

ORDINANCE NO. 18-12

WHEREAS, the City Council of Smithfield City, Cache County, Utah, passed and adopted the Smithfield Municipal Code on November 11, 2015; and

WHEREAS, the City Council has determined there is a need to update, repeal, amend and/or modify certain provisions contained in the referenced Municipal Code;

NOW, THEREFORE, the City Council of Smithfield City, Utah hereby adopts, passes and publishes the following:

AN ORDINANCE AMENDING THE SMITHFIELD CITY MUNICIPAL CODE TITLE 6, “ANIMALS” IN PARTICULAR SECTIONS: 6.04.010 “DEFINITIONS”; 6.12.020 “FOR ANIMAL ESTABLISHMENTS”; TITLE 9, “PUBLIC PEACE AND WELFARE”; SECTIONS: 9.24.030 “APPLICABILITY”; 9.24.050 “OUTDOOR LIGHTING STANDARDS”; TITLE 10 “VEHICLES & TRAFFIC” SECTIONS: 10.08.110 “PARKING FOR CERTAIN PURPOSES PROHIBITED”; TITLE 12 “STREETS, SIDEWALKS AND PUBLIC PLACES” SECTION: 12.16.120 “INSPECTION AND ACCEPTANCE”; TITLE 13 “PUBLIC SERVICES” SECTION: 13.04.400 “PETITION FOR SERVICE”; TITLE 16 “SUBDIVISION REGULATIONS” SECTION: 16.12.010 “PURPOSE”; TITLE 17 “ZONING REGULATIONS”; 17.94.030 “CONDITIONS”;

BE IT ORDAINED BY THE CITY COUNCIL OF SMITHFIELD CITY, CACHE COUNTY, UTAH, AS FOLLOWS:

1. The following sections shall be amended as indicated. Those portions which are struck out shall be deleted and those that are highlighted in yellow shall be added.

6.04.010 DEFINITIONS

As used in this title, unless the context otherwise indicates, the following terms mean:

DOMESTIC ANIMAL: Any animal commonly kept as a pet in family households in the United States, including, but not limited to, dogs, cats, guinea pigs, rabbits, ~~pigmy pigs~~, and hamsters; and any animals commonly kept for companion or commercial purposes.

6.12.020 FOR ANIMAL ESTABLISHMENTS

- D. A person who maintains a kennel/cattery of three (3) or more dogs or five (5) or more cats must pay the kennel/cattery permit renewal fee listed in the prevailing fee schedule and must license each dog ~~or cat~~ individually.
- F. No person or persons at any one residence within Smithfield City shall at any time own or license more than two (2) dogs or **own more than** four (4) cats, with no combination exceeding five (5), except otherwise provided in this title.

9.24.030 APPLICABILITY

- A. New Lighting: All exterior lighting installed after the effective date hereof shall conform to the standards established by this chapter.
- B. Existing Lighting:
 - 1. All existing exterior lighting subject to the "~~Utah Power & Light~~ Rocky Mountain Power Franchise Agreement", dated September 1, 1954, installed or upgraded after the effective date hereof shall conform to the standards established by this chapter.
 - 2. All exterior lighting existing prior to the effective date hereof and not defined in SMC B1 of this section and which is determined to be an annoyance by two (2) or more households and the lighting administrator shall be modified or corrected to meet the provisions of this chapter.

9.24.050 OUTDOOR LIGHTING STANDARDS

- A. General Standards:
 - 5. Approval Necessary: ~~Utah Power & Light~~ Rocky Mountain Power shall not install any luminaires after the effective date hereof that light the public right of way without first receiving approval for any such application by the lighting administrator.

10.08.110 PARKING FOR CERTAIN PURPOSES PROHIBITED

No person shall park or operate a vehicle upon any roadway for the principal purpose of:

- A. Displaying such vehicle for sale;
- B. Greasing or repairing such vehicle except repairs necessitated by an emergency;
- C. Displaying advertising; ~~or~~
- D. The sale of foodstuffs or other merchandise in any business district; or
- E. Parking or leaving unattended, any vehicle and/or trailer, for 72 hours, on any street in a residential zone that has curb and gutter or when the total paved road width is less than thirty (30) feet.

12.16.120 INSPECTION AND ACCEPTANCE

In order to ensure proper backfill and restoration of surface, the permittee shall deposit a surety bond ~~in the amount of five hundred dollars (\$500.00)~~ as listed on the required Encroachment Permit with the recorder/clerk payable to the municipality, except that a public utility operating or using any of the streets under a franchise from the municipality will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the municipality harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation operations under such franchise. The required surety bond must be:

13.04.400 PETITION FOR SERVICE

Any person located outside the municipal limits and within the area designated in the Smithfield City annexation policy declaration who desires to be supplied with water services from the municipal water system may make application to the governing body by petition containing:

- L. An acknowledgement that an excavation permit and if applicable ~~as~~ an encroachment permit is required prior to any work being started.

SUBDIVISION REGULATIONS

16.12.010 PURPOSE

The purpose of the final plat is to require formal approval by the planning commission and city council before a subdivision plat is recorded in the office of the Cache County recorder. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this title. The final plat and construction plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat process. Final plats may be submitted in phases, provided each phase can exist as a separate project capable of independently meeting all of the requirements of this chapter. The separate development of said phases shall not be detrimental to the Subdivision nor to the adjacent properties in the event the remainder of the project is not completed.

ZONING REGULATIONS

17.94.030 CONDITIONS

- A. A residential facility for elderly persons shall not be considered a business because a fee is charged for food or for actual and necessary costs of operation and maintenance of the facility.
- B. A residential facility for elderly persons shall be allowed as a permitted use in any zone where residential dwellings are allowed, except in areas zoned to permit exclusively single-family dwellings, as specified in SMC 17.120 "use matrix table" ~~set forth in SMC 17.48.020, 17.52.020, 17.56.020, 17.60.020, 17.63.020, 17.64.020, 17.68.020, 17.72.020 and 17.80.020~~ of this title where they shall be allowed as a conditional use, with a conditional use permit. All persons or entities desiring to establish a residential facility for elderly persons shall first make application to the planning commission either for a conditional use permit as authorized under SMC 17.32 of this title or for a residential facility for elderly persons permit in areas where the facility is allowed as a permitted use. In zones where a conditional use permit is required, the right to establish a residential facility for elderly persons is subject to the granting of a conditional use permit and complying with all requirements and procedures of SMC 17.32 of this title in addition to the requirements listed below. In zones where a residential facility for elderly persons is allowed as a permitted use, the permit shall be granted by the planning commission when compliance with the following requirements is established:

Requirements: Residential facilities for elderly persons shall comply with all requirements of Utah Code Annotated section 10-9a-516 ~~through 519~~ and 10-9a-520, and also acknowledge and comply with the following requirements:

2. Should any section, clause, or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, in whole or in part, the same shall not affect the validity of the Ordinance as whole, or any other part thereof.
3. All ordinances, and the chapter, clauses, sections, or parts thereof in conflict with provisions of this ordinance are hereby repealed, but only insofar as is specifically provided for herein.
4. This ordinance shall become effective after the required public hearings and upon its posting as required by law.

THIS ORDINANCE shall be attached as an amendment to the Smithfield Municipal Code above

referred to.

Approved and signed this 14th day of November, 2018

SMITHFIELD CITY CORPORATION

Jeffrey H. Barnes

Jeffrey H. Barnes, Mayor

ATTEST:

J. B. Lewis

Justin B. Lewis, City Recorder

