Regulated

- A. The operator of a bus shall not stand or park such vehicle upon any street at any place other than a bus stand so designated as provided herein.
- B. The operator of a bus shall not stop such vehicle upon any place for the purpose of loading or unloading passengers or their baggage other than at a bus stop, bus stand or passenger loading zone so designated as provided herein, except in case of an emergency.
- C. The operator of a bus shall enter a bus stop, bus stand or passenger loading zone on a public street in such a manner that the bus when stopped to load or

unload passengers or baggage shall be in a position with the right front wheel of such vehicle not further than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

- D. The operator of a taxicab shall not stand so designated as provided herein. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

8.44.070 Restricted Use Of Bus And Taxicab Stands

No person shall stop, stand or park a vehicle other than a bus in a bus stop or other than a taxicab in a taxicab stand when any such stop or stand has been officially designated and appropriately signed, except that the driver of a passenger vehicle may temporarily stop therein for the purpose of and when actually engaged in loading or unloading passengers when such stopping does not interfere with any bus or taxicab waiting to enter or about to enter such zone.

8.48 Penalties And Procedure On Arrest

8.48.010 Penalties

8.48.020 Citation On Illegally Parked Vehicle

8.48.030 Failure To Comply With Traffic Citation Attached To Parked Vehicle

8.48.040 Authority To Impound Vehicles

8.48.010 Penalties

- A. It is an infraction for any person to violate any of the provisions of this Title, unless such violation is by this Title or other law of this city declared to be a misdemeanor.
- B. Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this Title shall be punished by a fine and/or imprisonment in the Utah County Jail.

8.48.020 Citation On Illegally Parked Vehicle

Whenever any motor vehicle without driver is found parked or stopped in violation of any of the restrictions imposed by ordinance of this city or by state law, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation, on a form provided by the city, for the driver to answer to the charge against him within five days during the hours and at a place specified in the citation.

8.48.030 Failure To Comply With Traffic Citation Attached To Parked Vehicle

If a violator of the restrictions on stopping, standing, or parking under the traffic laws or ordinances does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the justice court or the traffic violations bureau shall send to the owner of the motor vehicle to which the traffic citation was affixed, a letter informing him of the violation and warning him that in the event such letter is disregarded for a period of five days a warrant of arrest will be issued.

8.48.040 Authority To Impound Vehicles

- A. Members of the police department are hereby authorized to remove a vehicle from a street or highway to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or otherwise maintained by this city under the circumstances hereinafter enumerated.
 - 1. When any vehicle is left unattended upon any bridge, viaduct, or causeway, or in any tunnel where such vehicle constitutes an obstruction to traffic.
 - 2. When a vehicle upon a highway is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
 - 3. When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic.

- B. Whenever an officer removes a vehicle from a street as authorized in this Section and the officer knows or is able to ascertain from the registration records in the vehicle the name and address of the owner thereof, such officer shall immediately give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefore and the place to which such vehicle has been removed. In the event any such vehicle is stored in a public garage a copy of such notice shall be given to the proprietor of such garage.

- C. Whenever an officer removes a vehicle from a street under this Section and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three days, then and in that event the officer shall immediately send or cause to be sent a written report of such removal by mail to the state department whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time, and place from which removed, the reasons for such removal, and the name of the garage or place

where the vehicle is stored.

Title 9 Fire Regulations

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(amended 12-10-85 & 5-7-86, repealed and reenacted 8-18-99, amended 3-27-03, amended 06-16-10)

9.04.010 Adoption Of International Fire Code

That a certain document, of which is on file in the office of the Payson City Recorder's Office, being marked and designated as the International Fire Code, including Appendix Chapters B. C. D, II. I & J (see International Fire Code 101.2.1, 2009 edition), as published by the International Code Council, be and is hereby adopted as the code of the Payson City for regulating and governing the safeguarding of life and property from

fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices. and from conditions hazardous to life or property in the occupancy of buildings and premises in the Payson City and providing for the issuance of permits for hazardous uses or operations: and each and all of the regulations, provisions, conditions and terms of such International Fire Code, 2009 edition, published by the International Code Council, on file in the office of the City Recorder are hereby referred to, adopted and made a part hereof as if fully set out in this ordinance.

9.04.020 Establishment Of Fire Department, Composition Of Department, Appointment Of Chief

- A. There is hereby established a Fire Department pursuant to Utah Code § 10-8-55, for the purpose of enforcing the International Fire Codes procure fire engines, hooks, ladders, buckets, hose and other apparatus, organize fire engine and hook and ladder companies, prescribe duties, rules and regulations for the City of Payson, as set forth by the city council by resolution.
- B. The Payson City Fire Department shall be under the supervision of the Fire Chief, who shall be an appointed position according to PCC 2.08.200. It shall be the duty of the Fire Chief to supervise, manage, operate, and maintain the fire department in accordance with the provisions of the Payson City Code and any other rules and regulations adopted by the City Council, The Fire Chief shall act as Fire Marshal until the Fire Marshal position is filled and after the position is filled, when the Fire Marshal is not available.

9.04.030 Establishment And Duties Of Bureau Of Fire Prevention

- A. The International Fire Code as adopted and amended herein shall be enforced by the bureau of fire prevention in the fire department of Payson City which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- B. The Fire Marshal In charge of the bureau of fire prevention shall be hired pursuant to Payson City Personnel Policy and shall be operated under the supervision of the Fire Chief.

9.04.040 Definitions: International Fire Code

- A. Wherever the word JURISDICTION is used in the International Fire Code, it is Payson City. Utah.

FIRE MARSHAL is the chief of the bureau of fire prevention.

FIRE DEPARTMENT or BUREAU OF FIRE PREVENTION means the Payson

City fire department;

HAZARDOUS MATERIALS RELEASE 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.

EXPENSES means all costs incurred for the response, containment and/or removal and disposal of hazardous materials on initial remedial action. It includes, but is not necessarily limited to, the actual labor costs of government and other personnel including workers compensation benefits, fringe benefits, administrative overhead, and any costs of equipment, equipment operation, materials, disposal and any contract labor or materials.

9.04.050 Establishment Of Limits Of Districts In Which Storage Of Flammable Or Combustible Liquids In Outside Aboveground Tanks Is Prohibited

The limits referred to in Section 3404.2.9.6.1 and 3406.2.4.4 of the International Fire Code in which the storage of flammable or combustible liquids is restricted are hereby established as follows:

The storage of flammable or combustible liquids is prohibited in all residential zones except R-I-A. Quantities in a residential setting shall not exceed amount necessary for maintenance and operation of equipment. Containers less than 60 gallons are allowed with approved storage. Containers greater than 60 gallons require a permit.

9.04.060 Establishment Of Limits In Which Storage Of Liquefied Petroleum Gases Is Prohibited

The limits referred to in Section 3804.2 of the International Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows:

The storage of liquefied petroleum gas is prohibited in all zones. In residential zones, containers less than 125 gallons are allowed with approved storage. Containers greater than 125 gallons require a permit. Containers greater than 500 gallons are not allowed in residential zones.

9.04.070 Establishment Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents Is To Be Prohibited

The limits referred to in Section 3301.2.3 of the International Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows:

The storage of explosive and blasting agents is prohibited in all zones except the general and central commercial and the professional office zone.

9.04.080 Establishment Of Limits Of Districts In Which The Storage Of Stationary Tanks Of Flammable Cryogenic Fluids Are To Be Prohibited

The limits referred to in Section 3204.3.1 of the International Fire Code in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as follows:

The storage of flammable cryogenic fluids in stationary containers is prohibited in all residential zones.

9.04.090 Establishment Of Limits Of Districts In Which The Storage Of Hazardous Materials Is To Be Prohibited Or Limited

The limits referred to in Section 2701.1 of the International Fire Code in which the storage of hazardous materials is prohibited or limited is hereby established as follows:

The storage of hazardous materials is prohibited in all residential zones.

9.04.100 Amendments To The International Fire Code

The International Fire Code is amended and changed in the following respects:

- A. 104.9.3 Automatic Fire Sprinklers may be used as an alternate to modifications, alternate materials, and methods
- B. Subsection 503, "Required Access", is amended by adding the following text to the end of the subsection:

feet four (4) inches thick. The top of the concrete

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No source of access from land adjoining a property to be developed shall be considered unless there is obtained the irrevocable and unobstructed right to use the same.

- C. Subsection 503.4 "Obstruction of Fire Apparatus Access Roads", is amended by adding subsections 503.4.1, 503.4.2 and 503.4.3 as follows:

503.4.1 No owner or lessee of the land, or proprietor, partner, officer, director, manager, or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise allow, and no person shall cause any activity, practice, or condition to occur or exist, or continue to exist, upon said land which shall lessen, obstruct, or impair the access required to be maintained by this Code.

503.4.2 If, in the judgment of the Chief, it is necessary to prohibit vehicle parking

along private access ways in order to keep them clear and unobstructed, he may require the owner, lessee, or other person in charge of the premises to paint the curbs red, install signs, or give other appropriate notice to the effect that parking is prohibited by the Fire Department. It shall, thereafter, be unlawful for such owner, lessee, or other person in charge to fail to install and maintain in good condition the form of notice prescribed. When such areas are marked or signed, as provided herein, no person shall park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign.

503.4.3 Any vehicle stopped, standing, or parked so as to obstruct any fire apparatus access road or posted fire lane is hereby declared to be a nuisance. Any vehicle declared to be a nuisance by the provisions of this ordinance may be summarily abated by removing such vehicle by or under the direction or at the request of the Fire Chief, Fire Marshal, Firefighter, or a police officer of the City to a place of storage within the City by means of towing or otherwise.

- D. Subsection 508.2, "Type of Water Supply", is amended by adding subsections 508.2.1 as follows:

508.2.1 Fire hydrants are to be installed so that the sidewalk flange is a minimum of two (2) inches above the finished grade or sidewalk. The distance from the center of the outlets to the finished grade shall be no less than 18 inches.

508.2.2 Concrete pads. Each fire hydrant shall have a concrete pad measuring six (6) feet by six (6) feet. The pad shall be at the bury line or lower. The measurement from the caps to the concrete must be 18 inches or more. Post Indicator Valves (PIV) require one (1) foot by one (1) foot concrete pad to protect PIV and electrical.

- E. Subsection 505, "Premises Identification", is amended by adding subsection 505.1.2 as follows:

505.1.2 Construction indemnification. An approved sign shall be posted on all buildings, which have a lightweight roof construction, The sign shall be a letter "T", six inches high, constructed of a reflective material. The sign shall be posted on the front door area of the building, at least four feet from the ground.

505.1.3 Residential Backlighting. All house address numbers shall be illuminated or lit in order for emergency personnel to locate the appropriate address. The sign shall be a letter "T", at least six (6) inches in height minimum. Numbers must be posted by the front door area, garage door area, or area approved by the Fire Chief.

505.1.4 Flag lots are required to have a lit address at the access or driveway entrance to the city road. The sign shall be a letter "T". at least six (6) inches in height minimum.

9.04.110 Fire/Hazardous Materials Emergency Expense Recovery

A. Recovery Authorization And Procedure. This City is hereby empowered to recover expenses from any person whose intentional or negligent act caused the City and or assisting agencies to incur any expenses directly associated with responding to an intentionally or negligently caused fire/hazardous materials emergency, regardless of whether or not such person actually caused the fire/hazardous materials emergency. These expenses shall be collected as follows:

1. The City shall investigate and determine the person or entity responsible for causing or creating the hazardous materials release and notify the responsible party in person or by mail of the City's determination of responsibility and the amount of costs and expenses incurred by the City of Payson to be recovered in responding to the hazardous materials release
2. The notice shall specify that the determined responsible party may appeal the City's determination, in writing, to the City Manager, who may designate a hearing officer to hear the appeal.
3. Any appeal must be filed, in writing, with the City Manager not more than fifteen (15) days from the date the notice was received by the determined responsible party.
4. In the event the determined responsible party appeals the determination, the hearing officer shall hold a hearing to consider any issues raised by the appeal. Both the appealing party and the City shall be entitled to present evidence in support of their respective positions to the hearing officer.
5. Following the hearing, the hearing officer shall make a recommendation to the City Manager, who shall issue a final decision assessing responsibility and expenses.

B. Payment Does Not Admit 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.

C. Action To Recover Expenses.

1. Subsequent to a final decision of the City Manager, pursuant to this Section, and upon certification of expenses by the Fire Chief to the City Manager, the City Manager may authorize the City Treasurer to recover the expenses directly associated with responding to a fire/hazardous materials emergency from those persons determined by the City Manager to have directly or indirectly caused the emergency expenses.

2. In the event the person(s) determined to be responsible for the payment of intentional or negligently caused fire/hazardous materials emergency expenses fail(s) to make payment to the City and/or assisting agencies within thirty (30) days after a determination of any appeal to the City Manager, or thirty (30) days from the deadline for appeal in the event no appeal is filed, the City and/or assisting agency may initiate legal action to recover from the determined responsible person(s) the expenses determined to be owing including the reasonable attorney's fees and costs of such recovery.

D. PCC 8.16: Expenses Of Other Responding Entities.

1. In the event that personnel and equipment from other political subdivisions, agencies or cooperative entities shall respond to assist with the hazardous materials release, then Payson City shall recover costs and expenses included by such other political subdivisions, agencies or cooperative entities as part of Payson City cost recovery efforts.
2. Upon recovery of costs and expenses from the responsible party, Payson City is authorized to reimburse such other political subdivisions, agencies or cooperative entities for their actual costs incurred in responding to the hazardous materials release.

9.04.120 Appeals

Whenever the Fire Marshal rejects an application or refuses 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 Fire Marshal to the Board of Appeals within 30 days from the date of the decision of the Fire Marshal.

9.04.130 New Materials, Processes Or Occupancies Which May Require Permits

The Fire Marshal shall determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the International Fire Code.

9.04.140 Penalties

- A. Any person who violates any of the provisions of the International Fire Code as adopted and amended herein or fails to comply therewith, or who violates or fails to comply with any order made there under, or who builds in violation of any detailed statement of specifications or plans submitted and approved there under, or any certificate or permit issued there under, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the required

time, shall severally for each and every such violation and noncompliance, respectively, be guilty of a class B misdemeanor, punishable by a fine of not more than \$1,000.00 or by imprisonment for not more than six (6) months or by both such fine and imprisonment. 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 day that prohibited conditions are maintained shall constitute a separate offense.

- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

9.04.150 Repeal Of Conflicting Ordinances

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the International Fire Code as adopted and amended herein are hereby repealed.

9.04.160 Validity

The City Council hereby declares that should any section, paragraph, sentence or word of this ordinance or of the International Fire Code as adopted and amended herein be declared for any reason to be invalid, it is the intent of Payson City that it would have passed all other portions of this ordinance independent of the elimination here from of any such portion as may be declared invalid.

9.04.170 Fees

The fees and charges which may be imposed under the provisions of this Chapter shall be as determined and established by resolution by the City Council from time to time and on file in the office of the City Recorder.

9.04.180 Payson City Fire Department Level Of Service Standard

- A. **Emergency Response Time.** The PCFD has established the acceptable emergency response time as eight (8) minutes or less within Payson City. An acceptable response time to larger scale development may actually be less, as determined by the PCFD. (It must be realized that prevailing weather conditions, general topography, geographical diversities, and unusual traffic conditions may inhibit district response times at any time of year.)
- B. **Level Of Service.**
 - 1. In order to comply with an acceptable level of service standard, a developer may be required to provide appropriate fire protection infrastructure, including facilities, apparatus, and equipment for the PCFD to comply with the appropriate level of service standard. In addition,

approved fire sprinkler and suppression systems may be required by Payson City Fire Department in conjunction with other appropriate mitigation measures, which must be approved by the PCFD, to comply with the required level of service standard.

2. All new homes that are required to have automatic sprinkler protection shall comply with the National Fire Protection Association (N.F.P.A.) 13D requirements, modified as follows:
 - a. Provide fire sprinklers in all living areas, garages, and mechanical (furnace) rooms.
 - b. Sprinklers may be omitted from attic or crawl spaces not used for storage (except over attic mounted furnaces, showers, and under overhead garage doors).
 - c. An exposure hazard is based on low foliage within 20 feet and trees in excess of 20 feet high within 100 feet of the building.
 - d. Sprinkler covered decks and walkways greater than 4 feet wide as exposure hazards with quick response heads spaced 10 feet on center.
 - e. Eaves of structure to be protected with heads 10 feet on center where exposure hazard is present.
 - f. Attic vents shall be protected when an exposure is present.
 - g. The system calculations shall be based on a minimum of four flowing quick-response sprinklers hydraulically calculated to provide flows in accordance with manufacture specifications for the sprinklers. Calculations shall be based on 80% of the available flow at the base of the riser.
 - h. The use of anti-freeze loop systems is allowed when an acceptable back-flow prevention assembly is provided. Using either an approved expansion tank or relief valve shall relieve anti-freeze loops, Drilled clapper valves are not permitted.
 - i. An Inspector's Test Valve is required upstream of the anti-freeze loop check valve.
 - j. Automatic sprinkler systems shall be provided with an indicating control valve accessible to the fire department,
 - k. A reduction in required fire flow of up to 75 percent, as approved, is allowed when the building is provided with an approved automatic fire extinguishing system in accordance with 903 of the International Fire Code and when an adequate vegetation clearance in accordance with PCC 9.08.030 (vegetation) is maintained. Fire flow shall be determined by the Fire Chief, but in

no case may be reduced to less than one thousand hundred (1000) gallons per minute.

- I. Approval of any system shall be based on a final inspection and receipt of a hydrostatic and flushing certificates conducted by the installer.

9.04.190 Fire Protection

A. **Site Plan.** Where buildings are to be used for residential, industrial, commercial, Multi-family, or mixed commercial/residential purposes, building and site plans must be approved by the Fire Chief prior to issuance of the building permit.

B. **Gates.**

1. The location of all posts for gates on private driveways and roads will be four feet wider than the approved road width. All gates shall be located at least fifteen (15) feet from the right-of-way as approved by PCFD and shall open inward, allowing a vehicle to stop while not approved by PCFD will be located on the exterior side of the gate to provide for emergency equipment access to the property through the gate. If gates are electronic they must have an emergency release so that PCFD has the ability to easily disable the gate or provide back up power supply,

C. **Fire Control Room.** The location of the fire control room shall be approved by the Fire Marshal. All buildings with a fire sprinkler system shall provide a fire control room which provides access from the outside of the building to the fire sprinkler riser. Emergency lighting, remote fire alarm panel, heater, and other items deemed necessary by the Fire Marshal shall be located inside the room.

9.08 Urban/Wildland Interface Regulations

[9.08.010 Administration](#)

[9.08.020 Development In Wildfire Hazard Areas](#)

[9.08.030 Vegetation](#)

[9.08.040 Water Supply](#)

[9.08.050 Fire Hydrants](#)

[9.08.060 Structural Design And Construction](#)

[9.08.070 Roads](#)

[9.08.080 Location Of Urban/Wildland Interface Area](#)

9.08.010 Administration

In addition to International Fire Code, the following shall be required in designated

urban/wildland areas as described in PCC 9.08.080.

A. Definitions.

ASPECT. The dominant cardinal direction that a lands surface faces.

AUTOMATIC FIRE EXTINGUISHING SYSTEM. Is an approved system of devices and equipment, which automatically detects a fire and discharges an approved fire-extinguishing agent onto or in the area of the fire.

CLASSIFICATION OF ROOF COVERINGS. Whenever the term "Classification of Roof Covering" is used it shall be held to refer to the classification of a covering established by the Inter-national Building Code 1507 (IBC). The two classifications of roof coverings allowed in the Urban/Wildland Interface are as follows:

1. Class A. These roof coverings are effective against severe fire exposures, Under such exposures, roof coverings of this class are not readily flammable, afford a fairly high degree of fire protection to the roof deck, do not slip from position and pose no flying brand hazard.
2. Class B. These roof coverings are effective against moderate fire exposures. Under such exposures, roof coverings of this class are not readily flammable, afford a moderate degree of fire protection to the roof deck, do not slip from position and pose no flying brand hazard.

CLUSTER. Is used to refer to developments of not less than five separate contiguous building lots or sites, Each cluster shall be so designed as to provide that each building site within the cluster shall contain a location for a single-family structure, which meets the standards of the IBC.

CONSTRUCTION. For use in this Section, CONSTRUCTION means the erection, building, enlargement, alteration, repairing or moving of a structure. This term also applies to the wiring, piping, heating, cooling, ventilation, refrigeration, sanitation or transportation of fixtures and equipment therein, as well as to the excavation, filling or paving of land,

CUL-DE-SAC. Road designed to remain permanently closed at one end, terminated by a vehicular turnaround. **Defensible Space.** Is an area either natural or manmade, where material capable of allowing a fire spread unchecked has been treated, cleared or modified to slow the rate and intensity of an advancing wildfire and to create an area for fire suppression operations to occur.

DEVELOPMENT. The Term DEVELOPMENT shall be construed to include any manmade change to improved or unimproved real estate, including but not limited to paving, excavation, drilling operations, storage of equipment or

materials, or landscaping.

DRIVEWAY. Is a vehicular ingress and egress route that serves no more than two buildings or structures, not including accessory structures, or more than five structure units.

FIRE FLOW. Continuous, uninterrupted supply of water for fire suppression over and above the quantity needed for normal maximum domestic demands.

FIRE-RESISTANT VEGETATION. Plants such as grasses, shrubs, forbs, and trees that do not readily ignite and burn when subjected to fire because of the inherent physiological characteristics of the species such as heat contents chemical composition, moisture content, fuel arrangement. and fuel loading.

FUEL. Vegetation, debris, or other substances that will support combustion.

FUEL BREAKS. A change in fuel continuity, type of fuel, or degree of flammability of fuel in a strategically located parcel or strip of land to reduce or hinder the rate of fire spread.

ISLAND. Grouping of native brush and/or trees from five to ten plants within the grouping. Not to exceed 30 feet at the longest axis separated from other islands by at least fifty (50) feet Trees within the island will have the lower branches pruned up to four feet above the ground with domestic grasses, domestic flowers or bare ground as the only allowed ground cover. Island will have a minimum of thirty (30) feet to nearest inhabitable structure and twenty (20) feet to uninhabitable structures.

SMALL ISLAND. Grouping of native brush and/or trees from one to five plants within the grouping. Not to exceed twenty (20) feet at the longest axis separated from other islands by at least 30 feet Trees within the island will have the lower branches pruned up to four feet above the ground with domestic grasses, domestic flowers or bare ground as the only allowed ground cover. Small Islands will have a minimum of twenty (20) feet to nearest inhabitable and uninhabitable structure.

URBAN/WILDLAND INTERFACE. Any area where development and heavily forested or brush land remaining in a relatively natural state meet. Specifically, the land, which meets these criteria, is identified in PCC 9.08.080.

B. Permits.

1. **Requirement.** Section 105 of the International Fire Code, which provides for the issuance of permits. No new building or structure shall commence construction nor be occupied until a Fire Safety Permit has been issued by the Fire Chief stating the conditions under which the building has been

approved in accordance with the provisions of this ordinance. All requests or applications for a building permit within the Urban/Wildland Interface area shall be deemed to be a concurrent request for a Fire Safety Permit providing certification by the Fire Chief that the provisions of this ordinance are being met.

2. **Conditions of permits.** No building permit for sites within the Urban/Wildland Interface area shall be issued until a fire Safety Permit is approved and issued by the Fire Chief. All construction and use of the premises shall be in accord with such conditions as may be attached to the Fire Safety Permit,

C. **Practical Difficulties.** The Fire Chief may authorize or reject alternative standards to any of the provisions of this code upon application in writing by the owner, lessee or a duly authorized representative. Where there are practical difficulties in the way of carrying out of the provisions of this code. provided that the spirit of the code shall be complied with, public safety secured and substantial justice done, A notice of authorization or rejection of any proposed alternative standard shall be made in writing to the person making the application.

D. **Appeals.**

1. Section 108 of the International Fire Code set forth the process for appeals.
2. Any appeals shall be filed no later than thirty (30) days from the date of the decision appealed.

E. **Enforcement.**

1. Section 106 of the International Fire Code set forth the inspection and enforcement.
2. The Fire Chief or his designee may conduct inspections to determine compliance with this ordinance at the time of building permit inspections or at the request of the owner of the property, The Fire Chief or designee may also conduct inspections based on the request of other property owner, lessee, City official or employee who has reasonable cause to believe that a potential fire hazard exists in violation of the provisions Of this ordinance.
3. The Fire Chief or his designee will publish periodic notices to remind residents of the provisions of this ordinance and will make available information on the provisions of the ordinance, as well as guidance on fire-resistant vegetation and suitable landscaping.
4. Nothing in this ordinance may be construed to prevent enforcement under

the provisions of the current edition of the International Fire Code as adopted by Payson City and the State of Utah.

9.08.020 Development In Wildfire Hazard Areas

A. Hazard Severity Scale.

- 1. All proposed new development within the Urban/Interface or Sensitive Lands within Payson City will be analyzed and rated on wildfire risks using the Fire Hazard Severity Scale developed by the State of Utah, Division of Forestry, Fire, and State Lands (Table 1). All of these factors can vary from development to development. The composite score will categorize the hazard level of the proposed development as moderate, high or extreme (Table 2). Once a proposed development has been classified as to its hazard level, development standards for each level can be used by Payson City and the Payson City Fire Department for fire protection and wildfire prevention measures. This rating will be submitted to Fire Chief with the Sketch Plan or in conjunction with a Specially Planned Area Plan application, as required by the Fire Chief or as otherwise required in the processing of development permits for any proposed development. The rating scale is based on five separate factors:
 - a. **Slope.** Displayed in percent; calculated by measuring the vertical distance and horizontal distance for a given area: and dividing the vertical by the horizontal.
 - b. **Aspect.** The dominant cardinal direction that a lands surface faces.
 - c. **Weather.** Measured by number of critical fire weather days per year for a given area.
 - d. **Fire Department Response Time.** Measured in minutes it takes the nearest responsible fire agency to respond to a fire in a given area.
 - e. **Type of Vegetation.** Categorized by fuel types. Rates of spread, resistance to control, and potential to cause structural damage are the criteria for rating severity.
 - f. **Vegetation Density** Considered the total combustible vegetation, which may be available as a fuel for wildfire.

Table 1

WILDFIRE HAZARD SEVERITY SCALE					

Rating	Slope	Aspect	Weather	FDRT	Vegetation
2	20	E	3	30	Pinyon-Juniper
3	30	Level	5	45	Grass & Sagebrush Hardwoods
4	45	w	7	60	Mountain Brush
5	260	S	29	602	Softwoods

Table 2

WILDFIRE HAZARD CLASSIFICATION TABLE		
Rating	Hazard	Classification
5 to 11	Moderate	
12 to 18	High	
19 to 25	Extreme	3

B. Compliance.

1. Certification of compliance with adopted service levels and standards of the Payson City Fire Department, including the payment of fees, shall occur prior to final approval of any development.

C. Plat Note Required.

1. Each final development plat for a development in an area designated Urban/Interface on the Land Use Plan Maps or zoned Sensitive Land (SL) shall include the following note on the plat. A Conditional Use or Low Impact Permit issued for development in these areas shall include, as a condition of approval, the requirement that the applicant acknowledge in writing ("Memorandum of Understanding") the following:

The property owner acknowledges that he/she is building in a location that is far removed from the primary Payson City service areas. As such, the property is on notice that there is limited access, infrastructure, and public services in the area. Some services, which include, but are not limited, to garbage collection and school bus service may not be provided or may be required to locate in certain areas. Emergency response times may be longer than it is in more accessible areas and access by emergency vehicles may be impossible at times due to snow and road conditions. The owner understands and acknowledges that there may be infrastructure in these remote locations that does not meet adopted City

infrastructure standards. It is the intention of Payson City to attempt to continue to provide the existing variety, scale, and frequency of public services and infrastructure for all existing and new development in these remote areas of Payson City. It is not the intention of Payson City to increase the variety, scale and frequency of public services and infrastructure or to provide urban levels of service and infrastructure in these areas. By this notice, the property owner assumes the risk of occupancy as outlined above and is hereby provided notice that there are no anticipated changes in the levels of service of infrastructure by Payson City, nor does the property owner expect changes beyond those identified herein.

9.08.030 Vegetation

A. Fuel Breaks.

1. Hazardous fuels in the form of native vegetation will be cleared around structures and around the perimeter of the development to assist in wildfire prevention measures. This fuel break is not intended as complete vegetation clearing firebreak. Fuel breaks must be in place prior to occupancy of the structure,
2. Fuel breaks consist and shall be maintained as follows:
 - a. Annual grasses within 30 feet of structures shall be mowed to 4 inches or less.
 - b. Ground litter shall be removed annually:
 - c. Over mature, dead, and dying trees shall be evaluated as to the potential to ignite and carry fire. The applicant may be required to remove such vegetation,
3. Fuel breaks may contain individual tree specimens, ornamental plants, or other similar vegetation used as ground cover, provided they will not provide a means of transmitting wildfire from native vegetation to structures.
4. Fire resistive vegetation will be planted in fuel break areas to prevent undue soil erosion.
5. Steep terrain, cleared or leveled slopes will be stabilized immediately following construction. Developers and lot owners may be required to construct retaining walls, water bars, check dams, terraces, or other forms of physical means of soil erosion control. The final plat will need to indicate a maintained fuel break easement dedicated for the benefit of Payson City Fire Department and will be shown around the perimeter of

the development. Fuel breaks must be maintained by the landowners and shall be included in the project Condition Covenants and Regulations (CC&R's) and Development Agreement (DA) and monitored by the respective Homeowner's Association and Payson City Fire Department. The CC&R's or DA for the development will include enforcement measures and maintenance requirements for the Homeowner's Association to budget for and provide fuel break maintenance services around the perimeter of the development boundary.

6. The following chart identifies fuel break clearing limits around structures and development perimeters based on the wildfire hazard rating:

Tv c	Moderate	Hi h	Extreme
Structures	30 Feet	50 Feet	100 Feet
Development Perimeters	None	75 Feet	100 Feet

B. Vegetation Manipulation.

1. **Notification.** The Payson Fire Chief shall be notified, in writing, and a site plan submitted for approval before development or construction of any structure commences so that vegetation can be evaluated and clearance around structure(s) can be determined.
2. **Minimum Requirements.** Notwithstanding Sections 503.5, 603.6, and 603.8.3 of the International Fire Code and unless otherwise specified by the Fire Chief, minimum vegetation clearance will be as follows:
3. **Clusters.** Each cluster shall be located to provide a firebreak of a width of 100 feet or more, depending on topography and fuels, constructed around the development. This area shall be free of all dead and downed material. Nature trees within the break shall be pruned up to a minimum of six (6) feet above the ground so that no limbs are contiguous with ground fuels. The remaining ground vegetation shall be trimmed not to exceed six (6) inches in height.
4. **Structures.** Vegetation shall be cleared and maintained to a maximum of four (4) inches in height within thirty (30) feet of the structure and a maximum of eighteen (18) inches front thirty (30) to fifty (50) feet, Areas beyond fifty (50) feet shall be determined by the Fire Chief.
5. **Trees.** Trees within fifty (50) feet of a structure shall comply with the following:
 - a. Canopies shall be a minimum of ten (10) feet apart.
 - b. Canopies shall not be permitted to extend within ten (10) feet for

under eaves, decks, or balconies or chimney openings.

- c. Trees within fifty (50) feet of a structure shall be pruned to a height of ten (10) feet above the ground, trees less than thirty five (35) feet in height shall have the lower half pruned.
 - d. All trees within fifty (50) feet of a structure shall be kept free of dead or dying materials.
 - e. Trees must be at least twenty (20) feet away from structures (measured at the base), or at least thirty (30) feet from other vegetation, non-deciduous shrubs and native brush: exceptions will be islands and small islands. Islands will have a minimum separation of thirty (30) feet from trees and structures and small islands will have a minimum separation of twenty (20) feet from trees and structures. Trees will have the lower branches pruned up to four (4) feet above the ground and grasses will be maintained by paragraph B,6.
6. **Native Brush.** Native species, such as scrub oak and other indigenous vegetation, may not be within fifty (50) feet of any structures unless such vegetation is grouped into islands not more than thirty (30) feet on their longest axis. Such islands must be kept free of any dead vegetative material in accordance with paragraph B,5 above and must be at least 30 feet from other trees, shrubs or brush unless protected by an automated sprinkler system. Islands must be at least thirty (30) feet from any structures or ten (10) feet if served by an automatic sprinkler system approved by the Fire Chief or designee. Native grasses must be removed, replaced with fire resistant species or maintained at a height not to exceed six (6) inches unless protected by an automatic sprinkler system,
7. **Shrubs.** Shrubs may be used for ornamental plantings against the walls or foundations of structures if an automatic sprinkler or other irrigation system is installed, maintained, and approved by the Fire Chief.
8. **Dead Vegetative Material.** All dead vegetative material shall be removed and remain clear within fifty (50) feet of any structure.
9. **Propane Fuel Tanks.** Notwithstanding Section 3807.3 of the International Fire Code, ground vegetation around tanks shall be maintained no higher than 4 inches for a minimum of ten (10) foot radius. Trees and brush shall be trimmed maintaining a minimum of three (3) feet above the propane tank.
10. **Fire Hydrants.** Notwithstanding Section 507.5.4 of the International Fire Code, vegetation or other obstructions shall be maintained below four (4) inches in height. Clearance shall be provided three (3) feet on both sides of the hydrant and extend to the roadway.

11. **Disposal Of Flammable Vegetation And Fuels.** Disposal, including chipping, burying, or removal to an approved landfill shall be completed prior to final inspection of a building permit. Open burning of these materials is prohibited.

C. Recreational Fires.

1. Notwithstanding Section 307 of the International Fire Code, recreational open fires shall be located a minimum of twenty five (25) feet from a structure of combustible material unless contained in an approved barbecue pit located a minimum of twenty five (25) feet for combustible foliage, walls, or roofs. An opening in the overhead canopy shall be provided to prevent the pyrolysis of the foliage.
2. The pile of fuel to be burned in the fire area for recreational fires shall not be larger than 3' in diameter and 2' high.
3. A garden hose connected to a water supply or other approved fire-extinguishing equipment shall be readily available for use at recreational fires.
4. Recreational fires are required to be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment. The attendant shall supervise the burning material until the fire has been extinguished.

9.08.040 Water Supply

A. **Clustering Of Homes.** Clustering of homes should be considered and may be beneficial in rural and lower density developments. Clustering allows for reduced infrastructure of roads, driveways and water and sanitary sewer systems when compared with sprawl developments. Clustering may promote the visual integrity of development as viewed from within the development. The construction of a central community water system is encouraged to provide more effective water resources in case of wildfire. If clustering of homes is not achievable in rural developments, individual wells, storage tanks and fire suppression systems for each individual lot may be reviewed and considered by the PCFD. Water supply and water infrastructure shall be in place and serviceable prior to any combustible construction Begins.

B. Community System To Serve All Lots With A Central System.

1. **Fire Hydrants.** Fire hydrants will be installed in accordance with Payson Fire Department requirements. Fire hydrant spacing will be a maximum of five hundred (500) feet between hydrants, except in minor development where the restriction shall be a maximum of one hundred fifty (150) feet from any structure but no less than fifty (50) feet from the structure unless

otherwise approved by PCFD.

2. **Fire Flow Requirements.** The fire flow requirement for rural residential development of five or more building lots or structures will be a minimum of one thousand (1000) gallons per Minute.

C. Water Storage.

1. Water storage is required for any building lot or structure that is not connected to the Payson City Water Distribution System, Furthermore, water storage will be required for any areas that PCFD believes are a high risk fire area or where water distribution may not be adequate.
2. Water storage for Fire Fighting Use, Water storage will be provided to support the required minimum fire flows of:
 - a. Up to 3,600 square feet residential need 1,000 gallons per minute for duration of two hours.
 - b. Up to 3,600 square feet all others need 1,500 gallons per minute for duration of two hours.
 - c. 3,600 to 4,800 square feet need 1,750 gallons per minute for duration of two hours.
 - d. 4,801 to 6,200 square feet need 2,000 gallons per minute for duration of two hours.
 - e. 6,201 to 7,700 square feet need 2,250 gallons per minute for duration of two hours.
 - f. This requirement is in addition to domestic water use that is figured for daily use. The largest home will be used to determine fire flow requirements for development.

D. Water Source.

1. Indoor sources may be required if utilities are not connected to Payson City services or if the Fire Chief determines it is needed. Source(s) must be capable of providing 800 G.P.D./equivalent residential connections for indoor use. The water supplier must possess, and provide to Payson City, documentation granting legal right to the required amount of water.
2. Water Supply to Lots. The water service line shall be at least 1 1/2 inches in diameter to provide adequate flow and pressure to satisfy fire sprinkler demands.
3. Water Line Burial, Water lines shall be buried a minimum of four (4) feet deep unless elevation dictates deeper burial.

E. Individual Water Systems On Each Lot.

1. **Water Storage.** All structures may be required to have a water storage system for fire fighting purposes. Water storage to be within a tank(s) as dictated by NFPA 22, as water reserves, exclusive of storage for domestic, irrigation and fire sprinkler system use. The amount or required water storage is based upon the useable floor area of the structure, including attached garages. The amount of required water storage is 5,000 gallons of water storage for every 2,000 square feet of useable floor area, or fraction there of.
2. **Water Source.** An exterior fire suppression dry standpipe system will be designed and constructed at the time of home construction to provide PCFD the ability to use the water storage for external fires.
3. **Dry Hydrants/Draft Site.** The dry hydrant/draft site will be provided at all individual water systems intended for fire protection use. The design, construction, location, access and access maintenance of the dry hydrant/draft site must be approved by PCFD. The dry hydrant/draft site must have emergency vehicle access designed and constructed in accordance with Section 509 of the IFC. The dry hydrant/draft site must be clearly identified in a manner approved by the PCFD to identify the location and to prevent obstruction by parking and other obstructions. The dry hydrant/draft site is also subject to periodic tests such that the system is operative at all times.

F. Water Systems.

1. Central or community water systems shall include appropriately located fire hydrants and be capable of generating adequate flows to meet the Insurance Service Office Fire System Grading Standards, American Water Works Association, Payson City Standards, and International Fire Code. The minimum fire flow shall be at least one thousand (1000) gallons per minute for a period of two hours or as required by the Payson City Fire Department.

9.08.050 Fire Hydrants

A. Standards.

1. Each fire hydrant shall be installed in accordance with the recommendations of the Payson Fire Chief and Payson City Development Standards.
2. Fire hydrants, water line sizes, water storage for fire protection, and minimum flow for fire protection shall be determined by using the standards Appendix B of the Internal Fire Code and the Insurance

Services Office which are known as the Fire System Grading Standards. In no case shall minimum fire flow be less than one thousand gallons per minute for a period of two (2) hours, unless otherwise permitted herein.

9.08.060 Structural Design And Construction

A. Roof.

1. The materials used on a pitched roof shall compliment the building design and encourage compatibility with the surrounding environment. The color of materials on a flat roof shall blend with the color of surrounding vegetation. Primary and closely related colors are not permitted.
2. The following materials are prohibited on any roof:
 - a. Reflective materials. The color and slope of metal roofs shall be carefully considered since steeper slopes may increase reflectivity.
 - b. Roof Colors. Any bright colored or highly visible material.
 - c. Roof materials. Roof materials on any structure shall be constructed with the minimum of U.L. listed Class A fire rated roofing materials. Examples may include asphalt shingles, tile roofing material, metal roofing material, sheet iron, and other appropriate materials, provided, however, roofing materials on any structure unit in a Mountain/Remote area designated on the Land Use Plan Map or any area containing a high or extreme wildfire hazard rating shall have a roofing material that carries the minimum of a U.L. listed Class A fire rating. Development CC&R's shall reflect the type of building materials required for use and specifies materials that are prohibited.
 - d. Roof coverings. Non-combustible roof coverings are required on all new structures. Roof coverings shall be constructed of UL listed Class A materials in accordance with Section 1507 of the International Building Code. No wood roof coverings are permitted in the Urban Interface area. When one-half or more of existing non-conforming roof coverings need replacement, the entire roof shall be brought into compliance with this Title.

B. Vents, Overhangs, And Stilt Construction.

1. **Vents.** Vents shall be screened with a corrosion resistant, noncombustible wire mesh with the mesh not to exceed nominal 1/4 inch in size.

2. **Combustible Projections.** Combustible projections 10" or more and wood decks shall be protected as follows:
 - a. Materials specified in (iv) or 4 applied on the underside of the exposed edge or in the case of a deck, constructing a wall around this perimeter using the aforementioned materials, or;
 - b. The use of heavy timber in compliance with the provisions of the code, or;
 - c. An approved outside sprinkler system on the underside of the projection or deck.

3. **Stilt Construction.** Stilts supporting structures shall be constructed of noncombustible Materials. The underside of decks and structures with stilt foundations shall be enclosed with noncombustible or fire rated materials.

C. Exterior Vertical Walls. Exterior vertical walls shall be constructed of:

1. Concrete masonry, or.
2. Brick veneer not less than three (3) inches in thickness, or;
3. Cement plaster in compliance with the exterior finish requirements of the International Building Code, or,
4. Any non-combustible material meeting the intent of this code and approved by the Fire chief and Building Official.
5. Combustible log cabins are permitted but shall be constructed of a minimum eight (8) inch diameter logs.

D. Glazed Openings. All glazed openings that face concentrations of vegetative fuels within thirty (30) feet of the openings shall be provided with closeable. solid exterior shutters. Double pane or safety glass shall be used on down-slope windows.

E. Chimney And Flues.

1. **Chimneys and Stovepipes.** Any solid or liquid fuel-burning appliance must have spark arresters or screens equipped on stovepipes and chimney outlets.
2. **Outlet Screen.** Every chimney. flue, or vent shall be provided with an approved spark arrester consisting of 12-gauge welded or woven wire mesh not exceeding h inch.
3. **Construction.** In accordance with 603.6, of the International Fire Code, chimney outlets shall be constructed with at least ten (10) feet clearance

from all vegetation and obstructions.

F. Screening.

1. In areas designated Mountain/Remote or in any area with a high or extreme wildfire hazard rating, the exterior openings from the roof, attic, eaves, and floor areas will be screened to reduce the chance of flying embers entering a structure.

9.08.070 Roads

A. Access.

1. All developments in the Urban/Wildland Interface area shall have more than one access route, which provides simultaneous access for emergency equipment and civilian evacuation. The design of access routes shall take into consideration traffic circulation and provide for looping of roads as required to ensure at least two access points. Looped roads with a single access are not allowed.
2. Exceptions. Where terrain features or other physical obstacles make provision of a second access impractical, a single access may be approved by the Fire Chief.
3. Specifications. All roads shall conform to the Payson City Development Code.
4. Clearance of Brush and Vegetation from Roadways. The Fire Chief is authorized to require areas within 10 feet on each side of the portions of fire apparatus roads and driveways to be cleared of non fire-resistive vegetation growth.

B. Addresses Specifications. Notwithstanding Section 503.3 of the International Fire Code and PCC 9.04.100, each premise must have approved numbers or addresses, a minimum of 6 inches in size placed in such a position as to be plainly visible, backlit, and legible from the road fronting the property. Numbers shall contrast with their background. Numbers and their positions shall be suited for visibility in all seasons.

C. Grades. Road Infrastructure Design. See Payson City Design Guidelines and Standards.

D. Driveways.

1. The maximum grade of any driveway shall not exceed ten (10) percent. The minimum width of any driveway shall be twelve (12) feet. Twelve (12) percent grades may be allowed for short distances not to exceed two hundred fifty (250) feet when approved by PCFD. Where possible,

driveways shall parallel the slope to lessen site impact. Driveways must also conform to the requirements of Payson City Design Guidelines and Standards.

2. A driveway may provide access to one or more structure units, but not more than five (5) structures.
3. All driveways, whether or not locked, must provide a PCFD approved turn-around for emergency vehicles where the driveway meets the building pad, and every 200 feet when longer driveways occur.
4. Driveways in excess of two hundred (200) feet and less than twenty (20) feet wide must provide turnout(s). Driveway turnouts must be an all weather road surface, ten (10) feet wide and thirty (30) feet long. Driveway turnouts to be located as required by PCFD. A turnout shall be designed and constructed at a minimum every four hundred (400) feet along the driveway length.
5. Notwithstanding Section 503.4 of the International Fire Code, all driveways shall provide a minimum unobstructed width of twelve (12) feet (excluding shoulders) and minimum unobstructed vertical clearance of thirteen (13) feet six (6) inches.
6. Turnarounds are required on driveways. If a hammerhead/ "T" are used, the top of the "T" shall be a minimum of sixty (60) feet in length and shall be within fifty (50) feet of the building or structure.

E. Cul-De-Sac.

1. The maximum length of a cul-de-sac on a rural designated road shall be as follows, unless other lengths are approved by PCFD. The length of these cul-de-sacs shall be based on the wildfire hazard rating of the surrounding area.

Wildfire Hazard Rating	Maximum Length
Moderate	1,200 Feet
High	900 Feet
Extreme	500 Feet

2. Public roads having a cul-de-sac shall not be less than one hundred twenty (120) feet in diameter, unless otherwise approved by the Fire Chief.
3. A hammerhead cul-de-sac design may be allowed in certain instances.
4. All cul-de-sacs must include signage indicating that the road is a dead

end road within 50 feet of the outlet. In addition. Two signs will be placed on the connecting road indicating that the "Next Turn is a Dead End Road."

F. Road Base Specifications.

1. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Chief.
2. All roads shall include compacted road base, covered with either concrete or asphalt material, with the exception of emergency access roads, which may be compacted gravel or road base. Roads must meet all applicable Payson City design standards.
3. All road surfaces must be capable of providing all-weather year-round access.

G. Traffic Control And Street Signs.

1. All roads will have designated road names and signs shall be installed at each major road intersection. All lots and/or home sites will be visibly signed with street addresses and numbered as such or at the beginning of the driveway. Emergency access roads shall be clearly identified.
2. All roads shall be named or numbered in accord with the City's addressing system and road identification signs shall be installed in accordance with City standards and specifications. All permitted structures for residential, commercial and industrial uses shall post addresses prior to occupancy.

H. Obstructions.

1. **Obstructions On Private Roads.** Notwithstanding Section 503.4 of the International Fire Code, at the time of design of the development, it shall be the responsibility of the Homeowner's Associations to designate snow storage. The Homeowner's Associations shall maintain private roads clear of ice, snow and other obstructions the full width of the minimum required width to allow for two-way traffic and access of emergency vehicles at all times.

9.08.080 Location Of Urban/Wildland Interface Area

A. Urban/Wildland Interface Area. 500 Feet

1. The territory included within the Urban/Wildland Interface Area, to which the terms of this title shall apply to all areas above the Strawberry Highline Canal or in any other part of Payson City where the Fire Chief

deems it necessary.

9.12 Automatic Fire Sprinklers

9.12.010 Automatic Fire Sprinklers Regulations

9.12.010 Automatic Fire Sprinklers Regulations

The Payson City Fire Department, hereby finds and determines that under certain conditions, an automatic fire sprinkler system shall be installed in structures built in accordance with the requirements of the International Residential Code, as adopted in the State of Utah Construction Code when any of the following sections apply.

- A. The structure is located in an urban-wildland interface area as provided in;
 - 1. The Utah Wildland Urban Interface Code adopted as a construction code under the State Construction Code; and does not meet the requirements described in Utah Code § 65A-8-203(3)(a) and Utah Administrative Code, R652-122-200, Minimum Standards for Wildland Fire Ordinance,
 - 2. PCC 9.08 Urban/Wildland Interface Regulations.
- B. The structure is in an area where a public water distribution system with fire hydrants does not exist as required in Utah Administrative Code, R309-550-5, Water Main Design and appendix B of the International Fire Code.
- C. The only fire apparatus access road has a grade greater than 10% for more than 500 continual feet.
- D. The water supply to the structure does not provide at least 500 gallons fire flow per minute for a minimum of 30 minutes, if the total square foot living space of the structure is equal to or less than 5,000 square feet.
- E. The water supply to the structure does not provide at least 750 gallons per minute fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 5,000 square feet, but is equal to or less than 10,000 square feet.
- F. The water supply to the structure does not provide at least 1,000 gallons per minute fire flow for a minimum of 30 minutes, if the total square foot living space exceeds 10,000 square feet. Fire Sprinklers may be used as an alternate to modifications, alternate materials, and methods in one and two single family dwellings or any other building covered in the International Residential Code.

Title 10 Building And Construction

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10.04 Department Of Building Safety

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10.04.010 Creation Of Department Of Building Safety

There is hereby created a department of Building Safety to be under the supervision of the Building Official. The Building Official shall be under the direction of the Development Services Director.

10.04.020 Definitions: Department Of Building Safety

Where undefined terms are used, the definitions of Webster's Unabridged Dictionary shall apply. In addition thereto, all words and phrases defined in this Title shall be given such defined meanings wherever used in PCC 10, including the following:

BUILDING OFFICIAL means and refers to the director of the Department of Building Safety, or designee.

DEPARTMENT means and refers to the Department of Building Safety.

10.04.030 Application Of Provisions

This Title applies to the construction, alteration, moving, demolition, repair and use of any building or structure and the equipment therein within the jurisdiction of Payson City, including portable dwellings, modular structures, mobile homes, trailers, and mobile home parks.

10.04.040 Technical Construction Codes Adoption

This Title provides for the adoption, administration, and enforcement of the technical construction codes. Referenced technical codes bear a legal influence over details of the design, construction, alteration, occupancy, use, repair and maintenance of buildings, structures, and certain equipment therein. Each of the referenced technical codes provides minimum standards and practical safeguards and provisions against threats to life, limb, health, safety, property, and public welfare. Wherever in these codes reference is made to appendix, the provisions of the appendix shall apply.

10.04.050 Equipment Installation Specifications

This Title establishes minimum requirements for the installation and maintenance of electrical conductors, fittings, devices and fixtures, herein referred to as "electrical equipment," the installation and maintenance of plumbing, heating, cooling, ventilation and refrigeration systems, the installation and maintenance of fuel piping and energy-using equipment, fire protection or fire prevention piping within the corporate limits of the City, and to provide for the enforcement thereof.

10.04.060 Resolution Of Conflicting Provisions

Wherever conflicting provisions or requirements occur, the most restrictive provisions or requirements shall govern.

10.04.070 Liability Limitations

Nothing in this Title shall be construed to relieve or lessen the responsibility of any contractor, owner, or any other persons involved for apparatus, construction or equipment installed by or for them, for damages to anyone injured or damaged either in person or property by any defect therein, nor shall the City or any employee thereof be held to assume any liability by reason of the inspections authorized herein, or the certificate of occupancy issued by the Building Official.

10.08 Duties Of Department Of Building Safety

10.08.010 Duties Of Department

10.08.020 Building Official

10.08.030 Collection Of Fees

10.08.010 Duties Of Department

PCC 10 shall establish the duties of the Department of Building Safety. The functions of the department shall be:

- A. To enforce the zoning laws of Payson City and to inspect, or cause to be inspected, all buildings and structures erected, or proposed be erected in the City.

- B. To carry out, enforce and perform all duties, provisions and mandates designated, made and set forth in the ordinances of the city concerning zoning, building, plumbing, electrical and mechanical construction, and repair.
- C. To examine and approve all plans and specifications before permits shall be issued, and to execute all permits, certificates and notices required to be issued.
- D. To verify that all applicants have a valid contractor's license or are exempt under this Title.
- E. To verify that all structures meet the minimum requirements of this Title.
- F. To perform all of the functions and have all of the powers required of and conferred on the Building Official by the ordinances of the City.

10.08.020 Building Official

- A. **Building Official-Employment.** The City Manager with the consent of the City Council, and in coordination with the Development Services Director shall employ a qualified Building Official, construction official, housing official, zoning enforcement officer, plans examiner, inspector, and such other assistants and clerks as the exigencies of the work of the division may from time to time require, at such compensation and for such periods of time as recommended by the City Manager and approved by the City Council.
- B. **Building Official-Powers And Duties.** The Building Official shall maintain public office hours necessary to efficiently administer the provisions of this Title and related ordinances and amendments thereto, and shall perform the following duties:
 - 1. Issue permits to properly licensed contractors and persons, firms or corporations for work to be done within the scope of this Title as regulated under Utah Code 58-56 (1953 as amended).
 - 2. Administer and enforce the provisions of this Title in a manner consistent with the intent thereof, and inspect all work authorized by any permit, to assure compliance with provisions of this Title or amendments thereto, approving or condemning such work in whole or in part, as conditions require.
 - 3. Issue a certificate of approval or certificate of occupancy for all work approved.
 - 4. Condemn and reject all work done or being done, or materials used or being used that do not in all respects comply with the provisions of this Title and amendments thereto.
 - 5. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this Title.

6. Investigate any construction or work regulated by this Title and issue such notice and orders that are necessary to prevent or to correct dangerous or unsanitary conditions.
7. Recommend revocation of licenses to the State Department of Business Regulation for cause.
8. Authorize any utility to make necessary connections for power, water or gas to all applicants for such power, water, or gas in the City, when the installation and all facets of the construction or remodel project conform to this Title.
9. Administer and enforce the provisions of PCC 13, Zoning Ordinance.

- C. **Delegation Of Authority.** The Building Official may delegate any of his/her powers to a construction official, housing official, plans examiner, inspectors and assistants, who shall enforce the provisions of this Title.
- D. **Utility Disconnection Authority.** The Building Official shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures or equipment therein regulated by this Title, in cases of emergency or where necessary for safety to life and property. The utility service shall be discontinued until the equipment, appliances, devices, piping or wiring found to be defective, or deceptively installed, are removed or restored to a safe condition.
- E. **Deviation From Regulations.** Where conditions are extremely adverse to full compliance with the regulations of this Title, the Building Official may grant special permission in writing to deviate from the regulations, provided that in judgment of the Building Official such deviation does not create an unsanitary or unsafe condition, and further provided the request for deviation is submitted for approval in writing in advance of the construction or installation.
- F. **Books, Papers And Equipment.** The City shall provide such instruments, books, papers and equipment as shall be necessary for the proper performance of the duties of the members of the department. The Building Official shall have charge and control of the books, instruments, papers and equipment used and employed in the department, and shall deliver the same to his/her successor in office.
- G. **Liability, Limitations.** The Building Official, or designee, when acting for the city in good faith and without malice in discharge of their duties, shall not be rendered liable personally, and the Building Official is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of such duties.
- H. **Right Of Entry For Inspection.** The Building Official, or designee, shall have the right of entry, within reasonable hours, to any building or premises for the

purpose of inspection, or to investigate any work or conditions governed by this Title.

- I. **Conflict Of Interest Prohibited.** The Building Official, or designee, shall not in any way engage in the sale or installation of equipment or supplies upon which they are required to make inspection under this Title.

10.08.030 Collection Of Fees

The Building Department of Payson City will assess connection fees and impact fees for municipal services at the time of the issuance of a building permit. The collection of fees shall be consistent with the adopted fee resolution of Payson City. Connection to any City utility shall be consistent with the Design Guidelines and Standard Specifications of Payson City.

10.12 Board Of Appeals

10.12.010 Board Of Appeals Created

10.12.020 Membership And Appointment

10.12.010 Board Of Appeals Created

- A. **General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Title, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex-officio member of and shall act as secretary to said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.
- B. **Limitations Of Authority.** The Board of Appeals shall have no authority relative to interpretation of the administrative provisions of this Title nor shall the Board be empowered to waive requirements of this Title.

10.12.020 Membership And Appointment

Members of the Board shall be appointed by the Mayor and confirmed by the City Council, and shall hold office for five years. The Building Official shall be an ex-officio member of the Board, and shall act as secretary. The Chair of the Board will be elected by the members each year.

10.16 Supplemental Regulations

10.16.010 Work Requiring Permit

10.16.020 Exempt Work Designated

[10.16.030 Application - Form And Filing](#)
[10.16.040 Plans And Specifications](#)
[10.16.050 Construction Inspection](#)
[10.16.060 Information, Plans And Specifications](#)
[10.16.070 Application Review, Permit Issuance](#)
[10.16.080 Temporary Certificates Of Occupancy](#)
[10.16.090 Working Without A Permit](#)
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[10.16.170 Cleanup, Public Rights-Of-Way](#)
[10.16.180 Waiver Or Deferral Of Permit Fees](#)
[10.16.190 Utility Easements](#)
[10.16.200 Sanitation Facilities](#)
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10.16.010 Work Requiring Permit

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, structure or premises, or make any installation, alteration to improvement to the electrical, plumbing or mechanical system in a building, structure or premises, or cause the same to be done, without first obtaining the prescribed permits for each such building or structure or premises from the Building Official.

10.16.020 Exempt Work Designated

A building permit shall not be required for the following:

- A. Structures exempted by Section 106.2 of the International Building Code or its successor;
- B. The replacement of existing switches and receptacles and the installation of not more than one outlet or switch;
- C. The replacement of faucets, plumbing fixtures, traps, and trap arms as long as the waste lines are not altered.

10.16.030 Application - Form And Filing

To obtain a permit, the applicant shall first file an application in writing, on a form furnished for that purpose.

10.16.040 Plans And Specifications

Two sets of plans, engineering calculations, diagrams and other data shall be submitted with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require any applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even not required by the law. Submittals shall include construction inspection requirements as defined in Section 302 (c).

Exception. The Building Official may waive the submission of plans, calculations, construction requirements and other data if it is found that the nature of the work applied is such that reviewing plans is not necessary to obtain compliance with this Title.

10.16.050 Construction Inspection

The engineer or architect responsible for the structural design work shall include in the construction documents the following:

- A. Special inspections required by Chapter 17 of the International Building Code.
- B. Other structural inspections required by the engineer or architect in responsible charge of the structural design work.

10.16.060 Information, Plans And Specifications

Plans and specifications shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this Title and all relevant laws, ordinances, rules and regulations of this Title and state and local laws.

10.16.070 Application Review, Permit Issuance

The application, plans, and data filed by an applicant for a building permit shall be reviewed by the Building Official. The application may be reviewed by other government agencies or departments to check compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for a building permit and the plans filed therewith conform to the requirements of this Title and other pertinent ordinances and laws and that the required fees have been paid, the Building Official shall issue a permit to the applicant. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Title. The holder of this permit shall proceed at his or her own risk without assurance that the permit for the entire building or structure will be

granted.

- A. **Issued To Licensed Contractors Only.** It is unlawful to issue a permit to any person other than a contractor duly licensed to do business by the State Department of Business Regulation, except those exempted under Utah State Law.
- B. **Effect Of Issuance.** The issuance of a permit or approval of plans and other data shall not be construed to be a permit for an approval of any violation of any of the provisions of this Title. The issuance of this permit based upon plans and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and data or from stopping building operations being carried on thereunder when in violation of this Title or any other ordinance.

10.16.080 Temporary Certificates Of Occupancy

When a temporary certificate of occupancy is applied for and issued pursuant to the provisions of the International Building Code, a \$500.00 cash guarantee may be required at the discretion of the Building Inspector to be held by the City until a permanent certificate of occupancy is issued.

10.16.090 Working Without A Permit

- A. **Fee Increase.** Whenever any construction or work for which a permit is required by this Title is started or commenced without obtaining the prescribed permit, the fees required by this Title may be increased by the Building Official up to double fee, but the payment of such increased fees shall not relieve any persons from fully complying with the requirements of this Title in the execution of the work nor from any other penalties prescribed herein.
- B. **Exception: Emergency Work.** This provision shall not apply to emergency work when it shall be proved to the satisfaction of the Building Official that such work was urgently necessary and that it was not practical to obtain a permit therefore before the commencement of the work. In all cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining a permit, a double fee, as herein provided, may be charged.

10.16.100 Denial Of Permit

The Building Official may refuse to issue any permit for work governed by this Title to any person who has a permit revoked in accordance with this Title, or during such time as such person fails to comply with any provisions of this Title.

10.16.110 Expiration And Renewal

Every permit issued by the Building Official under the provisions of this Title shall expire

by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, the permit shall first be renewed by the Building Official and the fee shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans or scope of such work, and provided no changes have occurred relative to other municipal regulations impacting the use, size, yard, space or other requirements concerning the proposed structure or development. Whenever a construction permit is taken out in order to resolve the violation(s) specified in a notice and order, the expiration date for the permit shall coincide with the time limit for resolution of the violation(s) contained in the notice and order.

10.16.120 Permits Non-Transferable

When any work regulated by this Title is not completed by the permittee under the permit issued for the work and the work in question is added to or completed by one or more contractors, each contractor shall procure a permit to cover the work performed.

10.16.130 Suspension Or Revocation

The Building Official may, in writing, suspend or revoke a permit issued under provisions of this Title whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any of the provisions of this Title or in violation of state law.

- A. **Hearing On Denial Or Revocation Of Permit.** Any person adversely affected by the action of the Building Official in accordance with the preceding sections may appeal to the Board of Appeals and examiners for a hearing upon such revocation or denial.

10.16.140 Inspection Of Work

- A. All construction, work, and equipment for which a permit is required shall be subject to inspections by the Building Official. The Building Official may make or require any inspection of any construction work to ascertain compliance with the provisions of this Title and other laws that are enforced by the department.
- B. No construction, work or equipment regulated by this Title shall be connected to any energy, fuel or power supply or water system or sewer system until authorized by the Building Official.
- C. A survey of any lot may be required by the Building Official to verify compliance of structure with approved plans.
- D. The Building Official shall not be liable for any expense entailed in the removal

or replacement of any material required to allow an inspection.

- E. **Approvals Required For Ongoing Construction.** No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the Building Official. Such written approval shall be given only after an inspection has been made of each successive step in the construction as indicated by each of the inspections required by the Building Official.
- F. **Requests For Inspections.** The Building Official may require that every request for an inspection be filed at least twenty-four (24) hours before such inspection is desired. All inspection requests shall be made when the work for which the inspection is requested is complete and ready for inspection. Such request may be in writing or by telephone. It shall be the duty of the person requesting any inspections required by this Title to provide access to and means for proper inspection of such work. The Building Official shall post a notice twenty-four (24) hours in advance as conditions will permit, when the Building Official is unable to perform inspections because of other duties, holidays, vacations, or similar causes. The provisions of this Section do not relieve the owner or contractor from complying with PCC 5.16.160.
- G. **Inspection Record Card.** Work requiring a permit shall not be commenced until the permit holder, or authorized agent, has posted an inspection record card in a conspicuous place on the front of the premises, or on an electrical service panel, and in such position as to allow the Building Official conveniently to make the required entries thereon regarding inspection of this work. This card shall be maintained in such position by the permit holder until the building or structure is completed and ready for occupancy.

10.16.150 Final Inspection, Certificate Of Occupancy

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. A final inspection approval may, upon notice, be revoked by the Building Official if the Building Official finds that any construction, work or equipment fails in any respect to comply with the requirements of this Title, or that the installation is unsafe, dangerous, or a hazard to life or property. A certificate of occupancy shall be issued as specified in the adopted International Building Code for all occupancies.

10.16.160 Re-Inspection And Fees

A re-inspection fee may be assessed:

- A. When the approved plans are not readily available to the inspector.
- B. For failure to provide access on the date for which the inspection is requested.
- C. For deviating from plans requiring the approval of the Building Official.

- D. When corrections have not been made as noted on a previous inspection.
- E. When work for which the inspection is requested is not ready for inspection or required tests have not been provided.

In instances where re-inspection fees have been assessed or re-inspection is necessary, no additional inspection of the work will be performed until the required fees have been paid and the permittee calls for a re-inspection. The re-inspection charge shall be in accordance with the International Building Code as adopted by the State of Utah for each additional inspection required.

10.16.170 Cleanup, Public Rights-Of-Way

- A. Each permit holder shall be responsible to see that vehicles used in the process of carrying out the work authorized by the permit shall not track any mud, dirt or debris of any kind upon any streets or sidewalks within the corporate limits of Payson City Corporation unless a permit has been obtained from the street superintendent for use of a designated portion of the right-of-way with provisions made to keep that portion of the right-a-way and adjacent areas cleared of mud, dirt or debris of any kind. The permittee shall install a suitable process to clean the wheels of the equipment prior to its leaving the job site and entering the streets of Payson City Corporation.
- B. All trucks and equipment leaving the site with earthen materials or loose debris shall be loaded and/or covered in such a manner as to prevent dropping of materials on city streets or sidewalks.
- C. Ramps constructed over curbs and gutters shall not interfere with or block passage of water along the gutter and shall be constructed of asphalt material that will not erode or deteriorate under adverse weather conditions.
- D. The permit holder shall install erosion and water runoff controls sufficient to insure that no storm water, surface water, sediments or debris from the construction site shall drain or wash or be tracked into any public right-of-way or other adjacent properties, including curb and gutter, unless permission has been granted through the erosion control plan. These controls shall be sufficient to cover any contingency, including but not limited to seasonal storms, unseasonable storms, or methods of construction. The Building Official or the City Engineer may require, when deemed necessary, an erosion control plan to be submitted for approval. Such plan may be required any time during construction and must be submitted within five days of the request. The Building Official or the City Engineer may suspend all work until the plan requested is approved. The permit holder will maintain all erosion control facilities throughout the life of the construction project. The Building Official or the City Engineer will monitor their effectiveness after storms and make the necessary adjustments to ensure they function correctly.

- E. The curb, gutter, and sidewalk shall not be used for storage of debris, dirt or excavated materials. In addition, the sidewalks shall not be removed, blocked or otherwise rendered unusable by either the storage of construction equipment or materials or the construction procedures used, unless a safe, usable alternate walkway along the same side of the street is provided by the contractor unless a permit has been issued by the city streets Department. All alternate walkways shall be rammed in accordance with handicap ramp requirements and so constructed as to provide an all-weather walking surface four feet wide as sound and smooth as the normal concrete sidewalk and in compliance with Title 44 of the building code.
- F. The permit holder shall be responsible for the immediate removal of mud, dirt or debris deposited on city streets, curb, gutter and sidewalks by equipment leaving the site or by the permit holder's construction procedures. Any curb, gutter or sidewalks that are broken shall be replaced before an occupancy permit is issued or final inspection approved.
- G. If it becomes necessary for the city street crews to remove any mud, dirt, or debris which has been deposited upon a street or sidewalk of Payson City Corporation, the total cost to the city of such removal will be charged to the property owner or contractor (permit holder), including legal fees, if any. Payment of such charges will be made to the city prior to certification of final inspections, utility clearances, and issuance of a certificate of occupancy.
- H. The Building Official or City Engineer is empowered to suspend a permit until the permit holder installs necessary cleaning equipment or erosion control facilities to ensure that no dust or debris is deposited upon the streets and sidewalks of Payson City Corporation. Such device shall operate in a manner satisfactory to the Building Official or the City Engineer.
- I. Each permit holder shall be responsible to see that all construction sites are kept free of construction waste that would be subject to being blown onto adjoining properties.
- J. All construction waste shall be removed from the property and disposed of in an approved manner.

10.16.180 Waiver Or Deferral Of Permit Fees

Nonprofit organizations may petition the city for the waiver or deferral of any or all fees required by this Title on an annual or project - by - project basis as provided below.

- A. Petitions shall be filed with the Building Official.
- B. Waivers less than five hundred (500) dollars may be granted by the City Manager.
- C. Waivers over five hundred dollars and City Manager denials of waivers less than

five hundred (500) dollars shall be heard informally before the City Council.

- D. The City Council and the City Manager may grant the waiver or deferral if it finds that the project or projects, and the sponsoring nonprofit organization furthers the City's established low income housing goals to provide housing for persons or families under eighty percent of the City's median income, as defined by the United States Department of Housing and Urban Development, and also meets an applicable guidelines established for any such programs by the United States Department of Housing and Urban Development. The City Council and City Manager waivers for remodeling or construction of offices for nonprofit housing corporations may be granted if it finds that such remodeling or construction will save the corporation money and that such savings will be applied to a specific housing project.
- E. The City Council and City Manager may not grant a waiver or deferral to any organization that owns, operates, manages or is related by common ownership or management to any such organization which owns, operates or manages buildings for which existing notices of code violations have not been cured.

Qualified multi-family apartment projects may apply to, and receive from the Building Official an abatement of the normal building permit fee. In order for the Building Official to approve the discount, the applicant must submit necessary documentation in order for the Building Official to certify that the apartment project qualifies under the following criteria:

- A. The project is owned and/or operated as a bona fide organization for providing housing for senior citizens;
- B. The project operators and/or property owners stipulate that all units shall be occupied by persons over age sixty-two.

10.16.190 Utility Easements

No permit for new construction or for remodeling with a valuation of \$20,000 or more shall be issued unless a five (5) foot utility easement along all property lines has been recorded with the County Recorder's office.

No permit shall be issued for any structure that will encroach upon a recorded easement unless permission from the easement holder is submitted in writing to the Building Official.

10.16.200 Sanitation Facilities

Provisions for a water closet, chemical toilet, or other approved facility shall be provided on or within three hundred (300) feet of any construction project that requires a building permit before work is started. The permit holder must supply the sanitation facility or have written permission to use a sanitation facility within three hundred (300) feet of the

construction project.

10.16.210 Reimbursement For Public Improvements

Any person who expends funds to install municipal services or public improvements (i.e., curb and gutter, sidewalk, asphalt or concrete pavement, road base, sub-base, and geotextile fabric) associated with an approved development may receive reimbursement of part of that expense as follows:

- A. The party installing the public improvements shall enter into a written reimbursement agreement with the City prior to public improvements being installed.
- B. The amount of the reimbursement shall be limited to those improvements installed by the developer and addressed in the reimbursement agreement which:
 - 1. provide a direct benefit to property adjacent to said improvements, and
 - 2. are greater than the roughly proportional share of improvements needed to service the development.
- C. If within ten (10) years from the date of the reimbursement agreement, a party develops property adjacent to the installed municipal services or public improvements described above, the developer who installed the public improvements shall at the time of completion of the development receive a reimbursement from the City in the amount described in paragraph D. The developer of property adjacent to previously installed municipal services or public improvements shall pay to the City the amount for said installed municipal services or public improvements described in paragraph D. The money paid by the developing party pursuant to this Section is separate from and in addition to the payment of any other public related fees. In no event shall the amount of reimbursement exceed the amount actually collected by the City from the developer.
- D. The reimbursement payment for installed municipal services or public improvements, street, curb, gutter, sidewalk, and pavement (including road base, sub-base, and geotextile fabric) shall be at the rate per linear foot of street frontage as indicated in the written reimbursement agreement with the City or as shown on the Consolidated Fee Schedule adopted by the Municipal Council. In addition, Payson City shall collect an additional administrative fee of one dollar (\$1.00) per lineal foot of property frontage for administrative expenses or as adjusted and as shown in the Consolidated Fee Schedule.
- E. If Payson City installs public improvements at City expense, the City may receive reimbursement from developing parties pursuant to this Section as though the City were a private party. The agreement described in paragraph A shall not be

required for reimbursement to the City.

- F. The reimbursement payment described in paragraph C shall be paid to the City in its entirety prior to final plat approval. The rate of reimbursement per frontage foot shall be that rate which is in effect at the time of payment.

10.20 Building Codes

[10.20.010 International Building Code Adoption](#)

[10.20.020 International Mechanical Code Adoption](#)

[10.20.030 International Plumbing Code Adoption](#)

[10.20.040 National Electric Code Adoption](#)

[10.20.050 Building Conservation Code](#)

[10.20.060 Model Energy Code](#)

[10.20.070 Uniform Code For The Abatement Of Dangerous Buildings Adopted](#)

10.20.010 International Building Code Adoption

- A. The International Building Code (as amended) adopted by the State of Utah, and appendices 15, 29, 30, 33 are adopted by the City as the ordinances, rules and regulations of the City subject to the amendments and exceptions as therein set forth; three copies of which codes shall be filed for use and examination with the office of the city recorder.
- B. The codes designated in paragraph A deal with and establish rules and regulations for the erection, repair, construction, enlargement, alteration, equipment, use, height, area and maintenance of buildings and/or structures in the City. They provide for the issuance of permits and the collection of fees therefore, and provide penalties for the violation of the provisions thereof. Hereafter, all references in the Payson City Code to the International Building Code and the International Building Code Standards, or its successor, are amended to read the International Building Code as amended by the State of Utah.
- C. When a plan or other data is required to be submitted by Section 106.4 of the International Building Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be 50% of the building permit fee for R-3 +U occupancies and 65% for all other plans as shown in Table # 1-A.

10.20.020 International Mechanical Code Adoption

The International Mechanical Code as adopted and amended by the State of Utah and appendices "A" are adopted by Payson City as the ordinances, rules and regulations of the City, subject to the amendments and exceptions thereto as set forth in this Title, three copies of which codes shall be filed for use and examination with the office of the city recorder.

10.20.030 International Plumbing Code Adoption

The International Plumbing Code as adopted and amended by the State of Utah and appendices A, B, C, D, E, H, I and Part I are adopted by Payson City as the ordinances, rules and regulations of the City, subject to the amendments and exceptions thereto as set forth in this Title, three copies of which codes shall be filed for use and examination with the office of the city recorder.

10.20.040 National Electric Code Adoption

The National Electrical Code as adopted and amended by the State of Utah and the Uniform Administrative Code Provisions for the National Electrical Code, are adopted by Payson City as the ordinances, rules and regulations of the City, subject to the amendments and exceptions thereto as set forth in this Title, three copies of which codes shall be filed for use and examination with the office of the city recorder.

Any approval granted by the Building Official may be revoked by the Building Official if the electrical materials, devices or appliances are found to be hazardous to life and property for the purpose used or intended, or do not conform with the standards under which they were approved for use. Notice of the revocation of approval shall be given in writing to the person to whom approval was granted by the Building Official.

- A. **Electrical Permit.** Fees shall be as set forth in Table No. 3-A of the Uniform Administrative Code Provisions for the National Electrical Code, as may be amended from time to time, and shall be paid prior to work being started.
- B. **Alternate Fee Schedule.** When a fee cannot be computed on the preceding schedules, it shall be computed as set per resolution.

10.20.050 Building Conservation Code

The International Code for Building Conservation and appendices, as may be amended from time to time, are adopted by the City as the ordinances, rules and regulations of the City, three copies of which codes shall be filed for use and examination with the office of the city recorder.

10.20.060 Model Energy Code

The Model Energy Code as adopted and amended by the State of Utah is adopted by Payson City as the ordinances, rules and regulations of the City, subject to the amendments and exceptions thereto as hereinafter set forth in this Title, three copies of which codes shall be filed for use and examination with the office of the city recorder.

10.20.070 Uniform Code For The Abatement Of Dangerous Buildings Adopted

The Uniform Code for the Abatement of Dangerous Buildings, as may be amended from

time to time, hereinafter referred to as "UCADB", is hereby adopted by Payson City as the ordinances, rules, and regulations of the City; three copies of said codes shall be filed for use and examination by the public with the office of the city recorder. The purpose of these codes is to provide minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of buildings within the City, and providing for correction of violations thereof.

10.24 Demolition

10.24.010 Permit Required

10.24.020 Application For Permit

10.24.030 Fees And Signature

10.24.040 Salvage Permits

10.24.050 Expiration

10.24.060 Qualifications To Do Work

10.24.070 Demolition Permit Requirements

10.24.080 Debris And Waste

10.24.010 Permit Required

It is unlawful to demolish any building or structure in the City, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the Building Official.

10.24.020 Application For Permit

To obtain a permit for demolition, an applicant must submit in writing on a form furnished by the Building Official for that purpose. Each application shall:

- A. Identify and describe the type of work to be performed under the permit.
- B. State the address of the structure or building to be demolished.
- C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories and number of residential dwelling units (if applicable).
- D. Indicate the method and location of demolished material disposal.
- E. Identify the approximate date of commencement and completion of demolition.
- F. Indicate if fences, barricades, scaffolds or other protection are required by any City Code for the demolition and if so, the proposed location and compliance.
- G. State whether fill material will be required to restore the site to level grade after demolition and if required, the approximate amount of fill material.
- H. If the building to be demolished contains any dwelling units, the application should state whether any of the dwelling units are presently occupied.

10.24.030 Fees And Signature

- A. The permit application shall be signed by the party or the party's authorized agent requesting the permit. Signature on the permit application constitutes a certification by the signer that the information contained in the application is true and correct.
- B. **Demolition Fee.** The fee for a demolition permit application shall be based on the building floor area as set per resolution.

10.24.040 Salvage Permits

- A. A pre-demolition salvage permit for other than structural demolition shall be required for the removal of doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, brick, marble, or similar materials on the exterior or interior of the building when this work is started before a demolition permit is issued.
- B. A pre-demolition salvage permit fee shall be paid in the amount of twenty (20) percent of the demolition fee.

10.24.050 Expiration

Permits shall expire forty-five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the Building Official at the time of application. Demolition permits may be renewable upon request prior to expiration with approval of the Building Official for one-half of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without the prior renewal any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee.

10.24.060 Qualifications To Do Work

It shall be unlawful for demolition work permitted under this Title to be performed except by:

- A. A general contractor or subcontractor currently holding a license in good standing with the state of Utah to do wrecking and/or demolition work.
- B. A licensed general contractor currently holding a license in good standing with the state of Utah qualified as a general contractor, but only when the demolition is incidental and supplemental to the construction by the general contractor of a new structure on the demolition site.
- C. Salvage work under a pre-demolition salvage permit may be done without a contractor's license provided all other conditions of this Title are met.

10.24.070 Demolition Permit Requirements

- A. Prior to the commencement of any demolition or moving the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the city engineer. No excavation shall be covered until such plugging is approved by the department whose line is being plugged or by the Building Official. The permittee shall insure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.
- B. When the applicant indicates the demolition will require more than thirty days to complete, and where required by the Building Official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the Building Official. The Building Official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.
- C. A permit for demolition requires that all materials comprising part of the existing structure(s), including the foundation and footings be removed from the site. The depression caused by the removal of such debris must be filled back and compacted to the original grade, as approved by the Building Official, with fill material excluding detrimental amounts of organic material or large dimension non-organic material.
- D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, must be completed within the permit period unless the Building Official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the Building Official. In such event, the Building Official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a guarantee, erection of fences, securing, or similar preventions to insure the site does not create a hazard after the demolition is completed.

10.24.080 Debris And Waste

Unless otherwise approved by the City Engineer and Building Official, no cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street during the construction process. Removal of these types of materials shall be required prior to issuance of any Certificate of Occupancy. No such items shall be left or deposited in any area of construction at the time of expiration of the performance guarantee or dedication of public improvements, whichever is sooner.

10.28 Public Improvement And Repair Guarantee

10.28.010 Guarantee Required

- [10.28.020 Waiver Of Guarantee](#)
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- [10.28.040 Guarantee Amount](#)
- [10.28.050 Guarantee Depletion - Stop Work Orders](#)
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10.28.010 Guarantee Required

Each building permit recipient shall post a public improvement and repair guarantee with the City. The guarantee shall be posted before the City issues the building permit.

10.28.020 Waiver Of Guarantee

The Building Official may waive all or a portion of the required public improvement and repair guarantee under the following circumstances:

- A. The Building Official may waive all or a portion of the public improvement and repair guarantee if 1) the building permit recipient proposes to construct improvements that do not require the use of heavy equipment, 2) the building permit site already has all required public improvements (e.g. curb, gutter, sidewalk, and water and sewer connections), and 3) the Building Official finds that the project creates little risk for cracking or damaging existing sidewalks or other public improvements, and that the project is unlikely to lead to the tracking of mud, dirt or debris into the street.
- B. The Building Official may waive all or a portion of the public improvement and repair guarantee to the extent that the required public improvements are adequately covered by an existing subdivision guarantee and the developer of the subdivision proceeds to build on one or more of the lots located in the subdivision. If a subdivision guarantee is used to meet the requirements of the public improvement and repair guarantee, then the retainage requirements of PCC 12, Subdivision Ordinance of the Payson City Code shall be applicable.
- C. The Building Official may waive all or a portion of the public improvement and repair guarantee to the extent that the required public improvements are adequately covered by an existing site plan guarantee. If a site plan guarantee is used to meet the requirements of the public improvement and repair guarantee, then the retainage requirements of PCC 13, Zoning Ordinance shall be applicable.

The public improvement and repair guarantee may be aggregated with other required guarantees (e.g. a building permit recipient may submit one guarantee meeting the requirements of multiple ordinances.) If a building permit recipient submits an aggregate guarantee, the City may make draws on the aggregate guarantee in the same manner

that it would make draws on a public improvement and repair guarantee.

10.28.030 Purpose Of Guarantee

The purpose of the public improvement and repair guarantee is to guarantee the construction, repair and/or replacement of required public improvements, to guarantee the completion of street cleaning necessitated by construction activity associated with the building permit, and to provide funds necessary to mediate a site left in a dangerous condition. For purposes of this Section, "required public improvements" include the following improvements associated with a particular building permit:

- A. Curb, gutter and sidewalk
- B. Storm sumps
- C. Asphalt paving
- D. Fire hydrants
- E. Fencing
- F. Landscaping and sprinkling systems
- G. Water and sewer lines
- H. Driveway approaches
- I. Removal of mud, dirt and debris from the public rights-of-way (sidewalks, curbs, gutter and streets)
- J. Mediation costs associated with securing a site that has been abandoned by the contractor or left in an unsafe condition by the contractor.
- K. Any other public improvements required by ordinance or required as part of a site plan, conditional use permit, subdivision plat, or building permit approval.

If, for any reason, the funds or guarantees set aside or provided for the guarantee of improvements are insufficient to properly complete the improvements, the developer shall still be liable to complete the improvements. The guarantees required by this Section are for the sole benefit of the City. The guarantees are not for the individual benefit of any citizen or identifiable class of citizens, including the owners or purchasers of lots within a subdivision. The guarantees are not for the purpose of ensuring payment of contractors, subcontractors or suppliers of labor or materials, and no contractors, subcontractors or suppliers of labor or materials shall have a cause of action against the City or the guarantee for providing labor or materials.

10.28.040 Guarantee Amount

The amount of the public improvement and repair guarantee shall be calculated as follows:

- A. If the project includes the construction of required public improvements, the amount of the public improvement and repair guarantee shall be one hundred twenty (120) percent of the estimated cost of the required public improvements, as determined by the Building Official. In calculating the estimated cost of the required public improvements, the Building Official may accept the amount specified in a construction bid as the reasonable cost of the improvements.
- B. The minimum amount of the public improvement and repair guarantee, regardless of the estimated cost of the required public improvements, shall be one thousand (1,000) dollars.

10.28.050 Guarantee Depletion - Stop Work Orders

If the City makes a draw on a public improvement and repair guarantee covering construction that causes the guarantee to fall below seventy-five (75) percent of the required guarantee amount, then the City may issue a stop work order for the project until the building permit recipient has replenished the guarantee to one hundred (100) percent of the required guarantee amount.

- A. If an applicant submits an aggregate guarantee (e.g. one guarantee meeting the requirements of both the site plan guarantee and the public improvement and repair guarantee), the City may red tag the site if the portion of the aggregate guarantee attributable to public improvement and repair guarantee requirements falls below seventy five (75) percent of the required guarantee amount.

10.28.060 Form Of Guarantee

The public improvement and repair guarantee shall be in cash or in the form of an irrevocable letter of credit. The form of the public improvement and repair guarantee must be approved by the City. The City reserves the right to reject any guarantee if it has a rational basis for doing so.

10.28.070 Use Of Guarantee

The City may use some or all of the proceeds from the public improvement and repair guarantee for the following purposes:

- A. To complete required public improvements that remain uncompleted more than one hundred eighty (180) days after expiration or cancellation of a building permit.
- B. To repair or replace any required public improvements damaged by the contractor or owner or their agents during construction. The City shall notify the owner and/or contractor of any such damage and shall require repair or replacement of the damaged public improvements within a reasonable time. Upon the failure of the owner or contractor to make the specified repairs, the City

may take whatever legal action it deems appropriate, including making draws on the guarantee, to secure the repairs.

- C. To perform public right-of-way cleaning in accordance with PCC 10.16.170.
- D. To reimburse the City for mediation costs associated with securing a site that has been abandoned by the contractor or left in an unsafe condition by the contractor.

10.28.080 Release Of Guarantee

The City shall hold the public improvement and repair guarantee until 1) the contractor has completed all required public improvements, 2) the City has accepted the required public improvements, 3) the City issues a final certificate of occupancy for the site, and 4) the Building Official gives written consent to the release of the guarantee. The amount of guarantee money released shall be equal to the amount of the guarantee less any draws on the guarantee. A building permit recipient may request that a public improvement and repair guarantee be rolled over from one project to another, provided that the terms of the guarantee would permit the rollover.

10.32 Apwa Manual Of Standard Specifications And Manual Of Standard Plans

10.32.010 APWA Manual Of Standard Specifications And Manual Of Standard Plans

Adopted

10.32.020 Construction Of Public Improvements

10.32.030 Enforcement

10.32.040 Penalties

10.32.010 APWA Manual Of Standard Specifications And Manual Of Standard Plans Adopted

Payson City recognizes that the Utah City Engineers Association endorses adoption of the American Public Works Association Manual of Standard Specifications and Manual of Standard Plans (hereinafter "APWA Standards"), as amended and/or revised. To the extent that Payson City is not preempted by the law of the State of Utah from adopting the APWA Standards as an ordinance of Payson City, its most current edition, as amended and/or revised from time to time, is so adopted. Additionally, Payson City has adopted separate supplemental or amended Construction Specifications, Standards, and Drawings for specific aspects of the APWA Standards. In those instances, the Payson City adopted amendments shall govern. The APWA Standards and the Payson City adopted amendments shall collectively constitute the "City Standards". Nothing in this ordinance shall preclude adoption and enforcement of policies that are consistent with the stated purposes of the APWA Standards.

10.32.020 Construction Of Public Improvements

Public improvements shall be constructed to City Standards and the standards and specifications established in an Administrative Policy on Public Improvement Standards

and Specifications. Where the Administrative Policy does not contain a particular standard or specification, or a standard or specification is unclear, the public improvements shall be constructed according to the APWA Standards. The Administrative Policy shall allow for variations to the established standards and specification to accommodate unusual or unforeseen circumstances. "Public improvements" are all public utility infrastructure improvements, whether on- or offsite, including all sewer, storm water, culinary water, publicly-owned secondary water, street lights and associated electrical, streets, curbs, gutters, sidewalks, alleys, trails, easements, and rights-of-way, street signs, monuments and markers, regulatory signs, landscaping (including park strip and trees), and other improvements considered public utility infrastructure improvements in the construction trade which are found within typical subdivision and site plan construction documents and shall be interpreted inclusively, not exclusively.

10.32.030 Enforcement

The City Standards shall be enforced by the Payson City Engineer, or designee. When there are practical difficulties involved in carrying out the provisions of the City Standards, the City Engineer or designee may grant modifications for individual cases. The City Engineer or designee must first find that a special individual reason makes the strict letter of the City Standards impractical and that the modification is in conformance with the intent and purpose of the City Standards. The details of any action granting modifications shall be recorded in the files of the City Engineer.

10.32.040 Penalties

Any person, firm, or corporation who violates any provision of the City Standards shall be deemed guilty of a criminal violation of the Payson City Code and shall be subject to the penalties for such identified within the City Code and/or the Utah Code Annotated. Each day the offending condition exists shall constitute a separate violation.

10.36 Enforcement And Penalties

10.36.010 Nature Of Provisions

10.36.020 Continuing Offenses

10.36.010 Nature Of Provisions

- A. It is unlawful for any person, firm or corporation to perform any act prohibited by this Title, or to fail or to refuse to perform any act required by this Title and said Titles, or to aid or abet therein, or to fail or refuse to comply with any valid order issued by the Building Official or his or her designate pursuant to the provisions of this Title.
- B. No permits shall be issued to any applicant during this time such applicant fails to correct any defective work or non-complying installation of equipment after written notice by the Building Official.

C. Any person, firm or corporation violating any of the provisions of this Title shall be guilty of a Class B misdemeanor.

10.36.020 Continuing Offenses

Each day that any violation of this Title is permitted to continue shall constitute a separate offense.

Title 11 Public Facility Standards

[11.04 Streets And Sidewalks](#)

[11.08 Open Space, Parks And Recreation](#)

[11.12 Public Library](#)

[11.16 City Cemetery](#)

[11.20 Public Facilities](#)

11.04 Streets And Sidewalks

[11.04.010 Title, Authority And Purpose](#)

[11.04.020 Sidewalks](#)

[11.04.030 Streets](#)

[11.04.040 Plans And Guidelines](#)

11.04.010 Title, Authority And Purpose

- A. **Title.** This ordinance shall be known as PCC 2.04, Streets and Sidewalks Ordinance and may be so cited and pleaded. This ordinance may also be referred to herein as the Streets and Sidewalks Ordinance, Ordinance, or Title.
- B. **Authority.** This ordinance has been prepared and adopted in accordance with and through the authority of Utah Code § 72-3-104 et. seq. (1953 as amended). The Payson City Council hereby exercises all authority granted by the Utah Code for Street and Sidewalk maintenance and oversight.
- C. **Purpose And Intent.** The purpose of this Ordinance is to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the citizens of Payson. It is the intent of this ordinance to:
1. Manage and facilitate the safe and orderly operation and maintenance of public streets and sidewalks in Payson.
 2. Oversee the maintenance and construction of public streets and sidewalks in Payson.
 3. Follow the plans and standards outlined in the Payson Transportation Master Plan, Payson Development Standards, APWA, AASHTO, and the Utah MUTCD.
 4. Create a safe and efficient transportation network.
- D. **Penalty.** Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a Class C misdemeanor.
- E. **Intended To Be Consistent With City Documents And Adopted Standards.**
1. This ordinance is intended to be consistent with all other laws,

ordinances, resolutions, and standards adopted by Payson, specifically including the following:

- a. PCC 13, also known as the Zoning Ordinance.
- b. PCC 12, also known as the Subdivision Ordinance.
- c. Payson General Plan and General Plan Map.
- d. Payson Transportation Master Plan
- e. Payson Development Guidelines
- f. American Public Works Association (APWA) Standards and Specifications
- g. American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets (Green Book)
- h. Utah Manual on Uniform Traffic Control Devices (UMUTCD)

2. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control.

F. City Responsibilities. The Payson sidewalks and streets shall be under the supervision of the City Public Works Director. It shall be the duty of the City Public Works Director to supervise, manage, operate, and maintain the sidewalks and streets system in accordance with the provisions of the Payson City Code and any other rules and regulations adopted by the City Council. The City Public Works Director shall authorize all driveway connections, roadway and sidewalk construction or maintenance, and keep suitable maps and records of all streets, sidewalk, repairs, and modifications to the systems.

The City Public Works Director may employ, subject to the approval of the Mayor and City Council, such help as shall be necessary to carry out the duties prescribed by City ordinances, rules and regulations adopted by the City Council. The City Public Works Director may also appoint a City Staff member to complete reviews, approvals, and other responsibilities outlined in this Ordinance. Whenever this Ordinance refers to the City Public Works Director, the reference also includes the City Public Works Director Appointee.

City Staff and Crews are exempt from the permitting and approval requirements outlined in this Ordinance. City staff and Crews are responsible for the maintenance of City Sidewalks and Streets and will do so according to internal

policies and procedures.

G. Amendment Of Chapter. Any member of the governing body, staff, landowner or resident of Payson City may request an amendment to the Chapter. In order to amend this Chapter, the following procedure shall be followed:

1. The amendment application shall be submitted in writing to the Payson City Recorder at least thirty- (30) days prior to the anticipated City Council meeting where the amendment will be discussed.
2. The information submitted to the Payson City Recorder shall include a statement explaining the purpose for the proposed amendment and contact information for the applicant.
3. The City Recorder shall submit the proposed amendment to the City Attorney for legal review to determine compliance with all federal, state and local laws and ordinances, and any other legal concerns.
4. The Payson City Recorder shall prepare, or cause to have prepared, an ordinance to present to the City Council for their consideration of the proposed amendment.
5. It shall require a majority vote of the City Council, in a regular meeting of the City Council, to amend this Chapter. The City Council may, at its option, choose to obtain a recommendation from the Planning Commission prior to any amendment of this Chapter.

11.04.020 Sidewalks

A. Approval Of City Public Works Director. All sidewalks shall be constructed in accordance with the plans and specifications of the City Public Works Director's office, which work shall be inspected and approved by the City Public Works Director or appointee.

B. Private Construction Compliance. It shall be unlawful for any person, either as owner, agent, servant, contractor or employee to construct any sidewalk in Payson unless such sidewalk be constructed to lines and grades as given and established by the City Public Works Director unless special permission to deviate from such lines and grades is first obtained from the City Council.

C. Permit Agreement To Comply. It shall be unlawful for any person, as either owner, agent, servant, contractor or employee, to construct any permanent sidewalk in Payson without first having obtained a permit from the City Public Works Director's office. The acceptance of such permit shall be deemed an agreement upon the part of such person to construct said sidewalk in accordance with the specifications and grades agreed upon by the City Public Works Director or appointee as to the character and quality of the work. When a sidewalk is constructed adjacent to the back of the curb, there shall be placed between the

back of the curb and walk an expansion joint designated by the City Public Works Director's office. It shall be unlawful to construct any such sidewalk in violation of the specifications given by the City Public Works Director's office.

- D. **Inspection Costs.** Where property owners construct sidewalks, driveways, and curb and gutter at their own expense in compliance with the provisions of this Section and the approval of the City Public Works Director's office, the cost of indicating grades and lines and inspection shall be paid for by the property owner before issuance of the permit required.

The City Council shall adopt and establish fee schedules related to sidewalks and streets inspections, plan reviews, etc.

11.04.030 Streets

- A. **Roadway Design Standards.** All roadways, sidewalks, trails, and transportation infrastructure shall be planned and designed according to the most up to date version of the Payson Development Standards or APWA Standards where Payson Development Standards are not established. Payson Development Standards are to be used in all cases except where Payson Development Standards are not established or defined.
- B. **Defects To Be Reported And Repaired.** All defects in public streets, coming to the knowledge of any officer or person in the employ of the City, shall be communicated to the Public Works Director immediately.
- C. **City Public Works Director To Authorize.** No City employee may perform any work, including the removal of gravel or other materials, on City streets without first receiving authorization by the City Public Works Director's office who shall specify the time and place such work may be performed.
- D. **Permit And Bond Required For Street Work.** It shall be unlawful for any person to make any excavation in any street, lane, private road or alley, or remove any pavement or other materials forming any street or improvement thereon without a permit from the City Public Works Director's office. Permits may only be issued in response to written applications signed by the party or by an authorized representative of said party before work begins. The signed party on the permit shall be liable for ensuring appropriate safety measures during work, which may include guards, fencing, signals, cones, barricades, or lighting and shall hold the City harmless from any and all claims, liabilities, demands or damages that result from the permitted work.

A bond shall be paid by the signed party to the city to be held for the duration of the permitted work or placed on file with the City against any work performed by the party for up to one (1) year. The sum of the bond and the price of the permit shall be set by the City.

The signed party shall be held responsible for immediately restoring the street to the same condition it was in prior to the start of the permitted work including backfill, compaction, grading, and the removal of any rocks, dirt, rubbish, or debris from the street. An asphalt or concrete "T" patch shall be the standard for restoration unless otherwise specified by the City Public Works Director's office at the time of issue of the permit.

After all work and restoration is complete the person performing the work shall immediately notify the City Public Works Director's office of its completion at which time the City Public Works Director, or appointee shall organize and supervise the resurfacing of sidewalk or street where the work has been performed. Payment for resurfacing shall be paid using the fees collected in issuing the permit for work.

It shall be unlawful for any person to fail or refuse to restore a road within ten days of completion of work or excavation subject to forfeiture of bond money up to and equal to fees and costs associated with restoring the roadway by the City. If the cost of restoration exceeds the amount collected in bond money or permit fees, the person or party who performed the excavation shall be held responsible for these costs.

E. Building Material On Street-Permit-Bond. It shall be unlawful for any person to occupy or use any portion of a public street for the erection or repair of any building abutting thereon without first making application to and receiving from the City Public Works Director's office a permit for the occupation or use, for building purposes, of such portions of streets and for such periods of time and under such limitations and restrictions as may be required by ordinance or by the public convenience; provided, that no permit shall be granted to occupy more than fifteen (15) feet from the curb line. Any such permit may be revoked by the City Public Works Director, at any time, when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the City Public Works Director, the public good required such revocation. No such permit shall be granted until the applicant therefore shall have given a bond in the sum specified in the City fee schedule. Such bond shall be paid to Payson City and to any person injured by reason of the failure of the principal therein to provide adequate safety measures in association with permitted work. No part of a street other than that so allotted shall be used for depositing materials for work to be done or for receiving rubbish arising from such work. All such rubbish shall be carried away by the person to whom the permit is granted, at such times as the City Public Works Director may direct, and in case of the neglect or refusal of such persons as to remove such rubbish, it shall be removed at his expense by the City.

F. No Cut Policy On New Pavement. All new or reconstructed streets shall have a one (1) year warranty from any contractor for the construction of said street.

Except for in emergencies where lives or resources are in danger, a five (5) year no cut policy on the cutting of new pavement applies to all new, reconstructed, and overlaid roads where hot mix asphalt or concrete of any thickness has been applied. Any City department or private party who has need to cut into City streets for the management of utilities may request a variance for an exception to be approved by the City Public Works Director.

- G. Snow Removal From Streets.** In order to facilitate the speedy and safe removal of snow from City streets, it is unlawful for the owner or driver of any vehicle to park, cause to be parked, or allowed to be parked, said vehicle upon any City street or right-of-way of a City street between the hours of 10:30 p.m. and 7:00 a.m. each year from December 1st, through March 1st, of the following year.

It shall be unlawful for any person to remove any snow or ice from any private property and place the same on any public street, sidewalk, driveway, or right-of-way, or any part thereof.

Except as provided in paragraphs G,1 and G,2, it shall be unlawful for any person, except employees of the City or other highway maintenance authority in their official capacity, to move or pile any snow or ice on any public street, sidewalk, driveway, or any part thereof.

1. The City Public Works Director, or appointee, may issue a written permit to any person to move or pile snow or ice on a public street or right-of-way if the City Public Works Director determines it to be in the best interest of the City and residents of the area to do so. In issuing any such permit, the City Public Works Director shall require a bond and insurance certificate to be furnished. It shall be unlawful for any person holding such a permit to move or pile any snow or ice on any public street, sidewalk, driveway, or right-of-way except in strict compliance with the terms of the permit.
2. This subsection shall not apply to removal of snow from sidewalks fronting private property that the owner or occupant has the duty to clean as provided in PCC 13.44.140.2 nor to cleaning of access driveways from a public street to private property.

"Vehicle" shall be defined to include, but not limited to, automobiles, trucks, trailers, mobile homes, travel trailers, boats, motorcycles, buses, snowmobiles, and other transportation vehicles, whether for the transportation for humans, animals, or freight of any kind.

Violation of this ordinance is an infraction. Each day said violation continues will be considered a separate offense.

H. Obstructions.

1. It is unlawful to put or place, or cause to be put or placed, anywhere upon

a public street, sidewalk, or right-of-way, and it is unlawful for any such person, after reasonable notice by an official charged with enforcing the law, to suffer to be or remain within a public street, sidewalk, or right of way:

- a. Any broken ware, glass, filth, rubbish or refuse matter;
 - b. Any vehicle, lumber, wood, boxes, fencing, building material, merchandise, or any other thing which obstructs any public street, sidewalk, right-of-way, or any part thereof, or the free use and enjoyment thereof, or the free passage over and upon the same, or any part thereof, without the permission of the governing body.
2. No person receiving or delivering goods, wares or merchandise in the City shall place or keep upon, or cause to be placed or kept upon, any sidewalk in the city any goods, wares or merchandise which he may be receiving or delivering, for a longer period than two hours. It is unlawful for any merchant, auctioneer or other individual to sell or exhibit for sale any kind of property on or near to any street so as to cause people to gather in crowds on the sidewalk or to obstruct free passage thereon, provided that the governing body may authorize, after proper application, a merchant or group of merchants to conduct a "sidewalk sale".

I. Roadway Design Standards

1. All new public or private roads shall comply with the Payson City Transportation Master Plan and the Payson City Design Guidelines, latest amendment.

J. Private Roads and Alleys

1. All new private road and alleys shall comply with the Payson City Design Guidelines, latest amendment.

11.04.040 Plans And Guidelines

- A. Transportation Master Plan.** The Mayor and City Council shall develop and maintain a Payson Transportation Master Plan that identifies major visions and goals for transportation development within the City. The Mayor and City Council shall update (or have updated) the Payson Transportation Master Plan as needed when the plan becomes irrelevant or out-of-date. Public rights-of-way including streets, private roads or alleys, trails, paths and other transportation facilities owned by the City shall be identified and described in the Payson Transportation Master Plan. The Payson Transportation Master Plan shall be made available to the public either by request or through the City website. Future developers shall work to complement plans and visions established in the

Payson Transportation Master Plan.

- B. Access Management Guidelines.** All new development shall conform to the Access Management Guidelines made available in the Payson Development Guidelines. These guidelines shall inform design of new development especially in respect to access of public right-of way.

Property owners shall have a right to reasonable access to the public rights-of-way. When access is desired that does not conform to the Access Management Guidelines a variance may be requested for an exception to be approved by the City Public Works Director.

- C. Traffic Calming Guidelines.** Construction of new streets to be incorporated into City rights-of-way and requests for modifications shall follow plans and guidelines set forth in the Payson Traffic Calming Guidelines.
- D. Signal And Street Sign Standards.** Signals, street signs, and pavement markings of any kind shall conform to guidelines and standards established in the most recent version of the Utah Manual for Uniform Traffic Control Devices (MUTCD). Any deviation from these standards must be justified by an engineering study and approved by the City Public Works Director.

11.08 Open Space, Parks And Recreation

[11.08.010 Purpose And Intent](#)

[11.08.020 Parks And Open Space](#)

[11.08.030 Recreation Department](#)

[11.08.040 City Nursery](#)

[11.08.050 Tree Ordinance](#)

[11.08.060 Fee Resolution](#)

11.08.010 Purpose And Intent

- A. Purpose Of Chapter.** The purpose of this Chapter includes, but is not limited to the following:

1. To clarify and define the roles and responsibilities of the Superintendent of Parks and Open Space, the Recreation Director, and the Tree Committee.
2. To define the relationship between this Chapter and other relevant Titles of the Payson City Code, in particular PCC 6, PCC 13, PCC 12, and PCC 11.20.
3. To ensure proper maintenance of public parks and open spaces.
4. To provide guidelines and establish regulations for the recreation program of Payson.

5. To ensure proper maintenance of the City nursery and establish the operation procedures of the nursery.
6. To identify the regulations necessary to be recognized as a “Tree City USA” community and encourage the proper planting and maintenance of trees and shrubs in the community.

B. Relationship To Other Ordinances. The City Council may impose the satisfaction of the requirements herein in order to achieve the land use goals and objectives of any other development ordinance of Payson. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, or provision of law. Where any provision of this Chapter imposes a restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control.

C. Amendment Of Chapter. Any member of the governing body, staff, landowner or resident of Payson City may request an amendment to this Chapter. In order to amend this Chapter, the following procedure shall be followed:

1. The amendment application shall be submitted in writing to the Payson City Recorder at least thirty (30) days prior to the anticipated City Council meeting where the amendment will be discussed.
2. The information submitted to the Payson City Recorder shall include a statement explaining the purpose for the proposed amendment and contact information for the applicant.
3. The City Recorder shall submit the proposed amendment to the City Attorney for legal review to determine compliance with all federal, state and local laws and ordinances, and any other legal concerns.
4. The Payson City Recorder shall prepare, or cause to have prepared, an ordinance to present to the City Council for their consideration of the proposed amendment.
5. It shall require a majority vote of the City Council, in a regular meeting of the City Council, to amend this Chapter. The City Council may, at its option, choose to obtain a recommendation from the Planning Commission prior to any amendment of this Chapter.

D. Penalties For Violation Of This Chapter. A violation of this Chapter by any person shall constitute a Class C misdemeanor punishable to the extent allowed by state statute.

11.08.020 Parks And Open Space

A. Duties And Responsibilities Of The Superintendent Of Parks And Open

Space. There is hereby created the office of Superintendent of Parks and Open Space. Under the direction of the City Manager, it shall be the duty of the Superintendent of Parks and Open Space to ensure proper care, maintenance, improvement and beautification of all parks and open space in the City that is not under the control, care and supervision of another department of the City.

B. Appearance And Maintenance Of Parks And Open Space. The parks and open space owned and maintained by Payson shall be kept in good order free of noxious weeds and other unsightly vegetation. Maintenance shall be completed in a manner that improves the aesthetic appearance of the property and allows the parks and open spaces to be used as intended and appropriate by the public.

Turf areas shall be watered, mowed and trimmed in accordance with the general requirements for the turf mixture and in a manner that promotes healthy turf and longevity. The Superintendent of Parks and Open Space will determine the appropriate turf mixture for the intended use in each park or open space.

Trees and shrubs shall be properly pruned to improve aesthetic appearance and improve the health and longevity of the tree or shrub.

Planting areas shall be beautified with an appropriate mixture of vegetation including perennial and annual plants, bark, ground cover and shrubs. The planting areas shall be kept free of weeds and debris.

C. Installation Of Park Improvements. Improvement of the parks and open space of Payson has been completed through participation from many sources including, developers, civic groups, youth groups and many volunteers. Payson encourages these activities, however, the installation is required to satisfy the regulations of this Chapter.

Prior to improvement of any area owned, or intended to be owned, by Payson, the interested party shall contact the Superintendent of Parks and Open Space and receive written approval.

D. Park And Open Space Regulations.

1. Offensive Language And Nuisance Prohibited. It shall be unlawful for any person or persons to use threatening, abusive, insulting or indecent language in public parks or open space of the City, or to create any nuisance or offense, or to scratch, cut, injure or deface any of the buildings, fences, structures, or foul any of the fountains or any other improvements, or to cut, or injure flowers or flower beds within the parks and open space owned and maintained by Payson City.

2. Organized Meetings In Public Parks And Open Spaces. It shall be unlawful for any person, firm or corporation to hold an organized meeting, gathering, picnic, musical, theatrical or similar event in the public parks of

the City without first having received permission from the Superintendent of Parks and Open Space and in accordance with the regulations listed in PCC 11.20.

3. **Park Hours.** Parks and open spaces shall be divided into two categories; (1) parks and open space with adequate lighting for safety purposes. (Examples of such parks and open space includes (Soccer Fields, Baseball Fields, Memorial Park); (2) parks and open space with inadequate lighting. (Examples include small neighborhood/pocket parks, skateboard park, Poson Park). Park hours for all parks with adequate lighting shall be between the hours of 5:00 a.m. and 11:00 p.m. No person or persons shall be permitted in any public park or open space either on foot, horseback or on any type of vehicle before or after park hours except for the express purpose of traveling directly through the park on a public street or sidewalk passing through the park. Park hours for all parks with inadequate lighting shall be between the hours of 5:00 a.m. and 10:00 p.m. during the months of April – September; and between the hours of 5:00 a.m. and 8:00 p.m. during the months of October – March. No person or persons shall be permitted in any public park or open space either on foot, horseback or on any type of vehicle before or after park hours except for the express purpose of traveling directly through the park on a public street or sidewalk passing through the park.

The Payson City Recreation Department may grant an exception to the Park Hours for civic events located at the parks and open space areas.

4. **Vehicular Traffic.** It shall be unlawful to drive any vehicle on or over any garden, lawn, sidewalk, beach, wall or any other portion of public open space or park area except in areas designated for vehicular traffic. Official City vehicles, emergency vehicles, and official landscape maintenance vehicles are exempt from these regulations.
5. **Animal Regulations.** It shall be unlawful to move or direct animals or to allow animals to proceed on or over any garden, lawn, sidewalk, beach, wall or any other portion of public open space or park area except in areas designated for animal traffic. These areas may be authorized on a temporary basis by the Superintendent of Parks and Open Space for special events such as a circus or fair.

It shall be unlawful for the owner of any dog to allow the dog to run at large within the parks or open space of the City and such offense shall be considered a public nuisance. This paragraph D shall not be construed to prohibit the presence of dogs and cats and similar small animals while under the control of their owners, except in those areas where it has been designated by Payson City that no animals will be allowed.

6. **Recreational Devices.** Bicycles, roller blades, roller skates, scooters,

skateboards, and other similar recreational devices are allowed in specifically designated areas only.

7. **Littering.** It shall be unlawful to cause or allow any foreign material, papers, bottles, rags, or discarded articles of any substantial kind or nature to be left in public areas.
8. **Parking Regulations.** It shall be unlawful to park any vehicles on public property in a manner that will block or impede traffic, with the exception of official City vehicles or emergency vehicles. Overnight parking may be allowed in specifically designated areas only. Exceptions to the parking regulations may be approved by the Superintendent of Parks and Open Space for City celebrations and other official City events.
9. **Possession Or Consumption Of Alcoholic Beverages And Tobacco Products.** It shall be unlawful to possess or consume beer, liquor, or any other alcoholic beverage within City parks or other public property, except as provided by state statute and City ordinance. No tobacco product of any kind, including e-cigarettes or any variation thereof, is permitted to be used within the city open space, Parks, other recreation facilities or other public property.

The Gladstan Golf Course shall be exempt from the alcoholic beverage & tobacco product prohibition.

- E. **Vandalism And Graffiti.** Vandalism, graffiti and other defacement of public property is expressly prohibited.
- F. **City Celebrations.** The open spaces and parks owned and maintained by Payson City are a resource to the community. The areas are visible and can encourage economic development during official City celebrations and events. Therefore, official City celebrations and events take precedent over any other activities occurring in open space areas and parks owned and maintained by Payson City.

11.08.030 Recreation Department

In order to provide enjoyment, physical activity, and promote a healthy lifestyle for the residents of Payson, a Recreation Department is hereby established. The recreation department shall be administered by the Recreation Director. Under the direction of the City Manager, the duties and responsibilities of Recreation Director shall include, but are not limited to:

- A. Programming of athletic, active and passive recreational opportunities, and leisure activities for the residents of the community and non-residents choosing to participate in the recreation programs of Payson.

- B. Maintenance of all playing surfaces owned and operated by the Payson City Recreation Department.
- C. Serve as the Community/School Recreation Coordinator between Nebo School District and Payson.

11.08.040 City Nursery

In order to beautify the community and reduce the cost of installing trees on City property, Payson City has established a City Nursery. The City Nursery is administered and operated by the Gladstan Golf Course Enterprise Fund. The City Council shall determine the price for trees for each department and the funds shall be submitted to the Gladstan Golf Course Enterprise Fund.

11.08.050 Tree Ordinance

- A. **Definitions.** For the purpose of this Chapter, the following terms, words and their derivations shall have the following meanings given herein:

PARK. A tract of land set aside for public use and owned by the City of Payson.

PROTECTIVE MEASURES. Any steps taken to safeguard the appearance, health, condition, or continued viability of a protected tree. Typical examples are: physical structures limiting access to a protected tree, pruning to allow access to a site, supplemental watering or fertilization, washing of canopy to remove dust or other residues, berms or grading to prevent erosion or silting in a protected root zone, signage indicating protected status of trees or other methods as deemed necessary at time of permitting.

PROTECTED TREE. Any tree located on public property within the City of Payson.

PUBLIC PROPERTY. Any right-of-way, park, or other ground owned by the City of Payson.

REPLACEMENT TREE(S). Trees required to be planted as compensation for the removal of viable, non-hazard trees.

TREE. A woody plant which at maturity is thirteen (13) feet or more in height with a single trunk at least three (3) inches in diameter, unbranched for at least several feet above the ground and having a more or less definite crown.

TREE COMMISSION. A committee composed of members appointed by the Mayor with the advice and consent of the City Council.

TREE TOPPING. The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

TREE TRUST. The National Tree Trust is a public foundation created through a one-time appropriation from Congress. Other funding comes from outside sources, mainly gifts and donations. It is the purpose of the Tree Trust to plant and/or preserve as many trees as possible on public land through volunteerism.

TREE MAINTENANCE. Measures performed to promote the desirable growth and health of a tree such as, but not limited to, watering, fertilizing, mulching, weeding, pest management, and physical protection.

- B. **Creation And Establishment Of City Tree Committee.** There is hereby created and established a City Tree Committee for the City of Payson which shall consist of at least five (5) members, who shall be appointed by the Mayor with the advice and consent of the City Council. The members shall come from different interest groups including homeowners, tree professionals, and City government.
- C. **Term Of Office.** Members shall be appointed to a five (5) year term with the term of one member expiring each year. In the event that a member is unable to complete the term of office, the successor shall be appointed to serve the remaining portion of the term. The Mayor, upon advice and consent of the City Council, may remove any member of the Tree Committee upon finding that any action of the member was contrary to the best interests of the residents of Payson.

Members of the committee shall serve without compensation, except that the City Council may provide incentives from time to time.

- D. **Duties And Responsibilities.** The Tree Committee shall hold regular meetings and other meetings as needed. The committee shall prepare and present to the City Council for adoption rules of order that address meeting minutes, the process for electing committee leadership and voting criteria. A quorum, representing a majority of committee members, is necessary to conduct any official business of the committee.

Under the direction of the City Council, the Tree Committee shall, at a minimum, be responsible for the following activities:

1. Prepare and recommend to the City Council a written plan for the care, preservation, pruning, planting, replanting, or removal of trees and shrubs in parks, along streets, and in other public spaces. The plan shall include, at a minimum:
 - a. Ideas to increase public awareness and public support for vegetation preservation.

- b. The types and species of trees for parks and other public spaces, and specifically in soft front planter areas between the curb and sidewalk along roadways.
 - c. A recommendation for implementation of planting schemes for particular areas of the community or specific streets in the City.
 - d. A recommendation on the spacing of planting materials and distances from curbs, sidewalks, street corners, and fire hydrants.
 - e. Recommendations for pruning, tree topping, and perpetual care of trees located near overhead utility services.
 - f. General care including pruning standards, tree topping, fertilization, pest control and other appropriate maintenance activities.
2. Encourage the preservation of trees by developers and landowners.
 3. Plan and coordinate an annual Arbor Week observance.
 4. Seek funds for the purpose of increasing tree inventory.

E. Value Of Urban Trees. Trees are recognized as a valid asset to provide a more healthful and beautiful environment in which to live, providing oxygen, shade, aesthetics, and a priceless psychological counterpoint to the urban setting. Trees are economically beneficial in attracting new industry and residents by enhancing the value and marketability of property and promoting the stability of desirable neighborhoods.

F. Tree Maintenance And Protection.

1. City departments shall seek the counsel and recommendations of the Superintendent of Parks and Open Space prior to the removal and/or alteration of any tree on public property or right-of-way unless the tree(s) poses immediate danger to the public.
2. The Superintendent of Parks and Open Space may require any tree or part thereof which is in an unsafe condition or is infested with any disease, injurious fungus, insect or other pest to be removed.
3. Trees severely damaged by storms or other natural causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this Chapter at the determination of the Superintendent of Parks and Open Space.
4. It shall be unlawful for any person, business or other entity, without first obtaining a permit from the City, to remove, cause to be removed, relocate, alter, damage or destroy any tree on public property, including public rights-of-way.

5. No person shall engage in the pruning or topping of trees on any public property except in conformance with the most current practices of the International Society of Arboriculture, the National Arborist Association Standards, and the National Electric Safety Code.
6. No new curb cuts, which shall endanger protected trees, shall be allowed without the express permission of the City.
7. To protect the longevity of protected trees, the appropriate City departments shall review all applications for construction permits, including clearing and grading permits. Protective measures may be prescribed by the City to safeguard the health, appearance, condition and viability of protected trees. The cost and responsibility for implementing and maintaining all prescribed protective measures shall be born solely by the applicant. Any deviation from the measures prescribed by the City to protect said trees shall constitute a violation of this Chapter.
8. All trees and shrubs shall be appropriately pruned or trimmed to satisfy the clear view area requirements of PCC 13.20.050 of the Zoning Ordinance.

G. Removal, Relocation Or Alteration Of Trees. Written authorization from the Superintendent of Park and Open Space shall be required prior to removing, relocating or altering any tree located on property owned and maintained by Payson City. The written authorization shall address concerns including, but not limited to:

1. The condition of the tree to be removed, relocated, or altered.
2. The necessity for removal, relocation, or alteration of the tree.
3. The impact the removal, relocation, or alteration of the tree will have on the tree canopy of the park or open space area.

H. Planting And Replacement Of Trees On Public Property. Written authorization from the Superintendent of Park and Open Space shall be required prior to planting or replacing any tree located on property owned and maintained by Payson City. The written authorization shall address concerns including, but not limited to:

1. The species, optimum planting season, and location of each tree.
2. The impact of the tree on public and private utility facilities.
3. Any additional conditions or protective measures deemed necessary.

11.08.060 Fee Resolution

Any person that desires to reserve the use of appropriate public parks and open spaces shall submit payment of an appropriate fee in accordance with the adopted fee schedule of Payson City available from the Payson City Recorder. Reservations for use of appropriate public parks and open spaces shall be consistent with the regulations of PCC 11.20, Public Facilities.

11.12 Public Library

[11.12.010 Established-Library Management](#)

[11.12.020 Board-Established-Terms Of Office](#)

[11.12.030 Board-Removal-Vacancies](#)

[11.12.040 Board-Members To Serve Without Compensation](#)

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[11.12.100 Board-Annual Reports](#)

[11.12.110 Board To Adopt Rules For Library Use-Use Of Library To Be Free](#)

11.12.010 Established-Library Management

The Payson City Library is hereby established and shall be managed and operated by the Payson City Council and a library board, which shall be established as hereinafter provided.

11.12.020 Board-Established-Terms Of Office

There is hereby created and established a library board of Payson City, which shall consist of six members, residents of the city. The board shall be appointed by the city council for three-year terms or until their successors are appointed. Initially, appointments shall be made for one, two, and three-year terms. Annually thereafter, the city council shall, before the first day of January of each year, appoint for three-year terms board members to take the place of retiring members. Board members shall not serve more than two full terms in succession.

11.12.030 Board-Removal-Vacancies

Any member of the board may be removed for misconduct or neglect of duty by the city council. Vacancies in the board of directors, occasioned by removals, resignations, or otherwise, shall be filled for the unexpired term in the same manner as original appointments.

11.12.040 Board-Members To Serve Without Compensation

Board members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid from library

funds.

11.12.050 Board-Chairman-Duties

Following appointment, board members shall meet and elect a chairman and such other officers, as they deem necessary, for one-year terms. The chairman shall present the agenda, as hereinafter provided, of all materials pertaining to the library to be considered at each and every meeting of the board.

11.12.060 Board-Space For Meetings, Equipment

The city council shall establish and furnish suitable space for the meetings and the carrying on of the business and functions of the library and board.

11.12.070 Board-Meetings-Absence

The board shall meet in regular meetings at a time designated by the board. Special meetings may be convened at any time as determined by the city council or the board chairman upon giving notice to all members of the board and the city council. At least four members of the board must attend said meeting in response to said notice, and a certified copy of the minutes of each special board meeting shall be furnished to all members of the board and the city council.

11.12.080 Board Meetings-Agenda-Powers

The agenda for each meeting of the board shall be prepared by the chairman and said agenda may cover all matters pertaining to the operation of the Payson City Library, which requires attention or administrative action thereon. The board shall have the power in respect to all matters of policy and operation of the library to have read into the minutes of the board meetings, board decisions, and recommendations on any such matters; and shall have the power to add matters to the aforesaid agenda of the board, which have not been submitted for their consideration as hereinabove provided. The powers of the board are advisory and shall extend to all phases of the library operation.

11.12.090 City Council-Appointment Of Librarian/Library Director

The City Council shall appoint a competent person as librarian/library director to have immediate charge of the library with such duties and compensation for his/her services as it shall fix and determine. The librarian/library director shall act as the executive officer of the board.

11.12.100 Board-Annual Reports

The board chairman or designee shall make an annual report to the city council of the condition and operation of the library. The board shall also make reports to the librarian/library director as directed by the librarian/library director. The board shall also provide for the keeping of such records as shall be required by the Utah State Library

Commission in its request for an annual report from the public libraries and shall submit such annual report to the commission.

11.12.110 Board To Adopt Rules For Library Use-Use Of Library To Be Free

The board shall make and adopt rules and regulations not inconsistent with law, for the governing of the library. Subject to such rules and regulations, the library shall be free to the use of the inhabitants of the city. The board may exclude from the use of the library any and all persons who shall willfully violate such rules. The board may extend the privileges and use of the library to persons residing outside the city on such terms and conditions as it may prescribe by its regulations.

11.16 City Cemetery

[11.16.010 Name And Purpose](#)

[11.16.020 Sexton-Creation Of Office](#)

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11.16.010 Name And Purpose

The burial ground of Payson City, Utah shall be known and designated by the name of Payson City Cemetery. This cemetery is provided and reserved exclusively for the interment of human remains. It shall be unlawful for any person to inter human remains within the city limits, except in the Payson City Cemetery or other state approved endowment cemeteries. The purpose of the cemetery is to provide an appropriate final resting place for deceased individuals and allow loved ones a place of peace and tranquility at the location of the resting place.

11.16.020 Sexton-Creation Of Office

There is hereby created the office of city sexton. The city sexton may delegate responsibility to other city employees.

11.16.030 Sexton-Registrar Of Burials

The city sexton shall be the registrar of burials for the city. Before burying or disinterring any body, the persons having charge of said body shall be required to furnish a copy of the death certificate, or a statement of said death, which shall be recorded in a record kept for that purpose by the sexton. Such statement, as well as the record, shall include, if known, the name of the person deceased, when and where born, parentage, spouse, if any, the place and date of death, the date of burial, the name of responsible person or mortuary, veterans status, the name of the cemetery, the number of the block, lot, and position where said person is buried, and if disinterred and transferred beyond the corporate limits of Payson City, the place of destination.

11.16.040 Sexton-Charge Of Cemeteries-Reports

- A. The city sexton, under the direction of the city parks and golf department head or designee, shall have entire care, control, management, and superintendence of the city cemetery, and shall perform any such other duties in relation to the cemetery as are now, or may be hereafter, provided by ordinance, order or resolution of the city council or by the laws of the State of Utah.
- B. The city sexton shall pay into the city treasury all monies collected by virtue of his office, shall make a full and complete report of his official doings to the city manager, and shall make other reports as the city council may from time to time require.

11.16.050 Sexton-Duties

- A. The sexton shall be responsible to keep the streets, alleys, walks, and avenues in the cemetery in good order and unobstructed so that free access can be had to any lot. The sexton shall cause a suitable marker to be erected upon the southeast corner of each lot with the number of the lot and the block inscribed thereon.
- B. The sexton shall manage the opening and closing of all interments and disinterments. He shall have charge of a plat of the cemetery and shall at the request of any person wishing to purchase, point out any of the lots or parts of lots, unoccupied for sale, and upon application and payment of the price thereof into the city treasury, to make and execute a certificate of burial rights to the purchaser.
- C. It shall be unlawful for any person to violate any portion of the Payson City Code or any rule or regulation as set forth in the Payson City Code or hereafter enacted

and published by the city cemetery. The city sexton shall be empowered to enforce all sections of the Payson City Code, other city ordinances, policies, procedures, rules, orders, and regulations established for operation of the city cemetery, including rules and regulations enacted to keep the cemetery, and the enclosure around said cemetery, in good maintenance and proper repair and to prevent the destruction or defacing of cemetery grounds. The sexton shall have the assistance of the Payson City Police Department and the Payson City Attorney's Office in enforcing, apprehending, and prosecuting violators of the Payson City Code, other city ordinances, rules and regulations.

11.16.060 Records Of Conveyances

- A. The city sexton shall keep a plat of all conveyances executed under the provisions of this Chapter, stating the property conveyed, the date of such conveyances, the name of the person to whom conveyed, and the amount received for the same.
- B. Transfer of title of burial rights by the City shall hereafter be by certificate and shall comply with Utah Code § 8-5-7 (1953 as amended). When a previously issued deed or certificate of burial rights is purchased by, or transferred to, a third party, or reverts to the city, the original shall be presented to the city sexton, and before a new certificate of burial rights is issued covering said lot, the original deed or certificate shall be canceled and the records so changed. Transfer from a grantor on a deed or on a certificate of burial rights shall be recognized only upon presentation and authentication by the city sexton. If a deed or certificate cannot be located by an individual or a family for presentation to the sexton, the sexton may make such arrangements for transfer and/or burial as are equitable and appropriate considering all the circumstances. Transfers from one person to another is not allowed without approval from the City.

11.16.070 Abandonment Of Rights

- A. Payson City shall have the discretion to reclaim, redeem, or recover any abandoned, unused, or unkempt cemetery lots or parcels conveyed by deed or certificate, with or without restrictions, by following the procedures set forth in Utah Code § 8-5-1 et. seq. (1953 as amended), or any other applicable law. Anyone wishing to sell a previously issued certificate of burial right must sell it back to the City for fifty percent of the current price set by resolution of the city council.
- B. In the event that any owner of any lot or burial space or heir of such person subsequent to the completion of the abandonment proceedings as set forth hereafter, shall present to the sexton a deed, certificate, or proof of probate or other legal conveyance of the said lot or space, the city sexton, upon payment in full of all fees and costs assessable against the property, may issue a certificate

of burial rights for an equivalent lot or burial space.

11.16.080 Opening Graves, Interment, And Disinterment

- A. Upon proper application of the owner of a lot, payment of the required fee, and three (3) working days notice, the sexton shall open the grave, unless the requested day is a recognized holiday pursuant to PCC 11.16.160. The sexton shall superintend every interment and shall fill up and neatly trim the grave immediately after depositing the vault and casket, and shall fill up and trim all graves that have settled or may hereafter settle. The city is not responsible for any error in opening graves when orders are given other than in writing.
- B. It shall be unlawful for any person to be buried in the cemetery without the casket being placed in a permanent-type vault, which vault type must be approved by the sexton. An exception to the above-stated law shall be those individuals who are cremated, whose remains must be deposited in a waterproof, non-decaying container.
- C. Burial of cremated remains may occur in an area of the cemetery set apart for that purpose. The grave space shall be no more than thirty-six (36) inches in length nor thirty (30) inches in width. The charge for such lot shall be set forth pursuant to PCC 11.16.140. Cremated remains may also be buried in a Standard or Veteran burial lot as long as the criteria as set forth in paragraph F is met.
- D. Infant burial may occur in an area of the cemetery set apart for that purpose (Babyland Area). The grave space shall not be more than four (4) feet in length nor two (2) feet in width, and the charge for such burial including all the above-listed charges shall be as set forth pursuant to PCC 11.16.140. An infant may also be buried in a standard burial lot. A full lot must be purchased, however, the infant shall be buried using in accordance with paragraph F,1. The family may utilize the other portion of the lot at a future time if the burial marker does not interfere with any maintenance issues.
- E. Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The sexton will schedule and direct the exhumation after applicable fees have been paid, and all required forms are received.
- F. The policy for grave use in the Payson City Cemetery will be in accordance with the following is that there shall not be any stacking of graves. Exceptions can be made for cremated remains and infant burials, upon approval of the city sexton.

1. Standard Graves.

- a. Double deep burials will be allowed only in standard graves.
- b. All vaults placed at double deep level shall be adult-sized vaults.

- c. After the lower vault is placed in a double deep grave, the grave may be considered as single depth so a single depth grave use may occur.
- d. There shall be no junior vaults placed on an adult vault in a standard single-depth grave.
- e. There shall be no more than two (2) junior vaults placed in any single depth standard grave.
- f. Any standard single depth grave containing an adult size vault may have up to three (3) additional burials as long all additional burials are cremated remains or infants.
- g. Any standard single depth grave that has only one (1) junior vault may have may two (2) additional burials as long as the other burials are both cremated remains or infants.
- h. Any standard single depth grave that has no adult size vault and no junior vaults may have up to four (4) burials of cremated remains or infant burials in any combination.
- i. Exceptions can be made for cremated remains placed inside a casket upon approval of the city sexton.
- j. As the city sexton is the individual familiar with the cemetery grounds and all concerns and dangers that lie beneath, it shall be at the city sexton's discretion as to whether any standard grave shall be disqualified for double-deep use.

2. Veteran's Graves.

- a. Veteran's graves are for the veteran and their spouse(s) only.
- b. Graves in Veteran's area are to be single depth only.
- c. Cremated remains of veterans and their spouse(s) are allowed in a veteran grave.
- d. Up to four (4) individuals may be buried in a veteran grave assuming they are all veterans or the spouse of a veteran.

3. Babyland.

- a. Babyland graves shall be used for the burial of infants up to the age of six (6) months old.
- b. The purchase of Babyland graves shall be allowed only at time of need.
- c. As the purchase price of Babyland includes the opening and

closing of the grave, the price will be determined by the residency of the infant being buried.

- d. Babyland graves are intended for the burial of a single infant. However, it is allowed for multiple infants from the same pregnancy to be placed in a single casket allowing there to be a single stone.

4. Cremation Graves.

- a. Cremation graves are for the burial of cremated human remains only. No other burial may take place in any cremation grave.
- b. Cremation graves may accommodate up to two (2) cremated remains.
- c. Cremation graves are allowed one (1) headstone in accordance with the specifications set forth in PCC 11.16.110.

11.16.090 Purchase Of Burial Rights

- A. As required by Utah Code § 8-5-7 (1953 as amended), the city shall sell only the right to be buried in the city cemetery. The purchase of burial rights in any lot or parcel shall be evidenced by a Certificate of Burial Rights and shall be sold for the prices and charges hereinafter set forth pursuant to PCC 11.16.140.
- B. In addition to the purchase price, perpetual care and maintenance of cemetery lots shall be assumed by the city upon payment of the charges for such service as set forth pursuant to PCC 11.16.140.

11.16.100 Hedges, Copings, Monuments, Etc.-Maintaining

It shall be unlawful for any person to erect or maintain any fence, corner post, coping, hedge, flag pole, standing rack or boundary of any kind upon any lot, street, alley or walk in the cemetery, or grade the ground or land thereof. The sexton shall, whenever required, furnish the true lines of a lot according to an official survey, and shall prevent and prohibit any markings of the lot except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. It shall be unlawful for any person to plant any shrubs, trees, lawn, etc., or place any monument or marker upon any lot or lots in the cemetery without written permission from the city sexton. Monuments and markers are generally for the purpose of identifying those individuals who are interred at the Payson City Cemetery. Any person requesting to place a monument or marker in the cemetery for any other purpose must submit a written request to the sexton and receive written approval. Each request will be considered on a case-by-case basis. The decision will be in harmony with the purpose of the cemetery.

11.16.110 Specifications For Monuments, Markers, Etc.

The placing of monuments and markers is done at a purchaser's own risk, shall be accomplished under the direction of the city sexton, and shall comply with all specifications herein enumerated. The city assumes no obligation or responsibility to repair or replace markers or monuments damaged by an owner or third party, or damaged as a result of a failure to comply with the directions of the city sexton, or failure to comply with the following specifications:

- A. It shall be unlawful for any person to erect or place any monument within the stone row on any standard or veteran lot in the city cemetery unless the same shall be placed in an approved concrete or on a granite foundation four (4) inches deep or deeper, if deemed necessary by the sexton, with a concrete or granite apron (lawnmower strip) not less than seven (7) inches wide around said monument. All concrete or granite bases must be straight up and down at 90-degree angles with no other angles allowed. For purposes of this Chapter, a monument is defined to be: any structure, tree, plant, urn, or any structure designed to perpetuate the memory of the dead; all other structures erected in the cemetery lots are hereby designated as "markers."
- B. It shall be unlawful for any person to place any monument on any lot in the cemetery not made of non-ferrous or non-rusting metal, stone, or concrete.
- C. All flower pots, vases, poles, and other such devices must be placed at the sides of or in the front or back center of the monument.
- D. Any allowed monument or markers placed out of the normal stone row shall be flat and flush and shall be placed in an approved concrete foundation six (6) inches deep or deeper, if deemed necessary by the city sexton, with a concrete or granite apron (lawnmower strip) not less than four (4) inches. No permanent item may be attached to any monument or its concrete foundation. Widths may vary and shall be approved by the city sexton prior to being set.
- E. All babyland monuments and markers shall be flat and flush and its width shall not exceed 24 inches and shall be placed in an approved concrete foundation six (6) inches deep or deeper, if deemed necessary by the sexton, with a concrete or granite apron (lawnmower strip) not less than four (4) inches. No permanent item may be attached to any monument or its concrete foundation in the babyland area.
- F. All monuments and markers in the Cremation Graves area shall be flat and flush and its width shall not exceed twenty-eight (28) inches and shall be placed in an approved concrete foundation six (6) inches deep or deeper, if deemed necessary by the city sexton, with a concrete or granite apron (lawnmower strip) not less than four (4) inches. No permanent item may be attached to any monument or its concrete foundation in the Cremation Graves area. All monuments in the Cremation Graves area shall be set with the lay of the land.

In order to avoid damage to the Payson City Cemetery grounds, all monuments and markers placed in the Cemetery between the dates of November 1st to March 1st shall be transported to the gravesite by either a handcart or by way of Payson City personnel. It is a reserved right for the city sexton to prevent setting of monuments and markers between those dates above if the weather and ground conditions require.

11.16.120 Monuments And Markers In The Designated Veterans Area

- A. The Payson City Cemetery has established a designated Veterans area. The exact location of the Veterans section can be obtained from the sexton.
- B. In order to facilitate uniformity in the designated Veterans section of the cemetery, all monuments and markers shall conform to the following guidelines, in addition to the other requirements set forth in this ordinance:
 - 1. The military provides a free granite stone. This stone is allowed provided that it is poured flat in the concrete or granite base.
 - 2. A flat marker may be purchased from a monument company.
 - 3. A monument may be purchased from a monument company. The overall height of the monument shall not exceed 28 inches. Widths may vary.
 - 4. The monument shall be 90 degrees from the base. No “wedge” shaped monument or other monument that is not 90 degrees from the base shall be allowed in the Veteran area.

11.16.130 Operation Of Vehicles And Speed Limit

- A. It shall be unlawful for any person to drive or operate a vehicle on cemetery grounds except on clearly designated areas designed for motor vehicle traffic.
- B. It shall be unlawful for any person to drive or operate any motor vehicle within the limits of the city cemetery at a rate of speed greater than ten miles per hour, or in any other manner that would endanger persons or property.

11.16.140 Cemetery Fees

The schedule of fees to be imposed for cemetery services shall be set by the City council from time to time by resolution.

11.16.150 Perpetual Care And Maintenance

- A. There is hereby created a perpetual cemetery improvement fund by Payson City. All funds collected by the city treasurer for perpetual care and maintenance (which shall include all fees collected by the sale of a lot, any other funds as may be received as gifts, or other funds as may be directed to be paid into the fund by

the City Council) shall be accounted for under the heading of perpetual maintenance cemetery fund.

- B. **Defined.** The term PERPETUAL CARE AND MAINTENANCE as used in this Chapter shall include every grave and lot in the cemetery sold since its organization and shall mean filling of the grave, placing of topsoil upon the grave, filling and seeding or sodding of the grave site, watering and cutting of the grass, except in times of drought, keeping of roads and drives in proper repair, keeping the drainage system in proper repair, pruning of trees, shrubs, and keeping the cemetery in good condition. Charges shall be made for all other services and improvements according to the fee schedules established by the city council. If no fee has been established for specific special services as requested, a reasonable sum based upon the cost to the city shall be assessed by the sexton.
- C. No grave opening upon any lot or burial space upon which perpetual maintenance is owed shall be authorized until the perpetual maintenance has been paid to the city.
- D. The city sexton is authorized to arrange and to maintain trees, shrubs and other landscaping to enhance the beauty of the cemetery.

11.16.160 Days When Burials Are Prohibited

Burials shall not occur on Christmas Day, New Year's Day, Human Rights Day, President's Day, Memorial Day, Memorial Day Weekend, Thanksgiving Day, Fourth of July, Pioneer Day, Labor Day, and Sundays. Whenever a recognized holiday fall on a Saturday, the observed holiday will be the previous Friday. Whenever a recognized holiday falls on a Sunday, the observed holiday will be the following Monday. Provided, however, that a burial may be permitted on any of the days described above if the deceased died of a contagious disease, or if other health or welfare concerns so require.

11.16.170 East-West Burials

All burials shall be with the length of the casket on an east-west alignment unless the lot or parcel is not large enough to allow east-west burial, then upon application to the sexton, such burial will be allowed to be on a north-south alignment. The sexton shall give permission for the irregular burials only under those circumstances when the markers would be compatible with others already established in the same area.

11.16.180 Curfew, And Defacing Property

- A. It shall be unlawful for any person not authorized by the city sexton to be in the cemetery from 10:00 p.m. to 6:00 a.m. of any day. A person will be considered to be "in the cemetery: if he or she is within the perimeter of the cemetery as established by a fence, or is upon any portion of the property set aside as present or future cemetery property as designated in the appropriate records of the city and county.

- B. Cemetery patrons only are allowed in the cemetery. It shall be unlawful for any person to climb over or crawl under the cemetery fence or to damage a cemetery fence.
- C. Children under twelve (12) years of age must be accompanied at all times on the cemetery property by a parent or some supervising adult eighteen (18) years of age or older.
- D. It shall be unlawful to engage in recreational or other inappropriate activities on the cemetery property. No rollerblades, skate boards or bikes allowed.
- E. It shall be unlawful for any person to injure or deface any monument, marker, tree, shrub or any other property in the city cemetery.
- F. The sexton, any person working for the sexton's office or any peace officer is empowered to enforce the provisions of this Section and to abate any vandalism or trespassing within the cemetery property.
- G. Any violation of this Chapter will constitute a class C misdemeanor.

11.16.190 Flowers And Decorations

- A. Decorations on graves are allowed throughout the year pursuant to the following guidelines:

Summer (March 15 – October 31): All flowers and other decorations must be confined to the headstone and its concrete or granite apron. Items driven into the ground such as shepherd hooks, iron wires, sticks, illuminaries, and pegs are prohibited and may be removed and disposed of upon discovery. City crews may begin removing decorations after seven days following recognized holidays during the summer months.

Winter (November 1 – March 14): all flowers and decorations are acceptable and can remain anywhere on the graves during the winter months as long as they are not damaging the cemetery grounds or obtrusive to neighboring graves. City crews may begin removing decorations after thirty (30) days following recognized holidays during the winter months.

- B. Any decoration that becomes faded, worn, or unsightly will be removed and disposed of. For safety and maintenance reasons, breakable items (glass, ceramic, etc.) are prohibited and may be removed and disposed of upon discovery.
- C. Payson City, its employees, and agents shall not be responsible or liable for theft of, damage to, or injury arising from flowers, decorations, and other personal property left in the cemetery.

11.16.200 Animals Prohibited

No dogs shall be allowed in the Payson City Cemetery unless confined in a vehicle. Dogs trained to assist the disabled shall be allowed in the Cemetery so long as it is properly leashed. It shall be unlawful for any person having the care of any animal to allow the animal to be within the cemetery, except physically confined in a motor vehicle.

11.16.210 Burial Of Indigent Persons

The City Council may designate, from time to time, lots for the burial of indigent persons.

11.16.220 Rights Of City And Certificate Holders

- A. In administering the cemetery, Payson City shall be entitled to all rights and prerogatives granted to it in law or equity, including the rights set forth in Utah Code 8, or any subsequent amendments. The omission or failure to assert any right or prerogative by the City in any particular case shall not constitute a waiver of the right.
- B. Upon payment of the purchase price for any lot or burial space, the certificate issued by the city sexton in the name of the purchaser shall vest the burial rights in the purchaser. The nature and extent of rights acquired by purchase of a certificate of burial rights shall be the right to use the burial space or lot for burial purposes only and subject to all rules, regulations, limitations and conditions imposed by the Payson City Code, other City ordinances, Utah State Law, and by the sexton as are necessary for efficient care of the cemetery.
- C. The city reserves the right of easement over and across any lot or burial space in the cemetery for repair of turf, installation or maintenance of water pipes or water lines for the improvement of the cemetery, and for the opening and closing of adjacent graves. The sexton will be responsible to see that all the work is completed and the surface returned to proper condition after such installation or maintenance work.
- D. All lots and parts of lots in the cemetery shall be exempt from execution and from taxation.

11.20 Public Facilities

[11.20.010 Purpose And Intent](#)

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11.20.100 Emergency Shelters

11.20.010 Purpose And Intent

The purpose of this Chapter, Public Facilities is to establish appropriate rules and regulations for the use, lease, rental, improvement, modification, and construction of facilities owned by the Payson City Corporation.

The intent of this Chapter is to facilitate the orderly and predictable utilization of publicly owned facilities, establish rental and lease rates, identify construction standards and other regulations that will ensure protection of public property from abuse, misuse, safety hazards, scheduling conflicts, and any other imposition.

11.20.020 Public Facilities Manager

There is hereby established the position of Public Facilities Manager. The Public Facilities Manager shall report directly to the City Manager and shall be compensated in accordance with the adopted salary schedule. The duties of the Public Facilities Manager include, but are not limited to, the following:

- A. To ensure that municipal public buildings are properly maintained, secured, and safe for employees and patrons.
- B. To ensure that municipal public buildings are kept clean, sanitary and in good order for use by employees and patrons.
- C. To ensure that rental, lease and other use of municipal public buildings is properly scheduled to avoid conflict. Furthermore, to restrict rental lease and other use of municipal public buildings to appropriate and proper activities.
- D. To ensure that construction, remodel or other alteration of any municipal public building is completed in accordance with the appropriate building codes, the development ordinances of the City, and all other ordinances and resolutions of the City. The Public Facilities Manager shall also ensure that all permits, applications, and other necessary record keeping in relation to municipal public buildings are obtained or completed.
- E. To provide necessary information to the Mayor and City Council about the needs of the municipal public buildings. To provide information to the Mayor and City Council about the appropriate lease, rental and other uses of municipal public buildings.
- F. To prepare a public facilities budget for adoption by the City Council that addresses the maintenance, construction, remodel and janitorial needs of the municipal public buildings.
- G. To coordinate with the employees of municipal public buildings in relation to any physical alteration of any municipal public building.

- H. To coordinate with the Parks Superintendent or other Department heads about the lease, rental and other use of municipal buildings, public parks and other open space as the use relates to municipal public buildings.

11.20.030 General Provisions

The Payson City Corporation has constructed municipal public buildings in order to execute official government business. However, on occasion the facilities are not in use by Payson City and are available for use by non-Payson City Corporation patrons.

- A. **Definitions.** The following definitions are specific to this Chapter. If a word is not listed in this paragraph A, the word shall have the most common definition as established in the latest version of the Webster's New World dictionary.

For the purposes of this Chapter, DANCES shall be defined as follows:

1. Entertainment dances. Dances where an audience or group of individuals are entertained by those performing, not to include the audience or group.
2. Social dances. Dances where anyone in attendance may participate in the activity.

FEE SCHEDULE is defined as a resolution adopted by the Payson City Council for the establishment of fees for the rental of facilities owned and operated by the Payson City Municipal Corporation.

NON-PAYSON CITY EVENTS and ACTIVITIES are defined as events and activities by persons or groups not acting in an official capacity for the Payson City Municipal Corporation.

PAYSON CITY is defined as the Payson City municipal corporation and may be referred to as Payson City Municipal Corporation, Payson City Corporation, Payson City, or the City.

PUBLIC BUILDINGS are defined as buildings or structures owned and operated by the Payson City Municipal Corporation or Redevelopment Agency of Payson City.

PUBLIC FACILITIES are defined as buildings, structures, property, or other facilities owned and operated by the Payson City Municipal Corporation or Redevelopment Agency of Payson City.

PUBLIC FACILITIES MANAGER is defined as an employee of Payson City charged with the responsibility of oversight for the use, maintenance, repair, and operation of facilities owned and operated by the Payson City Municipal Corporation.

B. Establishment Of Fees. The Payson City Council has established and adopted a fee schedule for the rental and use of public buildings and facilities. Appropriate security deposits are included in the fee schedule. The fee schedule may be amended from time to time by a majority vote of the City Council. Additional security deposits and use fees may be established by the Facilities Manager on a case by case basis, when appropriate, for the protection of public buildings and facilities.

1. All use of Payson City facilities other than official use shall be charged according to the fee schedule.

C. Scheduling. Official Payson City sponsored events and activities shall take priority over non-Payson City events and activities in the use of public buildings and facilities. Payson City reserves the right to override any previous scheduling of any public building or facility for any legitimate government purpose with or without notice, provided notice is given at the earliest date possible.

The use of public buildings and facilities shall not be considered reserved until the event has been scheduled with the City at the front office or at another officially designated area and the appropriate fee has been paid. Unless otherwise indicated in this Chapter, the use of public buildings and facilities shall be scheduled on a first come, first served basis unless otherwise modified by the City Council.

Prior to using the scheduled public building or facility, a person may request a walk-through to determine any missing items or prior damage. The person requesting the walk-through shall be accompanied by the Facilities Manager or designee. A log shall be kept detailing all pertinent information.

D. Rental Or Use By Payson City Employees. Public buildings and facilities may be used by Payson City Employees at no cost when an employee is acting in an official capacity in behalf of Payson City. The schedule for use of public buildings and facilities by Payson City employees shall be approved by the Facilities Manager or designee and may be modified by the City Council and pay according to the fee schedule.

Public buildings and facilities may be rented and used by Payson City employees at a reduced cost as indicated in the adopted fee schedule. Payson City employees, when reserving the use of public buildings and facilities shall not be given preference over any other non-Payson City event or activity.

E. Entertainment And Social Dances. Organized dances are not allowed within Payson City facilities with the following exceptions:

1. Dance classes organized through the Payson City recreation program.
2. Dance recitals organized through the Payson City recreation program.

3. Entertainment dances as defined in paragraph A are allowed at the City Center.
4. Dance classes held at the Peteetneet Academy organized and approved by the lessee.
5. Dance recitals held at the Peteetneet Academy organized and approved by the lessee.
6. Entertainment and social dances as defined in paragraph A are allowed at the Peteetneet Academy

F. Construction Or Improvements To Facilities. All new construction (i.e. maintenance buildings, pavilions, restroom facilities, pump house, etc.) shall be reviewed and approved by the City Council following the receipt of a recommendation from the Planning Commission. In addition to the approval granted by the City Council, any construction, improvement, or any other alteration of any Payson City facility, written approval shall be granted from the Payson City Facilities Manager. It is not the intention of this paragraph F to regulate the rearrangement of office furniture, tables, chairs computers, printers, and other movable objects. Failure to notify and obtain approval from the Facilities Manager of any construction, improvement or any other alteration of any Payson City Facility may result in disciplinary action for any City employee or loss of use privileges by the violating party.

G. Amendment Of This Chapter. This Chapter may be amended from time to time by a majority vote of the City Council. A public hearing is not required for the amendment of this Chapter provided that the Chapter is amended at a regular meeting of the City Council.

11.20.040 Payson City Center

The Payson City Center is located at 439 West Utah Avenue and is used to house the administrative offices of the City. Any use of the Payson City Center shall be secondary and subordinate to the proper function of City Government. Notwithstanding the following regulations and procedures, the City Council may postpone or cancel any use of the Payson City Center for any legitimate government purpose with or without notice, provided notice is given at the earliest date possible.

Scheduling the use of the Payson City Center shall be consistent with paragraphs A through G. All rental and use fees shall be consistent with the Payson City Fee Resolution. The use of the Payson City Center shall not be considered reserved until the event has been scheduled pursuant to PCC 11.20.030 paragraph C and the appropriate fee has been paid. Use of the Payson City Center shall be scheduled on a first come, first served basis unless otherwise modified by the City Council.

Official Payson City sponsored events and activities shall take priority over non-Payson

City events and activities. Furthermore, the Payson City Center is an emergency shelter and any emergency declared by the Mayor of Payson City shall override any previous scheduling of the Payson City Center.

A. Banquet Hall.

1. The use of the banquet hall at the Payson City Center shall be scheduled in advance pursuant to PCC 11.20.030 paragraph C. The banquet hall shall be scheduled with the following priorities:
 - a. Official Payson City functions, including emergency situations, shall take precedent over all other activities.
 - b. Payson City senior citizen events and activities shall take precedent over any non-Payson City events or activities.
 - c. Payson City recreation events and activities shall take precedent over any non-Payson City events or activities.
 - d. Non-Payson City events shall be scheduled on a first come, first served basis unless otherwise modified by the City Council.

2. The City shall be provided with the following information at the time the reservation is made:
 - a. The contact name, address, phone number, and major (Visa or MasterCard) credit card number of the applicant. All applicants must be 21 years of age.
 - b. A general description of the proposed use of the banquet hall.
 - c. The date and length of time that the banquet hall will be used.
 - d. The number of tables, chairs, and other Payson City materials that will be used.
 - e. Information about any materials that will be brought into the banquet hall.
 - f. The anticipated number of attendees at the event or activity.

3. The following are prohibited uses in the banquet hall, and will result in the complete and automatic forfeiture of the security deposit and may result in appropriate legal action:
 - a. Alcoholic beverages of any type.
 - b. Tobacco use of any kind including, but not limited to, cigars, cigarettes, pipes, chewing tobacco, and snuff tobacco.
 - c. According to the Utah Clean Air Act, 26-58-1.

- d. Illegal or illicit drugs of any kind.
 - e. Any other stipulations established by the Facilities Manager after review of the application for rental of the banquet hall.
4. The fee assessed for use of the banquet hall is for rent and general cleaning including vacuuming, mopping hallways and restrooms. The need for shampooing the carpet shall be considered damage. All Damage to the banquet hall shall be the responsibility of the applicant. The applicant will be given the option of repairing the damage, to the satisfaction of the Facilities Manager, at the cost of the applicant or allowing Payson City to have the damage repaired and the cost of the repair charged to the major (Visa or MasterCard) credit card of the applicant.

B. Kitchen Area.

1. The use of the kitchen area in the Payson City Center shall be scheduled in advance pursuant to PCC 11.20.030 paragraph C. The kitchen area is often associated with the use of the banquet hall, and the two areas may be scheduled together. The kitchen area shall be scheduled with the following priorities:
- a. Official Payson City functions, including emergency situations, shall take precedent over all other activities.
 - b. Payson City senior citizen events and activities shall take precedent over any non-Payson City events or activities.
 - c. Non-Payson City events shall be scheduled on a first come, first served basis unless otherwise modified by the City Council.
2. The City shall be provided with the following information at the time the reservation is made:
- a. The contact name, address, phone number, and major (Visa or MasterCard) credit card number of the applicant. All applicants must be 21 years of age.
 - b. A general description of the proposed use of the kitchen area.
 - c. The date and length of time that the kitchen area will be used.
 - d. The facilities that will be used such as stoves, refrigerators, sinks, plates and utensils, cups and glasses, salt and pepper shakers, and other Payson City materials to be used.
 - e. Information about any food, beverage or other materials that will be brought into the kitchen area.

- f. The anticipated number of persons to use the kitchen area and a list of those who will have access to the kitchen area.
3. The following are prohibited uses in the kitchen area, and will result in the complete and automatic forfeiture of the security deposit and may result in appropriate legal action:
 - a. Alcoholic beverages of any type.
 - b. Tobacco use of any kind including, but not limited to, cigars, cigarettes, pipes, chewing tobacco, and snuff tobacco. According to the Utah Clean Air Act, 26-58-1.
 - c. Illegal or illicit drugs of any kind.
 - d. The use of an open flame, charcoal briquettes, or other material that would present a potential fire hazard.
 - e. Any other stipulations established by the Facilities Manager after review of the application for rental of the kitchen area.
4. The fee assessed for use of the kitchen area is for rent and general cleaning. All Damage to the kitchen area shall be the responsibility of the applicant. The applicant will be given the option of repairing, to the satisfaction of the Facilities Manager, the damage at the cost of the applicant or allowing Payson City to have the damage repaired and the cost of the repair charged to the major (Visa or MasterCard) credit card of the applicant.

C. City Council Chambers.

1. The use of the City Council Chambers in the Payson City Center shall be scheduled in advance pursuant to PCC 11.20.030 paragraph C. The City Council Chambers is a formal area reserved for appropriate meetings and activities. Use of the City Council Chambers is restricted to those activities determined by the Facilities Manager to be appropriate for the room. The City Council Chambers shall be scheduled with the following priorities:
 - a. Official Payson City functions, including emergency situations, shall take precedent over all other activities.
 - b. Payson City Council meetings, Board of adjustment.
 - c. Payson City Planning Commission, Power Board, and other board and commission events and activities shall take precedent over any non-Payson City events or activities.
 - d. Non-Payson City events shall not be allowed in the Council Chambers.

2. The City shall be provided with the following information at the time the reservation is made:
 - a. The contact name, department, address, phone number, All applicants must be 21 years of age.
 - b. A general description of the proposed use of the City Council Chambers.
 - c. The date and length of time that the City Council Chambers will be used.
 - d. The facilities that will be used such as whiteboards, screens, microphones, displays, and other Payson City materials that will be used.
 - e. Information about any materials that will be brought into the City Council Chambers.
 - f. The anticipated number of persons to use the City Council Chambers.
 - g. Food and drinks are not allowed in the Council Chambers.
 - h. The Council Chambers are not reserved until the activity has been scheduled in the scheduling book.
3. The following are prohibited uses in the City Council Chambers and may result in appropriate legal action:
 - a. Alcoholic beverages of any type.
 - b. Tobacco use of any kind including, but not limited to, cigars, cigarettes, pipes, chewing tobacco, and snuff tobacco. According to the Utah Clean Air Act, 26-58-1.
 - c. Illegal or illicit drugs of any kind.
 - d. Food and drinks other than water, unless approved by the Facilities Manager.
 - e. Any other stipulations established by the Facilities Manager after review of the application.
4. The fee assessed for use of the City Council Chambers is for rent and general cleaning. The need for shampooing the carpet shall be considered damage. All Damage to the City Council Chambers shall be the responsibility of the City representative. The City representative will be given the option of repairing, to the satisfaction of the Facilities Manager, the damage at the cost of the City representative or allowing

Payson City to have the damage repaired and the cost of the repair charged to the City representative or his/her department.

- D. Use Of Other Building Areas.** There are several locations in the City Center that under the right circumstances may be appropriate for non-Payson City events and activities. These areas include, but are not limited to the Justice Court, the Jury Room, the Daughters of the Utah Pioneers Museum, and various other locations throughout the building. The use of these rooms is discouraged and only allowed with the permission of the Facilities Manager and on a case by case basis.

Payson City reserves the right to refuse the use of any of these building locations. If any entity is allowed to use these locations, the rental rates and security deposits shall be determined by the Facilities Manager.

- E. Use Of Pioneer Square.** There are several open spaces and turf areas surrounding the Payson City Center. These areas are considered public space and open for appropriate events and activities. The grounds referred to, together with the Payson City Center, as Pioneer Square are not available for exclusive rental purposes. All laws and regulations governing public property apply to these areas.

The following are prohibited uses in Pioneer Square and may result in appropriate legal action:

1. Alcoholic beverages of any type.
2. Illegal or illicit drugs of any kind.
3. Any other stipulations established by the Facilities Manager after review of the application.

- F. Use Of City Parking Lot.** The parking lot area located at Pioneer Square is intended for the parking of automobiles for the employees and patrons of the Payson City Center. Payson City reserves the right to use the entire parking lot for employee parking, patrons of the Payson City Center, or functions scheduled at the Payson City Center. Vehicles parked in the parking lot for any purpose other than employee parking, patron parking of the Payson City Center, or a scheduled event or activities is not permitted. No overnight parking or camping is allowed except that Payson City vehicles may be parked in the parking lot overnight. The Facilities Manager may cause any vehicle not in compliance with this paragraph F to be towed at the owners' expense.

- G. Posting Information.** Payson City reserves the right to post any official Payson City information in any appropriate location at Pioneer Square or in the Payson City Center. Non-official information shall be posted only with the Permission of the Facilities Manager and only in the location designated by the Facilities

Manager.

Any information posted at Pioneer Square or in the Payson City Center should be related to a community event or activity. Advertising for financial gain shall not be permitted at Pioneer Square or in the Payson City Center. Payson City reserves the right to refuse the posting of any non-official information.

11.20.050 Peteetneet Academy

The Peteetneet Academy is owned by Payson City and operated by the People Preserving Peteetneet. The People Preserving Peteetneet shall operate the Peteetneet Academy in accordance with the agreement on record in the office of the Payson City recorder.

Payson City reserves the right to utilize the Peteetneet Academy for any appropriate official Payson City event or activity. All non-official events and activities shall be charged according to the fee schedule and scheduled by the People Preserving Peteetneet in accordance with the agreement on record in the office of the Payson City recorder.

There are several open spaces, turf areas, walkways and an amphitheater surrounding the Peteetneet Academy. These areas are considered public space and open for appropriate events and activities. The grounds surrounding the Peteetneet Academy are not available for exclusive rental purposes. All laws and regulations governing public property apply to these areas.

The following are prohibited uses in the Peteetneet Academy and the grounds surrounding the Peteetneet Academy and may result in appropriate legal action:

- A. Alcoholic beverages of any type.
- B. Illegal or illicit drugs of any kind.
- C. Indoor use of any kind of tobacco including, but not limited to, cigars, cigarettes, pipes, chewing tobacco, and snuff tobacco. According to the Utah Clean Air Act, 26-58-1.
- D. Any other stipulations established by the Facilities Manager after review of the application.

11.20.060 Gladstan Golf Course

The Gladstan Golf Course is owned and operated by Payson City. Any alternative use of the golf course and related facilities shall be consistent with the provisions of this Section.

- A. **Use Of The Clubhouse.** The clubhouse shall be operated by the Payson City

Golf Professional or designee. Any use of the clubhouse shall be scheduled with the golf professional or designee. The golf professional shall provide information to the Payson City Manager about any use of the clubhouse by any person or entity other than an employee of Payson City.

The basement meeting room is reserved for the men's and women's golf associations of Gladstan Golf Course or other official Payson City business. The meeting room may be used for non-Payson City events and activities with the permission of the Payson City Golf Professional or designee according to the Payson City fee schedule. Payson City reserves the right to deny the use of the meeting room when such use interferes with the proper operation of the golf course or use by the men's and women's golf associations of Gladstan Golf Course. The rental rate for use of the meeting room shall be consistent with the fee schedule approved and adopted by the City Council.

1. The use of the meeting room shall be scheduled in advance with the Payson City Golf Professional or designee. The Payson City Golf Professional shall be provided with the following information at the time the reservation is made:
 - a. The contact name, address, phone number, and major (Visa or MasterCard) credit card number of the applicant. All applicants must be 21 years of age.
 - b. A general description of the proposed use of the meeting room.
 - c. The date and length of time that the meeting room will be used.
 - d. The Payson City materials that will be used.
 - e. Information about any materials that will be brought into the meeting room.
 - f. The anticipated number of persons to use the meeting room.
2. The following are prohibited uses in the meeting room, and will result in the complete and automatic forfeiture of the security deposit and may result in appropriate legal action:
 - a. Tobacco use of any kind including, but not limited to, cigars, cigarettes, pipes, chewing tobacco, and snuff tobacco. According to the Utah Clean Air Act, 26-58-1.
 - b. Illegal or illicit drugs of any kind.
 - c. Any other stipulations established by the Payson City Golf Professional or Facilities Manager after review of the application for rental of the meeting room.
3. The fee assessed for use of the meeting room is for rent and general

cleaning. The need for shampooing the carpet shall be considered damage. All Damage to the meeting room shall be the responsibility of the applicant. The applicant will be given the option of repairing, to the satisfaction of the Facilities Manager and the Payson City Golf Professional, the damage at the cost of the applicant or allowing Payson City to have the damage repaired and the cost of the repair charged to the major (Visa or MasterCard) credit card of the applicant.

- B. Use Of The Restaurant.** The restaurant located within the clubhouse shall be operated under the direction of the Payson City Golf Professional or designee. Any use of the restaurant shall be scheduled with the golf professional. The golf professional shall provide information to the Payson City Manager about any use of the restaurant by any person or entity other than an employee of Payson City.

Use of the restaurant by any person or entity other than an employee of Payson City shall not inhibit the operation of the restaurant during regular business hours. The restaurant is available only before or after regular business hours. The kitchen area of the restaurant is not available for rent; only the banquet area. The restaurant may be used for non-Payson City events and activities with the permission of the Payson City Golf Professional. Payson City reserves the right to deny the use of the restaurant when such use interferes with the proper operation of the golf course or the restaurant. The rental rate for use of the restaurant shall be consistent with the fee schedule approved and adopted by the City Council.

1. The use of the restaurant shall be scheduled in advance with the Payson City Golf Professional or designee. The Payson City Golf Professional shall be provided with the following information at the time the reservation is made:
 - a. The contact name, address, phone number, and major (Visa or MasterCard) credit card number of the applicant. All applicants must be 21 years of age.
 - b. A general description of the proposed use of the restaurant.
 - c. The date and length of time that the restaurant will be used.
 - d. The materials that will be used including the grill, stove, tables, chairs, and any other Payson City materials.
 - e. Information about any materials that will be brought into the restaurant.
 - f. The anticipated number of persons to use the restaurant.
2. The following are prohibited uses in the restaurant, and will result in the complete and automatic forfeiture of the security deposit and may result in

appropriate legal action:

- a. Tobacco use of any kind including, but not limited to, cigars, cigarettes, pipes, chewing tobacco, and snuff tobacco. According to the Utah Clean Air Act, 26-58-1.
 - b. Illegal or illicit drugs of any kind.
 - c. Any other stipulations established by the Payson City Golf Professional or Facilities Manager after review of the application for rental of the restaurant.
3. The fee assessed for use of the restaurant is for rent and general cleaning. The need for shampooing the carpet shall be considered damage. All Damage to the meeting room shall be the responsibility of the applicant. The applicant will be given the option of repairing, to the satisfaction of the Facilities Manager and the Payson City Golf Professional, the damage at the cost of the applicant or allowing Payson City to have the damage repaired and the cost of the repair charged to the major (Visa or MasterCard) credit card of the applicant.

C. Use Of The Golf Course. The golf course shall be operated by Payson City under the direction of the Payson City Golf Professional. Entities may schedule tournaments to be played on the Gladstan Golf Course. All tournaments shall be scheduled with the golf professional on a first come, first served basis and shall be consistent with the fee schedule approved and adopted by the City Council. Payson City reserves the right to deny the use of the golf course when such use interferes with the proper operation of the golf course.

1. Tournaments shall be scheduled in advance with the Payson City Golf Professional. The Payson City Golf Professional shall be provided with the following information at the time the reservation is made:
 - a. The contact name, address, phone number, and major (Visa or MasterCard) credit card number of the applicant. All applicants must be 21 years of age.
 - b. The anticipated number of persons to participate in the tournament.
2. The following are prohibited uses on the golf course and will result in the complete and automatic forfeiture of the security deposit and may result in appropriate legal action:
 - a. Illegal or illicit drugs of any kind.
 - b. Any other stipulations established by the Payson City Golf Professional after review of the proposed tournament.

3. The fee assessed for a tournament is for proper use of the golf course. All Damage to the golf course shall be the responsibility of the applicant. The applicant will be given the option of repairing, to the satisfaction of the Payson City Golf Professional, the damage at the cost of the applicant or allowing Payson City to have the damage repaired and the cost of the repair charged to the major (Visa or MasterCard) credit card of the applicant.

11.20.070 Parks And Open Spaces

Payson City owns and operates several parks and open spaces. However, not all facilities are available for exclusive rental by individuals or groups. The following facilities are available for rent at a rate consistent with the fee schedule approved and adopted by the City Council:

- A. The picnic pavilions at Memorial Park.
- B. The swimming pool at Memorial Park.
- C. The bandstand at Memorial Park.
- D. The picnic pavilion McMullin (Senior Citizens) Park.
- E. The picnic pavilion Constitution Park.
- F. Payson Canyon / Kiwanis Park.

The use of the facilities listed above shall be scheduled in advance pursuant to PCC 11.20.030 paragraph C. The facilities shall be scheduled with the following priorities:

- A. Official Payson City functions, including emergency situations, shall take precedent over all other activities.
- B. Payson City recreation events and activities shall take precedent over any non-Payson City events or activities.
- C. Non-Payson City events shall be scheduled on a first come, first served basis unless otherwise modified by the City Council.

The Facilities Manager or designee shall be provided with the following information at the time the reservation is made:

- A. The contact name, address, phone number, and major (Visa or MasterCard) credit card number of the applicant. All applicants must be 21 years of age.
- B. A general description of the proposed use of the City owned facility.
- C. The date and length of time that the facility will be used.

- D. The specific Payson City facilities that will be used.
- E. Information about any other materials that will be brought onto the City owned facility.
- F. The anticipated number of persons to use the facility.

The following are prohibited uses on City owned facilities listed above and will result in the complete and automatic forfeiture of the security deposit and may result in appropriate legal action:

- A. Alcoholic beverages of any type.
- B. Illegal or illicit drugs of any kind.
- C. The use of an open flame or other material that would present a potential fire hazard.
- D. Any other stipulations established by the Facilities Manager after review of the application for rental a City owned facility.

The fee assessed for use of City owned facilities is for rent and general cleaning. All Damage to the City owned facility shall be the responsibility of the applicant. The applicant will be given the option of repairing, to the satisfaction of the Facilities Manager, the damage at the cost of the applicant or allowing Payson City to have the damage repaired and the cost of the repair charged to the major (Visa or MasterCard) credit card of the applicant.

11.20.080 Public Works Facilities

Payson City owns several buildings and facilities that are used to provide public works services to the residents and visitors to the community. These facilities are not available for rent or use by Payson City residents and non-Payson City individuals or groups.

11.20.090 Facilities Not Listed In This Chapter

If any facility owned by Payson City is not listed in this Chapter, it is considered public space and shall be operated in a manner consistent with normal and accepted use principles of public property.

- A. Fire Station
- B. Ambulance building
- C. Police station
- D. Library
- E. Ball fields

F. Cemetery

11.20.100 Emergency Shelters

Payson City has a responsibility to identify areas throughout the City that may be utilized for emergency purposes. Any emergency declared by Payson City in accordance with PCC 9 shall override any previous scheduling of the facilities.

In case of an emergency, disaster, or other catastrophe, the following areas, together with associated facilities, may be used.

- A. City Center
- B. Memorial Park
- C. Constitution Park
- D. Hillman Field
- E. New Ball Fields
- F. Peteetneet Academy

Title 12 Subdivision Regulations

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12.02 Introduction And General Provisions

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12.02.010 Title

These standards and regulations may be known, cited and referred to as the Development Standards and Subdivision Regulations, or the Subdivision Ordinance of Payson City, Utah.

12.02.020 Introduction

Developments in Payson shall be designed for building purposes without danger to health or peril from fire, flood, landslide, subsidence, geologic and natural hazards, or other menace. Land shall not be subdivided or developed until available public facilities and improvements exist (or adequate guarantees are in place) and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks and recreation facilities, streets and transportation facilities, and related improvements. If necessary and required public facilities, infrastructure and safety protections are not in place or cannot be provided, the development will not be allowed.

Proposed public improvements shall conform to the General Plan, Streets Master Plan, Official Zoning Map, Development Guidelines, and the capital improvement program of Payson City. It is intended that these regulations supplement and facilitate the enforcement of the provisions and standards contained in the building and housing codes adopted by the State of Utah and Payson City, the Zoning Ordinance and other development ordinances of the City, the General Plan, Official Zoning Map, and capital improvement program as they are adopted and may be amended.

12.02.030 Burden Of Proof

For all proceedings in regard to development approval under this Title or amendments to this Title, the burden of proof showing satisfaction of all requirements shall rest with the applicant or authorized agent of the proposed development or amendment. The requirements and standards set forth herein are the minimum acceptable standards for development within Payson.

12.02.040 Assumption Of Validity

The City will assume that all information provided is accurate and valid. If any information provided to the City is found to be outdated, false, or in any way misleading, the application for development approval may be denied or revoked by the city council regardless of previous approvals. If it can be shown that the applicant or authorized agent knowingly submitted false or misleading information during the approval process, the city council may charge the applicant or authorized agent with a Class C misdemeanor offense.

12.02.050 Licensed Contractors, Surveyors, And Engineers

All applicants for development approval will use licensed contractors, surveyors, and

engineers to satisfy the regulations of this Title. Failure of applicants to use experienced and professional assistance to prepare the information required for development approval can lead to unnecessarily combative and unproductive situations. All improvements required herein shall be completed by a licensed contractor.

12.02.060 Purpose For Standards And Regulations

The Development Standards and Subdivision Regulations are adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare.
- B. To guide future growth and development in Payson in accordance with the Payson City General Plan.
- C. To provide for adequate light, solar access, open space, air, privacy, to secure safety from fire, flood, landslides and other geologic and natural hazards, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- D. To protect and conserve the value of land throughout the municipality, the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
- E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, streets, and other public facilities.
- F. To provide a beneficial relationship between the uses of land and buildings and the circulation of traffic throughout the municipality, having particular regard to the avoidance of congestion in the streets and the pedestrian facilities, and to provide for the proper location and width of streets and building setbacks.
- G. To establish reasonable standards of design and procedures for orderly layout and use of land, to insure proper legal descriptions and monumentation of subdivided land, and facilitate the transfer of ownership.
- H. To insure that public facilities are available and will have a sufficient capacity to serve proposed development.
- I. To prevent pollution or degradation of air, streams and ponds, assure the adequacy of drainage facilities, protect subsurface water, minimize site disturbance and the removal of native vegetation and soil erosion, encourage the wise use and management of natural resources throughout the municipality, and preserve the integrity, stability, and beauty of the community and value of the land.
- J. To provide open spaces through efficient design and layout of the land using appropriate development layout and flexible width and area of lots, while

preserving the overall density of land as established in the Zoning Ordinance.

12.02.070 Authority

By authority of Municipal Ordinance and in accordance with Utah Code § 10-9a-501 et. seq. (1953 as amended), and any other applicable federal, state, county or municipal laws, statutes, ordinances, and regulations of the State of Utah, designated land use authorities hereby exercise the power and authority to review, approve, and disapprove land use applications to subdivide or develop land within the corporate limits of Payson, Utah.

By the same authority, designated land use authorities hereby exercise the power and authority to disapprove plats for the subdivision of land under the following conditions:

- A. The plat or subdivision has been recorded in the office of the county recorder without prior approval by the land use authority.
- B. The plat or subdivision was approved by the City Council more than three (3) years prior and no building permits have been issued, and the zoning regulations, either bulk or use, for the district in which the subdivision is located, have been changed subsequent to the original subdivision approval.
- C. The subdivision fails to satisfy the requirements of this Title or any other land use and development ordinances of Payson City including, but not limited to the Zoning Ordinance, Sensitive Lands Ordinance, the Development Guidelines, and Utah Code § 10-9a-601 et. seq. (1953, as amended).

12.04 Jurisdiction

[12.04.010 Applicability And Violation](#)

[12.04.020 Private Property Disputes](#)

[12.04.030 Consumer Protection Legislation And Conflicts Of Interest Statutes](#)

12.04.010 Applicability And Violation

These development standards and subdivision regulations shall apply to all land use applications to subdivide or develop land in accordance with Utah Code § 10-9a-103(35)(a-d) (1953 as amended).

No land shall be subdivided or developed within Payson until the applicant or agent submits a Concept Plan of the proposed subdivision or development to staff; obtains written approval of the land use application by the City Council following a recommendation of the Planning Commission; obtains written approval of the Final Plat by the City Council; and the approved plat is filed and recorded in the office of the Utah County Recorder, if applicable.

No building permit or certificate of occupancy will be issued for any lot or parcel that was

created by subdivision after the effective date of, and not in conformity with, the provisions of these regulations or approved under a prior subdivision ordinance adopted by the city council. No excavation of land or construction of any public or private improvements shall occur except in conformity with the applicable Payson City regulations.

No owner, or agent, of any lot or parcel of land located in a subdivision shall transfer or sell any lot or parcel before a Final Plat has been approved by the land use authority in accordance with the provisions of these regulations, and filed in the office of the Utah County Recorder. The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted and shall be considered null and void. The City may approve metes and bounds descriptions for purposes of boundary line adjustments and resolving conflicting boundary descriptions.

Any person, firm, or corporation who fails to comply with, or violates, any of these provisions shall be guilty of a Class C misdemeanor. Appropriate actions and proceedings may be taken in law or in equity to prevent violation of these regulations, unlawful construction, to recover damages, restrain, correct, or abate a violation, or prevent illegal occupancy of a building, structure or premises, and these remedies shall be in addition to a Class C misdemeanor.

12.04.020 Private Property Disputes

Payson City does not have jurisdiction to resolve the following private property issues during the development review process:

- A. Property line location, property overlaps and gaps, or other survey or property line irregularities.
- B. Negotiations or arrangements between non-City utility providers and developers.

12.04.030 Consumer Protection Legislation And Conflicts Of Interest Statutes

No building permit or certificate of occupancy shall be granted or issued if an applicant or authorized agent have violated any federal, state, or local law pertaining to consumer protection of real estate land sales, promotion, or practices, or any applicable conflicts-of-interest legislation with respect to the lot or parcel of land which is the subject of the permit or certificate, until so ordered by a court of competent jurisdiction.

With respect to a lot or parcel of land, in the event a building permit or certificate of occupancy has been granted or issued, it shall be subject to revocation by the City until so ordered otherwise by a court of competent jurisdiction, provided that in no event shall the rights of intervening innocent third parties in possession of a certificate of occupancy be prejudiced by any such revocation.

Any violation of a federal, state, or local consumer protection law (including but not limited to: Postal Reorganization Act of 1970; the Federal Trade Commission Act of 1970; Interstate Land Sales Full Disclosure Act; the Truth in Lending Act; the Uniform Commercial Credit Code; State "Blue Sky" laws; State subdivision disclosure acts or conflicts of interest statute, law, or ordinance) shall be deemed a violation of these regulations and subject to all of the penalties and proceedings as set forth in this Title.

12.06 Interpretation, Conflict, And Severability

12.06.010 Interpretation

12.06.020 Conflict With Other Provisions

12.06.030 Equivalent Residential Units Defined

12.06.040 Saving Provision, Relationship To Previous Ordinance

12.06.050 Severability

12.06.010 Interpretation

These regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. The burden of proof shall, in all proceedings pursuant to this Title, rest with the proponent of an application for development approval. Any dispute arising from the administration of this Title shall be forwarded to the city council for resolution.

12.06.020 Conflict With Other Provisions

This Title is intended to be consistent with all other laws, ordinances and resolutions of Payson City, specifically including the following:

- A. The Payson City General Plan and General Plan Map.
- B. PCC 13, also known as the Zoning Ordinance.
- C. PCC 14, also known as the Sensitive Lands.
- D. The Payson City Development Guidelines.

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control. Further, these regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall control. Where the provisions of an easement, covenant, or private agreement or restriction impose duties and obligations more restrictive than these regulations, then the private provisions shall be operative and supplemental to these regulations and conditions imposed. Provided,

however, that the City is under no obligation to enforce private restrictive covenants and conditions.

12.06.030 Equivalent Residential Units Defined

A. **Equivalent Residential Unit (ERU).** A calculation to determine the impact of a development in comparison with single-family residential units. An ERU is equal to one (1) single-family unit. Each Payson City utility will have unique ERU calculations including, but not limited to, to the following:

1. Impact on traffic: One ERU = 10 vehicle trips per day.
2. Impact on drinking water: One ERU = the gallons of water that can be obtained through a three quarter ($\frac{3}{4}$) inch service lateral.
3. Impact on irrigation water: One ERU = the gallons of water that can be obtained through a one (1) inch service lateral.
4. Impact on power: One ERU = 4 Kw peak demand.

12.06.040 Saving Provision, Relationship To Previous Ordinance

These regulations shall not be construed as abating any action under, or by virtue of, prior existing subdivision and development regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the municipality under any section or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the municipality except as shall be expressly provided for in these regulations.

The procedures set forth in this Title are intended to supersede any inconsistent procedural provisions in previous ordinances. The substantive requirements of the application form and the review process shall remain unchanged, but all final actions under any previous ordinance are subject to the appeal processes set forth herein. All land use applications are subject to termination as set forth herein.

12.06.050 Severability

If any part or provision of these regulations or application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances.

12.08 Amendments To This Title

12.08.010 Amendments

- [12.08.020 Petition For Amendment](#)
- [12.08.030 Hearing Before Planning Commission](#)
- [12.08.040 Action By Planning Commission](#)
- [12.08.050 Action By City Council](#)
- [12.08.060 Notice Requirements](#)

12.08.010 Amendments

For the purpose of protecting the public health, safety, and general welfare, the city council may from time to time amend the provisions imposed by the development standards and subdivision regulations. A public hearing on all proposed amendments shall be held by the planning commission in accordance with Utah Code § 10-9a-503 (1953 as amended). The following amendment process is intended to be consistent with those provisions.

This Title should be constantly reviewed and improved upon to stay viable and useful to the City. Any amendment to this Title or the zone map should be consistent with the direction of the General Plan. All amendments will be completed in the following manner:

Amendments to the provisions of this Title may be initiated by the planning commission, city council, an applicant for development approval, member of the general public, or City staff. Amendments to this Title may require an amendment to the General Plan as well. If a petition would require changes to the General Plan, it should be so noted on the petition and the changes should be made concurrently.

12.08.020 Petition For Amendment

A petition to amend this Title shall be filed with the Development Services Department in a letter or on a form prescribed for that purpose. The form or letter shall contain a statement of the petitioner's interest in the amendment. The petition shall indicate the proposed amendment and indicate the reasoning for the change. A fee will be established for acting on a petition for an amendment that will be included in the Payson City Fee Resolution in effect at the time.

12.08.030 Hearing Before Planning Commission

The planning commission shall hold a public hearing on all petitions for an amendment to this Title and receive comments from citizens or property owners affected by the change. Notice of the hearing shall be given as set forth in PCC 11.08.060. The notice shall generally state the nature of the proposed amendment, the Section of the Title affected, and the time, place, and date of the public hearing. The notice shall also state that more detailed information is available for public inspection at the Development Services Department. All information shall be available prior to publication of the notice of public hearing.

12.08.040 Action By Planning Commission

Following a public hearing, the planning commission shall prepare a formal recommendation to be presented to the city council regarding the petition. The recommendation shall be to approve, deny, or modify and approve the petition. The planning commission shall act on the petition at the time of the hearing or at its next regularly scheduled meeting following the hearing, unless the proponent or petitioner has requested the matter be tabled for further consideration, or the petition is withdrawn. If the planning commission fails to act within two (2) regularly scheduled meetings on the petition, the petition shall be deemed as a recommendation for denial by the planning commission and the petition shall be forwarded to the city council for their consideration with that recommendation.

12.08.050 Action By City Council

Following a review of the proposed amendments, and in consideration of the planning commission recommendation, the city council shall approve, deny, or modify and approve the proposed amendment. The recommendations of the planning commission are advisory only and the city council may or may not accept the recommendations of the planning commission. City council action on an amendment to this Title requires the affirmative vote of three or more city council members.

12.08.060 Notice Requirements

Notice of hearings before the planning commission concerning amendments to this Title shall be provided in accordance with this Section. Notice of amendments to this Title shall be given at least fourteen (14) days before the date set for the hearing in accordance with state law. All notice required under this Section shall be given as follows:

- A. **Posted Notice.** Staff shall post, or cause to be posted, notice of the proposed amendments to this Title in at least two public places within the City. At least one posted notice shall be located at a public place other than the City building, such as the Post Office. The notice shall state that an application for an amendment to PCC 12, Subdivision Ordinance has been filed, give general information about the proposed amendment, and indicate that detailed information concerning the proposed amendment is available from the City. The notice shall state the time, place and date set for a public hearing.
- B. **Published Notice.** Published notice, at the applicant's expense, shall be given by publication in a newspaper having general circulation in Payson. Published notice shall state that an application has been filed to amend PCC 12, Subdivision Ordinance, give general information about the proposed amendment, and indicate that detailed information about the proposed amendment is available from the City. The notice shall state the time, place and date set for a public hearing. The published date of the notice, not the date of

submittal to the newspaper, must satisfy the fourteen (14) day notification requirement of this Section.

- C. **Proof Of Notice.** Proof that notice was given pursuant to either paragraphs A or B above is prima facie evidence that notice was properly given. If notice given under authority of this Section is not challenged, as provided for under State law, within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice is considered adequate and proper.

12.10 Vacation, Alteration Or Amendment Of Subdivision Plats And Other Parcel Modifications

[12.10.010 Vacation, Alteration Or Amendment Of Subdivision Plat](#)

[12.10.020 Boundary Line Adjustment And Lot Combination](#)

12.10.010 Vacation, Alteration Or Amendment Of Subdivision Plat

In some instances, it becomes necessary to vacate, alter or otherwise modify the dimensions of existing lot lines. When such alterations involve several lots or parcels, a plat amendment is appropriate; when easements or right-of-ways are involved, a vacation process is necessary; and in circumstances that only involve adjacent owners, a lot line adjustment is adequate. The purpose of this Chapter is to clarify these processes.

The city council may, on its own motion, a recommendation of the planning commission, or pursuant to a petition, consider any proposed vacation, alteration or amendment of a subdivision plat, or any street, lot, alley or public use area contained in a subdivision plat, as provided in Utah Code §§ 10-9a-608 and 10-9a-609 (1953 as amended). If the city council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment and there is good cause for such action, the city council may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.

The planning commission may act as the land use authority when the vacation, alteration, or plat amendment does not require the vacation, alteration or amendment of a street, right-of-way, or easement.

12.10.020 Boundary Line Adjustment And Lot Combination

The Development Services Director may, upon petition, consider and approve a boundary line adjustment or a lot combination of a metes and bounds parcel, under the provisions of this Section and Utah Code. Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:

- A. No new dwelling lot or housing unit results from the adjustment;

- B. The adjoining property owners consent, in writing, to the new lot lines;
- C. The boundary line adjustment does not result in remnant land that did not previously exist; and
- D. The adjustment does not result in violation of applicable zoning requirements.

A request to combine two (2) legally existing parcels may be approved by the Development Services Director, unless the lot combination involves the vacation of a street, right-of-way, or easement. Following approval, the applicant shall prepare and record deeds removing the property line between the two (2) lots.

If the boundary line adjustment or combination involves the vacation of a street, right-of-way, or easement, the applicable requirements of Utah Code, including Utah Code § 10-9a-609.5, shall be satisfied.

If public utilities exist in the public utility easement between the two (2) lots, the public utilities shall be relocated to an appropriate easement at the expense of the applicant for a boundary line adjustment.

The boundary line proposed to be adjusted must be surveyed by a licensed surveyor and the existing property line(s) and the proposed property line(s) will need to be identified. This will allow City staff and representatives of the private utility companies to determine whether or not the proposed boundary line adjustment will impact the ability of the utility company to provide adequate service. In making a determination concerning a boundary line adjustment, the Development Services Director shall consider, at a minimum, the following:

- A. Utility easements surrounding each parcel or through a parcel.
- B. The impact on the ability of Payson City or any other utility provider to serve the properties.
- C. The vacation of existing easements and the potential recording of new easements.

If the boundary line adjustment satisfies all applicable ordinances and resolutions of Payson City, a notice of approval shall be recorded in the office of the Utah County Recorder that satisfies the provisions of Utah Code § 10-9a-609 (1953 as amended). The notice of approval does not convey title. In order to convey title, the adjoining property owner(s) will need to prepare and record a quit claim deed, warranty deed, or other acceptable instrument in the office of the Utah County Recorder.

A request for a boundary line adjustment to accommodate development may be denied by the Development Services Director if it is determined the application fails to meet the requirements of this Title or PCC 13, Zoning Ordinance or it is more appropriate to complete the subdivision or plat amendment process.

12.12 Planned Residential Development (PRD)

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12.12.010 Purpose And Intent

Payson City supports development that is creative and serves a purpose beyond the division of land. Planned Residential Developments should be of benefit to the City as well as the residents of the development. The purpose of a Planned Residential Development is not to increase density, but to increase the quality of life in the community. In order to increase the quality of life in Payson, the City is willing to allow flexibility in lot arrangement in exchange for amenities.

When approval of a Planned Residential Development (PRD) is proposed and prior to any contract being made for the sale of any part thereof, and before any permit for the erection of a structure in a proposed Planned Residential Development shall be granted, the owner, or authorized agent, shall apply for and secure approval of the proposed Planned Residential Development in accordance with this Chapter. The PRD Chapter is intended to be in addition to the requirements of this Title, not to take the place of these regulations.

A Planned Residential Development may be allowed at the discretion of the city council following a recommendation of the planning commission in any agricultural or residential zone, except in the R-MF, Multi-Family Residential Zone. An application for approval of a PRD is a request by the applicant for more flexibility in lot layout than that allowed by the underlying zoning. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of PCC 13 and all other sections of this Title. It is the sole responsibility and burden of the applicant to convince the planning commission and city council that the proposed alternative development layout is preferable to a traditional subdivision approved in accordance with PCC 13 and all other requirements of this Title. Denial of a PRD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all of the requirements of PCC 13 and all other sections of this Title. The city council need not provide detailed findings or reasons for denial of a PRD in light of their decision being clearly legislative and an assumption that denial of a PRD is in the best interest of the citizens of Payson as a whole.

The intention of this Chapter is to allow and encourage a flexible, efficient and imaginative development pattern. Planned Residential Developments can:

- A. Provide flexible development options where a standard lot pattern is not practical or desirable due to physical constraints.
- B. Promote attractive architectural design, creative lot configuration, provide open spaces, and ensure efficient delivery of services.
- C. Promote usable public and private recreation areas, parks, trails and open space with assurance of maintenance.
- D. Reduce development costs and ongoing maintenance costs.

Any development that satisfies the requirements of this Chapter may be considered for approval regardless of whether the requirements of PCC 13, Zoning Ordinance, are satisfied. In the case of conflicting requirements of this Chapter and PCC 13, Zoning Ordinance, this Chapter shall dictate.

12.12.020 Development Description

A Planned Residential Development (PRD) is a development containing residential lots or units with some of the parcels reduced below the minimum lot sizes required by the underlying zoning district. Projects are planned to achieve a coordinated, functional and unified development pattern. A PRD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the Development Guidelines are satisfied. Planned Residential Developments are allowed in all residential zones in Payson, except in the R-MF, Multi-Family Residential Zone, MH-1 and MH-2 Mountain and Hillside Zones, and the GCD, Golf Course Development Zone.

Because the lot sizes in a PRD are flexible, a building footprint shall be indicated on each lot that identifies the buildable area of the lot and the required setback area for each lot. The city council may require the buildable area of the lots to be increased if it is determined that an average size dwelling, in comparison with other dwellings in the general vicinity, cannot be constructed on the proposed lots. No lot in a PRD shall be smaller than 6,500 square feet and each lot shall have at least sixty-five (65) feet of frontage along the public street.

Although flexibility in lot arrangement is a feature of a PRD, the lots in the development will be reviewed to ensure that the lots can be used for their intended purpose. Each lot should accommodate a dwelling compatible with other dwellings in the development, access should be provided in a reasonable manner, and lots shall have usable yard space. Lots in a PRD should not be designed in a manner that creates lots where building a full-scale single-family home would be a challenge, or any other lot layout that is impractical.

12.12.030 Approval Process

The requirements of this Chapter are supplementary to the other requirements of this Title. Therefore, an application for a Planned Residential Development will be reviewed and approved or denied in accordance with PCC 12.14, and other relevant sections herein.

12.12.040 Base Density

The Base Density for each Planned Residential Development is calculated by multiplying the units per acre allowed in the zone in which the proposed development is located by the total number of acres in the proposed project. The number of units allowed for the purpose of determining the base density of a proposed Planned Residential Development in each residential zone in Payson are as follows:

Zone	Units Per Acre Allowed
A-5	.2 (one unit per five acres) (net acreage)
R-1-A	1 (net acreage)
R-1-20	2
R-1-15	2.25
R-1-12	2.5
R-1-10	3.0
R-1-9	3.5
R-1-7.5	4.0
R-2-7.5	4.0

An applicant may present a flexible project layout for consideration by the City based on the Base Density described above.

12.12.050 Minimum Standards

- A. **Open Space.** Each Planned Residential Development is required to contain at least ten (10) percent open space that may contain recreation activity areas, picnic pavilions, gazebos, water features, playgrounds, or landscaped areas. However, land used to provide storm retention basins shall not be used to satisfy the ten (10) percent open space requirement.

The open space may be held in common, administered by a homeowners association, dedicated to the City upon acceptance by the city council, or used to provide amenities in the development. Maintenance of the open space is the

responsibility of the owner of the development, if held in single ownership, or a homeowners association, if the dwelling units are sold separately, unless dedicated to the City and accepted by the city council.

Each applicant for a Planned Residential Development shall, as part of the application, submit a detailed improvement plan indicating the landscaping, trails, facilities, and other amenities proposed in the development. Upon approval of the amenities package by the city council in exchange for a density bonus, the applicant will be required to complete all improvements in accordance with the development approval. Furthermore, if any open space area is anticipated to be dedicated to Payson City, the landscaping materials, sprinkling system and other improvements shall be completed in accordance with any design or improvement standards adopted by Payson City.

B. Attractive Elevations-Variety.

1. Each residential structure will include, at a minimum the following design elements:
 - a. A variety of elevations, roof types (i.e. mansard, hip, gabled, traditional), colors, materials, and other architectural features will be incorporated into the housing units eliminating or greatly reducing the impression of tract housing.
 - b. Garage doors will not be the most prominent feature of the structure. Side entry garages that do not face public streets, garage doors that are recessed from the front of the structure, or other creative solutions are highly encouraged.
 - c. Dwellings with the same or similar elevations will not be placed adjacent to each other or across the street from dwellings with the same or similar elevations except when the applicant is approved to have limited variation by the city council in a Planned Residential Development.
2. Failure to incorporate these minimum design standards into the proposed structures in the development may result in denial of the request for a Planned Residential Development.

C. Exterior Materials. The materials used to construct the structures in a Planned Residential Development will represent an upgrade from typical construction practices. At a minimum, all residential structures within a Planned Residential Development will include at least eighty (80) percent hard surface exterior materials defined as brick, stucco, stone, cementitious siding or approved equal products.

Notwithstanding the provisions above, and by their legislative authority, the city

council may allow exterior materials other than those listed above (i.e. vinyl siding, engineered simulated wood siding) to be used in the Planned Residential Development. It shall be the applicant's responsibility to demonstrate that the use of alternative products will complement and enhance the architectural style and overall character of the development. The following criteria will be used to determine if the exterior materials will enhance and complement the development.

1. The use of other materials should serve to increase the variety of housing options and reduce monotony of housing design.
2. The amount of information provided by the applicant such as detailed renditions indicating colors, building materials, elevations and other architectural features.
3. A percentage of dwellings that will be constructed in the project using specific elevations, colors and building materials.
4. The anticipated durability and maintenance aspects of the proposed materials and any methods incorporated to ensure on-going maintenance.

12.12.060 Total Project Density

Total project density shall not exceed the base densities outlined in PCC 12.12.040. However, individual lots may be smaller than those typically permitted in the underlying zone, provided the average density of the total number of lots in the PRD does not exceed the base density of the corresponding zone.

12.12.070 Types Of Units Allowed In Zoning Districts

Although Planned Residential Developments (PRD) are allowed in most agricultural and residential zones of the City, the types of units are restricted in the following zones.

- A-5 Single family detached dwellings only
- R-1-A Single family detached dwellings only
- R-1-20 Single family detached dwellings only
- R-1-15 Single family detached dwellings only
- R-1-12 Single family detached and twin home dwellings only
- R-1-10 Single family detached dwellings, twin home and townhome (separate ownership, not apartments) dwelling units only
- R-1-9 Single-family detached, twin home, duplex and townhome (separate ownership, not apartments) dwellings only
- R-1-75 Single-family detached, twin home, duplex, townhome, and apartment (rental) dwellings only
- R-2-75 All standard residential dwelling types

12.12.080 Relationship Of PRD To This Title And Other Development Ordinances Of Payson City

This Section is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Section, all requirements of this Title and any and all other development ordinances of Payson City must be satisfied with the following exceptions:

- A. The frontage and lot area requirements may be allowed to be modified for all lots or parcels within the Planned Residential Development except those located directly across a public street from a development that satisfies the frontage requirements of PCC 13, Zoning Ordinance.

Each single-family lot shall have a minimum lot frontage of sixty-five (65) feet. Under no circumstances shall a single-family lot be smaller than 6,500 square feet.

- B. The density of the development shall be equal to the total project density in accordance with this Section whether consistent with PCC 13, Zoning Ordinance or not.

12.12.090 Coordination Of PRD Application With Subdivision Approval

It is the intent of these regulations that subdivision review be carried out simultaneously with the review of Planned Residential Developments. Any project falling under the jurisdiction of PCC 14, also known as the Sensitive Lands, may be subject to additional requirements and regulations as outlined in that Title.

The city council may, upon finding that it is in the best interest of Payson City, require any subdivision or residential project that contains ten (10) or more lots or residential units be processed as a Planned Residential Development. PRD applications which permit uses of land, and density of buildings and structures different from those which are allowed as a right within the zone district in which the land is situated, or the application entails the division of the land, vacant or improved, into two (2) or more lots or parcels for the purpose of sale, lease, or development whether residential or nonresidential, subdivision approval of the application shall be required by the city council. In such a case, at the time of final approval, the property within the PRD will be assigned the appropriate zone. If approved by the city council, a PRD with mixed uses will not be considered a spot zoning.

- A. **PRD Submission And Approval Requirements.** An application shall be submitted to the Development Services Department for any Planned Residential Development on forms available from the Development Services Department. Additionally, all Planned Residential Development projects will be required to submit applications and provide all information required by the Concept Plan, Preliminary Plan and Final Plat as set forth herein. After a meeting with the staff

or, if deemed appropriate, the planning commission, the applicant may prepare and submit an application for Preliminary Plan approval.

12.12.100 Sensitive Lands Review Of PRD

If the proposed Planned Residential Development is located in an area under the jurisdiction of the Sensitive Lands Title, additional requirements and regulations may apply. Please refer to the Sensitive Lands Development in PCC 14.

12.14 Approval And Appeals Processes

[12.14.010 Final Land Use Authority Approval Required](#)

[12.14.020 Application And Review Fees](#)

[12.14.030 Initial Assessment](#)

[12.14.040 Preliminary Plan And Construction Plans](#)

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[12.14.060 Development Agreements](#)

[12.14.070 Traditional Subdivisions Of Three Lots Or Less Along An Existing Public Street](#)

[12.14.080 Phasing Plan Required](#)

[12.14.090 Written Findings Required](#)

[12.14.100 Pre-Construction Meeting](#)

[12.14.110 Appeals Process](#)

[12.14.120 Appeal Of City Council Decisions](#)

[12.14.130 Termination Of Projects](#)

12.14.010 Final Land Use Authority Approval Required

No building permit(s) shall be issued for any development without final approval by the land use authority, including Planned Residential Developments, approved by the city council. Review shall not occur until all applicable application materials and review fees have been paid, and final approval shall not be effective until all requirements of the land use and development ordinances have been addressed and other development related fees have been paid. Upon final approval and recordation of the Final Plat (if applicable), the installation of required infrastructure and improvements may occur.

12.14.020 Application And Review Fees

For the purposes of this Title, a complete application shall be deemed to include, at a minimum, the following information:

- A. A signed and completed land use application form together with payment of appropriate fees in accordance with the adopted Payson City Fee Resolution. The application must be signed by the applicant and property owner if other than the applicant.
- B. All relevant information required by this Title in written form.

- C. A complete description of the proposal and an indication of what approval(s) are necessary.
- D. A complete Preliminary Plan or Final Plat, as the case may be, in accordance with PCC 12.46 or PCC 12.48.
- E. Any information necessary for staff, planning commission and city council to make reasonable conclusions and a well-informed decision.

12.14.030 Initial Assessment

- A. **Concept Plan.** All applicants for development approval may first submit to the Development Services Department a Concept Plan in accordance to PCC 12.24. The Concept Plan will be reviewed by staff and, if deemed necessary, the Planning Commission. There is no approval of a Concept Plan required or given. The Concept Plan gives the applicant and staff an opportunity to discuss the project prior to the preparation of a Preliminary Plan. An applicant may request Concept Plan review by the Planning Commission.
- B. **Investigative Process.** Prior to the submission of a Concept Plan, an applicant may choose to meet with the planning commission and/or the city council to obtain guidance in relation to the potential development proposal. The investigative process is voluntary and is not required for development approval. Rather, the process is intended to allow the applicant to present development concepts prior to the expenditure of significant monies preparing Preliminary Plans and Construction Drawings.

The discussion will occur in an informal setting (work session) where no approvals or agreements will be provided to the applicant. The open exchange of ideas will allow the planning commission and city council to express the land use objectives of the City early in the process. It is the intention to streamline the development review process so that processes such as subdivision approval, zone changes, etc. can be coordinated and processed concurrently when appropriate.

1. In order for an applicant to initiate the process, the applicant will need to submit the following information:
 - a. A comprehensive explanation of the proposal with accompanying maps, reference materials, drawings and other graphic representation of the development idea.
 - b. Ownership information and acknowledgement from owner to review development idea.
 - c. Submission of the investigative review fee.
2. The investigative process does not take the place of Preliminary Plan or

Final Plat approval and is not intended to vary or modify any development requirement or regulation. The process is not intended to be indefinite and following the initial discussion, the applicant is expected to either file a development application or abandon the project.

12.14.040 Preliminary Plan And Construction Plans

Following review of the Concept Plan and after receiving staff comments, the applicant may prepare a Preliminary Plan and Construction Plans in accordance with PCC 12.46. The planning commission will hold a public hearing to receive input regarding the Preliminary Plan. Notice of the public hearing will be in accordance with PCC 12.16. Following a public hearing, the planning commission will forward a recommendation to approve, approve with conditions, or deny approval of the Preliminary Plan.

After receiving a recommendation from the planning commission, the city council may approve, amend and approve, approve with conditions, remand the land use application back to the planning commission for further review, or deny the application. The city council, at their discretion, may approve the Preliminary Plan and the Final Plat concurrently.

12.14.050 Final Plat

Following approval of the Preliminary Plan by the city council, the applicant may prepare the Final Plat in accordance with PCC 12.48. The city council may approve, amend and approve, approve with conditions, or deny the application for Final Plat approval. The city council, at their discretion, may approve the Preliminary Plan and the Final Plat concurrently.

12.14.060 Development Agreements

Payson City hereby reserves the right to require and enter into a development agreement with any applicant for development approval under the provisions of this Title. A Development Agreement may address specific details about issues that have yet to be completely resolved, issues regarding phasing of a project or project improvements and amenities, or any other requirement of the city council.

12.14.070 Traditional Subdivisions Of Three Lots Or Less Along An Existing Public Street

Following an initial review and a finding by staff that a traditional subdivision which does not require any legislative action, is consistent with the land use objectives of Payson City, and is likely to have minimal impact on surrounding properties, the planning commission is hereby authorized to take final administrative action on the application. The traditional subdivision must consist of three lots or less along an existing street and satisfy all regulations of this Title and all other applicable requirements of the

development ordinances of Payson City. The planning commission may grant Preliminary Plan and Final Plat approval and further approval from the city council is not necessary. Prior to consideration of the project the applicant shall provide notice as required by this Title and the planning commission shall hold a public hearing consistent with the procedures included herein.

If the planning commission determines that the subdivision could have a detrimental impact on surrounding properties or would impede the land use goals of Payson City, the planning commission may forward a recommendation to the city council for final action on the application.

12.14.080 Phasing Plan Required

All developments with more than ten (10) lots or units shall include a phasing plan that specifies the timing of public improvements and residential construction. At a minimum, the phasing plan shall include:

- A. The number of units or parcels to be developed in each phase and the timing of each phase.
- B. The timing of construction of public improvements and project amenities to serve each phase.
- C. The relationship between the public improvements in the current development and contiguous land previously developed and yet to be developed.
- D. Each phase shall provide two (2) points of ingress and egress.
- E. The proposed phasing plan shall not be arranged to simply delay or avoid the installation of necessary and more extensive improvements.

The proposed phasing plan shall be reviewed and approved by the City Engineer after consideration of access, circulation, and installation of infrastructure. An applicant may request a revision of the phasing plan due to such conditions as changing market conditions, inclement weather or other factors.

12.14.090 Written Findings Required

The planning commission and city council shall prepare written findings for any application. These findings shall state the reasons for the action and the provisions of this Title, other City ordinances and guidelines, or applicable state or federal laws or regulations, the proposed conditions or action to be imposed and the reasons why those conditions were necessary.

12.14.100 Pre-Construction Meeting

Following development approval and prior to any excavation or construction activity, the contractor shall arrange to meet with Payson City staff in a pre-construction meeting. At

the meeting, the contractor and staff will discuss specific construction standards, timelines, and other relevant information. Failure to arrange a pre-construction meeting may result in a stop work order or Class C misdemeanor issued against the property owner.

12.14.110 Appeals Process

- A. **Appeal Of Planning Commission Decision.** Decisions by the planning commission regarding land use applications may be appealed to the city council. Any person(s) who may be adversely affected by a decision of the planning commission regarding an application or decision based on this Title, or the owner of the subject property affected shall have standing to appeal a decision of the planning commission. Appeals of planning commission actions shall be by letter or petition and contain the name, address, and telephone number of the petitioner and agent, if any, the name of the project, relationship to the project or subject property, and the reasons for requesting review, including specific provisions of this Title, if known, that are violated by the action taken.

The petition must be filed in writing with the Development Services Department within ten (10) calendar days of final project action. The city council shall set a date for the appeal, which shall be no more than thirty (30) calendar days from the date the notice of appeal is filed with the City. The Development Services Director shall notify the petitioner and the owner of the project of the appeal date. The Development Services Director shall obtain the findings from the planning commission and all other pertinent information, and transmit them to the city council.

Upon the filing of a petition for appeal or review of a planning commission decision, all action on the application will be suspended until the city council has acted on the appeal.

- B. **Action On Petitions.** The city council may affirm, reverse, or affirm in part or reverse in part any decision of the planning commission regarding the land use application. The city council may remand the matter back to the planning commission with directions for specific areas of review or clarification. City council review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the city council, by motion, enlarges the scope of the appeal to accept information on other matters it may legally hear.

12.14.120 Appeal Of City Council Decisions

The owner of any project, or any person aggrieved by a decision of the city council may appeal the final action by filing civil action in the district court as provided by State law. The decision of the city council shall stand, and those affected by the decision may act in

reliance on it unless or until the court enters an interlocutory or final order stating the effectiveness of the decision.

12.14.130 Termination Of Projects

It is the policy of the City to require applicants submitting projects to move their projects to either approval or denial in a reasonably expeditious manner. The time required in the planning review process will vary with the size and complexity of each proposal and the establishment of exact time requirements for review is impractical. It is the policy of the City to formally deny projects that remain inactive for long periods of time due to acts or omissions of the applicant.

An application requiring action by staff, planning commission, city council or board of adjustment shall be terminated according to the following provisions:

- A. A project may be terminated immediately following a written request to do so by the applicant.
- B. Except as provided in paragraph E, if within twelve (12) months after an application has been submitted pursuant to the requirements of this Title or PCC 12, the applicant fails to diligently pursue approval of the application, the application shall be considered inactive, shall expire, and any bested right to proceed with the application shall terminate.
 - 1. Actions that constitute a diligent pursuit of approval shall extend the expiration period an additional six (6) months and shall include at least one of the following:
 - a. complete formal resubmittals,
 - b. public meetings with the land use authority,
 - c. completion of required approvals through other governmental agencies—such as FEMA, Utah County, the State of Utah, or the Army Corps of Engineers,
 - d. any other comparable affirmative steps as deemed satisfactory by the Payson City Planning Commission.
 - 2. For large projects with an approval process duration anticipated to exceed twelve (12) months, an applicant may submit and the city may approve a detailed action plan that has an alternative application expiration process.
- C. Except as provided in paragraph E, if within twelve (12) months after an application has been approved pursuant to the requirements of this Title or PCC 12, the applicant fails to exercise development rights authorized by such approval prior to the expiration date, the approval and associated development

rights shall expire. The exercise of development rights shall be evidenced by:

1. issuance of a building permit, or
2. recordation of a plat, conditional use permit, or all required documents.

D. Once an application has been approved, the applicant shall meet all conditions of approval. An applicant's failure to complete said conditions shall constitute a knowing and willful waiver of the development rights that were authorized by the approval.

E. The City may extend the expiration date of an inactive application or approval for ninety (90) days beyond the original expiration date provided that:

1. the applicant provides a written request detailing an action plan with a timetable for completion,
2. the planning commission or its designee finds, based on substantial evidence placed in the record:
 - a. substantial progress is being made toward obtaining approval of the application, or the exercise of development rights authorized by an approved application, as the case may be;
 - b. in the case of an unapproved application, no changes to this Title or PCC 12, have occurred or are being considered that may affect the application; and
 - c. in the case of an approved application, any conditions of approval are still viable based on currently applicable requirements of the Payson City Code.
 - d. Time extensions for an application considered inactive shall not combine to more than twelve (12) additional months from the original expiration date.

12.16 Appearance Before Boards, Commissions And Councils

12.16.010 Relationship To Owner Required

12.16.020 Public Notice

12.16.030 Posted Notice

12.16.040 Published Notice

12.16.050 Courtesy Notice

12.16.010 Relationship To Owner Required

All persons speaking before any City agency, department, committee, commission, board or the city council on behalf of the owners of any project shall provide reasonable evidence of their agency relationship with the owner. This agency shall be presumed if

the representative is associated with the architect or engineer whose name appears on the plans or if the owner is present. The land use authority or staff may request an agent to provide a statement signed by the owner indicating the nature of the relationship and the authority of the agent to make decisions or representations concerning the project.

12.16.020 Public Notice

Notice of hearings before the planning commission concerning amendments to this Title, subdivision plat approval, conditional use permits, Planned Residential Development approvals, appeals, variances and other requests of actions of the Board of Adjustment, and any other notice required by these regulations shall be provided in accordance with this Section. Notice shall be given at least fourteen (14) days before the date set for the hearing. Notice of amendments or vacation of subdivision plats, when required, shall be given in accordance with state law. All notice required under this Section shall be given as follows:

12.16.030 Posted Notice

The staff shall post notice in at least two public places within the City, stating that an application has been filed, a brief summary of the application, and that more detailed information concerning the application is available from the Development Services Department. At least one posted notice shall be located at a public place other than the City building, such as the Post Office.

12.16.040 Published Notice

Published notice, at the applicant's expense, shall be given by publication in a newspaper having general circulation in Payson. Published notice shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter. The published date of the notice, not the date of submittal to the newspaper, must satisfy any notification timing requirements designated in this Title.

12.16.050 Courtesy Notice

As a courtesy to property owners, the applicant shall provide the City with stamped and pre-addressed envelopes for each owner of record of each parcel located entirely or partly within five hundred (500) feet from any boundary of the property subject to the application, including any owners of property in unincorporated Utah County, together with a mailing list for those owners. The addresses shall be as shown on the most recently available Utah County tax assessment rolls. The courtesy notice shall state that an application has been filed, the nature of the application or action, and the time, place and date set for a public hearing on the matter. Courtesy notice is not a legal requirement, and any defect in courtesy notice shall not affect or invalidate any hearing or action by the city council or any board or commission.

If, at the request of the applicant, the planning commission, or city council, the public hearing is tabled, struck from the agenda, or otherwise canceled, the applicant may be required to provide the City with an additional set of stamped and pre-addressed envelopes to notify each owner of record of a rescheduled public hearing.

12.18 Vesting Of Zoning Rights

12.18.010 Requirements

12.18.020 Exceptions

12.18.010 Requirements

Upon payment of the required application fees and submission of a completed application, that includes all information requested by the city council, planning commission and staff in order to complete a reasonable review of the project, an applicant shall be entitled to have the application reviewed and acted upon pursuant to the terms of this Title. Vesting is usually indicated by approval of the Preliminary Plan by the city council and is subject to the exceptions set forth below. The applicant may take advantage of amendments to this Title that would permit greater density or more intense use of the land, provided however, that these changes may be deemed a modification of the plan and require the payment of additional planning review fees and loss of vesting.

For the purposes of this Title and in particular this Chapter, vesting of zoning rights entitles an applicant to only the use, density and general configuration of the Preliminary Plan approved by the city council.

For the purposes of this Title, a complete application includes all documentation required by this Title, other relevant laws and ordinances of Payson City, relevant state and federal laws, and any other information deemed necessary by the planning commission, and city council to complete a thorough review of the proposed project and make a well-informed decision. Following review of the Concept Plan, staff will inform the applicant of any additional information required by the staff for their review. The planning commission and city council will complete a review of the Preliminary Plan to determine if any additional information is required in order to properly review the Preliminary Plan. The planning commission will review the Preliminary Plan and recommend approval, approval with conditions, or denial of the Preliminary Plan. The city council will review the Preliminary Plan and make a finding of whether or not the applicant has completed the application process. If the city council determines that an applicant has completed the application process, the applicant will be deemed vested under the development ordinances in effect on that date.

An applicant may not appeal the need to provide information required by this Title or any other City ordinance, or any state or federal law.

Non-subdivision related matters, including, but not limited to, site development standards, procedural requirements and building code requirements will not vest until complete building permit applications have been filed and required fees have been paid.

Water and sewer connection availability, costs of water and sewer connection and water development fees, applicable impact fees and other charges will vest only upon payment of the building permit application fees and submission of all materials necessary for the issuance of a building permit.

12.18.020 Exceptions

Applicants shall not be entitled to project review and approval of applications pursuant to the terms of this Title, when revisions to this Title are pending that would prohibit or further condition the approval sought, or when there is a compelling reason for applying a new standard or requirement retroactively to the time of application.

12.20 Plat Approval

[12.20.010 Plat Conformity With Section](#)

[12.20.020 Owner's Execution](#)

[12.20.030 Contents Of Plat](#)

[12.20.040 Submission](#)

[12.20.050 Recording](#)

[12.20.060 Effect Of Approval](#)

12.20.010 Plat Conformity With Section

All projects requiring the recording of a subdivision plat or recording of a survey map under applicable City and State law shall conform to the following standards before approval will be granted by the City.

12.20.020 Owner's Execution

A subdivision plat must be signed by the owner of the property and all persons claiming an interest in the property within the plat including those holding a security interest in the property, but excluding mechanic liens and judgment liens. All signatures must be legally acknowledged.

12.20.030 Contents Of Plat

The plat must have signature blocks for the mayor, city engineer, city recorder, fire chief and county recorder. The survey data and accuracy of the plat must be certified by a licensed surveyor and the plat must bear the surveyor's official stamp. The Preliminary Plan and Final Plat must include all information required by this Title, specifically PCC 12.46 and PCC 12.48.

12.20.040 Submission

The submission for plat approval must be accompanied by any covenants, declarations, easements, dedications of rights-of-way, or similar documents that are in addition to the

contents of the plat. The submission must also be accompanied by a current title report showing the persons having an interest in the property and verifying the ownership is consistent with the ownership as indicated on the plat. The legal descriptions of the property must also be consistent among the plat, declarations or covenants and title report.

Each title report shall include all covenants, declarations, easements, dedications of rights-of-way, or similar encumbrances from the creation of the parcel or no less than twenty-five (25) years whichever is greater.

If the title report for any property proposed to be subdivided is more than one (1) year old, the applicant may be required to submit an updated title report. Furthermore, if the ownership of any parcel proposed to be subdivided is changed, the applicant may be required to submit an updated title report regardless of the timeframe in which the change in ownership occurred.

12.20.050 Recording

Upon granting of final approval by the City, the Development Services Director, or designated City staff, shall proceed to record the plat in the office of the county recorder. No plat shall be recorded until the city recorder has verified that all fees relative to the project have been paid, including the final engineering bills from the plat approval, if applicable.

12.20.060 Effect Of Approval

In approving the plat, the City and its officers and agents are only certifying to substantial compliance with the statute and ordinances regarding the recording of plats and the prior approval of the project as complying with City ordinances. The City does not make any representation concerning the accuracy of the information in the plat drawn by the applicant, nor the value of the project.

12.22 Review And Regulations For Impact On Public Infrastructure

12.22.010 Adequate Public Facilities Requirements

12.22.020 Infrastructure Review

12.22.010 Adequate Public Facilities Requirements

No request for development approval, and no development permit or license shall be granted, approved or issued unless the applicant has provided information necessary to establish that adequate public facilities in the area affected by the proposed development have been determined to have sufficient capacity available at the adopted level of service (LOS) standards to accommodate the proposed development within a reasonable period of time.

A. **Essential Public Facilities.** Essential public facilities to which this Adequate

Public Facilities (APF) requirement applies include the following:

1. Culinary water system, including water quality, treatment, transmission and distribution system capacity, source, and storage capacity.
2. Secondary water (pressurized irrigation), including source, storage capacity, transmission and distribution system capacity.
3. Sanitary sewer system, including treatment facilities, outfall lines, lateral and collector lines.
4. Storm drainage facilities, including surface and subsurface transmission, and flood control facilities.
5. Transportation facilities, including streets, roads, highways and intersections.
6. Parks and related recreational facilities.

B. Procedures For Determination Of Adequate Public Facilities. Applications for development approval shall include information necessary to demonstrate that adequate public facilities will be available at the specified levels of service (LOS) within a reasonable period of time following the issuance of a development permit for the proposed development. Such a determination may include the timing, phasing and sequencing of the proposed development. Compliance with level of service standards shall be measured in accordance with the adopted level of service standards set forth herein as may be amended from time to time. The staff, planning commission, or city council may request additional information from the applicant to address the adequacy and availability of public facilities.

C. Level Of Service (LOS) Standards. The level of service (LOS) standards by which the adequate public facilities requirement shall be measured are as follows:

1. **Culinary Water System.** Source, treatment, storage, transmission and distribution capacity and sizing to accommodate peak instantaneous flows with a minimum of twenty (20) pounds per square inch (psi) pressure existing in the system at all points.
2. **Secondary Water (Pressurized Irrigation).** Source, storage, transmission and distribution capacity, and sizing to accommodate peak instantaneous flows with a minimum of forty-five (45) pounds per square inch (psi) dynamic pressure.
3. **Sanitary Sewer System.** No surcharge shall result in the lines servicing the proposed development by the increased flows anticipated to be generated by the proposed new development.
4. **Storm Drainage And Flood Control Facilities.** Compliance with design

standards for storm drainage, including surface and subsurface, and flood control facilities as required by the Development Guidelines.

5. **Transportation Facilities.** All existing roads adjacent to, or impacted by, the proposed development shall be capable of accommodating the anticipated traffic loads generated by the proposed development for a twenty (20) year design period. The City has adopted a Level of Service “C” for all City roads and streets.
6. **Parks And Related Recreational Facilities.** Parks and related recreational facilities shall be available at the adopted level of service.

D. Non-Compliance With Adequate Public Facilities Requirement. If it is determined that Adequate Public Facilities will not be available at the specified level of service (LOS) within a reasonable period of time of potential development approval, the city council may:

1. Deny development approval.
2. Defer final development approval and the issuance of building permits until all necessary public facilities are adequate and available.
3. Require timing, sequencing and phasing of the proposed development consistent with the available capacity of public facilities.
4. Allow the applicant to voluntarily advance the costs necessary to provide those public facilities which are necessary to service the proposed development and satisfy applicable level of service (LOS) standards by entering into an appropriate form of agreement, which may include, as appropriate, provisions for credits or reimbursement of any expenses incurred above and beyond those reasonably necessary for or related to the need created by or benefit conferred upon the proposed development.

12.22.020 Infrastructure Review

A. Although the City endeavors to provide infrastructure that will adequately service subdivisions, developments and structures because of size, type of construction, or lot characteristics may present peculiar or excessive demands on City infrastructure. For these reasons, the developer is responsible to perform an impact analysis in a form and methodology acceptable to the City to determine the possible impacts on infrastructure.

In order for the City to determine whether existing infrastructure is adequate or what additional infrastructure is needed to satisfy the particular needs of certain developments, sizes of buildings and structures that are permitted uses in the zone, the following proposed developments, buildings and structures are subject to the review process for impact on existing infrastructure:

1. Commercial or multifamily buildings or structures previously classified under the International Building Code as Class III, IV or V construction, greater than 10,000 square feet.
2. Buildings or structures that are required to have fire-sprinkling systems under City ordinance or resolution.
3. Buildings or structures located on lots with an average slope of more than fifteen (15) percent.
4. Industrial or manufacturing facilities that deal with products or processing materials that are or could become explosive, flammable or toxic according to the adopted Fire Code.
5. Subdivision or Planned Residential Development projects with ten (10) or more dwelling units, or parcels.
6. Development projects that require the extension of any public infrastructure for a distance of one thousand (1000) feet.

B. Scope Of Review. For proposed developments, buildings, structures or uses that are permitted or conditional uses in the zone in which the building or structure is proposed, the review shall include the determination of the ability of existing City infrastructure to provide adequate water for culinary, irrigation and fire flow purposes, the proper handling of storm drainage, slope preservation, mitigation of impact on roads by construction and permanent traffic, impact on electrical facilities and ensuring safe access for users and emergency vehicles in accordance with City codes, standards, and all other adopted ordinances. For conditional uses or Planned Residential Developments in the zone in which the development, building, structure or use is proposed, the infrastructure review is a part of the regular conditional use or Planned Residential Development review process specified below and may involve additional regulations.

In addition to the developments listed in paragraph A above, developments, buildings and structures that are permitted or conditional uses in the zone proposed and not subject to zoning or use review, are subject to review for impact on existing infrastructure according to the standards described in this Section. The following review procedure shall be followed:

1. Upon making an application for development approval or a building permit, the applicant shall supply the City with plans and specifications sufficiently detailed to determine whether the proposed project, building(s), or structure(s) are subject to further infrastructure review. If, according to the standards found in this Section, any proposed development, building or structure triggers infrastructure impact review, then development approval or approval of a building permit shall not be issued until the impact of the proposed development, building or structure on existing City infrastructure is determined and what, if any, additional

infrastructure is necessary.

2. For any application for a building permit that requires infrastructure impact review, the City may request from the applicant any additional studies, plans, surveys, specifications and information necessary to review the infrastructure impacts. The following types of information may be requested by staff to the extent relevant:

C. Department Action. Within thirty (30) working days from the receipt of the complete application including all requested information for infrastructure impact review, the staff shall review the project and determine whether existing infrastructure is sufficient to adequately serve proposed buildings or structures. If the data is sent to an engineer or other consultant for determination of impacts, the applicant shall pay the costs associated with the professional review.

If the existing infrastructure is adequate to serve the proposed buildings or structures, then development approval or a building permit shall be issued in accordance with the building code in effect at the time of such issuance and City ordinances. If upon review, existing infrastructure is found to be inadequate to serve any proposed developments, buildings or structures, development approval or the building permit shall be withheld. At the option of the City, the applicant may either:

1. Change the type, scale or location of any proposed buildings or structures in such a manner that existing infrastructure may adequately serve the proposed development, buildings or structures.
2. Provide, at applicant's expense, the additional infrastructure necessary to adequately serve the proposed buildings or structures according to designs and specifications approved by the City.
3. Pay a proportionate share of a City project that would mitigate the impact as detailed by the city council or staff.
4. Upon submission of plans changing the type, scale or location of any or all proposed buildings or structures in such a manner that existing infrastructure is adequate to serve all proposed buildings or structures; or upon submitting plans for additional infrastructure and a letter of credit or escrow agreement to the City for the full cost of the additional infrastructure required as estimated by the city engineer, development approval or a building permit shall be issued in accordance with City codes and ordinances.

D. Appeal And Review. If the applicant does not agree with the determination of staff that existing infrastructure is inadequate or with the requirement for additional infrastructure, the applicant may request city council review. The city council is empowered to affirm, reverse or modify the determination of staff. All

actions regarding infrastructure impacts and requirements of the planning commission or staff may be appealed to the city council.

If the staff has not acted on an application or has not indicated to the applicant what existing infrastructure is inadequate within thirty (30) working days after complete information submission, the application shall be forwarded to the planning commission for determination of adequacy of existing infrastructure.

- E. **Transferability.** The infrastructure review and approval is transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site.
- F. **Expiration.** If a building permit is not obtained within one (1) year from the date of approval, then the infrastructure review and approval process must be repeated prior to issuance of a building permit to determine whether off-site conditions or demands have changed the ability of the system to satisfy the demands of the project under review. If a building permit expires before actual construction of buildings or structures, the infrastructure review and approval process must be repeated prior to issuance of another building permit. The building permit requirements may be modified to adjust to the new capacity or demand.
- G. **Standards For Review.** No approval will be given and no building permits shall be issued on buildings or structures subject to infrastructure review unless it is found by the City that there is sufficient infrastructure capacity according to the standards adopted by the City. Specific review items include: delivery of adequate water for culinary, irrigation and fire flow purposes; safe vehicular and pedestrian access for owners; users and emergency vehicles; and proper handling of storm drainage and slope preservation. The standards to be applied for review are as follows:
 - 1. The standards for adequate delivery of water are: the Payson City Fire Flow Standards; the Development Guidelines; Construction Specifications and Standard Drawings; and the County and/or State Department of Health Drinking Water Regulations as now constituted and as may be adopted or amended.
 - 2. The standards for adequate site drainage are the building code, as adopted by ordinance, and the Development Guidelines as now constituted and as may be adopted or amended.
 - 3. The standards for access to the development, buildings or structures are the adopted Fire Code as adopted by ordinance; the Streets Master Plan or Land Use Map; the Trails Master Plan; and the Development Guidelines as now constituted and as may be adopted or amended.
 - 4. The standards for slope retention are the building code, as adopted by ordinance, and the Development Guidelines as now constituted and as

may be adopted or amended.

12.24 Concept Plan

12.24.010 Purpose And Intent

12.24.020 Concept Plan Application Procedure And Requirements

12.24.030 Staff Review Of Concept Plan

12.24.040 Planning Commission Review Of Concept Plan

12.24.050 Staff Action On Concept Plan

12.24.060 Planning Commission Action On Concept Plan

12.24.010 Purpose And Intent

A Concept Plan is not an application for development review or approval and will not be considered as any type of vesting under an existing development ordinance. The Concept Plan provides an opportunity for the applicant and staff, and if appropriate, the planning commission to meet and discuss the proposed project in the conceptual stage. The applicant can use the Concept Plan meeting to ask questions of the staff, and receive direction on project layout. At the Concept Plan meeting the staff will inform the applicant what zone the proposed project is located in and what uses are allowed in the zone. The staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements for layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts, and similar matters, and the availability of existing services. Concurrent review of PRD requirements, if applicable, may also be discussed at this time.

The staff may also advise the applicant, where appropriate, to discuss the proposed subdivision or development with those agencies who must eventually approve those aspects of the subdivision plat coming within their jurisdiction, including but not limited to, the Fire Department, Nebo School District, and the various utility service providers. Neighbors of the proposed project should also be consulted to get their views and concerns.

12.24.020 Concept Plan Application Procedure And Requirements

Prior to any process or procedure for subdividing or developing land as contained in this Title, an owner of the land or an authorized agent shall submit an application for a Concept Plan. The number of copies of the Concept Plan will be determined at the time of submission of the plan. The Concept Plan shall:

- A. Include all contiguous holdings of the owner with an indication of the portion that is proposed to be subdivided or developed, accompanied by an affidavit of ownership, which shall include the dates the respective holdings of land were acquired, together with the book and page of each conveyance to the present owner as recorded in the office of the county recorder.

- B. Be accompanied by a review fee in accordance with adopted fee resolution.
- C. Include contact information for the applicant.
- D. Be accompanied by a list of all property owners within five hundred (500) feet of the proposed subdivision or development boundary.
- E. Include a general written and graphic representation of the proposed project, all approvals being sought (rezone, subdivision, PRD, variance, etc.), and any other information the applicant believes is necessary to present to the staff or planning commission.

12.24.030 Staff Review Of Concept Plan

The staff shall consider the Concept Plan and render a report to the planning commission concerning the plan. The staff shall transmit the Concept Plan for review to appropriate officials or agencies of the local government, adjoining counties or municipalities, Nebo School District, Fire Department, special service districts, and other official bodies as it deems necessary or as mandated by law, including any review required by metropolitan, regional, or state bodies under applicable state or federal law. Staff will consider all the reports submitted by the officials and agencies concerning the plan and shall submit a report for proposed action to the planning commission for the next available regular meetings.

The scale or complexity of a project or staff workload will dictate the processing period. The staff will advise the applicant when an application is filed as to the projected time frame. If the workload is too great for processing by available staff in a time frame acceptable to the applicant or additional expertise is required, the project review may be sent out to a consulting planner, engineer or architect approved by the City. The developer will typically be responsible for all fees incurred in any plan or development review process undertaken by an outside agency or consultant unless other arrangements or agreements are approved by the city council.

12.24.040 Planning Commission Review Of Concept Plan

If deemed appropriate or necessary, staff will present the Concept Plan to the planning commission for review and comment. The planning commission will study the Concept Plan and staff report, taking into consideration the requirements of this Title and the General Plan. Particular attention will be given to the arrangement, location and width of streets, location of water lines, sewerage disposal, drainage, utilities, erosion, location of natural or geologic hazards, lot sizes and arrangement, the further development of adjoining lands, and the requirements of the Official Zone Map, General Plan, land use map(s) and Streets Master Plan, as adopted by the city council.

12.24.050 Staff Action On Concept Plan

There is no approval of a Concept Plan required or given. After reviewing and

discussing the Concept Plan and other reports submitted by invited agencies and officials, the staff will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations as a prerequisite to the approval of the Preliminary Plat. The staff, planning commission and/or city council may require additional changes as a result of further study of the subdivision in final form.

12.24.060 Planning Commission Action On Concept Plan

There is no approval of a Concept Plan required or given. For Concept Plans which have been submitted to the planning commission, after reviewing and discussing the Concept Plan, staff report and other reports as submitted by invited agencies and officials, the planning commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations as a prerequisite to the approval of the Preliminary Plat. The staff, planning commission and/or city council may require additional changes as a result of further study of the subdivision in final form.

12.26 Improvement, Design, And Layout Considerations

[12.26.010 Plats Generally](#)

[12.26.020 Plats Near Or Straddling Municipal Boundaries](#)

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[12.26.180 Adherence To Wildland Interface Zone](#)

12.26.010 Plats Generally

After an applicant has submitted a Concept Plan and been authorized to prepare a Preliminary Plan and subsequently the Final Plat, the applicant shall prepare a Preliminary Plan using the criteria in this Section as a guide. The planning commission and city council will also use this criteria in its consideration of approval or denial of the

Preliminary Plan and Final Plat.

In addition to the requirements established herein, developments shall comply with the following:

- A. Applicable statutory provisions of Utah Code
- B. Payson City General Plan and Area Specific Plans
- C. Payson City land use and development ordinances
- D. Capital improvements plan
- E. Utility master plans
- F. Payson City Development Guidelines
- G. Adopted building, fire and related codes
- H. Payson City Fee Schedule
- I. Regulations of other government agencies having jurisdiction in the development.

If the owner places restrictions on any of the land contained in the development greater than those required by this Title or any other City regulation or requirement, such restrictions or reference thereto may be required to be indicated on the Final Plat, or the city council may require restrictive covenants be recorded with the county recorder in a form approved by the city attorney.

12.26.020 Plats Near Or Straddling Municipal Boundaries

When a subdivision or development is proposed that is adjacent to or includes property under the jurisdiction of another entity, staff may recommend annexation of the property involved or recommend a utility service agreement for provision of utility services in coordination with the adjoining municipality.

If the area in the County or another municipality is not annexed, the City and the other entity may work together in a cooperative arrangement or through an interlocal agreement, if necessary, to insure that the portion of the subdivision or development located in the County or other municipality is as compatible as possible with the Payson City development regulations and General Plan.

Utility services for individual lots of record within the municipal boundaries may be provided by another entity, provided a utility service agreement or interlocal agreement is approved by the city council.

Because of the high standard established by Payson City for the provision of municipal services to its residents, Payson City is under no obligation to grant development

approval of any proposal that requires municipal services from another jurisdiction. Approval of a development proposed to the services of another jurisdiction is at the sole discretion of the Payson City Council who shall not need any reason to deny such a request. In making a determination of whether to allow another entity to provide municipal services, the city council will consider the following:

- A. The use of an outside entity shall not be used to negotiate lower utility rates or service charges.
- B. The use of an outside entity will not be allowed to provide service to properties within Payson that are proposed for development that is not consistent with all adopted Payson City development ordinances including the General Plan, Annexation Agreements, Specific Plans, Development Agreements, the Zoning Ordinance, the Subdivision Ordinance and the Sensitive Lands Ordinance.
- C. Because it is likely that the services will be assumed by Payson City at a future date, the services must be constructed in a manner that is consistent with the Development Guidelines. The utility service agreement or interlocal agreement must include procedures to complete the transfer of utilities to Payson City once the services are available.
- D. Payson City reserves the right to assess utility charges, franchise fees, and other assessments consistent with the adopted fee schedule.

All issues relating to the provision of municipal utility services by an entity other than Payson City shall be encompassed in a Utility Service Agreement with the entity providing the service.

12.26.030 Monuments

The applicant shall place permanent reference monuments in the subdivision as required herein or as otherwise approved by the city engineer. Monuments shall be installed in accordance with the Development Guidelines, construction specifications and standard drawings. The monuments shall be located on street right-of-way lines, at street intersections, and angle points of curve within the subdivision. They shall be spaced to be within sight of each other, with the sight lines being contained wholly within the street limits.

All monuments shall be properly set in the ground and approved by a Registered Land Surveyor prior to the time the planning commission recommends approval of the Final Plat unless a performance guarantee is established in accordance with the provisions of this Title.

12.26.040 Unsuitability

If staff, the planning commission, or city council finds that a portion or all of the land proposed for subdivision or development unsuitable due to natural hazards, flooding,

improper drainage, fire, steep slopes, rock formations, geologic hazards, potentially toxic wastes, adverse earth formations or topography, wetlands, utility easements, wildlife habitats that cannot be reasonably mitigated, or other natural features, including ridge lines and hilltops, which will be harmful to the safety, health, and general welfare of the present or future inhabitants of the subdivision or surrounding areas, the land shall not be subdivided or developed.

The development may be made suitable if adequate methods are formulated by the developer and approved by the City, upon recommendation of a qualified planner or engineer hired by the developer and approval of the city engineer, to solve or remedy the problems created by the unsuitable land conditions. The burden of the proof shall lie with the developer to establish the viability of development in these sensitive or unsuitable areas. Unsuitable land shall be set aside or reserved for uses that do not involve such a danger or severe environmental impact. Land under the jurisdiction of the Sensitive Lands Ordinance may be further regulated by PCC 14. Additionally, consideration must be given to soil conditions and ground water existence and may include appropriate setbacks and conservation requirements.

12.26.050 Subdivision Name

The proposed name of the subdivision and all roadways contained therein shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or street in the area covered by these regulations or nearby communities. The city council shall have final authority to designate the name of the subdivision and to select street names.

12.26.060 Ridge Line, View Shed And Hillside Development

Protection of ridges from development that would be visible against the skyline from prominent areas or designated vantage points in Payson will be maintained. Hillside development that may disturb agriculture may be prohibited unless it can be shown that the development and improvements will be constructed or clustered in a way to minimize impacts. Subdivisions and developments in these areas must satisfy the requirements of PCC 14, Sensitive Lands.

12.26.070 Open Space

Units may be clustered in the most suitable and least sensitive portions of the site with common open space corridors separating clusters. The open space corridors should be designed to coincide with significant vegetation and in many cases left natural. Open space areas will be the maintenance responsibility of a homeowners association, unless dedicated and accepted by the City. Open space conservation easements dedicated in perpetuity to a qualified land trust are encouraged to prevent future development.

If it is determined that landscaping should be required or is appropriate, the applicant shall complete a landscaping plan for the open space area. The landscaping plan shall

contain information pertaining to type and size of plants, a maintenance plan, and a design for an irrigation system. At the applicant's expense, the City may require the landscaping plan to be reviewed by a competent landscape architect for suitability of plant types and sizes.

12.26.080 Drainage Ways And Irrigation Ditches

Existing natural drainage and irrigation ditches or drainage right-of-ways shall be maintained and stabilized. Written notice must be provided to irrigation companies, canal owners, or associated canal operators that have facilities within one hundred (100) feet of the proposed subdivision or development. The notice shall comply with Utah Code § 10-9a-603.

The applicant is required to identify and resolve all conflict with private irrigation lines that may traverse the area proposed for development. The development will need to accommodate upstream and downstream users of the private system.

A. **Stabilization Specifications.** The banks of any existing or proposed drainage channel, irrigation ditch, canal, creek, or other watercourse shall be stabilized in the following manner:

1. The applicant shall conduct, and provide to the city engineer, a complete engineering study and analysis that determines the proper riprap design to prevent channel erosion at the maximum volume flow of the watercourse.
2. Provide detailed construction drawings of the area to be stabilized including materials, size, weight, and method of installation.
3. Provide information pertaining to the effect on downstream flows following proposed channel stabilization.

12.26.090 Trails And Sidewalks

Any trail indicated on the Trails Master Plan shall be incorporated into the development design and appropriate vehicular and pedestrian separations or crossing shall be provided. Trails and sidewalks shall allow efficient internal pedestrian and non-motorized circulation as well as links to adjacent trail systems on other properties. Trails intended to be dedicated to Payson City in accordance with the Trails Element of the Payson City General Plan shall be constructed in a manner consistent with the Development Guidelines of the City. Any development located near a public trail may be required to provide a concrete or asphalt connection to the trail system in the most practical location.

Existing trails should be maintained and incorporated into open space elements of the project. This may include trails for pedestrian, bicycle, or equestrian circulation.

Construction of new trails will be required concurrently with the installation of other public improvements. Although required trails may not link to adjacent trails immediately, each trail is a vital part of an overall circulation plan. In most cases, a homeowners association will be required to maintain the trails. Sidewalks, unless otherwise approved by the city council, shall be provided on each side of all public streets and shall satisfy the requirements of the Development Guidelines.

12.26.100 Limits Of Disturbance/Vegetation Protection

A separate plan that addresses limits of disturbance and vegetation protection during construction and revegetation of disturbed areas will be required. This shall include construction necessary for all project improvements such as roads and utilities.

12.26.110 Architectural Or Design Standards

Architectural or design standards may be required on large projects or developments that could have a significant effect on the character of the surrounding area. These standards will be developed on a case-by-case basis by the City and applicant. It is intended by this Section to create a development that will result in compatible building design and materials within the development and the respective zone. Guidelines should include consistency of roof pitch, roofing materials, exterior materials, colors, porch details, window types and similar provisions. These guidelines should also be compatible with adjacent developments. Buildings should be designed to blend and harmonize with the existing environment.

12.26.120 Fire Hydrants

The type or brand of Fire hydrant shall be approved by the fire chief before being installed by the developer. The hydrants shall be spaced in accordance with the adopted fire code.

12.26.130 Fire Sprinkling

Fire sprinkler systems may be required in projects as determined by the Fire Department. This determination is based upon an analysis of the size of structures, vegetation surrounding the structures and location of the project as it relates to response time.

12.26.140 Landscaping Required

Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, parking areas, walkways, utility areas, improved decks, patios, porches, etc., shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. If a dwelling is located on a corner lot, all areas of the front and side areas between the public street, including the planter strip, and the dwelling shall

be appropriately landscaped. During the seasonal period, generally between November 1 and April 1, when the City pressurized irrigation system is shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant must post a performance guarantee. The guarantee shall be a sum, no less than the amount specified in the adopted fee schedule as amended from time to time by resolution of the city council, in the form of cash bond or an irrevocable letter of credit.

In a subdivision that has been approved with a Development Agreement, there may be additional landscaping requirements that the applicant is required to satisfy. If the applicant is unable to complete the landscaping due to inclement weather or other acceptable excuse, the amount of the performance guarantee will be calculated using the estimated costs needed to satisfy the landscaping requirements of the Development Agreement.

The performance guarantee shall not extend beyond June 1 following the seasonal period the bond is posted. Landscaping not completed by June 1 will be turned over to the attorney's office for legal remedies, which may include the forfeit of all or a portion of the posted bond.

In order to conserve water, required landscape areas for all new development whether commercial, industrial or residential shall be maintained using an automatic underground sprinkling system. In certain instances, large areas in the agricultural zones may be irrigated using more traditional systems where an inordinate demand would be placed on the pressurized irrigation system.

For the purposes of this requirement, landscaping shall mean complete erosion control and elimination of noxious weeds. Xeriscape is acceptable landscaping provided that complete erosion control and elimination of noxious weeds is accomplished.

- A. **Landscaping Required For Lots With Slopes.** Lots that contain slopes that may cause erosion onto adjacent properties, public property or public rights-of-way shall be completely landscaped prior to issuance of a Certificate of Occupancy. Further, if it is determined by the city engineer that landscaping alone will not alleviate the potential drainage hazard, retaining walls, drains, or other methods of erosion control will be required.
- B. **Landscaping Of Planter Strip Along Arterial Or Collector Status Roads In Traditional Subdivisions.** Applicants granted approval of a traditional subdivision adjacent to an arterial or collector status road will be required to landscape the planter strip between the road and the required project fencing. The applicant shall submit a complete landscaping plan that includes appropriate planting materials that are consistent with other corridor landscaping and an irrigation plan that indicates a system that satisfies the Development Guidelines. The installation of the landscaping and irrigation system is the responsibility of the applicant for development approval.

It is further anticipated that applicants for approval of Planned Residential Developments will be required to complete the landscaping of the planter strips between the project fencing and an arterial or collector status road.

C. Landscaping In Agriculture Zones. Landscaping requirements for lots and parcels in the A-5, Agriculture Zone and A-5-H, Annexation Holding Zone shall satisfy the provisions of this Section.

1. The applicant shall provide a landscaping plan that indicates the proposed landscape treatments for all portions of the lot or parcel, including agricultural uses.
2. Prior to the issuance of a Certificate of Occupancy and thereafter, all areas within twenty-five (25) feet of the dwelling structure, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. The remaining portions of the property must be planted in agricultural crops or maintained in accordance with PCC 13.44.
3. To promote crop production and to maintain Greenbelt status, the yard area surrounding the building structure may be planted with agricultural crops. The planting of agricultural crops surrounding the dwelling structure will satisfy the landscaping requirements of this Section.
4. Properties will be irrigated by irrigation systems connected to private water systems, including onsite wells and/or private irrigation companies (i.e. High Line Canal Company, Salem Irrigation and Canal Company). The yard area immediately surrounding the dwelling structure may be irrigated with the Payson City pressurized irrigation system, if available. The city pressurized irrigation system will not be used for irrigating agriculture crops.
5. When irrigation systems are shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy, the applicant must post a performance guarantee to ensure the completion of landscaping improvements. The guarantee shall be a sum, no less than the amount specified in the adopted fee schedule as amended from time to time by resolution of the city council, in the form of cash bond or an irrevocable letter of credit.

12.26.150 Mail Boxes

Each unit shall provide a mailbox. The applicant will be required to work with the Postmaster to determine the most desirable mail delivery system. If a community box unit (CBU) is required by the Postmaster, the location of the CBU shall be indicated on the Final Plat in a location approved by the City.

A community box unit (CBU) in the public right-of-way is highly discouraged and shall not be located adjacent to an arterial or collector status street. Each development should provide an area where the CBU can be located outside of the right-of-way on a separate parcel. The applicant will provide information about the proposed ownership and maintenance of the parcel.

If the mailbox unit is located within the public right-of-way the applicant, Postmaster and Payson City shall complete an agreement encompassing maintenance, access and location of the CBU unit.

12.26.160 Addressing Required

The numbers or letters indicating the address of any unit must satisfy the requirements of the adopted building code and shall be clearly visible at all times including nighttime hours. The numbers or letters shall be backlit or of a reflective nature, contrast with the underlying color, and be readable from the public right-of-way at all times.

12.26.170 Upgrades To Existing Utility Services

Prior to issuance of any building permit in an approved development, the applicant may be required to upgrade some or all of the existing utility services and place any overhead power lines underground. Upgrades shall be required if the Superintendent of the Public Works Department determines:

- A. The utility service is more than ten (10) years old.
- B. The utility service is not sufficient to serve the proposed use.
- C. The service is in poor condition.
- D. It is likely that other improvements will damage the existing service.
- E. That existing power service is provided overhead and the power lines need to be placed underground.
- F. The existing power transformer will need to be upgraded to provide adequate power service.
- G. The proposed development cannot be provided with adequate service from the existing fire hydrant(s).

The Superintendent of any Public Works Department may waive the required upgrade if:

- A. It is determined that the existing service is sufficient to serve the proposed use.
- B. The existing service is found to be in good condition.
- C. It is determined that a planned construction project will cause the lateral to be replaced.

- D. The power line cannot be provided underground in a practical manner.
- E. The fire hydrant is found to have been insufficient prior to the approval of the development.

12.26.180 Adherence To Wildland Interface Zone

If a development, or any portion of a development, is located within or adjacent to a Wildland Interface Zone designated for fire protection, the applicant shall be required to satisfy any additional requirements imposed by the adoption of the Wildland Interface Zone.

12.28 Lot Improvements And Arrangement

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12.28.010 Lot Arrangement Restrictions

The lot arrangement should attempt to avoid difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with the adopted building and fire codes, this Title, and in providing reasonable driveway access to buildings on such lots from an approved street.

In areas that are determined by the fire chief to be in high fire danger areas, the building sites shall be located or situated in areas of the development that are less hazardous or are naturally clear of the hazardous vegetation.

If deemed necessary by the city council, limits of disturbance lines shall be designed which minimize disturbance of existing vegetation. If required, limits of disturbance lines shall be shown on the Final Plat. If required, all construction activity must be contained within the limits of disturbance line, with the balance of the parcel remaining undisturbed. Access to the limits of disturbance area should be along the planned driveway.

12.28.020 Square Footage

Maximum dwelling or unit square footage information may be required. Smaller parcels will be expected to limit building sizes so that structures relate to the parcels upon which they are built. Limited building heights may also be required in visually sensitive areas. Limitations, if required, of square footage and height shall be shown on the Final Plat.

12.28.030 Staggered Front Setbacks

In new subdivisions, front setbacks may be required to be staggered with consideration of existing site conditions. The minimum front setbacks shall be consistent with the zone in which the subdivision is proposed, unless otherwise approved as part of a Planned Residential Development in accordance with PCC 12.12.

12.28.040 Lot Area, Frontage And Setbacks

All existing and new structures in a subdivision are required to satisfy the lot area, setback, and frontage requirements of the zone in which they are located, unless otherwise approved as part of a Planned Residential Development in accordance with PCC 12.12. Lot area requirements can be found in PCC 13.14 of the Zoning Ordinance.

12.28.050 Lot Dimensions

Lot dimensions shall comply with the minimum standards for the appropriate zone found in PCC 13. Where lots are more than double the minimum required area for the zoning district, the city council may require that such lots be arranged to allow future subdivision and the opening of future streets where they would be necessary to serve such potential lots, in compliance with this Title and these regulations. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Dimensions of corner lots shall be large enough to allow for erection of buildings, observing the minimum setbacks from both streets.

12.28.060 Double Frontage Lots And Access To Lots

Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arterials or to overcome specific disadvantages of topography and orientation. An exception to this Section may apply for two-family (duplex, twin home) developments so that creative access issues may be addressed.

Lots shall not, in general, derive access exclusively from an arterial or collector street. Where driveway access from an arterial or collector street may be necessary for several adjoining lots, the city council may require that such lots be served by a combined access drive in order to limit possible traffic hazard on the arterial or collector street. Where possible, driveways shall be designed and arranged to avoid requiring vehicles to back into traffic on arterial or collector streets.

In all cases, driveways shall be located as far from the intersection of two roads as practicable. Any driveway in the clear view area must be approved by the city engineer after a determination that access cannot be derived in any other practical manner.

12.28.070 Grading, Drainage And Seeding

- A. In order to promote responsible development, Payson City requires a geotechnical report for all developments, unless waived by the city engineer. At a minimum, the geotechnical report shall address:
1. Seismic constraints
 2. Soils analysis
 3. Any required mitigation measures and special construction standards
- B. **Final Grading.** A Certificate of Occupancy shall not be issued until final grading has been completed in accordance with the Final Plat. Topsoil should not be removed from residential lots or used as spoil, but should be redistributed to provide suitable soils for vegetation. Slope stabilization and erosion control, as determined necessary by the city engineer, will also be required to be installed according to the approved specification.
- C. **Lot Drainage.** Lots shall be laid out to provide positive drainage away from all buildings in accordance with the building code in effect at the time of development approval. Individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed to avoid concentration of storm drainage water from any lot to adjacent lots.
- D. **Lawn-Grass Seed And Sod.** All lots should be revegetated to avoid erosion and improve the visual quality of the development. The city council may impose planting requirements if deemed necessary. If revegetation is required, all lots shall be seeded from the roadside edge of the right-of-way back to a distance of twenty (20) feet behind the principal residence on the lot. Sod may be used to comply with any requirement set forth herein.

12.28.080 Debris And Waste

No cut trees, timber, debris, earth, rocks, stones, soil, junk, trash, rubbish, or other waste materials of any kind shall be buried in any land, or left or deposited on any lot or street. For new development, removal of these types of materials shall be required prior to issuance of any Certificate of Occupancy. No such items shall be left or deposited in any area of the subdivision or development at the time of expiration of the performance bond or dedication of public improvements, whichever is sooner.

12.28.090 Fencing

Each applicant shall be required to furnish and install fences when the staff, planning commission, and/or city council determines a hazardous condition may exist. The fences shall be constructed according to standards found in the zoning ordinance and shall be noted as to height and material on the project drawings. No Certificate of Occupancy shall be issued until the fence improvements have been duly installed.

12.28.100 Water Bodies And Water Courses

If a tract being developed contains a water body or course, or portion thereof, lot lines shall be drawn to distribute ownership of the water body among the adjacent lots. The city council may approve a plan whereby the ownership of and responsibility for safe maintenance of the water body will not become a City responsibility. No more than twenty-five (25) percent of the minimum area of a lot required in this Title may be satisfied by land that is under water. Where a watercourse separates the buildable area of a lot from the street by which it has access, provisions shall be made for installations of a culvert or other structure approved by the city engineer.

Lot arrangement adjacent to water bodies and water courses shall address the following:

- A. There shall be no buildings, fencing, or other obstructions within twenty (20) feet of the bank or historic high water mark, unless otherwise approved by the city council.
- B. Access must be provided for maintenance and public safety purposes.
- C. The existing vegetation shall be maintain in accordance with the Utah Division of Water Rights, Stream Alteration Program.
- D. In areas of instability, the applicant will stabilize the channel or corridor to the satisfaction of the Army Corps of Engineers, the Utah Division of Water Rights, Payson City Engineer, and any other agency having jurisdiction.
- E. To protect the public health, safety, and general welfare of the citizens or public, the land use authority may require the corridor along the water body or water course to be removed from the lot area. The corridor will be dedicated to Payson City or included in a conservation easement.

12.28.110 Performance Guarantee To Include Lot Improvements

The performance guarantee shall include an amount to guarantee completion of all requirements contained in this Title including, but not limited to, final grading, lot drainage, landscaping, lawn-grass seeding, curb, gutter and sidewalk, removal of debris and waste, fencing, and all other lot improvements required by staff, the planning commission and/or city council. Whether or not a Certificate of Occupancy has been issued, at the expiration of the performance guarantee, the City may enforce the provisions of the guarantee where the provisions of this Section or other applicable law, ordinance, or regulation have not been complied.

12.28.120 Nuisance Strips, Remnant Parcels Of Land, And Odd Shaped Parcels

Nuisance strips or remnant parcels of land intended to restrict access from an adjacent parcel of land onto a public right-of-way included in a subdivision or development is prohibited. If a subdivision or development cannot be arranged in a manner to eliminate a potential nuisance strip, the nuisance strip will be presented to the city council for consideration of dedication of the nuisance strip to the City until development of the adjacent parcel.

The creation of odd shaped parcels intended to avoid compliance with the requirements of this Title, including an attempt to preserve non-conforming uses, may not be permitted. Cherry stem lots, islands, and other irregular parcels may not be approved by the city council.

12.28.130 Connection To Public Infrastructure

Each development shall be connected to the drinking water, pressurized irrigation, electrical and wastewater systems of Payson City. Furthermore, a development shall not be designed in a manner that creates a dead-end drinking water or pressurized irrigation main line except in the case of a temporary dead-end road or cul-de-sac approved by the city council.

12.28.140 Preparation Of Use Transition Plan

Developments will be designed to avoid the creation of nuisances, hazards and other potential impacts on adjoining properties, particularly residential properties. Each development that borders, or is within five (500) hundred feet of, another zoning district shall be required to provide a use transition plan indicating the measures that will be incorporated to minimize potential impacts on the existing or anticipated future development pattern. At a minimum, the use transition plan will consider the following items:

- A. Activities that may create noise, traffic or odors will be eliminated to the extent possible. Any of these activities that are imperative to the development proposal and allowed by this Title will be located in an area that will minimize the impact on surrounding properties and uses.
- B. Commercial and industrial development adjacent to residential uses shall include masonry walls, landscaping, berms, building orientation and activity limitations (i.e. limited hours of operation, lighting, etc.) will need to be incorporated to maintain the existing residential environment.
- C. Trails and connective elements such as walkways may be appropriate in the use transition area.

12.30 Roads And Streets

- [12.30.010 Approval Of City Engineer](#)
- [12.30.020 Grading And Improvement Plan](#)
- [12.30.030 Topography And Arrangement](#)
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12.30.010 Approval Of City Engineer

The layout and design of all roads and streets is subject to approval of the city engineer. It is the responsibility of the applicant to construct all roads within the boundaries of the development consistent with the Development Guidelines and the provisions of this Chapter. All subdivisions and developments shall have frontage on and access to an existing public street.

12.30.020 Grading And Improvement Plan

Streets shall be graded and improved in conformance with the Development Guidelines and shall be approved as to design and specifications by the city engineer. All road construction plans are required to be submitted prior to Preliminary Plan approval.

At present, it is the intention of the City for all streets to be dedicated public streets.

Each road, street, access way or other transportation facility shall include a concrete curb, or other border approved by the city engineer to ensure the life of the surface, appropriately direct storm water, and to limit the access to approved ingress and egress.

12.30.030 Topography And Arrangement

All streets shall be arranged to obtain as many building sites at, or above, the grades of the streets as possible. Grades of streets shall conform as closely as possible to the original topography with all cut and fill sections adequately stabilized and revegetated. A combination of steep grades and curves as well as large cut and fill sections shall be avoided. All cuts and fills shall conform to the requirements found in PCC 14 Sensitive Lands, regardless of whether the development is located in the Sensitive Lands Overlay Zone or not.

All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as established in the General Plan, Streets Master Plan and Zone Map. Streets shall be laid out to permit efficient drainage and utility systems, and to require the minimum number of streets necessary to provide convenient and safe access to property. However, the street layout should not be arranged in a manner that inhibits proper traffic circulation or access to adjacent properties.

Proposed streets shall be extended to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions, or unless the planning commission and city council determines the extension is not necessary or desirable for the coordination of the layout of the development with the existing layout or the most advantageous future development of adjacent tracts.

The arrangement of streets shall provide for the continuation of principal streets between adjacent properties when such continuation is necessary for convenient movement of traffic, effective safety protection, efficient provision of utilities, and where such continuation is in accordance with the Streets Master Plan. If the adjacent property is undeveloped and the street must be a dead-end street temporarily, the right-of-way shall be extended to the property line. A temporary turnabout shall be provided on all temporary dead-end streets, with the notation on the Final Plat that land outside the normal street right-of-way shall revert to adjacent owners when the street is continued. The applicant shall be responsible for installing appropriate signage of the temporary dead-end street(s). The turnabout shall have at least a sixty (60) foot radius. The city council may limit the length of temporary dead-end streets in accordance with the Development Guidelines or at the recommendation of the city engineer.

Where a road does not extend to the boundary of the development and its continuation is not required by the city council for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the city council may require the reservation of an appropriate easement to accommodate drainage facilities, pedestrian traffic, snow removal/storage or utilities. A cul-de-sac turnaround shall be provided at the end of a permanent dead-end street in accordance with the Development Guidelines. At a minimum, the turnabout shall be large enough to accommodate all public safety vehicles and snow removal equipment to complete a three hundred and sixty (360) degree turn. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall, in general, be limited in length to four hundred (400) feet.

- A. **Cul-De-Sacs.** Cul-de-sacs should be limited in use to areas where impacts to emergency service provision, removal of snow, extension of utility services and circulation can be sufficiently mitigated. If these concerns cannot be mitigated, the city engineer may require the applicant to remove the cul-de-sac from the proposed development plan. All cul-de-sacs shall have at least a sixty (60) foot radius of asphalt.

When a cul-de-sac is proposed adjacent to a church, school, park, or other public facility, pedestrian access should be addressed by a walkway easement, or other acceptable solution.

- B. **Turn-Arounds.** Permanent or temporary dead-end roads, whether public or private, must have an approved turn around in place before construction begins. Dead-end roads and private drives in excess of one hundred and fifty (150) feet in length shall provide provisions for the turning around of emergency apparatus in accordance with Fire Department specifications. The provisions of this Section apply to all roads and driveways.

12.30.040 Ingress And Egress

Payson City has determined that maintaining emergency access to all parcels is an important governmental interest. To provide circulation and emergency access to and from the development, Payson City's objective is to develop on a vehicular grid network. However, there are times when topography and/or development timing may reduce the ability to provide this connection in a timely manner. At all times, two points of ingress and egress will be required for all projects, subdivisions, commercial developments, schools and churches with the following exceptions:

- A. Any development, or portion of a development, which literally cannot provide two points of ingress and egress due to topography, such as hillsides, waterways, or wetlands, shall be limited to no more than fifteen (15) residential lots or units, or residential equivalents. The configuration shall adhere to all applicable fire regulations. If possible, a pedestrian access to the wetlands, waterway, or hillside shall be created to break up the block length and the street design shall avoid a situation that "walls off" the wetlands, waterway, or hillside.
- B. A development, or portion of a development, which will be served by more than one point of ingress and egress in the future may receive approval for multiple homes on one access provided that the following is met:
1. the arrangement meets all applicable fire code requirements at all times,
 2. the streets layout for future development will bring the project to a grid with multiple points of access for all units, except as outlined in paragraph A,
 3. the streets layout for future development is reviewed and approved by the city, and
 4. the contemporary layout accommodates the connection points into the future streets and trails network.
- C. Any midblock or inner-block development, i.e. one that is contained inside on street block of no more than approximately five hundred (500) feet in length, may

have multiple units per access provided that all applicable fire regulations are met and the street blocks are maintained in compliance with PCC 12.30.050 and any applicable street master plans.

- D. A commercial or industrial project, school, or church must provide a second point of ingress and egress if more than ten (10) equivalent residential units or one hundred (100) vehicle trips per day, on any day of the week, will be generated from the site.
- E. Any development providing a temporary second point of ingress and egress shall be subject to the following conditions:
 - 1. The second access shall be reviewed and approved in writing by the fire chief and city engineer.
 - 2. The second point of access shall provide continuous and unobstructed access to and from the development until which time a permanent access is completed.
 - 3. The second point of access may cross private property, but must connect the development to an improved public right-of-way.
 - 4. The second access shall be hard surfaced with at least one and one half (1 1/2) inches of asphalt prior to October 1st of the year construction began. The asphalt must be a minimum of twenty (20) feet in width.
 - 5. The second point of access may cross private property, but must connect to a public right-of-way.
- F. Access to a parcel with slopes of greater than twenty (20) percent shall satisfy the access requirements of PCC 14 Sensitive Lands.

The second point of ingress and egress shall be located in a future right-of-way unless it can be shown that the second point of access in another location is preferable to the satisfaction of the city engineer and fire chief.

The fire chief, in behalf of the City public safety officials must approve the street design in any subdivision, commercial development, school, or church with only one point of ingress and egress.

12.30.050 Blocks

A street layout is one of a city's most resilient and enduring features. Therefore, it is vital that the streets layout is thoughtfully considered and designed to accommodate a variety of uses. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major limited-access streets, waterways, and other restrictive topography. The lengths, widths, and shapes of blocks shall consider not only current land use demands, but future redevelopment potential for generations to come. Block lengths in residential

areas shall not exceed five hundred (500) feet and shall be reviewed by applicable city staff. The city may require a shorter block length to better match the existing grid and/or to better facilitate the installation and/or maintenance of public utilities. Block lengths may be rectilinear and significantly shorter, especially along the side that represents the depth of the majority of lots. This is to avoid the development dead space that occurs with deep lots.

Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the city council through blocks adjacent to schools, playgrounds, shopping centers, transportation, trails, or other community facilities.

12.30.060 Access To Freeway, Highway, Arterial Or Collector Streets

When a development borders on or contains an existing or proposed freeway, highway, arterial or collector, the city council may require the development backs onto the freeway, highway, arterial or collector and fronts onto a parallel local street with no direct access to the primary arterial or collector. Screening shall be provided by a strip of land along the rear property line of such lots.

Any residential development, or when deemed necessary for a commercial or industrial project, that contains a freeway, highway, arterial or collector status road must install fencing along the roadway. The fence shall be a minimum of six (6) feet in height and be constructed of decorative block or concrete, unless otherwise approved by the city council. The fence shall satisfy the clear view requirements of the City. The planter strip shall be landscaped and maintained by the property owner in a manner acceptable to the City, preferably using low maintenance vegetation and water conservation methods. The fence shall be placed on a concrete mow strip no less than one (1) foot in width and four (4) inches thick.

It shall be unlawful for any property owner to remove the fence for any purpose other than repair or maintenance. Repair and maintenance of the fence is the responsibility of the property owner. In no case shall the fence be modified to allow vehicular access to any lot or parcel.

12.30.070 Road Names

Staff shall inform the applicant of the preferred street names for all streets at the time of Preliminary Plan approval. The staff will consult with the local Postmaster prior to the planning commission providing a recommendation. Names shall generally conform to the corresponding coordinate number in the street grid. When the nature of the road makes a numbered street impracticable, the name shall be sufficiently different in sound and in spelling from other road names in Utah County or Payson to eliminate confusion. A street that is or is planned as a continuation of an existing road shall bear the same name. North, south, east, and west coordinates will be maintained where possible.

12.30.080 Road Regulatory Signs

The applicant shall erect or post acceptable guarantees ensuring placement of each road and safety sign required in the Development Guidelines or by the city engineer. All road signs shall be installed before issuance of a Certificate of Occupancy for any residence on a new street. Street name signs are to be placed at all intersections within and abutting the development. The type, design and location of the signs are to be approved by the city engineer. Street signs shall be designed according to the Development Guidelines.

12.30.090 Street Lights

Installation of streetlights shall be required in accordance with the Development Guidelines or as designated and located by the Power Department and shall be approved by the city engineer.

12.30.100 General Design Standards

In order to provide for roads in suitable locations with proper width and improvements to accommodate prospective traffic, afford satisfactory access to police, fire fighting, snow removal, sanitation, and road-maintenance equipment, coordination of roads to compose a convenient system, and avoid undue hardships to adjoining properties the roads are hereby required to be in compliance with the Development Guidelines. All roads shall also be consistent with the Streets Master Plan, as adopted, or determined by the city engineer.

If a development is proposed in a location that includes an arterial or collector status road in accordance with the Streets Master Plan, the applicant shall improve the road as follows:

- A. Lots shall be arranged so that no direct access to the road will be allowed.
- B. If the development fronts only one side of the road, one-half plus ten (10) feet of the road cross section will be improved in accordance with the Development Guidelines.
- C. If the development fronts each side of the road, the entire road cross section will be improved in accordance with the Development Guidelines.
- D. The transportation system requires the installation of various road styles and widths. In some instances, a collector or arterial road will traverse a development. Regardless of development type (traditional subdivision, Planned Residential Development, commercial project), the developer shall be responsible to cover the costs associated with the roadway improvements as defined herein for the type of facility indicated on the Streets Master Plan. If a road is not indicated, it is anticipated to be a typical residential street.

12.30.110 Road Surfacing And Improvement

Prior to road construction, the applicant may be required to complete a soil test of the area proposed for roads to determine whether existing soils are considered adequate and safe for road construction by the city engineer. If the soil is considered inappropriate or unsafe, the engineer will indicate what action should occur in order to provide adequate and safe road base. After sewer, water, and other applicable utilities have been installed by the developer, the applicant shall construct curbs and gutters and shall surface roadways to the widths prescribed in the Development Guidelines.

Pavement design shall be proposed by the applicant and approved by the city engineer. Adequate provision shall be made for culverts, drains and bridges. All road pavement, shoulders, drainage improvements and structures, curbs, turnarounds, and sidewalks shall conform to all construction standards and specifications adopted by the City and shall be incorporated into the construction plans required to be submitted by the developer for plat approval.

12.30.120 Right-Of-Way Alterations

- A. **Additional Right-Of-Way.** Right-of-way widths in excess of the standards referenced in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of three to one, unless specifically approved by the city engineer.
- B. **Excess Right-Of-Way.** When the approved layout of a subdivision results in excess right-of-way from an existing street or any other right-of-way, the city council may approve the vacation of the right-of-way in accordance with State statute.

12.30.130 Intersections

Streets shall be laid out to intersect as near as possible at right angles. An angle within ten (10) degrees of perpendicular is required for a proposed intersection of two new streets. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet. Not more than two (2) streets shall intersect at any one point unless specifically approved by the city council and city engineer.

Proposed new intersections along one side of an existing street shall, where practical, coincide with any intersections on the opposite side of the street. Street jogs with centerline offsets of less than one hundred and fifty (150) feet are not permitted. Where streets intersect major streets, the alignment shall be continuous. Intersections of arterial and collector streets must be at least eight hundred (800) feet apart.

Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the

corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

Intersections shall be designed with a flat grade where practical. In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having less than a two (2) percent slope for a distance of sixty (60) feet, measured from the nearest right-of-way line of the intersecting street.

Where any street intersection will involve earth banks or existing vegetation inside any lot corner that could create a traffic hazard by limiting visibility, the developer shall cut such ground or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance. The cross-slopes on all streets, including intersections, shall be three (3) percent or less.

12.30.140 Bridges

Bridges of primary benefit to the applicant, as determined by the city council, shall be constructed at the full expense of the applicant without reimbursement from Payson City. The sharing of expense for the construction of bridges not of primary benefit to the applicant as determined by the city council will be fixed by special agreement between Payson City and the applicant.

12.30.150 Road Dedications And Reservations

Street systems in new developments shall be laid out to eliminate or avoid new perimeter half-streets. The city engineer may authorize a new perimeter street, however the applicant may be required to improve half the street plus ten (10) feet and dedicate the entire required street right-of-way width.

Where a development borders an existing narrow road or when the General Plan, Streets Master Plan or Zone Map indicates plans for realignment or widening a road that would require use of some of the land in the development, the applicant may be required to improve and dedicate such areas for widening or realignment of such roads that are necessary and for the benefit of the development. Frontage roads and streets shall be improved and dedicated at the applicant's expense to the full width as required by this Title.

12.30.160 Off Site Road Improvements

In instances where the vehicular demand of an approved development will result in additional traffic on an existing roadway facility that caused the road to drop below the adopted level of service (LOS), the applicant shall be required to complete all necessary roadway improvements to maintain an acceptable LOS. This may require improvements to the nearest arterial or collector status road facility capable of handling the anticipated volume of traffic.

Furthermore, the applicant will be required to complete any improvements necessary to accommodate all storm drainage generated by the development, construct linkages to pedestrian facilities and demonstrate connectivity to all other municipal systems.

If an applicant is unable to maintain an acceptable LOS or demonstrate connectivity, the city council may find that the development is inappropriate which may be ground for denial of the project.

12.32 Storm Water System

[12.32.010 Storm Water Generally](#)

[12.32.020 Accommodation Of Upstream Drainage Areas](#)

[12.32.030 Effect On Downstream Drainage Areas](#)

[12.32.040 Areas Of Poor Drainage](#)

[12.32.050 Flood Plain Areas](#)

[12.32.060 Dedication Of Drainage Easements](#)

[12.32.070 Lot To Lot Drainage](#)

12.32.010 Storm Water Generally

The planning commission shall not recommend approval of, and the city council shall not approve any development that does not make adequate provision for storm or floodwater runoff channels or catch basins. Plans shall be reviewed for compliance with the Development Guidelines and other standards as may be adopted, and shall be adequate to handle a twenty-four (24) hour, one hundred (100) year storm event. The storm water drainage system shall be separate and independent of the sanitary sewer system. Storm sewers, where required, shall be designed by the Rational Method, or other methods as approved by the city engineer, and a copy of design computations shall be submitted along with construction plans. Inlets shall be provided so that surface water is not carried across or around any intersection, nor for a distance of more than six hundred (600) feet in the gutter. When calculations indicate that curb capacities are exceeded, catch basins shall be used to intercept flow. Surface water drainage patterns shall be shown for every lot and block.

The applicant may be required, upon the recommendation of the city engineer, to carry away by pipe or open channel any spring or surface water that may exist either previously to, or as a result of the development. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the Development Guidelines.

Underground storm drainage systems shall be constructed throughout the development and be directed to an approved out-fall. Inspection of facilities shall be conducted by the city engineer. If a connection to a public storm water system will be provided, the developer shall arrange for future storm water disposal by a public utility system at the

time the plat receives final approval. Provision for such connection shall be incorporated by inclusion in the performance guarantee required for the development.

The development shall not be approved unless adequate drainage will be provided to an approved drainage watercourse or facility. Applicants are encouraged to place storm water in a storm retention basin rather than sumps due to the propensity of the sumps to fail over time. Furthermore, sumps shall not be used in areas protected by the Payson City ground water protection plan. If a storm retention or detention basin is required in order to provide a system capable of handling the twenty-four (24) hour, one hundred (100) year storm event, the applicant shall completely landscape the facility. In order to control erosion and protect the basin, the landscaping shall consist of the placement of grass sod on all slopes and the bottom of the facility together with appropriate trees and shrubs. The applicant shall submit a complete landscaping plan including the provision of an underground automatic sprinkling system.

12.32.020 Accommodation Of Upstream Drainage Areas

Culverts or other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. The developer shall hire a qualified engineer to determine the necessary size of the facility, based on the provisions of the Development Guidelines assuming conditions of a one hundred (100) year storm event. The city engineer must review and approve the design. If the facility must be enlarged to accommodate upstream development, the City shall contribute the absolute difference between the facility needed for the development and the facility needed for upstream drainage.

12.32.030 Effect On Downstream Drainage Areas

The developer's engineer shall also study the effect of the development on existing downstream drainage facilities outside the area of the development. City storm drainage studies together with such other studies shall serve as a guide to needed improvements. Where it is anticipated that the additional runoff will overload an existing downstream drainage facility, the city council may require the applicant to improve the facility in order to serve the development.

12.32.040 Areas Of Poor Drainage

When a plat is submitted for an area which is subject to flooding, the city council upon recommendation of the city engineer, may approve the development provided the applicant fills the affected area of the development to an elevation sufficient to place the elevation of streets and lots at a minimum of two (2) feet above the elevation of the one hundred (100) year flood event, as determined by the city engineer. The plat shall provide for an overflow zone along the bank of any stream or watercourse, in a width that shall be sufficient in time of high water to contain or move the water, and no fill shall be placed in the overflow zone nor shall any structure be erected or placed therein. The boundaries of the overflow zone shall be subject to approval by the city engineer.

Development in areas of extremely poor drainage will not be allowed.

12.32.050 Flood Plain Areas

The city council may, upon recommendation of the city engineer and when it deems it necessary for the health, safety, or welfare of the present and future population of the area and necessary to the conservation of water, drainage, and sanitary facilities, prohibit the development of any portion of the property which lies within the one hundred (100) year flood plain of any stream or drainage course. These flood plain areas should be preserved from any and all destruction or damage resulting from clearing, grading, or dumping of earth, waste material, or stumps, except at the discretion of the city council.

12.32.060 Dedication Of Drainage Easements

Where a development is traversed by a watercourse, drainage way, channel, river or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width and construction adequate for the purpose. Where possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

Where topography or other conditions make the inclusion of drainage facilities within road rights-of-way impractical, perpetual unobstructed easements at least twenty (20) feet in width for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the Final Plat. Drainage easements shall be carried from the road to a natural watercourse or to other drainage facilities. When a proposed drainage system will carry water across private land outside the development, appropriate drainage rights must be secured and indicated on the plat.

The applicant shall dedicate to the City, either in fee or by drainage or conservation easement of land on both sides of existing watercourses, to a distance of fifty (50) feet, unless otherwise approved by the city council.

12.32.070 Lot To Lot Drainage

The city engineer may require a complete drainage plan in any development that the city engineer considers to potentially have lot-to-lot drainage problems, or potential drainage onto publicly owned property or public rights-of-way. The drainage plan shall be reviewed, at the developer's expense, by a qualified third party engineering firm to ensure that the following objectives are met:

- A. Under the conditions of a twenty-four (24) hour, one hundred (100) year storm event, each lot must drain properly without causing drainage unto a downhill lot, public property or a public right-of-way.

- B. All necessary drainage facilities, including interior lot facilities must be provided.
- C. All lot drainage must be transported to an approved storm water facility.

The grading plan shall be approved as part of the development and building permit shall not be issued unless the grading of the lot is completed in accordance with the grading plan and inspected and approved by the qualified third party engineering firm at the developer's expense. Specific lot-to-lot drainage requirements can be found in the Development Guidelines.

12.34 Water Facilities

12.34.010 Purpose And Intent

12.34.020 Drinking Water System

12.34.030 Pressurized Irrigation

12.34.040 Ownership Of Facilities

12.34.050 Fire Hydrants

12.34.060 Proof Of Water

12.34.070 Extension Of Infrastructure

12.34.010 Purpose And Intent

Necessary action shall be taken by the applicant to extend or create a safe water supply system for the purpose of providing a water supply capable of providing domestic water use and fire protection. All improvements, whether on-site or off-site, which provide direct benefit to the development shall be constructed and paid for by the applicant. All transfer and conveyance of water and water rights shall be consistent with all applicable Payson City Resolutions and Ordinances, in particular PCC 4.04. The Final Plat will not be recorded or a building permit issued until sufficient water for the proposed project has been transferred into the name of Payson City.

12.34.020 Drinking Water System

Where a public water main is accessible, the applicant shall install adequate water facilities (including fire hydrants) subject to all relevant City and State specifications. All water mains shall be at least eight (8) inches in diameter. Water main extensions and water facility improvements shall be approved by the City Engineer and city council. If a new water main line is required to service the new development, the applicant will be required to replace the insufficient water main line with an eight (8) inch line and connect existing users to the water main line.

Where a development includes existing structures that are connected to City services, the applicant shall be required to upgrade the existing connections from the main line to the meter, the meter itself, and from the meter to the structure to satisfy current standards.

12.34.030 Pressurized Irrigation

Applicants are required to install a pressurized irrigation system in accordance with City specifications, unless otherwise approved by the city council upon finding that connection to the pressurized irrigation system is not in the best interest of the City as a whole. All water lines for the system shall be at least eight (8) inches in diameter. All facilities shall be approved by the city engineer. Private facilities will be required to be so noted on the Final Plat and will be the responsibility of the applicant or owners of the development.

12.34.040 Ownership Of Facilities

Prior to approval of the Final Plat, a determination shall be made by the city council about the location and extent of facilities to be maintained and owned by Payson City.

12.34.050 Fire Hydrants

Fire hydrants shall be required in all developments. Fire hydrants shall be inspected and approved by the fire chief prior to installation by the applicant. All existing hydrants within one thousand (1000) feet of the proposed development and all proposed hydrants shall be indicated on the plat. The hydrants shall be located no more than five hundred (500) feet apart and shall be approved by the fire chief and city engineer.

In some instances, the fire chief may determine that due to wild land fire potential, hydrants will be required to be located no more than three hundred (300) feet apart. Additionally, hydrants in industrial and commercial areas shall be no more than three hundred (300) feet apart. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final paving of a street shown on the plat.

Each fire hydrant shall be located on a concrete pad measuring six (6) feet by six (6) feet. The elevation of the concrete pad shall be equal to the top back of the curb. All main connections shall face the primary road. The size and shape of the concrete pad may be modified by the fire chief due to a physical constraint of the property.

Fire hydrants located on cul-de-sacs shall be installed at the direction of the fire chief and city engineer. All dead-end lines located in cul-de-sacs shall have hydrants located at the end of the line for flushing purposes. The location of all fire hydrants and all water storage and supply improvements shall be shown on the Preliminary Plan.

All fire hydrants shall be located offset four (4) feet from a property line to eliminate interference from fences or other items that may be placed on the property line. The final location of the hydrant shall be approved by the fire chief. All fire hydrants need to be red, original factory finish, unless otherwise approved by the fire chief.

- A. Items To Be Shown On Project Drawings.** The following items shall be included on project drawings for review by the fire chief:

1. Lot sizes
2. Culinary and secondary water mains and sizes
3. Proposed fire hydrants
4. Existing fire hydrants within one thousand (1000) feet of any portion of the proposed development
5. Street addresses
6. Road sizes and dimensions
7. Graphic scale showing increments of one hundred (100) feet

12.34.060 Proof Of Water

If the applicant is dedicating or providing water rights to the project or the City, the city council may require adequate proof of ownership of “wet” water (as opposed to water rights or paper only) in a quantity, quality, annual duration or availability throughout the entire year. The proof must be provided in a legal form, opinion or title policy that is acceptable to the city attorney. All water transactions should be consistent with the policies found in PCC 4.04.

12.34.070 Extension Of Infrastructure

All water facilities shall be extended to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions, or unless the city council determines that the extension is not necessary or desirable for the coordination of the layout of the development with the existing layout or the most advantageous future development of adjacent tracts.

12.36 Sewer Facilities

[12.36.010 Sewer Requirements](#)

[12.36.020 Extension Of Infrastructure](#)

12.36.010 Sewer Requirements

The applicant shall install sanitary sewer facilities in the manner prescribed in the Payson City Development Guidelines document. All plans shall be designed in accordance with current City, State and EPA rules, regulations, and standards. Necessary action shall be taken by the applicant to extend sanitary sewer service for the purpose of providing sewerage facilities to the development. Off site improvements necessary to satisfy impacts imposed by the development on the City Sewer Facilities are the responsibility of the applicant.

Sanitary sewerage facilities shall connect with the public sanitary sewer at sizes required by the Development Guidelines. Individual disposal systems or treatment plants (private or group disposal systems) shall not be permitted in an area of the City serviced by the sewer system and within one thousand (1000) feet or less of that system as measured from the development property line closest to the system lines. Sanitary sewerage facilities (including the installation of laterals in the right-of-way and dedication of easements) shall be subject to the Development Guidelines. All sewer laterals shall include clean outs.

In order to properly maintain sewer lines, all sewer lines shall be installed at a five (5) percent slope or less.

Where a development includes existing structures that are connected to City services, the applicant shall be required to upgrade the existing connections to satisfy current standards.

12.36.020 Extension Of Infrastructure

All sewer facilities shall be extended to the boundary lines of the tract to be developed, unless prevented by topography or other physical conditions, or unless the city council determines that the extension is not necessary or desirable for the coordination of the layout of the development with the existing layout or the most advantageous future development of adjacent tracts.

12.38 Sidewalks, Curbs, Trails, And Paths

12.38.010 Location

12.38.020 Improvements

12.38.030 Trails And Paths

12.38.010 Location

Sidewalks shall be located within the public right-of-way unless an alternate location has been specifically approved by the city council. In many cases pedestrian paths separate from the road right of way may be preferable. Concrete curbs are required for all roads where sidewalks are required by these regulations and run along roads or where required in the discretion of the city council.

12.38.020 Improvements

Sidewalks shall be constructed of concrete at least four (4) inches thick and not less than five (5) feet wide, and shall be designed to best facilitate their assumed use and serve the public interest and safety. If existing curb, gutter and/or sidewalk is determined by the city engineer to be a public hazard or is in poor repair, the applicant shall restore and/or repair the curb, gutter or sidewalk in a manner consistent with the Development Guidelines.

12.38.030 Trails And Paths

Trails, pedestrian paths, and bike paths shall be related appropriately to topography, require a minimum of site disturbance, permit efficient drainage, and provide safe access. Walking and hiking trails, bike paths, and horse trails shall be provided by the developer in accordance with the Trails Master Plan and where otherwise necessary as determined by the city council. Trails should connect traffic generators such as schools, recreation facilities, commercial areas, parks, and other significant natural features. Trails shall be built to City specifications and easements shall be dedicated for trails. The trails shall be constructed at the time of road construction, unless the city council determines otherwise, in which case cash deposits shall be required. Unless otherwise approved, all trails and paths shall be hard surfaced with either asphalt or concrete.

12.40 Electric Facilities

[12.40.010 Service By Payson Power](#)

[12.40.020 Strawberry Electric Service District Facilities](#)

12.40.010 Service By Payson Power

Developments in Payson will be serviced by the Payson City Power Department. The layout and design of the electric system will be completed by a licensed electrical engineer at the expense of the applicant. All requirements and regulations regarding the installation of electrical facilities can be found in PCC 13.

Each electrical plan shall indicate the placement of an additional four (4) inch PVC conduit located adjacent to the conduit for the electrical system for future use by Payson City.

Where a development includes existing structures that are connected to City services, the applicant shall be required to upgrade the existing connections to satisfy current standards.

Following final approval, the applicant will be required to submit a twenty-four (24) inch by thirty-six (36) inch copy of the approved electrical layout. The applicant will need to submit an electronic copy of the electrical layout in a format acceptable to the Power Superintendent.

12.40.020 Strawberry Electric Service District Facilities

All applicants will be required to satisfy the obligations of an agreement reached between Payson City and the Strawberry Electric Service District dated March 25, 1998. Any costs associated with the satisfaction of the obligations in the agreement will be the responsibility of the applicant for development approval.

12.42 Easements And Other Utilities

12.42.010 Easements Generally

12.42.020 Easements

12.42.010 Easements Generally

Utility facilities anticipated to provide service to structures that are not located on the property where the facilities are located or are anticipated to traverse a parcel of private property shall be located in an easement dedicated for the purpose of providing utility service. The easement shall grant ample access for maintenance and necessary upgrades to the facility.

Payson City is not obligated to provide, secure, purchase or otherwise ensure that easements across private property are obtained by an applicant for development approval. When an easement is recorded in favor of Payson City, the easement shall be recorded in the office of the Utah County Recorder and include access for maintenance and necessary upgrades of the City utility.

Utility facilities including but not limited to gas, telephone, and cable TV, shall be located underground when underground location does not violate safety standards of the particular utility, and underground location does not impose any potential additional maintenance burden on City streets and water or sewer personnel in the opinion of the city council. Underground service connections for water and sewer shall be installed to the street property line of each platted lot at the expense of the applicant and shall be marked on the surface, as shall casings or conduits for all other underground utilities as determined by the city engineer.

In accordance with State statute, a subdivision plat may not be recorded until the applicant provides evidence to Payson City that a courtesy notice has been given to all utilities providers, at least fourteen (14) days prior to recordation, regarding the planned easements.

12.42.020 Easements

Each lot or parcel shall include a ten (10) foot utility easement adjacent to any public road and maintain a five (5) foot utility easement around the remaining perimeter of the lot or parcel. Proper coordination shall be established by the applicant between the applicable utility companies for the establishment of utility facilities and easements to adjoining properties. Existing lots, previously subdivided or sold in metes and bounds, shall provide a ten (10) foot utility easement adjacent to any public road and maintain a five (5) foot utility easement around the remaining perimeter of the lot when applying for a building permit.

The subdivision plat shall include any necessary easements, rights-of-way or other

public access instrument to address the following:

- A. Drainage easements
- B. Public and private irrigation facilities
- C. Public and private utilities
- D. Trails and recreation areas or facilities
- E. Streets and access

Where topographical or other conditions make it impractical to include utilities within these easements, perpetual unobstructed easements at least ten (10) feet in width shall be provided with satisfactory access to the road. All easements shall be indicated on the plat.

Where necessary to ensure proper access and maintenance, easement widths shall be increased as required by the city engineer.

12.44 Parks, Playgrounds, Recreation Areas, Historic Locations And Other Public Uses

[12.44.010 Open Space Required](#)

[12.44.020 Required Park Area](#)

[12.44.030 Minimum Size Of Park And Playground Reservations](#)

[12.44.040 Recreation Sites](#)

[12.44.050 Open Space Created By Clustering Not Included In Calculations](#)

[12.44.060 Historic Locations](#)

[12.44.070 Preservation Of Natural Features And Amenities](#)

[12.44.080 Other Public Uses](#)

12.44.010 Open Space Required

The planning commission and city council, in its review of each development, shall ensure that land be reserved and improvements installed for parks and playgrounds or other recreation purposes in locations designated in the General Plan Open Space Element, requirements of this Title, or other areas where such reservations would be appropriate and the park would benefit the residents. Each reservation shall be of suitable size, dimension, topography, and general character and have adequate access for the particular purposes of the City. These areas shall be shown on the Final Plat. The developer will also be required to install improvements to the recreation areas that directly benefit the development. These improvements will be installed at the expense of the applicant consistent with City specifications and in accordance with an approved landscaping plan as described below.

If it is determined that landscaping should be required or is appropriate, the applicant shall complete a landscaping plan for the open space area. The landscaping plan shall contain information pertaining to type and size of plants, a maintenance plan, and a design for an irrigation system. At the applicant's expense, the City may require the landscaping plan to be review by a competent landscape architect for suitability of plant types and sizes.

12.44.020 Required Park Area

Recreation areas shall be consistent with the Master Trails Plan and Open Space Element. If the applicant is developing an area that contains areas designated for public facilities according to the Master Trails Plan or Open Space Element, the applicant may donate land and construct facilities in place of impact fees, if not already approved as part of a development plan or Planned Residential Development. The city council shall determine the number of acres to be reserved using the adopted level of service found in the Impact Fee Ordinance. The city council may refer such proposed reservations to the appropriate staff members for any recommendations. The developer shall dedicate all such recreation areas and facilities to the City with the recordation of the Final Plat. If the applicant chooses to provide recreational facilities to the residents of the development, the applicant may be entitled to a credit against the Parks Impact Fee.

12.44.030 Minimum Size Of Park And Playground Reservations

In general, land reserved for recreation purposes shall have an area of at least one acre. When the proposed area would create less than one acre, the city council may require that the recreation area be located at a suitable place on the edge of the development so that additional land may be added at the time adjacent land is developed. In no case shall an area of less than one-quarter (1/4) acre be reserved for recreation purposes if it will be impractical or impossible to secure additional lands in order to increase its area. This smaller amount will be accepted only when it is on the edge of the development or when the staff feels that the reduced size will result in a functional and usable recreation site.

12.44.040 Recreation Sites

Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field, or for other recreation purposes, and shall be relatively level and dry. The area shall be improved by the applicant to minimum City standards, including landscaping and an underground automatic sprinkling system, and include a performance guarantee. The city council may refer any development proposed to contain a dedicated park to the appropriate staff members for recommendations. All land to be reserved for dedication to the City for park purposes shall have prior approval of the city council and shall be shown on the Final Plat.

12.44.050 Open Space Created By Clustering Not Included In Calculations

Any open space created by clustering units shall not be included in the calculations for Impact Fee credits or recreation space required. The provisions of this Section are minimum standards. None of the paragraphs above shall be construed as prohibiting a developer from reserving other land for recreation purposes in addition to the requirements of this Section.

12.44.060 Historic Locations

When a development is proposed in a location that is determined by the city council to have historical significance, the city council may require that a monument be erected, at the expense of the applicant, indicating the historical significance of the site. The monument is expected to complement the other project details and should be constructed of quality materials. The faceplate should be engraved brass surrounded by masonry materials that either reflect the history of the site or are consistent with materials used in the construction of the primary structures in the development.

12.44.070 Preservation Of Natural Features And Amenities

Existing features that add natural value or historical amenities to the community shall be retained. Buildings shall be sited in a manner that preserves significant views. Ridges should be protected from development that would be visible from prominent areas or vantage points. Attractive existing vegetation should also be retained where possible. Vegetation protection will be required during construction so that disturbance is limited.

Existing features such as watercourses, rivers, irrigation works, wetlands, historic sites, critical meadowlands, important vistas, and other irreplaceable assets shall be preserved and incorporated into the design of the development. Street layout and lot configuration shall be completed to allow these features to be visible to the public and accommodate access for maintenance and public safety purposes.

All trees and vegetation required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade. The planning commission and city council may require the applicant to indicate the general number, size, and location of existing trees and indicate all those marked for retention on the project drawings. Any project falling within the Sensitive Lands Development Ordinance may be subject to additional requirements and regulations as outlined therein.

In order to preserve the natural environment and important view sheds, and improve the visual quality of a development, the city council may consider, but is not obligated to approve alteration(s) to the development standards found herein, requirements of the Zoning Ordinance, Development Guidelines, and other development resolutions and ordinances of Payson City. However, the alterations shall not inhibit public safety and shall be limited to the following:

- A. The use and length of cul-de-sacs may be altered if it can be shown by the applicant that the use and extension of a cul-de-sac will preserve a sensitive

natural feature or significantly improve an important view shed. Extension of a cul-de-sac may include additional requirements such as, but not limited to, snow storage areas, designated garbage collection areas, and additional fire hydrants.

- B. The width or location of a road may be modified if it can be shown by the applicant that the modification will preserve a sensitive natural feature or significantly improve an important view shed and still provide appropriate circulation and service provision.
- C. Reduction in frontage requirements if it can be shown by the applicant that the reduction will enable the applicant to preserve a significantly improve an important view shed. The city council may also allow flag lot design to accomplish preservation of sensitive natural features or protection of important view sheds.
- D. More than ten (10) dwellings may be constructed on one point of ingress and egress if it can be shown by the applicant that the extension of the cul-de-sac will enable the applicant to preserve a sensitive natural feature or significantly improve an important view shed.

12.44.080 Other Public Uses

Except when an applicant utilizes a Planned Residential Development concept in which land is set aside by the applicant as required by this Title, when a tract to be developed includes a school, recreation uses, or other public use the space shall be suitably incorporated by the applicant into the development design.

12.46 Preliminary Plan

[12.46.010 Timing Of Preliminary Plan](#)

[12.46.020 General](#)

[12.46.030 Preliminary Layout Approval](#)

[12.46.040 Features To Be Shown On Preliminary Plan](#)

[12.46.050 Construction Plans](#)

[12.46.060 Planning Commission Public Hearing](#)

[12.46.070 Planning Commission Recommendation Of Preliminary And Construction Plans](#)

[12.46.080 Council Approval Of Preliminary Plan And Construction Plans](#)

[12.46.090 Effective Period Of Preliminary Approval](#)

[12.46.100 Zoning Regulations](#)

12.46.010 Timing Of Preliminary Plan

Following presentation of a Concept Plan to the staff, and if necessary planning commission, to meet and discuss the proposed project in the conceptual stage and to give the applicant an opportunity to ask questions of the staff and receive direction on

project layout, the staff will inform the applicant that an application for Preliminary Plan may be submitted and a plan may be prepared.

The staff may also discuss the procedure for approval of a subdivision plat and the specifications and requirements as to general layout of streets and for reservations of land, street improvements, drainage, water, sewerage, fire protection, mitigation of environmental impacts as determined, and similar matters, as well as the availability of existing services. Concurrent review of Planned Residential Development requirements, if applicable may also be discussed at this time.

There is no approval of a Concept Plan required or given. After reviewing and discussing the Concept Plan, staff report and other reports as submitted by invited agencies and officials, the staff or planning commission will advise the applicant of the specific changes or additions, if any, it will require in the layout, and the character and extent of required improvements and reservations which it will require as a prerequisite to the approval of the Preliminary Plan. The planning commission may require additional changes as a result of further study of the subdivision in final form. Although approval is not required, the planning commission shall not review any Preliminary Plan prior to the applicant's submission and staff review of a Concept Plan.

These Preliminary Plan requirements are minimum in nature and other information may be required by the staff planning commission, city council, or as the need dictates.

12.46.020 General

The Preliminary Plan shall be prepared by a licensed land surveyor at a scale of not more than one-inch equals one hundred (100) feet. The scale shall be shown graphically for purposes of reduction. The plan may be prepared in ink, or ink and pencil, and the sheets shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the county recorder, typically twenty-four by thirty-six (24 x 36) inches.

If an applicant desires, or is required, to correct and re-submit the Preliminary Plan or construction drawings, the plans shall be redlined with red ink and enclosed in a red box or bubble that will allow the corrections to be readily identified.

12.46.030 Preliminary Layout Approval

At the discretion of the city council, typically for a large development with several phases and involving dozens of acres, an applicant may be granted Preliminary Layout approval prior to the submission of full construction drawings and engineering profiles. Because the city council is not obligated to consider or grant Preliminary Layout approval, the city council will determine what information must be submitted by the applicant and what project vesting, if any, will occur. These arrangements will be included in a Development Agreement between the City and the applicant in accordance with PCC 12.50.020.

In the agreement, the approval of the city council will be clarified. Issues such as density, development obligations and the effect of future information will be included. For instance, if the city council is inclined to provide Preliminary Layout approval without complete construction drawings and engineering profiles and following the preparation of these documents it is discovered that fewer parcels can be created due to unforeseen circumstances, the city council is not obligated to allow the applicant to transfer or relocate density to other areas of the development to address the engineering constraints.

Denial of the request by an applicant for Preliminary Layout approval shall not result in a constitutional takings claim. If an applicant is not satisfied with the terms established by the city council in a Development Agreement, the applicant is eligible to satisfy the regulations of this Chapter for approval of a Preliminary Plan. Furthermore, denial of a request for Preliminary Layout approval shall not prejudice a request for Preliminary Plan approval in accordance with the regulations of this Title.

In order to offset the costs associated with the review of a Preliminary Layout, the applicant shall be required to submit fees in an amount equal to Preliminary Plan review in accordance with the adopted fee schedule. Because the information must be reviewed again by staff when complete construction drawings and engineering profiles are submitted, the applicant shall be subject to payment of an additional Preliminary Plan review fee as well as Final Plat review fees.

12.46.040 Features To Be Shown On Preliminary Plan

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Title, the planning commission, city council or staff on the Preliminary Plan whether included in this list or not. Failure to show any required feature may result in denial of the plan.

The Preliminary Plan shall, at a minimum, show the following:

- A. The date of the map, approximate true north point, scale in graphic and numeric detail, and name of the subdivision.
- B. A vicinity map indicating the location of property with respect to surrounding property and streets, the names of all adjoining property owners or the names of adjoining developments, the location and dimensions of all boundary lines of the property expressed in feet and decimals of a foot tied to at least two section corners, and the legal description of the property complete with Township, Range and Section lines. The vicinity map may be reviewed at the time of submission of the Concept Plan. The vicinity map should indicate how the new infrastructure will tie into existing and future infrastructure. The map shall be at a scale not to exceed one inch equals two hundred (200) feet and shall cover an area no less than one thousand (1,000) feet from any perimeter of the proposed development.
- C. The location of existing streets, easements, water bodies, rivers, streams, and

other pertinent features such as swamps, buildings, parks, cemeteries, drainage or irrigation ditches, bridges, or other features as determined by staff, planning commission, or city council.

- D. The location and width of all existing and proposed streets and easements, alleys, trails, and other public ways and easements, and proposed street rights-of-way.
- E. The location of all existing fire hydrants within one thousand (1,000) feet of the subdivision and all proposed fire hydrants. The city engineer will require a profile and cross section of all proposed streets.
- F. The location, dimensions, and areas of all proposed or existing lots complete with utility easements, lot numbers, proposed addresses (corner lots should include two addresses), square footage of each lot or parcel, and building setback lines. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order.
- G. The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservations and open space dedications, with designation of the purpose thereof, types, and conditions, if any, of the dedication, preservation or reservation complete with an acreage tabulation of all open space areas.
- H. The name and address of the owner or owners of land to be developed, the name and address of the applicant if other than the owner, and the name of the land surveyor and project engineer.
 - I. Sufficient data acceptable to the city engineer to determine readily the location, bearing, and length of all lines which would enable the city engineer to reproduce the lines upon the ground, and the location of all proposed monuments.
- J. Names of all new streets.
- K. Indication of the use of all lots or parcels whether single family, two-family, multi-family, agricultural, commercial, open space as well as all uses other than those specified that are proposed by the applicant.
- L. All information required by the planning commission or staff after review of the Concept Plan.
- M. Explanation of drainage and site easements, if any.
- N. Explanation of reservations and conservation easements, if any.
- O. All utility facilities existing and proposed throughout the subdivision and details for connection to City infrastructure.
- P. A plan designating limits of disturbance or building pads and utilities corridors and connections for each parcel and for subdivision improvements, such as

utilities and roads.

- Q. If the plan does not include all contiguous property of the owner of the subdivision, an indication of future use of the additional property.
- R. Indication of the nearest location of all public and private utilities.
- S. Appropriate contour lines and an indication of all slopes greater than twenty (20) percent.
- T. A vegetation or revegetation plan as required by this Title.
- U. The names and addresses of the property owners within one thousand (1,000) feet as shown on the County Assessor's tax files, together with a stamped, addressed envelope for each such owner. The mailing address information may be shown on a separate current tax map reproduction from the Assessor's Office showing the subdivision imposed thereon.
- V. Complete construction plans containing the information required in PCC 12.46.030, and any other information required by the planning commission or staff.

The lack of information under any item specified herein, or improper information supplied by the applicant, shall be cause for denial of a Preliminary Plan.

12.46.050 Construction Plans

- A. Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no more than one (1) inch equals fifty (50) feet, and map sheets shall be the same size as the Preliminary Plan. These are minimum requirements and other information may be required as the need dictates.

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Title, the planning commission, city council or staff in the construction plans whether included in this list or not. Failure to show any feature required may result in denial of the plan.

The following features, at a minimum, shall be shown on the Construction Plan:

1. Profiles showing existing and proposed elevations along centerlines of all roads. Where a proposed road intersects an existing road or roads, the elevation along the centerline of the existing road or roads within one hundred (100) feet of the intersection shall be shown. Approximate radii of all curves, lengths of tangents, and central angles on all streets.
2. Typical cross-sections of all proposed streets.
3. Plans and profiles showing the locations of sidewalks, drainage

easements, irrigation ditches, rights-of-way, manholes, and catch basins, street trees, street lights and signs, the location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, fire hydrants, connections to any existing or proposed utility systems, and exact location and size of all water, gas, or other underground utilities or structures. All street monuments shall be indicated on the Construction Plans.

4. Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, swamps, wetlands, buildings, features noted on the Official Zone Map, point of connection to proposed facilities and utilities within the development, and each tree or group of trees to be preserved. The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the city engineer's or U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
5. Topography at the same scale as the Preliminary Plan with contour intervals of two (2) feet, referred to sea-level datum. All datum provided shall be the latest applicable U.S. Geodetic Survey datum and should be so noted on the plat.
6. All other specifications, details, and references required by the Development Guidelines, Construction Specifications, and Standard Drawings, including a site-grading plan for the entire development.
7. Notation of approval by the owner, city engineer and all utility providers.
8. Title, name, address, signature, and seal of the professional engineer preparing the plans, and date, including revision dates.
9. A limits of disturbance and revegetation plan.

B. Format. The Construction Plans shall be prepared on a similar medium and be the same size as the Preliminary Plan. The applicant will provide three (3) complete copies of the Construction Plans to the City. The applicant shall also provide two (2) additional copies of the electrical layout and one (1) additional copy of the fire hydrant layout. The Construction Plans should provide signature blocks for and be signed by the mayor, city engineer, and the applicant's engineer and surveyor.

C. Submission And Presentation. The Construction Plans shall be presented to the Development Review Committee prior to the scheduled meeting of the planning commission for review of the Preliminary Plan. Preliminary Plans will

be reviewed on a first come, first serve basis. Depending on the workload, preliminary plans may take several weeks to review. The planning commission may hold work sessions to review any recommendations or reports.

12.46.060 Planning Commission Public Hearing

The planning commission shall hold a public hearing on the Preliminary Plan to inform the public about the project and receive comment. The hearing shall be advertised in accordance with the requirements of PCC 12.16.

12.46.070 Planning Commission Recommendation Of Preliminary And Construction Plans

After the planning commission has reviewed the Preliminary Plan, staff report, and any recommendations together with any testimony or exhibits submitted at the public hearing, the applicant shall be advised of any required conditions, changes or additions to gain a positive recommendation of the Preliminary Plan. Before the planning commission recommends approval of a Preliminary Plan showing land for public use (other than proposed public streets) proposed to be dedicated to the City, the planning commission shall obtain preliminary approval of the park or land reservation from the city council. If the project involves a conservation easement, the planning commission must receive approval or comments from an approved Land Trust involved in the transaction.

The planning commission shall not recommend approval of any Preliminary Plan until all review fees have been paid in full according to the adopted fee schedule. A recommendation of approval of the Preliminary Plan by the planning commission is in no way meant to be final approval. Until the Final Plat of a subdivision has been approved by the city council, the planning commission and staff may continue to review the subdivision for compliance with this Title. After the planning commission has recommended approval, conditional approval, or disapproval of the Preliminary Plan and Construction Plans, their recommendation shall be forwarded to the city council.

12.46.080 Council Approval Of Preliminary Plan And Construction Plans

The recommendation for approval, approval with conditions or denial of a Preliminary Plan and Construction Plans shall be reviewed by the city council. The city council may approve, amend and approve, approve with conditions, remand the application back to staff and/or the planning commission for further discussion, or deny approval of the Preliminary Plan and Construction Plans. The city council may review the minutes of the planning commission public hearing, if necessary, in order to become informed about any public comment. If the city council approves, or approves with conditions, the recommendation of the planning commission, the applicant may prepare a Final Plat containing all the requirements found herein and any requirements of the city council, planning commission, or staff.

12.46.090 Effective Period Of Preliminary Approval

The approval of a Preliminary Plan and Construction Plans shall be effective for a period of one (1) year. Any plat not receiving final approval within one (1) year shall be null and void, and the developer shall be required to resubmit a new application and Preliminary Plan subject to all new review requirements, zoning restrictions and subdivision regulations that may be in effect.

12.46.100 Zoning Regulations

Every plat shall conform to existing zoning regulations and subdivision regulations applicable at the time of final approval, except that any Preliminary Plan which has received approval shall be exempt from any subsequent amendments to this Title rendering the plan non-conforming as to bulk or use, provided the final approval is obtained within the one-year period. Planned Residential Developments may vary from certain zoning requirements if approved by the city council.

12.48 Final Plat

[12.48.010 Requirements](#)

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12.48.010 Requirements

Following the approval of the Preliminary Plan, the applicant may proceed in the approval process by filing an application for a Final Plat. The Final Plat shall be prepared by a registered land surveyor or engineer licensed by the State of Utah and certified on the plat. The Final Plat shall be prepared in india ink on tracing cloth or reproducible Mylar at the same scale and contain the same information as the Preliminary Plan, except for any conditions, changes or additions indicated in the approval of the Preliminary Plan. The Preliminary Plan may be used as the Final Plat if it satisfies these requirements and is revised in accordance with the Preliminary Plan approval. These are minimum requirements and other information may be required by the city council, planning commission, or staff as the need dictates.

12.48.020 Revisions

All revision dates must be shown as well as notation of any self-imposed restrictions. If any revision is included on the Final Plat that was not present on the Preliminary Plan or is a requirement of approval, the change must be forwarded to the city council for consideration of amendment.

12.48.030 Features To Be Shown On Final Plat

The following list of features is intended to be as complete as possible. However, the applicant is responsible to include all features required by this Title, the planning commission, city council or staff on the Final Plat whether included in this list or not. Failure to show any feature required by this Title, the planning commission, city council or staff may result in denial of the plat.

The Final Plat shall comply in all respects with the Preliminary Plan, as approved. The Final Plat shall be submitted to the Development Services Director at least four (4) weeks prior to the regular meeting of the city council at which the project will be addressed.

Following submission of a complete Final Plat application and payment of applicable review fees, staff shall review the plat for consistency with the provisions of this Chapter. The Final Plat shall, at a minimum, indicate the following:

- A. All the requirements of the Preliminary Plan as approved or amended and approved. If approved by the city engineer, or required by the county recorder, certain details placed on the Preliminary Plat for review purposes may be eliminated from the Final Plat.
- B. Any explanatory notes, special considerations, or other unique requirements applicable to the proposed development.
- C. Indication of the use of all lots or parcels.
- D. The number of culinary and irrigation water shares transferred into the name of Payson City for the proposed development. The Final Plat will not be recorded until sufficient water for the proposed project has been transferred into the name of Payson City.
- E. All monuments erected, corners, and other points established in the field in their proper places. The monuments shall be made of brass and the legend shall indicate the diameter, length, and weight of the monuments.
- F. A summary statement of the proposed subdivision including total project acreage, total area of each lot or parcel, the total number of units, acreage of open space, sizes and lengths of utility piping, and lane miles of road.
- G. Owners dedication and consent to record as required by applicable State law.
- H. Signature blocks for endorsement by the mayor, planning commission chair, city attorney, city engineer, city recorder, fire chief and county recorder.
- I. Signature blocks for endorsement by any private utility provider, special district, or other entity having statutory authority acknowledging their interest in the development and agreement with the information included on the plat.

12.48.040 City Council Approval Of Final Plat

Following the preparation of a Final Plat, the city council shall review the plat at a regular meeting. The city council shall review the Final Plat to ensure that all conditions of the staff, planning commission, and/or city council have been satisfied, for compliance with the Preliminary Plan approval and conditions, if any, and all other requirements of the land use and development ordinances. After review of the Final Plat and consideration of any testimony or exhibits presented at the public hearing of the Preliminary Plan, the city council shall approve, amend and approve, approve with conditions, remand the item back to staff and/or the planning commission for further discussion, or deny approval of the Final Plat.

The city council shall not approve any Final Plat until all review fees have been paid in full according to the adopted fee schedule.

12.48.050 Dedications

At the time of Final Plat approval, all dedications shall be completed accompanied by all formal irrevocable offers of dedication to the public of all required streets, public uses, utilities, parks, and easements, in a form approved by the City Attorney.

Any dedication of property shall be first accepted by a motion of the city council at a regular meeting of the council. The conveyance of the property shall be completed by Warranty Deed indicating all liens, encumbrances and other stipulations.

Prior to the dedication of any property to Payson City and acceptance of the dedication by the city council, all assessments and taxes, including farmland assessments (also known as roll-back or greenbelt taxes), shall have been paid in full. This applies to the dedication of streets and other rights-of-way, parks and other open space, and any other dedication intended for use by the public.

12.48.060 Proof Of Utility Service

The Final Plat shall be accompanied by an inspection fee in an amount to be determined on the basis of the provisions of these regulations, as established by ordinance, and by written assurance from the public utility companies and improvement districts, if applicable or extended, that necessary utilities will be installed and proof that the applicant has submitted petitions in writing for the creation or extension of any improvement districts as required by the city council upon Preliminary Plan approval. In order to satisfy these provisions, a letter of recognition from the service provider on their letterhead shall be provided to the City. These utilities include, but are not limited to, Comcast, CenturyLink, Nebo School District, Dominion Energy, and the United States Post Office. Where appropriate, the applicant will be required to obtain letters of recognition from the Strawberry Water Users Association, the Strawberry Electric Service District, the High Line Canal Company, the Oldfield Irrigation Company, and the Salem Canal Company.

12.48.070 Outstanding Obligations

At the time of Final Plat approval, the applicant shall provide evidence that all property taxes are current and that no other debts or obligations are outstanding and no all liens or encumbrances have been appropriately addressed. Each applicant shall provide a completed tax-exempt form for any property intended to be dedicated to Payson City. Any property dedicated to Payson City shall be completed by Warranty Deed or other instrument acceptable to the city attorney to ensure that all taxes, including Farm Land Assessment Act or “roll back” taxes have been paid and encumbrances satisfied on the property proposed for dedication.

12.48.080 Signing And Recording Of Final Plat

The mayor, city engineer, city recorder, fire chief, development services director and all owners of property within the subdivision shall endorse approval on the original reproducible Mylar after all improvement guarantees have been approved by the city council, and all conditions of approval imposed by the city council pertaining to the plat(s) have been satisfied. The plat shall also contain a signature block for the county recorder and any private utility provider, special district, or other entity having statutory authority.

The City shall be responsible for recordation of the original Mylar plat in the office of the Utah County Recorder within ten (10) days of the date of the signature of the mayor. Simultaneous with the filing of the plat by the City, a licensed title company employed by the applicant shall record the agreement of dedication together with such legal documents as shall be required to be recorded by the city attorney.

12.50 Assurance For Completion And Maintenance Of Improvements

[12.50.010 Completion Of Improvements](#)

[12.50.020 Performance Guarantee](#)

[12.50.030 Completion Of Improvements In-Lieu Of Posting Performance Guarantee](#)

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[12.50.070 Temporary Improvements](#)

[12.50.080 Costs Of Improvements](#)

[12.50.090 Acceptance Of Dedication Offers](#)

12.50.010 Completion Of Improvements

A developer/owner must complete to the City’s satisfaction all required public and private improvements, as well as any required landscaping (the “Required Improvement”), associated with a particular subdivision or development. Prior to commencing work on the Required Improvements, the developer/owner must first demonstrate its practical and financial ability to complete all such Required

Improvements, to the City's satisfaction. The developer/owner shall also pay all necessary inspection fees and any up-front supply costs required by the City for power supplies, water system supplies, public signs (stop signs, address signs, etc.) and any other associated costs so that the City can order all necessary supplies for the development. In the event the developer/owner begins the Required Improvements as contemplated by this section, but is unable to complete the same, any approvals, permits, licenses, and the like which are applicable to the unfinished development and which have been issued by the City, shall be revoked.

12.50.020 Performance Guarantee

In the event a developer/owner desires to record a subdivision plat with the Utah County Recorder before starting the Required Improvements, the developer/owner must first post an acceptable performance guarantee, which assurance shall guarantee the proper and timely completion of all such Required Improvements. The performance guarantee must be provided to Payson City in the form of a cash bond or irrevocable letter of credit from a financial institution acceptable to the City.

The performance guarantee shall be in an amount equal to one hundred ten (110) percent of the estimated cost for construction of all required public improvements for the project, including: (1) cost of materials; (2) cost of installation; (3) warranty amount for the public improvements; (4) cost for clean-up of the site following completion of construction; and (5) amount of reimbursement for public improvements constructed by previous developers, if any.

The amount of the performance guarantee shall be determined by the city engineer, or designee. The following procedure should be utilized by the city engineer to establish the amount:

- A. Applicant shall provide to the city engineer a detailed cost estimate for construction of all required public improvements for the project, including all costs associated with the improvements listed above. The estimate should be the construction bid from the contractor who will be performing the work and include the unit cost, unit description, unit quantity, and the total cost for each item.
- B. The city engineer shall review and accept or decline the proposed costs from the applicant. In the event the city engineer declines to accept the proposed cost estimate, staff shall provide notice to the applicant of which line items are not acceptable and the reason for the declination.
- C. Applicant shall resolve the line items declined by the city engineer and re-submit a detailed cost estimate.
- D. The city engineer shall review the re-submittal to determine the amount of the performance guarantee.

The approved engineer's estimate for a project shall be valid for a period of sixty (60)

days. If a developer has not provided the performance guarantee to the City within sixty (60) days of submission of the estimate, the developer may be required to submit an updated engineer's estimate to the city engineer for consideration. If the estimate is a higher dollar value, the applicant shall be subject to the new estimate. Furthermore, if substantial construction has not commenced within ninety (90) days of final approval, the city engineer may choose to require the developer to submit an updated engineer's estimate to ensure that performance guarantee amount remains sufficient to cover the improvement costs of the project.

The performance guarantee must be posted, and all inspection and supply fees must be paid prior to the developer/owner beginning any work on the Required Improvements, and before the recordation of any corresponding subdivision plat. Said assurance must also be in the form acceptable to the City, approved by the city attorney, and must be issued by a financial institution insured by the Federal Deposit Insurance Corporation (FDIC) or National Credit Union Association (NCUA).

The performance guarantee requirement is established to guarantee completion of the required improvements and the assurance is not to be used to satisfy contractor or mechanics liens or other unrelated obligations.

12.50.030 Completion Of Improvements In-Lieu Of Posting Performance Guarantee

As an alternative to posting financial assurance, the land use authority may authorize the actual construction of required public improvements in-lieu of posting a performance guarantee. All required public infrastructure and project landscaping shall be completed prior to any plat recordation or building permit issuance. Additionally, city and developer shall enter into an agreement that includes the following:

- A. Proof of developer's ownership of the land in question; and
- B. A notarized commitment from the developer that construction of the required public improvements will commence immediately following approval; and
- C. A commitment from the developer that construction of the required public improvements and project landscaping will be diligently executed to completion within the timeframe authorized under PCC 12.50.050; and
- D. A schedule showing the expected timeframe for constructing the public infrastructure and landscaping improvements; and
- E. An acknowledgment from the developer that failure to complete the required public improvements within the timeframe set forth herein, or to request and receive approval of an extension of time to complete the public improvement, shall constitute grounds for termination of all previous approvals.

Further, the developer shall complete the following:

- A. Submit a blanket easement over the entire project area authorizing the installation of required public improvements and project landscaping in the locations shown on the approved final plat and engineering drawings.
- B. Provide actual payment of the portion of the performance guarantee amount attributable to costs of inspection, clean-up, reimbursement of prior constructed public improvements, and other city costs.
- C. Submit actual payment of the improvement in the form of ten (10) percent of the total estimated cost of Required Improvements.
- D. Obtain a land disturbance permit.

12.50.040 Change In Condition

A developer/owner is not permitted to change the bonding option chosen at the beginning of the project. Whether an applicant decides to post a traditional performance guarantee or complete improvements in-lieu of posing a bond, both the developer/owner and the City will acknowledge in writing that the bonding option chosen will remain the same for the duration of the project.

12.50.050 Timeframe For Construction Of Required Improvements - Extensions Permitted

- A. The maximum period of time for which the land use authority’s approval action of a development project and requires recording at the office of the county recorder shall remain valid (delay-in-recording period) not more than two hundred seventy five (275) days from the date of action by the land use authority. An extension of the time, not to exceed ninety (90) days may be granted by the land use authority provided:
 - 1. Application is made by the developer and submitted sixty (60) days prior to the end of the two hundred seventy five (275) day period; or
 - 2. The land use authority finds the developer has been delayed by circumstances beyond the control of the developer.
- B. At the end of the approved delay-in-recording period and any extensions that may have been granted, the city may declare the project inactive and proceed to terminate approval as provided in this Title.

12.50.060 Deferral Agreement

The performance guarantee must be provided prior to recordation of a Final Plat, except as provided herein. The city council may approve a request to delay the submission of the performance guarantee provided the applicant satisfies the following:

- A. The property included in the development is located along an existing public street containing required infrastructure.
- B. A performance guarantee shall be provided prior to commencement of any construction, including excavation and grading.
- C. A building permit will not be issued for new construction until the required improvements are installed by the applicant, and inspected and approved by Payson City.
- D. A Deferral Agreement and Release shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder.
- E. The deferral process does not waive or modify any other regulations of this Title, including the requirements of PCC 13.18.

12.50.070 Temporary Improvements

The applicant shall build and pay for all costs of temporary improvements required by the city council, planning commission, or staff and shall maintain them for the period specified. Prior to construction of any temporary facility or improvement, the developer shall file with the City a separate suitable guarantee, in accordance with this Title, for temporary facilities, which ensures that the temporary facilities will be properly constructed, maintained, and removed.

12.50.080 Costs Of Improvements

All required improvements shall be completed by the applicant, at their expense, without reimbursement by the City or any improvement district therein, and in accordance with related codes, fee schedules, and ordinances.

12.50.090 Acceptance Of Dedication Offers

Acceptance of formal offers of dedication of streets, public areas, easements, and parks shall be under the direction of the city council. The recommendation for approval by the planning commission and approval by the city council of a Preliminary Plan shall not be deemed to constitute or imply the acceptance by the city council of any street, easement, or park shown on the Preliminary Plan.

12.52 Commencement Of Excavation And Installation Of Improvements

[12.52.010 Requirements](#)

[12.52.020 Excavation Permit And Fees](#)

[12.52.030 Issuance Of Building Permits](#)

12.52.010 Requirements

Prior to commencement of excavation and installation of development improvements, the applicant shall complete the following:

- A. Obtain the necessary land use approvals from Payson City.
- B. Submit applicable fees in accordance with PCC 13.20.290.
- C. Submit payment of public works testing and inspection fees.
- D. Provide financial assurance for completion and maintenance of improvements in accordance with PCC 12.50.
- E. Record the Final Plat and associated documents with the Utah County Recorder, if applicable.
- F. Apply for and attend a pre-construction meeting with the Development Review Committee.
- G. Each applicant shall submit in cash an amount equal to one hundred ten (110) percent of the city engineer's approved estimate for the cost of completing a slurry seal in accordance with the Development Guidelines.

Following the construction of one hundred (100) percent of the structures in the development or a period of one year from the initial placement of asphalt, whichever occurs first, the applicant shall complete the slurry seal. Following the completion of the slurry seal, the cash bond will be released.

12.52.020 Excavation Permit And Fees

Once the requirements listed above have been satisfied, the city engineer shall issue an excavation permit and construction may begin. Commencement of excavation and installation of development improvements prior to completing the requirements of this Chapter and the issuance of an excavation permit by the city engineer is grounds for revocation of any or all approvals by the city council. Continuation of work after revocation of approval by the city council shall cause appropriate legal action by the City.

12.52.030 Issuance Of Building Permits

Once the required infrastructure, and all project amenities in the case of a Planned Residential Development approved in accordance with PCC 12.12, has been placed in a development, inspected and approved by the appropriate service providers, and the road, including asphalt has been completed, building permits for structures within the development may be issued. In no instance shall a building permit be issued prior to completion, inspection, and approval of all required infrastructure and completion of the road without the expressed written approval by the Development Services Director and the City Manager.

Building permits may be issued in advance of the completion of infrastructure, roadways and project amenities in the following instances:

- A. In the case of a legal non-conforming lot of record, or a residential subdivision of three lots or less along an existing public street, improvements are not required to be completed until the footing and foundation of the dwelling is completed. No inspections beyond those required for footing and foundation will be completed until all improvements are installed, including, but not limited to utilities, meters, curb, gutter, sidewalk, and the asphalt tie-in. Applicants choosing not to complete all improvements required to service the structures shall post a cash bond with Payson City. The bond shall be an amount equal to one hundred and ten (110) percent of a qualified estimate of the cost of the improvements.
- B. Commercial, industrial and high-density multi-family residential developments are not required to complete the roadway improvements until the footings and foundations of the project structures are completed. No inspections beyond those required for footings and foundations will be completed until all improvements are installed, including, but not limited to utilities, meters, curb, gutter, sidewalk, and the asphalt tie-in. Applicants choosing not to complete all improvements required to service the structures shall post a cash bond with Payson City. The bond shall be an amount equal to one hundred and ten (110) percent of a qualified estimate of the cost of the improvements.

Notwithstanding the provisions of this Section, a building permit may be issued by the Development Services Department for residential construction of a dwelling located in a subdivision of three lots or less on an existing public street if:

- A. The asphalt batch plants have been closed for the winter season.
- B. The applicant submits a cash bond equal to one hundred ten (110) percent of the estimated cost, as approved by the city engineer, of the installation of curb, gutter, sidewalk, asphalt tie-in and proper filling of utility trenching.
 - 1. If the applicant completes the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond will be refunded to the applicant. The date of the opening of the batch plants will be posted in the Development Services Department.
 - 2. If the applicant does not complete the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond will be forfeited to Payson City and the City will complete the improvements.
- C. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch).

No Certificate of Occupancy, either temporary or final, shall be granted until the required infrastructure has been placed in a development and approved by the appropriate service providers, and the access to the structure has been completed, inspected and approved including the placement of asphalt.

12.54 Inspection Of Improvements And Release Of Guarantee

12.54.010 General Procedure And Fees

12.54.020 Release Or Reduction Of Performance Guarantee

12.54.030 Failure To Complete Improvements

12.54.040 Escrow Deposits Or Letters Of Credit For Lot Improvements

12.54.050 Issuance Of Building Permits And Certificates Of Occupancy

12.54.010 General Procedure And Fees

The city engineer or designee shall provide inspection of required improvements during construction and insure their satisfactory completion. The applicant shall, in accordance with the adopted fee schedule, pay to the City an inspection fee. The Final Plat shall not be signed by the mayor unless the fees have been paid. These fees shall be due and payable upon demand of the City and no building permits or certificates of occupancy shall be issued until all fees are paid. If the city engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the Development Guidelines, the applicant shall be responsible for completing the improvements. Wherever the cost of improvements is covered by a performance guarantee, the applicant and the issuing company shall be jointly liable for completing the improvements according to specifications.

12.54.020 Release Or Reduction Of Performance Guarantee

Subject to the maintenance provisions contained in this Title, the City will not accept dedication of required improvements, or release or reduce a performance guarantee, until the city engineer has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the city engineer, through submission of detailed "as-built" survey plats of the development indicating location, dimensions, materials, improvements and other information required by the city engineer, that the layout of the line and grade of all public improvements is in accordance with the approved construction plans for the development. The "as-built" plans must be submitted at least two (2) weeks prior to any reduction in the performance guarantee. Further, a title insurance policy shall be furnished to the city attorney and city engineer indicating that the improvements have been completed, that they are ready for dedication to the local government, and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation, the city council shall thereafter accept the improvements for dedication in accordance with the established policy and procedure.

A. Reduction Of Performance Guarantee. A performance guarantee may be

reduced upon actual completion and acceptance of public improvements and then only to the ratio that the public improvement accepted bears to the total public improvements for the plat. In no event shall a performance guarantee be reduced below twenty-five (25) percent retainage of the principal amount until total completion of all improvements.

A partial bond release will only be made after the infrastructure item is completely installed, tested, and approved. For example, the drinking water mains and service laterals shall be completely installed, inspected, tested and approved, along with submitted as-built drawings before a portion of the bond will be released for the drinking water infrastructure item. In no event will bond releases be made for partially installed infrastructure of any type.

Each partial bond release shall be accompanied by a fee consistent with the adopted fee schedule.

Notwithstanding the provisions of this Section, a building permit may be issued by the Development Services Department for residential construction of a dwelling located on an existing public street if:

1. The asphalt batch plants have been closed for the winter season.
2. The applicant submits a payment equal to one hundred and ten (110) percent of the estimated cost of the installation of curb, gutter, sidewalk, asphalt tie-in and proper filling of utility trenching. The installation of curb, gutter, sidewalk, asphalt tie-in and filling of utility trenching will be completed by the City at the earliest practical date.
3. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch).

12.54.030 Failure To Complete Improvements

In the event an applicant is unable to complete the required improvements due to incompetence, lack of financial security including bankruptcy, or any other justifiable reason, the financial institution providing the financial assurance or future owner of the development will be required to complete all of the required improvements. Any alteration to the development approval will be processed in accordance with PCC 12.14.

12.54.040 Escrow Deposits Or Letters Of Credit For Lot Improvements

When, by reason of the season of the year, any lot improvements required by the development regulations cannot be performed, the Building Official may, nevertheless, issue a temporary certificate of occupancy, provided there is no danger to health, safety, or general welfare, upon accepting a cash escrow deposit or letter of credit in an amount

to be determined by the city engineer for the cost of improvements. The performance guarantee covering such lot improvements shall remain in full force and effect.

The developer shall install all required improvements for which escrow or letters of credit have been accepted by the Building Official at the time of issuance of a certificate of occupancy within six (6) months from the date of deposit and issuance of the temporary certificate of occupancy. In the event that the improvements have not been properly installed, at the end of the time period the Building Official shall give two (2) weeks written notice to the developer requiring him to install the improvements. In the event that they are not installed properly in the discretion of the Building Official, the Building Official may request the city council to authorize the City to proceed to contract out the work for the installation of the necessary improvements in a sum not to exceed the amount of the escrow deposit or letter of credit.

12.54.050 Issuance Of Building Permits And Certificates Of Occupancy

Where a performance guarantee has been required for a development, no certificate of occupancy, temporary or final, for any building in the development shall be issued prior to the completion of the improvements and dedication to the City, as required in the final approval of the subdivision.

12.56 Maintenance Of Improvements

12.56.010 Prior To Completion

12.56.020 Warranty After Acceptance And Dedication

12.56.010 Prior To Completion

The applicant shall be required to maintain all improvements on the individual lots and provide for snow removal on streets and sidewalks until acceptance of the improvements by the City. The City will not normally accept water improvements or street improvements or assume responsibility for either general maintenance or snow removal until over fifty (50) percent of the lots within the development are built upon.

12.56.020 Warranty After Acceptance And Dedication

The applicant shall be required to file a maintenance guarantee with the City, prior to acceptance, in an amount considered adequate by the city engineer and in a form satisfactory to the city attorney, in order to assure the satisfactory condition of the required improvements, including all lot improvements on the individual lots for one year after the date of their acceptance by the City and dedication to the City.

12.58 Penalties And Violations

12.58.010 Penalties

12.58.010 Penalties

In accordance with Utah Code § 10-9a-803 (1953 as amended), any applicant that violates this Title may be charged with a Class C misdemeanor or an appropriate civil penalty if indicated herein and subject to all fines and imprisonment associated with such penalty.

Because it is impractical to expect that all grading, infrastructure, and other improvement can be adequately inspected by Payson City, applicants are expected to complete all development improvements in accordance with the approved plans. If an applicant installs improvements that are inconsistent with the development approval granted by the city council, the improvements will be corrected to satisfy the approval granted by the city council at the applicant's expense even if discovery of the inconsistency occurs after an initial acceptance of development improvements. Failure to correct the inconsistencies may result in any legal action necessary to correct the inconsistencies.

Title 13 Zoning

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13.02 Title, Authority And Purpose

- [13.02.010 Title](#)
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13.02.010 Title

This land use ordinance shall be known as PCC 13, Zoning Ordinance and may be so cited and pleaded. This land use ordinance may also be referred to herein as the Zoning Ordinance, Ordinance or Title.

13.02.020 Authority

This ordinance has been prepared and adopted in accordance with and through the authority of Utah Code § 10-9a-501 et. seq. (1953 as amended). The Payson City Council hereby exercises all authority granted by the Utah Code for zoning purposes.

By authority of these police powers and as the entity enabled to govern the use of land within the municipality, Payson City is hereby authorized to issue any legal documentation, notice, certificates of present condition, notice of compliance and non-compliance, building permits, development approval and any other provisions necessary to carry out the regulations of this Title. This includes the ability to record any appropriate documentation against the property to ensure compliance with the requirements herein.

13.02.030 Purpose And Intent

The purpose of this Ordinance is to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the citizens of Payson City. It is the intent of this ordinance to:

- A. Encourage and facilitate the orderly growth and development of Payson City.
- B. Secure economy in municipal expenditures, and to facilitate adequate provision of transportation, water, sewerage, parks, schools, and other public services.
- C. Lessen congestion on the streets, prevent overcrowding of the land, and provide adequate light and air.
- D. Secure safety from fires, floods, and other natural hazards and dangers.
- E. Protect and improve property values.
- F. Protect and stabilize the tax base of the City.
- G. Promote attractive, planned and well-managed development.
- H. Create conditions favorable to prosperity, civic activities, and recreational, educational, and cultural opportunities.

13.02.040 Conflicting Provisions Repealed

All ordinances, resolutions, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed insofar as they conflict with the provisions set forth in this Ordinance, with the exception that a Planned Residential Development approved in accordance with PCC 12.12 of the Subdivision Ordinance need not be consistent with the density and configuration requirements of this Ordinance.

All of PCC 13 entitled Revised Zoning Ordinance of Payson City, Utah adopted April 4, 1961, together with all subsequent amendments is hereby repealed to become effective concurrent with the effective date of this Ordinance.

13.02.050 Illegal Uses Prohibited

Any building or use of land or any construction thereon which was not authorized by or under PCC 13, Zoning Ordinance of Payson City, Utah, as set forth in the Zoning Ordinance of Payson City, Utah, adopted April 4, 1961, including all subsequent amendments thereto, as passed by the City Council, or which is illegal under such ordinance, shall remain unauthorized and illegal unless expressly authorized or permitted in the provisions of this Ordinance.

13.02.060 Savings Clause, Severability

The provisions of this Ordinance shall be construed to promote the purposes of this Ordinance and fulfillment of the Payson City General Plan. Every effort is made to avoid possible conflict with the laws of the United States, the State of Utah, Utah County, Payson City, and any other legal limitation. If any section, provision, sentence or clause of this Ordinance is declared unconstitutional, illegal or improper by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this Ordinance, which shall remain in full force and effect.

It is not the intent of this Ordinance to repeal, abrogate, annul, or in any way impair or interfere with any existing ordinance, law, statute, resolution, code, regulation, standard, or other provision of law except those that are specifically repealed under the terms of this Ordinance. In the case of conflict between this ordinance and any other ordinance, law, statute, resolution, code, regulation, standard, or other provision of law, the more restrictive of the two shall apply unless otherwise provided herein.

13.02.070 Penalty

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a Class C misdemeanor.

13.02.080 Intended To Be Consistent With General Plan

This Ordinance is intended to be consistent with the Payson City General Plan in every way. Further, a significant purpose of this Ordinance is to serve as an implementation tool for the realization of the General Plan. Alterations and amendments to the General Plan Text or General Plan Land Use Map shall be consistent with Utah Code § 10-9a-401 et. seq. (1953 as amended).

The General Plan shall be deemed an advisory guide when reviewing applications for development and as a basis for land use decisions. Annexed property and proposals for rezoning land should be consistent with the intent of the General Plan. Properties included in the A-5-H, Annexation Holding Zone will be considered consistent with the provisions of the General Plan. The A-5-H Zone is intended to provide a link between the existing rural development and more intense development anticipated by a specific plan.

13.04 Definitions: Zoning

[13.04.010 Purpose And Intent](#)

[13.04.020 Definitions: Zoning Ordinance](#)

13.04.010 Purpose And Intent

The purpose for including certain definitions as part of this ordinance is to clarify meaning specific to this ordinance. Words and phrases used in the present tense include the future; singular words include the plural as well as the singular.

13.04.020 Definitions: Zoning Ordinance

The following definitions are specific to this ordinance. If there is occasion to need interpretation of any word or phrase not listed below, the Board of Adjustment shall provide the interpretation.

ACCESSORY APARTMENT. A living area within a single family dwelling that is subordinate to the single-family dwelling, has an interior connection, and does not create a separate unit.

ACCESSORY USE OR STRUCTURE. A use or structure that:

- A. is clearly incidental to and customarily found in connection with a primary building or use;
- B. is subordinate to and serves a primary building or use;
- C. is subordinate in area, extent, or purpose to the primary building or principal use served;
- D. contributes to the comfort, convenience, or necessity of occupants, business, or industry in the primary building or principal use served;
- E. is located on the same lot as the primary building or principal use served.

ADULT DAY CARE FACILITY. A facility that furnishes continuous care, supervision, and guidance for three (3) or more adults unaccompanied by a guardian for at least four (4) hours, but less than twenty-four (24) hours per day.

AGRICULTURE. Land used exclusively for a bona fide agricultural operation by the owner or tenant. The use of land for agricultural purposes including grazing or raising of livestock (except feed yards), sod production, orchards, plowing, tillage, cropping, seeding, cultivating, or harvesting for the production of food and the necessary accessory uses for packing, treating, or storing the produce, provided the operation of the accessory use is clearly incidental to the agricultural activity. The business of garbage feeding of hogs, fur farms, or the raising of animals for use in medical or other tests or experiments is excluded.

AGRICULTURE BUILDING. A structure on agricultural land designed, constructed, and

used to house farm implements, livestock, or agricultural produce or products used by the owner or lessee, or their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term “agricultural building” shall not include dwellings.

ALTERNATIVE TRANSPORTATION MODES. Methods of travel other than by means of a low-occupant vehicle. Alternative modes may include carpooling or vanpooling, public transit, bicycling or walking.

APPEAL AUTHORITY. The person, board, commission, agency or other body designated herein to decide an appeal of a decision of a land use application or a variance.

ARCHITECTURAL METAL PANELS. Insulated metal panels used to provide architectural enhancements through a variety of panel profiles, colors, and applied finishes designed with concealed clips and fasteners.

ASSISTED LIVING FACILITY. A residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated supportive personal and health care services, available twenty-four (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:

- A. Specified services of intermittent nursing care
- B. Administration of medications
- C. Support services promoting the resident’s independence and self-sufficiency

An assisted living facility does not include:

- A. A residential facility for persons with a disability
- B. Adult day care provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability

AUTOMOBILE REPAIR. The repair of the mechanical functioning parts of an automobile. Automobile repair does not include the storage or impounding of vehicles with the exception of vehicles that will be repaired within forty-eight (48) hours.

AUTOMOBILE RESTORATION. The external repair of automobiles including bodywork and painting. Automobile restoration does not include the storage or impounding of vehicles with the exception of vehicles that will be restored within forty-eight (48) hours.

AUTOMOBILE IMPOUND. The secured storage of automobiles, with or without the permission of the owner, by a person licensed to hold the automobiles.

BOARDER. A person living in a rented room in a boarding house. The boarding house operator, or member of his or her immediate family who resides on the premises with the operator, shall not be deemed a boarder.

BOARDING HOUSE. A building or portion thereof operated by a person residing on the premises where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not utilize kitchen facilities. "Compensation" shall include money, services or any other thing of value.

A boarding house does not include:

- A. A residential facility for the elderly or persons with a disability
- B. Any non-residential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants thereof

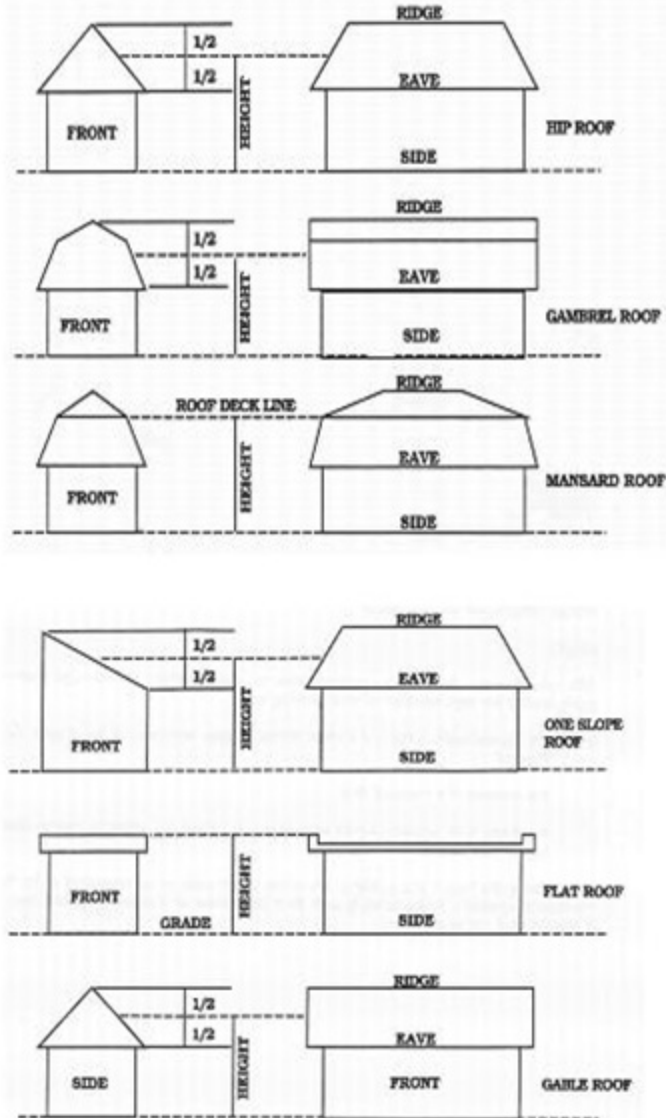
BOUNDARY LINE ADJUSTMENT. See Lot Line Adjustment.

BUILDING. Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind. When any portion thereof is completely separated from every other portion thereof by a division wall or firewall, without openings, each such portion shall be considered a separate unit.

- A. **BUILDING, ACCESSORY.** A subordinate building, the use of which is incidental to that of the main building.
- B. **BUILDING, PRIMARY OR MAIN.** A building, or buildings, in which is conducted the principal use of the lot in which it is situated. In any residential district, any dwelling shall be deemed the primary building of the lot on which the same is situated.
- C. **BUILDING, PUBLIC.** A building owned and operated or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions. The use of the public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this Title includes:
 - 1. Properties owned by the state of Utah or the United States government which are outside the jurisdiction of the city zoning authority as provided under Utah Code § 10-9a-304, (1953 as amended); and
 - 2. The ownership or use of a building that is immune from the city zoning authority under the supremacy clause of the United States constitution.

BUILDING HEIGHT. The vertical distance from the average finished grade surface at the

building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs. Exclusions: Structures not used for human occupancy, including, but not limited to, chimneys, flag poles, television antennas, church towers, architectural features, and similar structures are excluded in determining height.



BUILD-TO-LINE. A line parallel to the street along which the primary mass of the front façade should be set. It is measured as a perpendicular distance from the street line to the nearest point of the building façade. The build-to-line identifies the precise horizontal distance, or range of distances, from a street that the front of all primary structures must be built in order to create a uniform line of buildings along a street.

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

CERTIFICATE OF OCCUPANCY. A permit issued prior to occupancy of a structure to

ensure that the structure is ready for occupancy with all defects corrected and all construction debris removed and the site graded to final grade.

CHILD CARE CENTER. A building wherein ordinary care and supervision are provided during customary daytime periods by the resident family to non-related persons. To qualify, the building and business operations must be approved by the Utah Department of Health or other appropriate State agency.

CITY COUNCIL. The legislative or governing board of Payson, Utah.

COMMON AREA. Land in a development held in common or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner. Maintenance of such areas is not the responsibility of city government and shall be set forth by the development association in the form of restrictive covenants, which shall guarantee the maintenance of these areas.

COMMUNITY CORRECTIONAL FACILITY. A facility licensed by the State of Utah to provide temporary occupancy for previously incarcerated persons, which assists such persons in making a transition from a correctional institution environment to independent living. The facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of confinement rehabilitation, or treatment in a correctional institution.

COMPLETE APPLICATION. A determination by an appropriate staff member that an applicant has submitted the correct form together with all mandatory and supplementary information necessary to complete a review of the project, including the payment of the established fee.

COMPOSTING FACILITY. A facility providing an area for the accelerated biological decomposition of organic matter under managed aerobic conditions resulting in a stable, innocuous final product and specifically includes all related receiving, processing, production, curing, and storage areas, buildings equipment, facilities and other infrastructure located at the site.

CONDITIONAL USE. A land use that, because of its unique characteristics or potential impact on the municipality, 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.

CONDOMINIUM. The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

CONDOMINIUM PROJECT. A plan or project whereby two or more units, together with an undivided interest in the common area or facility, are separately offered or proposed to be offered for sale. This definition shall apply to existing or proposed apartments, commercial or industrial buildings, or structures. Condominium project shall also mean

the property when the context so requires.

CONGREGATE HOUSING. Independent living designed to integrate the housing and nonmedical supportive services of elders. Increases self-sufficiency through the provision of supportive services (i.e. meals, transportation, housekeeping, social activities) in a residential setting. Congregate housing does not offer 24-hour care and supervision; however, home health services are often arranged.

DECK. An exterior floor system adjacent and accessible to a primary building.

DENSITY. The term density shall mean the number of dwelling units per acre of land.

- A. **GROSS DENSITY.** The ratio of dwelling units per acre utilizing the full acreage of the parcel(s) without subtracting areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas.
- B. **NET DENSITY.** The total number of dwelling units divided by the project area after the acreage for all areas dedicated to public or private roads, schools, parks, or similar public use and open space areas or hazard areas have been removed.

DEVELOPMENT OR DEVELOPMENT ACTIVITY. Means any of the following:

- A. Any construction or expansion of a building, structure, or use.
- B. Any change in the use of a building or structure.
- C. Any manmade change to improved or unimproved land, including but not limited to mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. Any change in the use of land that creates additional demand and need for capital facilities.
- E. The total area of a lot or parcel of land on which a building permit is to be issued or the total area of property being improved.
- F. The land being developed and/or subdivided.
- G. The act, process or result of developing.
- H. When the context so requires, a project plan as set forth in this Title or PCC 12, Subdivision Ordinance.

DISABILITY. A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such an impairment. The following definitions are incorporated into the definition of disability:

- A. **DISABILITY** does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances

Act, Title 21 U.S.C. Section 802, or as defined under Utah Code 58-37 (1953 as amended):

B. PHYSICAL OR MENTAL IMPAIRMENT includes:

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
3. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, Human Immunodeficiency Virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of a controlled substance) and alcoholism.

C. MAJOR LIFE ACTIVITIES means functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

D. HAS A RECORD OF SUCH AN IMPAIRMENT means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

E. IS REGARDED AS HAVING AN IMPAIRMENT means:

1. Has a physical or mental impairment that does not substantially limit one or more major life activity but is treated by another person as constituting such a limitation.
2. Has a physical or mental impairment that substantially limits one or more major life activity only as a result of the attitudes of others toward such impairment
3. Has none of the impairments defined in paragraph A of this definition but is treated by another person as having such an impairment.

DOCUMENTATION. The legal instruments required under the provisions of this ordinance and applicable State law for approval of a development.

DOMESTIC STAFF. 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. In single family residential zones, separate apartments or dwelling units may not be created for domestic employees, whether attached, detached, or within

the single family residence structure. In multiple family residential zones, any separate apartment or dwelling unit for domestic staff must satisfy the requirements applicable to any other dwelling unit in the zone.

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

DWELLING. A building or portion thereof designated or used exclusively for residential purposes, 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, cottage camps, or similar structures designed or used primarily for transient residential uses. A dwelling consists of living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by an individual or family.

- A. **DWELLING, SINGLE FAMILY.** A detached dwelling unit arranged, designed for, and occupied by not more than one (1) family, and which has a kitchen and a bathroom.
- B. **DWELLING, TWO FAMILY (DUPLEX/TWIN HOME).** A building arranged, designed for, and occupied by two (2) families living independently of each other and containing two (2) separate dwelling units.
- C. **DWELLING, MULTI FAMILY.** A building designed as a single structure, containing three (3) or more separate living and housekeeping units, each of which is designed to be occupied as a separate permanent residence for one (1) family.
- D. **DWELLING, CARETAKER'S.** A dwelling which is occupied by an individual or family whose livelihood is derived primarily from watching or taking care of a farm, industry or other use which is located on the same premises as the dwelling.

DWELLING UNIT. One or more rooms in a building or portion thereof designed for and occupied by one (1) family for living or sleeping purposes and having one (1), but not more than one (1) kitchen or set of fixed cooking facilities other than hot plates or other portable cooking units.

EDUCATIONAL INSTITUTIONAL. A public elementary or secondary school, seminary, parochial school or private education institution having a curriculum similar to that ordinarily provided in grades one through twelve in a public school system. The term education institution for the purpose of this ordinance does not include post high school education facilities or education facilities that include residential facilities for its students.

ELDERLY HOUSING. A general term for the different types of age restricted residential developments and facilities allowed under the Federal Fair Housing Act, which include: senior apartments, senior condominiums, active adult community, and retirement

community where residents live independently and do not require assistance with day-to-day activities.

ELDERLY PERSON. A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

EQUIVALENT RESIDENTIAL UNIT (ERU). A calculation to determine the impact of a development in comparison with single-family residential units. An ERU is equal to one (1) single-family unit. Each Payson City utility will have unique ERU calculations including, but not limited to, to the following:

- A. **IMPACT ON TRAFFIC.** One ERU = 10 vehicle trips per day.
- B. **IMPACT ON DRINKING WATER.** One ERU = the gallons of water that can be obtained through a three quarter ($\frac{3}{4}$) inch service lateral.
- C. **IMPACT ON IRRIGATION WATER.** One ERU = the gallons of water that can be obtained through a one (1) inch service lateral.
- D. **IMPACT ON POWER.** One ERU = 4 Kw peak demand.

FAMILY. One of the following groups living in a dwelling unit as a single housekeeping unit and using common cooking facilities and entrances:

- A. Two (2) or more persons related by blood, marriage, adoption or guardianship and within three (3) degrees of consanguinity.
- B. Up to four (4) adults and any minor children, if any.

FENCE. A structure, solid or otherwise, intended to partition or enclose a property or portion of a property.

- A. **FENCE, OPEN.** A fence that is at least seventy-five percent (75%) open which does not present a visual barrier/hazard for pedestrians or drivers.
- B. **FENCE, OBSCURING.** A fence or wall whose vertical surface is covered by a solid or opaque material which permits vision through not more than ten percent (10%) of surface.

FINAL DECISION. A successful motion by the City Council, Planning Commission, or other land use authority to approve or deny a land use application, effective the moment the vote is taken.

FINAL PLAT. Record of Survey Map - A plat or plats of survey of land within a subdivision or other large scale development, which has been prepared in accordance with applicable city standards and/or state statutes for the purposes of recording in the

office of the County Recorder.

FLOOD, 100 YEAR. A flood, the magnitude of which will probably occur only once in 100 years.

FLOOD CHANNEL. A natural or artificial watercourse with definite bed and banks to confine and conduct flood water.

FLOOR AREA. The sum of the horizontal areas of each floor of a building, measured from the interior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area measurement does not include areas of unfinished basements, unfinished attics, attached garages or space used for off-street parking or loading, breezeways, enclosed and unenclosed porches, elevator or stair bulkheads, and accessory structures.

FOSTER CARE HOME. A dwelling unit wherein room, board, care, and supervision are provided by the resident family under the approval and supervision of the Department of Human Services or other placement agency licensed by the State to provide for children who are unrelated to the resident.

FRATERNITY OR SORORITY HOUSE. 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 or sorority that is officially recognized by such institution and who receive lodging and/or meals on the premises for compensation.

FRONTAGE. The width of a parcel along a public road from which the parcel is accessed. The frontage shall be represented as the primary access to a structure (front or main door). In the case of a corner lot, frontage shall be calculated using the primary access to the structure. This definition also defines the front of a parcel for setback purposes. Therefore, the front setback shall be calculated using the side of the parcel determined to have frontage on a public or private street.

GARAGE AND/OR YARD SALE. An occasional sale of miscellaneous items commonly associated with residential use conducted by a property owner at the owner's place of residence that offers personal possessions for sale but does not include items brought to the site for sale.

GENERAL PLAN (MASTER PLAN). A comprehensive long-range plan intended to guide growth and development of a community or region and includes analysis, recommendation, and proposals for the community's population economy, housing, transportation, community facilities, and land use.

GRADE OF BUILDING.

- A. For buildings fronting one street only - the elevation of the sidewalk or centerline

of street, whichever is higher, at right angles to the midpoint of the fronting walls.

- B. For buildings fronting on more than one street - the average of the elevations of the sidewalk or centerline of surrounding streets, whichever is higher.

GRADE OF STREET AND DRIVEWAYS. Grade shall mean the ratio of vertical distance to horizontal distance along such a street or driveway expressed in either percentage or degree.

GUEST. A person or persons staying temporarily within a dwelling unit without payment of compensation or remuneration to the owners, tenants, or full time inhabitants of said dwelling unit.

HEIGHT, WALLS AND FENCES. Such height shall be measured from the higher of the two grades adjacent to the wall or fence, except when the wall or fence is adjacent to a street right-of-way that has a higher grade than that on the adjacent site. For such conditions, the height of the wall or fence shall be measured from the top of the curb or the crown of the street where there is no curb.

HOME OCCUPATION. An occupation conducted entirely within the dwelling unit and carried on only by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the residential character of the dwelling unit, and for which a home occupation business license has been issued by Payson City.

HOSPITAL. 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 that offers any inpatient or outpatient care, or operates on a twenty-four-hour basis shall be considered 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.

HOTEL AND MOTELS. A facility offering transient lodging accommodations to the general public and which may provide additional services such as restaurants, meeting rooms, entertainment and recreational facilities.

HOUSEHOLD PETS. Cats and dogs and other domestic animals which are housed in the residence in areas occupied by the family.

IMPERVIOUS SURFACE. Any hard-surfaced area that does not allow for the natural percolation of water into the soil, including but not limited to building roofs, concrete patios, concrete or asphalt driveways, graveled areas, sidewalks, and paved recreation areas.

INDUSTRIAL LIGHT. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment or research activities entirely within an

enclosed structure, with limited outdoor storage, serviced by a modest volume (less than 12 trips in 24 hours) of small (3/4 ton) trucks or vans and imposing a negligible impact upon the surrounding environment by noise, vibration, smoke, dust or pollutants.

INDUSTRIAL, HEAVY. Uses that are generally involved in the processing of large volumes of raw materials into refined materials and/or have significant external impacts, with potential outdoor storage that is capable of being screened from neighboring properties. Environmental impacts such as air, water, vibration, smoke, dust, pollutants and noise shall satisfy all federal and state regulations and those of Payson City.

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

KITCHEN. An area designed to be used for cooking and preparing food. An area is considered to meet this definition when it has more than one (1) of the following: stove, garbage disposal, sink, 220 voltage and/or gas supply lines, or other appliance used to cook or prepare food.

LANDSCAPING. The use and integration of a combination of planted trees, shrubs, vines, groundcover, lawns, rocks, foundations, pools, art works, screens, walls, fences, benches, or surfaced walkways set into an aesthetically pleasing arrangement. However, the use of structures or surfaced walkways alone, in the absence of planted trees, lawns, etc., shall not meet the requirements of this ordinance.

LAND USE AUTHORITY. A person, board, commission, agency, or other body designated by the Payson City Council to act upon a land use application.

LAND USE ORDINANCE. A planning, zoning, development or subdivision ordinance of Payson City, not to include the General Plan.

LIVING AREA. The interior habitable area of a dwelling unit, including the basement and attic, but excluding the garage and any accessory structure. A single-family dwelling with an accessory apartment has two (2) living areas.

LOT OF RECORD. Any parcel of land created as a buildable lot prior to January 1983 or subsequently amended to satisfy the regulations for a buildable lot.

LOT. A parcel of real property shown as a delineated parcel of land with a number and designation on the final plat of a recorded subdivision; or a parcel of real property defined by metes and bounds, containing not less than the minimum area and width required in the zone in which it is located.

- A. LOT, CORNER. A lot situated on two intersecting or intercepting streets where the interior angle of intersection or interception does not exceed 135 degrees.
- B. LOT, INTERIOR. A lot other than a corner lot.
- C. LOT, ZONING. A parcel of land which:
 - 1. Complies with all existing area frontage, width, setback, and supplementary requirements of the zone in which it is located.
 - 2. Has frontage on a city street, which street has (a) been accepted by the City Council and has been improved in accordance with city standards and is in use by the public, or (b) has frontage on a private right-of-way within an approved large-scale development.
 - 3. Is shown as a separate lot in an approved subdivision plat or large-scale development plan, which plat or plan has been approved in accordance with the applicable ordinances or which is exempted from compliance with said ordinances.

LOT AREA. The total area measured on a horizontal plane included within the lot line of the lot or parcel of land.

LOT COVERAGE. The portion of the lot or parcel that is covered by any part of a building, structure, or impervious material (i.e. concrete, asphalt) on or above the surface of the lot. The percentage is determined by dividing (a) the area of the lot or parcel covered by the total (in square feet) of: (1) the footprint of the main building; and (2) the footprints of accessory buildings; and (3) parking pads, driveways and other impervious cover; by (b) the gross area of the lot or parcel.

LOT LINE. The property line bounding the lot.

- A. LOT LINE, FRONT. A line separating an interior lot from a street. For corner lots, the lot owner may elect any street lot line as the front lot line unless otherwise established by a plat or covenant.
- B. LOT LINE, REAR. A lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or gore-shaped lot, the rear lot line shall be a line within the lot, parallel to and at the maximum distance from the front lot line, having a length of at least ten (10) feet.
- C. LOT LINE, SIDE. Any lot boundary line not a front lot line or a rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines and measured at the required front yard setback line.

LOT LINE ADJUSTMENT. The relocation of a property boundary line between two adjoining parcels with the consent of the owners of record and consistent with the

minimum requirements established in this Title.

MASTER PLAN. See General Plan.

MAINTENANCE FACILITIES. Facilities used for provision of public or private utilities such as: electrical substations, gas regulator stations, telephone transmission equipment buildings, sewage lift stations, water pumping stations, water reservoirs, and public safety buildings and training facilities.

MANUFACTURE HOME. A home or other building of new construction which has been assembled fully or in substantial part, upon another site or in a factory and moved to the site where it is to be placed upon a permanent foundation in compliance with the provisions of the International Building Code.

MIXED MARTIAL ARTS. A full-contact sport allowing a wide range of unarmed combat techniques such as striking and grappling. This term includes karate, wrestling, boxing, kickboxing and Jiu Jitsu forms of martial arts. Training facilities for mixed martial arts instruction are permitted in certain zoning districts. Contests, exhibitions, and club fighting are not allowed.

MOBILE HOME. A dwelling unit which complies with the Mobile Home Building Code as adopted by the State of Utah and which is designed to be transported, after fabrication, on its own wheels, or on detachable wheels, and which is ready for occupancy as an independent dwelling unit except for connection to utilities. The term "Mobile Home" shall also include any vehicle meeting the above description that is used for an office, classroom, laboratory, processing, manufacturing, retail sales, or other such use. "Mobile Home" shall not include a recreation vehicle or a house appearing to be mobile that complies with the City's adopted Building, Mechanical, Electrical, and Plumbing Codes.

MOBILE HOME PARK. An area or tract of land used to accommodate two or more mobile homes for permanent dwelling purposes, whether or not a charge is made for such accommodation.

MODULAR HOME. See Manufactured Home.

MUNICIPAL GOVERNMENTAL FACILITY. A building or structure owned, operated, and occupied by Payson City to provide a governmental service to the public.

NONCOMPLYING STRUCTURE. A structure or portion thereof that legally existed before its current land use designation and because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations which govern the use of land.

NONCONFORMING LOT. A parcel of land which does not conform to the area, frontage, and/or width requirements for a zoning lot, but which was shown on the records of the County Recorder as an independent lot prior to the effective date of now controlling provision.

NONCONFORMING USE. A use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land changed and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

NONRESIDENTIAL TREATMENT FACILITY. A facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health.

OFFSITE. Shall mean of or pertaining to the territory outside of the boundaries of a particular project.

ONSITE. Shall mean of or pertaining to the territory within the boundaries of a particular project.

OPEN SPACE. Land which is open from the ground upward and which is not covered by dwellings or other buildings, or by pavement or other impervious material.

OPEN SPACE EASEMENT. The right or privilege to preserve a specific parcel of land in open space.

OUTDOOR DISPLAY. An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, or product for sale.

PARCEL. See Lot.

PARKING LOT. A hard surfaced, dust free, landscaped, illuminated open area other than a street, used to park four (4) or more automobiles. Storage of damaged, non-inspected, or unlicensed automobiles is prohibited except on lots approved for such purposes.

PARKING SPACE. A permanently surfaced area, enclosed or unenclosed for the parking of one (1) motor vehicle having dimensions of eight and one half (8½) feet by eighteen (18) feet, exclusive of access or maneuvering area, ramps, or columns, to be used exclusively as temporary storage space for one private motor vehicle.

PATIO. A leveled surface area directly adjacent to a principal building that is not more than eighteen (18) inches above finished grade. Typical materials include concrete, asphalt or other impervious cover.

PAWN BROKER. A person who owns and /or operates a pawnshop, and as further defined by State Law.

PAWNSHOP. An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits, or conditional

sales of personal property, or the purchase or sale of personal property, and as further defined by State Law.

PAY-DAY LOAN AGENCY. An establishment providing loans to individuals in exchange for personal checks as collateral.

PERFORMANCE GUARANTEE. Security accepted by a municipality as a guarantee that improvements required as part of an application for development are satisfactorily completed.

PERMITTED USE. A use of land, building, or structure that is allowed within a zone under the terms of this ordinance.

PERSON. A corporation, company, association, firm, partnership, as well as any individuals, state, or political subdivision of a state or agency thereof.

PLANNED UNIT/RESIDENTIAL DEVELOPMENT. An integrated design for development of residential, commercial or industrial uses, or combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed general requirements.

PLANNING COMMISSION. A board of the local government consisting of such members whose functions include advisory or nontechnical aspects of planning and may also include such other powers and duties as may be assigned to it by the legislative body.

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

PORCH. A raised platform with a roof structurally connected to the main wall of a building.

PORTABLE CARPORT. A roofed structure, located on a non-permanent foundation, typically made from non-combustible material, that is open on both ends and fifty (50) percent open on each side.

PORTABLE STORAGE CONTAINER. A container fabricated for the purpose of transporting freight or goods on a truck, railroad or ship, including cargo containers, shipping containers, storage units or other portable structures that are placed on private property and used for storage of items, including, but not limited to clothing, equipment, goods, household or office fixtures, or furnishings, materials and merchandise.

PREMISES. A zoning lot together with buildings and structures located thereon.

PRIMARY USE. The main use or structure on a parcel. Accessory uses are not to be

defined as primary uses.

PROJECT. A project in which one or more lots, tracts, or parcels of land are to be developed or redeveloped as a coordinated site for a complex of uses, units, or structures, including but not limited to planned development and/or cluster development for residential, commercial, institutional, recreational, open space, and/or mixed uses.

PROTECTIVE HOUSING FACILITY. A facility operated, licensed or contracted by a governmental entity, or operated by a charitable, non-profit 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.
- D. Victims of domestic abuse.

PUBLIC. That which is owned or operated by the United States Government, the State of Utah or any subdivision thereof, Utah County, or the City of Payson (or any departments or agencies thereof).

PUBLIC FACILITIES. Transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police, and emergency systems or facilities, electric utilities, owned and operated by a government agency, including the City of Payson.

PUBLIC PARKS AND PLAYGROUNDS. A tract of land which is owned by the public and which has been partially or totally developed or designated for recreational purposes.

PUBLIC UTILITY EASEMENTS. The area on a recorded plat map or other recorded document that is dedicated to the use, installation, and maintenance of public utility facilities.

REASONABLE ACCOMMODATION. A change in a rule, policy, practice or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

- A. **REASONABLE** means a requested accommodation will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
- 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. EQUAL OPPORTUNITY means achieving equal results as between a person with a disability and a non-disabled person.

RECREATION VEHICLE COURT. An area or tract of land used to accommodate two or more vacation vehicles or camper units for a short period of time (less than 30 days).

RECYCLING FACILITY. A facility that accepts recyclable materials and may perform some processing activities. The facility receives and processes trash and debris from recoverable resources, such as paper, glass, metal cans, and other products that can be returned to a condition in which they may again be used for production. The principal function is to separate and store materials that are ready for shipment to end-use markets, such as paper mills, aluminum smelters, or plastic remanufacturing plants. A recycling facility does not include salvage yards, scrap iron or other ferrous metals, or inoperable motor vehicles.

REQUIRED YARD. The yard resulting from the application of the minimum setback requirements within the zone.

REHABILITATION/TREATMENT FACILITY. 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.

RESIDENCE. A place where an individual is actually living at a given point in time and not a place of temporary sojourn or transient visit.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS. A single-family or multiple-family dwelling unit that meets the requirements of Utah Code § 10-9a-516 (1953 as amended) and does not include a health care facility as defined by State Law.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A dwelling unit or residence in which more than one person with a disability resides, conforms to the regulations of Utah Code § 10-9a-516 (1953 as amended), and is licensed or certified by:

- A. The Utah Department of Human Services under Utah Code 62A-2, Licensure of Programs and Facilities; or
- B. The Utah Department of Health under Utah Code 26-21, Health Care Facility Licensing and Inspection Act.

RESTAURANT. A commercial establishment that provides food and drink for

compensation. At a minimum, a restaurant shall include cooking facilities, and facilities for employees to sanitize hands during the preparation of food by consumption by others. Restaurants shall be required to obtain an appropriate business license and satisfy all health requirements of the State.

SALVAGE YARD. See Junk Yard.

SECONDHAND MERCHANDISE. The purchase, exchange, or sale of used or previously owned personal property, including precious metals, and as further defined by State Law. Secondhand merchandise businesses are not permitted to have outdoor storage or outdoor display areas.

SECONDHAND MERCHANDISE DEALER. An owner or operator of a business that deals in secondhand merchandise, and as further defined by State Law.

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

SHELTERED WORKSHOP. A non-residential facility providing supervised educational or vocational training to persons with a disability.

SHORT-TERM RENTAL HOUSING. Any dwelling or portion thereof that is available for use or is used for accommodations or lodging of guests paying a fee or other compensation for a period of less than thirty (30) consecutive days; a short-term rental shall not contain more than four (4) bedrooms.

SIGN. Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public. Refer to PCC 13.32 for specific definitions.

SITE PLAN. A schematic, scaled drawing of a building lot or location which indicates the placement and location of yards, property lines, adjacent parcels, utilities, topography, waterways, irrigation, drainage, landscaping, parking areas, driveways, buildings, trash containers, open storage, streets, sidewalks, curbs, gutter, signs, lighting, fences or other features of existing or proposed construction or land use.

SLOPE. The average grade of the surface of land expressed either in percentage or in degrees.

STORY. That portion of a building included between the surface of a floor and the ceiling next above it.

STREET. A publicly dedicated thoroughfare that affords principal means of access to abutting property. The term shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

- A. STREET, ARTERIAL – MAJOR AND MINOR. A street 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.
- B. STREET COLLECTOR – MAJOR AND MINOR. A street providing for traffic movement between major arterials and local streets, and limited access to abutting property.
- C. STREET, LOCAL. A street providing for direct access to abutting land, and for local traffic movements.
- D. STREET, PRIVATE. A thoroughfare which is designated for private travel and is in private or public agency ownership over which access may be legally denied to the public.
- E. STREET, PUBLIC. A thoroughfare which is in public ownership and designated for public travel.

STRUCTURE. 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.

STRUCTURAL ALTERATION. Any change, addition, or modification in construction 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.

SUBDIVISION. Any land that is divided, re-subdivided 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.

- A. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.
- B. Subdivision includes division of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

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.

TEMPORARY USES. A use of land that is short term in nature and that does not involve the erection of a permanent structure or other permanent commitment of the land.

TRADE OR VOCATIONAL SCHOOL. A post high school educational or vocational training facility.

TRANSITIONAL HOUSING FACILITY. A facility owned, operated or contracted by a governmental entity or charitable, non-profit organization which provides free temporary housing to homeless persons for at least thirty (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 thirty (30) days.
- C. A residential facility for persons with a disability.

UNBUILDABLE LAND. Any portion of a property that is encumbered by physical constraints, such as a flood plain, geologic fault, escarpment, or similar feature. In the Mountain and Hillside Zones, this definition shall also include any portion of a property that has thirty percent (30%) slope or greater.

UNINHABITABLE. A structure or property that is determined to be unfit, unsafe, or unhealthy to reside in or occupy due to dilapidation, structural damage, fire damage, exposed wires, sanitation issues, etc.

USE. The purpose for which a parcel or building is designed, arranged or intended, or for which it is occupied or maintained.

A. Use, Change of:

1. A change from category in the land use table to another or the addition of a new category of use to an existing use;
2. Any change in the use, purpose, or level of activity within any building, or portion thereof that merits a change in application of the requirements of the present building code.

B. Use, Intensification of:

1. A change in the use of a structure or site, whereas the new use or a change in the operating characteristics of a use (i.e. hours of operation, parking), which generates more activity on the site may require additional improvements.

VARIANCE. A waiver or modification of the requirements of a land use ordinance as applied to a parcel of property, as set forth in this Title and State Law.

XERISCAPE. A type of landscaping that employs a mix of drought tolerant plants and organic materials. Asphalt, concrete, brick paving, and other impervious surfaces are not considered xeriscape.

YARD. The open space area on a lot or parcel, except for permitted protections and landscaping; encompassing the territory between the outer wall of the building and the closest opposite property line and extending the full width or depth, as appropriate, of the lot or parcel.

13.06 Administration And Procedures

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13.06.010 Preparation And Adoption

This Ordinance has been prepared and adopted in accordance with the provisions of Utah Code § 10-9a-501 et. seq. (1953 as amended). This Ordinance was prepared under the direction of the Planning Commission who held a public hearing and following a recommendation from the Planning Commission, adopted by the City Council following a public hearing.

13.06.020 Zoning Map

The Planning Commission has held a public hearing, prepared and recommended, and the City Council, following a public hearing, has adopted the official Payson City Zoning Map that identifies the zoning districts within the City.

Where uncertainty exists with respect to the boundaries of various zoning districts, an interpretation of the zoning district boundary shall be determined using the following criteria:

- A. Where indicated boundaries on the Zoning Map are approximately street centerlines, the street centerline shall be construed to be the zone boundary.
- B. Where the indicated boundaries are approximately lot lines, the lot lines shall be construed to be the zone boundary.
- C. Where land has not been subdivided into lots and blocks, the zone boundaries

shall be determined by use of the scale of measurement shown on the map.

- D. Where the indicated boundaries are approximately canals, watercourses or bodies, or other clearly defined natural boundaries, the centerlines of the canal or watercourse, or the edge of other clearly defined natural boundaries shall be construed to be the zone boundary.
- E. Where other uncertainty exists, the Planning Commission shall provide interpretation of the map. The interpretation of the Planning Commission may be appealed in writing to the City Council for a zone boundary interpretation.

The official Zoning Map can be found in the office of the City Recorder and in the Development Services Department. If the Zoning Map is amended in accordance with the requirements found in PCC 13.06.080, all previous Zoning Maps are no longer in effect for the purpose of identifying zoning district boundaries.

13.06.030 Role Of City Council

The Payson City Council shall adopt the Zoning Ordinance in accordance with Utah Code § 10-9a-501 et. seq. (1953 as amended). Unless otherwise delegated herein, or by another Payson City ordinance or resolution, all final decisions regarding this Ordinance shall be by a majority vote of the City Council. As it relates to this Ordinance, the City Council shall have the following powers and duties:

- A. To adopt the Zoning Ordinance and Zoning Map.
- B. To initiate amendments to the text of the Zoning Ordinance and alteration of the Zoning Map.
- C. To render, or appoint a hearing officer to render, a determination, pursuant to the provisions of PCC 2.08, if an applicant asserts a deprivation of, or has been subject to, a taking of property without just compensation or asserts some other invalidity by the passage of this Ordinance.
- D. To establish a fee schedule by resolution for applications for development approval, zoning district amendments and all other approvals, permits and licenses required by this Ordinance.
- E. To approve, approve with conditions, remand back to the Planning Commission for further review, or deny land use applications.

13.06.040 Establishment Of Planning Commission

There is hereby established a Payson City Planning Commission hereinafter referred to as the Planning Commission or Commission. The organization of the Planning Commission shall be consistent with Utah Code § 10-9a-301 et. seq. (1953 as amended), and the provisions of this Section.

The Planning Commission shall be an advisory body to the City Council in making decisions pertaining to land use and development. To carry out these duties, the Planning Commission shall have the authorities granted by Utah Code § 10-9a and this Title. As it relates to this Title, the Planning Commission shall have the following powers and duties:

- A. To prepare, or cause to be prepared, the Zoning Ordinance and Zoning Map, and all proposed amendments to the Zoning Ordinance or Zoning Map, and issue a recommendation to the City Council regarding this Ordinance or Zoning Map, or amendments to this Ordinance or Zoning Map.
- B. To review and make recommendations to the City Council on applications for development approval, conditional use permits, site plans, signs, or other proposals subject to this Ordinance.
- C. To adopt bylaws, policies, procedures and regulations for the conduct of Planning Commission duties, meetings, voting, and review of applications, provided that they are approved by the City Council before taking effect.

The members of the Planning Commission shall be residents of Payson and appointed by the Mayor with the advice and consent of the City Council. In organizing the Planning Commission, the Mayor and City Council shall ensure:

- A. The Planning Commission is composed of seven (7) members assigned to terms of four (4) years staggered so that no more than two (2) Planning Commissioners shall be appointed in a single year due to the expiration of terms. Existing Planning Commissioners may be re-appointed by the Mayor with the advice and consent of the City Council.
- B. The Mayor shall place, or cause to be placed, an advertisement in the Payson Chronicle and the Payson City newsletter mailed with the utility bill indicating the number of Planning Commission positions open and the qualifications desired and required for Planning Commissioners. The advertisement shall be placed in the newspaper no later than March 1 of each year and give Payson residents no less than two (2) weeks to submit applications.
- C. Members of the Governing Body will review the applications for Planning Commissioners and give advice to the interview panel as to who should be selected to be interviewed. The Mayor, the City Councilmember assigned to the Development Services Department, the City Manager and the Development Services Director shall constitute the interview panel for Planning Commission applicants. Following the interview process, the Mayor shall present the name or names of potential Planning Commissioners to the City Council for their advice and consent.

Unless a Planning Commissioner notifies the City of their intention to continue serving on the Planning Commission by submitting an application, existing

Planning Commissioners will not be interviewed for reappointment. The City Council reserves the right to reject any and all applications and to have the Planning Commission positions re-advertised.

- D. Appointment of Planning Commission members shall occur at the first meeting of the City Council in April, or as soon thereafter as deemed necessary by the City Council to appoint qualified applicants.
- E. The Planning Commission shall elect a Chair and a Vice Chair at the first meeting of April who shall be in charge of all proceedings necessary to preserve the order and integrity of Planning Commission meetings.

Members of the Planning Commission are required to complete training annually to assist in their duties. Refer to Utah Code for specific guidelines on the required amount and type of training.

If a Planning Commissioner is unable to complete a term, the Mayor, with the advice and consent of the City Council, shall appoint a replacement to serve until the first meeting in April of the City Council. At the first meeting in April of the City Council, the Planning Commissioner shall be replaced in accordance the provisions of this Section.

Following a showing of just cause such as conflict of interest, lack of attendance, or misuse of information, an individual may be removed from the Planning Commission by a majority vote of the City Council.

13.06.050 Establishment Of Board Of Adjustment

13.06.050.1 Standard Of Review

There is hereby established an appeal authority named the Payson City Board of Adjustment, also known as the Board of Adjustment or Board. The organization of the Board of Adjustment shall be consistent with Utah Code § 10-9a-701 et seq. (1953 as amended). The Board of Adjustment is organized to provide for just and fair treatment in the administration of the Zoning Ordinance, and to ensure that substantial justice is done. Unless otherwise noted herein, the Board of Adjustment shall hear all appeals to the provisions of this Title. The Board of Adjustment shall have the powers and duties expressly granted in Utah Code § 10-9a-701 et seq. (1953 as amended).

The members of the Board shall be appointed by the Mayor of Payson City with the advice and consent of the City Council. In organizing the Board of Adjustment, the Mayor and City Council shall ensure:

- A. That the Board is composed of five (5) members assigned to terms of five (5) years so the term of one member expires each year. Existing Board Members may be re-appointed by the City Council.
- B. Appointment of the Board of Adjustment members shall occur annually at the first

meeting of the City Council in April, or as soon thereafter as deemed necessary by the City Council to appoint qualified applicants.

- C. That the Board elects a Chair person and a Vice Chairperson at the first meeting of the Board following the April appointment who shall be in charge of all proceedings necessary to preserve the order and integrity of Board meetings.
- D. If a Board Member is unable to complete a term, the Mayor, with the advice and consent of the City Council, shall appoint a replacement to serve the remainder of the unexpired term of the Board Member whose office is vacant.
- E. The Board of Adjustment shall establish rules by which the Board shall be governed. None of the rules of the Board of Adjustment shall be in conflict with State or City statute.

Following a showing of just cause such as conflict of interest, lack of attendance, or misuse of information, the Mayor with the advice and consent of the City Council may remove any Board Member. The City Council may take action to remove a member of the Board for just cause if the Mayor is unwilling to remove the Board Member.

13.06.050.1 Standard Of Review

The Payson City Council hereby ordains that the Standard of Review for the Payson Board of Adjustment shall be on the established record rather than a de novo review. The Board of Adjustment shall have access to all minutes, recordings, staff reports and other information in order to establish such record.

13.06.060 Payson City Staff

The Development Services Department is the primary staff to the City Council, Planning Commission and Board of Adjustment in regard to the Zoning Ordinance. The Development Services Director shall be the director of the department and shall ensure all administrative duties of this Ordinance are completed. The director may assign other department staff to aid the City Council, Planning Commission and Board of Adjustment as appropriate. The department secretary shall act as the secretary to the Planning Commission and Board of Adjustment including such duties as preparing agendas and taking minutes of their meetings.

The City Council, Planning Commission, and Board of Adjustment may also request the assistance of other appropriate City staff such as the City Engineer, department superintendents and others as deemed necessary.

13.06.070 Notice Requirements And Public Hearings

All notice requirements and public hearing notice requirements shall satisfy State law and Payson City ordinances and resolutions. The public notice shall contain ample information to allow the general public to determine what action is being proposed, a

short description of the proposal, the time, date, and location of the public hearing, and where additional information, if any, may be obtained. Any action which requires a public hearing by State law, Payson City resolution or ordinance, or the provisions of this ordinance shall be noticed in the following manner:

- A. The notice shall be posted in at least three (3) public places within Payson City or on the official Payson City website at least fourteen (14) days prior to the date of the public hearing.
- B. The notice shall be published in a newspaper having general circulation within Payson City at least fourteen (14) days prior to the date of the public hearing. The publication date, not the date of submission to the newspaper, must satisfy the fourteen (14) day notice requirement.
- C. For any notice required by State law or Payson City ordinance or resolution, the applicant shall be responsible to prepare and provide stamped addressed envelopes to be mailed to owners of property within five hundred (500) feet, unless otherwise indicated herein or in another land use ordinance of Payson City, as listed on the latest tax assessment roles of Utah County.

Any costs associated with the provision of the notice requirements herein shall be the responsibility of the proponent of the request. If notice given under authority of this Section is not challenged as provided by State law, notice is considered adequate and proper.

13.06.080 Amendments To Zoning Ordinance And Map

The City Council may amend the number, shape, boundary, or area of any zoning district. The City Council may also amend any regulation or other provisions of a zoning district. The amendments may only occur in accordance with the following procedure.

Any person, including staff, the Planning Commission or City Council, seeking an amendment to the Zoning Ordinance or Zoning Map shall submit to the Planning Commission, on forms provided by Payson City, the following:

- A. A description of the specific amendment to the Zoning Ordinance or Zoning Map. In the case of an amendment to the Zoning Map, the applicant shall submit a legal description of the property included in the proposed amendment.
- B. The reason and justification for the proposed amendment and how the proposed amendment would further the purpose and intent of the Zoning Ordinance, and how the proposed amendment is consistent with the Payson City General Plan.
- C. Supporting documentation, maps, studies and any other information that would allow the City Council to make a well-informed decision.
- D. The payment of the appropriate fee in accordance with the Payson City fee

schedule.

Upon receipt by the Planning Commission of the proposed amendment, the Planning Commission shall hold a public hearing in accordance with PCC 13.06.070. Following the public hearing, the Planning Commission shall forward a recommendation to the City Council on the proposed amendment.

The City Council may approve, amend and approve, remand the proposed amendment back to the Planning Commission for further review, or deny the proposed amendment.

13.06.090 Relationship To Other Ordinances And Agreements

This Ordinance is intended to be consistent with all other laws, ordinances and resolutions of Payson City, specifically including the following:

- A. The Payson City General Plan and General Plan Map.
- B. PCC 12, also known as the Subdivision Regulations.
- C. PCC 14, also known as the Sensitive Lands.
- D. The Payson City Development Guidelines.
- E. Annexation and Development Agreements approved by the City Council.
- F. Specific project guidelines or restrictive covenants.

13.06.100 Land Use Applications

A land use application shall be required for all proposed development reviewed under this Title including additions to existing buildings and temporary uses. All land use applications are available from the Development Services Department. The City is not obligated to act on any application that is not complete or does not contain all of the information required herein.

Any application for a subdivision shall also satisfy the applicable requirements of PCC 12, Subdivision Ordinance. Review of zoning requirements and subdivision approval may be completed concurrently.

The use or development of property may not commence until all necessary approvals, permits, and licenses have been issued in accordance with the provisions of this Title and the applicant has paid all required fees.

A concept plan shall not be considered an application for development approval. For the purposes of this Title, a complete application shall be deemed to include, at a minimum, the following information:

- A. A signed and completed application(s) form(s) together with payment of

appropriate fees in accordance with PCC 13.20.290.

- B. All relevant information required by this Title in written form.
- C. A complete description of the proposal and an indication of what approval(s) are necessary.
- D. Any information necessary for the City Council to make reasonable conclusions and a well-informed decision.

13.06.110 Land Use Approval Expiration

Land use approvals are granted in accordance with current building codes, existing infrastructure capacities, desirable development patterns, and other factors that are subject to change over time. Therefore, in order to ensure that projects proceed in a timely manner and consistent with current laws, regulations, and development standards, project approval expiration timeframes have been established.

Land Use Approval	Expiration / Time Period Approval is Valid	Milestone for Completion
Preliminary Plan	12 months (timeline begins day of Land Use Authority's approval)	Complete Final Plat Application has been submitted.
Final Plat	12 months (timeline begins day of Land Use Authority's approval)	City approved plat is recorded in the Utah County Recorder's office.
Plat Amendment	Preliminary and Final – same as subdivision expirations & milestones listed above	
Conditional Use Permit (CUP)	Once conditions of approval are completed, the Permit is valid for life of the property. CUP reviewable upon complaint with revocation possible for failure to comply with CUP conditions.	Conditions of approval completed within 12 months of Land Use Authority's decision.
Site Plan	12 months (timeline begins day of Land Use Authority's approval)	Building permit issued for construction
Alteration of Non-Conforming Use	Same as Site Plan expirations and milestones listed above.	
Boundary Line Adjustment	Once approved and recorded, valid for life of the property.	City approved documents and/or surveys recorded at County Recorder's Office within 12 months

Variance	No expiration – Valid for life of the property
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13.06.120 Termination Of Application

An application requiring action by staff, planning commission, city council or board of adjustment shall be terminated according to the following provisions:

- A. A project may be terminated immediately following a written request to do so by the applicant.
- B. Except as provided in paragraph E, if within twelve (12) months after an application has been submitted pursuant to the requirements of this Title or PCC 12, the applicant fails to diligently pursue approval of the application, the application shall be considered inactive, shall expire, and any bested right to proceed with the application shall terminate.
 - 1. Actions that constitute a diligent pursuit of approval shall extend the expiration period an additional six (6) months and shall include at least one of the following:
 - a. complete formal resubmittals,
 - b. public meetings with the land use authority,
 - c. completion of required approvals through other governmental agencies—such as FEMA, Utah County, the State of Utah, or the Army Corps of Engineers,
 - d. any other comparable affirmative steps as deemed satisfactory by the Payson City Planning Commission.
 - 2. For large projects with an approval process duration anticipated to exceed twelve (12) months, an applicant may submit and the city may approve a detailed action plan that has an alternative application expiration process.
- C. Except as provided in paragraph E, if within twelve (12) months after an application has been approved pursuant to the requirements of this Title or PCC 12, the applicant fails to exercise development rights authorized by such approval prior to the expiration date, the approval and associated development rights shall expire. The exercise of development rights shall be evidenced by:
 - 1. issuance of a building permit, or
 - 2. recordation of a plat, conditional use permit, or all required documents.
- D. Once an application has been approved, the applicant shall meet all conditions of approval. An applicant’s failure to complete said conditions shall constitute a

knowing and willful waiver of the development rights that were authorized by the approval.

- E. The City may extend the expiration date of an inactive application or approval for ninety (90) days beyond the original expiration date provided that:
1. the applicant provides a written request detailing an action plan with a timetable for completion,
 2. the planning commission or its designee finds, based on substantial evidence placed in the record:
 - a. substantial progress is being made toward obtaining approval of the application, or the exercise of development rights authorized by an approved application, as the case may be;
 - b. in the case of an unapproved application, no changes to this Title or PCC 12, have occurred or are being considered that may affect the application; and
 - c. in the case of an approved application, any conditions of approval are still viable based on currently applicable requirements of the Payson City Code.
 - d. Time extensions for an application considered inactive shall not combine to more than twelve (12) additional months from the original expiration date.

13.06.130 Vested Rights And Constitutional Takings Issues

In order to provide certainty and predictability in the development approval process, the City Council, pursuant to PCC 2.08 has developed a procedure for considering and evaluating vested rights claims made under Utah law as amendments are made to this Ordinance from time to time. This procedure may include the processing of consent agreements for the settlement of disputes pertaining to vested rights or other legal claims arising from this Ordinance.

13.06.140 Temporary Regulations

In accordance with Utah Code § 10-9a-504 (1953 as amended), the City Council may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the area within the municipality.

The City Council shall establish a period of limited effect for the temporary regulations, not to exceed six (6) months.

13.08 General Provisions

13.08.010 Building Permits And Plats Required

- [13.08.020 Permits To Comply With Zoning Standards](#)
- [13.08.030 Certificate Of Occupancy And Zoning Compliance](#)
- [13.08.040 Infrastructure Improvements And Upgrades To Existing Utility Services](#)
- [13.08.050 Assurance For Improvements](#)
- [13.08.060 Public Works Inspections](#)
- [13.08.070 Dedication And Acceptance Of Property](#)
- [13.08.080 Licensed Contractors, Surveyors, And Engineers](#)
- [13.08.090 Utility Systems Within Municipal Boundaries](#)

13.08.010 Building Permits And Plats Required

No building or structure shall be constructed, reconstructed, altered, or moved, nor shall the use of land be changed, except after the issuance of a permit by the Development Services Department. Furthermore, no building lot or parcel of ground shall be filled, excavated, or otherwise structurally altered without an excavation permit from the Engineering and Building departments.

All applications for building permits shall be accompanied by a site plan drawn to scale showing the actual dimensions of the lot to be built upon, the size and setbacks of existing buildings, proposed buildings and existing buildings on adjacent property or such other information as may be deemed necessary by the Building Inspector, City Engineer, City Planner, or Zoning Administrator for the enforcement of this Title.

The staff, Planning Commission or City Council may require, at the applicant's expense, a legal description; professional survey; title report showing ownership, easements, right-of-ways, or similar encumbrances; contour map; and any other information deemed necessary to enforce the terms of this Title.

Except as noted herein, prior to issuance of a building permit for any lot or parcel, the applicant must complete all improvements required to serve the proposed structure including curb, gutter and sidewalk and upgrades to any existing utility connections.

13.08.020 Permits To Comply With Zoning Standards

A permit shall not be issued or granted for the construction or alteration of any building or structure, or for the moving of any building onto a lot or parcel, or for a change in the use of a building or structure, or for a change in the use of land if the construction, alteration, moving, or change in use would result in a violation of any provision of this Title. Furthermore, sewer, water, or electrical utility facilities shall not be installed to serve any premises if any use of the lot or parcel will be in violation of this Title.

13.08.030 Certificate Of Occupancy And Zoning Compliance

It shall be unlawful to use or occupy any building, structure or parcel of land until a Certificate of Occupancy and Zoning Compliance has been issued for the building, structure or parcel by Payson City. It shall also be unlawful to allow any use that is not

consistent with the requirements of this Title following the issuance of a Certificate of Occupancy and Zoning Compliance.

The Certificate of Occupancy and Zoning Compliance may be issued upon completion of all of the requirements of this Title and any and all other laws and ordinances recognized by Payson City and a final inspection of the building, structure or parcel by the Development Services Department.

Failure to obtain a Certificate of Occupancy and Zoning Compliance, or changing the intensity of use or number of occupants shall be a Class C misdemeanor. Occupancy of any building for which there is no Certificate of Occupancy and Zoning Compliance may be declared a nuisance and shall be abated as such.

13.08.040 Infrastructure Improvements And Upgrades To Existing Utility Services

For residential construction, curb, gutter, sidewalk and all other required infrastructure must be completed prior to the issuance of a building permit for the following actions:

- A. The construction of a new dwelling unit.
- B. An addition to an existing dwelling unit of twenty-five (25) percent or more of the existing square footage.
- C. The construction of an attached or detached garage or conversion of a carport to a garage.
- D. An accessory building, other than a garage, larger than three hundred fifty (350) square feet.

For parcels upon which a residential structure already exists, Payson City will cover the costs associated with the installation of asphalt tie-in from the existing roadway to the curb and gutter.

It is the intention of this ordinance to ensure that curb, gutter, and sidewalk is installed with new construction projects to improve the overall storm water system and enhance the city-wide pedestrian network. The City Engineer will review each request and determine the benefits and potential impacts of the installation of roadway improvements on properties in the vicinity. If it is determined the installation of the roadway improvements will negatively impact adjacent properties, the City Engineer may recommend the City Council defer the installation of improvements until such time the potential negative impacts can be mitigated. The recommendation of the City Engineer to defer the installation of improvements must be based on the following criteria:

- A. The installation of curb, gutter, and sidewalk will create storm drainage flooding and erosion problems to adjacent parcels or property in the vicinity.
- B. The installation will create an island of curb, gutter, and sidewalk (single lot

improvements) that will cause unnecessary flooding to adjoining parcels.

- C. The project costs will cause an unreasonable financial burden on the property owner to complete the improvements. For the purposes of this Section, an unreasonable financial burden shall be defined as improvement costs (i.e. curb, gutter, and sidewalk) that are greater than fifty (50) percent of the project costs (i.e. residential addition, garage, accessory building).

The City Council may, but is not obligated to, defer the installation of improvements. Any deferral must be approved by means of a Deferral Agreement signed by Payson City and property owner(s) and recorded in the office of the Utah County Recorder. Improvements associated with new multi-family projects or lots within a recorded subdivision shall not be deferred.

The roadway improvements for all non-residential construction shall comply with the provisions of PCC 13.18.

Notwithstanding the provisions of this Section, a building permit may be issued prior to the installation of curb, gutter and sidewalk provided:

- A. The parcel in question is more than three hundred (300) feet from any existing curb, gutter and sidewalk and is not included in the original block system of the Townsite Survey of 1919, which is generally located between 700 North and 800 South and 700 East and 800 West.
- B. The parcel is at least one acre in size and capable of being subdivided in accordance with the provisions of the Payson City development ordinances.
- C. The owner(s) of property agree to install curb, gutter and sidewalk at such time the parcel is further developed or improvements are extended to within three hundred (300) feet of the parcel.
- D. A Deferral Agreement shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder.

As part of the issuance of a building permit for an existing building, the applicant may be required to upgrade some or all of the existing utility services and place any overhead power lines underground. Upgrades shall be required if the Superintendent of the Public Works Department determines:

- A. The utility service is more than ten (10) years old.
- B. The utility service is not sufficient to serve the proposed use.
- C. The service is in poor condition.
- D. It is likely that other improvements will damage the existing service.
- E. That existing power service is provided overhead and the power lines need to be

placed underground.

- F. The existing power transformer will need to be upgraded to provide adequate power service.
- G. The proposed subdivision cannot be provided with adequate service from the existing fire hydrant(s).

The Superintendent of any Public Works Department may waive the required upgrade if:

- A. It is determined that the existing service is sufficient to serve the proposed use.
- B. The existing service is found to be in good condition.
- C. It is determined that a planned construction project will cause the lateral to be replaced.
- D. The power line cannot be provided underground in a practical manner.
- E. The fire hydrant is found to have been insufficient prior to the approval of the development project. In this circumstance, the City will be required to upgrade the hydrant.

In the case of a legal non-conforming lot of record, or a residential subdivision of three lots or less along an existing public street, improvements are not required to be completed until the footing and foundation of the dwelling is completed. No inspections beyond those required for footing and foundation will be completed until all improvements are installed, including, but not limited to utilities, meters, curb, gutter, sidewalk, and the asphalt tie-in.

In the case of inclement weather, an additional building permit may be issued by the Development Services Department to continue residential construction of a dwelling located on an existing public street if:

- A. The asphalt batch plants have been closed for the winter season.
- B. The applicant submits a cash bond equal to one hundred ten (110) percent of the estimated cost, as approved by the City Engineer, of the installation of curb, gutter, sidewalk, asphalt tie-in and proper filling of utility trenching.
 - 1. If the applicant completes the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond will be refunded to the applicant. The date of the opening of the batch plants will be posted in the Development Services Department.
 - 2. If the applicant does not complete the improvements within six (6) weeks of the spring opening of the asphalt batch plants, the cash bond may be forfeited to Payson City and the City will complete the improvements.

- C. All utilities to serve the dwelling have been extended to at least the private property line and the utility trenching has been filled with temporary asphalt (cold patch).

13.08.050 Assurance For Improvements

The City Council shall require the applicant to post an acceptable guarantee at the time of development approval for any improvements regulated by this Title. The estimated amount, reviewed and approved by the City Engineer, shall be sufficient to assure to the municipality the satisfactory construction, installation, and dedication of the required improvements. The amount of the guarantee shall be equal to one hundred and ten (110) percent of the estimated cost of the required improvements as determined by the City Engineer.

The posting of guarantees is in lieu of actual construction and are therefore established for the benefit of and to insure to the public at large and as such are not to be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set forth by the City Attorney.

The period within which required improvements must be completed shall be specified by the City Council upon development approval and shall be incorporated in the guarantee. The City Council may, given a valid reason, extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

The performance guarantee must be provided prior to recordation of a Final Plat, except as provided herein. The City Council may approve a request to delay the submission of the performance guarantee provided the applicant satisfies the following:

- A. The property included in the subdivision is located along an existing public street containing required infrastructure.
- B. A performance guarantee shall be provided prior to commencement of any construction, including excavation and grading.
- C. A building permit will not be issued for new construction until the required improvements are installed by the applicant, and inspected and approved by Payson City.
- D. A Deferral Agreement and Release shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder.
- E. The deferral process does not waive or modify any other regulations of this Title, including the requirements of PCC 13.18.

13.08.060 Public Works Inspections

Any improvements that require a performance guarantee in accordance with this Title are subject to payment of a public works inspection fee for the inspection and approval of the required improvements consistent with PCC 13.20.290.

Each applicant for development approval required by this Title to construct, reconstruct, or complete major resurfacing of any roadway shall submit in cash an amount equal to one hundred ten (110) percent of the City Engineer's approved estimate for the cost of completing an asphalt slurry seal in accordance with the Development Guidelines. The asphalt slurry seal must be completed following the construction of at least one hundred (100) percent of the dwellings in the development or a period one year from the initial placement of asphalt, whichever occurs first. Following the installation and acceptance of the slurry seal, the cash bond will be released. If the applicant fails to complete the slurry seal within sixty (60) days after the issuance of a final Certificate of Occupancy or the one year timeline, the City shall use the cash bond to complete the slurry seal.

13.08.070 Dedication And Acceptance Of Property

Any dedication of property shall be first accepted by a motion of the City Council at a regular meeting of the Council. The conveyance of the property shall be completed by Warranty Deed indicating all liens, encumbrances and other stipulations.

Prior to the dedication of any property to Payson City and acceptance of the dedication by the City Council, all assessments and taxes, including farmland assessments (also known as roll-back or greenbelt taxes), shall have been paid in full. This applies to the dedication of streets and other rights-of-way, parks and other open space, and any other dedication intended for use by the public.

13.08.080 Licensed Contractors, Surveyors, And Engineers

All applicants for development approval will use contractors, surveyors, and engineers licensed in the State of Utah to satisfy the regulations of this Title. Failure of applicants to use experienced and professional assistance to prepare the information required for development approval can lead to unnecessarily challenging and unproductive situations. All the improvements required herein shall be completed by a licensed contractor.

13.08.090 Utility Systems Within Municipal Boundaries

It is unlawful for any public or private utility provider to install, upgrade or replace any facilities in the city limits without obtaining a franchise agreement. Prior to any installation or repair of utility lines, pipes, structures, cabinets, and similar utility facilities, the utility company shall provide to Payson City engineered drawings that indicate the location of utility lines and facilities. A permit is required prior to the installation, maintenance, and/or repair of utilities within the public right-of-way.

Utility systems and facilities shall be installed in the following manner:

- A. Utilities must be consistent with the permitted and conditional uses of the underlying zone.
- B. To minimize encroachment and impacts on real property, utility systems shall be located in a public utility easement, where available, or property owned by the utility. If no public utility easement is available, the utility facilities shall be located in a public right-of-way. Utility companies authorized to provide services to customers within the municipal limits of Payson, Utah shall have priority in the public right-of-ways or public utility easements.
- C. If the utility cannot be located within the public right-of-way, or public utility easement, it shall be the responsibility of the utility company to acquire an easement and provide proof, in the form of a recorded easement before performing any work.
- D. With the exception of high-voltage electrical transmission lines, electrical and telecommunication lines shall be located underground. If a site is developed, redeveloped, or subdivided, any existing overhead lines shall be placed underground.

13.10 Off-Street Parking

13.10.010 Purpose

13.10.020 Shared Parking Agreements

13.10.030 Parking For Non-Conforming Uses

13.10.040 Parking Spaces Required - General

13.10.050 Parking Spaces Required - Unique Situations

13.10.060 ADA Accessible Parking Spaces

13.10.070 General Provisions

13.10.080 Design And Construction Standards

13.10.090 Landscaping

13.10.100 Reduction In Parking Standards

13.10.110 Historic Downtown Area Parking Exception

13.10.120 Considerations For Commercial Zones

13.10.010 Purpose

The purpose for off-street parking requirements is to provide adequate parking for the intended use of a building or parcel. The number of off-street parking spaces required in connection with any particular land use is set forth in this Chapter.

Every building, structure, improvement, and use shall provide permanent, maintained off-street parking as specified in this Chapter. The parking shall be a continuing obligation of the property owner as long as the use continues.

13.10.020 Shared Parking Agreements

It shall be unlawful for a landowner or tenant to eliminate required off-street parking unless otherwise provided on the parcel or an off-site parcel using a shared parking agreement approved by the City. All shared parking agreements are required to be clearly written, approved by Payson City, signed by the owner of the parcels, and recorded in the office of the Utah County Recorder.

13.10.030 Parking For Non-Conforming Uses

Any use of property that, on the effective date of this Chapter or any subsequent amendment, is non-conforming only with the regulations relating to off-street parking facilities may continue in the same manner, provided that parking facilities shall not be further reduced. However, an applicant may be required to increase or improve the off-street parking over a period in accordance with PCC 13.30.

13.10.040 Parking Spaces Required - General

Off-street parking shall be provided as follows for all buildings and structures, or enlargement of any existing buildings or structures, improvement or use. Furthermore, all new businesses are subject to the provisions of this Chapter. If the required parking stalls as calculated using the following standards end in a fraction, the standard shall be rounded up to the next whole number. Floor areas used in calculating the required number of parking stalls shall be gross floor areas of the building, calculated from the exterior outside wall without regard to specific inside uses. In mixed-use facilities, calculations shall be based on gross square footage of each identifiable use within the building and the total square footage of each identifiable use shall be the same as the gross floor area calculated from outside wall to outside wall.

#	Land Use	Required Parking
1	Amusement Centers, Recreation Centers, Reception Centers, Health Clubs and Spas, and similar uses.	1 stall / 200 sq. ft.
2	Automobile Repair Facilities	4 stalls / service bay or 1 stall / 800 sq. ft. whichever is greater
3	Bars, Liquor Stores or Taverns	1 stall / 200 sq. ft.
4	Bed & Breakfast or Inn	2 stalls for tenants and 1 stall / guest room
5	Business Office	1 stall / 300 sq. ft.
6	Car Wash: Self Service	2 stalls plus at least 3 stacking spaces per washing bay
7	Car Wash: Automated	2 stalls plus 2 stacking lanes with a minimum of 4 vehicles per lane
8	Churches	1 stall / 100 sq. ft.

9	Day Care Center	1 stall / 6 people based on the maximum allowable occupancy
10	Gas Station	1 stall / 200 sq. ft. Pumping areas are not to be included in the parking calculation
11	Government Buildings	1 stall / 400 sq. ft.
12	Grocery Stores, Drug Stores, Convenience Stores	1 stall / 200 sq. ft.
13	Hospital	1 stall / 400 sq. ft.
14	Hotel/Motel	2 stalls plus 1 stall / sleeping unit and 1 / 200 sq. ft. of conference space
15	Manufacturing	1 stall / 400 sq. ft. plus parking for office uses, consistent with #5 herein
16	Mortuaries	1 stall / 100 sq. ft.
17	Movie Theaters	1 space / 4 seats
18	Assisted Living, Nursing Home, or Convalescent Center	1 stall / employee and 1 stall / 3 beds
19	Personal Services, Barber Shops, Beauty Shops, Travel Agencies	1 stall / 200 sq. ft.
20	Professional Offices, Medical and Dental Offices	1 stall / 200 sq. ft.
21	Residential – Single Family (Lots of Record)	2 covered parking spaces
22	Residential – Single Family (platted subdivisions)	2 car garage
23	Residential – Multi-Family	2 stalls / unit + 0.25 stalls / unit visitor parking
24	Restaurants	1 stall / 4 seats plus 8 stacking spaces for drive-thrus
25	Retail Sales, Furniture, Appliances, Hardware	1 stall / 600 feet
26	Senior Housing Overlay	1.4 stalls / dwelling unit
27	Schools; Elementary	2 stalls / classroom
28	Schools; Secondary – Middle / Junior	3 stalls / classroom
29	Schools; Secondary – High	1 stall / employee & 7 stalls / classroom
30	Schools; College / University / Vocational / Technical	1 stall / employee & 1 stall / 4 students calculated on occupancy of facility
		1 stall / 1,000 sq. ft. plus parking for any

31	Warehousing	other uses such as manufacturing and office space as calculated herein.
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If a proposed use is not indicated above, a parking study should be completed by a licensed transportation engineer to provide a recommendation for the required amount of off-street parking. The study and final parking requirement are to be reviewed and approved by the City Engineer or designee.

13.10.050 Parking Spaces Required - Unique Situations

[13.10.050.1 Parking For Multi-Tenant Commercial Buildings](#)

[13.10.050.2 Parking For Automobile Sales](#)

[13.10.050.3 Parking For Call Centers](#)

13.10.050.1 Parking For Multi-Tenant Commercial Buildings

It will be the responsibility of the applicant for development approval to provide adequate off-street parking for the project. Due to the unique nature of multi-tenant buildings, the off-street parking requirements will be determined as follows:

- A. Parking must be identified for each portion of the structure that could be used for business activities prior to occupancy by any business; and
- B. The number of stalls required by the most intensive parking requirement of the uses allowed in the zoning district that could be accommodated in the structure; or
- C. If the tenants have been identified, the number of parking stalls required by PCC 13.10.030; or
- D. The applicant has obtained written approval to use adjacent parking areas where patrons are not required to cross a public street;

As tenants fill various spaces, the requirements of PCC 13.10.030 can be satisfied using any parking spaces available on the site provided the use of these spaces will not result in a violation of the off-street parking requirements when the building is full. If the building owner allows one tenant to use more space than initially intended, it may limit the potential users in the remainder of the structure. Therefore, the building owner should choose tenants in consideration of the building as a whole. In order to ensure adequate parking and reduce friction between business owners, the City may require the owner of a multi-tenant building to identify and reserve space for a particular business.

13.10.050.2 Parking For Automobile Sales

The applicant must demonstrate that ample employee and patron parking is available without parking on the public street or on adjacent property. The vehicle display area for the parking of automobiles for sale will be limited to ensure that employee and patron parking is provided first. The applicant shall submit a parking plan that indicates the

following:

- A. There shall be one (1) employee parking stall for each two hundred (200) square feet of indoor floor area; and
- B. There shall be one (1) employee parking stall for each twenty (20) outdoor vehicle display spaces; and
- C. There shall be one (1) customer-parking stall for each twenty (20) outdoor vehicle display spaces.
- D. If the business includes a service center, the applicant must provide on-site parking consistent with the regulations of PCC 13.10.030.

After the employee and patron parking has been provided, the remainder of the parking space is available for the parking of vehicles for sale. If the parking needs of the business increase or parking on a public street or adjacent property is commonplace, the applicant may be required to reduce the amount of parking area available for parking of automobiles for sale.

13.10.050.3 Parking For Call Centers

Each call center is required to provide enough parking to accommodate one (1) parking stall for each employee during the highest employee volume shift of the business including administrative employees. The employer will be required to provide a business plan that indicates how employees will park during shift changes such as varying starting times, gaps in the shift schedule or other means to ensure adequate parking. Automobiles may not be parked in the setback areas of the parcel. If the parking needs of the business increase or parking on a public street or adjacent properties is commonplace, the applicant may be required to make internal adjustments to accommodate parking such as identifying additional parking or reducing the number of employees.

13.10.060 ADA Accessible Parking Spaces

See the Payson City Development Guidelines for information on the required number of ADA parking spaces and how they are to be designed and constructed.

13.10.070 General Provisions

The following general provisions apply to all off-street parking requirements of this Chapter.

- A. The location of off-street parking facilities shall be as follows, and shall not be located within the public right-of-way:
 - 1. For single family, two-unit, and multi-family residential dwellings, required

parking shall be located on the same lot as the building that they are required to serve.

2. For all other uses, including commercial and industrial uses, required parking shall be located on the same lot or on an abutting lot. In no case shall required parking be located across a public street without written approval by the Development Services Director, or designee.
 3. If parking is located on a lot or parcel under different ownership, a shared parking agreement must be approved by the Development Services Director, or designee and recorded in the office of the Utah County Recorder prior to final approval. Any modifications to shared parking agreements must be approved by Payson City.
 4. In all residential zones, required off-street parking shall not be located in a required setback, unless it can be demonstrated to the Development Services Director, or designee that off-street parking cannot be provided without the requested encroachment and will not obstruct the clear view area, as defined by this Title, or impede safe backing and circulation for adjacent properties.
 5. Tandem parking will not be allowed to satisfy the requirements found herein.
- B. The Development Services Director, or designee may approve the joint use of a parking lot or facility provided the applicant can show that conflict between the different users can be effectively eliminated. For instance, willing parties such as a church and a commercial business may share parking facilities if typical heavy use parking times allow.
- C. In commercial or industrial zones, the owners of several businesses may be allowed to work together to provide off-street parking in a lot or structure. Participants must be able to adequately show agreements to the Development Services Director, or designee for long-term maintenance and ownership.
- D. Construction plans for any parking lot or parking structure, or the expansion of any lot or structure shall be submitted to the City for review and comment and may be approved by staff. A parking lot or structure may be approved as part of the project approval.
- E. Any heavy-duty commercial vehicles (i.e., three (3) axles or more) or construction equipment that are stored at a business overnight shall be screened from public view. Areas that are used for overnight vehicle storage shall not be included in parking calculations for the overall project.

13.10.080 Design And Construction Standards

See the Payson City Development Guidelines for information on design, construction,

and maintenance standards.

13.10.090 Landscaping

See the Payson City Development Guidelines for information on landscaping requirements for parking areas.

13.10.100 Reduction In Parking Standards

An applicant may apply to the City Council for a reduction of required parking stalls. The applicant must clearly demonstrate that the required number of parking stalls is unnecessary for the proposed use and any possible future use of the building. Shared parking agreements with compatible land uses, or mixed use developments provide good opportunities to reduce parking requirements. Providing additional amenities on-site can also be used to reduce parking requirements for residential uses. Potential amenities may include development supplied transit passes to 100% of units, bike share, care share, bike lockers/storage, senior housing, etc. Any request that lowers the amount of parking stalls by more than twenty (20) percent shall not be approved. A reduction in parking standards is a legislative action that the City Council is not obligated to approve.

13.10.110 Historic Downtown Area Parking Exception

If, after the exhaustion of all other remedies, an applicant is unable to satisfy the off-street parking requirements of this Chapter for a historic downtown commercial property, the applicant may request permission from the City Council to satisfy parking requirements off-site in accordance with PCC 13.10.120.

For the purposes of this Section, exhaustion of all other remedies shall include the following:

- A. The applicant is unable to satisfy the off-street parking requirements on the premises by eliminating both non-essential structures and landscaping that could provide space for the required off-street parking.
- B. For commercial and industrial purposes, the applicant has explored the option of the joint use of a parking lot or facility in accordance with PCC 13.10.050.
- C. A reduction of required parking spaces in accordance with PCC 13.10.090 has been approved by the City Council and it is determined that the parking requirements still cannot be satisfied.

In granting the special exception, the City Council shall consider traffic circulation patterns, safety concerns, clear view areas, width of the street and the effect the special exception will have on adjacent property owners.

13.10.120 Considerations For Commercial Zones

The following list pertains to parking in the CC-1, GC-1, PO-1 and S-1 Zones of Payson City:

- A. It shall be unlawful for the owner of any commercial business to restrict, reserve or designate parking within a public right-of-way or in publicly owned parking areas.
- B. Due to the parking constraints in the Historic Downtown Area, the City Council may allow the off-street parking requirements of this Chapter for commercial uses to be satisfied in public parking areas. Parking for residential uses must be provided on private property.

13.12 Transportation Master Plan

13.12.010 Preparation Of Transportation Master Plan

13.12.020 Permits To Conform With Transportation Master Plan

13.12.030 Relationship To Development Approval

13.12.040 Relationship To Transportation Master Plan For Trails

13.12.050 Road And Street Standards

13.12.010 Preparation Of Transportation Master Plan

The Planning Commission and City Council, shall prepare, adopt, and maintain, with assistance from the City Engineer, Streets Superintendent, and public safety officials, a Transportation Master Plan indicating the proposed location of all arterial and collector streets, along with any other local street deemed necessary or appropriate by staff, the Planning Commission and City Council. The City Council shall review and approve the Transportation Master Plan and construction of any streets shall be in conformance with the Plan and the Development Guidelines to the extent allowed by law.

13.12.020 Permits To Conform With Transportation Master Plan

Permits for utilities or improvements shall not be issued on any land located within a proposed street right-of-way contemplated in the Transportation Master Plan unless each of the following can be shown:

- A. The applicant will be denied a substantial property right observed by other property owners within the same district.
- B. The interests of the property owner outweigh the need of the City and the citizens at large to have the road constructed in the planned location through an engineering study performed by a professional licensed traffic engineer.

13.12.030 Relationship To Development Approval

A development layout may not be filed with the City nor recorded in the office of the Utah County Recorder until it has been submitted and reviewed by appropriate City staff and,

if deemed necessary by the City Council, for consistency with the Transportation Master Plan.

Applicants for development approval shall demonstrate how traffic from the proposed development will circulate into the traffic pattern of the City. The City will require, at the applicant's expense, a detailed traffic analysis in order to justify any assumptions made by an applicant for development approval, if the City Engineer, or designee, determines the development is large enough to have an impact to the surrounding area.

At a minimum, each applicant for development approval will be required to construct or extend a road network that will:

- A. Provide a safe, efficient and convenient traffic circulation pattern.
- B. Provide adequate access to all adjacent properties and eliminate the potential for landlocked parcels.
- C. Extend adequate utilities and infrastructure to provide municipal services.
- D. Create a circulation system that will provide adequate public safety and emergency access to protect both human life and the built environment.

The roadway network must be provided regardless of whether the proposed development is classified as commercial, industrial or residential development. Failure to demonstrate that the provisions above have been satisfied may result in the denial of development approval.

13.12.040 Relationship To Transportation Master Plan For Trails

In all zones, permits for any building or structure, or any part thereof shall not be issued on any land proposed to be set aside for a public trail unless the trail is constructed by the applicant or each of the following can be shown:

- A. The applicant will be denied a substantial property right enjoyed by other property owners within the same district.
- B. The applicant can show an alternative solution for the proposed trail that will allow in every way, the original intent of the Trails portion of the Transportation Master Plan including, but not limited to, circulation, safety, service provision, and access to adjacent properties.
- C. The interests of the property owner outweigh the need of the City and the citizens at large to have the trail constructed in the planned location.

All trails intended to be dedicated to Payson City in accordance with the Transportation Master Plan and applicable adopted area specific plans shall be constructed in a manner consistent with the Payson City Development Guidelines. Any development located near a public trail may be required to provide a concrete or asphalt

neighborhood connection to the trail system in the most practical location.

When a connection to a public trail is required, the connection area shall be wide enough to provide PCC 13, Zoning Ordinance As Adopted March 3, 2021 Payson City Zoning Ordinance appropriate fencing, attractive landscaping, and any necessary utilities. At a minimum, the trail connection area shall be twenty (20) feet wide and dedicated to Payson City in the form of an easement of public right-of-way as determined by the City Engineer.

13.12.050 Road And Street Standards

The layout of roads and streets in all developments must be consistent with the major and local streets included in the Transportation Master Plan and specific area plans adopted by the Payson City Council. Developments that encompass or are located adjacent to a collector or arterial status street shall be designed and developed so the public street is improved in an efficient and safe manner.

The layout and design of all roads and streets is subject to approval of the City Engineer. It is the responsibility of the applicant for development approval to construct all roads within and adjacent to the project consistent with the Transportation Master Plan, PCC 12, Subdivision Ordinance, and the Payson City Development Guidelines. The right-of-way width for roads and streets shall be as follows:

- A. A local street shall have a minimum right-of-way of sixty (60) feet.
- B. A collector street shall have a minimum right-of-way of seventy-six (76) feet.
- C. An arterial street shall have a minimum width of ninety-eight (98) feet.
- D. Developments located within the boundaries of a defined planning area shall accommodate the road and street cross-sections included in the specific area plan adopted by the City Council.

Roads and streets shall be designed and constructed with the proper sub-base, base, asphalt, curb and gutters, sidewalks and planter areas. The applicant is responsible for the costs associated with the proper construction of all roads and streets in the development, including the additional thickness of asphalt for collector and arterial status streets. At a minimum, the roadways must be improved consistent with the Payson City Development Guidelines. If geotechnical studies recommend additional sub-base, base, or asphalt thickness, the additional improvements will be required at the cost of the applicant.

13.14 Establishment Of Zoning Districts

[13.14.010 Purpose Of Zoning Districts](#)

[13.14.020 Zoning Map](#)

[13.14.030 Relationship Of Title To Other Ordinances And Plans](#)

[13.14.040 A-5 Agriculture Zone](#)

[13.14.050 R-1-A Residential-Agriculture Zone](#)
[13.14.060 Conventional Residential Zoning Districts](#)
[13.14.070 RMF Multi-Family Residential Zone](#)
[13.14.080 RMO-1 Two-Family Residential Overlay](#)
[13.14.090 PO-1 Professional Office Zone](#)
[13.14.100 CC-1 Central Commercial Zone](#)
[13.14.110 CAP Commercial, Arts And Preservation](#)
[13.14.120 GC-1 General Commercial Zone](#)
[13.14.130 S-1 Special Highway Service Zone](#)
[13.14.140 BPD - Business Park Development Zone](#)
[13.14.150 I-1 Light Industrial Zone](#)
[13.14.160 I-2 Heavy Industrial Zone](#)
[13.14.170 R And D Research And Development Zone](#)
[13.14.180 NC-1 Neighborhood Commercial Zone](#)
[13.14.190 CT Commercial Transition Zone](#)
[13.14.200 HD-O Historic District Overlay](#)
[13.14.210 HR-O Historic Residential Overlay](#)
[13.14.220 AGP-O Agriculture Protection Overlay](#)
[13.14.230 I-O Infill Overlay](#)
[13.14.240 AD-O Accessory Dwelling Overlay](#)
[13.14.250 TS-O Transit Station Overlay](#)
[13.14.260 MH-1 Mountain And Hillside Zone](#)
[13.14.270 MH-2 Mountain And Hillside Zone](#)
[13.14.280 GCD Golf Course Development Zone](#)
[13.14.290 P-C Planned Community Zone](#)
[13.14.300 PRZ, Planned Reclamation Zone](#)
[13.14.310 Senior Housing Facility Overlay](#)
[13.14.320 NC Neighborhood Commercial Overlay](#)
[13.14.330 MU-1 Mixed Use Overlay](#)

13.14.010 Purpose Of Zoning Districts

In order to accomplish the purposes of this Title, the City Council has divided the City into various zoning districts in accordance with Utah Code § 10-9a-401 et. seq. (1953 as amended). After due and careful consideration of quantities of land needed for each use, suitability of land for various uses, and the probable future conditions of the City, zoning is established according to PCC 13.14.040 through PCC 13.14.300 which are also indicated on the official Zoning Map adopted by the City Council.

The uses listed as permitted, conditional, or accessory uses, respectively, and no others, are allowed in each zone. If a desired use is not listed in the zone, an applicant may attempt to amend the ordinance to allow the desired use. Any amendment to the Zoning Ordinance or the Zoning Map shall occur in accordance with PCC 13.06.080.

The uses listed in the A-5, PO-1, CC-1, GC-1, S-1, I-1, I-2 and R&D Zones are listed as

major headings only. Specific land use categories in these zones can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories.

13.14.020 Zoning Map

The Zoning Map is a graphic representation of the zoning districts of Payson City. Any necessary interpretation of the map shall occur in accordance with PCC 13.06.020. The official Zoning Map can be found in the office of the City Recorder and in the Development Services Department. If the Zoning Map is amended in accordance with the requirements found in PCC 13.06.080, previous Zoning Maps are no longer in effect for the purpose of identifying zone district boundaries.

13.14.030 Relationship Of Title To Other Ordinances And Plans

[13.14.030.1 Payson City General Plan](#)

[13.14.030.2 Appendix A - Non-Residential Land Use Categories](#)

[13.14.030.3 Planned Residential Development \(PRD\)](#)

[13.14.030.4 Specific Plans](#)

13.14.030.1 Payson City General Plan

The Payson City General Plan is the primary document the City uses to guide and regulate the use of land within its boundaries. Notwithstanding PCC 13.02.080 and PCC 13.06.090, the provisions of this Title are intended to implement the objectives and goals of the General Plan. All projects regulated by this Title will be reviewed for consistency with the General Plan.

13.14.030.2 Appendix A - Non-Residential Land Use Categories

Appendix A is a supplement to PCC 13, Zoning Ordinance and identifies land uses allowed in the non-residential zones of Payson City. It is anticipated that Appendix A will be consistent with §10-9a, Land Use Development and Management Act of Utah Code Annotated and other applicable statutes and laws.

In the event a use is proposed that is not specifically listed therein, an applicant may request a review of the proposed use by the land use committee. It is the applicant's responsibility to demonstrate the use is consistent with the purpose and zone characteristics and other land uses allowed in the zoning district.

The land use committee must conclude that the use is consistent with the purpose and characteristics of the zone and provide written findings to the City Council. If the proposed use is found to be consistent, staff will process the application as a permitted use. Staff will complete the amendment process as soon thereafter as practicable to include the use in Appendix A to ensure compliance with State and local regulations. The land use committee is not obligated to approve the request and no precedent is set by other approvals. The land use committee comprises of the Mayor, a member of the

Planning Commission, City Manager, a member of the Development Services Department, and a representative of the Chamber of Commerce.

13.14.030.3 Planned Residential Development (PRD)

A project approved in accordance with PCC 12.12, Subdivision Ordinance shall take precedence over the requirements of this Chapter. A Planned Residential Development (PRD) may have smaller lot sizes, lot widths, lot frontage, and/or lot coverage. A PRD is allowed at the discretion of the City Council if the applicant can demonstrate that an alternative development layout is preferable to a traditional development layout. If approved, a PRD and the approved lot arrangement, whether consistent with this Chapter or not, will take precedence over the requirements found herein.

Any requirements of this Title not specifically waived by the City Council shall remain in full effect as found herein.

13.14.030.4 Specific Plans

A specific plan is a document designed to implement the goals and policies of the General Plan. Specific plans may contain detailed development standards, distribution of land uses, infrastructure requirements, and implementation measures for the development of a specific geographic area. Although it is the intention of the City Council for specific plans to maintain consistency with the provisions of this Title, there may be occasions when amendments to this Title create inconsistencies between a Specific Plan and this Title. In such an instance, the Specific Plan shall prevail unless adherence to the specific plan would be illegal or result in an unsafe condition.

13.14.040 A-5 Agriculture Zone

[13.14.040.1 Purpose And Zone Characteristics](#)

[13.14.040.2 Permitted, Conditional And Accessory Uses](#)

[13.14.040.3 Lot Area](#)

[13.14.040.4 Lot Width](#)

[13.14.040.5 Lot Frontage](#)

[13.14.040.6 Lots Created Prior To Adoption Of Ordinance/Annexation](#)

[13.14.040.7 Setback Requirements](#)

[13.14.040.8 Projections Into Setbacks](#)

[13.14.040.9 Building Height Requirements](#)

[13.14.040.10 Distance Between Buildings](#)

[13.14.040.11 Permissible Lot Coverage](#)

[13.14.040.12 Project Plan Approval](#)

[13.14.040.13 Other Requirements](#)

[13.14.040.14 Annexation Holding Zone \(A-5-H\)](#)

13.14.040.1 Purpose And Zone Characteristics

The A-5 Agriculture Zone is established to provide areas within the City where

agricultural pursuits can be encouraged and supported. Uses permitted in the zone, in addition to agriculture, should be incidental thereto and should not change or inhibit the basic agricultural character of the zone.

In accordance with PCC 13.26 and PCC 13.14.040 A-5 Agriculture Zone, the City Council may assign the Annexation Holding Zone (A-5-H) to all or a portion of an annexation area with the intention of maintaining the existing character of the area until additional studies and analysis are completed through the master planning process.

13.14.040.2 Permitted, Conditional And Accessory Uses

The permitted, conditional and accessory uses for the A-5, Agriculture Zone are indicated below. It should be noted that land uses in the A-5-H Zone are limited to the residential permitted, conditional and accessory uses of this Section. In other words, the non-residential uses as outlined in Appendix A – Non-Residential Land Use Categories are not allowed unless the area has been master planned to accommodate those uses and the appropriate zoning has been assigned.

Permitted Uses Residential. The following land use types are permitted uses in the Agriculture Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

- A. Agriculture and horticulture
- B. Keeping of animals pursuant to PCC 7
- C. Single family dwellings – detached
- D. Accessory apartment in accordance with PCC 13.20.220
- E. Public or private utilities and rights-of-way
- F. Parks and recreational facilities
- G. Subdivisions pursuant to:
 - 1. PCC 13.14.040 A-5 Agriculture Zone
 - 2. PCC 12
 - 3. Utah Code § 10-9a-605
- H. Residential facilities for the elderly or persons with a disability in accordance with Utah Code § 10-9a-516 (1953 as amended).

Conditional Uses Residential. The following land use types are allowed as conditional uses in the A-5 Agriculture Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved

in accordance with PCC 13.28.

- A. Ranch or farm employee dwellings (limited to one unit per ten (10) acres of land area which must be reviewed and renewed every three (3) years)
- B. Cellular and low power towers pursuant to PCC 13.36
- C. Water storage facilities, drinking or irrigation
- D. Cemetery grounds and facilities
- E. Religious buildings and structures
- F. Educational facilities unless otherwise addressed in State Statute
- G. Public or private utility maintenance facilities

Accessory Uses Residential. The following land use types are allowed as accessory uses in the A-5 Agriculture Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Agricultural buildings as defined in PCC 13.04
- B. Garages - detached
- C. Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone
- D. Home occupations in accordance with PCC 3

Non-Residential Uses.

Specific non-residential uses in the A-5 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone.

13.14.040.3 Lot Area

Each dwelling in the A-5 Agriculture Zone shall be on a separate lot containing not less than five (5) acres, except that ranch or farm employee housing may be on a smaller parcel in conjunction with a bona fide agricultural use at a ratio of one (1) unit per ten (10) acres that must be reviewed and approved every three (3) years, or unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with PCC 12.12.

Additional acreage may be required to ensure eligibility with the greenbelt provisions of

the Utah Farmland Assessment Act. The applicant must consult with the Utah County Greenbelt Specialist to demonstrate compliance with the Act.

The minimum lot area requirement for utility uses, as allowed by this Title, is three thousand five hundred (3,500) square feet.

13.14.040.4 Lot Width

Each lot in the A-5 Agriculture Zone shall have a minimum width of two hundred (200) feet for all of the area within the required front setback of the zone.

13.14.040.5 Lot Frontage

Each lot in the A-5 Agriculture Zone shall abut a public street, or private street if approved by the City Council, for a minimum distance of two hundred (200) feet.

Parcels created for utility uses must maintain at least forty (40) feet of frontage along a public street or approved private street. The City Council may reduce or waive the frontage requirement provided the applicant can demonstrate that perpetual access to the parcel and utility uses has been secured.

13.14.040.6 Lots Created Prior To Adoption Of Ordinance/Annexation

Lots or parcels of land which were created prior to the adoption and application of this zone (December 19, 2001) or prior to annexation shall not be denied the issuance of a building permit for the construction of one (1) single family dwelling solely on the reason of non-conformance with the parcel size requirements of this Chapter. A building permit must be obtained and all requirements of the appropriate building code must be satisfied.

It shall be the burden of the applicant to demonstrate that the parcel legally existed and was recorded in the office of the Utah County Recorder prior to December 19 of 2001 or annexation of the property.

13.14.040.7 Setback Requirements

The following minimum setback requirements shall apply in the A-5 Agriculture Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the A-5 Zone shall have a minimum front setback of twenty-five (25) feet.
- B. **Side Setback.** Each lot or parcel in the A-5 Zone, unless otherwise noted below, shall have a minimum side setback of eight (8) feet.
 - 1. **Side Setback For Corner Lot.** Each corner lot or parcel in the A-5 Zone shall have a minimum setback of twenty (20) feet along the public street

on the side of the lot not being used as the front setback.

2. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
3. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall be five (5) feet except when:
 4. The accessory building is located on a corner lot the structure shall satisfy paragraph A.
 5. The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.

C. **Rear Setback.** Each lot or parcel in the A-5 Zone shall have a minimum rear setback of twenty-five (25) feet.

1. **Rear Setback For Accessory Building.** An accessory building shall be located at least five (5) feet from the rear property line provided it is not used to house animals or poultry, or the lot is not a double-sided lot (a lot that has a street both in front and in rear).
 - a. Accessory buildings that house animals or poultry shall have a minimum rear setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
 - b. A double-sided lot requires the full twenty-five (25) foot rear setback.

13.14.040.8 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- E. Porches, decks, and other structures as specified in PCC 13.20.230.

13.14.040.9 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen (18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use.

Exceptions from the building height requirements are limited to the following:

- A. Religious structures in accordance with the criteria listed in PCC 13.28
- B. Cellular and low power towers in accordance with PCC 13.36 and overhead utility facilities
- C. Wind generating facilities

13.14.040.10 Distance Between Buildings

The distance between any accessory building and any dwelling shall not be less than three (3) feet. Accessory buildings that house animals or poultry shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.

13.14.040.11 Permissible Lot Coverage

The sum total of all buildings, structures, and impervious material on any parcel in the A-5 Zone shall not be greater than twenty (20) percent of the total area of the parcel.

13.14.040.12 Project Plan Approval

Any request for project plan approval in the A-5 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

13.14.040.13 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** The following signs, and no others, are allowed in the A-5 Zone:
 - 1. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
 - 2. One sign advertising the sale of agricultural products produced on the parcel not to exceed four (4) square feet in area.

B. Landscaping. Landscaping requirements for lots and parcels in the A-5, Agriculture Zone and A-5-H, Annexation Holding Zone shall satisfy the provisions of this Section.

1. The applicant shall provide a landscaping plan that indicates the proposed landscape treatments for all portions of the lot or parcel, including agricultural uses.
2. Prior to the issuance of a Certificate of Occupancy and thereafter, all areas within twenty-five (25) feet of the dwelling structure, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials. The remaining portions of the property must be planted in agricultural crops or maintained in accordance with PCC 13.44.
3. To promote crop production and to maintain Greenbelt status, the yard area surrounding the building structure may be planted with agricultural crops. The planting of agricultural crops surrounding the dwelling structure will satisfy the landscaping requirements of this Section.
4. Properties will be irrigated by irrigation systems connected to private water systems, including onsite wells and/or private irrigation companies (i.e. High Line Canal Company, Salem Irrigation and Canal Company). The yard area immediately surrounding the dwelling structure may be irrigated with the Payson City pressurized irrigation system, if available. The city pressurized irrigation system will not be used for irrigating agriculture crops.
5. When irrigation systems are shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy, the applicant must post a performance guarantee to ensure the completion of landscaping improvements. The guarantee shall be a sum, no less than the amount specified in the adopted fee schedule as amended from time to time by resolution of the city council, in the form of cash bond or an irrevocable letter of credit.

C. Trash, Junk, And Other Debris. No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence.

13.14.040.14 Annexation Holding Zone (A-5-H)

The provisions of this Section are a supplement to the zoning requirements of the A-5,

Agriculture Zone. Development of property in the A-5-H Zone must be consistent with the regulations of PCC 13.14.040. Unlike the other zoning districts included in this Title, the A-5-H Holding Zone is not intended to establish the long-term land use pattern for properties included in the district. Rather, the purpose and intent of the A-5-H Zone is to provide zoning regulations to govern the use of land following annexation and prior to intensification of land use.

In accordance with PCC 13.26, a specific plan and other studies may be required before annexation. In some instances, the City Council may determine it is appropriate to delay the preparation of these studies in order to expedite the annexation process or to broaden the master planning efforts of the City. In these instances, the City Council may choose to annex the property and designate all or a portion of the area as a Holding Zone until a specific plan and associated studies are completed.

The City Council has determined that the most effective method to realize the appropriate land development pattern is to maintain the existing characteristics generally associated with annexed areas until a specific plan is prepared that identifies the long term development pattern of a defined geographical area. Parcels designated as A-5-H Holding Zone are subject to the following:

- A. Concurrent with approval of an annexation, the details of the A-5-H Zone and the responsibilities of all parties will be established by the City Council and included in an annexation agreement recorded against all properties included in the annexation. The agreement, among other items will include timing of installation of improvements, connection of existing structures to utilities, and satisfaction of the provisions of the agreement between Strawberry Electric Service District and Payson City in regards to electrical service.
- B. Until a specific plan or development proposal is prepared and adopted by the City Council, development in the annexation area is limited to the following:
 1. Each original parcel included in the annexation petition is entitled to a single (one-time) division into two separate parcels. Each parcel must satisfy the requirements of the A-5 Zone.
 2. The provision of infrastructure, access and other typical development improvements will be addressed in a development agreement. While some project improvements may be delayed until more intense development occurs, life safety issues such as fire protection, emergency access, and applicable building codes must be addressed prior to the issuance of any building permit in the subdivision.
 3. Because the nature of the A-5-H Zone is to avoid development patterns that may be inconsistent with a future specific plan, zone change applications submitted prior to approval of a specific plan are discouraged.
 4. To protect future rights-of-way, utility corridors and to ensure proper

development patterns, Payson City has the authority to modify the location of proposed structures in any annexed area.

5. Municipal services such as, but not limited to, garbage collection and snow removal may be provided by other entities if it can be demonstrated that the provision of services would be inefficient or cost prohibitive to Payson City.

C. Payson City recognizes that intermittent development (i.e. improvement of lots of record, structure additions, construction of detached garages or outbuildings) may be proposed before the infrastructure studies are completed and a specific plan is adopted. Such intermittent development of property will require connection to Payson City utility systems consistent with the regulations of the Development Guidelines of Payson City. Depending on the situation and location of the property, Payson City may allow the following exceptions until more development occurs in the annexed area:

1. **Power Services.** Payson City reserves the right to provide electrical service to all properties within the boundaries of Payson. Therefore, the Payson power system will need to be expanded to allow connection of all existing and proposed structure(s). The Payson Power Department will determine the appropriate method to provide these services, which may include extension of overhead power lines to provide service on a temporary basis, installation of underground facilities to accommodate future growth in the area, or authorize other utility companies to provide electrical service.
2. **Drinking Water.** The installation of a private drinking water well may or may not be allowed in the A-5-H Zone. A cost analysis will need to be prepared by a licensed engineer, at the expense of the property owner or applicant, that identifies the cost of extending the Payson City water system to the subject property in relation to the costs associated with drilling and installing a water well. Following review of the analysis, the Public Works Director will determine the appropriate means for provision of drinking water. If connection to the Payson City water system is required, the regulations of PCC 4.04, Water Ordinance must be satisfied. The regulations of the Utah Division of Water Rights and the Utah County Health Department must be satisfied if the City determines the installation of a well is acceptable.
3. **Irrigation Water.** The property owner will need to provide information regarding the availability of irrigation water to maintain the property. If a secondary system is available, the applicant may not be required to extend the Payson City pressurized irrigation system until additional development occurs. If connection to the Payson City pressurized irrigation system is required, the regulations of PCC 4.04, Water Ordinance must be satisfied.

4. **Wastewater Service.** Septic tanks may be allowed if the Public Works Director determines that extension of wastewater services is not feasible or cost effective. Installation of a septic tank will be completed in accordance with the regulations of the Utah County Health Department and located in an area that will allow for connection of the structure(s) to the wastewater main line in the future. Connection to the Payson City wastewater system must satisfy the regulations of PCC 4.16, Sewer and Wastewater Ordinance of the Payson City Municipal Code.
5. **Roadway Improvements.** The installation of curb, gutter and sidewalk and connection to city utilities as required in association with lot of record development and the requirements of PCC 13.08.010 may be modified and/or delayed unless the parcel is located near existing systems.
6. **Fees.** The connection and impact fees will need to be submitted prior to connection to the utility systems of Payson City.
7. **Timing of Connection.** The property owner will be responsible to connect to and utilize Payson City utility systems when the system(s) are within three hundred (300) feet of the property, unless otherwise indicated in an annexation agreement.

- D. **Agricultural Uses And Buildings.** Agricultural activities must be conducted in accordance with sound agricultural practices and all agricultural buildings must satisfy the adopted building code, unless otherwise exempted by Utah Code.
- E. Concurrent with the approval and adoption of a specific plan, the Payson City General Plan will be amended to indicate land uses consistent with the specific plan prepared for the annexation area.
- F. The A-5-H Zone classification may be removed from the annexed area following adoption of a specific plan, development proposal or assignment of the appropriate zoning. Once the holding zone classification is removed, the unique regulations of this Section no longer apply and all regulations of the adopted development ordinances must be satisfied.

13.14.050 R-1-A Residential-Agriculture Zone

[13.14.050.1 Purpose And Zone Characteristics](#)

[13.14.050.2 Permitted, Conditional And Accessory Uses](#)

[13.14.050.3 Lot Area](#)

[13.14.050.4 Lot Width](#)

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[13.14.050.7 Setback Requirements](#)

[13.14.050.8 Projections Into Setbacks](#)

[13.14.050.9 Building Height Requirements](#)

- [13.14.050.10 Distance Between Buildings](#)
- [13.14.050.11 Permissible Lot Coverage](#)
- [13.14.050.12 Project Plan Approval](#)
- [13.14.050.13 Other Requirements](#)

13.14.050.1 Purpose And Zone Characteristics

The R-1-A Residential-Agriculture Zone is established to provide areas within the City where agricultural pursuits can be encouraged and supported. Uses permitted in the zone, in addition to agriculture, should be incidental thereto and should not change or inhibit the basic agricultural character of the zone. Rezoning of land in the R-1-A Zone should be accomplished in an orderly manner to avoid undue and inefficient extension of City infrastructure, and “leap-frog” development patterns.

13.14.050.2 Permitted, Conditional And Accessory Uses

Permitted Uses. The following land use types are permitted uses in the Residential-Agriculture Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

- A. Agriculture and horticulture
- B. Keeping of animals pursuant to PCC 7
- C. Single family dwellings – detached
- D. Accessory apartment in accordance with PCC 13.20.220
- E. Municipal governmental facilities
- F. Public or private utilities and rights-of-way
- G. Parks and recreational facilities
- H. Subdivisions pursuant to PCC 12
- I. Residential facilities for the elderly or persons with a disability in accordance with Utah Code § 10-9a-516 (1953 as amended).

Conditional Uses. The following land use types are allowed as conditional uses in the Residential-Agriculture Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

- A. Cellular and low power towers pursuant to PCC 13.36
- B. Water storage facilities, drinking or irrigation
- C. Cemetery grounds and facilities

- D. Religious buildings and structures
- E. Educational facilities unless otherwise addressed in State Statute
- F. Resorts and group camps
- G. Golf courses
- H. Public or private utility maintenance facilities

Accessory Uses. The following land use types are allowed as accessory uses in the Residential-Agriculture Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Garages - detached
- B. Storage facilities for products, machinery and equipment as an accessory use to a permitted or conditional use in the zone
- C. Buildings used for the confinement or protection of animals used as a permitted or conditional use in the zone
- D. Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone
- E. Home occupations in accordance with PCC 3

13.14.050.3 Lot Area

Each dwelling in the Residential-Agriculture Zone shall be on a separate lot containing not less than one (1) acre, unless otherwise approved as part of a Planned Residential Development (PRD) in accordance with PCC 12.12.

The minimum lot area requirement for utility uses, as allowed by this Title, is three thousand five hundred (3,500) square feet.

13.14.050.4 Lot Width

Each lot in the Residential-Agriculture Zone shall have a minimum width of one hundred fifty (150) feet for all of the area within the required front setback of the zone.

13.14.050.5 Lot Frontage

Each lot in the Residential-Agriculture Zone shall abut a public street for a minimum distance of one hundred fifty (150) feet.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the frontage requirement may be reduced to one hundred (100) feet, provided that the width requirement is satisfied at the front setback line.

Parcels created for utility uses must maintain at least forty (40) feet of frontage along a public street. The City Council may reduce or waive the frontage requirement provided the applicant can demonstrate that perpetual access to the parcel and utility uses has been secured.

13.14.050.6 Lots Created Prior To Adoption Of Ordinance

Lots or parcels of land which were created prior to the adoption and application of this zone (January 1983) shall not be denied the issuance of a building permit for the construction of one (1) single family dwelling solely on the reason of non-conformance with the parcel size requirements of this Chapter. A building permit must be obtained and all requirements of the appropriate building code must be satisfied.

It shall be the burden of the applicant to demonstrate that the parcel legally existed and was recorded in the office of the Utah County Recorder prior to January of 1983.

13.14.050.7 Setback Requirements

The following minimum setback requirements shall apply in the Residential-Agriculture (R-1-A) Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the R-1-A Zone shall have a minimum front setback of fifty (50) feet.
- B. **Side Setback.** Each lot or parcel in the R-1-A Zone, unless otherwise noted below, shall have a minimum side setback of twenty (20) feet.
 1. **Side Setback For Corner Lot.** Each corner lot or parcel in the R-1-A Zone shall have a minimum setback of twenty (20) feet along the public street on the side of the lot not being used as the front setback.
 2. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
 3. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall be five (5) feet except when:
 - a. The accessory building is located on a corner lot the structure shall satisfy paragraph B,1.
 - b. The accessory building(s) houses animals or poultry then the structure shall have a minimum side setback of fifty (50) feet and

be located no less than one hundred (100) feet from any dwelling unit.

C. **Rear Setback.** Each lot or parcel in the R-1-A Zone shall have a minimum rear setback of twenty-five (25) feet.

1. **Rear Setback For Accessory Building.** An accessory building shall be located at least five (5) feet from the rear property line provided it is not used to house animals or poultry, or the lot is not a double-sided lot (a lot that has a street both in front and in rear).

- a. Accessory buildings that house animals or poultry shall have a minimum rear setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.
- b. A double-sided lot requires the full twenty-five (25) foot rear setback.

13.14.050.8 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- E. Patios, decks, and other structures as specified in PCC 13.20.230.

13.14.050.9 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen (18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use.

Exceptions from the building height requirements are limited to the following:

- A. Religious structures in accordance with the criteria listed in PCC 13.28

- B. Cellular and low power towers in accordance with PCC 13.36 and overhead utility facilities
- C. Wind generating facilities

13.14.050.10 Distance Between Buildings

The distance between any accessory building and any dwelling shall not be less than three (3) feet. Accessory buildings that house animals or poultry shall have a minimum side setback of fifty (50) feet and be located no less than one hundred (100) feet from any dwelling unit.

13.14.050.11 Permissible Lot Coverage

The sum total of all buildings, structures, and impervious material on any parcel in the R-1-A Zone shall not be greater than twenty (20) percent of the total area of the parcel.

13.14.050.12 Project Plan Approval

Any request for project plan approval in the R-1-A Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

13.14.050.13 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

A. **Signs.** The following signs, and no others, are allowed in the R-1-A Zone:

1. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.
2. One sign advertising the sale of agricultural products produced on the parcel not to exceed four (4) square feet in area.

B. **Landscaping.** Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.

1. If a dwelling is located on a corner lot, all areas of the front and side setback areas between the public street, including the planter strip, and the dwelling shall be landscaped with suitable plants, shrubs, trees, grass and similar landscaping materials.

2. During the seasonal period, generally between November 1 through April 1, when the City pressurized irrigation system is shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant must post a performance guarantee. The guarantee shall be a sum, no less than the amount specified on the Payson City Fee Schedule as amended from time to time by resolution of the City Council in the form of a cash bond or an irrevocable letter of credit. The performance guarantee shall not extend beyond June 1 following the seasonal period the bond is posted. Landscaping not completed by June 1 will be turned over to the City Attorney's Office for legal remedies, which may include the forfeit of all or a portion of the posted bond.
3. For the purposes of this requirement, landscaping shall mean complete erosion control, elimination of noxious weeds, and the installation of an automatic sprinkler system. Xeriscape is acceptable landscaping provided weed barrier fabric is installed and complete erosion control and elimination of noxious weeds is accomplished.

C. Trash, Junk, And Other Debris. No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence.

13.14.060 Conventional Residential Zoning Districts

[13.14.060.1 Purpose And Zone Characteristics](#)

[13.14.060.2 Permitted, Conditional And Accessory Uses](#)

[13.14.060.3 Lot Configuration](#)

[13.14.060.4 Lots Created Prior To Adoption Of Ordinance](#)

[13.14.060.5 Setback Requirements](#)

[13.14.060.6 Projections Into Setbacks](#)

[13.14.060.7 Building Height Requirements](#)

[13.14.060.8 Parking, Loading And Access](#)

[13.14.060.9 Project Plan Approval](#)

[13.14.060.10 Other Requirements](#)

13.14.060.1 Purpose And Zone Characteristics

The residential zoning districts are established to preserve and enhance quality of living in residential neighborhoods, to regulate structures and uses which may affect the character or desirability of residential areas, to encourage a variety of dwelling types and locations and a range of population densities consistent with the Payson City General Plan, and to ensure adequate light, air, privacy and open space.

Because many of the characteristics of the single-family zones are similar and it is the intention of this Chapter to create a harmonious transition between adjacent zoning districts, the provisions of the primarily single family zoning districts have been combined in this Chapter. Proper implementation of this Chapter will result in a variety of lot sizes and housing options, while maintaining consistent qualities and amenities in the various zoning districts.

13.14.060.2 Permitted, Conditional And Accessory Uses

Permitted and Conditional Uses. The permitted and conditional uses in the residential zoning districts are identified in the chart below. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

LAND USE	ZONING DISTRICTS						
	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-75	R-2-75
Single family – detached	P	P	P	P	P	P	P
Two family dwellings – if approved as an RMO-1 Overlay					P	P	P
Accessory apartment in accordance with PCC 13.20.220	P	P	P	P	P	P	P
Residential facilities for the elderly or persons with a disability in accordance with PCC 13.20.230	P	P	P	P	P	P	P
Religious buildings and structures	C	C	C	C	C	C	C
Schools (public, private and quasi-public)	C	C	C	C	C	C	C
Municipal government facilities	P	P	P	P	P	P	P
Parks and recreation facilities (public)	P	P	P	P	P	P	P
Parks and recreation facilities (private)	C	C	C	C	C	C	C
Water storage facilities, drinking or irrigation	C	C	C	C	C	C	C
Cemetery grounds and facilities	P	P	P				
Public or private utility rights-of-way	P	P	P	P	P	P	P

Public or private utility maintenance facilities	C	C	C	C	C	C	C
Subdivisions pursuant to PCC 12	P	P	P	P	P	P	P

Accessory Uses. The following land use types are allowed as accessory uses in the residential zoning districts. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Accessory buildings (i.e. carport, garage, outbuilding)
- B. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling unit. The accessory building shall not be larger than ten (10) percent of the total area of the lot or parcel and must meet all setback requirements.
- C. Except as legal non-conforming uses, accessory structures for the confinement or protection of animals are not permitted, other than incidental shelter for pets as allowed in PCC 7.
- D. Home occupations pursuant to PCC 3.

13.14.060.3 Lot Configuration

Each dwelling shall be on a separate lot and configured and maintained with the required lot area, lot width, lot frontage and setbacks as indicated below:

	ZONING DISTRICTS						
	R-1-20	R-1-15	R-1-12	R-1-10	R-1-9	R-1-75	R-2-75
Lot area	20,000	15,000	12,000	10,000	9,000	7,500	7,500
Lot area (utility uses)	3,500	3,500	3,500	3,500	3,500	3,500	3,500
Lot width	100'	100'	100'	100'	90'	75'	75'
Lot frontage	100'	100'	100'	100'	90'	75'	75'
Lot frontage (utility uses)	40'	40'	40'	40'	40'	40'	40'
Max. lot coverage	40%	40%	40%	45%	50%	50%	50%

Each lot or parcel shall abut a public street and must maintain the minimum lot width and lot frontage requirements as indicated in the above table. The lot width and lot frontage shall be maintained within the required front setback of the zone, unless otherwise

approved as part of a Planned Residential Development (PRD) in accordance with PCC 12.12 or as part of an approved overlay.

If the lot or parcel is located on an approved curve radius or cul-de-sac, the width requirement may be reduced as indicated in the chart below, provided the requirement is satisfied at the front setback line.

ZONE	MEASUREMENT (at front setback)
R-1-20	80'
R-1-15	80'
R-1-12	80'
R-1-10	80'
R-1-9	80'
R-1-75	65'
R-2-75	65'

Parcels created for utility uses must maintain at least forty (40) feet of frontage along a public street. The City Council may reduce or waive the frontage requirement for utility uses provided the applicant can demonstrate that perpetual access to the parcel and utility uses has been secured.

13.14.060.4 Lots Created Prior To Adoption Of Ordinance

Lots or parcels of land which were created prior to the adoption and application of the zoning districts (January 1983) shall not be denied the issuance of a building permit for the construction of one (1) single family dwelling solely on the reason of non-conformance with the parcel size requirements of this Chapter. A building permit must be obtained and all requirements of the appropriate development ordinances and building code must be satisfied. It shall be the burden of the applicant to demonstrate that the parcel legally existed and was recorded in the office of the Utah County Recorder prior to January of 1983.

13.14.060.5 Setback Requirements

Each setback is measured from the property line of the lot or parcel. It is the responsibility of the property owner to ensure the property lines are accurately identified and easily recognized for inspection by the City.

SETBACKS	ZONING DISTRICTS						
	R-1-	R-1-	R-1-	R-1-	R-1-9	R-1-	R-2-75

	20	15	12	10		75	
Front setback	25'	25'	25'	25'	25'	25'	25'
Side setback (interior)	8'	8'	8'	8'	8'	8'	8'
Side setback (corner) – along the public street on the side of the lot not used as the front setback	20'	20'	20'	20'	20'	20'	20'
Side setback (driveway) – when used for access to a garage, carport, or parking area	12'	12'	12'	12'	12'	12'	12'
Side setback (accessory structure) – interior/corner measurements	5'/20'	5'/20'	5'/20'	5'/20'	5'/20'	5'/20'	5'/20'
Rear setback	25'	25'	25'	25'	25'	25' 15' corner	25' 15' corner
Rear setback (accessory structure) – interior/double sided lot	5'/25'	5'/25'	5'/25'	5'/25'	5'/25'	5'/25' 15' corner	5'/25' 15' corner
Distance between structures	3'	3'	3'	3'	3'	3'	3'

Accessory buildings and structures that house animals or poultry must maintain the minimum setback requirements as outlined in PCC 7, Animal Control Ordinance.

13.14.060.6 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- E. Patios, decks, and other structures as specified in PCC 13.20.230.

13.14.060.7 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen

(18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use.

Exceptions from the building height requirements are limited to the following:

- A. Religious structures in accordance with the criteria listed in PCC 13.28
- B. Cellular and low power towers in accordance with PCC 13.36 and overhead utility facilities
- C. Wind generating facilities

13.14.060.8 Parking, Loading And Access

Each lot or parcel shall satisfy the off-street parking requirements found in PCC 13.10 and designed and constructed in accordance with the Payson City Development Guidelines.

13.14.060.9 Project Plan Approval

Any request for project plan approval in the residential zones is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

13.14.060.10 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** Signs are permitted in accordance with PCC 13.32.
- B. **Landscaping.** Prior to issuance of a Certificate of Occupancy and thereafter, all open areas between the public street, including the planter strip, and the front line of the main building, except driveways, walkways, patios, porches, and other similar hard surfaced areas shall be maintained with suitable landscaping of plants, shrubs, trees, grass and similar landscaping materials.
 - 1. If a dwelling is located on a corner lot, all areas of the front and side setback areas between the public street, including the planter strip, and the dwelling shall be landscaped with suitable plants, shrubs, trees, grass and similar landscaping materials.
 - 2. During the seasonal period, generally between November 1 through April 1, when the City pressurized irrigation system is shut off and the landscaping cannot be completed prior to issuance of a Certificate of Occupancy the applicant must post a performance guarantee to ensure completion of the landscaping. The guarantee shall be a sum, no less

than the amount specified on the Payson City Fee Schedule as amended from time to time by resolution of the City Council, in the form of a cash bond or an irrevocable letter of credit. The performance guarantee shall not extend beyond June 1 following the seasonal period the guarantee is posted. Landscaping not completed by June 1 will be turned over to the City Attorney's Office for legal remedies, which may include the forfeit of all or a portion of the posted guarantee.

3. For the purposes of this requirement, landscaping shall mean complete erosion control, elimination of noxious weeds, and the installation of an automatic sprinkler system. Xeriscape is acceptable landscaping provided weed barrier fabric is installed and complete erosion control and elimination of noxious weeds is accomplished.

C. Trash, Junk, And Other Debris. No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence.

13.14.070 RMF Multi-Family Residential Zone

[13.14.070.1 Purpose And Zone Characteristics](#)

[13.14.070.2 Permitted, Conditional And Accessory Uses](#)

[13.14.070.3 Minimum Project Area](#)

[13.14.070.4 Project Density Calculation](#)

[13.14.070.5 Project Width](#)

[13.14.070.6 Project Frontage](#)

[13.14.070.7 Single-Family Frontage And Lot Area](#)

[13.14.070.8 Setback And Build-To-Line Requirements](#)

[13.14.070.9 Projections Into Setbacks](#)

[13.14.070.10 Building Height Requirements](#)

[13.14.070.11 Distance Between Buildings](#)

[13.14.070.12 Permissible Lot Coverage](#)

[13.14.070.13 Open Space](#)

[13.14.070.14 Landscaping](#)

[13.14.070.15 Parking, Loading And Access](#)

[13.14.070.16 Project Amenities](#)

[13.14.070.17 Design Standards](#)

[13.14.070.18 Project Plan Approval](#)

[13.14.070.19 Other Requirements](#)

13.14.070.1 Purpose And Zone Characteristics

The RMF Multi-Family Residential Zone is established to provide areas within the City for high-density housing and multi-family structures designed to allow economical use of

land while creating an attractive, functional and safe residential environment. The RMF Zone is intended to have limited commercial services including home occupations. Rezoning to the RMF Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods and the land use goals of the City.

13.14.070.2 Permitted, Conditional And Accessory Uses

Permitted Uses. The following land use types are permitted uses in the RMF Multi-Family Residential Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

- A. Single family dwellings
- B. Multi-family structures and dwellings
- C. Public or private utility rights-of-way
- D. Parks, trails, open space areas, and other related recreation facilities and project amenities
- E. Subdivisions pursuant to PCC 12
- F. Keeping of animals pursuant to PCC 7

Conditional Uses. The following land use types are allowed as conditional uses in the RMF Multi-Family Residential Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

- A. Religious buildings and structures
- B. Educational facilities unless otherwise addressed in Utah Code
- C. Residential facilities for the elderly or persons with a disability in accordance with State law
- D. Public and private utility maintenance facilities

Accessory Uses. The following land use types are allowed as accessory uses in the RMF Multi-Family Residential Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Storage facilities for equipment that is associated with maintenance of the site may be as an accessory use to a permitted or conditional use in the zone. The

accessory building shall be constructed of essentially the same materials as the main residential buildings or structures.

- B. Except as a legal non-conforming use, accessory structures for the housing of animals or poultry is not permitted, other than incidental shelter for pets as allowed in PCC 7.
- C. Home occupations pursuant to PCC 3.

13.14.070.3 Minimum Project Area

Each development project in the RMF Multi-Family Residential Zone shall be located on a parcel containing not less than five (5) acres.

13.14.070.4 Project Density Calculation

The RMF Zone accommodates a variety of densities for multi-family dwellings. Project density is calculated based on the type of application submitted, amenities provided and other factors identified herein. In accordance with the provisions of this Chapter, each project will be assigned one of the following density classifications.

RMF-10. Up to 10 units acre

RMF-15. Up to 15 units acre

RMF-20. Up to 20 units acre

In calculating the maximum number of units for a proposed development/project, the assigned density will be multiplied by the net acreage and rounded to the nearest whole number. Regardless of which density classification is assigned to a project, all of the requirements of this Chapter including, but not limited to, lot coverage, setback, parking, open space, and project amenities must be satisfied.

13.14.070.5 Project Width

Each project in the RMF Multi-Family Residential Zone shall have a minimum width of two hundred (200) feet for all of the area within the required front setback of the zone.

13.14.070.6 Project Frontage

Each project in the RMF Multi-Family Residential Zone shall abut a public street for a minimum distance of two hundred (200) feet.

13.14.070.7 Single-Family Frontage And Lot Area

Each single-family lot within a multi-family development in this zone shall have a minimum lot frontage of sixty-five (65) feet. Under no circumstances shall a single-family

lot in the RMF Multi-Family Residential Zone be smaller than 6,500 square feet.

13.14.070.8 Setback And Build-To-Line Requirements

The following minimum setback and build-to-line requirements shall apply in the RMF Multi-Family Residential Zone. Each setback or build-to-line is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each building or structure shall have a minimum front setback of twenty (20) feet.
- B. **Side Setback.** Each building or structure shall have a minimum side setback of ten (10) feet, unless otherwise noted herein.
 - 1. **Side Setback For Corner Lot.** Each corner lot or parcel shall have a minimum setback of fifteen (15) feet along the public street on the side of the lot not being used as the front setback.
 - 2. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall have a minimum side setback of five (5) feet.
- C. **Rear Setback.** Each building or structure shall have a minimum rear setback of fifteen (15) feet. a. Rear setback for accessory building - An accessory building shall be at least five (5) feet from the rear property line.
- D. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.
- E. When a multi-family housing project is proposed adjacent to a non-multi-family residential zone, the setback requirements of the adjacent residential zone shall be implemented along the perimeter of the development.

13.14.070.9 Projections Into Setbacks

The following structures may project into a required setback, but not beyond the property line, except as noted herein:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems that shall be extended to the sidewalk or back of curb.

- C. Necessary appurtenances for utility service.
- D. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.

13.14.070.10 Building Height Requirements

The allowable building height is a function of the density allowed in the RMF Zone, the regulations of the adopted fire code, and the ability of the Fire Department to provide effective fire protection as determined by the Fire Chief. Regardless of height, each structure must satisfy the regulations of the adopted fire code, which may require an appropriate internal and external fire sprinkler system. In no case shall the height of the structure exceed four (4) stories. Furthermore, the interior ceiling height of a structure shall not exceed forty-three (43) feet (ten feet per story with one foot between floors for joists). Dormers, trusses, and other sloped roofs may exceed forty-three (43) feet. The Fire Chief may reduce building height or roof slope to ensure the ability to protect the structure on a case-by-case basis, if necessary.

An accessory structure in the RMF Zone may not exceed eighteen (18) feet in total height as defined in PCC 13.04.

13.14.070.11 Distance Between Buildings

The distance between any two-story primary residential building or structure and any other residential building or structure shall not be less than ten (10) feet. Any structure that exceeds two stories shall be at least twenty (20) feet from any other primary residential building. The distance between any accessory building and any residential building or structure shall not be less than ten (10) feet.

13.14.070.12 Permissible Lot Coverage

The sum total of all buildings and structures on any parcel in the RMF Zone shall not be greater than forty (40) percent of the total area of the parcel.

13.14.070.13 Open Space

Each project shall contain at least thirty (30) percent permanently maintained outdoor open space exclusive of buildings, parking, roadways, and other impervious surfaces. At least twenty-five (25) percent of the open space requirement must be sited and designed as usable open space for the residents of the project. Landscaped areas between the structures can only contribute up to five (5) percent of the open space requirement. In order to attain adequate open space, an applicant may consider higher structures, underground parking or parking structures.

In general, the acreage set aside for storm water facilities should not be used toward the open space requirement. However, depending on the location, size, design, access and

usability of the storm water facility, the City Council may, but is not obligated to, allow the acreage to be used to satisfy the open space requirement. At a minimum, the storm water basin must satisfy the following:

- A. Placed in a centralized location within the project or reasonably connected to other project amenities.
- B. The slope of the basin cannot be steeper than 5:1.
- C. The size of the basin and adjacent landscaped area must be at least ten (10) percent of the required open space requirement.
- D. The landscaping treatments must be suitable for use by the residents of the project and include amenities as deemed appropriate.

13.14.070.14 Landscaping

Landscaping is an integral part of site development and all open areas not covered by residential buildings or structures, parking, or permitted accessory structures shall be attractively landscaped and maintained. Each multi-family project shall submit a complete landscaping plan, prepared by a licensed landscape architect or other qualified landscape professional, for review and approval. At a minimum, the landscaping plan shall include the following:

- A. As a general rule, the landscape design shall address the following objectives:
 - 1. Visual variety and interest to site and buildings;
 - 2. Highlighting primary entry to a building and complex (vehicular and pedestrian);
 - 3. Shading of gathering areas and buildings;
 - 4. Screening of parking areas, undesirable views, providing visual and noise buffer, and sheltering from wind.
- B. Layered landscaping and a mix of deciduous and evergreen trees should be incorporated into the landscape design. As a guideline, the landscaping plan will need to indicate one (1) tree for every two (2) dwelling units, with the trees being a mixture of coniferous evergreen and deciduous trees. The coniferous trees shall be at least eight (8) feet in height and the deciduous trees shall be at least two (2) inches in caliper. Additionally, there shall be shrubs and other plantings included in the landscaping plan.
- C. Landscaped areas must contain grass or other acceptable ground cover. Xeriscaping is encouraged, but shall not be used simply to reduce planting materials or overall project or maintenance costs.
- D. All landscaped areas must be irrigated by an underground automatic sprinkling

system connected to the pressurized irrigation system of Payson City.

- E. Plant materials shall be selected and located to avoid conflicts with underground or above ground utilities.

13.14.070.15 Parking, Loading And Access

Each project in the RMF Zone shall provide adequate vehicular access to the site, internal circulation, and parking. Furthermore, pedestrian connections and networks will be integrated into the site and connect to adjoining public facilities. Each applicant must demonstrate the following:

- A. Projects must provide parking in accordance with PCC 13.10 and the Payson City Development Guidelines.
- B. Where possible, parking should be interior to the project and generally hidden from the public street. A build-to-line may be imposed to accomplish this design feature.
- C. Site circulation will allow for and facilitate emergency access to the site and all buildings.
- D. All required covered parking must be designed consistent with the roof pitch of the primary structures using the same roofing materials as the primary structure.
- E. Excluding carports, off-street parking structures shall have architectural treatments that are consistent with the features of the primary structures including, but not limited to, roof pitch, roofing materials, and colors. The orientation of the parking should be interior where possible with the primary structures along the outside edges of the project.
- F. Pedestrian circulation walks and bicycle racks are required in multi-family projects. These facilities must be located in highly visible and convenient areas. Bicycle parking shall be provided at the ratio of 0.5 bicycle spaces per unit.

The parking requirements found listed above represent the minimum parking requirements. Any additional parking, beyond that required above, must be approved by the City Council due to a loss in the amount of landscaping in the project.

13.14.070.16 Project Amenities

Each development approved in the RMF Zone shall include appropriate amenities for the residents of the project and be properly maintained. Because each project will be different in nature, the amenities are likely to be different. For example, playground equipment is appropriate for family apartment projects whereas a putting green is appropriate for a retirement community. As a general rule, active recreation areas will include amenities such as sport courts, shuffleboard, pickle ball courts, bocce ball, horseshoe pits, swimming pools, splash pads, playgrounds, clubhouses etc., and

passive recreation (lawn) areas. The amount of amenities required shall be adequate for the proposed number of units in the development.

A. Projects With Less Than Thirty (30) Units Shall Furnish.

1. Picnic areas with tables and barbecue areas.
2. A recreation area with amenities appropriate for the targeted population.

B. Projects With Thirty-One (31) To Sixty (60) Units Shall Furnish.

1. One (1) picnic area with tables and barbecue area with shade structure.
2. A sport court with at least five hundred (500) square feet, or equivalent amenity.
3. One (1) recreation area with amenities appropriate for the targeted population.

C. Projects With Sixty-One (61) To One Hundred (100) Units Shall Furnish.

1. Two (2) picnic areas with tables and barbecue areas with shade structures.
2. One (1) sport court with at least five hundred (500) square feet, or equivalent amenity (i.e. pickle ball, racquetball, splash pad, hot tub/spa).
3. One (1) recreation area with amenities appropriate for the targeted population.
4. A clubhouse used for gatherings of residents not less than one thousand (1000) square feet in size complete with restrooms. The clubhouse may be substituted for an outside social function area, no less than two thousand (2000) square feet in size, with approval by the City Council.

D. Projects With More Than One Hundred (100) Units Shall Furnish.

1. Three (3) picnic areas with tables and barbecue areas with shade structures.
2. Two (2) recreation areas with amenities appropriate for the targeted population.
3. A clubhouse used for gatherings of residents not less than two thousand (2000) square feet in size complete with restrooms and indoor amenities and services.

The City Council will be the final authority in determining if the amenity package is appropriate for the project size, location, and target population. The type and quality of amenities will be taken into consideration in determining an acceptable amenity

package.

13.14.070.17 Design Standards

Building design should enhance appearance of the buildings from streets and other public view points. All sides of structures shall receive equal design consideration, particularly where they may be readily viewed by pedestrians and motorists, or from adjacent properties.

- A. **Exterior Materials.** All buildings in the RMF Zone shall include brick, stucco, stone, or other decorative masonry products, including fiber-cement siding, as approved by the City Council upon recommendation by the Planning Commission. At least two different building materials shall be used on all sides of the building with at least forty (40) percent of the vertical surface containing brick or stone. Garage doors, windows, and doors are not included in the vertical surface calculation. Vinyl and wood siding are not permitted; however, shake shingles may be permitted as an accent material as approved. The types of material will be complementary to the architectural design and heavier materials used lower on the building elevation to form the building base.
- B. **Colors.** Varied building colors are essential to a quality project. The use of different colors and materials helps to break up the massing of the building. A minimum of two colors per elevation, plus trim and roof color must be provided for consideration. Contrasting but complementary colors should be used for trim, windows, doors and ornamental features.
- C. **Wall Plane.** There shall be a variation in wall plane on all facades visible from a public street or public view. It is expected that the highest level of articulation will occur on the front façade. However, some architectural detailing should be incorporated into all building elevations, as well as courtyards, play areas and similar common areas.
- D. **Architectural Design.** Architectural elements, such as balconies, porches, overhangs, trellises, projections, awnings, insets, materials and textures should be used to create shadow patterns that contribute to a building's character and visual interest. Deep roof overhangs are encouraged to create shadows and add depth to façades, also helping to shade openings and windows.
- E. **Massing.** Tall or large structures should emphasize horizontal planes through the use of trim, awnings, eaves, or a combination of complementary colors. The upper story of a multi-story building should be stepped to reduce the scale of façades facing streets or courtyards.
- F. **Roofing Design.** Roof forms typical of residential buildings such as gable or hip roofs are encouraged. For row-type townhouses, each unit should be varied in height and setback.

- G. **Development Entrance Features.** Pedestrian and vehicular pavement designs will include material and/or color changes at entrances, walkways and crosswalks and other significant areas.

13.14.070.18 Project Plan Approval

Any request for project plan approval in the RMF Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan. Specifically, project plans will be reviewed for consistency with the applicable regulations of PCC 13.18 and PCC 12, Subdivision Ordinance.

- A. Each applicant shall first submit a Concept Plan of the proposed development. Following review of the Concept Plan and after receiving staff comments, the applicant may prepare a Preliminary Development Plan and Construction Plans in accordance with this Title and the development standards of the Subdivision Ordinance.
- B. Following review by staff, the Planning Commission will hold a public hearing to receive input about the Preliminary Development Plan. Notice of the public hearing will be in accordance with PCC 13.06.070.
- C. Following a public hearing, the Planning Commission will forward a recommendation to approve, approve with conditions, or deny the Preliminary Development Plan.
- D. After receiving a recommendation from the Planning Commission, the City Council may approve, amend and approve, approve with conditions, remand the proposed development back to the Planning Commission for further review, or deny the application for Preliminary Plan approval.
- E. Following approval of the Preliminary Development Plan by the City Council, the applicant may prepare the Final Development Plan. After their review, the City Council may approve, amend and approve, approve with conditions, or deny the application for Final Plat approval. The City Council, at their discretion, may approve the Preliminary Development Plan and the Final Plat concurrently. A copy of the Final Development Plan will be included in the Planning Commission packet for their review prior to final review by the City Council.
- F. If the applicant and staff disagree on the architectural design, types of amenities, or determining adequate amenities for the proposed project, the City Council shall render the decision.

13.14.070.19 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other

applicable resolution or ordinance.

- A. **Signs.** Signs shall be consistent with the requirements of PCC 13.32. Sign type and locations should be consistent throughout the project and the sign materials and graphics should complement the project design.
- B. **Fencing Standards.** Multi-family projects shall be fenced on at least three sides by a six (6) foot sight-obscuring fence unless it can be demonstrated that the fence is unnecessary to make the proposed project compatible with the surrounding area. All fencing in multi-family projects shall have decorative features and shall be constructed primarily of masonry materials. The use of chain link, vinyl, and wood products will be limited to internal areas that are not visible from the exterior of the project and located in low traffic areas.
- C. **Lighting.** Safety and security in the project and its immediate surroundings shall be enhanced through lighting design. Lighting fixtures will be compatible with the architectural style, materials, color, and scale of the project. Lighting sources shall be located to avoid light spillage and glare on adjacent properties and in private spaces.
- D. **Solid Waste And Recycling.** All refuse and recycling containers, except individual residential containers, shall be placed within screened storage areas or enclosures. Enclosure materials and colors will be consistent with, and complementary to, building materials and finishes. These containers should be conveniently located throughout the project, yet sufficiently buffered from project entries, main building entries, and main pedestrian paths.
- E. **Development Standards.** All projects approved in accordance with this Chapter are subject to all other applicable provisions of the land use ordinances of Payson City.
- F. **Development Agreement.** The approval of the City Council and the obligations of the applicant shall be ratified in a development agreement.
- G. **Covenants, Conditions, And Restrictions (CC&Rs).** All multi-family projects shall include the establishment of an owners or renters association to address maintenance, parking, enforcement, and other resident related issues.
- H. If an applicant can clearly demonstrate that one or more unique conditions affecting the land make the literal application of one or more of the design standards impracticable or unduly burdensome, the City Council may modify the standard as may be reasonable. The modification shall not be contrary to the general intent and purposes of this Chapter and the health, safety, general welfare and aesthetics of the neighborhood.

13.14.080 RMO-1 Two-Family Residential Overlay

[13.14.080.1 Purpose And Overlay Characteristics](#)

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13.14.080.1 Purpose And Overlay Characteristics

The RMO-1 Two-Family Residential Overlay is established to provide desirable and attractive neighborhoods by implementing infill principles to support efficient use of existing infrastructure, increase economic viability, improve neighborhood safety, and enhance neighborhood character. Application for use of the RMO-1 Overlay should be carefully reviewed to ensure enhancement of existing development and neighborhoods. The RMO-1 Overlay may be approved by the City Council in the R-1-9, R-1-75, and R-2-75 Zones.

13.14.080.2 Permitted, Conditional And Accessory Uses

Permitted Uses. The following land use types are permitted uses in the RMO-1 Two-Family Residential Overlay. Unless specifically listed, any other use is not a permitted use in the overlay. Uses listed as conditional or accessory uses are allowed in the overlay only in accordance with the criteria established in this Chapter.

- A. Single family dwellings
- B. Two-family dwellings (duplex and twin homes)
- C. Planned Residential Community
- D. Public or private utility rights-of-way
- E. Parks and recreational facilities
- F. Subdivisions pursuant to PCC 12
- G. Keeping of animals pursuant to PCC 7

Conditional Uses. The following land use types are allowed as conditional uses in the RMO-1 Two-Family Residential Overlay. Unless specifically listed, any other use is not allowed as a conditional use in the overlay. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

- A. Water storage facilities, drinking or irrigation
- B. Religious buildings and structures
- C. Educational facilities unless otherwise addressed in State Statute
- D. Residential facilities for the elderly or persons with a disability in accordance with State law
- E. Public or private utility maintenance facilities

Accessory Uses. The following land use types are allowed as accessory uses in the RMO-1 Two-Family Residential Overlay. Unless specifically listed, any other use is not allowed as an accessory use in the overlay. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use in the zone and only behind the dwelling units.
- B. Except as a legal non-conforming use, accessory structures for the housing of animals or poultry is not permitted, other than incidental shelter for pets as allowed in PCC 7.

13.14.080.3 Lot Area

Twin Home (Separate Ownership). Each twin home unit in the RMO-1 Residential Overlay shall be located on a lot or parcel no less than sixty (60) percent of the minimum lot size for the underlying zone in which the twin home units will be constructed. Therefore, the minimum lot size shall apply for the following zones:

Zone	Single Family Minimum Lot Size	Twin Home Minimum Lot Size
R-1-9	9,000 square feet	5,400 sq. ft. per unit
R-1-75	7,500 square feet	4,500 sq. ft. per unit
R-2-75	7,500 square feet	4,500 sq. ft. per unit

Duplex (Single Ownership). Each duplex structure, two living units under single ownership, shall be located on a lot or parcel equal to one hundred and twenty (120) percent of the minimum lot size requirement for the underlying zone. Therefore, each duplex shall meet the following area requirements:

Zone	Single Family Minimum Lot Size	Duplex Minimum Lot Size
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R-1-9	9,000 square feet	10,800 sq. ft.
R-1-75	7,500 square feet	9,000 sq. ft.
R-2-75	7,500 square feet	9,000 sq. ft.

Planned Residential Community (Separate Ownership With Common Area). A Planned Residential Community shall have a minimum area of one (1) acre. The minimum average area per unit shall be sixty (60) percent of the area required in the underlying zone. If the overall Planned Residential Community meets the area per unit requirement as a whole, exclusive of roads, then individual units are not required to meet individual minimum lot sizes or widths. The area per unit shall meet the following area requirements:

Zone	Single Family Minimum Area Requirements	Planned Residential Community Area Requirements
R-1-9	9,000 square feet	5,400 sq. ft. per unit
R-1-75	7,500 square feet	4,500 sq. ft. per unit
R-2-75	7,500 square feet	4,500 sq. ft. per unit

13.14.080.4 Lot Width

Twin Home (Separate Ownership). Each twin home lot in the RMO-1 Residential Overlay shall have a minimum width equal to fifty (50) feet for each lot or parcel for all of the area within the required front setback of the zone.

Duplex (Single Ownership). Each duplex lot in the RMO-1 Residential Overlay shall have a minimum width equal to one hundred (100) feet within the required front setback of the zone.

13.14.080.5 Lot Frontage

Twin Home (Separate Ownership). Each twin home lot in the RMO-1 Residential Overlay shall abut a public street for a minimum distance of fifty (50) feet for each lot or parcel.

Duplex (Single Ownership). Each duplex lot in the RMO-1 Residential Overlay shall abut a public street for a minimum distance equal to one hundred (100) feet.

Planned Residential Community (Separate Ownership With Common Area). The Planned Residential Community shall abut a public street for a minimum total distance of two hundred (200) feet for the entire planned community.

13.14.080.6 Setback Requirements

Twin Home/Duplex. The following minimum setback requirements shall apply in the RMO-1 Residential Overlay. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the RMO-1 Zone shall have a minimum front setback of twenty-five (25) feet.
- B. **Side Setback.** Each lot or parcel in the RMO-1 Zone, unless otherwise noted below, shall have a minimum side setback of eight (8) feet.
 - 1. **Side Setback For Corner Lot.** Each corner lot or parcel in the RMO-1 Zone shall have a minimum setback on all areas of road frontage of twenty (20) feet.
 - 2. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twelve (12) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
 - 3. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall be a minimum of five (5) feet.
- C. **Rear Setback.** Each lot or parcel in the RMO-1 Zone shall have a minimum rear setback of twenty-five (25) feet, except as noted below.
 - 1. **Rear Setback For Corner Lot.** Each corner lot or parcel shall have a minimum setback of fifteen (15) feet.
 - 2. **Rear Setback For Accessory Building.** An accessory building may not be located less than five (5) feet from the rear property line.

Planned Residential Community (Separate Ownership With Common Area). The perimeter of a Planned Residential Community shall have a setback of no less than the required setback of any adjacent private property. If no adjacent private property, the perimeter setback may be reduced to twenty (20) feet. Internal setbacks within the community shall be appropriate for the neighborhood style and approved by the land use authority.

13.14.080.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.

- C. Necessary appurtenances for utility service.
- D. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- E. Patios, decks, and other structures as specified in PCC 13.20.230.

13.14.080.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, except that accessory buildings may not exceed eighteen (18) feet in total height unless it can be shown that the building or structure must be higher to accommodate a bona fide agricultural use.

13.14.080.9 Distance Between Buildings

The distance between any residential building or structure and any accessory building shall not be less than three (3) feet.

13.14.080.10 Permissible Lot Coverage

The sum total of all buildings and structures on any parcel in the RMO-1 Overlay shall not be greater than forty (40) percent of the total area of the parcel.

13.14.080.11 Parking, Loading And Access

Each project shall satisfy the off-street parking requirements found in PCC 13.10. Parking spaces shall be accessed from a public road by a hard surfaced, composed of asphalt or concrete, drive approach.

13.14.080.12 Project Plan Approval

Any request for project plan approval in the RMO-1 Overlay is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Use of the RMO-1 Overlay is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the RMO-1 understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless, approved to use the RMO-1 Overlay. The applicant further understands and acknowledges that denial for the use of the RMO-1 shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone. The density figures shown in the tables in PCC 13.14.080.3 are maximum density figures. The applicant understands and acknowledges that the City Council can require the applicant to reduce the number of units or otherwise change the project proposal in order for legislative approval to be

granted.

The RMO-1 Residential Overlay may be employed in the R-1-9, R-1-75, and R-2-75 zones. Approval for the use of the RMO-1 Overlay shall be processed in the same manner as a zone change in accordance with PCC 13.06.080, with the exception that approval for the use of the RMO-1 Residential Overlay need not be shown on the Zoning Map.

In order to gain approval for the use of the RMO-1 Overlay, applicants should be willing to present a Concept Plan showing the proposed project. If the use of the RMO-1 Overlay is approved, the applicant will be required to present complete project plans including infrastructure construction plans. Should the applicant choose, the project plans and approval for use of the RMO-1 Overlay can be processed concurrently provided that the applicant acknowledges that all review fees must be paid in full, are non-refundable, and that approval of the RMO-1 Overlay lies at the discretion of the City Council and may not be approved.

Unless otherwise specified by the City Council, approval of the overlay shall be valid for one year. If substantial construction of the proposed structure has not been completed, the approval for use of the overlay shall be null and void.

13.14.080.13 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** The following signs, and no others, are allowed in the RMO-1 Overlay:
 - 1. Name plates not exceeding two (2) square feet in area to identify the name and address of the occupant.

- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.

- C. **Trash, Junk, And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed to not be injurious to adjacent properties and appropriate by the City, behind a sight obscuring fence.

- D. **Design Guidelines.** Approval for the use of the RMO-1 Residential Overlay indicates that the proposed use can be compatible with surrounding uses. Therefore, the City Council may require that certain design guidelines be employed in the project so that the project is compatible. The design guidelines

may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.

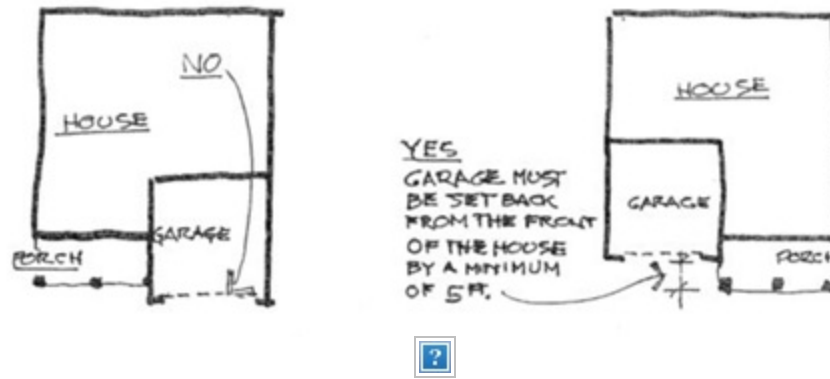
- E. **Underlying Zoning.** Unless otherwise allowed in this Chapter, all requirements of the underlying zone must be satisfied prior to project plan approval or issuance of a building permit.

13.14.080.14 Design Standards - Planned Residential Community

A. Building Form.

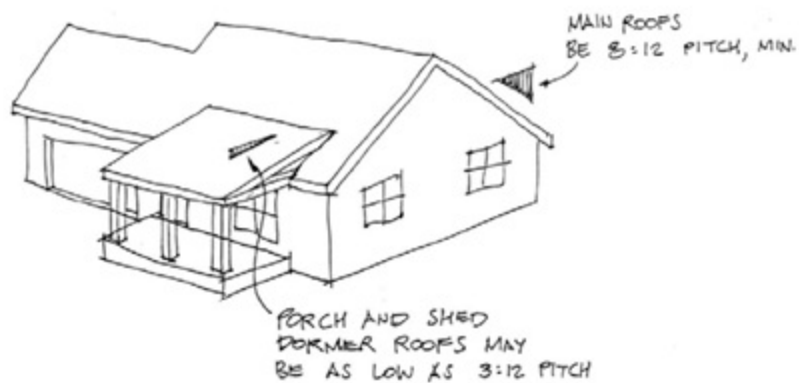
1. **Building Form Variation.** Exterior wall surface(s) that face a street, trail, or side yard greater than twelve (12) feet to property line, or an adjacent building, shall have architectural features that create visual interest. Such approved features include intersecting building forms, porches, chimneys, bay windows, cantilevered structures, roof gables, or other City approved features.
2. **Attached Unit Variation.** Residential units that are attached as a twin home unit to the side or to the rear must have staggered building surfaces of two (2) feet minimum on sides that face a street, trail, or side yard greater than twelve (12) feet to property line or an adjacent building. Attached residential units shall vary from one another in exterior form, but unified by exterior finish materials and color schemes. Abutting residential units may have the same interior floor plan.
3. **Garages.** Side entry or alley-loaded garages that open to the side or rear of residential units are preferred for interior units. Perimeter units shall have side entry or alley loaded garages unless the planned residential community does not have interior units, in which case side entry or alley loaded garages are not required, but preferred. When either an attached or detached garage faces the same direction as the main entry or a street-facing side of the residential unit that it serves, the garage must be set back five (5) feet from the front most portion of the unit on that particular side (See Figure 1-c).

Figure 1-c



4. **Minimum Roof Pitch.** Main roof structures of all residential units are to be an eight/twelve (8:12) pitch minimum. Minor roof structures such as porch, shed, or dormer roofs may be a three/twelve (3:12) pitch minimum (See Figure 1-d). Flat roof structures may be permitted by City approval when appropriate for the architectural style.

Figure 1-d



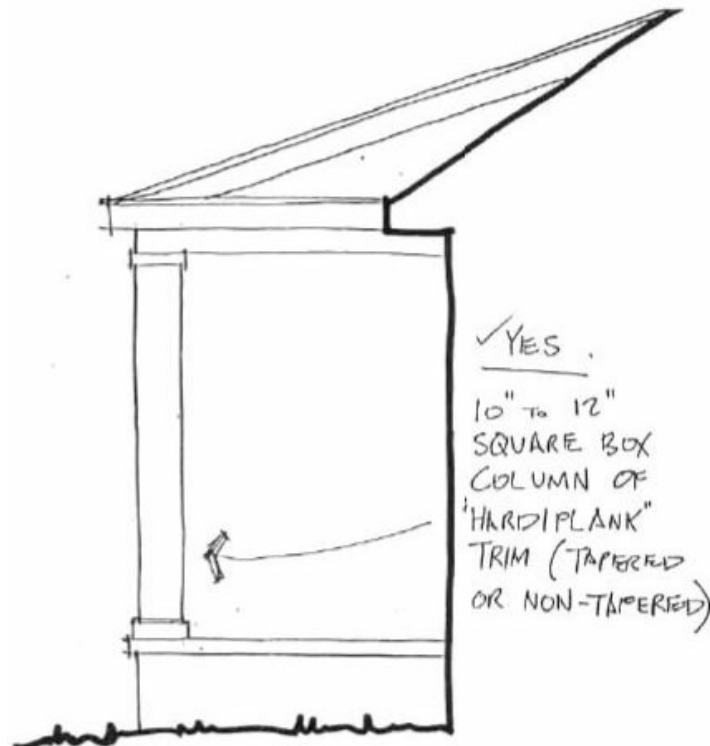
5. **Window Layout and Design.** Windows on all residential units must be vertically proportioned and when appropriate, grouped with adjacent windows of similar sizes (See Figure 1-e).

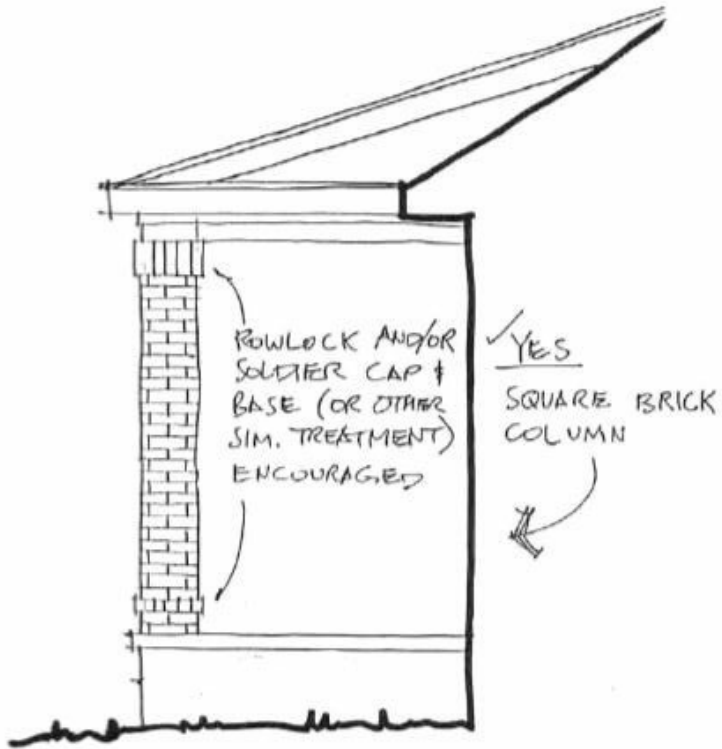
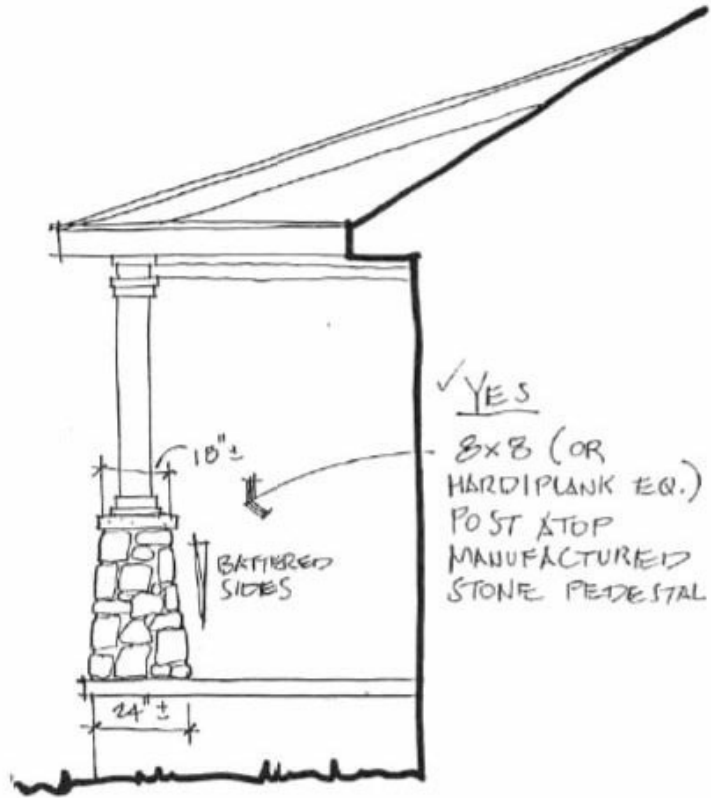
Figure 1-e



6. **Column Proportions.** When columns are used on porches and decks, they must be designed using correct architectural proportions and materials (See Figure 1-f).

Figure 1-f









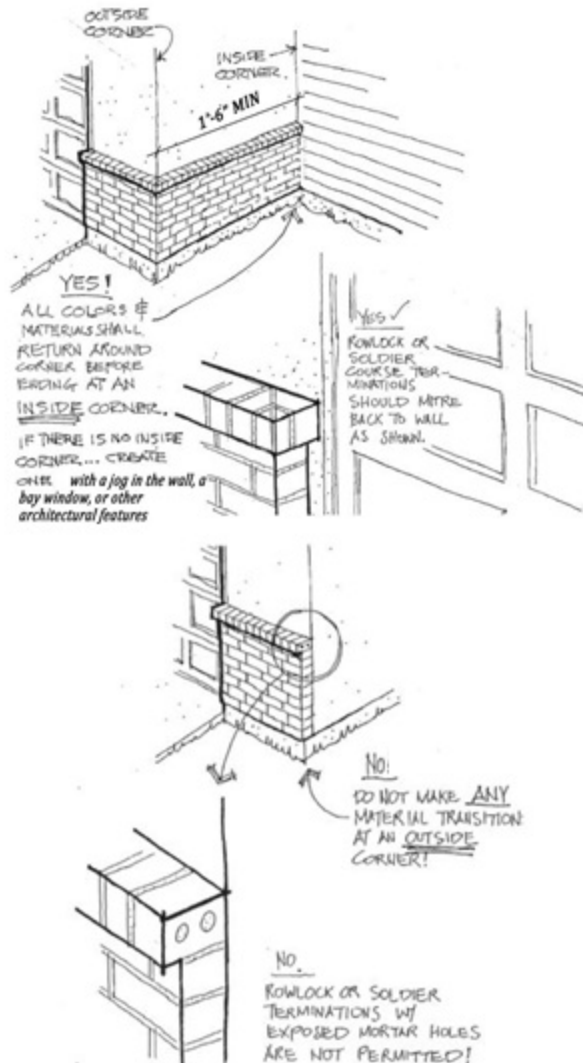
7. **Accessory Or Detached Structures.** Out-buildings, patio structures, pergolas, trellises, sunshades, gazebos, and any other appurtenant buildings or structures shall be constructed of materials consistent with the colors, textures and materials approved for the residential unit and shall be integral to the architecture of the house.

B. Exterior Finishes And Materials.

1. **Exterior Wall Surfaces.** Brick, stone, stucco and fiber reinforced cement-based siding are permitted for the exterior finish of residential units and accessory buildings. Plastic or aluminum products are not allowed as exterior finish materials.
2. **Maximum Stucco Percentage.** Stucco may be used to finish up to seventy (70) percent of the street facing exterior wall surface(s) and ninety (90) percent of the overall exterior wall surfaces. Exterior wall surface area excludes windows, doors, and roof structures.
3. **Minimum Masonry/Stone Percentage.** Twenty (20) percent of all street-facing exterior wall surface(s) shall be covered in masonry or stone. Side wrapping masonry may be counted to fulfill the minimum percentage. Exterior wall surface area excludes windows, doors, and roof structures.

4. **Wrapped Finish Materials.** All exterior finish materials (siding, stucco, masonry, stone, etc.) must terminate at an inside corner. Finishes are not allowed to terminate or transition at outside corners or in the middle of flat exterior surfaces. Masonry must wrap around outside corners that are a minimum of one (1) foot and six (6) inches from the adjacent inside corner where it terminates (See Figure 2-d).

Figure 2-d

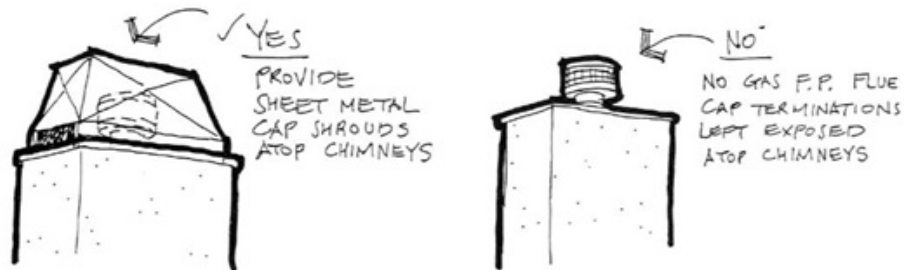


5. **Roofing Materials.** Roof, soffit, and fascia material shall be restricted to wood shingles or shakes, slate, tile, architectural grade asphalt, fiberglass or other materials reviewed and approved by the City.
6. **Exterior Lighting.** All exterior lighting shall be controlled by photocell technology. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration; however, lighting that is too bright or intense

creates glare, hinders night vision, and creates light pollution is prohibited. Therefore, all lighting shall be shielded to prevent up-lighting and light escape.

7. **Rain Gutters And Downspouts.** Gutters and downspouts shall be designed and placed to be as inconspicuous as possible. Downspouts shall connect with an underground drain or short runs of underground piping to move the water away from the foundation; they shall not dump or exhaust on top of driveways or walks.
8. **Chimney, Chimney Caps, And Vents.** Chimneys of approved exterior materials may not exceed the height allowed by the City. Other than the direct vent through-the-wall type, exposed metal flues are not acceptable; all chimneys shall be enclosed in a material identical to, or compatible with, the building wall surfaces and covered with a hood to hide the flue system (See Figure 2-h). All front or side external vent stacks shall be colored or painted to harmonize with and/or match the adjacent roof or wall material and the house design shall be planned to exit the roof to the rear of the main ridge line where possible, or in a location with the least visibility from the street.

Figure 2-h



9. **Satellite Dishes And Antenna.** Roof or wall mounted equipment must be placed in the least conspicuous manner. Satellite dishes and mechanical equipment must be planned as part of the roof/eaves design in order to be concealed from most pedestrian viewpoints.
10. **Gas And Electric Meters.** Meter locations are to be designed into the architecture of the dwelling and screened from view. Place the meter in the least conspicuous location allowed by the utility company.
11. Each home shall have a strong entry such as a porch, recessed portico, courtyard or other notable front access.

C. Site Design And Landscaping.

1. **Orientation.** Each unit fronting a public street shall be oriented to face the

street. Interior homes shall be oriented toward common areas, streets, or paths in a way that creates harmony among the units. Any side of a dwelling that abuts a public street, a pedestrian trail, or a common space greater than twelve (12) feet in depth shall have architectural features and windows that engage with the space and effectively give “eyes on the street”.

2. **Deck Or Patio.** Each unit shall have an outdoor patio or deck space of at least one hundred (100) square feet in size.
3. **Tree Requirement.** One (1) street tree is to be planted for every forty (40) feet of public street frontage for the entire project. In addition to public street trees, at least one (1) additional tree for each residential unit in the project is required to be planted in other areas throughout the project. All trees must be 2” caliper, or larger, at the time planted and of a tree type approved by the City. Tree types are to be chosen to not conflict with or encroach on adjacent utility lines or structures.
4. **Shrubbery Requirement.** A minimum of four (4) five-gallon sized shrubs shall be planted in locations that are visible from the street for each residential unit. On corner street-facing lots an additional four (4) five-gallon sized shrubs are required on the additional street-facing side.
5. **Street Lighting Standards.** In areas away from building mounted fixtures, adequate lighting shall be provided along all streets. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration; however, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution is prohibited. Therefore, all lighting shall be shielded to prevent up-lighting and light escape. A standard list of approved lighting fixture choices will be available as approved by the City.
6. **Community Design.** Units shall be designed to allow for engagement with open space and the surrounding units. There shall be pedestrian connections between the surrounding elements such as units, streets, adjacent trails and paths. Pedestrian routes shall be designed to encourage walkability and provide safe and pleasant walking experiences.
7. **Amenities.** The community shall include common features such as community gardens, gazebo, sports courts, pools, community flower gardens or playgrounds.

13.14.090 PO-1 Professional Office Zone

[13.14.090.1 Purpose And Zone Characteristics](#)

[13.14.090.2 Permitted, Conditional And Accessory Uses](#)

[13.14.090.3 Lot Area](#)

[13.14.090.4 Lot Width](#)

[13.14.090.5 Lot Frontage](#)

[13.14.090.6 Setback Requirements](#)

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[13.14.090.12 Project Plan Approval](#)

[13.14.090.13 Other Requirements](#)

[13.14.090.14 Footprint Lots](#)

13.14.090.1 Purpose And Zone Characteristics

The PO-1 Professional Office Zone is established to provide areas within the City for hospitals and other medical services, office buildings and other professional services. The PO-1 Zone is intended to have limited commercial and retail services directly related to the primary use of the zone. Rezoning to the PO-1 Zone should be carefully reviewed to ensure compatibility with existing development and neighborhoods.

13.14.090.2 Permitted, Conditional And Accessory Uses

Specific uses in the PO-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Special Needs Housing is allowed in accordance with PCC 13.42.100. Any use not specifically listed in Appendix A or PCC 13.42, Special Needs Housing is not permitted in the zone.

13.14.090.3 Lot Area

The minimum parcel size allowed in the PO-1 Zone shall be one half (1/2) acre and shall be in single ownership or single control.

13.14.090.4 Lot Width

Each parcel in the PO-1 Zone shall maintain a width no less than one hundred (100) feet in the required front setback area.

13.14.090.5 Lot Frontage

Each parcel in the PO-1 Zone shall abut a public street for a minimum distance of one hundred (100) feet.

13.14.090.6 Setback Requirements

The following minimum setback requirements shall apply in the PO-1 Zone. Each

setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the PO-1 Zone shall have a minimum front setback of twenty-five (25) feet.
- B. **Side Setback.** Each lot or parcel in the PO-1 Zone, unless otherwise noted below, shall have a minimum side setback of ten (10) feet.
 - 1. **Side Setback For Corner Lot.** Each corner lot or parcel in the PO-1 Zone shall have a minimum setback on all areas of road frontage of twenty (20) feet.
 - 2. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
 - 3. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall have a minimum side setback of fifteen (15) feet.
 - 4. Any structure in the PO-1 Zone that exceeds thirty-five (35) feet in height shall maintain a twenty (20) foot side setback.
- C. **Rear Setback.** Each lot or parcel in the PO-1 Zone shall have a minimum rear setback of twenty (20) feet.
 - 1. **Rear Setback For Accessory Building.** An accessory building shall be at least fifteen (15) feet from the rear property line.

13.14.090.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Patios, as defined in PCC 13.04, may be extended into a side or rear setback area but must be at least five (5) feet from the property line.
- E. Decks, as defined in PCC 13.04, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements.

- F. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- G. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements.
- H. In order to provide safe and environmentally controlled passages for patients and employees traveling between buildings on a hospital campus, the City Council may approve enclosed hallways or breezeways that connect two or more buildings. The enclosed hallways or breezeways shall satisfy all adopted building and fire codes.

13.14.090.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in PCC 13.04.

13.14.090.9 Distance Between Buildings

The distance between any building or structure and any other building shall not be less than twenty (20) feet, unless the accessory building is attached to the building or structure.

13.14.090.10 Permissible Lot Coverage

The sum total of all buildings, structures, and impervious material on any parcel in the PO-1 Zone shall not be greater than seventy-five (75) percent of the total area of the parcel. The remaining twenty-five (25) percent shall be landscaped.

13.14.090.11 Parking, Loading And Access

Each project in the PO-1 Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

13.14.090.12 Project Plan Approval

Any request for project plan approval in the PO-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Projects in the PO-1 Zone will be reviewed and approved in accordance with PCC

13.18, Commercial Development, Site Plans, herein.

13.14.090.13 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** Signs are allowed in the PO-1 Zone in accordance with PCC 13.32.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Given the maximum lot coverage is seventy-five (75) percent, at least twenty-five (25) percent of the parcel shall be landscaped. At least fifteen (15) percent of the lot or parcel shall include landscaping in aggregated area, such as perimeter landscaping and common spaces, while fulfillment of the parking lot landscape requirements found in PCC 13.10.080 may be used to account for no more than the remaining ten (10) percent. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
- C. **Trash, Junk, And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
- D. **Design Guidelines.** The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.
- E. No Dust, odor, Smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

13.14.090.14 Footprint Lots

The creation of a lot consisting of the footprint of an existing or proposed building (a footprint lot) may be permitted in Professional Office Zone (PO-1) notwithstanding the minimum lot size requirement of that zone, if the following conditions are met:

- A. The footprint lot is created from a larger parcel that meets all of the zoning requirements of the zone in which it is located (the Original Parcel).
- B. All parking areas and access on the Original Parcel (not a part of a footprint lot)

shall be made available for the common use and enjoyment of the owners of all footprint lots unless they are clearly marked on the plat as limited or reserved for a specific use or owner.

- C. Prior to the approval of any footprint lot(s), the owner of the Original Parcel must demonstrate that there is adequate space on the Original Parcel to meet the maximum potential parking requirements based on all existing buildings and assuming that each footprint lot will be built to the maximum gross building size as shown on the plat.
- D. The use of the shared parking area on the Original Parcel is subject to Covenants, Conditions & Restrictions (CC&Rs) and a note to this effect is included in the plat. A shared parking agreement shall be signed by the owners of the Original Parcel and the footprint lot(s) and recorded in the office of the Utah County Recorder.
- E. All of the footprint lots and the Original Parcel are treated as one parcel for purposes of determining allowable signage and drive accesses.
- F. The entire building shall be constructed within the footprint lot. The height of the building will be determined by the regulations of the zoning ordinance.
- G. The Original Parcel and all of the footprint lots shall all be included together as part of one preliminary and one final plat.
- H. All buildings located on footprint lots shall comply with the setbacks that would ordinarily be required from the boundaries of the Original Parcel. No additional setbacks from the boundaries of the footprint lot shall be required.
- I. Unless otherwise specified herein, all development ordinances and requirements shall apply to development on the footprint lots and common area as if they were not separate lots.
- J. The footprint lot shall be measured from the buildings foundation wall and shall extend out from the foundation to include any permanent building components that extend beyond the buildings foundation such as (but not limited to), roof lines, attached canopies, pop-outs, vestibules, etc.
- K. The footprint owner must meet all landscaping requirements of the zone.
- L. Each structure on a footprint lot shall have separate utility connections and meters. Ownership, maintenance and payment obligations shall be the responsibility of the footprint owner. Proper easements must be established for all private and public utility services. A utility maintenance agreement between the Original Parcel owner and the Footprint owner may be required.
- M. The owner of the Original Parcel may add additional footprint lots to the site only by complying with all of the regulations of the zoning ordinance, this Section and the building and fire codes. The original parking and access plan may be changed by the owner of the Original Parcel as long as their required number of

parking spaces does not decrease, the access plan is safe and the changes are approved by the city council.

13.14.100 CC-1 Central Commercial Zone

[13.14.100.1 Purpose And Zone Characteristics](#)

[13.14.100.2 Permitted, Conditional And Accessory Uses](#)

[13.14.100.3 Lot Area](#)

[13.14.100.4 Lot Width](#)

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[13.14.100.6 Setback And Build-To-Line Requirements](#)

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[13.14.100.11 Parking, Loading And Access](#)

[13.14.100.12 Project Plan Approval](#)

[13.14.100.13 Other Requirements](#)

13.14.100.1 Purpose And Zone Characteristics

The CC-1 Central Commercial Zone is established to preserve and grow the commercial heart of Payson. Effective growth is accomplished by enhancing the pedestrian experience and downtown environment. This is done through pedestrian connectivity, transit-oriented development, establishment of third places—or places for people to visit and socialize, architecture that engages with street life, and the creation of a walkable urban core with uses in close proximity. Any development should be consistent with a downtown feel and be compatible with the historic nature of the area. Uses should contribute to vibrant and continuous street life.

13.14.100.2 Permitted, Conditional And Accessory Uses

The zone allows for a mix of commercial and retail with residential uses. Permitted and conditional uses in the CC-1 Zone are listed in Appendix A – Non-Residential Land Use Categories. The ground floor of each building shall not have residential uses and shall have commercial, retail, or business even when other floors are used for residential uses. A use is not permitted in the zone unless authorized in Payson City Code.

Second story and higher or basement residential units are allowed in commercial buildings as a permitted use. Residential units may be limited by the amount of parking available.

13.14.100.3 Lot Area

There is no minimum lot area requirement.

13.14.100.4 Lot Width

There shall be no minimum width requirement, except that any new parcel smaller in width than the average width of the parcels on that block shall be reviewed and approved by the planning commission. If the commission finds that the width is not consistent with the nature of the historic downtown environment, the commission may approve the width if the proposed massing, uses, and design characteristics of all development on the parcel are compatible and consistent with surrounding buildings and uses.

13.14.100.5 Lot Frontage

There shall be no frontage requirement, except that any parcel with less frontage than the average of the parcels on that block shall be reviewed and approved by the planning commission. If the commission finds the frontage is not consistent with the nature of the historic downtown environment, the commission may approve the frontage if the proposed massing, use, and design characteristics of all development on the parcel are compatible and consistent with surrounding buildings and uses.

13.14.100.6 Setback And Build-To-Line Requirements

The following minimum setback requirements and build-to-line requirements shall apply in the CC-1 Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel shall have a minimum front setback of ten (10) feet. The Development Services Director may grant a front setback reduction if it is determined the property is located along a pedestrian corridor and a reduced setback enhances the pedestrian experience.
- B. **Side Setback.** There is no side setback, provided that each building satisfies the building and fire codes in effect at the time of approval, except as follows:
 1. **Side Setback For Structures Constructed Adjacent To Residentially Zoned Areas.** The side setback shall be a minimum of ten (10) feet.
 2. **Side Setback For Corner Lot.** Each corner lot or parcel shall have a minimum setback on all areas of road frontage of ten (10) feet. The Development Services Director may grant a reduction if it is determined the property is located along a pedestrian corridor and a reduced setback enhances the pedestrian experience.
 3. **Side Setback For Driveway.** Each side setback, when used for vehicular access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet unless a setback reduction is granted by the Development Services Director in accordance with paragraph B as stated above. The access shall be hard surfaced as described in the Payson City Development Guidelines, and placed as far from the intersection as possible.

4. **Side Setback For Accessory Building.** The minimum side setback for an accessory building shall be ten (10) feet, unless it can be determined that all necessary public utility easements, landscaping, and line of sight can be accommodated, in which case the setback may be reduced to zero. In the granting a reduction on a corner side setback, the Development Services Director must also determine the structure is located along a pedestrian corridor and a reduced setback enhances the pedestrian experience and any enhancement outweighs any public harm.
- C. **Rear Setback.** Each lot or parcel shall have a minimum rear setback of twenty (20) feet unless it can be clearly demonstrated to the Development Services Director that a structure could be placed nearer to the property line without causing a negative impact on adjacent property owners.
 1. **Rear Setback For Accessory Building.** The rear setback for an accessory building shall be no less than five (5) feet of the rear property line, unless it can satisfy the requirements in paragraph B,4, in which case the same provisions as found in paragraph B,4 apply.
- D. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, for circulation purposes, or decrease impacts on existing development. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.

13.14.100.7 Projections Into Setbacks

After completion of a survey to accurately determine the property line, the following structures may project into a required setback:

- A. Fences and walls
- B. Landscaping and irrigation systems
- C. Necessary appurtenances for utility service
- D. Patios and decks
- E. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- F. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is

enclosed, the structure shall satisfy all setback requirements.

Aesthetic improvements similar to those listed above may be allowed to encroach into the front setback area or public right-of-way at the discretion of the Development Services Director, and after written approval based on, but not necessarily limited to, the following conditions:

- A. No permanent structure may be erected in the public right-of-way.
- B. The aesthetic improvement may not impede pedestrian or vehicular safety.
- C. The property owner is willing to accept all liability in relation to the aesthetic improvement.
- D. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

The Development Services Director is under no obligation to approve the request upon review of the proposed aesthetic improvement and no precedent is set by any approval or denial of such a request.

13.14.100.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in PCC 13.04. Buildings located on 100 North to 100 South along Main Street and 100 West to 100 East along Utah Avenue shall not exceed two stories in height above grade.

13.14.100.9 Distance Between Buildings

The distance between any building or structure shall satisfy the requirements of the building and fire codes in place at the time of approval and Certificate of Occupancy. This is in no way meant to eliminate the use of zero lot line development.

13.14.100.10 Permissible Lot Coverage

The sum total of all buildings, structures, and impervious material on any parcel shall not be greater than eighty (80) percent of the total area of the parcel. However, the Development Services Director can increase permissible lot coverage to ninety-five percent (95%) if the City determines the development enhances the downtown environment and the amount of and type of landscaping is appropriate for the site. All unimproved areas shall be landscaped. Plants shall be limited to those that will not damage sidewalks, buildings, and infrastructure.

13.14.100.11 Parking, Loading And Access

Each project shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

13.14.100.12 Project Plan Approval

Projects in the CC-1 Zone will be reviewed and approved in accordance with PCC 13.18, Commercial and Industrial Development herein. Any request for project plan approval is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

If the project requires city council approval, the city council may replace the planning commission as the legislative authority for any requirement of this zone.

13.14.100.13 Other Requirements

- A. **Signs.** Signs are allowed in accordance with PCC 13.32. Signs in specific areas of the CC-1 Zone may be subject to additional review as determined by the City Council.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
- C. **Trash, Junk, And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building.
- D. **Design Guidelines.** The planning commission may require specific design guidelines be employed in the project. Design is a vital component of downtown development. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the planning commission. The design guidelines apply to all structures in a development including accessory structures.

All buildings shall be oriented toward and facing public streets. This includes doors and large windows oriented toward public streets. Buildings on corner lots shall face both streets. Unless proven impractical, parking shall be located behind, or under, buildings, and buildings shall be located close to public streets, plazas, or other gathering areas. Building design shall enhance the pedestrian

experience. Upper floors shall engage with street life through balconies, windows, and architectural features that provide a pleasant pedestrian environment.

- E. **Land Use Transition Areas.** The planning commission may impose additional architectural and landscaping requirements on parcels adjacent to a land use transition.
- F. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

13.14.110 CAP Commercial, Arts And Preservation

[13.14.110.1 Purpose And Zone Characteristics](#)

[13.14.110.2 Permitted, Conditional And Accessory Uses](#)

[13.14.110.3 Lot Area, Width And Frontage](#)

[13.14.110.4 Setback And Build-To-Line Requirements](#)

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[13.14.110.10 Other Requirements](#)

[13.14.110.11 Parcels Constricted By Land Constraints](#)

[13.14.110.12 Building Renovation, Demolition And Reconstruction](#)

[13.14.110.13 Relationship With Main Street And Other Historic Preservation Programs](#)

13.14.110.1 Purpose And Zone Characteristics

The CAP Commercial, Arts and Preservation Zone is established to create an environment where historic preservation, building restoration, and viable commercial activities can co-exist in a positive manner. In order to accomplish the development goals supported by the City Council for this district, it is recognized that building renovations will need to occur so that the structures can accommodate the latest technological advances. Furthermore, public and private infrastructure will need to be updated to provide efficient and effective municipal services. All of this work must be completed while maintaining a business friendly atmosphere. Obviously, public/private cooperation is critical and all funding opportunities must be explored.

13.14.110.2 Permitted, Conditional And Accessory Uses

Specific uses in the CAP Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone.

13.14.110.3 Lot Area, Width And Frontage

There is no minimum lot area, width or frontage requirements in the CAP Zone, except that all other regulations of this Title can be satisfied (i.e. clear view areas).

13.14.110.4 Setback And Build-To-Line Requirements

The following minimum setback requirements and build-to-line requirements shall apply in the CAP Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** There are no front setback requirements in the CAP Zone. However, all structures shall provide ample space for necessary public utility easements.
- B. **Side Setback.** There is no side setback in the CAP Zone provided that each building satisfies the building and fire codes in effect at the time of approval and issuance of a Certificate of Occupancy, except as follows:
 - 1. **Side Setback For Structures Constructed Adjacent To Residentially Zoned Areas.** The side setback for structures constructed adjacent to residentially zoned areas shall be a minimum of ten (10) feet.
 - 2. **Side Setback For Corner Lot.** Each corner lot or parcel in the CAP Zone shall have a minimum setback on all areas of road frontage of ten (10) feet.
 - 3. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
- C. **Rear Setback.** Each lot or parcel in the CAP Zone shall have a minimum rear setback of ten (10) feet unless it can be clearly demonstrated to the City Council that a structure could be placed nearer the property line without causing a negative impact on adjacent property owners.
- D. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.

13.14.110.5 Projections Into Setbacks

The following structures may be erected on or projected into any required setback:

- A. Fences, railings and walls in conformance with all applicable City ordinances and resolutions.

- B. Landscaping features.
- C. Necessary appurtenances for utility service.
- D. Awnings, cornices, eaves, planter boxes, sills, or other similar architectural features that do not impede pedestrian or vehicular circulation.

Following review of any proposed project that contains an existing structure, aesthetic improvements may be allowed to encroach into the public right-of-way at the discretion of the Development Services Director, and after written approval based on, but not necessarily limited to, the following conditions:

- A. No permanent structure may be erected in the public right-of-way.
- B. The aesthetic improvement may not impede pedestrian or vehicular safety.
- C. The property owner is willing to accept all liability in relation to the aesthetic improvement.
- D. The aesthetic improvement does not have the effect of enlarging the enclosed area of the building.
- E. The request shall be reviewed by all appropriate staff members and the alteration shall satisfy all conditions of staff.
- F. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

The Development Services Director is under no obligation to approve the request upon review of the proposed aesthetic improvement and no precedent is set by any approval or denial of such a request.

13.14.110.6 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in PCC 13.04.

13.14.110.7 Distance Between Buildings

The distance between any building or structure shall satisfy the requirements of the building and fire codes in place at the time of a request for development approval. This is in no way meant to eliminate the use of zero lot line development.

13.14.110.8 Parking, Loading And Access

Each project in the CAP Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development

Guidelines.

Whenever practical, loading and unloading areas shall be located in an area that can be secured from public access and shall not occur on a public street.

13.14.110.9 Project Plan Approval

Any request for project plan approval in the CAP Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Projects in the CAP Zone will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein.

13.14.110.10 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. Signs are allowed in the CAP Zone in accordance with PCC 13.32. Signs in the CAP Zone may be subject to additional review, such as review by the Utah State Historic Architect as determined by the City Council.
- B. Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
- C. No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored anywhere in the CAP Zone.
- D. Each project in the CAP Zone is subject to the design criteria adopted by the City Council. The design guidelines include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.
- E. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

13.14.110.11 Parcels Constricted By Land Constraints

In order to effectively utilize existing infrastructure and promote commercial use on existing parcels within the CAP Zone, any project that cannot comply with the requirements on this Section concerning parking, access, landscaping or other constraints based on lot size, location, or configuration will be reviewed on a case-by-case basis. If the applicant can show that the project will be consistent and compatible

with surrounding uses and will not negatively impact the purposes and objectives of the CAP Zone or adjacent property owners, the Fire Chief and Development Services Director will review and may approve the project. There shall be a two (2) week review period to receive input from the Planning Commission and City Council prior to a determination being made by the Fire Chief and Development Services Director. The Fire Chief and Development Services Director are under no obligation to approve the request to modify the regulations herein and no precedent is set by any approval or denial of such a request.

This Section is not intended to relieve the applicant from complying with any and all other requirements of this ordinance or any law, code, ordinance or resolution of Payson City.

13.14.110.12 Building Renovation, Demolition And Reconstruction

Due to age, lack of appropriate maintenance, access requirements, or to encourage a safe environment, it may become necessary to significantly renovate or possibly even demolish and reconstruct buildings in the CAP Zone. However, these practices shall be conducted in a manner that reflects the unique historic elements of the district. Each structure shall satisfy the design guidelines established for the district, with special attention given to the following:

- A. The architectural features shall be incorporated on all sides of the structure.
- B. All utility appurtenances shall be hidden, screened, or at the very least painted to blend into the design of the building.
- C. Each structure shall satisfy all regulations of the adopted building (conservation) and fire codes, even if improvements to adjacent structures are required.
- D. Whenever the primary use of a structure changes from a use that is no longer permitted or from a non-conforming use, the structure shall be modified to satisfy the design guidelines of the zoning district.

13.14.110.13 Relationship With Main Street And Other Historic Preservation Programs

The City Council may authorize the assistance of other entities to aid in the preservation, renovation, and improvement of the CAP Zone. The regulations of this Title are intended to complement the efforts of these entities. Some, but not necessarily all of these groups include:

- A. The Main Street Program
- B. The Utah Pioneer Communities Program
- C. The Certified Local Government Program

During the review process for any project in the CAP Zone, the regulations and requirements of these programs shall be considered and implemented into project approval. Some of these regulations may include project signage, color usage, lighting features, road regulatory signs, and other specific project details beyond basic building design.

13.14.120 GC-1 General Commercial Zone

[13.14.120.1 Purpose And Zone Characteristics](#)

[13.14.120.2 Permitted, Conditional And Accessory Uses](#)

[13.14.120.3 Lot Area](#)

[13.14.120.4 Lot Width](#)

[13.14.120.5 Lot Frontage](#)

[13.14.120.6 Setback And Build-To-Line Requirements](#)

[13.14.120.7 Projections Into Setbacks](#)

[13.14.120.8 Building Height Requirements](#)

[13.14.120.9 Distance Between Buildings](#)

[13.14.120.10 Permissible Lot Coverage](#)

[13.14.120.11 Parking, Loading And Access](#)

[13.14.120.12 Project Plan Approval](#)

[13.14.120.13 Other Requirements](#)

13.14.120.1 Purpose And Zone Characteristics

The GC-1 General Commercial Zone is established to provide areas within the City where general retail and service uses can be established. The GC-1 General Commercial Zone is located along the major transportation and circulation routes of the City. The zone allows for a variety of commercial and retail uses. Rezoning to the GC-1 Zone should be carefully reviewed to ensure protection of the existing zone and business district.

13.14.120.2 Permitted, Conditional And Accessory Uses

Specific uses in the GC-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone.

A commercial presence must be provided along the public right-of-ways. When it can be demonstrated that a commercial business will benefit from the partial use of the building for non-commercial activities (i.e. light manufacturing, distribution, assembly), no more than seventy-five (75) percent of the overall building space may be used for non-commercial uses.

13.14.120.3 Lot Area

There is no minimum lot area requirement in the GC-1 Zone.

13.14.120.4 Lot Width

There shall be no minimum width requirement in the GC-1 Zone, except that any parcel smaller in width than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.120.5 Lot Frontage

There shall be no frontage requirement in the GC-1 Zone, except that any parcel with less frontage than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.120.6 Setback And Build-To-Line Requirements

The following minimum setback and build-to-line requirements shall apply in the GC-1 Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the GC-1 Zone shall have a minimum front setback of ten (10) feet.
- B. **Side Setback.** There is no side setback in the GC-1 Zone provided that each building satisfies the building and fire codes in effect at the time of approval and issuance of a Certificate of Occupancy, except as follows:
 - 1. **Side Setback For Structures Constructed Adjacent To Residentially Zoned Areas.** The side setback for structures constructed adjacent to residentially zoned areas shall be a minimum of ten (10) feet.
 - 2. **Side Setback For Corner Lot.** Each corner lot or parcel in the GC-1 Zone shall have a minimum setback on all areas of road frontage of ten (10) feet.
 - 3. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
 - 4. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall have a minimum side setback of fifteen (15) feet.
- C. **Rear Setback.** Each lot or parcel in the GC-1 Zone shall have a minimum rear setback of twenty (20) feet unless it can be clearly demonstrated to the City

Council that a structure could be placed nearer the property line without causing a negative impact on adjacent property owners.

1. **Rear Setback For Accessory Building.** The rear setback for an accessory building shall be no less than fifteen (15) feet of the rear property line.

- D. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.

13.14.120.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Patios, as defined in PCC 13.04, may be extended into a side or rear setback area but must be at least five (5) feet from the property line.
- E. Decks, as defined in PCC 13.04, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements.
- F. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- G. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements.

Following review of any proposed project that contains an existing structure, aesthetic improvements similar to those listed in paragraph A and B below immediately listed above may be allowed to encroach into the front setback area or public right-of-way at the discretion of the Development Services Director, upon review by appropriate staff members, and after written approval based on, but not necessarily limited to, the following conditions:

- A. No permanent structure may be erected in the public right-of-way.
- B. The aesthetic improvement may not impede pedestrian or vehicular safety.
- C. The property owner is willing to accept all liability in relation to the aesthetic improvement.
- D. The aesthetic improvement does not have the effect of enlarging the enclosed area of the building.
- E. The request shall be reviewed by all appropriate staff members and the alteration shall satisfy all conditions of staff.
- F. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

The Development Services Director is under no obligation to approve the request upon review of the proposed aesthetic improvement and no precedent is set by any approval or denial of such a request.

13.14.120.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in PCC 13.04.

13.14.120.9 Distance Between Buildings

The distance between any building or structure shall satisfy the requirements of the building and fire codes in place at the time of approval and Certificate of Occupancy. This is in no way meant to eliminate the use of zero lot line development.

13.14.120.10 Permissible Lot Coverage

The sum total of all buildings, structures, and impervious material on any parcel in the GC-1 Zone shall not be greater than eighty (80) percent of the total area of the parcel.

13.14.120.11 Parking, Loading And Access

Each project in the GC-1 Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

13.14.120.12 Project Plan Approval

Any request for project plan approval in the GC-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Projects in the GC-1 Zone will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein.

13.14.120.13 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** Signs are allowed in the GC-1 Zone in accordance with PCC 13.32.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Given that maximum lot coverage is eighty (80) percent, at least twenty (20) percent of the lot or parcel shall be landscaped. At least fifteen (15) percent of the lot shall include landscaping in aggregated area, such as perimeter landscaping and common spaces, while fulfillment of the parking lot landscape requirements found in PCC 13.10.080 may be used to account for no more than the remaining five (5) percent. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
- C. **Trash, Junk, And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
- D. **Design Guidelines.** The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.
- E. Buildings larger than forty thousand (40,000) square feet - Any building larger than forty thousand (40,000) square feet in the GC-1 zone shall be designed to have main entrances on at least two sides of the building, preferably front and back. This requirement is intended to produce a more attractive building on all sides, not just the front, and to improve traffic flow.
- F. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

13.14.130 S-1 Special Highway Service Zone

[13.14.130.1 Purpose And Zone Characteristics](#)

[13.14.130.2 Permitted, Conditional And Accessory Uses](#)

[13.14.130.3 Lot Area](#)

[13.14.130.4 Lot Width](#)

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[13.14.130.6 Setback And Build-To-Line Requirements](#)

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[13.14.130.8 Building Height Requirements](#)

[13.14.130.9 Distance Between Buildings](#)

[13.14.130.10 Permissible Lot Coverage](#)

[13.14.130.11 Parking, Loading And Access](#)

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[13.14.130.13 Massing Of Buildings](#)

[13.14.130.14 Transition Into Residential Areas](#)

[13.14.130.15 Design Guidelines And Motif](#)

[13.14.130.16 Landscaping Of Freeway Frontage](#)

[13.14.130.17 Footprint Lots](#)

[13.14.130.18 Other Requirements](#)

13.14.130.1 Purpose And Zone Characteristics

The S-1 Special Highway Service Zone is established to provide high intensity commercial areas that generate significant commercial tax base revenue for the community. The S-1 Zone is typically located near freeway intersections and along the major transportation and circulation routes of the City. The zone allows for a variety of large-scale commercial, service and retail uses. Rezoning to the S-1 Zone should be carefully reviewed to ensure protection of the existing zone and business district and maximize the generation of sales tax revenues.

The intention of the S-1 Zone of Payson City is to attract large-scale commercial uses with structures greater than thirty thousand (30,000) square feet in size. Smaller commercial uses must be approved by the staff or City Council after finding that the proposed use will not have a detrimental impact on the ability of large scale commercial users to provide services in the general vicinity.

It is imperative to have good traffic circulation, appropriate and attractive landscaping, and buildings that relate to one another in scale and design.

13.14.130.2 Permitted, Conditional And Accessory Uses

Specific uses in the S-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone.

13.14.130.3 Lot Area

The minimum project area requirement in the S-1 Zone is one (1) acre, except for parcels created prior to the adoption of this ordinance.

13.14.130.4 Lot Width

The minimum width requirement in the S-1 Zone shall be one hundred (100) feet for all of the area located in the required front setback area, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.130.5 Lot Frontage

All parcels in the S-1 Zone shall abut a public street for at least one hundred (100) feet, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.130.6 Setback And Build-To-Line Requirements

The following minimum setback and build-to-line requirements shall apply in the S-1 Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the S-1 Zone shall have a minimum front setback of twenty (20) feet.
- B. **Side Setback.** There is no side setback in the S-1 Zone provided that each building satisfies the building and fire codes in effect at the time of approval and issuance of a Certificate of Occupancy, except as follows:
 - 1. **Side Setback For Structures Constructed Adjacent To Residentially Zoned Areas.** The side setback for structures constructed adjacent to residentially zoned areas shall be a minimum of ten (10) feet.
 - 2. **Side Setback For Corner Lot.** Each corner lot or parcel in the S-1 Zone shall have a minimum setback on all areas of road frontage of twenty (20) feet.
 - 3. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of twenty-four (24) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
 - 4. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall have a minimum side setback of fifteen

(15) feet.

- C. **Rear Setback.** Each lot or parcel in the S-1 Zone shall have a minimum rear setback of ten (10) feet, unless it can be clearly demonstrated to the City Council that a structure could be placed nearer the property line without causing a negative impact on adjacent property owners.
 - 1. **Rear Setback For Accessory Building.** The rear setback for an accessory building shall be no less than fifteen (15) feet of the rear property line.
- D. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.

13.14.130.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Patios, as defined in PCC 13.04, may be extended into a side or rear setback area but must be at least five (5) feet from the property line.
- E. Decks, as defined in PCC 13.04, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements.
- F. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- G. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements.

13.14.130.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes.

13.14.130.9 Distance Between Buildings

The distance between any building or structure shall satisfy the requirements of the building code in place at the time of approval and Certificate of Occupancy. This is in no way meant to eliminate the use of zero lot line development.

13.14.130.10 Permissible Lot Coverage

The sum total of all buildings, structures and impervious material on any lot or parcel in the S-1 Zone shall not be less than sixty (60) percent nor more than seventy-five (75) percent of the total area of the lot or parcel.

13.14.130.11 Parking, Loading And Access

Each project in the S-1 Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

13.14.130.12 Project Plan Approval

Any request for project plan approval in the S-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Projects in the S-1 Zone will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein.

13.14.130.13 Massing Of Buildings

Buildings larger than thirty thousand (30,000) square feet are permitted uses in the S-1 Zone. No building with less than thirty thousand (30,000) square feet shall be constructed in the S-1 Zone unless approved by the staff or City Council in accordance with PCC 13.18, except structures allowed in the transition into residential areas in accordance with PCC 13.14.150.14. Any building with less than thirty thousand (30,000) square feet may be denied on the basis that it is not consistent with the development goals of Payson City.

13.14.130.14 Transition Into Residential Areas

To encourage a transition from the S-1 Zone to residential neighborhoods, any portion of

a development within one hundred (100) feet of a residential zone is designated as a “transition area” and subject to the restrictions herein.

Permitted and conditional uses in the transition area shall be the same as those in the S-1 Zone with the exception that any use categorized under amusement park or public assemblies and any restaurant with a drive through shall be a conditional use.

The following are required in transition areas in addition to all other requirements:

- A. The maximum height shall equal the maximum height in the adjacent residential zone. Where a slope exists between buildings in the transition zone and the adjacent residential zone, the Planning Commission may elect to calculate maximum building height by measuring from the base elevation of the nearest residential building in the adjacent residential zone.
- B. A landscaped buffer of at least ten (10) feet wide, which at a minimum shall include trees and ground cover.
- C. A barrier wall, consisting of either a hedgerow at least five (5) feet high at maturity or a six (6) foot tall masonry wall, whenever a driveway behind the front setback line or a parking lot of four (4) or more spaces exists within thirty (30) feet from the property line.
- D. Shielding all building and parking lot lighting away from residential areas.
- E. No loading dock, delivery pickup area, or drive through windows within fifty (50) feet and no trash container within twenty-five (25) feet from the property line that adjoins the residential zone. Any drive through speaker or other noise emitting device shall be at least sixty-five (65) feet from any residential zone.
- F. Screening of all mechanical equipment (i.e. air conditions, fans, pumps, etc.) within twenty-five (25) feet of the property line by a visual/noise barrier that completely surrounds the equipment and extends at least one (1) foot above the equipment.
- G. A minimum setback of twenty-five (25) feet from any property zoned residential.

13.14.130.15 Design Guidelines And Motif

The Payson City Council encourages the use of a turn-of-the-century design motif for all structures in the S-1 Zone. The Payson City staff shall have on file a design guideline booklet that has been reviewed and approved by the City Council. The booklet shall provide graphic illustrations of the architecture, colors, materials, and general design of the desired buildings in the S-1 Zone. Failure to satisfy the standards of the design guidelines may result in the denial of any proposed project.

13.14.130.16 Landscaping Of Freeway Frontage

Parcels located adjacent to Interstate 15 shall work with the Utah Department of Transportation to provide attractive and appropriate landscaping of the frontage area. The applicant shall provide a complete landscaping plan approved by the Utah Department of Transportation prior to project approval. The Utah Department of Transportation approval shall include information about perpetual maintenance of the landscaping. The landscaping shall be installed prior to issuance of a Certificate of Occupancy and a Payson City business license.

13.14.130.17 Footprint Lots

The creation of a lot consisting of the footprint of an existing or proposed building (a footprint lot) may be permitted in the S-1, Special Highway Service Zone notwithstanding the minimum lot size requirement of that zone, if the following conditions are met:

- A. The footprint lot is created from a larger parcel that meets the zoning requirements of the zone in which it is located (the Original Parcel).
- B. All parking areas and access on the Original Parcel (not a part of a Footprint Lot) shall be made available for the common use and enjoyment of the owners of all Footprint Lots unless they are clearly marked on the plat as limited or reserved for a specific use or owner.
- C. Prior to the approval of any Footprint Lot(s), the owner of the Original Parcel must demonstrate that there is adequate space on the Original Parcel to meet the maximum potential parking requirements based on all existing buildings and assuming that each Footprint Lot will be built to the maximum gross building size as shown on the plat.
- D. The use of the shared parking area on the Original Parcel is subject to Covenants, Conditions & Restrictions (CC&Rs) and a note to this effect is included in the plat. A shared parking agreement shall be signed by the owners of the Original Parcel and the Footprint Lot(s) and recorded in the office of the Utah County Recorder.
- E. All of the Footprint Lots and the Original Parcel are treated as one parcel for purposes of determining allowable signage and drive accesses.
- F. The entire building shall be constructed within the Footprint Lot. The height of the building will be determined by the regulations of the zoning ordinance.
- G. The Original Parcel and all of the Footprint Lots shall all be included together as part of one preliminary and one final plat.
- H. All buildings located on Footprint Lots shall comply with the setbacks that would ordinarily be required from the boundaries of the Original Parcel. No additional setbacks from the boundaries of the Footprint Lot shall be required.
- I. Unless otherwise specified herein, all land use ordinances and requirements

shall apply to development on the Footprint Lots and common area as if they were separate lots.

- J. The Footprint Lot shall be measured from the buildings foundation wall and shall extend out from the foundation to include any permanent building components that extend beyond the buildings foundation such as (but not limited to), roof lines, attached canopies, pop-outs, vestibules, etc.
- K. The Footprint Lot owner must meet all landscaping requirements of the zone.
- L. Each structure on a Footprint Lot shall have separate utility connections and meters. Ownership, maintenance and payment obligations shall be the responsibility of the Footprint Lot owner. Proper easements must be established for all private and public utility services. A utility maintenance agreement between the Original Parcel owner and the Footprint Lot owner may be required.
- M. The owner of the Original Parcel may add additional Footprint Lots to the site only by complying with all of the regulations of the zoning ordinance, this Section, and the building and fire codes. The original parking and access plan may be changed by the owner of the Original Parcel as long as their required number of parking spaces does not decrease, the access plan meets all safety regulations, and the changes are approved by the city council.

13.14.130.18 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** Signs are allowed in the S-1 Zone in accordance with PCC 13.32. The City Council may impose stricter sign regulations as part of any development in the S-1 Zone. Furthermore, the signs shall satisfy the design guidelines for the S-1 Zone.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping plan shall be prepared using trees, shrubs, turf, and ground cover appropriate for the climatic zone of the Payson area. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.

Given that maximum lot coverage is seventy-five (75) percent, at least twenty-five (25) percent of the lot or parcel shall be landscaped. At least fifteen (15) percent of the lot or parcel shall include landscaping in aggregated area, such as perimeter landscaping and common spaces, while fulfillment of the parking lot landscape requirements found in PCC 13.10.080 may be used to account for no

more than the remaining ten (10) percent. The landscaping space shall be enclosed by a protective curb and shall be properly maintained.

- C. **Trash, Junk, And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
- D. **Design Guidelines.** In addition to the design guideline booklet for the S-1 Zone, the City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.
- E. Buildings larger than forty thousand (40,000) square feet - Any building larger than forty thousand (40,000) square feet in the S-1 Zone shall be designed to have main entrances on at least two sides of the building, preferably front and back. This requirement is intended to produce a more attractive building on all sides, not just the front, and to improve traffic flow.
- F. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

13.14.140 BPD - Business Park Development Zone

[13.14.140.1 Purpose And Zone Characteristics](#)

[13.14.140.2 Permitted, Conditional, Accessory, And Prohibited Uses](#)

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[13.14.140.16 Other Requirements](#)

13.14.140.1 Purpose And Zone Characteristics

The BPD Business Park Development Zone is established to promote business and employment opportunities to strengthen the economic vitality of the community. The

zoning district is intended to provide an aesthetically attractive environment for, and conducive to, the location of offices, light industrial activities, research and development businesses, and related uses in a well-planned architecturally controlled setting. Development will consist of attractively designed buildings and landscaping to create a park-like setting, and land uses that promote the public health, safety, and general welfare of the community. Business activities that create considerable air, ground or water pollution, noise, vibrations or other undesirable impacts are expressly prohibited.

13.14.140.2 Permitted, Conditional, Accessory, And Prohibited Uses

The permitted, conditional, and accessory uses in the BPD Zone may be subject to any stricter requirements included in a development agreement approved by the City Council for an industrial development.

Permitted Uses. The following land use types are permitted uses in the BPD Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

- A. Light manufacturing, limited to processing, testing, assembling, packaging, and manufacturing of products from previously prepared materials
- B. Wholesale distribution of goods, products, cargo, and materials
- C. Food processing, canning, and packaging
- D. Professional, business, and administrative offices
- E. Research offices and laboratories
- F. Catalog sales and call centers
- G. Computer software and hardware development
- H. Communications offices and facilities such as recording and sound studios, motion picture companies, and broadcasting studios
- I. Automotive, power-sports, and recreational vehicle sales
- J. Industrial products sales including sale of machinery, equipment, special trade tools, welding supplies, machine parts, store fixtures, and electrical supplies inside of an enclosed building
- K. Indoor recreational facilities for such sports as gymnastics, martial arts, soccer, basketball, and skating. These facilities may be used for instruction, practice, and competitions. Health and fitness clubs are specifically excluded.
- L. Public and private parks and trails
- M. Public or private utility rights-of-way

Conditional Uses. The following land use types are allowed as conditional uses in the BPD Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

- A. Restaurants, food courts, and cafes when planned as part of a project to provide service to workers
- B. Indoor equipment storage and rental businesses accessory to a permitted use located on the premises
- C. Dining, child care centers, and recreational facilities, as well as professional services such as copying centers, shipping offices, and computer services
- D. Public transit stations
- E. Public or private utility maintenance facilities

Accessory Uses. The following land use types are allowed as accessory uses in the BPD Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use on the premises. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Accessory facilities to package, store and distribute products made on-site
- B. Indoor storage and maintenance facilities for machinery and equipment
- C. Pavilions, break rooms, fitness facilities and other gathering areas intended for use by employees
- D. The growing of crops, flowers, and nursery plants in a manner that allows land to be used in a productive manner prior to development of the land.
Slaughterhouses, feed yards and other intensive agricultural uses are not allowed.

Prohibited Uses. To achieve the goals of the BPD Zone, the following land uses are expressly prohibited on property included in the zoning district.

- A. Any outdoor manufacturing, testing, processing or similar activities
- B. Outdoor storage
- C. Automotive and machinery repair and restoration
- D. Storage units
- E. Salvage and wrecking yards
- F. On-site hazardous substance processing and handling or hazardous waste

treatment and storage facilities

13.14.140.3 Project Plan Approval

A request for project plan approval in the BPD Zone is subject to any and all applicable City resolutions and ordinances including, but not limited to, the Payson City General Plan, Zoning Ordinance, Subdivision Ordinance, and the Development Guidelines. Projects that include permitted uses will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

It is uncommon for parcels in the BPD Zone to be improved in phases. When a development proposal does not include the entire parcel, the City may require a conceptual layout for the entire parcel to address building layout, access, drainage, lot coverage, building orientation, and other development factors that apply to the overall development.

13.14.140.4 Project Area And Parcel Size

The minimum project area for the creation of a new business park is twenty (20) acres. Furthermore, each individual parcel in the BPD Zone shall contain at least two (2) acres. The parcel size requirement is not intended to restrict condominium units within a multi-tenant building or project.

13.14.140.5 Lot Width

The minimum width requirement in the BPD Zone shall be one hundred (100) feet for all of the area located in the required front setback area.

13.14.140.6 Lot Frontage

All parcels in the BPD Zone shall abut a public street for at least one hundred (100) feet.

13.14.140.7 Setback Requirements

The following minimum setback requirements shall apply in the BPD Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel shall have a minimum front setback of thirty (30) feet.
 - 1. Accessory structures shall be farther from the property line than the front of the primary structure and the street facing side of the primary structure on a corner lot.

- B. **Side Setback.** Each lot or parcel shall have a minimum side setback of ten (10)

feet.

1. **Side Setback For Corner Lot.** Each corner lot or parcel shall have a minimum setback on all areas of road frontage of twenty (20) feet.
2. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
3. **Setback In Transition Area.** Each lot or parcel adjacent to a residential zone shall maintain a twenty-five (25) foot setback, unless it can be demonstrated that any existing residential dwelling is a minimum of one hundred (100) feet from the setback line. The setback line may be reduced up to ten (10) feet from the property line provided one hundred (100) feet is maintained between said structures.

C. **Rear Setback.** Each lot or parcel in the BPD Zone shall have a minimum rear setback of ten (10) feet.

1. **Rear Setback For Accessory Building.** An accessory building shall be at least twenty (20) feet from the rear property line.
2. **Setback In Transition Area.** Each lot or parcel adjacent to a residential zone shall maintain a twenty-five (25) foot setback, unless it can be demonstrated that any existing residential dwelling is a minimum of one hundred (100) feet from the setback line. The setback line may be reduced up to ten (10) feet from the property line provided one hundred (100) feet is maintained between said structures.

All setbacks are subject to the regulations of the adopted building and fire codes.

13.14.140.8 Projections Into Setbacks

The following structures and features may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Cornices, eaves, sills, buttresses, awnings, fire escapes, uncovered stairways and landings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.

13.14.140.9 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, unless reviewed and approved by the Building Inspector and Fire Chief in accordance with the adopted building and fire codes. Accessory structures may not exceed twenty-five (25) feet in height nor be taller than the primary building.

13.14.140.10 Distance Between Buildings

The distance between any building or structure and any other building or structure shall be at least twenty (20) feet.

13.14.140.11 Lot Coverage

The sum total of all buildings, structures and parking on any parcel in the BPD Zone shall not exceed sixty (60) percent of the total area of the parcel.

13.14.140.12 Parking, Loading And Access

Each project in the BPD Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

Loading areas shall be located at the rear or side of the building and shall not occur on a public street. Loading areas shall be recessed, screened, or otherwise designed to buffer this use from public view and adjacent properties. Additional screening methods shall be implemented for projects visible from major transportation facilities, including freeways, highways, and transit corridors.

13.14.140.13 Building Placement And Design

The location and design of all buildings shall provide the following:

- A. Architectural features on at least forty (40) percent of the front of the building and include features that accentuate public entrances to the building.
- B. A balance of building proportion and scale, recognizing all structures on the development site and adjacent properties.
- C. Building design shall be clean and simple. Continuous building wall surfaces shall be relieved with variations of wall planes, materials, textures, and colors.
- D. Exterior building materials, including all accessory structures, shall be high quality for suitability, permanence, and durability. Acceptable materials include:
 1. Architecturally treated tilt-up concrete
 2. Split face and scored block

3. Brick and glazed brick
4. Stone, cast stone, marble or similar material
5. Fiber cement
6. Stucco or synthetic stucco
7. Metal wall panels, provided:
 - a. The design and materials used on the front façade shall satisfy the requirements of this Section.
 - b. A non-metal base, consisting of acceptable masonry materials, is established which wraps around the sides and rear of the building. The non-metal base must be at least six (6) feet in height or 1/3 of the surface wall area, whichever is greater.
 - c. Architectural features must be incorporated into all sides of the structure to avoid large blank, flat walls without articulation, windows, and design elements. Acceptable architectural features include windows, dormers, awnings, and repeating architectural patterns consisting of color change, texture change, material change, and wall articulation change.
8. Architectural metal panels
9. Glass

- E. Office buildings should contain multiple stories, where possible.
- F. The primary color of each building will be complementary to surrounding buildings and not create a visually distracting environment.
- G. Buildings along Interstate 15 and other major transportation facilities (i.e. commuter rail) must incorporate architectural features on the exterior walls facing these facilities to avoid the back of the building appearance.
- H. Cooling towers, mechanical equipment, propane tanks, and other unsightly items which could have an adverse effect upon the aesthetics of the building and adjacent properties will be allowed only if adequately enclosed or screened so as to be an integral part of the architectural design of the building.

13.14.140.14 Storage Areas And Fencing

All business activities shall be conducted entirely within a building, except for loading and unloading and vehicle parking. Materials, supplies, equipment, finished or unfinished products, personal items such as boats and recreational vehicles, or similar articles shall not be stored in any area on a site except inside an enclosed building to screen such areas from the view of the public and adjoining properties. Storage of

discarded, second-hand or salvage material outside any building or visual barrier is prohibited.

In order to establish a park-like setting, fences are highly discouraged. When an applicant can demonstrate that a fence is absolutely necessary, the quality and materials used for the fence shall complement the design of the primary structure and amenities on the site. All fences shall be constructed with masonry or wrought iron materials. Use of vinyl, chain-link, or other similar fencing materials is prohibited in the BPD Zone.

13.14.140.15 Landscaping

Appropriate landscaping shall be implemented to create and maintain a park-like setting. In addition to the landscaping requirements of PCC 13.18, the following standards must be incorporated into the landscape design of the site.

- A. A bermed landscaped area in width of at least twelve (12) feet shall be provided and maintained along the right-of-way line of dedicated streets. The landscaping area should include a combination of shrubs, grasses, perennials, and trees. Planting materials shall be suitable for the site conditions and irrigated with an automatic underground sprinkling system. Use of drought tolerant vegetation is encouraged.
- B. The site shall consist of not less than twenty (20) percent landscaping and/or developed open space, which open space may consist of undisturbed native vegetation or water features.
- C. At least five (5) percent of the site must be in formal developed landscaping with no less than 2,000 square feet in area and oriented towards the main entrance and public right-of-way. Xeriscape design and water conservation materials are encouraged.
- D. All uses which adjoin a public street will also provide a landscape corridor of trees, planted no more than thirty (30) feet on center. Such landscaping shall not obscure the clear view area for traffic and pedestrians at the intersection of streets or driveways.
- E. Undeveloped portions of the property set aside for future expansion or additional development shall be maintained in accordance with PCC 13.44.

13.14.140.16 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. Signs are allowed in the BPD Zone in accordance with PCC 13.32.
- B. No trash, garbage or waste material, used materials, unsightly storage of any

kind, or non-licensed or abandoned vehicles or equipment shall be kept, stored, or allowed to accumulate on any portion of the site except in an approved bin or contained within an enclosed structure appropriately screened from view.

- C. Projects may be required to provide landscaped passive or active open space areas for use by employees. These areas may contain picnic tables, pavilions, athletic equipment for use during work breaks, and other appropriate amenities. The type of amenities and amount of open space will be proportionate to the size of the project and determined using factors such as number of employees and hours of operation.

13.14.150 I-1 Light Industrial Zone

[13.14.150.1 Purpose And Zone Characteristics](#)

[13.14.150.2 Permitted, Conditional And Accessory Uses](#)

[13.14.150.3 Lot Area](#)

[13.14.150.4 Lot Width](#)

[13.14.150.5 Lot Frontage](#)

[13.14.150.6 Setback Requirements](#)

[13.14.150.7 Projections Into Setbacks](#)

[13.14.150.8 Building Height Requirements](#)

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[13.14.150.11 Parking, Loading And Access](#)

[13.14.150.12 Project Plan Approval](#)

[13.14.150.13 Storage Units](#)

[13.14.150.14 Other Requirements](#)

13.14.150.1 Purpose And Zone Characteristics

The I-1 Light Industrial Zone is established to provide areas within the City for manufacturing, processing, and warehousing of goods and materials. The I-1 Zone is typically located west of Interstate 15. The zone allows for limited commercial and service uses.

13.14.150.2 Permitted, Conditional And Accessory Uses

The permitted, conditional, and accessory uses in the I-1 Light Industrial Zone may be subject to any stricter requirements included in a development agreement approved by the City Council for an industrial development.

Specific uses in the I-1 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone.

13.14.150.3 Lot Area

The minimum lot area requirement in the I-1 Zone is one half (1/2) acre, except for parcels created prior to the adoption of this ordinance.

13.14.150.4 Lot Width

The minimum width requirement in the I-1 Zone shall be one hundred (100) feet for all of the area located in the required front setback area, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.150.5 Lot Frontage

All parcels in the I-1 Zone shall abut a public street for at least one hundred (100) feet, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.150.6 Setback Requirements

The following minimum setback requirements shall apply in the I-1 Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the I-1 Zone shall have a minimum front setback of thirty (30) feet.
- B. **Side Setback.** Each parcel in the I-1 Zone shall have a minimum side setback of thirty (30) feet.
 - 1. **Side Setback For Corner Lot.** Each corner lot or parcel in the I-1 Zone shall have a minimum setback on all areas of road frontage of thirty (30) feet.
 - 2. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of thirty (30) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
 - 3. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
- C. **Rear Setback.** Each lot or parcel in the I-1 Zone shall have a minimum rear setback of thirty (30) feet.
 - 1. **Rear Setback For Accessory Building.** An accessory building shall be at least twenty (20) feet from the rear property line.

Following review of any proposed project, the setbacks for the I-1, Light Industrial Zone may be modified, upon written approval of the City Engineer, Building Official and Fire Chief, if the modified setbacks will improve the layout of the proposed development and allow for more appropriate safety provision. Upon review of a request to reduce a setback, the following issues must be considered:

- A. The setbacks may not be reduced on projects that are adjacent to another zoning designation or could have negative impact on adjacent properties.
- B. The applicant shall obtain written approval from the public and private utility providers to encroach the setback area.
- C. The setbacks may not reduce or eliminate the public utility easement area unless written permission is granted from the adjoining property owner to place the additional public utility easement area on their property. If the public utility easement cannot be provided on the adjoining property, the City Engineer, Building Official and Fire Chief may consider alternate locations for the public utility easement. The preparation of all necessary documentation and recordation fees are the responsibility of the party seeking the reduction.
- D. The relocation of any utility facilities, fencing or other physical features of the site to accommodate the development proposal is the responsibility of the applicant.

The City Engineer, Building Official and Fire Chief are under no obligation to approve the request to modify the setbacks of this Chapter and no precedent is set by any approval or denial of such a request.

13.14.150.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Patios, as defined in PCC 13.04, may be extended into a side or rear setback area but must be at least five (5) feet from the property line.
- E. Decks, as defined in PCC 13.04, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements.
- F. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar

architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.

- G. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements.

13.14.150.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in PCC 13.04.

13.14.150.9 Distance Between Buildings

The distance between any building or structure and any other building or structure shall be at least twenty (20) feet.

13.14.150.10 Lot Coverage

The sum total of all buildings, structures and impervious material on any lot or parcel in the I-1 Zone shall not exceed ninety (90) percent of the total area of the lot or parcel, provided all landscaping requirements are met.

13.14.150.11 Parking, Loading And Access

Each project in the I-1 Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

13.14.150.12 Project Plan Approval

Any request for project plan approval in the I-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Projects in the I-1 Zone will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein.

13.14.150.13 Storage Units

Storage units are a permitted use in the I-1, Light Industrial Zone. However, the following

requirements apply to all storage unit developments:

- A. There shall be at least ten (10) storage units in each storage unit project and each project shall be located along a public street.
- B. There shall be interior space adjacent to the public street dedicated to office, retail, service or another permitted or conditional use allowed in this Chapter that is not a storage unit or used as office space for the storage unit business. The amount of office, retail or service use shall be the greater of:
 1. Seventy-five (75) percent of the frontage area along a public street.
 2. A floor area ratio of one (1) square foot of office, retail or service space for every one thousand (1,000) square feet of storage area.
 3. A minimum of two thousand (2,000) square feet.
- C. In no case shall any storage unit be used for human habitation or the housing of animals.
- D. No business activity of any kind may be transacted from within a storage unit.
- E. A caretaker facility may be allowed as a conditional use when the City Council determines the following:
 1. The dwelling unit is necessary for security purposes and not used to simply obtain approval of a rental unit.
 2. The dwelling unit must be attached to or located within the principal use, and not have a total square footage that exceeds one-thousand (1,000) square feet or ten percent (10%) of the total area of the building square footage on the site, whichever is less.
 3. The design of the structure must satisfy the Design Guidelines adopted by the City Council.
 4. The dwelling unit will not be rented or leased, but may be considered part of compensation for caretaker services for the principle use.
 5. The dwelling unit must be incidental to and only a minor part of the principle use.
 6. Occupancy of the dwelling unit is limited to one (1) family.
 7. The dwelling unit will contain only one (1) kitchen.
 8. The structure will not be a manufactured dwelling unit.
 9. At least two (2) parking spaces must be dedicated for the caretaker facility. The City Council may require covered parking.
 10. If the storage unit facility has more than two hundred fifty (250) storage

units and the owner/applicant can demonstrate that an additional on-site living quarter is necessary because of the size of the project and the additional unit will significantly improve the safety and security measures of the project, the City Council may approve a conditional use permit to allow an additional on-site living quarter. In no case shall the number of on-site living quarters exceed two (2) units or eliminate the business space required in paragraph B.

11. The caretaker unit(s) shall not be used to replace security devices such as automatic gates, security cameras, or site lighting.
12. Any person occupying a caretaker facility shall submit evidence of compliance with this Section upon request of the City.

13.14.150.14 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** Signs are allowed in the I-1 Zone in accordance with PCC 13.32.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. On larger parcels, an alternative method of landscaping may be presented to the City Council for their consideration and approval.
- C. **Trash, Junk, Outside Storage And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
- D. **Design Guidelines.** The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.
- E. **Buildings Larger Than Forty Thousand (40,000) Square Feet.** Any building larger than forty thousand (40,000) square feet in the I-1 Zone shall be designed to have main entrances on at least two sides of the building, preferably front and back. This requirement is intended to produce a more attractive building on all sides, not just the front, and to improve traffic flow.

F. **Open Space.** Industrial developments one (1) acre or larger may be required to provide landscaped passive or active open space areas for use by employees. These areas may contain picnic tables, pavilions, athletic equipment for use during work breaks, and other appropriate amenities. The type of amenities and amount of open space will be proportionate to the size of the project and determined using factors such as number of employees and hours of operation. In an industrial park, property owners may work together to provide open space areas.

13.14.160 I-2 Heavy Industrial Zone

[13.14.160.1 Purpose And Zone Characteristics](#)

[13.14.160.2 Permitted, Conditional And Accessory Uses](#)

[13.14.160.3 Lot Area](#)

[13.14.160.4 Lot Width](#)

[13.14.160.5 Lot Frontage](#)

[13.14.160.6 Setback Requirements](#)

[13.14.160.7 Projections Into Setbacks](#)

[13.14.160.8 Building Height Requirements](#)

[13.14.160.9 Distance Between Buildings](#)

[13.14.160.10 Lot Coverage](#)

[13.14.160.11 Parking, Loading And Access](#)

[13.14.160.12 Project Plan Approval](#)

[13.14.160.13 Other Requirements](#)

13.14.160.1 Purpose And Zone Characteristics

The I-2 Heavy Industrial Zone is established to provide areas within the City for manufacturing, processing, warehousing, and fabrication of goods and materials. These uses are not compatible with residential uses and should be placed in appropriate locations and protected from residential encroachment.

13.14.160.2 Permitted, Conditional And Accessory Uses

Specific uses in the I-2 Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone.

13.14.160.3 Lot Area

The minimum lot area requirement in the I-2 Zone is one (1) acre.

13.14.160.4 Lot Width

The minimum width requirement in the I-2 Zone shall be one hundred (100) feet for all of the area located in the required front setback area.

13.14.160.5 Lot Frontage

All parcels in the I-2 Zone shall abut a public street for at least one hundred (100) feet.

13.14.160.6 Setback Requirements

The following minimum setback requirements shall apply in the I-2 Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the I-2 Zone shall have a minimum front setback of forty (40) feet.
- B. **Side Setback.** Each parcel in the I-2 Zone shall have a minimum side setback of thirty (30) feet.
 - 1. **Side Setback For Corner Lot.** Each corner lot or parcel in the I-2 Zone shall have a minimum setback on all areas of road frontage of thirty (30) feet.
 - 2. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of thirty (30) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
 - 3. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
- C. **Rear Setback.** Each lot or parcel in the I-2 Zone shall have a minimum rear setback of thirty (30) feet.
 - 1. **Rear Setback For Accessory Building.** An accessory building shall be at least twenty (20) feet from the rear property line.

Following review of any proposed project, the setbacks for the I-2, Heavy Industrial Zone may be modified, upon written approval of the City Engineer, Building Official and Fire Chief, if the modified setbacks will improve the layout of the proposed development and allow for more appropriate safety provision. Upon review of a request to reduce a setback, the following issues must be considered:

- A. The setbacks may not be reduced on projects that are adjacent to another zoning designation or could have negative impact on adjacent properties.
- B. The applicant shall obtain written approval from the public and private utility providers to encroach the setback area.
- C. The setbacks may not reduce or eliminate the public utility easement area unless

written permission is granted from the adjoining property owner to place the additional public utility easement area on their property. The preparation of all necessary documentation and recordation fees are the responsibility of the party seeking the reduction.

- D. The relocation of any utility facilities, fencing or other physical features of the site to accommodate the development proposal is the responsibility of the applicant.

The City Engineer, Building Official and Fire Chief are under no obligation to approve the request to modify the setbacks of this Chapter and no precedent is set by any approval or denial of such a request.

13.14.160.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Patios, as defined in PCC 13.04, may be extended into a side or rear setback area but must be at least five (5) feet from the property line.
- E. Decks, as defined in PCC 13.04, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements.
- F. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- G. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements.

13.14.160.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes. Accessory structures may not exceed eighteen (18) feet in total height as defined in PCC 13.04.

13.14.160.9 Distance Between Buildings

The distance between any building or structure and any other building or structure shall at least twenty (20) feet.

13.14.160.10 Lot Coverage

The sum total of all buildings, structures and impervious material on any lot or parcel in the I-2 Zone shall not exceed ninety (90) percent of the total area of the parcel, provided all landscaping requirements are met.

13.14.160.11 Parking, Loading And Access

Each project in the I-2 Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

13.14.160.12 Project Plan Approval

Any request for project plan approval in the I-2 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Projects in the I-2 Zone will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein.

13.14.160.13 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** Signs are allowed in the I-2 Zone in accordance with PCC 13.32.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. On larger parcels, an alternative method of landscaping may be presented to the City Council for their consideration and approval.
- C. **Trash, Junk, Storage And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate behind the City, by a sight obscuring fence.

- D. **Design Guidelines.** The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.
- E. **Open Space.** Industrial developments one (1) acre or larger may be required to provide landscaped passive or active open space areas for use by employees. These areas may contain picnic tables, pavilions, athletic equipment for use during work breaks, and other appropriate amenities. The type of amenities and amount of open space will be proportionate to the size of the project and determined using factors such as number of employees and hours of operation. In an industrial park, property owners may work together to provide open space areas

13.14.170 R And D Research And Development Zone

[13.14.170.1 Purpose And Zone Characteristics](#)

[13.14.170.2 Permitted, Conditional And Accessory Uses](#)

[13.14.170.3 Lot Area](#)

[13.14.170.4 Lot Width](#)

[13.14.170.5 Lot Frontage](#)

[13.14.170.6 Setback And Build-To-Line Requirements](#)

[13.14.170.7 Projections Into Setbacks](#)

[13.14.170.8 Building Height Requirements](#)

[13.14.170.9 Distance Between Buildings](#)

[13.14.170.10 Permissible Lot Coverage](#)

[13.14.170.11 Parking, Loading And Access](#)

[13.14.170.12 Project Plan Approval](#)

[13.14.170.13 Other Requirements](#)

13.14.170.1 Purpose And Zone Characteristics

The R&D Research and Development Zone is established to provide areas within the City for campus, park-like settings for research and development activities. The zone allows for limited commercial and service uses.

13.14.170.2 Permitted, Conditional And Accessory Uses

Specific uses in the R&D Zone can be identified by referring to the chart attached hereto as Appendix A – Non-Residential Land Use Categories. The chart will specify whether each use is a permitted, conditional or accessory use. Unless specifically listed, any other use is not a permitted use in the zone.

13.14.170.3 Lot Area

The minimum lot area requirement in the R&D Zone is five (5) acres.

13.14.170.4 Lot Width

The minimum width requirement in the R&D Zone shall be two hundred (200) feet for all of the area located in the required front setback area.

13.14.170.5 Lot Frontage

All parcels in the R&D Zone shall abut a public street for at least two hundred (200) feet.

13.14.170.6 Setback And Build-To-Line Requirements

The following minimum setback and build-to-line requirements shall apply in the R&D Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the R&D Zone shall have a minimum front setback of thirty (30) feet.
- B. **Side Setback.** Each parcel in the R&D Zone shall have a minimum side setback of thirty (30) feet.
 - 1. **Side Setback For Corner Lot.** Each corner lot or parcel in the R&D Zone shall have a minimum setback on all areas of road frontage of thirty (30) feet.
 - 2. **Side Setback For Driveway.** Each side setback, when used for access to a garage, carport, or parking area shall have a minimum setback of thirty (30) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
 - 3. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall have a minimum side setback of twenty (20) feet.
- C. **Rear Setback.** Each lot or parcel in the R&D Zone shall have a minimum rear setback of thirty (30) feet.
 - 1. **Rear Setback For Accessory Building.** An accessory building shall be at least twenty (20) feet from the rear property line.
- D. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.

13.14.170.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Patios, as defined in PCC 13.04, may be extended into a side or rear setback area but must be at least five (5) feet from the property line.
- E. Decks, as defined in PCC 13.04, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements.
- F. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- G. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is enclosed, the structure shall satisfy all setback requirements.

13.14.170.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief. Accessory structures may not exceed eighteen (18) feet in total height as defined in PCC 13.04.

13.14.170.9 Distance Between Buildings

The distance between any building or structure and any other building or structure shall at least twenty (20) feet.

13.14.170.10 Permissible Lot Coverage

The sum total of all buildings, structures and impervious material on any parcel in the R&D Zone shall not exceed fifty (50) percent of the total area of the parcel.

13.14.170.11 Parking, Loading And Access

Each project in the R&D Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

Loading and unloading areas shall be located in an area that can be secured from public access. Further, loading and unloading shall not occur on a public street.

13.14.170.12 Project Plan Approval

Any request for project plan approval in the R&D Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Projects in the R&D Zone will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein.

13.14.170.13 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** Signs are allowed in the R&D Zone in accordance with PCC 13.32.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy. On larger parcels, an alternative method of landscaping may be presented to the City Council for their consideration and approval. The R&D Zone is intended to be a campus or park-like setting.
- C. **Trash, Junk, Storage And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
- D. **Design Guidelines.** The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.

13.14.180 NC-1 Neighborhood Commercial Zone

[13.14.180.1 Purpose And Zone Characteristics](#)

[13.14.180.2 Permitted, Conditional And Accessory Uses](#)

[13.14.180.3 Lot Area](#)

[13.14.180.4 Lot Width](#)

[13.14.180.5 Lot Frontage](#)

- [13.14.180.6 Setback And Build-To-Line Requirements](#)
- [13.14.180.7 Projections Into Setbacks](#)
- [13.14.180.8 Building Height Requirements, Massing And Scale](#)
- [13.14.180.9 Permissible Lot Coverage](#)
- [13.14.180.10 Parking, Loading And Access](#)
- [13.14.180.11 Project Plan Approval](#)
- [13.14.180.12 Other Requirements](#)
- [13.14.180.13 Parcels Constricted By Land Constraints](#)

13.14.180.1 Purpose And Zone Characteristics

The NC-1 Neighborhood Commercial Zone is established to provide areas within the City where limited commercial uses conducive to residential uses can be integrated into predominantly residential areas. The hours of operation, noise generated by business activities, emissions, parking, and lighting are all primary concerns in the zone.

Rezoning to the NC-1 Zone should be carefully reviewed to ensure protection of the existing neighborhoods and residential uses. Some, but not necessarily all of the items that will be considered by the Planning Commission and City Council in the determination of a zone change include:

- A. Whether the proposed use would be more appropriate in another commercial zone or would serve to undermine the intention of other commercial zoning districts.
- B. The impact the commercial use would have on the circulation pattern of the neighborhood.
- C. The impact of the commercial use on the infrastructure in the general vicinity.
- D. The use of the NC-1 Zone should not be granted simply to avoid compliance with any other development regulation or to simply appease a landowner who should be operating a commercial business in a more appropriate location.
- E. The effect anticipated at the rezone stage is intended to the maximum impact the project will have on the neighborhood. Additional structures, subdivision of property and other development approvals will be strictly limited and only if it can be shown that the additional approval will serve to reduce impact on the neighborhood.
- F. The configuration of the NC-1 Zone must complement the residential character of the neighborhood. In some instances, the zone will be very compact and located in the heart of residential development and in other locations the area may be larger along an arterial road.

13.14.180.2 Permitted, Conditional And Accessory Uses

The following uses are allowed in the NC-1 Zone. If a use is not listed below, the use is

not allowed in the zone. The uses listed are meant to be specific and narrowly defined. If there is any question of whether the use is appropriate, the applicant will be required to process a Zoning Ordinance amendment in conjunction with the request.

- A. Business and management consulting services
- B. Travel agencies and arrangement services
- C. Insurance and real estate services
- D. Art, crafts and hobby stores
- E. Local government structures
- F. Florists
- G. Gifts and souvenirs shops
- H. Beauty and barber services
 - I. Health spas
- J. Physician and dental services
- K. Chiropractic, massage therapy and osteopath
- L. Legal services and adoption agencies
- M. Accounting, auditing and bookkeeping
- N. Interior design studios, not to include warehousing
- O. Structures for fruit, vegetable, and flower sales

In order to maintain the residential character of the area, the following uses are expressly prohibited:

- A. Subdivision of property is not a permitted use in the zone
- B. Drive-up windows

13.14.180.3 Lot Area

There is no minimum lot area requirement in the NC-1 Zone. However, the parcel must be large enough to accommodate required off-street parking, building setbacks, landscaping, lot improvements and other development regulations. The maximum project area in the NC-1 Zone is one (1) acre.

13.14.180.4 Lot Width

There shall be no minimum width requirement in the NC-1 Zone, except that any parcel smaller in width than the average of the parcels on that block shall be reviewed and

approved by the City Council. If the Council finds that the width is insufficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.180.5 Lot Frontage

There shall be no frontage requirement in the NC-1 Zone, except that any parcel with less frontage than the average of the parcels on that block shall be reviewed and approved by the City Council. If the Council finds that the frontage is insufficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.180.6 Setback And Build-To-Line Requirements

The following minimum setback and build-to-line requirements shall apply in the NC-1 Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the NC-1 Zone shall have a minimum front setback of twenty-five (25) feet.
- B. **Side Setback.** Each lot or parcel in the NC-1 Zone shall have a minimum side setback of fifteen (15) feet except as follows:
 - 1. Side setback for structures constructed adjacent to residentially uses shall be a minimum of twenty (20) feet.
 - 2. **Side Setback For Corner Lot.** Each corner lot or parcel in the NC-1 Zone shall have a minimum setback on the non-frontage side of twenty (20) feet.
 - 3. **Side Setback For Driveway.** Each side setback, when used for access to a parking area shall have a minimum setback of twenty (20) feet and shall be hard surfaced as described in the Payson City Development Guidelines.
- C. **Rear Setback.** Each lot or parcel in the NC-1 Zone shall have a minimum rear setback of twenty (20) feet.
- D. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.

13.14.180.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.

13.14.180.8 Building Height Requirements, Massing And Scale

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height. Buildings shall reflect the character of the neighborhood in terms of massing and scale, specifically with immediately adjacent structures. For instance, where single story structures exist, a commercial use should be conducted in a single story structure. Where a mixture of buildings heights and sizes exist, the commercial structure shall provide a transition between the various building scales.

An accessory structure in the NC-1 Zone may not exceed eighteen (18) feet in total height as defined in PCC 13.04.

13.14.180.9 Permissible Lot Coverage

The sum total of all buildings, structures, and impervious material on any parcel in the NC-1 Zone shall not be greater than sixty (60) percent of the total area of the parcel.

13.14.180.10 Parking, Loading And Access

Each project in the NC-1 Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

13.14.180.11 Project Plan Approval

Projects in the NC-1 Zone will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein.

Any request for project plan approval in the NC-1 Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

13.14.180.12 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. **Signs.** Signs shall not distract from the residential character of the area. Sign size, lighting and location must be compatible with surrounding uses. All signs must be consistent with the regulations of PCC 13.32.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
- C. Accessory structures are not allowed in the NC-1 Zone. Outdoor storage is not allowed and commercial uses shall be wholly conducted within an enclosed building.
- D. **Trash, Junk, And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles are allowed on site.
- E. **Design Guidelines.** The City Council may require specific design guidelines be employed in the project. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.
- F. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

13.14.180.13 Parcels Constricted By Land Constraints

In order to effectively protect the residential character of the surrounding area, any project that cannot comply with the requirements on this Section concerning parking, access, landscaping or other constraints based on lot size, location, or configuration will not be allowed.

13.14.190 CT Commercial Transition Zone

[13.14.190.1 Purpose And Zone Characteristics](#)

[13.14.190.2 Permitted, Conditional And Accessory Uses](#)

[13.14.190.3 Lot Area](#)

[13.14.190.4 Lot Width](#)

[13.14.190.5 Lot Frontage](#)

[13.14.190.6 Setback And Build-To-Line Requirements](#)

[13.14.190.7 Projections Into Setbacks](#)

- [13.14.190.8 Building Height Requirements](#)
- [13.14.190.9 Distance Between Buildings](#)
- [13.14.190.10 Parking, Loading And Access](#)
- [13.14.190.11 Project Plan Approval](#)
- [13.14.190.12 Massing Of Buildings](#)
- [13.14.190.13 Transition Into Residential Areas](#)
- [13.14.190.14 Design Guidelines And Motif](#)
- [13.14.190.15 Landscaping Of Freeway Frontage](#)
- [13.14.190.16 Other Requirements](#)

13.14.190.1 Purpose And Zone Characteristics

The CT Transition Zone is established to create an appropriate progression between heavy commercial uses near the Interstate 15 interchanges in the City and the less intensive commercial, industrial and residential uses just beyond the properties with heavy commercial viability. The zone allows for a variety of commercial, service, retail, light industrial, and residential uses. As a mixed-use zone, careful consideration of compatibility is critical in the CT Zone.

The intention of the CT Zone of Payson City is to allow properties to be developed in a manner that allows property owners and the City Council to determine the appropriate uses that will support the heavy commercial uses while transitioning into industrial and residential areas. The CT Zone allows mixed-use developments and encourages creative solutions to typically incompatible land uses.

Characteristics of the CT Zone include attractive building design and landscaping, proper pedestrian and vehicular circulation and structures that relate to one another in scale and design features.

Rezone to any CT Zone is limited by the following factors:

- A. The property proposed for rezoning must be included in the S-1, Special Highway Service Zone prior to the rezone request.
- B. The applicant for a zone change to any CT Zone will be required to indicate the proposed use of the property proposed for rezoning. The applicant will be required to sign a development agreement that solidifies the anticipated use of the property proposed to be rezoned, design guidelines, densities and any other appropriate items. Failure to develop the property as agreed upon in the development agreement may result in rezoning the property to the S-1 Zone at the discretion of the City Council.
- C. The applicant must be able to demonstrate how the proposed use of the parcel will promote a transition from the intensive commercial uses in the S-1 Zone to the surrounding zones, existing development and proposed development.
- D. The City Council may require rezoning to be consistent with the land use

designation of the General Plan.

- E. A parcel may be rezoned into more than one of the Commercial Transition Zones if the arrangement would create a better transition area between the S-1 Zone and surrounding zones.

13.14.190.2 Permitted, Conditional And Accessory Uses

The City Council may allow existing uses, including agricultural pursuits and animal rights, to continue in any CT Zone provided the City Council finds that the continuation of the use will not negatively impact current or future uses of surrounding parcels. However, any right to such use shall be relinquished upon the issuance of a building permit for the subject lot or parcel.

The CT Zone is a mixed-use zone that will accommodate a variety of land uses. In order to accommodate the various uses in the mixed-use zone, the CT Zone has been separated into three distinct categories to provide the appropriate transition between the S-1, Special Highway Service Zone and the less intensive surrounding zones. The CT-1 Zone addresses commercial transitions, the CT-2 Zone addresses industrial transitions, and the CT-3 Zone addresses residential transitions.

An applicant seeking a zone change to one of the CT Zones must designate the specific category being requested.

In order to clarify and define the allowable uses, the permitted, conditional and accessory uses for commercial, industrial and residential development, except as noted above, have been listed separately.

CT-1 Commercial Transition.

Permitted Commercial Uses. The following commercial land uses are permitted uses in the CT-1 Zone. Unless specifically listed, any other use is not a permitted commercial use in the zone. Uses listed as conditional or accessory commercial uses are allowed in the zone only in accordance with the criteria established in this Title. Each of the following permitted commercial uses is subject to the provisions of PCC 13.18.

A. General commercial retail sales and services including:

1. Antique and art shops
2. Clothing, shoes and other apparel shops
3. Computer sales and services
4. Floral and gift shops
5. Office supplies
6. Recreational vehicle sales

7. Sporting goods

B. Restaurants and fast food

C. Hotels and motels

D. Automobile dealerships

E. Recreational or amusement commercial businesses including but not to allow sexually oriented businesses:

1. Bowling alleys
2. Indoor shooting ranges
3. Miniature golf courses
4. Sports bars (limited to alcoholic distribution of beer only and in accordance state regulations)
5. Tennis courts and racquet clubs
6. Roller skating rinks
7. Gymnasiums and recreation centers
8. Dance halls

F. Personal and professional services including:

1. Beauty and barber services
2. Engineering or architectural offices
3. Laundromats and dry cleaning
4. Reception centers and mortuaries
5. Travel agencies
6. Medical and health care offices
7. Legal offices
8. Financial, insurance and real estate offices

G. Educational facilities and services including child care centers and pre-school facilities

H. Uses allowed in PCC 13.14.150.14 as transitional uses

I. Public or private utility rights-of-way

Conditional Commercial Uses. The following commercial land use types are allowed

as conditional uses in the CT-1 Zone. Unless specifically listed, any other use is not allowed as a commercial conditional use in the zone. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

- A. Service and gasoline stations if it can be shown that environmental issues (ground water and air quality) and safety issues can be addressed
- B. Grocery stores
- C. Bars, saloons, and taverns
- D. Large scale commercial buildings or strip malls if it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation
- E. Hardware stores if it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation
- F. Public or private utility maintenance facilities

Accessory Commercial Uses. The following commercial land use types are allowed as accessory uses in the CT-1 Zone. Unless specifically listed, any other use is not allowed as a commercial accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use
- B. Trailer rental intended for moving typical household goods or small office equipment

CT-2 Industrial Transition.

Permitted Industrial Uses. The following industrial land uses are permitted uses in the CT-2 Zone. Unless specifically listed, any other industrial use is not a permitted use in the zone. Uses listed as conditional or accessory industrial uses are allowed in the zone only in accordance with the criteria established in this Title. Each of the following permitted industrial uses is subject to the provisions of the I-1, Light Industrial Zone found in PCC 13.14.

- A. Light industrial uses as defined in PCC 13.04 in structures less than fifteen thousand (15,000) square feet.
- B. Office buildings

Conditional Industrial Uses. The following industrial land use types are allowed as conditional uses in the CT-2 Zone. Unless specifically listed, any other use is not allowed as an industrial conditional use in the zone. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

- A. Light industrial uses as defined in PCC 13.04 in structures larger than fifteen thousand (15,000) square feet if it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation
- B. Storage units if it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation
- C. Equipment storage and rental businesses
- D. Public or private utility maintenance facilities

Accessory Industrial Uses. The following industrial land use types are allowed as accessory uses in the CT-2 Zone. Unless specifically listed, any other use is not allowed as an industrial accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Storage facilities for machinery and equipment as an accessory use to a permitted or conditional use

CT-3 Residential Transition.

Permitted Residential Uses. Residential uses are not the primary focus of the CT Zone, but may be appropriate in some instances as a transition from heavy commercial uses into residential areas. The following residential land uses are permitted uses in the CT-3 Zone. Unless specifically listed, any other residential use is not a permitted use in the zone. Uses listed as conditional or accessory residential uses are allowed in the zone only in accordance with the criteria established in this Title. Each of the following permitted residential uses is subject to the provisions found in PCC 13.14.

- A. Less than five (5) second story or higher residential units when approved with retail commercial on the main level of the structure

Conditional Residential Uses. The following residential land use types are allowed as conditional uses in the CT-3 Zone. Unless specifically listed, any other use is not allowed as a residential conditional use in the zone. Each conditional use must be reviewed and approved in accordance with PCC 13.28. Each commercial use in the CT-3 Zone will be required to satisfy the applicable requirements of PCC 13.14.090.

- A. Multi-family dwellings when it can be shown that the development will not have a negative impact on surrounding uses or traffic circulation and the residential units will serve to transition from heavy commercial uses into residential areas
- B. One (1) resident apartment for caretakers of a commercial or industrial business

Accessory Residential Uses. The following residential land use types are allowed as accessory uses in the CT-3 Zone. Unless specifically listed, any other use is not allowed as a residential accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Storage facilities for maintenance of the residential open space and amenities

13.14.190.3 Lot Area

The minimum project area requirement in the CT Zone is one (1) acre, except for parcels created prior to the adoption of this ordinance.

13.14.190.4 Lot Width

The minimum width requirement in the CT Zone shall be one hundred (100) feet for all of the area located in the required front setback area, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the width is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.190.5 Lot Frontage

All parcels in the CT Zone shall abut a public street for at least one hundred (100) feet, except for parcels created prior to the adoption of this ordinance. Regardless of the adoption date, if the Council finds that the frontage is inefficient or undesirable, the Council may require that the massing, uses, and other design characteristics be compatible with surrounding uses.

13.14.190.6 Setback And Build-To-Line Requirements

The following minimum setback and build-to-line requirements shall apply in the CT Zone. Each setback is measured from the property line of the lot or parcel.

- A. **Front Setback.** Each lot or parcel in the CT Zone shall have a minimum front setback of twenty (20) feet.
- B. **Side Setback.** Each lot or parcel in the CT Zone shall have a minimum side setback of twenty (20) feet, except that where the CT Zone is adjacent to a

residential zone the minimum side setback shall be thirty (30) feet. The side setback may be reduced if it can be shown that the reduction in the setback will improve the development layout and all regulations of the adopted building and fire codes can be satisfied. However, in no case shall the side setback requirement be reduced when the proposed structure is adjacent to another zoning district.

- C. **Side Setback For Accessory Building.** The side setback for any permitted accessory building shall be fifteen (15) feet.
- D. **Rear Setback.** Each lot or parcel in the CT Zone shall have a minimum rear setback of thirty (30) feet.
- E. **Rear Setback For Accessory Building.** The rear setback for an accessory building shall be fifteen (15) feet.
- F. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed in order to reduce the parking adjacent to the street, improve aesthetics of the site, or for circulation purposes. The imposition of a build-to-line does not reduce the amount of required off-street parking or landscaping.

13.14.190.7 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey to accurately determine the property line:

- A. Fences and walls in conformance with all applicable City ordinances and resolutions.
- B. Landscaping and irrigation systems.
- C. Necessary appurtenances for utility service.
- D. Patios, as defined in PCC 13.04, may be extended into a side or rear setback area but must be at least five (5) feet from the property line.
- E. Decks, as defined in PCC 13.04, may be extended into a rear setback area but must be at least fifteen (15) feet from the property line and satisfy all other setback requirements.
- F. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.
- G. Patio covers may be extended into a rear setback area but must be at least fifteen (15) feet from the property line. A patio cover may also extend into a side setback area but must be at least five (5) feet from the property line. If a patio cover is

enclosed, the structure shall satisfy all setback requirements.

13.14.190.8 Building Height Requirements

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height, unless reviewed and approved by the Fire Chief, in accordance with the adopted building and fire codes.

13.14.190.9 Distance Between Buildings

The distance between any building or structure shall satisfy the requirements of the building code in place at the time of approval and issuance of a Certificate of Occupancy.

13.14.190.10 Parking, Loading And Access

Each project in the CT Zone shall satisfy the off-street parking requirements found in PCC 13.10. For parking design and standards refer to the Payson City Development Guidelines.

Loading and unloading areas shall be located in an area that can be secured and screened from public view and access. Loading and unloading shall not occur on a public street.

13.14.190.11 Project Plan Approval

Any request for project plan approval in the CT Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Commercial projects in the CT Zone will be reviewed and approved in accordance with PCC 13.18, Commercial Development, Site Plans, herein. Industrial and residential projects will be review and approved in accordance with the applicable sections of PCC 13.14.

13.14.190.12 Massing Of Buildings

Buildings and structures will be reviewed in the context of surrounding uses and structures. Each building or structure shall be compatible, in terms of massing, with surrounding structures.

13.14.190.13 Transition Into Residential Areas

In order to encourage a transition from the heavy commercial uses of the S-1 Zone into the less intensive uses surrounding the S-1 Zone, any parcel in the CT Zone may be limited by the City Council to land uses that are more compatible with the less intensive uses. Within three hundred (300) feet of the zone boundary with any zone other than the

S-1 Zone, the City Council may limit the uses to the following transitional uses:

Permitted Uses.

- A. Professional office buildings no greater than two thousand five hundred (2,500) square feet in size
- B. Commercial child care centers and pre-school facilities
- C. Restaurants with no drive through facilities
- D. Personal and professional services including, or determined by the City Council to be closely similar to:
 - 1. Beauty and barber services
 - 2. Engineering or architectural offices
 - 3. Laundromats and dry cleaning
 - 4. Reception centers and mortuaries
 - 5. Travel agencies
 - 6. Medical and health care offices
 - 7. Legal offices
- E. Financial, insurance and real estate offices

Conditional Uses.

- A. Retail businesses no greater than two thousand five hundred (2,500) square feet in size

In order to promote compatibility between the CT Zone and any residential zone, the staff or City Council, as the case may be, may require special conditions including but not limited to the following:

- A. Limited business hours, or hours of operation.
- B. Restrictions on lighting, emissions, noise, and other potential impacts.
- C. Appropriate screening through fencing, landscaping, building design, or any combination of the fencing, landscaping or building design.

13.14.190.14 Design Guidelines And Motif

The Payson City Council may impose design guidelines or a design motif for any development in the CT Zone. The design guidelines or design motif should be

consistent and compatible with surrounding land uses and development. Failure to satisfy the standards of the design guidelines or design motif may result in the denial of any proposed project. The design guidelines apply to all structures in a development including accessory structures.

13.14.190.15 Landscaping Of Freeway Frontage

Parcels located adjacent to Interstate 15 shall work with the Utah Department of Transportation to provide attractive and appropriate landscaping of the frontage area. The applicant shall provide a complete landscaping plan approved by the Utah Department of Transportation prior to project approval. The Utah Department of Transportation approval shall include information about perpetual maintenance of the landscaping. The landscaping shall be installed prior to issuance of a Certificate of Occupancy and a Payson City business license.

13.14.190.16 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this Title, or any other applicable resolution or ordinance.

- A. **Signs.** Signs are allowed in the CT Zone in accordance with PCC 13.32. However, because there are several transition zones, signs in the CT-1 Zone shall be consistent with the requirements of the S-1 Zone, the signs in the CT-2, Zone shall be consistent with the requirements of the I-1, Zone and only signs allowed in residential zones shall be allowed in the CT-3 Zone. The City Council may impose stricter sign regulations as part of any development in the CT Zone.
- B. **Landscaping.** Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. Each project application shall be accompanied by a complete landscaping plan detailing the types and sizes of planting materials to be used. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.

The landscaping plan shall be prepared using trees, shrubs, turf, and ground cover appropriate for the climatic zone of Payson City. There shall be a minimum of one tree with no less than a two (2) inch caliper for every five hundred (500) square feet of landscaped area. Parking areas shall be landscaped according to the Payson City Development Guidelines.

- C. **Trash, Junk, And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles shall be stored in an open area. All such materials shall be enclosed in a building or, if deemed appropriate by the City, behind a sight obscuring fence.
- D. **Design Guidelines.** The City Council may require that specific design guidelines

be employed in the project if it can be reasonably shown that the materials, colors, or elevations of the buildings could have a significant impact on the existing or future atmosphere of the area, and to improve compatibility. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other features deemed appropriate by the City Council.

- E. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

13.14.200 HD-O Historic District Overlay

[13.14.200.1 Purpose And Objectives](#)

[13.14.200.2 Issuance Of Licenses And Permits](#)

[13.14.200.3 Review Of Applications For Compatibility](#)

[13.14.200.4 Relationship To Official Historical Sites](#)

[13.14.200.5 Guidelines For Historical Preservation And Code Compliance](#)

[13.14.200.6 Zone Area Requirements](#)

[13.14.200.7 Permitted, Conditional, And Accessory Uses](#)

13.14.200.1 Purpose And Objectives

The purpose and objectives of the HD-O Historic District Overlay include, but are not limited to, the following:

- A. To preserve the historic and cultural heritage of the City.
- B. To encourage reinvestment and maintenance of historic areas.
- C. To stabilize and enhance property values.
- D. To foster community pride.
- E. To educate the public about the City's past.
- F. To promote new development that will enhance and protect the existing structures.
- G. To promote tourism and economic development and redevelopment.
- H. To strengthen the economy and improve the quality of life.

13.14.200.2 Issuance Of Licenses And Permits

Licenses and permits shall not be issued for the construction or alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the construction, alteration, moving, or change in use would be a violation of any of the provisions of this Chapter.

13.14.200.3 Review Of Applications For Compatibility

Any proposed rezone to the HD-O Overlay shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the zone. Using the zone to simply avoid compliance with any building code or any federal, state, county or local law, shall not be approved.

Approval for use of the HD-O Overlay shall be completed in accordance with PCC 13.06.080. Likewise, repeal of the HD-O Overlay shall be completed in accordance with PCC 13.06.080.

13.14.200.4 Relationship To Official Historical Sites

Properties located in the HD-O Overlay are not necessarily listed as official historical sites by the City, State, or any Historical Society. Further, the buildings located in the HD-O Overlay are not necessarily “historic” buildings as defined by age, but could be buildings constructed to simulate a “historic period” or building type.

13.14.200.5 Guidelines For Historical Preservation And Code Compliance

The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The Payson City Council may adopt any ordinance or resolution that will help property owners satisfy the provisions of this Section. The Council may also adopt the Uniform Conservation Code for areas that have been designated as an HD-O Overlay.

13.14.200.6 Zone Area Requirements

Each HD-O Overlay shall contain no less than one (1) full City block.

13.14.200.7 Permitted, Conditional, And Accessory Uses

Each HD-O Overlay may be different in nature, focus and scope, and thus the permitted, conditional, and accessory uses shall be determined on a case-by-case basis by the City Council.

In order to determine the allowable uses, each application for a Historic District Overlay shall include, at a minimum, the following information:

- A. The area proposed to be included in the zone.
- B. The reason for use of the zone in accordance with one or more of the criteria found herein.
- C. Proposals for special requirements of the zone including architectural controls, materials, uses, themes, or other similar ideas.
- D. Proposals for any boards, owners associations, review panels, or special

approval procedures.

- E. Any other information that will assist the Planning Commission and City Council to determine appropriate characteristics and controls leading to the success of the proposal.
- F. Proposed setback, width, frontage, parcel size and other requirements of the zone.

13.14.210 HR-O Historic Residential Overlay

[13.14.210.1 Purpose And Objectives](#)

[13.14.210.2 Issuance Of Licenses And Permits](#)

[13.14.210.3 Review Of Applications For Compatibility](#)

[13.14.210.4 Relationship To Official Historical Sites](#)

[13.14.210.5 Guidelines For Historical Preservation](#)

[13.14.210.6 Zone Area Requirements](#)

[13.14.210.7 Permitted, Conditional, And Accessory Uses](#)

[13.14.210.8 Parcel Requirements](#)

13.14.210.1 Purpose And Objectives

The purpose and objectives of the HR-O Historic Residential Overlay include, but are not limited to, the following:

- A. To preserve historic and cultural heritage.
- B. To encourage reinvestment and maintenance of historic homes.
- C. To stabilize and enhance property values.
- D. To foster community pride.
- E. To educate the public about the City's past.

13.14.210.2 Issuance Of Licenses And Permits

Licenses and permits shall not be issued for the alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the alteration, moving, or change in use would be a violation of any of the provisions of this Chapter.

13.14.210.3 Review Of Applications For Compatibility

Any proposed use of the HR-O Overlay shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the zone. Applications for use of the zone to simply avoid compliance with any building code or any federal, state, county or local law shall not be approved.

Approval for use of the HR-O Overlay shall be completed in accordance with PCC 13.06.080. Likewise, repeal of the HR-O Overlay shall be completed in accordance with PCC 13.06.080.

13.14.210.4 Relationship To Official Historical Sites

Properties located in the HR-O Overlay should be listed as official historical sites by the City, State, or Historical Society. Further, the buildings located in the HR-O Overlay should be defined as “historic” buildings as defined by the following criteria:

- A. It is at least fifty (50) years old.
- B. It is virtually intact as originally constructed, except for appropriate maintenance and repairs, with limited alterations.
- C. It is associated with events of historic nature in Payson City, Utah County, the State of Utah, the United States, or any Indian Nation.

13.14.210.5 Guidelines For Historical Preservation

The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The Payson City Council may adopt any ordinance or resolution that will help property owners satisfy the provisions of this Section. The Council may also adopt the Uniform Conservation Code for areas that have been designated as an HR-O Overlay.

13.14.210.6 Zone Area Requirements

Each HR-O Overlay may be as small as a single home, but may include several homes.

13.14.210.7 Permitted, Conditional, And Accessory Uses

Permitted Uses. The following uses, and no others are permitted uses in the HR-O Overlay:

- A. Single family dwellings
- B. Apartments, boarding houses, or condominium units (limited to the existing historic structures)
- C. Bed and breakfast establishments
- D. Museums

Conditional Uses. The following uses, and no others are conditional uses in the HR-O Overlay:

- A. Restaurants, provided there is ample parking and the use is compatible with surrounding uses.
- B. Antique and other specialty shops.

Accessory Uses. The following uses, and no others are accessory uses in the HR-O Overlay:

- A. Enclosed storage facilities, only when implemented as an accessory use to a permitted or conditional use as defined in this Section.

13.14.210.8 Parcel Requirements

The parcel requirements are the same as those listed in the underlying zone, unless the parcel qualifies as an existing and legal non-conforming use.

13.14.220 AGP-O Agriculture Protection Overlay

[13.14.220.1 Purpose And Objectives](#)

[13.14.220.2 Issuance Of Licenses And Permits](#)

[13.14.220.3 Review Of Rezoning For Compatibility](#)

[13.14.220.4 Right To Farm Provisions](#)

[13.14.220.5 Zone Area Requirements](#)

[13.14.220.6 Permitted, Conditional, And Accessory Uses](#)

[13.14.220.7 Parcel Requirements](#)

13.14.220.1 Purpose And Objectives

The purpose and objectives of the AGP-O Agricultural Protection Overlay include, but are not limited to, the following:

- A. To preserve agricultural areas and uses
- B. To protect agriculture from development
- C. To maintain a rural atmosphere in the community

13.14.220.2 Issuance Of Licenses And Permits

Licenses and permits shall not be issued for the construction or alteration of any building or structure, or the relocation of a building onto a lot, or for the change of the use in any land, building, or structure if the construction, alteration, moving, or change in use would encroach upon, or inhibit agricultural pursuits.

13.14.220.3 Review Of Rezoning For Compatibility

Any proposed rezone to the AGP-O Overlay shall be reviewed by the Planning

Commission and City Council for compatibility with the purposes and objectives of the zone.

Rezoning to the AGP-O Overlay shall be completed in accordance with PCC 13.06.080. Likewise, repeal of the AGP-O Overlay shall be completed in accordance with PCC 13.06.080.

13.14.220.4 Right To Farm Provisions

Properties located in the AGP-O Overlay are entitled to certain right to farm provisions. These provisions include the following:

- A. Any property located within five hundred (500) feet of an AGP-O Overlay proposed to be developed shall provide information about how the proposed development will affect existing agriculture.
- B. It is hereby a policy of the City that complaints of normal smells, dust, hours of operation, and similar ordinary agricultural uses shall be discarded unless it can be shown that the agriculture in the area has become unusual since approval of the development.
- C. Residential developments along the borders of the AGP-O Overlay shall be discouraged.

13.14.220.5 Zone Area Requirements

Each AGP-O Overlay shall contain no less than ten (10) acres.

13.14.220.6 Permitted, Conditional, And Accessory Uses

The following uses, and no others, are permitted uses in the AGP-O Overlay:

- A. Agriculture and forestry
- B. Keeping of animals pursuant to PCC 7
- C. Single family dwellings - detached
- D. Public or private utility rights-of-way
- E. Parks and recreational facilities

Conditional Uses. The following list of land use types are allowed as conditional uses in the AGP-O Overlay. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

- A. Agricultural support facilities

- B. Ranch or farm employee dwellings (limited to one unit per ten (10) acres of land area which must be reviewed and renewed every three (3) years)
- C. Water storage facilities, drinking or irrigation
- D. Public or private utility maintenance facilities

Accessory Uses. The following list of land use types are allowed as accessory uses in the AGP-O Overlay. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property.

- A. Garages-detached
- B. Storage facilities for products, machinery and equipment as an accessory use to a permitted or conditional use in the zone
- C. Buildings used for the confinement or protection of animals used as a permitted or conditional use in the zone
- D. Stands for selling goods and products produced on the premises as a permitted or conditional use in the zone

13.14.220.7 Parcel Requirements

The parcel requirements are the same as those listed in the underlying zone, unless the parcel qualifies as an existing and legal non-conforming use.

13.14.230 I-O Infill Overlay

[13.14.230.1 Purpose And Objectives](#)

[13.14.230.2 Review Of Rezoning For Compatibility](#)

[13.14.230.3 Guidelines For Neighborhood Preservation](#)

[13.14.230.4 Zone Area Requirements](#)

[13.14.230.5 Permitted, Conditional, And Accessory Uses](#)

[13.14.230.6 Duration](#)

[13.14.230.7 Structure Placement](#)

[13.14.230.8 Special Considerations](#)

13.14.230.1 Purpose And Objectives

Payson City encourages infill development that is compatible and consistent with existing uses, provided that adequate infrastructure is in place to serve any proposed development. The purpose and objectives of the I-O Infill Overlay include, but are not limited to, the following:

- A. To allow the orderly development of the established areas of the community.
- B. To encourage reinvestment and maintenance of existing neighborhoods.

- C. To stabilize and enhance property values.
- D. To foster community pride.
- E. To promote new development that will enhance and protect the existing structures.
- F. To strengthen the economy and improve the quality of life.

Use of the I-O Infill Overlay is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the I-O Infill Overlay understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless, approved to use the I-O Infill Overlay, at which time the regulations found in this Chapter may be applied. The applicant further understands and acknowledges that denial for the use of the I-O Infill Overlay shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone.

The I-O Infill Overlay may be utilized in the R-1-10, R-1-9, R-1-75, and R-2-75 zones. Approval for the use of the I-O Infill Overlay shall be processed in the same manner as a zone change in accordance with PCC 13.06.080, with the exception that approval for the use of the I-O Infill Overlay need not be shown on the Zoning Map.

13.14.230.2 Review Of Rezoning For Compatibility

Any application for use of the I-O Infill Overlay shall be reviewed by the Planning Commission and City Council for compatibility with the purposes and objectives of the overlay. ***Applications for the purpose of using the overlay to simply avoid compliance with this ordinance, or any building code or any federal, state, county or local law, shall not be approved.***

13.14.230.3 Guidelines For Neighborhood Preservation

Use of the I-O, Infill Overlay to create a flag lot is highly discouraged. A flag lot shall not be permitted in any location where the use of a through street or cul-de-sac would result in a more efficient land use pattern, better emergency access, connectivity, proper installation of infrastructure, or increased harmony in the neighborhood. It is the responsibility of the applicant to demonstrate that a flag lot is preferable to all alternatives, including street alternatives, through streets, and cul-de-sacs; housing alternatives, such as clustered housing or other infill development housing types; and potential future redevelopment alternatives. In assessing redevelopment alternatives, the land use authority shall consider, at the very least, the impact of the flag lot on neighborhood redevelopment cycles, future redevelopment opportunities, and the redevelopment potential of adjoining properties. When alternative development potential exists, or will exist, and the flag lot is not preferable to every alternative, a flag lot shall not be permitted.

The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government. Each request for the use of the I-O Infill Overlay shall be reviewed separately and judged on its own merits. *The intention of the overlay is to allow for infill development that is compatible with existing uses.*

13.14.230.4 Zone Area Requirements

Each I-O Infill Overlay will differ in size from a single lot or parcel, to several lots or parcels.

13.14.230.5 Permitted, Conditional, And Accessory Uses

The permitted, conditional, and accessory uses are the same as the underlying zone. The overlay permits site modification, such as modified setbacks and a reduction in lot frontage and lot area requirements.

Each application for an I-O Infill Overlay shall include, at a minimum, the following:

- A. The lots or parcels proposed to be included in the zone.
- B. The reason for the overlay request and how the request relates to the purpose and objectives herein.
- C. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other similar ideas.
- D. A detailed explanation of how the proposed use will be compatible and consistent with the existing neighborhood.
- E. Any other information that will assist the Planning Commission and City Council determine appropriate characteristics and controls leading to the success of the proposal.
- F. Proposed setback, width, frontage, parcel size and other requirements of the zone.

13.14.230.6 Duration

Unless otherwise specified by the City Council, approval of the overlay shall be valid for one year. If substantial construction of the proposed structure has not been completed, the approval for use of the overlay shall be null and void.

13.14.230.7 Structure Placement

Because each request for use of the I-O Infill Overlay is unique, the placement of structures will need to be reviewed on a case-by-case basis. However, there are several

placement issues that need to be adhered to in the placement of any structure in the I-O Infill Overlay:

- A. **Setbacks.** Each structure in the I-O Infill Overlay shall satisfy the setback requirements of the underlying zone except when the land use authority determines a modified setback satisfies the land use goals of the city and is consistent with the neighborhood look and feel. The front setback for a flag lot shall be measured at the point where the access (flag pole) connects to the remaining area (flag portion) of the parcel.
- B. **Frontage.** The front of each residential structure approved for use of an I-O Infill Overlay shall face the public right-of-way from which the access is obtained. When possible, each residential structure shall be situated in a manner as to be seen from the public right-of-way from which the access is obtained.
- C. **Public Safety.** Access for flag lots shall be at least twenty (20) feet in width and shall be hard surfaced as described in the Payson City Development Guidelines and shall be unobstructed for use by public safety vehicles at all times. Each flag lot shall provide an adequate turn around for public safety vehicles. Each residential structure will be identified at the entrance from the public right-of-way from which access is obtained by a carriage light that includes the address of the residential structure. Furthermore, the Fire Chief or Police Chief may impose additional requirements if deemed necessary to provide proper protection of a flag lot.
- D. **Public Utilities.** A public utility easement shall be recorded around the perimeter of the parcel. All utilities outside of the public right-of-way are the ownership and maintenance responsibility of the property owner.

13.14.230.8 Special Considerations

Due to the unique circumstances in the established areas of the community, the following considerations are applicable only in the I-O Infill Overlay:

- A. Each applicant for the use of the I-O Infill Overlay shall provide notice of the request to the owners of property within two hundred fifty (250) feet, in any direction of the proposed project, except when property is intended to be subdivided in accordance with PCC 12, Subdivision Ordinance wherein the notification provisions of PCC 12 shall apply.
- B. The land use authority may authorize a reduced lot width and/or size if the proposed width and/or size fulfills the land use goals of the city and is consistent with the neighborhood look and feel.
- C. Use of the overlay shall not apply to greenfield development. The overlay shall only apply to lots and parcels in an existing neighborhood.

- D. All structures must be compatible with surrounding development. Design requirements and other conditions, such as fencing and landscaping, may be placed upon any application to reduce the potential for adverse impact on the existing neighborhood.
- E. Access to any structure shall be approved by the Fire Chief. At a minimum, the access shall be at least twenty (20) feet in width and hard surfaced with concrete or asphalt.

13.14.240 AD-O Accessory Dwelling Overlay

[13.14.240.1 Purpose And Objectives](#)

[13.14.240.2 Legislative Deference](#)

[13.14.240.3 Review For Applicability](#)

[13.14.240.4 Zoning Regulations And Uses](#)

[13.14.240.5 Duration](#)

[13.14.240.6 Special Considerations](#)

13.14.240.1 Purpose And Objectives

Payson City encourages the effective use of property in all commercial zones in the community. In some instances, due to accessibility, poor commercial space or the need for more consistent clientele there may be some limited opportunities for residential development in the commercial zones of the City. When an applicant is able to demonstrate the need for residential dwellings and that the dwellings will not inhibit the primary objectives of the commercial zone, use of the AD-O Overlay may be granted by the City Council. The objectives of the AD-O Accessory Dwelling Overlay include, but are not limited to, the following:

- A. To allow the owners of existing commercial buildings with building space not conducive to commercial uses to use the space for residential purposes.
- B. To allow residential uses on second story or higher levels or in the basement areas of commercial structures where proper accessibility and exiting is a challenge.
- C. To encourage reinvestment and maintenance of existing commercial structures which contain ineffective commercial space.
- D. To enhance commercial property values and broaden the market for existing commercial structures.
- E. When an applicant is able to demonstrate that it is appropriate, it may be acceptable to locate accessory apartments in newly constructed buildings under certain circumstances. However, the residential uses must be ancillary to the commercial use of the structure. Furthermore, all residential uses in new commercial structures shall be located on second story or higher levels.
- F. Each applicant seeking approval for use of the overlay must demonstrate that the

residential use will not inhibit or restrict potential or necessary redevelopment of the site.

- G. An accessory dwelling unit will not be allowed if it can be shown that a structure is not suitable for the construction of an accessory dwelling.

Use of the AD-O Accessory Dwelling Overlay is a request for increased intensity in the permitted uses of the underlying zone. Applicants for use of the AD-O Overlay are hereby notified that the development rights on the subject property are those found in the underlying zone until, and unless, approval to use the AD-O Overlay is granted by the City Council. Denial of a request to use the AD-O Overlay will not constitute a takings claim because the applicant will not be denied the ability to use the property in accordance with the underlying zone.

The AD-O Accessory Dwelling Overlay may be utilized in the commercial zones of Payson City including the GC-1, General Commercial Zone; S-1, Special Highway Services Zone; NC-1, Neighborhood Commercial, and the CAP, Commercial, Arts and Parks Zone. Approval for the use of the AD-O Overlay shall be processed in the same manner as a zone change in accordance with PCC 13.06.080, with the exception that approval for the use of the AD-O Overlay need not be shown on the Zoning Map.

13.14.240.2 Legislative Deference

Use of the AD-O Overlay is a legislative decision of the City Council. The City Council is under no obligation to approve the use of the overlay and may deny the request for any debatable reason. Furthermore, there is no precedent established by any decision of the City Council in relation to use of the AD-O Overlay.

13.14.240.3 Review For Applicability

In addition to the objectives identified in PCC 13.14.240.1 each application for use of the AD-O Overlay shall be reviewed by the Planning Commission and City Council for applicability with the purposes and objectives of the underlying zone to ensure that residential uses will not inhibit the primary land use goals of the zoning district.

13.14.240.4 Zoning Regulations And Uses

The property in the commercial zones of the City is intended primarily for retail sales tax generation and to provide other commercial services. Therefore, any residential use must be clearly ancillary to the primary, or commercial, use of the building. Use of the AD-O Overlay will not be allowed on any parcel that contains a non-conforming use of the underlying zone. Accessory dwellings that impede commercial purposes should not be approved.

If the City Council determines that an accessory dwelling will not negatively impact the primary objectives of the underlying zone, the City Council may allow use of the AD-O

Overlay. The guidelines found in this Section are in addition to, and do not necessarily take the place of any other adopted ordinance or resolution of Payson City, Utah County, the State of Utah, and the United States Government.

The uses allowed in the AD-O Overlay include the following:

- A. Second story or higher (above grade) or basement (below grade) residential dwelling units provided the residential use of the structure has a floor area ratio of 2:1 (two (2) square feet of commercial space for every square foot of residential space).
- B. Each accessory dwelling must maintain a private kitchen area and a private bathroom facility that is separated from the commercial area.
- C. Incidental storage areas for residents must be located within the structure and will be included in the 2:1 commercial use/residential use ratio calculation. Outdoor storage is not permitted.

Each application for an AD-O Overlay shall include, at a minimum, the following information:

- A. The structures or parcels proposed to be included in the zone.
- B. The reason for the zone change request in accordance with one or more of the criteria found in PCC 13.14.240.1.
- C. Proposals for special requirements of the zone including architectural controls, materials, uses, massing, or other similar ideas.
- D. A detailed explanation of how the proposed use will be compatible and consistent with the uses in the general vicinity.
- E. Any other information that will assist the Planning Commission and City Council in determining appropriate characteristics and controls leading to the success of the proposal.
- F. The applicant must demonstrate that the residential use is the only appropriate use for the space occupied by the accessory apartment.

13.14.240.5 Duration

Unless otherwise specified by the City Council, approval of the overlay shall be valid for one year. The City Council may require the applicant to obtain approval on an annual basis, which the City Council is not obligated to approve. If substantial construction of the proposed accessory dwelling has not been completed within one year, the approval for use of the overlay shall be null and void.

Compliance with the regulations of the overlay and the conditions of the City Council will

be monitored by review of a recorded Certificate of Present Condition in the office of the Utah County Recorder. The City maintains the right to enter the premises approved for use of the AD-O Overlay to inspect and ensure that the provisions of the Certificate remain intact.

13.14.240.6 Special Considerations

The following issues must be appropriately addressed by each applicant for use of the AD-O Overlay:

- A. Residential uses must be clearly incidental and ancillary to the commercial uses of the building. Therefore, in order to occupy the residential space in a commercial building, all of the following must apply:
 - 1. The commercial space of the building must be completed and ready to occupy.
 - 2. The residential space may not exceed the floor area ratio established in PCC 13.14.240.4.
 - 3. The parking required in this Section shall not reduce the parking available or impede patron parking for the commercial portion of the structure.
- B. Access to each dwelling unit is critical. The following access regulations must be satisfied:
 - 1. All access to the residential units shall be kept unobstructed for use by public safety personnel at all times.
 - 2. The access for the residential structure shall not be the same access as used for the commercial business, nor shall it be on the same side of the structure unless it can be shown that the residential access will have no detrimental effect on the current or future commercial business.
- C. The owner of each residential unit shall obtain approval for an address and conform to any regulations of the United States Postal Service. The address shall be posted in a location approved by the public safety providers of Payson City.
- D. Each residential unit shall have, at a minimum, private kitchen, bathroom and sleeping quarters.
- E. All applicable local, state and federal habitation standards established for minimum size of living spaces must be satisfied.
- F. Each residential unit must be assigned parking spaces that do not interfere with the primary purposes of the zoning district. An applicant must be able to demonstrate or create adequate parking for both the commercial uses of the structure and each additional dwelling unit in accordance with PCC 13.10.

- G. Each structure that contains an accessory structure shall satisfy the provisions of the adopted building and fire codes.

13.14.250 TS-O Transit Station Overlay

[13.14.250.1 Purpose And Objectives](#)

[13.14.250.2 Establishment](#)

[13.14.250.3 Transit Station Boundaries](#)

[13.14.250.4 Use Regulations](#)

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[13.14.250.10 Architectural, Building And Site Design Standards](#)

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[13.14.250.13 Lighting Standards](#)

[13.14.250.14 Sign Regulation](#)

[13.14.250.15 Development Plan](#)

13.14.250.1 Purpose And Objectives

The Transit Station Overlay is established to promote transit-oriented development in areas that are generally located within an approximate one-half (1/2) mile of heavy or light rail transit stations or bus rapid transit stations.

The Transit Station Overlay shall consist of a Transit Community Station located near an existing or future commuter rail transit stop, bus rapid transit, light rail, or other mass transit modes of transportation in the City as set forth on the General Plan map. The Transit Station Overlay is intended to work as an incentive to create a high-density mixed-use and pedestrian-friendly neighborhood with transit service. The purposes and objectives of the overlay are as follows and these purposes and objectives shall be considered pursuant to any rezone request or use of the overlay:

- A. Permit and support higher development densities to encourage the utilization of mass transit, and modes of transportation other than the automobile.
- B. Allow for mixed land uses that contain a flexible arrangement of residential, commercial and mixed-use developments, while adopting detailed urban development standards to ensure compatibility between the uses and pedestrian activity.
- C. Minimize distances between destinations by providing for a number of conveniences and uses, which are compatible with one another and which are within an approximate 1/2-mile walking distance of each other, (i.e., home to office, home to retail service, or office to retail service).

- D. Promote pedestrian-friendly street design and architectural structuring that encourages walking and bicycling.
- E. Reduce transportation spending and increase housing through the lessening of transportation development and maintenance costs.
- F. Decrease auto dependency by providing alternative methods of transportation, and provide planning methods that take into consideration walking and biking.
- G. Create and enhance cultural use areas that promote neighborhood and local social activities.
- H. Integrate open spaces, plazas, courtyards and pocket parks and connect these areas to all other uses in the project and continue on into the existing community of Payson.
- I. Provide for a development plan that has economic viability, where the City will benefit from the project as a whole in the form of sales tax generation, private investment and the creation of new jobs by the extension of the rapid commuter rail line and potentially light rail lines, bus rapid transit lines or trolley service into the City.
- J. Allow for greater flexibility in street and road infrastructure features that distinguish the area as unique and create a distinctive ambiance to the development.
- K. Create a connection over I-15 to the established areas and areas of interest in Payson. Provide a visual and physical connection between East and West.

13.14.250.2 Establishment

The Transit Station Overlay is a use designation applied in addition to the established underlying zoning Zone currently in place. However, it is unique to a specific area within the City. The regulations of the Transit Station Overlay may modify or override the regulations of the underlying zone.

13.14.250.3 Transit Station Boundaries

The Payson City Commuter Rail Station Community located within the Transit Station Overlay is a small area development. The Community Plan and project within an approximate 1/2-mile radius of the proposed transit station site shall contain a mix of compact but compatible uses. The multiple uses in this station community consist primarily of multi-family, commercial, retail, office, and mixed uses. The highest development densities within the overlay area shall be allowed within this station community. All land uses are to be pedestrian oriented and well-connected to open spaces, parks, plazas and social gathering areas. A large multi-transit station hub will be located within the station community. This station is also intended to serve the light industrial and commercial work force in and around the City. Transit riders served by this

transit station will primarily be going to, or coming from work. It will be necessary to serve the area with improved pedestrian network systems for safe walking, and it will be vital for this station to accommodate a park-and-ride lot and additional transportation opportunities. It may also benefit some of the large businesses in the area to serve their transit riders with shuttles.

13.14.250.4 Use Regulations

- A. **Permitted Principal Uses.** Principal uses permitted in the Transit Station Overlay are those permitted by the provisions of the underlying zone.
- B. **Permitted Accessor Uses.** Accessory uses permitted in the Transit Station Overlay shall be the same as for the underlying zone.
- C. **Uses.** Uses allowed in the Transit Station Overlay are listed below. Those uses identified as “permitted” are allowed by right provided that they comply with all other requirements of this Chapter, and all other requirements of the development ordinances of Payson City. Uses identified as “conditional” are to be approved by the Planning Commission and City Council pursuant to the standards and procedures for conditional uses set forth in PCC 13.28, and shall comply with all other applicable requirements of this Title. Permitted and Conditional Uses in the Transit Station Overlay are the same as those in the underlying zone, and in addition the uses shown in the applicable tables below. Uses not specifically listed in this Section or in the underlying zone shall not be allowed.

Permitted Uses.

- A. Permitted principal uses (see above)
- B. Banks, credit unions without drive-up service windows integrated into a multi-tenant structure.
- C. Bed and breakfast establishments
- D. Farmers market
- E. Retail establishments up to 30,000 square feet
- F. Hotel and motel
- G. Medical and dental offices
- H. Mixed-use development, including high density residential
 - I. Municipal facilities and services
- J. Office, professional and service businesses
- K. Restaurants and outdoor dining
- L. Park and Ride lots

- M. Parking structures
- N. Produce and flower stands
- O. Transit station structures and facilities
- P. Recreational facilities (indoor and outdoor)

Conditional Uses (Within 1/4-Mile Radius).

- A. Auditorium or stadium
- B. Club or service organization
- C. Drive-up automated teller machines
- D. Health & fitness facility
- E. Liquor store
- F. Off-site parking
- G. Restaurant (drive-through)

13.14.250.5 Density

The following density requirements shall apply to all residential uses in the applicable Transit Station Overlay. The Payson Transit Station Overlay shall allow for a minimum of fifteen (15) units per acre of residential density with a maximum of twenty-five (25) units per acre on the gross acreage. The actual density allowed pursuant to any development application shall be subject to the approval of the development plan by the Planning Commission and City Council.

13.14.250.6 Street Standards

All streets developed and maintained within the Transit Station Overlay development shall be developed to technical standards established by the City for the class of street being constructed. However, in instances where the developer can show that, due to severe topography, security requirements, or other special circumstances, that dedication or development to City standards is impractical or undesirable, the City Council, after receiving recommendation from the Planning Commission, may approve modified street standards as part of the final development plan, which may include a reduced street width to facilitate the walkable community.

13.14.250.7 Streetscapes

Building line frontages contribute to the public streetscape and therefore are subject to more regulation than the rest of the lot. Buildings shall be placed as close to the street space as possible with orientation to the pedestrian.

Park strips are required on all streets, within each right-of-way. Within commercial areas, park strips shall serve the purpose of allowing for quick stops and shopping. In residential areas, park strips shall serve as buffers between pedestrian walkways and streets.

13.14.250.8 Sidewalk And Pedestrian Circulation

Convenient pedestrian circulation systems shall be provided to minimize pedestrian-auto conflicts, and shall be provided continuously throughout each use integrated into the development plan. Pedestrian walkways shall connect building entrances to each other and connect sidewalks and public streets to existing or planned transit stops. Pedestrian crosswalks shall be clearly discernable and have a different color and texture, and material from the adjacent pavement/concrete utilized for vehicular circulation.

13.14.250.9 Parking Requirements

In order to encourage transit-oriented development throughout the community, maximum-parking requirements should be reduced. Parking within the Transit Station Overlay shall be shared parking areas or multi-level parking structures as necessary. The following requirements shall apply to all uses allowed in the Transit Station Overlay if there is an existing heavy or light rail station:

- A. Reductions in minimum required parking shall apply only after a fixed transit stop has been constructed. Until then, all developments shall be required to follow standard minimum parking requirements. However, developers are encouraged to plan developments near future transit stations to allow for infill development that corresponds to the parking requirements outlined in this Section. Once a transit stop has been constructed, an applicant may submit a parking study, completed by a licensed transportation engineer, to define the existing parking demand. If the parking demand has decreased with the implementation of transit, excess parking areas may be redeveloped, if approved by the City Council.
- B. Multi-family uses must provide one (1) parking space for every dwelling unit plus 0.5 parking space(s) for each additional bedroom after the first. A maximum of two (2) parking spaces is permitted for each multi-family unit.
- C. A maximum of three (3) parking spaces per 1,000 square feet of office and retail space is permitted.
- D. On-street parking is permitted and encouraged for commercial and retail uses, and can be included in the total development required parking calculations. On-street parking can be included in the required parking calculations for a commercial or retail use or structure which fronts, and is adjacent to the on-street parking stall.
- E. Ingress and egress for parking lots shall be from side streets for commercial

uses.

- F. A parking lot or garage may not be adjacent to or opposite a street intersection, nor may any portion of a parking lot front an arterial street without specific City approval.
- G. A developer may request a reduction in the number of parking spaces by City approval, providing that the developer submit information as to the forecasted trips generated in contrast to what is forecasted for transit ridership. Requests for reductions should include the commitment of additional amenities such as development supplied transit passes to 100% of units, car or bike share, unbundled parking for 100% of units, bike lockers/storage, etc. Requests for a reduction in parking spaces shall be reviewed by the City Council.
- H. Tandem parking spaces for all single-family residential attached, residential duplex, and residential townhouse units are permitted. Tandem parking may be used at feasible multi-family developments when the use of tandem parking spaces can be assigned to individual units, and can be under the control of single households.
- I. Parking structures are encouraged as a way to maximize usable land as well as consolidate parking lots and surface lots. Structures should provide for shared parking. Parking structures should also be located away from the immediate streetscape. Options for placement include center of block, aboveground, and below ground.
- J. Parking structures shall include pedestrian walkways and connections to continuous pedestrian paths/sidewalks.
- K. Parking structures shall be architecturally integrated or designed in accordance with the same theme as the entire community or to adjacent main buildings.
- L. Blank facades and solid walls at grade are not permitted.
- M. In addition to the parking requirements listed above, the Planning Commission and City Council shall determine, based upon proximity to the transit facilities, site planning and other considerations any additional parking to be provided by the applicant based upon density, types of uses and appropriate exaction limits in order to ensure that the area covered by the Transit Station Overlay provides an appropriate number of parking spaces required by the appropriate transit facility.

13.14.250.10 Architectural, Building And Site Design Standards

A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

- A. **Height.** New structures within the boundaries of a Transit Station Overlay shall be no more than four (4) stories for all structures. An increase to the maximum height requirement for a structure may be granted by the City Council.

B. Building Facades And Entry Ways.

1. All buildings must provide a main entrance on the façade of a building nearest to and facing a street that connects to the transit station, a walkway to the transit station or the particular uses on the street.
2. Building facades must be aesthetically interesting and pleasing and should avoid a uniform building style.
3. Architectural style, colors and materials shall be compatible throughout the community and shall include varied window shapes and rooflines to provide for a varied and interesting architectural look.
4. The style and materials shall complement the surrounding environment and not detract from any visual corridor views.
5. The architectural features, materials and articulation shall be continuous along all sides visible from any street or pedestrian path. The following is a list of encouraged, but non-inclusive, architectural features:
 - a. Cornices
 - b. Pediment entry
 - c. Columns and pillars
 - d. Overhang
 - e. Window molding and varied window sizes and shapes
 - f. Recessed fenestration
 - g. Portico
 - h. Porte-cochere
 - i. The use of varied building materials to offset the entryways to residential and commercial uses.
6. The front façade of all principle buildings shall face onto the street, and not be oriented toward a parking lot or parking structure.
7. Porches, roof overhangs, hooded front doors, and other architectural façade elements shall define the front entrance to all principle structures.
8. For commercial, retail, and office buildings, a minimum of fifty (50) percent of the front façade on the ground floor shall be transparent, consisting of true window or door opening allowing views into and out of the interior of the building.
9. Planters and window boxes for flowers and climbing vines are required as building façade enhancement features.

10. Rooflines with visible ornamental features are required. Features may include cornices and parapets. They should demonstrate a commonsense recognition of the climate by utilizing appropriate pitch, drainage, and materials in order to provide visual coherence to the Transit Station Overlay.

C. **Massing.** Buildings should have a visually distinct base that creates a welcoming environment for pedestrians. The lowest level of the building should have more mass and bulk in order to be clearly delineated and scaled.

13.14.250.11 Open Space Requirements

The development plan shall provide at least fifteen percent (15%) of the total development area for usable open space purposes. Included, as part of the open space requirement can be pocket parks, mini parks, courtyards, and landscaped social gather areas. Non-landscaped gathering areas such as plazas and fountain areas shall count toward this open space requirement. Each open space shall provide for at least three (3) of the following six (6) conditions through its design, placement, or provisions:

- A. Public art
- B. Sitting areas (i.e. stairs, planter boxes, benches, or chairs)
- C. Food (either through immediate restaurants, eateries, vendors, or stores)
- D. Furniture
- E. Water features
- F. Natural light of at least 4-hours of exposure

Design of the open space shall be provided by the applicant and is subject to final review and approval by the Planning Commission and City Council.

13.14.250.12 Landscaping Standards

Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas. The following site landscaping standards shall apply to all new development and all landscaping shall be subject to review and final approval by the Planning Commission and City Council and any applicant for development shall provide a complete landscaping plan.

- A. Street trees shall be provided on all street frontages, at a minimum of one (1) tree for every twenty (20) feet of public or private right-of-way. Street trees may be clustered and need not be evenly spaced. Trees should preferably be placed between the sidewalk and curb in a landscaped strip, or in tree wells installed in

paved pedestrian path, at least eight (8) feet in diameter.

- B. A minimum of twenty (20) percent of a residential, office or public/semi-public development site shall be landscaped. Decorative pavement within a public plaza, excluding sidewalks, may account for one-third of the landscaping provided to meet this requirement. Outdoor play areas may be considered as open space up to one-half of the landscaping provided to meet this requirement.

13.14.250.13 Lighting Standards

Street lighting shall be provided along all streets. Moreover, smaller pedestrian grade lights, as opposed to fewer high-intensity lights, shall be utilized. Streetlights shall be installed on both sides of the street with spacing no greater than seventy-five (75) feet per fixture. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society. Materials and equipment chosen for lighting fixtures should be durable and weather well. Appropriate lighting is desirable for nighttime visibility, crime deterrence, and decoration; however, lighting that is too bright or intense creates glare, hinders night vision, and creates light pollution is prohibited. Therefore, all lighting shall be shielded to prevent up-lighting and light escape. A standard list of approved lighting fixture choices will be available as approved by the City.

13.14.250.14 Sign Regulation

A comprehensive sign program is required for any development in the Transit Station Overlay that establishes a uniform sign theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, all signs shall be wall signs, cantilever signs, 'A' frames, or in the form of awnings. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight (8) square feet. Billboards, banners, and pole signs are not permitted. Window signs will be allowed under the conditions that they only cover twenty-five (25) percent of the window area. Signage shall be subject to approval of the Planning Commission and City Council and shall be set forth in the site plan request.

13.14.250.15 Development Plan

A development plan is to be prepared for the Transit Station Overlay area at the time that the land is proposed for development or at the time of a zoning request whichever is appropriate. The plan may modify the boundaries of the overlay as authorized by the City Council and shall provide for the physical design of the Transit Station Overlay area relative to public improvements, development standards, design criteria, and public incentives. The development plan shall consist of the following:

- A. Existing land uses, property ownership, development character and the relative character of existing uses within 1/2 mile of the proposed transit station.
- B. Analysis of potential impacts to existing infrastructure, including a traffic study.

- C. A preliminary and final development plan for Planning Commission and City Council review and approval showing the station community and project boundaries, building placement, parking, pedestrian and bicycle paths, plazas, social gathering centers, and building elevations. Such preliminary site plan shall comply with all other sections of the City Code and is subject to approval by the Planning Commission and the City Council.
- D. An implementation and phasing timetable.

13.14.260 MH-1 Mountain And Hillside Zone

[13.14.260.1 Purpose, Intent And Objectives](#)

[13.14.260.2 Applicability](#)

[13.14.260.3 Permitted, Conditional And Accessory Uses](#)

[13.14.260.4 Permitted Density, Width And Frontage](#)

[13.14.260.5 Setback Requirements](#)

[13.14.260.6 Circulation And Access, Roads](#)

[13.14.260.7 Landscaping And Vegetation](#)

[13.14.260.8 Design Guidelines](#)

[13.14.260.9 Building Considerations](#)

[13.14.260.10 Project Lighting](#)

[13.14.260.11 Height Requirements, Fire Issues](#)

[13.14.260.12 Wildlife Considerations](#)

[13.14.260.13 Ridgeline Protection](#)

[13.14.260.14 Viewshed Protection](#)

[13.14.260.15 Clustering And Placement Of Structures](#)

[13.14.260.16 Provision Of Utilities](#)

[13.14.260.17 Protection Of Dedicated Open Space Or Preservation Areas](#)

[13.14.260.18 Other Requirements](#)

13.14.260.1 Purpose, Intent And Objectives

It is a finding of the Payson City Council that development in mountainous areas or on hillsides requires additional guidance and consideration than typical urban or suburban development. The purpose of this Chapter is to provide adequate development standards to address the unique environmental, geologic, and aesthetic characteristics of present and future development in the mountainous and hillside areas of Payson City. In general, property assigned the MH-1, Mountain and Hillside Zone should be protected in its natural state and serve to preserve the natural features of the area with limited development.

It is the intention of the City Council to control the development pattern in mountainous and hillside areas so that development is safe, efficient, and compatible with natural and built surroundings. The objectives of the MH-1 Zone include, but are not limited to the following:

- A. To protect and preserve unique and valuable characteristics of the natural environment.
- B. To limit residential density and allow development only in appropriate locations.
- C. To create efficient and practical development patterns in sensitive terrain.
- D. To promote new development that is compatible with natural surroundings.
- E. To minimize excavation and disturbance of natural terrain and vegetation.
- F. To avoid inappropriate lighting, colors, reflective materials, and other disturbances of the natural environment experience.
- G. To avoid development becoming the primary feature of the mountainous and hillside areas.
- H. To use creative and unique development standards to address unusual circumstances and challenges.
- I. To encourage the use of appropriate materials compatible and consistent with mountain or hillside development.

Applicants proposing development in the MH-1 Zone must be aware that development proposals in the zone may be reviewed by not only Payson City, but also other stakeholders. Other organizations that may review, at the discretion of the City Council, proposed development include, but are not limited to:

- A. The United States Forest Service
- B. The Bureau of Land Management
- C. Army Corps of Engineers
- D. Utah Department of Natural Resources
- E. Utah County, Utah
- F. Utah County, Utah Search and Rescue
- G. Elk Ridge City, Utah
- H. Santaquin City, Utah
- I. Strawberry Electric Service District
- J. Strawberry Water Users Association
- K. Highline Canal Company

Due to the location and environmental considerations, development in the MH-1 Zone is likely to be carefully reviewed for environmental impact during the development review process. Areas such as the Nebo Loop National Scenic Byway, Payson Canyon, and “P”

Mountain are valuable for their aesthetics and natural terrain. If it cannot be clearly shown that a proposed development will not have a detrimental effect on the environment, geologic hazards, or aesthetic characteristics of the area, the proposed development will be denied.

13.14.260.2 Applicability

Generally, the location of the MH-1 Zone includes the following although the City Council may include any appropriate area in the MH-1 Zone:

- A. Parcels located south of the intersection of Canyon Road and 600 East at the north portal of the Nebo Loop National Scenic Byway. The MH-1 Zone is not established to encourage annexation and subsequent development in Payson Canyon, rather annexation should be for preservation efforts only.
- B. Parcels located south and west of Gladstan Golf Course.
- C. Parcels located higher in elevation than the “P” on “P” Mountain.
- D. Inaccessible parcels of property that would require significant road cut and fill practices, extensive utility extension, slopes visible from great distances, areas of faulting and poor soils, and other highly sensitive visual and environmental areas.

It is the intention of the City Council that the requirements of this Chapter be consistent with the provisions of PCC 12 Subdivision Ordinance and PCC 14 Sensitive Lands. However, if inconsistencies between this Chapter and either/both PCC 12 or PCC 14 are found, the requirement applying the stricter standard shall apply

13.14.260.3 Permitted, Conditional And Accessory Uses

Permitted Uses. The following land use types are permitted uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

- A. Agriculture and forestry
- B. Single family dwellings – detached
- C. Single family dwellings – attached
- D. Public or private utility rights-of-way
- E. Parks and recreational facilities
- F. Subdivisions pursuant to PCC 12
- G. Keeping of animals pursuant to PCC 7

- H. Residential care facilities for the elderly and persons with a disability in accordance with PCC 13.42.

Conditional Uses. The following land use types are conditional uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not a conditional use in the zone. Uses listed as conditional uses must be reviewed and approved in accordance with the criteria established in PCC 13.28.

- A. Water storage facilities either drinking or irrigation
- B. Resorts and group camps
- C. Golf courses
- D. Public or private utility maintenance facilities

Accessory Uses. Given the nature of the area included in the MH-1 Zone, it is possible that some property owners will desire to have an accessory structure without the construction of a primary structure or in conjunction with a permitted use. However, an accessory structure will not be allowed without the construction of a primary structure or in conjunction with a permitted use. Each accessory structure shall be constructed in a manner that satisfies all regulations of this Chapter including the use of materials and colors, access, fencing, and other requirements.

The following land use types are accessory uses in the MH-1, Mountain and Hillside Zone. Unless specifically listed, any other use is not an accessory use in the zone. An accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include storage units.

13.14.260.4 Permitted Density, Width And Frontage

Residential development in the MH-1 Zone is strictly limited to avoid overcrowding of land in sensitive areas. In general, development is discouraged in these areas. Developments in the MH-1 Zone shall not exceed one (1) unit per ten (10) acres. Each development in the zone will be unique to protect or take advantage of the unique characteristics of the site. There are no lot size requirements except that all provisions of the adopted development ordinances must be satisfied including those that may limit lot sizes.

The width of individual lots may vary according to the development layout and design. Regulations for adequate fire protection, access, environmental protection and other

layout considerations will determine lot width.

Each development in the MH-1 Zone shall obtain primary access from a publicly owned and maintained street. Specific frontage requirements on the public street shall be determined on an individual case-by-case basis. Multiple development proposals shall not obtain access from a single private access from a publicly owned and maintained street.

13.14.260.5 Setback Requirements

Setbacks may vary in individual developments, however, the following setback standards must be satisfied by each proposed development in the MH-1 Zone.

- A. **Setback From The Nebo Loop Scenic Byway.** No structure shall be located less than one hundred (100) feet from the Nebo Loop Scenic Byway except traffic regulatory signs and development entrance features.
- B. **Setback From Publicly Maintained Street.** No structure shall be located less than twenty-five (25) feet from any publicly maintained street.
- C. **Setback From Other Structures.** Each structure shall be a minimum of twenty (20) feet from any other structure.
- D. **Setback From River, Stream, Spring, Or Well.** No structure shall be located less than two hundred (200) feet or the minimum distance indicated in a source protection plan from any river, stream, spring, or well.
- E. **Setback From Geologic Hazard.** No structure shall be located in any area deemed to present a geologic hazard.
- F. **Setback From Ridgeline.** No structure shall be located in a ridgeline protection area as defined in this Chapter.
- G. **Setback From Viewshed.** No structure shall be located in a viewshed protection area as defined in this Chapter.

13.14.260.6 Circulation And Access, Roads

Circulation and access are important considerations in the MH-1 Zone. Developments are likely to be low density, rural developments. Emergency response in these areas is critical due to location and terrain. Applicants and the City must work together to reach an agreement on adequate and appropriate circulation and access. If adequate and appropriate circulation and access for safety, provision of services, protection of the natural environment and other access issues cannot be achieved, the development will not be approved.

- A. **Roads And Access.** The design requirements for roadways and access facilities in the MH-1 Zone may vary according to topography, the number of

units, the types of units, location to public safety facilities and other considerations. However, in no case shall the road width within any development be less than twenty-eight (28) feet. Furthermore, turn around facilities and backing areas for public safety vehicles, snow removal vehicles, and other oversize vehicles will be required in logical and appropriate areas as determined in coordination with the City Engineer, Fire Chief and Police Chief. In accordance with PCC 12, Subdivision Ordinance, each development will be required to have at least two points of ingress and egress for more than ten (10) residential units or ten (10) equivalent residential units.

If approved by the City Council, developments may incorporate private roads, but at least one access to the proposed development must be from a publicly maintained road. All private roads must satisfy all design standards of public streets with the exception of width as addressed herein.

In the event of very steep slopes, the City Engineer may require grade separated travel lanes to reduce the amount of cut and fill in the MH-1 Zone. Other ideas and considerations intended to provide safe, proper and effective traffic circulation that will result in more environmentally friendly road construction may be reviewed by the City Council during the review process.

- B. **Curb And Sidewalk.** Curb in the MH-1 Zone may be a rolled curb thirty (30) inches wide designed to satisfy the storm drainage requirements of Payson City. Sidewalks are not required in the MH-1 Zone, but are allowed. However, each development must include a pedestrian plan for safe and convenient pedestrian movement. Sidewalks, trails, paths, or any combination may be used to satisfy this requirement.
- C. **Bridges.** Bridges in the MH-1 Zone shall be avoided where possible. If bridges are found necessary, bridge design shall incorporate natural materials where possible. For instance, bridge rails shall be constructed of wood rather than steel beams. Applicants are responsible for approval of bridges from the Utah Department of Natural Resources, The U.S. Department of the Interior, Army Corps of Engineers, and any other regulatory body.
- D. **Parking.** To ensure proper traffic circulation and safety, there shall be no on-street parking on streets that are twenty four (24) feet wide or less in the MH-1 Zone. Each development shall satisfy the off-street parking requirements found in PCC 13.10, including adequate parking for anticipated guests and visitors, together with parking for service vehicles and other vehicles.

13.14.260.7 Landscaping And Vegetation

Landscaping and existing vegetation are primary concerns in the MH-1 Zone. It is the intention of Payson City to encourage landscaping and vegetation that is natural and native to the surrounding environment. Each building site plan in the MH-1 Zone shall

include a landscaping plan that indicates the number and size of trees and shrubs to be planted, lawn and turf areas, and irrigation plans. Plans found to be inappropriate for the reasons of wasting water, destruction of the natural environment, introduction of species that could threaten native vegetation, or other justifiable reason will be denied by the City. Each landscaping plan shall be reviewed by a member of the American Society of Landscape Architects to ensure that the plan is appropriate for the specific location in terms of planting materials, introduction of species, climate, drought tolerance, fire resistance and other applicable considerations. If development of the site will affect the ability of the existing vegetation to receive water, the plan must include a method of watering the existing vegetation.

- A. **Preservation Of Existing Vegetation.** Where possible, efforts must be made to protect existing vegetation. Applications for excavation permits in the MH-1 Zone must be accompanied by a limits of disturbance (LOD) preservation plan indicating the extent of disturbance. The LOD shall be limited to the minimum area necessary to construct a structure and provide adequate fire protection, together with an entrance to the structure no wider than twenty-four (24) feet. Protective fencing shall be installed at the edges of the LOD to protect the remainder of the site from disturbance and erosion. Disturbance beyond the area indicated on the LOD may result in revocation of any development permit. At a minimum, disturbance beyond the area indicated on the LOD will be mitigated by the replacement of vegetation by the applicant.
- B. **Introduction Of New Vegetation.** Any vegetation introduced on any parcel shall be approved by the City. The City shall review the proposed introduction to determine if the proposed vegetation is appropriate for the location. The vegetation should be native to the area and not present a threat to existing native vegetation. The City may hire, at the applicant's expense, a botanist or other appropriate professional to determine the effect of the proposed vegetation introduction.
- C. **Landscaping Limitations.** Lawn and turf areas shall be limited to the extent possible. Each building site plan shall include a landscaping plan indicating all lawn and turf areas. The introduction of plant species that could threaten native vegetation will not be allowed.

13.14.260.8 Design Guidelines

- A. **Acceptable Materials.** Developments in the MH-1 Zone are proposed in an area that is unique and in the case of Payson Canyon, nationally significant as evidenced by the establishment of the Nebo Loop National Scenic Byway. In order to preserve the critical nature of development in areas designated MH-1, more specific development standards will be enforced. Developments in the MH-1 Zone shall use appropriate materials and colors throughout the development.

1. Materials acceptable for construction in the MH-1 Zone include only the

following:

- a. Logs, timber and wood siding (not to include wood simulated vinyl or aluminum, or masonite siding)
 - b. Rock and stone
 - c. Wood simulated masonry siding, not to exceed fifty (50) percent of the total exterior of the structure
 - d. Stucco not to exceed twenty-five (25) percent of the total exterior of the structure
 - e. Cedar shake shingles, must satisfy fire code
 - f. Asphalt shingles, architecturally compatible with the design of the structure and rated for the specific climate
 - g. Concrete or slate tiles
 - h. Corrugated metal (roofing only)
 - i. Aluminum or vinyl flashing may be used around doorways, windows, and eaves only.
 - j. Brick structures are not allowed.
2. Colors acceptable for construction in the MH-1 Zone include only the following unless it can be shown that other colors will blend in a particular location:
- a. Muted earth tones
 - b. Dark green or brown accents
 - c. Roofing materials must be gray, green, brown or tan

B. Fencing Considerations. In general, fencing of any type is highly discouraged in the MH-1 Zone. Fencing can inhibit the free movement of wildlife, cause the removal of mature trees and other native vegetation, and contribute to difficulty of access for fire protection. Any development in the MH-1 Zone should result in a partnership with the natural environment, not an attempt to alter the natural setting. However, if fencing is proposed, a fencing plan shall be submitted for review and the following guidelines should be considered:

1. Wherever possible, fencing materials shall be natural and consistent with products found in the vicinity. For instance, log rail fences should be used in wooded areas.
2. Fencing should be flexible to avoid the removal of native trees and shrubs rather than follow strict property lines. If the exact identification of property

lines is important to the property owner, the location of the fence should be surveyed or identified using global positioning (GPS) and the boundaries of the adjoining properties should be adjusted to preserve as much of the natural setting as possible.

3. All fences in the MH-1 Zone shall be reviewed by the Utah Division of Wildlife Resources (DWR). Protection of migration routes, feeding and watering travel routes and other modifications suggested by DWR shall be incorporated into the fencing plan.
4. Payson City will not be responsible for trespass, damage or other action by the public enemy. Appropriate municipal efforts to protect private property notwithstanding, property owners in the MH-1 Zone should realize the isolated location and access challenges of public safety entities. While fencing is often thought to reduce criminal activity, it is the experience of Payson City that fencing has very little effect on such actions. Therefore, claims for fencing needs for protection are not necessarily a reason to install fencing.

C. **Three Hundred Sixty Degree Architecture.** Due to the visibility and sensitive nature of the property in the MH-1 Zone, all structures shall incorporate three hundred sixty-degree architecture. In other words, the architectural details included on the façade of the structure will be incorporated into the design of the other exterior walls of the structure.

D. **Project Details.** Project details such as community mailbox units, street lighting, road identification and regulatory signs, pavilions, entry signs, security gates, and all other details should be consistent with the design theme of the project and the surrounding natural environment. Specific details for all project features will need to be provided to the City for review and approval.

13.14.260.9 Building Considerations

A. **Screening Of Development.** The area included in the MH-1 Zone is visually sensitive. It is a finding of the City Council that these areas remain, as much as possible, in a natural state. All structures in the MH-1 Zone will be hidden from view from major transportation corridors to the extent possible. In areas where natural screening is unavailable, the development shall provide natural screening for the development through the use of trees, berming, and other acceptable methods. Clustering of units will be required if there is a possibility of hiding units from public view. Additionally, all utility facilities must be screened from public view.

B. **Structures Built To Complement Natural Topography.** Structures shall be designed to complement the natural topography. Excessive grading, cuts and fills should be avoided. Structures should blend into the environment not stand out or

be obvious. Primary pitch lines of the structure must be parallel to the primary slope of the surrounding mountains and hills. The use of reflective materials, such as glass, should be kept to a minimum in the design of the structure.

- C. **Engineered Plans.** The topography, soils, snow load, and other building considerations vary greatly in the areas designated as MH-1. Therefore, the foundation, snow load and other structural details for all structures built in the MH-1 Zone shall be designed by a registered engineer and include the stamp of the engineer.

13.14.260.10 Project Lighting

Project lighting in the MH-1 Zone shall complement the development through the use of appropriate materials and colors. Streetlights should be hooded and direct light toward the ground to avoid light spillage into sensitive areas. Light poles should be no higher than is necessary to provide safety and should be a color that will blend into the surrounding environment. All undue lighting shall be eliminated from the development.

13.14.260.11 Height Requirements, Fire Issues

No structure in the MH-1 Zone shall exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in PCC 14, Sensitive Lands and the regulations of this Chapter.

Each development or individual structure in the MH-1 Zone shall satisfy the regulations of the Payson City Wildland Interface Zone administered by the Payson City Fire Department. Any special considerations will be included in a development agreement approved by the City Council.

13.14.260.12 Wildlife Considerations

Each development in the MH-1 Zone shall provide evidence, approved by the Utah Department of Natural Resources, that the proposed development will not be detrimental to wildlife in the area proposed for development. If wildlife mitigation is required, it shall be the sole responsibility of the applicant. Payson City will require that all suggestions of the Department of Natural Resources be satisfied.

13.14.260.13 Ridgeline Protection

Developments in the MH-1 Zone are not permitted to encroach upon any prominent ridgeline. For the purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either

side of the crest

13.14.260.14 Viewshed Protection

Developments in the MH-1 Zone are not permitted to encroach upon any viewshed area. Because the area covered by the MH-1 Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case-by-case basis. Once the viewshed area has been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

13.14.260.15 Clustering And Placement Of Structures

Clustering of development through the use of a Planned Residential Development (PRD) as allowed in PCC 12, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. The base density for any PRD within the MH-1 Zone shall be in accordance with the density requirements of PCC 13.14.260.4. Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by PCC 12:

- A. Clustering will further the policies and objectives of this Chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.
- B. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape.

The placement of structures on any lot must be approved by Payson City. Staff shall determine the location of each structure concentrating on the issues cited in this Chapter, the geotechnical report prepared for the development, the visual impact of the structure, and other general site considerations. If an applicant is in disagreement with the location determined by staff, the applicant may appeal the decision to the City Council whose decision shall be final.

13.14.260.16 Provision Of Utilities

Payson City is under no obligation to provide drinking water, pressurized irrigation, wastewater disposal, solid waste collection, or any other public utility service to any property located within the MH-1 Zone. Furthermore, each property owner will be required to provide, at their own expense, the utility services necessary to properly serve any and all structures in the development. Individual wells, water tanks, septic tanks, privies, and other internal or project specific utility services are subject to the regulations

of all development ordinances of Payson City.

13.14.260.17 Protection Of Dedicated Open Space Or Preservation Areas

Development in accordance with the provisions of this Chapter will result in the dedication of open space or undeveloped preservation areas. It is the objective of the Section to ensure that these areas remain unaltered and as intended in the establishment of this Chapter and the creation of the open space or preservation area in perpetuity. Therefore, prior to the approval of any development in accordance with the provisions of this Chapter, the applicant for development approval shall prepare an open space conservation plan. The open space conservation plan shall be submitted prior to approval of any development proposal and shall be in addition to any other requirements of any development ordinance of Payson City. At a minimum, the open space conservation plan shall include the following:

- A. A legal description of each parcel proposed to be preserved as open space, park land, or otherwise left in its natural state.
- B. The proposed ownership of the open space or park land.
- C. The proposed method to ensure that the open space or park land will remain in its intended state in perpetuity which may include one or more of the following:
 1. A deed restriction upon the property indicating the allowable uses of the property. The deed shall be recorded in the office of the Utah County Recorder.
 2. A conservation easement in favor of Payson City or another qualified not for profit agency approved by Payson City indicating the allowable uses of the property. The conservation easement shall be recorded in the office of the Utah County Recorder.
 3. Dedication of ownership to Payson City or another recipient approved by Payson City.
 4. Dedication or recordation of a conservation easement in favor of a qualified land trust or other organization approved by Payson City.
- D. A maintenance plan for the open space or park land. The maintenance plan will need to include:
 1. The anticipated needs for and proposed method of perpetual maintenance of the open space or park land including fencing, irrigation, restoration, fire protection, and any other issue determined by the City Council to be a maintenance concern.
 2. The proposed funding mechanism necessary to complete proper maintenance of the open space or park land.

In an effort to protect dedicated open space or preservation areas, it is anticipated that more than one of the strategies listed above may be employed by the applicant.

13.14.260.18 Other Requirements

All applications for development approval, building permit, or other improvement of property in the MH-1 Zone shall satisfy all applicable requirements of PCC 13, Zoning, PCC 12, Subdivision Ordinance, PCC 14, Sensitive Lands, and all other development ordinances of Payson City.

An applicant for development approval in the MH-1 Zone may be required to submit additional information in order for the Planning Commission and City Council to make well-informed decisions. The cost of these additional studies is the responsibility of the applicant. Staff will make an effort to inform the applicant of any additional studies as early in the development process as possible.

13.14.270 MH-2 Mountain And Hillside Zone

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13.14.270.1 Purpose, Intent And Objectives

It is a finding of the Payson City Council that development in mountainous areas or on hillsides requires additional guidance and consideration than typical urban or suburban development. The purpose of this Chapter is to provide adequate development standards to address the unique environmental, geologic, and aesthetic characteristics of present and future development in the mountainous and hillside areas of Payson City while allowing the use of private property to establish a development pattern that is consistent with the objectives of this Chapter.

Unlike the MH-1, Mountain and Hillside Zone, which is created to limit development to protect or preserve the natural environment, the MH-2 Zone anticipates development of the property in the MH-2 Zone that is in harmony with and may even enhance the natural surroundings in the vicinity. Rather than strictly limiting the density and discouraging development, the intent of the MH-2 Zone is to regulate the development pattern to produce an attractive and appropriate result. However, many similarities between the two zones exist. Similar to the MH-1 Zone, it is the intention of the City Council to control the development pattern in mountainous and hillside areas so that development is safe, efficient, and compatible with natural and built surroundings. The objectives of the MH-2 Zone include, but are not limited to the following:

- A. To protect and preserve unique and valuable characteristics of the natural environment.
- B. To encourage appropriate development with appropriate densities, design and character in proper locations.
- C. To create efficient and practical development patterns in sensitive terrain.
- D. To promote new development that is compatible with natural surroundings.
- E. To minimize excavation and disturbance of natural terrain and vegetation.
- F. To avoid inappropriate lighting, colors, reflective materials, and other disturbances of the natural environment experience.
- G. To avoid development becoming the primary feature of the mountainous and hillside areas.
- H. To use creative and unique development standards to address unusual circumstances and challenges.
- I. To encourage the use of appropriate materials that is compatible and consistent with mountain or hillside development.

Applicants proposing development in the MH-2 Zone must be aware that development proposals in the zone may be reviewed by not only Payson City, but also other stakeholders. Other organizations that may review, at the discretion of the City Council, proposed development include, but are not limited to:

- A. The United States Forest Service
- B. The Bureau of Land Management
- C. Army Corps of Engineers
- D. Utah Department of Natural Resources
- E. Utah County, Utah
- F. Utah County, Utah Search and Rescue

- G. Elk Ridge City, Utah
- H. Santaquin City, Utah
- I. Strawberry Electric Service District
- J. Strawberry Water Users Association
- K. Highline Canal Company

Due to the location and environmental considerations, development in the MH-2 Zone is likely to receive a high amount of scrutiny in the development review process. Areas such as the Nebo Loop National Scenic Byway, Payson Canyon and “P” Mountain are valuable for their aesthetics and natural terrain. If it cannot be clearly shown that a proposed development will not have a detrimental effect on the environment, geologic hazards, or aesthetic characteristics of the area, the proposed development will be denied.

13.14.270.2 Applicability

The location of the MH-2 Zone generally includes the following although the City Council may include any appropriate area in the MH-2 Zone:

- A. Readily accessible and developable parcels located south of the intersection of Canyon Road and 600 East at the north portal of the Nebo Loop National Scenic Byway.
- B. Readily accessible and developable parcels located above the Highline Canal on the east, west and south sides of the City.
- C. Readily accessible and developable parcels located west and south of Goosenest Drive south of the intersection with Salem Canal Road.
- D. Readily accessible and developable parcels located near Gladstan Golf Course.

It is the intention of the City Council that the requirements of this Chapter be consistent with the provisions of PCC 13, Zoning; PCC 12, Subdivision Ordinance; and PCC 14, Sensitive Lands; and all other development ordinances of Payson City. However, if inconsistencies between this Chapter and either/both PCC 12 or PCC 14 are found, the requirement applying the stricter standard shall apply.

13.14.270.3 Permitted, Conditional And Accessory Uses

Permitted Uses. The following land use types are permitted uses in the MH-2, Mountain and Hillside Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

- A. Agriculture and forestry
- B. Single family dwellings – detached
- C. Single family dwellings – attached
- D. Public or private utility rights-of-way
- E. Subdivisions pursuant to PCC 12
- F. Keeping of animals pursuant to PCC 7
- G. Residential care facilities for the elderly and persons with a disability in accordance with PCC 13.42.

Conditional Uses. The following land use types are conditional uses in the MH-2, Mountain and Hillside Zone. Unless specifically listed, any other use is not a conditional use in the zone. Uses listed as conditional uses must be reviewed and approved in accordance with the criteria established in PCC 13.28.

- A. Hotel, motel, lodges and similar nightly rental units, not to include continuous occupancy for more than seven (7) consecutive days.
- B. Conference and convention centers
- C. Golf courses
- D. Restaurants, only when associated with a hotel, motel, lodge, bed and breakfast, conference or convention center or golf course
- E. Bed and breakfast establishments provided:
 - 1. The owner resides within the business.
 - 2. Occupancy is limited to seven (7) consecutive days or less.
 - 3. There are five (5) or fewer rental units within the business.
 - 4. The structure will maintain a residential appearance.
 - 5. Adequate off-street parking can be accommodated on the site.
 - 6. The business will obtain and maintain a valid tax identification number, commercial cooking facilities, and a current business license.
 - 7. The structure may not be used as a boarding house or rental units for more than seven (7) consecutive days. If it can be demonstrated that the structure is or has been used as a boarding house, long term rental units or any similar use, the City Council may revoke any license to operate the bed and breakfast establishment.
- F. Time-share units when approved as a condominium project consistent with the density requirements herein.

- G. Gift shops, only when associated with a hotel, motel, lodge, bed and breakfast, conference or convention center or golf course
- H. Seasonal access cabins and vacation homes
 - I. Parks and recreational facilities
- J. Ranch or farm housing for bona fide agricultural uses limited to one (1) residential unit with no more than six (6) total residents per one hundred (100) acres
- K. Public or private utility maintenance facilities

Accessory Uses. Given the nature of the area included in the MH-2 Zone, it is possible that some property owners will desire to have an accessory structure without the construction of a primary structure or in conjunction with a permitted use. However, an accessory structure will not be allowed without the construction of a primary structure or in conjunction with a permitted use. Each accessory structure shall be constructed in a manner that satisfies all regulations of this Chapter including the use of materials and colors, access, fencing, and other requirements.

The following land use types are accessory uses in the MH-2, Mountain and Hillside Zone. Unless specifically listed, any other use is not an accessory use in the zone. An accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. **Garages.** Detached
- B. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include commercial storage units.

13.14.270.4 Permitted Density, Width And Frontage

- A. **Residential Density.** Residential developments in the MH-2 Zone shall not exceed one (1) unit per acre. Each development in the zone will be unique to protect or take advantage of the unique characteristics of the site. A great deal of flexibility will be given to an applicant for development approval in relation to individual parcel size provided that the applicant is able to demonstrate that the size of the parcels are compatible with the natural features and topography of the property, undue crowding of any portion of the property will not occur, the visual impact of the development is appropriately addressed, and all provisions of the adopted development ordinances are satisfied including those that may limit lot sizes.

The width of individual lots may vary according to the development layout and design. Regulations for adequate fire protection, access, environmental protection and other layout considerations will be considered in the determination of lot width.

- B. **Allowable Units For Nightly Rental Establishments.** With the exception of a bed and breakfast business which is further regulated by this Chapter, the number of nightly rental units allowed in the MH-2 Zone shall be calculated by multiplying the total number of acres in the proposed development by three (3). For instance, if a nightly rental establishment is situated on a ten (10) acre parcel, the applicant for development approval may be allowed to construct a structure with up to thirty (30) rental units. All design requirements of this Chapter shall apply to the construction of any nightly rental establishment.
- C. **Size Limitations For Non-Residential Structures Other Than Nightly Rental Establishments.** Non-residential structures other than nightly rental establishments shall be limited to no more than ten thousand (10,000) square feet per acre. Each story of a multi-story structure shall be included in the size limitation of the structure.

13.14.270.5 Setback Requirements

Setbacks may vary in individual developments, however, the following setback standards must be satisfied by each proposed development in the MH-2 Zone.

- A. **Setback From The Nebo Loop Scenic Byway.** A structure shall not be located less than one hundred (100) feet from the Nebo Loop National Scenic Byway except traffic regulatory signs and development entrance features.
- B. **Setback From Streets.** A structure shall not be located less than twenty-five (25) feet from any publicly maintained street.
- C. **Setback From Other Structures.** Each structure shall be a minimum of twenty (20) feet from any other structure.
- D. **Setback From River, Stream, Spring, Well or Other Watercourse.** A structure shall not be located less than two hundred (200) feet or the minimum distance indicated in a source protection plan from any river, stream, spring, well or other watercourse.
- E. **Setback From Geologic Hazard.** A structure shall not be located in any area deemed to present a geologic hazard.
- F. **Setback From Ridgeline.** A structure shall not be located in a ridgeline protection area as defined in this Chapter.
- G. **Setback From Viewshed.** A structure shall not be located in a viewshed protection area as defined in this Ordinance or PCC 14, Sensitive Lands.

H. The side setback from any property line will be at least ten (10) feet.

13.14.270.6 Circulation And Access, Roads

Circulation and access are important considerations in the MH-2 Zone. Developments are likely to be low density, rural developments. Emergency response in these areas is critical due to location and terrain. Applicants and the City must work together to reach an agreement on adequate and appropriate circulation and access. If adequate and appropriate circulation and access for safety, provision of services, protection of the natural environment and other access issues cannot be achieved, the development will not be approved.

- A. **Roads And Access.** The design requirements for roadways and access facilities in the MH-2 Zone may vary according to topography, the number of units, the types of units, location to public safety facilities and other considerations. However, in no case shall the road width within any development be less than twenty-eight (28) feet. Furthermore, turn around facilities and backing areas for public safety vehicles, snow removal vehicles, and other oversize vehicles will be required in logical and appropriate areas as determined in coordination with the City Engineer, Fire Chief and Police Chief. In accordance with PCC 12, Subdivision Ordinance, each development will be required to have at least two points of ingress and egress for more than ten (10) residential units or ten (10) equivalent residential units.

If approved by the City Council, developments may incorporate private roads, but at least one access to the proposed development must be from a publicly maintained road. All private roads must satisfy all design standards of public streets with the exception of width as addressed herein.

In the event of very steep slopes, the City Engineer may require grade separated travel lanes to reduce the amount of cut and fill in the MH-2 Zone. Other ideas and considerations intended to provide safe, proper and effective traffic circulation that will result in more environmentally friendly road construction may be reviewed by the City Council during the review process.

- B. **Curb And Sidewalk.** Curb in the MH-2 Zone may be a rolled curb thirty (30) inches wide designed to satisfy the storm drainage requirements of Payson City. Sidewalks are required where appropriate in the MH-2 Zone, but may be eliminated in some instances if it can be shown that sidewalks would be detrimental to environmental protection or would distract from the natural setting. However, each development must include a pedestrian plan for safe and convenient pedestrian movement. Sidewalks, trails, paths, or any combination may be used to satisfy this requirement.
- C. **Bridges.** Bridges in the MH-2 Zone shall be avoided where possible. If bridges are found necessary, bridge design shall incorporate natural materials where

possible. For instance, bridge rails shall be constructed of wood rather than steel beams. Applicants are responsible for approval of bridges from the Utah Department of Natural Resources, The U.S. Department of the Interior, Army Corps of Engineers, and any other regulatory body.

- D. **Parking.** To ensure proper traffic circulation and safety, there shall be no on-street parking on streets that are twenty four (24) feet wide or less in the MH-2 Zone. Each development shall satisfy the off-street parking requirements found in PCC 13.10, including adequate parking for anticipated guests and visitors, together with parking for service vehicles and other vehicles.

13.14.270.7 Landscaping And Vegetation

Landscaping and existing vegetation are primary concerns in the MH-2 Zone. It is the intention of Payson City to encourage landscaping and vegetation that is natural and native to the surrounding environment. Each building site plan in the MH-2 Zone shall include a landscaping plan that indicates the number and size of trees and shrubs to be planted, lawn and turf areas, and irrigation plans. Plans found to be inappropriate for the reasons of wasting water, destruction of the natural environment, introduction of species that could threaten native vegetation, or other justifiable reason will be denied by the City. Each landscaping plan shall be reviewed by a member of the American Society of Landscape Architects to ensure that the plan is appropriate for the specific location in terms of planting materials, introduction of species, climate, drought tolerance, fire resistance and other applicable considerations. If development of the site will affect the ability of the existing vegetation to receive water, the plan must include a method of watering the existing vegetation.

- A. **Preservation Of Existing Vegetation.** Where possible, efforts must be made to protect existing vegetation. Applications for excavation permits in the MH-2 Zone must be accompanied by a limits of disturbance (LOD) preservation plan indicating the extent of disturbance. The LOD shall be limited to the minimum area necessary to construct a structure and provide adequate fire protection, together with an entrance to the structure no wider than twenty-four (24) feet. Protective fencing shall be installed at the edges of the LOD to protect the remainder of the site from disturbance and erosion. Disturbance beyond the area indicated on the LOD may result in revocation of any development permit. At a minimum, disturbance beyond the area indicated on the LOD will be mitigated by the replacement of vegetation by the applicant.
- B. **Introduction Of New Vegetation.** Any vegetation introduced on any parcel shall be approved by the City. The City shall review the proposed introduction to determine if the proposed vegetation is appropriate for the location. The vegetation should be native to the area and not present a threat to existing native vegetation. The City may hire, at the applicant's expense, a botanist or other appropriate professional to determine the effect of the proposed vegetation

introduction.

- C. **Landscaping Limitations.** Lawn and turf areas shall be limited to the extent possible. Each building site plan shall include a landscaping plan indicating all lawn and turf areas.

The introduction of plant species that could threaten native vegetation will not be allowed.

13.14.270.8 Design Guidelines

- A. **Minimum Dwelling Size.** In order to generate the revenue necessary to provide municipal services in a more difficult terrain, the Payson City Council finds that it is necessary to establish a minimum dwelling size for residential structures in the MH-2 Zone.

Each single family dwelling in the MH-2 Zone shall include at least three thousand (3,000) square feet of finished floor space. Each multi-family dwelling in the MH-2 Zone shall include at least two thousand five hundred (2,500) square feet of finished floor space.

- B. **Acceptable Materials.** Developments in the MH-2 Zone are proposed in an area that is unique and in the case of Payson Canyon, nationally significant as evidenced by the establishment of the Nebo Loop National Scenic Byway. In order to preserve the critical nature of development in areas designated MH-2, more specific development standards will be enforced. Developments in the MH-2 Zone shall use appropriate materials and colors throughout the development.

1. Materials acceptable for construction in the MH-2 Zone include only the following:

- a. Logs, timber and wood siding (not to include wood simulated vinyl or aluminum, or masonite siding)
- b. Rock and stone
- c. Wood simulated masonry siding, not to exceed fifty (50) percent of the total exterior of the structure
- d. Stucco not to exceed twenty-five (25) percent of the total exterior of the structure
- e. Cedar shake shingles, must satisfy fire code
- f. Asphalt shingles, architecturally compatible with the design of the structure and rated for the specific climate
- g. Concrete or slate tiles
- h. Corrugated metal (roofing only)

- i. Aluminum or vinyl flashing may be used around doorways, windows, and eaves only
 - j. Brick structures may only be allowed if it can be demonstrated that the brick structure is consistent the mountainous setting desired by Payson City
2. Colors acceptable for construction in the MH-2 Zone include only the following unless it can be shown that other colors will blend in a particular location:
- a. Muted earth tones
 - b. Dark green or brown accents
 - c. Roofing materials must be gray, green, brown or tan

C. Fencing Considerations. In general, fencing of any type is highly discouraged in the MH-2 Zone. Fencing can inhibit the free movement of wildlife, cause the removal of mature trees and other native vegetation, and contribute to difficulty of access for fire protection. Any development in the MH-2 Zone should result in a partnership with the natural environment, not an attempt to alter the natural setting. However, if fencing is proposed, a fencing plan shall be submitted for review and the following guidelines should be considered:

1. Wherever possible, fencing materials shall be natural and consistent with products found in the vicinity. For instance, log rail fences should be used in wooded areas.
2. Fencing should be flexible to avoid the removal of native trees and shrubs rather that follow strict property lines. If the exact identification of property lines is important to the property owner, the location of the fence should be surveyed or identified using global positioning (GPS) and the boundaries of the adjoining properties should be adjusted to preserve as much of the natural setting as possible.
3. All fences in the MH-2 Zone shall be reviewed by the Utah Division of Wildlife Resources (DWR). Protection of migration routes, feeding and watering travel routes and other modifications suggested by DWR shall be incorporated into the fencing plan.
4. Payson City will not be responsible for trespass, damage or other action by the public enemy. Appropriate municipal efforts to protect private property notwithstanding, property owners in the MH-2 Zone should realize the isolated location and access challenges of public safety entities. While fencing is often thought to reduce criminal activity, it is the experience of Payson City that fencing has very little effect on such actions. Therefore, claims for fencing needs for protection are not

necessarily a reason to install fencing.

- D. **Three Hundred Sixty Degree Architecture.** Due to the visibility and sensitive nature of the property in the MH-2 Zone, all structures shall incorporate three hundred sixty-degree architecture. In other words, the architectural details included on the façade of the structure will be incorporated into the design of the other exterior walls of the structure.
- E. **Project Details.** Project details such as community mailbox units, street lighting, road identification and regulatory signs, pavilions, entry signs, security gates, and all other details should be consistent with the design theme of the project and the surrounding natural environment. Specific details for all project features will need to be provided to the City for review and approval.

13.14.270.9 Building Considerations

- A. **Screening Of Development.** The area included in the MH-2 Zone is visually sensitive. It is a finding of the City Council that these areas remain, as much as possible, in a natural state. All structures in the MH-2 Zone will be hidden from view from major transportation corridors to the extent possible. In areas where natural screening is unavailable, the development shall provide natural screening for the development through the use of trees, berming, and other acceptable methods. Clustering of units will be required if there is a possibility of hiding units from public view. Additionally, all utility facilities must be screened from public view.
- B. **Structures Built To Complement Natural Topography.** Structures shall be designed to complement the natural topography. Excessive grading, cuts and fills should be avoided. Structures should blend into the environment not stand out or be obvious. Primary pitch lines of the structure must be parallel to the primary slope of the surrounding mountains and hills. The use of reflective materials, such as glass, should be kept to a minimum in the design of the structure.
- C. **Engineered Plans.** The topography, soils, snow load, and other building considerations vary greatly in the areas designated as MH-2. Therefore, the foundation, snow load and other structural details for all structures built in the MH-2 Zone shall be designed by a registered engineer and include the stamp of the engineer.

13.14.270.10 Project Lighting

Project lighting in the MH-2 Zone shall complement the development through the use of appropriate materials and colors. Streetlights should be hooded and direct light toward the ground to avoid light spillage into sensitive areas. Light poles should be no higher than is necessary to provide safety and should be a color that will blend into the surrounding environment. All undue lighting shall be eliminated from the development.

13.14.270.11 Height Requirements, Fire Issues

No structure in the MH-2 Zone shall exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in PCC 14, Sensitive Lands and the regulations of this Chapter.

Each development or individual structure in the MH-2 Zone shall satisfy the regulations of the Payson City Wildland Interface Zone administered by the Payson City Fire Department. Any special considerations will be included in a development agreement approved by the City Council.

13.14.270.12 Wildlife Considerations

Each development in the MH-2 Zone shall provide evidence, approved by the Utah Department of Natural Resources, that the proposed development will not be detrimental to wildlife in the area proposed for development. If wildlife mitigation is required, it shall be the sole responsibility of the applicant. Payson City will require that all suggestions of the Department of Natural Resources be satisfied.

13.14.270.13 Ridgeline Protection

Developments in the MH-2 Zone are not permitted to encroach upon any prominent ridgeline. For the purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either side of the crest.

13.14.270.14 Viewshed Protection

Developments in the MH-2 Zone are not permitted to encroach upon any viewshed area. Because the area covered by the MH-2 Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case-by-case basis. Once the viewshed area has been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

13.14.270.15 Clustering And Placement Of Structures

Clustering of development through the use of a Planned Residential Development (PRD) as allowed in PCC 12, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. The base

density for any PRD within the MH-2 Zone shall be in accordance with the density requirements of PCC 13.14.270.4. Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by PCC 12:

- A. Clustering will further the policies and objectives of this Chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.
- B. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape.

The placement of structures on any lot must be approved by Payson City. Staff shall determine the location of each structure concentrating on the issues cited in this Chapter, the geotechnical report prepared for the development, the visual impact of the structure, and other general site considerations. If an applicant is in disagreement with the location determined by staff, the applicant may appeal the decision to the City Council whose decision shall be final.

13.14.270.16 Provision Of Utilities

Each project in the MH-2 Zone shall be required to connect to all Payson City public utility services consistent with the requirements of PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, and the Development Guidelines. Individual wells, water tanks, septic tanks, privies, and other internal or project specific utility services are not allowed for subdivisions and new developments.

Private on-site utility systems may be allowed by the City Engineer for a single-family dwelling constructed on a legal lot of record, provided the following requirements and standards are properly addressed.

- A. The parcel shall have frontage on and direct access on an existing public street.
- B. The parcel must be at least 1000 feet from the existing public utility system (i.e. drinking water, irrigation water, power, sewer, storm drainage). Each utility connection will be evaluated independently to determine the suitability of the on-site system(s) or connection to services provided by other entities. For example, if a drinking water line is located within 1000 feet, but an irrigation line is not, the drinking water line must be extended along the frontage of the parcel and the new dwelling connected to the utility system.
- C. Private drinking water wells and septic tank sewage disposal systems will require approval from other agencies. The owner must satisfy the requirements of the Utah Division of Water Rights; Utah Department of Environmental Quality; the Utah County Health Department; and any other agency having authority to regulate private on-site utility systems. Written documentation must be provided

certifying that the proposed on-site system conforms to the pertinent state and county health regulations. A building permit will not be issued until the required approvals have been granted.

- D. Utility services may be provided by another entity, provided a utility service agreement or interlocal agreement is approved by the City Council.
- E. The owner or applicant will need to provide a public safety plan consistent with the regulations of the adopted fire code and local ordinances. At a minimum, the plan must demonstrate compliance with fire flow requirements, fire suppression, ingress/egress, and other general fire protection standards.
- F. A Deferral Agreement shall be signed by the owner(s) of property and recorded in the office of the Utah County Recorder. At a minimum, the agreement will include the following:
 - 1. Details regarding the future connection to public utility systems and disconnection of on-site systems. The timing of connection will be included in the agreement. The connection shall occur within the timeframe identified in the agreement regardless of the age or condition of the on-site system(s).
 - 2. The transfer of adequate water for indoor and outdoor use consistent with the regulations of PCC 4.04, Water Ordinance.
 - 3. The installation of curb, gutter, and sidewalk and asphalt along the frontage of the parcel.
 - 4. Completion of other improvements to satisfy the requirements of the Payson Municipal Code.

The regulations outlined in this Section are limited to the provision of utilities for new construction. The owner or applicant must satisfy all applicable requirements of the Payson Municipal Code, including, but not limited to:

- A. Zoning requirements, such as setbacks, off-street parking, and access.
- B. The conditions outlined on the Lot of Record checklist.
- C. Slope stabilization and erosion control.
- D. Accommodation, and potential dedication, of right-of-way to satisfy roadway requirements.

13.14.270.17 Protection Of Dedicated Open Space Or Preservation Areas

Development in accordance with the provisions of this Chapter will result in the dedication of open space or undeveloped preservation areas. It is the objective of the Section to ensure that these areas remain unaltered and as intended in the

establishment of this Chapter and the creation of the open space or preservation area in perpetuity. Therefore, prior to the approval of any development in accordance with the provisions of this Chapter, the applicant for development approval shall prepare an open space conservation plan. The open space conservation plan shall be submitted prior to approval of any development proposal and shall be in addition to any other requirements of any development ordinance of Payson City. At a minimum, the open space conservation plan shall include the following:

- A. A legal description of each parcel proposed to be preserved as open space, park land, or otherwise left in its natural state.
- B. The proposed ownership of the open space or park land.
- C. The proposed method to ensure that the open space or park land will remain in its intended state in perpetuity which may include one or more of the following:
 - 1. A deed restriction upon the property indicating the allowable uses of the property. The deed shall be recorded in the office of the Utah County Recorder.
 - 2. A conservation easement in favor of Payson City or another qualified not for profit agency approved by Payson City indicating the allowable uses of the property. The conservation easement shall be recorded in the office of the Utah County Recorder.
 - 3. Dedication of ownership to Payson City or another recipient approved by Payson City.
 - 4. Dedication or recordation of a conservation easement in favor of a qualified land trust or other organization approved by Payson City.
- D. A maintenance plan for the open space or park land. The maintenance plan will need to include:
 - 1. The anticipated needs for and proposed method of perpetual maintenance of the open space or park land including fencing, irrigation, restoration, fire protection, and any other issue determined by the City Council to be a maintenance concern.
 - 2. The proposed funding mechanism necessary to complete proper maintenance of the open space or park land.

In an effort to protect dedicated open space or preservation areas, it is anticipated that more than one of the strategies listed above may be employed by the applicant.

13.14.270.18 Other Requirements

All applications for development approval, building permit, or other improvement of

property in the MH-2 Zone shall satisfy all applicable requirements of PCC 13, Zoning, PCC 12, Subdivision Ordinance, PCC 14, Sensitive Lands, and all other development ordinances of Payson City.

An applicant for development approval in the MH-2 Zone may be required to submit additional information in order for the Planning Commission and City Council to make well-informed decisions. The cost of these additional studies is the responsibility of the applicant. Staff will make an effort to inform the applicant of any additional studies as early in the development process as possible.

13.14.280 GCD Golf Course Development Zone

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13.14.280.1 Purpose, Intent And Objectives

It is a finding of the Payson City Council that residential development near Gladstan Golf Course requires additional guidance and consideration than typical development. The purpose of this Section is to provide adequate development standards to address the unique characteristics of placing residential dwellings near a municipal golf course.

It is the intention of the City Council to encourage a development pattern that is safe, efficient, and compatible with the operation of a golf course. The objectives of the GCD Zone include, but are not limited to the following:

- A. To enhance and gain benefit from the unique and desirable characteristics of property located adjacent to a golf course.
- B. To encourage housing that will support the golf course in terms of daytime play, but only in proper locations.

- C. To create efficient and practical development patterns adjacent to the golf course.
- D. To promote new development that is compatible with the operation of a municipal golf course.
- E. To avoid inappropriate lighting, colors, reflective materials, and other development features that could result in disturbance of the golfing experience at a golf course.
- F. To avoid development becoming the primary feature of the golf course area rather than the course itself.
- G. To use creative and unique development standards to address unusual circumstances and challenges.
- H. To encourage the use of appropriate materials compatible and consistent with the surrounding natural environment and the operation of the golf course.

Due to the location and unique golf course environment, development in the GCD Zone will be reviewed for impact on golf course operations. If it cannot be clearly shown that a proposed development will not have a detrimental effect on the environment or characteristics of the golf course, the proposed development will be denied.

13.14.280.2 Applicability And Minimum Project Size

Generally, the location of the GCD Zone includes property immediately adjacent and partially surrounded by the Gladstan Golf Course. However, the golf course is located in an environmentally sensitive area where high density housing may not be appropriate. Therefore, in reaching a decision of whether or not a zone change is appropriate, the Planning Commission and City Council will consider, at a minimum, the following:

- A. The presence of any geologic hazard including landslide potential, steep slope, collapsible or expandable soils, wetlands or other similar vulnerability.
- B. The physical impact the development will have on ball flight, interference, and general playability of the golf course.
- C. The visual impact the development will have on the views and vistas from the golf course.
- D. The visual impact on hillsides and ridgelines created by road cuts, rooflines, lighting, and other development items.
- E. Proper transportation facility to provide access for residents, guests and emergency personnel.
- F. Adequate infrastructure to provide efficient municipal services to the project site.

The minimum project size in the GCD Zone is three (3) acres. Therefore, any rezone application to the GCD Zone must include at least three (3) contiguous acres. Existing

parcels less than three (3) acres in size are not eligible for the GCD Zone.

Each project in the GCD Zone shall be consistent with the provisions of PCC 12 Subdivision Ordinance and PCC 14 Sensitive Lands. However, if inconsistencies between this Chapter and either/both PCC 12 or PCC 14 are found, the requirement applying the stricter standard shall apply.

13.14.280.3 Permitted, Conditional And Accessory Uses

Permitted Uses. The following land use types are permitted uses in the GCD, Golf Course Development Zone. Unless specifically listed, any other use is not a permitted use in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this Title.

- A. Single family dwellings – detached
- B. Two, three and four family dwellings – attached
- C. Public or private utility rights-of-way
- D. Accessory recreational amenities
- E. Subdivisions pursuant to PCC 12
- F. Animals pursuant to PCC 7 – indoor only

Conditional Uses. The following land use types are conditional uses in the GCD Zone. Unless specifically listed, any other use is not a conditional use in the zone. Uses listed as conditional uses must be reviewed and approved in accordance with the criteria established in PCC 13.28.

- A. Water storage facilities either drinking or irrigation
- B. Private recreational facilities
- C. Public or private utility maintenance facilities

Accessory Uses. The following land use types are accessory uses in the GCD Zone. Unless specifically listed, any other use is not an accessory use in the zone. An accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Storage facilities (non-commercial) for machinery and equipment as an accessory use to a permitted or conditional use in the zone, not to include storage units.

13.14.280.4 Permitted Density, Width And Frontage

Residential development in the GCD Zone is strictly limited to areas where development can enhance the golf course without interfering with play. Each development in the zone will be designed to complement the golf course and take advantage of the unique characteristics of the site.

Each development in the GCD Zone may be allowed, but is not required, to have up to ten (10) units per acre.

Individual ownership of residential units is highly encouraged. The width of individual lots may vary according to the development layout and design. Regulations for adequate fire protection, access, environmental protection and other layout considerations will determine lot width.

Each development in the GCD Zone shall obtain primary access from a publicly owned and maintained street. Specific frontage requirements on the public street shall be determined on an individual case-by-case basis. Multiple development proposals shall not obtain access from a single private access from a publicly owned and maintained street.

13.14.280.5 Setback Requirements

Setbacks may vary in individual developments, however, the following setback standards must be satisfied by each proposed development in the GCD Zone.

- A. **Setback From The Gladstan Golf Course.** Structures shall not be located less than fifty (50) feet from any area in play of the golf course.
- B. **Setback From Publicly Maintained Street.** Structures shall not be located less than twenty-five (25) feet from any publicly maintained street.
- C. **Setback From Other Structures.** Each structure shall be a minimum of twenty (20) feet from any other structure.
- D. **Setback From River, Stream, Spring, or Well.** Structures shall not be located less than two hundred (200) feet or the minimum distance indicated in a source protection plan from any river, stream, spring, or well.
- E. **Setback From Geologic Hazard.** Structures shall not be located in any area deemed to present a geologic hazard.
- F. **Setback From Ridgeline.** Structures shall not be located in a ridgeline protection area as defined in this Chapter.
- G. **Setback From Viewshed.** Structures shall not be located in a viewshed protection area as defined in this Chapter.

13.14.280.6 Circulation And Access, Roads

Due to the configuration and general characteristics of the golf course, circulation and access are important considerations in the GCD Zone. Emergency response in these areas is critical due to location and lack of ample access. Applicants and the City must work together to reach an agreement on adequate and appropriate circulation and access. If adequate and appropriate circulation and access for safety, provision of services, protection of the natural environment and other access issues cannot be achieved, the development will not be approved.

- A. **Roads And Access.** The design requirements for roadways and access facilities in the GCD Zone may vary according to topography, access constraints near the golf course and other considerations. However, in no case shall the road width within any development be less than thirty (30) feet. Furthermore, turn around facilities and backing areas for public safety vehicles, snow removal vehicles, and other oversize vehicles will be required in logical and appropriate areas as determined in coordination with the City Engineer, Fire Chief and Police Chief. In accordance with PCC 12, Subdivision Ordinance, each development will be required to have at least two points of ingress and egress for more than ten (10) residential units or ten (10) equivalent residential units.

If approved by the City Council, developments may incorporate private roads, but at least one access to the proposed development must be from a publicly maintained road. All private roads must satisfy all design standards of public streets with the exception of width as addressed herein.

In the event of very steep slopes, the City Engineer may require grade separated travel lanes to reduce the amount of cut and fill in the GCD Zone. Other ideas and considerations intended to provide safe, proper and effective traffic circulation that will result in more environmentally friendly road construction may be reviewed by the City Council during the review process.

- B. **Curb And Sidewalk.** Curb in the GCD Zone may be a rolled curb thirty (30) inches wide designed to satisfy the storm drainage requirements of Payson City. Sidewalks are not required in the GCD Zone, but are allowed. Each development must include a pedestrian plan for safe and convenient pedestrian movement. Sidewalks, trails, paths, or any combination may be used to satisfy this requirement. In particular, the plan should consider the possibility of errant golf shots, interruption of golfing activities, and inadvertent wandering into the play of golf.
- C. **Bridges.** Bridges in the GCD Zone shall be avoided where possible. If bridges are found necessary, bridge design shall incorporate natural materials where possible. For instance, bridge rails shall be constructed of wood rather than steel beams. Applicants are responsible for approval of bridges from the Utah Department of Natural Resources, The U.S. Department of the Interior, Army Corps of Engineers, and any other regulatory body.

- D. **Parking.** To ensure proper traffic circulation and safety, there shall be no parking on streets that are twenty four (24) feet wide or less in the GCD Zone. Each development shall satisfy the off-street parking requirements found in PCC 13.10, including adequate parking for anticipated guests and visitors, together with parking for service vehicles and other vehicles.

13.14.280.7 Landscaping And Vegetation

Landscaping and existing vegetation are primary concerns in the GCD Zone. It is the intention of Payson City to encourage landscaping that is consistent with and complementary to the golf course vegetation. In order to protect the operation of the golf course, trees that could interfere with play should be planted in alternative locations, grasses should not be invasive varieties that could harm the turf of the course, and other landscaping considerations should be reviewed and approved by the golf course superintendent. Each building site plan in the GCD Zone shall include a landscaping plan that indicates the number and size of trees and shrubs to be planted, lawn and turf areas and varieties, and irrigation plans. Plans found to be inappropriate due to interference with the operation of the golf course, introduction of species that could threaten the vegetation of the course, or other justifiable reason will be denied by the City.

- A. **Preservation Of Existing Vegetation.** Where possible, efforts must be made to protect desirable existing vegetation. This is not intended to allow an applicant to avoid appropriate landscaping, but rather retain some of the more attractive native species such as Gamble Oak, oak brush, Mountain Maple, and a variety of shrubs. Native grass, cheat grass and other invasive ground cover is not desirable vegetation and should be replaced with an appropriate ground cover. The City may require a limits of disturbance (LOD) preservation plan indicating the extent of anticipated disturbance. The LOD shall be limited to the minimum area necessary to construct a structure and provide adequate fire protection, together with an entrance to the structure no wider than twenty-four (24) feet. Protective fencing shall be installed at the edges of the LOD to protect the remainder of the site from disturbance and erosion. Disturbance beyond the area indicated on the LOD may result in revocation of any development permit.
- B. **Introduction Of New Vegetation.** Any vegetation introduced on any parcel shall be approved by the City. The City shall review the proposed introduction to determine if the proposed vegetation is appropriate for the location and will not have detrimental impact on the golf course.
- C. **Landscaping Limitations.** When lawn and turf areas extend to the edge of the golf course, water considerations, mow lines, and other limitations may be introduced by the City. Furthermore, Payson City shall approve the placement and trimming schedule of trees that could impact the operation of the golf course.
- D. **Entire Area To Be Landscaped.** All areas of the development shall be

appropriately landscaped, except those areas used for structures or visitor parking prior to the issuance of any Certificate of Occupancy.

13.14.280.8 Design Guidelines

A. **Acceptable Materials.** Developments in the GCD Zone are proposed in an area where land values have been greatly enhanced by the investment of Payson City in a golfing facility. Therefore, it is appropriate for the City to expect that housing around the golf course will be of the highest quality and reflect the atmosphere created by the golf course. In order to ensure the retention of these high property values, more specific development standards will be enforced. Developments in the GCD Zone shall use appropriate materials and colors throughout the development.

1. Materials acceptable for construction in the GCD Zone include only the following:

- a. Brick structures are highly encouraged
- b. Timber and wood siding (not to include wood simulated vinyl or aluminum, or masonite siding)
- c. Rock and stone
- d. Wood simulated masonry siding, not to exceed fifty (50) percent of the total exterior of the structure
- e. Stucco not to exceed twenty-five (25) percent of the total exterior of the structure
- f. Cedar shake shingles that satisfy fire code or concrete or slate tile roofs that are architecturally compatible with the design of the structure and rated for the specific climate
- g. Aluminum or vinyl flashing may be used around doorways, windows, and eaves only.

2. Colors acceptable for construction in the GCD Zone include only the following unless it can be shown that other colors will blend in a particular location:

- a. Muted earth tones
- b. Dark green or brown accents
- c. Roofing materials must be gray, brown or tan

B. **Fencing Considerations.** In general, fencing of any type is highly discouraged in the GCD Zone. Fencing can inhibit the open atmosphere of the golf course,

cause the removal of mature trees and other native vegetation, and contribute to difficulty of access for fire protection. Any development in the GCD Zone should result in a partnership with the golf course, not an attempt to remove residents from the golf course setting. However, if fencing is proposed, a fencing plan shall be submitted for review and the following guidelines should be considered:

1. Fencing materials are limited to wrought iron with concrete or stone pillars.
2. Fencing should be flexible to avoid the removal of native trees and shrubs rather than follow strict property lines. If the exact identification of property lines is important to the property owner, the location of the fence should be surveyed or identified using global positioning (GPS) and the boundaries of the adjoining properties should be adjusted to preserve as much of the natural setting as possible.
3. Payson City will not be responsible for trespass, damage or other action by the public enemy. Residents choosing to live adjacent to a golf course are, or should be, aware of the nature of public facilities. Appropriate municipal efforts to protect private property notwithstanding, the applicant shall prepare documentation for each property owner to acknowledge the inherent risks of damage and trespass near a public golf facility.
4. Netting or screening along fairways will not be permitted. Therefore, dwellings should be situated far enough from potential ball flights to avoid damage. If necessary and appropriate, vegetation may be used to screen homes from errant golf shots.

C. Three Hundred Sixty Degree Architecture. Due to the visibility of the dwellings and given the fact that most dwellings will back onto the golf course, all structures shall incorporate three hundred sixty degree architecture. In other words, the architectural details included on the façade of the structure will be incorporated into the design of the other exterior walls of the structure.

D. Project Details. Project details such as community mailbox units, street lighting, road identification and regulatory signs, pavilions, entry signs, security gates, and all other details should be consistent with the design theme of the project and satisfy the applicable provisions of this Section. Specific details for all project features will need to be provided to the City for review and approval.

13.14.280.9 Building Considerations

A. Screening Of Development. Development in the GCD Zone will visually impact the golf course. During the development review process, each development will be reviewed for visual impact on the golf course from strategic locations such as tee boxes and greens. When necessary to preserve a view shed or aesthetic feature of the golf course, project screening through appropriate vegetation,

placement of dwellings and other structures, or other appropriate solutions will be incorporated into the design of the project. All utility facilities must be screened from public view.

B. Structures Built To Complement The Golf Course. All structures in the GCD Zone are expected to complement the golf course and reflect the increased land values created by their location near the golf course. Although each project will have specific design elements, there are several architectural considerations that must be employed in each development in the zone including, but not limited to:

1. Window orientation must be sensitive to golf ball flight paths and account for errant shots.
2. Playgrounds, swimming pools, and other public gathering areas should be placed away from greens, fairways, and tee boxes to reduce interference with golf play.
3. Wrought iron fencing shall be installed along all common property with the golf course limiting pedestrian, children, animals and other access to the golf course to avoid conflict with golf play.
4. Each development shall have an active homeowner's association that will ensure that homeowners maintain adequate insurance to cover potential damage from errant golf shots.
5. Through the imposition of appropriate legal documentation, Payson City shall be held harmless from any damage to structures or property resulting from typical golfing activities.
6. Protective netting along the golf course will not be allowed. Structures should be carefully placed to avoid damage and screening should be accomplished with heavy landscaping and other aesthetically pleasing methods.

13.14.280.10 Project Lighting

Project lighting in the GCD Zone shall complement the golf course and shall not be placed in a location where the lighting may distract golfers or interfere with play. All lighting elements shall be compatible with the architectural features of the primary structures in the development through the use of appropriate materials and colors.

13.14.280.11 Height Requirements, Fire Issues

Structures shall not exceed thirty-five (35) feet unless approved by the Fire Chief. The Fire Chief shall also be hereby empowered to regulate the height or location of any structure in order to provide adequate fire protection. Furthermore, structures shall not be constructed where the roofline extends above the natural ridgeline as defined in PCC 14, Sensitive Lands.

13.14.280.12 Special Golf Course Considerations

The proximity to the golf course raises several issues for residents to who choose to live in this location. It is the responsibility, and will be required in each development agreement, of the developer to inform the prospective residents of these and other identified issues. Some, but certainly not all, of these concerns include:

- A. Residents will not be allowed to walk onto the golf course to play golf or for exercise purposes. Payson City does not extend golfing privileges to any development adjacent to the course and walking on the course during even early morning or late afternoon hours can be hazardous.
- B. Residents living near the golf course are subject to the same restrictions during the off-season as members of the general public in relation to snow machines, sleds or other recreational mechanisms. Damage to sprinkling systems, surfaces of greens and other golf course features can occur without knowledge of the person causing the damage.
- C. Pets are not allowed on the golf course. Furthermore, dogs shall not be kenneled or kept in locations adjacent to the course where barking could interfere with play.
- D. The golf course is not an extended yard of those living adjacent to the course. Residents shall not use the course for play area, picnicking, landscaping, or any other activities typical in private yard areas.
- E. Golf play can begin early and end late in the day. It is important for residents in the zone to realize that it may be possible to hear the speaker system at the clubhouse during early morning and late evening hours.
- F. Maintenance of the golf course can occur at almost any time day or night. In some instances, maintenance continues throughout the night and into the morning hours. Unless the noise or odors are excessive and unnecessary, Payson City will not respond to complaints of noise, smells, or other activities associated with the normal maintenance of the golf course.
- G. Any special considerations will be included in a development agreement approved by the City Council.

13.14.280.13 Ridgeline Protection

Developments in the GCD Zone are not permitted to encroach upon any prominent ridgeline. For the purposes of this Chapter, ridgeline protection areas shall consist of prominent ridgelines that are highly visible from any major roadway classified as collector or greater in intensity. A ridgeline shall also include the crest of any ridgeline and the land located within one hundred (100) feet horizontally (map distance) on either side of the crest.

13.14.280.14 Viewshed Protection

Development review in the GCD Zone must be particularly sensitive to the protection of the viewshed areas created by the golf course and those that make the golf course such a unique facility. Because the area covered by the GCD Zone is diverse, the viewshed area shall be determined by the staff and the applicant on a case-by-case basis. Once the viewshed area has been determined, the applicant will propose ways to protect the viewshed through the placement of structures, the use of color and materials, enhancement through vegetation, clustering, screening, or other appropriate methods. If the applicant and staff are unable to agree upon the viewshed area, the applicant may request that the City Council make a final determination.

13.14.280.15 Placement Of Structures

Payson City reserves the right to alter the placement of any structures on a development plan if it can be demonstrated that the alternative placement will result in a development layout that is more consistent with the objectives of the golf course. Clustering of development through the use of a Planned Residential Development (PRD) as allowed in PCC 12, Subdivision Ordinance is generally recommended and may be required by the City Council to achieve the objectives of this Chapter. Whether proposed by the applicant or required by the City Council, clustering of development shall lead to satisfaction of the following objectives in addition to the objectives required by PCC 12; clustering must further the policies and objectives of this Chapter, such as providing a more pleasing golf experience, preservation of open space, existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, wildlife habitat, and steep slopes.

Placement may be altered due to the findings of the geotechnical report prepared for the development, the visual impact of the structure, and other general site considerations. If an applicant is in disagreement with the location determined by staff, the applicant may appeal the decision to the City Council whose decision shall be final.

13.14.280.16 Provision Of Utilities

Payson City is under no obligation to provide drinking water, pressurized irrigation, wastewater disposal, solid waste collection, or any other public utility service to any property located within the GCD Zone. Furthermore, each property owner will be required to provide, at their own expense, the utility services necessary to properly serve any and all structures in the development. Individual wells, water tanks, septic tanks, privies, and other internal or project specific utility services are subject to the regulations of all development ordinances of Payson City.

13.14.280.17 Dedicated Open Space

Development in accordance with the provisions of this Chapter may result in the dedication of open space or undeveloped preservation areas. It is the objective of the

Section to ensure that these areas remain unaltered and as intended in the establishment of this Chapter and the creation of the open space or preservation area in perpetuity. Therefore, prior to the approval of any development that contains open space in accordance with the provisions of this Chapter, the applicant for development approval shall prepare an open space conservation plan. The open space conservation plan shall be submitted prior to approval of any development proposal and shall be in addition to any other requirements of any development ordinance of Payson City. At a minimum, the open space conservation plan shall include the following:

- A. A legal description of each parcel proposed to be preserved as open space, park land, or otherwise left in its natural state.
- B. The proposed ownership of the open space or park land.
- C. The proposed method to ensure that the open space or park land will remain in its intended state in perpetuity which may include one or more of the following:
 - 1. A deed restriction upon the property indicating the allowable uses of the property. The deed shall be recorded in the office of the Utah County Recorder.
 - 2. A conservation easement in favor of Payson City or another qualified not for profit agency approved by Payson City indicating the allowable uses of the property. The conservation easement shall be recorded in the office of the Utah County Recorder.
 - 3. Dedication of ownership to Payson City or another recipient approved by Payson City.
 - 4. Dedication or recordation of a conservation easement in favor of a qualified land trust or other organization approved by Payson City.
 - 5. A maintenance plan for the open space or park land. The maintenance plan will need to include:
 - 6. The anticipated needs for and proposed method of perpetual maintenance of the open space or park land including fencing, irrigation, restoration, fire protection, and any other issue determined by the City Council to be a maintenance concern.
 - 7. The proposed funding mechanism necessary to complete proper maintenance of the open space or park land.

In an effort to protect dedicated open space or preservation areas, it is anticipated that more than one of the strategies listed above may be employed by the applicant.

13.14.280.18 Other Requirements

All applications for development approval, building permit, or other improvement of

property in the GCD Zone shall satisfy all applicable requirements of PCC 13, Zoning Ordinance, PCC 12, Subdivision Ordinance, PCC 14, Sensitive Lands, and all other development ordinances of Payson City.

An applicant for development approval in the GCD Zone may be required to submit additional information in order for the Planning Commission and City Council to make well-informed decisions. The cost of these additional studies is the responsibility of the applicant. Staff will make an effort to inform the applicant of any additional studies as early in the development process as possible.

13.14.290 P-C Planned Community Zone

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13.14.290.1 Purpose And Zone Characteristics

In recognition of the desirability of holistic long-range planning for larger properties, the P-C, Planned Community Zone establishes a process for landowners and the City to work together to determine and plan the potential capacity, intensity, and general types of uses early in the planning process for large-scale developments, while allowing flexibility to respond to changes in market forces and technology over long build-out periods, with provision for allowance of interim uses, such as agriculture. The P-C Zone is established to facilitate development that:

- A. Establishes neighborhoods that provide a variety of housing types and that also provide ready access to facilities for the social, religious, educational, and recreational needs of the residents;
- B. Establishes parks, trails, open space, recreational facilities, and civic facilities to provide recreational opportunities, gathering places, cultural opportunities, and government services to residents;
- C. Where market conditions permit, provides employment centers and other employment opportunities balanced over time with appropriate residential uses; and
- D. Where market conditions permit, establishes mixed-use centers at appropriate locations to meet the needs of residents within close proximity to their homes,

with suitable design to shorten auto trips and facilitate walking, biking, and transit use.

13.14.290.2 Zone Area

Each P-C Zone designation shall be applied only to an area of at least 500 acres. Each landowner application for P-C Zone designation shall be made by a single owner of property at least 500 acres in size, or contiguous land parcels of 500 acres or more owned by multiple owners combined by such owners for zoning, planning, and development purposes for a common community development proposal.

Notwithstanding the foregoing, owners of property that is already zoned as P-C Zone who also owns contiguous property may apply to expand such P-C Zone by applying for rezoning of such contiguous property as P-C Zone and for amendment of any previously adopted P-C Zone Plan, if any, to accommodate such additional property, regardless of the size of the additional acreage.

13.14.290.3 Master Development Agreement

Payson City and all applicants for P-C Zone designation shall become parties to a Master Development Agreement or Annexation Agreement for the entire area proposed to be designated as P-C Zone at or before the time the P-C Zone designation is approved by the City Council. The Master Development Agreement or Annexation Agreement shall specify the entitlements of residential units and square footage for nonresidential uses and the infrastructure and services, or adequate assurance of provision thereof, to be provided before development (other than development permitted under PCC 13.14.290.11 entitled "Interim Uses") may occur. The properly executed Master Development Agreement or Annexation Agreement shall be recorded in the records of the Utah County Recorder and shall create benefits and obligations that run with the land.

13.14.290.4 P-C Zone Development Approval Process

For uses other than existing or interim uses specified in PCC 13.14.290.11, development within the P-C Zone will require a series of plans to be prepared and submitted for approval. The purpose of this process is to establish the development plans for property within the P-C Zone while recognizing the large-scale nature of the development and the need for and benefits of integrated planning combined with long-term flexibility. The process is outlined as follows:

- A. **Zoning.** The first step is the zoning of the property as P-C Zone, which is initiated by property owner application or by Payson City. Zoning shall occur in accordance with, or concurrent with approval of, the Master Development Agreement or Annexation Agreement. The procedure for zoning of the property shall occur consistent with the policies and procedures of this Title.
- B. **P-C Zone Plan.** A P-C Zone Plan is required to be submitted concurrent with or

subsequent to application for designation of property as P-C Zone, for approval concurrent with such designation of the property. The P-C Zone Plan establishes, for the entire P-C Zone area, the development program, a unifying system of open space, and land envelopes for the locations of conceptual land use designations (e.g., mixed-use centers, residential areas, recreational areas, employment areas, and other proposed use areas). The P-C Zone Plan shall include the total residential dwelling units and total floor area square footage or acreage of nonresidential uses for the P-C Zone Plan area.

- C. **Community Plan.** Following approval of a P-C Zone Plan, a Community Plan may be submitted for the entire P-C Zone Plan area, or any portion of a P-C Zone Plan area that has or will have a common or independent land use pattern, street system, open space system or other infrastructure system. A Community Plan may be approved at any time concurrent with or following approval of a P-C Zone Plan. Each Community Plan shall establish the circulation and open space networks and shall designate with more specificity the allowed land uses for the community. Each Community Plan shall also establish the infrastructure and services required for development of the community to the degree of detail appropriate to the size and nature of the proposed community. The Community Plan shall include Development Standards specific to that Community Plan.
- D. **Subdivision Plat, Site Plan, Etc.** Prior to construction of any improvements on land within a P-C Zone, the developer must comply with any subdivision, condominium, building permit, or similar submittal requirements contained in the Payson City Code, unless waived by the City Council as noted hereafter in PCC 13.14.290.7.

Prior to completion of steps paragraphs A through C above, public notices shall be provided in accordance with PCC 13.06.070, and a public hearing shall be held. For step 4, applications and approvals shall be processed in accordance with the applicable section(s) of the Payson City Code. The P-C Zone planning and approval process is summarized in a table at the end of PCC 13.14.290.

13.14.290.5 P-C Zone Plan

A P-C Zone Plan shall be submitted for review and recommendation by the Planning Commission and approval by the City Council for an entire area that is designated as a P-C Zone area. The plan shall govern development within the P-C Zone Plan area, as set forth in PCC 13.14.290. The following information shall be provided by the applicant for a P-C Zone Plan:

- A. Name of planned development;
- B. Names, addresses and phone numbers of applicant(s) and owner(s);
- C. P-C Zone Plan area parcel location, legal description, acreage, boundary, scale and north arrow;

- D. A land use table showing the number of dwelling units and areas of the various nonresidential land uses (in floor area square footage or acreage) proposed in the P-C Zone Plan area;
- E. Major existing land uses, roads, waterways, utilities, easements and floodplain boundary;
- F. Adjacent parcels, owners, owners' addresses, and existing uses;
- G. Topography and significant features on or adjacent to the property;
- H. Envelopes for the locations of conceptual land use designations (e.g., mixed-use centers, residential areas, employment areas, major open space); and
- I. Other aspects of the development program for the property as desired by the applicant.

The information shall be submitted on one or more dated 24" x 36" sheets and on one or more 11" x 17" reduced copies of each page. An applicant may submit the required information and documentation electronically as the City directs. The City may require additional information to be submitted as necessary to evaluate the application due to site-specific conditions.

The Planning Commission shall hold a public hearing to review a proposed P-C Zone Plan and make a recommendation to the City Council. The Planning Commission and City Council shall review a P-C Zone Plan for consistency with the standards, requirements, and purposes of this zone. The City Council may reject an application, or approve it with or without conditions. Approval of the P-C Zone Plan vests the entitlement to develop the P-C Zone Plan area property in accordance with the P-C Zone Plan, subject to all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in PCC 13.14.290. The landowner(s) shall be entitled to but not required to construct the number of dwelling units and the square footage of nonresidential uses as reflected in the P-C Zone Plan.

13.14.290.6 Community Plan

One or more Community Plans may be submitted at any time to the Planning Commission for review and recommendation and to the City Council for approval. A Community Plan may include an entire P-C Zone Plan area or a portion thereof. A Community Plan must be submitted for each area to be developed, although all Community Plans for the various portions of the P-C Zone Plan area need not be submitted or developed simultaneously. A Community Plan may also address issues related to areas adjacent to, but not within, the P-C Zone, if those areas contain elements expedient for establishing connections to infrastructure, transit, nearby open lands, public improvements, or adjacent communities.

The Community Plan shall be submitted on one or more dated 24" x 36" sheets and on

one or more reduced 11" x 17" sheets and shall show the following:

- A. Name of community;
- B. Names, addresses and phone numbers of applicant(s) and owner(s);
- C. Community location, acreage, general legal description, boundary, scale and north arrow,
- D. Location of land use designations (mixed-use centers, residential areas, and/or employment areas), boundaries, and acreage;
- E. A table showing the number of dwelling units, gross open space acreage, and floor area square footage of the various nonresidential land uses;
- F. A master vehicular, pedestrian, and bicycle circulation system plan showing collector level and larger roadways and major pedestrian and bicycle routes;
- G. Existing and proposed waterways and water bodies, major utilities and easements, floodplain boundaries, and flood control facilities;
- H. Existing surface improvements to be retained, improved or removed;
 - I. Adjacent parcels, owners, and uses;
- J. Topography and significant features on or adjacent to the property, including any man-made or natural hazards along with areas of special interest and special environmental value;
- K. Open space plan that provides general description and approximate locations of major open space;
- L. Existing and proposed major infrastructure systems (including water, sanitary sewer, storm drainage, and collector and larger street improvements), service adequacy analysis, and infrastructure required for development of the Community Plan area to a level of detail sufficient to provide adequate assurances that all of the required infrastructure and services will be provided;
- M. Common area and open space maintenance provisions;
- N. Design guidelines and mechanisms for review, approval, and enforcement of such design guidelines, which mechanisms may include the use of one or more owners' associations;
- O. Proposed site specific Development Standards; and
- P. Other information as needed and consistent with the level of detail corresponding to a given Community Plan.

An applicant may submit the required information and documentation electronically as the City directs. The City may require additional information to be submitted as necessary to evaluate the application due to site-specific conditions.

The Planning Commission shall hold a public hearing to review a proposed Community Plan and make a recommendation to the City Council. The City Council may reject an application, or approve it with or without conditions. The Planning Commission and City Council shall review a Community Plan for (i) consistency with the standards, requirements, and purposes of this zone, (ii) capability of the proposed master circulation system and other infrastructure to adequately serve the community which is the subject of the Community Plan, (iii) general consistency with the approved P-C Zone Plan, (iv) compatibility of adjacent uses, and (v) whether there are satisfactory proposed mechanisms for funding needed infrastructure and governmental services. Approval of the Community Plan vests the entitlement to develop the Community Plan area in accordance with the Community Plan, subject to the terms of all related Development Agreements, subject to any infrastructure and service requirements, and in accordance with the procedures set forth in PCC 13.14.290; provided, however, that no such condition of approval or requirement may limit, restrict, or abridge the vested development rights granted in the Master Development Agreement or any earlier Development Agreement. The applicant shall be entitled but shall not be required to construct the maximum number of dwelling units and the square footage of nonresidential uses as reflected in the Community Plan.

13.14.290.7 Subdivision Approvals

Prior to commencing development, a developer within the P-C Zone shall comply with any applicable requirements set forth in PCC 12. Any required subdivision or other submittals under PCC 12 may be submitted simultaneously with the Community Plan. Notwithstanding the foregoing, in acting on requests for approval of an application under the P-C Zone development approval process, to the extent permitted by applicable law, and if the City Council finds that such action is appropriate to further the intent and purposes of this zone, the City Council may waive any limitations on intensity of use, use restrictions and limitations, development standards or similar limitations on development or construction contained in other portions of the Payson City Code, in which case the developer shall comply with the requirements approved as part of the P-C Zone development approval process rather than with the waived requirements of the City Code. In the case of a conflict between other requirements of City Code and the provisions of PCC 13.14.290 or any approvals thereunder, the latter shall control.

13.14.290.8 Development Standards

A Community Plan application must include proposed Development Standards. Development within a P-C Zone will be governed by the Development Standards. The Planning Commission shall review each application and make a recommendation to the City Council. The City Council may reject an application, or approve it with or without conditions. The Planning Commission and City Council shall review proposed Development Standards for (i) consistency with the standards, requirements, and purposes of this Chapter as set forth herein, (ii) consistency with the applicable approved P-C Zone Plan and Community Plan, (iii) avoidance of incompatible adjacent uses and significant risks to health or safety; (iv) consistency with good planning

practice; (v) and adequate provision to ensure a well-planned, high-quality, and aesthetically pleasing community environment.

Specific standards for location, compatibility, types, and spatial arrangement of specific uses within a Community Plan shall be proposed by the applicant as part of a Development Standards application and shall be subject to the Development Standards review and approval processes described herein. The City Council may disapprove or modify a proposed standard during the Development Standards approval process if the City Council finds that the proposed standard or use (i) is inconsistent with the criteria established in this Ordinance for approval of Development Standards; (ii) is not appropriate at a particular location due to incompatibility with other surrounding existing or approved uses; (iii) is not supported by sufficient capital facilities or demonstrated ability to fund and provide all necessary public facilities and services; or (iv) is clearly contrary to the health, safety, or general welfare of the citizens of Payson City.

The Development Standards shall address (at a minimum) the following:

- A. Minimum lot dimensions and areas;
- B. Minimum yard requirements and restrictions;
- C. Building placement restrictions;
- D. Building height restrictions;
- E. Parking, driveways and access;
- F. Streets;
- G. Walkways, trails and long term open space;
- H. Permitted, prohibited, and conditional uses;
- I. Other use restrictions; and
- J. Other items required by the City Council.

The applicant may propose in the Development Standards that specifically identified standards or requirements of the City Code be waived, modified, or overridden with respect to the property subject to the Development Standards, and approval of such proposed Development Standards shall constitute waiver, modification, or overriding as set forth in the approved Development Standards.

13.14.290.9 Amendments

Modifications to a P-C Zone Plan or Community Plan may occur by application of the master developer in accordance with the following amendment process:

- A. **Major Amendments.** Major amendments will be processed in the same manner

as the original P-C Zone Plan or Community Plan. Major amendments are modifications that change the intent of the P-C Zone Plan or Community Plan such as:

1. Those that increase or significantly reallocate residential density and nonresidential intensity beyond what is contemplated by the P-C Zone Plan or Community Plan;
2. Those that materially reduce the amount of land dedicated to parks, trails, community use space, natural areas, or public facilities as shown on the approved P-C Zone Plan or Community Plan; or
3. Material modifications to Development Standards contained in a Community Plan.

B. Minor Amendments. Minor amendments are accomplished administratively by the Development Services Director. The Development Services Director's decision may be appealed by the applicant to the City Council. Minor amendments include simple modifications to text or exhibits, including any amendments that are not major amendments. Minor amendments may include:

1. Minor changes in the conceptual location of streets, public improvements, parks, open space, or infrastructure;
2. Minor modification of land use boundaries; and
3. Interpretations that facilitate or streamline the approval of unlisted uses similar in nature and impact to listed uses.

13.14.290.10 Permitted Uses

The following uses shall be permitted in the P-C Zone if consistent with the land use designations and Development Standards of an approved Community Plan (or if permitted under PCC 13.14.290.11 entitled "Interim Uses"), if conducted in compliance with the standards and requirements of the P-C Zone, and, where City Council review is required hereunder, if found by the City Council to be in compliance with the standards and requirements set forth for approval hereunder:

- A. Residential uses of all types on a range of lot or parcel sizes, including, without limitation, single-family detached; single-family attached; multi-family residential; town homes; loft and mother-in-law apartments; residential units above ground floor retail, commercial, or office uses; condominiums; and group homes as allowed by law; and any accessory structures or uses which are ancillary to any of the foregoing;
- B. Retail, service, office, hotel, restaurant, day care, medical care, long-term care, entertainment, and all other commercial and similar governmental uses of any type;

- C. Public uses, quasi-public uses, and civic uses;
- D. Mixes of permitted uses (including, without limitation, office/commercial, office/residential, and retail/residential) within individual structures, including home-based businesses that otherwise comply with the City Code;
- E. Open space, including, without limitation, landscaped areas and areas in natural vegetation, agricultural areas, golf courses, parks, trails, reservoirs and recreational areas and facilities;
- F. Industrial;
- G. Utility and transportation facilities and systems, including water and sewer treatment and transmission facilities; and
- H. Agricultural uses.

The above permitted uses are subject to the P-C Zone Plan and Community Plan review and approval requirements and standards in this ordinance and the requirements of other applicable City ordinances.

13.14.290.11 Interim Uses

Existing legal uses and new legal agricultural uses are permitted to continue prior to approval of a Community Plan for the area in which the uses occur and may continue subsequent to approval of a Community Plan if so permitted under the Community Plan. Prior to approval of a Community Plan for an area, agricultural uses within that area shall be governed by the provisions of the A-5 zone, except that new residential uses shall not be allowed prior to the approval of a Community Plan for an area.

P-C Zone Planning and Approval Process

Approval Step	Scale (Area Covered by Application)	What is Described and Approved	Approval Level
STEP 1			
Zoning	Total land area to be zoned P-C.	Land area to be zoned; Master Development Agreement or Annexation Agreement.	Planning Commission public hearing and recommendation; City Council review and approval
STEP 2			
		Development program, a unifying system of open space, and envelopes for	Planning

P-C Zone Plan	Total land area zoned P-C.	the locations of conceptual land use designations. A land use table outlining number of dwelling units and square feet of nonresidential development.	Commission public hearing and recommendation; City Council review and approval
STEP 3			
Community Plan	All or any portion of the P-C Zone Plan area that has a common land use pattern, street system, open space system or other infrastructure system.	A land use table outlining number of dwelling units and square feet of nonresidential development; circulation system; open space plan; land uses; Development Standards.	Planning Commission public hearing and recommendation; City Council review and approval
STEP 4			
Subdivision plat, site plan, etc.	One or more phases of development.	As required by PCC 13 and PCC 12.	As required by PCC 13 and PCC 12.

13.14.300 PRZ, Planned Reclamation Zone

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- [13.14.300.2 Permitted, Conditional And Accessory Uses](#)
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13.14.300.1 Purpose And Zone Characteristics

The Planned Reclamation Zone is established to provide areas within the City suitable for development and operation of non-hazardous solid waste landfills, composting facilities, mining processes, and other high impact uses, provided there is an acceptable reclamation plan and timeframe to rehabilitate the land to a stable and productive condition. Land uses must be developed and maintained in a manner to prevent, to the extent possible, potential negative impacts on the natural environment and properties

within the City.

These uses are not compatible with residential uses, and potentially non-residential uses, and should be placed in appropriate locations and protected from encroachment of development that would be adversely impacted by their operation.

13.14.300.2 Permitted, Conditional And Accessory Uses

The following land use types are permitted uses in the PRZ Zone. Unless specifically listed, any other use is not allowed in the zone. Uses listed as conditional or accessory uses are allowed in the zone only in accordance with the criteria established in this ordinance.

Permitted Uses.

- A. Municipal solid waste, and construction and demolition waste landfills
- B. Organic composting (clean green waste only)
- C. Recycling collection, sorting, storage, and shipping preparation
- D. Agricultural uses including grazing and livestock raising, but not to include feed lots, rendering plants, or slaughterhouses
- E. Public or private utility rights-of-way

Conditional Uses. The following land use types are allowed as conditional uses in the PRZ Zone. Unless specifically listed, any other use is not allowed as a conditional use in the zone. Each conditional use must be reviewed and approved in accordance with PCC 13.28.

- A. Commercial solid waste, and construction and demolition waste landfills
- B. Open pit extraction and crushing of earth materials
- C. Cellular and low power towers
- D. Alternative energy generation facilities
- E. Designated gun ranges, shooting areas and gun clubs

Accessory Uses. The following land use types are allowed as accessory uses in the PRZ Zone. Unless specifically listed, any other use is not allowed as an accessory use in the zone. Any accessory use must be clearly incidental to a permitted or conditional use of the property. Accessory uses are not allowed without the approval of a permitted or conditional use of the parcel unless otherwise noted in this Section.

- A. Maintenance buildings

- B. Agricultural storage buildings
- C. Truck scales
- D. Restroom facilities

13.14.300.3 Project Plan Approval

Any request for project plan approval in the Planned Reclamation Zone is subject to any and all applicable City resolutions and ordinances including the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan. Additionally, all projects in the Planned Reclamation Zone will be reviewed and approved in accordance with the applicable provisions of PCC 13.18, Commercial Development, Site Plans, herein.

Permitted uses will be reviewed and approved by staff. Staff may defer the review and approval of the project to the City Council. Conditional uses must be processed in accordance with PCC 13.28.

The location of buildings, height, design, setbacks, and other similar zoning requirements will be reviewed by use and on a case-by-case basis. Staff is authorized to determine the most appropriate layout of the project. The decision of staff may be appealed to the City Council.

13.14.300.4 Project Standards And Reclamation Plan

Every project in the Planned Reclamation Zone shall include a generalized land use plan prepared in accordance with the provisions of this Section. The land use plan shall include, at a minimum, the following:

- A. An ownership plat map.
- B. A vicinity map indicating ownership and existing or proposed uses within five hundred (500) feet of the proposed project.
- C. The location and extent of any mining, grading or other surface disturbance.
- D. The location of all roadways and access to the project site (on-site and off-site), water courses, lakes, existing utility facilities, drainage ways and other prominent features.
- E. The proposed land use for the property and any anticipated future use (i.e. surface mining to be later used as a landfill).
- F. The proposed timeframe for the anticipated land use prior to any reclamation activities.
- G. The project initiation date and time measurements or milestones to determine if the reclamation plan will be implemented on schedule.

A detailed reclamation plan that sets forth the process of rehabilitation and provides details of how and when reclamation will be accomplished shall also be submitted that includes, at a minimum, the following:

- A. The existing condition of the project site displayed in photographs and on a detailed map with surveyed contour lines prepared in increments not more than two (2) feet.
- B. The anticipated topography, landscaping, features and other improvements that indicate how the property will appear following reclamation.
- C. If a lake or pond will be created, the protection measures implemented to eliminate ground water pollution, improper seepage, potential flood damage and proper environmental protections.
- D. Calculations of the volume of excavation and fill necessary for operations and reclamation.
- E. Identification of the volume of excavation material that will be removed on a weekly or monthly basis.
- F. A drawing to scale depicting the height in feet of any proposed landfill in proportion to and in relationship to existing natural buffers and the ground elevation (cross-section intervals). A landfill shall be visually screened from a public road or street to the extent reasonably possible.
- G. The method of financial assurance for the implementation of the reclamation plan. This may be accomplished through a cash bond, irrevocable line of credit, gross profit set aside or any other arrangement acceptable to the City Council.

The City Council following a review of the above data along with any potential environmental concerns shall set the time for the completion of all landfill and/or surface mining activities.

13.14.300.5 Specific Development Plan

Following a review and implementation of the land use plan, the applicant will prepare a specific development plan for review by staff and the designated land use authority. At a minimum, the specific development plan will include the following:

- A. A scale drawing of the site including adjacent property and location of all buildings and existing and proposed land uses within five hundred (500) feet of the proposed project.
- B. The location of proposed and existing surface and subsurface mining and landfill areas located on the site including type and quantity of materials proposed to be handled at each area.
- C. The location and condition of abutting roads and proposed principal route to and

from the site and the location of on-site roads to serve areas of activity and points of ingress and egress at the site. An inspection of the principal routes is required to determine if the roadway conditions are adequate to handle the weight and frequency of the proposed truck traffic. The City Council may require existing roadways to be upgraded prior to operation, maintained by applicant during operation, and/or repaired once the operation concludes.

- D. The type and location of buffers including permanent open spaces and retention of vegetation cover.
- E. A storm drainage plan capable of handling the twenty-four (24) hour, one hundred (100) year storm event. If deemed appropriate by the City Engineer, a project plan may be approved that does not require curb, gutter and sidewalk, but in all cases, proper management of storm water must be addressed.
- F. The specific topography of the area including contours at not more than two (2) feet, easements and all prominent features.
- G. Existing and proposed land use plan, including the identification of any excavated portions of the site.
- H. A time schedule for start and completion of the project and the implementation schedule for project reclamation.
- I. All provisions for erosion control.
- J. Final grading plans with surveyed contour lines prepared in increments not more than two (2) feet.

13.14.300.6 Parking, Loading And Access

Each project in the Planned Reclamation Zone shall satisfy the off-street parking requirements found in PCC 13.10, if applicable. Due to the very nature of the uses in the zone, off-street parking and access on the site may change throughout the duration of the operation. Therefore, the location, number, and design of the parking area will be considered on a project-by-project basis and the City Council may allow non-traditional surface materials for the parking areas and on-site access. Access within the project site is subject to the regulations of the Payson Fire Department and the adopted fire code.

Loading and unloading areas shall be located in an area that can be separated from public access. Further, loading and unloading shall not occur on a public street.

13.14.300.7 Provision Of Utilities

It is likely that these uses will be located in an area that does not have access to municipal services or the proposed use does not necessitate the need for municipal services. The City Council may, but is not obligated to, modify or waive the utility requirements of Payson City. At a minimum, each project in the Planned Reclamation Zone shall demonstrate the following:

- A. Adequate facilities for fire suppression. If fire hydrants that satisfy the spacing, flow and volume requirements of Payson City are not available, individual custom suppression systems must be incorporated into the project design for all flammable structures consistent with the adopted fire code.
- B. Adequate sanitary relief facilities. The provision of drinking water, restrooms and protection from adverse weather conditions must be provided for anticipated employees and patrons. If water and sewer services are not available at the project site, information about portable facilities and the ongoing maintenance of the facilities must be submitted by the applicant.
- C. Emergency communication facilities. Telephones, radios or other communication facilities must be available for emergency communications.

13.14.300.8 Project Signage

Projects in the Planned Reclamation Zone are not subject to the signage provisions of PCC 13.32. Instead, each project plan shall include a sign package that adequately addresses the following:

- A. **Site Identification.** One (1) monument sign immediately adjacent to the main access point to the site from a public street shall be installed. The sign shall include the address, contact information for the owner/operator, and hours of operation.
- B. **Way Finding.** Each project shall include adequate way finding signs to allow patrons and public safety providers to navigate the site during both daylight and nighttime hours.
- C. **Caution Signs.** If the operation of the applicant's business is hazardous or could bring harm to the public, adequate warning, caution and emergency contact signs shall be placed in conspicuous locations.

13.14.300.9 Landscaping

The City may require the frontage along any public street be landscaped in a manner that creates an attractive entry to the business and provides adequate screening. If required, a landscaping plan including details of the types and sizes of planting materials will need to be submitted. The applicant will need to demonstrate how the landscaping will be maintained, including access to a water source.

The parcels included in the PRZ Zone are located in the Wildland Urban Interface area and is prone to wildland fires. To protect existing and future land uses from fire, the Fire Chief may impose setback restrictions and use limitations and/or require improved defensible spaces, fuel breaks and other safety measures to prevent or defend the area from fire.

13.14.300.10 Open Pit Extraction Of Earth Products

This Section is intended to provide for the extraction of earth products using surface mining methods, for stockpiling mined materials, and for the placement of overburden and leftover earth materials in mining waste dumps, while protecting the environment, the rights of neighboring property owners, and roads and other public facilities from unusual wear or damage. Sites having a valid, current permit at the time of passage of this ordinance shall be completed according to the terms of such permit and any bonding agreements appurtenant thereto. Any expansion of pits, waste dumps, storage pits or operation areas beyond the existing permit is subject to all provisions of this Section.

All operations and rehabilitation shall comply with the following requirements:

- A. A land use plan and specific development plan as described herein must be prepared and submitted for review and approval.
- B. An accurate reclamation plan must be submitted for review and approval that indicates the topography, utilities, roads and structures on the site after completing the excavation and restoration of the pit.
- C. Only the portion of the parcel covered by the required rehabilitation bond may be disturbed or involved in the extraction process.
- D. The standards for rehabilitating the site shall be:
 - 1. The sidewalls of a pit or mound shall be smoothed and evenly contoured, and the floor of a pit or top of a mound shall be flattened and leveled.
 - 2. Mounds of fill shall not remain after rehabilitation of an extraction operation, except for mounds around utility poles. Mounds may be permitted in conjunction with a mine waste dump.
 - 3. Impoundments, pits, and ponds, must be approved as part of a post mining land use and reclamation plan by the Public Works Director. Natural drainage patterns should be restored or realigned whenever possible.
 - 4. No slope shall be steeper than the critical angle of repose (e.g. 33 degrees for gravel deposits).
 - 5. All disturbed areas shall be covered with not less than a one-inch thick layer of topsoil, reseeded with a hardy plant species, and the hardy plant species shall be established with sufficient concentration of vegetation to screen at least twenty-five (25) percent of the exposed surface from view.
- E. The operator shall place clearly identifiable survey markers on the outer boundaries of the bonded area and shall maintain such until the bond is released by Payson City. The City Council may request an annual on-site investigation and report of the Public Works Director to determine whether the terms of the

grading plan, reclamation plan and bond agreement are being met.

- F. Dust generated in the extraction and processing of the earth products shall be kept under control by the operator by keeping the extraction area, main roads in the pit, and loaded trucks, watered down. Placing berms or landscape screening for protection from the prevailing winds, and other suitable measures, may also be used. Any unpaved access road to the pit from the paved road system shall be maintained by the pit operator for dust control by watering down the access road surface or placing dust-inhibiting material on the surface of the access road.
- G. All cuts and fills shall be set back from the property boundary and from the boundary of the approved bonded extraction site a distance of at least fifteen (15) feet; except that when a bonded extraction boundary crosses a property line, extraction may take place through the property line.
- H. The pit and/or extraction operation shall not constitute a nuisance according to the Payson Municipal Code or Utah Code.
- I. The following items must be submitted for review and approval by the Public Works Director:
 - 1. An accurate travel route site plan for the operation that includes designated travel routes to and from the extraction site in relation to the major transportation system that will be used to transport the material. Verification of the status of all public roads utilized for the haul routes shall be required from all agencies with jurisdiction over the roads. The operator shall require that all material haul vehicles coming to and leaving the extraction site use the designated travel routes, and shall submit a travel route enforcement plan.
 - 2. A traffic analysis that includes the estimated trips per day coming to and leaving the extraction point on the various travel routes. This analysis shall include the vehicle type and average weight per vehicle both to and from the extraction point.
 - 3. A travel route roads analysis, prepared and signed by a Utah licensed engineer, detailing the integrity, vehicle volume capacity, weight capacity, pavement thickness and quality, sub-base thickness and quality, and other features of the travel route roads and appurtenant facilities, and the anticipated effects on such roads and facilities resulting from the use of the travel routes both during the operation as well as upon completion of the extraction process, including a comparison of the current vehicular traffic at the current rate of growth with the proposed increased vehicular traffic generated by the extraction operation at the proposed rate of growth and its effects on the current and expected life of the road structures before failure is eminent. The analysis shall establish that the designated travel routes have the durability and capacity sufficient to accommodate the additional vehicular traffic generated by the extraction site, both during

the operation as well as upon completion of the extraction process, or, if the analysis shows that the designated travel routes are not sufficient, the analysis shall specify the road improvements which are required to make the roads sufficient. The travel route roads analysis may be waived, in writing, by the Public Works Director, if the Director determines that sufficient data exists to confirm that the designated travel route roads have the durability and capacity sufficient to accommodate the additional vehicular traffic generated by the extraction site, both during the operation as well as upon completion of the extraction process.

4. If the travel route roads analysis shows, or the Public Works Director determines, that the designated travel route roads are insufficient, the application shall not be approved until the deficient roads are improved to the required durability and capacity standards, at the applicant's expense, or the applicant has entered into an agreement with the entity having jurisdiction of the deficient roads to address the deficient roads, which may include the posing of a cash bond based on an engineered estimated cost for the construction and restoration of the roads and appurtenant facilities.

J. Financial assurance must be provided to ensure the site is rehabilitated consistent with the approved reclamation plan. The bonding requirements may be satisfied by submission of a properly executed Reclamation Contract for Surety under the Mining Operations requirements as found in Utah Code or by providing a bond and bond agreement that includes the following requirements:

1. A cash or surety bond in the amount of \$3,000 per acre, in 2014 dollars, with an increase of four (4) percent per annum for each year after 2014, or such larger amount as the Public Works Director determines if required to rehabilitate the site, shall be posted by the applicant and property owner to guarantee compliance with the provisions of this Section. A violation of this Section, or of the rehabilitation bond agreement, shall be sufficient grounds for forfeiture of the bond to Payson City. If the bond is over the minimum bond amount per acre and the owner disputes the cost of reclamation set by the Public Works Director, the City Council may determine the cost and set the bond amount, upon appeal by the owner or applicant.
2. The maximum term of the bond shall be seven (7) years, after which time the bond amount shall be reevaluated based on inflation, the current costs of rehabilitation, and the amount of rehabilitation or excavation that has occurred during the elapsed time.
3. Any bond shall be accompanied by an agreement among Payson City, the applicant, and the property owner wherein the City agrees to return the bond at the completion of work if the standards of this Section have been met, and the applicant and property owner agree that the bond shall

be forfeited in the event of noncompliance and to permit the City to enter upon the land to close operations and rehabilitate the excavated or filled areas. The agreement does not need to include the property owner for lands owned by the federal government.

4. Rehabilitation of the site shall be completed on or before the earliest to occur of the following dates: (i) six months prior to the date of termination or expiration of the rehabilitation bond, (ii) one year after the date of cessation of operations, (iii) one year after the last date that any earth product materials are extracted from the site, (iv) December 31st of any year in which a business license has not been issued by Payson City for such operations, and (v) December 31st of any year in which a valid Payson City zoning compliance permit is not in effect for the operation.
5. Notwithstanding the forfeiture of the bond, the applicant and the property owner shall retain individual responsibility to fully comply with this ordinance, the terms of the permits issued thereunder, and the balance of any expense not covered by the bond to rehabilitate the property.

13.14.300.11 Other Requirements

The following requirements are in addition to the requirements found in this Chapter, the General Provisions or Supplementary Provisions of this ordinance, or any other applicable resolution or ordinance.

- A. All project operations are subject to the provisions of federal, state and local laws including, but not limited to, air quality permits, drainage abatement, erosion control, mine safety, and the issuance of a business license.
- B. Scavenging shall not be permitted.
- C. The operator shall be responsible for the control and proper disposal of incidental litter by providing fencing or other physical barriers as necessary and by policing the site at approved intervals.
- D. The operator shall be responsible for the control of rodents and insects.

13.14.310 Senior Housing Facility Overlay

[13.14.310.1 Purpose And Objectives](#)

[13.14.310.2 Definitions: Senior Housing Facility Overlay](#)

[13.14.310.3 Permitted Uses](#)

[13.14.310.4 Location And Zoning](#)

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[13.14.310.6 Overlay Approval And Limitations](#)

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13.14.310.1 Purpose And Objectives

The Senior Housing Facility Overlay provides standards for development that recognize and accommodate varied housing and lifestyle needs and desires of persons fifty-five (55) years of age or older (55+). The overlay shall be used to promote independence and a high quality of life to meet the physical and social needs of aging adults. Building a sense of community is important to achieve this goal. Some of the elements that help create this atmosphere include:

- A. Proximity to services, including civic centers, shopping centers, and other community support services.
- B. Proximity to recreational facilities and parks.
- C. Integration of public transit stations and stops.
- D. A walkable design with safe pedestrian access to services and amenities that reduces reliance on automobiles.
- E. Specialized design features, architectural styles, and a built environment that creates a sense of place.

The applicant shall be responsible to demonstrate how the proposed project achieves each of these objectives and how the overall neighborhood design will help promote a healthy lifestyle.

13.14.310.2 Definitions: Senior Housing Facility Overlay

SENIOR HOUSING FACILITY as used in this Chapter shall mean residential housing for persons fifty-five (55) years of age or older (55+) in a multi-unit development under a single ownership that consists of age restricted apartment or independent living facilities.

INDEPENDENT LIVING FACILITY as used in this Chapter shall mean residential housing for individuals who live in their own private units and have access to common areas where they can gather with other members of the community. This definition does not include assisted living facilities for persons who need around-the-clock supervision.

13.14.310.3 Permitted Uses

The following land use types are permitted uses in the overlay. Unless specifically listed, any other use is not a permitted use. The overlay is not for non-age restricted residential housing of any type.

- A. Any use permitted in the underlying zone
- B. Senior housing facility as defined herein

13.14.310.4 Location And Zoning

- A. The Senior Housing Facility Overlay may be utilized in the PO-1, Professional Office Zone. The overlay is site specific and does not apply to the entire underlying zone.
- B. The request for use of the overlay shall be processed in the same manner as a zone change in accordance with PCC 13.06.080, with the exception that approval of the overlay need not be shown on the Zoning Map.
- C. Use of the overlay is a request for increased intensity in the permitted uses of the underlying zone. Applicants for use of the overlay are hereby notified that the development rights on the subject property are those found in the underlying zone until, and unless, approval to use the overlay is granted by the city council. Denial of a request will not constitute a takings claim because the applicant will not be denied the ability to use the property in accordance with the underlying zone.
- D. Use of the overlay is a legislative decision of the city council. The city council is under no obligation to approve the use of the overlay and may deny the request for any debatable reason. Furthermore, there is no precedent established by any decision of the city council in relation to use of the overlay.

13.14.310.5 Specific Requirements

Requests for use of the overlay must include, at a minimum, the following:

- A. **Compliance With City Ordinances And Policies.** Except as otherwise listed in this Chapter, a Senior Housing Facility shall comply with all applicable ordinances and policies required in the Payson City Municipal Code for development in the underlying zone, as well as other state and federal laws, including laws related to access.
- B. **Conformity.** The facility shall conform to all applicable building, fire, health and safety codes and requirements for facilities of this type.
- C. **Project Acreage Requirement.** Project acreage shall be a minimum of 2.5 acres but not larger than 5 acres.
- D. **Density.** The Senior Housing Facility Overlay may have up to a maximum density of thirty (30) dwelling units per acre if full-time onsite management is present and one (1) indoor and one (1) outdoor common area/recreation space is provided within the facility. If full-time onsite management is not present or the two common area/recreation spaces are not provided, the maximum density shall be twelve (12) dwelling units per acre. The location, size, and type of common area/recreation spaces may vary from project to project and will be determined through the approval process.
- E. **Concept Plan And Building Elevations.** A concept plan and building elevations/renderings showing the project proposal for the site. The overlay is

... tied to the concept plan and building elevations, and any conditions imposed by the planning commission and city council. Any significant changes to the concept plan and/or building elevations requires additional approvals by the city. Significant changes include, but are not limited to, changes in density, parking ratios, landscaped open space, building height, mass, and location.

F. **Setbacks.** The following minimum setback requirements shall apply. Each setback is measured from the property line of the lot or parcel.

Front setback	25 feet
Side or rear yard setback when adjacent to a non-residential zone	20 feet
Side or rear yard setback when adjacent to a residential use or a residential zone	25 feet 40 feet—if building is taller than 35 feet
Street-side yard setback (corner lot) determined by type of adjacent street	Local street = 25 feet Collector street = 40 feet Arterial street = 40 feet

G. **Landscaping And Open Space.**

1. Except as otherwise listed in this Chapter, and regardless of the underlying zone, landscaping requirements shall be the same as those found in PCC 13.18, Commercial and Industrial Development herein.
2. A minimum of twenty percent (20%) of each project shall be maintained in permanent landscaped open space.

H. **Fencing.** Six (6) foot high, site-obscuring fencing may be installed along the perimeter of the property, regardless of whether it abuts existing residential or commercial properties or uses. The fence shall be constructed and maintained by the owner of the senior housing facility. Installation of fencing should not limit pedestrian access to vehicular access points and natural pedestrian access points. Such fencing will be constructed in a manner consistent with the residential character of the senior housing structure.

I. **Parking.**

1. No portion of the senior housing facility’s open space shall be used to provide parking spaces as required by this Section.
2. Projects are encouraged to provide covered parking and shall provide adequate ADA stalls to accommodate the residents and guests of the facility.

J. **Maximum Building Height.** The maximum primary building height shall be approved with the overlay request. Accessory buildings shall not exceed twenty (20) feet in height.

K. **Occupancy Restrictions.** The units are restricted to three (3) persons, regardless of familial relationship, as the maximum number of occupants with a maximum unit size of three (3) bedrooms, with the following restrictions:

1. In one (1) bedroom units, the maximum number of occupants shall be two (2) persons;
2. Minimum dwelling unit size shall be six hundred (600) square feet.
3. The units are intended for, and to be occupied by, at least one person fifty-five (55) years of age or older per unit with all occupants being at least 18 years of age;
4. A unit may be occupied by the surviving spouse of a household, regardless of age, if the fifty-five (55) years of age or older qualifying person has passed away, provided the surviving spouse was a resident of the unit at the time of that qualifying person's death;
5. Dependents of the deceased qualifying person may continue to reside in the unit if a surviving spouse of the qualifying person is remaining in the unit under the circumstances outlined in paragraph K,4. Otherwise, dependents shall have a ninety (90) day transition period during which they are able to remain in the unit following the qualifying person's death.
6. A deed restriction shall be recorded on the property indicating the occupancy restrictions listed herein.

L. **Lighting.** All outside lighting shall be arranged and shielded as to prevent glare, nuisance, inconvenience or hazardous interference on adjoining streets or property. Streetlights shall be installed on all public roads according to standards established in the Payson City Municipal Code and Development Guidelines.

M. **Accessory Buildings And Facilities.** Allowable accessory buildings and facilities include free standing club facilities for member use; garage structures, carports, and sheds; pools and hot tubs/spas; recreation facilities such as game rooms, fitness facilities, basketball courts, tennis courts, and similar structures. A minimum separation distance of ten (10) feet shall be maintained between all buildings.

N. **Architectural Design.** The architectural design of a Senior Housing Facility shall comply with architectural design guidelines as established in the RMF, Multi-Family Residential Zone and any additional design standards imposed by the city council.

O. **Unified Ownership.** Senior housing development projects within the zone shall

be under a single ownership, with respect to each development. Individual dwelling units may not be developed or converted to condominiums and may not be sold separately from the rest of the development.

13.14.310.6 Overlay Approval And Limitations

- A. The Payson City Council shall be the final land use authority for all Senior Housing Facility applications. The city council shall not render a decision on an application until the planning commission has reviewed the application and provided a recommendation to the city council.
- B. Upon approval of the overlay, the applicant shall apply for and obtain Development Plan approval to ensure compliance with the land use and development ordinances. This application may be processed concurrently with the overlay.
- C. Unless otherwise specified by the city council, approval of the overlay shall be valid for one year. If substantial construction of the project has not been completed, the approval for use of the overlay shall be null and void.

13.14.310.7 Maintenance Of Premises

- A. No excessive or offensive noise, dust, odor, smoke, or light, shall be emitted which is discernible beyond the site or parcel boundary lines in question, except that which emanates from the movement of motor vehicles. Premises shall be maintained in such a manner to avoid unreasonable interference with adjacent uses and to avoid public nuisances.
- B. No person shall store junk, unlicensed and/or inoperable vehicles, partially or completely dismantled vehicles, or salvaged materials outside a building.
- C. All solid waste storage facilities shall be enclosed with a masonry wall and constructed as per adopted City standards. The minimum access width to a solid waste storage facility shall be fifteen (15) feet.
- D. No trash, rubbish, or weeds shall be allowed to accumulate on any lot in the Senior Housing Overlay. The space around buildings and structures in these zones shall be kept free from refuse, debris, and weeds. All waste shall be concealed from view from adjacent property.
- E. The architecture, appearance, and aesthetics of all buildings, structures, and edifices shall be maintained to reasonable upkeep and maintenance standards.
- F. Landscaping shall be maintained in a living, growing, and reasonable condition.

13.14.320 NC Neighborhood Commercial Overlay

[13.14.320.1 Purpose And Overlay Characteristics](#)

[13.14.320.2 Permitted Uses And Structures](#)

- [13.14.320.3 Lot Area](#)
- [13.14.320.4 Lot Width And Frontage](#)
- [13.14.320.5 Setback And Build-To-Line Requirements](#)
- [13.14.320.6 Projections Into Setbacks](#)
- [13.14.320.7 Building Requirements, Massing And Scale](#)
- [13.14.320.8 Permissible Lot Coverage](#)
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- [13.14.320.11 Other Requirements](#)
- [13.14.320.12 Parcels Constricted By Land Constraints](#)

13.14.320.1 Purpose And Overlay Characteristics

The NC Neighborhood Commercial Overlay is established to provide areas within the city where limited commercial uses can be integrated into residential areas. These uses are limited in scope to those the city has determined conducive to the nature of the residential neighborhood, especially those uses that provide local services. The application is project and use specific.

To determine whether application of the overlay is appropriate, the city council shall weigh all factors listed herein that could impact the neighborhood and determine that the overlay will not detrimentally impact the neighborhood and will be in the best interest of the city. The council shall err on the side of protecting the existing neighborhood and residential uses. Among any other factors the council determines helpful to analyze whether to apply the overlay, Council shall analyze building design, massing, and orientation, hours of operation, maximum potential number of employees on site and square footage of the buildings on site, noise generated by business activities, proximity to similar services, nature of vehicular access, impact on and increase in traffic, emissions, parking, lighting, signage, landscaping, projections into setbacks, build-to-lines, lot size, accessory structures, and neighborhood characteristics. Other considerations include:

- A. Whether the proposed use, layout, or design will disrupt or otherwise negatively impact the residential character of the neighborhood.
- B. Whether the proposed use would be more appropriate in a commercial zone or would serve to undermine the intention of other commercial zoning districts.
- C. The impact the commercial use would have on vehicular and pedestrian safety and the traffic pattern of the neighborhood and how the transportation network could accommodate any increase in traffic.
- D. The impact of the commercial use on the infrastructure in the general vicinity.
- E. The use of the overlay should not be granted simply to avoid compliance with any other development regulation or to simply appease a landowner who should be operating a commercial business in a more appropriate location.

- F. The maximum potential impact the project could have on the neighborhood. The overlay is limited to the approved use and concept plan. Site plan modifications or other land use applications shall require additional approvals.
- G. The configuration and design of the project must complement the residential character of the neighborhood. In some instances, the overlay area could be very compact and located in the heart of residential development and in other instances the area may be larger.

13.14.320.2 Permitted Uses And Structures

The NC Overlay only may be applied to operate the following uses. The overlay shall not be applied to operate a use not listed below. The listed uses are to be construed narrowly.

- A. Business and management consulting services
- B. Travel agencies and arrangement services
- C. Insurance and real estate services
- D. Art, crafts and hobby shops
- E. Florists
- F. Gift and souvenir shops
- G. Beauty and barber services
- H. Health spas
 - I. Physician and dental services
 - J. Chiropractic, massage therapy and osteopath
- K. Legal services, therapists, and adoption agencies
- L. Accounting, auditing and bookkeeping
- M. Interior design studios, not to include warehousing
- N. Structures for fruit, vegetable, and flower sales
- O. Reception centers
- P. Any use permitted under the base zone

To maintain the residential character of the area, drive-throughs are expressly prohibited.

Accessory structures are only allowed for greenhouses and fruit stands, or as otherwise approved by City Council as part of the overlay request. Outdoor storage is not allowed and commercial uses shall be wholly conducted within an enclosed building, unless otherwise specifically approved, in which case the applicant will need to describe the

nature of any outdoor commercial activity.

13.14.320.3 Lot Area

There is no minimum lot area requirement, however, the parcel must be large enough to accommodate required off-street parking, building setbacks, landscaping, lot improvements and other development regulations. The maximum overlay area is one (1) acre, except to allow significant outdoor landscaping for a reception center.

13.14.320.4 Lot Width And Frontage

Any parcel smaller in width and/or frontage than the base zone and the average on that block shall only be approved if the legislative body finds that the smaller lot width and/or frontage is necessary under the circumstances and would not detract from the neighborhood.

13.14.320.5 Setback And Build-To-Line Requirements

The following setback and build-to-line requirements shall apply for primary and accessory structures:

- A. **Front Setback.** twenty (20) feet
- B. **Side Setback.** fifteen (15) feet except as follows:
 - 1. Side setback for structures constructed adjacent to residentially uses shall be a minimum of twenty (20) feet.
 - 2. Corner lot side setback--twenty (20) feet.
 - 3. Side setback for driveway - twenty (20) feet.
- C. **Rear Setback.** twenty (20) feet.
- D. The land use authority may impose a build-to-line that represents the distance from the property line that a structure will be constructed. The build-to-line may be imposed on any side of the structure. The build-to-line may be imposed to reduce the parking adjacent to the street, improve aesthetics of the site, or improve circulation. The imposition of a build-to-line may override required setbacks but does not reduce the amount of required off-street parking or landscaping.

13.14.320.6 Projections Into Setbacks

The following structures may project into a required setback upon the completion of a survey, or other acceptable means, to accurately determine the property line:

- A. Cornices, eaves, sills, buttresses, awnings, planter boxes or other similar

architectural features may project up to four (4) feet into any required front or rear setback or up to two (2) feet into a side setback.

- B. Any projection allowed under PCC 13.20.230 “Projections into Setbacks.”
- C. Any projection approved by the legislative authority when the projection consists primarily of architectural features or other elements that help the project blend into the residential neighborhood.

13.14.320.7 Building Requirements, Massing And Scale

A primary building or structure may not exceed thirty-five (35) feet in height, nor be lower than ten (10) feet in height. Buildings shall reflect the character of the neighborhood in terms of massing and scale, specifically with immediately adjacent structures. For instance, where single story structures exist, a commercial use should be conducted in a single story structure. Where a mixture of buildings heights and sizes exist, the commercial structure shall provide a transition between the various building scales.

An accessory structure may not exceed eighteen (18) feet in total height as defined in PCC 13.04 and shall not be larger than the primary structure. If an accessory structure is larger than 200 square feet it shall incorporate design elements that substantially match or complement the primary structure and cause it to blend into the site.

13.14.320.8 Permissible Lot Coverage

The sum total of all buildings, structures, and impervious material on any parcel shall not be greater than sixty (60) percent of the total area of the parcel.

13.14.320.9 Parking, Loading And Access

Each project shall satisfy the off-street parking requirements found in PCC 13.10. Fore parking design and standards refer to the Payson City Development Guidelines. The city council may authorize the use of on-street or off-site parking to help meet the parking requirements if the applicant can demonstrate the arrangement will have minimal to no detrimental impacts on adjacent properties and the neighborhood at large and that any potential parking needs will not interfere with snow removal.

13.14.320.10 Project Plan Approval

Any request for project plan approval in the NC Overlay is subject to all applicable City resolutions and ordinances including, but not limited to, PCC 13.18, “Commercial and Industrial Development”, the Subdivision Ordinance, Development Guidelines, and the Payson City General Plan.

Application of the NC Overlay is a request for a use that the city views as an increase in intensity compared to the residential uses allowed in the underlying zone. The development rights on the subject property are those found in the underlying zone until,

and unless, city council approves the overlay. After approval, the overlay remains tied to the specific proposal and is site specific. In other words, the overlay will not transfer to another property if the business relocates nor will the overlay allow a new business with a different use or allow a site modification without new approvals.

The NC Overlay may be employed in any residential zone. Approval for the use of the NC Overlay shall be processed in the same manner as a zone change in accordance with PCC 13.06.080, with the exception that approval for the use of the overlay need not be shown on the Zoning Map.

To obtain overlay approval, applicants shall present a concept plan showing the proposed project. If the overlay is approved, the applicant will submit complete project plans.

Unless otherwise specified by the city council, approval of the overlay shall lapse after one year if substantial construction of the proposed structure has not been completed. If this occurs, the approval for use of the overlay shall be null and void.

13.14.320.11 Other Requirements

The following requirements are in addition to all other requirements:

- A. **Signs.** Signs shall not distract from the residential character of the area. Sign size, lighting and location must be compatible with surrounding uses. Sign locations shall be shown on the concept plan and approved with the overlay. Electronic signs are not permitted. All signs must be consistent with the regulations of PCC 13.32.
- B. **Landscaping.** The applicant shall submit a complete landscaping plan that details the types and sizes of planting materials to be used. Each lot or parcel shall be completely landscaped except those areas used for buildings or parking. The landscaping shall be maintained using an automatic sprinkling system and shall be completed prior to issuance of a Certificate of Occupancy.
- C. **Trash, Junk, And Other Debris.** No trash, used materials, unsightly storage of any kind, or non-licensed or abandoned vehicles are allowed on site.
- D. **Design Guidelines.** The City Council may require specific design guidelines. The design guidelines may include, but are not limited to, architectural controls, colors, materials, building mass and orientation, innovative design of buildings and access, and any other features deemed appropriate by the City Council. The design guidelines apply to all structures in a development including accessory structures.
- E. No dust, odor, smoke, vibration, intermittent light, glare, or noise shall be emitted which is discernible beyond the premises, except for normal traffic movements.

13.14.320.12 Parcels Constricted By Land Constraints

To effectively protect the residential character of the surrounding area, any project that cannot comply with the requirements on this Section concerning parking, access, landscaping or other constraints based on lot size, location, or configuration will not be allowed.

13.14.330 MU-1 Mixed Use Overlay

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13.14.330.1 Purpose And Objectives

The MU-1 Mixed-Use Overlay is established to provide and encourage a compatible mix of commercial and residential uses, rather than a separation of uses, on a single parcel or contiguous parcels that are consistent with the objectives of the Payson City General Plan. Effective growth in a mixed use center is accomplished by providing a diversity of uses in a pedestrian friendly and vibrant commercial environment. This is done through pedestrian connectivity, access to transit, establishment of places that allow people to visit and socialize, architecture that connects and encourages an active street life, and the creation of a walkable urban core with uses in close proximity. Mixing housing in tenant-friendly ways among retail, office and services uses provides for a lively atmosphere and will contribute to a vibrant urban center and create healthy, thriving neighborhoods.

13.14.330.2 Compatibility And Review

All uses and structures shall be placed and designed to be compatible with other

structures and amenities in the project as well as surrounding uses. To determine compatibility, a review, including, but not limited to, the following characteristics of the uses and structures shall be conducted relative to other affected uses and structures: location, orientation, operation, massing, scale and visual and sound privacy. Rules and regulations relating to the compatibility of uses and structures based upon the above listed characteristics may be required by the city. The plan review processes set forth herein and the associated rules and regulations will assure that adjacent uses are compatible and consistent to the extent feasible. Flexibility shall be allowed in the compatibility review process, provided that adherence with the intents and purposes of the mixed use overlay and associated rules and regulations are met.

The MU-1 Overlay may only be applied in the S-1, Special Highway Service Zone. The applicant must demonstrate the proposed layout is preferable to the development pattern anticipated in the underlying zone. A request for use of the overlay shall be processed in the same manner as a zone change in accordance with PCC 13.06.080, with the exception that the use of the overlay need not be shown on the Zoning Map.

13.14.330.3 Allowable Land Uses

The project will include an appropriate mix of land uses, including retail, service, office and residential. The allowable uses, and those not permitted, are listed below. Uses allowed in the underlying zone, but not listed herein may be allowed by the Development Services Director if the applicant can adequately demonstrate the use is consistent with other permitted uses in the project.

Permitted Uses.

- A. Art Galleries and Museums
- B. Banks and Credit Unions
- C. Bed and Breakfast Establishments
- D. Business, Professional Offices, Outpatient Medical Facilities
- E. Farmers Market
- F. Fitness and Recreation Facilities
- G. High Density Residential – Condominium and Apartment Style
- H. Hotel and Motels
 - I. Live/Work Residential
- J. Municipal Facilities and Services
- K. Parking Structures
- L. Produce and Flower Stands

- M. Restaurants and Outdoor Dining
- N. Retail Establishments, under 20,000 square feet
- O. Transit Facilities, including park and ride lots
- P. Universities and Colleges
- Q. Accessory Buildings in support of public infrastructure or community amenities
- R. Drive-up Service Windows
- S. E-Bike, Scooter, etc. rental and sales
- T. Pool Maintenance Rooms and Restrooms
- U. Dumpster Enclosures

Not Permitted.

- A. Amusement Parks
- B. Automobile, Recreational Vehicles, Marine Sales
- C. Construction Materials, Yards, Storage
- D. Fuel Centers and Vehicle Service/Repair
- E. Hospitals, Inpatient Medical Facilities
- F. Sexually Oriented Businesses
- G. Single-Family Detached Homes, Townhomes, Duplexes, Triplexes, Fourplexes, and Similar Residential Structures

13.14.330.4 Density Calculations

In a mixed-use project, there are no residential density calculations. Rather, the allowable number of units will be identified through the design of the project. If the number of residential units is too high, the project will be denied because of the lack of balance between commercial and residential uses in the project. Calculating the number of allowable units will require the applicant to:

- A. Demonstrate that the structures in the project can be effectively served by the public safety providers in the city including the fire, police, and ambulance departments.
- B. Demonstrate that the project can be served by existing or upgraded infrastructure without placing a burden on existing infrastructure. The applicant for development approval is responsible for all upgrades to city utility and infrastructure systems to support the more intense use of the property.

- C. Demonstrate that the mixture of uses will create a desirable project with proper balance between residential and non-residential uses, amenities, transportation facilities and access, open space and other appropriate uses. To the extent possible, the non-residential uses should provide specific services for the residents of the project.
- D. Demonstrate that there is adequate parking for residents, employees, patrons and visitors of the project.
- E. Demonstrate that the project will be compatible with surrounding uses even if that requires design modifications at the edges of the project adjacent to other development patterns.
- F. Demonstrate that the units are designed to serve the anticipated residents in terms of size, amenities and features. For instance, student housing will include smaller bedrooms with adequate restrooms, storage, gathering area, laundry facilities, etc. As another example, senior housing will include smaller units, fewer stairs or inclusion of elevators, nursing facilities, etc.
- G. Demonstrate compliance with height, setback, parking, open space and other regulations of the development ordinances of the city.
- H. At least fifty percent (50%) of the ground floor area, or the equivalent, along the primary arterial corridor shall be dedicated to non-residential uses excluding parking.

13.14.330.5 Lot Area, Lot Width, Lot Frontage

There is no minimum lot area, except that any new parcel smaller in lot area of the parcels on the block shall be reviewed and approved by the city council. If the city council finds the lot or parcel is not consistent with the nature of the urban center environment, the city council may impose requirements to ensure uses, building mass and scale, and the design characteristics of all development on the parcel are compatible and consistent with surrounding buildings and uses.

Lot width and lot frontage must be at least one hundred fifty (150) feet along the primary arterial corridor. Flag lots or lots without street frontage are not permitted. Projects along other streets within the development must have at least eighty (80) feet of frontage.

13.14.330.6 Setback Requirements

The following setback requirements shall apply. Each setback is measured from the property line of the lot or parcel. All buildings shall satisfy the adopted building and fire code requirements.

- A. **Front Setback.** Buildings shall have a minimum front setback of zero (0) feet and a maximum of ten (10) feet from the property line. The city council may grant a front setback addition if it is determined the property is located along a pedestrian

corridor and the greater setback enhances the pedestrian experience. Refer to design guidelines for examples of how pedestrian experiences can be enhanced with greater setbacks such as sidewalk cafes, etc.

B. Side Setback. There is no minimum side setback, except as follows:

1. **Side Setback For Structures Adjacent To Residentially Zoned Areas.** Minimum of twenty (20) feet with a maximum of fifty (50) feet.
2. **Side Setback For Corner Lot.** Minimum setback on all areas of road frontage of zero (0) feet and a maximum setback of ten (10) feet. The city council may grant or require an increased setback if it is determined the property is located along a pedestrian corridor and the greater setback enhances the pedestrian experience or if the increased setback is necessary to protect clear view areas.

C. Rear Setback. Buildings shall have a minimum rear setback of ten (10) feet. If lot or parcel is adjacent to a residentially zoned lot, the building shall have a minimum setback of twenty (20) feet.

Nothing in this Section is intended to alter or waive the requirements of the adopted building and fire codes. Furthermore, adjustments to the setback requirements may be necessary to protect clear view areas and enhance pedestrian and vehicular safety at intersections.

13.14.330.7 Projections Into Setbacks

The following structures may project into a required setback:

- A. Fences and decorative walls
- B. Landscaping
- C. Porches, patios and balconies
- D. Cornices, eaves, sills, awnings, planter boxes and other similar architectural features
- E. Bay windows and cantilevers cannot exceed 20% of the wall from which they project

Aesthetic improvements similar to those listed above may be allowed to encroach into the front setback or public right-of-way at the discretion of the Development Services Director, and after written approval based on, but not necessarily limited to, the following conditions:

- A. No permanent structure may be erected in the public right-of-way.

- B. The aesthetic improvement does not impede pedestrian or vehicular safety.
- C. The building owner is willing to accept all liability in relation to the aesthetic improvement.
- D. If the improvement is adjacent to a roadway owned by an entity other than Payson City, the applicant will need to obtain approval from that entity.

13.14.330.8 Building Height Requirements

The primary building or structure may not exceed five (5) stories. Furthermore, the interior ceiling height of a structure shall not exceed fifty-eight (58) feet to allow for taller retail ceilings on the first level (retail/commercial only). Decorative architectural elements, parapet walls, trusses, and other sloped roofs may exceed fifty-eight (58) feet. Portions of the structure within thirty (30) feet of a residential zone shall be limited to one story greater than the maximum allowed in the abutting residential zone.

Accessory buildings are limited to the following: pool equipment and restroom buildings, gazebos, or other amenity buildings as approved by the Development Services Director. The style, colors, and materials shall relate to the primary building. Accessory building height shall not exceed ten (10) feet in height.

13.14.330.9 Distance Between Buildings

The distance between any building or structure shall satisfy the requirements of the adopted building and fire codes. This is in no way meant to eliminate the use of zero lot line development.

13.14.330.10 Permissible Lot Coverage

The sum total of all buildings, structures and impervious material on any parcel shall not be greater than eighty percent (80%) of the total area of the parcel. However, the city council can increase permissible lot coverage to ninety percent (90%) if the City determines the increased cover enhances the urban center environment and the amount of and type of landscaping is adequate and appropriate for the site. Areas not used for building or parking shall be landscaped. Planting materials shall be limited to those that will not damage sidewalks, buildings, utilities, and infrastructure.

13.14.330.11 Parking, Loading And Access

Because the number of parking stalls will vary based on project size, land uses, number and size of units, and other site-specific factors, a parking study will be prepared by a professional planner or engineer for review by staff and consideration by the city council. The parties may agree to complete more than one study to ensure the parking ratios are ample to accommodate enough off-street parking for the project. Ultimately, the amount of parking is the decision of the city council.

Each project shall provide adequate vehicular access to the site, internal circulation, and parking. Furthermore, pedestrian connections and networks will be integrated into the site and connect to adjoining public facilities. Project layout and design must incorporate the following:

- A. Where possible, the orientation of the parking should be interior to the project with primary structures along the outside edges of the project.
- B. Site circulation will allow for and facilitate emergency access to the site and all buildings.
- C. Parking beneath buildings and parking structures are encouraged. Parking structures shall have architectural treatments that are consistent with the features of the primary structures.
- D. Pedestrian circulation walks and bicycle racks are required and must be in highly visible and convenient areas.
- E. Loading and unloading areas shall be located in an area that can be secured and screened from public access. Further, loading and unloading shall not occur on a public street. Exception: Delivery to small street facing shops is allowed from marked street-side parking stalls during designated hours only as determined by the city.

13.14.330.12 Project Plan Approval

Any request for project plan approval is subject to any and all applicable regulations of the Payson City Code. Use of the MU-1 Overlay is a request for increased intensity in the permitted uses of the underlying zone. Therefore, any applicant for use of the MU-1 Overlay understands and acknowledges that the development rights on the subject property are those found in the underlying zone until, and unless, approved to use the overlay. The applicant further understands and acknowledges that denial for the use of the overlay shall not constitute a takings claim in that the applicant shall not be denied the ability to use the property in accordance with the underlying zone.

Entitlements will occur at different stages of the development process. The applicant must first obtain approval of the MU-1 Overlay to define the planning framework for the mixed-use project (project master plan) and establish additional standards or regulations to achieve the goals of the general plan. Overlay approval is intended to establish the vision of the project, uses and potential densities, the transportation and pedestrian network, design guidelines, parking requirements, and open space for the project. Technical issues including, but not limited to, engineering, utilities and infrastructure, and amenity details will be addressed during the Preliminary and Final Development Plan review process. Approval of the overlay does not waive or modify any requirements of the Payson City Code. If the technical review of the project identifies inconsistencies between the project master plan and the adopted regulations, the project master plan must be amended.

The intent of the project master plan is to establish a framework for the development of large or phased projects. In conjunction with project phasing, each phase shall be consistent with the project master plan approved with the MU-1 Overlay.

The issues that relate to the following areas shall be identified with the overlay request:

- A. Map and written narrative of project master plan area and sub-projects, or phases;
- B. Land use and the mixture of residential and nonresidential uses, including market analysis;
- C. Parking lots and structures;
- D. Transportation, mobility and connectivity;
- E. Pedestrian facilities, including drop off locations, walkways, sidewalks, bike racks, etc.;
- F. Open space and wetlands;
- G. Major utilities; and
- H. Storm water management, drainage and grading.

The Preliminary and Final Development Plan will include details regarding land use, utility and infrastructure systems, engineering design, public safety, and other similar development related items required by the Payson City Code. The Development Plan will be processed as follows:

- A. Following review by staff, the planning commission will hold a public hearing to receive input about the Preliminary Development Plan. Notice of the public hearing will be in accordance with PCC 13.06.070.
- B. Following a public hearing, the planning commission will forward a recommendation to approve, approve with conditions, or deny the Preliminary Development Plan.
- C. After receiving a recommendation from the planning commission, the city council may approve, amend and approve, approve with conditions, remand the proposed development back to the planning commission for further review, or deny the application.
- D. Following approval of the Preliminary Development Plan, the applicant may prepare the Final Development Plan. After their review, the city council may approve, amend and approve, approve with conditions, or deny the application. The city council, at their discretion, may approve the Preliminary Development Plan and the Final Development Plan concurrently.

13.14.330.13 Duration

Unless otherwise specified by the city council, approval of the overlay shall be valid for three years. If the applicant does not obtain and maintain a current building permit within three years of any development plan approval, the overlay approval shall be null and void. This time period may be extended for additional twelve (12) month periods by the Development Services Director if it is determined the extension is in the best interest of the city and there are compelling reasons to do so. In any case, the extension shall not be unreasonably withheld. The applicant must petition for an extension, prior to the expiration of the original three (3) years, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the city.

13.14.330.14 Special Considerations

- A. A market analysis must be prepared to provide details and justification for the proposed balance of land uses, number of residential units, and specifies the number of studio, 1-bedroom, 2-bedroom, and 3-bedroom units. The findings of this analysis will be used to determine an adequate amount of parking in the project (i.e. parking study).
- B. Fencing is discouraged in mixed-use projects. The following guidance is provided for fencing within and surrounding mixed-use projects:
 - 1. Internal fencing to protect against apparent safety hazards such as a swimming pool or other body of water is allowed.
 - 2. Fencing between sub-projects is not allowed.
 - 3. Perimeter fencing may be required to transition to an adjacent residential zone.
 - 4. Any proposed fencing will need to be compatible with the surrounding area and requires approval by the city council.

13.14.330.15 Design Standards

Design is a vital component of mixed-use development and specific design standards will be created for each mixed-use project. Because project design will have the effect of creating interesting and unique spaces, building and site design, open space, and streetscapes must be considered as part of the overlay request. Design details and the design standards booklet with graphic illustrations are requirements of overlay approval. A written description of the architectural standards will be submitted with the overlay submittal for consideration by the planning commission and city council. In no case will Preliminary Development Plan approval be granted without a completed booklet.

The design standards may include, but are not limited to, architectural controls, colors, materials, building mass, innovative design of buildings and access, and any other

features deemed appropriate by the land use authority. The design standards apply to all structures in the project. All buildings shall be oriented toward and facing public streets. This includes doors and large windows oriented toward public streets. Buildings on corner lots shall face both streets. Unless proven impractical, parking shall be located behind, or under, buildings, and buildings shall be located close to public streets, plazas, courtyards, or other gathering areas. Building design shall enhance the pedestrian experience. Upper floors shall engage with street life through balconies, windows, and architectural features that provide a pleasant pedestrian environment.

Adherence to the design standards will personify development of the mixed use project and facilitate the creation of vibrant areas and pedestrian friendly neighborhoods where the private development frames the public space of the streets and, along with integrated streetscape and landscaping elements, will help to create a cohesive community. Public amenities such as streets with detached sidewalks and park strips, parkways, parks, creek corridors, connected open spaces and direct access to permanent and future mass transit facilities should also be used to organize private development in mixed use areas.

13.14.330.16 Open Space And Landscaping

The following site landscaping standards shall apply to all new development:

- A. **Required Percentage.** At least twenty percent (20%) of a master development site shall be devoted to open space or landscaping, exclusive of required park strips and walks. Wetlands may count toward one-third (1/3) of such open space or landscape requirement. Additional landscaping should be provided where needed to buffer and achieve compatibility between different adjoining uses.
- B. **Approved Landscaping Plan.** All areas of a developed site not occupied by buildings, required parking, driveways, walkways or service areas shall be landscaped according to an approved landscaping plan. These areas may also incorporate hardscape for patios, plazas and courtyards, which areas shall be credited against the required landscaping percentage.
- C. **Street Trees.** Street trees shall be provided on all street frontages at a maximum spacing of thirty (30) feet on center. Street trees shall be planted within a landscape strip of at least six (6) feet in width, between the roadway and sidewalk where feasible. Street trees shall be planted no closer than twenty five (25) feet to light standards.
- D. **Parking Areas.** Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each twelve (12) parking spaces. Parking shall be adequately screened and buffered from adjacent uses.
- E. **Open Space.** Open space should be an integral part of the development project. The open space within a project should be integral to the site design, not small, leftover pieces of land. Open space may also be used as a buffer between

adjacent properties and uses.

- F. **Outdoor Lighting.** Outdoor lighting should provide for the illumination of buildings and grounds for safety purposes, but in an aesthetically pleasing manner. Lighting should be focused downward, and placed and screened to limit the emission of light beyond the development boundaries. A condition of approval may be the certain lighting be extinguished after certain hours.

13.14.330.17 Project Amenities

Project amenities in a mixed-use setting will vary based on land use, proximity to employment centers and public open space, and business amenities and activities. The amenity package shall be provided by the applicant and is subject to final review and approval by the city council.

As an alternative to individual project amenities, mixed-use projects may be organized into a Master Project and sub-projects. A Master Project shall be at least ten (10) acres and shall be divided into two or more sub-projects. Each sub-project shall have a minimum area of one-half (1/2) acre. The intent is to allow different kinds of unit type groupings with small amenities while sharing some larger common amenities that are governed by a Master Project Owners Alliance (OA). A sub-project, for example, could be a retail center in one sub-project; in another, there could be a multistory apartment with office spaces. Each sub-project shall have a sub-project OA to provide limited control and maintenance of its defined area only.

Master Project shall have amenities which shall be available for use by all sub-projects, and include, at a minimum, the following:

- A. Clubhouse which is a minimum of ten (10) square feet per unit;
- B. Swimming pool and/or hot tub of at least one (1) square feet of water surface area per unit;

The size of these amenities shall be based on a minimum project size of at least 150 units, regardless of the actual number of units. The clubhouse/pool size requirement may be met with the combined areas of amenities in more than one location. Two or more projects may jointly fulfill their amenity requirements in combined facilities. The Master Projects Owners Alliance (OA) shall enter into agreements for the operation and maintenance of the shared facilities. All projects shall be organized as non-profit organizations with a master OA. The OA shall have the responsibility to maintain facilities as required above.

At a minimum, sub-projects are required to have amenities as follows:

- A. Up to 30 units: See PCC 13.14.070.16 paragraph A
- B. 31 to 60 units See PCC 13.14.070.16 paragraph B

- C. 61 units and above See PCC 13.14.070.16 paragraph C. Exception: clubhouse shall not be required when part of a Master Project.
- D. Sub-projects shall meet the requirements of PCC 13.14.330.14, except when fulfilled by the common amenities.

Each Master Project shall abut a public street for a minimum distance of four hundred (400) feet. Sub-projects shall have no minimum width at the public street set-back line. Each sub-project shall be completely enclosed within the Master Project boundaries.

13.14.330.18 Transition To Transit Oriented Development

Integrating heavy or light-rail transit stations or bus rapid transit stations into a mixed use development can considerably reduce vehicle miles traveled as residents and workers have more transit mode options. This could also allow for further reduction in required parking stalls. Applicants requesting use of the MU-1 Overlay are encouraged to integrate transit facilities, acceptable to the local transit authority, within mixed use projects. Once a fixed transit stop has been constructed, the applicant may apply for use of the TS-O, Transit Station Overlay to potentially increase the amount of building square footage and decrease the amount of required parking stalls. Any request to transition from a mixed use project to a transit oriented development must include qualified studies that demonstrate the proposed land use mix, increased square footage, and parking reduction will benefit the overall development and the transit network.

13.16 Relationship To Subdivision Ordinance

[13.16.010 Relationship To The Subdivision Ordinance](#)

[13.16.020 Stricter Ordinances To Apply](#)

[13.16.030 Satisfaction Of Zoning Ordinance Not To Be Construed As Subdivision Approval](#)

[13.16.040 Improper Subdivisions](#)

13.16.010 Relationship To The Subdivision Ordinance

The Zoning Ordinance is a companion ordinance to the Subdivision Ordinance both created and adopted to assist the City in the fulfillment of the General Plan and to provide for orderly development patterns.

13.16.020 Stricter Ordinances To Apply

When the Zoning Ordinance and Subdivision Ordinance are in conflict, the stricter or protective ordinance shall apply, except that in the case of a Planned Residential Development (PRD), the Subdivision Ordinance shall take precedent in all inconsistent issues.

13.16.030 Satisfaction Of Zoning Ordinance Not To Be Construed As Subdivision Approval

Satisfaction of the requirements of the Zoning Ordinance will not be construed as subdivision approval. Each proposed subdivision must satisfy the requirements of the Subdivision Ordinance, PCC 12.

13.16.040 Improper Subdivisions

Any land divided into two or more parcels within Payson City without satisfying each requirement of this ordinance and PCC 12, Subdivision Ordinance shall be considered null and void. Each division of land shall not be recorded in the office of the Utah County Recorder until the requirements of this ordinance and PCC 12, Subdivision Ordinance have been satisfied and the plat of the subdivision has been signed by the Mayor of Payson City.

If an improper subdivision of land is recorded in the office of the Utah County Recorder, it will not be recognized by Payson City, and Payson City will consider the owner(s) of the parcel as joint tenants and the title to the property merged. Payson City shall not be held liable for improper subdivisions and shall not be obligated to grant any development approval on improperly subdivided parcels.

13.18 Commercial And Industrial Development

13.18.010 Purpose And Intent

13.18.020 Relationship To Other Sections Herein And Other Approvals

13.18.030 Approval Process

13.18.040 Development Improvements

13.18.050 Commercial And Industrial General Design Elements

13.18.060 Assurances For Completion Of Improvements

13.18.070 Appeal Procedure

13.18.010 Purpose And Intent

The purpose of this Chapter is to define the requirements, approval process, design elements and appeals process for commercial, industrial, manufacturing, research and development projects and site plans. It is the intention of this Chapter to provide an efficient, yet thorough development review and allow the applicant to obtain approval of a building permit in a timely manner.

13.18.020 Relationship To Other Sections Herein And Other Approvals

Each commercial, industrial, manufacturing, or research and development project reviewed under this Chapter is also subject to the requirements of the zone in which the proposed project is located. Except as approved in accordance with PCC 13.14.240, no residential use shall be allowed in a new commercial structure or a non-conforming residential structure that has been converted into a commercial use.

Any commercial or industrial development may be subject to more specific development and improvement standards approved by the City Council. In the case of conflict, the stricter of either this Chapter or the specific development standards will apply. More specific development regulations include, but are not limited to:

- A. The Payson City Business Park Guidelines and Development Standards
- B. The Economic Development Area Plan
- C. The Redevelopment Area Plan
- D. The Main Street Program as approved by the City Council for historic downtown Payson
- E. Project development agreements approved by the City Council
- F. Payson City Business License Ordinance

13.18.030 Approval Process

[13.18.030.1 Applicability](#)

[13.18.030.2 Complete Application And Review Fees](#)

[13.18.030.3 Submission Of Business Statement](#)

[13.18.030.4 Administrative Site Plan Review](#)

[13.18.030.5 Planning Commission And City Council Review](#)

[13.18.030.6 Development Agreement](#)

13.18.030.1 Applicability

The site plan review process is established to help ensure that new development and improvements for existing properties will be consistent with the Payson City General Plan, adopted ordinances and standards, and will contribute to the overall health, safety and general welfare of Payson City. To that end, site plan review shall be required for:

- A. All new commercial and industrial development;
- B. All new additions to existing sites which increase the floor area of the premises by more than twenty (20) percent or increase the original floor area of the premises by over twenty (20) percent when combined with one (1) or more previous expansions;
- C. Any change of use or intensity of an existing use on the site.
- D. A site that contains an existing structure that has been vacant for a continuous period in excess of one (1) year.
- E. Any significant change proposed after site plan approval has been granted by the land use authority.

Any construction activities not in conformance with an approved commercial site plan

shall be considered a violation of this Title. Any building permit issued shall ensure that development is undertaken and completed in conformity with the plans as approved, which will be reviewed to ensure that all alterations will result in compliance with all building and fire code regulations and satisfaction of all provisions of the Payson City development ordinances including, but not limited to the following:

- A. Roadway improvements along all frontage areas of a public right-of-way to include curb, gutter and sidewalk.
- B. Landscaping consistent with the provisions of this Chapter.
- C. Utility service lateral upgrades where determined necessary.
- D. Access delineation or limitation as needed to improve vehicular safety.
- E. Accommodation of storm water generated on the project site.
- F. Adherence to any design guidelines established by the Payson City Council.
- G. Accommodation or identification of adequate off-street parking.

The City Council may choose to enter into a Deferred Improvement Agreement with the property owner to establish a schedule and guarantees for the installation of required improvements. At a minimum, the agreement shall include a description of required improvements, time frame for completion, and remedies to ensure completion of improvements. The agreement shall be recorded in the office of the Utah County Recorder and shall run with the land.

13.18.030.2 Complete Application And Review Fees

Each applicant for review of a site plan shall submit a complete application form available from the Development Services Department and submit payment of the associated development review fee(s) in accordance with the adopted fee schedule resolution of Payson City. The application shall include a title report that indicates any covenants, declarations, easements, right-of-ways, dedications, or other similar encumbrances that must be accommodated or addressed prior to improvement of the property.

13.18.030.3 Submission Of Business Statement

Any applicant subject to the provisions of this Chapter must submit a business statement that provides detail about the anticipated business activities, the expected number of employees, demonstration of zoning compliance, future expansion plans, and any other information that can be used to ensure proper review. The business statement should represent both the immediate and anticipated future business practices and will be reviewed regularly to ensure that the business complies with the business statement. Future uses may be limited to those indicated in the business statement.

13.18.030.4 Administrative Site Plan Review

Any proposed commercial, industrial, manufacturing, or research and development building or site plan may be approved administratively by City staff in accordance with all local, state, and federal laws, ordinances, and resolutions provided the use of the structure(s) is a permitted use in the zoning district. On large commercial projects, staff will provide information to the Planning Commission and City Council at their regular meetings regarding the proposed site plan, building locations and, if known, types of businesses.

Any project determined by staff likely to have a significant impact on traffic, environmental quality, lighting, compatibility of uses, or the health, safety, or general welfare of the surrounding properties, property values, or residents shall be submitted to the Planning Commission and City Council for their review. The Planning Commission may recommend and the City Council may hold a public hearing on any proposed commercial or industrial development in any zone of Payson City.

13.18.030.5 Planning Commission And City Council Review

The following list represents development approvals that will not be processed administratively. The developments must receive a recommendation from the Planning Commission following a public hearing and approval from the City Council.

- A. Subdivisions of land. All subdivisions are approved by the City Council in accordance with PCC 12, Subdivision Ordinance.
- B. Any project determined by staff likely to have a significant impact on traffic, environmental quality, lighting, compatibility of uses, or the health, safety, or general welfare of the surrounding properties, property values, or residents.
 - 1. Any project determined by staff likely to have significant impact on the surrounding properties, property values, or residents shall be submitted to the Planning Commission for review and recommendation. The Planning Commission recommendation will be presented to the City Council for final approval.
 - 2. The City Council may choose to schedule a public hearing on any project likely to have significant impact on the surrounding properties, property values, or residents.

13.18.030.6 Development Agreement

In accordance with PCC 13.20.270, the City Council may choose to enter into a development agreement to clarify the obligations of Payson City and the applicant for development approval. If a development agreement is deemed necessary by the City Council, failure by the applicant to enter into a development agreement may be grounds

for denial of the development proposal.

13.18.040 Development Improvements

13.18.040.1 Primary Building Required

The nature of commercial and industrial developments creates a situation where each project is unique and the approval process is dissimilar. For instance, some developments require the division of land into separate ownership and other projects are intended to remain in the ownership of a single entity. Regardless of the approval process and ownership status, the development improvements required to provide effective municipal services is constant. These standards have been established in part in this Title, but are primarily included in PCC 12, Subdivision Ordinance. Therefore, each commercial project will be reviewed for compliance with this Title and the applicable regulations of PCC 12, Subdivision Ordinance including, but not limited to, the following:

- A. PCC 12.22 Review and Regulations for Impact on Public Infrastructure. The provisions of this Chapter ensure that adequate public facilities are available to serve the project and that the impact on the public infrastructure will be addressed.
- B. PCC 12.26 Improvement, Design and Layout Considerations. This Chapter is intended to ensure that drainage, pedestrian facilities, design standards, landscaping, and other site considerations are included in the project plan.
- C. PCC 12.28 Lot Improvements and Arrangement. This Chapter addresses typical zoning and development issues such as lot configuration, grading, fencing, and utility easements.
- D. PCC 12.30 Road and Streets. The circulation and transportation needs of the development are addressed in this Chapter of the Subdivision Ordinance.
- E. PCC 12.32 Drainage and Storm Sewers. This Chapter provides regulations for storm drainage, accommodation of upstream drainage and impact on downstream users. Lot to lot drainage concerns are also addressed.
- F. PCC 12.34 Water Facilities. The location and size of water infrastructure, the transfer of adequate water and fire protection are included in the regulations of this Chapter.
- G. PCC 12.36 Sewer Facilities. This Chapter ensures that wastewater is appropriately collected and transported to the wastewater treatment plant.
- H. PCC 12.38 Sidewalks, Curbs, Trails and Paths. This Chapter provides regulations for the improvements necessary for the construction of sidewalks, trails and other pedestrian facilities.
- I. PCC 12.40 Electrical Facilities. This Chapter provides the information necessary

for the Payson City Power Department to provide power services to the development in a manner that satisfies the requirements of the department.

- J. PCC 12.42 Other Utilities. This Chapter ensures coordination with the private utility providers to serve the development and obtain the necessary easements.
- K. PCC 12.46 Preliminary Plan and Construction Drawings. The information for a Preliminary Plan is similar to the information needed for a site plan application. The construction drawings will indicate the location and size of infrastructure together with all construction details of the project.

In addition to the requirements of this Title and PCC 12, Subdivision Ordinance, each commercial or industrial development may, as applicable, be required to satisfy the following provisions:

- A. PCC 14, Sensitive Lands.
- B. The Development Guidelines of Payson City.
- C. If a commercial or industrial development is located in an area that contains a proposed trail or parkway, the site plan shall incorporate the proposed amenities into the development plan.
- D. Any parcel located adjacent to a road owned, operated and maintained by the Utah Department of Transportation, Utah County or the United States will be required to have the access and circulation for the parcel approved in writing by the entity with proper jurisdiction.
- E. In specific locations, an applicant for site plan approval may be required to obtain approval in writing from other entities and Payson City such as private utility providers, irrigation companies, health department or appropriate federal, state, county and local jurisdictional bodies. Nothing in this Title shall be construed to eliminate the need for an applicant for site plan approval to obtain the proper licenses, permits, and other approvals to legally operate a business.
- F. Access may be limited to commercial and industrial sites adjacent to arterial or collector status roads and shall be approved by the City Engineer unless the commercial or industrial site is located along a state road in which case the access shall be approved by the Utah Department of Transportation.

13.18.040.1 Primary Building Required

Any lot or parcel with any primary use requires a primary building on a permanent foundation except for any temporary or transient business authorized by PCC 3, Business License Ordinance, or any use listed in Appendix A under “Communications Facilities”, “Bus passenger terminals”, and “Utilities.”

13.18.050 Commercial And Industrial General Design Elements

[13.18.050.1 Description, Purpose And Intent](#)

[13.18.050.2 Site Planning](#)

[13.18.050.3 Parking And Circulation](#)

[13.18.050.4 Building Architecture](#)

[13.18.050.5 Landscaping](#)

[13.18.050.6 Accessory Design Elements](#)

The commercial and industrial design elements serve to enhance the built environment in the most visible and active areas of the community. A predictable and organized development pattern accomplishes more than just improved aesthetics. The design elements create a cohesive development pattern, improve traffic flow, provide safeguards for patrons, and encourage attractive buildings and landscaping.

These elements are intended to be consistent with PCC 13.32, Signs and Outdoor Advertising herein. Harmonized signage reduces visual clutter and allows each business to be readily identified without confusion or blockage of sight lines.

13.18.050.1 Description, Purpose And Intent

For more than one hundred and fifty years, the community has been shaped by the location of major thoroughfares and the built environment. Over time both of these defining elements have significantly transformed, but remain critical in the development pattern of the City. The construction of Interstate 15 has pulled from the central commercial core of historic Main Street and extended commercial corridors to the high volume interchanges on north Main Street and 800 South. The traditional State Route 198 entering from the east through Salem City and exiting the community heading south toward Santaquin City continues to serve as an important commercial corridor. Industrial development encouraged west of Interstate 15 by the General Plan is reasonably separated from current residential development, but encroachment of incompatible land uses is a concern.

The purpose of these design elements is to link these areas together with effective transportation patterns, architectural cohesiveness, appropriate land use transitions, and a balance of the architectural heritage and modern design of the built environment. Together, the existing and anticipated structures will retain and create the fabric of the City. Transitions between zoning districts and architectural styles should seem natural and rational. Finally, the design elements will provide mechanisms to blend the commercial and industrial development into the primarily residential nature of the City.

The intention of this Section includes an effort to determine the appropriate amount of area in each commercial and industrial zone to serve the City now and in the future, and the desirable amount of each commercial use. Other intentions include an effort to avoid congestion, create a healthy business environment with ample competition but lack of over-saturation, and to improve the quality of life for the residents of the community by balancing the tax base, providing employment opportunities, and a variety of retail

options. In order to accomplish these intentions, this Section provides general elements for all commercial and industrial development in the City.

13.18.050.2 Site Planning

As a development site plan is created, there are many considerations that should be incorporated including, but not limited to, the following:

A. Consideration Of The Surrounding Area Character And Development

Pattern. Each site plan must be created that accounts for existing development in terms of architecture, access and compatible land uses. The plan will accommodate the general topography, physical attributes, and other elements that may be unique to the surrounding area and create appealing gathering places that will attract patrons and other businesses thus increasing the viability of the area. Views, mature trees, riparian habitat, streams and other waterways, and similar features unique to the area will be preserved and incorporated.

New buildings, or exterior renovations to existing structures, shall be designed to relate in size, scale and massing with surrounding development. Building materials, height, architectural time period, and other design features must be elements incorporated into the development site.

B. Site Characteristics. A site plan must be created that accounts for existing development in terms of architecture, access and compatible land uses. The plan will accommodate topography, physical attributes, and other elements that may be unique to the development site and create interesting development features and improve the aesthetics of the site. Some of these attributes may include existing trees, streams and waterways, slopes, and historical structures. Rather than remove these attributes as obstacles in the development process, they may be required to be incorporated as amenities in the development.

Building design shall be consistent in size, scale and massing with surrounding or anticipated development. Quality materials, architectural motif and other design considerations must be found to be compatible with surrounding development or the anticipated future design elements of the vicinity.

1. Structures that are historic or otherwise distinctive by age, cultural significance or unique architectural style will be preserved and incorporated into development proposals.
2. Buildings will be designed to take advantage of planned or existing amenities such as parks, trails, open space and water features. High activity areas such as restaurant dining areas or major pedestrian routes should be oriented to create a connection between the amenity and the project.
3. Development of sloped properties will generally follow the natural

contours of the land. Terraced parking lots, stepped building pads and larger setbacks will be used to preserve the general shape of natural landforms and minimize grade differentials with adjacent streets and adjoining properties.

C. Land Use Transition. Structures and development activities will be located and designed to avoid the creation of nuisances, hazards and other potential impacts on adjoining properties, particularly residential properties. Each development that borders, or is within five (500) hundred feet of, another zoning district shall be required to provide a use transition plan indicating the measures that will be incorporated to minimize potential impacts on the existing or anticipated future development pattern. At a minimum, the use transition plan will address the following items:

1. Activities that may create noise, traffic or odors will be eliminated to the extent possible. Any of these activities that are imperative to the development proposal and allowed by this Title will be located in an area that will minimize the impact on surrounding properties and uses.
2. Loading areas, access and circulation facilities, trash and storage areas, and other appurtenances will be located as far as practicable from adjacent properties and in particular from residential development. If the location of a loading and service area adjacent to a residential area cannot be avoided, the residential area shall be separated by a concrete or block wall a minimum of six (6) feet in height. The loading and service area shall not have light spillage onto the residential property. Loading and unloading shall satisfy the noise ordinance of Payson City.
3. To maintain the existing residential environment, commercial and industrial development adjacent to residential uses shall incorporate masonry walls, landscaping, berms, building orientation and activity limitations (i.e. limited hours of operation, lighting, etc.) or other methods to create a separation between residential and non-residential uses. Each applicant must demonstrate to the satisfaction of the City that the methods integrated will effectively mitigate potential negative impacts.
4. Window orientation in non-residential buildings will preclude a direct line of sight into adjacent residential private yards or open spaces within one hundred (100) feet.
5. In order to provide a visual barrier between commercial and residential uses, evergreen trees should be planted no further apart than thirty (30) feet on center, depending on species, to screen parking lots and large commercial building walls.
6. When commercial or industrial buildings back onto common open space areas, the rear setback area will be landscaped to function with the open space where possible.

7. When adjacent uses can mutually benefit from connection rather than separation, applicable connective elements such as walkways, common landscape areas, building orientation, public safety cross connection, and unfenced property lines should be employed and are strongly encouraged. Likewise, public non-motorized trails may be an appropriate use in the transition area.

D. Building Placement. Buildings should generally be oriented parallel to streets or access ways and, with some exceptions, should be placed as close to the street as established setbacks allow so that buildings, rather than parking lots, define the street edge. A build-to-line may be imposed that represents the distance from the property line that a structure may be constructed.

1. Parking lots dominating the street edge are not desirable. Development proposals will be designed to either place the structures near the street edge or a significant landscaped area along the street edge will need to be provided.
2. Blank walls or loading areas will not face public streets. Elevations facing public streets will incorporate design features consistent with the motif approved for the development.
3. Multiple buildings in a single project must be designed to create a positive functional relationship. The scale and mass of the buildings will relate and take into consideration pedestrian links, visual continuity, and shared improvements such as parking lots and access. In all instances, the design of the project will avoid the creation of repetitive buildings in a "barrack-like" setting. Often, a link can be accomplished through the use of a trellis, colonnade or other open structures.
4. Buildings and, in particular, buildings along transit routes should have entrances oriented toward bus stops or rail stations for convenient access to the buildings by transit passengers.
5. Make open space area useable. On sites of five (5) acres or more, open space areas will be grouped into larger, prominent landscape areas rather than equally distributing the open space into areas of low impact such as building peripheries, minimal side yard setbacks, behind a structure, storm drainage facilities or areas of little impact to the public view. Instead, the project open space should be used for activities such as eating areas, public trails, and gathering spaces.
6. Projects will use the space between buildings and recognize the importance of spaces between buildings as meaningful areas of the site. These spaces will have clear, usable shapes that are not simply left over areas between buildings.

7. Loading facilities will not be allowed to be located at the front of the building where it is difficult to appropriately screen the facilities from view. Such facilities are more appropriate at the rear of the site where special screening may not be required. Loading facilities will not be accessed from public parking areas.

E. Developments Traversed By Non-Motorized Trail. Any trail indicated on the Trails Master Plan of Payson City shall be incorporated into the development design and appropriate vehicular and pedestrian separations or crossing shall be provided. All trails intended to be dedicated to Payson City in accordance with the Trails Element of the Payson City General Plan shall be constructed in a manner consistent with the Development Guidelines of the City. Any development located near a public trail may be required to provide a concrete or asphalt connection to the trail system in the most practical location.

13.18.050.3 Parking And Circulation

A properly functioning parking lot is a benefit for the property owner, tenants, and customers. A parking lot needs to allow customers and deliveries to reach the site, circulate through the parking lot, and exit the site easily. Clear, easy to understand circulation should be designed into the project to allow drivers and pedestrians to move through the site without confusion.

The requirements in this Section apply to all parking lots for commercial and industrial use. It is intended that the requirements of this Section complement the standards set forth in PCC 13.10. If any two requirements are inconsistent, the stricter of the two requirements shall govern.

A. General Requirements. Parking and circulation standards are intended to create safe, efficient and predictable movement of traffic throughout a development site. The following issues will be addressed for each commercial or industrial project:

1. Parking lots will be accessed from streets that have been designated for commercial purposes. Access to commercial or industrial development directly from streets designated for residential purposes may not be allowed.
2. Entry drives, or access to projects from public streets, into a large commercial or industrial development (100 or more parking stalls) will include a minimum six (6) foot wide landscaped median to separate incoming and outgoing traffic and textured paving such as stamped concrete or brick work to generate visual interest at entry points to the development.
3. Entry drives, or access to projects from public streets, will align with

access to projects on the opposite side of a street or entrance to other businesses on site. Entry drives will also be coordinated with existing or planned median openings.

4. Shared parking lots for large commercial projects are encouraged. Parking areas will be designed with cross connections so that a vehicle is not required to enter a public street to move between locations within the same parking area. The minimum parking stall requirements of PCC 13.10 will need to be satisfied for each business; however, the Development Services Director, or designee may approve a reduction in total required parking based on a parking study completed by a licensed transportation engineer proving that total peak-hour demand for all uses is met by the shared parking area.
5. Drop-off locations, where the vehicle is removed from the flow of traffic, will be located near the entry to major buildings and plaza areas for projects that include more than one hundred thousand (100,000) square feet of enclosed space. This area may be used for drop-off areas for public transit functions. These areas shall be identified through design elements, such as stamped concrete, and curbing to delineate the drop-off location.
6. Large parking areas will be divided into a series of connected smaller lots using raised landscape planters at least six (6) feet wide. The raised landscape planter may include, and is required for all parking lots with more than two hundred (200) parking stalls, a walkway provided there is at least three (3) feet of landscaping on each side of the walkway. The landscape planters will be included in the calculation of the parking lot landscaping requirements outlined in the Payson City Development Guidelines.
7. Access to parking lots shall be located as far from intersections, and access to other developments, as practicable to ensure that adequate automobile stacking space is provided and safe turning lanes are created.
8. Wherever possible, multiple access points for a project shall be at least two hundred (200) feet apart and at least one hundred (100) feet from the intersection of two public streets. The access points should align with the access points across each public street from the project. When the required spacing is not possible, the access shall be as far from the intersection as practicable.
9. Projects that generate more average daily vehicle trips than ten (10) equivalent residential units shall provide two (2) points of ingress and egress. Furthermore, commercial and industrial developments shall not limit access to adjacent properties anticipated to contain commercial or industrial development. The circulation pattern for adjacent non-

residential properties and accommodation for all utilities shall be incorporated into the project design.

10. The number of access points to a project may be limited after considering the traffic circulation pattern and traffic volume of the street, and in accordance with the limited access requirements of PCC 12, Subdivision Ordinance. Furthermore, all access points shall be at least twenty (20) feet from the property line, unless the access points are shared by adjoining property owners.
11. The first parking stall that is perpendicular to an entry drive or the first aisle juncture that forms an intersection must be at least twenty-five (25) feet back from the entry to the site to provide adequate queuing distance from the entrance to the site. With larger centers, significantly more setback area may be required.
12. Parking areas shall be designed to provide adequate fire access, fire lanes and turning movements for fire apparatus and all public safety vehicles and equipment. Large parking areas with more than one hundred (100) parking stalls shall provide police and ambulance parking near the entrance to the building.

B. Patron Accommodation. Onsite automobile parking and circulation systems should be convenient and understandable to the users. Each parking area shall address the following considerations:

1. Each parking area will be designed with a hierarchy of circulation: Major access drives from the public street with no parking; major internal circulation drives with limited or no parking; and aisles for direct access to parking spaces. Small projects may need to combine components of the hierarchy.
2. Parking areas will include directional signs, where appropriate, to improve traffic circulation. Directional signs shall be consistent with PCC 13.32.

C. Delivery Vehicles. Truck routes should provide easy access to the loading and service areas of the site. Negative impacts on adjoining properties by loading and service areas and associated activities shall be addressed. The following design elements will be included for all areas used by delivery vehicles:

1. Service vehicle traffic will be separated from the main customer circulation paths by providing separate access to loading areas.
2. Loading and service areas will be designed to avoid interference with circulation or parking, and to permit trucks to fully maneuver on the property without backing from or onto a public street.

3. Delivery vehicles will use streets designated for commercial purposes. Delivery vehicles will not use street designated for use as residential streets.
4. Delivery vehicles, trailers, and other automobiles shall not be placed in parking areas for the purpose of advertising. All delivery vehicles shall be parking in loading and service areas.

D. Pedestrian And Bicycle Circulation. Safe and convenient facilities and means of access will be provided for pedestrians and bicyclists. Each development design will address the following:

1. In large projects with more than one hundred thousand (100,000) square feet of enclosed space, pedestrian walkways will be provided through parking areas. Clearly defined pedestrian access should be provided from transit stations and bus stops.
2. The overall project design shall comply with the requirements of the Americans with Disabilities Act (ADA).
3. Pedestrian crossings will be offset from the parking lot surface using methods such as patterned concrete, diagonal striping, raised crossings, or brickwork. Projects will connect interior pedestrian facilities to the public sidewalk and/or trail system adjacent to the development.

E. Service, Storage And Solid Waste Facilities. Providing adequate service facilities is critical to the efficient functioning of buildings. These facilities also present the greatest challenge in preventing nuisances such as noise, odor, and visual problems in the future. Each development proposal will include the following:

1. A service yard used for loading and storage activities will be generally located where the activities will not create a nuisance for adjacent uses. It must be demonstrated that the service yard is directly related to and clearly incidental to the primary use of the property. Service yards will not be used for items such as salvage yards, or the long-term storage of refuse, non-functioning vehicles, machinery or equipment.
 - a. Service yards will include provisions for loading, trash containers, storage areas, utility cabinets, utility meters, etc.
 - b. Service yards, storage areas, and all areas for storage of maintenance equipment or vehicles will be enclosed or completely screened from view from outside the service yard or area. Screening may include walls, buildings, landscaping, berming or appropriate combinations thereof. The screening method must be consistent with the design features of the development.

- c. Service yards will be located and designed for easy access by service vehicles and for convenient access by each tenant. The yards will be located to minimize circulation conflicts with other site uses and may not create a nuisance for adjacent uses.
 - d. Service yards should not be located adjacent to residential areas. If the location of a service yard adjacent to a residential area cannot be avoided, the residential area shall be separated by a concrete or block wall a minimum of six (6) feet in height. The service yard shall not have light spillage onto the residential property.
2. Adequate provisions will be included for storing the anticipated number of garbage containers for the development in a manner that does not create a nuisance for adjacent uses and in an area that will allow efficient collection by Payson City.
- a. The location of trash containers will be indicated on the Site Plan for the development and approved by the Payson City Solid Waste Department.
 - b. All trash and garbage containers will be stored in an approved enclosure unless containers are stored in an approved service yard.
 - c. All garbage containers will have a solid cover to reduce odors and reduce blowing debris.
 - d. Trash enclosures will provide convenient access for each tenant of the project and should not be blocked by parking spaces.
 - e. Trash containers should be located away from residential uses and will not create a nuisance for adjacent property owners.
 - f. Trash enclosures will be constructed of masonry materials or materials that reflect the architecture of the primary structures in the development and include screening gates to conceal the garbage container(s). Chain link fencing with vinyl slats may be used for the access gate of the enclosure, but will not be used on the remaining three sides of the enclosure. The trash containers will be placed on a concrete pad with an apron that extends no less than ten (10) feet in front of the enclosure to prevent pavement damage from collection vehicles.
 - g. Trellis or other architectural covers over an enclosure are encouraged to reduce wind-blown litter and reduce the number of birds, animals and rodents rummaging through the garbage. If an enclosure is located adjacent to a public street or a residential

area, a trellis or architectural cover will be required.

3. Adequate loading spaces including docks will be designed to avoid becoming a nuisance to surrounding properties.
 - a. Loading and delivery areas will not be located in a required setback area.
 - b. Loading areas will not be visible from public streets. All screening will be consistent with the design of the structures in the development. Highly concentrated landscaping may be used as a screen if it can be demonstrated that the screening will be appropriate in all climatic seasons.
 - c. Delivery vehicles with refrigerators or that are anticipated to idle for an extended period of time may not be parked adjacent to any residential area beyond the time needed to load or unload the vehicle. In all cases, the delivery vehicle must satisfy the noise ordinance of Payson City.
4. Provisions will be made for storage needs of occupants of the development. Outdoor storage and outdoor promotional displays must be approved by Payson City in accordance with the standards set forth in this Section.
 - a. Outdoor storage will only occur within approved storage areas and must be permanently screened from public view. Storage areas will be located behind a sight obscuring fence, no less than six (6) feet in height, constructed of materials used to construct the primary structures in the development. Chain link fencing is not allowed for screening of storage areas.
 - b. Screening materials and fencing used for storage areas should include architectural features used on the primary structures in the project. The storage area should appear as part of the overall development and not as an afterthought.
 - c. Parking or loading areas may not be used for outdoor storage.
 - d. If an outdoor promotional display area is approved by Payson City for seasonal items such as nursery and landscaping materials, Christmas tree lots, or other approved temporary uses in accordance with PCC 13.24, the area shall be kept tidy, clean, and free of refuse and garbage.
5. Utility equipment and mechanical appurtenances will not be visible from public view. Mechanical equipment will be located and operated in a

manner that does not disturb adjacent occupants and will be screened from public view. The screening materials will be consistent with the design of the project.

- a. All mechanical equipment such as compressors, air conditioners, antennas, pumps, heating and ventilating equipment, emergency generators, chillers, water tanks, standpipes, satellite dishes and communication equipment, and any other equipment for the building will be concealed from view of public streets and neighboring properties.
- b. Mechanical equipment should not be located on the roof of a structure unless the equipment can be hidden by building elements that are designed to screen the equipment as an integral part of the building design.

13.18.050.4 Building Architecture

If enacted in a particular zone, all developments shall satisfy the design elements and standards adopted by the City. Design requirements may include restrictions on building size, colors, styles, lighting, and other design criteria. The Design Standards for the Payson City Business Park shall be followed for any development in the park.

If specific design standards have not been imposed by the City Council, all developments shall be reviewed for compatibility with surrounding uses in respect to building size, traffic circulation, massing, uses, colors, lighting and any other appropriate design review. Each applicant for site plan review will submit a colors and materials board together with a color rendition of all proposed structures for review and approval in accordance with this Title.

13.18.050.5 Landscaping

Landscaped areas are used to frame and soften structures, to define site functions, to enhance the quality of the environment, and to screen undesirable views. Landscaping should express the three dimensions of the project and should continue patterns of landscaping in the surrounding area.

A. General Landscaping Standards. Landscaping should complement the buildings and surroundings to make a positive contribution to the aesthetics and function of both the specific site and the area. The following characteristics will need to be addressed in the design of each commercial or industrial project:

1. Landscaped areas should generally incorporate planting utilizing a three tiered system; 1) grasses and groundcovers; 2) shrubs and vines; and 3) trees. Landscape design and construction should emphasize drought

tolerant landscaping where possible.

2. All areas not covered by approved buildings and structures or required parking, must be completely landscaped and maintained using an automatic irrigation system.
3. Landscaping will be in scale with the structures in the development and be of appropriate size at maturity to accomplish the intended design goal.
4. Landscaping around the entire base of buildings is encouraged to soften the edge between the parking lot and the structure. The landscaping should be accented at entrance areas to provide focus to the entryway.
5. Plant materials will be placed in a manner that avoids interference with project lighting or restriction of access to emergency apparatus such as fire hydrants or fire alarm boxes. Landscaping should preserve the clear view area defined in this Title.
6. Planting areas will be protected from vehicular and pedestrian encroachment by raised planting surfaces or the use of curbs.
7. Plants in containers or planter boxes are encouraged for areas adjacent to store fronts along walkways if the containers or planter boxes do not obstruct pedestrian or vehicular circulation.
8. Vines and climbing plants integrated upon buildings, trellises, and perimeter walls are not only attractive, but also help discourage graffiti and are encouraged in appropriate areas.
9. Existing mature trees, riparian corridors, and view sheds should be preserved and incorporated into the project landscaping.
10. Storm drainage facilities should be incorporated into the landscape design and appear to be a part of the overall project.
11. Each project will incorporate landscaping and roadway improvements such as sidewalks and lighting along all public streets to provide a canopy and streetscape design consistent with the improvement plans and goals of Payson City.
12. Connective elements such as pathways, trellis, and planting materials should be included in the landscaping plan rather than hardscape connections.
13. All required landscaping must be properly maintained. Assurances for proper watering, replacement of dead planting materials, weeding, fertilization and other typical maintenance activities will be provided by each applicant for a commercial or industrial project.

B. Perimeter And Internal Project Landscaping. The following guidelines are

minimum parameters for project landscaping. Landscaping should be provided to frame buildings and to separate the buildings from the surrounding pavements. Parking areas should be landscaped as described in the Payson City Development Guidelines to minimize summer glare and heat build-up and to generally reduce the negative impacts associated with large areas of paving. The perimeter of the site should be landscaped to provide parking lot screening, a buffer for adjacent uses, and an attractive view from the street. A complete landscaping plan is considered part of an application for Site Plan review and shall include:

1. All applicable requirements of this Section and any specific zoning regulations of PCC 13.14.
2. The types and sizes of all planting materials along with plans for an automatic underground irrigation system. The irrigation system will be designed to prevent runoff and overspray.
3. A minimum of one evergreen tree no less than eight (8) feet in height or deciduous tree with no less than one and one half (1½) inch caliper for every four hundred (400) square feet of land not covered by an approved building or required parking. Each plan should include a variety of planting materials and a mixture of evergreen and deciduous trees.
 - a. The number of trees required may be reduced if the applicant is willing to plant larger shade trees or more mature evergreen trees rather than decorative trees.
 - b. The number of trees in the industrial zones may be reduced to one tree per six hundred (600) square feet of land not covered by an approved building or required parking.
4. A minimum of one five gallon or larger shrub for every four hundred (400) of land not covered by an approved building or required parking.
 - a. The number of shrubs in the industrial zones may be reduced to one shrub per six hundred (600) square feet of land not covered by an approved building or required parking.
5. All areas not covered by an approved building, required parking, trees or shrubs shall be covered by grass or another acceptable ground cover such as bark, wood chips, or decorative rocks. Dirt, weeds and similar materials are not considered acceptable ground cover.
6. No species of trees or large shrub should be planted under overhead lines or over underground utilities if its natural growth may interfere with the installation or maintenance of any public or private utility.
7. Planting areas should be at least six (6) feet wide and located within a raised planting area protected by concrete curbing. In order to provide a

separation between businesses a perimeter landscape planter at least six (6) feet wide on each parcel will be included when a site adjoins other commercial or industrial uses. Likewise, when commercial or industrial uses are located adjacent to a residential use, a landscape area at least ten (10) feet wide will be included on the landscaping plan.

8. The placement of trees in the development to create a canopy, especially in parking areas and along public streets.
9. At the discretion of Payson City, and at the expense of the applicant, the landscaping plan may be reviewed by a licensed landscaped architect to ensure consistency with this Chapter and appropriateness of the planting materials in relation to the local climatic environment.

C. Parking Lot Landscaping And Screening. Landscaping to improve aesthetics, reduce thermal islands, and provide areas of shade for vehicles within parking areas is required in accordance with PCC 13.10. Required parking lot landscaping and screening of parking areas that is encouraged may be achieved using the following methods:

1. Parking areas will include landscaping that accents the importance of the driveways from the street, frames the major circulation aisles, and highlights pedestrian pathways. Driveways should have visual cues for drivers such as distinctive landscaping or directional signs. Parking lot landscaping will be consistent with the requirements of PCC 13.10.
2. Large canopy trees and shade trees are required in parking areas as outlined in the Payson City Development Guidelines.
3. The installation of masonry walls, approximately four (4) feet in height, consisting of stone, patterned concrete, brick, or other similar types of solid masonry materials.
4. Shrubs planted close together to grow into a dense hedge or living wall approximately four (4) feet in height.

13.18.050.6 Accessory Design Elements

There are accessory design elements that serve to provide details that create a pleasing and attractive project. When properly included in the design of the development, these details will improve the experience for patrons, employees, and visitors to the site.

A. Project Furniture And Fixtures. Outdoor furniture and fixtures should be compatible with the project architecture and should be carefully considered as integral elements of the project design.

1. Outdoor furniture and fixtures such as lighting, trellises, raised planters,

benches, newspaper racks, bus stops, telephone booths, fencing etc. are integral elements of the project and landscape design, and will be included in and shown on all site and landscape plans. Newspaper racks will be consolidated into a single unit to reduce visual clutter.

2. The outdoor furniture will be compatible with the design, including colors of the primary structure. The furniture will be located so that it will not conflict with the circulation patterns of the site.
3. All traffic regulatory and directional signs shall incorporate design and scale into the appearance and placement of the sign. The signpost shall be decorative and promote the design features of the project. The sign shall be an appropriate size to fit the scale of the intended purpose.

B. Walls And Fences. Walls and fences are generally used for security purposes and to screen areas from public view. If a wall or fence is not used as a site-planning tool to accomplish the intentions of this Chapter, the wall or fence should not be constructed.

1. The height of the wall or fence should be as low as possible while performing the intended screening or security function.
2. Walls viewed from the street or parking areas should be designed to blend with the architecture of the project using similar materials and colors.
3. Landscaping shall be used in combination with walls and fences to soften the otherwise blank surfaces.
4. When security fencing is required, it should be a combination of solid walls with pillars and offsets, or short solid wall segments and segments with simple wrought iron grill work.
5. Walls and fences should be offset every one hundred (100) feet and architecturally designed to reduce monotony. Landscape pockets along the wall should be provided at regular intervals.
6. Except in industrial zones, chain link fence is not allowed. Furthermore, chain link fencing is not encouraged in industrial zones.
7. Walls and fences will be painted and properly maintained at all times.

C. Project Lighting. Lighting levels should be sufficient for the safety of site occupants and visitors, but should not spill onto adjacent properties. All project lighting shall be consistent with the regulations of the Payson City Power Department. A lighting plan is considered part of an application for Site Plan review and shall address the following:

1. A complete electrical plan, prepared by a licensed electrical engineer, will

be submitted for review by the Payson Power Department for compliance with the Development Guidelines of Payson City.

2. Lighting will be provided in all loading, storage, and circulation areas.
3. All project lighting shall be directional lighting that guides light onto the project site without light pollution onto adjacent properties. The light source from a light fixture should not be visible from off-site.
4. Lighting in parking areas will be located to assure adequate light levels and avoid the displacement of required landscaping.
5. The lighting fixtures on the building and throughout the development will complement the project architecture in relation to color and design style.
6. Each project will provide street lighting consistent with the street lighting requirements of Payson City.
7. Roof lights, wall washes, lighted roof panel, internally illuminated awnings, and other methods of lighting buildings are discouraged.

D. Flags, Lights, And Other Advertising Devices. All promotional and advertising devices are subject to the regulations of PCC 13.32. A sign package must be submitted to staff for review prior to ordering or authorizing the manufacturing of any advertising device, and prior to the installation of any advertising device the sign package for the development must be approved by Payson City. The sign package will be reviewed for project-wide consistency, how project signage will complement the architectural features of the development, and if the signage is overly distracting to the traveling public in the highest traffic volume areas of the community. Flags (non-organizational or insignia), neon lighting and lighting that distract from the architectural features of the project are highly discouraged and may not be allowed.

E. Address Indicators. Each business shall maintain a separate address approved by the Development Services Director. The address shall be displayed on a prominent area of the building and should be backlit or composed of a highly reflective material for easy public safety recognition. The address indicators shall be uniform throughout a project in terms of size, color and location.

F. Newspaper, Real Estate, Trade Leaflet And Other Similar Distribution Racks. Prior to the placement of a newspaper, real estate, trade leaflet or other similar distribution rack, the owner of the rack shall obtain a permit from the Development Services Department. Before approval for placement of the rack is granted, the Development Services Department shall ensure that the following issues are appropriately addressed:

1. The rack shall be placed on private property and shall not be located in any public right-of-way or within any clear view area.

2. The owner of the rack shall provide written permission from the property owner for the placement of each rack on the premises and specifically where each rack may be placed.
3. The owner of the rack must acknowledge, by signature on the application, the requirement to clean the general vicinity on a daily basis removing all paraphernalia that has been discarded by patrons.
4. If it can be documented that the area has not been cleaned for a period of more than forty-eight (48) consecutive hours, the rack may be removed by the City and the permit may be revoked. If the rack is removed, the rack will be impounded for the period of one (1) week or until the owner of the rack retrieves the rack from the City whichever is sooner. If the rack is not retrieved within one (1) week, disposal of the rack by the City may occur.
5. Any rack placed in the public right-of-way or placed on private property without a permit issued by the Development Services Department is subject to removal, impoundment, and disposal by the City. The City will make a good faith effort to contact the owner based upon the information provided on the rack or the paraphernalia placed within the rack.

The City is not obligated to approve the request to locate newspaper, real estate, trade leaflet, or other similar distribution racks in any location if it is determined that there is an overabundance of racks in a particular location, the racks are inconsistent with the objectives of the development, the racks are adjacent to or near residential properties, or the racks may cause unsafe driving practices for patrons frequenting the racks.

13.18.060 Assurances For Completion Of Improvements

The applicant shall post a performance guarantee in the form of a cash bond or irrevocable line of credit at the time of development approval for all improvements, project amenities (i.e. fencing, trails, playground equipment, clubhouse or other buildings owned in common and required project landscaping), and any other items specifically included in a Development Agreement between the City and the applicant for development approval. The estimated amount shall be reviewed by the City Engineer and shall be sufficient to assure to the municipality the satisfactory construction, installation, and dedication of the uncompleted portion of required improvements and completion of project landscaping. The amount of the guarantee shall be equal to one hundred ten (110) percent of the estimated cost of the required improvements, amenities and project landscaping as determined by the City Engineer.

The posting of guarantees is in lieu of actual construction and are therefore established for the benefit of and to insure to the public at large. As such, the guarantee shall not be used for satisfying contractor or mechanics liens or other unrelated obligations. The performance guarantee shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency, and manner of execution as set

forth by the City Attorney.

The period within which required improvements must be completed shall be one (1) year unless otherwise specified by the City Council upon development approval and shall be incorporated in the guarantee. The City Council may, given a valid reason, extend the completion date set forth in such guarantee for a maximum period of one additional year. The City Council may at any time during the period of such guarantee accept a substitution of principal or sureties.

All projects that require a performance guarantee in accordance with this ordinance are subject to payment of a public works inspection fee for the inspection and approval of the required improvements consistent with PCC 13.06.070.

Under some circumstances, the City may authorize the actual construction of required public improvements in-lieu of posting a performance guarantee as outlined in PCC 12.50.030. Once a bonding option is selected, the applicant is not permitted to move from an in-lieu guarantee to a traditional guarantee or vice versa. The applicant and the City acknowledge that the bonding option chosen will remain the same for the duration of the project.

13.18.070 Appeal Procedure

Any applicant or person aggrieved by any application processed under this Chapter shall appeal the decision to the City Council within fourteen (14) days of the decision.

13.20 Supplementary Provisions

[13.20.010 Purpose And Intent](#)

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[13.20.270 Development Agreements](#)

[13.20.280 Enforcement And Penalties](#)

[13.20.290 Fee Schedule](#)

13.20.010 Purpose And Intent

The intent of this Chapter is to provide for several miscellaneous land development standards that are applicable in all zones. The requirements of this Chapter shall be in addition to development standards contained within the various zones. Where the provisions of this Chapter may be in conflict with other provisions of this ordinance the more stringent shall prevail.

13.20.020 Requirements To Be Met On One Lot Or Parcel

All required yards, setbacks and other requirements shall be situated on the same lot as the building or structure to which it applies. No required yard, area, or other open space around a building or use, which is needed to comply with the area, setback, or open space requirements of this ordinance, shall be considered as providing the required area, yard, setback, or open space for any other building or use.

13.20.030 Sale Or Lease Of Required Lot Space Prohibited

The space needed to meet the area, frontage, width, coverage, off-street parking, frontage on a public street, or other requirement of this ordinance for a lot or building may not be sold or leased.

13.20.040 Dwelling Requirement On A Lot Or Parcel

Only one single-family dwelling shall be located and maintained on a single-family residential lot or parcel. The dwelling shall be constructed on a permanent foundation. Human habitation is limited to the living area in any dwelling.

13.20.050 Clear View Areas

[13.20.050.1 Clear View Area](#)

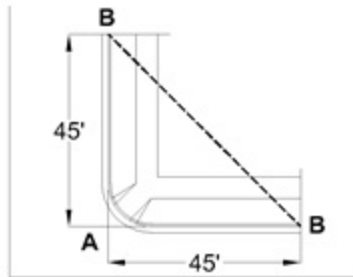
[13.20.050.2 Special Concerns, Safety Concerns](#)

In order to promote safe vehicular movement and improve pedestrian safety, clear view zones at all street intersections and railroad crossings are hereby established.

13.20.050.1 Clear View Area

The purpose of this Section is to establish minimum acceptable vision clearance standards for motorist and pedestrian safety at vehicular access points along streets.

The clear view area is a triangular area formed by the perpendicular intersection (A) of the curb face at the corner, or property lines on parcels without curb, and two points (B) measuring forty-five (45) feet down each curb face, or property line on parcels without curb, as indicated in the diagram below.



- A. On property at any corner formed by intersecting streets or which lie adjacent to railroad tracks, it shall be unlawful for the owner or occupant to install, set out, maintain or to permit the installation or maintenance of any sign, fence, hedge, tree, shrubbery, natural growth, building, construction or other obstructions in a clear view area, unless expressly allowed by this Title.
- B. Drive approaches providing access to a public street must be positioned to maintain visual clearance at the intersection.
- C. Planting of shrubs and landscaping materials is permitted in the clear view area, but shall not exceed thirty-six (36) inches in height, measured from the top back of curb. To maintain visual clearance at intersections, trees are not allowed in the clear view area.
- D. On-street parking is not allowed alongside the clear view area.
- E. Fencing within the clear view area must satisfy the regulations of PCC 13.20.130.

If the road has a stop sign at the relevant intersection, the clear view area may be reduced by the City Engineer. The clear view area should not be less than twenty-five (25) feet in residential zones.

In the CC-1, Central Commercial Zone, due to the historic nature of the zone, the clear view area may be reduced, or eliminated, by the City Engineer if it can be shown that safe vehicular circulation can be accomplished. In order to provide safe vehicular circulation, the City Engineer may require remedies such as, but not limited to no parking zones, and appropriate road regulatory signs.

13.20.050.2 Special Concerns, Safety Concerns

There may be unique circumstances, due to topography, road alignment, or other physical feature that could cause a safety hazard even if the requirements of this Section are satisfied. In those circumstances, the City Engineer may require additional provisions to eliminate the safety concern. These provisions could include, but are not limited to, removal of all trees, shrubs, fences, and other obstructions for a distance determined to create a safe intersection. Likewise, in unique situations, the City Engineer may determine that the intersection is safe with fewer restrictions than those required by this Section. The City Engineer may consult with other members of the staff such as the Police Chief, Street Superintendent, and Fire Chief in making such a determination.

13.20.060 Drainage

Surface water from rooftops shall not be allowed to drain onto adjacent lots or streets, except after written agreement between the two parties. In order to prevent impediment in the storm drain system, no alteration of the public right-of-way shall occur without the written consent of the Payson City Streets Superintendent including the placement of gravel, concrete or asphalt.

13.20.070 Transfer Of Adequate Water

No building permit shall be issued in any zone without first conveying to the City adequate water rights in accordance with PCC 4.04, Water Ordinance, if applicable.

13.20.080 Pollution Prevention

Any use shall be prohibited which emits or discharges gasses, fumes, or other pollutants into the atmosphere in amounts that exceed the standards as prescribed by the Utah State Air Conversation Board, the Board of Health, or such appropriate body as may be appointed by the City Council. Any use shall also be prohibited which emits or discharges liquids or solid material onto the soil or water in amounts which result in pollutants entering any water or drainage system in amounts exceeding the standards prescribed by the Utah State Water Pollution Control Board or the State Board of Health.

13.20.090 Concessions In Public Parks And Playgrounds

Concessions, including but not limited to, amusement devices, recreational buildings, and refreshment stands, may be permitted in a park or playground owned by a public agency when approved by the City Council.

13.20.100 Lots To Be Improved Prior To Issuance Of Permit

No building permit shall be issued for the construction of a dwelling or commercial or industrial structure that is to be located on a lot or parcel outside of an approved

subdivision or large-scale development unless the lot or parcel is fully improved. If an extension of time is given to put in any of the improvements, the applicant shall post a performance guarantee in the form of a cash bond or an irrevocable line of credit. The performance guarantee shall be in an amount equal to one hundred ten (110) percent of the cost estimate approved by the City Engineer.

13.20.110 Driveway Location

Driveways shall be located as far from the intersection of two roads as practicable. Any driveway in the clear view area must be approved by the City Engineer after a determination that access cannot be derived in any other practical manner.

13.20.120 Public Benches On Public Or Private Property

Public benches may be located on public or private property when approved under a conditional use by the City Council after receiving a recommendation from the Planning Commission. Approval shall be subject to the following:

- A. The benches shall be located at an approved bus stop.
- B. Only one bench shall be permitted per bus stop.
- C. No public hazard or nuisance is created.
- D. No bench shall be located closer than fifty (50) feet from an intersection or twenty (20) feet from a driveway approach, ingress or egress to a parking lot.
- E. No bench shall be located on or within one (1) foot of a sidewalk.
- F. No bench shall be closer than two (2) feet from the back of a curb and gutter or no closer than two (2) feet from the street where no curb exists.
- G. The maximum height of a bench shall be three (3) feet and the maximum length shall be eight (8) feet.
- H. The bench shall be permanently connected to the ground.
 - I. Bench covers may be installed over a bench to protect the bench from the environmental factors as long as the walls are of tempered glass or plastic meeting the requirements of the building code and the roof does not exceed twelve (12) feet in height or extend lower than eight (8) feet. Corners may be of wood or metal as long as they are not more than four (4) inches wide.
- J. The bench must have proof of liability insurance of not less than \$100,000.
- K. The bench shall be maintained in good repair at all times by the owner as determined by the Building Official.
- L. Benches that are improperly located, damaged, in disrepair, or determined to be unsafe shall be repaired or removed within 24 hours of notification from the Building Official. Benches that are not removed as required above shall be

removed by the City at the owner's expense.

- M. The city may revoke a conditional use permit for a bench if it finds that it interferes with other desired city uses of the location, or is objectionable for any other reason.

13.20.130 Fences And Walls

General Provisions And Guidelines. Some regulations apply to all fences and walls within Payson City regardless of zone or location including:

- A. In order to ensure correct placement to establish accurate property lines, avoid conflict with public utilities, and reduce conflict between adjacent property owners, a fence permit issued by the Development Services Department must be obtained prior to the placement of any fence or wall.
- B. A fence or wall, or any portion thereof shall not be installed in a manner that would restrict access to utility meters, electrical devices and other utility appurtenances. Adequate clearance must be provided around electrical utility boxes in accordance with the Electrical Construction Standard Specifications of Payson City.
- C. A fence or wall, or any portion thereof, shall not be constructed within three (3) feet of a fire hydrant. If construction of a fence or wall requires a notch to accommodate a fire hydrant, the fence shall be installed at a forty-five (45) degree angle beginning three (3) feet from the hydrant and angling outward to avoid a ninety (90) degree corner on the fence or wall that may result in the kinking of a fire hose.
- D. Fences or walls may not be used for advertising purposes or for the display of advertising with the following exceptions:
 - 1. Advertising panels may be attached to outfield or perimeter fencing on athletic fields.
 - 2. The name of a business or address may be incorporated into the materials used to construct the fence or wall but shall not be separately attached to the fence or wall.

Residential Zones. Any fence or wall found to obstruct the view of vehicular traffic shall be removed or modified to mitigate the obstruction to the satisfaction of the Code Enforcement Officer. In all other instances, no fence, wall, living fence or similar device extending into or enclosing all or part of the front setback shall be constructed or maintained at a height greater than forty-two (42) inches, unless the fence is chain link or another open mesh fence. The fence must remain non-sight obscuring (defined as at least seventy (70) percent open space when viewed from either side of the fence) and

shall not exceed sixty (60) inches in height. The permitted height of any fence, wall, living fence or similar sight-obscuring device situated within any other portion of a lot shall be six (6) feet, except where the vision of an adjacent driveway may be affected.

Any fence that may affect the vision of an adjacent driveway shall satisfy the following conditions.

- A. The fence shall not be sight obscuring and shall be constructed of chain link or other similar material and be no less than seventy (70) percent open space; or,
- B. The fence shall be terminated no less than twenty (20) feet in each direction from the front corner of the lot adjacent to the effected driveway thus forming a line of sight triangle; or,
- C. The fence shall be no more than forty-two (42) inches in height at a point no less than twenty (20) feet in each direction from the front corner of the lot adjacent to the effected driveway thus forming a line of sight triangle; or,
- D. The owner of the effected driveway may, in writing, waive the fencing restrictions for the adjacent lot, if it can be shown that the backing of vehicles can be accomplished in a safe manner.

It shall be unlawful for any person to erect or to maintain any barbed wire, concertina or razor wire, or electric fence in any residential zone, unless required by federal, state, or local statute for protection purposes.

Non-Residential Zones. Fences, walls, and living fences may be constructed in non-residential zones up to six (6) feet high. Fence alignment may be at the back of sidewalk. All commercial areas on corner lots shall meet the clear view of intersecting street criteria as defined in PCC 13.20.050.

The provisions of this Section shall not apply to:

- A. Residential zones where the back property line of lots or developed property is adjacent to arterial roads or major highways, six (6) foot high visual barrier fences are allowed on the back property line along the road or highway right-of-way, and may be required at the discretion of the City Council as condition of site plan approval.
- B. Fences required by state law to surround or enclose public utility installations, hazardous areas, public schools or other public buildings.
- C. Other fences such as sports court enclosures or patio enclosures in the front, side or rear yards may be approved by the City Council, if the fence does not create a hazard or violation of other ordinances.
- D. Temporary construction fences that are installed to protect the public from injury during construction or to maintain security for the development that is under

construction. Temporary construction fences must be removed as soon as construction is finished. A permit will be required before installation.

All fences and walls shall be constructed of substantial material and the design and construction shall be consistent with the quality of dwellings and other improvements within the surrounding area. It shall be unlawful for any person to erect or to maintain any barbed wire, concertina or razor wire, or electric fence in any residential zone or along or adjacent to any public street in the City, unless required by federal, state, or local statute for protection purposes.

Before commencing construction, plans for all fences, living fences and walls shall be submitted to and approved by the Development Services Department.

Where, in the opinion of the City staff, a proposed fence, living fence or wall does not conform to the above criteria, the Development Services Department shall refer the application to the City Council for action. The City Council shall have the authority to reverse, affirm or modify any decision of the Development Services Department.

13.20.140 Ancillary Structures

[13.20.140.1 Construction Trailers And Temporary Residential Sales Offices](#)

[13.20.140.2 Portable Storage Containers](#)

[13.20.140.3 Portable Carports](#)

[13.20.140.4 Regulations Specific To Non-Residential Areas](#)

It shall be unlawful to place any structure on any lot or parcel of land in the area regulated by this Title and to use the structure for human habitation, storage or any other purpose unless otherwise authorized in this Title. Ancillary structures include, but are not limited to recreational vehicles, camping trailers, storage structures, manufactured housing, and temporary sales displays. Manufactured housing or recreational vehicles used for human habitation may only be placed within a licensed mobile home park or in a vacation vehicle court.

13.20.140.1 Construction Trailers And Temporary Residential Sales Offices

A permit is required for construction trailers and temporary residential sales offices. The applicant must submit a complete application form and payment of all fees in accordance with PCC 13.06.070. When permitted under this Section, structures shall satisfy the following regulations:

- A. The use of the structure shall comply with the regulations of the zone in which it is located.
- B. The structure shall be connected to the water, sewer, and electric system of the City, as applicable. The applicant shall be responsible for all costs associated with extension of and connection to the utility systems.

- C. The structure shall be secured to the earth to prevent displacement due to seismic or wind forces.
- D. The structure and location shall conform to the adopted building codes and setback requirements as set forth in this Title. The structure shall not be located on any residential lot that is under construction for a residential dwelling.
- E. Adequate off-street parking shall be provided in accordance with PCC 13.10.
- F. The structure shall not be used for human habitation, except when approved to be located in a licensed mobile home park or a vacation vehicle court.
- G. The applicant shall obtain approval at least annually, or at any time the construction trailer is relocated. Each time a construction trailer is moved, inspections must be completed and all fees for placement of a temporary structure must be paid
- H. The temporary sales office must be removed from the site or the model home when the subdivision is more than eighty (80) percent developed or has been occupied as a temporary sales office for three (3) years whichever occurs first. An applicant may request an extension of a temporary sales office. The request will be reviewed by the Development Services Director in consideration of impact on the existing dwellings in the development, the appropriateness of the temporary sales office in a residential area, and traffic flow generated by the temporary sales office.
- I. A temporary sales office or model home may not be used as a general real estate office, construction management office, or an off-site sales office.

13.20.140.2 Portable Storage Containers

In residential zones, one (1) portable storage container as defined in PCC 13.04 may be used temporarily for construction, renovation or moving, provided a building permit has been issued for the construction related activity. The container may be allowed on-site for up to one (1) year with a valid building permit and cannot be placed more than thirty (30) days before the activity and must be removed within thirty (30) days after completion.

Storage containers in non-residential areas must be used solely for transportation or shipment of goods and products and should not be used for principal business operations. Containers cannot be used as a permanent structure or an appendage to a permanent structure. The City Council, or designee, may, but is not obligated to approve long-term storage of goods in non-residential zoning districts. If allowed, the City Council will establish the location, number, appearance and timeframe in which the storage containers will be allowed.

All containers shall be maintained in good repair and placed on-site in a location that

will not eliminate required parking space or public safety access. Vertical stacking is prohibited in all zones except for businesses licensed to sell containers. Storage facilities shall not be used for human habitation.

Containers used in association with a licensed fireworks business, donation center, or other non-profit collection center are exempt from these regulations.

13.20.140.3 Portable Carports

A permit must be obtained from the Development Services Department prior to the installation of portable carports. When permitted under this Section, structures shall satisfy the following regulations:

- A. The parcel upon which the structure is placed must have an authorized primary structure.
- B. Portable carports must satisfy the minimum zoning requirements (i.e. setbacks, permissible lot coverage, height) of the underlying zone, with the following exceptions:
 - 1. The structure may be placed as near as three (3) feet of the property line, provided the structure is not placed on a permanent foundation.
 - 2. The structure may be placed adjacent to and fastened to a primary structure on the site.
- C. The structure shall not be placed in a location that would obscure the address indicator of the primary structure.
- D. The structure shall not be placed in a location that would inhibit the provision of public safety services.
- E. Installation of portable carports shall satisfy the wind shear and tie down requirements of the adopted building code.
- F. Storm water run-off from the structure must be retained on-site by the permit holder.
- G. If the structure is located within a public utility or private easement, the structure must be relocated upon request by the holder of the easement and must adhere to all provisions of the applicable easement.
- H. The cover shall be maintained in good condition. Any tears, fraying, or other damage to the cover may be cause for removal of the structure.

13.20.140.4 Regulations Specific To Non-Residential Areas

Temporary structures for commercial purposes may be allowed for not more than one year, if a building permit has been issued for the construction of a permanent structure. In

order to qualify for the use of a temporary structure to operate a business during construction, the applicant shall satisfy the following:

- A. Site plan approval for the construction of a permanent building must be granted in accordance with the provisions of PCC 13.18.
- B. The building plans for the permanent structure must be submitted, reviewed and approved by the Building Department. In order to satisfy the provisions of this Section, the building permit must be issued and all fees paid.
- C. A business license to operate the business must be obtained by the applicant.
- D. Construction must commence within thirty (30) days of the placement of the temporary structure. Failure to begin construction on the permanent structure may result in revocation of the business license and Payson City may pursue any legal action to remove the temporary structure.

13.20.150 Contact With The County Health Department

The applicant for any project that requires approval from or inspections by the Utah County Health Department shall make appropriate contact with the Utah County Health Department. Appropriate contact shall be evidenced by a written letter of approval from the Utah County Health Department.

13.20.160 Detached Garages And Accessory Structures

All detached garages and other accessory structures shall not be constructed closer to the front property line than the primary structure. Furthermore, all detached garages and other accessory structures must satisfy all applicable requirements of this Title specifically including setback requirements.

13.20.170 Back-Lit Addresses

The numbers or letters indicating the address of any residential unit must satisfy the requirements of the adopted building code and shall be clearly visible at all times including nighttime hours. The numbers or letters should be backlit or of a highly reflective nature, contrast with the underlying color, and be readable from the public right-of-way at all times.

13.20.180 Adequate Public Facilities

Projects that may have a significant impact on any infrastructure system of Payson City may be required to submit an adequate public facilities report in accordance with the regulations of PCC 12.22, Subdivision Ordinance. The City Engineer shall determine when a report is necessary and the extent of the report. In particular, large users such as religious buildings and educational structures will be required to submit an adequate public facilities report.

13.20.190 Historical Locations

When a development governed by this Title is proposed in a location that is determined by the City Council to have historical significance, the City Council may require that a monument be erected indicating the historical significance of the site. The monument is expected to complement the other project details and should be constructed of quality materials. The faceplate should be engraved brass surrounded by masonry materials that either reflect the history of the site or are consistent with materials used in the construction of the primary structures in the development.

13.20.200 Easements

Utility facilities anticipated to provide service to structures that are not located on the property where the facilities are located or are anticipated to traverse a parcel of private property shall be located in an easement dedicated for providing utility service. The easement shall grant ample access for maintenance and necessary upgrades to the facility.

Payson City is not obligated to provide, secure, purchase or otherwise ensure that easements across private property are obtained by an applicant for subdivision approval. When an easement is recorded in favor of Payson City, the easement shall be recorded in the office of the Utah County Recorder and include access for maintenance and necessary upgrades of the City utility.

13.20.210 Second Kitchens

Kitchens shall be restricted to the following:

A. **Single Family Dwellings.** No more than two (2) total kitchens shall be permitted. A dwelling with a second kitchen shall meet the following criteria:

1. The dwelling has one (1) front entrance.
2. The dwelling has one (1) address; any additional address shall be removed.
3. Interior access within the entire home shall be maintained. No keyed or deadbolt locks or any other manner of blocking access may be utilized to restrict access from the additional kitchen and the remainder of the dwelling.
4. The dwelling unit shall have no more than one (1) electrical meter.
5. The owner shall sign a Certificate of Present Condition, stating that the presence of the second kitchen does not create a second unit or living area.

B. **Single Family Dwellings With An Accessory Apartment.** The primary and

accessory living areas shall each have not more than one (1) kitchen. Upon termination of the accessory apartment, the entire dwelling shall return to having one (1) kitchen or all provisions of paragraph A shall be satisfied.

C. **Duplexes, Twin Homes, And Multi-Family Dwellings.** No second kitchen in any unit shall be permitted.

D. **Accessory Structures.** No kitchens shall be permitted.

13.20.220 Internal Accessory Dwelling Unit

[13.20.220.1 Purpose And Zone Characteristics](#)

[13.20.220.2 Internal Accessory Dwelling Unit Defined](#)

[13.20.220.3 Internal Accessory Dwelling Units](#)

[13.20.220.4 General Requirements](#)

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[13.20.220.6 Non-Conformities](#)

[13.20.220.7 Determination Of Owner Occupancy Status](#)

[13.20.220.8 Violation](#)

13.20.220.1 Purpose And Zone Characteristics

The Internal Accessory Dwelling Unit code is established to conserve and protect the residential character of neighborhoods, maintain desirable, attractive, and safe places to live, and protect investments in our communities.

13.20.220.2 Internal Accessory Dwelling Unit Defined

For the purposes of this Section, internal accessory dwelling unit ("IADU") shall be defined as a living area within a single-family dwelling. The living area is within the footprint of the single-family dwelling and does not create a separate unit. An interior connection between the living area and single-family dwelling shall be maintained. No more than one (1) IADU shall be allowed in each single-family dwelling.

13.20.220.3 Internal Accessory Dwelling Units

Internal Accessory Dwelling Units shall be permitted only in detached single family dwellings located in any Residential (R) or Agricultural (A) zone.

13.20.220.4 General Requirements

Each of the following must be satisfied to establish an accessory apartment:

A. **Permits.** An IADU permit shall be obtained before utilizing an IADU. A separate building permit shall be obtained for any modification to the structure.

- B. **Number.** Only one (1) IADU shall be permitted in any single-family dwelling.
- C. **Lot Area Requirements.** An IADU shall not be permitted on lots under 6000 sq. feet.
- D. **Location.** The IADU shall be located inside the single-family dwelling. No accessory apartment shall be permitted in or above an accessory structure, including a detached garage.
- E. **Appearance.** The IADU shall not alter the appearance of the structure from that of a single-family dwelling. Any addition or exterior improvement shall be similar in character to the existing dwelling.
- F. **Access.** The IADU shall have its own exterior entrance. An exterior entry into an IADU shall be located only on the side or rear of the structure and have a paved pedestrian access connecting to the driveway and/or public street.
- G. **Occupancy.** Owner occupancy of the single-family dwelling shall be required to establish and maintain an IADU. An owner's temporary absence shall not relieve this requirement. Owner occupancy requires primary residency of at least 50% of ownership on property title. Occupancy in the single-family dwelling shall be one family as defined in Payson City Code while occupancy in the IADU shall be no greater than four (4) adults.
- H. **Interior Connection.** The IADU shall not be walled off and shall maintain an interior connection within the dwelling, including between the primary dwelling and IADU. A door with a lock or deadbolt is an appropriate form of connection. Access from a garage shall not qualify as the required interior connection.
- I. **Second Kitchens.** The aIADU and single-family dwelling shall each have no more than one (1) kitchen.
- J. **Parking.** Three (3) total off-street parking spaces are required to establish and maintain a single-family residence with an IADU (two for single-family dwelling and one for IADU). Parking spaces may be in tandem. No more than one side yard may be utilized for parking. The parking spaces shall:
 - 1. be hard surfaced and accessed by a hard surfaced driveway,
 - 2. be served by the same drive approach, with no more than one curb cut permitted in order to prevent the appearance of a duplex,
 - 3. not be located closer to the front lot line than the dwelling unless the parking space leads to covered parking,
 - 4. serve the same address if two parking spaces are in tandem, tandem spaces shall not be more than two vehicles in depth, and continuously be available for parking and not obstructed by storage or other items.
 - 5. If the garage is converted to an internal dwelling unit the two off street

parking spaces for the dwelling must be replaced.

- K. **Required Improvements.** Curb, gutter, and sidewalk along the frontage of the parcel shall be installed and maintained. If a curb, gutter, or sidewalk is in a state of disrepair, it shall be repaired or replaced prior to the issuance or renewal of an accessory apartment permit.
- L. **Utilities.** Existing utility laterals and service connections will need to be inspected and upgraded as deemed necessary by the utility provider. The structure shall have no more than one (1) meter for each utility service.
- M. **Addresses.** The single-family dwelling and the IADU shall have independent addresses assigned by the city. These addresses shall be clearly visible from a public street. It is the responsibility of the property owner to install and maintain visible address placards.
- N. **Conformance With Payson City Code.** A violation of any Payson City Code may result in denial, suspension, or revocation of an IADU application or permit.
- O. **Duration And Severance.** An IADU permit is only valid for the duration of ownership of the applicant and does not run with the land. The IADU shall terminate whenever owner occupancy is not maintained or when an owner occupant elects to discontinue using the living space as an IADU. If an accessory apartment is denied, revoked, or discontinued, and the IADU address shall be removed from the structure.
- P. **Recordation.** A deed restriction outlining the permitted use of the property shall be recorded with the Utah County Recorder's Office.

13.20.220.5 Permit Process

To obtain an IADU permit, an applicant shall:

- A. Submit a completed application and:
 - 1. A site plan showing the location of the single-family dwelling structure and any accessory structures. The site plan shall include dimensions, setbacks, distance between the single-family dwelling and any accessory building, location of utility meters, and location and dimensions of parking spaces.
 - 2. A floor plan labeling the rooms, egress windows and their dimensions, IADU, interior connection, and exterior entrances.
 - 3. Payment of the application fee as shown in the fee schedule.
- B. Complete and pass a building inspection to ensure compliance with this Section, building and fire codes, and any other applicable ordinances.

- C. Install an address placard displaying the assigned address for the IADU.
- D. Sign a deed restriction establishing IADU.

13.20.220.6 Non-Conformities

Any IADU legally established prior to this ordinance shall obtain an IADU permit and shall not be denied a permit due to inability to satisfy a provision of this Section if that provision was not required by the ordinance in effect at the time of legal establishment. The property owner has the burden of proof that the property was both legally established and has been maintained as an IADU since the date of establishment. The inquiry to determine legal establishment shall be met by the preponderance of the evidence based on information such as: the zoning designation and any overlays at the time of establishment, the applicable zoning ordinance, building permits, any rental records, affidavits, utility records, city and county records, tax records, and any other information indicating prior use and/or legal establishment.

13.20.220.7 Determination Of Owner Occupancy Status

A determination of owner occupancy may be rebutted by documentation submitted to Development Services that shows the individual(s) claiming homeowner occupancy is (are) an owner occupant. An owner occupant possesses at least 50% ownership and has a bona fide intent to establish and maintain primary residency in the dwelling. Documentation may include loan documents, title, tax returns, residency status, driver's license, insurance statements, rental agreements, and any other documentation indicating proof of ownership and primary residency. Once staff has made a final determination of owner occupancy status, an applicant may appeal to the Board of Adjustment.

13.20.220.8 Violation

- A. Any violation of this Section may result in a Class C Misdemeanor.
- B. In addition to the criminal penalty listed above. Payson City may hold a lien against the property.
 - 1. Payson City will provide written notice of the violation(s). The notice shall include a description of the specific violation and give the property owner to cure the violation within 30 days. The notice shall be mailed to the property owner of record and/or anyone designated to receive notice on behalf of the property owner of record and be posted on the property.
 - 2. The property owner shall have the right to a hearing, if the property owner files a written objection within 14 days after the day in which the notice of violation is post-marked or posted on the property.
 - 3. The City will then hold a hearing in accordance with Title 52, Chapter 4 Open and Public Meetings Act to conduct a review and determine

whether the specific violation(s) described in the written notice of violation has occurred. The property owner shall be notified in writing of the date, time and location of the hearing no less than 14 days before the hearing is to be held.

4. If at the hearing the City Council determines the specific violation occurred, the City may impose a lien in an amount of up to \$100 for each day of violation after the day on which the opportunity to cure the violation expires.
5. The written notice of lien shall be filed with the Utah County Recorder describing the specific violation(s) and that the City provided the property owner 30 days to cure and that the property owner failed to cure the violation(s).

13.20.230 Projections Into Setbacks

The following structures may project into the setback area, provided the structure is outside of all public utility easements, meets all impervious surface lot coverage, and the following requirements are satisfied.

- A. Decks, as defined in PCC 13.04, may extend five (5) feet into the front setback or project to fifteen (15) feet from the rear property line.
- B. Patios, as defined in PCC 13.04, may extend into a side or rear setback area but must be at least five (5) feet from the property line.
- C. Patio covers may be extended into a rear or side setback area but must be at least ten (10) feet from rear property line and five (5) feet from a side property line. If a patio cover is enclosed, the structure shall satisfy all standard setback requirements. Any patio cover projecting into the setback area shall not exceed twelve (12) feet in height.
- D. Porches, as defined in PCC 13.04, may extend five (5) feet into the front or rear setback area, except as follows:

To encourage preservation of existing dwellings and promote reinvestment in established neighborhoods, the City may reduce the front setback to fifteen (15) feet to accommodate a porch as defined herein. The request must satisfy the following requirements:

- A. The porch must be part of the overall house design and extend at least one-third (1/3) of the width of the dwelling or twelve (12) feet whichever is less.
- B. The porch must be elevated above the sidewalk grade a minimum of eighteen (18) inches.

- C. The new portion of the dwelling shall be architecturally compatible with the primary structure, using similar exterior materials and colors.
- D. Covered parking areas (i.e. garages, carports) must be clearly secondary to front porches, setting back further than the porch.

The City is not obligated to approve the request to reduce the front setback for lots that must maintain a coving line, and for projections that may reduce the visibility of driveways and other clear view areas. Furthermore, a survey may be required to accurately determine property lines and setback compliance.

13.20.240 Flagpoles

A flagpole solely to display state, national, university, school, non-profit, or other civic flags, is permitted in all zones.

- A. The maximum height of a flagpole shall be thirty-five (35) feet in all zones, except the I-1, I-2, S-1, and BPD zones and any school or public facility located in any zone.
- B. A permit is required for installation of any flagpole. There is no permit fee for flagpoles thirty-five (35) feet in height and under. Flagpoles over thirty-five (35) feet in height require stamped engineered design.
- C. A flagpole shall not be located in a manner that may cause a safety hazard. The flag may not extend beyond the property line of the lot on which the flagpole is located.
- D. A “flag” is a fabric, banner, or bunting containing colors, patterns, emblems, or symbols.
- E. Lighting and display shall adhere to all applicable state and national regulations, with any lights shielded away from adjacent properties.

13.20.250 Automatic Teller Machines (ATM's)

An automated teller machine (ATM) is an electronic banking outlet that allows customers to complete basic transactions without the aid of a branch representative or teller.

All ATM's within Payson must be located on the same lot or parcel and be within 50 feet of the primary financial institution, unless the ATM is contained within another licensed commercial business or is of a temporary nature for an approved city event.

13.20.260 Tobacco, Electronic Cigarette, And Nicotine Product Retail Licenses And Regulations

[13.20.260.1 Statutory Authority And Definitions](#)

[13.20.260.2 License Required](#)

[13.20.260.3 Tobacco Categories](#)

[13.20.260.4 Duties](#)

[13.20.260.5 Restrictions](#)

13.20.260.1 Statutory Authority And Definitions

The provisions of the Tobacco, Electronic Cigarette, and Nicotine Product Retail Permit, as cited in Utah Code 10.8; 26.57 and 26.62 and this Chapter shall govern the selling and dispensing of Tobacco, Electronic Cigarette, and Nicotine Product within Payson, Utah. The words and phrases used in this Chapter shall be consistent with the meanings specified in Utah Code 10.8; 26.57 and 26.62 and are adopted and incorporated by reference unless a different meaning is clearly evident.

13.20.260.2 License Required

It shall be unlawful for any person to sell, offer to sell, or provide to the public any type of tobacco, electronic cigarette, and/or nicotine product without first obtaining the appropriate license from Payson City, the State of Utah and the local health department, where applicable. All licensees shall comply with the Electronic Cigarette and Nicotine Product Regulation Act, as cited in Utah Code 10.8; 26.57 and 26.62.

A tobacco license shall be obtained in addition to the business license required pursuant to PCC 3.04. Each applicant for a license in accordance with this Chapter shall submit a complete application form together with the payment of all applicable fees in accordance with PCC 3.04.060, Business Licenses and Regulations.

13.20.260.3 Tobacco Categories

- A. Retail tobacco specialty business as defined in Utah Code § 10.8.41.6.1.h.
- B. General retail tobacco business as defined in Utah Code § 26.62.102.5.

13.20.260.4 Duties

Each person or entity granted a license in accordance with the provisions of this Chapter shall comply with all provisions of the Electronic Cigarette and Nicotine Product Regulation Act.

13.20.260.5 Restrictions

- A. Retail tobacco specialty businesses allowed within Payson, Utah is one (1) business per every 20,000 residents, as per the current census data and in accordance to the provisions in Utah Code § 10.8.1.6.a.ii.
- B. The location of any business that chooses to obtain a tobacco, electronic cigarette, and/or nicotine product retail permit shall satisfy the distance and

location requirements of Utah Code 10.8.

13.20.270 Development Agreements

The City Council hereby reserves the right to require and enter into a development agreement with any applicant for development approval under the provisions of this ordinance, the Subdivision Ordinance, or any other ordinance or resolution of the City.

The development agreement may address specific details about issues that have yet to be completely resolved, issues regarding phasing of a project, or any other requirement of the City Council.

13.20.280 Enforcement And Penalties

The City Council hereby declares that:

- A. It shall be unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the City covered by these regulations without obtaining a building permit from the City.
- B. The City shall not issue any permit unless the plans for the proposed erection, construction, or use fully conforms to the regulations then in effect.
- C. The penalty for violation of this ordinance shall be a Class C misdemeanor.

13.20.290 Fee Schedule

Any reference to fees imposed by the regulations of this Title is subject to the fee schedule adopted by resolution by the City Council, which may be amended from time to time. If a conflict arises between a fee listed herein and the fee schedule, the provisions of the fee schedule shall take precedence.

The purpose for the collection of review fees is to cover, at least partially, the cost of development review. It is the intention of the City Council to require applicants to pay the cost of the review and not expend General Fund revenues for this purpose. In accordance with the policies of the Development Services Department, any project that requires public works inspections will be required to submit payment of a public works inspection and testing fee consistent with the Payson City Fee Resolution for the inspection and approval of the required improvements. These fees are adopted by resolution of the City Council and may be amended from time to time and are available from the Development Services Department.

The public works inspection fee will be submitted to Payson City to be placed in an interest bearing account. Payson City will draw from the account the amount necessary to complete the inspections. Payson City will keep an accurate record of withdrawals and provide such record to the applicant upon request and following the completion of the tests and inspections. Any amount not used to complete public works testing and

inspections shall be refunded, with accrued interest, to the applicant.

[13.22 Planned Residential Developments](#)

[13.22.010 Subdivision Ordinance To Dictate](#)

[13.22.020 Planned Unit Developments](#)

13.22.010 Subdivision Ordinance To Dictate

The City Council may, following a recommendation from the Planning Commission, approve a Planned Residential Development (PRD). In many cases, the development pattern of the PRD will not be consistent with the requirements of the Zoning Ordinance. In such a case, the Subdivision Ordinance shall dictate.

Furthermore, a PRD allows a flexible development layout in return for desirable amenities. If a PRD is approved by the City Council, it shall not be considered a spot zone, nor be required to obtain a zone change.

13.22.020 Planned Unit Developments

Planned Unit Developments are similar in nature to Planned Residential Developments and shall take precedence of this ordinance as well. Any requirements of this Title not specifically waived by the City Council shall remain in full effect as found herein.

[13.24 Temporary Uses](#)

[13.24.010 Purpose And Intent](#)

[13.24.020 Permitted Temporary Uses](#)

[13.24.030 Application For Temporary Uses](#)

[13.24.040 Approval Process](#)

[13.24.050 Sales Tax](#)

13.24.010 Purpose And Intent

The following regulations are provided to accommodate certain uses that are temporary or seasonal in nature.

13.24.020 Permitted Temporary Uses

Subject to the provisions of this Chapter, certain uses may be permitted on a temporary basis in any zone when approved by the Development Services Director or designee. Temporary uses may include, but will not be limited to:

- A. Large-scale special events, such as carnivals, circuses, concerts, outdoor entertainment and similar events
- B. Christmas tree sales lots
- C. Fireworks stands

- D. Rummage or yard sales
- E. Political rallies
- F. Seasonal fruit, vegetable, and flower stands
- G. Flavored shaved ice stands

13.24.030 Application For Temporary Uses

Prior to the establishment of any temporary use, an application for a temporary use permit shall be submitted to and approved by the Development Services Director or authorized representative. The application shall contain the following information:

- A. A description of the proposed use.
- B. A description of the property to be used, rented, or leased for the temporary use, including all information necessary to accurately portray the property.
- C. Sufficient information to determine the yard requirements, sanitary facilities, and availability of parking space to service the proposed use.
- D. The payment of the appropriate fee in accordance with the Payson City fee schedule.

13.24.040 Approval Process

The Development Services Director, or designee, may approve the application provided:

- A. That the proposed use is listed as a permitted temporary use.
- B. That the proposed use will not create excessive traffic hazards or other unsafe conditions in the area, and that if traffic control is required, it will be provided at the expense of the applicant.
- C. That the proposed use shall occupy the site for a period not to exceed thirty (30) days with the following exceptions:
 - 1. Christmas tree lots shall not exceed forty (40) days.
 - 2. Seasonal fruit, vegetable, and flower stands shall not exceed ninety (90) days.
 - 3. Flavored shaved ice stands may operate between the 1st day of May through the last day of September (150 days). The applicant shall indicate on the application the intended length of operation.
- D. That the applicant will have sufficient liability insurance for the requested use or

event.

- E. That the applicant shall provide for, at their expense, the restoration of the site to its original condition including clean-up and replacement of facilities as may be necessary.
- F. The application includes acknowledgement and approval from the property owner, if other than the applicant.

Requests for a temporary use not listed herein or a proposed use that characteristics do not comply with the provisions of this Chapter must be considered by the City Council.

In granting approval, the City Council may attach additional conditions, as they deem appropriate to ensure the use will not create any negative impacts to persons or property. The City Council may also require a bond to insure that necessary clean-up or restoration work will be performed.

Any person aggrieved or affected by a decision of the Development Services Director, or designee, in denying a temporary use permit may appeal to the City Council in writing within ten (10) days after notice of the decision is given. The decision of the City Council shall be final.

13.24.050 Sales Tax

All temporary uses are responsible for the appropriate sales taxes in accordance with State and Federal law.

13.26 Annexation

[13.26.010 Purpose And Intent](#)

[13.26.020 Consistency With General Plan](#)

[13.26.030 Application Procedure](#)

[13.26.040 Acceptance Or Denial Of Annexation Petition](#)

[13.26.050 Approval Process For Accepted Petitions](#)

[13.26.060 Notification Requirements For Accepted Petitions](#)

[13.26.070 General Annexation Guidelines](#)

[13.26.080 Financial Review](#)

[13.26.090 Water Requirements For Annexations](#)

[13.26.100 Electric Requirements, Consent To Serve](#)

[13.26.110 Zoning Designation Or Specific Plan](#)

[13.26.120 Staff Report And Recommendation](#)

[13.26.130 Annexation Agreement](#)

[13.26.140 Recordation Of Annexation](#)

[13.26.150 Appeals And Other Costs Of Annexation](#)

[13.26.160 Review Fees](#)

[13.26.170 Annexation Petitions Initiated By Payson City](#)

13.26.010 Purpose And Intent

The purpose of this Chapter is to provide a process for extension of the Payson City corporate limits through annexation. The process will allow the City Council, staff and citizens of the community to carefully consider the effect of any proposed annexation and provide a method to mitigate potential negative impacts.

It is the intent of this ordinance to conduct annexation proceedings in accordance with Utah Code and in particular Utah Code § 10-2-401 et. seq., and any other applicable federal, state, or local laws governing municipal extension. If there is any conflict between this Chapter and the provisions of the Utah Code, the provisions of the Utah Code shall dictate. When amendments are made to the Utah Code they shall cause like amendments to this Chapter. The requirements of this Chapter are supplementary and in addition to those found in the Utah Code.

For the purposes of this Chapter, the proponent, petitioner, applicant, or developer shall be defined as those persons who have signed the annexation petition in favor of annexing their real property to Payson City. Reference to the singular shall include plural when appropriate.

13.26.020 Consistency With General Plan

All annexations should be consistent with the Payson City General Plan. If the proponent of an annexation proposes an annexation that is inconsistent with the General Plan, the proponent may be required to submit an application for an amendment to the Payson City General Plan that would allow the proposed annexation to be consistent. The applicant will be required to pay all fees associated with a General Plan amendment in addition to the fees required for review of the proposed annexation.

The process for a General Plan amendment may be completed concurrently with review of the proposed annexation if the requirements for each process are completely satisfied. Public hearings on annexations and General Plan amendments shall be held separately with the General Plan amendment public hearing occurring prior to the hearing on the proposed annexation.

Consistency with the General Plan includes all elements of the plan including, but not limited to, the Land Use Element, Transportation Element, Trails Element, Open Space Element, and any other element adopted as part of the General Plan.

13.26.030 Application Procedure

The proponent for annexation shall make application on a form provided by the City and pay all applicable fees prior to any review by staff, the Planning Commission or the City Council. The application shall include, at a minimum, the following information:

- A. An ownership plat map from the Utah County Recorder's Office showing all

property owners in the City within five hundred (500) feet of the proposed annexation and 1/4 mile of the annexation in the unincorporated area of Utah County. Except as required by Utah State statute, if the petition is accepted for further review, the applicant shall provide pre-addressed stamped envelopes with the names of all property owners in the City within five hundred (500) of the proposed annexation and property owners within 1/4 mile of the annexation in the unincorporated area of Utah County.

- B. Signatures from the owners of real property located in the area proposed for annexation that covers a majority of the private land and is equal in value to at least one-third 1/3 of the value of all private property, as shown by the latest tax assessment rolls of Utah County, in the proposed annexation.
- C. An accurate map prepared by a licensed surveyor of the area proposed for annexation suitable for recordation in the office of the Utah County Recorder.
- D. Documentation for conveyance of water rights, public rights-of-way, streets, and other dedications required by this Chapter or other federal, state, or local laws or ordinances.
- E. An agreement to observe and obey all applicable laws, ordinances, and resolutions recognized by Payson City.
- F. The proposed zoning designation of the area to be annexed or an indication that a Specific Plan will be prepared in accordance with PCC 13.26.110 Zoning Designation or Specific Plan, herein for the area proposed to be annexed. If a specific plan has not been adopted for the annexation petition area it may be zoned A-5-H, Annexation Holding Zone and allow a specific plan to be prepared prior to or at the time of development approval.

13.26.040 Acceptance Or Denial Of Annexation Petition

Once an applicant has completed the application procedure in accordance with PCC 13.26.030, the petition will be reviewed by the City Council within fourteen (14) days. The fourteen (14) day notice period shall not begin until the petition has been deemed complete by the Development Services Director in accordance with PCC 13.26.030. An incomplete petition will not be presented to the City Council for review.

At the time of petition review, the City Council shall determine if a specific plan and infrastructure study should be required prior to annexation or if the studies may be delayed and completed prior to development.

After acceptance for further review by the City Council and if a specific plan is not in place for the annexation area, the Planning Commission may recommend application of the A-5-H, Annexation Holding Zone and allow a specific plan to be completed after annexation or at the time of development. The Planning Commission may also recommend the petitioner complete a specific plan for the area, prior to annexation.

If the petition for annexation is not accepted for further review, the proponent is eligible for a partial refund in accordance with the fee resolution of Payson City. Denial of a petition for annexation will have the effect of ending any further review of the proposed annexation. In order to have the land annexed into Payson City, the applicant will need to re-submit the proposed annexation as a new petition and satisfy each of the requirements of this Chapter including the payment of all review fees.

If a petitioner sells, transfers, or otherwise disposes of some or all of the property in an annexation petition, the City Council may choose to deny the annexation petition and require the new owner to submit a new petition including the payment of fees and preparation of a Specific Plan.

Annexation is a municipal legislative decision. If the City Council takes action to deny a petition for annexation, there will be no municipal appeal process.

13.26.050 Approval Process For Accepted Petitions

All petitions accepted for future review shall comply with the following procedures:

- A. Staff will review the petition and generate a list of items needed to complete the review of the proposed annexation. An applicant may appeal, to the City Council, the need for particular information at a regular meeting of the City Council.
- B. Once staff has received all of the information requested, staff shall prepare a recommendation to present to the Planning Commission. The recommendation should be based on the requirements of this Chapter and any other information that would mitigate negative impacts of the annexation.
- C. The Planning Commission shall recommend whether the proposed annexation petition is consistent with the Payson City General Plan and review the proposed zoning designation and/or Specific Plan.
- D. After reviewing the information provided by staff, the Planning Commission shall forward a recommendation to approve, approve with conditions or deny the proposed annexation petition.
- E. The City Council shall review the recommendation of the Planning Commission, along with the petition for annexation and any other relevant information. After a public hearing, the City Council shall determine if the petition satisfies the requirements of this Chapter and ensure that all review fees have been paid. The City Council shall also determine whether the proposed annexation petition is consistent with the Payson City General Plan and/or specific plan, if required. Following the review of the petition, the City Council shall approve the annexation petition, approve the petition based on the satisfaction of certain conditions, remand the petition back to the Planning Commission for further review, or deny the petition for annexation.

Annexations are legislative matters and the City is not required to approve any petition for annexation, regardless of location, even if the proponent of an annexation is prepared to comply with all provisions required for annexation. At any point in the approval process, the City Council may deny the petition for annexation by notifying the applicant in writing.

If a petition for annexation is denied by the City Council, the proponent of the annexation shall be required to submit a new application and pay all associated fees in order to have the petition reviewed again by the staff and the City Council.

13.26.060 Notification Requirements For Accepted Petitions

Following acceptance of an annexation petition by the City Council, notice will be provided to all affected entities within the annexation area. The notice shall inform all entities that their property is included in a recently filed annexation petition, and shall include the date of the filing, the names of the petitioners and a description of the area proposed for annexation. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner as shown on the latest Utah County tax assessment rolls for this notice.

The City shall provide notice in accordance with Utah Code § 10-2-406.

Courtesy notice of the public hearing shall be mailed to property owners in the City within five hundred (500) feet of the proposed annexation and those owners in the unincorporated area located within 1/4 mile of the area to be annexed. The applicant shall provide pre-addressed stamped envelopes complete with the names of each property owner as shown on the latest Utah County tax assessment rolls. The City will prepare the letter and mail the notices to each property owner.

The notice shall contain the place, time and date of the public hearing on the proposed annexation along with a general description of the area proposed to be annexed. The notice shall state that public input will be accepted at the hearing and how to contact the City to obtain additional information.

13.26.070 General Annexation Guidelines

There are several annexation guidelines that applicants should be aware of prior to submission of a petition for annexation. Some of these guidelines are dictated by State statute and others are policy of Payson City. In any instance, the following guidelines shall be reviewed upon submission of each annexation petition.

- A. An annexation that would create, or have the effect of creating, an unincorporated island or peninsula, as defined in State statute will not be approved.
- B. Existing uses, including animal rights, agricultural uses, and other land uses may be allowed following annexation, unless the use is deemed inappropriate to the proposed zoning classification or the land use designation indicated on the

specific plan.

- C. The petitioner for an annexation must demonstrate how all existing dwellings in the proposed annexation will be connected to Payson City utilities and other municipal services, including solid waste removal. The City Council may require the petitioner(s) to participate financially in the provision of City services.
- D. For annexations in an area where the city has not adopted a specific plan, the annexation area shall include no less than one hundred (100) acres, unless the Payson City Council determines the annexation area is critical to achieve the land use and economic development goals of the city.

13.26.080 Financial Review

There are financial factors that should be considered with each annexation. For instance, following annexation, Payson City is responsible for maintaining roadways and providing services within the annexation area. To fully understand the financial impacts of a proposed annexation, the City may require the applicant to prepare a financial analysis of the annexation for consideration by the City Council. At a minimum, the financial analysis should include:

- A. An analysis of the tax consequences to residents of the area proposed for annexation, current residents of Payson City, and Utah County. The analysis shall include sufficient information to determine the fiscal impact of the proposed annexation taking into consideration City service provision.
- B. Identification of the anticipated demand on City provided facilities and services for the area to be annexed. These services include, but are not limited to, drinking water, pressurized irrigation, wastewater, transportation facilities, drainage, emergency services provision, solid waste disposal, potential students and distances to public schools, and parks and recreation.
- C. Information about the impact the annexation will have on the Capital Improvements Program (CIP). The information should indicate whether the proposed annexation will advance or inhibit the completion of the CIP. The proponent shall also indicate the proposed timing of capital improvements and how the services will be financed.

13.26.090 Water Requirements For Annexations

Each proponent of an annexation shall mitigate the water concerns prior to approval of the proposed annexation. The City Council reserves the right to evaluate any water rights proposed for transfer to the City, and refuse to accept any right, if it is determined that the quantity, quality or ability to transfer the water is in question.

- A. Prior to development approval or connection to municipal services, each

proponent of an annexation will be required to complete the transfer of adequate water, including changing the point of diversion for current and future use into the name of Payson City. The amount of water transferred shall be determined by zoning district and be consistent with the regulations of Title 10, Water Ordinance of the Payson City Code.

- B. The City Council may waive or modify the water rights requirement, dependent upon proposed usage, for any land owned by federal, state, county, or local municipal governments.
- C. Water may be used for agriculture, or any other appropriate use, upon the land being annexed if an agreement acceptable to the City Council has been reached between the proponent of an annexation and the City.
- D. A petitioner for annexation is required to identify and resolve all conflict with private irrigation lines that may traverse the area proposed for annexation.

13.26.100 Electric Requirements, Consent To Serve

The proponent of an annexation will be required to mitigate, including payment of any fee or reimbursement, any concerns and issues brought forward by the Strawberry Electric Service District or other electric service provider. Evidence that these concerns have been addressed may be evidenced by a signed consent to serve agreement between Payson City and the Strawberry Electric Service District. The consent agreement must hold harmless Payson City from any future payment of fees or reimbursement.

All applicants seeking approval of an annexation petition will be required to satisfy the obligations of an agreement reached between Payson City and the Strawberry Electric Service District dated March 25, 1998. Any costs associated with the satisfaction of the obligations in the agreement will be the responsibility of the proponent of the proposed annexation.

13.26.110 Zoning Designation Or Specific Plan

[13.26.110.1 Specific Plan](#)

[13.26.110.2 Items To Be Included In Specific Plan](#)

When land is annexed into the City it shall be given a zoning designation and possibly included in a proposed Specific Plan. In general, zoning should be consistent with surrounding zoning that would allow uses similar to those already in existence prior to the annexation. In all cases, zoning should be consistent with the Payson City General Plan. Annexations may include more than one zoning district. The City Council may assign zoning to the proposed annexation or accept the applicant's zoning proposal.

Previous zoning designated by Utah County or another municipality will no longer be valid. All previous development approvals, that are not consistent with the Payson City

General Plan, may be disregarded by the City Council to the extent allowed by law. It will be the responsibility of the petitioner for annexation to provide information about outstanding building permits, existing home occupations, and any other previous approvals that may inhibit the goals of the Payson City General Plan and an orderly development pattern.

13.26.110.1 Specific Plan

The City Council may require a specific plan for any area proposed for annexation. The zoning designation of the area may be indicated on the Zoning Map as being a specific plan and shall reference the file number of the adopted specific plan. Unless expressly indicated in the specific plan or an annexation agreement, development of the area annexed shall satisfy all requirements of the development ordinances of Payson City including, but not limited to, the Zoning Ordinance, Subdivision Ordinance, Sensitive Lands Ordinance, and the Development Guidelines of Payson City.

Following implementation of a specific plan and in order to eliminate the potential of non-conforming uses of property included in a specific plan area, the City Council may choose to require the applicant to obtain a zone change consistent with the requirements of PCC 13.06.080. The zone change will indicate the underlying zoning of each parcel included in the Specific Plan.

13.26.110.2 Items To Be Included In Specific Plan

If the City Council requires the preparation of a specific plan, the plan will need to include, at a minimum, the following information:

- A. The condition of existing infrastructure including water lines, sewer lines, power lines, roadway improvements, roadway surface condition, drainage facilities and other infrastructure providing municipal type services to the area proposed for annexation. The report should include information about the ownership of the facilities and the proposed future ownership and maintenance.
- B. An infrastructure analysis indicating the ability of Payson City to provide municipal services to the area included in the Specific Plan or the upgrades to the infrastructure systems of Payson City necessary to provide municipal services.
- C. Anticipated use of the property in the Specific Plan including the primary use, connection to trails, parks and public spaces, churches and schools, government facilities, open space, land use transition areas and other land use considerations.
- D. A complete geotechnical report when deemed appropriate due to potential seismic activity, landslide potential, floodplain or risk of flooding, steep slopes, high water table, wetland areas, poor soil structure or other geologic hazard.

- E. If a land use study and/or infrastructure analysis has been completed for the annexation area and paid for by Payson City, the petitioner shall reimburse the City the proportionate share of the cost of the study. The proportionate share will be determined by the total acres of the study area and the total acres of the annexation petition.

13.26.120 Staff Report And Recommendation

Upon receipt of all information required by this Chapter and any additional information requested by the staff, Planning Commission, or City Council, staff will complete a review of the proposed annexation and render a report to the City Council. The report will include the findings of the staff concerning the accuracy of the information provided by the applicant, consistency with the General Plan and other City ordinances, and provide recommendations that would be beneficial in the formation of a decision regarding the proposed annexation. If necessary, staff will prepare an annexation agreement for review by the City Council. The City Council may request changes in the annexation agreement prior to formulating a decision regarding the proposed annexation. If a change is proposed, the applicant will be contacted in regards to the proposed changes.

13.26.130 Annexation Agreement

The City Council may require the annexation petitioners to enter into an annexation agreement specifying the terms and conditions of the annexation. Each annexation agreement will be based on a site-specific basis and the elements of the agreement may, and probably will, differ on each annexation. Because each annexation agreement may differ, each annexation will be processed on a case-by-case basis with no precedent set by previous annexation agreements.

The items listed below are issues that may be addressed in the annexation agreement, but is not necessarily a complete list of items that may be addressed by the City Council or staff.

- A. A description of the property complete with a legal description and amount of acreage that shall be depicted on a plat drawn to scale in a manner and on a medium that can be recorded in the office of the Utah County Recorder.
- B. The designated zoning district and proposed project density. The City Council may require actual density to be indicated in the annexation agreement as well as proposed development layout and proposed provision of services. The circulation pattern for the area and alignment of other City services will be indicated to the approval of the City Council. However, approval of an annexation shall not be considered development approval. Following annexation approval, each applicant shall be required to complete the development approval process.
- C. Indicate areas proposed for trails, open space and recreation areas. The

agreement will specify ownership of these areas and proposed maintenance arrangements. If the annexation area includes an area that requires unusual fire prevention measures as an open space area, the agreement will indicate specific measures that will be taken to minimize potential fire hazard.

- D. Include the documentation for conveyance of water rights, public right-of-ways streets, and other dedications required by this Chapter or other federal, state, or local laws or ordinances.
- E. Based on the land use inventory, specify which existing uses will be allowed to continue after annexation.
- F. Identify the responsibilities of applicant, petitioners, and property owners in providing municipal services for existing structures.
- G. The City Council may impose any other appropriate requirements in the annexation agreement that will mitigate potential impacts to Payson City.
- H. Ratify any outstanding obligations and coordination with other entities.

These are in no way intended to be the only items that will be reviewed at annexation and the City Council may include any conditions or requirements, which, in their judgment, are necessary or desirous prior to approving the proposed annexation.

Each annexation agreement shall be signed by the Mayor of Payson City, upon ratification by the City Council, and the proponent(s) of the annexation. By signing the annexation agreement, all parties agree to uphold the provisions of the agreement as written.

Should the proponent of an annexation default on any provisions of the agreement, the City may pursue appropriate legal action to enforce the provisions of the agreement, including revocation of the annexation and disconnection from the City.

The land use goals of Payson City may evolve over time and may require the terms of the annexation agreement to be amended or altered. Only by a majority vote of the Payson City Council may the annexation agreement be amended or altered. Prior to any amendment or alteration, the landowners within the boundaries of the annexation will be notified in writing and given an opportunity to submit written comments for consideration by the City Council.

In the event that an annexation agreement is not required, the following standards will apply to the properties included in the annexation:

- A. The City Council will identify the zoning designation of the property at the time of annexation approval.
- B. A specific plan, consistent with the requirements herein, shall be prepared prior to any zone change to accommodate more intense development within the

annexation area. If consulting services are necessary, the property owners in the annexation area will be required to reimburse Payson City a proportionate share of the cost of the specific plan at the time each property owner develops its parcel(s).

- C. Existing uses in the annexation area may continue, unless otherwise specified by the City Council at the time of annexation. Following annexation, all land uses, including the keeping of animals, must comply with the ordinances, resolutions and policies of Payson City. If a property owner can demonstrate that a use legally existed prior to annexation, the City council may, but is not obligated to, allow the use to continue as a non-conforming use until the property is further developed.
- D. Animals must be kept in accordance with PCC 7, Animal Control Ordinance and the property owner is responsible to maintain the animals in a manner that does not create a nuisance as defined in the Payson Municipal Code.
- E. Existing structures shall connect to municipal utility services when the utility service(s) is within three hundred (300) feet of the existing structure or when the parcel on which the structure is located is developed.

13.26.140 Recordation Of Annexation

If the proposed annexation is approved by the City Council, the annexation plat and the annexation agreement shall be recorded in the office of the Utah County Recorder. Prior to recordation, the final local entity plat must be reviewed by the Utah County Surveyor. Any review and/or recording fees shall be the responsibility of the proponent of the annexation.

13.26.150 Appeals And Other Costs Of Annexation

The proponent of an annexation shall agree to pay any and all Payson City costs related to the annexation proceedings including appeals, reimbursement, special studies, recordation, and other annexation related expenses. Because each annexation is different, the costs associated with each particular annexation may vary.

13.26.160 Review Fees

The proponent of an annexation shall pay an annexation review fee as set forth in the Payson City Fee Schedule. Annexation review fees do not include other review fees including, but not limited to, development review fees, impact fees, building permit fees, and connection fees.

13.26.170 Annexation Petitions Initiated By Payson City

Annexation of certain parcels of land located within the Payson City Annexation Policy

Plan boundaries may be essential to accomplish the land use and economic development goals of the City. Payson City may initiate the annexation petition process to secure those parcels. When Payson City is the annexation sponsor, the following procedures and policies shall be incorporated in the annexation process.

- A. The fees associated with processing the annexation request as defined in PCC 13.26.030 shall be waived.
- B. If a specific plan has not been adopted, the area being annexed may be zoned A-5-H, Annexation Holding Zone, and allow a specific plan to be prepared prior to or at the time of development approval.
- C. If the City Council deems the annexation area vital to the land use and economic development goals of the City, the minimum acreage recommendation in PCC 13.26.070 General Annexation Guidelines, may be modified or waived.
- D. The City Council may modify or waive the requirement to prepare a financial analysis as described in PCC 13.26.080.

13.28 Conditional Use Permits

[13.28.010 Purpose](#)

[13.28.020 Permit Required](#)

[13.28.030 Application Process](#)

[13.28.040 Planning Commission Review](#)

[13.28.050 General Review Criteria](#)

[13.28.060 Specific Use Criteria](#)

[13.28.070 Standard Of Review](#)

[13.28.080 Duration](#)

[13.28.090 Fees](#)

[13.28.100 Amendment, Suspension Or Revocation](#)

[13.28.110 Violation And/Or Revocation](#)

13.28.010 Purpose

A conditional use is a land use that, because of its unique characteristics or potential impact on the municipality, 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 reasonably anticipated detrimental impacts. The land use is permitted in the respective zone but may have impacts deemed to be detrimental. Such detrimental impacts are those which go above and beyond those typically found within the zone. Accordingly, the land use authority may impose conditions to mitigate these impacts.

13.28.020 Permit Required

Except for a use that is legal non-conforming, it shall be unlawful to conduct a use

designated as a conditional use within the respective zone without first obtaining a conditional use permit from the City.

13.28.030 Application Process

An applicant shall submit a completed application form and a site plan with sufficient information to all the Planning Commission to make a well-informed decision. The application shall include a written explanation of the specific activities associated with the proposed use and any steps taken to mitigate impacts on adjacent properties and the neighborhood at large. The application should include elevations or building plans for any new or modified structures and plans for any site improvements. The applicant shall also pay a fee in the amount established by resolution.

13.28.040 Planning Commission Review

The Planning Commission shall act as the land use authority and review the proposed conditional use permit according to the criteria and standards set forth in this Chapter. If public comment is provided, comments considered shall be limited to those relating to understanding the nature of anticipated impacts, existing impacts from uses permitted in the zone, and the effectiveness of measures taken to mitigate detrimental impacts.

13.28.050 General Review Criteria

An applicant for a conditional use in the zone may want to demonstrate measures taken to address any reasonably anticipated detrimental impact. Attention shall be given to any impact that reasonably relates to health, safety, and welfare, especially health and sanitation, safety to people and/or property, and compliance with the general plan and conditions found in the base zone.

Factors that an applicant and land use authority should, at a minimum, consider relate to:

- A. Fencing, screening, and any visual blight or glare
- B. Landscape buffers and setbacks, especially between dissimilar uses and zones
- C. Lighting and light shielding
- D. Restrictions on hours of operation
- E. Measures to reduce noise, pollution, debris, vibration, and smell or odor
- F. Impacts on and improvements to roads and streetscape, trails, curb, gutter, sidewalk, and vehicular circulation. This may include turn lanes, pedestrian access, bike infrastructure, or any improvement necessary to maintain the desired level of service
- G. Crowd management and circulation
- H. Emergency vehicle access

- I. Utility impacts and capacity to include sewer, culinary water, pressurized irrigation water, and storm drain
- J. Compatibility with surrounding structures in terms of use, scale, mass and circulation
- K. Impacts on adjacent properties and the neighborhood at large
- L. Other impacts on city systems

13.28.060 Specific Use Criteria

In addition to general consideration outlined above, the land use authority shall consider specific use criteria.

Concrete Batch Plants.

- A. Due to the potential for noise, dust, and pollutants, the land use authority shall consider the nature of surrounding properties and shall require landscape buffers, fencing, and setbacks as appropriate. Landscape buffers may include a minimum number and size of trees, to better reduce the impacts on neighboring properties and shield the view of the batch plant from the public.
- B. The city engineer shall review and make a recommendation regarding the vehicular routes commonly traveled by commercial trucks accessing the batch plant and determine whether the streets are adequately designed to accommodate the travel.
- C. The city engineer shall review access to and from the site to determine the impact on city streets and recommend actions to reduce damage to city streets from vehicles exiting the batch plant.
- D. The Public Works department shall review the site and make a recommendation as to whether municipal systems are sufficient to accommodate the batch plant.
- E. If the street design, access, and/or utility systems is/are inadequate, the application may be denied. An applicant may take curative measures by providing off-site or system improvements to better facilitate the use.
- F. No portion of a batch plant shall be within 100 feet of an existing single family home. If any part of the batch plant is within 500 feet of a residential property, or a property zoned residential, a landscape buffer of at least 10 feet wide shall be required. The applicant is responsible to provide a landscape plan that shows how the proposed vegetation will effectively shield the business and the impacts from the residential properties.

Automobile Repair And Auto Body Work And Restoration.

- A. Any outdoor storage, if permitted, shall be screened.
- B. The front setback, and all areas in front of the primary structure, shall be kept free of repair, restoration, and other body work.
- C. All vehicle parking shall be on site, this includes vehicles under repair, staging, employee, and patron parking.
- D. Areas used for painting shall meet all state and federal regulations. The land use authority may require additional measures to protect nearby properties from fumes.

Meat, Poultry, And Small Game (Food Manufacturing) And Slaughterhouses.

Slaughterhouses, or meat processing plants and related activities are typically not harmonious with other land uses. Due to the potential for adverse impacts on surrounding properties, slaughterhouses will only be allowed in strict compliance with the following provisions:

- A. The keeping of animals or any facility used in the slaughtering of animals shall be no less than three hundred (300) feet from any adjacent parcel zoned for residential or commercial uses and no less than three hundred (300) feet from any existing or proposed residential dwelling or commercial business.
- B. All slaughterhouses shall satisfy the requirements of the Payson City drinking water source protection plan.
- C. Delivery of animals to be slaughtered shall not have a negative impact on existing or proposed residential or commercial uses.
- D. Retail sales are not permitted on site.

13.28.070 Standard Of Review

The process of determining the reasonably anticipated impacts of a conditional use and the mitigating conditions to impose, is an administrative process. Accordingly, the process of determining which conditions to apply, if any, is a fact-based decision-making process. Any conditions imposed shall reasonably relate to articulable detrimental impacts and the ability to mitigate those impacts. Because the permit runs with the land, the land use authority shall consider the potential detriments from any business operating the specific proposed use on the property, not solely from the business of the party seeking approval. Careful thought shall be given to protecting the integrity of the zone. The conditional use shall be approved if reasonable conditions can be identified and imposed to mitigate the reasonably anticipated detrimental impacts. If no such reasonable conditions can be identified and applied, if the land use authority does not reasonably believe the conditions will sufficiently mitigate the impacts, or if the applicant refuses to accept such conditions, a conditional use permit application may be denied.

An applicant may appeal the imposed conditions or denial of a permit by application to the City Council.

13.28.080 Duration

A conditional use permit shall run with the land. It is transferable between businesses operating the same use, but not transferable between different uses listed as conditional in the respective zone. If the use is abandoned for a period of more than twelve (12) months, the conditional use permit shall lapse and a new permit will be required for a future business. Similarly, if the applicant does not initiate operation of the use or construction of the project within twelve (12) months, the permit shall lapse and become null and void.

13.28.090 Fees

Fees shall be established by resolution and shall be assessed as a condition of the submission of any conditional use permit application.

13.28.100 Amendment, Suspension Or Revocation

A request to amend the terms of a conditional use permit shall be considered a new permit request and follow the procedures set forth in this Chapter.

13.28.110 Violation And/Or Revocation

A violation of any of the terms of this Chapter, Payson City Code, or any conditions imposed as part of the conditional use permit shall be unlawful and may result in revocation. Revocation under this paragraph requires a decision by the land use authority that at least one of the following has occurred:

- A. The permit holder has failed to comply with one or more of the conditions of the conditional use permit,
- B. The permit holder has failed to comply with any applicable federal, state, county, or municipal law,
- C. The conditional use permit had been obtained by misrepresentation or fraud,
- D. The operation or character of the site has been found to be a nuisance or a public nuisance by a Court of competent jurisdiction in any civil or criminal proceeding.

In making a determination above, the land use authority may take the following actions:

- A. Suspend the conditional use permit until certain mitigating or corrective measures have been implemented or taken by the applicant,
- B. Revoke the permit if it can be demonstrated that the permit holder cannot, refuses to, or has shown a lack of ability to, satisfy the applicable provisions,

- C. Revoke the permit and require application for any new permit, based on complete and accurate information, or
- D. Take no action and keep the provisions of the existing conditional use permit intact.

Suspension or revocation of a conditional use permit results in suspension or revocation of the associated business license.

13.30 Non-Conforming Uses And Non-Complying Structures

[13.30.010 Non-Conforming Use Defined](#)

[13.30.020 Non-Complying Structure Defined](#)

[13.30.030 Maintenance Permitted](#)

[13.30.040 Additions, Enlargements, And Moving](#)

[13.30.050 Restoration Of Damaged Buildings](#)

[13.30.060 Reconstruction](#)

[13.30.070 Pre-Existing Use May Be Continued](#)

[13.30.080 Burden Of Proof](#)

[13.30.090 Amortization Of Non-Conforming Uses](#)

[13.30.100 Accessory Or Temporary Structures](#)

13.30.010 Non-Conforming Use Defined

In accordance with Utah Code § 10-9a-103(21) (1953 as amended), a non-conforming use is a use of land that legally existed before its current land use designation, has been maintained continuously since the time the land use ordinance governing the land changed, and because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

Once a non-conforming use has been brought into compliance with the regulations of the current Zoning Ordinance for any period of time, the non-conforming use status of the property is forfeited and the non-conforming use shall not be reestablished. From that time forward the use of the parcel shall comply with all regulations of the Zoning Ordinance.

13.30.020 Non-Complying Structure Defined

In accordance with Utah Code § 10-9a-103(20) (1953 as amended), a non-complying structure is a structure that legally existed before its current land use designation, and because of one or more subsequent land use ordinance changes, does not conform to the setback, frontage, lot size, off-street parking, height restrictions, or other regulations, excluding those regulations which govern the use of land.

13.30.030 Maintenance Permitted

A non-complying structure or a structure that houses a legal non-conforming use shall be maintained and kept in good repair. Basic repairs and cosmetic improvements may be completed to the structure provided the repairs or cosmetic improvements satisfy the regulations of the adopted building and fire codes.

13.30.040 Additions, Enlargements, And Moving

13.30.040.1 General Requirements

In no case shall the owner of a parcel containing a non-conforming use be allowed to use the remedies of this Section to complete an addition, enlargement, expansion, or relocation of a non-conforming use or non-complying structure on the parcel.

A non-complying structure, as defined herein, may only be enlarged or expanded, or moved to another location on the lot as provided herein:

- A. An addition, enlargement, expansion or relocation of a non-complying structure that will satisfy all established setback requirements of the zoning district may be allowed to the extent of the established setback requirements.
- B. Except as noted in PCC 13.30.040.1, a previous legal encroachment of a required setback may be horizontally continued, provided additional encroachment of the setback requirements does not occur.

13.30.040.1 General Requirements

The following general requirements will apply to any addition, enlargement, expansion, and relocation of a non-complying structure:

- A. At any time the non-complying attributes of a structure can be brought into compliance with the regulations of this Title, the alteration must be completed by the applicant.
- B. In each case, a five (5) foot public utility easement will be provided and maintained around the perimeter of each parcel except along a public street where the public utility easement shall be ten (10) feet. If there is an existing structure located within the public utility easement, as much of the easement as possible shall be protected.
- C. Notwithstanding the provisions of this Chapter, a non-complying structure shall not be enlarged or expanded unless the applicant is able to demonstrate that the off-street parking requirements, clear view provisions, height regulations, compatibility issues, and other typical zoning requirements regulated by this Title have been satisfied.

13.30.050 Restoration Of Damaged Buildings

[13.30.050.1 General Requirements](#)

A non-complying structure or structure that houses a legal non-conforming use which is damaged or destroyed by fire, flood, wind, earthquake or other calamity or Act of God, or the public enemy, may be restored. The occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction may be continued or resumed, if such restoration is started within a period of one (1) year and is completed in conformance with the ordinances of Payson City within two (2) years.

Restoration of a non-complying structure or structure that houses a legal non-conforming use shall not exceed the building footprint and square footage of the structure prior to the damage except in accordance with PCC 13.30.040. However, if the restored structure is generally comparable with surrounding conforming structures in the district (i.e. square footage, width, depth, etc.) and can be situated on the parcel in a manner that satisfies the zoning requirements, the regulations of the Zoning Ordinance shall be satisfied upon restoration.

13.30.050.1 General Requirements

The following general requirements will apply to any restoration of a non-complying structure:

- A. At any time the non-complying attributes of a structure can be brought into compliance with the regulations of this Title, the alteration must be completed by the applicant.
- B. In each case, a five (5) foot public utility easement will be maintained around the perimeter of each parcel except along a public street where the public utility easement shall be ten (10) feet. If there is an existing structure located within the public utility easement, as much of the easement as possible shall be protected.
- C. Notwithstanding the provisions of this Chapter, a non-complying structure shall not be enlarged or expanded unless the applicant is able to demonstrate that the off-street parking requirements, clear view provisions, height regulations, compatibility issues, and other typical zoning requirements regulated by this Title have been satisfied.

13.30.060 Reconstruction

[13.30.060.1 General Requirements](#)

In the event that an owner of a non-complying structure chooses to significantly alter or reconstruct a non-complying structure as defined herein, the following conditions shall apply:

- A. If the use of the structure is determined to be a conforming use in the zoning district but the structure is non-complying, an applicant may reconstruct the structure in the same location applying the same building footprint and square footage if:
 - 1. The reconstruction will not result in further violation of the Zoning Ordinance.
 - 2. The applicant upgrades the utility laterals to the current improvement standards of Payson City.

The provisions of this Section apply to non-complying structures only. In no instance will the provisions of this Section be used to reconstruct or create a non-conforming use.

13.30.060.1 General Requirements

The following general requirements will apply to any reconstruction of a non-complying structure:

- A. At any time the non-complying attributes of a structure can be brought into compliance with the regulations of this Title, the alteration must be completed by the applicant.
- B. In each case, a five (5) foot public utility easement will be maintained around the perimeter of each parcel except along a public street where the public utility easement shall be ten (10) feet. If there is an existing structure located within the public utility easement, as much of the easement as possible shall be protected.
- C. Notwithstanding the provisions of this Chapter, a non-complying structure shall not be enlarged or expanded unless the applicant is able to demonstrate that the off-street parking requirements, clear view provisions, height regulations, compatibility issues, and other typical zoning requirements regulated by this Title have been satisfied.

13.30.070 Pre-Existing Use May Be Continued

Non-conforming uses that legally existed prior to a change in the land use ordinance that governs the use of land may continue to be utilized for a non-conforming use unless the structure is vacated or the use ceased for a continuous period in excess of one (1) year, provided however it does not constitute a safety or health hazard, is not a nuisance, and is not otherwise dangerous to life and property values. No such non-conforming use of land may in any way be expanded or extended except as allowed by this Chapter.

A previously authorized non-conforming use that has ceased for a period in excess of one (1) year shall not be allowed. The future use of the property shall conform to the provisions of this Title.

Payson City will not authorize the continuation of a non-conforming use through actions of the owner to conduct the non-conforming use on a short-term basis only to obtain an extension. The owner must be able to demonstrate that the use will be employed for at least three (3) months once the use has commenced.

13.30.080 Burden Of Proof

An applicant seeking relief under the provisions of this Chapter shall have the burden of proof in demonstrating that the non-conforming use occurred within the one (1) year timeframe, or that the regulations of a previous version of a land use ordinance allowed the construction of a structure that is now non-complying due to changes in the land use ordinances. Failure to provide evidence of a non-conforming use or non-complying structure may result in denial of the remedies allowed in this Chapter.

13.30.090 Amortization Of Non-Conforming Uses

In accordance with Utah Code § 10-9a-511(2)(b) (1953 as amended), the City Council may terminate or cause to bring into compliance, except billboards, a non-conforming use. In terminating a non-conforming use or bringing the non-conforming use into compliance, the City Council will address the following:

- A. If the City Council intends to terminate a non-conforming use the City Council will provide a formula that will establish a reasonable time period during which the owner can recover or amortize the amount of the investment in the non-conforming use, if any.
- B. The City Council may enter into a signed development agreement with the owner that establishes a reasonable time period to bring into compliance some or all of the requirements of the development ordinances of the City. The development agreement will be recorded against the property in the office of the Utah County Recorder.

13.30.100 Accessory Or Temporary Structures

One (1) accessory or temporary structure may be placed on a parcel that contains a non-conforming use provided the accessory or temporary structure is no larger than two hundred (200) square feet and is not placed on a permanent foundation. The property owner must be willing to sign a statement indicating that the accessory or temporary structure is a non-conforming use and subject to all provisions of this Chapter including setbacks, height and placement provisions.

13.32 Signs And Outdoor Advertising

13.32.010 Purpose And Intent

13.32.020 Definitions: Signs And Outdoor Advertising

13.32.030 General Provisions

[13.32.040 Location And Safety Standards](#)

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[13.32.070 Outdoor Advertising Structures \(Billboards\)](#)

[13.32.080 Non-Conforming Signs](#)

13.32.010 Purpose And Intent

The purpose of this Chapter is to encourage signs and outdoor advertising that complement proposed and existing structures and do not distract from the aesthetics or safety of the vicinity in which they are placed.

It is the intent of this Chapter to regulate signs and outdoor advertising in the community in a manner that creates an interesting and visually pleasing streetscape in the City. Signs are highly visible and are seen by residents and visitors alike. Signs and outdoor advertising are a reflection upon the community and the land use goals and objectives of the City.

Signs and outdoor advertising must be regulated to ensure the safety of the residents and visitors to the City. Signs and outdoor advertising that present a safety hazard as determined by the Development Services director or designee will not be allowed whether permitted by this Chapter or not.

13.32.020 Definitions: Signs And Outdoor Advertising

The definitions in this Section are intended to be specific to this Chapter. If any word or phrase in this Chapter requires further definition, the word or phrase shall be defined in accordance with the definitions listed in PCC 13.04. Furthermore, if a word or phrase cannot be adequately defined by the definitions listed in this Chapter or PCC 13.04, the Development Services Director's interpretation will control.

The following words and phrases shall be defined as follows:

A-FRAME SIGN. Any sign or structure composed of two (2) sign faces mounted or attached back-to-back and forms a vertical A and the base rests on the ground.

AFFIXED. A sign or sign support directly attached to the building face.

ABANDONED SIGN. A sign that no longer correctly directs or influences a person, advertises a bona fide business, lessor, owner, product or activity conducted or available on the premises where the sign is displayed.

ADVERTISEMENT. Any copy, letters, logos, symbols, or other form of communication that attracts or directs attention to a use, product, or activity.

ADVERTISING BENCH. A bench for public use and convenience that is painted or otherwise covered with advertisement.

ADVERTISING SIGN. A sign that attracts or directs attention to a use, product, or activity.

ANIMATED OR FLASHING SIGN. A sign that includes motion or rotation of any part by mechanical or artificial means or a sign that displays flashing or intermittent lights.

AWNING SIGN. An awning having copy or a logo that attracts or directs attention to a use, product, or activity, or is backlit or externally illuminated.

BANNER, ADVERTISING. A flag or banner constructed of cloth, canvas, or light fabric that is used for promotional purposes and is temporary in nature.

BANNER, NON-ADVERTISING. A flag or banner constructed of cloth, canvas, or light fabric that is displayed for cultural events and special holidays or seasons. The flag or banner shall not contain commercial advertising except for the cultural event, special holiday or season.

BUILDING FACE. The visible outer surface of the main exterior wall of a building defined as the wall that contains the primary entrance to the structure. The area of the face of the building shall be the total area of such surface including the area of doors and windows that open into a surface.

CANOPY OR MARQUEE SIGN. A sign on or attached to a canopy or marquee such as a canopy over gasoline islands or drive-up tellers.

CHANGEABLE COPY. A sign on which the copy is changed manually such as a message center or reader boards with changeable letters or changeable pictorial panels. This definition does not include poster panels or painted bulletins.

COMMUNITY OR CIVIC EVENT SIGN. A sign used to promote community and civic events of interest to the public at large, not to include events for particular civic groups or more focused group functions.

DEVELOPMENT SIGN. A sign used to advertise the sale of units or parcels within an approved development including:

- A. **DIRECTIONAL DEVELOPMENT SIGN.** A sign intended to direct potential buyers to a particular development or to navigate within a particular development.
- B. **DEVELOPMENT PROMOTIONAL SIGN.** A sign intended to advertise the future sale of units or parcels in a development, contemplated improvements or announcing the name of the builder, owner, designer, or developer of the project.
- C. **ENTRANCE SIGN.** A permanent sign indicating the name of the development together with associated aesthetic improvements.

DIRECTIONAL OR GUIDE SIGN. An on premise sign that contains directional

information to facilitate or control the efficient or safe movement of pedestrians or vehicles on or into a site. A directional or guide sign may include the name of the business but shall not be used for advertising purposes and shall not exceed six (6) square feet in area.

ERECT. To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint post, or display a sign. Normal maintenance, including refinishing, is not included in this definition provided the size of the sign copy is not changed or altered.

FREESTANDING OR POLE SIGN. A sign supported by one (1) or more poles or posts or similar uprights permanently affixed to the ground and not attached to any other structure.

HOME OCCUPATION SIGN. A sign identifying a home occupation legally existing on the premises.

INTERIOR SIGN. A sign located in a building visible only within the building in which the sign is located.

MENU SIGN. A sign used to advertise the product available at a fast food restaurant or convenience store.

- A. **FREESTANDING MENU SIGN.** A sign located along the driveway to the drive-up window of a fast food restaurant or convenience store that does not contain a noise emitting device for communication.
- B. **FREESTANDING MENU NOISE EMITTING SIGN.** A sign located along the driveway to the drive-up window of a fast food restaurant or convenience store that contains a noise emitting device for communication.
- C. **WALL MOUNTED MENU SIGN.** A sign either attached or painted on a wall that displays the product available at a fast food restaurant or convenience store.

MONUMENT SIGN. A sign where the horizontal bottom of the sign surface is attached to the ground, a foundation in the ground, or where the horizontal bottom of the sign is no more than eighteen (18) inches from the ground and where there are no poles, braces, or other visible means of support other than attachment to the ground. A monument sign may be expanded to become part of a fence surrounding a project such as an entrance feature.

MOVABLE OR PORTABLE SIGN. A sign that is designed to be moved from place to place either by vehicle or manually and not permanently affixed to the ground. Handheld signs are considered movable or portable signs. For the purposes of this Chapter, trailers, automobiles, and other movable objects used for advertising are not considered movable signs and are not an allowable means of advertising in Payson City. A-frame signs are not considered movable signs as defined herein.

NAMEPLATE. A sign indicating the name of a person or persons residing on the premises or legally occupying the premises.

NECESSITY OR HAZARD. A sign informing the public of any danger or hazard existing on or adjacent to the premises, or the posting of private property against trespass.

NONCONFORMING SIGNS. A sign or sign structure that lawfully existed prior to the effective date of the modifications of this Chapter, February 18, 2004, that is no longer in compliance with the provisions of this Chapter due only to the modified provisions herein.

OFF-PREMISE OR NON-APPURTENANT SIGN. A sign that advertises products, services, or business establishments that are not located, conducted, manufactured, or sold at the premises upon which the sign is erected.

ON-PREMISE OR APPURTENANT SIGN. A sign that advertises products, services, or business establishments located, conducted, manufactured, or sold at the premises upon which the sign is erected.

PERMANANET. An immovable structure, support, building or other feature anticipated to remain in place for ten (10) years or more without moving.

POSTER PANELS OR PAINTED BULLETINS. An advertising device used as a promotional display inside of a transparent faced container or painted on a transparent surface. Poster panels or painted bulletins include coming attraction displays and window advertising.

PROJECT SIGN. A sign approved by the City Council, or designee, as an amenity in a large multi-building commercial development used to advertise multitenant projects.

PROJECTING SIGN. A sign attached to a building and extending in whole or in part more than eighteen (18) inches beyond any wall of the building.

PROMOTIONAL SIGNS. Advertising devices including banners, inflatable displays, streamers, pennants, valance, spotlights, or other similar devices intended to draw attention to a building, use, product, or activity. In addition, to include displays constructed of paper, cloth, canvas, fabric, cardboard, wallboard or other materials with or without frames, intended to be displayed in or out of doors for a short period of time.

PUBLIC INFORMATION SIGN. A sign intended to provide information or direction to the general public such as locations of parking lots and restrooms.

READER BOARD (MESSAGE CENTER). A portion of a sign used to electronically display lettering or other symbols upon which it is possible to change the copy or message.

REAL ESTATE SIGN. A temporary sign related to the sale or lease of the property upon

which the sign is located.

ROOF SIGN. A sign erected on a portion of a pitched roof. Roof signs are not allowed on a flat roof building.

SIGN. Every advertising message, announcement, declaration, demonstration, display, illustration, insignia, trade names, trademarks, surface or space erected or maintained in view of the observer thereof for identification, advertisement, or promotion of the interest of any person, entity, product, or service whether placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof frame, support, fence, or other man-made structure, visible from any adjoining parcel or public right-of-way. The definition of sign shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers. For the purpose of this Title, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, or other political unit, or of a non-profit organization. Further, it shall not include any official notice issued by any court, public body or officer, directional warning or information sign or structure required or authorized by law.

SIGN AREA. The area of a sign that is used for display purposes, excluding the frame and supports. In computing sign area, only one (1) side of a back-to-back or double-face sign covering the same subject shall be computed when the sign faces are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees. In relation to signs that do not have a frame or a separate background or are of irregular shape, sign area shall be measured on the basis of the least rectangle, triangle, or circle large enough to frame the advertisement.

SIGN DIMENSIONS. The sign area shall be measured for compliance with this Chapter as follows:

- A. **HEIGHT OF SIGN.** The height of a sign is the vertical distance measured from the ground plane to the top uppermost portion of the sign including sign supports.
- B. **WIDTH OF SIGN.** The width of a sign is the horizontal distance measured from the outermost edges of the sign on a vertical plane.
- C. **COMPLETE SIGN AREA.** Signs that do not have a frame or a separate background shall be measured on the basis of the least rectangle, triangle, or circle large enough to frame the advertisement.

SIGN LIGHTNING. A sign made legible in the absence of daylight by devices which reflect or project light upon the sign including:

- A. **BACKLIT.** The lighting of a sign from behind, through a semi-transparent material, to make the sign copy visible.
- B. **ILLUMINATION.** The lighting of a sign from outside of the sign by directing light onto the sign face.

C. FLOODLIGHTED. The display of an image or copy, by projection, upon a surface or building face.

SNIPE SIGN. 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 trees, poles, stakes, fences, or other objects with advertising appearing thereon.

SPECIAL PURPOSE SIGN. A sign used to promote the sale of land, the location of a church or quasi government entity, and other unique situations further defined herein.

SUSPENDED SIGN. A sign that is hung from the have of a roof, pole, canopy or other similar structure.

TEMPORARY SIGN. A movable sign, poles, posts, or other structure or apparatus intended to be erected for a short period of time and not fastened to a foundation or other permanent structure.

WALL SIGN. A sign with messages or copy erected parallel to and attached to or painted on the outside wall of a building.

A. Wall signs affixed to the building face shall not extend more than eighteen (18) inches from the building face with messages or copy on the face side only.

B. A painted wall sign is defined as assign on the building face painted in a manner that gives the visual appearance of being painted on the building face by not having a frame or separation from the building face.

WINDOW SIGN. A sign or lettering either attached to a window or door, or located within a building that is visible through a window or door from outside the building.

13.32.030 General Provisions

[13.32.030.1 Administration And Interpretation](#)

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[13.32.030.7 Wall Art, Murals](#)

13.32.030.1 Administration And Interpretation

The Development Services Director, or designee, is hereby authorized and directed to enforce all provisions of this Chapter. In applying the provisions of this Chapter, the Development Services Director, or designee, shall make a determination of whether an application is complete and the provisions of this Chapter have been satisfied. Furthermore, the Development Services Director, or designee, will ensure that any

proposed sign has been reviewed and authorized by the appropriate staff members for compliance with the adopted building code, and the zoning and design guidelines of Payson City. The Development Services Director, or designee, is under no obligation to exercise the discretionary authority granted in this Chapter.

In relation to the interpretation of this Chapter, the Development Services Director shall make all decisions in behalf of staff. Any person who has been ordered to alter or remove any sign or any person whose application for a Sign Permit has been denied because of conflict with the regulations herein may appeal the decision of the Development Services Director to the Board of Adjustment within fifteen (15) working days of the order or denial.

13.32.030.2 Sign Permit And Fees

All signs, unless otherwise exempted by this Chapter, require the issuance of a Sign Permit from the Development Services Department. Construction activity for a sign shall not commence until a Sign Permit has been issued. All signs shall be inspected and approved by the City during reasonable times during or after construction. A Sign Permit issued by the Development Services Director shall be valid for a period of one hundred eighty (180) days at which time the Sign Permit shall become null and void if the sign has not been erected or significant construction completed.

The applicant for a Sign Permit shall submit payment of all appropriate fees in accordance with PCC 13.06.070, Fee Schedule. Although all signs require a Sign Permit in order to ensure compliance with this Title, not all signs will necessarily require the payment of a fee. All prohibited or non-permitted signs may be removed at the discretion of the Development Services Director or designee.

13.32.030.3 General Requirements

Any sign not expressly allowed by this Chapter is prohibited. The following general requirements shall apply to signs and outdoor advertising structures erected within the City.

- A. **Promotional Signs.** The following devices, as defined in PCC 13.32.020, used to attract the attention of pedestrian or drivers of vehicles are allowed for a period not to exceed one hundred eighty (180) days in the commercial and industrial zones of Payson City. It shall be the responsibility of the party erecting the promotional signs to obtain a sign permit each calendar year and keep a record of the promotional period. The City has the right to inspect the record at any time. All signs must be placed on site and may not be placed within a public right-of-way.

Promotional signs are limited to two (2) of the following categories of promotional advertising devices for each commercial or industrial business for each promotional period:

1. One (1) banner or combinations of two (2) banners when combined are no more than four (4) feet in height nor twenty (20) feet in length. The banner may be affixed to the business building and shall be temporary in nature.
2. One (1) inflatable display but shall not be placed on any structure.
3. Ten (10) or less strands of either streamers or pennants not to exceed five hundred (500) feet in the total length of all strands.
4. One (1) set of four spotlights or searchlights for no more than thirty (30) days during the promotional period.
5. Two (2) displays constructed of paper, cloth, cardboard etc. such as beverage advertising signs not to exceed nine (9) square feet of sign area.
6. One (1) temporary sign not to exceed twenty (20) square feet of sign area that may not be placed within a public right-of-way and may not be more than six (6) feet in height.
7. One (1) movable or portable sign is allowed as an advertising device for promotional purposes only in accordance with the following:
 - a. The sign must be an on premise sign.
 - b. The movable or portable sign shall not be displayed, placed or held on public property or within a public right-of-way.
 - c. The movable or portable sign shall not exceed thirty-six (36) square feet and may not be more than six (6) feet in height.
 - d. Electronic message centers cannot be used as promotional signs.

B. Special Purpose Signs. In addition to any other permitted sign(s), signs for special purposes set forth in this Section shall be permitted as provided herein:

1. Signs associated with construction projects or the sale of units or parcels within an approved development as follows:
 - a. The following signs are allowed for projects in residential zones:
 - (1) Directional development signs on premise and off premise. Six (6) directional signs that include only the name and direction to the development may be installed on private property to provide direction to the project. Each sign may have a maximum area of nine (9) square feet of sign area.
 - (2) Development promotional signs on premise. One (1) development promotional sign, not to exceed sixty-four

(64) square feet of sign area, may be placed at each approved entrance of the development. Two (2) additional signs, not to exceed thirty-two (32) square feet, may be allowed to show sponsorship/financing arrangements within the development.

(3) Development promotional signs on an individual lot or parcel during construction. Two (2) development promotional signs, not to exceed sixteen (16) square feet, may be placed on the lot being built upon to indicate the name of the builder, owner, designer, or real estate agency associated with the project. Promotional signs shall be removed upon completion of construction on the subject lot.

b. The following signs are allowed for projects in commercial and industrial zones:

(1) Promotional signs announcing or identifying the future development or sale of commercial or industrial property are allowed one (1) sign per public or private street frontage. In no case shall the number of signs exceed the maximum number of signs included on the following chart. The size the sign depends on the number of acres involved in the project as indicated below. The total height of the sign and support structure shall not exceed fifteen (15) feet.

Project Size	Size of Sign	Max. Allowed
<5 acres	32 sq. ft.	1 sign
5 to 10 acres	48 sq. ft.	2 signs
10 to 15 acres	64 sq. ft.	4 signs
>15 acres	96 sq. ft.	6 signs

For commercial or industrial properties adjacent to Interstate 15, one (1) additional development promotional or real estate sign may be approved by the Development Services Director, or designee, provided the sign does not exceed one hundred twenty-eight (128) square feet. This sign will be included in the maximum allowed sign count.

c. Special purpose signs shall satisfy the location and safety standards of this Chapter and shall be maintained in accordance with PCC 13.32.040.5.

- d. All promotional signs associated with construction projects shall be removed within thirty (30) days of the sale of all lots or dwelling units to individual buyers in the development, or approved phase of the development.
2. Permanent development entrance signs may be allowed provided the sign does not exceed thirty-six (36) square feet in area or be more than six (6) feet in height. The sign materials used must be low maintenance and consist of hard surface materials such as masonry, brick, stucco, and stone and must be approved by the Development Services Director.
3. Permanent directional or guide signs may be erected on premise 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. No such sign shall exceed six (6) square feet of sign area.
4. In residential zones, churches and public or private schools may erect the following on premise signs:
 - a. One (1) wall sign on each side of the building to identify the name of the organization and announce activities thereof. The sign shall not exceed sixty-four (64) square feet of sign area.
 - b. One (1) monument sign provided: the sign is not more than six (6) feet high. The sign area shall not exceed sixty-four (64) square feet of sign area per side. The monument sign shall include architectural features and materials similar to those used in the construction of the primary building.
 - c. One reader board, message center, or changeable copy sign is allowed. When the sign is located in a residential zone, it must be demonstrated that the level of illumination will not negatively impact the surrounding residential uses.
 - d. In residential zones, churches, and public or private schools in excess of 60,000 square feet may vary from the above requirements. The signs may be designed to be proportionate to the size of the building and may be approved as part of the site plan process and approved by the City Council.
 - e. School districts are exempt from the above regulations pursuant to state code. However, school districts must obtain a sign permit and pay applicable fees.
5. In all zones that allow temporary uses as a permitted or conditional use, the temporary use shall be permitted to install one (1) movable or portable on-premise sign to identify the business and indicate the type of business

being conducted provided:

- a. The sign shall not project over a public way, sidewalk, or parking surface.
 - b. The sign shall not exceed six (6) feet in height.
 - c. The sign area shall not exceed sixteen (16) square feet of sign area.
 - d. The sign may be illuminated, but shall not be an animated sign or contain any flashing lights or moving parts but may be illuminated.
6. One on-premise garage or yard sale sign is allowed provided the sign is not placed on or over a public way and the sign is removed the night the garage or yard sale ends. Up to four (4) off-premise signs to attract interest to the sale may be posted on private property, with written permission of the landowner, from dawn until dusk on the day of the sale. The address shall be indicated on the sign. Signs must be removed within twenty-four (24) hours after completion of the yard sale.

C. Public Purpose Signs: Promotional Or Informational And Civic Events.

1. In order to promote a public service or event, or to provide public information, the City may place signage on City owned property, following approval by the City Council. Public purpose signs may include the following:
 - a. Wall signs attached to a publicly owned building or structure.
 - b. A monument sign that does not exceed sixty-four (64) square feet and is no more than six (6) feet in height.
 - c. Directional signs necessary to direct vehicular and pedestrian traffic.
 - d. Reader board and message centers provided the sign will not impact residential uses.
2. The City may erect promotional or informational signs, on or off premise, as defined in PCC 13.32.020, for the purpose of sponsorship of athletic events or informing the general public of community activities or civic events. The City shall satisfy the location and safety standards included herein.
 - a. Sponsorship signs of athletic events may be allowed provided:
 - (1) Sponsorship signs may be placed on fencing surrounding community athletic fields. The sponsorship signs must be facing the field of play and will not include sign copy facing

away from the field of play.

- (2) Sponsorship signs will only be allowed during the outdoor athletic season and must be kept in good condition. The sponsor must recognize, in writing that Payson City is not responsible to repair or replace signage that is damaged by acts of vandalism or weather conditions.
 - (3) A recreation sponsorship fee, consistent with the adopted fee schedule, will be assessed on each sign placed on a Payson City athletic field.
 - (4) The placement of signs on the fence of a Payson City athletic field shall be on a first come, first serve basis without prejudice.
 - (5) Sponsorship signs shall be limited to the name, address, logo, website and other general contact information and free from advertising.
- b. Sponsorship and informational signs for community events held on public property may be allowed. The sponsor of the event must submit a signage plan that includes the date of the event, and the size and location of all signage. The signage plan may be approved by the Development Service Director who may choose to forward the final decision to the City Council whose decision shall be final.
 - c. Banners for community or civic events and other non-profit gatherings may be approved by the Development Services Director who may choose to forward the final decision to the City Council whose decision shall be final. The banner will be suspended from the poles located at the Centennial Pioneer Plaza.

D. Sign Placement.

1. All signs shall be erected in the location approved by the Development Services Director and consistent with the approved Sign Permit. The Development Services Director shall consider the following issues in the placement of signs:
 - a. Sign placement will not create an unsafe condition where the sign blocks the view of drivers, impedes the flow of pedestrians, or is distracting to a point where the attention of drivers is negatively impacted.
 - b. Signs shall complement the built environment by assisting patrons

in identifying places of business, while limiting confusion of patrons not familiar with the area.

- c. Signs will not be placed in a location that will have a negative impact on a residential zone.
2. Affixed signs shall be placed upon the primary structure of the business. Signs shall not be placed on any accessory structure, solid waste enclosure, fence, utility pole, or any other facility on site. Promotional signs and other signs that are temporary in nature shall not be attached to any utility pole, streetlight, or other publicly owned facility or public right-of-way.
3. The Development Services Director may approve the placement of a monument sign, in addition to other approved signs, on a corner lot or parcel with two entrances if it can be shown that the monument sign will allow better identification of the business and improve traffic circulation. In approving the monument sign, the applicant may be asked to reduce the size of the other approved signs. In no case shall two (2) freestanding signs be permitted.

E. Streetscape And Design Criteria. The streetscape of the City is an important feature that is significantly influenced by signs and advertising devices. It is the intention of Payson City to create a streetscape that is safe, attractive and inviting.

The City Council may impose specific design guidelines in a project if it can be reasonably shown that the materials, colors or design of the sign could have a significant impact on the existing or future atmosphere of the area. The design criteria may include, but are not limited to, architectural controls, colors, material, size, theme or motif.

A project sign for a multi-tenant large-scale commercial or industrial development shall incorporate the approved architectural motif into the sign through the placement of a sign cap or other appropriate feature. Payson City encourages signs to be used for more than a singular purpose. Under the right circumstances, benches (not used for advertising), lighting, landscaping and other features can be incorporated into the sign.

F. Signage In Multi-Tenant Projects (Non-Residential). An applicant for a multi-tenant project will be required to submit a sign package for all signs proposed in the project, including directional signs, which must be approved by the Development Services Director. The sign package must indicate signs that complement the building and other signage in the project in terms of size, materials, lighting and other design features. As new tenants occupy the building,

all new signage must be consistent with the initially approved sign package. A Sign Permit may be issued for the entire project and an additional Sign Permit is not required provided the additional sign(s) comply with the approved sign package.

1. Wall signs for multi-tenant buildings may be allowed on more than one face of a building under the following conditions:
 - a. Each unit in a multi-tenant building is allowed to have one wall sign on the front and back of the unit; end-cap units may be allowed to have an additional sign on the third wall face of the unit as calculated in accordance with the sign regulations of the zone provided the side and/or rear of the building does not abut residential structures.
 - b. If more than one (1) wall sign is requested, the size of the signs must be proportional and the additional sign(s) must be at least five (5) percent of the square footage requirement.
 - c. No other signs will be allowed on the parcel including, but not limited to, monument signs, freestanding signs, and portable signs, except that a business may advertise on an approved project sign.
 - d. Reader boards are not permitted as wall signs in multi-tenant and condominium projects.
2. Multi-tenant projects in the PO-1 Professional Office Zone are allowed to erect an on-premise directory sign displaying the names of occupants of a building. The signs shall be situated at least two (2) feet inside the property line and shall not exceed six (6) feet in height. The sign structure shall not exceed an area of one hundred (100) square feet and shall not be placed within a clear view area.

G. Changeable Copy Signs. Changeable signs may be allowed provided:

1. The changeable copy sign is part of a larger sign approved by the Development Services Director.
2. The sign face area of the changeable copy sign is less than the sign face area on the primary sign.
3. The sign face area of the changeable copy sign is included in the calculation of the total sign face area.

H. Reader Board And Message Center. Reader Boards and Message Centers are allowed in the GC-1, General Commercial Zone and the S-1, Special Highway Services Zone provided:

1. The reader board or message center shall not exceed more than fifty (50) percent of the sign face area.
2. The message on the reader board or message center shall not change more than once every fifteen (15) minutes.
3. The reader board or message center shall not obstruct the view of, or be confused with any authorized traffic signs, signal or device, or which makes use of the words "stop," "look," "drive-in," "danger" or other words, phrases, symbols, or characters in a manner that would interfere with, mislead or confuse traffic.
4. The area of the reader board or message center shall be included in the calculation of the allowable sign face for the business or project.
5. The reader board or message center shall not exceed seventy five (75) percent of the maximum wattage output of the reader board or message center.

I. Bench Signs. One (1) sign is allowed on a bench donated for public use located on public or private property subject to the following:

1. No public hazard or nuisance shall be created.
2. The sign shall only be located on the backrest of the bench.
3. The sign shall not extend over the top, nor past the sides of the bench.
4. The sign shall not contain any lights, moving parts, nor be in colors that would detract from the harmony of the district.
5. The sign shall not contain any wording or picture(s) that could divert the attention of operators of motor vehicles.

J. Prohibited Signs.

1. The following devices, as defined in PCC 13.32.020, used to attract the attention of pedestrian or drivers of vehicles are prohibited in any zone of Payson City:
 - a. Animated or flashing signs. No sign shall be permitted which because of its intensity of light constitutes a nuisance or hazard to vehicular traffic, pedestrians or adjacent properties.
 - b. Signs mounted or painted upon vehicles or trailers, on-premise or off-premise, that are parked in a location for the purpose advertising. This Section is not intended to apply to standard advertising or identification practices where such signs or advertising devices are painted on or permanently attached to a

business or commercial vehicle that is operable, properly licensed and legitimately utilized in said operation or business.

- c. Handbills, posters, advertisement or notice of any kind or sort fastened, placed, posted, painted, or attached in any way on any curbstone, lamppost, utility pole, hydrant, fence, tree, sidewalk, or right-of-way.
- d. All off-premise or non-appurtenant signs are prohibited, except outdoor advertising (billboards) as allowed by state statute, directional signs erected by Payson City intended to provide off premise advertising opportunities, and project signs in accordance with this Chapter.
- e. Snipe signs
- f. Graffiti
- g. Signs which are located on the roof of a building or structure, except as permitted in this Chapter.
- h. Abandoned signs as defined in PCC 13.32.030.6.

- 2. All prohibited signs may be removed at the discretion of the Development Services Director or designee.

13.32.030.4 Classification Of Signs

Every sign erected or proposed to be erected in Payson City shall be classified by the Development Services Director or designee in accordance with the definitions contained in PCC 13.32.020. A sign that is not clearly defined herein shall be classified as the sign having the most similar characteristics of a sign defined herein in consideration of the design, location, and purpose of the sign as determined by the Development Services Director.

13.32.030.5 Signs Not Regulated By This Chapter

This Chapter shall not apply to signs used exclusively for the following activities:

- A. Directional, warning, or public information signs intended to inform the general public of potential hazard or danger relating to a public or private utility function containing no advertising.
- B. Any sign of a non-commercial nature when used to protect the health, safety or welfare of the general public.
- C. Any official flag, pennant, or insignia of any nation, state, city, or other political unit.

- D. Campaign signs for the purpose of announcing the candidacy of any person or persons seeking public office, provided:
1. Campaign signs shall not be erected more than forty-five (45) days before the primary election and must be removed within seven (7) days following the primary/general election, as applicable.
 2. Campaign signs shall not be placed upon publicly owned property or in the public right-of-way.
 3. Campaign signs shall not be placed within one hundred fifty (150) feet of the building where an official voting station is located.
 4. Payson City reserves the right to remove any campaign sign that impedes traffic visibility or creates a safety hazard following notification of the candidate.
 5. The person seeking office shall receive permission from the private property owner prior to placement of any campaign signs.
- E. Signs notifying the general public of community or civic events.
- F. Monuments approved by the City Council that signify an historic event or location important to the heritage of the City.
- G. Signs erected by a unit of government for control of traffic and other regulatory purposes including street signs, danger and warning signs, railroad crossing signs, hospital signs, directional or warning signs for public service companies or signs erected by or on the order of a public officer in performance of public duty.
- H. Real estate signs located on-premise that does not exceed nine (9) square feet in size and four (4) feet in height. Real estate signs are not allowed off premise.
- I. Signs for children's entrepreneur projects such as the selling of lemonade and worms, which shall be on-premise signs.
- J. Signs identifying public parks, trails and other public spaces and associated signs that notify the public of specific regulations.

13.32.030.6 Abandoned Or Discarded Signs

An abandoned sign, discarded sign, a sign for a business that no longer exists, or a sign in disrepair shall be removed or repaired to satisfy the standards of this Chapter within fourteen (14) days of notification from the Development Service Department.

13.32.030.7 Wall Art, Murals

Wall art and murals may be allowed, but must be approved by the Development

Services Director. Offensive or vulgar language or pictures will not be allowed. Furthermore, the Development Services Director may place restrictions on the size, color and lighting of wall art or murals.

13.32.040 Location And Safety Standards

[13.32.040.1 Standards Of Construction](#)

[13.32.040.2 Traffic Safety](#)

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13.32.040.1 Standards Of Construction

The following construction standards shall apply to all signs in all zones of Payson City:

- A. All signs shall comply with the provisions of the National Electric Code, adopted building code, and this Chapter in effect at the time the Sign Permit is issued.
- B. All signs, fixtures or devices involving electrical wiring or connections shall be erected or installed by a licensed and bonded contractor.
- C. All signs shall be engineered to demonstrate compliance with the applicable provisions of the adopted building codes. The Building Official may require the construction drawings to be stamped by a structural engineer licensed in the State of Utah attesting to the adequacy of the proposed construction of the sign and associated supports. Where applicable, signs shall be permanently mounted on foundations and footings that conform to the adopted building codes.

13.32.040.2 Traffic Safety

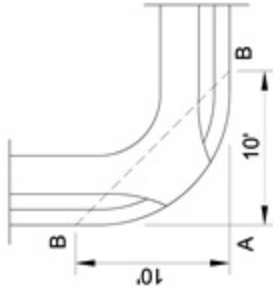
Signs or other advertising structures shall not be erected in a manner that may be confused with an official traffic sign or signal, or that includes words normally used in official traffic signs, such as stop, go slow, caution, danger, or warning. Signs or advertising structures shall not be erected which by reason of size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device. Signs shall not have lighting that impairs the vision of anyone traveling upon a public street or distracts any driver creating a public nuisance. In no case will a sign or sign structure be permitted that constitutes a safety hazard.

13.32.040.3 Clear View Area

In order to ensure the safety of pedestrians and patrons, and preserve the visual sightline necessary for vehicular traffic, signs shall not be erected in a clear view zone

as defined in PCC 13.20.050.

Signs shall also not be erected in a clear view area of an intersection of a public or private right-of-way and a driveway. The dimensions shall be determined by extending a line ten (10) feet from the intersection of the driveway and the public/private right-of-way boundary in toward the property along the edge of the driveway, and by extending a line ten (10) feet from the intersection of the driveway and the public/private right-of-way line away from the driveway along the right-of-way boundary. Then a line is drawn connecting the two points, creating a triangle.



13.32.040.4 Specific Clearance And Location Requirements

The following clearance and location requirements shall apply to all signs in all zones of Payson City:

- A. Except signs located in the Historic District, signs shall not be erected in a manner that any portion of the sign or any support will extend over a public or private walkway, nor may any sign extend over an adjoining property line without permission of the adjoining owner.
- B. Signs may not interfere with any fire escape, exit, required stairway, ventilation equipment, or window.
- C. Signs may not encroach upon any public property, public right-of-way, or public easement except by permission of the authorized agency.
- D. Except for an approved sign for a home occupation, when a sign is erected on a parcel adjacent to a residential zone, the sign shall not be positioned in a manner that the sign will face toward the residential zone. Furthermore, all sign lighting shall be directional and directed away from residential zones.
- E. All signs are required to be placed upon the premise where the product, service, or business establishment is located, conducted, manufactured or sold. Off premise signs are not allowed, except outdoor advertising (billboards) as allowed by state statute and the requirements of PCC 13.32.080, directional signs erected by Payson City intended to provide off premise advertising opportunities, and project signs in accordance with this Chapter.

13.32.040.5 Maintenance

Every sign shall be kept in proper operating condition. Maintenance includes the repair of facades where signs have been removed, and the painting, cleaning, and repairing of the sign. Furthermore, all lighting fixtures shall be kept in operating condition and replaced when necessary.

Banners, pennants, streamers, and other advertising devices allowed by this Chapter shall be kept in good repair free from torn or frayed lines or pennants. Banners, pennants, streamers and other advertising devices in poor repair shall be removed within two (2) days of notification by the Development Services Department.

13.32.040.6 Landscaping

Landscaping is an integral part of sign design and streetscape of the commercial corridors. Each permanent non-affixed sign erected in Payson City must be landscaped. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. The landscaping plan shall include:

- A. **Monument Sign.** Each monument sign shall be enclosed in a landscaped planter of at least one hundred (100) square feet. The planter areas shall be surrounded by a concrete barrier to protect the vegetation and the sign. The planter shall be completely landscaped using appropriate vegetation such as plants, shrubs, flowers and low-lying ground cover. The planter areas shall be surrounded by a concrete barrier to protect the vegetation and the sign.
- B. **Freestanding Or Pole Sign.** Each freestanding or pole sign shall be enclosed in a landscaped planter of at least fifty (50) square feet. The planter areas shall be surrounded by a concrete barrier to protect the vegetation and the sign. The planter shall be completely landscaped using appropriate vegetation such as plants, shrubs, flowers and low-lying ground cover. The size of the planter may be modified to accommodate a more attractive landscape design surrounding the base of the planter.
- C. **Development Entrance Sign.** A development entrance sign should be a predominant feature of the development. The landscaping should complement the project in scale and aesthetics and shall include appropriate vegetation such as plants, shrubs, flowers and low-lying ground cover.

13.32.040.7 Structural Covering

All freestanding or pole signs must have the structural supports covered or concealed with a material that is consistent with the materials used on the primary structure with the exception of a project sign as defined in PCC 13.32.020. The structural supports on a project sign shall incorporate materials or color scheme of the project.

13.32.040.8 Lighting

The light from the illumination of signs shall be carefully directed so that the light is not obtrusive or a nuisance to adjacent properties, particularly residential areas. All lighting fixtures shall be kept in proper operating condition and replaced when necessary.

All sign lighting must be approved as part of the Sign Permit process. Neon lighting and other colored lighting must be indicated on the application and reviewed for safety and aesthetic controls.

13.32.050 Signs Permitted In Agricultural And Residential Zones

Signs in agricultural and residential zones should be carefully reviewed to ensure that the residential, non-commercial characteristics of the zones are protected. Signs should not have a negative impact on surrounding uses or be used to attract patrons and their associated traffic into residential areas.

Each sign in an agricultural or residential zone shall require a Sign Permit and satisfy the regulations of this Chapter. The following signs, and no others, are allowed in agricultural and residential zones:

- A. One (1) nameplate may be allowed for each dwelling unit to indicate the name of the person or persons residing in the dwelling unit. The nameplate shall not exceed two (2) square feet.
- B. One (1) on-premise home occupation sign may be allowed to identify an approved home occupation and indicate the type of service conducted. The sign shall not be more than four (4) feet in height nor exceed nine (9) square feet in sign area.
- C. Multi-family structures consisting of eight (8) or more dwelling units may include appropriate directional signs, not to exceed four (4) square feet, on each structure that will allow residents and visitors to identify the dwelling units.
- D. Development Signs as a Special Purpose Sign in accordance with PCC 13.32.030.3 paragraph B.
- E. Entrance Signs approved by the City Council as an amenity of the development.

13.32.060 Signs Permitted In Non-Residential Zones

[13.32.060.1 Purpose And Intent Of The Signs In The Commercial And Industrial Zones](#)

[13.32.060.2 Specific Sign Regulations](#)

[13.32.060.3 CT, Commercial Transition Zones](#)

[13.32.060.4 NC-1, Neighborhood Commercial](#)

Signs in the commercial zones are intended to allow businesses to be identified and to

advertise products for sale in the commercial areas of the community. The commercial corridors are the most heavily traveled roadways in the City and signs should be attractive, inviting, and in scale with the commercial corridor. Signs should not dominate the streetscape, but rather be a component of a pleasing aesthetic environment.

The signs allowed shall be regulated by the following table:

	CC-1	GC-1	S-1	PO-1	NC-1	I-1 & I-2
A-Frame	P	P				
Awning Sign	P	P	P	P	P	
Billboards						P
Canopy	P	P	P			
Changeable Copy		P				
Directional	P	P	P	P	P	P
Freestanding	P	P				P
Menu	P	P	P			
Monument	P	P	P*	P		P*
Poster Panel	P	P	P			
Project			P*	P*		P*
Projecting	P					
Reader Board	P	P	P	P		P
Roof		P				
Suspended	P					
Wall	P	P*	P	P*	P*	P
Window	P	P	P	P	P	P

* Sign may have specific regulations above typical regulations

13.32.060.1 Purpose And Intent Of The Signs In The Commercial And Industrial Zones

Signs In The CC-1. Central Commercial Zone should complement the buildings in the district. Signs erected to advertise businesses in historic buildings should reflect the time period of the building. Businesses located in the Historic District may have additional requirements imposed by the Main Street program or other adopted historical preservation programs.

Signs In The GC-1. General Commercial Zone should complement the buildings in the district. Signs should enhance the built environment, improve traffic circulation, and allow business to effectively market their goods and services

Signs In The S-1. Special Highway Service Zone should be designed to serve the traveling public, complement the buildings in the district, enhance the built environment, improve traffic circulation, and allow business to effectively market their good and services.

Signs In The PO-1. Professional Office Zone should complement the buildings in the district, enhance the built environment, and identify the type of professional service offered.

Signs In The NC-1. Zone should complement the residential atmosphere and existing built environment of the district. The signs should be constructed of materials and colors consistent those used to construct residential dwellings and should not include backlit signage, neon signs and tubing, plastic facing, bright or Day-Glow colors, etc.

13.32.060.2 Specific Sign Regulations

A-Frame Sign. One A-frame sign per building or for a multi-tenant project one A-frame sign per fifty (50) feet of frontage on a public street is allowed provided:

- A. The A-frame sign does not exceed sixteen (16) square feet on each of the two faces on the A-frame sign.
- B. The A-frame sign shall satisfy the definition of an A-frame sign as defined in PCC 13.32.020.
- C. The A-frame sign shall not block or partially block any public sidewalk, trail, fire escape, or any portion of a street or roadway, or road right of way except in the Historic Downtown Area. A-frame signs in the Historic Downtown Area shall be allowed if the sign can be placed in a safe manner that does not violate state or federal laws. The size of the A-frames in this zone may be reduced to accommodate the placement in the public right of way.
- D. The A-frame sign shall not be backlit or contain lighting fixtures, or light emitting devices.
- E. The A-frame sign shall be kept in good repair, protected from weather by an appropriate covering or lamination and free from graffiti.
- F. The A-frame sign shall be placed in a safe location. Any A-frame sign determined by Payson City to create a safety hazard shall be removed or placed in a location approved by Payson City.
- G. The owner of each A-frame sign shall obtain a sign permit from the Development Services Department. The approval of an A-frame sign shall have a duration of

one (1) year at which time, the owner of an A-frame sign must apply for renewal of the sign permit. If the owner of an A-frame sign has violated any portion of this Section, the sign permit for an A-frame sign may not be renewed or may be revoked at any time and another permit may be denied for one (1) year.

Awning Sign. Awning signs, in place of wall signs, must function as true awnings by being placed over a doorway or window to protect from weather elements. The following provisions shall apply to awning signs:

- A. The awning sign may not extend more than eighteen (18) inches beyond each edge of a doorway or window.
- B. The height of the awning sign shall not exceed thirty (30) inches. The awning sign must project at least eighteen (18) inches but shall not exceed 48 inches.
- C. The sign copy may not exceed fifty (50) percent of the area of the front of the awning face.
- D. Only one awning sign may be allowed for each building, except that in a multi-tenant building one awning sign may be allowed for each unit if the awnings are consistent with an approved sign theme.
- E. An awning sign shall not project above the roofline, defined as the highest point of the vertical wall. Furthermore, the entire area of an awning sign shall be backed by the building face.
- F. An awning sign will not be approved on a structure that contains or is proposed to contain a wall sign.

Canopy Sign. The following provisions apply to signs for canopies:

- A. Sign copy and corporate logo signs shall not exceed thirty (30) percent of one face of the canopy. Two (2) sides of the canopy may be used for signs provided the thirty (30) percent of one face regulation is not exceeded.
- B. The individual letters, logos, or symbols shall not project beyond the face of the canopy more than eighteen (18) inches nor project above or below the canopy face.
- C. Gas price signs are not allowed as canopy signs. Changeable copy is not allowed on canopy structures.
- D. Signs painted on or affixed to canopies that are attached to a building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects.

Changeable Copy Sign. The following provisions shall apply to changeable copy signs:

- A. A changeable sign must be a portion of a freestanding, menu, or monument sign and satisfy the requirements of PCC 13.32.030.3 paragraph G.
- B. Changeable copy signs affixed to a building as a message board or menu sign shall be included in the calculation of a wall sign.

Directional Sign. Directional signs may be allowed as defined in PCC 13.32.020.

Freestanding Sign. The following provisions shall apply to freestanding signs:

- A. One (1) freestanding sign may be allowed for each parcel.
- B. The height of a freestanding sign shall be limited twenty (20) feet in height.
- C. The sign face of a freestanding sign shall not exceed one hundred (100) square feet.
- D. All freestanding sign supports must be covered with material used in the construction of the primary structure; and the pole covering must be a total width of four (4) feet.
- E. Multi-tenant and condominium projects are limited to one (1) freestanding sign that must include advertising for all tenants.
- F. Each tenant shall be allowed a permanent advertising space, not including reader board advertising.
- G. If a freestanding sign is erected, no additional freestanding or monuments signs will be permitted on the parcel unless otherwise stated in this Chapter. See PCC 13.32.030.3 paragraph D.
- H. Each freestanding sign shall include a landscaping planter consistent with the requirements of PCC 13.32.040.6.

Menu Sign. Menu signs are not allowed in the Historic District. Outside of the Historic District, three (3) of the following types of menu signs may be allowed per parcel and the following provisions shall apply to menu signs:

A. Freestanding Menu Sign, Not Noise Emitting.

1. The sign shall not exceed twenty (20) square feet nor be more than six (6) feet in height.

B. Freestanding Menu Sign, Noise Emitting.

1. The sign shall not exceed twenty (20) square feet nor be more than six (6) feet in height.
2. The sound device shall not violate the noise ordinance of the City.

3. The sound device shall be removed if it can be shown that the device has a negative impact on surrounding uses and the business has not taken steps to minimize negative impacts.
4. A sound device on a parcel adjacent to or facing a residential zone shall take precautions to minimize the noise effects on the residential neighbors.

C. Wall Mounted Menu Sign.

1. The sign shall not exceed twenty (20) square feet and the sign area shall be included in the calculation of the maximum area allowed for a wall sign.

Monument Sign. The following provisions shall apply to monument signs:

- A. Only one monument sign may be allowed per parcel except as allowed in PCC 13.32.030.3 paragraph D.
- B. The monument sign shall not exceed sixty-four (64) square feet nor be more than six (6) feet in height.
- C. In the S-1 Zone and the I-1 Zones the monument sign shall not exceed one hundred (100) square feet nor be more than ten (10) feet in height.
- D. The monument sign shall include architectural features and materials similar to those used in the construction of the primary building on at least fifty (50) percent of the monument sign.
- E. Multi-tenant and condominium projects are limited to one (1) monument sign that must include advertising for all tenants.
- F. Each tenant shall be allowed a permanent advertising space, not including reader board advertising.
- G. If a monument sign is erected, no additional monument or freestanding signs will be permitted on the parcel unless otherwise stated in this Chapter. See PCC 13.32.030.3 paragraph D.
- H. Each monument sign shall include a landscaping planter consistent with the requirements of PCC 13.32.040.6.

Poster Panel Sign. Poster panel and painted bulletin signs may be allowed, as defined in PCC 13.32.020 provided:

- A. No more than two (2) poster panels may be allowed on any building and shall not exceed twelve (12) square feet per sign, except that motion picture theaters may

have one (1) poster panel sign per theater screen, unless otherwise approved by the city council.

Project Sign. Project signs are allowed in the zones indicated below. All project signs shall include architectural features consistent with the approved design guidelines of the development to which the project sign belongs.

In the I-1 and I-2 Zones, a large-scale industrial project consisting of more than five (5) acres may be allowed to erect one (1) project sign within the project area. Subdivision or phasing of an industrial project for the purpose of erecting an additional project sign(s) will not be approved by the City Council. The project sign will be reviewed and approved as part of the Site Plan approval process consistent with PCC 13.18 and PCC 13.14.170.

Project signs shall not exceed thirty (30) feet in height and shall not contain more than two hundred fifty (250) square feet of sign face. The structural supports on a project sign shall incorporate materials and color schemes of the project. Any one entity may not exceed one hundred (100) square feet of sign face on the project sign.

A project sign in the PO-1 Zone shall only be allowed for project areas of larger than five (5) acres, with one (1) sign allowed per project area. The project sign shall be no more than twenty (20) feet in height nor have a sign face larger than two hundred (200) square feet and shall have a base consisting of masonry material.

The size of project signs in the GC-1 and S-1 Zones on projects below twenty-five (25) acres in size shall be governed by the following table:

Project Size	Sign Face	Sign Height
2 acres	200 Sq Ft	20 Feet
3 acres	300 Sq Ft	30 Feet
4 acres	400 Sq Ft	40 Feet
5-25 acres	500 Sq Ft	50 Feet

For projects larger than twenty-five (25) acres in the S-1 Zone, the City Council may approve exemptions to project sign height and square footage if the following conditions are met:

- A. The parcel where the sign is constructed abuts Interstate 15;
- B. The sign is located within three hundred (300) feet of Interstate 15 centerline;
- C. The applicant can demonstrate that an increase in sign height and square footage will not have a negative impact on adjacent properties.

If an exemption is granted by the City Council that meets the criteria outlined above, the sign shall not exceed seventy (70) feet in height and shall not exceed seven hundred fifty (750) total square feet of sign face. Signs that are granted an exemption may be used to advertise a single business.

Projecting Sign. Projecting signs may be allowed as defined in PCC 13.32.020 provided:

- A. The projecting sign may be allowed if it can be demonstrated to the Development Services Director that the sign is architecturally compatible with the building in terms of architectural period and consistent with the characteristics of the business.
- B. Projection signs will vary in size and configuration, but must be designed in scale with the building. In no case shall the sign project more than thirty-six (36) inches and the bottom of the sign shall be at least ten (10) feet above grade level.

Reader Board Sign. Reader Boards and Message Centers are allowed in designated commercial zones provided:

- A. The reader board or message center shall not exceed more than fifty (50) percent of the sign face area.
- B. The reader board or message center shall not obstruct the view of, or be confused with any authorized traffic signs, signal or device, or which makes use of the words “stop,” “look,” “drive-in,” “danger” or other words, phrases, symbols, or characters in a manner that would interfere with, mislead or confuse traffic.
- C. The area of the reader board or message center shall be included in the calculation of the allowable sign face for the business or project.
- D. The reader board or message center shall not exceed seventy-five (75) percent of the maximum wattage output of the reader board or message center.
- E. In the PO-1 Zone reader boards and message centers are only allowed for a human health care facility greater than ten thousand (10,000) square feet in size
- F. The interval between message changes on the reader board or message center shall not be more frequent than at least eight (8) seconds and the actual message rotation process shall be three (3) seconds or less in accordance with Utah Code § 72-7-505(1)(d).

Roof Sign. The following provisions shall apply to roof signs:

- A. One (1) roof sign, in place of all wall signs, may be allowed on a pitched-roof building provided the sign is placed on the pitch of the roof and below the peak as viewed from the public street in front of the building.

- B. The sign shall not exceed one hundred (100) square feet.
- C. The sign shall not project beyond the front line of the building.
- D. The sign supports shall not be visible from a public street.
- E. A roof sign will not be approved on a structure that contains or is proposed to contain a wall sign.
- F. Roof signs are not allowed on a flat roofed building or a building with a parapet wall.

Suspended Sign. Suspended signs, in place of wall signs, are allowed if the architecture of the building is appropriate to allow the proposed sign. The following provisions shall apply to suspended signs:

- A. The sign area shall not exceed nine (9) square feet, nor be greater than twenty-four (24) inches in vertical height. Furthermore, the sign shall be at least eight (8) feet above grade level.
- B. The sign shall not project beyond the outermost edge of the building, roof, pole, canopy or other structure from which the sign is hung.
- C. The sign area shall be included in the calculation of the maximum area allowed for a wall sign.

Wall Sign. The following provisions shall apply to wall signs:

- A. The number of wall signs allowed per building will be calculated according to the following:
 1. The sign(s) shall not be more than fifteen (15) percent of building face not to exceed five hundred (500) square feet, whichever is less. If wall signs are implemented, a wall sign must be placed near the primary entrance to the structure. Additional wall signs may be placed in other locations on the structure but shall not exceed the square footage as calculated above. The wall sign placed at the primary entrance shall be equal to or larger than any other sign placed on the structure
 2. The following provisions shall apply to wall signs in the *GC-1 Zone*: The sign(s) shall not be more than twenty (20) percent of building face not to exceed five hundred (500) square feet, whichever is less. If wall signs are implemented, a wall sign must be placed near the primary entrance to the structure. Additional wall signs may be placed in other locations on the structure but shall not exceed the square footage as calculated above. The wall sign placed at the primary entrance shall be equal to or larger than any other sign placed on the structure.

3. The following provisions shall apply to wall signs in the *S-1 Zone*: The sign(s) shall not be more than twenty-five (25) percent of building face not to exceed five hundred (500) square feet, whichever is less and no one sign shall exceed fifteen (15) percent. If wall signs are implemented, a wall sign must be placed near the primary entrance to the structure. Additional wall signs may be placed in other locations on the structure but shall not exceed the square footage as calculated above. The wall sign placed at the primary entrance shall be equal to or larger than any other sign placed on the structure.
4. The following provisions shall apply to wall signs in the *PO-1 Zone*: One (1) wall sign, not to exceed thirty-six (36) square feet, may be allowed per building. Multi-tenant buildings are limited to one (1) wall sign that indicates the location of each tenant. Buildings in excess of 50,000 square feet are allowed fifteen percent (15%) or five hundred (500) square feet whichever is less.

- B. The sign shall be proportionate to the scale of the building.
- C. Advertising painted on the wall of a building shall be considered a wall sign and must satisfy the provisions of this Chapter.
- D. A wall sign may contain changeable copy provided that the changeable copy sign be part of the calculation in paragraph B above and not exceed thirty-six (36) square feet.
- E. The sign shall not extend above the top of a wall or the eave of a building.
- F. Multi-tenant buildings: see PCC 13.32.030.3 paragraph F.
- G. A commercial structure may contain a wall sign on the side and/or rear wall of the building provided the side and/or rear of the building does not abut residential structures and are limited to one sign per wall face.

Window Sign. The following provisions shall apply to window signs:

- A. Window signs shall be used to identify the business, hours of operation, phone number, address, advertising of weekly specials and services and other general information about the business. Signs must be located on the interior of a window and shall not obstruct more than fifty percent (50%) of the window surface and are allowed without a permit.

13.32.060.3 CT, Commercial Transition Zones

Because there are several transition zones, signs in the CT-1 Zone shall be consistent with the requirements of the S-1 Zone, the signs in the CT-2, Zone shall be consistent with the requirements of the I-1, Zone and only signs allowed in residential zones shall

be allowed in the CT-3 Zone.

13.32.060.4 NC-1, Neighborhood Commercial

Signs in the NC-1 Zone should complement the residential atmosphere and existing built environment of the district. The signs should be constructed of materials and colors consistent those used to construct residential dwellings and should not include backlit signage, neon signs and tubing, plastic facing, bright or day-glo colors, etc.

The following regulations apply to signs in the NC-1 Zone:

- A. One wall sign will be allowed not to exceed thirty-six (36) square feet may be placed on a wall facing a public street. Changeable copy is not allowed on a wall sign in the NC-1 Zone.
- B. The sign shall be proportionate to the scale of the building and surrounding structures.
- C. Advertising painted on the wall of a building shall be considered a wall sign and must satisfy the provisions of this Chapter.
- D. The sign shall not extend above the top of a wall or the eve of a building.

13.32.070 Outdoor Advertising Structures (Billboards)

Outdoor advertising structures (billboards) shall be permitted only along Interstate I-15 and only in P-C, Planned Community Zone, the I-1, Light Industrial Zone and the I-2, Heavy Industrial Zone. Outdoor advertising structures shall be erected and maintained in conformance with the following provisions and must, at a minimum, satisfy state statute and the provisions of the Utah Department of Transportation. Each outdoor advertising structure shall:

- A. Have a maximum area of six hundred seventy-five (675) square feet per face.
- B. Advertising structures shall have a maximum height of forty (40) feet.
- C. All outdoor advertising structures shall be located behind the line of the required front yard setback of the zone in which the sign is located and a minimum of four hundred (400) feet from the nearest residential zone.
- D. Advertising structures shall be spaced with a minimum of one thousand (1,000) feet maintained between each outdoor advertising structure measured in any direction.
- E. Each outdoor advertising structure shall be limited to one (1) sign face, except when:
 - 1. Two (2) sign faces are mounted back-to-back with faces in parallel planes

- at a distance not to exceed four (4) feet.
2. Two (2) sign faces are mounted in a “V” configuration and the faces are attached on one end with a maximum distance of thirty (30) feet at the other end.
 3. Two (2) sign faces may be allowed if the total area of the sign faces is not greater than the maximum area for one (1) face, if both faces were originally erected together.
 4. Outdoor advertising structures must be issued a building permit prior to construction and satisfy all requirements of the adopted building codes.
 5. The owner or person in control of any sign shall be responsible for maintaining the sign including border, trims, faces, weight-bearing and bracing structures, and surrounding grounds or environment in a clean and safe manner. Signs shall not be allowed to deteriorate, and must be kept in good repair or removed.

13.32.080 Non-Conforming Signs

13.32.080.1 Non-Conforming Business Signs

All signs that have become non-conforming by the adoption of provisions contained within this Chapter, but were erected in conformance with a previous version of this Chapter shall be subject to the following regulations:

- A. Any sign or portion thereof declared unsafe by the City must be restored to a safe condition or removed within thirty (30) days of written notice of the unsafe condition.
- B. A non-conforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless the sign is changed to conform or more closely conform to all provisions of this Chapter. Alterations shall, among other things, mean:
 1. A change in the size of the sign face.
 2. Alterations shall not be interpreted to include changing the text or copy on outdoor advertising signs, theater signs, bulletins, other similar signs that are designed to accommodate changeable copy.
 3. Alterations shall not be interpreted to include cosmetic repairs.
- C. Non-conforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, acts of God, acts of the public enemy, or damaged by any other cause to the extent of more than sixty (60) percent of its

assessed value shall, if repaired or rebuilt, be repaired or built in conformity with the regulations of this Chapter or shall be removed.

- D. Payson City will accept proof provided by the owner of a sign indicating that the sign was erected in conformance with a previous version of this Chapter, if the City is unable to locate a permit or development file.

13.32.080.1 Non-Conforming Business Signs

Non-conforming businesses that are properly licensed in the City may install directory signs and one monument sign provided:

- A. The sign area of a monument sign shall not exceed thirty-two (32) square feet.
- B. There may not be more than one (1) monument sign for each parcel of property.
- C. The sign shall not exceed six (6) feet in height.
- D. The sign shall not project over a property line.
- E. The sign shall not be an off-premise sign.

13.34 Home Occupations

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13.34.010 Purpose And Intent

The following regulations have been established to provide minimum standards for the establishment and operation of home occupations within a residence. An applicant for a home occupation shall satisfy the requirements of this Chapter and all applicable requirements of this Title together with the regulations of PCC 3, Business License Ordinance.

Meeting these requirements does not constitute a right to a home occupation business license. The primary purpose of a residential zone is residential and any license may be denied based on impact to the neighborhood or any other reason determined by the Business License Specialist, Development Service Director or designee.

- A. The purpose and intent of this Chapter is to support business activities within a residence on a limited basis, if such activities comply with the standards of this Chapter. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal

conditions, would not be aware of its existence. Home occupations are a privilege that can be revoked if disruption of the residential neighborhood occurs.

- B. No home occupation shall be conducted without first obtaining a home occupation business license pursuant to this Chapter and other applicable provisions of the Payson City Code regulating businesses.
- C. The Business License Specialist may grant a home occupation business license, provided the use applied for satisfies all of the standards set forth in this Chapter.
- D. Home occupation business licenses are reviewable upon written complaint to the Business License Specialist. The Business License Specialist in reviewing such complaints shall have the authority to attach conditions to a home occupation to make it compatible with the surrounding neighborhood. If the Business License Specialist makes a finding that the home occupation is not compatible with the surrounding neighborhood they shall have the authority to take it to the City Council for further review or go through the revocation process described in PCC 3.
- E. As a matter of public policy, the City believes that commercial and industrial activities should be conducted in zones where such activities are specifically permitted. However, business activities may be conducted within residences located in any zone in the City if the business activity strictly complies with all of the following requirements.

13.34.020 Specific Use Considerations

Permitted uses for a home occupation will be determined based on the satisfaction of all general requirements found in PCC 13.34.030.

Some permitted home occupations require additional criteria to be met along with the general requirements found in PCC 13.34.030. The following information is additional criteria based on use:

- A. Barber and beauty shops provided the home occupation is limited to two service chairs that may be used only for hair or nail services, and not to include any other uses.
- B. Contractors, provided all outside storage of vehicles and equipment is contained within a building, except that one company vehicle may be parked outside of a building on premise.
- C. **Home Childcare Centers.** Any person conducting child care services in a residential zone is required to obtain a certificate or license from the Utah Department of Health. The number of children allowed at each location may not exceed eight (8) for a single caregiver and sixteen (16) for two caregivers. Childcare facilities with three (3) or fewer children, excluding the provider's own

children, are exempt from these regulations.

1. All childcare facilities must satisfy all federal, state and county requirements. These regulations shall not apply to those non-income producing childcare activities (i.e. babysitting cooperatives, babysitting exchanges).
2. All childcare facilities shall be allowed to provide outdoor playtime as required by federal, state, county and/or local laws governing such business activity.
3. All caregivers are required to complete a criminal background check. A business license will not be issued prior to receiving a certificate and/or report from the Bureau of Criminal Investigation and approval from the Utah Department of Health.

D. Instructional Studios. Any dwelling unit in which instruction is offered for piano, gymnastics, voice, art, dance, or similar activities provided that instruction is offered for no more than eight (8) students on the premises at the same time, excluding the instructor's own participating family members.

E. Preschool Instruction. All preschool establishments must obtain a license and satisfy all federal, state and county requirements. Each establishment is limited to eight (8) children, excluding the provider's own preschool aged children, on the premises at the same time. Preschool facilities with three (3) or fewer children, excluding the provider's own preschool aged children, are exempt from these regulations.

1. These regulations shall not apply to non-income producing preschool activities (i.e. informal instructional activities for preschool aged children).
2. All preschool facilities shall be allowed to provide outdoor playtime as required by federal, state, county and/or local laws governing such business activity.
3. All preschool providers are required to complete a criminal background check. A business license will not be issued prior to receiving a certificate and/or report from the Bureau of Criminal Investigation and approval from the Payson Police Department.
4. All preschools facilities shall follow Utah State Code with regards to location and proximity distances to controlled substances such as tobacco, alcohol, cannabis etc.

F. Pet Grooming Provided.

1. The home occupation is limited to two (2) large or medium tables and one (1) portable table that may be used only for grooming services, and not to

include any other uses.

2. A portion of the backyard must be fenced and designated as an area to allow safe, brief outdoor time to relieve dogs.
3. Appropriate assurances must be provided that animal waste will be properly removed and will not negatively impact adjacent properties. The proposed waste disposal system must be reviewed and approved by the wastewater department.
4. Kenneling of pets is not allowed on the premises.

13.34.030 Application And Approval Required

Home occupations may be permitted in the appropriate zones and are subject to the following conditions:

A. General Requirements.

1. Each applicant for a home occupation shall submit a complete application form provided by the Business License Specialist together with a site plan indicating the portion of the home that will be used for the home occupation that includes any significant features of the request.
2. The applicant for a home occupation shall reside in the residence for which the permit is being sought.
3. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those customarily provided for residential uses.
4. The home occupation shall be registered with the City. No more than one home occupation shall be approved per residence unless the applicant can demonstrate to the Business License Specialist that the additional home occupation(s) will not impact the residential nature of the area and does not create any additional stress or impact on the neighborhood. The Business License Specialist has the discretion to approve, deny, or require the request to be taken to the City Council for consideration.
5. In the case of a primary residence and accessory apartment both requesting a home occupation license, both shall demonstrate to the Business License Specialist that the two home occupations will not impact the residential nature of the area and does not create any additional stress or impact on the neighborhood.
6. If the applicant for a home occupation is not the legal owner of the residence, the applicant shall present to the Business License Specialist, in writing, permission from the legal owner of the residence to conduct the

activities proposed.

7. Inspection during reasonable hours by City Officials may occur as necessary to assure compliance with these regulations.
8. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
9. The home occupation shall not require alterations to the exterior of the residence or to enclose the garage or carport area. The residence shall maintain the general character and appearance of a residential dwelling and shall not unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reason of color, design, materials, construction, lighting, sounds, or vibrations.
10. Interior alterations for accommodating the home occupation are prohibited if such alteration eliminates any of the following; the kitchen, dining area, bathrooms, living room or all of the bedrooms or off street parking.
11. The area used for the home occupation shall not exceed twenty-five (25) percent of the dwelling or five hundred (500) square feet, whichever is less.
12. Incidental storage related to the home occupation may be located in the dwelling unit, but shall not be located in any yard space, covered patios or carports. Storage may be allowed in an attached or detached garage, or in a fully enclosed accessory building, but such storage area shall not exceed four hundred (400) square feet. Required parking must be maintained in accordance with PCC 13.10.
13. The home occupation shall not contain facilities for the display of goods. The sale of commodities shall be limited to items produced on the premises, or items that are incidental to the service provided, (i.e. a beautician selling hair care products to clientele). Direct retail sales may be allowed in a legal non-conforming residential dwelling in a commercial zone, provided the requirements of this Chapter are satisfied, including the provision of off-street parking and compliance with the delivery limitations of this Chapter.
14. Signs shall satisfy the requirements found in PCC 13.32.
15. Entrance to the home occupation from outside shall be the same entrance normally used by the residing family except when required otherwise by regulation of the State Health Department or other public agency or to satisfy the International Building Code, as may be amended, and ANSI standard 117 A.
16. The physical appearance, traffic, and other activities in connection with the home occupation are not contrary to the intent of the zone in which the

home occupation is located.

17. Garage, yard or other similar sales do not constitute a home occupation and are exempt from these provisions.

B. Patrons.

1. Visitors, customers, or vehicular traffic shall not exceed that normally and reasonably occurring for a residence in the neighborhood where the home occupation is located and shall be conducted so that the neighborhood will not be significantly impacted by its existence.
2. No visitors in conjunction with the home occupation (clients, patrons, students, pupils, etc.) shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.
3. Promotional meetings for the purpose of selling merchandise, taking orders, or training shall not be held more than once per month.

C. Employees.

1. Family members living in the dwelling for which a home occupation has been approved may be employed in such residence without constraint.
2. Recognizing that for the purposes of some home occupation activities additional employees may be necessary or practical. As a conditional use in accordance with PCC 13.28, the City Council may allow one (1) employee not residing on the premises during appropriate daytime business hours to work at the location of a home occupation.

D. Vehicles and Parking.

1. Vehicles or equipment may not be used primarily for the purposes of advertising the home occupation at the site of the home occupation.
2. Only one vehicle may be used in association with the home occupation. The vehicle used for the home occupation shall be limited to a maximum size of a one-ton vehicle. A business shall not be permitted that requires receipt or delivery of merchandise, goods, or equipment by other than a passenger motor vehicle or by parcel or letter carrier mail service using vehicles typically employed in residential deliveries. No deliveries by semi-tractor\trailer truck are permitted. There shall be no storage or parking of tractor-trailers, semi-trucks, or other heavy equipment on the premises or on the streets in the vicinity of the premises of a home occupation, except that not more than one truck of one-ton or less may be parked during off hours.

In the case of contractors, there shall be no outside storage of vehicles or

equipment on or off site that is not contained within a building, except that one company vehicle may be parked outside of a building on premise.

3. All vehicles, including customer, client and employee vehicles must be provided off-street parking at the location wherein the home occupation is being conducted.

E. Accessory Structures.

The home occupation should be conducted entirely within a dwelling.

If the nature of the home occupation requires items to be produced outside of the dwelling the applicant must meet the following requirements:

1. Production must be conducted on the same lot as the dwelling.
2. The home occupation must not be a prohibited home occupation.
3. Production nor storage shall not be conducted within view of the street.
4. The accessory build shall only be used for:
 - a. Production for home occupations that cannot be reasonably conducted in the primary dwelling. If the home occupation grows or is determined, by the Business License Specialists or City Council, to be an impact to the neighborhood or has frequent patronage, the home occupation license will be terminated and the business will need to move to an approved commercial location and obtain a commercial business license.
 - b. Storage of product for the business that were not made on-site.
 - c. Shall not be a showroom or place to conduct business.
 - d. Customers are not allowed into the accessory building.
5. Square footage of the accessory building will count towards the maximum square footage allowed for the home occupation.
6. The applicant must demonstrate to the Business License Specialist that there is not additional impacts to the neighborhood including, but not limited to, noise, smell, light or additional traffic from patrons, deliveries or shipments.

The Business License Specialist will determine if the applicant meets the requirements for conducting production outside of the dwelling.

Swim Lessons shall be exempt from the accessory structure limitations described in this Chapter. Swim lesson as home occupations shall obtain approval from the

Utah County Health Department for the proposed activity. Documentation from the Health Department is required prior to the issuance of a swim lesson home occupation business license. The yard must be fenced.

- F. The applicant for a home occupation shall complete a home occupation application and submit it to the business license department for review and pay all applicable fees before a the license shall be issued.
- G. A home occupation business license shall be valid for one (1) year from the date of issuance. The business license must be renewed prior to the expiration date of the previous business license. Prior to issuance of a renewed business license, all applicable fees shall be paid and all necessary inspections must be completed. Although Payson City will make every attempt to provide at least a two (2) week notice to each business owner of an expiring license, the ultimate responsibility to renew the business license rests with the business owner.
- H. If a license is not renewed prior to the expiration of a previous license, the applicant shall be subject to a late fee. The late fee assessed is dependent upon the lateness of the business license renewal as follows:
 - 1. 1-30 days past due, grace period. No late fee.
 - 2. 31-60 days past due, \$15.00 late fee plus an additional \$15.00 per each month thereafter late.
 - 3. 90 days or more past due:
 - a. License becomes inactive
 - b. The business owner must reapply for a license, new application fees will apply (new expiration date will be one year from the original expiration date)
 - c. Citation for operating without a license may be issued

13.34.040 Continuing Obligation

All home occupations shall be operated in compliance with the conditions herein. Upon approval of a home occupation, a license to operate shall be obtained from the City. It shall be unlawful to operate a home occupation without first obtaining a license from the City. The license shall be refused or revoked upon failure of the owner or operator to maintain the home occupation in accordance with the standards and requirements as herein set forth at the time of approval.

13.34.050 Compliance With Federal, State And Local Laws

Home occupations shall satisfy all applicable federal, state and local laws, adopted building (including plumbing, electrical and mechanical) and fire codes, specifically

including the Americans with Disabilities Act. Any home occupation that requires approval from another governing agency shall obtain approval from the agency and provide written documentation to the City.

Payson City encourages the majority of business activities to be conducted in appropriate commercial zones. The provisions of this Chapter shall not be used to avoid compliance with other regulations of this Title.

13.34.060 Prohibited Uses

Home occupations must be conducted in a manner that will not negatively affect the character, health, safety or general welfare of the zoning district. The following business activities or practices are not allowed as home occupations:

- A. Medical, dental, teeth whitening, implants, Botox and other healthcare services that generate medical waste or present sanitation risks
- B. Tattooing, microblading, scarification
- C. Tanning and hot tubs.
- D. Laser treatment of any kind to a living body
- E. Onsite massage
- F. Vehicle repair, including by not limited to, auto-body repair, engine repair, vehicle mechanics, vehicle lube & tune-up or vehicle painting.
- G. Onsite vehicle wash
- H. Wrecking yard
 - I. Impound yard
- J. Stables or Kennels
- K. Onsite repair of major appliances (washers, refrigerators, ranges etc.)
- L. Storage or sale of fireworks
- M. Hazardous materials as defined by local, state and federal guidelines and substances that could have a negative impact on public utility systems.
- N. Any use determined by the Business License Specialist to jeopardize the health and safety of city residents. The decision of the Business License Specialist to deny an application may be appealed to the City Council in accordance with PCC 13.46.

13.36 Cellular And Low Power Towers

13.36.010 Purpose And General Provisions

13.36.020 Specific Definitions: Cellular And Low Power Towers

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13.36.010 Purpose And General Provisions

The purpose of this Chapter is to provide standards and regulations for the height, location and general design of low power communication towers in Payson City. The requirements of this Chapter apply to both commercial and private low power radio systems such as cellular or Personal Communication Systems (PCS), and paging systems. All facilities approved under this Chapter shall comply with these regulations and all other ordinances of Payson City and any pertinent state or federal regulations.

Each facility shall be considered as a separate use and an annual business license shall be required for each such facility. Uses exempted by the regulations of the Federal Communications Commission shall still be required to obtain a business license to operate a facility, however no fee shall be charged for such uses.

The staff will review each application for approval to ensure that the proposed facility is compatible with the height and mass of existing buildings and utility structures and that co-location of antennas or other structures is possible without significantly altering the existing facility. The facility shall blend with existing vegetation, topography and buildings. The location of a facility may not create a detrimental impact to adjoining property owners.

13.36.020 Specific Definitions: Cellular And Low Power Towers

The following list of definitions is provided to add clarification to the terms used in this Chapter. If further clarification of these terms is required, it will be given by the Payson City Board of Adjustment.

ANTENNA. A transmitting or receiving device used in telecommunications that radiates or captures radio signals.

GUYED WIRE TOWER. An open steel frame supported by guyed wires that extend 80% of the height of the structure away from the structure.

LATTICE TOWER. A self-supporting, multiple sided, open steel frame structure used to support telecommunications equipment.

LOW POWER RADIO SERVICES FACILITY. An unmanned structure that consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

MONOPOLE. A single cylindrical steel or wood pole that acts as the support structure for antennas.

ROOF MOUNTED ANTENNA. An antenna or series of antennas mounted on an existing roof, mechanical room or penthouse of a building.

WALL MOUNTED ANTENNA. An antenna or series of antennas mounted against the vertical wall of a building or structure.

WHIP ANTENNA. An antenna that is cylindrical in shape that can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

13.36.030 Approval Process

All applications for approval of a low power tower or cellular or PCS facility will be reviewed by the staff. Staff will review the size, height, color, accessory facilities, and general nature of the proposed tower. Staff may recommend conditions on any tower to address the items detailed above and any other appropriate conditions.

If the proposed tower is a permitted use in the zone, the application may be approved administratively by staff. The staff may require the applicant for installation of any tower to obtain approval by the City Council if deemed necessary. All applications that require a Conditional Use Permit for approval of a low power radio tower or cellular or PCS facility shall be processed in accordance with PCC 13.28 and consistent with other land use applications administered under PCC 13 and PCC 12. Staff shall prepare a concise report indicating any inconsistencies with requirements of this Chapter along with options for approval, approval with conditions, or denial of the application.

Any interested party, including the applicant may appeal the action of the Council to the Payson City Board of Adjustment provided such appeal is submitted to the Board within ten (10) days of the Council decision. If the decision has not been appealed within ten (10) days of the decision, the action shall be final.

13.36.040 Types Of Structures

Low power radio tower, cellular, or PCS facilities are characterized by the type or location of the antenna structure. The five general types of such antenna structures include wall mounted, roof mounted, monopoles less than two feet in diameter, monopoles greater than two feet in diameter, and lattice towers. Standards for installation and construction of each type of structure are listed below:

- A. **Wall Mounted Antenna.** An antenna or series of antennas mounted against the vertical wall of a building or structure. Structures include, but are not limited to, buildings, smoke stacks, water tanks, and grain elevators. Wall mounted antennas are a permitted use in the industrial zones of Payson City and on City

owned property, and a conditional use in the agriculture and commercial zones of Payson City (see Chart 1). Any wall mounted antenna shall comply with the following standards:

1. Wall mounted antennas shall not extend above the wall line of the structure more than four (4) feet, nor shall it protrude more than four (4) feet from the wall.
2. Wall mounted antennas and associated equipment shall be painted to match the color of the predominant background against which they are most commonly seen. All support structures and antennas should be architecturally compatible with the building or structure. Whip antennas are not allowed on a wall mounted antenna structure.
3. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.
4. The owner of any structure on which a wall-mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

B. Roof Mounted Antenna. An antenna or series of antennas mounted on the roof, mechanical room, or penthouse of a building or structure. Roof mounted antennas are a permitted use on City owned property and a conditional use in the industrial and commercial zones of Payson City (see Chart 1). Any roof mounted antenna shall comply with the following standards:

1. Roof mounted antennas may only be erected on buildings or structures with a flat roof and shall be screened, constructed and/or colored to match the structure on which they are located.
2. Antennas must be setback from the edge of the structure no less than one (1) foot for every one (1) foot of vertical antenna height to a maximum height of ten (10) feet. In no case shall a roof-mounted antenna be located closer than five (5) feet from the edge of the structure on which it is erected.
3. If any associated equipment is located on the ground, it shall be enclosed by a sight obscuring fence and landscaped to match the surrounding landscaping or to the satisfaction of the Planning Commission.
4. The owner of any structure on which a roof-mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

C. Monopole Structures Less Than Two (2) Feet in Width. A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of

antennas. Monopole structures less than two (2) feet in width are a permitted use in the industrial zones of Payson City and on City owned property, and a conditional use in the commercial and agriculture zones of Payson City (see Chart 1). These types of structures are intended to be placed on light poles, light standards, flagpoles and other existing or planned vertical structures. The following requirements must be satisfied prior to construction of a monopole less than two (2) feet in width:

1. The total antenna structure mounted on a monopole shall not exceed two (2) feet in width or diameter nor exceed ten (10) feet in height. The entire monopole itself shall not exceed sixty (60) feet in height.
2. No monopole antenna shall be placed in or within two hundred (200) feet of a residential zone.

D. Monopole Structures Greater Than Two (2) Feet in Width. A single cylindrical steel or wooden pole that acts as the support structure for an antenna or series of antennas. Monopole structures Greater than two (2) feet in width are a permitted use in the industrial zones of Payson City and on City owned property, and a conditional use in the commercial and agriculture zones of Payson City (see Chart 1). The following requirements must be satisfied prior to construction of a monopole greater than two (2) feet in width:

1. The actual antennas and antenna support structure on a monopole shall not exceed thirteen (13) feet in width and eight (8) feet in height.
2. No monopole shall be erected within two hundred (200) feet of a residential zone or within a one half mile radius to another monopole tower unless grid documentation is supplied by an independent consultant stating that co-location will create an unreasonable hardship.
3. All monopoles shall be less than sixty (60) feet in height unless the tower is designed for co-location of antenna structures. In the case of co-location, the height of the tower may be increased by twenty (20) feet for each potential co-location not to exceed three (3) potential co-locations or one hundred (100) feet in total monopole height.
4. Co-location of more than one antenna structure is a permitted use on all approved monopoles and is approved administratively by the staff.
5. The applicant must supply the city with a letter indicating that if technology renders the tower obsolete or the tower is vacated the applicant will remove the tower and all associated equipment within ninety (90) days of the vacation of the tower.
6. Monopole towers may not be constructed in the required setback, landscape buffer area, or required parking area of any zone.
7. All associated equipment located on the ground, shall be enclosed by a

sight obscuring fence and landscaped similar to surrounding landscaping or to the satisfaction of the City Council.

8. The owner of any property on which a monopole tower mounted antenna is located must, in person or in writing, agree to all conditions of approval including the removal of a vacated antenna.

13.36.050 Location And Criteria For Conditional Use

Payson City strongly supports the placement of facilities on existing structures and co-location of two or more towers. The staff, Planning Commission, and City Council may use the following criteria for determining necessary conditions to ensure:

- A. The proposed facility is compatible with the height and mass of existing buildings and utility structures.
- B. That co-location of antennas or other structures is possible without significantly altering the existing facility.
- C. That the facility blends with existing vegetation, topography and buildings including color and screening.
- D. That location of a facility will not create a detrimental impact to adjoining property owners.
- E. That sufficient guarantee for removal of a vacated facility are in place.

The chart below indicates where low power radio communication towers, facilities, and antennas may be located in Payson City and what type of approval is required.

Type of Facility	Residential Zones	Commercial Zones	Industrial Zones	Agricultural Zones	City Owned Property	Payson High School
Lattice Tower	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted	Not Permitted
Monopole Tower	Not Permitted	Conditional Use	Permitted Use	Conditional Use	Permitted Use	Permitted on Athletic Field Light Poles Only
Roof Mounted Facility	Not Permitted	Conditional Use	Conditional Use	Not Permitted	Permitted Use	Not Permitted
Wall Mounted	Not Permitted	Conditional	Permitted	Conditional	Permitted	Not Permitted

Facility	d	nal Use	d Use	nal Use	Use	
Mounted on Existing Structure	Not Permitted	Conditional Use	Conditional Use	Conditional Use	Conditional Use	Not Permitted

13.36.060 Landscaping And Color

The applicant for a tower facility shall submit a landscaping plan consistent with the requirements of this Title. Applicants are encouraged to provide attractive and appropriate landscaping that is consistent and compatible with surrounding uses. At a minimum, landscaping shall consist of complete erosion control and the elimination of noxious weeds. The applicant for a tower facility shall submit a color scheme for the proposed tower. The City may require the tower to be a specific color if it can be shown that a specific color will aid in an attempt to have the tower better blend into the background.

13.36.070 Alternate Electric Generation Systems

[13.36.070.1 Purpose And Objectives](#)

[13.36.070.2 Definitions: Alternate Electric Generation Systems](#)

[13.36.070.3 Permitted And Prohibited Uses](#)

[13.36.070.4 Site And Design Requirements](#)

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[13.36.070.6 General Interconnection Requirements And Safety Measures](#)

[13.36.070.7 Application For Interconnection](#)

[13.36.070.8 Generation Limitation](#)

[13.36.070.9 Special Conditions](#)

13.36.070.1 Purpose And Objectives

The purpose of this Chapter is to oversee the permitting of alternative electric generating facilities and to establish rules for determining the terms and conditions governing the interconnection of alternative electric generating facilities with a nameplate generating capacity of not more than 5 kilowatts to the electric system of Payson City.

13.36.070.2 Definitions: Alternate Electric Generation Systems

ELECTRIC SYSTEM means all electrical wires, equipment, and other facilities owned or provided by the utility that are used to transmit electricity to customers.

ALTERNATIVE ELECTRIC GENERATING FACILITY means a source of electricity owned by the applicant or generator that is located on the applicant’s side of the point of common coupling, and all facilities ancillary and appurtenant thereto, including interconnection facilities, which the applicant requests to interconnect to the utility’s electric system.

GENERATOR means the entity that owns and/or operates the alternative electrical generating facility interconnected to the utility's electric system.

INTERCONNECTION means the physical connection of an alternative electric generating facility to the electric system so that parallel operation may occur.

INTERCONNECTION AGREEMENT means the standardized terms and conditions that govern the interconnection of generating facilities pursuant to these rules. The model interconnection agreement may be modified to accommodate terms and conditions specific to individual interconnections, subject to the conditions set forth in this Chapter.

INTERCONNECTION FACILITIES means the electrical wires, switches and other equipment used to interconnect a generating facility to the electric system.

NET METERING means measuring the difference between the electricity supplied by the utility and the electricity generated by an alternative electric generating facility that is fed back to the utility over the applicable billing period.

PARALLEL OPERATION or OPERATING IN PARALLEL means the synchronous operation of a generating facility while interconnected with the utility's electric system.

UTILITY means Payson City that owns and operates the electrical distribution system, or the electrical distribution system itself, onto which the applicant seeks to interconnect a generating facility.

13.36.070.3 Permitted And Prohibited Uses

- A. Pole mounted towers are permitted in all zones upon issuance of a building permit and compliance with all applicable regulations. No more than one (1) tower shall be permitted per parcel.
- B. Roof mounted systems shall be permitted for solar power only. No wind energy systems shall be permitted on the roof of a structure.
- C. Commercial wind power generating facilities (wind farms) shall not be permitted. Commercial solar power generating facilities may be permitted as approved by the City Council.

13.36.070.4 Site And Design Requirements

A permit must be obtained prior to the installation of an alternative electric generating facility. The application must be accompanied by stamped plans from a structural engineer licensed in the State of Utah.

- A. The following minimum setback requirements shall apply to all alternative electric generating facilities. Each setback is measured from the property line of the lot or parcel, unless otherwise noted herein.

1. Alternative electric generating facilities shall be set back a distance equal to one hundred ten (110) percent of the tower height, including blade length, from any neighboring habitable structures, overhead utility lines, and public roads or public right-of-ways. The setback shall accommodate the potential buildable area of an adjoining parcel.
 2. The alternative electric generating facility shall not be located in the area between the front of a structure and the front property line.
 3. At least five (5) feet shall be maintained between the tower and any structure on the subject parcel.
- B. Facilities associated with alternative electric generating facilities shall not be located within an easement or right-of-way.
- C. Alternative electric generating facility towers shall be non-reflective and maintain a galvanized steel finish or painted to conform the tower to the surrounding environment.
- D. Towers shall not have any sign, writing, or picture that may be construed as advertising or be used for any purpose other than support of the associated equipment.
- E. All access doors, climbing apparatuses, or access ways to towers and electrical equipment shall remain locked and inaccessible by the public.
- F. Alternative electric generating facilities shall not exceed sixty (60) decibels, as measured at the closest property line.
- G. Each facility is required to contain an electronic data collection system that records information such as daily data acquisition, wind conditions, and power generation of the alternative electric generating facilities.
- H. The permit holder must adhere to the requirements of any agency having legal authority to regulate electric generating facilities, including, but not limited to, the Federal Aviation Administration (FAA) and the Federal Communications Commission (FCC).

13.36.070.5 Height Requirements

- A. The height of the tower shall not exceed fifty-five (55) feet, including the turbine and rotor blades for small wind systems.
- B. The minimum distance between the ground and any part of the rotor blade system shall be twenty (20) feet.

13.36.070.6 General Interconnection Requirements And Safety Measures

A. General Interconnection Requirements.

1. The generator shall comply with the requirements of paragraphs A,1,a through A,1,c. However, at its sole discretion, the utility may approve alternatives that satisfy the intent of, and/or may excuse compliance with, any specific elements of these requirements.
 - a. Code and Standards. Applicant shall conform to all applicable codes and standards for safe and reliable operation. Among these are the National Electric Code (NEC), National Electric Safety Code (NESC), the Institute of Electrical and Electronic Engineers (IEEE), American National Standard Institute (ANSI), and Underwriters Laboratories (UL) standards, and local, state and federal building codes. The generator shall be responsible to obtain all applicable permit(s) for the equipment installations on its property.
 - b. Safety. All safety and operating procedures for joint use equipment shall comply with the Occupational Safety and Health Administration (OSHA) Standard 29, CFR 1910.269, the NEC, Utah Administrative Code (UAC) rules, the Utah Industrial Safety and Health Administration (UISHA) Standard, and equipment manufacturer's safety and operating manuals.
 - c. Power Quality. Installations will comply with all applicable standards including IEEE Standard 519-1992 Harmonic Limits.

B. Specific Interconnection Requirements.

1. Applicant shall furnish and install on applicant's side of the meter, a UL-approved safety disconnect switch that shall be capable of fully disconnecting the applicant's generating facility from the utility's electric system. The disconnect switch shall be located adjacent to utility meters and shall be of the visible break type in a metal enclosure which can be secured by a padlock. The disconnect switch shall be accessible to utility personnel at all times.
2. The requirement in paragraph B,1 may be waived by the utility if: (i) applicant provides interconnection equipment that applicant can demonstrate, to the satisfaction of the utility, performs physical disconnection of the generating equipment supply internally; and (ii) applicant agrees that its service may be disconnected entirely if generating equipment must be physically disconnected for any reason.
3. The utility shall have the right to disconnect the generating facility at the disconnect switch under the following circumstances: when necessary to maintain safe electrical operating conditions; if the generating facility

does not meet required standards; if the generating facility at any time adversely affects or endangers any person, the property of any person, the utility's operation of its electric system or the quality of the utility's service to other customers; or failure of the owner of record, as filed with the utility, to notify the utility of a sale or transfer of the generator, interconnection facilities or the premises on which the generator is located.

4. Nominal voltage and phase configuration of applicant's generating facility must be compatible to the utility system at the point of common coupling.
5. Applicant must provide evidence that its generation will never result in reverse current flow through the utility's network protectors. All instances of interconnection to secondary spot distribution networks shall require review and written pre-approval by the utility. Interconnection to distribution secondary grid networks is not allowed. Closed transition transfer switches are not allowed in secondary network distribution systems.

C. Requirements applicable to all inverter-based interconnections. Any inverter-based generating facility desiring to interconnect with the utility's electric system or modify an existing interconnection must meet the technical specifications, in their most current approved version, as set forth below.

1. IEEE Standard 1547-2003, Standard for Interconnecting Distributed Resources with Electric Power Systems.
2. UL Standard 1741, Inverters, Converters, and Controllers for use in Independent Power systems, Equipment must be UL listed.
3. IEEE Standard 929-2000, IEEE Recommended Practice for Utility Interface of Photovoltaic (PV) Systems.

D. Requirements applicable to all non-inverter-based interconnections. Non-inverter based interconnection requests may require more detailed review, testing, and approval by the utility, at applicant cost, of the equipment proposed to be installed to ensure compliance with applicable technical specifications, in their most current approved version, including:

1. IEEE Standard 1547-2003, Standard for Interconnecting Distributed Resources with Electric Power Systems.
2. ANSI Standard C37.90, IEEE Standard for Relays and Relay Systems Associated with Electric Power Apparatus.
3. Applicants proposing such interconnection may also be required to submit a power factor mitigation plan for utility review and approval.

- E. The owner shall obtain a building permit and certification by a professional engineer licensed in the State of Utah as to the safety of equipment and installation.
- F. Sufficient safety measures to prevent the tower from becoming a climbing hazard shall be implemented.
- G. Procedures for emergency shutdown of power generation units shall be established and posted prominently and permanently within three (3) feet of the meter panel.

13.36.070.7 Application For Interconnection

- A. When an applicant requests interconnection from the utility, the applicant shall be responsible for conforming to the rules and regulations that are in effect. The applicant seeking to interconnect an alternate electric generating facility under these rules must fill out and submit a signed application form. Information must be accurate, complete and approved by the utility prior to installing the generating facility.
- B. **Application Fees.** The utility requires a non-refundable interconnection application fee of \$100.00, with a \$5.00 monthly service fee. The applicant shall also pay for the cost of the net meter.
- C. **Application Evaluation.** All generating interconnection requests pursuant to this Chapter will be reviewed by the utility for compliance with these rules. If the utility in its sole discretion find that the application does not comply with this Chapter, the utility may reject the application. If the utility rejects the application it shall provide the applicant with written notification stating its reasons for rejecting the application.

13.36.070.8 Generation Limitation

Towers connected to the Payson City power grid are limited to the generation of five (5) kilowatts (kW). Wind conversion systems shall not be connected to the power grid until authorization to install an interconnected customer-owned turbine has been granted by the Payson Power Department. All wind conversion systems connected to the utility grid shall satisfy all applicable codes and standards.

13.36.070.9 Special Conditions

- A. The customer shall pay for the net energy used in accordance with the following formula:
 - 1. The customer shall pay for all electric energy supplied by the city to the customer in any billing period in excess of the amount of electric energy produced by the customer on the premises that is fed back into the city's

electric distribution system during that same billing period.

2. The customer shall receive a credit for all electrical energy produced by the customer on the premises which is fed back into the city's electrical distribution system during a billing period in excess of the amount of electric energy supplied by the city during that billing period, with such credit applied to the customer's future bills, except that any electric energy credit balance remaining in favor of the customer under the provisions of this paragraph at the time of their April billing each year shall be zeroed out with no further liability to the city and no credit to the customer for said balance.
 3. In the event the customer terminates service under this electric service schedule, any electric energy credit balance in favor of the customer under the provisions of this paragraph of this Section shall be forfeited. The city will not make cash payment to customers based on their participation in the Net Metering Program for energy produced by the customer that is fed into the city's electric distribution system.
- B. The price for electric energy provided to, or credited to, a customer participating in the Net Metering Program shall be the price charged by the city under the provisions of the electric service schedule for which the customer receives service absent this electric service Net Metering Program.
- C. The Net Metering Program billing adjustment only applies to charges for energy. Participating customers are subject to all other charges, rates, terms and conditions of the electric service schedule under which the customer receives service except as expressly altered by this electric service Net Metering Program.
- D. The customer will release to City all renewable energy credits (RECs), solar renewable-energy credits (S-RECs), or other renewable attributes as appropriate based on actual on-site electric generation from the Renewable Resource.

The customer shall be responsible for any damage caused by the customer-generating facility to the City's distribution system and/or neighboring services. The customer shall be responsible for the installation and maintenance of applicable protection equipment, and for any damage caused by improper application, maintenance of faulty equipment. Payson City shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a net metering facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

If an alternative electric generating facility is not functional, operational, or maintained for a period of one (1) year, it shall be deemed abandoned. The owner, upon notification, shall immediately dismantle and remove the wind tower and associated appurtenances and restore the site.

13.38 Condominiums

13.38.010 Purpose And Intent

13.38.020 Permitted Uses

13.38.030 Approval Process And Documentation

13.38.040 Layout And Improvement

13.38.050 Utility And Facility Requirements

13.38.060 Conversions

13.38.010 Purpose And Intent

The intent of this Section is to establish guidelines dealing specifically with design, construction and operation of condominium projects. Each condominium project must satisfy the requirements of State statute (Utah Code § 57-8 et. al.), the requirements found in this Chapter, and all other zoning, site development, health, building or other ordinances which may be applicable to the particular condominium project.

13.38.020 Permitted Uses

Uses permitted within a condominium project shall be limited to those uses specifically permitted within the zone that underlies the area of the project, and shall be subject to all conditions and restrictions required within the zone for the use.

If it is determined that there are violations of applicable zoning ordinances or other requirements, the City Council may deny the condominium project until such violations have been corrected, or grant preliminary approval subject to correction of the violations. Preliminary approval will only be granted provided an adequate performance guarantee in the form of an irrevocable letter of credit or cash is provided by the applicant. The amount of the guarantee shall be proposed by the applicant and approved by the City Council. All violations shall be corrected prior to final approval.

13.38.030 Approval Process And Documentation

Because condominium projects include the division of ownership, the procedure leading to approval of a condominium project shall be the same as set forth in PCC 12.14 of the Subdivision Ordinance. At a minimum, the following documents shall be prepared and submitted by the developer for each condominium project:

- A. A record-of-survey map accurately drawn to scale as required by Utah Code § 57-8-13 (1953 as amended), must be submitted for review. The map shall be prepared by a registered land surveyor using a scale no smaller than one inch to equal 100 feet.
- B. The articles of incorporation, corporation by-laws, and declaration of covenants, conditions, restrictions and management policies/declaration of condominium management agreement.
- C. Open space easements.

- D. Documents transferring adequate water to the City.
- E. Record of survey map/final subdivision plat (when applicable).
- F. The waiver of all animal rights in accordance with City standards that may result from a non-conforming use upon the adoption of this ordinance.

Where, in the opinion of the City Council, a particular document as required under this Chapter is inapplicable for the particular condominium project proposed, the City may waive the requirement for submitting the document.

It shall be unlawful to record any survey map or declaration of a condominium project in the office of the County Recorder, unless the same shall bear thereon final approval of the City Council as required by the terms of this ordinance. Any owner, or agent of any owner, of land or units located within a purported condominium project, who transfers or sells any land, structure, or condominium unit in a purported condominium project, before obtaining final approval from the City Council shall be guilty of a misdemeanor for each lot, parcel of land, structure or condominium unit so transferred or sold.

13.38.040 Layout And Improvement

Each proposed condominium project shall conform to the following minimum standards:

Residential Projects.

- A. All off-street parking shall be regulated pursuant to PCC 13.10.
- B. Common storage area in an amount of not less than 100 square feet per dwelling unit shall be provided for the storage of recreation vehicles, boats, and enclosed in a sight-obscuring fence or wall.
- C. Each unit within the project shall have an appurtenant private patio, deck, balcony, atrium, or solarium with a minimum area of 130 square feet. The space shall be designed for the sole enjoyment of the unit owner, and shall have a shape and size that would allow for optimal usable space.
- D. Provision of an area containing not less than ten (10) percent of the total area of the project shall be set aside as common open space for the use and enjoyment of the residents. The area shall be landscaped in accordance with City standards. The location and design shall be such that the area is easily accessible to all residents. Land used for parking, driveways, vehicle storage and similar uses, and the areas required to meet the front setback or the area devoted to peripheral planting, shall not be included in meeting this requirement.
- E. Upon receipt of an application for approval of a condominium project, the Building Inspector, and potentially the Fire Chief, must review the proposed building plans for consistency with the adopted building and fire codes and the regulations of State statute.

Commercial Projects.

- A. Each commercial condominium project shall satisfy the parking off-street requirements of PCC 13.10.
- B. Each use in a commercial condominium project shall be a permitted use in the zone where the project is located, or, if the proposed use is allowed as a conditional use in the zone, obtain a Conditional Use Permit prior to approval of the project.
- C. Each commercial condominium project shall provide an area containing not less than ten (10) percent of the total area of the project set aside as common open space. The common area shall be completely landscaped and include appropriate facilities and amenities such as benches, tables, garbage cans and other features that will be used for the enjoyment of the employees utilizing the designated common areas.
- D. Upon receipt of an application for approval of a condominium project, the Building Inspector and the Fire Chief must review the proposed building plans for consistency with the adopted building and fire codes and the regulations of State statute.

13.38.050 Utility And Facility Requirements

All units shall be separately metered for water, gas, electricity, and sewer, unless the covenants, conditions and restrictions provide for an Owner's Association to pay the costs of services. Each unit shall be provided with readily accessible individual shut-off valves. All storage and solid waste receptacles outside of units must be approved by Payson City.

13.38.060 Conversions

The requirements of this Chapter shall apply to the approval of condominium projects involving new construction, as well as projects involving the conversion of existing structures. Any request to convert an existing building into areas of separate ownership shall satisfy the regulations of this Chapter, the provisions of PCC 13.38 Condominiums, and the following:

- A. A property report and plan of improvement repairs must be prepared for review by the Building Inspector and Fire Chief to determine if such plans comply with the applicable building and fire codes. The City shall conduct an inspection of the property and may require supplementation, revision, and resubmission of the property report should it be determined that substantial discrepancies exist or inspections indicate report statements are not supported by facts, requirements, or sound construction practices.

- B. Upon preliminary review, the Building Inspector shall note corrections, repairs, and replacements which must be made to bring the structure into Code compliance, together with a list of renovation improvements proposed by the developer but not required by the Code. The Building Inspector may recommend denial until such time as existing violations of Code are corrected or may recommend preliminary approval of the project and building report, subject to the condition that violations be corrected prior to final approval.
- C. Preliminary approval will only be granted provided an adequate performance guarantee in the form of an irrevocable letter of credit or cash is provided by the applicant. The amount of the guarantee shall be proposed by the applicant and approved by the City Council. All violations shall be corrected prior to final approval.

13.40 Relocation Of Buildings And Manufactured Housing

13.40.010 Purpose And Intent

13.40.020 Standards And Procedures

13.40.030 Manufactured Housing

13.40.010 Purpose And Intent

Since moved buildings have often been constructed in a time period prior to the adoption of a building code, and are frequently left in an unsafe and unattractive condition, extra precautions shall be taken to insure that the buildings meet the code and that the appearance of the premises is in keeping with buildings in the surrounding area.

13.40.020 Standards And Procedures

A permit shall not be issued for the moving of any building that has had prior use, from one site within the city to another site within the City or from a site outside of the City to a site within the City without a pre-inspection being made of the building by the Building Official prior to moving. The fee for conducting a pre-inspection shall be established by resolution of the City Council. The following information shall be filed with the Building Official at the time the application is made:

- A. Location and address of the old and new site.
- B. Plan of the new location, showing adjacent lots on all sides of the property and indicating all structures and improvements on the lots.
- C. Plans and specifications for the proposed improvements at the new location, including plans for landscaping.
- D. Photographs of the buildings to be moved.

Before a permit to move a building may be granted, the applicant shall post a bond

sufficient to cover costs of improvements as set forth in the city ordinances.

Moved buildings must comply in every way with this ordinance and the requirements of the adopted building codes.

13.40.030 Manufactured Housing

Payson City allows manufactured housing in accordance with Utah State law and specifically Utah Code § 10-9a-514 (1953 as amended).

In all cases, manufactured housing shall be consistent with, and satisfy all of the requirements of the zone in which the unit is proposed to be located.

13.42 Special Needs Housing

[13.42.010 Purpose](#)

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[13.42.030 Definitions: Special Needs Housing](#)

[13.42.040 Residential Facilities For Persons With A Disability](#)

[13.42.050 Residential Facilities For Elderly Persons](#)

[13.42.060 Long Term Care Facilities \(Assisted Living Centers, Convalescent Centers, Nursing Homes Or Rest Homes And Skilled Nursing Facilities\)](#)

[13.42.070 Continuing Care And Extended Care Facilities](#)

[13.42.080 Development Standards](#)

[13.42.090 Reasonable Accommodation](#)

[13.42.100 Zoning Considerations](#)

13.42.010 Purpose

The purpose of this Chapter is to comply with Utah Code § 10-9a-516 (1953 as amended), to avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the Federal Fair Housing Act, to provide housing opportunities for elderly persons in need of continuous care, and to provide housing opportunities for persons with unique medical needs.

13.42.020 Scope

This Chapter is intended to be in addition to and not replace any other zoning regulations of the Payson City Code. All applicable use, density and configuration requirements shall apply to special needs housing. If any facility, residence, congregate living or other housing arrangement satisfies the definition of Special Needs Housing as described in this Chapter, the requirements of this Chapter shall govern. The provision herein may be more stringent than the fundamental stipulations of Utah Code and unless superseded by local, state or federal law shall apply to all Special Needs Housing. However, the regulations of this Chapter shall not be construed to prohibit or limit other

applicable provisions of this Title, the Payson City Code, or other local, state or federal law.

13.42.030 Definitions: Special Needs Housing

The following definitions are unique to this Chapter and shall be limited to the provisions of this Chapter. If a word or phrase is not defined in this Section, the word or phrase shall have the meaning defined in PCC 13.04 or the most common meaning listed in the latest version of the Webster's New World Dictionary.

ASSISTED LIVING CENTER. A long-term care facility licensed by the State that offers twenty-four (24) hour room and board and health care services including basic nursing care, rehabilitation, and other similar therapies, treatments and programs.

CONVALESCENT CENTER. A long-term care facility licensed by the State that offers twenty-four (24) hour room and board and health care services including extensive medical care and other similar therapies, treatments and programs to elderly persons.

CONTINUING CARE FACILITY. A facility intended to provide short-term medical assistance for a patient that may be discharged from a hospital, but is still in need of regular medical attention.

EXTENDED CARE FACILITY. A facility intended to provide long-term medical assistance for a patient that may be discharged from a hospital, but is in need ongoing medical attention. Extended care is not defined as permanent residence and a specific length of stay should be indicated by the medical provider.

FOSTER-CARE HOME. A dwelling unit wherein room, board, care and supervision are provided by the resident family under the approval and supervision of the State Division of Social Services or other placement agency licensed by the state to provide for children who are unrelated to the resident.

LONG TERM CARE FACILITY. A generic term intended to encapsulate the following definitions included in this Section: Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes.

NURSING HOME OR REST HOME. A long-term care facility licensed by the State that offers twenty-four (24) hour room and board and health care services including intermediate and skilled nursing care, rehabilitation, and other similar therapies, treatments and programs.

RESIDENTIAL FACILITY FOR ELDERLY PERSONS. A single-family or multi-family dwelling unit that meets the requirements of Utah Code § 10-9a-516 (1953 as amended) and does not include a health care facility as defined by State Law.

RESIDENTIAL FACILITY FOR PERSONS WITH A DISABILITY. A dwelling unit or residence in which more than one person with a disability resides, conforms to the

regulations of Utah Code § 10-9a-516 (1953 as amended), and is licensed or certified by:

- A. The Utah Department of Human Services under Utah Code 62A-2, Licensure of Programs and Facilities; or
- B. The Utah Department of Health under Utah Code 26-21, Health Care Facility Licensing and Inspection Act.

RETIRED PERSON (ELDERLY PERSON). A retired person (elderly person) is a person that is no longer receiving compensation for work completed in behalf of an employer. A retired person (elderly person) shall be a person of sixty (60) years of age or older as defined in Utah Code § 62A-3-101(2) (1953 as amended).

SKILLED NURSING FACILITY. An establishment that houses chronically ill (not to include mental illnesses) patients and provides long-term nursing care, rehabilitation, and other services.

13.42.040 Residential Facilities For Persons With A Disability

Residential facilities for persons with a disability are allowed only in the zoning districts listed in PCC 13.42.100. All residential facilities for persons with a disability shall satisfy all regulations of Utah Code § 10-9a-516 (1953 as amended) and the following:

- A. Each residential facility for persons with a disability shall be required to obtain all permits, satisfy all building and fire codes and satisfy all health regulations as any other structure in the same zoning district.
- B. The exterior appearance of a residential facility for persons with a disability will not be allowed if the structure is modified or constructed in a manner that alters the residential character of the neighborhood.
- C. Each facility shall satisfy all regulations of the underlying zone and the development standards listed in PCC 13.42.080.

13.42.050 Residential Facilities For Elderly Persons

Residential facilities for elderly persons are allowed only in the zoning districts listed in PCC 13.42.100. All residential facilities for elderly persons shall satisfy all regulations of Utah Code § 10-9a-516 (1953 as amended) and the following:

- A. Each residential facility for elderly persons shall be required to obtain all permits, satisfy all building and fire codes and satisfy all health regulations as any other structure in the same zoning district.
- B. The exterior appearance of a residential facility for elderly persons will not be allowed if the structure is modified or constructed in a manner that alters the

residential character of the neighborhood.

- C. Each residential facility for elderly persons shall satisfy all regulations of the underlying zone and the development standards listed in PCC 13.42.080.

13.42.060 Long Term Care Facilities (Assisted Living Centers, Convalescent Centers, Nursing Homes Or Rest Homes And Skilled Nursing Facilities)

[13.42.060.1 Classification](#)

[13.42.060.2 Specific Regulations](#)

[13.42.060.3 Allowable Uses](#)

[13.42.060.4 Density Calculations](#)

For the purposes of this Section, a Long Term Care Facility is a generic term intended to encapsulate the definitions found in PCC 13.42.030 of the following: Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes and Skilled Nursing Facilities.

13.42.060.1 Classification

Each Long Term Care Facility shall be classified in accordance with the definitions included in PCC 13.42.030. It is the responsibility of the applicant to demonstrate the type of facility, assurances that the classification will not be altered and to produce and maintain all licenses and permits to operate the facility.

13.42.060.2 Specific Regulations

Long Term Care Facilities are allowed only in the zoning districts listed in PCC 13.42.100. All Long Term Care Facilities shall satisfy all regulations of the underlying zone, PCC 13.42.080 and the following:

- A. All patrons shall satisfy the definitions of this Chapter and Utah Code.
- B. Requests for approval of a Long Term Care Facilities shall be processed as a conditional use and comply with the provisions of this Section, PCC 13.42.080 and any other applicable regulation found in the development ordinances of Payson City, specifically PCC 13.28. The provisions of this Section, PCC 13.42.080 and PCC 13.28 are hereby established as the criteria for the imposition of conditions by the City Council.
- C. An applicant may seek approval to operate more than one type of Long Term Care Facility in a single location (i.e. a combination of one or more of the following: Assisted Living Centers, Convalescent Centers, Nursing Homes or Rest Homes and Skilled Nursing Facilities). The City Council is under no obligation to approve the operation of more than one type of Long Term Care Facility in a single location.

- D. The minimum setback, lot area, and frontage requirements of the underlying zone may be modified to accommodate the allowable density. Furthermore, multiple structures may be allowed on a single parcel of land.

13.42.060.3 Allowable Uses

The following uses, and no others, are allowed in conjunction with Long Term Care Facilities:

- A. Lodging accommodations for residents, supervisory, security and counseling staff
- B. Areas for preparation and serving of meals
- C. Areas to satisfy the recreational needs of the residents
- D. Office space for supervisory, security and counseling staff
- E. Medical and therapy equipment, supplies and facilities consistent with the licensure of the applicant

Any use of a Long Term Care Facility for a purpose other than defined herein may result in revocation of the Conditional Use Permit needed to operate a Long Term Care Facility.

13.42.060.4 Density Calculations

Long Term Care Facilities shall be calculated as Equivalent Residential Units (ERU's). The number of ERU's shall be calculated using the following criteria:

Number Of Beds Allowed In Non-Residential Zones. The number of beds allowed in a Long Term Care Facility in non-residential zones is calculated by multiplying thirty (30) beds by the number of acres in the project. For instance, if there are three (3) acres in the project, the applicant may be allowed to have ninety (90) beds in the Long Term Care Facility. For the purposes of this Section, the number of units per acre shall be calculated using net acreage exclusive of roadway improvements. The calculation is completed for each bed, not each bedroom because there may be more than one bed in a bedroom. The number of beds allowed includes any supervisory, security or counseling staff that reside at the center.

Infrastructure Considerations. An applicant seeking approval of a Long Term Care Facility shall provide information about the utility service demands of the facility to the City Engineer for review. If it is determined that the Long Term Care Facility will place inordinate demand on public infrastructure, the applicant will be required to upgrade the infrastructure to mitigate the impact and restore the service level consistent with the underlying zone.

13.42.070 Continuing Care And Extended Care Facilities

[13.42.070.1 Classification](#)

[13.42.070.2 Specific Regulations](#)

[13.42.070.3 Allowable Uses](#)

[13.42.070.4 Density Calculations](#)

13.42.070.1 Classification

Each Continuing Care and Extended Care Facility shall be classified in accordance with the definitions included in PCC 13.42.030. It is the responsibility of the applicant to demonstrate the type of facility, assurances that the classification will not be altered and to produce and maintain all licenses and permits to operate the facility.

13.42.070.2 Specific Regulations

Continuing Care and Extended Care Facilities are allowed only in the zoning districts listed in PCC 13.42.100. All Continuing Care and Extended Care Facilities shall satisfy all regulations of the underlying zone, PCC 13.42.080 and the following:

- A. All patrons shall be under the care of a licensed physician and residing at the Continuing Care or Extended Care Facility in order to receive continuing medical treatment.
- B. Treatment for drug and/or alcohol abuse, mental illness, or anger management is not allowed in a Continuing Care or Extended Care Facility.
- C. Requests for approval of a Continuing Care or Extended Care Facility shall be processed as a conditional use and comply with the provisions of this Section, PCC 13.42.080 and any other applicable regulation found in the development ordinances of Payson City, specifically PCC 13.28. The provisions of this Section, PCC 13.42.080 and PCC 13.28 are hereby established as the criteria for the imposition of conditions by the City Council.

13.42.070.3 Allowable Uses

The following uses, and no others, are allowed in conjunction with a Continuing Care or Extended Care Facility:

- A. Lodging accommodations for patrons, nursing and medical staff
- B. Areas for preparation and serving of meals
- C. Areas to satisfy the rehabilitation needs of the patrons
- D. Office space for nursing and medical staff
- E. Medical and therapy equipment, supplies and facilities consistent with the licensure of the applicant

Any use of a Continuing Care or Extended Care Facility for a purpose other than defined herein may result in revocation of the Conditional Use Permit needed to operate a Continuing Care or Extended Care Facility.

13.42.070.4 Density Calculations

Each Continuing Care or Extended Care Facility shall satisfy the density provisions of the underlying zone. Due to the nature of Continuing Care and Extended Care Facilities, density shall be calculated as Equivalent Residential Units (ERU's). The number of ERU's shall be calculated using the two following (2) criteria:

Number Of Beds Allowed In Residential Zones. With the supposition that there are approximately three (3) bedrooms per household the number of beds allowed in a Continuing Care or Extended Care Facility is calculated by multiplying the number of units allowed per acres in the underlying zone by three (3). For instance, if there are three (3) units per acre allowed in the underlying zone, the Continuing Care or Extended Care Facility would be allowed nine (9) beds per acre. For the purposes of this Section, the number of units per acre shall be calculated using net acreage exclusive of roadway improvements. The calculation is completed for each bed, not each bedroom because there may be more than one bed in a bedroom. The number of beds allowed includes any nursing or medical staff that reside at the facility.

Number Of Beds Allowed In Non-Residential Zones. The number of beds allowed in a Continuing Care or Extended Care Facility in non-residential zones is calculated by multiplying twenty (20) beds by the number of acres in the project. For instance, if there are three (3) acres in the project, the applicant may be allowed to have sixty (60) beds in the Continuing Care or Extended Care Facility. For the purposes of this Section, the number of units per acre shall be calculated using net acreage exclusive of roadway improvements. The calculation is completed for each bed, not each bedroom because there may be more than one bed in a bedroom. The number of beds allowed includes any supervisory, security or counseling staff that reside at the center.

Infrastructure Considerations. An applicant seeking approval of a Continuing Care or Extended Care Facility shall provide information about the utility service demands of the facility to the City Engineer for review. If it is determined that the Continuing Care or Extended Care Facility will place an inordinate demand on public infrastructure, the applicant shall be required to upgrade the infrastructure in a manner that will mitigate the impact and restore the service level consistent with the underlying zone.

13.42.080 Development Standards

[13.42.080.1 Building, Safety And Health Regulations](#)

[13.42.080.2 No Dangerous Persons Permitted](#)

[13.42.080.3 License And Certification](#)

[13.42.080.4 Design Criteria](#)

The development standards set forth in this Section shall apply to special needs housing as described herein.

13.42.080.1 Building, Safety And Health Regulations

All special needs housing shall comply with any building, fire, safety, and health regulations applicable to similar structures, specifically to include the following:

- A. Each facility shall be subject to the same development standards applicable to similar 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 and consistent with PCC 13.10.

13.42.080.2 No Dangerous Persons Permitted

A facility permitted by this Chapter shall not be made available to an individual:

- A. who would constitute a direct threat to the health or safety of another individual.
- B. who has a history of physical damage to property or others.
- C. who is subject to incarceration, confinement, or placed in the facility on an involuntary basis.

13.42.080.3 License And Certification

Prior to occupancy of any facility, the person or entity operating the facility shall:

- A. Provide to Payson City a copy of any license or certification required by the Utah State Department of Health or the Utah Department of Human Services.
- B. Certify in a sworn statement that the facility will be operated in a manner consistent with the request of the applicant.

13.42.080.4 Design Criteria

Each special needs housing facility shall be designed to be in harmony with surrounding uses. The following design criteria apply specifically to each facility:

- A. A facility that is located in an area that includes primarily single story dwellings above grade, the center may be confined to a single story above grade.
- B. The City may require specific design elements be incorporated into the project to

maintain the fundamental character of the neighborhood.

- C. The massing of the facility shall be compatible with other structures in the vicinity. Therefore, in some instances the facility may be designed to be a single large structure, and in other instances the center will need to be several smaller structures.
- D. The kitchen and dining area of the facility shall not be less than twenty-five (25) percent of the finished square footage or greater than fifty (50) percent of the finished square footage of the structure.

13.42.090 Reasonable Accommodation

None of the requirements of this Chapter shall be interpreted to limit any reasonable accommodation necessary to allow the establishment or occupancy of a residential facility for elderly persons or persons with a disability.

13.42.100 Zoning Considerations

The following list represents the zones where the land uses regulated by this Chapter are allowed. The type of approval required is also indicated in the list. Conditional uses will be processed in accordance with PCC 13.28.

Use	Zone Allowed	Type of Approval
Assisted Living Center	PO-1, R-1-75, R-2-75	Conditional
Convalescence Center	PO-1	Conditional
Continuing Care Facility	PO-1 (only within 1/4 mile of accredited hospital)	Conditional
Extended Care Facility	PO-1	Conditional
Nursing or Rest Home	PO-1, R-1-75, R-2-75	Conditional
Residential Care Facility for Persons with a Disability	All Residential Zones	Permitted
Residential Care Facility for Elderly Persons	All Residential Zones	Permitted
Skilled Nursing Center	PO-1, R-1-75, R-2-75	Conditional
Foster-Care Home	All Residential Zones	Permitted

13.44 City Beautification

[13.44.010 Authority](#)

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[13.44.040 Dangerous Buildings](#)

[13.44.050 Maintenance Of Landscaping](#)
[13.44.060 Maintenance Of Vacant Parcels](#)
[13.44.070 Maintenance Of Structures](#)
[13.44.080 Pest And Rodent Control](#)
[13.44.090 Maintenance Of Parking Lots](#)
[13.44.100 Sale Of Private Vehicles On Public Property](#)
[13.44.110 Yard Sales And Temporary Events](#)
[13.44.120 Compliance With Sign Ordinance, Chapter 13.32](#)
[13.44.130 Yard Sale And Other Temporary Signs](#)
[13.44.140 Maintenance Of Curb, Gutter And Sidewalks](#)
[13.44.150 Restrictions On Parking Of Large Trucks And Trailers, And Other Vehicles, And Storage Of Hazardous Materials](#)

13.44.010 Authority

13.44.010.1 Application

In accordance with Utah Code § 10-9a-101 et. seq., the City Council has adopted this Chapter in order to provide for the health, safety and general welfare of the citizens of Payson City. Further, this Chapter is adopted to promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the City and its present and future inhabitants and businesses. It is the intent of the City Council to protect the tax base, property values, light and air, and air quality. Adherence to this Chapter will secure economy in governmental expenditures, maximize energy efficiency, foster agricultural and other industries, improve transportation and transportation alternatives, reduce costs of infrastructure and public facilities, and encourage appropriate vegetation, trees and landscaping.

The City Council also hereby incorporates as though fully set forth herein, the provisions of Utah Code § 76-10-801 et seq. to define, control, eliminate, and set the punishment for any nuisance offense occurring within the city.

13.44.010.1 Application

The provisions of this Chapter apply to all land use types including, but not limited to, residential, commercial and industrial uses whether specifically stated or not.

13.44.020 Definitions: City Beautification

The following definitions are unique to this Chapter and are in addition to those found in PCC 13.04. If any further definition is required to interpret the meaning or objective of any section of this Chapter, the definition or interpretation shall be offered by the Payson City Board of Adjustment.

- A. Dangerous Buildings are structures that are defined by the building code adopted by Payson City as such, or structures that are found by the City Council

to present a danger to the health, safety, or general welfare of any resident of Payson City.

- B. Parking Lots are areas used primarily for the temporary parking of vehicles in commercial projects. Parking lots are further defined in PCC 13.10.
- C. Permitted Signs are those outdoor advertising devices specifically permitted in accordance with PCC 13.32.
- D. Prohibited Signs are those outdoor advertising devices that are not specifically permitted in accordance with PCC 13.32.
- E. A Public Nuisance is a crime against the health, safety, or general welfare of any citizen of the City as defined in PCC 13.44.030.
- F. Residential Landscaping for the purposes of this Chapter is defined as complete erosion control and the elimination of all noxious weeds.
- G. Commercial and Industrial Landscaping for the purposes of this Chapter is defined as complete erosion control, elimination of noxious weeds, and enhancement of commercial and industrial areas in compliance with all landscaping standards of this Title.
- H. A Structure is any improvement upon the property including dwellings, barns, sheds, kennels, and any other manmade improvement to the property.
 - I. Temporary Events are activities of a temporary nature that are not seeking approval of permanent structures or uses. Temporary Events are further defined in PCC 13.24.
- J. Temporary Signs are those outdoor advertising devices allowed on a temporary basis in accordance with PCC 13.32.
- K. Vacant Parcels are legally separated, unimproved parcels of property that do not contain a primary structure. A vacant lot may contain accessory structures such as barns, sheds, fences, corrals, etc.
- L. Yard sales are activities by landowners for the sale or trade of household or other private goods.

13.44.030 Public Nuisance

[13.44.030.1 Purpose](#)

[13.44.030.2 Definitions: Public Nuisance](#)

[13.44.030.3 Nuisance - Definition](#)

[13.44.030.4 Exceptions](#)

[13.44.030.5 Responsibility For Nuisances](#)

[13.44.030.6 Finding Of Nuisance](#)

[13.44.030.7 Voluntary Compliance](#)

[13.44.030.8 Citation](#)

- [13.44.030.9 Other Remedies](#)
- [13.44.030.10 Inspection](#)
- [13.44.030.11 Penalty](#)

13.44.030.1 Purpose

The purpose of this ordinance is to provide a means for the City and individuals to identify nuisances within the City and to provide a means for correcting or abating the nuisances. The City needs the ability to abate nuisances in order to protect the health and safety of the public, to foster neighborhood stability, to preserve the appearance, character and beauty of neighborhoods, to encourage community pride, to preserve the value of property, and to protect the general welfare of the City and its citizens, businesses and visitors. This ordinance provides for progressive enforcement measures to abate nuisances.

13.44.030.2 Definitions: Public Nuisance

ABATE means to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner and to such an extent as the community officer determines is necessary in the interest of the general health, safety and welfare of the community.

COMMUNITY OFFICER means an employee hired by the City to enforce this ordinance.

COMPLETION DATE means the date by which the responsible person must abate a nuisance. The completion date is originally set by the community officer in the voluntary compliance agreement.

EMERGENCY means a situation, which, in the opinion of the community officer, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

OWNER means any person who, alone or with others, has title or interest in any building or premise(s), with or without accompanying actual possession thereof. For the purpose of giving notice, the term "Owner" also includes any person in physical possession.

PREMISE(S) means a plot of ground, whether occupied or not.

PROPERTY means a building or structure, or the premise(s) on which the building or structure is located, or undeveloped land.

PUBLIC PLACE means an area generally visible to public view and includes alleys, bridges, driveways, parking lots, parks, plazas, sidewalks, streets, and buildings open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

RESPONSIBLE PERSON means the person(s) responsible for correcting or abating a

nuisance pursuant to this ordinance. The responsible person includes the property owner and/or any person who causes or permits a nuisance to occur or remain upon property in the City, and includes but is not limited to the owner(s), lessor(s), lessee(s), or other person(s) entitled to control, use and/or occupy property where a nuisance occurs. In cases where there is more than one responsible person, the City may proceed against one, some or all of them.

13.44.030.3 Nuisance - Definition

This Section defines “nuisance” by providing five general definitions of what constitutes a nuisance (paragraph A), and then providing specific examples of situations, conduct or activities that constitute nuisances (paragraph B). The purpose of the general definitions is to allow the City to classify an offending situation, conduct or activity as a nuisance, even though the situation, conduct or activity may not be listed as a nuisance in the specific examples. The first three general definitions are taken directly from Utah State law. The purpose of listing the specific examples is to identify some of the specific situations, conduct and activities that the City intends to abate as nuisances.

A. General Definitions Of Nuisance. Any activity that meets any one or more of the five definitions set forth below shall constitute a “nuisance” if it occurs within the City of Payson:

1. **Nuisance as defined In Utah Code § 78-38-1(1).** Anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
2. **Nuisance As Defined In Utah Code § 76-10-801.** 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.
3. **Nuisance As Defined In Utah Code § 76-10-803.** Unlawfully doing any act or omitting to perform any duty, which act or omission:
 - a. annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons;
 - b. offends public decency;
 - c. 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
 - d. in any way renders three or more persons insecure in life or the use of property. An act which affects three or more persons in any of the ways specified in this paragraph is still a nuisance regardless of the extent to which the annoyance or damage inflicted on individuals is unequal.

4. **Nuisance.** A condition which:

- a. wrongfully annoys, injures, or endangers the comfort, repose, health or safety of others; or
- b. unlawfully interferes with, obstructs or tends to obstruct, or render dangerous for passage, any public park, square, street or highway, or any other public place; or
- c. in any way renders other persons insecure in life, or in the use of property, and which affects the rights of an entire community or neighborhood, although the extent of the damage may be unequal.

5. **Specific Nuisances Listed In Paragraph B.** Anything specifically listed as a nuisance in paragraph B.

B. Nuisances Enumerated. Every situation, conduct or activity listed below constitutes a nuisance and may be abated pursuant to this ordinance. The listed examples are not exhaustive; a situation, conduct or activity not listed below, but coming within one of the general definitions of nuisance listed above, shall also constitute a nuisance. The first six listed nuisances are also listed as nuisances pursuant to Utah Code § 78-38-9:

1. **Drug Houses.** Every building or premise(s) where the unlawful sale, manufacture, service, storage, distribution, dispensing, or acquisition of any controlled substance, precursor, or analog specified in Utah Code 57-37 (Utah Controlled Substances Act) occurs.
2. **Gambling.** Every building or premise(s) where gambling is permitted to be played, conducted, or dealt upon as prohibited in Utah Code 76-10 Part 11 (Gambling) which creates the conditions of a nuisance as defined in PCC 6.04.130 Declaration of Nuisance.
3. **Gangs.** Every building or premise(s) wherein criminal activity is committed in concert with two or more persons as provided in Utah Code § 76-3-203.1.
4. **Party Houses.** Every building or premise(s) where parties occur frequently which create the conditions of a nuisance as defined in PCC 6.04.130.
5. **Prostitution.** Every building or premise(s) where prostitution or the promotion of prostitution is regularly carried on by one or more persons as provided in Utah Code 76-10 Part 13 (Prostitution).
6. **Weapons.** Every building or premise(s) where a violation of Utah Code

76-10, Part 5 (Weapons) occurs on the premise(s).

7. **Unsafe Condition.** A condition that unreasonably or unlawfully affects the health or safety of one or more persons.
8. **Fire Hazard.** A fire hazard.
9. **Noxious Emanations.** Emanation of noxious or unreasonable odors, fumes, gas, smoke, soot or cinders.
10. **Noxious Weeds.** Noxious weeds located on vacant lots or other property, along public sidewalks or the outer edge of any public street, or weeds in any other location that constitute a fire hazard or are unsightly. Undeveloped lots that have weeds, grass or other growth which constitute an existing or potential fire hazard shall be abated by the owner of the property. Weed abatement compliance shall be accomplished by pulling, discing, plowing or mowing weeds as to not exceed six inches from the ground. The City shall survey properties within the City and identify those needing abatement and then serve notice in writing upon the owner or occupant of such land in person or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as indicated by the records of the County Assessor. The notice shall require the owner or occupant as the case may be to abate the weeds by a specific time, which shall not be less than ten (10) days from the date of service of such notice. One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year.
11. **Refuse.** Keeping or storing of any refuse or waste matter that interferes with the reasonable enjoyment of nearby property.
12. **Stagnant Water.** Polluted or stagnant water that constitutes an unhealthy or unsafe condition.
13. **Improper Accumulations.** Accumulation of soil, litter, debris, plant trimmings, or trash, visible from the street or an adjoining property.
14. **Accumulation Of Junk.** Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets, or other fixtures or equipment stored so as to be visible from a public street, alley, or adjoining property. However, nothing herein shall preclude the placement of stacked firewood for personal non-commercial use on the premise(s).
15. **Attractive Nuisances.** Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken, or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools.
- 16.

Vegetation. Dead, decayed, diseased, or hazardous trees, weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, or which is likely to harbor rats, vermin or other pests.

17. **Dust.** Any premise(s) which causes excessive dust due to lack of landscaping, non-maintenance or other cause.
18. **Improper Storage.** The keeping, storing, depositing or accumulating on the premise(s) or in the public right-of-way for an unreasonable period of time dirt, sand, gravel, concrete, or other similar materials, or maintenance of such material on public rights-of-way. Material stored as part of an active construction project shall not be considered a nuisance.
19. **Garbage Can.** The leaving of any garbage can or refuse container in the street, other than on collection day, for more than 24 hours after the collection day.
20. **Construction Equipment.** Construction equipment or machinery of any type or description parked or stored on property when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery.
21. **Improper Sign.** Improper maintenance of a sign; or signs that advertise a business that is no longer extant on the property.
22. **Improper Parking Or Storage.**
 - a. It shall be unlawful to park, store or leave or permit the parking, storage, or leaving of any licensed or unlicensed motor vehicle of any kind, including boats, trailers or vehicle parts, and recreational vehicles, or a part or parts thereof which is in a wrecked, junked, partially dismantled, dismantled, or inoperative condition, whether attended or not, upon any property in the City for a period of time in excess of 72 hours, except that 2 or less vehicles or part or parts thereof may be stored within a building, or placed behind an opaque screening fence six feet in height, and except that such vehicles and part or parts thereof may be within a junkyard or automobile wrecking yard or motor vehicle repair establishment lawfully established and licensed pursuant to this code.
 - b. For purposes of this Section, a motor vehicle shall be deemed to be inoperative if any of the following conditions exist:
 - (1) The engine, transmission, or other mechanical part has

been removed so that the motor vehicle may not be operated under its own power.

(2) The vehicle is stored or parked other than on its wheels.

(3) More than one tire is flat.

(4) It has not been registered under the Utah Motor Vehicle Act for a period in excess of 18 months.

(5) It has not been operated under its own power for a period in excess of 18 months.

23. **Hazardous Conditions.** Any wall, sign, fence, gate, hedge, or structure maintained in such condition of deterioration or disrepair as to constitute a hazard to persons or property.

24. **Graffiti.** Graffiti that remains on the exterior of any building, fence, sign, or other structure and is visible from a public street.

25. **Improper Maintenance.** Maintenance of buildings and/or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:

a. Any building or structure which is unfit for human habitation, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, or which presents an unreasonable fire hazard in the vicinity where it is located; or

b. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of City ordinances, or any use of land, buildings or premise(s) in violation of City ordinances; or

c. Buildings that are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An unreasonable state of partial construction. is defined as any unfinished building or structure where the appearance or condition of the building or structure does not meet the requirements for finished buildings or structures as required by applicable City ordinances or building codes. The building or structure shall not be considered to be a nuisance if it is under active construction; or

d. Buildings having dry rot, warping, termite infestation, decay, excessive cracking, peeling, or chalking, as to render the building unsightly and/or in a state of disrepair; or

e. Buildings with missing doors and/or windows containing broken

glass and/or no glass at all where the window is of a type which normally contains glass; or

- f. Building exteriors, walls, fences, gates, driveways, sidewalks, walkways, signs or ornamentation, or alleys maintained in such condition as to render them unsightly and/or in a state of disrepair; or
- g. Buildings or conditions that violate any building, electrical, plumbing, fire, housing or other code adopted by the City.

26. **City Code Nuisances.** Any violation of a Payson City Code section that expressly declares a specific situation, conduct or activity to be a nuisance.

27. **Alcohol.** Every property or premise(s) not licensed under applicable State law or City ordinance where any intoxicating liquors or alcohol is kept for unlawful use, sale or distribution.

28. **Inappropriate Conduct.** Every property or premise(s) where there exists an environment which causes, encourages or allows individuals or groups of individuals to commit one or more of the following acts on the property, premise(s) or adjacent public place, including but not limited to:

- a. Illegally consuming intoxicating liquor or alcohol;
- b. Publicly urinating or defecating;
- c. By physical action, intentionally causing or attempting to cause another person to reasonably fear imminent bodily injury or the commission of a criminal act upon their person or upon property in their immediate possession;
- d. Engaging in acts of violence, including fighting amongst themselves;
- e. Discharging a firearm or explosive in violation of City ordinance or State law;
- f. Creating unreasonable noise which disturbs others;
- g. Intentionally obstructing pedestrian or vehicular traffic; or
- h. Soliciting acts of prostitution.

29. **Dangerous Conditions.** Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock, or loading dock; or any lot, land, yard, roadway,

premise(s) or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the City, in any one or more of the following particulars:

- a. By reason of being a menace, threat and/or hazard to the general health and safety of the community.
 - b. By reason of being a fire hazard.
 - c. By reason of being unsafe for occupancy, or use on, in, upon, about or around the aforesaid property.
 - d. By reason of lack of sufficient or adequate maintenance of the property, and/or being vacant, any of which depreciates the enjoyment and use of the property in the immediate vicinity to such an extent that it is harmful to the community in which such property is situated or such condition exists.
30. **Illegal Accessory Apartments.** Any violation of the City's accessory apartment ordinance.
31. **Single Family Residence Violation.** Keeping or allowing people at a premise(s) in violation of the City's single-family residence requirements.
32. **Parking On Landscaping.** Parking in an area required to be landscaped by City ordinance.
33. **Banner Signs.** Keeping or allowing banner signs in violation of City ordinance.
34. **Required Landscaping.** Failure to install or maintain landscaping required by City ordinance.
35. **Hazardous Materials.** The actual or threatened discharge of hazardous materials.

13.44.030.4 Exceptions

No act which is done or maintained under the express authority of an authoritative statute, ordinance or court ruling shall be declared a nuisance.

13.44.030.5 Responsibility For Nuisances

The responsible person(s) is responsible for abating nuisances pursuant to this

ordinance. Any person, whether as owner, agent, or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is responsible for the nuisance and is therefore a responsible person pursuant to this ordinance. Every successive owner or tenant of a property or premise(s) who fails to abate a continuing nuisance upon or in the use of such property or premise(s) caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

13.44.030.6 Finding Of Nuisance

If a community officer finds that a nuisance exists, the community officer shall attempt to have the responsible person abate the nuisance. Although the community officer's first step in correcting or abating the nuisance will always be to obtain voluntary compliance, the community officer may pursue any remedy or combination of remedies available pursuant to this ordinance, State law or common law in order to abate the nuisance. Nothing in this Section shall be interpreted to prohibit the City from engaging in its standard prosecution practices. Therefore, the City may prosecute violators of City ordinances or State laws without first having to comply with the provisions of this ordinance, even though the activity or conduct prosecuted may also constitute a nuisance under this ordinance. Nothing in this ordinance shall be interpreted to prevent the City from enforcing applicable City ordinances or building codes without first treating the offending conduct, situation or activity as a nuisance pursuant to this ordinance.

13.44.030.7 Voluntary Compliance

This Section applies whenever the community officer determines that a nuisance exists.

- A. **Contact.** Before taking other steps to abate the nuisance, the community officer shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:
1. Contacting the responsible person, where possible;
 2. Explaining the nuisance;
 3. Requesting the responsible person to abate the nuisance; and
 4. Agreeing to terms with the responsible person to abate the nuisance.
- B. **No Agreement.** If the community officer and the responsible person cannot agree to terms for correcting or abating the nuisance, the community officer may still abate the nuisance using one or more of the procedures set forth in this ordinance, State law, or common law.
- C. **Voluntary Compliance Agreement.** If the community officer and the responsible person agree to terms for abating the nuisance, they shall enter into and sign a voluntary compliance agreement. The voluntary compliance agreement is a

contract between the City and the responsible person in which the responsible person agrees to abate the nuisance within a specified time and according to specified conditions. The voluntary compliance agreement shall include the following terms:

1. The name and address of the responsible person;
2. The street address of the nuisance, or a description sufficient to identify the building, structure, premise(s), or land upon or within which the nuisance is occurring;
3. A description of the nuisance;
4. The necessary corrective action to be taken, and a date or time by which correction must be completed;
5. An agreement by the responsible person that the City may inspect the premise(s) as may be necessary to determine compliance with the voluntary compliance agreement;
6. An agreement by the responsible person that the City may abate the nuisance and recover its costs and expenses to abate the nuisance, as well as a monetary fine pursuant to this ordinance from the responsible person, if terms of the voluntary compliance agreement are not met;
7. An agreement by the responsible person acknowledging that he/she waives the right to appeal the community officer's finding that a nuisance exists and waives the right to appeal the specific corrective action required in the voluntary compliance agreement; and
8. An agreement by the responsible person that failure to comply with the voluntary compliance agreement may be grounds for criminal prosecution. The community officer may grant an extension of the time limit for correcting or abating the nuisance if the responsible person has shown due diligence and/or substantial progress in correcting or abating the nuisance but unforeseen circumstances render abatement under the original conditions unattainable. If the responsible person complies with the terms of the voluntary compliance agreement, the City shall take no further action against the responsible person related to the nuisance described in the voluntary compliance agreement unless the nuisance recurs.

13.44.030.8 Citation

When the community officer determines that a nuisance exists, and is unable to secure voluntary correction pursuant to PCC 13.44.030.7, the community officer may issue a citation to the responsible person. The community officer may issue a citation without

having attempted to secure voluntary correction as provided in PCC 13.44.030.7 under the following circumstances:

- A. When an emergency exists; or
- B. When the community officer is unable to locate or determine the identity of the responsible person.

13.44.030.9 Other Remedies

The City may take one or more of the following actions against any responsible person who fails to comply with the terms of a voluntary compliance agreement, or a citation:

A. Abatement By The City.

1. The City may abate a nuisance when:
 - a. The terms of a voluntary compliance agreement have not been met; or
 - b. The requirements of a citation and subsequent Court Order have not been complied with, or;
 - c. The condition is subject to summary abatement as provided for in paragraph A,2.
2. Whenever a nuisance is occurring, which constitutes an immediate and emergent threat to the public health, safety or welfare or to the environment, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for it, shall be given to the responsible person as soon as reasonably possible after the abatement.
3. Using any lawful means, the City may enter upon the subject property and may remove or correct the condition that is subject to abatement. The City may seek, but is not required to seek, such judicial process as it deems necessary to effect the removal or correction of such condition.
4. The costs, including incidental expenses, of correcting or abating the violation shall be billed to the responsible person and/or the owner, lessor, tenant or other person entitled to control, use and/or occupy the property and shall become due and payable to the City within ten (10) days of actual receipt of the bill (within fifteen days of the mailing date if the bill is mailed). The term "incidental expenses" includes but is not limited to:
 - a. Personnel costs, both direct and indirect, including attorneys' fees and costs;

- b. Costs incurred in documenting the violation;
- c. Hauling, storage and disposal expenses;
- d. Actual expenses and costs for the City in preparing notices, specifications and contracts, and in accomplishing and/or contracting and inspecting the work; and
- e. The costs of any required printing and mailing.

B. Civil Actions. Either the City or any private person directly affected by a nuisance may bring a civil action to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property). The civil action may be brought pursuant to this ordinance or pursuant to State law.

C. Abatement By Eviction. Whenever there is reason to believe that a nuisance under PCC 13.44.030.3 paragraphs B,1 through B,6 is kept, maintained, or exists in the City, the City Attorney or any citizen(s) residing in the City, or any person or entity doing business in the City, in his or their own names, may maintain an action in a court of competent jurisdiction to abate the nuisance and obtain an order for the automatic eviction of the tenant of the property harboring the nuisance. The eviction shall take place as specified in Utah law.

Lien For Costs. If a person fails to pay any fines or costs related to nuisance

D. abatement when due, the City may record a lien on the property or premise(s) for the full amount of the unpaid fines and costs.

E. Criminal Action. It shall be unlawful for any person to maintain or assist in maintaining a nuisance after receiving notice to abate the nuisance. Notice to abate a nuisance shall be given as a prerequisite to prosecution by delivering a copy of the notice to abate to the offender by personal service in the manner described in the Utah Rules of Civil Procedure, or by mailing a copy of the notice to abate to the offending party by certified mail, return receipt requested. The notice to abate shall reasonably describe the nuisance and the steps necessary to abate the nuisance.

Any violation of this Chapter shall initially be prosecuted as deemed appropriate by the City Attorney. The City reserves the right to pursue any legal means to ensure compliance with this ordinance.

Any owner, occupant or person having an interest in the property subject to this Chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor as defined by Utah State statutes.

F. **Non-exclusive Remedies.** The City may take any or all of these remedies (administrative, civil or criminal) to abate a nuisance and/or to punish any person or entity that creates, causes or allows a nuisance to exist. The abatement of a nuisance does not prejudice the right of the City or any person to recover damages or penalties for its past existence.

13.44.030.10 Inspection

The responsible person may contact the Payson Police Department at any time after a voluntary compliance agreement is signed or citation is issued to request an inspection of the abated nuisance. The community officer will inspect the property and include in the report the time and date that the nuisance has been deemed abated. A request for inspection must be made by the responsible person in order to stop any penalty from continuing to accrue.

13.44.030.11 Penalty

A. **Monetary Fine.** The responsible person shall pay the City a monetary fine for each day the nuisance continues after the completion date or after the citation date, whichever occurs first. The nuisance shall be considered to continue until the community officer approves the responsible person's actions to correct or abate the nuisance. The amount of the monetary fine shall be as follows:

1. One hundred dollars (\$100.00) per day for each day during the first week that the nuisance remains uncorrected or unabated after the completion date or citation date;
2. Two hundred dollars (\$200.00) per day for each day thereafter until the nuisance is corrected or abated;
3. The monetary fine shall be cumulative and may not be waived by the community officer. Payment of a monetary fine pursuant to this Section does not relieve the responsible person from the duty to abate the nuisance as required by the voluntary compliance agreement or the citation. The monetary fine constitutes a personal obligation of the responsible person. The City Attorney or his/her designee is authorized to take appropriate action to collect the monetary fine, plus reasonable attorneys' fees and costs incurred in collecting said monetary fine.

B. **Imprisonment.** The responsible person may be imprisoned for failure to abate a nuisance as set forth herein for a term not to exceed six months.

C. **Either Penalty.** The Court may issue either a fine or imprisonment or both.

13.44.040 Dangerous Buildings

The “Uniform Code for the Abatement of Dangerous Buildings,” 1997 edition, as may be amended from time to time, printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), three copies of which have been filed for use and examination by the public in the office of the clerk of Payson City, is hereby approved and adopted as the Abatement of Dangerous Buildings Code.

The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in the City. All buildings or portions thereof which are determined, after inspection by the building inspector, to be dangerous as defined in the Abatement of Dangerous Building Code, or found to be dangerous by the Payson City Council, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.

13.44.050 Maintenance Of Landscaping

13.44.050.1 General Maintenance Of Landscaping

13.44.050.2 Maintenance Of Planter Strips

13.44.050.3 Restrictions On Types Of Plants

13.44.050.4 Declaration Of Nuisance

13.44.050.1 General Maintenance Of Landscaping

All property shall be kept in good order and repair. Likewise, all landscaping shall be maintained in a manner consistent with the definition found in PCC 13.44.020 paragraphs F and G. It is not the intent, nor is it practical for the City to dictate uniform landscaping standards. However, the Payson City Council finds the following guidelines to be held as the minimum acceptable landscape maintenance standards.

- A. Lawn, grasses, and other acceptable ground cover shall be maintained in an attractive manner. Watering shall be sufficient to maintain healthy plant life. Lawn, grasses and other acceptable ground cover shall not exceed six (6) inches in height.
- B. Trees shall be trimmed and kept in an attractive manner. All tree limbs and branches shall be kept clear of above ground utility lines, light poles, and other utility apparatus. Trees located within clear view areas of street intersections, as defined in PCC 13.20.050, shall be trimmed so that the lowest branch is no less than six (6) feet in height, measured from the top of the curb, or in the case of no curb, the average elevation of the road. Fruit trees and other trees that require pesticides for the control of unwanted pests shall be appropriately treated on a regular basis. Leaves shall be removed from the curb and gutter on a regular basis to avoid interference with the flow of water.

- C. Bushes and shrubs shall be maintained in an attractive manner. Bushes and shrubs located within clear view areas of street intersections, as defined in PCC 13.20.050, shall be trimmed so that the highest branch is no more than thirty-six (36) inches in height, measured from the top of the curb, or in the case of no curb, the average elevation of the road. Bushes and shrubs shall not be planted in a manner that has the effect of hiding or making it difficult to identify a fire hydrant. Leaves shall be removed from the curb and gutter on a regular basis to avoid interference with the flow of water.
- D. Rocks, stones, fountains, planter beds, and other landscaping features shall be attractive and appropriate for their location. Where rocks or other non-vegetative landscaping is used, the area shall be kept free of weeds and debris. Landscaping features located within clear view areas of street intersections, as defined in PCC 13.20.050, shall be placed so that the feature is no more than thirty-six (36) inches in height. Landscaping features shall not be placed in a manner that has the effect of hiding or making it difficult to identify a fire hydrant.

13.44.050.2 Maintenance Of Planter Strips

Property located between the curb and gutter and a detached pedestrian sidewalk shall be properly maintained. Because utilities are often located within these areas, no planter strip shall be filled with concrete, asphalt, or any other hard surface without written approval from Payson City.

The planter strip area shall be kept free from weeds and debris and shall be attractively landscaped consistent with the landscaping standards found in PCC 13.44.050.1.

It is important to plant the proper type of trees within the planter strip area to avoid damage to the sidewalk. A list of appropriate trees can be obtained from the Development Services Department. Damage to sidewalks, due to improper planting of trees, shall be corrected by the owner of the property in a timely manner.

13.44.050.3 Restrictions On Types Of Plants

Payson City reserves the right to restrict the types of plants located within the City if it can be shown that the plants will have an adverse effect on the health, safety, or general welfare of City residents. It shall be unlawful to maintain any plant that is illegal in the State of Utah or the United States. It shall be unlawful to maintain any plant that could pose a threat to fruit trees or other production crops by means of pests or disease. If it is suggested that a plant could endanger the health, safety, or general welfare of any citizen of Payson City, it is the burden of the landowner to prove otherwise prior to planting or maintenance of the plant.

13.44.050.4 Declaration Of Nuisance

The Code Enforcement Officer may declare any property a public nuisance in

accordance with PCC 13.44.020 based on inappropriate maintenance of landscaping.

13.44.060 Maintenance Of Vacant Parcels

[13.44.060.1 General Maintenance Standards](#)

[13.44.060.2 Declaration Of Nuisance](#)

13.44.060.1 General Maintenance Standards

Vacant lots shall be maintained to minimize fire and other safety hazard, control rodent populations, and improve the aesthetics of undeveloped areas.

Large vacant lots may be used for gardening or the production of crops if allowed in the underlying zone in accordance with PCC 13.14. However, gardens and fields shall be kept in good repair and free from weeds and debris.

Vacant lots that are not used for gardening or the production of crops shall keep the vegetation on the lot to a height of less than six (6) inches.

The Payson City Fire Chief may require the removal of vegetation in order to prevent wildfire or arson. Vegetation on the vacant lot shall not have the effect of hiding or making a fire hydrant difficult to find or identify.

Trees and shrubs, whether wild or not, shall be maintained in accordance with PCC 13.44.050.1.

13.44.060.2 Declaration Of Nuisance

The Code Enforcement Officer may declare any property a public nuisance in accordance with PCC 13.44.020 based on inappropriate maintenance or safety hazard of a vacant parcel.

13.44.070 Maintenance Of Structures

All structures regardless of type shall, at a minimum, satisfy the appropriate sections of the Uniform Building and Fire Codes. In addition to the standards found therein, all structures shall be maintained in a manner that will prevent loss of property or life through fire, flood, freeze, wind, or other disaster.

The Payson City Fire Chief may require appropriate actions to protect homes from the threat of fire through actions including, but not limited to, removal of vegetation, placement or replacement of fire retardant shingles, and sprinkling of the structure either internally or externally.

The City Council, on a case-by-case basis, may require improvements to structures determined to have a detrimental effect on property values of surrounding property owners. However, it is the burden of the surrounding property owners to provide substantial evidence to the City Council that there has been a devaluation of property

value. At a minimum, the City Council shall be presented with no less than two appraisals indicating devaluation.

13.44.080 Pest And Rodent Control

All property in Payson City shall be maintained in a manner that will discourage pests and rodents. Any situation determined by the Code Enforcement Officer to encourage or support pests or rodents shall be classified as a public nuisance. Situations include, but are in no way limited to, piles of discarded fruit, inappropriate storage of hay or straw, and abandoned or run down structures.

Knowingly introducing pests or rodents to Payson City by individuals is prohibited. If by accident, domestic animals including, but not limited to, mice, ants, snakes, raccoons, hamsters, cockroaches, etc. are released into the City, the owner shall notify Payson City as soon as practical.

13.44.090 Maintenance Of Parking Lots

Parking lots shall be maintained and kept in good repair. Markings for vehicular movement and parking stalls shall be clearly marked to avoid unnecessary accidents. Potholes, alligator cracking, and settling areas shall be repaired, especially when located at entrances and exits to parking areas. Parking lots shall be kept free of weeds and debris.

In winter months, special attention must be given to entrances and exits to avoid unnecessary accidents. Entrance and exit areas within twenty (20) feet of a public road shall be kept free of snow and ice.

Parking lots shall be kept free from an accumulation of automobiles for sale, broken down automobiles, and other unsightly activities.

13.44.100 Sale Of Private Vehicles On Public Property

It shall be unlawful for any person or entity to sell, offer to sell, or park a vehicle on public property with the intention of selling a privately owned vehicle on public property, including any roadway, parking lot or any other public property. Any violation of this Section is subject to the remedies and penalties of PCC 13.20.280. The penalties herein are for zoning violations only and are in addition to any other penalty in accordance with federal, state or local law.

13.44.110 Yard Sales And Temporary Events

Yard sales and other temporary events are permitted under the following conditions:

- A. Yard sales and other temporary events may not be conducted within a public right of way.

- B. On premise signs for yard sales and other temporary events may not be located within the clear view area described in PCC 13.20.050. Off premise signs are allowed only in areas designated for such purpose by the Payson City Council. Signs displayed upon utility poles, public property, or in an unsafe manner are subject to a fine in accordance with PCC 13.44.150.
- C. Yard sales may not be held for longer than forty-eight (48) hours in duration.
- D. Temporary events must satisfy the zoning requirements of PCC 13.24.
- E. Advertising for temporary events must be in accordance with PCC 13.32.
- F. Temporary events shall be kept neat, clean, and free of debris at all times. It shall be the responsibility of the applicant to inform the City of the need for solid waste receptacles and pay the appropriate fee for solid waste hauling.
- G. All yard sales and temporary events are responsible for the appropriate sales taxes in accordance with State and Federal law.

13.44.120 Compliance With Sign Ordinance, Chapter 13.32

All signs and outdoor advertising devices shall be consistent with the requirements of PCC 13.32. Signs that do not satisfy the requirements of PCC 13.32 may be removed under the direction of the Code Enforcement Officer and the owner of the sign may be subject to a Class C misdemeanor in accordance with PCC 13.20.280.

All signs shall be kept in good repair. No sign may be placed within the clear view area of a street intersection, as defined in PCC 13.20.050.

13.44.130 Yard Sale And Other Temporary Signs

All advertising for yard sales and other temporary events shall be in accordance with PCC 13.32. Off premise signs, other than signs in areas expressly permitted by the City Council, are prohibited.

13.44.140 Maintenance Of Curb, Gutter And Sidewalks

[13.44.140.1 General Maintenance](#)

[13.44.140.2 Removal Of Snow And Ice](#)

[13.44.140.3 Minor Repairs](#)

[13.44.140.4 Major Repairs](#)

[13.44.140.5 Excavation Permit](#)

[13.44.140.6 Replacement Of Sidewalk](#)

13.44.140.1 General Maintenance

Property owners are responsible for general maintenance of curb, gutter and sidewalk along all public rights of way for the entire frontage of the property. For the purposes of this Chapter, general maintenance shall include, but is not limited to, the following:

- A. The Curb and Gutter shall be kept free of weeds, dirt, and debris to allow the free flow of water and prevent flooding. Any blockage of the free flow of water shall be removed.
- B. Weeds shall not be permitted to grow in the joints between concrete or in cracks in the concrete of the curb, gutter, or sidewalk in order to discourage further decay of the concrete.
- C. Sidewalks shall be kept free of weeds, dirt, gravel, sand, salt, oils, grease, and other debris to prevent undue tripping or slipping.

13.44.140.2 Removal Of Snow And Ice

Property owners are responsible for removal of all snow and ice from sidewalks in order to prevent slipping. Additionally, property owners are responsible to remove snow and ice from the curb and gutter when the accumulation of snow and ice may result in the lack of free flow of water and could produce flooding of adjacent properties.

13.44.140.3 Minor Repairs

Landowners may complete minor repairs to curbs, gutters, and sidewalks. Minor repairs include the replacement of up to ten (10) feet of sidewalk. Any repairs of greater than ten (10) feet shall be approved by Payson City. After the repairs have been completed, landowners shall contact the Street Department to schedule an inspection to ensure that the curb, gutter and sidewalk have been repaired in accordance with the Development Guidelines of Payson City.

13.44.140.4 Major Repairs

In general, major repairs include the repair or replacement of ten or more feet of curb, gutter, or sidewalk. However, any replacement of curb, gutter, or sidewalk for installation of a driveway approach, regardless of length, shall be considered a major repair and will require written approval from Payson City.

All major repairs shall be required to comply with the Americans with Disabilities Act regulations. Major repairs shall be approved by the City Engineer who shall have authority to set the elevation and grading requirements for the project.

Prior to commencement of a major repair, the applicant must obtain an excavation permit from the City and post appropriate assurance equal to one hundred and ten (110) percent of the engineer's estimate of project cost. Upon completion of the project, one hundred (100) percent of the assurance shall be returned to the applicant and ten (10) percent shall be kept for a period acceptable to the City Engineer for warranty of workmanship, not to exceed one (1) year.

13.44.140.5 Excavation Permit

Prior to the commencement of any major repair of a curb, gutter, or sidewalk, the applicant must obtain an excavation permit from the Payson City Development Services Department. The applicant will be required to submit payment of a fee consistent with the Payson City Fee Resolution available at the Development Services Department.

Failure to obtain an excavation permit may require additional testing and approval by the City Engineer to assure that the work was completed satisfactorily. Any additional testing or other requirements shall be the financial burden of the applicant.

13.44.140.6 Replacement Of Sidewalk

13.44.150 Restrictions On Parking Of Large Trucks And Trailers, And Other Vehicles, And Storage Of Hazardous Materials

[13.44.150.1 Trailers](#)

[13.44.150.2 Tank Vehicles, Parking And Garaging](#)

[13.44.150.3 Storage Of Hazardous Materials](#)

[13.44.150.4 Parking Of Vehicles For Sale](#)

[13.44.150.5 Applicability](#)

Parking of large trucks, trailers or other large vehicles is not allowed in the public right of way of any local or collector road as defined by the Payson City Streets Master Plan if the truck, trailer or other vehicle:

- A. Is more than twenty (20) feet in length or any combination of vehicles and trailers exceeds twenty (20) feet.
- B. Has a gross tare weight of twelve thousand (12,000) pounds or more.

It is the intention of this Section that vehicles or trailers including, but not limited to, boats, delivery vans, construction trucks or trailers, recreational vehicles and similar vehicles not be permitted to park in the public right of way. No semi-truck tractor or trailer shall be parked in the public right of way of any local or collector road as defined by the Payson City Street Master Plan.

Exceptions to the parking restrictions include the following situations only:

- A. When the vehicle is a school bus and is parked solely for the purpose of loading or unloading passengers.
- B. When the vehicle is being used to deliver or remove household furniture or accessories to or from a specific residence or building.
- C. When the vehicle is actively involved in permitted construction, landscaping, or other work on a specific residence or building.
- D. When the vehicle is a trailer being loaded or unloaded.

- E. When there is an emergency requiring the parking of a vehicle at a particular location.

13.44.150.1 Trailers

It shall be unlawful to park or keep any trailer, unattached camper or boat on a public street for a period of time exceeding seventy-two (72) hours.

13.44.150.2 Tank Vehicles, Parking And Garaging

A tank vehicle is any motor vehicle, trailer or semi-trailer transporting as cargo or part of a cargo, any explosive, flammable or corrosive liquid in quantities in excess of one hundred (100) gallons, or as defined in the Uniform Fire Code as containing hazardous materials. (See § 41-6-154 of the Utah Traffic Code)

A tank vehicle:

- A. Shall not be left unattended on any residential street.
- B. Shall not be parked or garaged within three hundred (300) feet of any residential dwelling, apartment, hotel or motel room, educational facility, hospital or medical building, or any other place that in the opinion of the Fire Chief presents a life hazard.

The owner of a tank vehicle that has been identified as leaking, pouring, discharging or in any other way releasing hazardous materials shall be solely responsible for the mitigation required to repair any environmental or property damage due to the release of the hazardous material.

13.44.150.3 Storage Of Hazardous Materials

Any structure used for the temporary or long-term storage of hazardous materials is not allowed in any residential zone or within three (300) feet of any residence, including hotel or motel rooms.

Trucks, trailers, tanks or other structures required to carry placards for the storage or transport of hazardous materials is not allowed in any residential zone or within three (300) feet of any residence, including hotel or motel rooms, except when unloading cargo.

13.44.150.4 Parking Of Vehicles For Sale

In accordance with Ordinance number 08-20-97 of Payson City, it shall be unlawful to for the owner of a motor vehicle, camper, trailer, boat or other type of vehicle 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 motor vehicles, campers, trailers, boats, or other vehicles at that location.

13.44.150.5 Applicability

The requirements of this Section are intended to be consistent with the Uniform Fire Code adopted by Payson City. If there is conflict between this Section and the Uniform Fire Code, the stricter of the two shall apply.

13.46 Appeal Of Zoning Decisions

[13.46.010 Appeal Procedure](#)

[13.46.020 Eligible Matters](#)

[13.46.030 Time Limitation](#)

13.46.010 Appeal Procedure

In accordance with Utah Code § 10-9a-701 et. seq. (1953 as amended), any person or organization adversely affected by a decision administering or interpreting the Zoning Ordinance may appeal the decision to the appropriate appeal authority. Unless otherwise specified in this Title, the Board of Adjustment shall hear appeals and make decisions consistent with Utah Code § 10-9a-701 et. seq. (1953 as amended).

The appellant, or agent, shall file a notice of appeal and all appeals shall be made as follows.

- A. Specify the grounds for the appeal and circumstances related thereto. The notice shall allege that there was error in the order, requirement, decision, or determination made by an official or officials in the administration or interpretation of the Zoning Ordinance. A notice failing to allege error or specify the grounds for appeal may be summarily dismissed by the appeal authority with or without prejudice. Response to the above requirements shall be set forth in detail in the notice of appeal.
- B. All papers constituting the record upon which the action appealed from was made shall be transmitted to the appeal authority.
- C. The appeal authority shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least seven days before the appeal hearing date. After hearing the appeal, the appeal authority may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or body from which the appeal is made.
- D. The filing of an appeal shall stay all proceedings and actions in furtherance of the

matter appealed, pending a decision of the Board of Adjustment. The stay shall exist unless the Planning Commission or Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, the stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order that may be granted by the Board of Adjustment or by District Court on application, notice and due cause shown.

- E. The concurring vote of three (3) members of the appeal authority shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, planning commission, city council, or other public official or to decide in favor of the appellant.
- F. The City, or any person adversely affected by any decision of the appeal authority, may petition the district court for a review of the decision, provided the petition is filed with the Court within thirty (30) days after the appeal authority's decision if final. In the petition, the appealing party may only allege that the Board's decision was arbitrary, capricious, or illegal. The appeal authority may, after finding it is in the best interest of the City to do so, stay its decision pending district court review.

In all matters before the appeal authority, the burden of proof to overturn a decision administering or interpreting the Zoning Ordinance shall rest with the appellant.

13.46.020 Eligible Matters

No person or organization is eligible to appeal a decision administering or interpreting the Zoning Ordinance until all other administrative remedies have been exhausted and a final decision has been made by the appropriate authority. Appeals of staff or Planning Commission decisions shall be heard by the City Council.

13.46.030 Time Limitation

An appeal of a decision administering or interpreting the Zoning Ordinance shall be submitted to the Development Services Department within fourteen (14) days from the date of the final decision.

Appendix A - Land Use Categories

Non-Residential Land Use Categories: Permitted, Conditional and Accessory Uses

As Adopted December 16, 2020

Definitions:

P = Permitted Use - A use that is allowed in the zone indicated provided all regulations of the development ordinances are satisfied

C = Conditional Use - A use that is allowed in the zone indicated in accordance with PCC 13.28

A = Accessory Use - A use that is allowed in the zone indicated as an ancillary portion of a primary business allowed in the zone

* = Uses that include unique regulations

		Zoning District								
		I-1	I-2	R & D	P O-1	C C-1	G C-1	S -1	C A P	A -5
Agricultural Related Activities										
1	Contract sorting, grading, and packaging services (fruits/vegetables)	C	C							C
2	Veterinarian services and small animal hospitals				P		P			P
3	Large animal hospitals	P	P							P
4	Kennels and small animal pens	C	C							C
5	Greenhouses and nurseries	P	P							P
6	Farm products warehousing and storage (excluding stockyards)	P	P							P
7	Agricultural related exhibit and auction facilities									P
8	Equestrian training and boarding facility									P
9	Dairy farms and milk processing									P
Amusements										
1	Fairgrounds									P
2	Amusement parks (five or more acres)							C		
3	Amusement parks (less than five acres)						P	P		
4	Arcades and video games					P	P	P	A	
5	Miniature golf						P	P		
6	Golf driving ranges									C
7	Bowling centers						P	P		
8	Roller skating and ice skating rinks						P	P		
Apparel - Manufacturing										
1	All-purpose apparel manufacturing	P	P							

2	Luggage, handbags and miscellaneous textiles	P	P						
3	Curtains and draperies	P	P						
Apparel and Accessories - Retail									
1	Clothing and apparel				P	P	P	P	
2	Clothing accessories and specialties (not sexually oriented)				P	P	P	P	
3	Sexually oriented clothing accessories and specialties		C						
4	Shoes and footwear				P	P	P	P	
Automotive, Equipment and Marine - Retail									
1	Automobile and passenger truck sales	P				P	P		
2	Recreational vehicle and travel trailers	P				P	P		
3	Construction and heavy equipment sales, animal trailer, tractor and farm implement	P							
4	Automotive accessories				P	P	P		
5	Tire sales and minor automotive maintenance (no outdoor storage)					P	P		
6	Gas stations with convenience store					P	P		
7	Marine craft sales, rental and accessories					P	P		
8	Marine craft service	P				A	A		
9	Motorcycles, snowmobiles and off-road vehicle sales	P				P	P		
Building Materials - Retail									
1	Home improvement centers (greater than 10,000 square feet)					P	P		
2	Hardware store (less than 10,000 square feet)					P	P		
3	Lumber yards	P	P			P			
4	Heating and plumbing equipment	P				P	P		
5	Paint, glass, and wallpaper	P				P	P		
6	Electrical and lighting supplies	P				P	P		

7	Flooring materials and products	P	P				P	P		
8	Garage door sales and accessories	P					P	P		
Business Services										
1	Advertising agencies	P				P	P	P	P*	
2	Business and management consulting services	P				P	P	P	P*	
3	Travel agencies and arrangement services					P	P	P	P*	
4	Outdoor advertising businesses	P	P							
5	Credit reporting, adjustment and collection services	P			P	P	P		P*	
6	Blueprinting, retail photocopying, and other duplicating services	P				P	P	P		
7	Extermination and pest control services	P	P							
8	Security systems and locksmithing	P					P	P		
9	Employment and recruiting services	P				P	P	P	P*	
10	Food lockers	P	P							P
11	Household goods warehousing and storage (storage units)	P	P							
12	Research, development and testing services	P		P						
13	Watch, clock, and jewelry sales and repair	P					P	P		
14	Detective and protective services	P				P	P	P	P*	
15	Equipment and machinery rental and leasing	P	P				C			
16	Photography and photofinishing	P				P	P	P	P	
17	Automobile rental services	P					P	P		
18	Service truck rental services	P	P				C			
19	Collection of recyclable materials (not to include processing or ferrous metals)	C	P							
2	Private postal services					A	P	P	A	

0									
2 1	Call Centers, telemarketing, and phone research businesses	P **			P* *				
2 2	Taxidermy	P				P			
2 3	Gunsmithing	P				P	P		
2 4	Personal transportation services (taxi and limousines)	P	P			P			
*	Second story or higher or basement only								
* *	Must satisfy specific parking requirements of PCC 13.10								
Chemical Products - Manufacturing									
1	Medicinal chemicals and botanical products	P		P					
2	Pharmaceutical preparations	P		P					
Communication Facilities									
1	Telephone exchange stations	P	P			P			
2	Telephone relay towers (microwave)	C	C						
3	Radio broadcasting studios	P	P			P			
4	Radio transmitting stations and towers	C	C						
5	Television broadcasting studios	P	P			C			
6	Television transmitting stations and relay tower	C	C						
7	Radio and television broadcasting studios (combined systems)	P	P			C			
8	Cellular and low power towers	*	*						*
*	In accordance with PCC 13.36								
Construction Contractors and Services									
1	Building construction general contractor (office	P	P			P			

	only)								
2	Landscaping services and products	P	P				C		
3	General construction contractor	P	P						
4	Plumbing, heating, and air conditioning	P	P				P		
5	Painting, paper and decorating services	P	P				P		
6	Electrical contracting	P	P			P	P		
7	Masonry, stonework, tile setting, and plastering services	P	P						
8	Carpentry and woodwork	P	P				P		
9	Roofing services	P	P				C		
10	Concrete services, finish work, form work/flat work	P	P						
11	Water well drilling	P	P						
12	Fencing contractors	P	P						
13	Fencing manufacturing and fabrication	P	P						
Cultural Activities and Nature Exhibits									
1	Libraries					P	P	P	P
2	Museums					P	P	P	P
3	Art Galleries					P	P	P	P
4	Planetaria					P	P	P	P
5	Aquariums					P	P	P	P
6	Botanical gardens and arboretums			P				P	P
7	Zoos								
8	Historic and monument sites	P	P	P	P	P	P	P	P
Eating and Drinking Places - Retail									
1	Restaurants (no drive through facilities)					P	P	P	P
2	Fast Food						P	P	
3	Fast food (no drive through facilities)					P	P	P	P

4	Taverns, bars, and sports bars					P	P	P	P	
5	Microbreweries					P	P	P	P	
Educational Services										
1	Commercial child care centers					P	P	P	P	
2	Preschool operations							P	P	
3	Universities and colleges	P		P				P	P	
4	Junior colleges	P		P				P	P	
5	Vocational and trade schools	P	P					P	P	
6	Barber and beauty schools							P	P	P
7	Art and music schools							P	P	P
8	Dancing schools							P	P	P
9	Driving schools	P	P							
10	Independent schools							P	P	
Fabricated Metal Products - Manufacturing										
1	Small arms and ammunition	P	P							
2	Engines and turbines		P							
3	Farm machinery and equipment		P							
4	Construction and mining equipment		P							
5	Metalworking machinery and equipment		P							
6	Computer and office machines	P	P							
7	Electrical transmission and distribution equipment	P	P							
8	Electrical lighting and wiring equipment	P	P							
9	Household appliances	P	P							
10	Radio and television devices	P	P							
11	Electronic components and accessories	P	P							
12	Aircraft and aerospace equipment	P	P							
1										

3	Boat building		P							
1 4	Boat repair	P	P							
1 5	Railroad equipment		P							
1 6	Motorcycles, bicycles, and associated parts	P	P							
1 7	Cutlery, hand tools, and general hardware	P	P							
1 8	Aircraft and associated parts		P							
1 9	Fabricated structural metal products (no outdoor storage)	P	P							
2 0	Bolts, nuts, screws, rivets, and washers	P	P							
2 1	Metal stamping		P							
2 2	Fabricated wire products		P							
2 3	Sheet metal and ductile work	P	P							
2 4	Decorative metal products	P	P							
Finance, Insurance and Real Estate Services										
1	Banking services and credit unions				P	P	P			
2	Stockbrokers, security and commodity dealers				P	P	P	P*		
3	Insurance agents, brokers, and services				P	P	P	P*		
4	Real estates agents, brokers, and management				P	P	P	P*		
5	Title abstracting				P	P	P	P*		
6	Short term lending and pawn shops					P				
7	Cash stores					P	P			
*	Second story or higher or basement only									

Food - Manufacturing										
1	Meat, poultry and small game (slaughtering, packing and preparation)		C							C
2	Canning fruits, vegetables and preserves	P	P							
3	Drying and dehydrating fruits and vegetables	P	P							
4	Frozen fruits, fruit juices, and vegetables	P	P							
5	Flour and other grain mill products	P	P							
6	Preparing feeds for animal & fowls									P
7	Candy, chocolate and other confectionery products	P	P			P	A	A	P	
8	Bottling and canning of soft drinks and carbonated water	P	P							
9	Ice	P	P							
10	Bakeries and baked goods	P	P				A			
Food - Retail										
1	Groceries									
2	Candy, nut and confectionery					P	P	P		
3	Bakeries and baked goods					P	P	P	P	
4	Health foods and diet plans					P	P	P	P	
5	Specialty foods					P	P	P	P	
6	Nonprofit distribution centers (i.e. food pantries)					P	P			
Furniture and Fixtures - Manufacturing										
1	Furniture and home furnishings	P	P							
2	Office furniture	P	P							
3	Partitions, shelving, lockers, and office and store fixtures	P	P							
4	Blinds and shades	P	P							
5	Cabinets and other wood products	P	P							
Furniture and Home Furnishings - Retail										

1	Furniture and home furnishings					P	P	P	P	
2	Floor coverings					A	P	P		
3	Draperies, curtains, and upholstery					A	P	P		
4	China, glassware, and metalwork					P	P	P	P	
5	Household appliances						P	P		
6	Electronic equipment						P	P		
Government Structure and Facilities										
1	Local government structures	P	P	P	P	P	P	P	P	P
2	Government facilities with storage	P	P	C	C	C	C	C	C	C
Lumber, Wood and Composite Products - Manufacturing										
1	Hardwood flooring	P	P							
2	Millwork		P							
3	Veneer and plywood		P							
4	Prefabricated wooden buildings		P							
5	Wooden containers		P							
6	Composite building materials and products	P	P							
Metal - Manufacturing										
1	Secondary smelting and refining of nonferrous metals and alloys		P							
2	Rolling, drawing, and extruding of aluminum		P							
3	Rolling, drawing, and extruding of nonferrous metals		P							
4	Drawing and insulating of nonferrous wire		P							
5	Nonferrous foundries		P							
6	Safes and security products	P	P							
Other Retail Sales										
1	Department stores						P	P		
2	Variety stores					P	P	P	P	

3	Sporting goods					P	P	P		
4	Wholesaler retailer						P	P		
5	Arts, crafts, and hobbies					P	P	P	P	
6	Musical instruments					P	P	P	P	
7	Prescription drugs, pharmacy and major drug and related dispensing				P	A	P	P	A	
8	Liquor stores					P	P	P		
9	Antiques					P	P	P	P	
10	Secondhand merchant (no outdoor storage or display areas)						P	P		
11	Books, stationary and office supplies					P	P	P	P	
12	Accessory animal supplies and tack shops					P	P	P		
13	Bicycles					P	P	P	P	
14	Toy stores					P	P	P	P	
15	Hay, grains, and feeds	P	P							P
16	Jewelry and precious metals					P	P	P	P	
17	Florists					P	P	P	P	
18	Cameras and photographic supplies					P	P	P	P	
19	Gifts, novelties and souvenirs					P	P	P	P	
20	Video and music sales and rental					P	P	P	A	
21	Software, computer, and telecommunication sales					P	P	P		
22	Pet stores					P	P	P		
2										

3	Botanical nurseries (no cultivating)						P			
2 4	Tobacco specialty store						P	P		
Paper and Allied Products - Manufacturing										
1	Envelopes	P								
2	Bags (except textile bags)	P								
3	Wallpaper	P								
4	Die cut paper and paperboard; and cardboard	P	P							
5	Paperboard boxes and containers	P	P							
6	Building paper and building board	P	P							
Personal Services										
1	Laundry and dry cleaning - including self service						P			
2	Laundry and dry cleaning - no self service					P	P	P		
3	Linen supply and industrial laundry	P					P			
4	Carpet and furniture cleaning	P					P			
5	House cleaning	P					P	P		
6	Commercial janitorial	P					P			
7	Photography studios					P	P	P	P	
8	Beauty and barber services, including esthetics and permanent cosmetics					P	P	P	P	
9	Health spas						P	P	P	
1 0	Mortuaries and funeral homes						P			
1 1	Cemeteries									C
1 2	Catering services					A	P	P	A	
1 3	Reception centers					P	P	P		
1 4	Automobile wash automatic						P	P		

15	Automobile wash - self service					P	P		
16	Pet grooming				P	P	P		P
17	Personal fitness (physical therapy, gyms)	P			A	P	P	P	
18	Mixed martial arts (training facility only)					P	P		
19	Dietician and weight loss centers						P	P	
20	Tanning salons					P	P	P	
21	Tattooing and body art						P		
22	Pleating, decorative and novelty stitching, and custom tailoring						P	P	
23	Apparel cleaning and repair						P	P	
Printing, Publishing Industries									
1	Newspapers, books and periodicals; publishing and/or printing	P							
2	Commercial printing	P							
3	Manifold business forms	P							
4	Greeting cards	P							
5	Bookbinding	P							
6	Typesetting	P							
7	Photoengraving	P					P		
Professional Services									
1	Physician or dental services				P	P	P	P	
2	Hospitals and medical clinics				P		P		
3	Medical or dental laboratory			P	P		P		
4	Medical clinics - outpatient and residential health care				P		P		

5	Chiropractors				P	P	P	P		
6	Massage therapy and physical therapy				P		P	P		
7	Ophthalmology and optometry services				P		P	P		
8	Legal services and adoption agencies				P	P	P	P	P*	
9	Family and behavioral counsel services				P	P	P	P	P*	
10	Computer software businesses	P		P	P	P	P	P	P*	
11	Engineering, surveying, land planning, environmental and architectural	P					P	P		
12	Educational and scientific research			P	P			P		
13	Accounting, auditing and bookkeeping				P		P	P	P*	
14	Genealogical						P	P	P	
15	Interior design					P	P	P	P	
16	Motion picture production	P	P				P			
	* Second story or higher or basement only									
Professional, Scientific, Photographic and Optical - Manufacturing										
1	Laboratory, and scientific and research instruments	P	P	P						
2	Mechanical measuring and controlling instruments	P	P	P						
3	Automatic temperature controls	P	P							
4	Optical instruments and lenses	P	P	P	P					
5	Surgical and medical instruments and apparatus	P	P	P						
6	Orthopedic, prosthetic, and surgical appliance and supplies	P	P	P						
7	Dental equipment and supplies	P	P	P						
8	Ophthalmic goods	P	P	P	P					
9	Surgical and medical instruments and apparatus	P	P	P						

10	Photographic equipment and supplies	P	P							
11	Watches, clocks, clockwork operated devices, and parts	P	P			P	P			
12	Musical instruments and parts	P	P							
13	Pens, pencils, and other office and artists' materials	P	P				P			
14	Costume jewelry and novelties	P	P			P	P			
15	Morticians' goods	P	P							
Public Assemblies										
1	Amphitheaters							A	P	C
2	Movie or live production theater (no sexually oriented businesses)					P	P	P	P	
3	Drive-in movies						C			C
4	Dance hall					P	P	P		
5	Stadiums, exhibit halls or auditoriums						C	P		C
6	Arenas and field houses						C	P		C
7	Race tracks									C
8	Convention center					P	P	P		C
Railroad and Motor Vehicle Transportation										
1	Railroad rights of way and transportation equipment and facilities		P							
2	Bus passenger terminals (inter-city and local)			P	P		P	P		
3	Bus garaging and equipment maintenance	P	P							
4	Motor freight terminals	P	P							
5	Motor freight garaging and equipment maintenance	P	P							
Recreation Activities										

1	Public or private golf courses									P
2	Riding stables									P
3	Recreation centers and athletic clubs	P			P		P	P		
4	Swimming pools						P	P		
5	Water slides						P	A		
6	Archery and shooting ranges (indoor facilities)	P					A	A		P
7	Archery and shooting ranges (outdoor facilities)									P
8	Ropes course							A		
Repair Services										
1	Automobile repair	P	P				C			
2	Auto body work and restoration	P	P				C			
3	Automobile lube and tune-up						P	P		
4	Automobile detailing					P	P			
5	Appliance and computer repair	P								
6	Machine repair	P					P			
7	Small engine repair	P					P			
8	RV repair	P	P							
9	Diesel and heavy equipment repair	P								
10	Radio and television repair services	P					P			
11	Watch, clock and jewelry repair services	P				P	P	P		
12	Reupholster and furniture repair services	P					P			
13	Towing services - impound	C	C							
14	Towing services - no impound	P	P				A			
15	Painting and powder coating services	P	P							
16	Vehicular exterior application (pin stripping)	P								

Sexually Oriented Businesses

1	Sexually oriented businesses (as defined in PCC 3, Business License Ordinance)	P							

Stone, Clay and Glass - Manufacturing

1	Flat glass	P							
2	Glass containers	P							
3	Brick and structural clay tile	P							
4	Ceramic wall and floor	P							
5	Vitreous china, plumbing fixtures, and china	P							
6	Fine earthenware (whiteware), table and kitchen articles	P							
7	Porcelain electrical supplies	P							
8	Concrete brick	P							
9	Concrete products (excluding brick and block)	P							
10	Cut stone and stone products	P							
11	Concrete batch plants	C							

Storage and Accessory Structures

1	Storage condos	P	P						
2	Storage units	P	P						
3	Storage facilities for machinery and equipment	P	P						
4	Silos for agricultural purposes								P

Transient Lodgings

1	Hotels and motels					P	P		
2	Bed and breakfast operations				P	P	P	P	

Utilities

1	Electric transmission right-of-way	C	C	C	C	C	C	C	C
2	Electric generation plants		C						

3	Electricity regulating substations	C	C	C	C	C	C	C	C
4	Gas pipeline right-of-way (high pressure)	C	C	C	C	C	C	C	C
5	Gas pressure control stations	C	C						C
6	Water pipeline right-of-way	P	P	P	P	P	P	P	P
7	Water treatment plants (purification)	P	P						P
8	Water storage	P	P						P
9	Irrigation distribution systems	P	P	P	P	P	P	P	P
10	Water pressure control stations	P	P	P	P	P	P	P	P
11	Sewage treatment plants		C						
12	Sewage sludge drying beds (municipal only)		C						
13	Sewage lift stations	P	P	P	P			P	P
14	Public and private utility rights-of-way	P	P	P	P	P	P	P	P
15	Public and private maintenance and utility facilities (public)	P	P	P	P	P	P	P	P
16	Public and private maintenance and utility facilities (private)	C	C	C	C	C	C	C	C
Wholesale Trade									
1	Automobiles and other motor vehicles	P	P						
2	Tires and tubes	P	P						
3	Prescription drugs, drug proprietary and druggists' sundries	P		P	P				
4	Paints and varnishes	P	P						
5	Dry goods, piece goods and notions	P	P						
6	Apparel and accessories, hosiery and lingerie	P	P						
7	Footwear	P	P			A			
8	Groceries (general line)	P	P						
9	Dairy products	P	P						P
10	Poultry and products	P	P						P

1 1	Confectionery	P	P							
1 2	Meat and meat products	P	P							P
1 3	Fruits and vegetables	P	P							P
1 4	Grain	P	P							P
1 5	Electrical equipment, wiring supplies and construction materials	P	P							
1 6	Electrical appliances, television and radio sets	P	P							
1 7	Electronic parts and equipment	P	P							
1 8	Hardware	P	P							
1 9	Plumbing and heating equipment and supplies	P	P							
2 0	Air conditioning, refrigerated equipment and supplies	P	P							
2 1	Commercial and industrial machinery, equipment and supplies	P	P							
2 2	Farm machinery and equipment	P	P							
2 3	Transportation equipment and supplies (except motor vehicles)	P	P							
2 4	Metals and minerals (except petroleum products and scrap)		P							
2 5	Tobacco and tobacco products	P	P							
2 6	Beer, wine and distilled alcoholic beverages	P	P							
2 7	Paper products	P	P							
2 8	Furniture and home furnishings	P	P							
2 9	Lumber and construction materials	P	P							

9										
3 0	Firearms distribution	P	P							

Appendix A

As Adopted March 3, 2021

Non-Residential Land Use Categories: Permitted, Conditional and Accessory Uses

Definitions:

P = Permitted Use - A use that is allowed in the zone indicated provided all regulations of the development ordinances are satisfied

C = Conditional Use - A use that is allowed in the zone indicated in accordance with Chapter 19.13 of the Zoning Ordinance

A = Accessory Use - A use that is allowed in the zone indicated as an ancillary portion of a primary business allowed in the zone

* = Uses that include unique regulations

Zoning District

I-1 I-2 R&D PO-1 CC-1 GC-1 S-1 CAP A-5

Agricultural Related Activities

1	Contract sorting, grading, and packaging services (fruits/vegetables)	C	C							C
2	Veterinarian services and small animal hospitals				P		P			P
3	Large animal hospitals	P	P							P
4	Kennels and small animal pens	C	C							C
5	Greenhouses and nurseries	P	P							P
6	Farm products warehousing and storage (excluding stockyards)	P	P							P
7	Agricultural related exhibit and auction facilities									P
8	Equestrian training and boarding facility									P
9	Dairy farms and milk processing									P

Amusements

1	Fairgrounds									P
2	Amusement parks (five or more acres)							C		
3	Amusement parks (less than five acres)					P	P			
4	Arcades and video games				P	P	P	A		
5	Miniature golf					P	P			
6	Golf driving ranges									C
7	Bowling centers					P	P			
8	Roller skating and ice skating rinks					P	P			

Apparel - Manufacturing

1	All-purpose apparel manufacturing	P	P							
2	Luggage, handbags and miscellaneous textiles	P	P							
3	Curtains and draperies	P	P							

Apparel and Accessories - Retail

1	Clothing and apparel				P	P	P	P		
2	Clothing accessories and specialties (not sexually oriented)				P	P	P	P		
3	Sexually oriented clothing accessories and specialties		C							
4	Shoes and footwear				P	P	P	P		

Automotive, Equipment and Marine - Retail

1	Automobile and passenger truck sales	P				P	P			
2	Recreational vehicle and travel trailers	P				P	P			
3	Construction and heavy equipment sales, animal trailer, tractor and farm implement	P								
4	Automotive accessories				P	P	P			
5	Tire sales and minor automotive maintenance (no outdoor storage)					P	P			
6	Fuel centers with convenience store					P	P			
7	Marine craft sales, rental and accessories					P	P			
8	Marine craft service	P				A	A			
9	Motorcycles, snowmobiles and off-road vehicle sales	P				P	P			

* = Uses that include unique regulations

I-1 I-2 R&D PO-1 CC-1 GC-1 S-1 CAP A-5

Building Materials - Retail

1	Home improvement centers (greater than 10,000 square feet)					P	P		
2	Hardware store (less than 10,000 square feet)					P	P		
3	Lumber yards	P	P			P			
4	Heating and plumbing equipment	P				P	P		
5	Paint, glass, and wallpaper	P				P	P		
6	Electrical and lighting supplies	P				P	P		
7	Flooring materials and products	P	P			P	P		
8	Garage door sales and accessories	P				P	P		

Business Services

1	Advertising agencies	P				P	P	P	P*
2	Business and management consulting services	P				P	P	P	P*
3	Travel agencies and arrangement services					P	P	P	P*
4	Outdoor advertising businesses	P	P						
5	Credit reporting, adjustment and collection services	P			P	P	P		P*
6	Blueprinting, retail photocopying, and other duplicating services	P				P	P	P	
7	Extermination and pest control services	P	P						
8	Security systems and locksmithing	P					P	P	
9	Employment and recruiting services	P				P	P	P	P*
10	Food lockers	P	P						P
11	Household goods warehousing and storage (storage units)	P	P						
12	Research, development and testing services	P		P					
13	Watch, clock, and jewelry sales and repair	P					P	P	
14	Detective and protective services	P				P	P	P	P*
15	Equipment and machinery rental and leasing	P	P				C		
16	Photography and photofinishing	P				P	P	P	P
17	Automobile rental services	P					P	P	
18	Service truck rental services	P	P				C		
19	Collection of recyclable materials (not to include processing or ferrous metals)	C	P						
20	Private postal services					A	P	P	A
21	Call Centers, telemarketing, and phone research businesses	P**			P**				
22	Taxidermy	P					P		
23	Gunsmithing	P					P	P	
24	Personal transportation services (taxi and limousines)	P	P				P		

* Second story or higher or basement only

** Must satisfy specific parking requirements of Chapter 19.4

Chemical Products - Manufacturing

1	Medicinal chemicals and botanical products	P		P					
2	Pharmaceutical preparations	P		P					

Communication Facilities

1	Telephone exchange stations	P	P				P		
2	Telephone relay towers (microwave)	C	C						
3	Radio broadcasting studios	P	P				P		
4	Radio transmitting stations and towers	C	C						
5	Television broadcasting studios	P	P				C		
6	Television transmitting stations and relay tower	C	C						
7	Radio and television broadcasting studios (combined systems)	P	P				C		
8	Cellular and low power towers	*	*						*

* In accordance with Chapter 19.17 of the Zoning Ordinance

* = Uses that include unique regulations

I-1 I-2 R&D PO-1 CC-1 GC-1 S-1 CAP A-5

Construction Contractors and Services

1	Building construction general contractor (office only)	P	P				P			
2	Landscaping services and products	P	P				C			
3	General construction contractor	P	P							
4	Plumbing, heating, and air conditioning	P	P				P			
5	Painting, paper and decorating services	P	P				P			
6	Electrical contracting	P	P			P	P			
7	Masonry, stonework, tile setting, and plastering services	P	P							
8	Carpentry and woodwork	P	P				P			
9	Roofing services	P	P				C			
10	Concrete services, finish work, form work/flat work	P	P							
11	Water well drilling	P	P							
12	Fencing contractors	P	P							
13	Fencing manufacturing and fabrication	P	P							

Cultural Activities and Nature Exhibits

1	Libraries					P	P	P	P	
2	Museums					P	P	P	P	
3	Art Galleries					P	P	P	P	
4	Planetaria					P	P	P	P	
5	Aquariums					P	P	P	P	
6	Botanical gardens and arboretums			P				P	P	P
7	Zoos									P
8	Historic and monument sites	P	P	P	P	P	P	P	P	P

Eating and Drinking Places - Retail

1	Restaurants (no drive through facilities)					P	P	P	P	
2	Fast food						P	P		
3	Fast food (no drive through facilities)					P	P	P	P	
4	Taverns, bars, and sports bars					P	P	P	P	
5	Microbreweries					P	P	P	P	

Educational Services

1	Commercial child care centers				P	P	P	P		
2	Preschool operations						P	P		
3	Universities and colleges	P		P			P	P		
4	Junior colleges	P		P			P	P		
5	Vocational and trade schools	P	P				P	P		
6	Barber and beauty schools					P	P	P		
7	Art and music schools					P	P	P		
8	Dancing schools					P	P	P		
9	Driving schools	P	P							
10	Independent schools					P	P			

Fabricated Metal Products - Manufacturing

1	Small arms and ammunition	P	P							
2	Engines and turbines		P							
3	Farm machinery and equipment		P							
4	Construction and mining equipment		P							
5	Metalworking machinery and equipment		P							
6	Computer and office machines	P	P							
7	Electrical transmission and distribution equipment	P	P							
8	Electrical lighting and wiring equipment	P	P							
9	Household appliances	P	P							
10	Radio and television devices	P	P							
11	Electronic components and accessories	P	P							

* = Uses that include unique regulations

	I-1	I-2	R&D	PO-1	CC-1	GC-1	S-1	CAP	A-5
12 Aircraft and aerospace equipment	P	P							
13 Boat building		P							
14 Boat repair	P	P							
15 Railroad equipment		P							
16 Motorcycles, bicycles, and associated parts	P	P							
17 Cutlery, hand tools, and general hardware	P	P							
18 Aircraft and associated parts		P							
19 Fabricated structural metal products (no outdoor storage)	P	P							
20 Bolts, nuts, screws, rivets, and washers	P	P							
21 Metal stamping		P							
22 Fabricated wire products		P							
23 Sheet metal and ductile work	P	P							
24 Decorative metal products	P	P							

Finance, Insurance and Real Estate Services

1 Banking services and credit unions					P	P	P		
2 Stockbrokers, security and commodity dealers					P	P	P	P*	
3 Insurance agents, brokers, and services					P	P	P	P*	
4 Real estates agents, brokers, and management					P	P	P	P*	
5 Title abstracting					P	P	P	P*	
6 Short term lending and pawn shops						P			
7 Cash stores						P	P		

* Second story or higher or basement only

Food - Manufacturing

1 Meat, poultry and small game (slaughtering, packing and preparation)		C							C
2 Canning fruits, vegetables and preserves	P	P							
3 Drying and dehydrating fruits and vegetables	P	P							
4 Frozen fruits, fruit juices, and vegetables	P	P							
5 Flour and other grain mill products	P	P							
6 Preparing feeds for animal & fowls									P
7 Candy, chocolate and other confectionery products	P	P			P	A	A	P	
8 Bottling and canning of soft drinks and carbonated water	P	P							
9 Ice	P	P							
10 Bakeries and baked goods	P	P				A			

Food - Retail

1 Groceries					P	P	P		
2 Candy, nut and confectionery					P	P	P	P	
3 Bakeries and baked goods					P	P	P	P	
4 Health foods and diet plans					P	P	P	P	
5 Specialty foods					P	P	P	P	
6 Nonprofit distribution centers (i.e. food pantries)					P	P			

Furniture and Fixtures - Manufacturing

1 Furniture and home furnishings	P	P							
2 Office furniture	P	P							
3 Partitions, shelving, lockers, and office and store fixtures	P	P							
4 Blinds and shades	P	P							
5 Cabinets and other wood products	P	P							

Furniture and Home Furnishings - Retail

1 Furniture and home furnishings					P	P	P	P	
2 Floor coverings					A	P	P		
3 Draperies, curtains, and upholstery					A	P	P		

* = Uses that include unique regulations

	I-1	I-2	R&D	PO-1	CC-1	GC-1	S-1	CAP	A-5
4 China, glassware, and metalwork					P	P	P	P	
5 Household appliances						P	P		
6 Electronic equipment						P	P		

Government Structure and Facilities

1 Local government structures	P	P	P	P	P	P	P	P	P
2 Government facilities with storage	P	P	C	C	C	C	C	C	C

Lumber, Wood and Composite Products - Manufacturing

1 Hardwood flooring	P	P							
2 Millwork		P							
3 Veneer and plywood		P							
4 Prefabricated wooden buildings		P							
5 Wooden containers		P							
6 Composite building materials and products	P	P							

Metals - Manufacturing

1 Secondary smelting and refining of nonferrous metals and alloys		P							
2 Rolling, drawing, and extruding of aluminum		P							
3 Rolling, drawing, and extruding of nonferrous metals		P							
4 Drawing and insulating of nonferrous wire		P							
5 Nonferrous foundries		P							
6 Safes and security products	P	P							

Other Retail Sales

1 Department stores						P	P		
2 Variety stores					P	P	P	P	
3 Sporting goods					P	P	P		
4 Wholesale retailer						P	P		
5 Arts, crafts, and hobbies					P	P	P	P	
6 Musical instruments					P	P	P	P	
7 Prescription drugs, pharmacy and major drug and related dispensing				P	A	P	P	A	
8 Liquor stores					P	P	P		
9 Antiques					P	P	P	P	
10 Secondhand merchant (no outdoor storage or display areas)						P	P		
11 Books, stationary and office supplies					P	P	P	P	
12 Accessory animal supplies and tack shops					P	P	P		
13 Bicycles					P	P	P	P	
14 Toy stores					P	P	P	P	
15 Hay, grains, and feeds	P	P							P
16 Jewelry and precious metals					P	P	P	P	
17 Florists					P	P	P	P	
18 Cameras and photographic supplies					P	P	P	P	
19 Gifts, novelties and souvenirs					P	P	P	P	
20 Video and music sales and rental					P	P	P	A	
21 Software, computer, and telecommunication sales					P	P	P		
22 Pet stores					P	P	P		
23 Botanical nurseries (no cultivating)						P			
24 Tobacco specialty store						P	P		

Paper and Allied Products - Manufacturing

1 Envelopes	P								
2 Bags (except textile bags)	P								
3 Wallpaper	P								
4 Die cut paper and paperboard; and cardboard	P	P							
5 Paperboard boxes and containers	P	P							

* = Uses that include unique regulations

6 Building paper and building board

I-1	I-2	R&D	PO-1	CC-1	GC-1	S-1	CAP	A-5
P	P							

Personal Services

1	Laundry and dry cleaning - including self service					P			
2	Laundry and dry cleaning - no self service				P	P	P		
3	Linen supply and industrial laundry	P				P			
4	Carpet and furniture cleaning	P				P			
5	House cleaning	P				P	P		
6	Commercial janitorial	P				P			
7	Photography studios				P	P	P	P	
8	Beauty and barber services, including esthetics and permanent cosmetics				P	P	P	P	
9	Health spas					P	P	P	
10	Mortuaries and funeral homes					P			
11	Cemeteries								C
12	Catering services				A	P	P	A	
13	Reception centers				P	P	P		
14	Automobile wash automatic					P	P		
15	Automobile wash - self service					P	P		
16	Pet grooming				P	P	P		P
17	Personal fitness (physical therapy, gyms)	P		A	P	P	P		
18	Mixed martial arts (training facility only)				P	P			
19	Dietician and weight loss centers					P	P		
20	Tanning salons				P	P	P		
21	Tattooing and body art					P			
22	Pleating, decorative and novelty stitching, and custom tailoring					P	P		
23	Apparel cleaning and repair					P	P		

Printing, Publishing Industries

1	Newspapers, books and periodicals; publishing and/or printing	P							
2	Commercial printing	P							
3	Manifold business forms	P							
4	Greeting cards	P							
5	Bookbinding	P							
6	Typesetting	P							
7	Photoengraving	P				P			

Professional Services

1	Physician or dental services				P	P	P	P	
2	Hospitals and medical clinics				P		P		
3	Medical or dental laboratory			P	P		P		
4	Medical clinics - outpatient and residential health care				P		P		
5	Chiropractors				P	P	P	P	
6	Massage therapy and physical therapy				P		P	P	
7	Ophthalmology and optometry services				P		P	P	
8	Legal services and adoption agencies				P	P	P	P	P*
9	Family and behavioral counsel services				P	P	P	P	P*
10	Computer software businesses	P		P	P	P	P	P	P*
11	Engineering, surveying, land planning, environmental and architectural	P					P	P	
12	Educational and scientific research			P	P			P	
13	Accounting, auditing and bookkeeping				P		P	P	P*
14	Genealogical						P	P	P
15	Interior design					P	P	P	P
16	Motion picture production	P	P				P		

* Second story or higher or basement only

* = Uses that include unique regulations

I-1 I-2 R&D PO-1 CC-1 GC-1 S-1 CAP A-5

Professional, Scientific, Photographic and Optical - Manufacturing

1	Laboratory, and scientific and research instruments	P	P	P						
2	Mechanical measuring and controlling instruments	P	P	P						
3	Automatic temperature controls	P	P							
4	Optical instruments and lenses	P	P	P	P					
5	Surgical and medical instruments and apparatus	P	P	P						
6	Orthopedic, prosthetic, and surgical appliance and supplies	P	P	P						
7	Dental equipment and supplies	P	P	P						
8	Ophthalmic goods	P	P	P	P					
9	Surgical and medical instruments and apparatus	P	P	P						
10	Photographic equipment and supplies	P	P							
11	Watches, clocks, clockwork operated devices, and parts	P	P			P	P			
12	Musical instruments and parts	P	P							
13	Pens, pencils, and other office and artists' materials	P	P				P			
14	Costume jewelry and novelties	P	P			P	P			
15	Morticians' goods	P	P							

Public Assemblies

1	Amphitheaters							A	P	C
2	Movie or live production theater (no sexually oriented businesses)					P	P	P	P	
3	Drive-in movies						C			C
4	Dance hall					P	P	P		
5	Stadiums, exhibit halls or auditoriums						C	P		C
6	Arenas and field houses						C	P		C
7	Race tracks									C
8	Convention center					P	P	P		C

Railroad and Motor Vehicle Transportation

1	Railroad rights of way and transportation equipment and facilities		P							
2	Bus passenger terminals (inter-city and local)			P	P		P	P		
3	Bus garaging and equipment maintenance	P	P							
4	Motor freight terminals	P	P							
5	Motor freight garaging and equipment maintenance	P	P							

Recreation Activities

1	Public or private golf courses									P
2	Riding stables									P
3	Recreation centers and athletic clubs	P			P		P	P		
4	Swimming pools						P	P		
5	Water slides						P	A		
6	Archery and shooting ranges (indoor facilities)	P					A	A		P
7	Archery and shooting ranges (outdoor facilities)									P
8	Ropes course							A		

Repair Services

1	Automobile repair	P	P					C		
2	Auto body work and restoration	P	P					C		
3	Automobile lube and tune-up							P	P	
4	Automobile detailing					P	P			
5	Appliance and computer repair	P								
6	Machine repair	P						P		
7	Small engine repair	P						P		
8	Radio and television repair services	P						P		
9	Watch, clock and jewelry repair services	P				P	P	P		
10	Reupholster and furniture repair services	P						P		

* = Uses that include unique regulations

	I-1	I-2	R&D	PO-1	CC-1	GC-1	S-1	CAP	A-5
11 Towing services - impound	C	C							
12 Towing services - no impound	P	P				A			
13 Painting and powder coating services	P	P							
14 Vehicular exterior application (pin stripping)	P								

Sexually Oriented Businesses

1 Sexually oriented businesses (as defined in Title 4, Business License Ordinance)		P							
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Stone, Clay and Glass - Manufacturing

1 Flat glass		P							
2 Glass containers		P							
3 Brick and structural clay tile		P							
4 Ceramic wall and floor		P							
5 Vitreous china, plumbing fixtures, and china		P							
6 Fine earthenware (whiteware), table and kitchen articles		P							
7 Porcelain electrical supplies		P							
8 Concrete brick		P							
9 Concrete products (excluding brick and block)		P							
10 Cut stone and stone products		P							
11 Concrete batch plants		C							

Storage and Accessory Structures

1 Storage condos	P	P							
2 Storage units	P	P							
3 Storage facilities for machinery and equipment	P	P							
4 Silos for agricultural purposes									P

Transient Lodgings

1 Hotels and motels						P	P		
2 Bed and breakfast operations					P	P	P	P	

Utilities

1 Electric transmission right-of-way	C	C	C	C	C	C	C	C	C
2 Electric generation plants		C							
3 Electricity regulating substations	C	C	C	C	C	C	C	C	C
4 Gas pipeline right-of-way (high pressure)	C	C	C	C	C	C	C	C	C
5 Gas pressure control stations	C	C							C
6 Water pipeline right-of-way	P	P	P	P	P	P	P	P	P
7 Water treatment plants (purification)	P	P							P
8 Water storage	P	P							P
9 Irrigation distribution systems	P	P	P	P	P	P	P	P	P
10 Water pressure control stations	P	P	P	P	P	P	P	P	P
11 Sewage treatment plants		C							
12 Sewage sludge drying beds (municipal only)		C							
13 Sewage lift stations	P	P	P	P			P		P
14 Public and private utility rights-of-way	P	P	P	P	P	P	P	P	P
15 Public and private maintenance and utility facilities (public)	P	P	P	P	P	P	P	P	P
16 Public and private maintenance and utility facilities (private)	C	C	C	C	C	C	C	C	C

Wholesale Trade

1 Automobiles and other motor vehicles	P	P							
2 Tires and tubes	P	P							
3 Prescription drugs, drug proprietary and druggists' sundries	P		P	P					
4 Paints and varnishes	P	P							
5 Dry goods, piece goods and notions	P	P							
6 Apparel and accessories, hosiery and lingerie	P	P							

* = Uses that include unique regulations

	I-1	I-2	R&D	PO-1	CC-1	GC-1	S-1	CAP	A-5
7 Footwear	P	P			A				
8 Groceries (general line)	P	P							
9 Dairy products	P	P							P
10 Poultry and products	P	P							P
11 Confectionery	P	P							
12 Meat and meat products	P	P							P
13 Fruits and vegetables	P	P							P
14 Grain	P	P							P
15 Electrical equipment, wiring supplies and construction materials	P	P							
16 Electrical appliances, television and radio sets	P	P							
17 Electronic parts and equipment	P	P							
18 Hardware	P	P							
19 Plumbing and heating equipment and supplies	P	P							
20 Air conditioning, refrigerated equipment and supplies	P	P							
21 Commercial and industrial machinery, equipment and supplies	P	P							
22 Farm machinery and equipment	P	P							
23 Transportation equipment and supplies (except motor vehicles)	P	P							
24 Metals and minerals (except petroleum products and scrap)		P							
25 Tobacco and tobacco products	P	P							
26 Beer, wine and distilled alcoholic beverages	P	P							
27 Paper products	P	P							
28 Furniture and home furnishings	P	P							
29 Lumber and construction materials	P	P							
30 Firearms distribution	P	P							

Title 14 Sensitive Lands

14.04 General Provisions

14.08 Definitions: Sensitive Lands

14.12 Approval Procedures For Development

14.16 Hillside Development Standards

14.20 High Groundwater, Stream Corridor, And Wetland Area Development Standards

14.24 Wildlife Habitat Protection

14.28 Limits Of Disturbance

14.04 General Provisions

14.04.010 Title

14.04.020 Purpose

14.04.030 Applicability

14.04.040 Presumption

14.04.050 Actions Prohibited

14.04.060 Relationship To Other Ordinances

14.04.070 Conflict Resolution

14.04.080 Civil And Criminal Fraud

14.04.090 Liability

14.04.100 Effective Date

14.04.110 Violations

14.04.010 Title

This Title shall be known as the "Sensitive Lands Ordinance" of Payson City, Utah.

14.04.020 Purpose

The purpose of this Title is to promote the health, safety protection, convenience, and general welfare of the present and future inhabitants of Payson City. It is the intention of the City to minimize floods, erosion, and other environmental hazards, protect the natural scenic character of foothill areas not suitable for development, ensure the efficient expenditure of public funds, to establish the rights, duties, and responsibilities of property owners with respect to land development, and to facilitate the implementation of the General Plan. The standards for development contained herein are intended specifically to accomplish the following purposes:

- A. Preserve the visual and aesthetic qualities of the hillsides, including prominent ridgelines, which are vital to the character and attractiveness of the City.
- B. Encourage development designed to reduce risks associated with natural hazards and to provide maximum safety for inhabitants.

- C. Provide adequate and safe vehicular and pedestrian circulation.
- D. Encourage development that fits the natural slope of the land in order to minimize the scarring and erosion effects of cutting, filling, and grading related to construction on hillsides, ridgelines, and steep slopes.
- E. Prohibit activities and uses that would result in degradation of fragile soils, steep slopes, and water quality.
- F. Provide for preservation of environmentally sensitive areas and open space by encouraging clustering or other design techniques to preserve the natural terrain, minimize disturbance to existing trees and vegetation, preserve wildlife habitat, and protect aquifer recharge areas.

This Chapter is particularly concerned with the regulation of land use and development pursuant to enabling legislation found in Utah Code §§ 10.8.13, 10.8.38, 10.8.84 (1953 as amended) and elsewhere in state law.

14.04.030 Applicability

The development standards contained in this Title shall apply to all lands within the City limits that contain any of the following conditions:

- A. Slopes of twenty (20) percent or greater
- B. Natural hazards including but not limited to expansive soils, collapsible soils, proximity to potential landslide area, proximity to a primary Wasatch Fault Zone, proximity to a secondary fault, proximity to an alluvial fan, proximity to an active landslide, and any other unsafe geologic condition
- C. High ground water, less than six (6) feet from surface
- D. Wetlands
- E. Areas of critical wildlife habitat

No development or construction activity, including tree/vegetation removal, grading, excavation, filling, drainage, or subdivision of land shall occur on property subject to this Title until a site development plan has been approved according to the standards in this Title. The requirements in this Title also apply to proposals related to land in subdivisions, or any other development plans, which may have been approved prior to the adoption of this Title.

14.04.040 Presumption

Conditions described on geologic hazard maps and aerial topography maps maintained by the City Engineer, together with explanatory material appurtenant thereto, shall be presumed to exist. If in question, it shall be the burden of the applicant to provide

evidence that the information maintained by the City Engineer is incorrect.

14.04.050 Actions Prohibited

Notwithstanding any other provision of this Title, it shall be unlawful to grade, fill, or excavate any land in a manner that presents an unreasonable risk of erosion, flooding, landslide, or any other unsafe condition. It shall be unlawful to erect any structure that will not be reasonably safe for use as a human habitation because of sensitive lands as defined in this Title.

14.04.060 Relationship To Other Ordinances

Site development plans for development in Sensitive Lands shall be submitted in a form that satisfies the requirements of this Section. The development standards and regulations set forth in this Chapter shall be supplemental to any and all requirements of PCC 13, Zoning Ordinance and PCC 12, Subdivision Ordinance. Any request for development shall follow the applicable procedures set forth in PCC 13 and PCC 12.

14.04.070 Conflict Resolution

When the provisions of this Chapter are inconsistent with the provisions of the Building Code or with provisions found in any other City ordinance or regulation including PCC 13 Zoning Ordinance and PCC 12, Subdivision Ordinance, or the Design Guidelines and Standard Specifications, or any other City, State, or Federal regulations, the most restrictive provision shall apply.

14.04.080 Civil And Criminal Fraud

It shall be unlawful for any person, including the seller or his representative, directly or indirectly in connection with the sale or offering for sale of real property located in Payson City, to make any untrue statement of a material fact related to the geologic condition of the subject property. This Section shall be construed to create private and public civil causes of action in addition to creating criminal liability.

14.04.090 Liability

The purpose of this Chapter is to indicate to the owner or developer of any property that the liability and responsibility lies upon the owner of the property to protect the integrity of their own and adjoining properties, existing water courses, and utility lines and not upon the City or any other person.

14.04.100 Effective Date

It shall be unlawful after the effective date of this Ordinance, for any construction or development in a Sensitive Land area to be undertaken except as provided herein. Any construction project that has not received Preliminary Plan approval prior to the effective date of this Ordinance shall be deemed subject to this Ordinance. Any development or

construction project in a Sensitive Land area built contrary to the regulations of this Ordinance, after its effective date, shall be deemed a nuisance subject to abatement and appropriate injunction relief instituted either by the City or by any other interested party.

14.04.110 Violations

Any violations of this Chapter shall constitute a Class C Misdemeanor.

14.08 Definitions: Sensitive Lands

[14.08.010 Purpose And Intent](#)

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14.08.010 Purpose And Intent

The purpose for including certain definitions as part of this ordinance is to clarify meaning specific to this ordinance. Words and phrases used in the present tense include the future, singular words include the plural as well as the singular.

14.08.020 Words, Terms And Phrases Defined

The following definitions are specific to this Chapter. If there is occasion to need interpretation of any word or phrase listed below or any other word or phrase not listed, the Board of Adjustment shall provide the interpretation.

AVERAGE SLOPE. The average slope of a parcel of land or any portion thereof shall be computed by applying the formula:

$$S = \frac{0.00229 \cdot I \cdot L}{A}$$

to the natural slope of the land before any grading is commenced, as determined from a topography map having a scale of not less than one inch equaling one hundred (100) feet and a contour interval of not less than five (5) feet, where:

S = average percent slope

0.00229 = a conversion factor of sq. feet to acres

I = contour interval, in feet

L = summation of the length of contour lines, in feet within the subject parcel

A = area in acres of the parcel being considered

BASEMENT. Any portion of any building, the floor of which is built at a lower elevation than the surrounding ground level.

BUILDING SITE. A space of ground occupied or to be occupied by a building or group of buildings.

CALIPER. A standard for trunk measurement of nursery stock, determined by measuring the diameter of the trunk six (6) inches above the ground for up to and including five (5) inch caliper size, and twelve (12) inches above the ground for larger trees.

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

DEVELOPMENT. The total area of the parcel of land on which a building permit is to be issued, or the total area of property being improved.

DRAINAGE DITCH. Any system of canal(s) or ditch(es) naturally existing or constructed to carry surface and/or subsurface water to Utah Lake, whether or not the ditch(es) or canal(s) carry water filed upon by individual(s) to be used for irrigation purposes.

DRIP ZONE. The drip zone is calculated by measuring the diameter of a tree at breast height. Every inch of tree trunk diameter, for example, equates to one foot of drip zone.

DRIVEWAY. A private area used for ingress and egress of vehicles, which may be paved or unpaved, and which allows access from a street or road to a building or other structure or facility, provided such private area is used by:

- A. No more than two (2) residential units; or
- B. No more than two principal non-residential uses provided such uses together do not exceed 25,000 square feet in gross floor area.

EXCAVATION. The mechanical removal of earth material.

FILL. A deposit of earth material by artificial means.

FRENCH DRAIN. A sump or trench filled with crushed rock or gravel intended to receive storm water discharge.

GENERAL PLAN. The General Plan for Payson City, Utah, and amendments thereof.

GEOLOGIST. A geologist experienced in the application of geologic knowledge and principles in order to evaluate naturally occurring rocks and soils for use in development. Training and expertise minimums are a four-year degree in geology and three years of direct working experience.

GEOTECHNICAL ENGINEER. An engineer experienced and knowledgeable in the practice of soils engineering (the application of the principles of soils mechanics). Registration in Utah and a minimum of three years experience in the geotechnical industry are minimum requirements.

GRADING. Any excavating or filling or combination thereof including a change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

GRADING PLAN. A topographic development plan prepared by a registered civil engineer showing contours for before and after grading.

HILLSIDE AREA. Any lot or parcel with an average slope greater than twenty (20) percent.

HIGH WATER TABLE AREA. Any property where the ground water is less than six (6) feet below the ground surface at any time during the year.

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

IRRIGATION DITCH. Any system of canal(s) or ditch(es) originally constructed for irrigation use and maintained primarily for that use.

LANDSCAPE ARCHITECT. A design professional licensed by the State of Utah to render or offer any of the following services:

- A. Production of a site plan which may include the design of sprinkler irrigation systems, landscape grading and drainage plans, or parking lots.
- B. Design of retaining walls, raised platforms, decks, and walkways incidental to the production of a site plan.
- C. Design of covered pavilions, gazebos, restrooms, storage and maintenance facilities, and other accessory structures incidental to the production of a site plan when the structure does not exceed 1,000 square feet.

LIMITS OF DISTURBANCE. Means the area(s) in which construction and development activity must be contained, including development and construction of the principal building and permitted accessory structures, play areas, and on-site septic tanks, utilities, drainage, and other services.

MAXIMUM EXTENT DEASIBLE. Means no prudent, practical, and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken. Economic considerations may be taken into account but shall not be the overriding factor

in determining "maximum extent feasible."

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

OFF-SITE FACILITIES. Facilities outside of boundaries of any residential or nonresidential development which are designed and located to serve the needs of the subdivision or adjacent properties, usually lying between a development and existing facilities.

ON-SITE FACILITIES. Facilities installed within or on the perimeter of any residential or nonresidential development site.

ORDINARY HIGH WATER MARK. The line on the bank to which the high water of a stream ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark shall be measured so as to include the entire stream feature.

OVER-SIZE FACILITIES. Facilities with added capacity designed to serve other property, in addition to the land within the boundaries of a residential or nonresidential development site.

QUALIFIED PROFESSIONAL. Means a professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

RETAINING WALL. A wall designed and constructed to resist the lateral displacement and erosion of soils or other materials.

RIDGE LANE PROTECTION AREAS. Prominent ridge lines that are highly visible from any major roadway in Payson classified as collector or greater in intensity including the Nebo Loop Scenic Byway, and shall include the crest of any ridge line plus the land located within one-hundred (100) feet horizontally on either side of the crest.

ROUGH GRADE. The stage at which the grade is within eight (8) inches of the grade shown on the approved grading plan.

SENSITIVE LANDS. Any land area whose destruction or disturbance could immediately affect the life of the community by either (a) creating hazards such as flooding and landslides, (b) destroying important public resources such as water supplies and the water quality of lakes and rivers, or (c) wasting important productive lands and renewable resources. The term Sensitive lands shall apply to all lands within the City Limits which contain any of the following conditions:

- A. Slopes of twenty (20) percent or greater
- B. Natural hazards including but not limited to expansive soils, collapsible soils, proximity to potential landslide area, proximity to a secondary fault, proximity to an alluvial fan, proximity to an active landslide, proximity to a primary Wasatch Fault Zone, and any other unsafe geologic condition.
- C. High ground water and wetlands
- D. Areas of critical wildlife habitat

SITE. Any lot or parcel of land.

SOIL ENGINEER. A civil engineer registered in the State of Utah with training and experience in soil engineering.

SUBSURFACE DRAINAGE. Any system of pipes, canals, ditches, moats, etc. that intercept the ground water and carry it to Utah Lake.

SURFACE DRAINAGE. That amount of water run-off caused as a result of precipitation or irrigation.

14.12 Approval Procedures For Development

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14.12.010 Purpose

The purpose of the approval procedures set forth in this Section is to ensure compliance with the standards and provisions of this Chapter and all other applicable ordinances and codes. Payson City encourages quality development in environmentally sensitive areas reflective of the City's goals, policies, and objectives set forth in this Chapter, and the Payson City General Plan.

14.12.020 Procedure For Approval

It shall be unlawful to grade, fill, or excavate any land or to erect any structure without completing the following:

- A. The applicant shall submit a letter report to the City Engineer and satisfy the requirements, described in PCC 14.12.050, or a geologic report, as described in PCC 14.12.060.
- B. The applicant shall execute and record the restrictive covenant, if required by PCC 14.12.100.
- C. The applicant shall submit information about construction improvements such as roads, sewer lines, or water lines, or other improvements that are intended to be placed in public ownership.

14.12.030 Preliminary Determination By City Engineer

All proposals, regulated by this Title, to grade, fill, or excavate land or to erect a structure for human habitation shall be referred to the City Engineer. The City Engineer shall make a preliminary determination, by reference to the maps and materials maintained in the Engineer's office, if any of the unsafe physical conditions described in PCC 14.04.030 appear to exist, or could exist, in relation to the real property which is included in the proposal.

14.12.040 Requirement To Submit Letter Report Or Geologic Report

- A. Except as otherwise provided in PCC 14.16 Hillside Development Standards, if the City Engineer or Development Services Director determines that no unsafe physical condition appears to exist in relation to the subject property, the proposal may proceed, as proposed, subject to all other requirements and regulations. However, this is an initial determination only. If at any point of the development it is determined that conditions regulated by this Chapter exist, all of the requirements of this Chapter must be satisfied.
- B. If the City Engineer or Development Services Director determines that an unsafe physical condition appears to exist in relation to the subject property, the applicant shall submit a geologic report and otherwise comply with this Chapter.
- C. With respect to any proposal not requiring a geologic report, the City Engineer or Development Services Director may require the applicant to submit a letter report to resolve issues with respect to the condition of the subject property. A letter report may be required even if the maps and materials maintained in the office of the City Engineer do not show any of the unsafe conditions described in PCC 14.04.030. The City Engineer or Development Services Director may withhold the determination described in PCC 14.12.030 until receipt of the letter report, and based on information in the letter report may, for good cause, require the submission of a geologic report.

14.12.050 Letter Report

A letter report is a simplified geologic report used in relation to areas of relatively stable soil and rock. It shall contain not less than the following:

- A. An analytical geologic description of the subject property in relation to the development which is proposed thereon, and in relation to adjoining property.
- B. A description of any requirements or restrictions which should be imposed on the proposal to avoid violation of the provisions of PCC 14.04.050.
- C. A geologic sketch map and/or a geologic structure section diagram, if relationships are complex and difficult to describe in writing.
- D. The original signature and the registration number of the responsible engineering geologist or geotechnical engineer, and a statement of the methods of study and approximate amount of field time spent by said geologist or engineer in the preparation of the subject letter report.
- E. The letter report shall include such other information as the City Engineer shall reasonably require.

14.12.060 Geologic Report

A geologic report shall include maps and a report containing not less than the following information:

- A. The maps shall include:
 - 1. The site location and regional setting of the subject property. The 1992 map series entitled: "Utah County Natural Hazards Overlay Zone," prepared by Robert Robison, shall be used to reference the areas where specific hazard studies may need to be conducted.
 - 2. A site specific geologic map which illustrates actual or potential landslides, fault zones, shallow water tables, expansive or collapsible soils, debris flows, flood areas, and any other pertinent natural or artificial features that might influence the stability of the subject property or adjacent property. Actual or probable surface and subsurface relations shall be shown with those relations that are conjectural being clearly labeled as such. The proposed grading, filling, excavation, or structure to be erected shall be shown in relation to the geologic features described above. Maps shall use a scale of one (1) inch equaling one hundred (100) feet, with contour lines at five (5) foot intervals. Existing contour lines shall be dashed lines and proposed contour lines shall be shown as solid lines. Boring logs, cross-sections, test trench logs, soil sample descriptions, and test results shall be included.

3. The City Engineer or Development Services Director may require additional maps or additional detail on existing maps as reasonably necessary to evaluate actual or potential geologic hazards.

B. The report shall include:

1. A description of the proposed grading, filling, excavation, or structure.
2. An analysis of the effects of the proposed grading, filling, excavation, or erection of a structure in relation to the geologic conditions shown in the geologic maps.
3. With regard to a structure, an analysis of the manner in which the same, as constructed, will be made reasonably safe for human habitation.
4. Any corrective or remedial action necessary to avoid a violation of PCC 14.04.030 shall be described and analyzed in detail.
5. A list, including title, author and date, of all prior studies or reports which are relied upon to make this report.
6. The City Engineer or Development Services Director may require additional information or analysis that are reasonably necessary to evaluate actual or potential geologic hazards.

C. If the geologic report (maps and report) relates to land having an average slope that exceeds twenty (20) percent, the development proposal described in the geologic report shall conform to the provisions of PCC 14.16.

D. In the case of a proposal to grade, fill, or excavate, which is not directly or indirectly related to a proposal to erect a structure for human habitation, the City Engineer or Development Services Director may waive compliance with any requirement of this Section not relevant to the proposed grading, filling, or excavating.

14.12.070 Engineer/Geologist Qualifications And Certificate

A. A letter report or a geologic report shall be approved and signed by one of the following:

1. A geotechnical engineer, who shall be a registered professional engineer in the State of Utah, qualified by training and experience in the application of the principles of soil mechanics to foundation investigation, slope stability, and site development.
2. An engineering geologist who shall be a graduate in geology or engineering geology from an accredited university with at least five (5) years of professional geologic experience of which at least three (3) full years shall be in the field of engineering geology.

B. A letter report or a geologic report shall contain the following certificate:

CERTIFICATE

I hereby certify that I am a geotechnical engineer or an engineering geologist, as those terms are defined in PCC 14.12.070 of the Sensitive Lands Ordinance of Payson City. I have examined the letter report/geologic report to which this certificate is attached and the information and conclusions contained therein are, without any reasonable reservation not stated therein, accurate and complete. All procedures and tests used in said letter report/geologic report meet minimum applicable professional standards.

Signature _____

C. In addition to any applicable private civil remedies, it shall be unlawful to knowingly make a false, untrue, or incomplete statement in a letter report or a geologic report or to sign the certificate described above knowing the same to be materially false or not true.

14.12.080 Other Reports Required

In addition to the letter report or geologic report, all developments which are affected by slopes greater than twenty (20) percent, wildlife areas, wetlands, and/or high ground water will be required to submit additional reports and information as per the applicable section contained in this Title.

14.12.090 Post Construction Inspection And Certification

Where a development has proceeded on the basis of a letter report or a geologic report which has been acknowledged by the City Engineer, no final inspection shall be completed, certificate of occupancy issued, or performance bond released until the engineer or geologist who signed and approved the letter report or geologic report shall further certify that the completed improvements and structures conform to the descriptions and requirements contained in the letter or report. Provided, however, that improvements and structures may, with the consent of the City Engineer, deviate from the descriptions and requirements contained in the letter report or geologic report because of conditions which are discovered after acknowledgement by the City Engineer of the letter report or geologic report.

14.12.100 Appeal From Decision Of City Engineer

Any person dissatisfied with a decision of the City Engineer may appeal, within thirty (30) days, to the Payson City Council, which is by this Ordinance authorized to hear appeals from decisions of the City Engineer. The City Council shall affirm or reverse, either in whole or in part, the decision of the City Engineer. Any person dissatisfied with

a decision of the City Council may appeal the decision within thirty (30) days to any court of competent jurisdiction.

14.12.110 Restrictive Covenant Required

If a letter report or a geologic report has been submitted to the City Engineer, no subdivision or other development plat or plan shall be approved and no building permit shall be issued for construction of a structure until the owner(s) of the subject real property have signed and delivered to Payson City a restrictive covenant in a form suitable for recording containing not less than the following:

- A. A complete description of the geologic condition of the subject real property, including references to relevant reports and studies.
- B. A description of the grading, filling, or excavating or erection of a structure for human habitation approved in the letter report or geologic report which has been acknowledged by the City Engineer, together with the requirements and restrictions imposed thereon.
- C. An agreement enforceable by Payson City, adjoining landowners, and any subsequent owner of the subject real property that only the grading, filling, or excavating or erection of a structure in the acknowledged letter report or geologic report will be constructed or maintained.

14.16 Hillside Development Standards

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14.16.010 Purpose

To ensure that proposed hillside developments reflect the best interests of Payson City, all grading or other improvement of any land, including, but not limited to, land in

approved subdivisions or other development plans, shall conform to the development standards, guidelines, and criteria of this Chapter. The provisions of this Chapter are intended to minimize floods, erosion, and other environmental hazards, to protect the natural scenic character of foothill areas not suitable for development, and to ensure the efficient expenditure of public funds. The policies to be achieved by this Chapter shall include, but are not limited to, the following:

- A. Encourage only minimal grading which relates to the natural contour of the land and which will round off, in a natural manner, sharp angles at the top and ends of cut and fill slopes, and which does not result in a "staircase" or "padding" effect.
- B. Require retention of trees and other vegetation which stabilize steep hillsides, retain moisture, prevent erosion, enhance the natural scenic view, and where necessary, require additional landscaping to enhance the scenic and safety qualities of the hillside.
- C. Require immediate planting wherever appropriate to maintain necessary cut and fill slopes, to stabilize them with plant roots, to conceal the raw soil from view and to minimize erosion.
- D. Preserve natural drainage channels.
- E. Encourage retention of natural landmarks and prominent natural features, wildlife habitat, and open space.
- F. Preserve and enhance the visual and environmental quality through the use of natural vegetation and prohibition of excessive excavation and terracing.
- G. Protect the public from natural hazards of storm water run-off and erosion by requiring drainage facilities.
- H. Minimize the threat of fire damage by establishing fire protection measures.
 - I. Establish land use management that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
- J. Encourage a regard for the view of the foothills as well as view from the foothills.

14.16.020 Lot And Density Requirements

In keeping with the purpose set forth in PCC 14.04.020 and 14.16.010, and after excluding all property having a slope greater than thirty (30) percent, lots within the Hillside Protection Overlay Zone shall comply with the following schedule regardless of the lot and density requirements of the underlying zone(s). However, developments may be granted up to a twenty-five percent density bonus in accordance with PCC 12.12 of the Subdivision Ordinance and PCC 14.16.050 herein.

Average Slope	Minimum Residential Lot Size (Unless underlying zone requires larger lot	Units Per Acre (Or as allowed
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	size)	by underlying zone)
0-20%	See existing zoning	See existing zoning
21-25%	*15,000 square feet	2.9
26-30%	*1/2 acre	2
Over 30%	Development not permitted	0

*Lot size after excluding all property with slopes greater than thirty (30) percent.

14.16.030 Steep Slope Protection Standards

- A. No development, including clearing, excavation, and grading shall be allowed on slopes greater than thirty (30) percent, as defined in this Chapter except as expressly allowed in this chapter.
- B. Any person proposing to grade, excavate, fill, or to erect any structure on land having an average slope of greater than twenty (20) percent shall submit a Geologic Report as required by the City Engineer.
- C. Development shall not be allowed within (50) feet of slopes in excess or forty (40) percent.
- D. Roads and other vehicular routes shall not cross lands having a slope greater than thirty (30) percent unless, after review by the Planning Commission, it is determined that:
 - 1. Appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this Chapter.
 - 2. The environment and aesthetics of the area will not be negatively affected.

14.16.040 Ridge Line And Viewscape Protection

- A. No development shall protrude onto any ridgeline protection area. For the purposes of this chapter, ridge line protection areas shall consist of prominent ridge lines that are highly visible from any major roadway in Payson classified as collector or greater in intensity, and shall also include the crest of any ridge line plus the land located within one-hundred (100) feet horizontally (map distance) on either side of the crest.
- B. All structures on slopes greater than twenty (20) percent shall not exceed 35 feet in height from lowest elevation of finished or natural grade, which ever is most restrictive, to the top of the structure.
- C. Hillside developments shall be designed to minimize visual impact and will make

use of hollows and draws. All buildings constructed will make use of neutral colors and non-reflective glass for structures. An exterior materials plan will be provided designating types of exterior materials and colors.

14.16.050 Clustering

Clustering of development through the use of a Planned Residential Development (PRD) as allowed in PCC 12 is generally recommended and may be required by the City Council to achieve the objectives of this Title. The base density for any PRD within the Hillside Protection Overlay Zone shall be in accordance with the density requirements of PCC 14.16.010 regardless of the underlying zone. The applicant may be granted up to a twenty-five (25) percent density bonus above the base density in a manner consistent with PCC 12.12 of the Subdivision Ordinance. Whether proposed by the applicant or required by the Planning Commission, clustering of development shall meet the following objectives in addition to the objectives required by PCC 12:

- A. The PRD better attains the policies and objectives of this chapter, such as providing more open space, preserving existing trees and vegetation coverage, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes.
- B. The architecture, height, building materials, building colors, and other design features of the development blend with the surrounding natural landscape.

14.16.060 Grading Standards

- A. No grading, excavation, or tree/vegetation removal shall be permitted in a hillside area to provide for a building site, on-site utilities or services, or for any roads or driveways, without first having obtained a grading permit from the City Engineer in accordance with a grading and excavation plan.
- B. Land having an average slope of greater than twenty (20) percent shall be deemed to be land having a "steep slope". Any person proposing to grade, excavate, fill, or to erect any structure on such land shall submit a Geologic Report as though the same were required by the City Engineer pursuant to PCC 14.12.030. This Subsection shall not apply if a Geologic Report relating to the subject property has, at an earlier date, been acknowledged by the City Engineer.
- C. No grading, filling, or excavation of land or the erection of a structure shall be permitted on land having an average slope in excess of twenty-five (25) percent except in compliance with the provisions of this Chapter.
- D. All rough street and site grading shall be completed prior to the installation of utilities.
- E. Fills shall be compacted to at least ninety-six (96) percent of ASTM T99 density

for those areas intended as structural foundations, including roadways.

- F. Borrowing for fill shall be prohibited unless the material is obtained from a cut permitted under an approved grading plan obtained for some purpose other than to produce fill material, or imported from outside the hillside area of Payson City.
- G. Cut slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with existing topography to the maximum extent possible. The City will not accept the dedication and maintenance of cut and fill slopes except those within the required street right-of-way. Where a cut or fill slope occurs between two (2) lots, the slope shall normally be made a part of the downhill lot.
- H. Sections of the Uniform Building Code regulating excavation and grading shall be satisfied, except that decisions described therein to be made by the Building Official may also be made by the City Engineer.
- I. The original natural grade of a lot shall not be raised or lowered more than four (4) feet at any point for construction of any structure or improvement, except:
 - 1. The site's original grade may be raised or lowered six (6) feet if a retaining wall is used to reduce the steepness of man-made slopes, provided that the retaining wall complies with the requirements set forth in this Section.
 - 2. The site's original grade may be raised or lowered more than six (6) feet with terracing, as specified in this Section.
- J. Cutting and grading to create benches or pads for additional or larger building sites shall be avoided to the maximum extent feasible.
- K. Separate building pads for accessory building pads and structures other than garages, such as tennis courts, swimming pools, outbuildings, and similar facilities, shall be discouraged except where the natural slope is twenty (20) percent or less.
- L. Graded slopes of twenty (20) percent or less are greatly encouraged wherever possible.
- M. All cut, filled, and graded slopes shall be recontoured to the natural, varied contour of the surrounding terrain.
- N. Any slope exposed or created in new development shall be landscaped or revegetated pursuant to the tree and vegetation protection standards of this Chapter.
- O. Excavation for footings and foundations shall be minimized to the maximum extent feasible in order to lessen site disturbance and ensure compatibility with hillside and sloped terrain. Intended excavation must be supported by detailed engineering plans submitted as part of the application for site development plan

approval.

- P. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and to provide planting pockets conducive to revegetation. Retaining walls may be permitted to support steep slopes but shall not exceed six (6) feet in height from the finished grade, except where terraced as follows:
1. Terracing shall be limited to two tiers. The width of the terrace between any two four-foot vertical retaining walls shall be at least three (3) feet. Retaining walls higher than four (4) feet shall be separated from any other retaining wall by a minimum of five (5) horizontal feet. Terraces created between retaining walls shall be permanently landscaped or revegetated pursuant to the tree and vegetation protection standards of this Chapter. Retaining walls shall be faced with stone or earth-colored materials similar to the surrounding natural landscape.
 2. All retaining walls shall comply with the Uniform Building Code, except that when any provision of this section conflicts with any provision set forth in the U.B.C., the more restrictive provision shall apply.

14.16.070 Streets And Site Access

- A. Hillside streets should reflect a rural rather than urban character. Street alignments, where possible, should be parallel to contours, in valleys or ridges. If a location between a valley and a ridge is unavoidable, directional pavements should be split, with the principal of grading being half cut and half fill versus all fill or all cut.
- B. Collective driveways shall only be permitted where such utilization will result in better building sites than would be possible if a public street was required. Collective driveways shall not be used as required street frontage for the lots that they serve. Collective driveways shall be permitted to serve a maximum of six (6) dwelling units. Collective driveways serving two (2) or less more dwellings shall be paved to a width of not less than twenty (20) feet and shall not exceed three hundred fifty (350) feet in length. Turnarounds must be provided at the end of collective driveways. Signs indicating the driveway as private shall be erected in compliance with City standards. Collective driveways shall not be maintained in any way by the City.
- C. Cul-de-sacs may serve no more than ten (10) dwelling units and shall be a maximum of four hundred (400) feet long, unless otherwise approved by the City Council to minimize environmental damage. A suitable turnaround in compliance with City Ordinances shall be provided at the end of stub streets.
- D. Streets in hillside areas may intersect at a minimum angle of sixty (60) degrees, provided they meet all other appropriate requirements relating to the construction of streets.

- E. Grades of collector and minor streets shall be permitted to exceed twelve (12) percent to a maximum of fifteen (15) percent for a distance not greater than three hundred (300) feet in any two thousand (2,000) feet of street distance.
- F. The following minimum dimensions are to be utilized in the design of hillside streets:
1. All streets shall have suitable pavement edging such as curbs and gutters. Concrete gutters must be provided where street drainage is accommodated.
 2. The width of the graded section shall extend three (3) feet beyond the curb face or edge of sidewalk on the fill side and two (2) feet on the cut side of the street.
 3. Sidewalks of not less than five (5) feet in width shall be required on both sides of street, except where topography will allow sidewalks only on one side.
- G. Streets, roads, private access roads, and other vehicular routes shall comply with the Payson City Design Standards and Specifications and Fire Marshal requirements. ***Note: The City Engineer will be drafting amendments to the design standards to include a hillside roadway design.***
- H. Streets, roads, private access roads, and other vehicular routes shall not be allowed to cross slopes between thirty (30) and fifty (50) percent unless specifically authorized by the City Engineer, after finding that all of the following conditions and constraints are applicable:
1. No alternate location for access is feasible or available.
 2. No individual segment or increment of the street, road, private access road, or other vehicular route that will cross slopes between thirty (30) and fifty (50) percent exceeds two hundred (200) feet in length.
 3. No significant adverse visual, environmental, or safety impacts will result from the crossing.
- I. Under no circumstances shall any street, road, private access road, or other vehicular route cross slopes greater than fifty (50) percent.
- J. Streets, roads, private access roads, and other vehicular routes shall, to the maximum extent feasible, follow natural contour lines.
- K. Grading for streets, roads, private access roads, and other vehicular routes shall be limited to the travel lane portion of the right-of-way, plus up to an additional ten (10) feet on either side of the travel lane as needed. The remainder of the access right-of-way shall be left undisturbed to the maximum extent feasible.
- L. Roads, other vehicular routes, or trails may be required to provide access or

maintain existing access to adjacent lands for vehicles, pedestrians, emergency services, and essential service and maintenance equipment.

14.16.080 Driveways

Driveways shall be provided to ensure safe, convenient, and adequate access to individual buildings, and provision of driveway access is subject to the following requirements:

- A. All driveways shall comply with the Payson City and Fire Marshal requirements.
- B. Driveways shall not be allowed to cross slopes between thirty (30) and fifty (50) percent unless specifically authorized by the City Engineer, after finding that all of the following conditions and constraints are applicable:
 - 1. No alternate location for access is feasible or available.
 - 2. No segment or increment of the driveway that will cross slopes between thirty (30) and fifty (50) percent exceeds two hundred (200) feet in length.
 - 3. No significant adverse visual, environmental, or safety impacts will result from the driveway crossing.
- C. Driveways longer than one hundred and fifty (150) feet in length shall meet the following requirements:
 - 1. Provision of a turn-around that meets City road/street and Fire Marshal standards.
 - 2. Provision of an adequate number of spaced turnouts along the length of the driveway, as determined by the City Engineer in consultation with the Fire Marshal.
- D. Under no circumstance shall any driveway cross slopes greater than fifty (50) percent.
- E. Driveways shall, to the maximum extent feasible, follow natural contour lines.
- F. Driveways to a building site shall have direct access to a public street or to a private right-of-way. Finished driveway grades shall comply with the following:
 - 1. Driveways shall have a maximum grade of twelve (12) percent, or as determined by the City Engineer on a case-by-case basis based on health and safety concerns and the need for adequate access for service providers. In no case, however, shall the City Engineer approve a maximum grade greater than fifteen (15) percent.
 - 2. Driveway grades within twenty (20) feet of the roadway shall not exceed ten (10) percent.

14.16.090 Detention/Storm Water Facilities

- A. Where detention basins and other storm and erosion control facilities may be required, any negative visual and aesthetic impacts on the natural landscape and topography shall be minimized to the maximum extent feasible.
- B. Required storm water run-off collection facilities shall be designed so as to retain storm water run-off on development sites for a sufficient length of time so as to prevent flooding and erosion during storm water run-off flow periods.
- C. Required storm water run-off collection facilities shall be so designed as to divert surface water away from cut faces or sloping surfaces of a fill. French drains are not acceptable.
- D. Curb, gutter, and pavement designs shall be such that water on roadways is prevented from flowing off the roadways.
- E. Natural drainage shall be riprapped or otherwise stabilized to the satisfaction of the City Engineer below drainage and culvert discharge points for a distance sufficient to convey the discharge without channel erosion.
- F. Waste material from construction, including soil and other solid materials, shall not be deposited within a natural or manmade drainage course nor within irrigation channels.
- G. Sediment catchment ponds shall be constructed downstream from each development, unless sediment retention facilities are otherwise provided.

14.16.100 Tree And Vegetation Protection

- A. Protection of existing tree and vegetation cover is intended to:
 - 1. Preserve the visual and aesthetic qualities of the City's foothills and canyons.
 - 2. Encourage site design techniques that preserve the natural environment and enhance the developed environment.
 - 3. Control erosion, slippage, and sediment run-off into streams and waterways.
 - 4. Increase slope stability.
 - 5. Protect wildlife habitat and migration corridors.
 - 6. Conserve energy, in proximity to structures, by reducing building heating and cooling costs.
- B. The provisions of this Section shall apply to all hillside development on real property that contains slopes greater than twenty (20) percent, except that the

following developments and activities shall be exempt from this section:

1. The removal of dead or naturally fallen trees or vegetation, or such that the City finds to be a threat to the public health, safety, or welfare.
 2. The selective and limited removal of trees or vegetation necessary to obtain clear visibility at driveways, intersections, or for the purpose of performing authorized field survey work.
- C. No trees or vegetation shall be removed outside the approved limits of disturbance (see PCC 14.28) except as specifically exempted in this Section.
- D. Significant trees removed from within the limits of disturbance shall be replaced as set forth in paragraph G below.
- E. In areas determined by the Fire Marshal as being highly susceptible to fire hazards vegetation up to thirty (30) feet from the perimeter of a structure shall be selectively pruned and thinned for fire protection purposes.
- F. No trees or vegetation shall be removed for the purpose of providing open views to or from structures on a site.
- G. When a significant native tree or trees, as defined in this Chapter are removed from either inside or outside the established limits of disturbance, the applicant or developer shall replace such tree(s) on the lot, either inside or outside the established limits of disturbance, according to the following schedule and requirements:
1. A significant deciduous tree that is removed shall be replaced by a tree with a minimum size of two and one half (2 1/2) inch caliper.
 2. A significant coniferous tree that is removed shall be replaced by a tree with a minimum height of eight (8) feet.
 3. Acceptable replacement trees shall be determined by a person or firm qualified by training or experience to have expert knowledge of the subject.
 4. Replacement trees shall be maintained through an establishment period of one (1) year. The applicant shall post a bond guaranteeing the survival and health of all replacement trees during the establishment period.
- Non-native trees outside the limits of disturbance line shall not be removed except as agreed upon by the applicant and the City.
- H. Every effort shall be made to conserve topsoil that is removed during construction for later use on areas requiring vegetation or landscaping.
- I. Areas not contained within lot boundaries shall be protected with adapted, fire-resistant species of perennial vegetal cover after all construction is completed.

- J. New planting shall be protected with organic cover.
- K. All disturbed soil surfaces shall be stabilized before final acceptance by the City.
- L. At the termination of the bonding period, any dead plant materials required to be installed by the subdivider shall be replaced and a new bond issued to assure establishment of the replaced materials.

14.16.110 Revegetation And Land Reclamation

- A. Any slope exposed or created shall be landscaped or revegetated with native or adapted trees and other native or adapted plant material. New vegetation shall be equivalent to or exceed the amount of erosion control characteristics of the original vegetation cover in order to mitigate adverse environmental and visual effects.
- B. On man-made slopes of twenty-five (25) percent or greater plant materials with deep rooting characteristics shall be selected that will minimize erosion and reduce surface runoff. The planting basin should be kept level with a raised berm around the base of the plant to help retain moisture.
- C. To the maximum extent feasible, topsoil that is removed during construction shall be conserved for later use on areas requiring revegetation or landscaping. The applicant shall also indicate an acceptable time frame for revegetation that takes into account optimal seasonal growing conditions.
- D. Tree/Vegetation protection during construction and grading activities shall be as follows:
 - 1. Limits of disturbance as established herein shall be shown on the final plans for development and shall be clearly delineated on site with fencing, or other materials or methods approved by the City prior to the commencement of excavation, grading, or construction activities.
 - 2. Within the limits of disturbance, fencing, at a minimum, should be placed around each significant tree and around stands of twelve or more smaller trees a distance equal to the size of the individual or outermost tree's drip zone.
 - 3. No construction, grading, equipment or material storage, or any other activity shall be allowed within this area, and the fencing shall remain in place until all land alteration, construction, and development activities are completed.
 - 4. Fill placed directly on the roots shall not exceed a maximum of six (6) inches in depth.
 - 5. If fill creates a tree well or depression around a tree or shrub, such area shall be drained so that the vegetation is not drowned by the pooling of

rainfall or irrigation.

6. If a tree's roots must be cut, the branches shall be trimmed by an amount equal to the percent of roots that were lost.

14.16.120 Fire Protection

- A. Lot size and potential placement of buildings shall be such that adequate clearance of hazardous, flammable vegetative cover may be accomplished.
- B. All firebreak easements for safety of built-up areas shall encompass access for fire-fighting personnel and equipment and such easements shall be dedicated for this specific purpose by being recorded.
- C. The inability to provide fire line water pressure consistent with the standards set by the Insurance Service Organization shall be justification for denial of a development request.

14.16.130 Trail Access

All hillside developments shall comply with the Payson City General Plan Trails Element for the purpose of providing trails necessary for public access to public lands or trails shown on the plan.

14.16.140 Plans And Reports Required

The following reports and plans shall be required for all hillside development on slopes greater than twenty (20) percent in addition to the Letter Report or Geologic Report required by PCC 14.12.030. The City Engineer may waive any reports and plans that are determined unnecessary to determine whether the development meets the requirements of this chapter.

- A. A soils report shall be prepared by a qualified soils engineer and must contain at least the following information:
 1. A slope analysis.
 2. An estimate of the normal highest elevation of the seasonal high water table.
 3. The location and size of swamps, springs and seeps, which shall be shown on the site plan, and the reasons for the occurrence of these underground water sources. An analysis of the vegetative cover or other surface information may be used to show the presence of underground water.
 4. A unified soil classification of the major horizons or layers of soil profile, or of the zone of the footing foundation.

5. Appropriate accepted soils engineering tests to determine bearing capacity, settlement potential, and shrink/swell potential of the site soils.
 6. Potential frost action, based on the depth to the water table and the Unified Soils Classification.
 7. An analysis of the soil suitability, constraints and proposed methods of mitigating such constraints in implementing the proposed development plan.
 8. A written statement by the person or firm preparing the soils report, identifying the means proposed to minimize hazard to life, property, adverse effects on the safety, use or stability of a public right-of-way or drainage channel, and adverse impact on the natural environment.
- B. A grading and drainage plan shall be prepared by a professional engineer registered in the State of Utah. The plan must be sufficient to determine the erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall, at a minimum, include the following information:
1. A map of the entire site, showing existing details and contours of the property and proposed contour modifications, using a minimum of ten foot contour intervals at a scale of one inch equals one hundred (100) feet.
 2. A Map of the area to be graded, showing existing details and contours at five foot intervals where terrain will not be modified, and proposed details and contours of two foot intervals where terrain modification is proposed, using a scale of one inch equals twenty (20) feet.
 3. An investigation of the effects of a high-intensity rainstorm (twenty five year, twenty four hour storm event) evaluating how the proposed drainage system will handle the predicted flows. The report shall also include the effects of drainage areas outside the development that drain through the subject area and the anticipated flow of the drainage leaving the development.
 4. The history, including frequency and duration, of prior flooding.
 5. The location of any existing buildings or structures on the development, and any existing buildings or structures on land of adjacent owners which are within one hundred (100) feet of the property, or which are on the land of adjacent owners and may be affected by the proposed development.
 6. The direction of proposed drainage flow and the approximate grade of all streets (not to be construed as a requirement for the final street design).
 7. Proposed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other

protective devices, to be constructed with or as part of the proposed work.

8. A map indicating drainage areas and the proposed drainage network, including outfall lines and natural drainage ways that may be affected by the proposed project, including the estimated runoff of the areas served by the drainage plan.
 9. A description of the method used to obtain fill for use on the site.
 10. A description of methods to be employed in disposing of soil and other materials that are removed from the site, including the location of the disposal site.
 11. A plan showing temporary erosion control measures to prevent erosion during construction.
 12. A schedule of when each stage of the proposed plan will be completed and the total amount of soil surface that is to be disturbed during each stage. The schedule shall be limited to the shortest possible period of time that soil is exposed and unprotected. In no event shall the existing natural vegetation or ground cover be destroyed, removed or disturbed more than fifteen (15) days prior to commencing grading for development as scheduled.
 13. A written statement by the person or firm preparing the grading and drainage plan identifying any grading and drainage problems of the development. The statement shall include an opinion regarding the ability of the proposed plan to mitigate or eliminate the adverse impact in a manner that will prevent hazard to life, hazard to property, adverse effects on the safety, use or stability of a public way or drainage channel, and adverse impact on the natural environment.
- C. A fire report including, but not limited to, identification of potential fire hazards, mitigation measures, access for fire protection equipment, and existing and proposed fire flow capability. The fire protection report shall address, as appropriate, the State Forester's Wildfire Hazard and Residential Development Identification Classification and Regulation Report.
- D. On a parcel of land that has been or will be altered from its natural condition, a revegetation and reclamation plan prepared and certified by a qualified professional shall be required for review and approval by the City Engineer. The report shall include at least the following:
1. A survey of existing trees, large shrubs and ground covers.
 2. A plan of the proposed revegetation of the site, detailing existing vegetation to be preserved, new vegetation to be planted, and any modifications to existing vegetation.
 3. A plan for the preservation of existing vegetation during construction

activity.

4. A vegetation maintenance program, including initial and continuing maintenance necessary.
5. A written statement by the person or firm preparing the vegetation plan and report, identifying any vegetation problems and stating an opinion as to the ability of the proposed plan to mitigate or eliminate such problems.

14.20 High Groundwater, Stream Corridor, And Wetland Area Development Standards

[14.20.010 High Water Table Area Development Standards](#)

[14.20.020 Stream Corridor And Wetland Development Standards](#)

[14.20.030 Stream Corridor And Wetland Delineation](#)

14.20.010 High Water Table Area Development Standards

- A. Prior to the acceptance by the City of a petition for rezoning of property in the designated area or before the submission of an application for preliminary subdivision approval in the designated area, it must be demonstrated to the satisfaction of the City Engineer that the conditions and requirements contained herein have been satisfied.
- B. Drainage water from the proposed new development will not be placed upon or pass through other properties, except:
 1. Where a pre-existing drainage system of adequate capacity is already in use or where a permanent drainage easement of a size sufficient to carry projected flows has been obtained and a statement from the owners of both the host and guest properties recorded on proper deeds in the office of the County Recorder specifying the following:
 - a. That the City will be held harmless from all damages or injury resulting from water pollution and flooding from drainage crossing said property.
 - b. That the property owner will allow the owner of the easement to enter onto the property to maintain the drainage facility.
 - c. That the drainage channel can be placed in a pipe or culvert at such time as deemed appropriate by the owner of the easement.
- C. Drainage from the proposed new development will not be placed in an irrigation ditch or irrigation canal, originally constructed for irrigation purposes, except where permission, in written and recorded instruments running with the land, has

been granted by the irrigation company and all water users below the proposed development on the specific ditch or canal specifying the following:

1. That the City will be held harmless from all damages or injury resulting from flooding, water pollution, or high ground water from drainage in the ditch or canal.
2. That the irrigation ditch or canal can be placed in a pipe or culvert at a time deemed necessary by the owner of the easement.
3. That the owner(s) of property which is the subject of a development plan will provide, and record with the County Recorder, a statement holding the City harmless from all damage within the project resulting from flooding or high water table.
4. That a disclosure statement be placed upon all subdivision plats in the subject area, stating that the subdivision lot is in an area potentially subject to flooding from high water table.
5. That drainage easements will be granted to the City within the proposed development, as determined by the City Engineer, and drainage facilities be installed as part of the development at developer's expense.

D. No building shall be allowed to be constructed in a high water table area of the City where the building proposed to be built includes a basement, except according to the following standards:

1. Prior to the issuance of the building permit, the owner(s) shall produce a statement which has been recorded on proper deeds in the office of the County Recorder stating that the City will be held harmless from all damages or injury resulting from flooding in a high water table area.
2. Prior to the issuance of any building permit with a basement, the applicant shall submit a certificate from a registered professional engineer indicating the method or design to protect the basement from flood.

E. A comprehensive drainage and grading plan for any property within a high water table area approved by the City Engineer. The plan shall be subject to the following requirements:

1. Approval of, and signatures by, all irrigation and canal companies if their ditches or canals cross the development areas, or if surface or subsurface drainage is to outfall into the ditch or canal.
2. Quantities of run-off will need to be determined for the complete development area by the rational or other standard engineering method of run-off. Procedures for the rational method of computation are outlined in ASCE Manual Engineering Practice No. 31, "Design and Construction of Sanitary and Storm Sewers."

3. At all outfall points from the development, quantities of run-off for a twenty five year, twenty four hour storm shall be determined and indicated on the plan in cubic feet per second.
4. The capacity of any irrigation ditch, storm drain, or other channel shall be determined from the inlet point to the outfall point of the channel if it is to be used for run-off. If there is an insufficient capacity to handle added flows, it will not be used.
5. A topographic map shall be prepared indicating sufficient slopes in all areas to take surface drainage water into the designated street or storm drain. Water will not be allowed to pond any place other than a designated retention basin.
6. A plan of all proposed curbs, gutters, and crossgutters will need to be submitted. The plan shall indicate on each curb the proposed grade, directions of flow, and quantities of flow. If the gutter capacity is less than that required for a twenty five year, twenty four hour storm, storm drains will be required.
7. No french drains or sumps will be allowed in the developments as part of the drainage plans.
8. Building permits shall not be issued in any development in the described area until the required subsurface and storm drainage system has been constructed and is in operable condition.
9. The accompanying drainage and grading plan will include a soil test provided by a licensed soil engineer for all areas in which underground private and public utilities will be installed. The engineer's statement must indicate what remedial action is anticipated to be taken to stabilize utility lines to assure that they will not shift, buckle, or lose alignment.
10. The plan shall include a cross-section of all proposed utility trenches showing configuration and type of materials to be used in backfill and as bedding for utility lines.

14.20.020 Stream Corridor And Wetland Development Standards

The following requirements and standards are intended to promote, preserve, and enhance important hydrologic, biological, ecological, aesthetic, and recreational, and educational functions that stream corridors, associated riparian areas, and wetlands provide.

- A. No development or construction activity, including tree/vegetation removal, grading, excavation, filling, drainage, or subdivision of land shall occur on jurisdictional wetlands as identified by the U.S. Army Corps of Engineers.

- B. Wetlands will not be permitted to be included as part of any buildable subdivision or development lot, with the exception that for those lots within the R-1-A Residential Agricultural Zone, wetlands may be included as part of the lot provided there is sufficient buildable area to accommodate the proposed use.
- C. No person shall engage in any activity that will disturb remove, fill, dredge, clear, destroy, or alter any area, including vegetation, within stream corridors, wetlands, and their setbacks as set forth below, except as may be expressly allowed in this Section.
- D. Except where the City of Payson, pursuant to its recognized extraterritorial jurisdiction, has defined a greater setback from watershed resources (including stream corridors and wetland areas), the following minimum setbacks shall be required:
 - 1. For Stream Corridors, all buildings, accessory structures, parking, and leach fields shall be set back at least fifty (50) feet horizontally, (plan view) from the ordinary high-water mark of stream corridors.
 - 2. For Wetlands, all buildings, accessory structures, and parking areas or lots shall be set back at least fifty (50) feet horizontally (map distance), from the delineated edge of a wetland.
- E. All existing vegetation within the stream corridor or wetland setback area shall be preserved, and where necessary to provide adequate screening, or to repair damaged riparian areas, supplemented with additional native or adapted planting and landscaping.

14.20.030 Stream Corridor And Wetland Delineation

Unless previously delineated by Payson City, boundaries for stream corridors and wetland areas shall be delineated according to the following provisions:

- A. Stream corridor and wetland area delineation shall be performed by a qualified professional that has demonstrated experience necessary to conduct site analysis. Delineation shall be subject to the approval of the City Engineer.
- B. Stream corridors shall not include ephemeral streams or ditches that are commonly known to be irrigation ditches and that do not contribute to the preservation and enhancement of fisheries or wildlife.
- C. Boundary delineation of wetlands shall be established using the Federal Manual for Identifying and Delineating Jurisdictional Wetlands, dated January 10, 1989, as may be amended from time to time, jointly published by the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers and the U.S. Soil Conservation Service.

14.24 Wildlife Habitat Protection

[14.24.010 Purpose And Intent](#)

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[14.24.030 Development Limitations In Areas Of Critical Wildlife Habitat](#)

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14.24.010 Purpose And Intent

Foothills and canyon areas provide important wildlife habitat for a wide variety of animal and bird species. As a result of past development activities, many habitat areas have been impaired, altered, or fragmented. In combination with the hillside protection standards set forth above, the following requirements have been developed to promote and preserve valuable wildlife habitats and to protect them from adverse effects and potentially irreversible impacts.

14.24.020 Applicability

The requirements of this Chapter shall apply to development on real property that contains wildlife habitats designated as Critical and High Value Use Areas. These areas are shown on the Utah State Division of Wildlife and Range's Deer and Elk Winter Use Area Maps on file with the Payson City Development Services Department.

14.24.030 Development Limitations In Areas Of Critical Wildlife Habitat

All development subject to this Chapter shall, to the maximum extent feasible, incorporate the following principles in establishing the limits of disturbance and siting buildings, structures, roads, trails, and other similar facilities:

- A. Maintain buffers between areas dominated by human activities and core areas of wildlife habitat.
- B. Facilitate wildlife movement across areas dominated by human activities by:
 - 1. Maintaining connections between open space parcels on adjacent and near-by parcels.
 - 2. Locating roads and recreational trails away from natural travel corridors used by wildlife such as riparian areas.
 - 3. Minimizing fencing types that inhibit the movement of wildlife species.
- C. Mimic features of the local natural lands vegetation in developed areas by:
 - 1. Retaining pre-development, high-quality habitat to the maximum extent feasible, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development.

2. Minimizing levels of disturbance to trees, the under story, and other structural landscape features during construction.
3. Designing lots in a fashion consistent with local natural habitats by landscaping with native vegetation.
4. Enhancing the habitat value of degraded pre-development landscapes.

14.24.040 Clustering Of Development

Clustering of development through the use of a Planned Residential Development (PRD) as allowed in PCC 11 is generally recommended and may be required to achieve the objectives of this chapter.

14.24.050 Referral Requirements And Considerations

- A. Development applications subject to this subsection shall be referred to the Division of Wildlife Resources for review, comment, and recommendations. These comments and recommendations shall be incorporated into the staff report to the Planning Commission and City Council prior to final action on submitted proposals.
- B. If the Planning Commission or City Council finds that a portion, or all, of the land proposed for development is unsuitable due to wildlife habitats that cannot be reasonably mitigated, the land shall not be developed.

14.28 Limits Of Disturbance

[14.28.010 Establishment Of Limits Of Disturbance](#)

[14.28.020 Limits Of Disturbance May Be Noncontiguous](#)

[14.28.030 Maximum Limits Of Disturbance](#)

14.28.010 Establishment Of Limits Of Disturbance

For every development subject to this Title, the City Engineer shall establish limits of disturbance (LOD) that indicate the specific area(s) of a site in which construction and development activity must be contained. For single family residential development, LOD shall include that area required for the principal structure, an accessory structure(s), utilities, services, and drainage facilities. Areas required for driveways are not included.

In establishing LOD, the following criteria and standards shall be considered and applied:

- A. Minimize visual impacts from the development, including but not limited to screening from adjacent and downhill properties, ridgeline area protection, and

protection of scenic views.

- B. Erosion prevention and control, including but not limited to protection of steep slopes and natural drainage channels.
- C. Fire prevention and safety, including but not limited to, location of trees and vegetation near structures.
- D. Preservation of significant trees or vegetation.
- E. Conservation of water, including but not limited to, preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.
- F. Wildlife habitat protection, including but not limited to, preservation of critical wildlife habitat and identified migration corridors and routes. (see PCC 14.24 Wildlife Habitat Protection)
- G. Stream corridor and wetland protection and buffering. (see PCC 14.20 High Groundwater and Wetlands)
- H. Preservation of the maximum amount of natural topography, tree cover, and vegetation.

14.28.020 Limits Of Disturbance May Be Noncontiguous

Limits of disturbance (LOD) necessary to accommodate proposed development may be noncontiguous in order to best meet the criteria and standards set forth in this section.

14.28.030 Maximum Limits Of Disturbance

- A. For lots or parcels less than one acre in size, the limits of disturbance for an individual single family use and any accessory structure shall not exceed 10,000 square feet, unless:
 - 1. Significant existing site vegetation is retained or remedial revegetation and land reclamation improvements which substantially advance the purposes of this Chapter have been proposed and will be implemented on the site in accordance with a revegetation and land reclamation plan.
 - 2. In such cases, the limits of disturbance for lots or parcels less than one acre in size may be increased up to, but not to exceed, 15,000 square feet.
- B. For lots or parcels one acre in size or greater, the LOD for an individual single family use and any accessory structure shall not exceed 12,000 square feet unless the conditions above are satisfied, in which case the LOD may be increased to 18,000 square feet.

Title 15 Flood Damage Prevention

15.04 General Provisions

15.08 Applicability

15.12 Administration

15.16 Provisions For Flood Hazard Reduction

15.04 General Provisions

15.04.010 Title

15.04.020 Statutory Authorization

15.04.030 Findings Of Fact

15.04.040 Purpose

15.04.050 Methods Of Reducing Flood Losses

15.04.060 Definitions: Flood Damage Prevention

15.04.010 Title

This Chapter shall be known as the “Flood Damage Prevention” of Payson City, Utah

15.04.020 Statutory Authorization

The Legislature of the State of Utah has in Utah Code § 10-3-701, Legislative Power Exercised by Ordinance, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

Payson City (“City”) elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and the City has elected to join the program, participate, and enforce this Title and the requirements and regulations of the NFIP. The NFIP, established in the aforesaid act, provides that areas of the City having a special flood hazard area be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, the City may elect to administer this Title to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the City’s effective Flood Insurance Rate Map (FIRM), if the City has documentation to support that there is an inherent risk of flooding in such areas.

15.04.030 Findings Of Fact

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

These potential flood losses are caused by:

- A. The cumulative effect of obstructions in floodplains that are known to cause increases in flood heights and velocities.
- B. The occupancy by structures in flood hazard areas vulnerable to floods because of inadequate elevation or otherwise unprotected from flood damages.
- C. Uses deemed unsuitable for floodplain areas or that do not account for the increased flood risk.

15.04.040 Purpose

The purpose of this Chapter is to promote the health, safety protection, convenience, and general welfare of the present and future inhabitants of the City. It is the intent of the City to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- A. Protect human life and health.
- B. Minimize damage to public infrastructure including but not limited to utilities, streets, and bridges that are susceptible to flooding.
- C. Minimize prolonged business interruptions caused by flooding.
- D. Minimize public expenditures on flood control projects.
- E. Minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the public.
- F. Protect and safeguard the welfare and safety of first responders should an emergency response arise.
- G. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.
- H. Promote notification to potential buyers if properties are in a flood area.

15.04.050 Methods Of Reducing Flood Losses

To accomplish the purposes outlined, this Chapter applies the following methods:

- A. Restricts or prohibits land uses that are dangerous to health, safety, or property in times of flooding, or cause excessive increases in flood heights or velocities.
- B. Requires that land uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.
- C. Controls the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.

- D. Controls filling, grading, dredging, and other developments that may increase flood damage.
- E. Prevents or regulates the construction of flood barriers that unnaturally divert floodwaters or may increase flood hazards to other lands.

15.04.060 Definitions: Flood Damage Prevention

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

1% ANNUAL-CHANCE FLOOD means a flood having a recurrence interval that has a 1-percent chance of being equaled or exceeded during any given year (1-percent-annual-chance flood). The terms Mandatory flood insurance requirements may apply.

1% ANNUAL-CHANCE FLOODPLAIN means the area of land susceptible to being inundated due to the occurrence of a 1-percent-annual-chance flood.

0.2% ANNUAL-CHANCE FLOOD means a flood having a recurrence interval that has a 0.2-percent chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood).

0.2% ANNUAL-CHANCE FLOODPLAIN means the area of land susceptible to being inundated due to the occurrence of a 0.2-percent-annual-chance flood.

ACCESSORY STRUCTURE means a structure that is on the same parcel of property as a principal structure. Its use is incidental to the use of the principal structure, and the ownership of the accessory structure is the same owner as the principal structure. An accessory structure is a non-residential structure of low value that is used solely for the parking of vehicles and storage of tools, materials, or equipment. No human habitation is allowed within an accessory structure. (Refer to PCC 15.16.020 paragraph N, Appurtenant or Accessory Structure – Higher Standard Option.)

ADDITION means any improvement that expands the enclosed footprint or increases the square footage of an existing structure. This includes lateral additions added to the side, front, or rear of a structure; vertical additions added on top of a structure; and enclosures added underneath a structure.

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

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

APPURTENANT STRUCTURE. See Accessory Structure.

AREA OF FUTURE-CONDITIONS FLOOD HAZARD means the land area that would be inundated by the 1-percent-annual-chance flood, based on future-conditions hydrology.

AREA OF SHALLOW FLOODING means a designated AO, AH, AR/AO, or AR/AH zone on the city's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD-RELATED EROSION HAZARD means the land within the City that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

AREA OF SPECIAL FLOOD HAZARD means the land in the flood plain within the City subject to a one (1) percent or greater annual chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

BASE FLOOD means a flood having a 1-percent chance of being equaled or exceeded in any given year.

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

BASEMENT means any area of the building having its floor subgrade (below ground level) on all sides. A walkout basement that does not require a step up to grade is not considered a basement.

BEST AVAILABLE DATA means existing flood hazard information adopted by the City and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the City. (Refer to PCC

15.08.020 paragraph A,1, Use of Best Available Data – Higher Standard Option.)

BREAKAWAY WALL means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system. Any walls below the lowest floor in a building in a V or VE Zone should give way under wind and water loads without causing collapse, displacement, or other damage to the elevated portion of the building, supporting pilings, or columns. Breakaway walls apply only to V or VE Zones.

BUILDING. See Structure.

CHANNELIZATION means the artificial creation, enlargement, realignment, or alteration of a stream channel's slope, shape, or alignment. Streambank restoration may be deemed as channelization.

CODE OF FEDERAL REGULATIONS (CFR) means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government.

CONDITIONAL LETTER of MAP REVISION (CLOMR) means FEMA's comment on a proposed project that would, upon construction, affect the hydrologic and/or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, and/or the SFHA. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by FEMA.

CONDITIONAL LETTER OF MAP REVISION BASED ON FILL (CLOMR-F) means FEMA's comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

CRAWLSPACE means an under-floor space that has its interior floor area (finished or not) no more than four (4) feet from the bottom floor joist of the next higher floor elevation, is designed with proper openings that equalize hydrostatic pressures of flood water, and is not used for habitation. (Reference: PCC 15.16.020 paragraph J, Crawlspace.)

CRITICAL FACILITY means a facility or building where even a slight chance of flooding is too great a threat. Typical critical facilities include hospitals, fire stations, police stations, schools, storage of critical records, assisted living, and similar facilities. (Reference: PCC 15.16.070, Standards for Protection of Critical Facilities – Higher Standard Option.)

DEED RESTRICTION means a clause in a deed that limits the future use of the property in some respect. Deed restrictions may impose a vast variety of limitations and conditions. For example, it may limit the density of buildings, dictate the types of

structures that can be erected, or prevent buildings from being used for specific purposes or from being used at all.

DETACHED GARAGE means a building that is used solely for storage of materials or vehicle parking for up to four (4) housing occupants. If a detached garage is designed or used for habitation or conducting business, or has multiple stories, then the building is not considered a detached garage under the NFIP.

DEVELOPMENT means any human-made change to improved or unimproved real estate including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, demolition, excavation or drilling operations, or storage either temporary or permanent of equipment or materials.

ELEVATED BUILDING means a non-basement building built, in the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, to have the top of the elevated floor above the ground level by means of pilings, columns (post and piers), or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of a building in Zone A1-30, AE, A, A99, AR, AO, AH, B, C, X and D, an “elevated building” also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

ENCLOSURE means an enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.

EROSION means the process of the gradual wearing-away of land masses by wind, water, or other natural agents.

EXISTING CONSTRUCTION means structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. It may also be referred to as Existing Structures.

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

EXISTING STRUCTURES. See Existing Construction.

EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of

utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA means the Federal Emergency Management Agency.

FILL means the placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a flood hazard area is not deemed as fill.

FLOOD OR FLOODING means:

- A. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - 1. The overflow of inland or tidal waters.
 - 2. The unusual and rapid accumulation or runoff of surface waters from any source.
- B. Mudslides (i.e., mudflows) that are proximately caused by flooding as defined in this Chapter and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
- C. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding as defined in this Chapter.

FLOOD INSURANCE MANUAL means the document FEMA produces twice a year and is used to write flood insurance policies underwritten by the NFIP. The document contains definitions, policy rates, coverage and limitations, application and insurance policy forms.

FLOOD INSURANCE RATE MAP (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the City. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

FLOOD INSURANCE STUDY (FIS) means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface

elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

FLOODPLAIN DEVELOPMENT PERMIT means a City issued permit or document that is used for any development that occurs within an SFHA identified by FEMA or the City. It is used to address the proposed development to ensure compliance with this Chapter.

FLOODPLAIN OR FLOOD-PRONE AREA means any land area susceptible to being inundated by water from any source whether or not identified by FEMA (see definition of Flooding).

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

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

FLOOD OPENING means an opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. (Refer to FEMA Technical Bulletin 1.)

FLOOD PROTECTION SYSTEM means those physical structural works for which funds have been authorized, appropriated, and expended and that have been constructed specifically to modify flooding in order to reduce the extent of the area within the City subject to an SFHA and to reduce the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized, flood modifying works are those constructed in conformance with sound engineering standards. FEMA only accredits levees, both private and public, that have been certified by a professional engineer or firm in which the certification shows that the levee has met and continues to meet the minimum regulatory standards cited in Title 44, Chapter 1, Section 65.10 of the Code of Federal Regulations (44 CFR 65.10).

FLOODPROOFING means any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

FLOODWAY. See Regulatory Floodway.

FLOODWAY ENCROACHMENT LINES means the lines marking the limits of floodways on federal, state, and local flood plain maps.

FREEBOARD means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

HIGHEST ADJACENT GRADE (HAG) means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. In AO Zones, the highest adjacent grade is utilized by comparing the lowest floor elevation to that of the highest adjacent grade and the depth of the AO Zone. (Reference: PCC 15.16.010 paragraph A, Standards for Areas of Shallow Flooding (AO/AH Zones)).

HISTORIC STRUCTURE means any structure that is either:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior.
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

LETTER OF MAP AMENDMENT (LOMA) means an official amendment, by letter, to an effective FIRM. A LOMA establishes a property's location in relation to the SFHA. It is usually issued because a property or structure has been inadvertently mapped as being in the floodplain, when the property or structure is actually on natural high ground above the BFE.

LETTER OF MAP REVISION (LOMR) means FEMA's modification or revision to an entire or portion of the effective FIRM, or Flood Boundary and Floodway Map, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective BFEs, or the SFHA.

LETTER OF MAP REVISION BASED ON FILL (LOMR-F) means FEMA's amendment, by letter, to an effective FIRM where fill was brought in or used to elevate a property, portion of property, or structure above the BFE.

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

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

LOWEST ADJACENT GRADE (LAG) means the lowest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. For an existing structure, it means the lowest point where the structure and ground touch including but not limited to attached garages, decks, stairs, and basement windows.

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 44 CFR Section 60.3.

MANUFACTURED HOME means a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle"; however, a manufactured home may be used for both residential and non-residential use.

MANUFACTURED HOME PARK OR SUBDIVISION means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. Map means the FHBM or the FIRM for the City issued by FEMA.

MEAN SEA LEVEL means, for purposes of the NFIP, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which BFEs shown on the City's FIRM are referenced.

MIXED USE STRUCTURES. Structures with both a business and a residential component, but where the area used for business is less than fifty (50) percent of the

total floor area of the structure.

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

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

NO-RISE CERTIFICATIONS means formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels within the City during the occurrence of a base flood event.

PHYSICAL MAP REVISION (PMR) means FEMA’s action whereby one or more map panels are physically revised and republished.

RECREATIONAL VEHICLE means a vehicle that is:

- A. Built on a single chassis.
- B. 400 square feet or less when measured at the largest horizontal projection.
- C. Designed to be self-propelled or permanently towable by a light duty truck.
- D. Designed primarily, not for use as a permanent dwelling but, as temporary living quarters for recreational, camping, travel, or seasonal use.

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

RIVERINE means relating to, formed by, or resembling a river (including tributaries), stream, brook, creek, etcetera, which can be intermittent or perennial.

SECTION 1316 means the section of the National Flood Insurance Act of 1968, as amended, which provides for the denial of flood insurance coverage for any property that the Floodplain Administrator finds has been declared by a duly constituted State or local authority to be in violation of State or local floodplain management regulations. Section

1316 is issued for a property, not a property owner, and remains with the property even after a change of ownership.

SPECIAL FLOOD HAZARD AREA. See Area of Special Flood Hazard.

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

STRUCTURE means for floodplain management purposes, a walled and roofed building, culvert, bridge, dam, or a gas or liquid storage tank that is principally above ground, as well as a manufactured home. Structure, for insurance purposes, means:

- A. A building with two (2) or more outside rigid walls and a fully secured roof, which is affixed to a permanent site.
- B. A manufactured home (“a manufactured home,” also known as a mobile home, is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation).
- C. A travel trailer without wheels built on a chassis and affixed to a permanent foundation, that is regulated under this Chapter and PCC 10, Building and Construction.

For insurance purposes, “structure” does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph C of this definition, or a gas or liquid storage tank.

SUBSTANTIAL DAMAGE means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. (Refer to PCC 15.16.010 paragraph C, Substantial Damage.)

SUBSTANTIAL IMPROVEMENT means any reconstruction, rehabilitation, addition, or

other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage”, regardless of the actual repair work performed. (Refer to PCC 15.16.010 paragraph D, Substantial Improvements.)

The term does not, however, include:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the city’s code enforcement official and are the minimum necessary to assure safe living conditions.
- B. Any alteration of a “historic structure”, if the alteration will not preclude the structure's continued designation as a “historic structure.”

VARIANCE means a grant of relief by the City from the terms of a flood plain management regulation. (Reference: PCC 15.12.060, Variance Procedures.)

VIOLATIONS means the failure of a structure or other development to be fully compliant with this Chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Sections 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION means the height, in relation to the North American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies, such as the 1-percent-annual-chance flood, in the flood plains of coastal or riverine areas.

WATERCOURSE means the channel and banks of an identifiable water in a creek, brook, stream, river, ditch, or other similar feature.

15.08 Applicability

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15.08.010 Lands To Which This Chapter Applies

This Title shall apply to all areas of special flood hazard identified by FEMA or, if elected in PCC 15.08.020 paragraph A,1, Use of Best Available Data – Higher Standard Option, areas of identified and documented flood risk supported using Best Available Data within the jurisdiction of the City.

When the City annexes any land from a neighboring city and/or county, the City will manage and regulate the annexed land under this Title.

15.08.020 Basis For Establishing The Areas Of Special Flood Hazard

A. **Use Of Best Available Data - Higher Standard Option.** The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Utah County, Utah and Incorporated Areas" dated June 19, 2020 with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be part of this ordinance.

1. **Use Of Best Available Data - Higher Standard Option.** The City has elected to adopt Best Available Data, defined in PCC 15.08.010, Lands to Which This Chapter Applies, to regulate floodplain development in addition to utilizing the effective FIRMs, FIS, and/or FBFM. Where Best Available Data contradicts the FIRMs, FIS, and/or the FBFM, the more restrictive data shall be utilized.

15.08.030 Establishment Of Development Permit

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

15.08.040 Abrogation And Greater Restrictions

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

15.08.050 Interpretation

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

- A. Considered as minimum requirements.
- B. Liberally construed in favor of the governing body.

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

15.08.060 Warning And Disclaimer Or Liability

The degree of flood protection required by this Title is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions, greater floods can and will occur and flood heights may be increased by human-made or natural causes.

This Title does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Title shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Title or any administrative decision lawfully made thereunder.

15.08.070 Severability

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

15.08.080 Compliance

No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Title and other applicable regulations. Nothing herein shall prevent the City from taking such lawful action as is necessary to prevent or remedy any violations.

15.08.090 Stop Work Order

- A. **Authority.** Whenever the Floodplain Administrator or other city official discovers any work or activity regulated by this Title being performed in a manner contrary to the provision of this Title, the Floodplain Administrator is authorized to issue a stop work order.
- B. **Issuance.** The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- C. **Unlawful Continuance.** Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in PCC 15.08.100, Penalties for Noncompliance.

15.08.100 Penalties For Noncompliance

In accordance with Section 59.2(b) of CFR 44, Chapter 1, of the NFIP regulation, to qualify for the sale of federally subsidized flood insurance, the City must adopt floodplain management regulations that meet or exceed the minimum standards of Section 60. “These regulations must include effective enforcement provisions.” In accordance with Section 60.1(b) of CFR 44, Chapter 1, of the NFIP regulations, “These regulations must be legally-enforceable, applied uniformly throughout the City to all privately and publicly owned land within flood-prone (i.e. mudflow) or flood-related erosion areas, and the City must provide that the regulations take precedence over less restrictive conflicting local laws, ordinances, or codes.”

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Title and other applicable regulations. Violation of the provisions of this Title by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Title or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 of violation or imprisoned for not more than five days, or both, for each violation assessed daily, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

15.12 Administration

[15.12.010 Designation Of The Floodplain Administrator](#)

[15.12.020 Duties And Responsibilities Of The Floodplain Administrator](#)

[15.12.030 Requirement To Submit New Technical Data](#)

[15.12.040 Permit Procedures](#)

[15.12.050 Use Of Elevation Certificates](#)

[15.12.060 Variance Procedures](#)

[15.12.070 Watercourse Alterations](#)

15.12.010 Designation Of The Floodplain Administrator

The City Engineer or his designated representative is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Title and other appropriate sections of the NFIP Regulations and 44 CFR pertaining to floodplain management.

15.12.020 Duties And Responsibilities Of The Floodplain Administrator

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

- A. Uphold the goals of the City and the NFIP to reduce risk when possible and increase the city's resistance to future disasters.
- B. Maintain and hold open for public inspection all records pertaining to the provisions of this Title, including the actual elevation of the lowest floor (including basement or crawlspace) of all new or substantially improved structures and any floodproofing certificates, including the data supporting such certificates.
- C. Maintain and hold open for public inspection maps that identify and locate the boundaries of the SFHAs to which this Title applies, including, but not limited to, the FIRM.
- D. Review development proposals to determine whether a proposed building site, including sites designed for the placement of manufactured homes, will be reasonably safe from flooding.
- E. Review, approve, or deny all applications for development permits required by adoption of this Title.
- F. Ensure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334 and the Endangered Species Act of 1973) from which prior approval is required.
- G. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- H. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah Division of Water Quality Stream Alteration Permit Office, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.
- I. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation.
- J. When BFE data has not been provided by FEMA, the Floodplain Administrator shall obtain, review, and reasonably utilize any BFE data and floodway data available from a federal, state, or other source including data provided by the applicant, in order to administer the provisions of this Title.
- K. When a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30, AE, and AH on the city's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than 0.50 feet at any point within the City.
- L. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the NFIP

Regulations, the City may approve certain development in Zones A1-30, AE, and AH on the city's FIRM, which increases the water surface elevation of the base flood by more than 0.50 feet, provided that the City first meets the requirements of Section 65.12 for a conditional FIRM revision through FEMA's CLOMR process.

- M. Zone A Areas: When a regulatory floodway has not been designated and if the project is determined or reasonably believed to cause an adverse impact, the Floodplain Administrator may require new construction, substantial improvements, or other development (including fill, grading or excavation) permitted in a Zone A to have an encroachment analysis done prior to issuance of a floodplain development permit. The encroachment analysis shall create a baseline of existing conditions model and compare it to the proposed conditions model to determine the potential impact of the project. Based on the findings, the Floodplain Administrator may require as a condition of the permit a CLOMR to be submitted and approved prior to any work occurring and/or that a LOMR be submitted to FEMA within 6 months of completion of the development.
- N. Inspect all development at appropriate times during the period of construction to ensure compliance with all provisions of this Title, including proper elevation of structures.
- O. In addition to utilizing the effective FIRMs, FIS, Flood Boundary and Floodway Map, all permit reviews will utilize Best Available Data. (PCC 15.08.020 paragraph A,1, Use of Best Available Data – Higher Standard Option.)
- P. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the City may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.

15.12.030 Requirement To Submit New Technical Data

- A. The property owner or developer shall notify FEMA by submittal of a LOMR within six (6) months of project completion when an applicant had obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.
- B. The property owner or developer shall be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and shall provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.
- C. The Floodplain Administrator shall be under no obligation to sign the City Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this

Title and all applicable state federal, and local laws.

15.12.040 Permit Procedures

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by the Floodplain Administrator and may include, but not be limited to:

- A. Duplicated plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations.
- B. Duplicated plans drawn to scale showing the location, dimensions, and elevation of existing and proposed structures, including the placement of manufactured homes.
- C. Location of the foregoing in relation to SFHAs.
- D. Elevation (in relation to mean sea level), of the lowest floor (including basement and crawlspace) of all new and substantially improved structures, if applicable;
- E. Elevation (in relation to mean sea level), to which any nonresidential structure (if applicable) shall be floodproofed.
- F. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure (if applicable) shall meet the floodproofing criteria of this Title and the NFIP Regulations.
- G. Description of the extent to which any watercourse or natural drainage will be altered or relocated because of proposed development, if applicable.
- H. At the city's discretion, the City may charge a fee for issuance of floodplain development permits.
- I. Copies of all floodplain development permits and the associated documents shall become property of the City and a permanent record.

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

- A. The danger to life and property due to flooding or erosion damage.
- B. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- C. The danger that materials may be swept onto other lands to the injury of others.
- D. The compatibility of the proposed use with existing and anticipated development.
- E. The safety of access to the property in times of flood for ordinary and emergency vehicles.

- F. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems.
- G. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
- H. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- I. The relationship of the proposed use to the comprehensive plan for that area.

15.12.050 Use Of Elevation Certificates

The City requires that the following Elevations Certificates be completed for any new residential or non-residential building construction:

- A. **Proposed Conditions.** A Proposed Conditions Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect as part of the Floodplain Permit package.
- B. **Building Under Construction.** A Building Under Construction Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect at the completion of the building foundation and before any other building activity occurs.
- C. **Finished Construction.** A Finished Construction Elevation Certificate is required to be completed by a professional and licensed engineer, surveyor, or architect once the structure is completed, utilities are installed, and grading and landscaping has been completed.

15.12.060 Variance Procedures

- A. **Appeal Board Or Variance Board.** The Appeal Board or Variance Board (“Board”), as established by the City, shall hear and render judgment on requests for variances from the requirements of this Title after a floodplain development permit has been denied.
 - 1. Any person or persons aggrieved by the decision of the Board may appeal such decision in the courts of competent jurisdiction.
 - 2. The Board, as established by the City, shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement of administration of this Title.
 - 3. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to FEMA and the State

Coordinating Agency upon issuing a variance.

4. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in in this section, Variance Procedures have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
5. Upon consideration of the factors noted above and the intent of this Title, the Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Title.
6. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
7. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. The term "substantial improvement" does not include any alteration of a structure or facility listed on the National Register of Historic Places or a State Inventory of Historic Places.

B. Prerequisites For Granting Variances.

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. Variances shall only be issued upon:
 - a. Showing a good and sufficient cause.
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, conflict with existing local laws or ordinances, considers the need of ingress and egress during times of floods, and does not jeopardize first responders' health and welfare.
2. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest

floor elevation.

3. Variances may be issued by the City for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:
 - a. The criteria outlined in this section, Variance Procedures are met; and
 - b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

C. Variance Procedures For Freeboard And Allowable Increases.

1. Variances shall not be issued to:
 - a. Reduce the freeboard requirement as described in PCC 15.16.020 paragraph C, Residential Construction Freeboard – Higher Standard Option and PCC 15.16.020 paragraph E, Nonresidential Construction Freeboard – Higher Standard Option for residential and non-residential structures; or
 - b. Shall be issued to reduce allowed increase in BFE for floodplain Zones A1-30, AE, and AH as described in PCC 15.12.020, Duties and Responsibilities of the Floodplain Administrator, paragraph L.

15.12.070 Watercourse Alterations

- A. No alteration to a channel, river, stream, drainage way, or other watercourse shall diminish the flood-carrying capacity of that watercourse. The altered or relocated watercourse shall have the same or greater capacity as the original watercourse.
- B. All proposals for a watercourse alteration require submittal of a floodplain development permit. The applicant shall submit a set of plans and calculations prepared by a registered professional engineer of the proposed alteration and its effect on flows. An applicant shall provide the following information. Additional information may be submitted and requested:
 1. Topographic map of the project area.
 2. A comparison of the existing and proposed channel capacity, including engineering calculations prepared by a registered professional engineer.
 3. A description of the proposed alteration extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

4. Land use of adjacent properties.
5. Description of any obstructions.
6. Dimensions, specifications, and locations of any structures (bridges, culverts, water crossing, dams, dikes, levees, detention basins, etcetera).
7. Photos of the area.

C. Prior to approval of the floodplain development permit, the applicant shall:

1. Submit an application and obtain a CLOMR from FEMA.
2. Notify adjacent communities, property owners and the and the State Coordinating Agency, prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Floodplain Administrator and to FEMA.
3. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

15.16 Provisions For Flood Hazard Reduction

[15.16.010 General Standards](#)

[15.16.020 Specific Standards](#)

[15.16.030 Standards For Subdivision Proposals](#)

[15.16.040 Shallow Flooding](#)

[15.16.050 Floodways](#)

[15.16.060 Standards For Critical Facilities - Higher Standard Option](#)

[15.16.070 Standards For Protection Of Critical Facilities - Higher Standard Option](#)

15.16.010 General Standards

A. **Provisions.** In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements, to include all new Development of the property:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.
7. On-site waste disposal systems shall be designed or located to avoid impairment to them or contamination from them during flooding.
8. Within Zone AO all new construction and substantial improvement of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at a minimum of one-foot above the community's FIRM (at least two feet if no depth number is specified).

B. Substantial Improvements. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure, if the cumulative cost of the entire project equals or exceeds fifty (50) percent of the market value of the structure only (not of the structure and land value combined) before the improvement or repair is started then the work shall be considered as substantial improvement. If the structure has sustained substantial damage, any repairs are considered substantial improvements regardless of the actual repair work performed.

C. Substantial Damage. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.
2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed fifty (50) percent of the market value of the structure only before the damage occurred. This term also applies to structures which have incurred any damage that equals or exceeds fifty (50) percent of the structure's market value regardless of the actual repair work performed. When a structure or building has been determined as substantially damaged, any work or repair on said structure or building will be considered as substantial improvement and will be required to meet the development requirements set forth within this Title for

substantial improvement.

D. Substantial Improvement And Substantial Damage Determination. For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable city officials and staff, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made.
2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.
3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in paragraph D, Substantial Improvement;
4. Utilize FEMA's Substantial Improvement/Substantial Desk Reference when making any determination on Substantial Improvement and/or Substantial Damage.
5. The substantial improvement regulations apply to all of the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement should consider all costs of all phases of the work before issuance of the first permit.
6. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood, this Title is required.

15.16.020 Specific Standards

A. Provisions. In all SFHAs, and if PCC 15.08.010 paragraph A,1, Use of Best Available Data – Higher Standard Option has been selected, areas of known or suspected flood risk areas, the following provisions are required:

B. Residential Construction. New construction and substantial improvement of

any residential structure shall have the lowest floor (including basement) elevated to the BFE, unless a freeboard option is noted below. If a freeboard option is noted, new construction and substantial improvement shall have the lowest floor (including basement) elevated to the freeboard elevation. A registered professional engineer, architect, or land surveyor shall submit certified elevations to the Floodplain Administrator that the standards of this Title are satisfied.

- C. **Residential Construction Freeboard - Higher Standard Option.** The city has elected to adopt a freeboard option for new construction and substantial improvement of any residential structure. The freeboard option requires that lowest floor elevation to be built above the BFE by the height selected. The City has elected one (1) foot of freeboard meaning the lowest floor must be built one (1) foot above the BFE.
- D. **Nonresidential Construction.** New construction and substantial improvements of any commercial, industrial, or other nonresidential structure shall either have the lowest floor (including basement) elevated to the base flood level, unless a freeboard option is noted below, or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the dry floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this Title, PCC 15.16.020 paragraph B, Residential Construction and if elected, PCC 15.16.020 paragraph C, Residential Construction Freeboard – Higher Standard Option. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction requirements of this Title.
- E. **Nonresidential Construction Freeboard - Higher Standard Option.** The City has elected to adopt a freeboard option for new construction and substantial improvement of any nonresidential structure. The freeboard option requires that lowest floor elevation to be built above the BFE by the height selected. The City has elected one (1) foot of freeboard meaning the lowest floor must be built one (1) foot above the BFE.
- F. **Nonresidential Construction Wet Floodproofing - Higher Standard Option.**
 - 1. New construction and substantial improvements of any commercial,

industrial, or other non-residential structure including but not limited to detached garages, agricultural buildings, and storage buildings may be allowed to be wet floodproof provided that the structure:

- a. Is strictly a nonresidential structure used for building access, parking or storage only.
 - b. Is an accessory or appurtenant structure of low value.
 - c. Is designed to allow for the automatic entry and exit of flood waters through the use of openings.
 - d. Is constructed of flood resistant materials.
 - e. Is properly anchored to resist flotation, collapse, and lateral movement;
 - f. Must have mechanical and utility equipment elevated or floodproofed to or above the BFE.
 - g. Must comply with the floodway encroachment provisions of the NFIP and this Title.
 - h. Is designed and built to adhere to FEMA Technical Bulletins a, b, and g.
 - i. Must comply with FEMA Policy: Floodplain Management Requirements for Agricultural Structures and
 - j. Accessory Structures, FEMA Policy #104-008-03 Date Issued: February 2020.
2. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification that includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator. If the use or occupancy of the building changes in the future to residential, then the wet floodproofing of the structure cannot be used when determining compliance of the structure to the residential construction of this Title, PCC 15.16.020 paragraph B, Residential Construction and if elected, PCC 15.16.020 paragraph C, Residential Construction Freeboard – Higher Standard Option. As such, the building will not be grandfathered into compliance and will be required to be brought into compliance with the residential construction of this Title.

G. Wet Floodproofing Nonconversion Agreement - Higher Standard Option.

For any nonresidential construction that has been wet floodproofed, a non-

conversion agreement must be completed as part of the permitting process. The non-conversion agreement:

1. Acknowledges the risk associated with this building practice.
2. Acknowledges the use of the area that was wet floodproof will be used solely on nonresidential accessory or appurtenant structure of low value whose usage is only for building access, parking or storage.
3. Allows for city, state and/or federal officials to conduct periodic inspections to ensure compliance.

H. Enclosures.

1. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are to be used solely for parking of vehicles, building access, or storage in an area other than a basement, and are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one (1) 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 (1) foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
2. The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration (FIA)-Technical Bulletins a. and b. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

I. Enclosure Nonconversion Agreement - Higher Standard Option. For any nonresidential construction that has an enclosure, a non-conversion agreement must be completed as part of the permitting process. The non-conversion agreement:

1. Acknowledges the risk associated with this building practice.
2. Acknowledges the use of the area that was permitted as an enclosure will be used solely on nonresidential accessory or appurtenant structure of

low value whose usage is only for building access, parking or storage.

3. Allows for city, state and/or federal officials to conduct periodic inspections to ensure compliance.

J. Crawlspace. New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:

1. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer.
2. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the LAG.
3. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one (1) square inch of flood opening is required per one (1) square foot of the enclosed area subject to flooding.
4. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
5. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
6. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the LAG.
7. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed four (4) feet at any point.
8. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be

drained within a reasonable time after a flood event.

9. Buildings with below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the LAG.

K. Manufactured Homes.

1. Require that all manufactured homes to be placed within Zone A on the city's FHBM or FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.
2. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the city's FIRM on sites outside of a manufactured home park or subdivision;) in a new manufactured home park or subdivision; in an expansion to an existing manufactured home park or subdivision; or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the BFE, unless a higher standard option was selected, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
3. In A-1-30, AH, AO and AE Zones, require that manufactured homes to be placed or substantially improved in an existing manufactured home park to be elevated so that the lowest floor is at or above the BFE, unless a higher standard option was selected; or the chassis is supported by reinforced piers no less than thirty-six (36) inches in height above grade and securely anchored.

L. I Beam Placement - Higher Standard Option. All manufactured homes are placed so that the bottom of the I-beam be at or above the BFE in zones A1-A30, AH, AO, and AE on the city's FIRM plus any applicable freeboard as established by this Title by the City and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

M. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE on the city's FIRM require either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days unless the City has elected a higher standard option and be fully licensed and ready for highway use. A recreational vehicle is ready for highway

use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions, or

2. Meet the permit requirements of PCC 15.12.040, Permit Procedures, and the elevation and anchoring requirements for "manufactured homes" of this Subsection.

N. Appurtenant Or Accessory Structure - Higher Standard Option. Accessory or appurtenant structures shall not exceed one hundred (100) square feet in size. Accessory or appurtenant structures located within zones A, A1-A30, AH, AO, or AE must be:

1. Detached from a residence.
2. On the same parcel of property as the principal structure to be insured.
3. Incidental to the use of the principal structure.
4. Solely used for parking or limited storage and not human habitation.
5. Low valued, represents a minimal investment, and unfinished on the interior.
6. As required in the 44 CFR Section 60.3(a)3:
 - a. "be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy;"
 - b. "be constructed with materials resistant to flood damage" below the BFE, be designed to allow for the automatic entry of flood waters and meet all applicable building codes;"
 - c. "be constructed by methods and practices that minimize flood damages;"
 - d. "be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding."
7. In compliance with the floodway encroachment "no-rise" provisions of the NFIP Regulations and PCC 15.16.050, Floodways.
8. Not be used for human habitation including but not limited to working, sleeping, and living.
9. Include, in the submittal for Floodplain Development Permit, sufficient

documentation demonstrating full compliance with this section, including, but not limited to, the use of flood resistant materials, anchoring, and flood openings.

10. Must comply with FEMA Policy: Floodplain Management Requirements for Agricultural Structures and Accessory Structures, FEMA Policy #104-008-03 Date Issued: February 2020.

15.16.030 Standards For Subdivision Proposals

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this Title.
- B. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- C. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of this Title.
- D. BFE data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, which are greater than fifty (50) lots or five (5) acres, or whichever is lesser.
- E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
- F. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

15.16.040 Shallow Flooding

- A. **Standards For Areas Of Shallow Flooding (AO/AH Zones).** Areas located within the SFHAs established in PCC 15.08.010, Lands to Which This Title Applies, are designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:
 1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the

highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two (2) feet if no depth number is specified). If the City has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the city's FIRM (at least two (2) feet if no depth number is specified) plus the freeboard height option selected below.

2. All new construction and substantial improvements of non-residential structures:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the city's FIRM (at least two (2) feet if no depth number is specified). If the City has elected a freeboard standard, then the lowest floor elevation must be elevated above the highest adjacent grade above the depth number specified in feet on the city's FIRM (at least two (2) feet if no depth number is specified) plus the freeboard height option selected below; or
 - b. Together with attendant utility and sanitary facilities designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Subsection.
4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

B. Shallow Flooding Freeboard - Higher Standard Option. The City has elected to adopt a freeboard option for new construction and substantial improvement of any residential structure. The freeboard option requires that the lowest floor be built above the BFE by the height selected. The City has elected a one (1) foot freeboard. The lowest floor must be built a minimum of one (1) foot above the BFE or flood depth identified on the FIRM.

15.16.050 Floodways

Floodways located within SFHAs are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles, and erosion potential. The following provisions shall apply.

- A. Designate a regulatory floodway that will not increase the base flood level more

than zero (0) feet.

- B. Encroachments are prohibited, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase greater than zero (0.00) feet, unless higher standard option selected, in flood levels within the City during the occurrence of the base flood discharge.
- C. All new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of PCC 15.16, Provisions for Flood Hazard Reduction in this Title.
- D. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the NFIP Regulations, the City may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the City first applies for a conditional FIRM and floodway revision through FEMA.

15.16.060 Standards For Critical Facilities - Higher Standard Option

A Critical Facility is a structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the City at any time before, during and after a flood.

- A. **Classification of Critical Facilities.** It is the responsibility of the City to identify and confirm that specific structures in the City meet the following criteria: (a) Essential Services; (b) Hazardous Materials; (c) At-risk Populations; and (d) Vital to Restoring Normal Services.
 - 1. Essential services facilities include public safety, emergency response, emergency medical, designated emergency shelters, communications, public utility plant facilities, and transportation lifelines.
 - 2. These facilities consist of:
 - a. Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and, emergency operation centers).
 - b. Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and non-ambulatory surgical structures but excluding clinics, doctors' offices, and non-urgent care medical structures that do not provide these functions).
 - c. Designated emergency shelters.

- d. Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits).
 - e. Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines).
 - f. Air Transportation lifelines (airports (municipal and larger), helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).
- B. Specific exemptions to this category include wastewater treatment plants, non-potable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.
- C. Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the City that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the 100-year floodplain or are compliant with the provisions of this Article, and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City on an as-needed basis upon request.
- D. Hazardous materials facilities include facilities that produce or store highly volatile, flammable, explosive, toxic and/or water-reactive materials. These facilities may include:
- 1. Chemical and pharmaceutical plants (chemical plant, pharmaceutical manufacturing).
 - 2. Laboratories containing highly volatile, flammable, explosive, toxic and/or water-reactive materials.
 - 3. Refineries.
 - 4. Hazardous waste storage and disposal sites.
 - 5. Above ground gasoline or propane storage or sales centers.
- E. Facilities shall be determined to be Critical Facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the

Occupational Safety and Health Administration (OSHA) to keep a Material Safety Data Sheet (MSDS) on file for any chemicals stored or used in the work place, AND the chemical(s) is/are stored in quantities equal to or greater than the Threshold Planning Quantity (TPQ) for that chemical, then that facility shall be considered a Critical Facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty-six (356) chemicals listed under 40 CFR § 302 (2010), also known as Extremely Hazardous Substances (EHS); or ten thousand (10,000) pounds for any other chemical. OSHA requirements for MSDS can be found in 29 CFR § 1910 (2010). The Environmental Protection Agency (EPA) regulation "Designation, Reportable Quantities, and Notification," 40 CFR § 302 (2010) and OSHA regulation "Occupational Safety and Health Standards," 29 CFR § 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Title, but exclude later amendments to or editions of the regulations.

F. Specific exemptions to this category include:

1. Finished consumer products within retail centers and households containing hazardous materials intended for household use. agricultural products intended for agricultural use.
2. Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the local authority having jurisdiction by hazard assessment and certification by a qualified professional (as determined by the local jurisdiction having land use authority) that a release of the subject hazardous material does not pose a major threat to the public.
3. Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

G. These exemptions shall not apply to buildings or other structures that also function as Critical Facilities under another category outlined in this Article.

H. At-risk population facilities include medical care, congregate care, and schools.

1. These facilities consist of:
 - a. Elder care (nursing homes).
 - b. Congregate care serving twelve (12) or more individuals (day care and assisted living).
 - c. Public and private schools (pre-schools, K-12 schools), before-school and after-school care serving twelve (12) or more children).

I. Facilities vital to restoring normal services including government operations. These facilities consist of:

1. Essential government operations (public records, courts, jails, building permitting and inspection services, city administration and management, maintenance, and equipment centers).
 2. Essential structures for public colleges and universities (dormitories, offices, and classrooms only).
- J. These facilities may be exempted if it is demonstrated to the City that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the 100-year floodplain or are compliant with this Title, and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the City on an as-needed basis upon request.

15.16.070 Standards For Protection Of Critical Facilities - Higher Standard Option

All new and substantially improved Critical Facilities and new additions to Critical Facilities located within the SFHA shall be regulated to a higher standard than structures not determined to be Critical Facilities. For the purposes of this Title, protection shall include one (1) of the following:

- A. Location outside the SFHA; or
- B. Elevation of the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, to at least two (2) feet above the BFE. Ingress and Egress for new critical facilities shall, when practicable as determined by the City, have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.