

**ROCKY RIDGE TOWN
ORDINANCE NO. 2018-01**

ADOPTION OF THE MUNICIPAL CODE

**AN ORDINANCE OF ROCKY RIDGE TOWN, UTAH, ADOPTING
THE *ROCKY RIDGE TOWN MUNICIPAL CODE*; MAKING
TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Rocky Ridge Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§10-8-84 and 10-8-60, 1953, as amended, allows the Town to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the Town;

WHEREAS, in accordance with *Utah Code Annotated* §10-3-707, 1953, the Town is “empowered to revise, codify and compile from time to time and to publish in book, pamphlet or loose leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated.”

WHEREAS, the Town retained the services of Municipal Code Online, Inc., to provide initial codification services and ongoing online support for the *Rocky Ridge Town Municipal Code*;

WHEREAS, the Town desires to adopt the initial *Rocky Ridge Town Municipal Code*;

NOW, THEREFORE, be it ordained by the Town Council of Rocky Ridge, Utah, as follows:

Section 1: Repeal. All Ordinances of Rocky Ridge Town, Utah, prior to the date of this Ordinance are hereby repealed, subsumed, and replaced with the *Rocky Ridge Town Municipal Code* adopted herein.

Section 2: Adoption. The *Rocky Ridge Town Municipal Code* attached hereto as Exhibit “A” is hereby adopted in its entirety as provided in Exhibit “A” and incorporated herein by this reference.

Section 3. Effective Date. This Ordinance shall take effect immediately upon posting or publication.

PASSED AND ADOPTED by the Town Council on this 17th day of January, 2018.

Ronald Allred
RONALD ALLRED, Mayor
Rocky Ridge Town

ATTEST:

Catherine Lummus
CATHERINE LUMMUS, Town Clerk

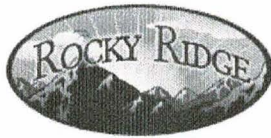
RECORDED this 17th day of January, 2018.
PUBLISHED OR POSTED this 23 day of January, 2018.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. '10-3-713, 1953 as amended, I, the Town Clerk of Rocky Ridge, hereby certify that foregoing ordinance was duly passed and published, or posted at:

- 1) Mailbox Building,
- 2) Bungalow Bliss, and
- 3) MLA Building, on the above referenced dates.

Catherine Lummus DATE: 1/23/18
CATHERINE LUMMUS, Town Clerk



Rocky Ridge Town
Juab County, Utah

Municipal Code

Compiled: Wednesday, January 17, 2018

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Preface

In 2015, codification and administration of the Municipal Code began in-house under the direction of the Town Clerk, Cathy Lummus, and with the assistance of Municipal Code Online, Inc. This Municipal Code shall be cited as the Rocky Ridge Municipal Code or "RRMC" as an acronym. All titles and subtitles labeled "RRNEW" are proposed laws and have not been passed as ordinances.

This Municipal Code maintains a structure by subject matter using a decimal numbering system identifying the title, chapter, and section (for example: 1.01.010).

- 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
- If a fourth series exists comprising letters or numbers beyond the section level, it designates a **subsection** level.

This complete set of numbers is designed to aid in searching the Municipal Code and to assist in subsequent codification as new ordinances are added to the Municipal Code.

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 Rocky Ridge Town. The specific legal sources that comprise this Municipal Code have been adapted 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 hard copy, the official hard copy governs. Municipal Code Online, Inc., provides a searchable database of the Municipal Code for easy reference and convenience.

NOTICE: THE MUNICIPAL CODE MAY NOT REFLECT ALL OR THE MOST CURRENT VERSION OF LEGISLATION ADOPTED BY THE TOWN COUNCIL THAT HAS YET TO BE UPDATED ONLINE. IN THE EVENT OF CONFLICT BETWEEN THE MUNICIPAL CODE AND A WRITTEN ORDINANCE, THE ORDINANCE TYPICALLY GOVERNS. ALSO, THE MUNICIPAL CODE MAY NOT REFLECT RULES OR OTHER REGULATIONS PROMULGATED UNDER THE AUTHORITY OF THE CODE, INCLUDING TECHNICAL SPECIFICATIONS.

FOR MORE INFORMATION contact Cathy Lummus at the town office at 435-623-1249 or via email cathy@rockyridgetown.org



(RRNEW) 1 General Provisions

(RRNEW) 1.08 General Penalties

(RRNEW) 1.08 General Penalties

1.08.010 Offenses Designated: Classified

1.08.010 Offenses Designated; Classified

A. Sentencing In Accordance With Chapter.

1. A person adjudged guilty of an offense under this Code or the ordinances of this Town shall be sentenced or fined as specified in each section.



(RRNEW) 2 Administrative Code

(RRNEW) 2.02 Form Of Municipal Government
(RRNEW) 2.04 Town Council
(RRNEW) 2.06 Mayor
(RRNEW) 2.08 Elections
(RRNEW) 2.24 Water Department
(RRNEW) 2.28 Planning And Zoning Commission
2.30 Agencies, Boards, And Committees (Reserved)

(RRNEW) 2.02 Form Of Municipal Government

2.02.010 Role Of Municipal Government
2.02.020 Form Of Government
2.02.030 Meeting Administration

2.02.010 Role Of Municipal Government

It is the role of local government to provide municipal services to the public. In doing so, the Town strives to enhance the values and aesthetics of the community, promote efficient and effective services, make reasonable improvements and maintain infrastructure, and keep local tax burdens at a minimum. The quality of life of residents and business in Rocky Ridge, Utah is enhanced by responsible, accountable, accessible, and innovative government.

2.02.020 Form Of Government

Rocky Ridge Town, Utah operates under the five-member council form of government in accordance with Utah Code Annotated §10-3b-401, et seq, 1953 as amended, where the powers of municipal government are vested in a council consisting of five (5) members, one (1) of which is a mayor.

2.02.030 Meeting Administration

In accordance with Utah Code §10-3-502, the Town Council shall prescribe by ordinance the time and place for holding its regular meeting each month. Special meetings may be provided in accordance with Utah Code §10-3-502. All public meetings shall be held in compliance with the provisions of Title 52, Chapter 4, Open and Public Meetings Act. Meeting administration shall conform to Title 10, Chapter 3, Part 5 and Part 6 of the Utah Code.

(RRNEW) 2.04 Town Council

2.04.010 Five-Member Council
2.04.020 Regular Meetings
2.04.030 Special Meetings
2.04.040 General Powers And Duties

2.04.010 Five-Member Council

In accordance with Utah Code §10-3b-401, et seq., this Town operates as a five-member council form of government. The executive and legislative powers as set forth in state law are vested in a town council consisting of five members, one of which is a mayor.

2.04.020 Regular Meetings

The time of holding the regular meetings of the Town Council shall be fixed by resolution of the Council members. All meetings may be adjourned from time to time as business may require, and a majority of the Town Council shall form a quorum to do business at all general meetings and at all special meetings, due notice of which shall have been given.

2.04.030 Special Meetings

If at any time the business of the Town requires a special meeting of the Town Council, such meeting may be ordered by the Mayor or any two members of the Town Council. The order shall be entered in the minutes of the Town Council. The order shall provide at least three hours' notice of the special meeting and notice thereof shall be served by the Town Clerk on each member who did not sign the order by delivering the notice personally or by leaving it at the member's usual place of abode. The personal appearance by a member at any specially called meeting constitutes a waiver of the notice required in this section.

2.04.040 General Powers And Duties

The powers and duties of the Town Council are set forth in Utah Code §10-3b-303.

(RRNEW) 2.06 Mayor

2.06.010 Powers And Duties

2.06.010 Powers And Duties

The powers and duties of the Mayor are set forth in Utah Code §10-3b-302.

(RRNEW) 2.08 Elections

2.08.010 Conduct
2.08.020 Primary Election; When Required

2.08.010 Conduct

Election for mayor and council members shall be conducted according to the municipal election section of Utah Code Annotated section 20A-9-404(1) and (2).

2.08.020 Primary Election; When Required

This section provides for the candidates for mayor and council members to be nominated at a primary election if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election, plus candidates that were not required to run in the primary, are to be placed on the November ballot.

(RRNEW) 2.24 Water Department

- A. **Creation.** The Water Department of the Town is hereby created. It shall administer the operation and maintenance of the water system of the Town.
- B. **Superintendent.** There is hereby created the position of superintendent of the water department.
- C. **Duties.** The Superintendent of the water system shall manage and supervise the Town water system pursuant to the provisions of this chapter and pursuant to resolutions, rules and regulations adopted by the Town Council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Mayor relating to the water system. All of the functions and activities of the Superintendent shall be carried on under the direction of the Mayor or a council member appointed by the Mayor.

(RRNEW) 2.28 Planning And Zoning Commission

In accordance with Utah Code Annotated §10-9a-301, Rocky Ridge Town hereby establishes a planning commission as follows:

- A. **Membership and appointment.** The Planning Commission is composed of up to seven (7) members who shall be residents and registered voters of Rocky Ridge Town duly appointed by the Mayor, subject to the advice and consent of the Town Council. The Mayor may appoint as many alternate Planning Commission members as needed, pending the advice and consent to the Municipal Council. Alternate planning commissioners may vote on all actions before the Planning Commission as any other planning commission member.
- B. **Term.** Each member of the Planning Commission shall serve a four (4) year term to expire in December staggered so that no more than three (3) commissioners expire in a given year. A planning commissioner shall remain in office after expiration of his or her term until duly reappointed, or until a replacement has been duly appointed.
- C. **Procedures for filling vacancies and removal from office.** Any vacancy in the Planning Commission membership shall be filled for the remainder of the unexpired term by appointment from the Mayor with the advice and consent of the Town Council. A member of the Planning Commission may be removed by the Mayor for high crimes and misdemeanors, dereliction of duties, for egregious violations of rules of ethical conduct, or for failing to complete required training curriculum as established by the Town or failure to attend three consecutive regular meetings or eighty percent of regular and special planning commission meetings.
- D. **Authority.** In addition to any authority delegated or further defined by ordinance, regulation, rule, or policy, the Planning Commission is vested with all authority set forth in Utah Code Annotated §10-9a-302, 1953, as amended.
- E. **Organization, voting, and procedures of the Planning Commission.**
 - 1. Land use authority. Except where otherwise provided or designated by the municipal code, the Planning Commission shall serve as the land use authority.
 - 2. Chair and vice-chair. The Planning Commission shall annually elect a chair and vice-chair from its membership. The chair shall service as the presiding officer, and the vice-chair shall service as such in the absence of the chair.
 - 3. Quorum and voting. A quorum of the Planning Commission shall consist of the majority of the total number of planning commissioners appointed to the planning commission, excluding alternates. Alternate planning commission members shall count as part of the quorum, but do not count to determine the number of planning commission members required to constitute a quorum. A decision shall be rendered by the planning commission based upon the majority vote of those planning commission members, including alternates, present and voting at a particular meeting. Each member present at a meeting shall vote on an issue, yea or nay, except when a member declares a conflict of interest.
 - 4. Agenda. Action cannot be taken on an agenda item unless a meeting has been properly noticed and the items placed upon the agenda in accordance with law.
 - 5. Records. Minutes of each meeting shall be kept and preserved in accordance with law. A copy of the minutes from each meeting shall be provided to the planning commission for approval, correction or amendment, if necessary.
 - 6. Rules of procedure. Robert's Rules of Order, newly revised, and as adapted by the presiding officer, shall govern all meetings as far as such do not conflict with applicable law.
 - 7. Ethics. Each member shall abide by the rules of ethical conduct adopted by the Town.

3 Municipal Procedures

(RRNEW) 3.04 Personnel Policies And Procedures
3.22 Constitutional Takings

(RRNEW) 3.04 Personnel Policies And Procedures

The Town Council shall adopt personnel policies and procedures by resolution and may amend the same from time to time.

3.22 Constitutional Takings

3.22.010 Purpose
3.22.020 Definitions
3.22.030 Guidelines
3.22.040 Analysis

3.22.010 Purpose

The purpose of this Section is to provide advisory guidelines for the Town to assist the Town in identifying actions that involve the unconstitutional taking or damaging of private real property without the payment of just compensation as required by the Constitution of the United States and of Utah State.

3.22.020 Definitions

As used herein:

"Constitutional taking issues" means actions involving the physical or regulatory taking of private real property by the Town that might require compensation to a private real property owner under:

1. The Fifth or Fourteenth Amendment of the Constitution of the United States;
2. Article I, Section 22 of the Utah Constitution; or
3. Any recent court rulings governing the physical or regulatory taking of private real property by a governmental entity.

3.22.030 Guidelines

The following guidelines shall be considered by the Town when taking any action that might result in the physical or regulatory taking of private real property. The Town should review the following to determine and identify whether a proposed governmental action raises constitutional taking issues. It is the policy of the Town that no individuals bear burdens that, in all fairness and justice, should be borne by the community as a whole. A "Yes" answer to any of the following questions could raise the implication of a taking or damaging of private property for which just compensation may be required:

- A. Does the action result in a permanent or inevitably recurring physical occupation of private property?
- B. Does the action require a property owner to dedicate property or grant an easement to the Town without the payment of just compensation?
- C. Does the action create or otherwise impose a permanent or ongoing nuisance, originating on Town property, that impacts neighboring lands so that their owners or occupants sustain a special and unreasonable interference with the quiet enjoyment of their property?
- D. Does the action interfere with a fundamental attribute of ownership such as the right to reasonable access, the right to exclude others from private property, or the right to light, air, and view within the right-of-way of an abutting public street?
- E. Does the action unreasonably interfere with a separately protected and vested right, such as:
 1. the right to continue a nonconforming use;
 2. the right to have an application reviewed under the law that was in effect when a complete application was submitted or when there were legally issued subdivision plat approvals, building permits, or licenses;
 3. the right to some other protected property interests?
- F. Does the action impose a severe economic burden that is inappropriately unfair when considered in the light of (a) the burden placed on the property owner, (b) the nature of the government action and benefit, and (c) the property owner's investment backed expectations?
- G. Does the action deprive the property owner of all economically viable use of the property in a situation where the proposed use does not constitute a substantial nuisance or a severe threat to health and safety?
- H. Does the action limit the use of private property without substantially advancing a legitimate public interest?
 - I. Has the Town failed to demonstrate by an individualized determination that any conditions, dedications, or exactions imposed as a condition of approval of development applications place only fair and roughly proportionate burdens on development, offsetting the burdens that the proposed development places on public utilities, streets, and other services but not imposing additional burdens on development that the community as a whole should bear?
- J. Does the action discriminate against property owners, imposing restrictions or burdens on one property owner that other similarly situated property owners do not bear?

3.22.040 Analysis

If the Town determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed by the Town to analyze the possible taking and to determine the action to be taken. In reviewing the proposed action, the following factors may be analyzed.

- A. The effect the potential taking would have on the use or value of the private property;
- B. The likelihood that the action may result in a constitutional taking;
- C. Any alternatives to the proposed action that would fulfill the Town's lawful objectives and reduce the risk of a constitutional taking;
- D. The cost to the Town for payment of compensation if a taking is determined;
- E. Appeals. Any owner of private property whose interest in the property is subject to a physical or regulatory taking by the Town, pursuant to a final and authoritative decision or action of the Town, may appeal the Town's decision or action by filing a written notice of appeal and statement of the grounds for the appeal in the Town Recorder's Office within thirty (30) days from the date of the Town's decision or action. The Town Council or its designee shall hear all evidence regarding the appeal and render its decision and findings in writing within fourteen (14) days from the date the appeal was filed. If the Town fails to hear and decide the appeal within fourteen (14) days, the Town's decision or action is presumed to be approved.
- F. Limitations. The guidelines set forth herein are advisory only and shall not be construed to expand nor limit the scope of the Town's liability for a constitutional taking. The Town shall have no legal liability to any person, firm, or entity of any nature whatsoever and a court may not impose liability upon the Town for failure to comply with the provisions of this Chapter.



G. Legal Action. A property owner's failure to appeal the action of the Town does not constitute, and may not be interpreted as constituting, a failure to exhaust available administrative remedies or as a bar to bringing legal action.



4 General Revenue

- 4.02 Sales And Use Tax
- 4.05 Purchasing Policy

4.02 Sales And Use Tax

- 4.02.010 Operation And Collection Of A Sales And Use Tax
- 4.02.020 Definitions
- 4.02.030 Administration And Collection
- 4.02.040 Allocation Of Tax
- 4.02.050 Costs Of Administration
- 4.02.060 General Provisions

4.02.010 Operation And Collection Of A Sales And Use Tax

- A. **Purpose.** The 48th Session of the Utah Legislature of Utah has authorized the counties and municipalities of the State of Utah to enact sales and use tax ordinances imposing a one percent tax.

It is the purpose of this ordinance to conform the Sales and Use Tax of the municipality to the requirements of the Sales and Use Tax Act, Chapter 12 of Title 59, Utah Code Annotated, 1953, as currently amended.

B. **Sales and Use Tax.**

1.

- a. From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of one percent.
- b. 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 at the rate of one percent of the sales price of the property.
- c. For the purpose of this ordinance all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed by and adopted by the State Tax Commission. Public utilities as defined by Title 54, Utah Code Annotated, 1953, 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 revenue arising from such service allocable to the Town 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.

2.

- a. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated, 1953, as amended, and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, excepting Sections 59-12-101 and 59-12-119 thereof, are hereby adopted and made a part of the ordinance as through fully set forth herein.
- b. Wherever, and to the extent that in Chapter 12 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefore. Nothing in subsection (b) 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 the State 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 the ordinance.
- c. If an annual license has been issued to a retailer under Section 59-12-106 of the said Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.
- d. There shall be excluded from the purchase price paid or changed by which the tax is measured:
 - (1) The amount of any sales or use tax imposed by the State of Utah upon a retailer of consumer;
 - (2) The gross receipts from the sale of or the cost of storage, use or other consumption of tangible personal property upon which a sales or use tax has become due by reason of the sale transaction to any other municipality and any county in the State of Utah, under the sales or use tax ordinance enacted by that county or municipality in accordance with the Sales and Use Tax Act.

- C. **Penalties.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount less than \$300.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

- D. **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.

4.02.020 Definitions

Unless the context otherwise requires, whenever the following terms appear in this agreement they shall be interpreted to mean the following:

"Commission" shall mean the Utah State Tax Commission.

"Municipality" shall mean any municipality noted, through its authorized elective officers or officials who are authorized to execute binding agreements in the name of, for, and in behalf of said municipality.

"County" shall mean any county noted, through its authorized elective officers or officials who are authorized to execute binding agreements in the name of, for, and in behalf of said county.

"Local Tax" shall mean the sales and use taxes and includes penalties and interest imposed by a municipality or county under an ordinance which complies with the "Sales and Use Tax Act" above noted.

possible price.

B. Compliance-Exemptions from this policy.

1. This policy shall not prevent the Town from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.
2. When a procurement involves the expenditure of federal assistance funds, the Town shall comply with applicable federal law and regulations.

C. Definitions.

1. "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
2. "Change order" means a written order signed by the purchasing agent, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the purchasing agent to order without the consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.
3. "Contract" means any Town agreement for the procurement or disposal of supplies, services or construction.
4. "Invitation for bids" means all documents, whether attached or incorporated by reference, used for soliciting bids.
5. "Person" means any business, individual, union, committee, club, other organization, or group of individuals.
6. "Procurement" means buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction.
7. "Purchasing Agent" means the person duly authorized by the governing body of the Town to enter into and administer contracts and make written determinations with respect thereto.
8. "Purchase description" means the words used in a solicitation to describe the supplies, services or construction to be purchased, and includes specifications attached to or made part of the solicitation.
9. "Request for proposals" means all documents, whether attached or incorporated by reference, used for soliciting proposals.

4.05.020 Office Of The Purchasing Agent

The town clerk-treasurer shall be the purchasing agent for the Town of Rocky Ridge as determined and appointed by the governing body of the Town.

4.05.030 Source Selection And Contract Formation - General Provisions

A. Purchases not requiring sealed bids.

1. Purchases costing less than \$15,000 total shall not require bids of any type. (Purchases shall not be artificially divided so as to constitute a small purchase under this section.)
2. Purchases costing more than \$15,000 but less than \$75,000 in total shall require 3 written and signed bids.
3. Purchases made through the cooperative purchasing contracts administered by the State Division of Purchasing.
4. Purchases made from a single-source provider.
5. Purchases required during an emergency to ensure the public's health and safety. Such purchases shall be limited to the amounts necessary for the resolution of the emergency.
6. All purchases of any amount shall have a written numbered purchase order prior to procurement.

B. Purchases requiring sealed bids.

1. Contracts shall be awarded by competitive bidding except as otherwise provided by this policy.
2. An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for bids shall be given at least 45 days prior to the date set forth therein for the opening of the bids. The notice may include publication in newspaper of general circulation.
3. Any procurement in excess of \$75,000 shall require a legal notice in a local newspaper of general circulation.
4. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and other relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
5. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based upon the requirements set forth in the invitation for bids.
6. Correction or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts on such bid mistakes shall be permitted. After bid opening no changes in bid prices or other provisions of bids prejudicial to the interest of the Town of fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by written determination made by the purchasing agent.
7. The contract shall be awarded with reasonable promptness by written notice to the lowest bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

C. Cancellation and rejection of bids. An invitation for bids, a request for proposals, or other solicitations may be cancelled, or any or all bids or proposals may be rejected, in whole or in part as may be specified in the solicitation, when it is in the best interests of the Town. The reason shall be made part of the contract file.

D. Use of competitive sealed proposals in lieu of bids. When the purchasing agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the Town, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals are most appropriately used for professional service-type contracts.

1. Proposals shall be solicited through a request for proposals. Public notice of the request for proposals shall be given at least 45 days prior to the advertised date of the opening of the proposals.
2. Proposals shall be opened as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.
3. The request for proposals shall state the relative importance of price and other evaluating factors.
4. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conduction discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
5. Award shall be made to the person whose proposal is determined in writing to be the most advantageous to the Town, taking into consideration price and the evaluation factors set forth in the request for proposals. No other factors or criteria shall be used in evaluation. The contract file shall contain the basis on which the award is made.

E. Architect-Engineer services are qualification based procurements. Requests for such services should be publicly announced . Contracts should be negotiated by the Town based on demonstrated competence at fair and reasonable prices. See Utah Code Section 63-56-42 through 44.

F. Determination of non responsibility of bidder. Determination of non responsibility of a bidder or offeror shall be made in writing. The unreasonable



failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non responsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the purchasing division without prior written consent by the bidder or offeror.

G. **Cost-plus contracts.** Subject to the limitations of this section, any type of contract which will promote the best interests of the Town may be used, provided that the use of a cost-plus a percentage-of-cost contract is prohibited.

H. **Required contract clauses.**

1. The unilateral right of the Town to order, in writing, changes in the work within the scope of the contract and changes in the time of performance of the contract that do not alter the scope of the contract work.
2. Variations occurring between estimated quantities of work in a contract and actual quantities.
3. Suspension of work ordered by the Town.

4.05.040 Specifications

All specifications shall seek to promote overall economy and best use of the purposes intended and encourage competition in satisfying the Town's needs and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this article, Rocky Ridge Town, Juab County and State of Utah products, suppliers and contractors shall be given preference.

4.05.050 Appeals

- A. Any actual or prospective bidder, offerer, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. An appeal shall be submitted in writing within 5 working days after the aggrieved person knows or should have known the facts.
- B. The purchasing agent shall promptly issue a written decision regarding any appeal if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protester, contractor, or prospective contractor of the right to appeal to the governing body of the Town.
- C. The governing body of the Town shall be the final appeal on the Town level.
- D. All further appeals shall be handled as provided in Utah Code Section 63-56-58 through 64.

4.05.060 Ethics In Public Contracting

- A. No person involved in making procurement decisions may have personal investments in any business entity which will create a substantial conflict between their private interests and their public duties.
- B. Any person involved in making procurement decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, contribution, loan, reward or any promise thereof, either for the persons own use or the use and benefit of any other person or organization from any person or organization interested in selling to the Town.



(RRNEW) 5 Business Licenses And Regulations

5.02 Business Licensing

5.04 Address And Sales Tax

5.02 Business Licensing

5.02.010 Must Have A License To Operate A Business

5.02.020 Uniform Business License Regulations

5.02.030 Business License Application

5.02.040 Business License Fees

5.02.050 License Denial, Revocation, Suspension, Or Adverse Action

5.02.07 Notice Of Action

5.02.010 Must Have A License To Operate A Business

It is unlawful to Operate a Business Without a License:

- A. **Authority to regulate.** In accordance with Utah Code Annotated Section 10-1-203(2), 1953, as amended, or its successor statute, the Town hereby prescribes that all businesses, including home businesses, operating in the Town be licensed for the purpose of regulation and revenue and the same are subject to applicable regulations established by ordinance.
- B. **License required.** Unless exempted by state, federal, or local law, it shall be unlawful for any person to engage in any business, home business, or similar operation within the Town, whether on a temporary or permanent basis, without first procuring the license required by this title.
- C. **Non-transferable.** All licenses issued under the provisions of this title are non-transferable and expire as set forth in this title.

5.02.020 Uniform Business License Regulations

- A. **Applicability of other laws.** The issuance of a business license to a business does not warrant that the business conforms to all applicable law. It is the continuing duty of the business owner to ensure that the business is operating within the law. Businesses in the Town shall comply with the other applicable laws and ordinances that govern the business, including:
 1. The applicable federal, state, and local law.
 2. Applicable regulations enforced by any regulating authority.
 3. Land use ordinances.
 4. Applicable building and fire codes.
- B. **Unlawful Uses of a License.** It is unlawful to do any of the following with a business license certificate:
 1. Counterfeit a license certificate.
 2. Deface or mutilate a license certificate that is required to be posted.
 3. Steal or otherwise remove a license certificate.
 4. Sell or otherwise transfer any license certificate to another.
 5. Use a license beyond the scope of the business for which it was issued.
- C. **License period.** All licenses will be issued on a calendar year basis and shall expire as of December 31 of the issuing year. Licenses shall be due and payable on or before January 1 of the current calendar year in which the license has been applied for.
- D. **Shared premises.** Where two or more different classifications of businesses are being conducted at the same location, each shall obtain a separate license and pay the required license fee for each business. This section does not permit multiple businesses to operate at the same location where the municipal code or land use regulations otherwise limit the number of businesses at a particular location.

5.02.030 Business License Application

- A. **Application form and filing.** An application for a business license shall be made in the form and manner provided by the Town Administrator and shall be filed with the Town's licensing authority.
- B. **Applicant contents.** The application shall include the following:
 1. Provide the name and location of the business.
 2. State the name of the applicant.
 3. State the type of entity under which the business is organized.
 4. Provide the state sales tax reporting number and federal tax identification number, as applicable.
 5. Provide the state contractor's license number, state real estate broker's license number, or other professional license number issued by the state or a regulating authority, if applicable.
 6. Provide information relating to the purpose and general operation of the business, including:
 - a. Its primary operation and function.
 - b. The number of employees.
 - c. Building square footage, site frontage, and dimensions of the building and grounds, as needed.
 - d. Whether it engages in the sale of alcohol or beer.
 - e. Whether it is a home occupation.
 - f. Whether it engages in the handling or use of hazardous material, explosives, or an ultra hazardous activity.
 - g. Emergency contact numbers and related information.
 - h. Any additional information required by the Town administrator on the application to assist in the regulation of the business or as may be needed for the purpose of issuing the license.
- C. **Business to provide updated information.** The applicant or his designee is responsible to provide to the licensing official, in writing, updated information relating to any change in the information in the application within ten days of the change.

5.02.040 Business License Fees

Any business license fees imposed and levied shall be on an annual basis and shall be administered as follows:

- A. **Fees imposed.** A nominal flat rate which applies to all businesses within the Town is hereby imposed as the business license fee. This rate may be adjusted by resolution of the Town Council as needed.
- B. **Payment of license fee.** Any applicant must include the fee with any application upon filing. No license shall issue until all fees are paid.

- C. **Annual license renewal.** Annual business license renewal shall include payment of the specified rate.
- D. **Refund policy.** Unless otherwise provided herein, no business license fee is refundable for any reason whatsoever, once the license has been issued. If a license is denied or the application is withdrawn by the applicant before approval, the applicant shall be entitled to a refund.
- E. **Exceptions to the business license fee.** A person or business is exempt from business license fees as provided in this part. No business license shall be imposed upon the following:
1. Any person engaged in activities that are solely religious or eleemosynary, excepting any disproportional fee.
 2. Any business or person exempted from obtaining a business license by state law.
 3. Any contractor holding a valid state license and regulated by the state in accordance with Part 3, Chapter 55, Title 58 of the *Utah Code Annotated*, where the contractor does not maintain an office located within the Town.
 4. Any alarm company providing services in the Town where the same holds a valid license issued by another jurisdiction in the state and where the alarm company does not maintain an office within the Town.
 5. Any tow truck motor carrier holding a valid business license to perform tow truck service where the tow truck service does not maintain an office in the Town.
 6. Any person selling surplus household goods or furnishings at a private

5.02.050 License Denial, Revocation, Suspension, Or Adverse Action

The Town Council has grounds to deny, suspend, revoke, or take adverse action a business license, effective upon the expiration of the appeal period, if the applicant or licensee:

- A. Obtained a license by fraud or deceit.
- B. Otherwise provided false or incomplete information on its license application to mislead any Town official or Town representative.
- C. Failed to update its information on its application as provided in this chapter, or failure to fully pay required fees.
- D. Failed to pay any duly imposed property taxes, other taxes, or any fees imposed by the Town.
- E. Failed to meet the requirements for the issuance of a license set forth in the municipal code.
- F. Has violated federal, state, county, or local law governing operation or licensing of the business.

5.02.07 Notice Of Action

The licensing authority shall notify the applicant of any action in writing by regular mail, certified mail, or personal service, of:

- A. **The issuance of the license.** Notification is fulfilled by mailing the license certificate to the address indicated upon the business license application of the business.
- B. **Action.** The denial, suspension, or revocation of a license and the reason for such action.

5.04 Address And Sales Tax

- A. **Town address required.** Each business located in the Town shall denote its address on business documents as located in Rocky Ridge Town or a Town approved equivalent variation of such.
- B. **Sales Tax.** Each business located within the Town shall properly file all required sales and use tax returns in accordance with state law and the rules and regulations of the Utah State Tax Commission, and shall:
 1. Maintain at all times a current sales and use tax account number the Utah State Tax Commission properly coded to the Town with the appropriate outlet denoted, if an outlet number is necessary.
 2. Properly denote the sale and use tax code which is 6.05% for Rocky Ridge Town on any tax filing or other document requiring such.

(RRNEW) 6 Criminal Code

(RRNEW) 6.02 Criminal Code

(RRNEW) 6.02 Criminal Code

6.02.020 Disrupting A Meeting

6.02.020 Disrupting A Meeting

It is unlawful for any person to disrupt any meeting by inappropriately yelling, screaming, threatening, harassing, or by throwing objects, or by speaking out of turn after being warned by the presiding official at a meeting, or by other inappropriate and disruptive behavior that unduly distracts or frustrates a meeting. A meeting is defined as any meeting open to the public, or open to a limited group of members of the public by invitation, regardless of whether such meeting is governmental, business, civic, or religious; and is broad enough to include, but not limited to, such activities as weddings, funerals, services, and similar meetings. Any person who violates this section may be removed from the public meeting by the presiding official, his designee, or by law enforcement. Any person who violates this section is guilty of a class B misdemeanor.



7 Public Utilities

- 7.01 Culinary Water Services
7.05 Control Of Backflow And Cross Connections

7.01 Culinary Water Services

- 7.01.010 Culinary Water Department And System
7.01.020 Superintendent
7.01.030 Application For Culinary Water Connection And Service
7.01.040 Application For Water Connection By Subdivider
7.01.050 Non-Owner Applicant Agreement Of Owner
7.01.060 Non-Resident Application
7.01.070 Rates And Connection Fees
7.04.080 Fees And Service Charges
7.04.090 Individual Unit
7.04.100 Use Without Payment Prohibited
7.04.110 Delinquency - Discontinuance Of Service
7.04.120 Turning On Water After Being Turned Off Prohibited
7.04.130 Separate Connections
7.04.140 Interconnection Prohibited
7.04.150 No Open Discharge Of Pressurized Water System In Town
7.04.160 Liability For Damaged Equipment
7.04.170 Unauthorized Users
7.04.180 Location Of Private Lines
7.04.190 Facilities To Be Kept In Good Repair
7.04.200 Quality Of Service Pipe
7.04.210 Faulty Equipment
7.04.220 Sprinkling Vehicles
7.04.230 Department To Have Free Access
7.04.240 Non-Liability For Damages
7.04.250 Water Not Supplied To Motors, Syphons
7.04.260 Scarcity Of Water
7.04.270 Permits For Installations
7.04.280 Extensions Of System By Developers
7.04.290 Ownership Of Extension
7.04.300 Disposition Of Funds
7.04.310 Right Of Entry On Premises Of Water User
7.04.320 Extraterritorial Jurisdiction
7.04.330 General Sanctions And Penalties-Cumulative Remedies

7.01.010 Culinary Water Department And System

The Culinary Water Department of Rocky Ridge Town is hereby created. It shall administer the operation and maintenance of the culinary water system of the Town.

7.01.020 Superintendent

- A. SUPERINTENDENT. There is hereby created the position of Superintendent of the Culinary Water System. When the term "water" is used in this Ordinance, including its use in the application for water revenue embodied in this Ordinance, it shall be deemed to apply specifically and exclusively to culinary water furnished under this System.
B. DUTIES OF SUPERINTENDENT. The Superintendent of the System shall manage and supervise the System pursuant to the provisions of this Ordinance and pursuant to resolutions, rules and regulations adopted by the Town Council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Mayor relating to the water System. All of the functions and activities of the Superintendent shall be carried on under the direction of the Mayor or council member appointed by the Mayor.

7.01.030 Application For Culinary Water Connection And Service

Any person, other than a subdivider or developer (seeking multiple connections), who desires or is required to secure a new connection to the Culinary System, shall file with the water department for each such connection, a written and signed connection application insubstantially the following form.

ROCKY RIDGE TOWN
APPLICATION FOR CULINARY WATER CONNECTION AND SERVICE

Billing Name: _____

Billing Address: _____

TO ROCKY RIDGE TOWN, UTAH:

The undersigned hereby applies to the municipality of the Rocky Ridge Town ("Town") for culinary water service and permission to connect my premises at _____ with Rocky Ridge Town culinary water system and hereby agree as follows:

- 1. To pay all charges for such water service as are fixed from time to time by the governing body until such time as I shall direct such service to be discontinued.
2. (a) The Town shall make the connection from its water main to my property line and install a meter to be provided by the Town. I agree to pay the Town for the connection fee, water meter, impact fees and any security deposit as may be fixed by the governing body by resolution or ordinance. The work of extending the water connection from the nearest point to which the Town installs the meter to the place at which the water is to be used shall be my responsibility and shall be performed at my sole cost. (b) The location of the extension of the line to owner's property line shall be decided solely by the Town.
3. I understand the Town reserves the right to inspect the culinary system upon my premises and if it should not be approved, I will cause the same to be corrected and improved at my own expense to meet the requirements of the Town or of any other governmental agency having jurisdiction to regulate the water system within the Town.



4. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the Town applicable to the Town's culinary water system.
5. The main purpose for which the water connection will be used is for culinary use.
6. The Town shall have free access at reasonable times to the lines and equipment installed under this agreement including that on my property.
7. In the event of a failure to pay water charges with the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body regulating the use of the water system, that the Town shall have the right to discontinue the water system service at its election, pursuant to five (5) days' written notice of the Town's intention until all delinquencies and any reconnection fee imposed are paid in full or until any failure to conform to the Town Ordinance or regulations issued thereunder is eliminated. The undersigned warrants and agrees to assure the Town that the owner of the premises and the undersigned hereby agrees, for himself or herself, that all fees and charges for connection to the water system and for use of the water (including the minimum fee and irrespective of whether or not any water is used at the premises) shall be paid when due and if not paid shall bear interest at the rate of eighteen (18%) per cent per annum from the date each and every charge became due.

DATED this ____ day of _____, 20__.

Applicant

7.01.040 Application For Water Connection By Subdivider

Whenever a sub divider or developer desires or is required to install water connections and extensions for a subdivision or development, the sub divider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required, all of which shall be fixed by the Town and paid by the applicant.

7.01.050 Non-Owner Applicant Agreement Of Owner

Applications for water service made by the tenant of any owner must, in addition to the above requirements, be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the following form:

"In consideration of the acceptance of the application for water service submitted by _____ (tenant), I (we) as owner(s) will pay for all charges, fees and costs at _____ (premises) in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules and regulations or resolutions enacted by the Town."

DATED this ____ day of _____, 20__.

7.01.060 Non-Resident Application

An application for a connection outside the corporate limits of Rocky Ridge Town shall be required in the following form:

ROCKY RIDGE TOWN
APPLICATION FOR CULINARY WATER CONNECTION TO PROPERTY OUTSIDE TOWN BOUNDARIES

Billing Name: _____
Address: _____

Billing

TO ROCKY RIDGE TOWN, UTAH:

I hereby apply to the municipality of the Rocky Ridge Town ("Town") for permission to connect my premises at _____ with the Rocky Ridge Town culinary water system and hereby agree to pay user fees and all other fees as follows:

1. Construction Costs Paid by Applicant: (a) The Town shall make the requested connection from its water main. I agree to pay the Town the connection fee and impact fees as may be fixed by the governing body by resolution or ordinance including a security deposit. The cost of extending the water line and service from existing lines to my property, including the acquisition of necessary easements shall be my responsibility and not that of the Town. (b) The location of the meter or other equipment required shall be decided at the Town's sole discretion.
2. Inspection and Minimum Standards: I understand the Town reserves the right to inspect the culinary water system upon my premises and if it should not be approved, I will cause the same to be corrected and improved at my own expense to meet the requirements of the Town or of any other governmental agency having jurisdiction to regulate the water system within the Town.
3. Acceptance of Regulations: I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the Town applicable to the Town's culinary water system.
4. Culinary Use Only: The main purpose for which the water connection will be used is for culinary use.
5. Access Guaranteed to Town: The Town shall have free access at reasonable times to the lines and equipment installed under this agreement including that on my property.
6. I agree to pay all charges for such water service as are fixed from time to time by the governing body until such time as I shall direct such service to be discontinued.
7. In the event of a failure to pay water charges with the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body regulating the use of the water system, the Town shall have the right to



discontinue the water system service at its election, pursuant to five (5) days' written notice of the Town's intention until all delinquencies and any reconnection fee imposed are paid in full or until any failure to conform to the Ordinance or regulations issued thereunder is eliminated.

8. Interruption in Times of Shortage: To comply with State of Utah constitutional and statutory restrictions prohibiting alienation of municipal water rights, the applicant understands and agrees that if there should occur any shortage, deficiency, or inadequacy of water supplies of the Town, the Town Council may, in its discretion, interrupt or cut off service to any user outside the corporate limits of the Town.

9. Differential in Rates Outside of Town: The applicant acknowledges that, the Town Council may, at such times or under such conditions as in their discretion indicates the necessity therefor, impose a higher use fee for users outside of Town than is imposed upon property within the Town.

DATED this _____ day of _____, 20__.

Applicant

7.01.070 Rates And Connection Fees

The rates, penalty fee for delinquency in payment, connection fee, inspection fee, reconnection fees, and other charges incidental to the connection and services from the Town's culinary water system shall be fixed from time to time by resolution enacted by the Town Council. The Town Council may, from time to time, promulgate rules for levying, billing, guaranteeing and collecting charges for culinary water services and all other rules necessary for the management and control of the System. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. Rates may be established at different levels for premises outside the corporate boundaries of the Town.

7.04.080 Fees And Service Charges

Until further Resolution or Order or by any enacted legislation as provided in this Section the schedule of connection and user fees shall be as follows:

A. Connection Fees.

For 3/4 inch service line (\$1,000) DOLLARS.

For 1 inch service line (\$1,000) DOLLARS.

1. All dimensions, sizes and capacities: to be fixed, when and if application therefor is approved, by the Town Council.

B. User Fees.

1. Residential 3/4 inch User Fees:

- a. Minimum monthly fee for active as well as inactive connections: \$55.00

The minimum monthly charge shall entitle the user to 20,000 gallons of culinary water per month. The minimum charge shall be applicable to seasonal, temporary, inactive, as well as active connections to the System and may be regarded as a "demand" charge based upon capital investment to make service available at each point of connection.

- b. Charges for uses exceeding 20,000 gallons per month:

For use in excess of 20,000 gallons per month a charge of (\$.65) cents shall apply for each one thousand (1,000) gallons over 20,000 gallons up to 60,000 gallons.

- c. Charges for uses exceeding 60,000 gallons per month:

For use in excess of 60,000 gallons per month a charge of (\$1.30) shall apply for each one thousand (1,000) gallons over 60,000 gallons.

2. Residential 1 inch Single Dwelling User Fees:

- a. Minimum monthly fee for active as well as inactive connections: \$55.00

The minimum monthly charge shall entitle the user to 20,000 gallons of culinary water per month. The minimum charge shall be applicable to seasonal, temporary, inactive, as well as active connections to the System and may be regarded as a "demand" charge based upon capital investment to make service available at each point of connection.

- b. Charges for uses exceeding 20,000 gallons per month:

For use in excess of 20,000 gallons per month a charge of (\$.65) cents shall apply for each one thousand (1,000) gallons over 20,000 gallons up to 60,000 gallons.

- c. Charges for uses exceeding 60,000 gallons per month:

For use in excess of 60,000 gallons per month a charge of (\$1.30) shall apply for each one thousand (1,000) gallons over 60,000 gallons.

3. Residential inch Multi Dwelling User Fees:

- a. Minimum monthly fee for active as well as inactive connections: \$80.00

The minimum monthly charge shall entitle the user to 30,000 gallons of culinary water per month. The minimum charge shall be applicable to seasonal, temporary, inactive, as well as active connections to the System and may be regarded as a "demand" charge based upon capital investment to make service available at each point of connection.

- b. Charges for uses exceeding 30,000 gallons per month:

For use in excess of 30,000 gallons per month a charge of (\$.65) cents shall apply for each one thousand (1,000) gallons over 30,000 gallons up to 70,000 gallons.

- c. Charges for uses exceeding 70,000 gallons per month:

For use in excess of 70,000 gallons per month a charge of (\$1.30) shall apply for each one thousand (1,000) gallons over 70,000 gallons.

4. Other Than Residential User Fees:

- a. Minimum monthly fee for active as well as inactive connections: \$55.00

The minimum monthly charge shall entitle the user to 20,000 gallons of culinary water per month. The minimum charge shall be applicable to seasonal, temporary, inactive, as well as active connections to the System and may be regarded as a "demand" charge based upon capital investment to make service available at each point of connection.

- b. Charges for uses exceeding 20,000 gallons per month:

For use in excess of 20,000 gallons per month a charge of (\$.65) cents shall apply for each one thousand (1,000) gallons over 20,000 gallons up to 60,000 gallons.

- c. Charges for uses exceeding 60,000 gallons per month:

For use in excess of 60,000 gallons per month a charge of (\$1.30) shall apply for each one thousand (1,000) gallons over 60,000 gallons.

5. Usage Fees Outside Town Limits:

- a. Charges for usage outside the corporate limits of Rocky Ridge Town not only as to the minimum, but also as to all overages shall be fixed from time to time by resolution or agreement as deemed proper under the circumstances.

- C. **Special Rates.** The Town Council may, from time to time, fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the System under exceptional circumstances, upon such terms and conditions as they may deem proper.

7.04.090 Individual Unit

A water connection shall be required for each individual unit, unless prior approval is received from the Town Council for a variance. For the purpose of this Ordinance, an individual unit is defined as a separate residence, building, commercial establishment, structure, whether or not maintained in a single group such as apartments or condominiums.

7.04.100 Use Without Payment Prohibited

It shall be unlawful for any person or entity to utilize the culinary water system without proper payment therefor. It shall be unlawful to open any pipe, line, connection, stopcock, valve or other fixtures attached to the System of culinary water supply unless it is done pursuant to proper application and authorization. It shall be unlawful to injure, deface or impair any part or component of the water System or to cast anything into any reservoir, storage tank, or facilities appurtenant or contributing to the culinary water system. It shall be unlawful to pollute any water source, watershed, drainage area, or any other area contributing to the culinary water system.

7.04.110 Delinquency - Discontinuance Of Service

- A. The Clerk or Superintendent shall mail or otherwise deliver to the address as appears on the application or as changed by written request of applicant, a written statement outlining the amount of water service charges assessed for the prior month or other intervals as the Town Council shall direct.
- B. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within thirty (30) days from the date due, the Clerk or Superintendent shall give the consumer notice in writing of intention to discontinue the service to the consumer unless the consumer pays the bill in full within five (5) days from the date of notice.
- C. If the culinary water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges and reconnection fees or charges must be paid to the Town or arrangements made for their payment in a manner satisfactory to the Town. A reconnection charge for turning the water on shall be paid before re-delivery of water. Until amended by a resolution, there shall be a charge of \$25.00 for re-delivery of water. In addition to such payments and penalties, a delinquent consumer may be required to make and file a new application and pay a new deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The Clerk is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of Rocky Ridge Town, apart from and in addition to the remedies stated above.
- D. Delinquencies or amounts associated with the nonpayment for any water service or the initial hookup fee shall bear interest at the rate of 1.5% per month from a given due date.

7.04.120 Turning On Water After Being Turned Off Prohibited

It shall be unlawful for any person, after the water has been turned off from the premises for non-payment or otherwise, to turn on or to allow the water to be turned on without authority from the Superintendent or Town Clerk.

7.04.130 Separate Connections

It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection, water outlet or discharge unless special permission for such combination usage has been granted by the Town Council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of water through the service connections until compliance or payment has been made. The property owner shall be liable to the Town for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the Town to require separate pipes or connections at a subsequent time.

7.04.140 Interconnection Prohibited

No interconnection, cross-connection or other joining of the culinary and irrigation systems by any existing or future water user of the Town shall be permitted, and any such interconnection shall be punishable as a Class B Misdemeanor and the owner of record of such property shall bear all costs associated with the destruction and removal of such interconnecting device or apparatus.

7.04.150 No Open Discharge Of Pressurized Water System In Town

There shall be no open discharge of water from the culinary water system which may intermingle culinary water with irrigation water. Any such discharge from the culinary water system shall be a violation of this System and shall be punishable as a Class B Misdemeanor. The owner of record of such property found to have any open discharge shall bear all costs required repair or rectify the violation.



7.04.160 Liability For Damaged Equipment

All damages or injury to the lines, meters, or other materials of the Town on or near the consumer's premises caused by any act or neglect of the consumer, his guests or invitees shall, be repaired by and at the expense of the consumer. The consumer shall pay all costs and expenses, including a reasonable attorney's fee, which may arise or accrue to the Town if required to repair the damage to the lines, meters, or to other equipment of the department or collect such costs from the consumer.

7.04.170 Unauthorized Users

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water service regularly from his premises or water facilities, either outside or inside his premises.

7.04.180 Location Of Private Lines

Unless prior approval is obtained from the Town, all lines from the main lines to the property serviced shall be contained within the property on which services are to be delivered. Where necessary, the obtaining and the cost of easements shall be the responsibility of the property owner seeking water services from the Town.

7.04.190 Facilities To Be Kept In Good Repair

All users of water service shall keep their service pipes, connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the Superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.

7.04.200 Quality Of Service Pipe

- A. All service and other pipe used in conjunction with the water services of the Town shall be of such material, quality, and specifications as the Town Council may, from time to time by resolution, provide and shall be installed at such distances below ground as may be specified. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water Superintendent and no connections with any water mains shall be made without first obtaining a permit therefor from the Town.
- B. Once services have been delivered to a consumer pursuant to properly submitted applications, said consumer shall not conduct or transmit water to secondary buildings or locations not covered by prior application without making additional application for water service or obtaining written approval from the Superintendent, which approval may be made subject to special conditions as deemed necessary by the Superintendent or the Town Council.

7.04.210 Faulty Equipment

- A. It shall be unlawful for any water user to:
 1. Waste water;
 2. Allow it to be wasted by open stops, taps, valves, or leaky or pipes, or to allow tanks or water troughs to leak or overflow;
 3. Wastefully run water from hydrants, faucets or stops or through basins, water closets, urinals, sinks or other apparatus;
 4. Use the water for purposes other than for those which he has applied or to use water in violation of the rules and regulations for controlling the water supply.
- B. Users of water from the culinary water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Superintendent, a user of culinary water engages in practices which result in the needless waste water and continues to do so after the notice to discontinue has been given, the Superintendent or any officer may refer the matter to the Town Council.
- C. The Town Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the Town Council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
- D. A water user whose right to utilize culinary water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
- E. After such hearing, the Town Council shall make a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of decision and of the period during which the service will remain discontinued.

7.04.220 Sprinkling Vehicles

Vehicles for sprinkling shall be regulated and controlled by the water department through the Superintendent of the water department.

7.04.230 Department To Have Free Access

The Superintendent and his agents shall at all ordinary hours have free access to any place supplied with water service from the Town System for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

7.04.240 Non-Liability For Damages

The Town shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the Town beyond that provided in the Governmental Immunity Act.

7.04.250 Water Not Supplied To Motors, Syphons

No water shall be supplied from the pipes of the Town water system for the purpose of driving motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the Town Council.

7.04.260 Scarcity Of Water

In times of scarcity of water, whenever it shall in the judgment of the Mayor and Town Council be necessary, the mayor shall, by proclamation, limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants or agents to violate any proclamation made by

the mayor in pursuance of this part.

7.04.270 Permits For Installations

It shall be unlawful for any person to lay, repair, alter or connect any water line to the Town culinary water system without first having obtain a construction permit from the officer or the Clerk or from the Superintendent.

7.04.280 Extensions Of System By Developers

Any person or entity desiring to extend the water system of the Town to a project, or development including a subdivision, shall submit a petition to the Town. Said petition shall include a description of the proposed extension accompanied by maps showing the location of extensions. The petition shall include the applicant's agreement to bear all costs and expenses associated with such extension and the agreement to construct, install and otherwise complete all improvements consistent with minimum standards established by the Town's engineer.

Applicants, other than those proposing new subdivisions, may include in their petition a request that the Town enter into an agreement whereby the applicant may receive reimbursement for a portion of the costs of the extension based on subsequent connections to lines or improvements installed by applicant. If granted, all terms and conditions of reimbursement to the applicant shall be incorporated in a separate written contract outlining the time within which reimbursement would be applicable, the amount of reimbursement per subsequent connection and such other terms and conditions as deemed appropriate and necessary by the Town given the particular facts and circumstances surrounding the application. Unless circumstances warrant special consideration, applicants seeking to extend culinary service lines for the development of a subdivision shall not be entitled to reimbursement for subsequent connections to lines installed by applicant. It shall be presumed that the applicant will establish prices for lots within the proposed subdivision to recoup the cost of extending water lines to such subdivision.

Once accepted and connected to the Town's water system, all lines and improvements installed by the developer shall belong to the Town and shall be deemed a part of the Town's culinary water system subject to the Town's rights to regulate its use. No water, other than for testing purposes, shall be turned into the new extension and improvements until all work and improvements have been approved by the Town. The Town, at its discretion, may request certification from a qualified engineer stating that all improvements have been installed consistent with the minimum standards established by the Town's engineers and that the improvements otherwise comply with any and all applicable Federal, State or local regulations.

7.04.290 Ownership Of Extension

Any extensions of the System shall be deemed the property of the Town whether the cost thereof has been borne by someone other than the Town with or without required permission.

7.04.300 Disposition Of Funds

All connection fees and monthly user charges collected under the provisions of this Ordinance shall be deposited in Rocky Ridge Town's Water System Fund and used to meet the operation and maintenance cost of the System; debt service on obligations appertaining to the construction associated with the acquisition or development of the System; and such other allocations as Town Council may be resolution provide.

7.04.310 Right Of Entry On Premises Of Water User

All authorized persons connected with the waterworks of the Town shall have the right to enter upon any premises furnished with water by the Town to examine the apparatus, the amount of water used and the manner of use, and to make all necessary shutoffs for vacancy, delinquency or violation of the ordinances, rules or regulations enacted or adopted by the Town.

7.04.320 Extraterritorial Jurisdiction

The Town may construct or authorize the construction of waterworks within or without the Town limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution, its jurisdiction shall extend over the territory occupied by such works, and over all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for fifteen miles above the point from which it is taken and for a distance of three hundred feet on each side of such stream and over highways along such stream or watercourse within said fifteen miles and said three hundred feet. All ordinances and regulations, including this Ordinance, are deemed necessary to carry the power herein conferred into effect, and is to enact among other things, an Ordinance preventing pollution or contamination of the streams or watercourses from which the inhabitants of the Town derive their water supply, in whole or in part, for domestic and culinary purposes, and this Ordinance prohibits the construction or maintenance of any closet, privy, outhouse or urinal within the area over which the Town has jurisdiction, and provides for permits for the construction and maintenance of the same, applications for which permits must be made to the Town Council. In granting such permits the Council may annex thereto such reasonable conditions and requirements for the protection of the public health as they deem proper, and may, if deemed advisable, require that all closets, privies and urinals along such streams shall be provided with effective septic tanks or other instrumentalities deemed necessary to prevent possible contamination of the water provided through the System.

7.04.330 General Sanctions And Penalties-Cumulative Remedies

Without altering or diminishing the effect of any other sanction, penalty or consequence provided in this Ordinance elsewhere, the violation of, failure to observe, or omission to comply with any provision of this Ordinance, shall be a criminal offense punishable as a Class B Misdemeanor with a fine of not more than \$1,000.00 or 6 months in jail or both. Each day of continued violation shall be a separately-punishable offense and this Section shall be in addition to any other penalty, sanction, consequence or remedy for enforcement of this Ordinance.

7.05 Control Of Backflow And Cross Connections

7.05.010 General Policy

7.05.020 Definitions

7.05.030 Requirements

7.05.010 General Policy

A. Purpose.

1. The purpose of this ordinance is: a) To protect the quality of water within the public drinking water supply of Rocky Ridge from the possibility of contamination or pollution, and b) to comply with the State of Utah Public Drinking Water Rules, Section R309-I 02-5; and,
2. To promote the reasonable elimination or control of cross connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by the plumbing regulations to assure water system safety; and,



3. To provide for the administration of a continuing program of BACKFLOW prevention which will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system.

B. Responsibility: Drinking Water Purveyor.

1. Rocky Ridge shall be responsible for the protection of the drinking water system from the conditions leading to the possible contamination or pollution of the drinking water system due to the BACKFLOW of contamination or pollution of the drinking water system due to the BACKFLOW of contaminants or pollutants into the drinking water supply.
2. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing Rocky Ridge. Survey records shall indicate compliance with the state of Utah administrative rules. All such records will be maintained by Rocky Ridge.
3. Rocky Ridge shall schedule and notify in writing, all consumers of the need for the periodic system survey to insure compliance with existing applicable minimum health and safety standards.
4. The appropriate BACKFLOW prevention devices shall be identified as a result of the system survey.

C. Responsibility: Consumer.

1. To comply with this ordinance as a term and condition of water supply and Consumer's acceptance of service is admittance of his/her awareness of his/her responsibilities as a water system user.
2. It shall be the responsibility of the consumer to purchase, install, and arrange and pay for testing and maintenance of any backflow prevention device/assembly required to comply with this ordinance. Failure to comply with this ordinance shall constitute grounds for discontinuation of service.

D. Responsibility: Plumbing Official.

1. The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the length of the consumer's water system.
2. The plumbing official will review all plans and installations to ensure that unprotected cross connections are not an integral part of the consumer's 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 device/assembly, in accordance with the Uniform Plumbing Code.

E. Responsibility: Certified Backflow Technician Surveyor or Repair Person.

1. The certified backflow technician, surveyor, or repair person (whether employed by the consumer or by Rocky Ridge to survey, test, repair, or maintain backflow prevention assemblies) will have the following responsibilities:
 - a. Insuring that acceptable testing equipment and procedures are used for testing, repairing, or overhauling backflow prevention assemblies.
 - b. Make reports of such testing and/or repairs to the consumer and Rocky Ridge on forms approved by the Division of Drinking Water.
 - c. Include the list of materials or replacement parts being used on the reports.
 - d. Ensure that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
 - e. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
 - f. Performing all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports.
 - g. Ensure that his/her license is current, the testing equipment being used is acceptable to the state of Utah, and is in proper operating condition.
 - h. Being equipped with and competent to use, all necessary tools, gauges, and other equipment necessary to properly test and maintain backflow prevention assemblies.
 - i. Tagging each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, and showing the serial number, date tested, and by whom. The certified technician's license number must also be on the tag.

F. Responsibility: Repair of Backflow Assemblies. In the case of a consumer requiring an assembly to be tested, any currently certified backflow technician is authorized to make the test and report the results to the consumer and the water purveyor. If any commercially tested assembly is in need of repair, the Construction Trade License Act, Title 58m, Chapter 55-2-(21), requires a licensed plumber to make actual repairs on any assembly within a building.

7.05.020 Definitions

"Water Purveyor" The water department of Rocky Ridge, is vested with the authority and responsibility for the implementation of an effective cross connection control program and for the enforcement of the provisions of this ordinance.

"Approved Backflow Assembly" An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as 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 purveyor's public water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor 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 from a region of high pressure to a region of lower pressure into the water 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 under vacuum conditions 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 system.

"Backflow Prevention Assembly" An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Uniform Plumbing Code, Chapter 10, Section 1003, and in the Cross Connection Control Program of Utah maintained by the Division of Drinking Water.

"Contamination" A 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 which may allow non-potable water or industrial fluids or other material

of questionable quality to come into contact with potable water inside a water distribution system. This would include temporary conditions, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-ver devices or sliding multi port 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 at the water service connection to any customer's premises where it is physically and economically infeasible to find, permanently eliminate or control all actual or potential cross connections within the customer's 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 customer's water system where there are actual or potential cross connections which cannot be effectively eliminated or controlled at the point of the cross connection (isolation).

7.05.030 Requirements

A. Policy.

1. No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws, regulations, codes, and this ordinance. Service of water to a consumer found to be in violation of this ordinance. Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the water purveyor after written notification of violation and an appropriate time interval for voluntary compliance, to be determined by the severity of the violation, not to exceed 30 days.
 - 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. If it is found that a backflow prevention assembly has been removed or bypassed, or
 - c. If any unprotected cross connection exists on the premises, or
 - d. If the periodic system survey has not been conducted.

Service will not be restored until such conditions or defects are corrected

2. The customer's system(s) shall be open for inspection at all reasonable times to authorized representative of the water purveyor to determine whether cross connections or other structural or sanitary hazards exist (including violation of this ordinance), and to audit the results of the required survey (Utah Administrative Code R309-102-5).
3. Whenever the public water purveyor deems that 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.
4. The type of protective assembly required under Subsection A(3) shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Subsection A(6), be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing unit is moved from the present location, or requires more than minimum maintenance, or when the water purveyor finds that the operation of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly that meets all local and state requirements.
6. It shall be the responsibility of the consumer at any premises where backflow prevention assemblies are installed to have certified surveys/inspections and operational tests made at least once per year at the consumer's expense. In those instances where the public water purveyor deems the hazard to be great, he/she may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the purveyor to see that these tests are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.
7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
8. 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.

- B. Violations of this Policy.** If violations of this ordinance exist or if there has not been any corrective action taken by the consumer within the specified time in Subsection A(1) of the written notification of the deficiencies noted within the survey or test results, then the water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with all state and local regulations and statutes relating to plumbing, safe drinking water suppliers, and this ordinance.

8 Public Health And Safety

- (RRNEW) 8.08 Public Nuisances And Abatement
- 8.14 Fire And EMS Services
- 8.15 Drinking Water Source Protection
- (RRNEW) 8.18 Emergency Management

(RRNEW) 8.08 Public Nuisances And Abatement

- A. No person owning, renting, leasing, occupying or having charge or possession of any premises within the Town shall maintain such premises in such a way as to allow the existence of any of the following conditions, which may pose a threat to the public health, safety and welfare of the community:
1. Buildings or structures which have been abandoned, partially destroyed, improperly maintained or partially constructed so as to be detrimental to public health, or safety.
 2. Abandoned, inoperative or other dilapidated or unsightly motor vehicles, trailers, campers, boats, RVs or other mobile equipment stored upon public streets.
 3. Attractive nuisances dangerous to children.
 4. Maintenance of premises in such condition as to be detrimental to public health, safety, or general welfare.
- B. The above identified violations and the degree of severity thereof shall be evaluated and determined in light of the types of adjacent properties and the general standards of upkeep of such adjacent properties.

8.14 Fire And EMS Services

- 8.14.010 Fire Protection
- 8.14.020 EMS Department Policy And Procedures

8.14.010 Fire Protection

- A. Rocky Ridge Town shall delegate fire protection services to the Juab County Special Services Fire District.

8.14.020 EMS Department Policy And Procedures

A. Purpose and Scope.

1. Rocky Ridge Town does hereby establish the Rocky Ridge Emergency Medical Department, hereafter referred to as "Department".

B. Organization Command and Control.

1. The Department will conform to the minimum standards for Quick Response Service and EMT's as set forth in Title R426 of the Utah Administrative Code.
2. The Department is administered by an appointed presidency, drawn from active members of the Department. The following positions will be filled by appointment of the Mayor and Town Council:
 - a. Director
 - b. Deputy Director
 - c. Secretary
3. If an appointed position becomes vacant during the term, the Mayor will recommend a replacement to the Town Council from a list of eligible members.
4. Removal of appointed officers will be accomplished by the Mayor and Town Council.
5. All other positions in the Department will be appointed by the Director of the Department. These positions include, but are not limited to, Training Officer, Assistant Training Officer, and Supply Officer.

C. Appointed Officer Duties.

1. Director.
 - a. The Director will serve a term determined by the Mayor and Town Council, and preside over and conduct all general meetings, preserve order, enforce all policies and procedures, and watch over the affairs of the Department.
 - b. The Director will supervise all members of the Department including appointed officers.
 - c. The Director may assign members of the presidency to other areas of responsibility and assist them in fulfilling their duties as needed.
 - d. The Director will reside at all disciplinary hearings with the Mayor or Designee being present.
 - e. The Director will aid in the orderly transfer of all keys, records ect., to the Incoming Director.
2. Deputy Director.
 - a. The Deputy Director will serve for a term determined by the Mayor and Town council.
 - b. The Deputy Director will assist the Director in the discharge of duties. In the absence of the Director, the Deputy Director will preside.
 - c. The Deputy Director is responsible for preparing the monthly shift calendar. Each member will make requests for shifts they are available for. The Deputy Director will prepare a monthly schedule from these requests.
 - d. The deputy Director is responsible to ensure coverage for all shifts is scheduled in accordance with the requirements of the license, and department policies and procedures.
3. Secretary.
 - a. The Secretary will serve for a term determined by the Mayor and Town Council.
 - b. The Secretary shall keep true and accurate records of all Department proceedings.
 - c. The Secretary is responsible for safekeeping all reports and records maintained by the Department.
 - d. The Secretary will keep a historical record of all events and activities of the Department.
 - e. The Secretary prepares all correspondence and requests for information at the discretion of the Director.
 - f. The Secretary is responsible for maintaining records of volunteer hours.
 - g. The Secretary will maintain records in accordance with State and Federal law dealing with the exposure of Department members to communicable disease. The Secretary will also inform the Director when a significant exposure has occurred.
 - h. The Secretary will assist the Training Officer with recommendations and training for Department members to protect them from exposure.

D. Membership Selection and Requirements.

1. Membership will be managed by the director in accordance with department policies and procedures, and with the advice and consent of the Mayor and Town Council.

E. Discipline.

1. Any violation of any rule, regulation, policy, or procedure of the Department by any member will be brought to the attention of the Director. If the Director is unable to resolve the problem, the Mayor or his designee will be contacted.
2. Violation of rules, regulations, or department policies and procedures, will subject the member to discipline. Discipline may include verbal reprimand, written reprimand, suspension, or termination.

8.15 Drinking Water Source Protection

- 8.15.010 Purpose
- 8.15.020 Definitions
- 8.15.030 Establishment Of Drinking Water Source Protection Zones
- 8.15.040 Permitted Uses
- 8.15.050 Prohibited Uses
- 8.15.060 Administration

8.15.010 Purpose

The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for the Town by the establishment of drinking water source protection zones surrounding the wellheads for all wells which are the supply sources for the Town water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

8.15.020 Definitions

When used in this ordinance the following words and phrases shall have the meanings given in this Section:

"Design standard" means a control which 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" means zoning and non-zoning controls which 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 and agreements, and so forth.

"Pollution source" means point source discharges of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which 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 and store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling 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" means 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 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues 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" means 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 which are identified in the Sec. 302 (EHS) column of the "TITLE III LIST OF LISTS- Consolidated List of Chemicals Subject to Reporting Under SARA Title 01, "(EPA 560/4-91-011).

"Potential contamination source" means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

"Regulatory agency" means any governmental agency with jurisdiction over hazardous waste as defined herein.

"Sanitary landfill" means 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" means a system which is comprised of a septic tank and a drainfield which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

"Wellhead" means the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

8.15.030 Establishment Of Drinking Water Source Protection Zones

There is hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area, identified and described as follows:

- A. Zone one is the area within a 100-foot radius from the wellhead.
- B. Zone two is the area within a 250-day ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
- C. Zone three (waiver criteria zone) is the area within a 3-year ground-water time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
- D. Zone four is the area within a 15-year ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

8.15.040 Permitted Uses

The following uses shall be permitted within drinking water source protection zones;

- A. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
- B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

8.15.050 Prohibited Uses

The following uses or conditions shall be and are hereby prohibited within drinking water sources protection zones, whether or not such use or condition may otherwise be ordinarily included as a of a use permitted under Section 8.15.040.

- A. **Zone one-** The location of any pollution source as defined herein.
- B. **Zone two-** The location of a pollution source unless its contaminated discharges can be controlled with design standards.
- C. **Zones three and four-** The location of a potential contamination source unless it can be controlled through land management strategies.

8.15.060 Administration

The policies and procedures for administration of any 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 for the Town of Rocky Ridge, as the same is presently enacted or may from time to time be amended.

(RRNEW) 8.18 Emergency Management

- A. **Disaster Response.** In the case of a disaster, the Mayor and Town Officials will perform their duties in accordance with Utah State Code.
- B. **Emergency Declaration.** The Mayor may issue an emergency declaration or similar document. An emergency declaration shall become effective upon its execution by the Mayor. Efforts shall be made for the dissemination of an emergency declaration to appropriate emergency officials and at least one (1) news media source servicing to the city, in order to give public notice.
 1. The emergency declaration shall state:
 - a. The nature of the "local emergency;"
 - b. The area or areas threatened; and,
 - c. The conditions which caused the emergency.
 2. The declaration shall not be continued or renewed for a period in excess of thirty (30) days without council approval or as otherwise provided by law.
- C. **Emergency Powers.** In the event of any existing emergency threatening injury or damage as a result of a natural hazard or disaster, terrorism, riot, mob action, civil disturbance, social disruption, attack, chemical or hazardous substance discharge, technological hazard, or similar event, the Mayor, may:
 1. Impose a curfew upon all or any portion of the Town, thereby requiring all persons in designated curfew areas to forthwith remove themselves from the public streets, parks, or other public places. However, physicians, nurses, emergency medical services of any kind, utility personnel performing essential public services, fire-fighters, law enforcement personnel, city officials, and other persons authorized by the Mayor.
 2. Order the closing of any business establishment, public street, public right-of-way, park, or other areas anywhere within the city for the period of emergency.
 3. Regulate the supply of goods and services anywhere within the city for the period of emergency.
 4. Call upon any regular and auxiliary public safety providers to assist in preserving and keeping peace within the city.
 5. Coordinate with other jurisdictions, and provide mutual aid.
 6. Coordinate with county, state, or federal emergency officials.
 7. Issue orders that may be imminently necessary for the protection of the public's health, safety, and general welfare, including legitimate takings as a matter of public necessity.
- D. **Oversight.** Nothing in this section shall be construed to prevent the city council from exercising its oversight authority over the Mayor in the event of an emergency.
- E. **Emergency Expenditures.** The management of emergency expenditures are to be handled in accordance with Utah Code §10-6-129, or as otherwise provided by law, where circumstances require.

9 Animal Services And Control

9.02 Conduct And Prohibited Acts

9.02 Conduct And Prohibited Acts

9.02.020 Lost Or Stray Animals

9.02.020 Lost Or Stray Animals

- A. **IDENTIFICATION.** All cats and dogs are hereby required to have a collar and are recommended to have a tag that has the name and phone number of the owner clearly listed on the tag. The Town will begin a tagging program in January 2013 and will provide a numbered tag for all cats and dogs to be identified with and registered with the Town. These tags can be obtained from an Animal Control Officer and are to be placed on the animal at the time of registration. A one-time registration fee of \$5.00 must be paid by the animal owners upon registration. Replacement number ID tags may be obtained from Animal Control for \$5.00. All cats and dogs are required to have a numbered tag from the Town after June 30, 2013. Any cat or dog found missing this number ID tag may be detained and shall have one placed upon it, and its owner must pay the tag fee, when the animal is claimed. All cats and dogs that are found with no tags will be considered to be stray animals and will be handled as such.
- B. **ANIMAL CONTROL OFFICER.** The position of "Animal Control Officer" is hereby created and is to be filled by appointment of the Mayor with the approval of the Town Council. This ordinance gives the Animal Control Officer the authority and responsibility to enforce this ordinance and to handle any complaints or situations involving animals within the jurisdiction of the Town of Rocky Ridge. The Animal Control Officer has the authority to handle any animals that are a threat to public safety in whatever way is appropriate as to preserve public safety.
- C. **RESPONSIBILITIES OF ANIMAL OWNERS.** Animal owners are expected to keep their animals on their own property when the animal is not being supervised. All dogs are required to be with a responsible person and in their control when they are not on the owner's property. All animals should be handled in such a way that they do not create a nuisance to others. All animal owners are fully responsible for the actions and trespasses of their animals. If an animal becomes a threat to public safety, the owner is expected to do whatever is necessary on their part to protect the public from their animal.
- D. **ENFORCEMENT.**

First offence: \$10.00 fee*

Second offence: \$25.00 fee*

Offences thereafter: \$50.00 fee*

*Fees payable to the Town of Rocky Ridge

A receipt of payment will be given to the animal's owner upon payment of the fee to the town clerk. Animals will not be released until notification of payment or waived fee is given to the Animal Control Officer. Animal owners will be required to make just compensation to the victim(s) for any damages that are incurred as a direct result of their animals actions.

- E. **CARE AND KEEPING OF ANIMALS.** Stray animals or animals that are found in violation of this ordinance will be kept and cared for and held in a designated Animal Control facility for 72 hours. The Animal Control facility will have posted visibly: the names and numbers of all current Animal Control Officers and current Mayor. After the 72 hour time period and before disposal, an attempt will be made by an Animal Control Officer to notify the animal's owner, if identifiable by tag, of its detention. This time period begins at the time of animal detention, not at the time of owner notification. If the owner of the animal is a minor, their parent or guardian must be present to claim the animal. If the animal is not claimed during this time, or if all related fees are not paid or waived during this time, the animal may be disposed of by an Animal Control Officer.
- F. **WAIVING OF FEES.** The Mayor has the authority to waive fees whenever he may deem it appropriate.

10 Transportation Code

10.10 Parking And Abandoned Property
(RRNEW) 10.12 Obstructions On Public Right-Of-Ways

10.10 Parking And Abandoned Property

10.10.010 Requirements For Vehicles Parked In Public
10.10.020 Illegally Parked Vehicles
10.10.030 Removal, Towing, And Impoundment Of Illegally Parked Vehicles
10.10.040 Notice To The Owner Of Impounded Vehicle
10.10.050 Procedure For Owner To Claim Impounded Vehicle
10.10.060 Unclaimed Vehicles - Notice And Auction
10.10.070 Conditions Under Which The Previous Owner May Receive Proceeds Of The Sale
10.10.080 Record Of Impoundment And Disposal Of All Vehicles
10.10.090 Collection By Law Suit
10.10.100 Designation Of Impound Lot And Towing Contracts
10.10.110 Abandoned Property

10.10.010 Requirements For Vehicles Parked In Public

Every vehicle, while parked upon the public streets or right-of-ways or Town owned parking lots in the Town of Rocky Ridge shall:

- A. Be registered in the name of the owner thereof in accordance with the laws of Utah;
- B. Display in proper position two valid, unexpired license (registration) plates, one on the front and one on the rear of each vehicle; and
- C. When required, have current validation or indicia or registration attached to the rear plate and in a manner complying with the laws of the state of Utah, and such plate shall be free from defacement, mutilation, and sign obscuring matter so as to be plainly visible. However, if any vehicle is not required to be registered in Utah, and the indicia of registration issued by another state, territory, possession, or district of the United States, or of a foreign country, complies with the provisions thereof, such registration shall be considered as compliance with this title.

10.10.020 Illegally Parked Vehicles

- A. 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. Any vehicle found upon the streets, right-of-ways or lots of the Town with faulty or defective equipment that would impair the vehicle from being safely and legally driven;
 3. Any disabled vehicle upon a public street, right-of-way or lot so located as to constitute an eye sore, obstruction to traffic and the person or persons 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;
 4. Any vehicle left unattended upon a street or right-of-way in such a location as to constitute a definite hazard or obstruction to the normal movement of traffic;
 5. Any vehicle continuously parked upon any public street, right-of-way, or lot for more than thirty (30) days.
 6. Any vehicle whose driver has been taken into custody by the police department under such circumstances as would foreseeably leave the vehicle unattended in a street, right-of-way, or restricted parking area in violation of this title;
 7. Any vehicle found being driven on the streets in a condition that leaves it too dangerous to be safely driven;
 8. Any vehicle found so parked as to constitute a fire hazard or an obstruction to firefighting apparatus;
 9. Any privately owned vehicle parked or stopped in any designated fire lane. "Designated fire lane" refers to any area that has been marked with red curb or that has been identified with a sign;
 10. Any dismantled, inoperable, junked, destroyed, disabled, discarded, seriously damaged, or unlicensed vehicle (including but not limited to automobiles, motorcycles, snowmobiles, motor homes, and other motor propelled machines created or altered with the intent to provide transportation) that is not placed in an enclosed building or in a private driveway in such a manner that said vehicle does not constitute a hazard to the health, safety, or welfare to other residents of the Town. This subsection (10) shall apply to inoperable vehicles that residents find unsightly or deleterious to the aesthetics of the relevant neighborhood;
 11. Any vehicle improperly registered, stolen, or that bears defaced motor number; shall within ninety-six (96) hours after said vehicle has been discovered to be stolen, notify the Motor Vehicle Division or the Utah State Tax Commission of the impounding, setting forth the notice the date found, the address where found, the make, registration number, and date and place where the vehicle was put into storage;
 12. Any vehicle parked upon a Town street or right-of-way between the hours of 10:30 p.m. and 7:00 a.m. between November 15 and March 15 of each year; this subsection (12) is enacted in order to facilitate the speedy and safe removal of snow from Town streets;
- B. Excepting subsections (3, 4, 8, or 9), nothing in this title shall apply to vehicles temporarily parked on a street or right-of-way for the purpose of servicing, repairing, or otherwise working on any vehicle that has been rendered disabled by events beyond the owner of the vehicle's control unless the owner of the vehicle has not made reasonable efforts to render the vehicle safe and operable within a reasonable period of time.

10.10.030 Removal, Towing, And Impoundment Of Illegally Parked Vehicles

- A. Any vehicle in violation of Section 10.10.020(3, 4, 8, or 9) may be removed, and/or impounded:
 1. At the direction of any peace officer or owner of the subject real property without any immediate notice to the owner of the vehicle if the owner thereof is not readily discoverable on the real property in question; or
 2. By the owner of the vehicle or his/her agent if the owner of the vehicle or his/her agent is readily discoverable on the real property in question.
- B. No owner of a vehicle removed or impounded under section 10.10.020(3, 4, 8, 9 and/or 10) shall have a cause of action against individuals listed in subsection A(1) or (2) for removing or impounding the owner's vehicle if said owner was not readily discoverable on the real property in question.
- C. Infractions of this title shall be punishable by a \$25.00 daily fine and, in addition to any other relevant civil penalties, the vehicle so parked is subject to impoundment.
- D. No peace officer need issue a warrant to impound a vehicle declared to be a nuisance under this title.

10.10.040 Notice To The Owner Of Impounded Vehicle

- A. Any vehicle that constitutes an immediate traffic hazard or danger may be impounded without any notice to the owner thereof; provided, however, that notice shall be given to the registered owner as soon as is reasonably practicable after the impounding. No other vehicle may be impounded until written notice has been mailed or delivered to the owner along with notice that the owner may be afforded the right to be heard if said owner believes that an impoundment would be improper.
- B. Any opportunity for hearing before the relevant Town agency, if any, or a quorum of the Town council, shall be provided to the owner or lien holder of the impounded vehicle in order to determine if the vehicle was properly and rightfully impounded.
- C. As soon as is reasonable under the circumstances, a written notice that the vehicle has been impounded shall be mailed or delivered to the owner of the vehicle and any recorded lien holder thereof at their last known address as shown by the records of the Motor Vehicle Division or the Utah State Tax Commission. If the license plates on the vehicle are from another state, written notice shall be mailed to the department of motor vehicles in that state to notify the registered owner of that vehicle that the same has been impounded by the police department and that the same shall be sold at public auction as provided under section 10.10.060, if not claimed by the owner of his/her proper representative or agent.

10.10.050 Procedure For Owner To Claim Impounded Vehicle

Before the owner or his/her agent shall be permitted to remove a vehicle that has been impounded, he or she shall:

- A. Furnish satisfactory evidence to the police department of his/her identity and his/her ownership of the vehicle;
- B. Pay any outstanding fines owed to the Town of Rocky Ridge under this or any other title;
- C. Request and obtain from the police department a written order to the place of storage where the vehicle is impounded that authorizes the release of the vehicle to the owner of his/her agent upon the payment to the place of storage any towing and storage charges reasonably incurred in the towing and storage of the vehicle from the date of impounding to the time of presenting the order of release from the police department; and
- D. sign a written receipt for the vehicle and deliver the same to the place of storage upon receiving the impounded vehicle.

10.10.060 Unclaimed Vehicles - Notice And Auction

- A. If, at the expiration of fifteen (15) days after mailing the notice, the impounded vehicle is not redeemed by the owner or his/her representative or agent, the chief of police or his/her proper representative, the chief of police or his/her authorized agent shall proceed to sell the same at public auction to the highest bidder after first giving at least ten (10) days notice of sale by publishing the notice in a conspicuous public place stating the time and place of the sale.
- B. The notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the Motor Vehicle Division or the State Tax Commission show the same to belong, and if the name of the owner or recorded lien holder, if any is known, the police department shall mail to the owner or recorded lien holder a copy of the notice immediately after posting the same. The notice shall be mailed to their address as shown on the records of the Motor Vehicle Division or the Utah State Tax Commission. A copy of this posted notice shall immediately, after posting, be mailed or delivered to the owner of the place of storage.
- C. Persons may submit bids to purchase a vehicle at any time before the public auction takes place. The chief of police and/or his/her representative may require, if necessary or desired, that all bids be:
 1. Secured with an item of value, or
 2. In the form of cash, money order, or cashier check.
- D. Should the value of the vehicle not exceed the costs of towing and storage, the vehicle may be sold to the impounder and/or the storage facility as payment in full; however, no vehicle shall be sold for less than the accumulated fees unless the creditor/impounder and/or storage facility provided agrees to accept the proceeds as payment in full.
- E. The chief of police and/or his/her representative may accept or reject any bid for a vehicle, but upon acceptance, the vehicle must be sold to the highest bidder, subject to the provisions of subsections C.
- F. The money received by the chief of police or his/her authorized agent from the sale of any vehicle shall be applied first to the actual cost of towing and storage of the impounded vehicle, then to pay the cost of advertising the notice of sale, and the balance, of any, shall then be paid into the Town Treasury.

10.10.070 Conditions Under Which The Previous Owner May Receive Proceeds Of The Sale

If the previous owner of the sold vehicle, at any time within six (6) months from and after the date of the sale, applies to the Town Council for reimbursement of the remaining proceeds from the sale and presents satisfactory proof that he/she was the owner of the vehicle sold, said previous owner shall be entitled to the proceeds of the sale less the expenses incurred by the Town, less expenses incurred from the towing and storage of the vehicle, and less any other incidental fees incurred as a result of the impoundment, storage, and sale of the vehicle; incidental fees include, but are not limited to, any outstanding fines due under this or any other title.

10.10.080 Record Of Impoundment And Disposal Of All Vehicles

The police department or its authorized agent shall keep a record of all vehicles impounded by manufacturer's name or make, body type, motor and license number, the names and addresses of all persons claiming the same, and other descriptive matter as may identify the vehicles, the nature and circumstances of the impounding, the violation on account of which the vehicles were impounded, the date of the impounding, and the name and address of any person to whom any vehicle is released.

10.10.090 Collection By Law Suit

If collection of fees are necessary and desirable under this title and is pursued via litigation, the municipality shall sue for and receive judgment for all of the fees, together with reasonable attorney's fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.

10.10.100 Designation Of Impound Lot And Towing Contracts

- A. The Town of Rocky Ridge may designate any private company or multiple private companies of its choice to seize, remove, tow, and/or store any illegally parked vehicle under this title. Said designation is a privilege and not a right and may be revoked and/or shared by multiple companies as the Town may desire. Factors determining designations may include:
 1. Costs for services rendered;
 2. Reliability and proven dependability
 3. Reputation and professionalism;
 4. Proximity to the vehicle in question;
 5. Consistency and quality of services; and

6. Speedy response o request for assistance.

This subsection is enacted in order to insure that services provided in no way compromise the health and safety of the residents of Rocky Ridge, whose health and safety may be compromised if a towing and/or storage company does not take care of the vehicle in a manner described in this subsection.

- B. The Town of Rocky Ridge shall further have authority to designate which zoning requirements must be met in order to approve a lot to be used as an impound lot, as a storage lot for impounded vehicles, and/or for the operation of a junk yard.
- C. If there are no commercial vendors available to provide storage services necessary under this title, the Town of Rocky Ridge may designate a piece of Town property as a temporary site on which impounded vehicles may be stored.

10.10.110 Abandoned Property

The governing body of the town of Rocky Ridge may designate as nuisances and provide for the removal of personal property under the conditions of this title. The conditions of this title are:

- A. Personal property includes but is not limited to, machinery, equipment, trailers, material, appliances or furniture, that is deemed by the governing body to constitute a hazard, obstruction or an eye-sore.
- B. Personal property left within the town limits for more than one year if the owner is unknown or the owner cannot be found.
- C. The owner has received notice by certified mail that said property violates town ordinance and a time limit of no less than two months is given to the owner to remove said property and that limit has expired.
- D. Any property that the owner of which is deemed by the governing body to be physically or financially unable to remove.
- E. The town may bill the owner who is not exempted by other conditions of the title, for expenses incurred in the removal of personal property.

(RRNEW) 10.12 Obstructions On Public Right-Of-Ways

10.12.010 Obstructions On Private Property

10.12.020 Public Nuisances

10.12.030 Obstructions On The Public Right-Of-Way

10.12.010 Obstructions On Private Property

In accordance with Utah Code Annotated §41-6a-216, the owner of real property shall remove from his property any tree, plant, shrub, or other obstruction, or part of it that constitutes a traffic hazard by obstructing the view of an operator of a vehicle on a highway. When the traffic official determines on the basis of an engineering and traffic investigation that a traffic hazard exists under this section, the traffic official shall notify the owner and order that the hazard be removed within ten (10) days. The failure of the owner to remove the traffic hazard within ten days is a class C misdemeanor.

10.12.020 Public Nuisances

A public nuisance is a crime against the order and economy of the State or Town and consists in unlawfully doing any act or omitting to perform any duty as outlined in Utah Code Annotated §76-10-803. The traffic official may seek to abate any public nuisance affecting the public right-of-way.

10.12.030 Obstructions On The Public Right-Of-Way

- A. **Purpose.** The purpose of this section is to establish a policy for mailboxes and newspaper boxes within the public right-of-way in the Town in accordance with specified design standards. It is also the purpose of this section to allow for property owners to properly landscape and beautify park strips and other authorized portions of the public right-of-way in a manner that does not interfere with transportation.
- B. **Regulation.** Obstructions of the public right-of-way are regulated as follows:
 - 1. Mailboxes and newspaper boxes placed by property owners within the Town's right-of-way shall be constructed in conformance with current standard regulations of the Department of Transportation and the U.S. Postal Service. Existing boxes relocated by highway construction shall also meet current standards and regulation. Existing boxes, which constitute a traffic hazard shall be removed or altered by the property owner to conform to current standards and regulations, such removal or alteration shall be at the expense of the owner. Newspaper box installation shall meet the same requirements as mailbox installation.
 - 2. Any property owner may install and shall maintain landscaping within the public right-of-way using material and placement that does not interfere with transportation. No rock structures, concrete structures, brick, or stone structures, bollards, or similar objects shall be located in the public right-of-way.
- C. **Liability and violation.** The property owner or person that installs an obstruction in the public right-of-way is liable for any damages or injuries resulting from such obstruction. A violation of this section is an infraction. The traffic official may abate violations of this section as provided in this Title.



(RRNEW) 11 Building Standards

Table

- 11.02 Building Permit
- 11.04 Building Code
- 11.06 Electrical Code
- 11.08 Plumbing Code
- 11.10 Housing Code
- 11.12 Energy Code

11.02 Building Permit

11.02.010 Building Permit Required

11.02.010 Building Permit Required

- A. **Application and Plans.** A building permit shall be submitted to the Town on a written application accompanied by plans and specifications in duplicate, which must state the specific nature of the construction or alterations to be made. The plan must be verified by the person who will perform or be in charge of the construction or alteration.
- B. **Variations of Plan Prohibited.** No material variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the building inspector.
- C. **Approval of Plan.** The application and plans shall be reviewed by the building inspector to determine whether the proposed construction or alteration conforms to the building codes and ordinances of the Town. The building inspector shall return the plans within ten (10) days with the statement "approved" if the plans do conform or "disapproved" if the plans do not conform. If the plans are disapproved, the reasons therefore shall be attached to the plans. Upon receipt of an approved plan, the Town shall issue a permit to the applicant, together with one set of the approved plan. One set of the plans shall be retained by the building inspector. The building inspector may revoke at any time a permit which has been issued for any building constructed or being constructed or which would be or result, if constructed, in violation of any ordinance of the Town.
- D. **Survey and Soil Study Done.** Rocky Ridge Town Planning and Zoning Commission along with Rocky Ridge Town Council ~~require having in our office a copy of the Record of Survey Plat which show the location of the property corners which have been duly staked on the ground at the time of application. Along with the record of survey there will need to be a geotechnical and soil classification study done to determine the suitability of the site for use intended and to provide recommendations to insure the proposed structure is in conformance with the geotechnical requirements of the site.~~
- E. **Encroachment/Access Application.** At time of getting a building permit, builder must fill out an application for road encroachment or access. Fees associated with the encroachment will need to be paid in full. All contractor information and license numbers must be on the application. All driveways attaching to road must have a 4' paved apron and concrete structures need to be flush with the road. (See Roadway Ordinance for more specifics)
- F. **Water Connection.** Any structure to be erected will need to Rocky Ridge Town to purchase a water hook-up.

11.04 Building Code

Regulating water

- 11.04.010 Building Official
- 11.04.020 Fee Schedule
- 11.04.030 Penalty; Exception

11.04.010 Building Official

- A. **Created.** There is hereby created the position of building official who shall also be known as the Town building inspector.
- B. **Powers.**
 - 1. The building inspector shall have the power to order all work stopped on construction, alteration or repairs of buildings in the Town when such work is being done in violation of any provisions of any ordinance relating thereto, or in violation of the subdivision or zoning titles of the Town. Work shall not be resumed after the issuance of such order, except on the written permission of the inspector; provided, that if the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written stop order may be served by any peace officer or other authorized person.
 - 2. The building inspector shall have the power to enter into any building or the premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour, pursuant to any of the provisions of this title.
- C. **Duties.** The building inspector shall, in addition to all other duties imposed on him by the Town:
 - 1. Enforce the provisions of the uniform building code.
 - 2. Inspect all buildings, structures, ditches, signs, fences and objects to determine their safety and effect on the persons who are within the Town.
 - 3. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:
 - a. Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure;
 - b. Use construction materials and utility equipment that are resistant to flood damage; and
 - c. Use construction methods and practices that will minimize flood damage.
 - 4. Review subdivision proposals and other proposed new developments to assure that:
 - a. All such proposals are consistent with the need to minimize flood damage;
 - b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located, elevated and constructed to minimize or eliminate flood damage; and
 - c. Adequate drainage is provided so as to reduce exposure to flood hazards.
 - 5. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

11.04.020 Fee Schedule

The Town shall collect a fee for the application of a permit in the amount as established by resolution of the Town Council. If a permit is pulled because



of decision not to build, a 50% refund may be returned.

11.04.030 Penalty; Exception

- A. It shall be a class C misdemeanor, subject to penalty as provided in this code, for any homeowner and a class B misdemeanor, subject to penalty as provided in this code, for any person who receives payment or anything of value to construct or alter any building or structure, except a fence, or a shed 200 sq. ft. or less provided there is no electrical or plumbing, without first securing the permit required by this chapter.
- B. This section shall not apply where the retail cost of the materials used in the construction or alteration is less than one thousand dollars (\$1,000.00), except that it shall apply in all cases where the construction or alteration results in an enlarged structure or affects the walls of the building or structure.

11.06 Electrical Code

- 11.06.010 Enforcement Official
- 11.06.020 Permit Required; Fees
- 11.06.030 Electrical Installations
- 11.06.040 Inspection
- 11.06.050 Electrical Disturbances
- 11.06.060 Penalty

11.06.010 Enforcement Official

The building inspector shall perform all functions of electrical inspection and shall, among other things, inspect and supervise the construction, installation and repairs of all electric light and power wiring, fixtures, appliances or apparatus installed within the limits of the Town and shall require compliance with the provisions of the electrical code. Wiring, fixtures and apparatus heretofore installed need not necessarily be made to conform strictly to all the provisions of the electrical code. The building inspector shall require the correction of such defects as he deems actually dangerous to life or property. Those same enforcement standards established in the uniform building code shall be followed by the building inspector for all electrical work.

11.06.020 Permit Required; Fees

- A. No alterations or additions shall be made in existing wiring, nor shall any wiring or any apparatus which generates, transmits, transforms or utilizes any electricity be installed without first obtaining a permit therefore, except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. Applications for such permit describing such work shall be made in writing and shall conform as far as practicable to the requirement set forth in this title. This section shall not apply to installations in powerhouses and substations belonging to electric light companies. No permit shall be issued to any applicant for a permit during the time that he shall fail to correct any defective electrical installations after he has been duly notified to correct such defective work by the building inspector.
- B. The electrical permit fees applicable in the Town for use under the most current national electrical code edition, shall be as established by resolution of the Town Council.

11.06.030 Electrical Installations

- A. **Business License Required.** No person shall engage in the installation, alteration, repair or construction of any electrical work, wiring, fixtures, appliances or equipment inside or outside of any building, except work done for or on the property of the Town, without first securing a business license and paying the fee therefore as provided in this chapter.
- B. **Notification To Building Inspector.** It shall be unlawful for any person to do or cause to be done any electrical wiring or other electrical installation in a building or structure within the Town without first notifying the building inspector of the kind and nature of such electric wiring or other electrical installation and the location of the building or structure in which the same is to be installed.
- C. **Subject To Supervision And Inspection.** All electric wiring or other electrical installations shall be subject to supervision and inspection by the building inspector. It shall be unlawful for any person to do or cause to be done any electrical wiring or electrical installations without first obtaining the permit required by this chapter.
- D. **Unlawful Installation.**
 - 1. **Disconnection; Seal.** If the building inspector shall find any part of any electric light or power wiring, appliances, apparatus or fixtures in or upon any building in the Town to have been installed without permit, or installed not in accordance with the provisions of the electrical code or to be dangerous to life or property, the inspector shall have the right and power to disconnect such defective work, fixtures, appliances or apparatus and place a seal upon the same, and shall at the same time give written notice of such disconnection to the owner or occupant of the building.
 - 2. **Removal Of Seal.** After such disconnected wiring, fixtures, appliances or apparatus have been put in the condition required by this chapter, the seal so placed shall be removed by order of the inspector.

11.06.040 Inspection

- A. **Notification; Issuance Of Certificate.** Upon completion of the installation of any electrical wiring, fixtures, appliances or apparatus in or on any building, it shall be the duty of the person doing the work to notify the building inspector, who shall cause the same to be inspected and, if approved, to issue a certificate of inspection which shall contain the date of such inspection and a statement that the installation is approved.
- B. **Unlawful To Connect Current Without Certificate.** It shall be unlawful for any person to turn on or connect the current with such installation until such certificate shall be issued and it shall also be unlawful to make any change, alteration or extension in or to the installation of any electrical wiring, fixtures, appliances or apparatus in or on any building after inspection without notifying the building inspector and securing a permit to do so.
- C. **Exception.** The requirement of permits, inspection and supervision shall not apply to minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords, and wiring for appliances and devices operating at less than twenty five (25) volts.

11.06.050 Electrical Disturbances

- A. **Declared Nuisance.** Electrical installations for signs, equipment or other facilities which create electrical disturbances that cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations are hereby declared to be a nuisance. The owners or operators thereof shall so install and maintain such installations as to avoid or eliminate such interference, using all known means and devices for such purpose, such as proper grounding, connections, condensers, resistors and live chokes.
- B. **Abatement.** The building inspector shall withhold or withdraw approval of any electrical installation causing the above disturbance, and is hereby

authorized to take all steps necessary for the abatement of such conditions.

11.06.060 Penalty

Any person violating any provision of this chapter shall be guilty of a class B misdemeanor and upon conviction thereof, subject to penalty as provided in this code.

11.08 Plumbing Code

- 11.08.010 Scope
- 11.08.020 Enforcement Official
- 11.08.030 Permits And Fees
- 11.08.040 Reinspection Charges
- 11.08.050 Allowance For Exception
- 11.08.060 Right Of Entry
- 11.08.070 Interest In Sale Of Equipment Prohibited
- 11.08.080 Power To Condemn

11.08.010 Scope

The provisions of this chapter shall apply to, but not be limited to, all new construction, relocated buildings and to any installation, alteration, repair or reconstruction of a plumbing system within the Town, except as otherwise provided for in this chapter.

11.08.020 Enforcement Official

- A. **Created.** There is hereby created the position of building inspector.
- B. **Duties.** The building inspector shall issue permits to properly licensed, bonded and registered persons. Licensing should be for work to be done within the scope of this chapter. The building inspector:
 - 1. Shall order changes in workmanship and/or materials essential to enforce compliance with all provisions of the plumbing code.
 - 2. Shall investigate any construction or work regulated by this chapter and issue such notices and orders as are necessary to prevent or correct dangerous or unsanitary conditions.
 - 3. May recommend the revocation of any license to the state department of licensing for cause and report to the state department of licensing all violations of this chapter by journeymen, apprentices or contractors.

11.08.030 Permits And Fees

- A. **Required; Application.** No plumbing shall be installed, nor additions or alterations made in existing plumbing, except as provided in subsection C of this section, without first obtaining a permit. Application for such permits shall be in writing to the Town Recorder and shall describe the nature of the work to be done and affirm that the plumbing will conform to the plumbing code. No permit shall be issued to any applicant during the time that he shall fail to correct any defective plumbing installed by him after he has been notified in writing by the building inspector of the defective work.
- B. **Homeowners' Permit.** Any permit required by this chapter may be issued to any person to do any plumbing or drainage work regulated by this chapter in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters and that the same are occupied by or designed to be occupied by the owner; and further provided, that the owner shall furnish the building inspector with a complete layout drawing of the proposed work, satisfies the building inspector that he has a working knowledge of the requirements contained in this chapter, pays the necessary fees and calls for all inspections required by this chapter.
- C. **Exceptions.**
 - 1. Repairs which involve only the working parts of a faucet or valve, the clearance of stoppages, the repairing of leaks or the replacement of defective faucets or valves may be made without a permit; provided, that the permits shall be procured to replace fixtures, traps, soil, waste and vent pipes, unless waived by the building inspector.
 - 2. Any person regularly employed by an owner or lessee of property, or his agents, for the sole purpose of operating and maintaining such property and to make minor repairs thereof, and any owner or lessee of property, shall be exempt from the provisions of this chapter when doing work for which permits are not required.
- D. **Denial.** The building inspector may refuse to issue permits for any plumbing work to any person who has had a permit revoked in accordance with this chapter during such time as such person fails to perform plumbing work in conformance with this chapter.
- E. **Expiration.** Every permit issued by the building inspector shall expire and become null and void if the work authorized by such permit is not commenced within sixty (60) days from the date such permit is issued, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days or more.
- F. **Revocation.** The building inspector may revoke any permit when the person to whom the permit is issued fails, neglects or refuses to do the work there under in conformance with this chapter, or when the permit is issued in error.
- G. **Permit fees.** Before a permit shall be issued, permit fees in the amount established by resolution of the Town Council shall be paid to the Town Treasurer.

11.08.040 Reinspection Charges

After notice that any plumbing work is ready for inspection, if the building inspector calls at the place designated to make such inspection and finds the work not ready for inspection, he shall charge an additional fee as established by resolution of the Town Council.

11.08.050 Allowance For Exception

Where structural conditions impose extreme difficulty in fully complying with the plumbing regulations of this chapter, any aggrieved party may apply in writing to the building inspector for special permission to deviate from the regulations. If, in the judgment of the building inspector, such deviation is reasonable and does not create an unsanitary or unsafe condition, he shall recommend to the Town Council that the request for deviation be approved or disapproved, or that approval is subject to such conditions as the Town Council may require. The Town Council, on review, may approve or disapprove the application or vary the conditions on which approval is granted.

11.08.060 Right Of Entry

The building inspector 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 chapter.

11.08.070 Interest In Sale Of Equipment Prohibited

The building inspector and his assistants shall not in any way engage in the sale or installation of plumbing equipment upon which they are required to make inspection hereunder.

11.08.080 Power To Condemn

- A. **Granted; Penalty.** The building inspector is hereby empowered to condemn and order repaired, removed, replaced or changed any plumbing found in any unsanitary condition or not in accordance with this chapter. Failure to comply with the order within a reasonable time is an infraction and subject to penalty as provided in this code.
- B. **Refusal To Comply.** It shall be unlawful for any owner, agent or occupant of any building or premises to fail, neglect or refuse to repair, remove, replace or change within ten (10) days after written notice to do so from the building inspector, any plumbing condemned by such Inspector; provided, that this subsection shall not apply to any occupant not responsible for the installation or repair of the condemned plumbing.

11.10 Housing Code

- 11.10.010 Scope
- 11.10.020 Permit Required
- 11.10.030 Violations; Penalty

11.10.010 Scope

- A. **Applicability.** The provisions of the housing code shall apply to all buildings or portions thereof used, designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in the uniform building code, except for such structures as are found to be substandard as defined in the housing code.
- B. **Alterations to Existing Buildings.** Existing buildings which are altered or enlarged shall be made to conform to the uniform housing code, insofar as the new work is concerned, in accordance with the uniform building code.
- C. **Relocation of Existing Buildings.** Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of the housing code.

11.10.020 Permit Required

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure, cause or allow the same to be done, without first obtaining a separate building permit for each such building or structure from the building official in the manner and according to the applicable conditions prescribed in the housing code.

11.10.030 Violations; Penalty

- A. **Violations.** It shall be unlawful for any person, whether as owner, lessee, sub lessee or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the housing code or any order issued by the building official pursuant thereto.
- B. **Penalty.** The penalty for violation of any provision of this chapter shall be as outlined in the uniform building code, as applicable.

11.12 Energy Code

- 11.12.010 Energy Conservation For New Building Construction

11.12.010 Energy Conservation For New Building Construction

- A. Existing residential units shall be required to have their structures upgraded according to the following:
 - 1. Whenever wallboard, plaster, or other finish material is removed which exposes wall cavities of foundations, exterior walls, floors, or ceilings, these spaces shall be insulated to the degree it is practical. Where attic and crawl space areas are insulated, the space shall be ventilated as per the UBC.
 - 2. Where insulation increases the accumulation of snow, and the snow load capacity of the roof structure is exceeded, the roof members shall be upgraded to withstand the additional loads.
 - 3. When new habitable space is created within an existing building envelope, all such spaces shall be insulated to the current Utah State Energy Code standards.
 - 4. All replacement windows shall be double pane with thermal break.
 - 5. All door replacements shall be insulated doors.
 - 6. New mechanical equipment installed shall meet a minimum of 80% efficiency.
 - 7. Except for the other applicable requirements of this chapter, when a new addition is made to an existing residential structure, only the addition shall be made to comply with current Utah State Energy Code standards.
- B. **Doors and windows.**
 - 1. Doors and windows shall be weather tight. All panes shall be replaced if broken with glazing complying with the UBC
 - 2. All doors and windows shall be properly caulked and weatherproofed.
- C. Residential units constructed hereafter shall also construct according to the specifications in this chapter.

12 Comprehensive Planning

12.02 General Plan

12.02 General Plan

- 12.02.010 Purpose
- 12.02.020 Map
- 12.02.030 Duly
- 12.02.040 Meetings
- 12.02.050 Mayor
- 12.02.060 Town Clerk And Treasurer
- 12.02.070 Secretary
- 12.02.080 Planning And Zoning
- 12.02.090 Budget, Accounting, And Revenue
- 12.02.100 Police, Fire, And Animal Control
- 12.02.110 Public Relations
- 12.02.120 Utilities And Water

12.02.010 Purpose

The purpose of this General Plan is to set out the areas of responsibility of the Town Council members and to designate the ordinances, council decisions, and fee schedules associated with each.

12.02.020 Map

A map of all boundaries, zones and land uses is incorporated as an integral part of this plan and must be viewed as part of the whole. This map is adopted and made a part hereof effective on the date mentioned above.

12.02.030 Duly

The Duly elected officials as established in the incorporation documents of the Town of Rocky Ridge shall consist of the Mayor and four Town Council members. Council members filling positions 1 and 2 shall serve for 2 year terms and their replacements at the end of that period shall be elected to serve four year terms thereafter. Council members filling positions 3 and 4 shall serve four year terms. The mayor shall serve four year terms. It shall be the position of the mayor to serve as chairman of the Town Council and to cast his/her vote in tie-breaking situations where a decision of the council cannot be made. The Town Council shall be authorized to appoint citizens of citizen committees for specific purposes to serve under the various department heads.

12.02.040 Meetings

Meetings of the Town Council shall be held on the third Monday of every month at 7:30 P.M. at the meeting hall of the MAS trust until further facilities shall be built or obtained. All meetings shall be open to the public and shall be deemed to be public meetings for the purpose of law. All items presented to the Town Council for review or decision shall be presented to the Town Clerk for placement on the agenda not less than Two (2) weeks prior to the next Town Council meeting. All items on the agenda shall be considered in order of their placement on the agenda. The first item on the agenda of every meeting shall be the review of minutes of the past meeting and the completion of unfinished business. The agenda of each upcoming meeting shall be posted outside the town Meeting room no less than Two (2) days prior to the meeting. The second item on the agenda of every meeting shall be the review of any Planning and Zoning issues brought to the Council for final approval and shall be considered as public meetings with public comment given priority and respectfully considered. All Planning and Zoning issues presented by the Planning Board shall be reviewed in the first meeting they appear on the agenda, a public hearing shall be called for the next meeting at which time final approval shall be given or denied. Such public hearing shall be noticed to the public by posting outside the town meeting room no less than Two (2) weeks prior to the public hearing. All requests for Variance shall be approved or denied at the meeting in which they appear on the agenda.

12.02.050 Mayor

The first Mayor, duly elected shall be Marvin L. Allred Sr. and the duties of the mayor shall be to oversee the following departments: 1) Parks and Recreation, 2) Roads, Engineering, and Public Facilities, and 3) Health and Garbage collection.

12.02.060 Town Clerk And Treasurer

Town Clerk and Treasurer in the August 1997 town council meeting Marvin L. Allred Jr. was appointed as town clerk and treasurer to serve under the mayors office and was given the duties of recording all council decisions, keep an ordinance book, keep the town budget records, to bill the residents for service charges and collect all fees, to provide building permit applications and applications for variance, and to post all public notices of meetings and events as required by law.

12.02.070 Secretary

Secretary in the November 1997 town council meeting- Sherylyn Allred was asked to serve as the town Secretary under the mayor and was asked keep all minutes of town council meetings, to assist the Clerk in public notices and notifications, and to keep and post for public review all Town Council and Planning Board meeting agendas 2 days prior to the meetings. All public notices shall be placed outside the council meeting room.

- A. **PARKS AND RECREATION.** April 1998 Council Meeting- it was agreed to designate 5 acres for a town park to be engineered and established as funds become available
- B. **ROADS, ENGINEERING, AND PUBLIC FACILITIES.** November 1997 Council meeting- Jeffery Baird was appointed to serve as the town Engineer and asked to prepare a map of the Town along with the appropriate zoning designations, roads, existing building locations, and location of all water, power, phone, and gas lines.
- C. **HEALTH AND GARBAGE COLLECTION.** October 1997 Town Council meeting- a garbage collection company was hired to collect the garbage. A garbage collection fee was set at \$15/month for each garbage can used. TOWN COUNCIL MEMBER NUMBER 1 - the first duly elected councilman for position number 1 shall be M. Kent Allred. The duties of this councilman shall be to oversee the following departments: 4) Building, and 5) Planning and Zoning.
- D. **BUILDING.** October 1997 Town Council meeting-

It was decided that a completed building permit application should be presented to the town Clerk before a permit can be given. The permit application should include 1) 2 sets of completed building plans, a plot plan, evidence of septic approval from the Juab County Health Department, and a completed building permit application form.

It shall be the responsibility of the applicant to obtain septic approval from the county Health Department.

The plot plan shall include the lot size, corner elevations, location of all existing and new structures, and the following set backs: for residences, front a minimum of 30 feet, side yards a minimum of 12 feet, and back a minimum of 25 feet. For non residence structures on residential lots, they shall be no less than 2 feet from any boundary with a minimum of 30 feet from the front lot line. Commercial and industrial structures shall be reviewed for traffic, access, and other conditions before approval of setbacks. No minimum setbacks shall be established for these structures.

It was decided to hire Verle Wilkie to serve as the temporary building inspector on a fee basis. The Planning Board was appointed to review plans submitted to the town Clerk. After review, the plans shall be submitted to the Clerk for a fee determination and he/she shall forward them to Mr. Wilkie for his check of building codes.

The following fee schedule was set: basic building fee for any residence or commercial building- \$500.00., gas and water meter hook-ups \$1000.00., building inspection fees for 7 required inspections- \$245.00. All fees should be collected by the Clerk before construction begins.

It was agreed that the final inspection shall constitute the occupancy permit and after the final inspection takes place, the Clerk will call Utah Power for clearance to connect the power meter.

12.02.080 Planning And Zoning

A. As part of this General Plan and to be under the oversight of Councilor number 1 a Planning Board is hereby established. The Planning Board shall be authorized as follows:

1. The Board shall consist of three citizens of legal age who are appointed by the Town Council to fill terms running consecutively with the term of council Member number 1, and shall be reappointed or replaced by the Town Council at the first meeting of the Town Council following the general election. One member of the Planning board shall be Council member number 1 who shall vote only to break a tie.
2. The Planning Board shall have the responsibility of reviewing and approving all requests for zoning or land-use changes. They shall review and approve all building permit and Conditional Use applications to determine if they meet the intent of this General Plan. They shall take requests for Variance from the citizens and place them on the agenda of the Board of Adjustments.
3. All meetings of the Planning Board shall take place One Hour before town Council meetings on the same day as the council meetings. All meetings shall be open to the public and shall be deemed to be public hearings for the purposes of law. It is the intent of this subsection to mean that no public meetings need to be announced since all planning meetings are deemed to be public meetings.
4. All items to be brought before the Planning Board shall be presented to the Town Clerk not less than Two (2) weeks prior to the next official meeting of the Board and shall be placed on the agenda by the Secretary for public review Two (2) days prior to the meeting. Building permit applications will be considered for approval at the first meeting that they appear on the agenda. Zoning changes and Conditional Use applications shall be reviewed at the first meeting they appear on the agenda and shall be considered for approval with public comment given first consideration. The first item on every agenda shall always be the review of the minutes of the previous meeting and consideration of unfinished items.
5. All building permit decisions of the Planning Board shall be final unless appealed to the Town Council within Two (2) weeks of the decision and placed upon the agenda of the town Council meeting for the next available Town Council meeting. Such appeal should be in writing. All zoning and conditional use approvals by the Planning Board shall go to the Town Council for final approval and shall not take effect until the Town Council approval is granted. All denials of the Planning Board shall be final unless they are appealed in writing as described in this subsection.
6. PUBLIC RIGHTS OF WAY all uses of public rights of way shall be considered on at the time of request by public or private entities. All costs and conditions of such use shall be determined by the town council after review by the planning board as described in subsection "d" of this section and shall be considered as if they were conditional uses.
7. SUBDIVISION ORDINANCE voted and accepted by the town council on March 15, 1999. Any person or entity desiring to subdivide property within the community shall 1st) prepare a sketch plat of the proposed subdivision and present it to the Clerk 2 weeks prior to the Planning meeting in which it shall be considered, along with a fee of \$50.00. The sketch plan shall include a drawing of the project and written description of the proposal showing all zoning, roads and rights of way, and all structures existing on the property. If the sketch plat is approved, the party shall: 2nd.) Prepare a PRELIMINARY PLAT and present it to the Clerk 2 weeks prior to the Planning meeting in which it shall be considered, along with a fee of \$250.00. The preliminary plat shall be an engineered drawing showing all topography and geological features of the property and all proposed roads, easements, and rights-of-way. The party shall present this plat to the fire chief, the town engineer, the water master and the roads commissioner and receive their written commentary as part of the presentation to the Planning Board. The Planning Board shall make suggestions and changes to the plat and or deny it at the meeting in which it is presented. If the request is denied the party may appeal to the Town Council. Upon approval of the Preliminary Plat the party shall: 3rd) prepare a Final Plat and present it to the Clerk 2 weeks prior to the Planning meeting in which it is to be considered, along with a fee of \$250.00 plus \$50.00 for each lot in the proposed subdivision. The Final Plat shall include all features of the proposed subdivision with all engineering of roads, drainage etc. and a survey plat of proposed lot lines and property designations. The plat shall include all changes approved in the preliminary plat, and shall contain the signatures of the fire chief, the water master, the roads commissioner, and the Town Engineer. If the Final Plat is approved, it shall be presented to the Town Council at their next meeting. This meeting shall be an official Public Hearing on the proposed subdivision and shall be noticed to the public by the Clerk according to the adopted procedures. The Clerk shall notify all residents within 300 feet of the subdivision in writing 2 weeks prior to the Town Council meeting. The Town Council may change or modify the proposal and have it resubmitted to the Planning Board for their review and re-submission to the Town Council. Upon acceptance of the Town Council, the plat shall be presented to the county recorder by the town engineer or a member of the Planning Board for recording. Once recorded, the subdivision shall be deemed to be approved.

B. **PLANNING BOARD MEMBERS** as duly appointed are M. Kent Allred, Casey Reynolds, and Jeffery Baird.

C. **CONDITIONAL USE** shall be defined as any request for land uses other than those specified in the General Plan. The Planning Board shall be allowed to accept structures and land use in areas not designated for them by placing special conditions upon them as to use, structure, or time of use as deemed by the Planning Board to be in the best interest of the community as a whole.

D. **ZONING CHANGES** shall be defined as any request to change one type of land use to another or to create new land use designations.

E. **VARIANCE** shall be defined as any request to vary the zoning or land use requirements on a one time basis because of specific problems or conditions which make it impossible to meet the intent of the Zoning designation or building permit requirements.

F. **BOARD OF ADJUSTMENTS** as part of this General Plan and under the oversight of Councilman number 1 a Board of Adjustments is hereby established for the purpose of examining and approving any variance to the Zoning and Building permit requirements that may be requested by the citizens. This Board shall consist of Three (3) citizens chosen by the Town Council to serve Two (2) year terms beginning at the

commencement of each new Town Council term. They shall meet only when notified by the Planning Board that there is a request for variance and shall make their recommendations in writing directly to the Town Council at least Two (2) weeks prior to the next Town Council meeting. They shall meet with the applicant at least Two (2) weeks prior to the next Town Council meeting and hear the reasons for variance.

G. **BOARD OF ADJUSTMENT** members as duly appointed are Renae Spencer, Todd V Wylacker, and Kendall West

H. **ZONING AND LAND USE DESIGNATIONS** as approved shall be as follows:

1. A) **AGRICULTURAL** All land not otherwise designated as having a particular allowable function by this plan and map shall be deemed to be for agricultural use only. No sub-designations are adopted.
2. P) **PUBLIC** Areas set aside for the general use of the citizens which shall include such facilities as Town offices, cemetery, parks, roads, fire station, and other structures and areas for the general public benefit.
3. R) **RESIDENTIAL** Areas established for residential use only. No size or building type restrictions are adopted hereby and all structures shall be built according to building codes adopted by the State of Utah.

Only one residential structure shall be allowed on any building lot, and no structures for residential use shall be allowed on property not divided into building lots. Residential structures for up to Four (4) families shall be allowed in this zoning designation. Mobile homes will be allowed to be placed on building lots during the construction of a permanent home if a building permit has been obtained for the permanent residence. In these conditions, the mobile home must be removed prior to the occupation of the permanent residence.

4. RT) **TRAILERS** Areas designated primarily for mobile homes. All homes in these areas must be permanently connected to public water systems, must be on County Health Department approved septic system permanently connected to power and gas lines, and must be fully skirted and must maintain a minimum of 500 square feet of landscaping.
 5. **LOW INCOME HOUSING** all areas in the R Zoning designation are hereby accepted as low-income (affordable) housing areas and all applications for such structures shall be considered on the same basis as all other residential structures without restriction as to such uses.
 6. C) **COMMERCIAL** areas for commercial use only. The purpose of this designation is to allow commercial enterprise defined as retail sales shops and stores, professional offices, wholesale distributors, strip mall, and offices where production of goods is not part of their operations.
 7. I) **INDUSTRIAL** areas for industrial use only. These areas are for the production of goods, and the storage and sales of products produced by the businesses in this area. Also accepted within this designation are lumberyards, and other retailers and wholesale of industrial products made by others.
- I. **SIGNS** only those areas along the Juab County highway (running North and south along the eastern town border and Fifty (50) feet wide shall be acceptable for billboards and signs in excess of 10 square feet in area or those not attached directly to a building and used for the advertisement of that business only.
- J. **ROADS** no private roadways shall be allowed except those established for agricultural use or those contained entirely within a designated building lot.
- K. **WETLANDS ETC.** no areas of the Town shall be designated as wetlands, landfills, waste disposal sites, railroad terminals, or airports. All requests for such sites shall be considered on disposal sites, railroad terminals, or airports. All requests for such sites shall be considered on individual merits through the conditional use process and shall meet all Federal, State, and County regulations before consideration.
- L. **TOWN COUNCIL MEMBER NUMBER 2** the duly elected councilman for this position is Darrell L. Allred. The responsibility of this councilman shall be to oversee the following departments: 6) Budget, Accounting, and Revenue.

12.02.090 Budget, Accounting, And Revenue

TOWN COUNCIL MEMBER NUMBER 3 the duly elected councilman for this position is Thomas E. Bronson. The responsibilities of this councilman shall be to oversee the following departments: 7) Police, Fire, and Animal control, and 8) Public Relations.

12.02.100 Police, Fire, And Animal Control

May 1997 town council meeting, it was decided to not have a police department, and Tom was instructed to contact the County for advise. It was decided not to have an animal control ordinance at this time.

A fire department fee of \$10/month was set for each home in the town to be collected by the Clerk.

It was decided to participate in the 6 county fire district and an agreement will be signed with them. This agreement is incorporated as part of this general plan and a copy attached.

Kendall West was appointed to be the Fire Chief with Louis Allred as assistant chief.

The town council voted to enter into a mutual aid agreement with Juab County for fire protection in the County.

12.02.110 Public Relations

At the July 1997 meeting of the town council, Lorraine Bronson was appointed to be the Town Historian.

- A. **TOWN COUNCIL MEMBER NUMBER 4** the duly elected councilman for this position is Ronald A. Allred. The responsibilities of this councilman shall be to oversee the following departments: 9) Utilities and Water

12.02.120 Utilities And Water

At the Town Council meeting of June 1997 Casey Reynolds was appointed to be the water master with Andy Allred to be his assistant. Casey was asked to pursue State Approval of our water system and to transfer the appropriate shares to the Town for this purpose.

A water use assessment fee of \$50/month was set to be collected from the residents by the Clerk and a water hookup fee of \$1000.00 per building permit was established.

October Meeting, A drinking water Source Protection Ordinance was enacted and adopted by unanimous vote of the Town Council for the purpose of protecting our water sources.

An ordinance was enacted for the control of back-flow and cross connections for the purpose of protecting water quality within the public water system. Andy Allred was assigned to check all such back-flow and cross connections that may be existing.

(RRNEW) 13 Community Development And Public Facilities

(RRNEW) 13.02 Impact Fee Enactment
(RRNEW) 13.06 Excavations And Fill
(RRNEW) 13.14 Public Parks And Lands

(RRNEW) 13.02 Impact Fee Enactment

13.02.010 Statute Authority
13.02.020 Purpose And Intent
13.02.030 Definitions
13.02.040 Findings
13.02.050 Applicability And Amendment
13.02.060 Exemptions
13.02.070 Notice And Hearing Establishing Or Increasing Fee
13.02.080 Imposition, Calculation And Collection
13.02.090 Impact Fee Accounts
13.02.100 Use Of Proceeds
13.02.110 Refunds
13.02.120 Audits
13.02.130 Credits
13.02.140 Variations And Exceptions
13.02.150 Statute Of Limitations
13.02.160 Protests And Appeals
13.02.170 Conflicts

13.02.010 Statute Authority

This chapter is enacted pursuant to the general police power, the authority granted to cities and towns by the state constitution, and Utah Code Annotated sections 11-36-101 through 11-36-303, as amended.

13.02.020 Purpose And Intent

This chapter is for the purpose of requiring that new development pay for the fair share of public facilities through the imposition of impact fees which will be used to finance, defray or reimburse the town for all or a portion of the costs of public facilities which serve such development

13.02.030 Definitions

As used in this chapter:

"CAPITAL FACILITIES" The culinary water system, wastewater system of Rocky Ridge Town.

"COLLECTION" The point at which the impact fee is actually paid over to the Town.

"COMMITMENT" Earmarking impact fees to fund or partially fund capital improvements serving new development projects.

"DEVELOPMENT ACTIVITY" Any construction or expansion of a building, structure or use, any change in use of a building or structure, or any change in the use of land that creates an additional demand and need for the public facility involved.

"DWELLING UNIT" One or more rooms in a building or a portion of a building designed, intended to be used, or actually used for occupancy by one family for living and sleeping quarters, and containing one kitchen only, and includes a mobile home, but not hotel or motel units.

"EQUIVALENT RESIDENTIAL UNIT (ERU)" The relative impact or usage of a given development activity as compared to the impact or usage from or of a single-family residential unit.

"IMPACT FEE" Any monetary exaction imposed by the Town as a condition of or in connection with approval of a development project for the purpose of defraying all or some of the cost of or repayment of costs previously expended from other Town funds for capital improvements relating to the project.

"NEW DEVELOPMENT OR DEVELOPMENT PROJECT" Means and includes any project undertaken for the purpose of development, including, without limitation, a project involving the issuance of a permit for construction, reconstruction or change of use, but not a project involving the issuance of a permit to operate or to remodel, rehabilitate and improve an existing structure, nor the rebuilding of a structure destroyed or damaged by an act of God, nor the replacement of one mobile home with another on the same pad if no dwelling unit is added.

"NONRESIDENTIAL DEVELOPMENT PROJECT" All development other than residential development projects.

"RESIDENTIAL DEVELOPMENT PROJECT" Any development under taken to create a new dwelling unit or units.

13.02.040 Findings

- A. Rocky Ridge is a town having less than five thousand (5,000) in population and is therefore exempt under Utah Code Annotated section 11-36-201 (2)(e), as amended, from the requirement to prepare a capital facilities plan. Notwithstanding said exemption, the Town has caused to be prepared a capital facilities plan with respect to the capital facilities and the same is incorporated by reference herein. The Town finds that the imposition of an impact fee to be applied toward the debt service on the existing capital facilities and to finance improvements to the same as growth and demand requires is in the best interest of the general welfare of the Town and its residents, is equitable and does not impose an unfair burden on new development.
- B. Impact fees collected pursuant to this chapter shall not be used to cure existing deficiencies in public facilities.
- C. New residential and nonresidential development imposes increased demand upon Town public facilities.
- D. Planning, economic and demographic studies project that new development will continue and will place ever-increasing demands on the Town to provide public facilities to serve the new development.
- E. To the extent that new development in designated benefit areas places demands upon the public facilities, those demands should be satisfied by shifting the responsibility for financing the provision of such facilities from the general public to the development creating the demands.

13.02.050 Applicability And Amendment

- A. The impact fee herein imposed shall apply to "development activities", as defined in this chapter and in Utah Code Annotated section 11-36-102 (3), as amended.
- B. The town council may, by resolution, change the impact fee at any time by a notice and hearing as provided in this chapter.

13.02.060 Exemptions

The provisions of this chapter do not apply to:

- A. Taxes and special assessments;
- B. Fees for processing development applications;
- C. Fees for enforcement of or inspections pursuant to regulatory ordinances;
- D. Fees collected under development agreements;
- E. Fees imposed pursuant to a reimbursement agreement between the Town and a property owner for that portion of the cost of a public facility paid for by the property owner which exceeds the need for the capital facility attributable to, reasonably related to, and roughly proportional to the development;
- F. Fees to mitigate impacts on the environment;
- G. Fees imposed, levied or collected by other governmental agencies, including subdivisions of the state and federal government; or
- H. User fees or rates imposed for the use of water from the culinary water system.

13.02.070 Notice And Hearing Establishing Or Increasing Fee

- A. **Public Hearing.** Prior to establishing or increasing of any impact fee, the Town Council shall hold a public hearing at which oral and written testimony may be given.
- B. **Notice.**
 - 1. Notice of the time and place of the public hearing, including a general description of the proposed action and proposed fees to be implemented, shall be published in the local newspaper and posted in at least three (3) public places within the Town at least fourteen (14) days prior to the date of the public hearing. The period of notice commences upon the first day of publication and terminates at the end of the tenth day.
 - 2. Notice of the public hearing shall otherwise comply with Utah Code Annotated sections 10-9-103(2) and 10-9-802(2), as amended.
- C. **Data Availability.** If the purpose of the hearing is to establish a new fee based on a new capital facilities plan, a copy of said plan shall be made available to the public at the Town offices, at least fourteen (14) days prior to the date of the public hearing. If the implementation or change in an impact fee is based on other calculations or data, the same shall, likewise, be made available to the public at the Town offices at least fourteen (14) days prior to the date of the public hearing.
- D. **Action By Ordinance Or Resolution.** Town Council action to establish or increase any impact fee shall be taken only by ordinance or resolution.

13.02.080 Imposition, Calculation And Collection

- A. **Imposition.** Except as provided in this chapter and any amendment to this chapter, the Town shall impose impact fees as a condition of approval of all new development projects. No tentative or final subdivision map, parcel map, grading permit, building permit, final inspection or certificate of occupancy, or other development permit, may be approved unless the provisions of this section have been fulfilled.
- B. **Fee.**
 - 1. Until and unless modified by a subsequent resolution by the Town Council, an impact fee of two thousand dollars (\$2,000.00) per equivalent residential unit shall be imposed with respect to any new development activity which impact fee is allocated to each capital facility as follows:
 - 2. For purposes of the calculation of an impact fee on a given development activity, equivalent residential unit shall be based upon the calculations found in the Rocky Ridge Town impact fee analysis dated August 1997, or any subsequent amendments thereto.

Capital Facility	Cost Of Impact Fee Per Residential Unit
Culinary water source, storage and distribution	\$1,000.00
Wastewater collection and treatment	1,000.00
Total of all impact fees	\$2,000.00

- C. **Language Required.** Impact fees shall be imposed by including the following language in any document of development approval:
Approval of this project is conditioned upon payment to the Town of all applicable impact fees and connection fees.
- D. **Collection.** Impact fees shall be collected by the Town Recorder. Impact fees for culinary water and wastewater shall be payable concurrently with the payment of water and sewer hookup fees.

13.02.090 Impact Fee Accounts

- A. **Required.** The Town shall establish an impact fee account for each type of capital improvement for which an impact fee is imposed, and impact fees collected shall be deposited in each such account according to type of improvement. The funds of the account shall not be commingled with other funds of the Town. Any account previously established for the deposit of funds which would have been developer impact fees under this chapter shall be deemed an impact fee account for the purposes of this chapter.
- B. **Interest.** Each impact fee account shall be interest bearing and the accumulated interest shall become a part of the account.
- C. **Expenditures.** The funds of each account shall be expended within the benefit area exclusively for the capital improvements for which the impact fees were collected.

13.02.100 Use Of Proceeds

Impact fees shall be expended only for the type of capital improvements for which they were imposed, calculated and collected and according to the time limits and procedures established in this chapter. Impact fees may be used to pay the principal, interest and other costs of bonds, notes and other



obligations issued or undertaken by or on behalf of the Town to finance such improvements.

13.02.110 Refunds

- A. Except as described in subsection B of this section, of the property owner, the Town shall refund that portion of the property owner, the Town shall refund that portion of an impact fee which has been on deposit over six (6) years and which is unexpended and uncommitted. The refund shall be made to the then current owner or owners of lots or units of the development project or projects.
- B. If fees in any impact fee account are unexpended or uncommitted for five (5) or more years after deposit, the Town Council shall make findings, at least once each fiscal year while such condition prevails, to identify the purpose to which such fees shall be put and to show a roughly proportional and reasonable relationship between the fee and the purpose for which it was collected. If the Town Council makes such findings, the fees are exempt from the refund requirements.
- C. The Town may refund by direct payment, by offsetting the refund against other impact fees due for development projects by the owner on the same or other property, or otherwise by agreement with the owner.

13.02.120 Audits

A property owner may request an audit to determine whether the impact fee imposed is roughly proportional to or exceeds the amount reasonably necessary to finance capital improvements attributable to the development project. The Town Council shall then retain a qualified, independent auditor and he or she shall determine whether the fee is appropriate. The Town may require as a condition of the right to such an audit, that the property owner pay for the cost of the audit and deposit with the Town a sum equal to the reasonable estimated cost of the audit. The decision of the independent auditor is final unless appealed to the Town Council by the property owner as provided in this chapter.

13.02.130 Credits

- A. **Eligibility.** A property owner who dedicates land or agrees to participate in an assessment district or otherwise contributes funds for capital improvement, as defined in this chapter, may be eligible for a credit for such contribution against the impact fee otherwise due.
- B. **Determination.** The Town Council shall determine:
 1. whether the contribution meets capital improvement needs for which the particular impact fee has been imposed; and
 2. whether the contribution will substitute for or otherwise reduce the need for capital improvements anticipated to be provided with impact fee funds; and
 3. the value of the developer contribution. In no event, however, shall the credit exceed the amount to the otherwise applicable impact fee.
- C. **Application.** Any application for credit must be submitted at or before the time of development project approval on forms provided by the Town. The application shall contain a declaration of those facts, under oath, along with the relevant documentary evidence which qualifies the property owner for the credit.

13.02.140 Variations And Exceptions

Petitions for variances and exceptions to the application of this chapter shall be made in accordance with the zoning ordinances applicable to the Town and this code.

13.02.150 Statute Of Limitations

Any judicial action or proceeding to attack, review, set aside or annul the reasonableness, legality or validity of any impact fee must be filed and service of process effected within ninety (90) days following the date of imposition of the fee or the final determination of the Town Council, whichever is later.

13.02.160 Protests And Appeals

- A. **Notice Of Appeal; Fee.** A person may protest or challenge the imposition of a fee imposed pursuant to this chapter by filing, with the Town Recorder within ten (10) days following mailing of notice of the auditor's decision to the appellant, a written notice of appeal with a full statement of the grounds, and an appeal fee in an amount as determined from time to time by resolution of the Town Council. The Town may continue processing the development application if the notice of appeal is accompanied with a bond or other security in an amount equal to the impact fee.
- B. **Burden Of Proof.** The appellant bears the burden of proof to demonstrate that the amount of the fee was not calculated according to the procedures established in this chapter.
- C. **Hearing; Decision.** At a regular meeting following the filing of the appeal, the Town Council shall fix a time and place for hearing the appeal and the Town Recorder shall mail notice of hearing to the appellant at the address given in the notice of appeal. The hearing shall be conducted at the time and place stated in the notice and the determination of the Town Council shall be announced at the conclusion of the hearing or at the next regular meeting of the Town Council. The determination of the Town Council shall be final.

13.02.170 Conflicts

In the event of a conflict between the provision of this chapter and the provisions of any other ordinance or resolution establishing or amending impact fees, the provisions of this chapter shall govern.

(RRNEW) 13.06 Excavations And Fill

- 13.06.010 Purpose
- 13.06.020 Application
- 13.06.030 Enforcement
- 13.06.040 Permit Required; Application
- 13.06.050 Bond, Fee For Permit
- 13.06.060 Plans And Drawings
- 13.06.070 Issuance Of Permit
- 13.06.080 Transferability
- 13.06.090 Commencement Of Work
- 13.06.100 Protection Of Public
- 13.06.110 Construction Requirements, Standards
- 13.06.120 Time Limitations
- 13.06.130 Inspections
- 13.06.140 Liability

13.06.010 Purpose

The purpose of these specifications is to provide for the proper repair and replacement of excavations across and/or along Town street rights of way where necessary crossings must be made, thus promoting the safety and health of those persons using and traveling said rights of way.

13.06.020 Application

- A. **Scope.** These specifications are intended to cover all excavation permits issued by the Town for such items as gas mains and lateral connections, sewer mains and lateral connections, water mains and lateral connections, underground power and/or communication cables, irrigation facilities and storm drain or sub-drain systems.
- B. **Successors And Assigns.** All covenants and agreements to this Chapter and specifications, herein made a part of the excavation permit, shall be binding upon the parties thereto, their successors and assigns.

13.06.030 Enforcement

The offices of the Building Inspector, Police Chief, Town Attorney and Public Works Director or agent are each authorized, individually or collectively, to take any and all action as may be necessary to ensure and enforce compliance with these specifications.

13.06.040 Permit Required; Application

Any and all applications for excavation permits shall be made with the Building Inspector, on standard forms prepared by him. He will have authority to grant or deny the application of any person or contractor in all instances where it would not be in the best interest of the Town and the highways thereof if such excavation is made, and in all instances where the applicant has at any prior time failed and refused to comply with this Chapter or these specifications placed into effect by the Town.

13.06.050 Bond, Fee For Permit

Bond Required:

- A. No permit shall be issued to a person or contractor who is unable to furnish the proper and necessary bond to cover the cost of construction, replacement, maintenance and liabilities which might occur as a result of the work authorized by the permit.
- B. The applicant and/or his contractor, if any, will present a bond in the amount of two hundred dollars (\$200.00) to the office staff as a guarantee that work will be done in accordance with this Chapter and these specifications. Each bond will be kept in escrow for the duration of the maintenance period (1 year) as provided by this Chapter, at which time it shall be returned to the proper person, less any necessary claims made against said bond during this period.
- C. Any public utility operating or using any of the streets under a franchise from the Town will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the Town harmless in the event of an injury to any person or damage to any property due to negligence of such holder in conducting excavation operations under such franchise.
- D. **Fee For Permit.** A permit fee, in such amount as established by resolution of the Town Council, will be collected.

13.06.060 Plans And Drawings

As a part of the permit application and prior to the issuing of the permit, adequate engineering drawings shall be submitted to the Building Inspector for determining the extent of work to be done. The drawings should be prepared by a competent engineer and should show the following information:

- A. Plans and profiles, where gradient lines are involved.
- B. Elevations (assumed or local area sea level datum) showing depth of pipelines and in the case of irrigation and drainage facilities, relationship of existing flow lines, etc.
- C. Scale of drawings.
- D. Location of excavation from nearest street intersection and street numbers thereof.
- E. Title block.
- F. Applicant's name.
- G. Name of person preparing the drawings.
- H. Pipeline sizes and dimensions of structures.

13.06.070 Issuance Of Permit

The excavation permit will be issued following the approval of the plans and drawings, and the posting of the bond, if required. The permit will be made in duplicate on a standard form prepared by the Building Inspector, with the original going to the applicant and one copy retained by the Building Inspector.

13.06.080 Transferability

The work described in the application and authorized by the permit will not be transferrable by the originator to any others, by means of subcontracts, without prior approval of the Building Inspector.

13.06.090 Commencement Of Work

- A. **Site Inspection Required.** Prior to commencement of any work, as provided in the excavation permit, a pre-appointed site inspection shall be made by the applicant and/or his contractor and the Building Inspector.
- B. **Authorized.** No work shall begin until the site inspection has been made and authority to proceed has been granted by a duly authorized agent of the Town. The applicant and/or his contractor shall be familiar with the specifications and shall have his copy of the excavation permit available at the job site at all times during construction.
- C. **Limited To Specified Work.** In no case will any work be performed other than that specified in the application and permit.

13.06.100 Protection Of Public

- A. **Signs.** Information and warning signs, portable or semi-portable, will be provided at the place of excavation to inform and warn the public. The name of the applicant and/or his contractor shall appear on said signs, together with telephone numbers to permit sheriff's patrols, inspectors and

- others to call responsible individuals in cases of accidents, injuries, malfunction of lights, or similar reasons.
- B. **Barricades.** All barricades, obstructions, and soft shoulders shall be marked in a conspicuous manner.
 - C. **Lights.** Adequate warning lights will be used between sunset and sunrise.
 - D. **Detours.** Safe and proper detours will be provided and maintained during construction. If detours are necessary, notification at least twenty four (24) hours in advance will be given to the **Building Inspector, who in turn will notify all local agencies using the Town streets.**
 - E. **Flagmen.** Flagmen will be provided where the free flow of traffic is interfered with. On major Town streets, advance warning signs advising of the presence of flagmen will be posted in both directions. The flagmen will be equipped with plainly visible flags.
 - F. **Road Closure Notification.** Where it becomes necessary to close a road for any period of time, the applicant will notify the Building Inspector at least twenty four (24) hours in advance who in turn will notify the Police Department, Fire Department, school buses, postal department and other local agencies using the road.
 - G. **Maintenance.** The place of excavation shall be maintained at all times in such a manner as to cause the least amount of inconvenience to the public.

13.06.110 Construction Requirements, Standards

A. Pipelines.

1. Pipelines installed under the permit shall at all times be maintained, repaired, renewed and operated by and at the expense of the applicant in such a manner as shall most suitably protect the Town street and traffic thereon. If the applicant, upon notification by the Town, fails to reconstruct or make necessary repairs to said pipelines as may be considered necessary by the Town, the Town reserves the right to contract a third party to do the necessary repairs and/or reconstruction. The applicant will make reimbursement to the Town for such repairs and/or reconstruction.
2. The Town shall have the right to cross any pipelines at any point, if necessary, in the future construction and expansion of the Town street system. The Town, however, shall use due care and diligence in the protection of said pipelines in making such crossings.

- B. **Removal Of Roadway Materials.** Roadway materials will consist of concrete, bituminous asphalt or base and surface gravel. All solid materials shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench, however, any pavement damaged by operations outside the limits of the trench shall be replaced in kind. All road base and surface gravel cannot be reused in roadways.

- C. **Protection Of Paved Surfaces.** No cleated track equipment will be allowed to operate on or across paved surfaces unless protective padding is used. Street padded or rubber tired equipment may be used for excavating and backfilling. The applicant and/or his contractor will be fully responsible for any damage to seal coats or other wearing surfaces.

- D. **Backfill.** Materials for backfill will be of select nature. All broken concrete, asphalt, peat, brush, weeds, roots, wood or similar unsuitable materials obtained from excavation will not be used as backfill material. All material immediately below, around and one foot (1') above any pipeline shall be free from rocks, boulders or other foreign materials. All trenches within shoulders or traveled sections of the roadway will be thoroughly compacted in layers not over twelve inches (12") loose measure in thickness. Compaction will be obtained by mechanical tampers or similar means. Backfill materials will have the correct moisture content to ensure proper compaction. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or other granular free-draining materials will be permitted.

E. Restoration Of Road Surfaces.

1. Required: All road surfacing which is removed in the performance of the work as authorized under the permit must be restored in kind by the applicant and/or his contractor, unless otherwise directed, in accordance with these specifications, governing the various types of surfaces involved. Restoration of concrete and asphalt surface excavations shall be completed as soon as practicable and in the manner specified herein.
2. Concrete Surfacing:
 - a. After thorough compaction of the backfill materials in the trench, a twelve inch (12") minimum compact thickness of approved crushed gravel or rock will be provided as a base for the concrete replacement. The gravel sub-base shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six inches (6") thick. Concrete will meet specifications of a six (6) bag mix with from three percent (3%) to five percent (5%) air entrainment.
 - b. The replaced concrete shall be allowed a twelve (12) hour minimum setting and airing period. During this time, the newly placed concrete will be barricaded and traffic detoured around the site. If no side areas are available for detours, the above procedure may be applied of half the width of the street at a time.
3. Asphalt Surfacing:
 - a. After thorough compaction of the backfill materials in the trench, a twelve inch (12") minimum compacted thickness of approved crushed gravel will be provided as a base for the addition of three inches (3") minimum compacted thickness, of asphalt hot plant mix as specified in the Town standards.
 - b. The same curing time as specified in subsection E2 of this Section will apply to the three inch (3") concrete support pad.
4. Gravel: Trenches excavated through gravel surfaced areas (e.g., traveled roads, driveways, shoulders, etc.) shall have the gravel surface restored to the original thickness and in no case less than twelve inches (12").

F. Cleanup.

1. At the completion of work at the place of excavation, all equipment, barricades, signs and similar items will be removed from the right of way. All excess materials such as rocks, boulders, brush, trees, dirt, gravel, etc., will be removed. Adjacent borrow pits and road shoulders shall be smoothed and raked to original ground lines.
2. Any Town street facility such as signs, culverts, fences, etc., disturbed or damaged during progress of the work shall be properly restored to their original condition.

G. Existing Utilities.

1. Utility Defined: A "utility" is defined as an irrigation canal, irrigation ditch, drain ditch, pipeline, culvert, easement, franchise or right of way owned by any person, group of persons, religious orders, corporations, municipalities or towns which crosses or parallels over or under a Town street right of way, said right of way being established by formal conveyance or as a result of long accustomed use. Existing utilities shall apply to all public and privately-owned utilities.
2. Crossing Over, Under: Any changes in designed grades made necessary by having to cross over or under an existing utility will be approved by the Building Inspector. The applicant will assume perpetual responsibility for maintenance of out-fall ditches or other problems which may be caused by irregular crossings over and/or under existing utilities.
3. Relocation:

- a. Any person owning, managing or operating a utility within, under, along, over or across a Town street right of way shall hereafter have full responsibility for the repair, replacement or relocation of the utility where the same is damaged or a relocation is needed as a result of reconstruction or realignment of the Town street by the Town Public Works Department.
 - b. Any relocation of existing facilities made necessary by work performed under an authorized excavation permit shall be done at the sole expense of the applicant and/or his contractor. The owner of the utility to be relocated will be contacted by the applicant and/or his contractor, and approval of the owner must be obtained before any relocation work is performed.
4. **Damage And Repair:** Damages may be caused accidentally or of necessity. All repairs to said damages will be made by the applicant and/or his contractor in a good workmanlike manner and the utility shall be restored to its original state of serviceability at no expense to the owner of the utility or to the Town. All repairs are subject to final approval of the owner of the utility and said approval shall be given before backfilling or covering of the repaired section is accomplished.

13.06.120 Time Limitations

- A. **Completion Period.** The completion time will be immediately upon completion of the work and inspection by the Building Inspector, and in all events, shall be completed within thirty (30) days from the issuance date of the permit. Requests for extension of time, together with the reasons therefor, will be submitted to the Building Inspector for approval.
- B. **Maintenance Period.** The applicant will maintain and be responsible for the place of excavation for a period of one year from the date of completion. Should the applicant within said one year receive notice from the Town that the place of excavation needs attention, he shall immediately place necessary barricades and warnings to protect the traveling public and shall within seven (7) days" time make the necessary repairs. Failure to do so will cause the Town to employ a third party contractor to make said repairs. The Building Inspector will be authorized to submit a claim for payment of said repairs on the applicant's bond, unless inclement weather or unavailability of materials prevents so doing.

13.06.130 Inspections

- A. **Required.** Inspections will be made to ensure that all work done under the permit is performed in a good, workmanlike manner. Inspection will be made by the Building Inspector or his duly authorized representative.
- B. **Prior To Commencement Of Work.** No work shall begin until the Town representative has inspected the place of excavation. When application of permit is filed, the applicant and/or his contractor will make an appointment for this inspection.
- C. **During Construction.** The Building Inspector or his duly authorized representative may make inspections at any time during the construction period. If the work is not progressing satisfactorily for the protection of the Town and the people of the Town, or if any part of the work is found to be substandard and not in accordance with the specifications, then the Building Inspector will notify the person responsible. If corrective action is not taken, the Building Inspector shall be authorized to employ a third party contractor to finish the work in a good, workmanlike manner, and any and all costs and expenses for the same shall be immediately paid by the applicant to the Town or a claim will be made on the applicant's bond, at the Building Inspector's option.
- D. **Final.** The applicant and/or his contractor will notify the Building Inspector when he has completed his work. He will request a final inspection of the place of excavation. Such final inspection will be made by the building Inspector or his duly authorized representative.

13.06.140 Liability

The Town and its employees and the Town Council shall be held free and harmless from any and all damages that may occur during the operations under any and all permits. The applicant and/or his contractor, by signing the application, agrees to assume any and all civil liability which may arise as a result of any operations under the permit, and will assume full responsibility for injury caused to the Town or to third persons as a result of a rise or settling in that portion of the roadway which they worked on.

13.06.150 Penalty

Any person violating any provision of this Chapter shall be deemed guilty of a Class B misdemeanor and, upon conviction thereof, subject to penalty.

(RRNEW) 13.14 Public Parks And Lands

- 13.14.010 Unlawful Acts
- 13.14.020 Exclusive Use-Permit Required-Commercial Sales Prohibited
- 13.14.030 Pets
- 13.14.040 Excluding And Limiting Traffic
- 13.14.050 Speed Limit
- 13.14.060 Parks Regulations
- 13.14.070 Possession Or Consumption Of Alcoholic Beverages Or Controlled Substances
- 13.14.080 Use Of Radios Or Recorders
- 13.14.090 Tobacco-Free
- 13.14.100 Park Curfew
- 13.14.110 Penalty For Violation

13.14.010 Unlawful Acts

The following are unlawful and prohibited in the Rocky Ridge Town parks:

- A. To scratch, cut, injure, or deface any building, fence, structure, or to foul any fountain or water, or any other improvement, or to cut, or injure flowers, flowerbeds, trees, shrubs, or any landscaping within the park.
- B. For the owner or caretaker of any animal to allow the same to run at large within the parks.
- C. To engage in any activity that threatens the safety or well being of other persons.
- D. To engage in any disorderly conduct, sexual or perverted activity.
- E. To smoke or use tobacco products.
- F. To discharge any firearm or propel arrows or fireworks. (Exception: chartered organizations/ activities such as Boy Scouts, Girl Scouts, etc., that have been given a reservation/ permit from the Town authorized agent.)

13.14.020 Exclusive Use-Permit Required-Commercial Sales Prohibited

- A. Any person, group or organization desiring to use a park, or any portion thereof, on an exclusive basis, or any person, group or any organization desiring to use the park equipment for public gathering to the exclusion of other persons or for the purpose of holding meetings either public or private in nature, shall do so only after obtaining a reservation permit from the authorized agent and upon payment of an appropriate fee for the privilege of reserving the area for a given period of time.



- B. It is unlawful to sell anything in a Town park or to engage in any commercial activity in a Town park whether for profit or otherwise, without the prior written consent of the authorized agency.

13.14.030 Pets

Pets must be on a leash at all times under the control of the owner or caretaker. All waste discharged from pets must be immediately cleaned up by the owner/ caretaker and properly disposed of.

13.14.040 Excluding And Limiting Traffic

No person shall operate or use a vehicle (except a motorized wheel chair used by a person in need of such accommodations) upon the Town Park of Rocky Ridge except upon those roadways or parking areas which are or shall be established by the Town.

- A. A vehicle, for this purpose, shall be defined as follows:

1. Every device in, upon, or by which any person or property is or may be transported or drawn, excepting devices moved exclusively by human power.

13.14.050 Speed Limit

It is unlawful to drive any vehicle or ride any animal within the Town Parks at a speed greater than ten (10) miles per hour unless otherwise posted.

13.14.060 Parks Regulations

It is unlawful to park any vehicles within the park in such a way as to block the roads provided for public traffic; or where public parking is provided or to park other than in the designated parking areas.

13.14.070 Possession Or Consumption Of Alcoholic Beverages Or Controlled Substances

It is unlawful to sell, possess or consume beer, liquor, or any other alcoholic beverage, or any controlled substance except a legal medication prescribed to the person taking the medication in accordance with health care provider instructions, within the Town parks. Violation may be subject to criminal penalties in excess of those set forth herein, in accordance with state law.

13.14.080 Use Of Radios Or Recorders

- A. It is unlawful to operate, plan or cause to be operated or played, in a Town park, or in a motor vehicle located in a Town park or parked on a road adjacent to the Town park, any radio, television, phonograph, stereo, tape player, disk player, or other similar device which produces, reproduces or amplifies sound which is audible beyond the boundaries of the park or at a distance of more than fifty (50) feet from the device.
- B. Subsection A of this section shall not apply if the device described therein and the volume of the sound there from is specifically allowed by the authorized agency in conjunction with a scheduled activity and in conformance with other Town ordinances.

13.14.090 Tobacco-Free

1. Definitions.

- a. "Municipal Parks" refers to the Rocky Ridge Town Parks, ball fields, roadside parks, and all property connected to these facilities; including restrooms, sidewalks, walking paths, and parking areas.
- b. "Tobacco Products" refers to any form of lighted or heated tobacco including cigarettes, cigars, pipes, cigarillos, and hookah, as well as any form of "dry" or "canned" tobacco including various forms of chewing tobacco and snuff. Additionally alternative tobacco products such as dissolvable tobacco and e- cigarettes are prohibited. "In summary any non FDA nicotine or tobacco product used as nicotine replacement therapy (NRT) is prohibited."

2. Tobacco use prohibited in/on Rocky Municipal Parks.

- a. No person shall use any form of tobacco, at or on the premises of the Municipal parks. This policy applies to all participants, spectators, employees, and contractors.
- b. Those signing a facility use agreement must abide by the tobacco-free policy.
- c. Any promotion such as signs or print material of any tobacco company or product is prohibited in the parks.

3. Enforcement.

- a. Signage will be posted to notify residents and visitors of the tobacco free policy. Signs shall include the international "No Smoking" symbol.
- b. Residents will be notified of the policy implementation through a public hearing and the State Web site.
- c. Any person refusing to comply with the tobacco free policy may be asked to leave the facility.

13.14.100 Park Curfew

It is unlawful for any person to be in a Town park between the hours of 11:00 p.m. and 5:30 a.m., of any day unless prior written approval is properly obtained from the authorized agency managing the Town Parks.

13.14.110 Penalty For Violation

- A. Any violation of this Ordinance shall be punishable as a Class B misdemeanor, unless state law establishes a higher criminal penalty for the offense committed.
- B. In addition to any fine or jail time that may be imposed, the Court shall order restitution for any damage done to park facilities or vegetation.