

COUNTY CODE

of

CACHE COUNTY, UTAH

Code current through:

Ord. 2023-18, passed 5-9-2023

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PREFACE

This county code of Cache County, as supplemented, contains ordinances up to and including ordinance 2023-18, passed 5-9-2023. Ordinances of the county adopted after said ordinance supersede the provisions of this code to the extent that they are in conflict or inconsistent therewith. Consult the county office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

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ORDINANCES PENDING REVIEW FOR CODIFICATION

Listed ordinances have been passed, but they are pending review by the publisher, and they may not affect the code of ordinances. Additionally, ordinances listed in this section may not show the original ordinances in their entirety. Please contact the office of the clerk if there are any questions concerning any listed ordinances.

TITLE 1

GENERAL PROVISIONS

Code Adoption 1.01

General Provisions 1.04

County Seal 1.08

Precincts 1.10

Right Of Entry 1.16

Arrest And Citation Procedure 1.20

General Penalty 1.24

CHAPTER 1.01

CODE ADOPTION

SECTION:

1.01.010: Adoption

1.01.020: Title; Citation; Reference

1.01.030: Reference Applies To All Amendments

1.01.040: Title, Chapter And Section Headings

1.01.050: Reference To Specific Ordinances

1.01.060: Ordinances Passed Prior To Adoption Of Code

1.01.070: Effect Of Code On Past Actions And Obligations

1.01.080: Constitutionality

1.01.010: ADOPTION:

There is hereby adopted the Cache County code, as compiled and edited by the Cache County attorney's office and Matthew Bender and Company Inc., and published by Matthew Bender and Company, Inc. (Ord. 2001-01)

1.01.020: TITLE; CITATION; REFERENCE:

This code shall be known as the *CACHE COUNTY CODE*, and it shall be sufficient to refer to said code as the Cache County code in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction, or repeal of the Cache County code. References may be made to the titles, chapters, sections and subsections of the Cache County code, and such references shall apply to those titles, chapters, sections or subsections as they appear in the code. (Ord. 2001-01)

1.01.030: REFERENCE APPLIES TO ALL AMENDMENTS:

Wherever a reference is made to this code as the Cache County code, or to any portion thereof, or to any ordinance of the county of Cache, state of Utah, codified herein, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 2001-01)

1.01.040: TITLE, CHAPTER AND SECTION HEADINGS:

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 2001-01)

1.01.050: REFERENCE TO SPECIFIC ORDINANCES:

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 2001-01)

1.01.060: ORDINANCES PASSED PRIOR TO ADOPTION OF CODE:

The last ordinance included in this code is specified on the preface page in the front of this code book. The following ordinances, passed subsequent to said last ordinance, but prior to adoption of this code, are hereby adopted and made a part of this code: ordinances 2000-10, 2000-11, 2000-14 and 2000-15. (Ord. 2001-01)

1.01.070: EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS:

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 2001-01)

1.01.080: CONSTITUTIONALITY:

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 2001-01)

CHAPTER 1.04

GENERAL PROVISIONS

SECTION:

1.04.010: Definitions

1.04.020: Interpretation Of Language

1.04.030: Grammatical Interpretation

1.04.040: Acts By Agents

1.04.050: Prohibited Acts Include Causing And Permitting

1.04.060: Computation Of Time

1.04.070: Construction

1.04.080: Repeal Shall Not Revive Any Ordinances

1.04.010: DEFINITIONS:

The following words and phrases, whenever used in the ordinances of Cache County, shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

COUNCIL: The county council of the county of Cache. "All its members" or "all council members" means the total number of council members holding office.

COUNTY: The county of Cache, or the area within the territorial limits of the county, and such territory outside the county over which the county has jurisdiction or control by virtue of any constitutional or statutory provision.

LAW: Denotes applicable federal law, the constitution and statutes of the state of Utah, the ordinances of the county, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

MAY: Is permissive.

MONTH: A calendar month.

MUST AND SHALL: Are each mandatory.

OATH: Includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

OWNER: Applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

PERSON: Means and includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

PERSONAL PROPERTY: Means and includes money, goods, chattels, things in action and evidences of debt.

PRECEDING AND FOLLOWING: Next before and next after, respectively.

PROPERTY: Means and includes real and personal property.

REAL PROPERTY: Means and includes lands, tenements and hereditaments.

SIDEWALK: That portion of a street between the curblin and the adjacent property line intended for the use of pedestrians.

STATE: The state of Utah.

STREET: Means and includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the county which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.

TENANT AND OCCUPANT: Applied to a building or land, mean and include any person who occupies the whole or a part of such building or land, whether alone or with others.

WRITTEN: Means and includes printed, typewritten, mimeographed, multigraphed or otherwise reproduced in permanent visible form.

YEAR: A calendar year. (Ord. 2000-02)

1.04.020: INTERPRETATION OF LANGUAGE:

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 2000-02)

1.04.030: GRAMMATICAL INTERPRETATION:

The following grammatical rules shall apply in the ordinances of the county unless it is apparent from the context that a different construction is intended:

- A. Gender: Each gender includes the masculine, feminine and neuter genders.
- B. Singular And Plural: The singular number includes the plural and the plural includes the singular.
- C. Tenses: Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 2000-02)

1.04.040: ACTS BY AGENTS:

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 2000-02)

1.04.050: PROHIBITED ACTS INCLUDE CAUSING AND PERMITTING:

Whenever in the ordinances of the county any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 2000-02)

1.04.060: COMPUTATION OF TIME:

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 2000-02)

1.04.070: CONSTRUCTION:

The provisions of the ordinances of the county, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 2000-02)

1.04.080: REPEAL SHALL NOT REVIVE ANY ORDINANCES:

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 2000-02)

CHAPTER 1.08

COUNTY SEAL

SECTION:

1.08.010: Adoption Of Seal

1.08.010: ADOPTION OF SEAL:

An official seal for Cache County is approved and shall contain the words "Seal of Cache County, Utah". (Ord. 91-02)

CHAPTER 1.10

PRECINCTS

SECTION:

1.10.010: Established By County Council

1.10.010: ESTABLISHED BY COUNTY COUNCIL:

The County Council is authorized to establish, divide, abolish, and change voting precincts in accordance with state law. The voting precinct may currently approved by the County Council, and any accompanying boundary descriptions of the voting precincts of Cache County currently approved by the County Council, shall be maintained in the office of the Cache County Clerk. (Ord. 2018-01, 1-9-2018; amd. Ord. 2021-28, 12-14-2021)

CHAPTER 1.16

RIGHT OF ENTRY

SECTION:

1.16.010: Right Of Entry For Inspection

1.16.020: Procedure For Inspection

1.16.030: Resolution Of Conflicting Provisions

1.16.010: RIGHT OF ENTRY FOR INSPECTION:

Whenever any officer or employee of the county is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, the officer or employee may enter such building or premises at all reasonable times to inspect the same; provided, that the officer or employee shall effect entry in the manner provided in section 1.16.020 of this chapter, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained. (Ord. 2000-03)

1.16.020: PROCEDURE FOR INSPECTION:

If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, the officer or employee shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse to every remedy provided by law to secure entry. (Ord. 2000-03)

1.16.030: RESOLUTION OF CONFLICTING PROVISIONS:

This chapter shall be controlling over any other ordinance or part of an ordinance on the same subject, whether heretofore or hereafter adopted, unless such ordinance or part of an ordinance provides differently by an express reference to this chapter. Notwithstanding any other ordinance of this county, whether heretofore or hereafter adopted, it shall not be a violation of this chapter to refuse or fail to consent to an entry for inspection. (Ord. 2000-03)

CHAPTER 1.20

ARREST AND CITATION PROCEDURE

SECTION:

1.20.010: Citation To Appear

1.20.020: Appearance

1.20.030: Contents Of Citation

1.20.040: Citation Procedures

1.20.050: Failure To Appear; Misdemeanor

1.20.010: CITATION TO APPEAR:

Pursuant to Utah Code Annotated section 77-7-18 et seq., as amended, a peace officer, in lieu of taking a person into custody, or any public official of Cache County charged with enforcement of the ordinances of Cache County, may issue and deliver a citation requiring any person subject to arrest or prosecution on a misdemeanor or infraction charge to appear at the court of the magistrate before whom the person should be taken pursuant to law if the person had been arrested. (Ord. 77-18; amd. Ord. 2000-06)

1.20.020: APPEARANCE:

A. Persons receiving misdemeanor citations shall appear before the magistrate designated in the citation on or before the time and date specified in the citation, unless the uniform bail schedule adopted by the judicial council or applicable law permits forfeiture of bail for the offense charged.

B. No citation shall require a person to appear sooner than five (5) days or later than fourteen (14) days following its issuance.

C. Any person who receives a citation and who fails to appear on or before the time and date and at the court specified shall be subject to arrest. The magistrate may issue a warrant of arrest. (Ord. 77-18; amd. Ord. 2000-06)

1.20.030: CONTENTS OF CITATION:

A. If a citation is issued pursuant to the foregoing section, the peace officer or public official shall issue one copy to the person cited and shall within five (5) days file a duplicate copy with the court specified in the citation.

B. Each copy of the citation issued under authority of this chapter shall contain:

1. The name of the court before which the person is to appear;
2. The name of the person cited;
3. A brief description of the offense charged;
4. The date, time and place at which the offense is alleged to have occurred;
5. The date on which the citation was issued;
6. The name of the peace officer or public official who issued the citation, and the name of the arresting person if an arrest was made by a private party and the citation was issued in lieu of taking the arrested person before a magistrate;
7. The time and date on or before and after which the person is to appear;
8. The address of the court in which the person is to appear;

9. A certification above the signature of the officer issuing the citation in substantially the following language: "I certify that a copy of this citation or information (summons and complaint) was duly served upon the defendant according to law on the above date, and I know or believe and so allege that the above named defendant did commit the offense herein set forth contrary to law. I further certify that the court to which the defendant has been directed to appear is the proper court, pursuant to law"; and

10. A notice containing substantially the following language:

READ CAREFULLY

This citation is not an information and will not be used as an information without your consent. If an information is filed, you will be provided a copy by the court. You MUST appear in court on or before the time set in this citation. IF YOU FAIL TO APPEAR, AN INFORMATION WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.

(Ord. 77-18; amd. Ord. 2000-06)

1.20.040: CITATION PROCEDURES:

A. Whenever a citation is issued pursuant to the provisions of section 1.20.010 of this chapter, the copy of the citation filed with the magistrate may be used in lieu of an information to which the person cited may plead guilty or no contest and

be sentenced or on which bail may be forfeited.

B. If the person cited wilfully fails to appear before a magistrate pursuant to the citation issued under section 1.20.010 of this chapter or pleads "not guilty" to the offense charged, or does not deposit bail on or before the date set for his appearance, an information shall be filed and proceedings held in accordance with the rules of criminal procedure of the state and all other applicable provisions of the law, which information shall be deemed an original pleading; provided, however, that the person cited may waive by written agreement the filing of the information, and thereafter the prosecution may proceed on the citation. (Ord. 77-18; amd. Ord. 2000-06)

1.20.050: FAILURE TO APPEAR; MISDEMEANOR:

Any person who wilfully fails to appear before the court pursuant to a citation issued under the provisions of this chapter is guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally cited. (Ord. 77-18; amd. Ord. 2000-06)

CHAPTER 1.24

GENERAL PENALTY

SECTION:

1.24.010: General Penalty

1.24.010: GENERAL PENALTY:

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the county shall be guilty of an infraction unless the violation is made a misdemeanor by ordinance.

B. Except in cases where a different punishment is prescribed by any ordinance of the county, any person convicted of a misdemeanor for violation of an ordinance of the county is punishable by a fine of not more than one thousand dollars (\$1,000.00), or by imprisonment not to exceed six (6) months, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the county is punishable by a fine of not more than seven hundred fifty dollars (\$750.00).

D. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the county is committed, continued or permitted by any such person, and such person shall be punishable accordingly. (Ord. 2000-04)

TITLE 2

ADMINISTRATION AND PERSONNEL

Introductory Provisions 2.04

County Executive 2.08

County Council 2.12

Office Of County Attorney 2.16

County Officers 2.20

Campaign Financing Disclosure 2.21

Officers' Bonds 2.24

Salaries 2.28

Fire Department 2.32

Public Works Department 2.36

Development Services Department 2.40

Economic Development Department 2.42

Accident Review Board 2.44

Historic Preservation Commission (Rep. by Ord. 2016-08, 6-28-2016, eff. 7-13-2016) 2.48

Library Board 2.50

Senior Citizens Board 2.52

Emergency Operations 2.56

Personnel System 2.60

Disclosure Of Conflicts Of Interest 2.62

Public Records Access And Management 2.64

Townships And Township Planning Commissions (Rep. by Ord. 2016-08, 6-28-2016, eff. 7-13-2016) 2.68

Agriculture Protection Area Advisory Board 2.70

Community Development And Renewal Agency 2.74

The Cache Open Space Advisory Committee 2.76

CHAPTER 2.04

INTRODUCTORY PROVISIONS

SECTION:

2.04.010: Establishment

2.04.020: Effective Date

2.04.030: Succession

2.04.040: Elected Officials

2.04.050: Powers

2.04.060: Differing Levels Of Service Within The County

2.04.070: Organization Of Offices, Departments And Agencies

2.04.080: Amendments

2.04.010: ESTABLISHMENT:

Cache County shall have a structural form of county government of the "general county (modified)" form with a management arrangement of the "county executive-council" form as set forth in the optional forms of county government act and as further described herein. (Organic Act 1984; amd. Ord. 2000-05)

2.04.020: EFFECTIVE DATE:

The establishment of this new form of government shall become effective at twelve o'clock (12:00) noon on the first Monday of January, 1985. However, if the adopting election is held after July 1, 1984, then the effective date shall be the first Monday of January, 1987. (Organic Act 1984; amd. Ord. 2000-05)

2.04.030: SUCCESSION:

Cache County shall remain vested with all power and duties vested by general law in counties, and there shall be no interruption in the continuity, powers, debts, obligations or jurisdiction of the government of Cache County by the establishment of this new form of government. (Organic Act 1984; amd. Ord. 2000-05)

2.04.040: ELECTED OFFICIALS:

A. Upon the effective date of this new form of government, the terms of office of the Cache County commissioners shall expire. The terms of office of all other officials holding or elected to elective office shall not be affected by this new form of government.

B. Officials holding appointive offices such as department heads or deputy or assistant department heads shall continue in office until otherwise directed by the county executive. Personnel continued in office shall retain the same status, privileges and protections as they possessed previous to the adoption of this new form of government. However, they shall be subject to such changes in assignment or other adjustments as are directed by the county executive and the county council.

C. Members of all appointive boards and commissions shall continue in office for six (6) months following the effective date unless otherwise provided by the county council. Prior to the expiration of said six (6) months, the functions and operations of all boards and commissions shall be thoroughly studied by the county executive or his designees and a report containing recommendations shall be made to the county council. The county council shall then determine the status of all boards and commissions. The county council may continue them unchanged, modify their organization, operation and functions, or abolish them and assign their functions and powers. (Organic Act 1984; amd. Ord. 2000-05)

2.04.050: POWERS:

Cache County is a body corporate and politic, having perpetual succession, and may sue and be sued. It has all powers which the constitution and laws of the state, either now or hereafter expressly or impliedly grant or allow to any county. (Organic Act 1984; amd. Ord. 2000-05)

2.04.060: DIFFERING LEVELS OF SERVICE WITHIN THE COUNTY:

Cache County is authorized to provide additional, extended or higher level services within its powers to any portion of Cache County. When such additional, extended or higher level services are provided on a noncontract basis to any portion of the county, and not on a county wide basis, the additional services shall be financed and administered through the establishment of county service areas, special assessment procedures, contractual arrangements, or other fiscal means whereby the beneficiaries of such additional services pay for the additional costs thereof. (Organic Act 1984; amd. Ord. 2000-05)

2.04.070: ORGANIZATION OF OFFICES, DEPARTMENTS AND AGENCIES:

All governmental functions and activities of the organizational units shall be directed and determined by the county executive. However, the county council may provide by ordinance for the creation, modification or abolition of specific departments and other organizational units and assign functions thereto, transfer functions therefrom, discontinue functions and activities as provided by law. (Organic Act 1984; amd. Ord. 2000-05)

2.04.080: AMENDMENTS:

Amendments of this plan within this specified form of government may be made when approved by a two-thirds²/₃ (5 votes) vote of the full membership of the county council, except that no amendment which is contrary to a specific requirement of the law authorizing this type of optional plan known as the "general county (modified)" form and "county executive-council" form shall be effective unless submitted and approved by a majority of the voters casting a vote on the question at a general or special election. (Organic Act 1984; amd. Ord. 2000-05)

CHAPTER 2.08
COUNTY EXECUTIVE

SECTION:

2.08.010: Election And Term Of County Executive

2.08.020: Vacancy In Office Of County Executive

2.08.030: Powers And Duties Of County Executive

2.08.040: General Provisions

2.08.050: Office Of County Executive

2.08.060: General Administration

2.08.070: Consolidation Of Offices

2.08.010: ELECTION AND TERM OF COUNTY EXECUTIVE:

A. The chief executive officer of Cache County shall be the county executive. He shall be elected by the qualified voters for a term of four (4) years. The term of the county executive shall commence at twelve o'clock (12:00) noon on the first Monday of January, following his election, and he shall be eligible to succeed himself.

B. The county executive shall be a qualified voter of Cache County and shall continue to reside therein during the period of service as county executive. (Organic act 1984; amd. Ord. 2000-05)

2.08.020: VACANCY IN OFFICE OF COUNTY EXECUTIVE:

A. If the county executive shall die, resign or remove his residence from Cache County during his term of office, be incapacitated to the extent that he is unable to perform his duties for a period in excess of three (3) months, or be removed from office, the office of county executive shall be deemed vacant.

B. If a vacancy in the office of county executive occurs, the office of county executive shall be filled by appointment for the remainder of that term by a majority vote of the county council. (Organic act 1984; amd. Ord. 2000-05)

2.08.030: POWERS AND DUTIES OF COUNTY EXECUTIVE:

The county executive, as chief executive of the county, shall have the power and it shall be his duty to:

- A. Carry out programs and policies established by the county council;
- B. Direct and organize the management of the county in a manner consistent with the optional plan;
- C. Faithfully enforce all applicable laws and county ordinances;
- D. Supervise the official conduct of all county officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations); see that they faithfully perform their duties, confer with and make recommendations to the county council concerning whether county officers should be compensated on a full time or part time basis, direct prosecution for delinquencies and when necessary, require them to renew their official bonds, make reports and present their books and accounts for inspection;
- E. Appoint persons to all offices which are to be filled by appointment with and upon the advice and consent of the county

council;

F. Serve as and perform the duties of the budget officer of the county, as provided in the uniform fiscal procedures act for counties, which shall be applicable except as otherwise provided herein;

G. Supervise and direct centralized budgeting, accounting, personnel management, purchasing and other service functions of the county;

H. Conduct planning studies and make recommendations to the county council relating to financial, administrative, procedural and operational plans, programs and improvements in county government; and

I. Exercise a power of veto over ordinances enacted by the county council, including an item veto upon budget appropriations. (Ord. 2014-11, 11-11-2014)

2.08.040: GENERAL PROVISIONS:

A. All activities of the executive department of Cache County under the direction and supervision of the county executive shall be distributed among such statutory or appointive officers, departments and agencies as are established by this form of government or as may be established hereunder by ordinance of the county council.

B. Each office, department or agency shall be administered by an officer elected or appointed as provided by statute or ordinance or as provided herein. By ordinance of the county council, the heads of statutory or appointive offices, departments and agencies may be appointed to serve as head of one or more such offices, departments and agencies, and the county executive may serve also as a unit head. (Organic act 1984; amd. Ord. 2000-05)

2.08.050: OFFICE OF COUNTY EXECUTIVE:

A. There shall be an office of county executive to properly exercise and perform the powers and duties prescribed for the county executive by this form of government and such other powers and duties as may be assigned to him from time to time by the county council. The office of county executive may include such personnel and offices as are determined necessary to carry out its functions.

B. This office shall perform the customary functions of a personnel office, subject to such civil service or merit system rules as may apply, including, but not limited to, preparation and recommendation of personnel rules, regulations and procedures; position classification and compensation studies; employee orientation and training; and management-employee relations. This office shall also make continuing analysis and recommendations for improvements in county organization, procedures, operations, methods, performance, productivity and effectiveness; prepare the annual and long range operating and capital budgets and oversee county expenditures. The county executive may not suspend, discharge or remove any other elected official. (Organic act 1984; amd. Ord. 2000-05)

2.08.060: GENERAL ADMINISTRATION:

A. Except where otherwise provided in this title or by the County Council, the County Executive shall appoint all officers and heads of departments upon the advice and consent of the County Council, the same being approved by the affirmative vote of four (4) council members.

B. Appointed Department Heads serve at the pleasure of the County Executive, in an exempt position, under Cache County Code 2.60.010. The County Executive may suspend or terminate the employment of a Department Head at any time for cause consistent with the Cache County Personnel Policy and Procedure Manual. Department Heads who have been employed by Cache County for less than six months may be suspended or terminated by the County Executive at any time without cause.

C. The Cache County Executive may remove an appointed Department Head from their Department Head position at any time. However, if the County Executive removes a Department Head from their position for any reason except for cause, the Department Head will be relieved of their duties to formulate and execute Department policy, supervise, manage, or direct the business affairs of their department, but the removed Department Head shall then convert to a classified employee under 2.60.010 retaining their salary and benefits at the same rate they received as a Department Head and shall be assigned work within their current department or within another County department that reports to the County Executive for which they are qualified to perform the duties.

D. A Department Head removed from their position without cause may choose to receive severance instead of converting to a classified employee. The severance pay shall be six (6) months of their salary. Department heads who have been employed more than ten (10) years shall receive an additional week's severance pay for each year above ten (10) years that they have been employed at the County.

E. A Department Head shall only be suspended consistent with the Performance Improvement Policy set forth in the Cache County Personal Policy and Procedure Manual. The policy shall be approved by the County Council.

F. When the County Executive removes a Department Head from their position consistent with this part or terminates a Department Head for cause, the County Executive or his designee shall, at the next scheduled meeting of the County Council, inform the Council of the removal, suspension, or termination and provide an explanation for the removal, suspension, or termination. If the County Executive's explanation involves the character, professional competence, or physical or mental health of the Department Head, such explanation and discussion shall take place in a closed meeting, consistent with Utah Code § 52-4-205(l)(a).

G. Nothing in this part shall be interpreted to give the County Council authority to advise and consent to, or veto, the County Executive's removal of a Department Head, nor the County Executive's suspension or termination of a Department

Head for cause. (Organic act 1984; amd. Ord. 2000-05; Ord. 2022-36, 12-6-2022)

2.08.070: CONSOLIDATION OF OFFICES:

A. Executive-Surveyor: The offices of Cache County executive and Cache County surveyor are consolidated into the new office of Cache County executive-surveyor.

B. Duties: The duties of the Cache County executive-surveyor shall include the statutory duties provided for the office of Cache County executive and Cache County surveyor, together with such other duties and powers as are required by law.

C. Oath And Bond: The office of Cache County executive- surveyor shall be held by one person who shall be required in accordance with state law to provide the required bond and oath for each of the offices which are consolidated. (Ord. 94-03)

CHAPTER 2.12

COUNTY COUNCIL

SECTION:

Article I. Generally

2.12.010: Generally

2.12.020: Governing Body

2.12.030: Election And Qualification

2.12.040: Term Of Council Members

2.12.050: Election, Term And Duties Of Council Chairperson And Vice Chairperson

2.12.060: Council Districts

2.12.070: First Election

2.12.080: Vacancies In County Council

2.12.090: Nominations

2.12.100: Voting On County Council

2.12.110: Meetings Of County Council

2.12.120: Powers And Duties Of County Council

2.12.130: Prohibitions

2.12.140: Zoning And Planning

2.12.150: Designation Of Board Of Equalization

Article II. Rules Of Procedure

2.12.160: Sessions

2.12.170: Election Of Chairperson And Vice Chairperson; Appointment Of Staff; Administrative Matters

2.12.180: Clerk; Minutes

2.12.190: Meetings; General

2.12.200: Regular Meetings

2.12.210: Special Meetings

2.12.220: Committee Meetings

2.12.230: Closed Meetings

2.12.240: Emergency Meetings

2.12.250: Agenda

2.12.260: Public Hearings

2.12.270: Form Of Action

2.12.280: Quorum

2.12.290: Rules; General

ARTICLE I. GENERALLY

2.12.010: GENERALLY:

Utah Code Annotated grants specific powers, functions, duties and responsibilities to a board of county commissioners. Except as specifically modified in this chapter, all of said powers, functions, duties and responsibilities are to be exercised by the county council unless said council shall provide otherwise by ordinance. (Organic Act 1984; amd. Ord. 2000-05)

2.12.020: GOVERNING BODY:

The governing body of Cache County shall be a county council composed of seven (7) council members, one of whom shall be elected as chairperson. (Organic Act 1984; amd. Ord. 2000-05)

2.12.030: ELECTION AND QUALIFICATION:

A. For the purpose of electing council members, the county shall be divided into seven (7) geographical districts, known as council districts. The voters of each council district shall elect one council member to the county council.

B. Council members shall be qualified voter residents of the districts from which they are elected at the time of their election, and they shall reside in the district of their election throughout their terms of office. (Organic Act 1984; amd. Ord. 2000-05)

2.12.040: TERM OF COUNCIL MEMBERS:

The regular term of office of each council member shall be four (4) years. Said term shall commence at twelve o'clock (12:00) noon on the first Monday of January following their election. The initial term of office of four (4) of the council members shall be two (2) years. Thereafter, these terms of office shall be four (4) years. By this procedure, every two (2) years, three (3) or four (4) of the council seats will be up for election. The council districts which shall initially elect council members for two (2) years will be the North council district, Logan council district no. 1, South council district and Logan council district no. 2. (Organic Act 1984; amd. Ord. 2000-05)

2.12.050: ELECTION, TERM AND DUTIES OF COUNCIL CHAIRPERSON AND VICE CHAIRPERSON:

A. The chairperson and vice chairperson of the county council shall be elected by a majority of the full membership of the county council from among members of the council. Their term shall be one year.

B. The chairperson shall preside at all council meetings when he is present. During his absence, the vice chairperson shall preside as acting chairperson.

C. The chairperson shall have the full right to debate and vote in the council. He shall sign all legislative acts of the county council. (Organic Act 1984; amd. Ord. 89-02; Ord. 2000-05)

2.12.060: COUNCIL DISTRICTS:

A. The council districts shall have substantially the same population, based on the latest federal population census. To the extent practical, council districts shall be compact and contiguous, allowing ease of contact between residents and council members and the fair representation of all geographical areas of Cache County.

B. The council districts may be changed, modified or amended from time to time by two-thirds (2/3) majority vote of the full membership of the county council, pursuant to the aforesaid standards.

C. The Districts of the Cache County Council shall be based on the voting precincts as approved by the County Council on December 14, 2021, and shall be as follows:

1. The Northeast Council District shall include these voting precincts: Hyde Park 1-3, North Logan 1-6, and Smithfield 4, 5, and 8.

2. The North Council District shall include these voting precincts: Amalga, Benson, Clarkston, Cornish, Cove, Lewiston, Newton, Richmond 1-2, Trenton, and Smithfield 1, 2, 3, 6, and 7.

3. The South Council District shall include these voting precincts: Hyrum 1-5, Mendon 1-2, Paradise, and Wellsville 1-3.

4. The Southeast Council District shall include these voting precincts: College-Young Ward, Millville 1-2, Nibley 1-4, Providence 1-6, River Heights 1-2.

5. The Logan Council District No. 1 shall include these voting precincts: Logan 15, 16, 17, 18, 21, 22, 23, 24, and 25.

6. The Logan Council District No. 2 shall include these voting precincts: Logan 1, 2, 3, 4, 9, 12, and 13.

7. The Logan Council District No. 3 shall include these voting precincts: Logan 5, 6, 7, 8, 10, 11, 14, 19, and 20. (Organic Act 1984; amd. Ord. 87-06; Ord. 2000-05; Ord. 2021-27, 12-14-2021)

2.12.070: FIRST ELECTION:

The first election of county council members following approval of this new form of government by the voters shall be held at the regular November election immediately prior to the effective date. (Organic Act 1984; amd. Ord. 2000-05)

2.12.080: VACANCIES IN COUNTY COUNCIL:

If any council member shall die, resign or remove his residence from the county district he represents during his term of office, be incapacitated to the extent that he is unable to perform his duties for a period in excess of six (6) months, fail to

perform his duties as council member and fail to meet with the council for an unexcused period of two (2) months, or be removed from office pursuant to general law, the office which he occupies as council member shall be deemed vacant. Thereupon, the remaining members of the county council shall proceed, by majority vote, to choose another qualified voter resident of that county district to serve the balance of his unexpired term. (Organic Act 1984; amd. Ord. 2000-05)

2.12.090: NOMINATIONS:

Until otherwise provided by law, nominations for members of the county council shall be made in the same manner as is prescribed by law for county commissioners as modified for the regional council districts. (Organic Act 1984; amd. Ord. 2000-05)

2.12.100: VOTING ON COUNTY COUNCIL:

A. Voting, except on procedural motions, shall be by roll call, and the ayes and nays shall be recorded in the council journal as a matter of public record. Except for matters on which a greater or lesser vote is expressly provided by law, no action of the council shall be valid and binding unless it is approved by the affirmative vote of four (4) council members.

B. Every ordinance or tax levy passed by the council shall be presented to the county executive for his approval or disapproval. If the county executive approves the ordinance or tax levy, he shall sign it and it shall be recorded and thereafter shall be in force. If the ordinance is an appropriation ordinance, the county executive may approve or disapprove all or any part of the appropriation. If the county executive disapproves an ordinance, tax levy or appropriation, he shall return it with a statement of his objections, to the council within fifteen (15) days and the council shall, at its next meeting, reconsider the ordinance, tax levy or appropriation item. If after reconsideration it passes by the affirmative vote of five (5) council members, it shall be recorded and thereafter be in force. If any ordinance, tax levy or appropriation item is not returned within fifteen (15) days after presentation to the county executive, it shall be recorded and thereafter shall be in force. (Organic act 1984; amd. Ord. 2000-05)

2.12.110: MEETINGS OF COUNTY COUNCIL:

A. All meetings, except those types expressly excluded by law, shall be advertised, open and public. The county council shall meet in regular session not less than twice per month at stated times to be provided by ordinance, and may in addition hold special meetings or executive sessions called in the manner provided by law.

B. Proceedings and meetings of the council shall be as prescribed by applicable statutes and valid ordinances, and debate therein shall generally be subject to the current edition of Robert's Rules of Order Newly Revised. All ordinances and resolutions shall be enacted in the manner provided by general law. (Organic act 1984; amd. Ord. 2000-05; Ord. 2021-03)

2.12.120: POWERS AND DUTIES OF COUNTY COUNCIL:

The county council is the legislative body of Cache County, and is vested with all legislative and policy determining powers of the county. Within the scope and subject to the limits of its lawful powers and duties, the county council shall exercise all legislative power authorized by law. Pursuant to this legislative power, the county council shall:

A. Enact ordinances and adopt resolutions necessary and appropriate to establish official policy and to facilitate the discharge of any powers and responsibilities of Cache County.

B. Consider, alter, modify and adopt the annual budget and such other periodic or long range budgets and plans or programs as will, in the judgment of the council, facilitate efficiency, economy and orderly administration of the duties and responsibilities of Cache County. Budgeting procedures shall conform to the uniform fiscal procedures for counties act.

C. 1. Subject to the conditions in subsections C2 and C3 of this section regarding county officers, establish by ordinance a compensation plan for all county officers, assistants, deputies, clerks and other employees, with optional provisions to convert county officers' existing and/or future yearly salaries from full time to part time salaries, or from part time salaries to full time salaries, as the council in its discretion may deem appropriate.

2. Changes to an existing current calendar or subsequent calendar year salary of a current county officer during the officer's current term, must be preceded by public notice and public hearing regarding such proposed change as governed by section 2.12.260 of this chapter.

3. Future salary changes for a county office applicable in a new term following the current term of that office need not be preceded by a public hearing provided public notice of such future change is given and the change has been duly enacted no later than thirty (30) days prior to the deadline to declare candidacy for election or reelection to that office; otherwise, such future change must be preceded by public notice and public hearing regarding such change as governed by section 2.12.260 of this chapter.

D. Establish and adopt, by ordinance, a comprehensive administrative code, which shall comprise the rules and regulations governing the procedures, duties and systems of office, departmental and agency management, control, accounts, records and reports for all offices, departments and agencies of the county.

E. Adopt by ordinance rules of procedure, which may be included as part of the administrative code, governing the time, place, conduct and order of business of its meetings and hearings, and the matter of introduction, publication, consideration, and adoption of ordinances and resolutions.

F. Request information from the county executive, and conduct public hearings on matters of public concern to assist in the performance of its legislative responsibilities and for the purpose of investigating any matter pertaining to the county, its business or affairs, or an officer thereof. In connection with such public hearings, the council may require the attendance of witnesses, documents and other evidence, administer oaths and take testimony.

G. Provide for an annual independent audit, and if it deems it necessary at any time for a special audit of accounts to be made by a certified public accountant or firm of such accountants.

H. Establish and define the duties and functions of appointed boards and commissions deemed appropriate to expedite and facilitate the duties of the council or any office, department or agency of the county.

I. Employ on a temporary or permanent basis, professionally qualified experts and consultants to study, assist, advise or prepare reports concerning any aspect of county functions, responsibilities or administration. (Ord. 2014-11, 11-11-2014)

2.12.130: PROHIBITIONS:

A. No council member shall occupy any other elective public office during his membership on the county council.

B. The members of the county council are subject to all limitations applicable to the members of a board of county commissioners, together with any sanctions or penalties associated therewith, relating to prohibited interests and relationships.

C. Members of the county council shall not interfere in the administration of county affairs by the county executive or other executive personnel. (Organic act 1984; amd. Ord. 2000-05)

2.12.140: ZONING AND PLANNING:

The county council shall exercise all powers granted to the county commission pursuant to Utah Code Annotated title 17, chapter 27, except that the county executive shall make all appointments thereunder with the advice and consent of the county council, the same being approved by the affirmative vote of four (4) council members. (Organic act 1984; amd. Ord. 2000-05)

2.12.150: DESIGNATION OF BOARD OF EQUALIZATION:

The Cache County council shall be the Cache County board of equalization, and shall exercise the authority and fulfill the responsibilities of the county board of equalization, as provided in Utah Code Annotated sections 17-53-218 and 59-2-1001. (Ord. 87-05; amd. Ord. 2000-08)

ARTICLE II. RULES OF PROCEDURE

2.12.160: SESSIONS:

A. The council shall meet in sessions consisting of two (2) years each with its first session commencing January 5, 1987.

B. It is intended that the sessions coincide in time with the elections of council members every two (2) years such that the council will have common membership during each session.

C. All matters before or to be considered by the council in any session must be concluded within that session. All matters not so concluded shall be deemed withdrawn and may not be considered by the council in a new session unless and until properly reintroduced as a new matter in accordance with these rules. (Ord. 87-02)

2.12.170: ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON; APPOINTMENT OF STAFF; ADMINISTRATIVE MATTERS:

A. At its first meeting in each session, the council shall elect one of the council members as chairperson and another council member as vice chairperson.

B. The council may make such staff appointments as are necessary for the proper conduct of its business. Such appointments may include a joint appointment with the county executive of a staff secretary.

C. The council may from time to time amend these rules by ordinance; determine a method or order for the selection of a council member to act as a temporary chairperson in the absence of the chairperson and vice chairperson; and take such action as may be reasonable and necessary for the conduct of council activities and the fulfillment of council functions and responsibilities.

D. The chairperson, or vice chairperson or temporary chairperson as the case may be, shall be responsible for the conduct of all meetings, preparation of the agenda for all meetings, and meeting the needs of the council between meetings, including the providing of assistance and the gathering of information for the council and the performance of duties assigned by the council. (Ord. 87-02)

2.12.180: CLERK; MINUTES:

A. The Cache County clerk, or his designee, shall serve as clerk to the county council at all meetings.

B. The county clerk, or his designee, shall provide copies of the minutes of all meetings of the council to council members in a manner and within the times as designated by the council and agreed upon by the clerk.

C. In accordance with state law, the books, records and accounts of the county council must be maintained at the office of the clerk and open at all times during usual business hours for public inspection.

D. The records and minutes of the county council must be signed by the chairperson and the clerk. (Ord. 87-02)

2.12.190: MEETINGS; GENERAL:

A. All meetings of the council must be public except as provided hereinafter and by state law. Official action may be taken

by the council only in open public meetings.

B. All regular meetings of the county council shall be conducted in Logan City as the county seat of Cache County. Special, committee, closed and emergency meetings may be held at other places; provided, that proper notice is given of the time and place.

C. The council shall conduct its business in accordance with Utah Code Annotated title 52, chapter 4, as it now exists or as it may hereinafter be amended, with respect to open and public meetings.

D. The council shall meet and hold the following types of meetings:

1. Regular meetings;
2. Special meetings;
3. Closed meetings;
4. Committee meetings;
5. Emergency meetings.

E. The council shall give public notice in writing at least once each year of its annual meeting schedule for regular meetings. The public notice shall specify the date, time and place of such meetings.

F. The council on a two-thirds ($\frac{2}{3}$) vote of the members present may expel any person who is disorderly during any meeting of the council. (Ord. 87-02)

2.12.200: REGULAR MEETINGS:

A. Monthly: Regular meetings shall be held not less than twice per month as established by ordinance.

B. Notice: Public notice of each meeting shall be given in accordance with state law.

C. Place and Date: The regular meetings of the county council of Cache County, Utah, will be held in the Cache County council chambers in the Historic County Courthouse at 199 Main, Logan, Utah, on the second and fourth Tuesday of each and every month, except that during December the regular meetings of the county council will be on the first and second Tuesday of the month.

D. Time: Regular meetings shall commence at five o'clock (5:00) P.M., or as soon thereafter as reasonably possible.

E. Exception: If the day for which a regular meeting of the county council is scheduled falls upon a legal holiday or if the county council determines that there is good cause to reschedule any regular meeting, any regular meeting may be held at such other time and place as may be determined by the county council; provided, however, that lawful notice thereof is given.?

F. Unless determined otherwise by a majority of council members present at the meeting, the order of business for a regular meeting shall be as follows:

1. Call to order;
2. Opening Remarks;
3. Review and approval of agenda;
4. Review and approval of minutes;
5. Report of county executive;
6. Items of special interest;
7. Budgetary matters;
8. Public hearings, appeals and board of equalization matters;
9. Pending action;
10. Initial proposals for consideration of action;
11. Other business;
12. Council member reports;
13. Adjournment. (Ord. 87-02; amd. Ord. 88-04; Ord. 93-06; Ord. 2022-05)

2.12.210: SPECIAL MEETINGS:

A. If, at any time, the business of the county council requires a special meeting of the council, such meeting may be ordered by a majority of the board or by the chairperson thereof.

B. The order must be in writing and signed by the members or chairperson calling such meeting; be entered in the minutes of the council; and state the purposes and proposed agenda for the meeting.

C. Except in emergency situations, five (5) days' notice of any special meeting must be given by the clerk in writing to the council members who do not join in the order.

D. No business may be transacted at such special meetings except as specified in the order unless all council members are present and consent thereto.

E. Special meetings may be conducted at places other than the county seat; provided, however, that proper notice is given of the time and place of the special meeting in accordance with law.

F. No action taken by the council shall be reconsidered or rescinded at any special meeting unless the number of council members present at the special meeting is equal to or greater than the number of council members present at the council meeting when the action was approved. (Ord. 87-02)

2.12.220: COMMITTEE MEETINGS:

A. The council may convene committee meetings at any time for the purpose of study, discussion, investigation, formal hearings or inquiries, workshops, or presentations by and responses from citizens or other interested persons or groups.

B. No official action may be taken in committee meetings.

C. Committee meetings shall be open to the public and public notice shall be given of all committee meetings in the same manner as required for regular meetings. (Ord. 87-02)

2.12.230: CLOSED MEETINGS:

A. A closed meeting of the council may be held upon the affirmative vote of two-thirds (2/3) of the members present at an open meeting for which notice has been given; provided, however, that a quorum is present.

B. No closed meeting is allowed except as to matters exempted from open meetings under Utah Code section 52-4-205, as it currently exists or as it may hereinafter be modified.

C. No official action may be taken at a closed meeting.

D. The reason or reasons for holding a closed meeting and the vote thereon shall be entered in the minutes of the meeting. (Ord. 87-02; amd. Ord. 2022-19, - -2022; Ord. 2022-19, 7-12-2022)

2.12.240: EMERGENCY MEETINGS:

When because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature, the normal notice requirements for a meeting may be disregarded and the best notice practical given to the council members and the public. No such emergency meeting of the council shall be held unless an attempt has been made to notify all of its members and a majority of the council votes in the affirmative to hold the meeting. Action may not be taken at an emergency meeting unless a quorum is present. (Ord. 87-02)

2.12.250: AGENDA:

A. The agenda for all county council meetings shall be established by the county council through its chairperson.

B. An agenda shall be prepared by the chairperson, or the vice chairperson in his absence, or the temporary chairperson in the absence of both the chairperson and vice chairperson, in advance of each meeting, including emergency meetings to the extent possible.

C. Matters received from any council member, chairperson or the county executive shall be placed on the agenda. Requests for matters to be placed upon the agenda by persons other than council members, county executive or chairperson shall be placed on the agenda at the discretion of the chairperson.

D. The council, for its regular, special and committee meetings, shall announce its agenda and provide copies thereof to all local public newspapers and other local news media in accordance with the provisions of state law at least twenty four (24) hours prior to the convening of the council meeting. Written notice of the agenda and meeting shall be posted at the office of the county executive and at the regular meeting place of the council and such other places as may be determined by the council. In the event of an emergency meeting, public notice and notice to the local news media shall be given as may be best practical in the circumstances.

E. The agenda may be changed by a majority vote of the council, but no action may be taken on new matters introduced to the agenda unless twenty four (24) hours' notice has been duly given to the public or unless the matter is of an emergency nature.

F. All agenda items pertaining to pending or proposed actions shall be considered as proposals for adoption. In the absence of a motion to adopt, postpone or table pending or proposed actions, the chairperson shall, upon the conclusion of discussion on the matter, declare that the proposal fails adoption or, at his discretion, declare the matter to be held over for a subsequent meeting. (Ord. 87-02; amd. Ord. 93-06)

2.12.260: PUBLIC HEARINGS:

A. Public hearings shall be deemed to include those hearings required to be conducted by the council by statutes or otherwise for the purposes of providing opportunities for the general public to comment upon, and make inquiries, or make presentations with respect to specific proposals or matters under consideration by the council, including, but not limited to, budget hearings, hearings on the proposed issuance of bonds, or other matters of significant public interest.

B. Public hearings may be held as a part of a regular, special, committee or emergency meeting of the county council.

The decision to conduct a public hearing shall be made by the council at a regular, special or emergency meeting upon a motion duly made and approved by a majority of the council.

C. Schedules for public hearings shall be announced by the chairperson and public notice shall be given in the manner required for any public meeting of the council as required by law and this chapter. The notice shall include the specific subject matter of the public hearing as well as the time, date and place thereof.

D. At the beginning of any public hearing, the chairperson shall publicly state the rules of conduct for such public meetings, including any time limits, the necessity of submitting materials in writing with sufficient copies for all council members and the clerk, and such other rules as may be reasonably necessary for the proper and expeditious conduct of the public meeting.

E. Public hearings shall be opened upon the declaration of the chairperson that the council is at that time in a public hearing and the chairperson shall state the specific purpose of that public hearing. Upon the conclusion of the public hearing and a motion duly made, seconded and carried by a majority of the council, the chairperson shall declare the public hearing concluded.

F. The council shall take no action during a public hearing. (Ord. 87-02)

2.12.270: FORM OF ACTION:

The council may take action in the form of ordinances, resolutions, motions upon requests or memorials.

A. Ordinances:

1. The council may adopt any ordinance to regulate, require, prohibit, govern, control or supervise any activities, business, conduct or condition authorized by the organic act or other provision of law.
2. All ordinances must be in final written form before the vote is taken.
3. Except for general appropriation ordinances, budget ordinances or ordinances for the codification or general revision of the county ordinances, no ordinance shall be passed containing more than one subject.
4. Any ordinance passed by the council shall contain and be in substantially the following order and form:
 - a. Ordinance number;
 - b. A title which indicates the nature of the subject matter of the ordinance;
 - c. A preamble stating the need or reason for the ordinance;
 - d. An ordaining clause which states "Be it ordained by the county council of Cache County, Utah:";
 - e. The body or subject of the ordinance;
 - f. When applicable, a statement indicating the penalty for violation of the ordinance;
 - g. A statement indicating the effective date of the ordinance;
 - h. A signature line for the chairperson or acting chairperson and for the county clerk;
 - i. An ordinance history indicating the approval or disapproval of the county executive and final disposition of the ordinance.
5. Except in exigent circumstances, ordinances shall be introduced in writing and read or described to the council at least one meeting prior to the council's consideration for adoption of the ordinance. Copies of the proposed ordinance shall be provided to the local news media and posted in public places along with the agenda for the meeting at which the ordinance is to be considered.
6. Upon adoption, each ordinance shall be signed as required within five (5) days and submitted to the county executive for his approval or disapproval.

B. Resolutions:

1. Resolutions shall be considered and adopted in those matters required by law or otherwise and may be used for policy proposals not appropriately done by ordinance and may be used to exercise council authority in matters of statements of policy and communication.
2. Resolutions shall be in the form and contain sections substantially similar to that prescribed for ordinances.
3. Resolutions shall be presented, considered and given notice of in the same manner as prescribed for ordinances, including the provisions that they be in writing, submitted in at least one meeting prior to their consideration, and copies made available to local news media.

C. Motions On Request:

1. Other business of the council may be conducted by motion upon request by council members. Such requests may be submitted by the council members themselves, the county executive or other interested persons.
2. Consideration of consents to any appointment of persons to county positions shall be considered by motion.

3. All requests from persons other than council members for motions shall be submitted in writing with copies provided for each council member and the clerk and in advance if reasonably possible.

D. Memorials:

1. Memorials shall be adopted in the form of resolutions or motions, as may be deemed appropriate, and shall be used as a policy instrument to commend persons or groups for notable activities which have called attention to special matters.

2. Memorials may be considered and adopted at the same meeting in which they have been proposed and in all events shall be recorded in the minutes.

E. Legal Opinions And Records:

1. All resolutions, ordinances and any contracts being considered shall be reviewed by the county attorney's office prior to final vote for a legal opinion as to proper legal form and conformity with existing county ordinances, state law and federal law.

2. All resolutions and ordinances shall be numbered, recorded and maintained in accordance with provisions of state law and applicable county ordinances. (Ord. 87-02)

2.12.280: QUORUM:

A. A quorum shall consist of four (4) council members. No action may be taken without a quorum of council members present.

B. All council action shall require the affirmative vote of at least four (4) council members. (Ord. 87-02)

2.12.290: RULES; GENERAL:

A. Procedures and rules not specifically provided herein or by state law shall be regulated, interpreted and construed in accordance with the current edition of Robert's Rules of Order Newly Revised. A copy of said edition shall be maintained in the office of the county clerk and shall be available to the public.

B. As circumstances may reasonably require, the council may, upon a two-thirds (2/3) vote of the members present, temporarily suspend the rules with respect to the specific matter before it. (Ord. 87-02; amd. Ord. 2021-03)

CHAPTER 2.16

OFFICE OF COUNTY ATTORNEY

SECTION:

2.16.010: Office Of County Attorney

2.16.020: CSSFDCA; Purpose

2.16.030: Rules

2.16.040: Authority To Employ

2.16.050: Placement

2.16.060: Full Time Employment

2.16.070: County Attorney's Authority

2.16.080: Dismissal Or Demotion

2.16.090: Office Of Public Defender

2.16.010: OFFICE OF COUNTY ATTORNEY:

A. There shall be an office of county attorney, which shall be headed and directed by the county attorney.

B. The county attorney shall be elected by the qualified voters as provided by law. His duties shall be prescribed by the legislature of the state and shall include all duties assigned to county attorneys. The office of county attorney shall have all the functions, responsibilities and powers provided by law and such other duties as shall be assigned by the county council and county executive. (Organic Act 1984; amd. Ord. 2000-05)

Editor's note:

This section is amended by Ordinance [2023-18](#), not effective until 1-6-2025.

2.16.020: CSSFDCA; PURPOSE:

The purpose of this section through section 2.16.080 of this chapter is to establish a career system for deputy county attorneys employed by the office of the Cache County attorney that will attract and retain attorneys of proven ability and experience who will devote their full time to the service of the county. (Ord. 89-03)

2.16.030: RULES:

The county attorney may adopt rules within his office necessary to implement sections 2.16.020 through 2.16.080 of this chapter. (Ord. 89-03)

2.16.040: AUTHORITY TO EMPLOY:

The county attorney has sole authority to determine who may be employed as a deputy county attorney in the office of the Cache County attorney. (Ord. 89-03)

2.16.050: PLACEMENT:

A deputy county attorney employed by the county attorney's office shall be placed in a career status if:

A. The attorney is a member in good standing at that time of the Utah state bar association; and

B. The attorney has been employed by the county attorney's office as a deputy county attorney for a period of not less than four (4) years. Deputies who are part time deputies as of the adoption of the ordinance codified in sections 2.16.020 through 2.16.080 of this chapter shall be eligible for career status at such time as they become full time employees following the adoption of said ordinance. (Ord. 89-03)

2.16.060: FULL TIME EMPLOYMENT:

A. Deputy county attorneys in a career status shall be full time employees and shall not engage in the private practice of law, nor shall they receive any fee for any legal service rendered to any person, corporation, partnership, or other legal entity other than the state or the county in which the attorney holds office or by whom the attorney is employed.

B. This section shall not apply to special deputy county attorneys retained on a fee basis to render services in connection with a single case or specific cases. (Ord. 89-03)

Editor's note:

This section is amended by Ordinance [2023-18](#), not effective until 1-6-2025.

2.16.070: COUNTY ATTORNEY'S AUTHORITY:

Sections 2.16.020 through 2.16.080 of this chapter do not affect the existing authority of the county attorney to:

A. Assign and reassign deputy attorneys in career status to different positions on his staff. The salary of a deputy attorney reassigned to a different position will not be decreased by reason of reassignment.

B. Develop a plan for additional compensation for career status attorneys to accept managerial assignments within the office, within the approved budget for the office of county attorney.

C. Employ special deputy county attorneys to represent the county in particular lawsuits or legal matters.

D. Terminate the employment of any deputy attorney employed by county attorney's office who is not in a career service status.

E. Establish the salary or determine salary increases of any deputy attorney within the county attorney's office budget in conjunction with the county executive. (Ord. 89-03)

2.16.080: DISMISSAL OR DEMOTION:

A. Dismissal or demotion of deputy county attorneys in career status shall only be to advance the good of public service; where funds have expired or funds no longer exist; or for such causes as dishonesty, inefficiency, insubordination, disloyalty to the orders of a superior, misfeasance, malfeasance, or nonfeasance in office, or disbarment or suspension of thirty (30) or more days from the state bar. There shall be no dismissal for reasons of race, national origin, religion or political affiliation.

B. Except in aggravated cases of misconduct, no deputy attorney in a career status shall be demoted or dismissed without the following procedures:

1. The county attorney shall notify the deputy attorney of the reason for demotion or dismissal.

2. The deputy attorney shall have the opportunity to reply and have the reply considered by the county attorney.

3. The deputy attorney shall have the opportunity to be heard by the county attorney.

4. Following a hearing, a deputy attorney may be demoted or dismissed if the county attorney finds adequate reason and so states in writing.

5. If the county attorney finds that the retention of an attorney would endanger the peace and safety of others or pose a grave threat to the public interest, the deputy attorney may be summarily dismissed pending administrative hearing and a personnel review board review.

C. A deputy attorney in a career service status who is aggrieved by a decision of the county attorney to either demote or dismiss may appeal the decision to a personnel review board consisting of the county executive and two (2) other persons appointed by the county executive with and upon the consent of the county council. The review board shall set a time and date for hearing of the appeal which shall be no less than ten (10) nor more than thirty (30) days from the date the notice is sent and the deputy attorney shall have the right to appear in person or by counsel.

D. All actions taken by the personnel review board shall be supported by credible evidence but the normal rules of evidence in the course of law shall not apply in hearings before either the county attorney or the personnel review board.

E. The decisions of the personnel review board on appeals shall be final and binding as an administrative judgment. (Ord. 89-03)

2.16.090: OFFICE OF PUBLIC DEFENDER:

A. There shall be a Public Defender's office, which shall be headed and directed by a Managing Defender to provide indigent individuals with effective assistance of counsel, at all critical phases of criminal proceedings, for prosecutions of offense(s) carrying the possibility of a deprivation of liberty as provided in both the Utah and United States Constitutions.

B. The County Executive shall appoint the Managing Defender with the advice and consent of the County Council.

C. The Managing Defender may adopt rules to administer to the needs and function of the Public Defender office.

D. The Managing Defender has the duty to ensure indigent persons are represented by effective and competent Public Defenders.

E. The Managing Defender shall ensure resources are allocated to the Public Defenders and are independent.

F. The Managing Defender shall propose a yearly budget and have the authority to approve expenditures from the budget for the Public Defender's Office.

G. The Managing Defender shall have independent authority in administering and overseeing public defender contracts.

H. With the approval of the County Council, the Public Defender's Office may enter into agreements with other counties in the First District regarding indigent defense services. (Ord. 2022-40, 12-13-2022)

Editor's note:

This section is amended by Ordinance [2023-18](#), not effective until 1-6-2025.

CHAPTER 2.20

COUNTY OFFICERS

SECTION:

2.20.010: County Assessor

2.20.020: County Auditor

2.20.030: County Treasurer

2.20.040: County Clerk

2.20.050: County Recorder

2.20.060: County Sheriff

2.20.070: County Surveyor

2.20.010: COUNTY ASSESSOR:

There shall be an office of county assessor, headed by an elected county assessor. The office of county assessor shall have all the functions, responsibilities and powers provided by law. (Organic Act 1984; amd. Ord. 2000-05)

2.20.020: COUNTY AUDITOR:

There shall be an office of county auditor, headed by an elected county auditor. The office of county auditor shall have all the functions, responsibilities and powers provided by law, except that the county executive shall be budget officer of the county. The office of county auditor shall assist and support the county executive in his role as budget officer. (Organic Act 1984; amd. Ord. 2000-05)

2.20.030: COUNTY TREASURER:

There shall be an office of county treasurer, headed by an elected county treasurer. The office of county treasurer shall have all the functions, responsibilities and powers provided by law. (Organic Act 1984; amd. Ord. 2000-05)

2.20.040: COUNTY CLERK:

There shall be an office of county clerk headed by an elected county clerk. The office of county clerk shall have all the functions, responsibilities and powers provided by law. The county clerk or one of his deputies or assistants shall serve as clerk to the county council. (Organic Act 1984; amd. Ord. 2000-05)

2.20.050: COUNTY RECORDER:

A. There shall be an office of county recorder, headed by an elected county recorder. The office of county recorder shall have all the functions, responsibilities and powers provided by law.

B. Appeal Of A Recorder Decision:

1. County Recorder decisions may be appealed:

a. By a person with standing that is adversely affected as a result of the Recorder's decision by alleging that the Recorder's decision did not comply with rules made by the County Recorder Standards Board under Utah Code section 63C-29-20; and

b. Only if it is the final decision issued by the Recorder, as appeals of decisions made by supporting staff must be reviewed by the Recorder.

2. Notices Of Appeals Must:

a. Commence within ten (10) business days of the adverse order, requirement, decision, or determination by filing a written notice of appeal with the Cache County Recorder's Office;

b. Identify the decision being appealed and parties making the appeal; and

3. The appellant has the burden of showing the evidence and proving that The Recorder's decision did not comply with rules made by the County Recorder Standards Board under Utah Code section 63C-29-202.

4. The Appeal Authority shall be the same Hearing Officer used for appeals of Land Use Authority Decisions.

5. When a notice of appeal is filed, the Appeal Authority then hears that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties; and

6. The Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant must appear in person or by agent; and

7. Using substantial evidence as the standard of review, the Appeal Authority determines the correctness of a decision of the Recorder in its interpretation and application rules made by the County Recorder Standards Board under Utah Code section 63C-29-20. Only those decisions in which the Recorder has applied rules made by the County Recorder Standards Board under Utah Code section 63C-29-20 may be appealed; and

8. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code section 17-50-340 as amended; and

9. Any person adversely affected by a final decision of the Appeal Authority may petition the First District Court for review of the decision as permitted by law; and

10. The Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the County. (Organic Act 1984; amd. Ord. 88-10; Ord. 2000-05; Ord. 2023-13, 5-9-2023)

2.20.060: COUNTY SHERIFF:

There shall be an office of the county sheriff, headed by an elected county sheriff. The office of county sheriff shall have all the functions, responsibilities and powers provided by law. (Organic Act 1984; amd. Ord. 2000-05)

2.20.070: COUNTY SURVEYOR:

There shall be an office of the county surveyor. The office of the county surveyor shall have all of the functions, responsibilities and powers provided by law. (Organic Act 1984; amd. Ord. 2000-05)

CHAPTER 2.21

CAMPAIGN FINANCING DISCLOSURE

SECTION:

2.21.010: Definitions

2.21.020: Reports; Form Of Submission; Notification By Clerk; Legal Holidays

2.21.030: County Office Candidate And Office Holder; Separate Bank Account For Campaign Funds

2.21.040: County Office Candidate And Office Holder; Financial Reporting Requirements; Post General Election Summary Report

2.21.050: County Office Candidate And Office Holder; Financial Reporting Requirements; Interim Report

2.21.060: County Office Candidate And Office Holder; Failure To File Reports; Notice By County Clerk; Penalties; Limitation Of Action

2.21.070: Blanks For Statements Prepared And Furnished By Chief Election Officer

2.21.080: Retention And Public Inspection Of Financial Statements; Written Complaint If Statement Is False Or Unlawful

2.21.010: DEFINITIONS:

As used in this chapter:

ADDRESS: The number and street where an individual resides or where a reporting entity has its principal office.

CANDIDATE: Any person who:

- A. Files a declaration of candidacy for a public office; or
- B. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a public office.

CHIEF ELECTION OFFICER: The county clerk.

CONTRIBUTION: A. Any of the following when done for political purposes:

1. A gift, subscription, donation, loan, advance, or deposit of money or anything of value given to the filing entity;
 2. An express, legally enforceable contract, promise, or agreement to make a gift, subscription, donation, unpaid or partially unpaid loan, advance, or deposit of money or anything of value to the filing entity;
 3. Any transfer of funds from another reporting entity to the filing entity;
 4. Compensation paid by any person or reporting entity other than the filing entity for personal services provided without charge to the filing entity; and
 5. Goods or services provided to or for the benefit of the filing entity at less than fair market value.
- B. "Contribution" does not include:
1. Services provided without compensation by individuals volunteering a portion or all of their time or talents on behalf of the filing entity;
 2. Money lent to the filing entity by a financial institution in the ordinary course of business; or
 3. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars (\$50.00).

COUNTY OFFICE: The offices of county executive, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county attorney or county assessor.

COUNTY OFFICE CANDIDATE: A person who:

- A. Files a declaration of candidacy for a county office; or
- B. Receives contributions, makes expenditures, or gives consent for any other person to receive contributions or make expenditures to bring about the person's nomination or election to a county office.

DETAILED LISTING: A. For each contribution:

1. The name and address of the individual or source making the contribution;
2. The amount or value of the contribution; and
3. The date the contribution was made.

B. For each expenditure:

1. The amount of the expenditure;
2. The person or entity to whom it was disbursed;
3. The specific purpose, item, or service acquired by the expenditure; and
4. The date the expenditure was made.

ELECTION: Any general, special or primary election held pursuant to and as defined and provided by titles 11.20, or 20A, Utah Code Annotated, or by any other applicable provision of state law or county ordinance, and conducted by the county.

ELECTION CYCLE: A. The period following the general election but prior to the next political convention in any year in which the candidate has filed to run for county elected office;

B. The period following a political convention but prior to the primary election in any year in which the candidate has filed to run for county elected office;

C. The period following a primary election but prior to a general election in any year in which the candidate has filed to run for county elected office.

EXPENDITURE: A. Any disbursement from contributions, receipts, or from the separate bank account required by this chapter;

B. A purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value made for political purposes;

C. An express, legally enforceable contract, promise, or agreement to make any purchase, payment, donation, distribution, loan, advance, deposit, gift of money, or anything of value for political purposes;

- D. Compensation paid by a filing entity for personal services rendered by a person without charge to a reporting entity;
- E. Transfer of funds between the filing entity and a candidate's personal campaign committee; or
- F. Goods or services provided by the filing entity to or for the benefit of another reporting entity for political purposes at less than fair market value.

G. "Expenditure" does not include:

1. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a reporting entity;
2. Money lent to a reporting entity by a financial institution in the ordinary course of business; or
3. Volunteering use of assets for the benefit of a candidate or a campaign committee that do not exceed fifty dollars (\$50.00).

FILING ENTITY: The reporting entity that is filing a report required by this chapter.

FINANCIAL STATEMENT: Includes any summary report, interim report, or other statement disclosing contributions, expenditures, receipts, donations, or disbursements that is required by this chapter.

GOVERNING BOARD: The individual or group of individuals that determine the candidates and committees that will receive expenditures from a political action committee.

INDIVIDUAL: A natural person.

INTERIM REPORT: A report identifying the contributions received and expenditures made since the last report.

OFFICE HOLDER: A person who holds a public office.

PARTY COMMITTEE: Any committee organized by or authorized by the governing board of a registered political party.

PERSON: Both natural and legal persons, including individuals, business organizations, personal campaign committees, party committees, political action committees, political issues committees, labor unions, and labor organizations.

PERSONAL CAMPAIGN COMMITTEE: The committee appointed by a candidate to act for the candidate as provided in this chapter.

POLITICAL PARTY AUXILIARY: The county subdivision of a registered political party organized in accordance with state law.

POLITICAL PURPOSES: An act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

PRIMARY ELECTION: Any regular primary election held under the election laws.

PUBLIC OFFICE: The office of county executive, county council member, county treasurer, county sheriff, county clerk, county auditor, county recorder, county attorney or county assessor.

PUBLICLY IDENTIFIED CLASS OF INDIVIDUALS: A group of fifty (50) or more individuals sharing a common occupation, interest, or association that contribute to a political action committee or political issues committee and whose names can be obtained by contacting the political action committee or political issues committee upon whose financial report they are listed.

RECEIPTS: Contributions.

REGISTERED POLITICAL PARTY: An organization of voters that:

- A. Participated in the last regular general election and polled a total vote equal to two percent (2%) or more of the total votes cast for all candidates for the United States house of representatives for any of its candidates for any office; or
- B. Has complied with the petition and organizing procedures as set forth in Utah statutes.

REPORT: A verified financial statement.

REPORTING ENTITY: A candidate, a candidate's personal campaign committee, an office holder and a party committee.

SOURCE: The person or entity that is the legal owner of the tangible or intangible asset that comprises the contribution.

STATEMENT OF ORGANIZATION: An informational document filed by a reporting entity that complies with the requirements of this chapter.

SUMMARY REPORT: The year end report containing the summary of a reporting entity's contributions and expenditures. (Ord. 2014-01, 2-25-2014)

2.21.020: REPORTS; FORM OF SUBMISSION; NOTIFICATION BY CLERK; LEGAL HOLIDAYS:

- A. Report:

1. Ten (10) days before a financial statement or report from a county office candidate, office holder, political action committee or political issues committee is due under this chapter, the county clerk shall inform those candidates and entities by postal mail or, if requested by the reporting entity, by electronic mail:

- a. That the report is due; and
- b. The date that the report is due.

2. In addition to the information required by subsection A1 of this section, ten (10) days before the interim reports for candidates are due, the county clerk shall inform the candidate that, if the report is not received in the county clerk's office by five o'clock (5:00) P.M. on the date that it is due, voters will be informed that the candidate has been disqualified and any votes cast for the candidate will not be counted.

3. In addition to the information required by subsection A1 of this section and in the same mailing, ten (10) days before the interim reports or verified financial statements for entities are due, the county clerk shall inform the entity, candidate, office holder that, if the report is not received in the county clerk's office by the date that it is due, the entity, candidate or office holder may be guilty of an infraction for failing to file the report or statement.

B. Submitting Reports: Persons or entities submitting reports required by this chapter may submit them:

1. On paper, printed, typed or legibly handwritten or handprinted;
2. Via fax; or
3. Upon an e-mail system being created by the county clerk, via electronic mail according to specifications established by the chief election officer.

C. Reports Filed: A report is considered filed if:

1. It is received in the chief election officer's office no later than five o'clock (5:00) P.M. on the date that it is due;
2. It is received in the chief election officer's office with a postmark three (3) days or more before the date that the report was due; or
3. The candidate, or entity has proof that the report was mailed, with appropriate postage and addressing, three (3) days before the report was due.

D. Date Falling On Legal Holiday: Whenever the date required for any filing in the county clerk's office before five o'clock (5:00) P.M. required by this chapter falls on a legal holiday or a Saturday or Sunday, the filing may be delayed until five o'clock (5:00) P.M. on the next county working day.

E. Penalties:

1. If a contribution or contributions are received without a candidate's knowledge of a violation of this section, the candidate may return the contribution without penalty if the contribution is returned within ten (10) days after the candidate knows of the violation, by way of notification from the county clerk. (Ord. 2014-01, 2-25-2014)

2.21.030: COUNTY OFFICE CANDIDATE AND OFFICE HOLDER; SEPARATE BANK ACCOUNT FOR CAMPAIGN FUNDS:

A. 1. Each county office candidate or the candidate's personal campaign committee or office holder shall deposit each contribution received in one or more separate campaign accounts in a financial institution.

2. The county office candidate or the candidate's personal campaign committee or office holder may use the monies in those accounts only for political or charitable purposes.

B. A county office candidate or the candidate's personal campaign committee or office holder may not deposit or mingle any contributions received into a personal or business account.

C. Campaign account bank statements shall be provided to the county clerk or attorney upon request for verification purposes in the event of an official complaint or discrepancy in reporting.

D. 1. As used in this subsection D, "account" means an account in a financial institution:

- a. That is not described in subsection A, B, or C of this section; and
- b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. A candidate for county office shall include on any financial reports filed in accordance with this section a contribution deposited in or an expenditure made from an account:

- a. Since the last financial report filed; or
- b. That has not been reported under a statute or ordinance that governs the account. (Ord. 2014-01, 2-25-2014)

2.21.040: COUNTY OFFICE CANDIDATE AND OFFICE HOLDER; FINANCIAL REPORTING REQUIREMENTS; POST GENERAL ELECTION SUMMARY REPORT:

A. Each county office candidate or office holder shall file a summary report within thirty (30) days after the general election.

B. 1. Each summary report shall include the following information:

- a. The net balance of the last summary report, if any;
- b. A single figure equal to the total amount of receipts reported on all interim reports, if any;
- c. A single figure equal to the total amount of expenditures reported on all interim reports, if any, filed during the election year;
- d. A detailed listing of each contribution received since the last summary report that has not been reported in detail on an interim report;
- e. For each nonmonetary contribution, the fair market value of the contribution;
- f. A detailed listing of each expenditure made since the last summary report that has not been reported in detail on an interim report;
- g. For each nonmonetary expenditure, the fair market value of the expenditure; and
- h. A net balance for the year consisting of the net balance from the last summary report, if any, plus all receipts minus all expenditures.

2. For all single contributions of fifty dollars (\$50.00) or less, a single aggregate figure may be reported without separate detailed listings.

a. Two (2) or more contributions from the same source that have an aggregate total of more than fifty dollars (\$50.00) may not be reported in the aggregate, but shall be reported separately.

3. In preparing the report, all receipts and expenditures shall be reported as of December 31 of the previous year.

C. 1. As used in this subsection C, "account" means an account in a financial institution:

- a. That is not described in subsection B of this section; and
- b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. Each county office candidate or office holder with an account shall include on the summary report a contribution deposited in or an expenditure made from an account:

- a. Since the last financial report filed; or
- b. That has not been reported under a statute or ordinance that governs the account.

D. The summary report shall contain a paragraph signed by an authorized member of the county office candidate's or office holder's personal campaign committee or by the county office candidate or office holder certifying that, to the best of the signer's knowledge, all receipts and all expenditures have been reported as of December 31 of the previous year and that there are no bills or obligations outstanding and unpaid except as set forth in that report. (Ord. 2014-01, 2-25-2014)

2.21.050: COUNTY OFFICE CANDIDATE AND OFFICE HOLDER; FINANCIAL REPORTING REQUIREMENTS; INTERIM REPORT:

A. Each county office candidate or office holder shall file an interim report before five o'clock (5:00) P.M. for the period ending eight (8) days before the regular general election, the report shall be due seven (7) days before the regular general election date.

B. The interim report shall include the following information:

1. A list of each contribution of more than fifty dollars (\$50.00) received by the candidate, and the name of the donor;
2. An aggregate total of all contributions of fifty dollars (\$50.00) or less received by the candidate; and
3. A list of each expenditure for political purposes made during the campaign period, and the recipient of each expenditure.

C. 1. For all individual contributions of fifty dollars (\$50.00) or less, a single aggregate figure may be reported without separate detailed listings.

2. Two (2) or more contributions from the same source that have an aggregate total of more than fifty dollars (\$50.00) may not be reported in the aggregate, but shall be reported separately.

D. 1. As used in this subsection D, "account" means an account in a financial institution:

- a. That is not described in subsection B of this section; and
- b. Into which or from which a person who, as a candidate for an office, other than a county office for which the person

files a declaration of candidacy or federal office, or as a holder of an office, other than a county office for which the person files a declaration of candidacy or federal office, deposits a contribution or makes an expenditure.

2. Each county office candidate or office holder with an account shall include on the interim report a contribution deposited in or an expenditure made from an account that has not been reported under a statute or ordinance that, governs the account. (Ord. 2014-01, 2-25-2014)

2.21.060: COUNTY OFFICE CANDIDATE AND OFFICE HOLDER; FAILURE TO FILE REPORTS; NOTICE BY COUNTY CLERK; PENALTIES; LIMITATION OF ACTION:

A. Within five (5) days after a deadline for the filing of an interim report and within thirty (30) days after the deadline for filing a summary report, the county clerk shall review each filed report to ensure that:

1. Each county office candidate and office holder that is required to file an interim report or summary report has filed one; and

2. Each interim report or summary report contains the information required by this part.

B. 1. If a county office candidate fails to timely file an interim report due immediately before the regular general election, the county clerk shall, after making a reasonable attempt to discover if the report was timely mailed, inform the appropriate election officials who:

a. Shall, if practicable, remove the name of the candidate by blacking out the candidate's name before the ballots are delivered to voters; or

b. Shall, if removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

c. May not count any votes for that candidate.

2. Any county office candidate who fails to file timely a financial statement required by this part is disqualified.

3. Notwithstanding subsections B1 and B2 of this section, a county office candidate is not disqualified if:

a. The candidate timely files the reports required by this section;

b. Those reports are completed, detailing accurately and completely the information required by this part except for inadvertent omissions or insignificant errors or inaccuracies; and

c. Those omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

C. 1. Upon review of the county clerk, if it appears that any county office candidate or office holder has failed to file the interim report or the summary report required by law, if it appears that a filed interim report or summary report does not conform to the law, if the report contains obvious material omissions, errors, or inaccuracies, or if the county clerk has received a written complaint alleging a violation of the law or the falsity of any summary report, the county clerk shall, within five (5) days of discovery of a violation or receipt of a written complaint, notify by registered mail or personal service, the county office candidate or office holder of the violation or written complaint and direct the county office candidate or office holder to file an interim report or summary report correcting the problem.

2. It is unlawful for any county office candidate or office holder to fail to file or amend an interim report or summary report within fourteen (14) days after receiving notice from the county clerk under this section.

a. If a candidate or office holder's failure to file a report results from inadvertence or neglect the candidate or office holder is guilty of an infraction.

b. If a candidate or office holder files a report later than fourteen (14) days after receiving notice from the county clerk or if a candidate or office holder files a report that includes inadvertent omissions or insignificant errors or inaccuracies, and those errors or inaccuracies are not corrected in the candidate or office holder's next report, the candidate or office holder is guilty of an infraction.

c. If a candidate or office holder knowingly and intentionally violates any reporting requirement by failure to file a report or knowingly and intentionally filing a false report, the candidate or office holder is guilty of an infraction.

D. If a fourteen (14) day notice has been given by the clerk, any prosecution shall be initiated within one year after expiration of that notice.

E. The county clerk shall report all violations of subsection B2 of this section to the attorney.

F. No action under subsection C of this section can be brought after one year from the expiration of the fourteen (14) day period set forth in subsection C2 of this section. In no event shall any action under this subsection be initiated later than four (4) years after the financial statement or statement of organization was due under this chapter. (Ord. 2014-01, 2-25-2014)

2.21.070: BLANKS FOR STATEMENTS PREPARED AND FURNISHED BY CHIEF ELECTION OFFICER:

The chief election officer shall:

A. Develop and prepare forms for all statements required by this chapter; and

B. Provide copies of the forms to the secretary of every committee, to every candidate, and to all others who request

them. (Ord. 2014-01, 2-25-2014)

2.21.080: RETENTION AND PUBLIC INSPECTION OF FINANCIAL STATEMENTS; WRITTEN COMPLAINT IF STATEMENT IS FALSE OR UNLAWFUL:

A. The chief election officer shall:

1. Make each financial statement and statement of organization required by this chapter:

a. Open to public inspection in the office of the chief election officer; and

b. When an internet accessible system has been established by the county clerk, make such documents available for viewing on the internet at the county clerk's website within seven (7) calendar days after the report is received by the chief election officer, except that the county clerk shall exclude home addresses and other personal information from being viewed on the internet;

2. Preserve those statements for at least five (5) years; and

3. Provide certified copies of the financial statements in the same manner as for other public records.

B. Any candidate or voter may file a written complaint with the chief election officer alleging that a filed financial statement does not conform to law or to the truth. (Ord. 2014-01, 2-25-2014)

CHAPTER 2.24
OFFICERS' BONDS

SECTION:

2.24.010: Amounts Required

2.24.020: Procedure

2.24.030: Public Employees Faithful Performance Blanket Position Bond

2.24.040: Payment Of Premiums

2.24.010: AMOUNTS REQUIRED:

Before entering upon the discharge of their respective offices, the following officers shall execute bonds in the penal amounts listed below, or be covered by theft or crime insurance with a per occurrence limit of not less than the penal amounts listed below, as required by State law, as follows:

Office	Penalty/Coverage
County Assessor	\$20,000.00
County Attorney	5,000.00
County Auditor	5,000.00
County Clerk	5,000.00
County Council	5,000.00
County Recorder	5,000.00
County Sheriff	20,000.00
County Surveyor (Engineer)	5,000.00
County Treasurer	(As set by the State Money Management Council)

(Ord. 2018-11, 9-15-2018)

2.24.020: PROCEDURE:

If the County elects to have County officials execute bonds, the bonds shall meet the requirements of section 52-1-13 of the Utah Code, as the same may be amended or renumbered, and if the County elects to have County officials covered by theft or crime insurance, such coverage shall be provided by an admitted or surplus lines insurance carrier or an interlocal cooperative agency acting as a public agency insurance mutual, or joint reserve fund. Any required bonds shall be approved by the County Council, recorded by the County Recorder, and filed and kept in the Office of the County Clerk, except that the bond of the County Clerk shall be filed and kept by the County Treasurer. Any theft or crime insurance shall be approved by the County Council. (Ord. 2018-11, 9-15-2018)

2.24.030: PUBLIC EMPLOYEES FAITHFUL PERFORMANCE BLANKET POSITION BOND:

County officials and personnel of this County, except any officials who may be required by State Statutes to give an individual bond or be covered by theft or crime insurance to qualify for office, may be included in a faithful performance

blanket position bond or covered by theft or crime insurance. Said public faithful performance blanket position bond or theft or crime insurance shall provide a minimum coverage of the maximum coverage required by State Statute or County ordinance of any person covered by such blanket position bond or theft or crime insurance. (Ord. 2018-11, 9-15-2018)

2.24.040: PAYMENT OF PREMIUMS:

The premium of bonds or theft or crime insurance referred to in sections 2.24.010 and 2.24.030 of this chapter, plus the bonds of the County Council, shall be paid out of County funds. (Ord. 2018-11, 9-15-2018)

CHAPTER 2.28

SALARIES

SECTION:

2.28.010: County Council

2.28.020: County Executive

2.28.030: County Officers

2.28.010: COUNTY COUNCIL:

The salaries earned for members of the Cache County Council, which shall be effective as of January 1, 2023, shall be as follows:

Council member	\$24,000.00
Council Chair	30,000.00

(Ord. 2018-17, 12-11-2018; amd. Ord. 2019-10, 12-3-2019; Ord. 2022-01, 1-25-2022; Ord. 2022-35, 12-12-2022)

2.28.020: COUNTY EXECUTIVE:

The County Executive shall be reimbursed for all actual expenses incurred in the discharge of his duties, and shall receive as compensation a sum as fixed, from time to time, by the County Council as established in section 2.28.030 of this chapter. (Organic Act 1984; amd. Ord. 2005-14, 12-6-2005)

2.28.030: COUNTY OFFICERS:

A. The annual salaries for County officers, which shall be effective as of July 3, 2022, shall be as follows:

County Executive/Surveyor	\$130,225.00
County Assessor	\$116,075.00
County Attorney	\$158,185.00
County Clerk/Auditor	\$105,806.00
County Recorder	\$100,483.00
County Sheriff	\$122,732.00
County Treasurer	\$100,505.00

B. The County Council, consistent with subsection 2.12.120C of this title, may adjust the foregoing County officer salaries from full time salaries to part time salaries, or from part time salaries to full time salaries as the Council in its discretion may deem appropriate. This includes adjustments to existing salaries made at any time during the current or subsequent pay periods within the current term of office, consistent with subsection 2.12.120C2 of this title; and it applies to adjustments to future salaries for pay periods during a term of office after the current term of office, consistent with subsection 2.12.120C3 of this title.

C. A County officer will be paid a part time salary if the County Council finds that the County officer, in fact, works less than thirty (30) hours per week, in which case the part time salary will be an hourly wage based upon the prorated amount of the full time salary and the County officer may not receive other compensatory benefits unless approved by the County Council. (Ord. 2014-11, 11-11-2014; amd. Ord. 2018-16, 12-11-2018; Ord. 2019-09, 12-10-2019; Ord. 2020-15, 12-1-2020; Ord. 2022-01, 1-25-2022; Ord. 2022-32, 10-25-2022; Ord. 2022-39, 12-13-2022)

CHAPTER 2.32

FIRE DEPARTMENT

SECTION:

2.32.010: Fire Department

2.32.010: FIRE DEPARTMENT:

There shall be a county fire department. The county fire department shall perform those duties assigned to it by law and also such further duties as are assigned by the county council and county executive. (Organic Act 1984; amd. Ord. 2000-05)

CHAPTER 2.36

PUBLIC WORKS DEPARTMENT

SECTION:

2.36.010: Divisions

2.36.020: Functions

2.36.030: Director

2.36.010: DIVISIONS:

A. The Public Works Department shall exercise supervisory powers over the following divisions, including their operations and personnel, as the County Executive shall direct:

1. Engineering Division;
2. Road and Vegetation Management Division; and
3. Storm water Division.

B. The Public Works Department shall exercise supervisory powers over such other divisions or offices as may be assigned by the County Executive or specified by county ordinance or policy adopted by the County Council. (Ord. 2020-01, 2-25-2020)

2.36.020: FUNCTIONS:

The Public Works Department and its Director shall function under the direction of the County Executive and have the powers and responsibilities necessary to perform the following functions:

A. The Engineering Division's functions include but are not limited to the following:

1. Supervise the design and construction of public works projects;
2. Coordinate all construction work on county roads or within county right-of-ways;
3. Review, supervise, and accept/reject all engineering design and construction work required by the County; and
4. Provide engineering and surveying services for the County, including by acting as technical staff to the County Executive/Surveyor.

B. The Road and Vegetation Management Division's functions include but are not limited to the following:

1. Plan, construct, and maintain county roadway facilities, including but not limited to roads, bridges, culverts, and all items specified under Title 12 of the County Code; and
2. Oversee vegetation management activities, which include noxious weed monitoring and management, roadside vegetation spraying, tree maintenance, and all items specified under Chapter 28 of Title 8 of the County Code.

C. The Stormwater Division's functions include but are not limited to protecting life and property from flooding and storm water runoff through the development, construction, and administration of stormwater and flood control facilities and programs as specified under Chapters 28 and 32 of Title 15 of the County Code. (Ord. 2020-01, 2-25-2020)

2.36.030: DIRECTOR:

A. The County Executive shall appoint, with the advice and consent of the County Council, a Public Works Department Director to perform the following primary functions:

1. Plan, direct, oversee and manage the operations of the department, including the development of a department vision and department policies and the management of department employees;
2. Develop an annual department budget, monitor fiscal controls, and assure conformity with the budget and fiscal controls;
3. Collaborate on regional issues and provide potential solutions to improve efficiency and effectiveness of county processes;
4. Direct the planning, development, coordination, and operations of all Public Works functions and responsibilities, including the overseeing of long-range planning and development of Public Works programs and projects;

5. Assure compliance with federal and state agency regulations related to environmental and land management operations;
 6. Direct and supervise the preparation and negotiation of engineering contracts;
 7. Oversee training of personnel to ensure a competent and capable staff;
 8. Direct and coordinate the department's risk management program and assure proper insurance coverage for equipment, operators, and passengers;
 9. Oversee property acquisitions to secure rights-of-way for roads and drainage system projects;
 10. Oversee quality assurance of various contracted projects through field inspections;
 11. Provide technical insight and recommendations related to county infrastructure and development policies, goals, and objectives;
 12. Establish an office that works with county residents and others within the constraints of the County Code to provide superior customer service; and
 13. Perform other duties as assigned by the County Executive or County Council.
- B. The Public Works Director must be licensed by the Utah Division of Occupational and Professional Licensing as a Professional Engineer and may also serve as the County Engineer. (Ord. 2020-01, 2-25-2020)

CHAPTER 2.40

DEVELOPMENT SERVICES DEPARTMENT

SECTION:

2.40.010: Divisions

2.40.020: Functions

2.40.030: Director

2.40.010: DIVISIONS:

A. The Development Services Department shall exercise supervisory powers over the following divisions, including their operations and personnel, as the County Executive shall direct:

1. Planning and Zoning Division;
2. Building Division; and
3. Geographic Information Systems Division.

B. The Development Services Department shall exercise supervisory powers over such other divisions or offices as may be assigned by the County Executive or specified by county ordinance or policy adopted by the County Council. (Ord. 2020-01, 2-25-2020)

2.40.020: FUNCTIONS:

The Development Services Department and its Director shall function under the direction of the County Executive and have the powers and responsibilities necessary to perform the following functions:

A. The Planning and Zoning Division's functions include but are not limited to the following:

1. Planning and Zoning:
 - a. Administer all laws, codes, ordinances, and regulations associated with the County's land use review and permitting process; and
 - b. Develop, oversee, and maintain the County General Plan and associated current and long-range planning documents.
2. Countywide Planning:
 - a. Coordinate with other local governments and county residents to ensure the completion of the Regional Collaboration Plan, and maintain and oversee the Regional Collaboration Plan;
 - b. Maintain a countywide perspective in planning efforts and provide essential services and resources necessary to help county residents fulfill their planning needs; and
 - c. Achieve compliance with all state and federal statutes and regulations through ongoing training and compliance efforts.
3. Trail Planning and Development:

- a. Coordinate with residents, stakeholders, and participating jurisdictions to establish, maintain, and oversee the County Master Trail Plan; and
- b. Maintain, enhance, and expand the current network of trails and active transportation corridors.
- B. The Building Division's primary functions, powers, and duties are set forth in Title 15 of the County Code.
- C. The Geographical Information Systems (GIS) Division's functions include but are not limited to the following:
 - 1. Coordinate and provide geographical analysis and mapping services to the County;
 - 2. Support other local governments in their GIS efforts, and coordinate GIS projects with federal, state, and local agencies within the county; and
 - 3. Provide information to county residents regarding spatial information relevant to their work and home needs. (Ord. 2020-01, 2-25-2020)

2.40.030: DIRECTOR:

- A. The County Executive shall appoint, with the advice and consent of the County Council, a Development Services Department Director to administer the following primary functions:
 - 1. Plan, direct, oversee, and manage the operations of the department, including the development of a department vision and department policies and the management of department employees;
 - 2. Develop an annual department budget, monitor fiscal controls, and assure conformity with the budget and fiscal controls;
 - 3. Serve as the Land Use Authority for land use activities as directed by the County Council;
 - 4. Collaborate on regional issues and provide potential solutions to improve efficiency and effectiveness of county processes;
 - 5. Develop, organize, and facilitate on-going comprehensive planning processes and procedures for current and long-rang needs, including participation in the development and maintenance of a county general plan and related documents;
 - 6. Provide technical insight and recommendations related to planning and development policies, goals, and objectives;
 - 7. Oversee training of personnel to ensure a competent and capable staff;
 - 8. Establish an office that works with county residents and others within the constraints of the County Code to provide superior customer service; and
 - 9. Perform other duties as assigned by the County Executive or County Council.
- B. The Development Services Department Director must be accredited by the American Institute of Certified Planners (AICP). (Ord. 2020-01, 2-25-2020)

CHAPTER 2.42

ECONOMIC DEVELOPMENT DEPARTMENT

SECTION:

2.42.010: Functions

2.42.020: Director And Staff

2.42.010: FUNCTIONS:

All functions of an Economic Development Department are delegated to a Regional Economic Development office at the Bear River Association of Governments. (Ord. 2022-34, 12-31-2022)

2.42.020: DIRECTOR AND STAFF:

- A. The office of Director of Economic Development is abolished.
- B. Staff positions, including part-time staff and interns, are abolished. (Ord. 2022-34, 12-31-2022)

CHAPTER 2.44

ACCIDENT REVIEW BOARD

SECTION:

2.44.010: Establishment Of Accident Review Board

2.44.020: Report Of Accident

2.44.030: Review By Board

2.44.040: Findings By Board

2.44.050: Written Report By Board

2.44.060: Department Head Responsibility

2.44.070: Disciplinary Action

2.44.080: Review Process

2.44.090: Records; Classification

2.44.010: ESTABLISHMENT OF ACCIDENT REVIEW BOARD:

A. There is hereby established an accident review board for Cache County.

B. The accident review board shall consist of:

1. The county attorney or his designee.
2. The county sheriff or his designee.
3. The county personnel director or his designee.
4. A county employee from a department not involved in the accident who is designated by the county executive.

C. The accident review board shall review each accident involving a county employee in a county vehicle or a personal vehicle used for county business. The ARB shall submit a report of its findings, conclusions and recommendations to the county executive, the employee involved, and to the department head of the employee involved in the accident.

D. Upon the request of the department head of any employee involved in an accident, or of the county executive, nonvehicular accidents may also be referred to the accident review board for review. (Ord. 94-14; amd. Ord. 2000-14)

2.44.020: REPORT OF ACCIDENT:

A. Any county employee involved in an accident involving a county vehicle shall immediately report the accident to the appropriate local police department, sheriff's office or highway patrol in compliance with statutory requirements for reporting accidents. The employee, employee's supervisor and the employee's department head shall cooperate fully with the investigating officers.

B. Each county employee involved in an accident with a county vehicle, or while driving a personal vehicle on county business, shall submit a signed and detailed report of the accident to the employee's supervisor or department head on forms supplied by the county. The supervisor or department head shall retain a copy of the employee's report for the department files and shall forward the original report to the county's risk manager, with a copy to the county executive.

C. The accident shall be investigated immediately by the supervisor or department head of the employee involved in an accident. Said supervisor or department head shall submit a report of that investigation, together with any accompanying documents or exhibits to the county risk manager within forty eight (48) hours of the accident if it is a noninjury or nonfatal accident, or within twenty four (24) hours if an injury or fatality occurs.

D. The county's risk manager will compile all reports, available documents and evidence and submit the accident file to the accident review board for its review.

E. The county executive shall report the accident to the county's motor vehicle and general liability insurer in accordance with policy requirements. (Ord. 94-14; amd. Ord. 2000-14)

2.44.030: REVIEW BY BOARD:

The accident review board shall review and evaluate the accident, taking into consideration any and all of the following information or items:

- A. Reports of the employee, the employee's supervisor, the employee's department head and investigating officer(s);
- B. Maintenance records of the vehicle or other available information concerning the vehicle and its condition both before and after the accident;
- C. Estimate prepared by the road department or other competent sources for the cost of repair to the vehicle;
- D. The employee's driver's license and driving record;
- E. Diagrams, photographs and other evidence relating to the accident;
- F. Statements or testimonies of witnesses to the accident, including the other driver or passengers;
- G. Other tests, reports or documents and information relating to the accident;
- H. Applicable state and local laws; and
- I. All circumstances relating to the accident such as location, time, traffic levels and other contributing factors. (Ord. 94-

14; amd. Ord. 2000-14)

2.44.040: FINDINGS BY BOARD:

The accident review board shall make findings, as far as reasonably possible, of the cause of the accident and whether the accident was preventable. For the purpose of this ordinance, a "preventable accident" is an accident in which the driver failed to exercise reasonable precaution to prevent the accident. (Ord. 94-14; amd. Ord. 2000-14)

2.44.050: WRITTEN REPORT BY BOARD:

A. The accident review board shall prepare a written report of its findings, conclusions and recommendations for corrective or other appropriate action.

B. Copies of the report shall be submitted by the board to the employee's department head, the personnel department for placement in the employee's personnel file, the employee, and the Cache County risk management committee. (Ord. 94-14; amd. Ord. 2000-14)

2.44.060: DEPARTMENT HEAD RESPONSIBILITY:

The department head shall review the accident review board's report. If the report includes recommendations for corrective or other actions, the department head shall implement those corrective measures and take such appropriate action. (Ord. 94-14; amd. Ord. 2000-14)

2.44.070: DISCIPLINARY ACTION:

If the accident involved the violation of any established county policy by either the employee, the employee's supervisor, or the employee's department head, and such policies pertain to the prevention of injuries in accidents and to the incurring of liability, corrective disciplinary action shall be taken as soon as practical and in accordance with the procedures set forth in the Cache County personnel policies and procedures manual. (Ord. 94-14; amd. Ord. 2000-14)

2.44.080: REVIEW PROCESS:

A. In the event the employee, employee's supervisor or the employee's department head objects to or disagrees with findings, conclusions and recommendations of the accident review board or with any corrective or other action taken by the employee's supervisor or department head, he or she may request the county risk management committee to review the findings, conclusions and recommendations of the accident review board.

B. The request for the risk management committee review must be in writing and filed with the county risk manager within ten (10) working days of the date on which the requesting employee's supervisor, or his department head is provided with a copy of the report of the accident review board.

C. The county risk management committee shall review the report and make recommendations as they deem reasonable and appropriate. In the event the employee, employee's supervisor, or the employee's department head objects to or disagrees with the recommendations of the risk management committee, he or she may request the county executive to review the recommendations of the risk management committee.

D. The request for an executive review must be in writing and filed with the county executive within ten (10) working days of the date on which the requesting employee's supervisor, or his department head is provided with a copy of the recommendations of the risk management committee.

E. The county executive shall review the report and make written recommendations as he deems reasonable and appropriate. The recommendations by the county executive shall constitute the final decision. (Ord. 94-14; amd. Ord. 2000-14)

2.44.090: RECORDS; CLASSIFICATION:

A. All documents relevant to the accident submitted to the accident review board, the risk management committee or the county executive, shall be classified in accordance with applicable provisions of the government records access and management act and the county records access and management ordinance ¹.

B. Access to these records shall be granted strictly in compliance with the provisions of the government records access and management act and the county records access and management ordinance. (Ord. 94-14; amd. Ord. 2000-14)

Notes

¹ 1. See chapter 2.64 of this title.

CHAPTER 2.48
HISTORIC PRESERVATION COMMISSION

(Rep. by Ord. 2016-08, 6-28-2016, eff. 7-13-2016)

CHAPTER 2.50

LIBRARY BOARD

SECTION:

2.50.010: Library Board

2.50.020: Bylaws And Officers

2.50.030: Meetings

2.50.040: Committees

2.50.050: Responsibilities And Duties

2.50.060: Director Duties And Responsibilities

2.50.010: LIBRARY BOARD:

A. There is hereby established the Cache County library board, which shall consist of not less than five (5) and not more than nine (9) members chosen from the citizens of the county.

B. Only one member of the board may be a member of county council at anyone time.

C. All members shall be appointed by the county executive with the advice and consent of the county council.

D. Members shall be appointed to serve for four (4) year terms, or until their successors are appointed and shall not serve more than two (2) consecutive terms.

E. Terms shall be staggered so that approximately one-fourth ($\frac{1}{4}$) of the board is appointed each year.

F. Vacancies created by resignation, death, removal or otherwise shall be filled for the duration of the unexpired term in the same manner as the original appointment.

G. The county executive may remove any member for misconduct or neglect of duty. (Ord. 2004-05, 7-27-2004)

2.50.020: BYLAWS AND OFFICERS:

A. The board shall adopt bylaws for managing the business and affairs of the board.

B. The county treasurer shall have legal custody of all library fees/fines and other funds collected or received by the library and shall act as the treasurer of such funds. The county treasurer shall not be a member of the library board.

C. The board shall elect a chair, vice chair and secretary, or such other officers as specified by state law and the board's bylaws.

D. The secretary may be a member of the board or staff and will publish notice of board meetings, take minutes and maintain official records of board action. (Ord. 2004-05, 7-27-2004)

2.50.030: MEETINGS:

A. The board shall schedule regular meetings as it deems necessary and appropriate to conduct its business but shall have no fewer than four (4) regular meetings during a calendar year.

B. A quorum shall consist of a majority of the board.

C. Special meetings may be called at any time by the chair, provided notice thereof is given to the public and all board members at least twenty four (24) hours in advance.

D. Meetings shall comply with all requirements of state law, including, but not limited to, the state open and public meeting act.

E. If the board member who is a member of the county council is unable to attend any board meeting, then that member may designate an alternate to act in the member's behalf.

F. Records of all board meetings shall be kept, managed, classified and disclosed as required by county ordinance and state law, including, but not limited to the government records access and management act. (Ord. 2004-05, 7-27-2004)

2.50.040: COMMITTEES:

Ad hoc committees for the study and/or investigation of library issues or other library matters may be appointed by the board chair to serve until the completion of the work for which they were established. (Ord. 2004-05, 7-27-2004)

2.50.050: RESPONSIBILITIES AND DUTIES:

A. Subject to compliance with federal laws, state laws and county ordinances and policies, the board is hereby granted responsibility for:

1. The expenditure of library funds;

2. Establishing and revising policies in cooperation with the library director for the use, operation, maintenance and care of the library, library facilities, equipment, staff and other such resources.

3. Establishing policies for the enforcement of library rules and applicable laws and ordinances.
- B. Subject to compliance with federal and state laws regarding collections and information resources, the board shall:
1. Establish policies for the selection, acquisition, cataloging, maintenance and use of the library collections and information resources.
 2. Submit those policies to the county attorney for review for compliance with state and federal law.
- C. Subject to compliance with federal law, state laws and county ordinances and policies, the board shall:
1. Recommend to the county executive a competent person for appointment as the library director.
 2. Make an annual report to the county executive and county council on the condition and operation of the library, including a financial statement.
 3. Submit an annual report to the state library board.
 4. Furnish to the county executive, during the budget process, an estimate of the funding necessary to establish, equip and maintain the library, and to provide library services during the upcoming fiscal year.
 5. Perform such other duties and exercise such other powers as may be assigned or delegated to the board by the county executive. (Ord. 2004-05, 7-27-2004)

2.50.060: DIRECTOR DUTIES AND RESPONSIBILITIES:

The librarian, as the county library director, shall:

- A. Serve as the executive officer for the board;
- B. Serve as the administrative officer and department head of the county library system as a department of Cache County in accordance with and subject to the requirements of county ordinances, policies and procedures;
- C. Perform such other duties related to the library as established in the official job description or as may be assigned by the county executive;
- D. Be an employee of the county subject to the personnel policies, procedures, compensation plans approved by the county executive and county council. (Ord. 2004-05, 7-27-2004)

CHAPTER 2.52

SENIOR CITIZENS BOARD

SECTION:

2.52.010: Name

2.52.020: Purposes

2.52.030: Board Of Directors

2.52.040: Officers And Directors

2.52.050: Executive Committee

2.52.060: Other Committees

2.52.070: Annual Meeting

2.52.080: Amendments And Bylaws

2.52.090: Budget

2.52.010: NAME:

The name of this organization shall be known as the senior citizens of Cache County. (Ord. 71-04; amd. Ord. 74-07)

2.52.020: PURPOSES:

The function of this organization shall be to:

- A. Provide programs and activities that senior citizens may participate in and enjoy, including physical exercise for the development of healthy active lives.
- B. Provide short and long tours.
- C. Provide consultant services in areas of health, housing, finances, insurance, etc.
- D. Provide educational classes and programs, etc.
- E. Bring senior citizens together for socialization.

F. Offer the individual senior citizen opportunities for self appraisal and for planning a way of life to achieve the maximum amount of self realization and enrichment and to realize a better understanding of the shift from work centered life to one of leisure centered opportunities.

G. Provide meeting places for senior citizens, workshops for the practicing of hobbies and other facilities, useful to the members.

H. Borrow money for the above purposes and pledge the assets acquired by the association to secure the payment thereof.

I. Cooperate with the Utah division of aging and also public and private companion agencies of state and national levels, to more satisfactorily meet the need of and provide opportunities for all senior citizens. (Ord. 71-04; amd. Ord. 74-07)

2.52.030: BOARD OF DIRECTORS:

A. Creation: The board for this organization shall be composed of a maximum of thirteen (13) qualified representative members of the community. Seven (7) of the thirteen (13) shall come from Logan, and six (6) from Cache County; provided, however, that in the event six (6) persons from Cache County are not able or willing to act, then qualified and willing persons from Logan may be selected to comprise the board of directors.

B. Terms: The board shall be elected for terms of three (3) years each, except that the initial board shall be divided into three (3) groups as follows: Five (5) of the persons shall serve a term for one year; four (4) for a two (2) year term; and four (4) for a three (3) year term. Thereafter, one-third ($\frac{1}{3}$) of the vacancies shall occur annually. Members may be reelected at the end of their service on the board.

C. Meetings: The board shall hold at least four (4) meetings annually. Special meetings may be called by the president or upon written petition by any three (3) members of the board. A majority of the board shall constitute a quorum for the transaction of business.

D. Absenteeism; Vacancies: Vacancies shall be filled by a majority vote of the board members. Any member who, during one year, is absent from regular meetings more than two (2) times without approval of the board, shall create a vacancy in his membership on the board. The board may excuse absences when notified beforehand for legitimate business or health reasons or in case of absence from the city.

E. Ex Officio Members:

1. The county executive or his duly appointed representative shall at all times be an ex officio member of the board of directors. This person shall have no vote as a member of the board.

2. The mayor of Logan City or his duly appointed representative shall at all times be an ex officio member of the board. This person shall have no vote as a member of the board.

F. Eligibility For Board Of Directors: Of the elected members of the board of directors, only persons who are active or who are willing to become active shall be eligible to serve on this board. (Ord. 71-04; amd. Ord. 74-07)

2.52.040: OFFICERS AND DIRECTORS:

A. The officers of the board shall be a president, a vice president, a secretary, a historian and a treasurer, who shall perform the duties that usually pertain to these respective offices. These officers shall be elected annually by the board of directors from the board of directors at the first meeting of each year. They shall serve for a period of one year and until their respective successors shall qualify.

B. The county council may appoint, upon the recommendation of the Cache County senior citizens board, a program director to administer and coordinate a senior citizens program within Cache County.

C. The program director may employ such assistants as secretary, service director and other necessary personnel upon the approval of the Cache County senior citizens board and upon the approval of the Cache County council. (Ord. 71-04; amd. Ord. 74-07)

2.52.050: EXECUTIVE COMMITTEE:

There shall be an executive committee composed of officers and directors of the board. The members of the executive committee shall serve for the duration of their terms. The executive committee shall meet upon the call of the president. The executive committee shall coordinate activities and perform such duties as may be assigned to it by the board. (Ord. 71-04; amd. Ord. 74-07)

2.52.060: OTHER COMMITTEES:

A. These shall be:

1. Nominating committee composed of three (3) members of the board, appointed by the president as soon after his election as practicable, whose duty it shall be to nominate candidates to fill vacancies on the board. Members of this committee shall serve for a term of one year and until their successors shall qualify.

2. Such other committees as the board of directors determines to be feasible, practicable and necessary for the best interest and function of the senior citizens. Any such committees so created shall serve for a period of one year. Said committees may be reappointed upon review by the newly elected officers following the annual meeting.

3. The president shall serve as an ex officio member of all committees.

B. All appointments to committees by the president shall be confirmed and approved by the majority membership of the board. (Ord. 71-04)

2.52.070: ANNUAL MEETING:

There shall be an annual meeting of the members of the organization, at which time the preceding year's activity shall be reviewed. Election of new board members by vote will take place at the annual meeting. Election of board officers shall take place immediately following the annual meeting. (Ord. 71-04)

2.52.080: AMENDMENTS AND BYLAWS:

A. This constitution may be amended upon recommendation from the Cache County senior citizens board the Cache County council. Upon approval of the Cache County council, the commission may adopt an ordinance, making such amendments as approved by the county council.

B. The membership of the organization may adopt such bylaws as necessary for the operation of the organization upon the approval of the county. (Ord. 71-04; amd. Ord. 74-07)

2.52.090: BUDGET:

A. A budget may be established annually by the county council, upon recommendation of the Cache County senior citizens board; it being the desire of all concerned that this Cache County senior citizens board be subject to the control and supervision of the Cache County council.

B. Monies collected and expended shall be accounted for annually by the Cache County senior citizens board and shall be audited by the county auditor before approval of the succeeding year's budget. (Ord. 71-04; amd. Ord. 74-07)

CHAPTER 2.56

EMERGENCY OPERATIONS

SECTION:

2.56.010: Definitions

2.56.020: County Executive Proclamation

2.56.010: DEFINITIONS:

For the purposes of this chapter, "emergency" or "disaster" means any situation causing or threatening to cause widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomena, or technological hazard, and includes a disaster as defined by Utah Code section 53-2a-102(5); a state of emergency as defined by Utah Code section 53-2a-102(17); a local emergency as defined by Utah Code section 53-2a-203(5); or any other situation in which there exists a threat to public health, safety, welfare or property under emergency conditions. (Ord. 94-06; amd. Ord. 2022-08)

2.56.020: COUNTY EXECUTIVE PROCLAMATION:

In the event of a "disaster" or "emergency", as defined in this chapter, whenever, due to that disaster or emergency, it becomes imprudent, inexpedient or impossible to conduct affairs of county government in Logan, Utah, or in the current county facilities, the county executive shall, by proclamation:

- A. Declare an emergency temporary location for the seat of county government within Cache County; and
- B. Take whatever action and issue whatever orders are necessary for an orderly transition of the affairs of the county government to that emergency temporary location. (Ord. 94-06)

CHAPTER 2.60

PERSONNEL SYSTEM

SECTION:

2.60.010: Exempt And Classified Positions

2.60.020: Personnel Rules And Regulations

2.60.030: Political Activities

2.60.040: Personnel

2.60.010: EXEMPT AND CLASSIFIED POSITIONS:

All positions in the county government shall be either exempt or classified. Exempt positions shall be those positions which are to be filled by election or appointment as provided herein, and such other positions which are responsible for the formulation or execution of policy where the nature of the policy formulated or the latitude for execution of policy clearly required unity of purpose and philosophy with the county executive and the heads of offices, departments, agencies, boards

and commissions. All other positions shall be classified. (Organic Act 1984; amd. Ord. 2000-05)

2.60.020: PERSONNEL RULES AND REGULATIONS:

The office of county executive shall prepare for adoption by the county council rules and regulations to effectively administer personnel. The rules shall classify all positions for pay setting purposes. The rules shall set forth policies regarding qualifications, selection, disciplinary action, removal, grievance procedures, vacation, sick leave, personnel records, etc. (Organic Act 1984; amd. Ord. 2000-05)

2.60.030: POLITICAL ACTIVITIES:

No classified county employee may hold any elective political office of the county during his or her employment. (Organic Act 1984; amd. Ord. 2000-05)

2.60.040: PERSONNEL:

Cache County may adopt the county personnel management act as described in Utah Code Annotated title 17, chapter 33, as and for its county merit system for all county employees. The county executive shall exercise all of the powers and functions therein reserved to the "governing body" by definition. (Organic Act 1984; amd. Ord. 2000-05)

CHAPTER 2.62

DISCLOSURE OF CONFLICTS OF INTEREST

SECTION:

2.62.010: Authority And Purpose

2.62.020: Definitions

2.62.030: Prohibited Use Of Official Position - Exception

2.62.040: Compensation For Assistance In Transaction Involving County - Public Disclosure And Filing Required

2.62.050: Interest In Business Entity Regulated By County - Disclosure

2.62.060: Interest In Business Entity Doing Business With County - Disclosure

2.62.070: Investment Creating Conflict Of Interest With Duties - Disclosure

2.62.080: Inducing Officer Or Employee To Violate Provisions Prohibited

2.62.090: Removal From Office

2.62.100: Complaints Charging Violations - Procedure

2.62.110: Rescission Of Prohibited Transaction

2.62.010: AUTHORITY AND PURPOSE:

Under authority of Utah Code Annotated section 17-16a-1, Cache County adopts the State of Utah's established standards of conduct for county officers and employees and requires these persons to disclose conflicts of interest between their public duties and their personal interests. (Ord. 2022-37, 12-12-2022)

2.62.020: DEFINITIONS:

Terms used in this chapter are defined in Utah Code Annotated section 17-16a-3, as amended. (Ord. 2022-37, 12-12-2022)

2.62.030: PROHIBITED USE OF OFFICIAL POSITION - EXCEPTION:

A. Except as provided in subsections C or E, it is an offense for an elected or appointed officer or employee to:

1. Disclose confidential information acquired by reason of the officer or employee's official position or use that information to secure special privileges or exemptions for the officer, employee, or others;
2. Use or attempt to use the officer or employee's official position to secure special privileges for the officer, employee, or for others; or
3. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for the officer, employee, or for another, if the gift or loan tends to influence the officer or employee in the discharge of the officer or employee's official duties.

B. This section is inapplicable to:

1. An occasional nonpecuniary gift having a value of less than fifty dollars (\$50.00);
2. An award publicly presented;
3. Any bona fide loan made in the ordinary course of business; or
4. Political campaign contributions subject to Utah Code Annotated section 17-16-6.5.

C. A member of the Cache County Council who is also a member of the governing board of a provider of mental health or

substance abuse services under contract with Cache County does not commit an offense under subsection A1 or A2 by discharging, in good faith, the duties and responsibilities of each position, if the County Council member does not participate in the process of selecting the mental health or substance abuse service provider.

D. Notwithstanding the provisions of this section, Cache County or a Cache County official may encourage support from a public or private individual or institution, whether in financial contributions or by other means, on behalf of an organization or activity that benefits the community.

E. This section does not apply to an elected or appointed officer or employee who engages in conduct that constitutes a violation of this section to the extent that the elected or appointed officer or employee is chargeable, for the same conduct, under Utah Code Annotated section 76-8-105. (Ord. 2022-37, 12-12-2022)

2.62.040: COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING COUNTY - PUBLIC DISCLOSURE AND FILING REQUIRED:

A. No elected or appointed officer or employee may receive or agree to receive compensation for assisting any person or business entity in any transaction involving Cache County in which they are an officer or employee unless they file with the County Council or the body on which they are a member a sworn statement giving the information required by this section, and discloses in open meeting to the members of the County Council or body of which they are a member, immediately prior to the discussion, the information required by Subsection C.

B. The statement required to be filed by this section shall be filed ten (10) days prior to the date of any agreement between the elected or appointed officer or employee and the person or business entity being assisted or ten (10) days prior to the receipt of compensation by the business entity. The statement is public information and is available for the examination of the public.

C. The statement and disclosure shall contain the following information:

1. The name and address of the officer or employee;
2. The name and address of the person or business entity being or to be assisted, or in which the appointed or elected official has substantial interest; and
3. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed. (Ord. 2022-37, 12-12-2022)

2.62.050: INTEREST IN BUSINESS ENTITY REGULATED BY COUNTY - DISCLOSURE:

Every appointed or elected officer or employee of Cache County who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which is subject to the regulation of Cache County shall disclose the position held and the precise nature and value of the officer or employee's interest upon first becoming appointed, elected, or hired, and again during January of each year thereafter during which the officer or employee continues to be an appointed or elected officer or employee. The disclosure shall be made in a sworn statement filed with the County Council or the body of which they are a member. Bodies other than the County Council shall report the substance of all such disclosure statements to the members of the County Council or may provide to the members of the County Council, copies of the disclosure statement within thirty (30) days after the statement is received. This section does not apply to instances where the value of the interest does not exceed two thousand dollars (\$2,000.00), and life insurance policies and annuities may not be considered in determining the value of the interest. (Ord. 2022-37, 12-12-2022)

2.62.060: INTEREST IN BUSINESS ENTITY DOING BUSINESS WITH COUNTY - DISCLOSURE:

Every appointed or elected officer or employee who is an officer, director, agent, or employee or the owner of a substantial interest in any business entity which does or anticipates doing business with Cache County, shall publicly disclose to the members of the County Council or body on which they are a member immediately prior to any discussion by such body matters relating to such business entity, the nature of their interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting. (Ord. 2022-37, 12-12-2022)

2.62.070: INVESTMENT CREATING CONFLICT OF INTEREST WITH DUTIES - DISCLOSURE:

Any personal interest of or investment by any elected or appointed official of Cache County which creates a potential or actual conflict between the official's personal interests and the official's public duties shall be disclosed in open meeting to the members of the County Council or the body on which they are a member in the manner required by section 2.62.050. (Ord. 2022-37, 12-12-2022)

2.62.080: INDUCING OFFICER OR EMPLOYEE TO VIOLATE PROVISIONS PROHIBITED:

No person shall induce or seek to induce any appointed or elected officer or employee to violate any of the provision of this chapter. (Ord. 2022-37, 12-12-2022)

2.62.090: REMOVAL FROM OFFICE:

In accordance with Utah Code Annotated section 17-16a-10, in addition to any penalty contained in any other provision of law, any person who knowingly and intentionally violates this chapter shall be dismissed from employment or removed from office. (Ord. 2022-37, 12-12-2022)

2.62.100: COMPLAINTS CHARGING VIOLATIONS - PROCEDURE:

A. Except as provided in subsection B, a person filing a complaint for a violation of this chapter shall file the complaint with the Political Subdivisions Ethics Review Commission established in accordance with Utah Code, Title 63A, Chapter 15.

B. Any complaint against a person who is under the merit system, charging that person with a violation of this chapter,

shall be filed and processed in accordance with the provisions of the merit system. (Ord. 2022-37, 12-12-2022)

2.62.110: RESCISSION OF PROHIBITED TRANSACTION:

If any transaction is entered into in connection with a violation of section 2.62.050, Cache County may rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the County. (Ord. 2022-37, 12-12-2022)

CHAPTER 2.64

PUBLIC RECORDS ACCESS AND MANAGEMENT

SECTION:

2.64.010: Authority And Purpose

2.64.020: Definitions

2.64.030: Request For Access

2.64.040: Appeal

2.64.050: Fees

2.64.060: Forms

2.64.010: AUTHORITY AND PURPOSE:

Under authority of Utah Code Annotated § 63G-2-701, this chapter specifies how records in the custody of Cache County may be accessed, and where and to whom requests for access to records shall be directed. All other regulations related to access to public records, including but not limited to, standards for the classification and designation of records; the standards for the management and retention of records; response time for access requests; and time limits for appeals shall be as set forth in Utah Code Annotated Title 63G, Chapter 2. (2021-04, 2-9-2021)

2.64.020: DEFINITIONS:

Terms used in this chapter are defined in Utah Code Annotated Section 63G-2-103, as amended. (2021-04, 2-9-2021)

2.64.030: REQUEST FOR ACCESS:

A. A request for access to records must be made in writing and include the information required by Utah Code Annotated Section 63G-2-204 as follows:

1. The requestor's:
 - a. Name;
 - b. Mailing address;
 - c. Email address, if the person has an email address and is willing to accept communications by email relating to the person's records request;
 - d. Daytime telephone number; and
 - e. A description of the record requested that identifies the record with reasonable specificity.
- B. Requests must be submitted by first class mail; hand delivery; or electronically to the Records Officer as follows:
 1. For records maintained by Cache County (excluding Cache County Sheriff Records): Office of the County Clerk, 179 North Main, Logan UT, 84321. Electronically submitted requests must be submitted through a portal on the County Clerk's website.

2. For Cache County Sheriff records: Cache County Sheriffs Office, Attn: Records Officer, 1225 West Valley View, Suite 200, Logan UT, 84321. Electronically submitted requests must be sent to grama@cachesherriff.org.

C. Requests submitted in a manner other than set forth herein will not be accepted. (2021-04, 2-9-2021)

2.64.040: APPEAL:

A. An appeal of a decision of a Records Officer, shall be in writing, comply with the information required by Utah Code Annotated 63G-2-401(2), and be submitted by first class mail; hand delivery; or electronically to the Office of the Cache County Executive, 199 North Main Street, Logan UT, 84321 or grama@cachecounty.org.

B. Appeals submitted in a manner other than set forth herein will not be accepted. (2021-04, 2-9-2021)

2.64.050: FEES:

A. Fees for copies of records and services shall be charged on a reasonable basis to reimburse the county for the actual costs of duplication and compilation of a record in a form other than that regularly maintained by the county. No fees shall be charged to inspect public records.

B. Fee amounts specified by statute shall be imposed and collected by the responsible department. The responsible

department may waive charges if the department head determines that:

1. Releasing the record primarily benefits the public rather than an individual person;
2. The individual requesting the record is the subject of the record; or
3. The requester's rights are directly implicated by the information in the record and the requester is impecunious.

C. The county shall charge a fee equivalent to the cost of services provided to an individual and any public or private agency for those individual's or agency's sole or personal use. Services or information provided to any individual or any agency for resale shall be charged at the fair market value of such services or information; provided, that such fee shall be never less than the full cost incurred by the county in the provision of such information or services.

D. The county records committee, in cooperation with the county records manager, shall review the full cost of providing records services at least annually and make recommendations to the county council.

E. The county council shall approve all fee schedules for use by all county departments.

F. Fee schedules shall be uniform throughout the county.

G. If a request for a record requires extraordinary services, the requester shall be given an estimate of approximate costs before such extraordinary costs are accrued.

H. Payment of fees shall be required at the time records are made and delivered to the requesting party, except that if fees are anticipated to exceed fifty dollars (\$50.00), the department from which the record is requested may require payment in advance in full or in part.

I. Fees shall be enumerated in the Consolidated Fee Schedule approved by the County Council. (2021-04, 2-9-2021; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

2.64.060: FORMS:

A. Request forms are available at www.cachecounty.org or from the Records Officer.

B. These forms are provided as a convenience, and a requester is not required to use these forms as long as information required by the statute is provided. (2021-04, 2-9-2021)

CHAPTER 2.68

TOWNSHIPS AND TOWNSHIP PLANNING COMMISSIONS

(Rep. by Ord. 2016-08, 6-28-2016, eff. 7-13-2016)

CHAPTER 2.70

AGRICULTURE PROTECTION AREA ADVISORY BOARD

SECTION:

2.70.010: Established

2.70.020: Purposes And Duties

2.70.030: Officers

2.70.040: Quorum And Rules Of Operation

2.70.050: Proposal And Approval Of Agriculture Protection Area

2.70.010: ESTABLISHED:

An agriculture protection area advisory board has been previously established by resolution 95-32 and Ordinance 2009-11 of the Cache County Council pursuant to Utah Code Annotated section 17-41-201 to perform the duties set out therein or any later amendment or enactment of that section and as provided by County ordinance. (Ord. 2009-11, 11-24-2009, eff. 12-9-2009; amd. Ord. 2022-26A, 9-27-2022)

2.70.020: PURPOSES AND DUTIES:

The advisory board shall:

A. Evaluate proposals for the establishment of agriculture protection areas and make recommendations to the County Council about whether the proposal should be accepted;

B. Provide expert advice to the Planning Commission and to the County Council about:

1. The desirability of the proposal;

2. The nature of agricultural production within the proposed area;
3. The relation of agricultural production in the area to the county as a whole; and
4. Which agriculture production should be allowed within the relevant protection area; and

C. Perform the other duties required under title 17, chapter 41, Utah Code Annotated, 1953, as amended. (Ord. 2022-26A, 9-27-2022)

2.70.030: OFFICERS:

The County Council shall appoint five members from the county's conservation district board of supervisors to serve as the agriculture protection area advisory board. The members of the agriculture protection area advisory board shall select a chair, vice chair and secretary. The chair and vice chair shall be selected from among the members of the agriculture protection area advisory board. The secretary may be either a member of the advisory board or contracted. (Ord. 2022-26A, 9-27-2022)

2.70.040: QUORUM AND RULES OF OPERATION:

Any three (3) members of the agriculture protection area advisory board shall constitute a quorum of that board. Any actions of the agriculture protection area advisory board must be approved by at least three (3) members of that board. All meetings shall be conducted in accordance with the Utah open and public meetings act. The agriculture protection area advisory board may adopt such additional rules of operation as it deems necessary to govern its affairs. (Ord. 2022-26A, 9-27-2022)

2.70.050: PROPOSAL AND APPROVAL OF AGRICULTURE PROTECTION AREA:

A. Filing Procedure: Any owner or owners of land in agricultural production may file a proposal for creation of an agriculture protection area with the Cache County Council by completing forms approved by the Cache County Council and filing the forms in the Office of Development Services. The Office of Development Services or other person(s) designated by the County Council to receive and process proposals shall accept and process such forms only if they are properly completed and accompanied by the filing fee as provided in this section. The proposal shall contain the following information:

1. The boundaries of the land in agricultural production that the proposal sponsors wish to become part of an agriculture protection area;
2. Any limits on the type of agriculture production to be allowed within the agriculture protection area; and
3. For each parcel of land:
 - a. The owners of the land contained within the parcel;
 - b. The tax parcel number or account number of each parcel; and
 - c. The number or account number of acres as listed on the parcel tax records.
4. The proposal shall be signed by the majority in number of all owners of real property and the owners of a majority of the land area in agricultural production within the proposed protection area.

B. Notice Requirements: The Office of Development Services shall provide notice of the proposal for an agriculture protection area as required by title 17, chapter 41, Utah Code Annotated, 1953, as amended.

C. Review Of Proposal:

1. After fifteen (15) days from the date of the notice, the Office of Development Services shall refer the proposal, and any proposed modifications and objections to the proposal, to the advisory board and Planning Commission for their review, comment and recommendations.

2. Within forty five (45) days after receipt of the proposal, the advisory board and Planning Commission shall each submit a report to the Cache County Council relative to their review, comments and recommendations as provided in title 17, chapter 41, Utah Code Annotated, 1953, as amended. The County Council shall consider a failure of the Planning Commission or advisory board to submit a written report within 45 days as a recommendation to approve the proposal as submitted.

3. After receipt of the reports from the advisory board and Planning Commission, or after forty five (45) days have expired, whichever is earlier, the Cache County Council shall schedule a public hearing and provide notice of the same, conduct a public hearing, and within one hundred twenty (120) days of the submission of the proposal, approve, modify and approve, or reject the proposal as required by title 17, chapter 41, Utah Code Annotated, 1953, as amended.

D. Minimum Size For Agriculture Protection Area: At least five (5) continuous acres within Cache County must be included in each agriculture protection area.

E. Fees For Accepting And Processing Agriculture Protection Area Proposals: Any person or persons filing a proposal to create an agriculture protection area pursuant to title 17, chapter 41, Utah Code Annotated, 1953, as amended, shall pay a fee at the time of filing. See Consolidated Fee Schedule for fee amount. This fee includes all costs associated with processing agriculture protection area proposals.

F. Adding Land To An Agriculture Protection Area:

1. Any owner of land may add land to an existing agriculture protection area by:
 - a. Filing a proposal with the Office of Development Services; and
 - b. Obtaining approval of the Cache County Council for the addition of the land to the area.
2. The Cache County Council shall comply with the provisions for creating an agriculture protection area in determining whether or not to accept the proposal.

G. Removing Land From An Agriculture Protection Area:

1. Any owner may remove land from an agriculture protection area by filing a petition for removal of the land from the agriculture protection area with the County Council. No fee shall be charged for a petition to remove land from the protection area.
2. The Cache County Council shall:
 - a. Grant the petition for removal of land from an agriculture protection area even if removal of the land would result in an agriculture protection area of less than the number of acres established by the Cache County Council as the minimum under this section; and
 - b. In order to give constructive notice of the removal to all persons who have acquired or who may acquire an interest in land in or adjacent to the agriculture protection area and the land removed from the agriculture protection area, file a legal description of the revised agriculture protection area with the Cache County Recorder and the Planning Commission.
3. The remaining land in the agriculture protection area is still an agriculture protection area.
4. When a municipality annexes any land that is part of an agriculture protection area, the Cache County Council shall, within thirty (30) days after the land is annexed, review the feasibility of that land remaining in the agriculture protection area according to the procedures and requirements of title 17, chapter 41, Utah Code Annotated, 1953, as amended. The Cache County Council shall remove the annexed land from the protection area if it deems removal appropriate and if the owners of all the annexed land that is within the protection area consent in writing to removal.

H. Review Of Agriculture Protection Area:

1. The County Council shall review any agriculture protection area created under the authorization of this chapter in the twentieth calendar year after it is created.
2. In the twentieth calendar year, the Cache County Council shall:
 - a. Request the Planning Commission and advisory board to submit recommendations about whether the agriculture protection area should be continued, modified, or terminated;
 - b. At least one hundred twenty (120) days before the end of the calendar year hold a public hearing to discuss whether the agriculture protection area should be continued, modified, or terminated;
 - c. Give notice of the hearing using the same procedures for any notice employed to establish an agriculture protection area; and
 - d. After the public hearing, continue, modify, or terminate the agriculture protection area.
3. If the Cache County Council modifies or terminates the agriculture protection area, it shall file an executed document containing the legal description of the agriculture protection area with the Cache County Recorder.
4. If the Cache County Council does not affirmatively continue, modify, or terminate the agriculture protection area in the twentieth calendar year, the agriculture protection area is considered to be reauthorized for another twenty (20) years. (Ord. 2022-26A, 9-27-2022)

CHAPTER 2.74

COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

SECTION:

2.74.010: Agency Created

2.74.020: Governing Body

2.74.030: Duties And Powers

2.74.040: Notice

2.74.010: AGENCY CREATED:

There is hereby created a community development and renewal agency, to be known as the community development and renewal agency of Cache County ("agency"). (Ord. 2011-13, 9-13-2011)

2.74.020: GOVERNING BODY:

The council is hereby designated as the governing body of the agency. (Ord. 2011-13, 9-13-2011)

2.74.030: DUTIES AND POWERS:

The agency is hereby authorized to enter into agreements and transact business and to exercise all powers, rights, duties, and privileges as set forth in the limited purpose local government entities–community development and renewal agency ¹ ("act"), as may be amended from time to time. All of the provisions of the act, as the same may be amended from time to time, are hereby adopted as if fully set forth herein. (Ord. 2011-13, 9-13-2011)

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Notes

¹ 1. UCA § 17C-1-101 et seq.

2.74.040: NOTICE:

The clerk is directed to provide notice to the lieutenant governor as required by Utah Code Annotated section 17C-1-201(2). (Ord. 2011-13, 9-13-2011)

CHAPTER 2.76
THE CACHE OPEN SPACE ADVISORY COMMITTEE

SECTION:

2.76.010: Definitions

2.76.020: Name And Purpose

2.76.030: Authority

2.76.040: Organization

2.76.050: Powers And Duties

2.76.060: Meetings

2.76.070: County Council Authority

2.76.010: DEFINITIONS:

BOND:	The 2022 Cache County voter-approved General Obligation Bond authorizing a principal amount not to exceed twenty million dollars (\$2,000,000.00) for the purpose of paying all or a portion of the costs of purchasing land, conservation easements, and other interests in land from willing landowners in order to protect scenic vistas, preserve open lands near valley gateways, add trails and trail connectivity, and maintain agriculture, waterways, and wildlife habitat.
COSAC:	The Cache Open Space Advisory Committee, which is comprised of seven (7) members.
COUNTY:	Cache County, Utah.
COUNTY COUNCIL:	The Cache County Council, which exercises legislative authority in the County.
COUNTY EXECUTIVE:	The chief executive officer of the County.
EVALUATION STANDARDS:	The respective evaluation standards adopted by the COSAC used to prioritize and recommend proposals to the County Council.
MEMBER:	Respectively members of COSAC.
PROPERTY INTERESTS:	Any real property interest acquired, or proposed to be acquired, using bond proceeds or a combination of bond proceeds and other funding sources.
PUBLIC INTEREST:	The responsibility of each member to represent the common good, the general welfare, and the security and well-being of the respective communities represented by COSAC as to matters concerning the evaluation and recommendations of the use of bond proceeds for the purpose of acquiring or considering the acquisition of property interests. (Ord. 2023-06, 2-14-2023)

2.76.020: NAME AND PURPOSE:

The Cache Open Space Advisory Committee ("COSAC") is created for the purpose of serving the public interest by creating, adopting, and implementing evaluation standards, advising and providing recommendations to the County Council regarding the identification, evaluation (including the evaluation of proposals), and possible acquisition of property interests based on the approved evaluation standards. (Ord. 2023-06, 2-14-2023)

2.76.030: AUTHORITY:

COSAC is created as an advisory committee to the County Council for the purposes set forth in section 2.76.020. There shall be no actual or apparent authority vested in COSAC except the authority granted in this chapter. Neither COSAC, nor any member thereof, is empowered to bind the County as to the purchase of any property interest. (Ord. 2023-06, 2-14-2023)

2.76.040: ORGANIZATION:

A. COSAC Organization:

1. COSAC shall be composed of seven (7) voting members and two (2) non-voting ex-officio members. Four (4) of the voting members will be appointed by the County Executive with advice and consent of the County Council, with a preference for those applicants with expertise in agriculture, trails, wildlife, waterways, or outdoor recreation. Three (3) voting members will be selected from the general public, appointed by the County Executive with advice and consent of the County Council. The two (2) ex officio members will be a member of the County Council and an expert in agriculture appointed by the County Executive with advice and consent of the County Council.

In its first meeting, and annually thereafter, COSAC shall select from among the members a chair, vice chair, and secretary, and shall provide the County Council with written notice of such selections.

2. Appointed COSAC members serve one year terms and may serve unlimited terms.

3. The County Council may remove any member at any time with or without cause.

4. Upon removal or withdrawal of any member of COSAC, the County Executive shall appoint a replacement member with advice and consent of the County Council. The replacement member shall complete the remainder of the term of the vacant seat.

5. COSAC may enlist non-voting consultants to participate as needed or advise the COSAC chair in their recommendations to the County Council and their preparations of proposed acquisitions, including County staff, members of the Planning Commission, or other such persons as selected by COSAC. Such consultants shall not be considered members.

B. All members shall serve without compensation, but their actual and necessary expenses incurred in the performance of their official duties may be paid or reimbursed by the County at the discretion of the County Council.

C. The County Attorney or his/her designee shall be legal counsel to the COSAC. (Ord. 2023-06, 2-14-2023)

2.76.050: POWERS AND DUTIES:

A. COSAC's powers are limited to:

1. Creating, prioritizing, adopting, and applying the evaluation standards;

2. Advising, providing recommendations to, and consulting with, the County Council regarding the identification, evaluation (including the evaluations of proposals), and possible acquisition of property interests based on the approved evaluation standards. Such advice may include recommendations concerning funding strategies, types of property interests to be acquired, and recommendations concerning consultation and collaboration with accredited land trusts.

3. Creation of bylaws to govern meetings.

B. COSAC Duties:

1. Upon the request of the County Council, and at least annually, COSAC shall make presentation to the County Council concerning the evaluation standards. At such presentations, COSAC will report on goals, progress, and actions, with the goal of refining and improving evaluation standards and practices. (Ord. 2023-06, 2-14-2023)

2.76.060: MEETINGS:

A. Meetings of the COSAC shall be scheduled on an as-needed basis, but no fewer than semi-annually.

B. Meetings, special meetings, work sessions, and field trips, for any purpose, may be held at the call of the chair or the County Council. Work sessions and field trip meetings shall be for discussion and informational purposes only; no action shall be taken on any item.

C. COSAC shall conduct its business according to its bylaws. (Ord. 2023-06, 2-14-2023)

2.76.070: COUNTY COUNCIL AUTHORITY:

A. COSAC serves in the capacity of advisory group and is created for the purpose of providing the County Council with valuable insight and analysis concerning the potential uses of bond proceeds in the County.

B. The COSAC does not have authority to take any action that is binding on the County Executive, County Council, or the County and shall not take any action that purports to do so.

C. The County Council retains final approval authority on evaluation standards and their application by the COSAC in the selection process.

D. The County Council retains final authority regarding any real property transactions and may take direct action on any acquisition of property interests, with or without the involvement of COSAC subject to and consistent with Utah and Cache County Code. (Ord. 2023-06, 2-14-2023)

TITLE 3

REVENUE AND FINANCE

Fiscal Procedures And Budgeting	3.04
Purchasing	3.08
Public Improvements	3.12
Contracts	3.16
Warrants	3.20
Claims Against The County	3.24
Assets	3.28
Audits	3.32
Bonds	3.36
Surplus Property	3.40
Reimbursements	3.44
Grants	3.48
Tax Anticipation Notes	3.52
Fund Balance Policy	3.56
Real Property Tax Procedures	3.60
Uniform Local Sales And Use Tax	3.64
Optional County Sales And Use Tax	3.68
Personal Property Tax Penalty Waivers	3.72
Transient Room Tax	3.76
Tourism, Recreation, Cultural And Convention Tax	3.80
Botanical, Cultural, Recreational And Zoological Tax	3.82
Real Property Tax Sale Procedures	3.84
Transportation Projects Sales And Use Tax	3.85
Highways And Public Transit Sales And Use Tax	3.86
Levies	3.88

CHAPTER 3.04

FISCAL PROCEDURES AND BUDGETING

SECTION:

3.04.010: Designation

3.04.020: Purpose

3.04.030: State Law

3.04.040: Purpose

3.04.050: Budget Officer

3.04.060: Budget Preparation And Submission

3.04.070: Adoption Of The Budget

3.04.075: Modification Of The Budget

3.04.080: Certification

3.04.085: Elected Official/Department Head Responsibility

3.04.090: Transfers

3.04.100: Reduction

3.04.110: Special Fund Budget Increase

3.04.120: Increase In General Fund Budget

3.04.130: Emergency Expenditures

3.04.140: Operating And Capital Budget

3.04.010: DESIGNATION:

Chapters 3.04 through 3.56 of this title shall be designated as the *CACHE COUNTY FISCAL PROCEDURES ORDINANCE*. (Ord. 90-16)

3.04.020: PURPOSE:

The purpose of chapters 3.04 through 3.56 of this title is to codify and revise the ordinances of Cache County relating to county fiscal procedures in order to establish uniform accounting, budgeting, purchasing, fiscal, and other fiscal procedures for all departments. (Ord. 90-16)

3.04.030: STATE LAW:

The county is subject to the Utah uniform fiscal procedures act for counties and other applicable statutes. In the event of any conflict between the provisions of chapters 3.04 through 3.56 of this title and any state law, the provisions of state law shall apply. (Ord. 90-16)

3.04.040: PURPOSE:

The purpose of this chapter is to clarify the roles of the county executive, county auditor and county council in the county budget process by reconciling the provisions of state law, the organic act for the Cache County form of government, state regulations and procedures, and the actual current county budget procedures in a practical and effective manner. (Ord. 90-16)

3.04.050: BUDGET OFFICER:

A. The county executive, as chief executive officer of the county, shall direct the budget process as the formal budget officer and supervise and direct the centralized budgeting and administrative participation of the various county departments, boards and agencies in the county budget process, subject to the provisions of chapters 3.04 through 3.56 of this title.

B. The county auditor shall serve as the assistant county budget officer, subject to the provisions of chapters 3.04 through 3.56 of this title, and perform the duties of that position as those duties are specified in the Utah fiscal procedures act for counties, being set forth in Utah Code Annotated title 17, chapter 36, as amended. (Ord. 90-16)

3.04.060: BUDGET PREPARATION AND SUBMISSION:

The following procedure, subject to the Utah uniform fiscal procedures act for counties, shall be followed in the preparation and submission of the annual county budget:

A. The auditor shall prepare a budget report for the first eight (8) months of the year indicating actual revenues and expenditures, the current budget in terms of total annual budget, budget expenditures and revenues to date, and the remaining budget balance.

B. The auditor will submit a copy of that report in full to the county executive and copies of the report as they pertain to each county department head. Each department head shall:

1. Review the report;
2. Prepare a proposed department budget for the next year; and
3. Submit that proposed department budget to the county executive on or before September 20, and a copy to the county auditor.

C. The auditor shall:

1. Estimate anticipated revenues for the next budget year, review actual revenues and expenditures to date for the current year, and review other available and relevant budget information and data; and
2. Prepare a proposed tentative county budget for the next year, together with recommendations regarding the budget and its implementations; and
3. Submit a proposed tentative county budget for the next year, with recommendations, and copies of the department

head proposals to the county executive on or before October 1.

D. The county executive shall:

1. Review the eight (8) month report of the county auditor, the proposed budget submitted by the department heads, and the proposed tentative budget and recommendations of the county auditor;
2. Prepare a proposed budget and recommendations and confer with the county auditor to reconcile any differences between the executive's proposed budget and the auditor's proposed budget and recommendations.

E. The county auditor shall prepare the revised tentative budget and recommendations proposed by the county executive.

F. The county executive with support and assistance of the auditor shall prepare and submit a budget message explanation of the revised tentative budget to the county council. (Ord. 90-16)

3.04.070: ADOPTION OF THE BUDGET:

A. The county council shall review, consider and tentatively approve, upon motion, a tentative budget with any modifications it deems appropriate.

B. The tentative budget and all supportive schedules and data shall be a public record available for inspection during business hours at the offices of the county auditor for at least ten (10) days prior to the public hearing on the adoption of the final budget.

C. The county council shall, in accordance with its rules of procedure, schedule a public hearing on the adoption of the budget.

D. Notice of the public hearing shall be published at least seven (7) days before the hearing at least once in a newspaper of general circulation within the county. The county clerk shall be responsible for publication of this notice.

E. The county council shall conduct a public hearing on the budget at the time and place and on the date specified in the notice.

F. Upon the completion of the public hearing, the county council shall make final adjustments to the tentative budget as it deems appropriate, giving due consideration to matters discussed at the hearing subject to the following limitations:

1. There shall be no decrease in an amount appropriated for reduction of any deficit which exists.
2. No budget increase shall exceed the estimate revenue for such budget.

G. On or before December 15, the county council shall, by resolution, adopt the budget which, subject to further amendment, shall thereafter be in effect until the next fiscal year.

H. Draft budgets, tentative budgets, submitted budgets, final budgets, and budget amendments shall include line items of account details and line items of transaction details for each account. (Ord. 90-16; amd. Ord. 2022-38, 12-13-2022)

3.04.075: MODIFICATION OF THE BUDGET:

A. Budget openings shall be held quarterly. Unless there are no requests for changes to be considered, a resolution amending the budget shall be placed on the agenda for initial proposals for consideration of action and a public hearing shall be held, in accordance with the requirements of County Code 2.12.260 and applicable state code, at the first County Council meeting of the following months: March, June, September, and November.

B. At the approval of the County Council, a special budget opening to address an immediately needed adjustment to the budget may be held at any time consistent with noticing requirements in county and state code. A special budget opening shall not replace quarterly budget openings.

C. Upon the completion of the public hearing, the County Council shall consider the matters discussed at the hearing and make adjustments to the budget as it deems appropriate, subject to the following limitations:

1. There shall be no decrease in an amount appropriated for reduction of any deficit which exists.
2. No budget increase shall exceed the estimated revenue for such budget. (Ord. 2022-38, 12-13-2022)

3.04.080: CERTIFICATION:

A. A copy of the final budget, and of any subsequent amendment thereof, shall be certified by the county auditor and filed with the state auditor not later than thirty (30) days after its adoption.

B. A copy of the budget, similarly certified, shall be filed in the office of the county auditor for inspection by the public during business hours.

C. A copy of the final budget shall be submitted by the county auditor to the county executive. (Ord. 90-16)

3.04.085: ELECTED OFFICIAL/DEPARTMENT HEAD RESPONSIBILITY:

Each elected official and/or department head is designated to have accountability, authority, and responsibility for the fiscal management of their office or department. The elected official or department head shall work with the executive (budget officer) and auditor in making any adjustment to the budget(s) assigned to them. (Ord. 2007-07, 9-11-2007)

3.04.090: TRANSFERS:

A. With the consent of the county council and upon written notice to the county auditor, the county executive may authorize an intradepartmental transfer over one thousand dollars (\$1,000.00) in any department, as to any unencumbered or unexpended appropriation balance or any part from one expenditure account to another within the department during the budget year, or may transfer an excess expenditure of one or more line items; provided, that the total of all excess expenditures or encumbrances does not exceed the total unused appropriation within the department at the close of the budget year. Transfers of one thousand dollars (\$1,000.00) or less may be authorized directly by the county executive.

B. 1. At the request of the county executive or upon its own motion, the county council may, by resolution, transfer any unencumbered or unexpended appropriation balance or part thereof from one department in a fund to another department in the same fund; or

2. Permit one department in a fund to pay for a line item on behalf of another department in the same fund.

Notwithstanding 1. or 2. no appropriation for debt retirement and interest, reduction of deficit, or other appropriations required by law may be reduced below the required minimum.

(Ord. 90-16; amd. Ord. 99-02; Ord. 2022-34)

3.04.100: REDUCTION:

The budget appropriation for any department may be reduced, for any purpose other than the transfer of funds to another department, by resolution of the county council; provided, that five (5) days' notice has been given to the county executive and the department head of the affected department, and that the county executive and the department head are permitted to be heard on the proposed reduction. (Ord. 90-16)

3.04.110: SPECIAL FUND BUDGET INCREASE:

The budget appropriation of any budgetary fund other than the general fund may be increased at any regular meeting of the county council; provided, that notice of such action to be considered has been published at least once, five (5) days before the meeting in a newspaper of general circulation. (Ord. 90-16)

3.04.120: INCREASE IN GENERAL FUND BUDGET:

A. The budget of the general fund may be increased by resolution of the county council, only after a duly called public hearing shall have been held and all interested parties shall have been given an opportunity to be heard.

B. Notice of such hearing shall be published at least five (5) days before such hearing and in at least one issue of a newspaper of general circulation.

C. After such public hearing, the county council may amend the general fund budget as it deems appropriate with due consideration to matters discussed at the public hearing and to revise estimates of revenue. (Ord. 90-16)

3.04.130: EMERGENCY EXPENDITURES:

If the county council determines that an emergency exists and that the expenditure of money in excess of the general fund budget is necessary, it may make such expenditures and incur such deficit as is reasonably necessary to meet the emergency. (Ord. 90-16)

3.04.140: OPERATING AND CAPITAL BUDGET:

A. Before or at the time the county council adopts budgets for the general fund, special revenue funds, debt service funds, capital improvement funds, or any other fund for which a budget is required, it shall adopt an operating capital budget for the next fiscal year for each enterprise fund and for any other special nonbudgetary fund for which operating and capital budgets are required.

B. On or before November 1 of each fiscal year, the county executive, with assistance from the county auditor, shall prepare for the next fiscal year a tentative operating and capital budget for each enterprise fund and for any other special fund which requires an operating capital budget.

C. The tentative operating and capital budget shall be submitted, reviewed and handled in the same manner as provided for in this chapter regarding the budget for the general fund. Such submission, review, recommendations and procedures shall be followed by the county auditor, county executive and county council as specified.

D. The tentative operating and capital budget shall be accompanied by a supplementary estimate of all capital projects or planned capital projects within the next fiscal year and within the next three (3) succeeding fiscal years.

E. The tentative operating and capital budget shall be reviewed by the county council at any regular or special meeting called for that purpose and shall be subject to any changes deemed appropriate by the county council.

F. The county council shall adopt an operating and capital budget for the next fiscal year prior to the close of the current fiscal year.

G. Upon final adoption, the operating and capital budget shall be in effect for the budget year, subject to amendment.

H. A copy of the operating and capital budget as adopted for each fund shall be:

1. Certified by the county auditor;
2. Made available to the public during business hours in the office of the county auditor;
3. Submitted to the county executive;

CHAPTER 3.08

PURCHASING

SECTION:

3.08.010: Definitions

3.08.020: Purchase Policy

3.08.030: Purchasing Procedures

3.08.040: Purchase Order Requirement Exemptions

3.08.050: Emergency Procurement

3.08.060: Travel Expenses

3.08.070: Professional Services

3.08.010: DEFINITIONS:

OPEN MARKET PROCEDURES: Purchasing goods or services from the open market by, whenever possible, obtaining at least three (3) quotes. This quotes solicitation can be done by department heads, division managers, or their designees. The goal of open market procedures is to obtain substantially equal goods and services at the best value (price, timing, quality, service, etc.). (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.08.020: PURCHASE POLICY:

A. As a general policy, and to the degree reasonable, the county shall endeavor to make all purchases locally; provided, that the items or services purchased are available in the required quantity, quality, and within a reasonable time.

B. Bids for public improvements and construction projects shall be made in accordance with state law and the provisions of chapter 3.12 of this title.

C. Purchases shall not be split within the course of a budget year to avoid complying with the provisions of this chapter. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.08.030: PURCHASING PROCEDURES:

The following procedures shall be used with respect to all purchases unless otherwise exempt as set forth in section 3.08.040 of this chapter:

A. **Basic Purchase:** For individual purchases in an amount equal to or less than two thousand dollars (\$2,000.00) for single items or five thousand dollars (\$5,000.00) of collective value for all items, departments may purchase the item(s) and submit the invoice for payment. Such purchases must be approved by the department head and not exceed their respective budget allotment unless approved by the county executive.

B. **Purchase Orders:** All services, contracts, supplies, materials, and equipment in excess of the basic purchase limits shall be purchased with the authority of a written purchase order. Written documentation of compliance with open market procedures must accompany all purchase orders unless specifically exempt in this title.

1. The department head shall file with the finance department a request for a purchase order including required agreements/contracts, quotes, bids, sole source justification, or other documentation to ensure compliance with this title. Any proposed agreements or contracts that accompany the purchase order request shall be executed in compliance with this title.

2. The finance department shall review the documents as submitted by the department head for compliance with this title.

a. If additional information is required, such information shall be provided by the department head requesting the purchase order.

b. If the request complies with the requirements of this title and the established budget allocation for the department, the purchase order shall be issued.

C. **Exemptions:** The following are exempt from the requirements of open market procedures (a purchase order is still required):

1. **Sole Source Purchases:** A purchase may be made without following open market procedures when the department head determines in writing that there is only one source for the required service or item. In that event, although quotes will not be necessary, all other procedures as set forth in this title are required.

2. **Approved Vendor:** Approved vendors may be established for standard goods and services ordered periodically by one or more departments throughout a fiscal year. Regular and consistent purchases of such items as vehicle parts, pipe, fencing material, gravel, asphalt, etc., are applicable.

a. Approved vendors are established by:

(1) The finance director, individual department head, and county executive and are valid for purchases made during that fiscal year.

(2) Purchases from state of Utah approved vendors may also qualify as approved vendors without the need for further review.

b. Items available for purchase from approved vendors shall allow for some discretion in individual smaller units, generalization of items, and minor variations in cost (market changes up to 5 percent per year).

c. Annual purchase orders for approved vendors may be obtained by departments for a fiscal year time period. Annual purchase orders are not for specific items or orders, but are rather eligible to be opened for set amounts of budget for recurring purchases.

3. Federal Or State Agencies: Purchases from Utah state central stores, federal or state agencies, or Utah state surplus.

4. Specified Vendors: Purchases from vendors specified in the Utah state approved contract or vendor list.

5. GSA Vendors: Purchases from GSA vendors (U.S. general services administration approved vendors). (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.08.040: PURCHASE ORDER REQUIREMENT EXEMPTIONS:

The following type of purchases or acquisitions shall be exempt from the open market and purchase order procedure requirements of this chapter regardless of the expenditure amount:

A. Regular utility bills.

B. Salaries, benefits and compensation to and for county employees.

C. Negotiated contracts encumbered and as provided for in a line item of the general county budget to a single vendor. (Fuel and vehicle fluid purchases by the road/weed departments or sheriff's office.)

D. Seminars, conferences, or other training and reimbursement for travel and per diem expenses.

E. Professional services unless the county elects to require bidding in compliance with section 3.08.070 of this chapter.

F. Advertising in print or digital media. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.08.050: EMERGENCY PROCUREMENT:

A. Under emergency conditions where there exists a threat to public health, welfare, safety or property, the county executive, or in the event of his absence or the inability to contact him, the department head in charge of the affected area, may make or authorize an emergency procurement without following open market procedures or obtaining bids, so long as they make reasonable efforts to follow the procedures set forth in this chapter.

B. Emergency procurement shall be made with as much competition as practicable under the circumstances.

C. A written determination of the basis for the emergency, for the selection of the particular vendor or contractor, and for the actions of the person making the purchase shall be submitted to the county executive for the purchase to be reviewed. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.08.060: TRAVEL EXPENSES:

All requests for travel to conventions, seminars and/or conferences to locations that are both out of state and farther than two hundred fifty (250) miles from Cache County must be approved by the employee's department head and the county executive in advance. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.08.070: PROFESSIONAL SERVICES:

A. It is the policy of the county to:

1. Publicly announce all requests for professional services with a projected value of more than one hundred thousand dollars (\$100,000.00) unless a contract for services already exists;

2. The county executive or designee shall be enabled to authorize the issuance of requests for proposals (RFPs) on any project;

3. Negotiate contracts for professional services on the basis of:

a. Demonstrated competence; and

b. Demonstrated qualification for the type of service required; and

c. Fair and reasonable prices.

B. The county executive may designate a selection committee for professional services contracts and such committee shall evaluate the response to requests for proposals (RFPs). The selection committee shall consider no fewer than three (3) firms, unless fewer RFPs are submitted, and then shall make recommendations therefrom of the most highly qualified to provide the services and submit that recommendation to the county executive.

C. In awarding a contract for professional services, the county executive shall consider the estimated value, the scope, complexity and professional nature of the services to be rendered and shall award the contract only to a qualified firm.

D. The county executive, in his discretion, is authorized to select alternative methods of procurement of construction contracting management for a particular project as provided for in the Utah procurement code. The following rules are hereby adopted to implement this subsection, as follows:

1. The county executive shall select the appropriate method of construction contracting management for a particular project. In connection with the selection of the method, the county executive shall include in the contract file a written statement setting forth the facts which led to the selection of a particular method of construction contracting management for each project.

2. Before choosing a construction contracting management method, the county executive shall consider the following factors:

- a. When the project must be ready to be occupied;
- b. The type of project;
- c. The extent to which the requirements of the procuring agencies and the ways in which they are to be met are known;
- d. The location of the project;
- e. The size, scope, complexity, and economics of the project;
- f. The source of funding and any resulting constraints necessitated by the funding source;
- g. The availability, qualification, and experience of county personnel to be assigned to the project and how much time the county personnel can devote to the project; and
- h. The availability, qualifications, and experience of outside consultants and contractors to complete the project under the various methods being considered.

3. The county executive is hereby expressly authorized, in his discretion, to implement the construction manager/general contractor method as a method of construction contracting management for a particular project. In the implementation of this method, the following rules shall apply:

a. The construction manager/general contractor shall be selected using one of the source selection methods provided for in the Utah procurement code; and

b. When entering into any subcontract that was not specifically included in the construction manager/general contractor's cost proposal submitted under the requirements of subsection D3a of this section, the construction manager/general contractor shall procure that subcontractor in the same manner as if the subcontract work was procured directly by the county. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

CHAPTER 3.12

PUBLIC IMPROVEMENTS

SECTION:

3.12.010: Definitions

3.12.020: County Provision Of Materials And Services

3.12.030: Plans And Specifications

3.12.040: Bids

3.12.050: Contracts

3.12.060: Bonds

3.12.070: Compliance With Law

3.12.080: Supervision

3.12.090: Emergencies

3.12.010: DEFINITIONS:

PUBLIC IMPROVEMENT: Means and includes the construction or reconstruction of buildings, bridges, roads and other structures or improvements owned, operated, planned or constructed by the county or any other public entity. This does not include standard maintenance activities that are completed by county crews.

PUBLIC IMPROVEMENT PROJECT: The planning, construction, repair and maintenance of any public improvement. (Ord.

2015-05, 3-24-2015, eff. 4-3-2015)

3.12.020: COUNTY PROVISION OF MATERIALS AND SERVICES:

Unless specifically required otherwise by the provisions of any applicable state law, the county may provide materials and services for the construction, repair and maintenance of any public improvement as may be reasonable, necessary and feasible to reduce the costs of any public improvement project and the need for private contractors. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.12.030: PLANS AND SPECIFICATIONS:

- A. No public improvement project may be undertaken without adequate and reasonable detailed plans and specifications.
- B. All plans and specifications shall be prepared by a licensed and qualified engineer or surveyor and reviewed by the appropriate county staff. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.12.040: BIDS:

Subject to the foregoing sections and applicable state and federal laws, rules, regulations and contract requirements, and unless provided directly by the county, all public improvements shall be erected or repaired by contract and after the completion of the bid process provided by this title. Awards for public improvements shall be let to the lowest responsible bidder who has complied with the requirements of this title.

A. Formal Competitive Bidding: If the purchase price exceeds one hundred fifty thousand dollars (\$150,000.00), formal competitive bidding procedures shall be used. The purchasing agent shall call for competitive bids by giving reasonable notice of the county's intent to receive sealed bids, describing therein the requested property or services needed, and the place where bid blanks and specifications may be obtained as well as the place, date and time when bids will be received and/or opened.

1. Publication Of Notice: Unless otherwise required by state law, bids may be invited by one or more of the following: a single publication in a local newspaper (minimum of twice at least 5 days in advance of the bid opening), by mailing invitations to interested qualified bidders, electronic notification (e-mail) to interested vendors, posting of the bid or proposal package on the county website, or posting of the bid or proposal package on an online procurement notification system selected by the purchasing agent. A minimum of three (3) bidders, where applicable, will be solicited. Bids are accepted in a manner determined by the purchasing agent.

2. Firm Bids: All bids submitted to the county shall be open for acceptance for a period of ten (10) days following bid openings.

3. Rejection Of Bids: The county may reject any or all bids including the apparent lowest bidder. A written statement must accompany each or all rejected bids with the reasoning for rejection of the bid.

4. Payment And Performance Bonds: Before entering into a contract the county may require a payment and performance bond from the successful bidder. The bond must be furnished to the county upon awarding of a contract. A payment and performance bond shall be required on public works construction projects.

5. Bid Bonds: The county may require as a condition of bidding a bid bond or a cashier's check in lieu thereof in the amount of five percent (5%) of the amount bid. A bid bond shall be required on public works construction projects.

6. Award Of Bids: Except as otherwise provided in this chapter the county shall accept the bid of the lowest responsible bidder.

7. Award To Other Than Low Bidder: When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the department head and submitted to the county and filed with the other documents relating to the transaction.

8. Noncompliant Purchases: Purchases that are not in compliance with the purchasing system must be documented in writing. The documentation must include the reason for the noncompliance and must be signed by the department head, and the county executive. Failure to follow the purchasing system may result in disciplinary action.

9. Bidder Eligibility: Bidders who are involved in a pending claim or litigation or have threatened same against the county may be disqualified from doing business with the county when determined to be in the best interest of the county. This disqualification may apply to a bidder or a subcontractor or supplier of the bidder.

B. Alternative Methods: Notwithstanding the foregoing, alternate methods of procurement of construction contracting management may be utilized at the discretion of the county executive for a particular project as provided in subsection 3.08.070D of this title. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.12.050: CONTRACTS:

- A. All contracts shall be made and entered into subject to the provisions of this title.
- B. All project contracts shall be prepared by the county attorney, unless it is deemed feasible to use documents obtained from other sources or the other contracting party.
- C. All public improvement project contracts shall include copies of specific plans and specifications attached thereto. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.12.060: BONDS:

A. Bid bonds or securities shall be required as a condition for the acceptance and approval of any bid for a public improvement project and must comply with the provisions of Utah procurement code, and shall be subject to the provisions of that statutory provision.

B. Performance bonds and payment bonds shall be required as a condition for the approval and entering of any public improvement contract and subject to the provisions of Utah procurement code. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.12.070: COMPLIANCE WITH LAW:

A. No public improvement or public improvement project may be undertaken or completed, except in full compliance with applicable state and federal laws, rules, regulations and contract provisions, and any applicable codes, such as, but not limited to, the building code, the electrical code, the plumbing code, and fire code as adopted by county ordinance.

B. No public improvement contract may be entered into which violates the provisions or obligations of any outstanding bonds, contracts or other obligations of the county, or which exceed any debt limits provided by the Utah constitution or state law. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.12.080: SUPERVISION:

A. The county executive shall cause all public improvement projects to be managed and supervised by the affected department head and/or a licensed professional retained by the county for the project.

B. The county executive shall make reports of the progress on any public improvement project to the county council. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.12.090: EMERGENCIES:

A. In the event of an emergency (a condition which requires that emergency assistance be provided to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster), the county executive or his designee, may contract for repairs, construction, removal, debris removal or maintenance of public improvements or public improvement projects that may be reasonable and necessary as the result of the emergency in order to alleviate the emergency or its consequences without obtaining the prior approval of plans and specifications, bids or bonds, subject to the following:

1. Emergency contracts shall be made with as much competition as practicable under the circumstances.

2. A written determination of the basis for the emergency and the selection of the particular contractor shall be submitted to the county executive as soon as may be reasonably possible thereafter. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

CHAPTER 3.16

CONTRACTS

SECTION:

3.16.010: Contracting Party

3.16.020: Signatures

3.16.030: Writing

3.16.040: Records

3.16.050: Approval

3.16.060: County Council

3.16.070: Restrictions

3.16.080: Compliance With Law

3.16.090: Contents

3.16.100: Interlocal Agreement

3.16.010: CONTRACTING PARTY:

All contracts involving the county or any department or agency of the county shall designate "Cache County" as the contracting party. No county contract shall be in the name of any county department, agency or officer. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.16.020: SIGNATURES:

All county contracts shall be executed by the county executive or designee before becoming effective. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.16.030: WRITING:

All county contracts shall be in writing in order to be effective. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.16.040: RECORDS:

A. The original fully signed contract shall be filed with, indexed and maintained by the Cache County clerk. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.16.050: APPROVAL:

No contract shall be entered or signed unless and until:

A. It has been reviewed and approved by the county attorney (or designee) as to proper form and compatibility with state law.

B. The budget has been amended by resolution of the county council, if necessary, for expenditures pursuant to any contract not previously provided for in the applicable budget.

C. All agreements must be signed by the county executive or designee to become effective.

D. The executed agreement shall be placed in the custody of the county clerk. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.16.060: COUNTY COUNCIL:

A. No contract requiring the approval of the county council shall be executed prior to the approval of the county council, with the advice of the county attorney.

B. No interlocal cooperation agreement requiring approval of the county council pursuant to state law may be entered or executed without the adoption of a resolution of approval by the county council. (Ord. 2016-06, 5-10-2016)

3.16.070: RESTRICTIONS:

A. All contracts of an executor nature, i.e., those requiring future performance or payment by the county, must contain a provision to the effect that the contract and any payments thereunder are subject to and conditioned upon future legislative allocation of funds by the county council.

B. All county contracts must be for a clearly articulated and lawful public purpose.

C. No county contract may:

1. Be ultra vires (outside the legal authority to act);

2. Bind the county to mandatory arbitration;

3. Limit or delegate any legislative or sovereign powers of the county, the county council, or any county officer;

4. Be contrary to public policy;

5. Be in violation of any applicable state or federal law or county ordinance;

6. Allow or provide for the county to exceed its constitutional or statutory debt limit;

7. Cause the county to violate any existing contract or bond obligations. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.16.080: COMPLIANCE WITH LAW:

A. All county contracts shall be made and entered into in compliance with the state constitution and laws, federal laws and county ordinances.

B. Specifically and in addition to the foregoing, no contract may be entered into which either violates or is not in compliance with the provisions of the Utah county officers and employees disclosure act or Utah public officers and employees ethics act. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.16.090: CONTENTS:

Every county contract shall contain at least the following:

A. Names of contracting parties.

B. Public purpose of the contract.

C. Duration.

D. Contract price and method of payment.

E. Provisions required by county ordinance or state law.

F. Effective date.

G. Specific obligations of the parties. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

3.16.100: INTERLOCAL AGREEMENT:

No interlocal agreement may be entered by the county except in compliance with the provisions of the Utah interlocal cooperation act. (Ord. 2015-05, 3-24-2015, eff. 4-3-2015)

WARRANTS

SECTION:

3.20.010: Definition

3.20.020: Contents

3.20.030: Approval And Issuance

3.20.040: Payment

3.20.050: County Council

3.20.010: DEFINITION:

A warrant is an order in a specific amount drawn upon the county treasurer by the county auditor. (Ord. 90-16)

3.20.020: CONTENTS:

A. All warrants must distinctly specify:

1. The liability and purpose for which they are drawn;
2. When they accrued;
3. The funds from which they are to be paid;
4. The number, date and amount to be paid; and
5. The name of the person to whom payable.

B. All warrants must be numbered consecutively during each calendar year. (Ord. 90-16)

3.20.030: APPROVAL AND ISSUANCE:

A. The county auditor, upon receipt of an approved purchase order or voucher, shall prepare a list of warrants to be issued and the actual warrants within fourteen (14) days.

B. The list of warrants and warrants if requested shall be submitted to the county executive or a designee who shall review and approve or disapprove the warrants, signing those approved and returning the list to the county auditor within three (3) days.

C. The county auditor shall register all warrants and retain a copy of the original warrant. (Ord. 90-16)

3.20.040: PAYMENT:

A. The county auditor will present approved warrants to the county treasurer for payment.

B. Warrants shall be paid in the order of presentation to the county treasurer and as funds are available.

C. The county treasurer shall note upon the back of each warrant the date of presentation and the date of payment.

D. If the county fund from which the warrant is to be paid is insufficient, the warrant must be so registered and paid in the order of presentation as funds become available.

E. Warrants not presented within two (2) years from the date of issuance shall be cancelled. (Ord. 90-16)

3.20.050: COUNTY COUNCIL:

At least monthly, a list of warrants approved and issued for each month shall be submitted to the county council for its information and placed in the minutes of its meetings. No action or approval of the county council is required as to warrants. (Ord. 90-16)

CHAPTER 3.24

CLAIMS AGAINST THE COUNTY

SECTION:

3.24.010: General Provisions

3.24.020: Filing And Review

3.24.030: Claims Review

3.24.040: Approval Or Disapproval

3.24.050: Payment Of Claim

3.24.060: Denial And Litigation

3.24.070: Insurance

3.24.010: GENERAL PROVISIONS:

- A. Procedures set forth in this chapter shall be followed with respect to all claims filed against the county.
- B. Claims shall be managed by the county executive or his designated claims assistant. (Ord. 90-16)

3.24.020: FILING AND REVIEW:

A. The claimant must obtain, complete in full, and submit a formal claims form with the county executive, together with the following attachments as may be applicable:

- 1. A minimum of two (2) written bids or estimates regarding any property damage. The bids must be obtained from reputable persons engaged in the business of making such repairs and who are qualified to do so. The bids or estimates must be itemized and dated.
- 2. Invoices, statements and cancelled checks indicating actual expenditures by the claimant with respect to any alleged damages or injuries.
- 3. Accident reports, photographs, witness statements and diagrams indicating damages and the manner in which any accident or injuries were incurred in the event of property damage or personal injury.
- 4. Medical reports from physicians, therapists, dentists, hospitals or other treating professionals, and the receipts for such services, in the event of personal injury.
- 5. Authorization to any treating physician, dentist, hospital or other professional to release any additional information or medical or dental reports to the county with respect to the subject claim.
- 6. An itemized statement of the basis for a claim, including pertinent names, dates, addresses and circumstances.

B. The county executive shall record each claim specifying the name of claimant, date of filing, the name of any attorney for the claimant, and the nature and extent of the damage or injury for which the claim was filed. The county executive shall establish a file and file number for the claim.

C. A copy of the claim shall be filed with the county clerk. (Ord. 90-16)

3.24.030: CLAIMS REVIEW:

A. The county executive shall submit a copy of the claim and attachments to the department head of the department responsible for the particular area in which the claim is filed for investigation and review.

B. The department head shall investigate the claim, make findings with respect to the claim, and complete and forward a report, together with his recommendation to the county executive.

C. The county executive shall forward a copy of the claim and its attachments, together with the report of the department head, to the county attorney who shall render an opinion in writing as to the liability of the county with respect to such claim and his recommendations for the handling of the claim. (Ord. 90-16)

3.24.040: APPROVAL OR DISAPPROVAL:

A. The county executive shall submit all materials, opinions, recommendations and information provided upon the completion of his investigation to the county auditor.

B. The county auditor shall review the claims and all documents provided and shall submit her written approval or disapproval and recommendation to the county executive.

C. The county executive shall approve or disapprove the claim. If the county executive concurs with the recommendation of the county auditor, he shall submit a notice in writing of that decision to the county auditor.

D. If the county executive does not concur with the approval and recommendation of the county auditor, the claim shall be submitted within two (2) weeks to the county council for its action. The county council shall, by motion, determine the appropriate action to be taken on the claim. (Ord. 90-16)

3.24.050: PAYMENT OF CLAIM:

A. If the county auditor and county executive concur that payment should be made of the claim, then the county auditor, upon receipt of a written notice of such concurrence from the county executive and a signed voucher, shall make payment of the claim.

B. If the matter has been referred to the county council and the county council approved the payment of the claim, then the county auditor, upon receipt of a written notice of that action and a voucher signed by the county executive, shall make payment of the claim.

C. If the county council does not approve the payment of the claim, then the county auditor may not make such payment absent a court order. (Ord. 90-16)

3.24.060: DENIAL AND LITIGATION:

A. If the claim is denied, the county executive shall submit the claims file to the county attorney, who shall notify the claimant in writing of the denial of the claim and reasons therefor.

B. If litigation is commenced by the claimant, the county attorney shall assume responsibility for the management of the

file. (Ord. 90-16)

3.24.070: INSURANCE:

- A. The county executive shall submit a written notice and a copy of the claim to the appropriate insurance company.
- B. If litigation is commenced, the county attorney shall notify the appropriate insurance company of the litigation and forward the pleadings to that insurance company. All correspondence and dealings with respect to the claim with the insurance company shall be through the office of the county attorney once litigation has commenced.
- C. The county executive shall inform the county council of the denial of the claim and litigation at its next regular meeting.
- D. No settlement offer shall be made or accepted without the approval of the county executive and county council. (Ord. 90-16)

CHAPTER 3.28

ASSETS

SECTION:

3.28.010: Ownership

3.28.020: Fixed Assets

3.28.030: Inventory Of Fixed Assets

3.28.040: Titles

3.28.010: OWNERSHIP:

All property and interest acquired by the county shall be held in the name of the county. (Ord. 90-16; amd. Ord. 2021-15, 5-11-2021)

3.28.020: FIXED ASSETS:

The county shall maintain a ledger or accounts to record the details relating to the general fixed assets of the county. The county executive is authorized to promulgate a Safeguarding Physical Assets policy setting forth procedural details regarding the county's maintenance of a ledger or accounts relating to the general fixed assets of the county. (Ord. 90-16; amd. Ord. 2021-15, 5-11-2021)

3.28.030: INVENTORY OF FIXED ASSETS:

- A. The Cache County Finance Department shall prepare and maintain an inventory of all assets of the county, including real and tangible personal property having a value greater than five thousand dollars (\$5,000).
- B. After the Finance Department has prepared and entered an asset into the Asset Management System, the asset is to be transferred within the Asset Management System and when entered/transferred to the responsible department, each department head shall bear responsibility to maintain an inventory of all assets of the county that are controlled or held by the department, including real and tangible personal property having a value of less than five thousand dollars (\$5,000) and greater than five hundred dollars (\$500).
- C. Upon the acquisition or disposition of any property, referred to in subsection A of this section, by the county, written notice thereof, including the description of the specific property, shall be given to the County Finance Department who shall amend the inventory to reflect such acquisition or disposition.
- D. All single asset acquisitions over two thousand dollars (\$2,000) must be approved with a Purchase Order signed by the county executive prior to purchase. (Ord. 90-16; amd. Ord. 2000-10; Ord. 2002-20; Ord. 2021-15, 5-11-2021)

3.28.040: TITLES:

- A. Titles or certificates of title to motor vehicles or other titled personal property assets shall be held and maintained by the county clerk.
- B. The county clerk shall sign all titles, transfers or certificates conveying title or interest in and to motor vehicles or other titled personal property.
- C. All deeds and documents by which an interest is acquired in real property shall be held and maintained by the county clerk after recording.
- D. All deeds and conveyances of interest in real property shall be executed by the county clerk who shall also place his or her seal on the instrument. No such deeds or conveyances shall be executed by the county clerk unless a resolution has been duly adopted by the county council authorizing the execution and approving the deed or conveyance. (Ord. 90-16; amd. Ord. 2021-15, 5-11-2021)

CHAPTER 3.32

AUDITS

SECTION:

3.32.010: County Council

3.32.020: Audit Committee

3.32.030: Independent Annual Audit

3.32.040: Independent Auditor

3.32.050: County Auditor

3.32.060: Federal Or State Funds

3.32.010: COUNTY COUNCIL:

A. The county council may examine and audit the accounts of all county officers, departments, agencies, or any district, interlocal entity or authority of which the county is a constituent member at any time.

B. The county council shall approve audits upon motion or take such other action as it deems appropriate. (Ord. 90-16)

3.32.020: AUDIT COMMITTEE:

A. The county council shall appoint an audit committee comprised of two (2) or more members to meet at least annually in cooperation with the county auditor and the independent auditor, provided for by this chapter, for the purpose of reviewing county audits and audit procedures and for making recommendations concerning county audits and audit procedures, and such other purposes as the county council deems appropriate.

B. The audit committee shall participate in an initial audit entrance conference with the county auditor, county executive and the appointed independent auditor for the purpose of reviewing the scope and nature of any audit to be performed and also in a closing conference with the same persons to receive, review and make recommendations upon the audit performed and any other information, filings, conclusions and recommendations of the independent auditor. (Ord. 90-16)

3.32.030: INDEPENDENT ANNUAL AUDIT:

A. The county council shall cause an independent audit to be made of the accounts of the county and any district, interlocal entity or authority of which the county is a constituent member, at least annually.

B. The county council may cause an independent audit to be made of any accounts or any department, agency, office or other area of county interest at any time it deems appropriate. (Ord. 90-16)

3.32.040: INDEPENDENT AUDITOR:

A. The independent auditor shall be a certified public accountant licensed to practice in the state of Utah.

B. 1. The audit committee shall make recommendations concerning the appointment of an independent auditor for any audit to be performed.

2. The independent auditor shall then be appointed by the county council.

3. The criteria to be used by the audit committee and the county council in the selection and appointment of an independent auditor, including his firm, shall include at least the following:

a. The auditor and his firm must have an understanding of audit requirements for governmental entities.

b. The independent auditor and his firm must have a sound technical approach to the audit to be performed.

c. The auditors performing the audit services must be qualified and licensed to perform audits as certified public accountants.

d. The auditors must participate in a qualified peer review program which meets the state and governmental auditing standards and agree to submit a copy of its peer review report to the audit committee.

C. In preparing any audit, the independent auditor shall:

1. Comply with the government auditor requirements published by the United States government and accounting office and with applicable federal, state and county generally accepted accounting policies, principles, standards, procedures, laws, rules and regulations.

2. Comment upon and make recommendations as to any improprieties, omissions, irregularities or noncompliance with government audit requirements and applicable federal, state and county generally accepted accounting policies, principles, standards, procedures, laws, rules and regulations.

3. Make recommendations for reasonable and necessary corrective measures.

4. Cooperate with the county audit committee in the preparation and review of any county audit.

5. Make a full report and explanation of any audit made on behalf of the county to the county council and provide copies thereof to the county auditor and county executive, including reports of any improprieties, omissions or irregularities.

6. Submit periodic progress reports as may be requested by the audit committee or county council.

D. It shall be the policy of the county that independent auditors shall be appointed and retained for three (3) year periods unless circumstances reasonably require lesser periods of appointment or service. In any contract for audit services, the county shall reserve its right to terminate the contract at anytime it deems appropriate, with or without costs. (Ord. 90-16)

3.32.050: COUNTY AUDITOR:

A. The county auditor shall audit the books and accounts of all county officers, departments, agencies, or any district, interlocal entity or authority in which the county is a constituent member at least annually, or more often as may be required by the county council.

B. The auditor shall examine the books and accounts of all county officers, departments, agencies, or any district, interlocal entity or authority in which the county is a constituent member each month.

C. The county auditor shall have free access at anytime to all books, records and papers of all county officers, departments, agencies, or any district or interlocal entity or authority of which the county is a constituent member.

D. If the county auditor finds that the books and accounts of the county officers, departments, agencies, or any district or interlocal entity or authority of which the county is a constituent member are not maintained according to law or generally accepted accounting policies, principles, standards and procedures, or that improper or incorrect returns have been made, or that changes in procedures or corrections are required, it shall be the duty of the county auditor to report the same immediately to the county council and to the county executive.

E. The county auditor shall perform such auditing tasks as are required by state and federal law and by any contracts entered into by the county.

F. The county auditor shall submit her annual audit and any special audits to the county council, with a copy to the county executive. (Ord. 90-16)

3.32.060: FEDERAL OR STATE FUNDS:

In the event that the county or any interlocal entity, district, or authority of which the county is a constituent member or for which it has auditing responsibilities, receives federal or state funding through grants, contracts or otherwise, the county auditor shall make audits and examine the books and accounts relating to such funds. Such audits and examinations shall be performed in accordance with both federal and state auditing requirements and generally accepted accounting principles and standards. (Ord. 90-16)

CHAPTER 3.36

BONDS

SECTION:

3.36.010: Compliance With Law

3.36.020: Bond Procedure

3.36.030: Records

3.36.040: Reports And Review

3.36.010: COMPLIANCE WITH LAW:

All bonds issued by the county shall be issued in compliance with applicable federal and state laws, including, but not limited to, United States internal revenue code; the Utah municipal bond act as set forth in Utah Code Annotated title 11, chapter 14, as amended; the Utah refunding bond act as set forth in Utah Code Annotated title 11, chapter 27, as amended; Utah municipal building authority act as set forth in Utah Code Annotated section 17A-3-901 et seq., as amended; Utah bond validation act as set forth in Utah Code Annotated title 11, chapter 30, as amended; and the Utah uniform fiscal procedures act for counties as set forth in Utah Code Annotated title 17, chapter 36, as amended, and any modifications or amendments thereto and also to the provisions of this chapter. (Ord. 90-16)

3.36.020: BOND PROCEDURE:

A. The county shall reserve the right to designate or retain bond counsel of its choosing for any bond issuance.

B. No bond issuance shall be approved until the county attorney and county auditor have reviewed all bond documents and procedures and have submitted their opinions and recommendations.

C. The county executive, county auditor and county attorney, or their designees, and such other officers as may be required or appropriate, shall attend each bond closing.

D. No bond issuance shall be made except upon the specific approval of the county council in the manner as required by the appropriate laws and bond issuance requirements. (Ord. 90-16)

3.36.030: RECORDS:

A. The original bond documents delivered to the county upon the closing of any bond issuance shall be held and

maintained by the county auditor.

B. Copies of the filed bond documents shall be given to:

1. County attorney;
2. County executive;
3. County treasurer, if requested;
4. County clerk. (Ord. 90-16)

3.36.040: REPORTS AND REVIEW:

A. The county auditor shall keep and maintain records regarding payments, interest, credits and the fiscal status of all bonds issued by the county.

B. The county auditor shall submit progress or status reports of all outstanding bonds to the county council and county executive at least annually or upon specific requests. (Ord. 90-16)

CHAPTER 3.40

SURPLUS PROPERTY

SECTION:

3.40.010: Declaration Of Property As Surplus

3.40.020: Procedures

3.40.030: Disposal Of Personal Property

3.40.040: Disposal Of Surplus Real Property

3.40.050: County Agencies

3.40.010: DECLARATION OF PROPERTY AS SURPLUS:

A. This chapter applies only to the real and tangible personal property of the county listed by the county auditor in an official inventory of county general fixed assets. For the purposes of this chapter, "disposition" or "dispose" means the transfer of ownership from the county to any other party or entity by any method.

B. No real or any tangible personal property list by the county auditor in an official inventory as a county general fixed asset may be disposed of unless it has first been declared to be surplus in accordance with the provisions of this chapter.

C. Real property may be declared surplus only by the county council, which must first find that it is in the public interest that the subject real property be disposed of as surplus property.

D. Personal property may be declared surplus only by the county executive who must first find that it is in the public interest that the subject personal property be disposed of as surplus property.

E. In determining whether any property shall be declared surplus, the following must be taken into consideration:

1. Whether the county has, or anticipates that it will have, no practical, economical, efficient or appropriate use for the property currently or in the reasonably foreseeable future.
2. Whether the purpose served by the property can be better accomplished by other alternatives or property.
3. Whether the purpose served by the property or its use either no longer exists or has significantly changed because of the needs and demands of the county or as may be determined by a change of policy evidenced by an ordinance or resolution of the county council.
4. Whether the property is so damaged, depreciated or worn that it is inoperable or limited in operation without repairs and the cost of such repairs is unreasonable, excessive or impractical.
5. Whether the purposes and interests of the county would be better served by the declaration of the property as surplus and the disposition of that property. (Ord. 90-16; amd. Ord. 92-04)

3.40.020: PROCEDURES:

A. The county auditor shall maintain an official inventory of all county general fixed assets in accordance with the provisions of Utah Code Annotated section 17-36-6(1)(i), as amended, and a list of all county property that has been declared surplus.

B. Upon the declaration of any county property as surplus property, such surplus property may be disposed of by the county executive subject to the provisions of this chapter.

C. Unless provided otherwise by this chapter, the disposition of county surplus property may be by public sale, private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, trade in, public auction,

private auction, sale upon public advertisement by sealed bid, or by any other lawful and reasonable means.

D. No disposition of surplus property shall be made for less than a fair market value unless the county executive determines that it is in the best public interest that disposition of that surplus property be made for less than its full market value. The disposition of county surplus property for less than full market value must also be approved by the county council. Consideration may be in forms other than cash payment and may include the exchange of property or services as may be reasonably determined by the county executive.

E. The county executive shall maintain records of the manner and date of the disposal of all county surplus property as well as the amount and nature of consideration received for such property and provide copies thereof to the county auditor.

F. County employees are not prohibited from purchasing surplus county property; providing, that the provisions of this chapter are complied with and disclosure is made of the employee's county employment. (Ord. 90-16; amd. Ord. 92-04)

3.40.030: DISPOSAL OF PERSONAL PROPERTY:

A. For purposes of this chapter "personal property" means tangible personal property currently on the general fixed asset list.

B. If a county department head, having county personal property under his or her control or supervision which the department head has determined is no longer needed by that department or is unusable, the department head shall notify the county executive who shall in turn notify all county department heads of the availability of such property. If any other department head requests the designated available property for their respective department or division, the county executive has the option of transferring the property to the requesting department head. The county executive shall notify the county auditor of all transfers.

C. If no requests for the available personal property are received from any county department head and the county executive deems it reasonable and in the public interest to dispose of the property, the county executive shall declare the property surplus and proceed to dispose of the personal property in accordance with the provisions of this chapter as the county executive deems to be in the best interest of the county.

D. If surplus personal property is not readily marketable or marketable for a fair market value because of its condition, the county executive may dispose of that personal property by any reasonable means.

E. The county clerk shall execute and deliver to the county executive the documents necessary for the sale or transfer of any titled personal property which is sold or transferred as surplus property.

F. Upon the disposal of any personal property of the county, the county executive shall forward to the county auditor the revenues received to be receipted into the county funds and a record of the disposition thereof, including the date, amounts received, the manner of disposition, the party to whom the property was sold or transferred, and any supporting documentation. The county executive shall maintain a record of final dispositions for auditing purposes.

G. The following tangible personal property shall be exempt from the procedures set forth in this chapter:

1. Property which is of a unique nature and for which there is a limited market, if any.

2. Property disposed of in accordance with the provisions of Utah Code sections 24-2-101 through 24-4-119 (the Forfeiture and Disposition of Property Act); Utah Code sections 77-24a-1 through -5 (regarding the disposition of lost or mislaid property); and Utah Code sections 67-4A-101 through 67-4A-1504 (the Revised Uniform Unclaimed Property Act).

3. Property that has a value of less than two hundred dollars (\$200.00). (Ord. 90-16; amd. Ord. 92-04; Ord. 2002-20; Ord. 2022-06)

3.40.040: DISPOSAL OF SURPLUS REAL PROPERTY:

A. In accordance with Utah Code section 17-50-312, no real property acquired after July 1, 1983, may be sold on the open market unless the following conditions are met:

1. The real property is not property acquired by condemnation or by the threat of condemnation.

2. The real property has been offered for sale to the person or entity from whom the county acquired the property at the highest offer with first right of refusal; and the person or entity failed to accept the offer within ninety (90) days after notification by registered mail to their last known address.

3. The county has not rezoned the property or been involved in the rezoning of the property or the acquisition of additional property to enhance the value of the real property to be sold.

B. No real property may be disposed of unless the county council has:

1. Held a public hearing regarding the proposed declaration of the subject property to be surplus;

2. By motion, subsequent to the public hearing, declared the property to be surplus; and

3. By resolution, approved the disposition of the subject property.

C. Upon the adoption of a resolution of approval by the county council, the county clerk shall, at the request of the county executive, execute and deliver to the county executive any deed or other legal instrument required for the conveyance of the title to the real property. (Ord. 90-16; amd. Ord. 92-04; Ord. 2022-07)

3.40.050: COUNTY AGENCIES:

The provisions of this chapter shall apply to all departments, divisions, boards, commissions, authorities, committees, councils or other bodies which are within the jurisdiction or under the authority of the county and which own real or personal property in the name of the county. (Ord. 90-16; amd. Ord. 92-04)

CHAPTER 3.44

REIMBURSEMENTS

SECTION:

3.44.010: Travel

3.44.020: Per Diem

3.44.030: Claims Of County Council Members

3.44.040: Claims Of County Executive

3.44.050: Claims For Other Expenses

3.44.060: Duplication Of Reimbursements Prohibited; Distribution Of Proceeds From Outside Sources

3.44.070: Reimbursement Procedures

3.44.080: Spouse Or Relative

3.44.010: TRAVEL:

A. A request for travel reimbursement will only be allowed if approved according to limitations in section 3.44.060 of this title.

B. A mileage log shall be kept in all county vehicles. Mileage shall be logged every time the vehicle is used. The mileage logs shall be submitted monthly to department heads for approval and forwarded to the county auditor's office for review and action.

C. It is the policy of the county to reimburse county employees and officers for reasonable expenses incurred in travel approved for the primary purpose of conducting bona fide county business.

D. Travel shall be by the most reasonable and least expensive means available within reasonable schedules.

E. Travel mileage expenses shall be made at a standard rate based upon current United States internal revenue service policies and shall be established by resolution of the county council.

F. Travel reimbursement for mileage expenses shall be made only to officers and employees using a private vehicle for the travel to be reimbursed.

G. Officers and employees shall, to the extent reasonably possible, use county vehicles to travel on county business. Mileage reimbursement will not be paid for the use of county vehicles.

H. When frequent flyer or bonus mileage benefits are awarded to county officers or employees for flights on commercial airlines, those county officers or employees shall be allowed to accumulate and use those benefits.

I. The county council and planning commission members may be reimbursed for the amount of their actual and reasonable traveling expenses in attending regular and special sessions and in the discharge of necessary duties; provided, that an itemized statement shall be made showing in detail the expenses incurred, and shall be subscribed to and sworn to by the member claiming such expenses. (Ord. 90-16)

3.44.020: PER DIEM:

The county shall reimburse officers and employees for meals incurred in the course of conducting bona fide county business. The rate of reimbursement shall be determined by the county council and by resolution. (Ord. 90-16)

3.44.030: CLAIMS OF COUNTY COUNCIL MEMBERS:

Claims for reimbursement for travel and other expenses and per diem shall be reviewed and approved by the chairperson of the county council and submitted thereafter to the county executive for his approval before reimbursement may be made. (Ord. 90-16)

3.44.040: CLAIMS OF COUNTY EXECUTIVE:

Claims for reimbursement by the county executive for travel and other expenses and per diem shall be submitted to the county attorney for review and approval before such expenses and per diem may be paid. (Ord. 90-16)

3.44.050: CLAIMS FOR OTHER EXPENSES:

The county shall reimburse any county officer or employee for contingent expenses necessarily incurred for the benefit of the county; provided, that such expenses were approved by the department head or county executive prior to their being incurred, if reasonably possible, and such claims if made by members of the county council or by the county executive shall be reviewed and approved in the manner set forth in sections 3.44.030 and 3.44.040 of this chapter. (Ord. 90-16)

3.44.060: DUPLICATION OF REIMBURSEMENTS PROHIBITED; DISTRIBUTION OF PROCEEDS FROM OUTSIDE SOURCES:

A. No county officer or employee shall receive reimbursement for any travel, per diem or other expense if such officer or employee has received reimbursement from any other source for such expense or per diem.

B. In the event any county officer or employee receives any reimbursement from a source other than the county which duplicates any reimbursement from the county, the officer or employee shall immediately submit the reimbursement received from the outside source to the county auditor and that reimbursement shall be placed back into the fund or line item budget from which the original reimbursement was taken. (Ord. 90-16; amd. Ord. 94-10)

3.44.070: REIMBURSEMENT PROCEDURES:

Claims for reimbursement shall be made in a manner and using voucher or other forms as required by the county auditor or as provided by resolution of the county council. (Ord. 90-16)

3.44.080: SPOUSE OR RELATIVE:

The county shall make no reimbursements for expenses incurred by nor pay any per diem or fees for the spouses or relatives of county officers or employees. County officers and employees shall be responsible for any additional fees or costs directly attributable to the attendance of their spouse or relative, such as, but not limited to, such matters as additional lodging costs or meals or spouse registration fees. (Ord. 90-16)

CHAPTER 3.48

GRANTS

SECTION:

3.48.010: Applications And Contracts

3.48.020: Records

3.48.030: Auditor

3.48.040: Grant Implementation And Supervision

3.48.050: Grant Review Committee

3.48.060: Auditor's Budgetary Procedures For Approved Grants

3.48.070: Subrecipients And Subgrantees

3.48.080: Completed Grants

3.48.010: APPLICATIONS AND CONTRACTS:

All applications and contracts for grants to which the county is a party in any manner shall be approved and signed in the manner of other contracts as provided in chapter 3.16 of this title. (Ord. 90-16; amd. Ord. 96-01)

3.48.020: RECORDS:

All grant documents, including executed copies of applications and contracts, shall be filed and maintained in the manner provided for contracts and contract documents in chapter 3.16 of this title in the office of the county clerk with copies being filed in addition in the office of the county executive, county auditor and county attorney. (Ord. 90-16; amd. Ord. 96-01)

3.48.030: AUDITOR:

A. The receipt and disbursement of grant funds shall be administered by the county auditor.

B. The county auditor shall audit all funds in accordance with the standards and procedures set forth for audits in chapter 3.32 of this title and in the grant documents. (Ord. 90-16; amd. Ord. 96-01)

3.48.040: GRANT IMPLEMENTATION AND SUPERVISION:

The county executive shall be responsible for the implementation of the grant and supervision of the county's performance of the terms of the grants. (Ord. 90-16; amd. Ord. 96-01)

3.48.050: GRANT REVIEW COMMITTEE:

A. A grant review committee shall be established consisting of the county executive, county attorney and county auditor. The review committee shall review all grant applications prior to submittal and after grants are approved by the appropriate state or federal agency.

B. All county departments requesting state or federal grants shall present all the grant application documentation to the grant review committee for review and approval before submitting the grant application to the appropriate state or federal agency.

C. Upon approval by the appropriate state or federal agency of the submitted grant, all approved grant documents shall be reviewed by the grant review committee prior to preparing a budget resolution for approval by the county council. The purpose of this review is to determine the legal and financial obligations of the county. A time schedule for expending funds and filing financial reports must be prepared. (Ord. 90-16; amd. Ord. 96-01)

3.48.060: AUDITOR'S BUDGETARY PROCEDURES FOR APPROVED GRANTS:

A. The auditor will assign specific budgetary accounts for each grant revenue and separate accounts will be assigned where necessary to identify grant expenditures. The grant application containing the detailed budget plan document will be the basis for determining the budgetary accounts.

B. All grant expenditures shall be submitted to the county auditor prior to payment so the auditor's office can verify that the expenditure is appropriate under the terms of the grant. The auditor's office shall maintain a separate file for each grant and the file shall contain a copy of the approved grant application along with all requests for reimbursements.

C. 1. The allowable costs will be determined by federal circular A-87 and the applicable grant requirements as outlined in the specific grant applications. Circular A-87, attachment B, paragraph C, requires specific approval of the grantor agency of the following costs:

- a. Automatic data processing;
- b. Building space and related facilities;
- c. Capital expenditures;
- d. Insurance and indemnification;
- e. Management studies;
- f. Pre-agreement costs;
- g. Professional services;
- h. Proposal costs.

2. The following costs are not allowed under circular A-87:

- a. Bad debts;
- b. Contingencies;
- c. Contributions and donations;
- d. Entertainment;
- e. Fines and penalties;
- f. Governor's expenses;
- g. Interest and other financial costs;
- h. Legislative expenses;
- i. Underrecovery of costs under grant agreements.

D. All requests for reimbursements under the terms of the grant shall be coordinated through the county executive's and county auditor's offices. The auditor's office shall verify that all expenditure reimbursements have been properly posted to the appropriate budget. The auditor's office shall coordinate with the department administering the grant on a monthly basis to ensure that all reimbursements for expenditures incurred are submitted for on a timely basis. (Ord. 90-16; amd. Ord. 96-01)

3.48.070: SUBRECIPIENTS AND SUBGRANTEES:

A. The county executive will monitor the activities of subrecipients or subgrantees in accordance with paragraph 9 of federal OMB circular A-128. The county executive will notify each subrecipient of the county's policies to receive pass through funds.

B. Subrecipients' and subgrantees' responsibilities are to:

- 1. Receive, review and summarize the report of the independent auditor and prepare a corrective action plan for any material audit findings involving noncompliance or weaknesses in internal control.
- 2. Transmit a copy of the audit report to all federal agencies as required.
- 3. Make the audit report available to general public.
- 4. Retain records for three (3) years after the financial report for the award is made.
- 5. Cooperate with federal agencies. (Ord. 90-16; amd. Ord. 96-01)

3.48.080: COMPLETED GRANTS:

Upon the completion of a grant, the administering department shall coordinate with the auditor's office on submitting all required documentation to the granting agency as required in the approved grant application. (Ord. 90-16; amd. Ord. 96-01)

TAX ANTICIPATION NOTES

SECTION:

3.52.010: Authority To Issue

3.52.020: Bidding

3.52.030: Bonds

3.52.010: AUTHORITY TO ISSUE:

The county may borrow money in anticipation of the collection of taxes and other revenues in the manner and subject to the conditions of the Utah municipal bond act, Utah Code Annotated title 11, chapter 14, as it now exists or as it may be modified, and of chapters 3.04 through 3.56 of this title. (Ord. 90-16)

3.52.020: BIDDING:

A. Tax anticipation notes shall be issued only upon sealed bids received in accordance with chapters 3.04 through 3.56 of this title, unless circumstances reasonably warrant and the county council approves otherwise.

B. The county treasurer shall issue invitations to bid on the loan for which the tax anticipation note is to be issued to local and requesting lending institutions.

C. The invitation to bid shall include at least the following:

1. A statement that all bids shall be sealed.
2. The principal amount to be borrowed.
3. The proposed draw or draws on the borrowed funds.
4. The officer and address to whom bids should be submitted.
5. The deadline for submission of bids.
6. The time, date and place of the bid opening.

D. 1. Unless determined otherwise by the county council, bids shall be submitted to the county clerk at the county clerk's office.

2. The county clerk shall hold all bids received and deliver the same to the bid opening.

E. A written record shall be maintained by the county clerk indicating the name of the bidder and the date and time of receipt of each bid.

F. Bids shall be opened only at the designated place and time and in the presence of the county treasurer, county auditor, county attorney, and other interested county officers or employees or their designees.

G. A written record shall be made of all bids received and opened designating the name of each bidder and the terms of the bid, including the interest rate for the loan as well as the ranking of the bids from low to high.

H. The county treasurer shall, within three (3) days of the bid opening, send a letter to the apparent low bidder confirming the terms of the tax anticipation note and the award of the bid to the bidder. (Ord. 90-16)

3.52.030: BONDS:

A. The county reserves the right to designate the bond counsel to be retained for the preparation and issuance of the bonds which will be used to secure the tax anticipation note.

B. Bonds shall be issued subject to and in the manner provided by the Utah municipal bond act and chapters 3.04 through 3.56 of this title. (Ord. 90-16)

CHAPTER 3.56

FUND BALANCE POLICY

SECTION:

3.56.010: Purpose

3.56.020: Definitions

3.56.030: Committed Fund Balance

3.56.040: Assigned Fund Balance

3.56.050: Order Of Expenditure Of Funds

3.56.060: Fund Balance Limits For The General Fund

3.56.010: PURPOSE:

The purpose of this policy is to establish classifications for Cache County fund balances in accordance with professional accounting standards. The fund balance classifications indicate the extent to which the County is constrained as to the purposes for which particular funds can be spent. (Ord. 2020-12, 11-10-2020)

3.56.020: DEFINITIONS:

The Governmental Accounting Standards Board (GASB) has identified and defined five classifications for fund balances. Each Cache County fund balance will be classified into one of those five categories, which are as follows:

ASSIGNED:	Amounts that are constrained by the County's intent that they be used for a specific purpose, but which amounts are neither restricted nor committed. The intent that the funds be used for a specific purpose may be expressed by the County Council or by any other body or official to whom the authority to assign funds has been delegated. For all governmental funds except the General Fund, this classification also includes any positive fund balance remaining at the end of the calendar year.
COMMITTED:	Amounts that can be used only for specific purposes pursuant to constraints imposed by formal action of the County Council. These amounts cannot be used for any purpose other than the purpose identified by the County Council unless the County Council removes or changes the specified purpose by taking the same type of action that was employed to initially commit the funds.
NONSPENDABLE :	Amounts that cannot be spent because they are either not in spendable form or because they are legally or contractually required to be maintained intact.
RESTRICTED:	Amounts for which constraints have been placed on the use of the resources by external creditors (such as through a debt covenant), grantors, or contributors; by laws or regulations of other governments; or by law imposed through constitutional provisions or enabling legislation.
UNASSIGNED:	This classification includes the residual fund balance for the General Fund. It also includes the negative residual fund balance of any other governmental fund that cannot be eliminated by the offsetting of assigned fund balance amounts. (Ord. 2020-12, 11-10-2020)

3.56.030: COMMITTED FUND BALANCE:

An ordinance or resolution by the County Council is required to create, change, or remove a fund balance commitment. The County Council may create, change, or remove a fund balance commitment at any time. (Ord. 2020-12, 11-10-2020)

3.56.040: ASSIGNED FUND BALANCE:

The County Executive is authorized to assign in writing a fund balance to a specific intended use. The County Council may by ordinance or resolution create, amend, or rescind any assignment. A fund balance assignment may be created, amended, or rescinded at any time. (Ord. 2020-12, 11-10-2020)

3.56.050: ORDER OF EXPENDITURE OF FUNDS:

When expenditures are incurred for which restricted, committed, assigned, or unassigned fund balances are available, the County considers amounts to have been expended first out of restricted funds, then out of committed funds, then out of assigned funds, and finally out of unassigned funds, as needed. In government-wide reporting, when expenditures are made for purposes for which both restricted and unrestricted net position funds are available, the County considers restricted funds to have been expended first. (Ord. 2020-12, 11-10-2020)

3.56.060: FUND BALANCE LIMITS FOR THE GENERAL FUND:

The combined total of committed, assigned and unassigned fund balances remaining in the General Fund at the end of a calendar year should be at least five percent (5%) of annual expenditures and be no more than twenty percent (20%) of annual expenditures. When the General Fund balance falls below five percent (5%) of annual expenditures at the end of a calendar year, then the budget of the following year will be amended to show a contribution to fund balance that will bring the balance to at least five percent (5%) of annual expenditures. When the General Fund balance rises above twenty percent (20%) of annual expenditures at the end of a calendar year, then the budget of the following year will be amended to show an appropriation for the General Fund balance that will reduce the balance back to twenty percent (20%) or less of annual expenditures. (Ord. 2020-12, 11-10-2020)

REAL PROPERTY TAX PROCEDURES

SECTION:

3.60.010: Purpose

3.60.020: Waiver Or Reduction Of Real Property Tax; Penalty And/Or Interest By County Auditor Or Treasurer

3.60.010: PURPOSE:

The purpose of this chapter is to provide for reasonable and efficient procedures relating to the processing of real property tax payments received and/or processed by the Cache County treasurer and auditor. (Ord. 2015-04, 3-24-2015)

3.60.020: WAIVER OR REDUCTION OF REAL PROPERTY TAX; PENALTY AND/OR INTEREST BY COUNTY AUDITOR OR TREASURER:

A. The Cache County auditor or the Cache County treasurer, with the approval of the Cache County executive, may process a waiver or reduction of penalty and/or interest up to an amount not to exceed fifty dollars (\$50.00) per parcel or two hundred fifty dollars (\$250.00) cumulative. Such waivers or reductions shall be documented and reported as a cancellation on the "parcels with abatements" report form or with another equivalent reporting procedure as deemed appropriate which is presented annually to the county council for approval.

B. The Cache County treasurer may process an amount referred to in subsection A of this section without approval of the Cache County executive if it is less than ten dollars (\$10.00). Such transaction shall be documented and reported annually to the county council for approval. (Ord. 2015-04, 3-24-2015)

CHAPTER 3.64

UNIFORM LOCAL SALES AND USE TAX

SECTION:

3.64.010: Title

3.64.020: Purpose

3.64.030: Sales And Use Tax

3.64.010: TITLE:

This chapter shall be known as the *SALES AND USE TAX ORDINANCE OF CACHE COUNTY*. (Ord. 90-04)

3.64.020: PURPOSE:

It is the purpose of this chapter to conform the sales and use tax of the county to the requirements of the sales and use tax act, Utah Code Annotated title 59, chapter 12, as currently amended. (Ord. 90-04)

3.64.030: SALES AND USE TAX:

A. 1. From and after the effective date hereof, 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 county at the rate of one percent (1%).

2. An excise tax is imposed on the storage, use or other consumption in this county of tangible personal property from any retailer on or after the operative date hereof at the rate of one percent (1%) of the sales price of the property.

3. For the purpose of this chapter, all retail sales shall be presumed to have been consummated at the place of business 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 Utah Code Annotated title 54, shall not be obligated to determine the place or places within any county where public utilities services are rendered, but the place of sale or the sales tax revenue arising from such service allocable to the county 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.

B. 1. 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 Utah Code Annotated title 59, chapter 12, as amended and in force and effect on the effective date hereof, insofar as they relate to sales taxes, excepting sections 59-12-101 and 59-12-119 thereof, are adopted and made a part of the chapter as though fully set forth herein.

2. Wherever, and to the extent that in Utah Code Annotated title 59, chapter 12, the state of Utah is named or referred to as the taxing agency, the name of this county shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the name of the county 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 county 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 county or any agency thereof, rather than by or against the state tax commission in performing the functions incident to the administration of operation of this chapter.

3. If an annual license has been issued to a retailer under Utah Code Annotated section 59-12-106, an additional

license shall not be required by reason of this section.

4. There shall be excluded from the purchase price paid or charged by which the tax is measured:

a. The amount of any sales or use tax imposed by the state of Utah upon a retailer or consumer;

b. 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. (Ord. 90-04)

CHAPTER 3.68

OPTIONAL COUNTY SALES AND USE TAX

SECTION:

3.68.010: Title

3.68.020: Statutory Authority

3.68.030: Purpose

3.68.040: Imposition; Amount

3.68.050: Incorporation Of State Law

3.68.060: Administration, Collection And Distribution By State

3.68.070: Exemptions

3.68.010: TITLE:

This chapter shall be known as the *OPTIONAL COUNTY SALES AND USE TAX ORDINANCE*. (Ord. 97-04)

3.68.020: STATUTORY AUTHORITY:

The authority for imposing this tax is derived from Utah Code Annotated title 59, chapter 12, part 9, as amended. (Ord. 97-04)

3.68.030: PURPOSE:

The ordinance codified in this chapter is enacted to provide the county with a source of revenue to allow the county to more effectively carry out its role as a political and legal subdivision of the state of Utah. The county council directs that the provisions of this chapter be interpreted and construed to accomplish this stated purpose. (Ord. 97-04)

3.68.040: IMPOSITION; AMOUNT:

In addition to all other taxes imposed, the county imposes and levies for collection a sales and use tax of one-fourth of one percent ($\frac{1}{4}\%$) upon the sales and uses described in Utah Code Annotated section 59-12-103(1), subject to the exemptions provided for in section 59-12-104. This tax is imposed upon all sales and uses made in the county, including sales and uses made within the corporate limits of the cities and towns of the county. Provisions of this chapter shall be subject to the provisions of the sales and use tax laws of Utah to which reference is hereinafter made in this chapter and which are enacted and made a part of this chapter as though fully set forth herein. (Ord. 97-04)

3.68.050: INCORPORATION OF STATE LAW:

A. Except as hereinafter provided and except insofar as they are inconsistent with provisions of the county option sales and use tax act, all the provisions of Utah Code Annotated title 59, chapter 12, part 1, as amended, in force and effect on the effective date hereof, insofar as they relate to the tax imposed by this chapter, except sections 59-12-101 and 59-12-119 thereof, are adopted and made a part of this chapter as though fully set forth herein.

B. Wherever and to the extent that in Utah Code Annotated title 59, chapter 12, part 1, the state of Utah is named or referred to as the taxing agency, the name of this county shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the name of the county for the word "state" when that word is used as part of the title of the state tax commission, or the constitution of the state of Utah, nor shall the name of the county 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 county or any agency thereof, rather than by or against the state tax commission in performing the functions incident to the administration or operation of this chapter. (Ord. 97-04)

3.68.060: ADMINISTRATION, COLLECTION AND DISTRIBUTION BY STATE:

A. Taxes imposed pursuant to this chapter shall be levied at the same time and collected in the same manner as provided for in Utah Code Annotated section 59-12-201 et seq., as amended, except that the revenue derived from the tax is not subject to the collection and distribution procedures established pursuant to the provisions of section 59-12-205, as amended. Revenues collected pursuant to this chapter shall be distributed in accordance with Utah Code Annotated section 59-12-902(3) and the rules adopted by the state tax commission pursuant to Utah Code Annotated section 59-12-902(3)(d). All revenues so collected shall be revenues of either Cache County or of any other county entitled to distribution of the same pursuant to the statute.

B. Any records, tax returns or other information of any person, corporation, company, or other group or organization subject to the taxes imposed by this chapter which relate to the calculation, collection or remittance to the state tax commission of such taxes shall be subject to review, inspection and auditing by Cache County.

C. The fee charged Cache County by the state tax commission under Utah Code Annotated section 59-12-206, as amended, shall be based on the distribution amount resulting after all the applicable distribution calculations under Utah Code Annotated section 59-12-902(3) have been made. (Ord. 97-04)

3.68.070: EXEMPTIONS:

The sale, storage, use or other consumption of tangible personal property which is exempt from sales or use taxation pursuant to Utah Code Annotated section 59-12-104 is exempt from the application of the optional county sales and use tax. (Ord. 97-04)

CHAPTER 3.72

PERSONAL PROPERTY TAX PENALTY WAIVERS

SECTION:

3.72.010: Imposition Of Penalty

3.72.020: Application For Waiver Or Reduction

3.72.030: Criteria

3.72.040: Review And Approval Of County Assessor

3.72.050: Approval Of County Executive

3.72.060: Limits On Effect Of Reduction Or Waiver

3.72.070: Payment

3.72.010: IMPOSITION OF PENALTY:

The penalty provided by Utah Code Annotated section 59-2-307(1)(c), shall be imposed upon any property owner for the failure to file a signed and completed affidavit as provided by statute unless that penalty has been specifically reduced or waived in the manner as provided by this chapter. (Ord. 93-01)

3.72.020: APPLICATION FOR WAIVER OR REDUCTION:

A. The property owner shall complete, sign and file an application for waiver or reduction on a form provided by the county assessor, together with such other documentation as is necessary to establish the basis for the request to the county assessor.

B. The application requesting the reduction or waiver shall state in detail all relevant reasons for the failure of the owner to file and sign the completed affidavit.

C. The application shall be filed on or before thirty (30) days following the due date for the filing of the affidavit but in no event may be filed after a notice of seizure and sale for delinquent personal property taxes has been published or served on the owner.

D. The applicant must provide such other documentation, information or materials as may be requested by the county assessor or county executive.

E. As a condition of filing the application for reduction and waiver, the owner must file a signed and completed affidavit setting forth the personal property of the owner assessable by the county assessor. (Ord. 93-01)

3.72.030: CRITERIA:

A. No reduction or waiver of a personal property tax penalty shall be granted unless the applicant clearly demonstrates a reasonable basis and good cause for the owner's failure to file a signed and completed affidavit as required by statute. Neither the mere negligence of the owner or of an employee, agent or representative of the employee shall constitute a reasonable basis or good cause for the failure.

B. No application will be considered for the reduction or waiver of a penalty for failure to file a signed and completed affidavit for more than one year at a time nor for consecutive years. (Ord. 93-01)

3.72.040: REVIEW AND APPROVAL OF COUNTY ASSESSOR:

A. The application for a reduction or waiver of the personal property tax penalty shall be reviewed by the county assessor and a recommendation for approval or disapproval shall be submitted by the county assessor, together with the application to the county executive within ten (10) days of the receipt of the completed application and required accompanying documents, information and materials.

B. The county assessor may, at her option, meet with the applicant and the applicant's employees, agent or representatives at the applicant's request before making a recommendation to the county executive. (Ord. 93-01)

3.72.050: APPROVAL OF COUNTY EXECUTIVE:

A. The county executive shall review the application and accompanying documents, information and materials, as well as the recommendation of the county assessor and make a determination whether to grant a reduction or waiver, and the amount thereof, of any personal property tax penalty within ten (10) days of receipt of the recommendation from the county assessor.

B. The county executive may, at his option, meet with the applicant and the applicant's employees, agent or representatives at the applicant's request.

C. The county executive will issue a written determination either approving or disapproving the reduction or waiver of personal property tax penalty. If a reduction is granted, the county executive shall specify the amount of the reduced penalty to be paid by the owner.

D. A copy of the county executive's decision shall be forwarded to the county auditor, county assessor and owner. (Ord. 93-01)

3.72.060: LIMITS ON EFFECT OF REDUCTION OR WAIVER:

A. The reduction or waiver of any penalty for the failure to file a signed and completed affidavit as required by statute does not constitute a reduction in the assessed value of the property or in the amount of taxes due on the property.

B. The filing of an application for a waiver or reduction of penalty and the granting of any reduction or waiver of penalty does not change or extend any statutory or other dates or deadlines for the filing of documents, affidavits, requests for changes in assessed values, or payment date for taxes in any way. (Ord. 93-01)

3.72.070: PAYMENT:

If the county executive approves a reduction of penalty, such grant is conditioned upon the owner making payment in full of the reduced penalty within ten (10) calendar days of the date of that decision. (Ord. 93-01)

CHAPTER 3.76

TRANSIENT ROOM TAX

SECTION:

3.76.010: Transient Room Tax And Regulation Of Tax

3.76.020: Transient Room Tax Limited

3.76.030: Reserve Fund Authorized; Use Of Collected Funds

3.76.040: Transient Defined

3.76.050: Manner Of Collecting Tax

3.76.060: Penalty

3.76.070: Effective Date

3.76.010: TRANSIENT ROOM TAX AND REGULATION OF TAX:

A transient room tax for Cache County, Utah, is established and adopted and levied in an amount of four and one-fourth percent (4.25%) of the rent for every occupancy of a suite or rooms by all persons, companies, corporations or other like, similar persons, groups or organizations doing business as motor courts, motels, hotels, inns and similar accommodations. All such motor courts, motels, hotels, inns or the like located within the confines of Cache County, Utah, including all municipalities therein, are subject to this tax. (Ord. 2017-02, 3-14-2017)

3.76.020: TRANSIENT ROOM TAX LIMITED:

The transient room tax as provided herein is imposed only for the purpose of establishing, financing and promoting the recreational, tourist and convention bureaus, which may be established by the county council. (Ord. 2005-07, 4-26-2005)

3.76.030: RESERVE FUND AUTHORIZED; USE OF COLLECTED FUNDS:

The county council establishes and creates a reserve fund wherein any funds collected pursuant to this chapter but not expended during any fiscal year, for the purposes herein set forth, shall not revert back to the county general fund but shall be retained in the special reserve fund herein established to be used in accordance with this chapter. (Ord. 2005-07, 4-26-2005)

3.76.040: TRANSIENT DEFINED:

For the purpose of this chapter, the word "transient" is defined as any person who occupies any suite, room or rooms in a motel, hotel, motor court or similar accommodation for fewer than thirty (30) consecutive days. (Ord. 2005-07, 4-26-2005)

3.76.050: MANNER OF COLLECTING TAX:

Tax levied by this chapter shall be collected in the same manner as provided in Utah Code Annotated title 59, chapter 12, entitled the uniform local sales and use tax law of the state of Utah. (Ord. 2005-07, 4-26-2005)

3.76.060: PENALTY:

Any person, firm or corporation violating or causing or permitting the provisions of this chapter to be violated, shall be guilty of a misdemeanor and subject to a fine in the amount of not more than two hundred ninety nine dollars (\$299.00) or imprisonment of not more than six (6) months, or both. (Ord. 2005-07, 4-26-2005)

3.76.070: EFFECTIVE DATE:

This tax shall commence and take effect as of October 1, 1982. (Ord. 2005-07, 4-26-2005)

CHAPTER 3.80

TOURISM, RECREATION, CULTURAL AND CONVENTION TAX

SECTION:

3.80.010: Title

3.80.020: Purpose

3.80.030: Definitions

3.80.040: Imposition Of Tax

3.80.050: Use Of Revenues

3.80.060: Collection

3.80.070: Licensure

3.80.080: Advisory Board

3.80.090: Allocation And Application Of Revenues

3.80.010: TITLE:

This chapter shall be known as the *TOURISM, RECREATION, CULTURAL, AND CONVENTION TAX ORDINANCE OF CACHE COUNTY*. (Ord. 2009-08, 10-13-2009)

3.80.020: PURPOSE:

It is the purpose of this chapter to impose a tourism, recreation, cultural, and convention tax for the purposes of financing, in whole or in part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined in section 59-12-602, Utah Code Annotated, 1953, as amended. (Ord. 2009-08, 10-13-2009)

3.80.030: DEFINITIONS:

As used in this chapter:

CONVENTION FACILITY: Any publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.

CULTURAL FACILITY: Any publicly owned or operated museum, theater, art center, music hall, or other cultural or arts facility.

RECREATION FACILITY OR TOURIST FACILITY: Any publicly owned or operated park, campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo, bicycle trails, and other recreation or tourism related facility.

RESTAURANT: Includes any coffee shop, cafeteria, luncheonette, soda fountain, or fast food service where food is prepared for immediate consumption. In accordance with the provisions of tax bulletin no. 8-91, effective July 1, 1991, as promulgated by the Utah state tax commission, a "restaurant" is any retail establishment whose primary business is the sale of foods and beverages prepared for immediate consumption. Examples include full service restaurants, fast food restaurants, and their drive-in windows, concession stands at malls or fairs, and employee or school cafeterias. (Ord. 2009-08, 10-13-2009)

3.80.040: IMPOSITION OF TAX:

There is hereby levied for collection a tourism, recreation, cultural, and convention tax on all restaurants, as defined herein, in Cache County, Utah, at the rate of one percent (1%) on all sales of prepared foods and beverages that are sold by restaurants for the period October 1, 2009, to September 30, 2010. (Ord. 2009-08, 10-13-2009)

3.80.050: USE OF REVENUES:

The revenues received from the tourism, recreation, cultural, and convention tax shall be used solely for the purposes of financing, in whole or in part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities as defined herein. (Ord. 2009-08, 10-13-2009)

3.80.060: COLLECTION:

All taxes collected hereunder shall be collected by the Utah state tax commission pursuant to chapter 12, title 59, Utah Code Annotated, 1953, as amended, as and in the manner for other state and local sales and use taxes. The county executive is authorized and directed to negotiate with the Utah state tax commission for and to execute the necessary contracts for the

provision of such services by the Utah state tax commission. Taxes imposed under this chapter shall be levied at the same time and collected in the same manner as provided for other state and local sales and use taxes in chapter 12, title 59, Utah Code Annotated, 1953, as amended. (Ord. 2009-08, 10-13-2009)

3.80.070: LICENSURE:

All persons, companies, corporations or other similar persons, groups, or organizations engaged in or doing business as a restaurant or restaurants shall obtain from the Utah state tax commission a tourism, recreation, cultural or convention tax license; provided, however, that no such additional license shall be required if the person, company, corporation, group, or organization has already obtained and maintains a license pursuant to section 59-12-106, Utah Code Annotated, 1953, as amended. (Ord. 2009-08, 10-13-2009)

3.80.080: ADVISORY BOARD:

The Cache County executive may establish an advisory board for the purposes of making recommendations for the allocation and application of revenues derived from the tourism, recreation, cultural, and convention tax. The board shall be advisory in nature only. The county executive shall determine the composition of the advisory board; provided, however, that all appointments to that board shall be upon and with the advice and consent of the Cache County council. (Ord. 2009-08, 10-13-2009)

3.80.090: ALLOCATION AND APPLICATION OF REVENUES:

The Cache County executive shall submit recommendations to the Cache County council for the allocation and application of the revenues derived from the tourism, recreation, cultural, and convention tax. Acting upon such recommendations, the Cache County council then, by resolution, shall approve the allocation and application of such revenues. (Ord. 2009-08, 10-13-2009)

CHAPTER 3.82

BOTANICAL, CULTURAL, RECREATIONAL AND ZOOLOGICAL TAX

SECTION:

3.82.010: Tax Imposed

3.82.020: Use Of Revenue

3.82.030: Controlling State Law

3.82.040: RAPZ/Restaurant Tax Allocation Findings

3.82.050: RAPZ/Restaurant Tax Allocation Procedures

3.82.010: TAX IMPOSED:

An option sales and use tax is hereby reimposed in the amount of one-tenth of one percent on all transactions, described in Utah Code Annotated section 59-12-103(1), within Cache County, Utah, including the cities and towns located within Cache County, Utah. This tax is sometimes referred to as "RAPZ" tax in this chapter. (Ord. 2013-01, 1-8-2013, eff. retroactive to 1-1-2013)

3.82.020: USE OF REVENUE:

The monies generated from the tax reimposed in this chapter shall be used for financing recreational and zoological facilities within Cache County or a city or town located in the county; and ongoing operating expenses of botanical, cultural and zoological organizations within the county. (Ord. 2013-01, 1-8-2013, eff. retroactive to 1-1-2013)

3.82.030: CONTROLLING STATE LAW:

This tax shall be reimposed, administered and defined as provided in Utah Code Annotated title 59, chapter 12, part 7, as it is presently constituted and amended from time to time. (Ord. 2013-01, 1-8-2013, eff. retroactive to 1-1-2013)

3.82.040: RAPZ/RESTAURANT TAX ALLOCATION FINDINGS:

A. Voters of Cache County approved the imposition of a one-tenth of one percent sales and use RAPZ tax, as allowed by Utah Code Annotated title 59, chapter 12, part 7, on November 6, 2012, for the purpose of funding cultural, recreational and zoological organizations and facilities; and

B. The county council has approved a one percent (1%) restaurant tax; and

C. The county council, by statute, is empowered to establish procedures whereby RAPZ and restaurant tax funds are distributed to eligible organizations. (Ord. 2013-01, 1-8-2013, eff. retroactive to 1-1-2013)

3.82.050: RAPZ/RESTAURANT TAX ALLOCATION PROCEDURES:

RAPZ/restaurant tax funds will be distributed in a manner consistent with the following:

A. Administration:

1. Allocate 0.6 percent of RAPZ tax to the state of Utah for collection expense.
2. Allocate 0.9 percent for a RAPZ/restaurant tax administrator.

The administrator will: a) report to the county executive; b) assist in preparation and evaluation of proposals; c) assure that allocated funds are properly used; and d) obtain and review follow up reports on projects.

3. A single RAPZ/restaurant tax advisory committee will be established to evaluate proposals and make recommendations to the county council on the allocation of restaurant and RAPZ taxes.

a. The RAPZ/restaurant tax administrator will act as staff to the advisory committee.

b. The advisory committee will consist of eight (8) members recommended by the county executive and approved by the county council.

(1) Two (2) county council members and the county executive;

(2) One person from each of the five (5) county council districts not represented by a council member.

4. A single form will be developed to apply for RAPZ or restaurant tax funds and the advisory committee will recommend which source of funds will be used.

5. Proposals will be due by the first Friday in March and allocation decisions will be completed by the second county council meeting in May.

6. Projects funded with RAPZ or restaurant tax funds must be available for use on an equal basis by all citizens of the county.

B. RAPZ Cultural And Botanical:

1. Allocate forty percent (40%), after administrative costs, to this area. The percentage will be reviewed each year.

2. All funds allocated to this area will be based on proposals submitted each year, however, multi-year commitments will be considered.

3. By law, no funds allocated to this area can be used for capital projects.

C. RAPZ Parks And Recreation:

1. Allocate fifty percent (50%), after administrative costs, to this area. The percentage will be reviewed each year.

a. Fifteen percent (15%) will be allocated proportional to city populations, with the provision that any city receiving funds does not reduce its current level of expenditures in this area.

b. Thirty five percent (35%) of funds allocated to this area will be based on proposals submitted each year, however, multi-year commitments will be considered.

2. The county may use a proportion of the thirty five percent (35%) identified in subsection C1b of this section to fund countywide or multiple jurisdiction recreation projects.

3. Funds allocated to this area can be used either for capital projects or operating expenses.

D. RAPZ Zoological Facilities:

1. Allocate ten percent (10%), after administrative costs, to the Willow Park Zoo, based on an acceptable proposal submitted each year. The percentage will be reviewed each year. If less than ten percent (10%), the additional funds may be allocated to parks and recreation.

2. Funds can be used either for capital projects or operating expenses.

E. Restaurant Tax:

1. Emphasis will be given to supporting tourism.

2. Funds from the restaurant tax can be used either for capital projects or maintenance expenses.

3. Multi-year commitments will be considered. (Ord. 2008-05, 7-22-2008)

CHAPTER 3.84

REAL PROPERTY TAX SALE PROCEDURES

SECTION:

3.84.010: Purpose

3.84.020: Bidder Registration Procedures

3.84.030: Redemption Rights And Procedures

3.84.040: Prohibition Of Collusive Bidding

3.84.050: Conflict Of Interest Prohibitions And Disclosure Requirements

3.84.060: Criteria For Accepting Or Rejecting Bids

3.84.070: Criteria For Granting Bidder Preference

3.84.080: Sale Ratification Procedures

3.84.090: Procedures For Recording Tax Deeds

3.84.100: Payment Methods And Procedures

3.84.110: Procedures For Contesting Bids And Sales

3.84.120: Criteria For Striking Properties To The County

3.84.130: Procedures For Disclosing Properties Withdrawn From The Sale For Reasons Other Than Redemption

3.84.140: Disclaimers By The County With Respect To Sale Procedures And Actions

3.84.010: PURPOSE:

In order to facilitate the sale of real properties certified for final tax sale and to provide consistency of procedure, when, pursuant to Utah Code Annotated section 59-2-1351.1, the county auditor conducts the final tax sale, the sale shall be conducted in accordance with this chapter. (Ord. 96-02)

3.84.020: BIDDER REGISTRATION PROCEDURES:

A. At the time specified in the notice of final tax sale as prescribed under Utah Code Annotated section 59-2-1351, as amended, the county auditor shall offer for sale and sell all such real estate for which an acceptable bid is made.

B. Any party wishing to bid on property offered for sale must register in advance and may be required to submit a written, sealed first bid accompanied by certified funds for an amount of not less than the tax, penalty, interest and costs as determined by the county treasurer. In the event that more than one bid is received prior to the time of sale of the property, the property will be offered and, upon completion of the bidding, will be awarded to the successful bidder, upon approval by the county council. Certified funds must be on deposit with the county treasurer in the amount equal to the bid price at the time the bid is offered and accepted.

1. If the bidder is the record owner of the property, or an agent of the record owner, or a contract buyer, no competitive bidding will be permitted. An agent shall include a mortgage holder or trustee under a trust deed. In the event that a bid is made by such person, the property will be redeemed in the name of the record owner.

2. When the record owner is deceased, the property may be sold to and all documents issued in the name of the estate, executor or administrator. If the estate of the deceased owner has not yet been probated, the delinquent taxes may be paid in the name of the deceased record owner by an heir or assignee; provided, that such heir or assignee signs an affidavit that the property will be probated and acknowledging that a redemption certificate will not be issued until an executor or administrator has been appointed. (Ord. 96-02)

3.84.030: REDEMPTION RIGHTS AND PROCEDURES:

A. Property may be redeemed on behalf of the record owner by any person at any time prior to the tax sale following the lapse of four (4) years from the date the property tax became delinquent.

B. A person may redeem property by paying to the county treasurer all delinquent taxes, interest, penalties and administrative costs that have accrued on the property.

C. If two (2) or more persons own a piece of property on which a delinquency exists, any owner may redeem the owner's interest in the property upon payment of that portion of the taxes, interest, penalties and administrative costs which the owner's interest bears to the whole, as determined by the county council.

D. If any property is redeemed, the county treasurer shall make the proper entry in the record of tax sales filed in the treasurer's office and issue a certificate of redemption, which is prima facie evidence of the redemption, and may be recorded in the office of the county recorder without acknowledgment. (Ord. 96-02)

3.84.040: PROHIBITION OF COLLUSIVE BIDDING:

Collusive bidding is prohibited. "Collusive bidding" is defined as any agreement or understanding reached by two (2) or more parties that changes the bids the parties would otherwise offer absent the agreement or understanding. (Ord. 96-02)

3.84.050: CONFLICT OF INTEREST PROHIBITIONS AND DISCLOSURE REQUIREMENTS:

A. No employee of any county office connected with the tax sale may bid on or benefit from property offered for sale, directly or indirectly, except where the employee is the record owner or an abutting property owner.

B. Where a business associate or relative of an employee of any county office connected with the tax sale desires to participate in the tax sale, complete written disclosure of any relationships that might create the appearance of a conflict of interest must be made prior to the sale. (Ord. 96-02)

3.84.060: CRITERIA FOR ACCEPTING OR REJECTING BIDS:

The following bids may be accepted:

A. The highest bid amount for the entire parcel of property. A bid may not be accepted for an amount which is insufficient

to pay the taxes, penalties, interest and administrative costs; and, in the case of improved property, in addition, the market value thereof; or

B. A bid in an amount sufficient to pay the taxes, penalties, interest and administrative costs, for less than the entire parcel.

1. The accepted bid shall be the bid of the bidder who will pay in cash the full amount of the taxes, penalties, interest and administrative costs for the smallest portion of the entire parcel.

2. The county auditor at the tax sale or the county council following the tax sale shall reject a bid to purchase a strip of property around the entire perimeter of the parcel, a bid to purchase a strip of the parcel which would prevent access to the remainder of the parcel by the redemptive owner, or a bid which would otherwise unreasonably diminish the value of that remainder.

3. If the bid accepted is for less than the entire parcel, the county auditor shall note the fact, with a description of the property covered by the bid, and the balance of the parcel not affected by the bid shall be considered to have been redeemed by the owner.

C. The county council may find that none of the bids are acceptable. (Ord. 96-02)

3.84.070: CRITERIA FOR GRANTING BIDDER PREFERENCE:

A. Specified: Parcels meeting the following criteria shall be sold without competitive bidding as an entire parcel only if:

1. The parcel has been determined not to be an economically viable unit of property to other than a preferential interest based upon consideration of such characteristics as size, shape, access, zoning or other factors that may affect the economic value and use of the parcel; or

2. A nonpreference sale of the parcel would create a nuisance and/or cloud upon an existing interest in the property and could unreasonably diminish the value of such an interest.

B. Priority Of Preference:

1. First priority is given to any possessory interest;

2. If no possessory interest exists, priority is given to abutting property owners;

3. If there is conflict between two (2) or more possessory interests or two (2) or more abutting property owners, the county auditor may direct that the property be bid as between the two (2) conflicting possessory interests. (Ord. 96-02)

3.84.080: SALE RATIFICATION PROCEDURES:

All accepted bids will be submitted to the county council for ratification. (Ord. 96-02)

3.84.090: PROCEDURES FOR RECORDING TAX DEEDS:

A. Upon payment, the county treasurer will issue a temporary receipt. Within sixty (60) days of the date of the sale and after approval of all sales by the county council and after recordation, the county auditor will mail the tax deed to the name and address listed on the bid sheet and bidder registration form. Deeds issued by the county auditor shall recite the following:

1. The total amount of all the delinquent taxes, penalties, interest and administrative costs which were paid for the execution and delivery of the deed;

2. The year for which the property was assessed, the year the property became delinquent, and the year the property was subject to tax sale;

3. A full description of the property; and

4. The name of the grantee.

B. When the deed is executed and delivered by the county auditor, it shall be prima facie evidence of the regularity of all proceedings subsequent to the date the taxes initially became delinquent and of the conveyance of the property to the grantee in fee simple.

C. The deed issued by the county auditor under this section shall be recorded by the county recorder.

D. The fee for the recording shall be included in the administrative costs of the sale. See Consolidated Fee Schedule for fee amount. (Ord. 96-02; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

3.84.100: PAYMENT METHODS AND PROCEDURES:

A. For redemptions after the date of certification for sale, all amounts must be paid in cash or with certified funds, except that where a government entity wishes to redeem, a check will be accepted. For post certification redemptions, an administrative fee is added to delinquencies.

B. Property will be auctioned by class. When all property in that class has been bid and sold, purchasers must remit the full amount bid for the purchase in cash or certified funds. In the event that a bidder is unable to produce the total amount at that time, his/her bid shall be considered null and void and the property shall be returned to the county auditor for resale. (Ord. 96-02)

3.84.110: PROCEDURES FOR CONTESTING BIDS AND SALES:

Any person wishing to contest any action taken in conjunction with the tax sale must file a written protest with the county council within ten (10) days after the date of the tax sale. The county council will not grant hearings for purposes of contesting a bid or sale, but will instead render a decision based upon all information following a review of submissions. The county council may award the property to one of the bidders, reject all bids and order it reoffered for sale, or, upon a finding that it is in the best public interest, withdraw the property from the sale. (Ord. 96-02)

3.84.120: CRITERIA FOR STRIKING PROPERTIES TO THE COUNTY:

A. Any property offered for sale for which there is no purchaser and which it is not in the public interest to withdraw and recertify to a subsequent sale, shall be struck off to the county by the county auditor, who shall then:

1. Publicly declare substantially as follows: "All property here offered for sale which has not been struck off to a private purchaser is hereby struck off and sold to the county of Cache, and I hereby declare the fee simple title of the property to be vested in the county".

2. Make an endorsement opposite each of the entries in the delinquency tax sale record described in Utah Code Annotated section 59-2-1338, substantially as follows: "The fee simple title in the property described in this entry in the year of 20__ sold and conveyed to the county of Cache in payment of general taxes charged to the property"; and

3. Sign the county auditor's name to the record.

B. The fee simple title shall then vest in the county. (Ord. 96-02)

3.84.130: PROCEDURES FOR DISCLOSING PROPERTIES WITHDRAWN FROM THE SALE FOR REASONS OTHER THAN REDEMPTION:

Property having title, description or other deficiencies, or property for which it is found to be in the best interest of the public to withdraw it from sale, may be withdrawn from a tax sale. Property so withdrawn from such sale may be recertified to a subsequent sale if the cause of the original withdrawal has been remedied. Recertification must be approved or ratified in writing by the County Council. (Ord. 96-02, 4-23-1996)

3.84.140: DISCLAIMERS BY THE COUNTY WITH RESPECT TO SALE PROCEDURES AND ACTIONS:

Properties sold during the tax sale shall be conveyed by tax deed. This form of deed is not a warranty deed. The County makes no representations as to the title conveyed, nor as to the purchaser's right of possession of the property. Similarly, the County makes no warranties or representations as to whether the property is buildable or developable, nor does the County make any representations regarding whether the property complies with applicable zoning regulations.

The County does not warrant or represent that any property purchased during the tax sale is habitable or in any particular condition. The County also makes no warranties or representations regarding the accuracy of the assessment of the property or the accuracy of the description of the real estate or improvements therein. (Ord. 96-02, 4-23-1996)

CHAPTER 3.85
TRANSPORTATION PROJECTS SALES AND USE TAX

SECTION:

3.85.010: Statutory Authority

3.85.020: Purpose Of Provisions

3.85.030: Imposition; Amount

3.85.040: Statutes Adopted By Reference

3.85.050: Exemptions

3.85.010: STATUTORY AUTHORITY:

The authority for imposing this tax is derived from title 59, chapter 12, part 17, Utah Code Annotated (1953). The provision was agreed to by a majority of Cache County voters in the November 6, 2007, general election. (Ord. 2007-16, 11-27-2007)

3.85.020: PURPOSE OF PROVISIONS:

To provide the county with a source of revenue specifically for the funding of transportation projects, corridor preservation, congestion mitigation and the expansion of capacity for regionally significant transportation facilities, and the council directs that the provisions hereof be interpreted and construed to accomplish this stated purpose. (Ord. 2007-16, 11-27-2007)

3.85.030: IMPOSITION; AMOUNT:

In addition to the other taxes imposed, the county does impose and levy for collection a sales and use tax of one-fourth of one percent upon the retail sales and uses in the county as such sales and uses are described in Utah Code Annotated section 59-12-103(1), subject to the exemptions provided for in Utah Code Annotated section 59-12-104. The foregoing tax is imposed and levied for collection on a countywide basis, including the areas within the corporate limits of the cities and towns of the county. The provisions of this chapter shall be subject to the provisions of the sales and use tax laws of Utah to which reference is hereinafter made in this chapter, and which are enacted and made a part of this chapter as though fully set forth herein. The funds received from the imposition of this tax shall be used and expended as provided for by state

statute. (Ord. 2007-16, 11-27-2007)

3.85.040: STATUTES ADOPTED BY REFERENCE:

The following requirements and provisions of law are adopted and included in this sales and use tax chapter:

A. The appropriate provisions of title 59, chapter 12, part 2, Utah Code Annotated (1953), as amended, are enacted and incorporated herein by this reference thereto;

B. The applicable provisions of title 59, chapter 12, Utah Code Annotated (1953), are enacted and included in this chapter insofar as they relate to sales and use tax, except that the name of the county, as the taxing agency, shall be substituted for that of the state wherever necessary, that an additional seller's permit shall not be required if one has been or is issued to the seller, and that any retailer who has registered with the state tax commission shall not be required to repeat such registration with the county. (Ord. 2007-16, 11-27-2007)

3.85.050: EXEMPTIONS:

A. The sale, storage, use or other consumption of tangible personal property, the purchase price or the cost of which has been subject to sales or use tax under a sales and use tax ordinance and enacted in accordance with title 59, chapter 12, part 2, Utah Code Annotated (1953), as amended, by any other county or municipality in any other county in this state, shall be exempt from the tax due under this chapter.

B. The amount of any sales or use tax paid under title 59, chapter 12 of Utah Code Annotated (1953), as amended, shall not be included as part of the purchase price paid or charged for a taxable item hereunder. (Ord. 2007-16, 11-27-2007)

CHAPTER 3.86

HIGHWAYS AND PUBLIC TRANSIT SALES AND USE TAX

SECTION:

3.86.010: Statutory Authority

3.86.020: Purpose Of Provisions

3.86.030: Imposition; Amount

3.86.040: Statutes Adopted By Reference

3.86.010: STATUTORY AUTHORITY:

The authority for imposing this tax is derived from title 59, chapter 12, part 22, Utah Code as amended. (Ord. 2018-06, 5-8-2018)

3.86.020: PURPOSE OF PROVISIONS:

This chapter is enacted to provide a source of revenue to provide its residents with safe highways and public transit and Council directs that the provisions hereof be interpreted and construed to accomplish this stated purpose. (Ord. 2018-06, 5-8-2018)

3.86.030: IMPOSITION; AMOUNT:

Pursuant to Utah Code section 59-12-2219, and in addition to the other taxes imposed, the County does impose and levy for collection a Sales and Use Tax of one-fourth of one percent upon the retail sales and uses in the County as such sales and uses are described in Utah Code section 59-12-103(1) as amended, subject to the exemptions provided for in Utah Code section 59-12-104 as amended. The foregoing tax is imposed and levied for collection on a Countywide basis, including the areas within the corporate limits of the cities and towns of the County. The provisions of this chapter shall be subject to the provisions of the Sales and Use Tax laws of Utah to which reference is hereinafter made in this chapter, and which are enacted and made a part of this chapter as though fully set forth herein. The funds received from the imposition of this tax shall be used and expended as provided for by State Statute. (Ord. 2018-06, 5-8-2018)

3.86.040: STATUTES ADOPTED BY REFERENCE:

The following requirements and provisions of law are adopted and included in this Sales and Use Tax chapter:

A. The appropriate provisions of title 59, chapter 12, Utah Code, as amended, are enacted and incorporated herein by this reference thereto;

B. The applicable provisions of title 59, chapter 12, Utah Code, as amended, are enacted and included in this chapter insofar as they relate to Sales and Use Tax, except that the name of the County, as the taxing agency, shall be substituted for that of the State wherever necessary, that an additional seller's permit shall not be required if one has been or is issued to the seller, and that any retailer who has registered with the State Tax Commission shall not be required to repeat such registration with the County. (Ord. 2018-06, 5-8-2018)

CHAPTER 3.88

LEVIES

SECTION:

3.88.010: Bear River District Health Department

3.88.020: Municipal Type Services

3.88.010: BEAR RIVER DISTRICT HEALTH DEPARTMENT:

There is established a separate levy for the purpose of funding the Bear River District health department. This levy shall not be part of the general levy. (Ord. 91-06)

3.88.020: MUNICIPAL TYPE SERVICES:

There is established a separate levy for the purpose of funding municipal type services to the unincorporated area of Cache County under Utah Code Annotated title 17, chapter 34. This levy shall not be a part of the general levy. (Ord. 91-08)

TITLE 4

RESERVED

TITLE 5

BUSINESS LICENSES AND REGULATIONS

Business Licenses 5.04

Alcoholic Beverages 5.08

Reserved 5.12

Airport And Aeronautical Services 5.16

Sexually Oriented Businesses 5.20

CHAPTER 5.04

BUSINESS LICENSES

SECTION:

5.04.010: Definitions

5.04.020: Business License Required

5.04.030: Unlawful To Operate Without License

5.04.040: Fees

5.04.050: Waiver Of Fees

5.04.060: Payment Date

5.04.070: Application For Licenses And Renewals

5.04.080: County Clerk Designated As Assessor And Collector

5.04.090: Referral Of Application

5.04.100: Review By County Executive

5.04.110: Refunds Prohibited

5.04.120: Contents Of License

5.04.130: Display Of Certificate

5.04.140: Transfer Of License Prohibited

5.04.150: Revocation Or Denial Of Business License

5.04.010: DEFINITIONS:

As used in this chapter:

BUSINESS: Means and includes all activities engaged in within the County carried on for the purpose of gain or economic

profit, except the acts of employees rendering service to employers.

EACH SEPARATE PLACE OF BUSINESS: Each separate establishment or place of operation, whether or not operating under the same name, within the unincorporated area of the County, including a home or another place of lodging, if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in any business within the County.

EMPLOYEE: The operator, owner or manager of a place of business, and any persons employed by such person in the operation of said place of business in any capacity, and also any salesperson, agent or independent contractor engaged in the operation of the place of business in any capacity.

ENGAGING IN BUSINESS: Means and includes, but is not limited to, the direct or indirect engaging in, transacting or operating of any business, such as, but not limited to, the sale of goods or materials on a retail or wholesale basis, the manufacturing of products, the rendering of personal services for others for consideration, or by engaging in any profession, trade, craft, occupation or other calling, except the rendering of personal services by an employee to his or her employer under any contract of personal employment.

HOME BASED BUSINESS: An occupation conducted entirely within a dwelling unit or permitted accessory building where the combined offsite impact of the home based business and the primary residential use does not materially exceed the offsite impact of the primary residential use alone. A home based business as defined in this section is not required to pay a business license fee.

PERSON: Any individual, person, firm, partnership, corporation or other entity.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within the unincorporated areas of the County, from which business activity is conducted or transacted. (Ord. 2017-10, 10-24-2017)

5.04.020: BUSINESS LICENSE REQUIRED:

A. Every person, whether directly or indirectly, who transacts, engages in, or operates a business within the unincorporated area of Cache County, shall obtain, maintain and renew a County business license for that business for each and every calendar year in which said business is in operation.

B. The business license shall be renewed by February 1 of each year.

C. The following businesses shall not be required to obtain a Cache County business license under this chapter:

1. Temporary seasonal businesses engaged in the retail sale of agricultural products through roadside stands or directly from fields, orchards or gardens, not to exceed ninety (90) days in any calendar year.

2. Agricultural businesses consisting of farming upon premises leased or owned by the business.

3. A business that is operated only occasionally and by an individual who is under eighteen (18) years of age. (Ord. 2017-10, 10-24-2017)

5.04.030: UNLAWFUL TO OPERATE WITHOUT LICENSE:

A. It is unlawful for any person, directly or indirectly, to transact, engage in, or operate any business within the unincorporated area of Cache County without a current, valid County business license.

B. Any person violating any provision of this chapter shall be deemed guilty of a Class B misdemeanor. (Ord. 89-01; amd. Ord. 2000-07)

5.04.040: FEES:

Fees shall be assessed for the issuance or renewal of any business license, including late fees. See Consolidated Fee Schedule for fee amount. (Ord. 89-01; amd. Ord. 2000-07; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

5.04.050: WAIVER OF FEES:

A. The County Executive, upon written application, may waive or reduce any license fee for the current year required by the provisions of this chapter if:

1. The application, by reason of any special circumstances, merits such waiver or reduction; or

2. The applicant is a religious, charitable, educational or other organization exempt from Federal or State Sales or Income Taxation as a nonprofit organization.

B. Such waiver shall be in writing and specify the reasons for the waiver or reduction and any limitations or restrictions on the business for which said fee has been either waived or reduced.

C. A copy of the written waiver shall be submitted to the County Council and County Clerk for their information. (Ord. 89-01; amd. Ord. 2000-07)

5.04.060: PAYMENT DATE:

A. All license fees shall be due and payable on or before February 1 of each and every year for which the license is issued or renewed.

B. If any license fee is not paid before its due date, a late fee may be added to the original fee, in accordance with the Consolidated Fee Schedule adopted by the County Council, and no license shall be issued until all fees and late fees have

been paid in full. See Consolidated Fee Schedule for fee amounts. (Ord. 89-01; amd. Ord. 2000-07; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

5.04.070: APPLICATION FOR LICENSES AND RENEWALS:

- A. Each person operating a business must submit an application for the issuance or renewal of licenses.
- B. All applications for licenses shall include the following information:
 1. The name of the person applying for the license and the name of the business.
 2. The type and nature of the business, calling, trade or profession to be performed, practiced or carried on pursuant to said license.
 3. The place where such business is to be carried on, giving the street address of the business to be carried on in any building, and a legal description of the premises.
 4. The period of time for which said license is desired to be issued.
 5. Any other information required by the County Clerk.
 6. A copy of a current Fire Department inspection (within the last 6 months).
 7. Emergency notification. Name, address and telephone numbers of those persons needing notification of an emergency at this business.
- C. If the business for which a license is applied is regulated by the State and requires a State license, the applicant must produce that State license, or evidence thereof, and must keep it current.
- D. In the event that the license application relates to a business which uses coin operated machines or devices, the application shall identify the type of machine or device to which it applies and the location thereof. (Ord. 2017-10, 10-24-2017)

5.04.080: COUNTY CLERK DESIGNATED AS ASSESSOR AND COLLECTOR:

- A. The County Clerk is designated and appointed as the ex officio assessor of business license fees for the County.
- B. Upon the receipt of an application for a business license or a renewal thereof, the County Clerk shall assess the amount due thereon and collect all license fees before he may issue or renew the business license.
- C. The Clerk shall report any alleged violations of the provisions of this chapter to the County Executive for enforcement action. (Ord. 89-01; amd. Ord. 2000-07)

5.04.090: REFERRAL OF APPLICATION:

Before issuing a business license, the Clerk shall assure the applicant and application is in compliance with appropriate County ordinances and, if necessary, will refer the applicant to the appropriate office or agency for compliance with the rules and regulations of that agency and investigation by that agency. (Ord. 89-01; amd. Ord. 2000-07)

5.04.100: REVIEW BY COUNTY EXECUTIVE:

- A. In the event the County Clerk is unable to determine the necessary fee to be assessed for the business license or the appropriateness or lawfulness of the issuance of the license to any person, or in the event that any County agency has failed or refuses to grant the appropriate necessary approval for the issuance of said license, the application may be referred either by the County Clerk or the applicant to the County Executive for review.
- B. The County Executive may either approve said application, with or without conditions upon the applicant, or deny the application.
- C. Approval of the application, together with any conditions to be imposed thereon, shall be in writing signed by the County Executive and attested to by the County Clerk, and distributed to all appropriate departments.
- D. No license or renewal shall become effective until all fees and penalties have been paid. (Ord. 89-01; amd. Ord. 2000-07)

5.04.110: REFUNDS PROHIBITED:

No license fee or penalty shall be refunded for any reason after a license has been issued. (Ord. 89-01; amd. Ord. 2000-07)

5.04.120: CONTENTS OF LICENSE:

Every certificate of license shall bear upon its face the following:

- A. The name of the person to whom such certificate has been issued; the name of the business licensed; and the names of the president and secretary of the corporation, or the names of the partners of the partnership, which operates the business.
- B. The amount paid for such license.
- C. The type and nature of the business.
- D. The term of the license with the date of commencement.
- E. The address of the principal place of the business.

F. The signature of the County Clerk or Deputy County Clerk.

G. Such other information that may be required by the County, such as special conditions imposed upon the application. (Ord. 89-01; amd. Ord. 2000-07)

5.04.130: DISPLAY OF CERTIFICATE:

A. Every certificate of license issued under the provisions of this chapter must be posted by the licensee in a conspicuous public place upon the wall of the building, room or office at the principal place of business, so that the same may be easily seen by patrons.

B. No certificate of license which is not in force and effect shall be permitted to be posted at the place of business after the period of certificate of license has expired.

C. In the event the license is for a business which uses coin operated machines or devices, the certificate shall be attached or displayed in the immediate vicinity of the machines or devices for which it has been issued. (Ord. 89-01; amd. Ord. 2000-07)

5.04.140: TRANSFER OF LICENSE PROHIBITED:

No license issued under this chapter shall be assigned or transferred to any other person, except as provided by operation of law. (Ord. 89-01; amd. Ord. 2000-07)

5.04.150: REVOCATION OR DENIAL OF BUSINESS LICENSE:

A. Any license issued pursuant to the provisions of this chapter or any ordinance of this county may be revoked and any application denied by the county because of:

1. The failure of the licensee or applicant to comply with conditions and requirements of this chapter or any other county ordinance;

2. Unlawful activities conducted or permitted upon the premises where the business is conducted; or

3. The license is obtained by deception or is issued to or obtained by any unauthorized person.

B. Prior to the revocation of a license or a denial of a license, the licensee or applicant shall be given a notice which will state in substance that the county executive intends to revoke or deny the business license, together with the reason or reasons thereof, at a hearing before the county executive, which shall be at least ten (10) days and not more than thirty (30) days from the date notice is sent.

C. The licensee has the right to appear, to be represented by counsel at his own expense, to hear the reasons and facts presented, and to present evidence as to why the license should not be revoked or denied.

D. The preceding subsections shall not apply to applications for licenses for businesses that have not previously been licensed by the county. Such applicants need only be informed that their application has been denied and the reason for such denial. (Ord. 89-01; amd. Ord. 2000-07)

CHAPTER 5.08

ALCOHOLIC BEVERAGES

SECTION:

5.08.010: Policy and Purpose

5.08.020: Adoption Of State Law

5.08.030: Definitions

5.08.040: Application For Consents To State Restaurant Liquor Licenses

5.08.050: Procedures

5.08.060: Approval Of Local Consent And Issuance Of Local Consent License

5.08.070: Renewal Of Local Consent License

5.08.080: Annual Fees

5.08.090: Transfers

5.08.100: Miscellaneous

5.08.010: POLICY AND PURPOSE:

The purpose of this chapter is to regulate and restrict alcoholic beverages in Cache County by adopting existing state regulations and further regulating in areas that state law specifically leaves to local control and in areas of local concern not directly covered by state law, including by restricting the categories of state alcoholic beverage licenses, permits, and package agencies that are available in Cache County and by adopting conditions, requirements, and procedures for obtaining the County's consent to such licenses, permits, and agencies. (Ord. 2021-05, 4-13-2021)

5.08.020: ADOPTION OF STATE LAW:

The sale and distribution of alcoholic beverages are regulated under state law as found in Utah Code Title 32B, the Alcoholic Beverage Control Act, as amended from time to time. The County adopts the Alcoholic Beverage Control Act, Utah Code Title 32B, in its entirety, as amended from time to time. (Ord. 2021-05, 4-13-2021)

5.08.030: DEFINITIONS:

- A. The definition of each term which is defined in Utah Code Title 32B, the Alcoholic Beverage Control Act, as amended from time to time, is hereby adopted into this chapter, except to the extent modified by this chapter;
- B. The term "local consent" means consent given by the county for the issuance of a state alcoholic beverage license, permit, or agency;
- C. The term "Local Consent License" means a license issued by the County Clerk to a person or entity who has obtained local consent for a state alcoholic beverage license, permit, and/or agency. (Ord. 2021-05, 4-13-2021)

5.08.040: APPLICATION FOR CONSENTS TO STATE RESTAURANT LIQUOR LICENSES:

- A. Applications for consents to state restaurant liquor license shall be verified and filed in duplicate with the county clerk. The applicant shall provide all information required on the application form provided by the county clerk. The county clerk shall submit a copy of the application to the county executive.
- B. The information to be provided by the applicant shall include, but not be limited to, the applicant's full name, and if the applicant is a partnership or a corporation, then in addition, the names and addresses of all partners, managers, officers, directors or stockholders, and such other information as may be required by the county.
- C. Each applicant must be over the age of twenty one (21) years, a citizen of the United States and the state of Utah, of good moral character, and a fit and proper person to be granted a consent to a state restaurant liquor license. In the event that the applicant is a partnership or a corporation, the partnership or corporation must be duly registered to do business in the state of Utah, possess a business license from Cache County, and be a fit and proper entity to be granted a consent to a state restaurant liquor license.
- D. Each applicant must provide a copy of the applicant's current business license and a copy of the application submitted for a state restaurant liquor license to the state of Utah.
- E. No consent shall be granted to an applicant who has been convicted of a felony under federal or state law; convicted of any violation of federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages; nor convicted of any crime involving moral turpitude. If the applicant is a partnership or corporation, no consent shall be granted to the applicant if any partner, managing agent, officer, director or stockholder holding at least twenty percent (20%) of the stock or interest in the applicant partnership or corporation has been convicted of any such offense.
- F. In the event that any such conviction occurs during the term of the license, the county shall have the authority to immediately withdraw its consent.
- G. No consent shall be issued unless and until the Cache County sheriffs office has made a diligent check of the applicable records and provides a copy of the criminal record, if any, of the applicant to the county clerk.
- H. No consent shall be issued unless and until the applicant provides written approval from the Utah department of transportation, if access to the proposed premises is to and from a state highway; or from the Cache County road department, if access is to and from a county road, approving the access for the proposed use.
- I. No consent shall be issued until the applicant has first procured from the county health department a permit certifying that the premises is in sanitary condition and the equipment used complies with all health regulations of the state of Utah and Cache County.
- J. The applicant must provide written confirmation from the development services department that the premises for which the license is sought is within a zone permitting the establishment of a state restaurant liquor outlet.
- K. Upon the receipt by the county clerk of the completed application form, copies of the applicant's current business license and application for state restaurant liquor license, the report of the sheriff s office, written approval from the Utah department of transportation or Cache County road department and written confirmation from the development services department as to the zone of the premises, and a permit from the county health department, then the county clerk shall submit those materials and any other attachments or documents necessary and pertinent to the application to the county council. No application shall be forwarded by the county clerk to the county council unless and until the application fee has been paid. See Consolidated Fee Schedule for fee amount.
- L. The county council, upon receipt of the application and accompanying materials from the county clerk, shall place the matter on its agenda for consideration.
- M. The granting of a consent to a state restaurant liquor license is deemed a policy decision and therefor shall be under the authority and responsibility of the county council. All consents must be approved by the county council. (Ord. 2021-05, 4-13-2021; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

5.08.050: PROCEDURES:

- A. In granting any consent, the county council shall give consideration to the locality upon which the proposed resort restaurant is to be operated in its proximity to any existing similar establishments possessing similar licenses, its proximity to

any school, church, library, public park, playground or wilderness, public recreation or recreational area, or residential area; and to the potential impact of the granting of such license and the use of the premises as a state restaurant liquor outlet upon traffic and highway safety and the surrounding area.

B. No consent shall be granted to the applicant until he shows that he has filed with the county clerk a bond payable to Cache County in the amount of ten thousand dollars (\$10,000.00). The bond shall be in a form approved by the county attorney and shall be conditioned upon the applicant's faithful compliance with this chapter and the rules and regulations established by the county. If the bond is cancelled due to the applicant's negligence, the county may assess a reinstatement fee. See Consolidated Fee Schedule for fee amount. No part of any cash or corporate bond so posted may be withdrawn during the period that the consent is in effect or while revocation proceedings are pending against the applicant. The bond filed may be forfeited if the consent is revoked.

C. No consent shall be issued until the applicant has first procured from the county health department a permit certifying that the premises are in sanitary condition and the equipment used complies with all health regulations of the state of Utah and Cache County.

D. Each application shall be accompanied by a cashier's check payable to Cache County, as and for a nonrefundable application fee which shall be deemed to cover county expenses in the application process. See Consolidated Fee Schedule for fee. (Ord. 2021-05, 4-13-2021; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

5.08.060: APPROVAL OF LOCAL CONSENT AND ISSUANCE OF LOCAL CONSENT LICENSE:

A. Determination. The County Clerk must make a determination of whether local consent is appropriate under the provisions of this chapter. In making that determination, the County Clerk is not authorized to deviate from this chapter's requirements. If the County Clerk determines; that local consent is appropriate, the County Clerk must give local, consent and issue to the applicant: a local consent license.

B. Proof of State Licensure. Prior to operating under the authority of this chapter, each approved applicant must obtain to provide to the County Clerk proof of state licensure.

C. Authorization. The giving of local consent for purposes of state law does not authorize-any action or business practice Which is prohibited by or inconsistent with this chapter.

D. Requirement of Local Consent License. A current local consent license is required to operate a winery manufacturing business or package agency business In Cache County.

E. Content of Local Consent License. A Local Consent License must be signed by the County Clerk and contain the' following information:

1. The name of the applicant to whom the Local Consent License has been issued and the name of a local contact person for the applicant;
2. The street address of the-prejraises and, If different, the mailing address of the applicant;
3. The state license,,permit, and/or agency for which local consenthas been given;
4. The term of the Local Consent License, including commencement and expiration dates; and
5. A statement that the local consent license is subject to revocation by the county for violation of tills chapter and/or violation of the Alcoholic Beverage Control Act.

F. Term of Local Consent License. Except as outlined in subsection5.08.080 of this chapter or unless the applicant's local consent license has been suspended or revoked, obtaining local consent is a onetime requirement. A local consent license must be renewed by February 1 of each year.

G. Display. The Local Consent License must at all times be conspicuously displayed to the public in the place to which it refers and for which It is issued. (Ord. 2021-05, 4-13-2021)

5.08.070: RENEWAL OF LOCAL CONSENT LICENSE:

A. Renewal of Local Consent License. The holder of a Local Consent License who desires to renew the license must file with the County- Clerk a completed renewal application in a form prescribed by the County Clerk, a renewal fee, and a copy of his or her current state Winery Manufacturing Lieense and/or Package Agency apeement at least thirty (30) days prior to expiration of the Local Consent License, The County Clerk must issue a new local consent license valid through February 1 of the next year if the above requirements, are met; and the County Clerk Is unaware of grounds for nonrenewal, revocation, or suspension of the local consent license.

B. Penalty for Untimely Renewal Application. A holder of a local consent license who fails to timely file an application for renewal must be assessed a penalty equal to twenty-five percent (25%) of the renewal fee.

C. Status when Action is Pending on a Renewal Application. If an application tor renewal has been filed with the County Clerk, upon written notification by the County Clerk, a holder of a local consent license must on the date the existing license expires close his or her licensed premises for all business related to the winery manufacturing license and/or Package Agency and keep the premises closed for all such business until the date a new local consent license is issued, in the absence of such notice, the local consent license is deemed renewed if a renewal application was filed on or before the date the local consent license was set to expire.

D. Transfer of Local Consent. Neither local consent nor a local consent license is transferable from person to person or from location to location without reapplying for local consent and following the provisions set forth in section 5.08.050 of this chapter. Applicants for transfer of local consent must also present proof that the transfer was approved by the state Department of Alcoholic Beverage Control as outlined in the Alcoholic Beverage Control Act. (Ord. 2021-05, 4-13-2021)

5.08.080: ANNUAL FEES:

There shall be an annual fee for a consent to a state restaurant liquor license; in addition to the application fee, which shall be payable on or before October 31 of each year. See Consolidated Fee Schedule for amount of fee. (Ord. 2021-05, 4-13-2021; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

5.08.090: TRANSFERS:

Consents issued by the county may be transferred from one premises to another or from the applicant to any successor or assign only upon the specific written consent of the county council. Any proposed transferee or new premises must meet all the qualifications of the original licensee and premises, including the payment of a nonrefundable application fee. See Consolidated Fee Schedule for amount of fee. (Ord. 2021-05, 4-13-2021; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

5.08.100: MISCELLANEOUS:

A. Alcohol Consumption On County-Owned Property:

1. It is unlawful for any individual to consume alcohol while on property owned by Cache County, unless:
 - a. The individual has a contract with Cache County for a private party that designates facilities or areas of the Cache County Fairgrounds or Event Center where alcohol will be served and consumed;
 - b. The individual is designated on the guest list for a private party and is within the facilities or areas of the Cache County Fairgrounds or Event Center that are contractually designated as the site for the private party;
 - c. The individual is (i) attending an event for which a person or entity has obtained a single event permit per Utah Code Chapter 32B, Section 9, Part 3 and has contracted with Cache County to allow alcohol to be served and consumed in designated facilities or areas within the Cache County Fairgrounds or Event Center, (ii) the individual is consuming alcohol within the facilities or areas of the Cache County Fairgrounds or Event Center that are contractually designated for the single event, and (iii) the individual is consuming alcohol within the publicly advertised hours of the event; or
 - d. The individual is participating in field sobriety and nystagmus training conducted by the Cache County Sheriff's Office.

2. If an individual violates subsection A1, then the individual is guilty of a class B misdemeanor. If an entity knowingly allows an individual to consume alcohol in violation of subsection A1, then each violation shall result in a civil penalty of five hundred dollars (\$500.00).

B. Advertising On County-Owned Property Prohibited Without Contract: Any advertising of alcoholic beverages in or upon any county-owned property is prohibited, unless it is contractually agreed upon with Cache County in accordance with County policy. (Ord. 2022-16, 5-10-2022)

CHAPTER 5.12

RESERVED

Repealed by Ord. 2021-05, 4-13-2021

CHAPTER 5.16

AIRPORT AND AERONAUTICAL SERVICES

SECTION:

- 5.16.010: Standards**
- 5.16.020: Aircraft Sales**
- 5.16.030: Airframe And/Or Power Plant Repair**
- 5.16.040: Aircraft Rental**
- 5.16.050: Flight Training**
- 5.16.060: Aircraft Fuels And Oil Dispensing Service**
- 5.16.070: Radio, Instrument Or Propeller Repair Service**
- 5.16.080: Air Taxi Service And Air Charter**

5.16.090: Aerial Applications And Crop Dusting

5.16.100: Specialized Commercial Flight Services

5.16.110: Multiple Services

5.16.120: General Requirements

5.16.130: Flying Clubs

5.16.140: Lease Proposal Requirements

5.16.010: STANDARDS:

Each lessee desiring to engage in airport aeronautical service at the Logan-Cache airport shall meet as a minimum the standards as hereinafter set forth in this chapter for each category of aeronautical services the lessee proposes to provide. (Ord. 75-04)

5.16.020: AIRCRAFT SALES:

A. Land: The leasehold shall contain a minimum four hundred (400) square feet of land to provide space for building. The apron fronting on leased land may be used for storage of aircraft or display, if lessee does not have sufficient land area.

B. Buildings: Lease or construct four hundred (400) square feet of properly lighted and heated space for office and public restrooms, and public use telephone. Said office space to be located in the described fixed base operation area as set forth in the airport master plans.

C. Personnel: One person having current commercial pilot certificate with ratings appropriate for the types of aircraft to be demonstrated.

D. Dealerships: New aircraft dealers shall hold an authorized factory or subdealership. All aircraft dealers shall hold a dealership license or permit if required by state.

E. Aircraft: A dealer of new aircraft shall have available or on call one current model demonstrator.

F. Services: Provide for adequate servicing of aircraft and accessories during warranty periods (new aircraft).

G. Hours Of Operation: The normal operating hours will be at the operator's discretion, but he should be reasonably available to the public.

H. Insurance Coverage: All lessees shall be required to file a proof of insurance with the Cache County clerk showing the following insurance coverage:

Aircraft liability:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident
Passenger liability	100,000.00 each passenger 100,000.00 each accident
Comprehensive public and property damage:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident

Note: The above coverages should include aircraft held for sale and demonstration by the lessee but owned by others.

I. Code Compliance: If any construction is contemplated by lessee, all plans and specifications shall be approved by the county engineer, airport manager and Cache County building inspector to determine compliance with existing building codes.

J. Space Requirements Modification: The space requirements as set forth in subsections A and B of this section may be modified by the airport manager, to the satisfaction of the airport manager, provided the lessee shows that the operation he intends to have will be satisfactorily housed within a more limited area. (Ord. 75-04)

5.16.030: AIRFRAME AND/OR POWER PLANT REPAIR:

A. Land: The leasehold shall contain a minimum area of four hundred (400) square feet to provide space for all buildings. Temporary parking of aircraft shall be on an apron in front of the building.

B. Buildings: Lease existing facility or construct a building sufficient to provide four hundred (400) square feet of shop space meeting local and state industrial code requirements, plus adequate office space. Provide public telephone. Said office space to be located in the fixed base operation area as set forth on the airport master plan.

C. Personnel: One person currently certified by FAA with ratings appropriate for work being performed who may hold an airframe and/or power plan rating.

D. Hours Of Operation: The normal operating hours shall be from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., five (5) days a week, and on call.

E. Equipment; Sufficient equipment, supplies and availability of parts to perform maintenance in accordance with manufacturers' recommendations or equivalent.

F. Insurance Coverage: All lessees shall be required to file proof of insurance with the Cache County clerk showing the following insurance coverage:

Comprehensive public liability and property damage:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident
Hangar keepers liability each accident	
(Coverage depends on type and number of aircraft serviced at any one time.)	

G. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.040: AIRCRAFT RENTAL:

A. Land: The leasehold shall contain a minimum six hundred (600) square feet of land. Space for aircraft parking to be on an apron in front of the buildings.

B. Buildings: Lease or construct building which will provide six hundred (600) square feet of properly heated and lighted office space, including adequate space for the public restrooms, and public use telephone. Said office space to be located in the fixed base operation area as set forth on the airport master plan.

C. Personnel: One person having a current commercial pilot certificate with appropriate ratings.

D. Aircraft: One airworthy aircraft owned or leased in writing to the lessee.

E. Hours Of Operation: The operating hours will be from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., six (6) days a week, and on call.

F. Insurance Coverage For Owned Or Leased Aircraft: All lessees shall be required to file proof of insurance with the Cache County clerk showing the following insurance coverage:

Aircraft liability:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident
Student and renter, pilot coverage comprehensive public liability and property damage:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident

G. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.050: FLIGHT TRAINING:

A. Land: The leasehold shall contain a minimum six hundred (600) square feet of land to provide space for lessee's buildings. Aircraft tie downs shall be on an apron in front of the buildings.

B. Buildings: Lease or construct a building having six hundred (600) square feet of properly lighted and heated floor space to provide classroom, briefing room, pilot lounge and office space, public restrooms and public use telephones. Said office space to be located in the fixed base operation area as set forth on the airport master plan.

C. Personnel: One person properly certificated by FAA as flight instructor to cover the type of training.

1. The availability of specified minimum training equipment, such as mock-ups, engine cutaways, instrument flight trainers.

2. The continuing ability to meet certification requirements of the FAA (and any pertinent state or local authorities) to conduct the training proposed.

D. Aircraft: The lessee shall own or have leased to him in writing one properly certificated aircraft equipped for flight

instruction.

E. Hours Of Operation: The hours of operation shall be eight (8) hours a day, six (6) days a week.

F. Insurance Coverage For Owned Or Leased Aircraft: All lessees shall be required to file proof of insurance with the Cache County clerk showing the following insurance coverage:

Aircraft liability:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident
Passenger liability	100,000.00 each passenger 300,000.00 each accident
Student and renter pilot coverage comprehensive public liability and property damage:	
Bodily injury	\$300,000.00 each person
Property damage	100,000.00 each accident

G. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.060: AIRCRAFT FUELS AND OIL DISPENSING SERVICE:

A. Land: The leasehold shall contain a minimum four hundred (400) square feet of land to provide for buildings, aircraft parking area equipped with six (6) tie downs and dispensing equipment.

B. Buildings: Construct or lease a building providing four hundred (400) square feet of properly lighted and heated floor space for office, public lounge and restrooms, and telephone. Said buildings to be located in the fixed base operation area as set forth on the airport master plan.

C. Personnel: One properly trained person shall be on duty during operating hours.

D. Aircraft Service Equipment: Emergency starting equipment, adequate fire extinguishers.

E. Services: Fuel, park and tie down craft.

F. Fueling Facilities: Two (2) metered filter equipped dispensers, fixed or mobile, for dispensing two (2) grades (80-87 and 100 octane) of gasoline from storage tanks having a minimum capacity of five thousand (5,000) gallons each. Mobile dispensing trucks shall have a minimum three hundred (300) gallon capacity for each grade of fuel. Separate dispensing pumps and meters for each grade of fuel is required.

G. Hours Of Operation: Fueling service shall be provided from eight o'clock (8:00) A.M. to sundown, seven (7) days a weeks.

H. Insurance Coverage: All lessees shall be required to file proof of insurance with the Cache County clerk showing the following insurance coverage:

Comprehensive public liability and property damage:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident
Hangar keepers liability	100,000.00 each accident
Property liability	100,000.00 each accident

I. Minor Repairs: Demonstrated capability to perform minor repairs coupled with a requirement for tools, jacks, towing equipment, tire repair equipment, etc.

J. Grounding Rods: A requirement that the operator install adequate grounding rods at all fueling locations to eliminate the hazards of static electricity.

K. Snow Removal: A commitment to remove snow and otherwise clean up the fueling areas, coupled with the provision of the equipment necessary for this purpose.

L. Emergency Training: That employees dispensing fuels shall participate in at least four (4) hours in fire, rescue or other emergency training when provided by the airport owner.

M. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.070: RADIO, INSTRUMENT OR PROPELLER REPAIR SERVICE:

A. Land: The leasehold shall contain a minimum four hundred (400) square feet of land for building.

B. Buildings: Construct or lease building providing four hundred (400) square feet of properly lighted and heated space to house office, restroom facilities and minimum shop and hangar space as required for FAA repair shop certification and telephone. Said office space to be located in the fixed base operation area as set forth on the airport master plan.

C. Personnel: One FAA certificated repairman qualified in accordance with the terms of the repair station certificate.

D. Hours Of Operation: The hours of operation shall be from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., five (5) days a week, and on call.

E. Insurance Coverage: All lessees shall be required to file proof of insurance with the Cache County clerk showing the following insurance coverage:

Hangar keepers liability	\$300,000.00 each accident
Products liability	300,000.00 each accident
Note: Insurance coverage limits appropriate to risk exposure.	

F. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.080: AIR TAXI SERVICE AND AIR CHARTER:

A. Land: The leasehold shall contain a minimum four hundred (400) square feet of land for buildings.

B. Buildings: Lease or construct a building providing a minimum of four hundred (400) square feet of properly heated and lighted space for office and customer lounge, telephone and restrooms. Said office space to be located in the fixed base operation area as set forth on the airport master plan.

C. Aircraft Charter And Taxi:

1. Suitable arrangements for passenger shelter, restrooms, public telephones, etc. However, where these and other convenience facilities are provided by the airport owner for public use, it would be unreasonable to require that they be duplicated by air carrier, air charter or air taxi operators.

2. Satisfactory arrangements for checking in passengers, handling luggage, ticketing and ground transportation.

3. An assurance of the continued availability of suitable aircraft, with qualified operating crews, located at the airport (under acceptable separate arrangements), ready to depart within a specified maximum notice period.

D. Personnel: One FAA certificated commercial pilot who is appropriately rated to conduct air taxi service offered.

E. Aircraft: One four-place aircraft meeting all the requirements of the air taxi-commercial operator certificate held.

F. Hours Of Operation: The hours of operation shall be from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., six (6) days a week, and on call.

G. Insurance Coverage: All lessees shall be required to file proof of insurance with the Cache County clerk showing the following insurance coverage:

Aircraft liability:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident
Passenger liability	100,000.00 each passenger 100,000.00 each accident
Comprehensive public liability and property damage:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident

H. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.090: AERIAL APPLICATIONS AND CROP DUSTING:

A. Land: Leasehold shall contain three hundred twenty (320) square feet of land to provide for buildings, aircraft parking and tie down, and parking space for loading vehicles and equipment.

B. Buildings: Lease or construct three hundred twenty (320) square feet of building space for office and storage, restrooms and telephone. Said office space to be located in the air freight area of airport as set forth on the airport master

plan.

C. Personnel: One person holding current FAA commercial certificate, properly rated for the aircraft to be used and meeting the requirements of part 137 of the FAA regulations and applicable regulations of the state.

D. Aircraft: One aircraft which will be airworthy, meeting all the requirements of part 137 of the FAA regulations and applicable regulations of the state. This aircraft shall be owned or leased by agreement in writing and based on the lessee's leasehold.

E. Facilities: A segregated chemical storage area protected from public access.

F. Hours Of Operation: Available on call twenty four (24) hours during the normal aerial application season.

G. Insurance Coverage: All lessees shall be required to file proof of insurance with the Cache County clerk showing the following insurance coverage:

Aircraft liability:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident
Comprehensive public liability and property damage:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident

H. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.100: SPECIALIZED COMMERCIAL FLIGHT SERVICES:

A. Land: Leasehold shall contain three hundred twenty (320) square feet of land to provide for buildings, aircraft parking and tie downs.

B. Buildings: Construct or lease three hundred twenty (320) square feet of properly heated and lighted floor space for office, restrooms and telephone. Said office space to be located in the fixed base operation area as set forth on the airport master plan.

C. Personnel: One person having a current commercial pilot certificate with appropriate ratings for the aircraft to be flown.

D. Aircraft: One properly certificated aircraft owned or leased in writing to the lessee.

E. Hours Of Operation: The operating hours will be from eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., five (5) days a week and on call.

F. Insurance Coverage For Owned Or Leased Aircraft: All lessees shall be required to file proof of insurance with the airport manager showing the following insurance coverage:

Aircraft liability:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident
Comprehensive public liability and property damage:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident

G. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.110: MULTIPLE SERVICES:

A. Land: The leasehold for multiple activities shall contain seven thousand (7,000) square feet of land to provide space for specific use area requirements established for the service to be offered (specific use spaces need not be additive where combination use can be reasonably and feasibly established).

B. Buildings: Lease or construct a building containing seven thousand (7,000) square feet to provide properly lighted and heated space for office, public lounge, pilot briefing room and restrooms. Repair stations must provide minimum shop and hangar space as required by FAA repair shop certification. Said office space to be located in the fixed base operation area as set forth in the airport master plan.

- C. Personnel: Multiple responsibilities may be assigned to personnel to meet personnel requirements for all activities.
- D. Aircraft: All requirements for aircraft for the specific activities to be engaged in must be provided; however, multiple uses can be made of all aircraft, except aerial applicator aircraft, to meet these requirements, however, a minimum of two (2) aircraft must be owned or under the direct control of the lessee and based on the lessee's leasehold.
- E. Equipment: All equipment specifically required for each activity must be provided.
- F. Services: All services specifically required for each activity must be provided during the hours of operation.
- G. Hours Of Operation: The lessee will adhere to the operating schedule as required for each activity.
- H. Insurance Coverage: The lessee will obtain the highest single coverage in the amounts established for each type of insurance required for the specific activity.
- I. Provisions Incorporated: Subsections 5.16.020I and J of this chapter are incorporated in this section. (Ord. 75-04)

5.16.120: GENERAL REQUIREMENTS:

- A. Building space requirements may be provided in one building, attached buildings or in separate buildings.
- B. All lessee personnel required to hold FAA certificates and ratings shall maintain such certificates and ratings.
- C. All lessees offering any of the services or combinations thereof shall do so under written lease or agreement with the airport owner. (Ord. 75-04)

5.16.130: FLYING CLUBS:

The following requirements pertain to all flying clubs desiring to base their aircraft on the airport and be exempt from the minimum standards:

- A. Flying Club Regulations: Each club must be a nonprofit corporation or partnership. Each member must be a bona fide owner of the aircraft or a stockholder in the corporation. The club may not derive greater revenue from the use of its aircraft than the amount necessary for the actual use of operation, maintenance and replacement of its aircraft. The club will file and keep current with the airport owner a complete list of the club's membership and investment share held by each member.
- B. Aircraft: The club's aircraft will not be used by other than bona fide members for rental and by no one for commercial operations. Student instruction can be given in club aircraft to club members, provided such instruction is given by a lessee based on the airport who provides flight training or by an instructor who shall not receive remuneration in any manner for such service.
- C. Violations: In the event that the club fails to comply with these conditions, the airport owner will notify the club in writing of such violations. If the club fails to correct the violations in fifteen (15) days, the airport owner may take any action deemed advisable by the owner.
- D. Insurance: Each aircraft owned by the flying club must have aircraft liability insurance coverage for the following amounts:

Aircraft liability:	
Bodily injury	\$100,000.00 each person 300,000.00 each accident
Property damage	100,000.00 each accident

(Ord. 75-04)

5.16.140: LEASE PROPOSAL REQUIREMENTS:

The airport owner will not accept an original request to lease land unless the proposed lessee puts forth in writing a proposal which sets forth the scope of operation he proposed, including the following:

- A. The services he will offer.
- B. The amount of land the lessee desires to lease.
- C. The building space he will construct or lease.
- D. The number of aircraft he will provide.
- E. The number of persons he will employ.
- F. The hours of proposed operation.
- G. The number and types of insurance coverage he will maintain.
- H. Evidence of his financial capability to perform and provide the above services and facilities.
- I. No exclusive rights to be granted. (Ord. 75-04)

CHAPTER 5.20

SEXUALLY ORIENTED BUSINESSES

SECTION:

5.20.010: Statutory Authority

5.20.020: Purpose And Intent

5.20.030: Definitions

5.20.040: Classifications Of Businesses Regulated

5.20.050: License Required

5.20.060: Investigation Of Applicant

5.20.070: Fees

5.20.080: Issuance Or Denial Of License

5.20.090: Expiration; Renewal

5.20.100: Transfer Of License

5.20.110: Inspection Of Premises

5.20.120: Suspension

5.20.130: Revocation

5.20.140: Hearing On Denial, Suspension Or Revocation; Appeal

5.20.150: Employee License

5.20.160: Location Of Sexually Oriented Businesses

5.20.170: Exhibitions In Viewing Rooms

5.20.180: Minors And Sexually Oriented Businesses

5.20.190: Advertising And Lighting

5.20.200: Hours Of Operation

5.20.210: Nudity Prohibited

5.20.220: Live Entertainment

5.20.230: Distribution Of Sexual Devices

5.20.240: Operating Without Valid License

5.20.250: Criminal Penalties And Additional Relief

5.20.260: Defenses To Prosecution

5.20.270: Immunity From Prosecution

5.20.010: STATUTORY AUTHORITY:

The statutory authority for enacting this chapter is Utah Code Annotated sections 17-27a-102 and 17-53-223, as amended. (Ord. 2006-05, 4-25-2006)

5.20.020: PURPOSE AND INTENT:

It is the purpose of this chapter to regulate sexually oriented businesses in order to promote the health, safety, morals and general welfare of the citizens of the county, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the unincorporated areas of the county. The provisions of this chapter have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this chapter to restrict or deny access by adults to sexually oriented materials protected by the first amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this chapter to condone or legitimize the distribution of obscene material. (Ord. 2006-05, 4-25-2006)

5.20.030: DEFINITIONS:

For the purposes of this chapter, the following terms and words are defined as follows:

DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON: The dominant or principal theme of the object referenced. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon the

exhibition or display of specified sexual activities or specified anatomical areas", the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities".

EMPLOYEE: A person who works or performs in and/or for a sexually oriented business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

ESTABLISHMENT: Means and includes any of the following:

- A. The opening or commencement of any sexually oriented business as a new business;
- B. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- C. The addition of any sexually oriented business to any other existing sexually oriented business; or
- D. The relocation of any sexually oriented business.

LICENSEE: Person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

NUDITY, NUDE OR A STATE OF NUDITY:

- A. The appearance of human bare buttocks, anus, male genitals, female genitals, or the areola or nipple of the female breast; or
- B. A state of dress which fails to opaquely and fully cover a human buttocks, anus, male or female genitals, pubic region, or areola or nipple of the female breast.

OPERATOR: Means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

PERMITTED PREMISES OR LICENSED PREMISES: Any premises that requires a license and/or permit and that is classified as a sexually oriented business.

PERSON: An individual, proprietorship, partnership, corporation, association or other legal entity.

PUBLIC BUILDING: Any building owned, leased or held by the United States, the state, the county, a city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.

PUBLIC PARK: Public land which has been designated for park or recreational activities, including, but not limited to, a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian or bicycle paths, open space, wilderness areas, or similar public land within the county, which is under the control, operation or management of the county.

RELIGIOUS INSTITUTION: Any church, synagogue, mosque, temple or building, which is used primarily for religious worship and related religious activities.

RESIDENTIAL DISTRICT OR RESIDENTIAL USE: Except with regard to caretaker residences in a commercial or manufacturing zone, a single-family, duplex, townhouse, multiple-family, or mobile home park, development or subdivision and campgrounds, and single-family, duplex, townhouse, multiple-family, or mobile home uses, all as defined under county ordinances.

SCHOOL: Any public or private educational facility, including, but not limited to, child daycare facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, colleges and universities. "School" includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.

SEMINUDE: A state of dress in which clothing covers no more than the genitals, pubic region and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SEXUALLY ORIENTED BUSINESSES: Those businesses defined as follows:

Adult Arcade: Any place to which the public is permitted or invited, for any form of consideration, where one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, videocassettes, compact discs, DVDs, slides, animations, electronic media, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Bookstore, Adult Novelty Store Or Adult Video Store: A commercial establishment which has a significant or substantial portion of its stock in trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising for the sale or rental, for any form of consideration, of any one or more of the following:

A. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, DVDs, slides, animation, electronic media, or other visual representations which are characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas";

B. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the purchasers or others;

C. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an "adult bookstore, adult novelty store or adult video store". Such other business purposes will not serve to exempt such establishments from being categorized as an "adult bookstore, adult novelty store or adult video store" so long as one of its principal business purposes is offering for sale, rental, or viewing, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities".

Adult Cabaret: A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

A. Persons who appear nude or in a state of nudity or seminudity;

B. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or

C. Films, motion pictures, videocassettes, compact discs, DVDs, slides, animation, electronic media or other photographic reproductions which are characterized by the depiction or display of "specified sexual activities" or "specified anatomical areas".

Adult Motel: A hotel, motel or similar commercial establishment which:

A. Offers accommodations to the public for any form of consideration, which provides patrons with closed circuit television transmissions, films, motion pictures, videocassettes, compact discs, DVDs, slides, animation, electronic media, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas", and which advertises the availability of this sexually oriented type of material by means of sign visible from the public right of way, or by means of any off premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television;

B. Offers sleeping room for rent for a period of time that is less than ten (10) hours; or

C. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.

Adult Motion Picture Theater: A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, compact discs, DVDs, slides, animation, electronic media, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

Adult Theater: A theater, concert hall, auditorium or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or seminudity, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities".

Escort: A person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

Massage Parlor: Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other manipulation of the human body which occurs as a part of or in connection with "specified sexual activities", or where any person providing such treatment, manipulation or service related thereto exposes his or her "specified anatomical areas". The definition of "sexually oriented businesses" shall not include the practice of massage in any licensed hospital, nor by a licensed hospital, nor by a licensed physician, surgeon, chiropractor, osteopath, physical therapist or massage therapist not engaged in the above, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, osteopath or physical therapist, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

Miscellaneous Sexually Oriented Business: Any other business not described in this definition that has a dominant or principal theme that is sexually oriented.

Seminude Model Studio: Any place where a person, who regularly appears seminude, is provided for money or any form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

Sexual Encounter Establishment: A business or commercial establishment which, as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate or consort for the purpose of "specified sexual activities" or activities when one or more of the persons is seminude. The definition of "sexually oriented businesses" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

SPECIFIED ANATOMICAL AREAS: Means and includes any of the following:

A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED CRIMINAL ACTIVITY: Any of the following offenses: prostitution, patronizing a prostitute, aiding prostitution or exploiting prostitution; distributing pornographic material, dealing in material harmful to a minor, or possession or distribution of child pornography; sexual abuse of a child or minor, or unlawful sexual activity with a minor; public lewdness; indecent exposure; engaging in organized criminal activity relating to a sexually oriented business; sexual assault or forcible sexual abuse; molestation of a child; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of this state, or other states or countries.

SPECIFIED SEXUAL ACTIVITIES: Means and includes any of the following:

A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;

B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;

C. Masturbation, actual or simulated;

D. Human genitals in a state of sexual stimulation, arousal or tumescence; or

E. Excretory functions as part of or in connection with any of the activities set forth in subsections A through D of this definition.

SUBSTANTIAL ENLARGEMENT OF A SEXUALLY ORIENTED BUSINESS: The increase in floor areas occupied by the business by more than ten percent (10%), or one hundred (100) square feet, whichever is less, when compared to the floor area approved by the county, or in existence on the date the license was issued by the county.

TRANSFER OF OWNERSHIP OR CONTROL OF A SEXUALLY ORIENTED BUSINESS: Means and includes any of the following:

A. The sale, lease or sublease of the business;

B. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means; or

C. The establishment of a trust, gift or other similar legal device which transfers the ownership or control of the business. (Ord. 2006-05, 4-25-2006)

5.20.040: CLASSIFICATIONS OF BUSINESSES REGULATED:

Sexually oriented businesses are classified as follows:

A. Adult arcades;

B. Adult bookstores, adult novelty stores or adult video stores;

C. Adult cabarets;

D. Adult motels;

E. Adult motion picture theaters;

F. Adult theaters;

G. Live entertainment;

H. Massage parlors;

I. Escort agencies;

J. Seminate model studios;

K. Sexual encounter centers; and

L. Miscellaneous sexually oriented businesses. (Ord. 2006-05, 4-25-2006)

5.20.050: LICENSE REQUIRED:

A. Businesses: No sexually oriented business shall be permitted to operate without a valid sexually oriented business license issued by the county for the particular type of business. It is unlawful for a person to operate or cause to be operated a sexually oriented business without said license.

B. Employees:

1. It is unlawful for any person who operates a sexually oriented business to employ a person to work for the sexually oriented business who is not licensed as a sexually oriented business employee by the county pursuant to this chapter.

2. It is unlawful for any person to obtain employment with a sexually oriented business without having secured a sexually oriented business employee license pursuant to this chapter.

C. Administrative Responsibility Of County Officials:

1. The county clerk is responsible for granting, denying, revoking, renewing, suspending and canceling sexually oriented business licenses for proposed or existing sexually oriented businesses. The county clerk is also responsible for ascertaining whether a proposed sexually oriented business, for which an application for a license has been received, complies with all requirements of this chapter, all applicable zoning laws and/or regulations now in effect or as amended or enacted subsequent to the effective date hereof by the county and in the county general plan.
2. The sheriff's office is responsible for providing information on whether an applicant has been convicted of a specified criminal act during the time period set forth.
3. The building inspector is responsible for inspecting a proposed, permitted or nonpermitted sexually oriented business in order to ascertain whether it is in compliance with applicable statutes and ordinances. (Ord. 2006-05, 4-25-2006)

D. Application Required: Any person desiring to operate a sexually oriented business shall file an application to the development services department on a form to be provided by the county. All applicants must sign the application and affirm the truthfulness of the contents of the application before a notary public. All applicants must be qualified according to the provisions of this chapter. (Ord. 2016-08, 6-28-2016, eff. 7-13-2016)

E. Information And Documents: The completed application shall contain the following information and shall be accompanied by the following documents:

1. If the applicant is:
 - a. An individual, the individual shall state his/her legal name, and any aliases, and submit satisfactory proof that he/she is at least eighteen (18) years of age.
 - b. A partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any.
 - c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of the state, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process.
2. If the applicant intends to operate the sexually oriented business under an assumed name, the applicant must identify the assumed name and register the assumed name with the state.
3. Whether the applicant or any of the other individuals listed pursuant to this section have, within two (2) or five (5) year periods as specified in section 5.20.080 of this chapter immediately preceding the date of the application, been convicted of a specified criminal act, and, if so, the specified criminal act involved, the date of conviction and the place of conviction.
4. Whether the applicant or any of the other individuals listed pursuant to this section have had a previous license under this chapter or any other similar sexually oriented business ordinance from another city or county denied, suspended or revoked, including the name and location of the sexually oriented business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or any other individuals listed pursuant to this section have been a partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted under this chapter whose license has previously been denied, suspended or revoked, including the name and location of the sexually oriented business for which the license was denied, suspended or revoked and the date of denial, suspension or revocation.
5. Whether the applicant or any other individual listed pursuant to this section holds any other permits and/or licenses under this chapter or other similar sexually oriented business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.
6. The single classification of license for which the applicant is filing.
7. The location of the proposed sexually oriented business, including a legal description of the property, street address and telephone number, if any.
8. The applicant's mailing address (must be a street address and not a post office box) and residential address.
9. A recent photograph of the applicant.
10. The applicant's driver's license number, social security number, and state or federally issued tax identification number.
11. A sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but it must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (± 6 ").
12. A current certificate and straight line drawing prepared by a Utah registered land surveyor within thirty (30) days prior to the date the application is submitted to the county depicting the property lines and the structures containing any established existing uses regulated by this chapter within one thousand five hundred feet (1,500') of the property to be certified; the property lines of any public or private elementary or secondary school, a preschool, childcare facility; public park, amusement park, arcade, recreation center, church, synagogue, or any established religious institution, boys' club,

girls' club or similar youth organization; or public building within one thousand five hundred feet (1,500') of the property to be certified. For purposes of this section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

13. If a person who wishes to operate a sexually oriented business is an individual, he/she must sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity which wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit as applicant.

14. If a person wishes to operate a sexually oriented business, other than an adult motel, which shall exhibit on the premises closed circuit television transmissions, films, motion pictures, videocassettes, compact discs, DVDs, slides, animation, electronic media, or other video reproductions which depict specified sexual activities or specified anatomical areas, then said person shall, at the time of application for a license, also comply with the requirements in section 5.20.170 of this chapter.

F. Reporting Changes In Information: Applicants for a license under this section shall have a continuing duty to promptly supplement all application information required by this section in the event that said information changes in any way from what is stated on the application. The failure to comply with said continuing duty within thirty (30) days from the date of such change shall be grounds for suspension of a license.

G. Improperly Completed Application; Notification: In the event that the county clerk determines or learns at any time that the applicant has improperly completed the application for a proposed sexually oriented business, he/she shall promptly notify the applicant of such fact and allow the applicant ten (10) days to properly complete the application. The time period for granting or denying a license shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

H. Qualified Applicant; Premises Compliance: The applicant must be qualified according to the provisions of this chapter, and the premises must be inspected and found to be in compliance with health, fire and building codes and other applicable laws.

I. Application Fee: At the time of filing an application under this section, the applicant shall be required to pay a nonrefundable application fee in an amount which shall be set by the county council. Said fee is to cover the reasonable administrative costs of the licensing application process.

J. Certification Of Compliance With Location Requirements: Prior to obtaining a license to operate any "sexually oriented business", defined in section 5.20.030 of this chapter, and as part of any application for a license under this section, the applicant shall obtain from the county, or its designee, a certification that the proposed location of such business complies with the location requirements of this chapter.

K. Application Deemed Consent: By applying for a permit under this chapter, the applicant shall be deemed to have consented to the provisions of this chapter and to the exercise by the county clerk, the county sheriff's office and all other county agencies charged with enforcing the laws, ordinances and codes applicable in the county of their respective responsibilities under this chapter.

L. Employee Information Continuously Required: The applicant shall be required to provide the county with the names of any and all employees who are required to be licensed pursuant to this chapter. This shall be a continuing requirement even after a license is granted or renewed.

M. Sexually Oriented Business License Additional: A person who possesses a valid business license is not exempt from the requirement of obtaining any required sexually oriented business license. A person who operates a sexually oriented business and possesses a business license shall comply with the requirements and provisions of this section, where applicable. (Ord. 2006-05, 4-25-2006)

5.20.060: INVESTIGATION OF APPLICANT:

A. Required: Upon receipt of an application properly filed within the county and upon payment of the nonrefundable application fee, the county clerk shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the sheriff's office and any other county agencies responsible for enforcement of health, fire and building codes and other applicable laws. Each department or agency shall promptly conduct an investigation of the applicant, the application and the proposed sexually oriented business in accordance with its responsibilities under law and as set forth in this chapter. The county shall complete such investigations within twenty (20) days of receipt of the application. At the conclusion of its investigation, each department or agency shall indicate on the photocopy of the application its approval or disapproval of the application, date it, sign it, and in the event it disapproves, state the reasons therefor. The sheriff's office shall not be required to approve or disapprove applications. The applicant, and each employee, shall be required to obtain a Utah criminal history, as well as any other NCIC records checks from the Utah bureau of criminal identification, and provide a copy of his/her criminal history and any respective paperwork with the application.

B. Disapproval Upon Finding Of Violation: A department or agency shall disapprove an application if it finds that the proposed sexually oriented business will be in violation of any provision of any statute, code, ordinance, regulation or other law in effect in the county.

C. Submission To County Clerk: After its indication of approval or disapproval, each department or agency shall

immediately return the photocopy of the application to the county clerk. (Ord. 2006-05, 4-25-2006)

5.20.070: FEES:

A. Businesses: The annual fee for a sexually oriented business license shall be set by the county council. The nonrefundable initial license fee and the annual fee for a sexually oriented business license may be adjusted by the county council at an amount determined to be sufficient to pay the cost of administering the license application and implementing the provisions of this chapter.

B. Employees: The annual fee for a license for an employee of a sexually oriented business shall be set by the county council. The nonrefundable initial license fee and the annual fee for an employee of a sexually oriented business may be adjusted by the county council at an amount determined to be sufficient to pay the cost of administering the license application and implementing the provisions of this chapter. (Ord. 2006-05, 4-25-2006)

5.20.080: ISSUANCE OR DENIAL OF LICENSE:

A. Time Limit: If the requirements of this chapter are met, the county clerk shall grant an application for a license within thirty (30) days from the date of its proper filing. Upon the expiration of the thirtieth day, unless the county requests and is granted a reasonable extension of time, the applicant shall be permitted to begin operating the business for which the license is sought, unless and until the county or its designee notifies the applicant of a denial of the application and states the reasons for the denial.

B. Grant Of Application; Information Specified; Posting: The county clerk shall grant the application unless one or more of the criteria set forth in subsection C of this section is present. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The license shall also indicate that the sexually oriented business is subject to prohibitions against public nudity and indecency pursuant to the United States supreme court decision in Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991). The license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it can be read easily at any time.

C. Reasons For Denial: The county clerk shall deny the application for any of the following reasons:

1. An applicant is less than eighteen (18) years of age.
2. An applicant is delinquent in the payment to the county of taxes, fees, fines or penalties assessed against or imposed upon the applicant in relation to a sexually oriented business.
3. An applicant has failed to provide information required by section 5.20.050 of this chapter or the application for the issuance of the license, or has falsely answered a question or request for information on the application form.
4. The premises to be used for the sexually oriented business have not been approved as being in compliance with health, fire and building codes, and other applicable laws by the department or agency responsible under law for investigating said compliance.
5. The license application fee required by this chapter has not been paid.
6. An applicant of the proposed business is in violation of, or is not in compliance with, any of the provisions of this chapter, including, but not limited to, the zoning location requirements for a sexually oriented business under this chapter.
7. The granting of the application would violate a statute, ordinance or court order.
8. The applicant has a license under this chapter which has been suspended or revoked.
9. An applicant has been convicted of a "specified criminal act" for which:
 - a. Less than two (2) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a misdemeanor offense for "specified criminal acts", which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering or tax violations.
 - b. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the conviction is of a felony offense for "specified criminal acts", which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity or material harmful to minors, prostitution, pandering or tax violations.
 - c. Less than five (5) years have elapsed since the date of conviction or the date of release from confinement, whichever is the later date, if the convictions are of two (2) or more misdemeanor offenses occurring within any twenty four (24) month period for "specified criminal acts", which are sexual crimes against children, sexual abuse, rape or crimes connected with another sexually oriented business, including, but not limited to, distribution of obscenity or materials harmful to minors, prostitution, pandering or tax violations.

The fact that a conviction is being appealed shall have no effect on disqualification of the applicant.

An applicant who has been convicted of the above described "specified criminal acts" may qualify for a sexually oriented business license only when the time period required above has elapsed.

10. An applicant knowingly has in his or her employ an employee who does not have a valid license as required in this chapter.

D. Notification Of Denial: If the county clerk denies the application, he/she shall notify the applicant of the denial and state the reasons for the denial.

E. Reapplication: If a person applies for a license for a particular location within a period of twelve (12) months from the date of denial of a previous application for a license at that location, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied. (Ord. 2006-05, 4-25-2006)

5.20.090: EXPIRATION; RENEWAL:

A. Expiration; Renewal Application: Each license shall expire one year from the date of issuance and may be renewed only by making application as provided in section 5.20.050 of this chapter. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected.

B. Denial Of Renewal; Corrections: When the county denies renewal of a license, the applicant shall not be issued a license for one year from the date of denial. If, subsequent to denial, the county finds that the basis for denial of the renewal license has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date denial became final. (Ord. 2006-05, 4-25-2006)

5.20.100: TRANSFER OF LICENSE:

A licensee shall not transfer his/her license to another, nor shall a licensee operate a sexually oriented business under the authority of a license at any place other than the address designated in the application. (Ord. 2006-05, 4-25-2006)

5.20.110: INSPECTION OF PREMISES:

A. Authority: An applicant, operator or licensee shall permit law enforcement officers, and any other federal, state, county or county agency in the performance of any function connected with the enforcement of this chapter, normally and regularly conducted by such agencies, to inspect those portions of the premises of a sexually oriented business where patrons or customers are permitted to occupy for the purpose of ensuring compliance with this section, at any time the business is occupied or open for business.

B. Exception For Adult Motel: The provisions of this section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

C. Refusal Prohibited: It shall be unlawful for a person who operates a sexually oriented business, regardless of whether or not a license has been issued for said business under this chapter, or his/her agent or employee, to refuse to permit such lawful inspection of the premises at any time that it is occupied or open for business. (Ord. 2006-05, 4-25-2006)

5.20.120: SUSPENSION:

A. Written Intent; Conditions: The county clerk shall issue a written intent to suspend a license for a period not to exceed thirty (30) days if he/she determines that a licensee, or an employee of a licensee, has:

1. Violated or is not in compliance with any section of this chapter; or
2. Been under the influence of a controlled substance without a valid prescription, or alcoholic beverages while working on the premises of a sexually oriented business; or
3. Refused to allow an inspection of the sexually oriented business premises as authorized by this chapter; or
4. Knowingly permitted gambling by any person on the sexually oriented business premises; or
5. Operated the sexually oriented business in violation of a building, fire, health, zoning or other applicable statute, code, ordinance or regulation, whether federal, state or local, said determination being based on investigation by the division, department or agency charged with enforcing said rules or laws. In the event of such statute, code, ordinance or regulation violation, the county shall promptly notify the licensee by personal delivery, or by certified mail, of the violation and shall allow the licensee a seven (7) day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the seven (7) day period, the county shall forthwith suspend the license and shall notify the licensee of the suspension; or
6. Engaged in license transfer contrary to section 5.20.100 of this chapter. In the event that the county suspends a license on the grounds that a licensee engaged in a license transfer contrary to section 5.20.100 of this chapter, the county clerk shall forthwith notify the licensee of the suspension. The suspension shall remain in effect until the applicable section of this chapter has been satisfied; or
7. Operated the sexually oriented business in violation of the hours of operation as set forth in section 5.20.200 of this chapter; or
8. Knowingly employs a person who does not have a valid license as required under section 5.20.150 of this chapter.

B. Effect Of Suspension: The suspension shall remain in effect until the violation of the statute, code, ordinance or regulation in question has been corrected. (Ord. 2006-05, 4-25-2006)

5.20.130: REVOCATION:

A. Statement Of Intent: The county clerk shall issue a written statement of intent to revoke a sexually oriented business license if a cause of suspension in section 5.20.120 of this chapter occurs and the license has been suspended within the preceding twelve (12) months.

B. Conditions: The county clerk shall issue a written statement of intent to revoke a sexually oriented business license upon determining that:

1. A licensee gave false or misleading information in the material submitted during the application process that tended to enhance the applicant's opportunity for obtaining a permit; or
2. A licensee or an employee has knowingly allowed possession, use or sale of controlled substances in or on the premises; or
3. A licensee or an employee has knowingly allowed prostitution on the premises; or
4. A licensee knowingly operated the sexually oriented business during a period of time when the licensee's license was suspended; or
5. A licensee has been convicted of a "specified criminal act" for which the time period required in section 5.20.080 of this chapter has not elapsed; or
6. On two (2) or more occasions within a twelve (12) month period, a person or persons committed an offense, occurring in or on the licensed premises, constituting a "specified criminal act" for which a conviction has been obtained, and the person or persons were employees of the sexually oriented business, or individuals with an ownership interest in the sexually oriented business, at the time the offenses were committed. The fact that a conviction is being appealed shall have no effect on the revocation of the permit; or
7. A licensee is convicted of tax violations for any taxes or fees related to a sexually oriented business; or
8. A licensee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation or other sex act to occur in or on the licensed premises. This subsection B8 will not apply to an adult motel, unless the licensee knowingly allowed sexual activities to occur either: a) in exchange for money; or b) in a public place or within public view; or
9. A licensee has been operating more than one sexually oriented business under a single roof.

C. Effect Of Revocation: When after the notice and hearing procedure described in section 5.20.140 of this chapter, the county clerk revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a sexually oriented business license for one year from the date of revocation became effective; provided, that if the conditions of subsection 5.20.140B of this chapter are met, a provisional license will be granted pursuant to that section. If, subsequent to revocation, the county clerk finds that the basis for the revocation has been corrected or abated, the applicant shall be granted a license if at least ninety (90) days have elapsed since the date the revocation became effective. (Ord. 2006-05, 4-25-2006)

5.20.140: HEARING ON DENIAL, SUSPENSION OR REVOCATION; APPEAL:

A. Notification Hearing:

1. If the county clerk determines that facts exist for denial, suspension or revocation of a license under this chapter, the county clerk shall notify the applicant or licensee (respondent) in writing of the intent to deny, suspend or revoke the license, including the grounds therefor, by personal delivery or by certified mail. The notification shall be directed to the most current business address on file with the county clerk. Within ten (10) working days of receipt of such notice, the respondent may provide to the county clerk in writing a response that shall include a statement of reasons why the license or permit should not be denied, suspended or revoked. Within three (3) days of the receipt of respondent's written response, the county clerk shall notify respondent in writing of the hearing date on respondent's denial, suspension or revocation proceeding.

2. Within ten (10) working days of the receipt of respondent's written response, the county clerk shall conduct a hearing at which respondent shall have the opportunity to be represented by counsel and present evidence and witnesses on his or her behalf. If a response is not received by the county clerk, in the time stated, or if, after the hearing, the county clerk finds that grounds, as specified in this chapter, exist for denial, suspension or revocation, then such denial, suspension or revocation shall become final five (5) days after the county clerk sends, by certified mail, written notice that the license has been denied, suspended or revoked. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to the county council, or county review board, if one is established by the county, and, if there affirmed, appeal to a court of competent jurisdiction.

3. If the county clerk finds that no grounds exist for denial, suspension or revocation of a license, then within five (5) days after the hearing, the county clerk shall withdraw the intent to deny, suspend or revoke the license and shall so notify the respondent in writing by certified mail of such action and shall contemporaneously therewith issue the license.

B. Appeal: When a decision to deny, suspend or revoke a license becomes final, the applicant or licensee (aggrieved party) whose application for a license has been denied or whose license has been suspended or revoked shall have the right to appeal such action to the county council, or county review board, if one is established by the county, within thirty (30) days of the date that the decision to deny, suspend or revoke a license became final, and, if there affirmed, appeal to a court of competent jurisdiction. Upon the filing of any court action to appeal, challenge, restrain or otherwise enjoin the county's enforcement of the denial, suspension or revocation, the county clerk shall immediately issue the aggrieved party a provisional license. The provisional license shall allow the aggrieved party to continue operation of the sexually oriented business or to continue employment as a sexually oriented business employee and will expire upon the court's entry of a judgment on the aggrieved party's action to appeal, challenge, restrain or otherwise enjoin the county's enforcement. (Ord. 2006-05, 4-25-2006)

5.20.150: EMPLOYEE LICENSE:

A. License Required; Application Fee: Each individual to be employed in a sexually oriented business shall be required to obtain a sexually oriented business employee license. At the time of filing an application under this section, each applicant shall pay a nonrefundable application fee in an amount to be set by the county council. Said fee is to cover the reasonable administrative costs of the licensing application process. (Ord. 2006-05, 4-25-2006)

B. Information Required: Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit an application to the county clerk on a form to be provided by the county. All applicants must sign the application and affirm the truthfulness of the contents of the application before a notary public. The application shall contain the following information: (Ord. 2006-05, 4-25-2006; amd. Ord. 2007-03, 2-13-2007)

1. The applicant's name and any other names (including "stage" names) or aliases used by the individual;
2. Age, date and place of birth;
3. Height, weight, hair and eye color;
4. Current residence address (must be a street address and not a post office box) and telephone number;
5. Current business address (must be a street address and not a post office box) and telephone number;
6. State driver's license or identification number;
7. Social security number;
8. Acceptable written proof that the individual is at least eighteen (18) years of age;
9. Attached to the application form, a color photograph of the applicant clearly showing the applicant's face, and the applicant's fingerprints on a form provided by the county. Any fees for the photographs and fingerprints shall be paid by the applicant;
10. A statement detailing the license history of the applicant for the five (5) years immediately preceding the date of the filing of the application, including whether such applicant previously operated or sought to operate, in this or any other county, city, state or country, any sexually oriented business, and if so, whether the applicant has ever had a license, permit or authorization to operate such business denied, revoked or suspended, or had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, the applicant shall state the date and the name of the issuing or denying jurisdiction, and shall describe in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application; and
11. Whether the applicant has been convicted of a "specified criminal act" as defined in section 5.20.080 of this chapter. This information shall include the date, place and nature of each conviction or plea of nolo contendere and identify the convicting jurisdiction.

C. Investigation Of Applicant: The county clerk shall refer the sexually oriented business employee license application to the sheriff's office for an investigation to be made of such information as is contained on the application. The investigation shall be completed within ten (10) days from the date the completed application is filed. After the investigation, the county clerk shall issue a license unless one or more of the following findings is true:

1. The applicant has knowingly made a false, misleading or fraudulent statement of a material fact in the application for a license, or in any report or record required to be filed with the county sheriff's office or other department of the county;
2. The applicant is under eighteen (18) years of age;
3. The applicant has been convicted of a "specified criminal act" as defined in section 5.20.080 of this chapter;
4. The sexually oriented business employee license is to be used for employment in a business prohibited by local or state law, statute, rule or regulation, or prohibited by particular provisions of this chapter;
5. The applicant has had a sexually oriented business employee license revoked by the county, or any licensing body of a sexually oriented business, within two (2) years of the date of the current application.

D. Renewal Of License:

1. A license granted pursuant to this section shall expire one year from the date of issuance and may be renewed only by making application as provided in this section. Application for renewal shall be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the license will not be affected. Renewal shall be subject to review by the county clerk and the sheriff's office that the applicant has not been convicted of any "specified criminal act" as defined in section 5.20.080 of this chapter and has not committed any act during the existence of the previous license period which would be grounds to deny the initial permit application.

2. The renewal of the license shall be subject to payment of a fee as set by the county council. (Ord. 2006-05, 4-25-2006)

E. Appeal: Procedure for appeal to the county council, or county review board, if one is established by the county, is as follows: Any person adversely affected by an administrative decision applying the provisions of this chapter may appeal that decision by alleging that there is error in any requirement, decision or determination made by a county official. Such appeal

must be commenced within thirty (30) calendar days of the adverse requirement, decision or determination by filing a written notice of appeal with the county council, or county review board, if one is established by the county. A copy of the notice of appeal must be provided to the county clerk. The notice of appeal must indicate the decision appealed from and identify the parties making the appeal. Any appeal must include a list containing the names and addresses of adjoining property owners. Adjoining property owners include all owners of property within one thousand five hundred feet (1,500') of the sexually oriented business. (Ord. 2006-05, 4-25-2006; amd. Ord. 2007-03, 2-13-2007)

5.20.160: LOCATION OF SEXUALLY ORIENTED BUSINESSES:

The establishment of a sexually oriented business shall be permitted only in an industrial manufacturing zone, as described in the zoning ordinance. Licenses for sexually oriented businesses shall be required and governed by the procedures and policies specified in this chapter. In addition, any sexually oriented business shall be subject to the following restrictions:

- A. It is unlawful for a person to operate or cause to be operated a sexually oriented business except as provided in this chapter.
- B. It is unlawful for a person to operate or cause to be operated a sexually oriented business within one thousand five hundred feet (1,500') of:
 - 1. Any church, synagogue, or any established religious institution;
 - 2. Any public or private elementary or secondary school;
 - 3. A boys' club, girls' club, or similar youth organization;
 - 4. A preschool or children's daycare facility;
 - 5. A public park, amusement park, arcade or recreation center;
 - 6. A public building;
 - 7. An entertainment business which is oriented primarily towards children or family entertainment;
 - 8. A licensed premises, licensed pursuant to the alcoholic beverage control regulations of the state; (Ord. 2006-05, 4-25-2006)
 - 9. A property line of a lot devoted to residential use. (Ord. 2006-05, 4-25-2006; amd. Ord. 2007-03, 2-13-2007)
- C. It is unlawful for a person to operate or cause to be operated a sexually oriented business within six hundred sixty feet (660') of any other sexually oriented business. (Ord. 2007-03, 2-13-2007)
- D. It is unlawful for a person to operate or cause to be operated a sexually oriented business within six hundred sixty feet (660') of any residential use or any agricultural or residential zone boundary or any gateway corridor.
- E. For the purpose of subsection B of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in subsection B of this section. Presence of a city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
- F. For purposes of subsection C of this section, the distance between any two (2) sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- G. For the purpose of subsection D of this section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the right of way boundary.
- H. It is unlawful for a person to cause or permit the operation, establishment or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof, or to cause the substantial enlargement of any sexually oriented business in any building, structure or portion thereof containing another sexually oriented business.
- I. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in subsection B of this section within one thousand five hundred feet (1,500') of the originally conforming sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application is made for a license after the applicant's previous license has expired or been revoked. (Ord. 2006-05, 4-25-2006)

5.20.170: EXHIBITIONS IN VIEWING ROOMS:

A. Requirements: A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, videocassette, compact disc, DVD, slides, animation, electronic media, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:

- 1. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations, the location of all overhead lighting fixtures, and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed thirty two (32) square feet of floor area, with no dimension greater than eight feet (8'). The diagram shall also

designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches (± 6 "). The county may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.

2. The application shall be sworn to be true and correct by the applicant.
3. No alteration in the configuration or location of a manager's station may be made without the prior approval of the county, or its designee.
4. It is the duty of the owner and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
5. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises have two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection A5 must be by direct line of sight from the manager's station.
6. It shall be the duty of the owner and operator of the premises, and it shall also be the duty of any agents and employees present on the premises, to ensure that the view area specified in subsection A5 of this section remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials and, at all times, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to this chapter.
7. No viewing room may be occupied by more than one person at a time.
8. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than three (3) foot-candles as measured at the floor level.
9. It shall be the duty of the owner and operator of the premises to ensure that the illumination described in subsection A8 of this section is maintained at all times that any patron is present in the premises.
10. No owner or operator of the premises shall allow openings of any kind to exist between viewing rooms or booths.
11. No person shall make or attempt to make an opening of any kind between viewing booths or rooms.
12. The owner and operator of the premises shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
13. The owner and operator of the premises shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.
14. The owner and operator of the premises shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty eight inches (48") of the floor.

B. Failure To Comply Unlawful: It is unlawful for a person to knowingly fail to fulfill any duty set forth under this section. (Ord. 2006-05, 4-25-2006)

5.20.180: MINORS AND SEXUALLY ORIENTED BUSINESSES:

It is unlawful for a person to operate or cause to be operated a sexually oriented business, regardless of whether or not a license has been issued for such business under this chapter, and knowingly, or with reasonable cause to know, to permit, suffer or allow:

- A. Admittance: Admittance of a person under eighteen (18) years of age to the business premises unless accompanied by a parent or legal guardian;
- B. Purchases: A person under eighteen (18) years of age to purchase goods or services at the business premises without the specific consent of a parent or legal guardian; or
- C. Employees: A person under eighteen (18) years of age to work at the business premises as an employee or independent contractor. (Ord. 2006-05, 4-25-2006)

5.20.190: ADVERTISING AND LIGHTING:

- A. Prohibited Advertising: It shall be unlawful for a person to operate or cause to be operated a sexually oriented business, regardless of whether or not a license has been issued for such business under this chapter, and advertise the presentation of any activity prohibited by any applicable state statute or local ordinance.
- B. Displays: It shall be unlawful for a person to operate or cause to be operated a sexually oriented business, regardless of whether or not a license has been issued for such business under this chapter, and display or otherwise exhibit the materials and/or performances at such sexually oriented business in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.

C. Visibility From Outside Premises: The owner or operator of the premises shall not allow any portion of the interior premises to be visible from outside the premises.

D. Illumination Of Parking Areas And Walkways: All off street parking areas and premises entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average range of maintained horizontal illumination of not less than two (2) and not more than ten (10) foot-candles of light on the parking surface and walkways. All lights which illuminate off street parking areas and premises entries of the sexually oriented business shall be directed inward from the property line of the sexually oriented business to prevent the rays from said lights to penetrate beyond the property on which such light is located. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees, to reduce the incidence of vandalism and criminal conduct, and to prevent a nuisance from the lighting to neighboring property owners or tenants. The lighting shall be shown on the required sketch or diagram of the premises.

E. Direction Of Exterior Lighting: All exterior lights, lights on signs, and electrically lit signs shall not be directed vertically. This lighting restriction is established in order to prevent a nuisance to neighboring property owners or tenants, and to preserve the safety of air traffic in the area of the sexually oriented business.

F. Subsequently Enacted Legislation: Nothing contained in this section shall relieve the owner and operator of a sexually oriented business from complying with the requirements of any subsequently enacted county ordinances or regulations. (Ord. 2006-05, 4-25-2006)

5.20.200: HOURS OF OPERATION:

A. Businesses: It shall be unlawful for a person to operate or cause to be operated a sexually oriented business, except for an adult motel, regardless of whether or not a license has been issued for said business under this chapter, and allow such business to remain open for business, or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service, between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M. of any particular day.

B. Employees: It shall be unlawful for a person to work as an employee of a sexually oriented business, except for an adult motel, regardless of whether or not a license has been issued for said business under this chapter, and engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service, or solicit a service between the hours of twelve o'clock (12:00) midnight and nine o'clock (9:00) A.M. of any particular day. (Ord. 2006-05, 4-25-2006)

5.20.210: NUDITY PROHIBITED:

The United States supreme court decision in Barnes v. Glen Theatre, Inc., 501 U.S. 560 (1991), which upheld the rights of municipalities to prohibit live public exposure of a person's private parts, specifically applies to sexually oriented businesses, regardless of whether or not a license has been issued to said business under this chapter, including such businesses where no alcoholic beverages are sold, served or consumed at the premises. Public nudity is prohibited within the unincorporated areas of the county, including any sexually oriented business. Any sexually oriented business which is found in violation of this section shall have its license revoked pursuant to the provisions of section 5.20.130 of this chapter. (Ord. 2006-05, 4-25-2006)

5.20.220: LIVE ENTERTAINMENT:

A. Defined: For purposes of this section, "live entertainment" is defined as a person who appears seminude, or a performance which is characterized by "specified sexual activities".

B. Stage Requirements: No person shall perform live entertainment for patrons of a sexually oriented business establishment, except on a stage or at least eighteen inches (18") above the level of the floor, which is separated by a distance of at least ten feet (10') from the nearest area occupied by patrons. No patron shall be permitted within ten feet (10') of the stage while a performer occupies the stage.

C. Dressing Rooms: The sexually oriented business establishment shall provide separate dressing room facilities for female and male performers, which shall not be occupied or used in any way by anyone other than performers.

D. Separate Access To Stage: The sexually oriented business establishment shall provide access for performers between the stage and the dressing rooms, which is completely separated from the patrons. If such separate access is not physically feasible, the establishment shall provide a minimum six foot (6') wide walk aisle from performers between the dressing room area and the stage with a fixed railing which has a top rail and another horizontal rail equidistant between the top rail and the floor, fence or other similar barrier separating the patrons and the performers, the height of which shall be at least thirty six inches (36") and which prevents any physical contact between patrons and performers.

E. Physical Contact Between Entertainer And Patron Prohibited: No entertainer, before, during or after a performance, shall have physical contact with any patron, and no patron shall have physical contact with any entertainer before, during or after a performance. This subsection shall only apply to physical contact while in or on the premises of the establishment.

F. Gratuities: No patron shall directly pay or give any gratuity to any entertainer. A patron who wishes to pay or give a gratuity to a performer shall place the gratuity in a container that is at all times located separately from the performers for the purpose of preventing any physical contact between a patron and performer. No performer shall solicit any gratuity from any patron.

G. Specified Acts With Patrons Prohibited: No operator of a sexually oriented business establishment shall cause or allow a performer to contract or engage in any entertainment such as a "couch" or a "straddle" dance with a patron while in

or on the establishment premises. No performer shall contract to or engage in a "couch" or "straddle" dance with a patron while in or on the establishment premises. For the purposes of this subsection, "couch or straddle dance" is defined as an employee of the establishment intentionally touching or coming within ten feet (10') of any patron while engaged in the display or exposure of a "specified anatomical area", or any "specified sexual activity".

Exceptions: This section shall not apply to an employee of an establishment who, while acting as a waiter, waitress, host, hostess or bartender, comes within ten feet (10') of a patron. No employee shall engage in any "specified sexual activity" or display or expose any "specified anatomical area" while acting as a waiter, waitress, host, hostess or bartender.

H. Compliance With This Section:

1. No establishment shall be in compliance with this section until the county's designated agent has inspected and approved of the establishment's compliance. The county shall have ten (10) days from the date it receives written notice from the operator that the establishment is ready for inspection to approve or disapprove of compliance required by this section. Failure to approve or disapprove of compliance within ten (10) days shall constitute a finding of compliance under this section.

2. A license for a sexually oriented business providing live entertainment shall not be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this chapter.

3. The applicant for a license to operate a new establishment, who wishes to provide live entertainment, shall apply for and receive a sexually oriented business license for the operation of an establishment providing live entertainment before any live entertainment is provided. No live entertainment license shall be issued until the establishment is approved as being in full compliance with this section and all other applicable requirements of this chapter. (Ord. 2006-05, 4-25-2006)

5.20.230: DISTRIBUTION OF SEXUAL DEVICES:

A. Prohibited: Other than medically prescribed devices, it is unlawful for anyone to distribute, for commercial purposes, to sell or offer for sale, any device, instrument or paraphernalia designed or marketed primarily for the stimulation of human genital organs or for sadomasochistic use or abuse of oneself or others.

B. Included Devices: Such devices, instruments or paraphernalia include, but are not limited to, phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, nonmedical enema kits, body piercing implements (excluding earrings or other decorative jewelry) or other tools of sadomasochistic abuse. (Ord. 2006-05, 4-25-2006)

5.20.240: OPERATING WITHOUT VALID LICENSE:

A. Injunction: A person who operates or causes to be operated a sexually oriented business without having a valid license is subject to a suit for injunction as well as prosecution for the criminal violation.

B. Additional Criminal Prohibitions: In addition to the criminal provisions found in other sections of this chapter, it shall be unlawful for a person to operate or cause to be operated a sexually oriented business, regardless of whether or not a license has been issued for said business under this chapter, and such person knows or should know that:

1. The business does not have a sexually oriented business license under this chapter for any applicable classification;
2. The business has a license which is under suspension;
3. The business has a license which has been revoked; or
4. The business has a license which has expired. (Ord. 2006-05, 4-25-2006)

5.20.250: CRIMINAL PENALTIES AND ADDITIONAL RELIEF:

A. Misdemeanor: In addition to whatever penalties are applicable under county ordinances, or the Utah criminal code, if any person (other than a corporation, association or partnership) fails or refuses to obey or comply with or violates any of the criminal provisions of this chapter, such person, upon conviction of such offense, shall be guilty of a class B misdemeanor. A corporation, association or partnership which fails or refuses to obey or comply with or violates any of the criminal provisions of this chapter shall be guilty of a class B misdemeanor. Violators shall be subject to penalty as provided by the Utah code for a class B misdemeanor. Each violation or noncompliance shall be considered a separate and distinct offense. Further, each day of continued violation or noncompliance shall be considered as a separate offense.

B. Other Lawful Action Authorized: Nothing herein contained shall prevent or restrict the county from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or noncompliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.

C. Cumulative: All remedies and penalties provided for in this section shall be cumulative and independently available to the county, and the county shall be authorized to pursue any and all remedies set forth in this section to the full extent allowed by law. (Ord. 2006-05, 4-25-2006)

5.20.260: DEFENSES TO PROSECUTION:

A. Modeling Class: It is a defense to prosecution for any violation of this chapter that a person appearing in a state of nudity did so in a modeling class operated:

1. By a proprietary school licensed by the state, or a college, junior college or university supported entirely or partly by taxation;

2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

3. In a structure:

- a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and
- b. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and
- c. Where no more than one nude model is on the premises at any one time.

B. Employee's Use Of Restroom Or Dressing Room: It is a defense to prosecution for a violation of this chapter that an employee of a sexually oriented business, regardless of whether or not it is permitted under this chapter, exposed any specified anatomical area during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room which is accessible only to employees. (Ord. 2006-05, 4-25-2006)

5.20.270: IMMUNITY FROM PROSECUTION:

The county, and its designees, the county sheriff's office, and all other departments and agencies, and all other county officers, agents and employees, charged with enforcement of state and local laws and codes, shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon a sexually oriented business while acting within the scope of authority conferred by this chapter. (Ord. 2006-05, 4-25-2006)

TITLE 6

ANIMALS

General Provisions 6.02

Animals Running At Large 6.04

Dogs 6.08

CHAPTER 6.02

GENERAL PROVISIONS

SECTION:

6.02.010: Definitions

6.02.010: DEFINITIONS:

As used in this chapter, the words and phrases defined in this section shall have the following meanings, unless the context clearly indicates a contrary meaning:

AT LARGE:	Any animal that is off of the premises of the owner, keeper, or custodian and is not within the immediate presence or within reasonable control of such owner, keeper, or custodian.
BODILY INJURY:	Physical pain or impairment of physical condition.
CONTROL:	An owner, keeper, or custodian has an animal on a leash, lead rope, harness, or other such means or that the owner, keeper, or custodian has an animal in such proximity as to be under the effective voice control of such owner, keeper, or custodian.
NUISANCE:	Anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, as defined by Utah Code Annotated section 78B-6-1101. (Ord. 2023-03, 1-24-2023)

CHAPTER 6.04

ANIMALS RUNNING AT LARGE

SECTION:

6.04.010: Unlawful

6.04.010: UNLAWFUL:

It is unlawful for any owner of any cattle, horses, mules, sheep, goats or swine to allow the same to run at large upon the public roads and highways in the county outside of incorporated cities; and any such animals so found may be taken up by any person and impounded as provided by law in case of trespassing animals. (Ord. 19-02)

CHAPTER 6.08

DOGS

SECTION:

6.08.010: Licensing Of Dogs

6.08.020: Rabies Certificate And Tag

6.08.030: Rabies Tags Nontransferable Or Removable

6.08.040: Animal Control Officer

6.08.050: Impoundment, Redemption, Sale, And Destruction Of Dogs

6.08.060: Dogs Running At Large - Causing Bodily Injury While At Large

6.08.070: Dog Pound Facilities

6.08.080: Dangerous Or Vicious Dogs

6.08.090: Lawful To Enter Premises

6.08.100: Cruelty Prohibited

6.08.110: Female Dogs In Heat

6.08.120: Disturbing, Molesting Or Interfering By Dogs

6.08.130: Dog Kennels

6.08.140: Unlawful To Interfere With Animal Control Officer

6.08.150: Duty Of Owner To Assist

6.08.160: Citations And Failures To Appear

6.08.170: Fees

6.08.180: Penalties - Enhancement For Multiple Violations

6.08.010: LICENSING OF DOGS:

A. It shall be unlawful for any person or other entity to own, keep, maintain or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, without obtaining and possessing a current license or certificate of registration of the dog.

B. There shall be an annual license fee. See Consolidated Fee Schedule for amount of fee.

C. Dogs are required to be licensed at the age of six (6) months.

D. It shall be unlawful for any person or other entity to own, keep, maintain, or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, without having affixed to the dog a collar, which shall be worn at all times by the dog, with a current metallic license tag attached to said collar.

E. No dog license shall be transferable to another dog.

F. Replacement tags may be issued by the county clerk or animal control officer upon presentation of the receipt showing payment of the license fee and the payment for such replacement.

G. It shall be unlawful for any person to remove a license tag from a dog not owned, kept, maintained, or in the temporary or permanent custody of that person. (Ord. 2007-01, 1-23-2007; amd. Ord. 2016-07, 5-10-2016, eff. 5-25-2016; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

6.08.020: RABIES CERTIFICATE AND TAG:

A. It shall be unlawful for any person or other entity to own, keep, maintain, or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, without first having submitted the dog to the Cache County animal control officer or his authorized agent for examination as to rabies or confirmation by that officer that such dog has been inoculated against rabies and presented evidence of such to the animal control officer. Such evidence must clearly indicate that the dog's inoculation is currently effective.

B. It shall be unlawful for any person or other entity to own, keep, maintain, or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, unless such dog has been currently effectively inoculated against rabies.

C. It shall be unlawful for any person or other entity to own, keep, maintain, or have permanent or temporary custody of a dog within the limits of Cache County, exclusive of the incorporated areas, without having affixed a metallic tag to the dog by its collar, which shall be worn at all times by the dog and which shall show that the dog has been inoculated against rabies within the currently effective time for such rabies inoculation. (Ord. 2007-01, 1-23-2007)

6.08.030: RABIES TAGS NONTRANSFERABLE OR REMOVABLE:

A. It shall be unlawful for any person to transfer a rabies tag indicating the inoculation against rabies to any dog other than the dog to which the tag had been issued.

B. It shall be unlawful for any person to deprive a dog of its collar having attached to it a rabies tag. (Ord. 2007-01, 1-23-2007)

6.08.040: ANIMAL CONTROL OFFICER:

A. The county animal control officer shall be considered the county dog enforcement officer and shall have a badge issued to him showing his authority to act as such officer.

B. It shall be the duty of the county animal control officer to enforce this chapter, including, but not limited to, the examination of dogs, the capture and impounding of any dogs or other animals running at large or known to be dangerous or vicious, and to perform such other duties as may be assigned to him by the county.

C. The animal control officer may take possession of any dog or animal running at large or which is being held, kept, or maintained in violation of this chapter or to take into his possession any dog or animal being treated cruelly or being used or kept in a manner in violation of any state law or this chapter.

D. The animal control officer shall be responsible for and authorized to enforce the provisions of title 4, chapter 25, Utah code, relating to estray and trespassing animals. (Ord. 2007-01, 1-23-2007)

6.08.050: IMPOUNDMENT, REDEMPTION, SALE, AND DESTRUCTION OF DOGS:

A. Any dog impounded shall be impounded for a period not to exceed three (3) days unless impounded on a Saturday or Sunday in which instance the impoundment shall be for not less than ninety six (96) hours unless redeemed.

B. All dogs impounded, unless claimed by their owners within three (3) days, or in the event of a weekend ninety six (96) hours, shall be destroyed unless a person willing to adopt said dog is found by the impoundment officer.

C. The animal control or impounding officer shall notify the owner of the animal, if known, as soon as reasonably practical of the fact of impoundment of the dog.

D. Whether the animal is redeemed or not, the owner or custodian thereof, shall be responsible for and liable for all impoundment and boarding fees including any additional days that the dog may be kept beyond the three (3) day or ninety six (96) hour periods as described above.

E. In the event a dog is not claimed, the dog may be given to a suitable party who shall pay all impound and boarding fees as well as inoculation fees.

F. The animal control or impounding officer shall maintain a record of all impoundments, redemptions, sales and destruction of dogs.

G. All impounded dogs not redeemed within three (3) days of impoundment may be destroyed by the animal control officer or at his direction.

H. Any impounded dog which is suffering from any serious disease, exclusive of rabies, may be released to the care of a veterinarian at the request of the owner if such owner can be located. If any impounded dog is suffering from such serious disease, exclusive of rabies, and such dog is a stray and the identity of the owner cannot be determined, then such dog may not be sold but must be destroyed unless any person accepting the dog agrees to be responsible for all veterinarian and boarding fees for such dog until such dog has been successfully treated for such disease.

I. Any impounded dog which appears or is determined to be suffering from rabies shall not be released but must be kept at the designated county pound under observation for a period of at least two (2) weeks. If a qualified veterinarian finds that the dog is not suffering from rabies, the dog may be released to the owner if such owner can be located. If the owner cannot be located and the dog is found not to be suffering from rabies, it must be disposed of or returned as otherwise provided by this chapter. If the dog is found to be suffering from rabies, the dog must be destroyed. (Ord. 2007-01, 1-23-2007)

6.08.060: DOGS RUNNING AT LARGE - CAUSING BODILY INJURY WHILE AT LARGE:

A. It is unlawful for any owner, keeper, or custodian of a dog to permit, directly or indirectly, such dog to run at large.

B. It is unlawful for any owner, keeper, or custodian of a dog to permit, directly or indirectly, such dog to run at large where, while at large, such dog is a nuisance and causes bodily injury to any individual who has not provoked the dog in a manner that caused the dog to injure the individual. (Ord. 2007-01, 1-23-2007; amd. Ord. 2023-03, 1-24-2023)

6.08.070: DOG POUND FACILITIES:

The county may provide for suitable facilities for impoundment of dogs under the provisions of this chapter or contract with a

licensed veterinarian for the impoundment and treatment of dogs. Dogs shall be maintained in any facility hereunder in a humane manner during the period of impoundment. (Ord. 2007-01, 1-23-2007)

6.08.080: DANGEROUS OR VICIOUS DOGS:

A. It shall be unlawful for the owner, keeper, or custodian of any fierce, dangerous or vicious dog to directly or indirectly permit the dog to be off the premises of the owner unless such dog is safely muzzled and chained or leashed under the control of the owner or custodian so as to prevent it from injuring any person or property; or to permit or suffer the dog to be on the owner's or custodian's premises unless reasonably restrained by an adequate cage, fence, or chain so as to prevent it from injuring any person, animal, or property.

B. Any dog known to have inflicted any injury upon any person or persons or upon any cattle, horses, sheep, poultry, or other domestic animals or livestock or to have a propensity therefor as evidenced by its general character and conduct, including, but not limited to, any threatening conduct, shall be deemed a "vicious" dog under the provisions of this chapter. (Ord. 2007-01, 1-23-2007)

6.08.090: LAWFUL TO ENTER PREMISES:

In the enforcement of any provision of this chapter, any peace officer, including the animal control officer or his deputies or assistants, are authorized to enter upon the premises of any person to take possession of any stray, trespassing, collarless, fierce, dangerous, or vicious animal, dog or dogs not having a collar with a current inoculation tag when in fresh pursuit of such dog at the time the dog goes onto such private premises or if the dog is a fierce, dangerous or vicious dog and is not restrained by an adequate cage, fence, or leash and such officer has reason to believe that such dog poses an immediate threat to the safety of any person or other animal. (Ord. 2007-01, 1-23-2007)

6.08.100: CRUELTY PROHIBITED:

It shall be unlawful for any person to maltreat or torture any dog, or having authority to kill any dog, to kill such dog in an inhumane manner. (Ord. 2007-01, 1-23-2007)

6.08.110: FEMALE DOGS IN HEAT:

It shall be unlawful for the owner or possessor of any female dog to directly or indirectly permit it to run at large while in heat, and any such dog may be impounded and destroyed as hereinafter provided. The owner or custodian of a female dog which is in heat shall confine such dog in an appropriate manner. (Ord. 2007-01, 1-23-2007)

6.08.120: DISTURBING, MOLESTING OR INTERFERING BY DOGS:

It shall be unlawful for the owner, keeper, or custodian of any dog to allow, directly or indirectly, any dog to disturb the neighborhood by allowing it to bark excessively at night, or molest passersby or otherwise interfere with other persons or their property. (Ord. 2007-01, 1-23-2007)

6.08.130: DOG KENNELS:

It shall be unlawful for any person to board, groom, breed, raise, and/or otherwise keep, seven (7) or more adult dogs without the approval of the county land use authority as defined in title 17 of this code, the Cache County land use ordinance. (Ord. 2016-07, 5-10-2016, eff. 5-25-2016)

6.08.140: UNLAWFUL TO INTERFERE WITH ANIMAL CONTROL OFFICER:

It shall be unlawful for any person to interfere with, molest, hinder or prevent the animal control officer from discharging his duty under this chapter. (Ord. 2007-01, 1-23-2007)

6.08.150: DUTY OF OWNER TO ASSIST:

When specifically requested by the animal control officer, it shall be the duty of the owner, keeper or custodian of such dog to assist the animal control officer in the capture and restraint of any dog or animal which it is the animal control officer's duty to capture, impound or restrain. (Ord. 2007-01, 1-23-2007)

6.08.160: CITATIONS AND FAILURES TO APPEAR:

A. The animal control officer is hereby authorized to issue citations to the owners, keepers or custodians of any dog or animal who are in violation of any provision of this chapter.

B. Any person issued a citation by the animal control officer who has signed such citation promising to appear and who fails to appear on such citation as required shall be deemed guilty of a separate misdemeanor for that failure to appear. (Ord. 2007-01, 1-23-2007)

6.08.170: FEES ¹ :

The county council may, by resolution, establish such fees as are reasonable and necessary for licensing, impounding and boarding of any impounded dogs or animals. (Ord. 2007-01, 1-23-2007)

Notes

¹ 1. See subsection 6.08.010B of this chapter.

6.08.180: PENALTIES - ENHANCEMENT FOR MULTIPLE VIOLATIONS:

A. Any person violating a section or subsection of Chapter 6.08 that is not classified as a class B misdemeanor in Subsection B or Subsection C shall be deemed guilty of an infraction, and upon conviction shall be fined an amount not to exceed the amount permitted by Utah Code Annotated section 76-3-301.

B. Any person violating subsection 6.08.060B or section 6.08.100 of this chapter, is guilty of a class B misdemeanor, and upon conviction, shall either be fined an amount not to exceed the amount permitted by Utah Code Annotated section 76-3-301 or be imprisoned in the county jail for not more than six (6) months, or shall receive both such fine and imprisonment.

C. It is unlawful for any person to violate any section or subsection within Chapter 6.08, pertaining to an individual's dog, where the County has imposed a fine on the individual for violating the same provision on three (3) prior occasions within the previous twelve (12) months and each of the three (3) prior violations involve the same dog as the current violation. A violation of this subsection is a class B misdemeanor and upon conviction, shall either be fined an amount not to exceed the amount permitted by Utah Code Annotated section 76-3-301 or be imprisoned in the county jail for not more than six (6) months, or shall receive both such fine and imprisonment. (Ord. 2007-01, 1-23-2007; amd. Ord. 2023-03, 1-24-2023)

TITLE 7

RESERVED

TITLE 8

HEALTH AND SAFETY

Adoption Of Health Regulations 8.04

Citations 8.08

Open Burning 8.12

Fire Districts Established 8.16

Solid Waste 8.20

Nuisances 8.24

Weed Control 8.28

Pest Control 8.32

Hazardous Materials Emergency Expense Recovery 8.36

Special Events 8.40

CHAPTER 8.04

ADOPTION OF HEALTH REGULATIONS

SECTION:

8.04.010: Food Service

8.04.010: FOOD SERVICE:

A. Food service establishments within County limits shall be regulated according to Title R392 of the Utah Administrative Code, the Utah Food Service Sanitation Rule, as amended, and Utah Code section 26-15-5.

B. Requirements and rules will be enforced by the Bear River Health Department. Any person, firm or corporation accepting a permit issued by a health officer, is deemed to have given consent to the health officer, or his duly appointed agent or representative, to enter upon and inspect the premises of the permit holder, at any reasonable time. Failure to permit such inspection by a health officer or his representative may be grounds for revocation of the permit by the health officer, upon his giving ten (10) days' written notice to the permit holder, during which time the permit holder may permit such inspection. If the premises pass the inspection, the permit shall not be cancelled. (Ord. 69-01; amd. Ord. 2022-18, -- 2022; Ord. 2022-18, 7-12-2022)

CHAPTER 8.08

CITATIONS

SECTION:

8.08.010: Citations

8.08.010: CITATIONS:

The Bear River health regulations governing issuance of citations for violation of the Bear River district health department rules and regulations, and state health laws, relative to the issuance of a citation by the health officer or a designated representative, are adopted as the regulations governing the issuance of citations for violations and regulations of the Bear River health district and the state of Utah, as follows:

- A. The health officer or his designated representative of the Bear River health department shall issue citations on any person violating any of the state health laws, rules, regulations or any of the regulations of the Bear River health district, or for violation of any of the local health ordinances adopted by local municipalities pertaining to public health.
- B. The health officer or his designated representative shall issue a citation pursuant to Utah Code Annotated sections 77-11-6 through 77-11-10, as amended.
- C. The Bear River district health department shall have authority to print and issue its own citations in conformance with the above statutory requirements and any person failing to appear upon a citation shall be deemed guilty of a misdemeanor as provided by Utah Code Annotated section 77-11-10, as amended.
- D. Copies of this regulation shall be filed for public use and examination at the office of the Bear River health department and in the office of the county clerks of Box Elder, Cache and Rich Counties, Utah. (Ord. 77-19)

CHAPTER 8.12

OPEN BURNING

SECTION:

8.12.010: Definitions

8.12.020: Burning At Community Waste Sites Restricted

8.12.030: General Prohibition

8.12.040: Permissible Burning; Without Permit

8.12.050: Permissible Burning; Permit Required

8.12.060: Consent Of Utah Division Of Wildlife Resources

8.12.070: Unattended And Uncontrolled Fires Prohibited

8.12.080: Permits

8.12.090: County Authorities

8.12.100: Liabilities

8.12.010: DEFINITIONS:

As used in this chapter:

AGRICULTURAL BURNING: Open burning, in rural areas, essential to agricultural operations, including the growing of crops, the raising of fowl, animals or bees, when conducted on the premises where produced.

AIR POLLUTANT: A substance that qualifies as an air pollutant as defined in 42 U.S.C. Sec. 7602.

AIR POLLUTANT SOURCE: Private and public sources of emissions of air pollutants.

AIR POLLUTION: The presence of an air pollutant in the ambient air in the quantities, for a duration, and under the conditions and circumstances that are injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or use of property, as determined by the rules adopted by the Air Quality Board.

AMBIENT AIR: That portion of the atmosphere, external to buildings, to which the general public has access.

APPROPRIATE AUTHORITY: The governing body of the county.

ATMOSPHERE: The air that envelops or surrounds the earth and includes all spaces outside of buildings, stacks or exterior ducts.

AUTHORIZED LOCAL AUTHORITY: The Chief of the Cache County fire department, or such other local agency duly designated by appropriate authority, with approval of state division of health, as the agency to issue permits for open burning under regulations of the state division of health and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

CLEARING INDEX: A number indicating the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the U.S. weather bureau, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to ten thousand (10,000) feet.

DIVISION: Utah state division of health.

EMISSION: The act of discharging, into the atmosphere, an air contaminant or an effluent which contains or may contain an air contaminant; or the effluent so discharged into the atmosphere.

GARBAGE: All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

HEAVY FUEL OIL: A petroleum product or similar material heavier than diesel fuel.

HOUSEHOLD WASTE: Any solid or liquid material normally generated by a family in a residence in the course of ordinary day to day living, including, but not limited to, garbage, paper products, rags, leaves and garden trash.

OPEN BURNING: Any burning of combustible materials where the products of combustion are emitted into open air without passing through a chimney or stack; provided, that open burning shall be construed to mean burning in a single chamber incinerator or burning with the use of tepee or wigwam burners, or similar devices, notwithstanding the fact that there is a partial enclosure by the use of such devices.

PERSON: Any individual, public or private corporation, partnership, association, firm, trust or estate, the state or any department, institution, bureau or agency thereof, any municipal corporation, county, city and county, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties.

REFUSE: Any solid waste, including garbage and trash.

SALVAGE OPERATION: Any business, trade or industry engaged in whole or part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, shipping containers or drums.

TRASH: Solids not considered to be highly flammable or explosive, including, but not limited to, clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

WASTE: All solid, liquid or gaseous material, including, but not limited to, garbage, trash household waste, construction or demolition debris, or other refuse, including that resulting from the prosecution of any business trade or industry.

(Ord. 69-02; amd. Ord. 2022-33)

8.12.020: BURNING AT COMMUNITY WASTE SITES RESTRICTED:

No burning shall be done at sites used for the disposal of community trash, garbage or other waste, except when authorized for a specific period of time and subject to specific conditions as approved by the Utah Air Quality Board in accordance with the Utah Air Conservation Act (Utah Code Title 19, chapter 2) and by the County Council after a public hearing.

(Ord. 89-04; amd. Ord. 2022- 33)

8.12.030: GENERAL PROHIBITION:

No person shall burn any trash, garbage or other waste nor conduct any salvage operations in or at any open fire site, except as provided by this chapter. (Ord. 89-04)

8.12.040: PERMISSIBLE BURNING; WITHOUT PERMIT:

A. Unless prohibited by state statutes or regulations, other county ordinances, applicable declarations of closed fire seasons, or the order of a law enforcement officer, the Cache County fire chief or his duly authorized agent, the following types of burning are permitted without a permit:

1. Fires in outdoor grills, fireplaces or similar devices for the primary purpose of preparing food, provided the devices are not used for the burning of refuse, trash, garbage or other waste in areas where there is a public or duly licensed disposal service available.

2. Campfires and other recreational fires; provided, that such fires are attended and under the control of a responsible person; and further provided, that no such fire shall be permitted during any closed fire season as declared by the Cache County fire chief, notice of which has been published once in a newspaper of general circulation in the county.

3. Fires in indoor fireplaces.

4. Burning on the premises of combustible household wastes generated by occupants of dwellings of four-family units or less in those areas only where no public or duly licensed disposal service is available.

B. A burning permit is not required for the burning of fence lines on cultivated lands, canals or irrigation ditches where the burning will not pose a threat to forest, range or watershed lands, provided due care is used in the control of the burning and that the individual notifies the nearest fire department of the approximate time the burning will occur. (Ord. 89-04)

8.12.050: PERMISSIBLE BURNING; PERMIT REQUIRED:

Unless prohibited by state statutes or regulations, other county ordinances, applicable declarations of closed fire seasons, or the order of a law enforcement officer, the Cache County fire chief or his duly authorized agent, the following types of burning are permitted; providing, that a county permit has first been obtained:

A. The burning of pruning from trees, bushes and plants, or of dead or diseased trees, bushes and plants, including stubble incidental to horticultural or agricultural operations.

B. The controlled heating of orchards or other crops to minimize damage from freezing temperatures; provided, that the emissions from such heating shall not violate any minimum standards established by the state department of health.

C. Open burning of materials or structures when conducted under the control and supervision of the Cache County fire chief.

D. Fires for firefighter training purposes when conducted under the direct control and supervision of the Cache County fire chief.

E. Open burning at an approved site of hazardous materials for which there is no reasonable alternate practical method of disposal; provided, that such burning shall be under the supervision of the Cache County fire chief and in accordance with state law.

F. Other open burning for special purposes or under unique circumstances when approved by the county fire chief and the county health department following a formal request therefor.

G. Fires on any county property, including roads, rights of way, ditchbanks, river bottom lands, wildlands, or other areas of county domain. (Ord. 89-04)

8.12.060: CONSENT OF UTAH DIVISION OF WILDLIFE RESOURCES:

The consent of the Utah division of wildlife resources shall be required for any fires on any property leased, owned or controlled by that division as wildlands or wildlife habitats. (Ord. 89-04)

8.12.070: UNATTENDED AND UNCONTROLLED FIRES PROHIBITED:

A. It is unlawful for any person to leave any fire unattended whether on private or public property.

B. A fire shall be deemed "unattended" when any flame, live coals or embers remain and the person or persons responsible for the fire have left the proximity of the fire either in distance or time that would preclude prompt suppression action by said person or persons.

C. Any fire on private or public property burning uncontrolled and without proper and adequate action being taken to prevent its spread is declared a public nuisance.

D. It is unlawful for any person to maintain or commit any public nuisance. (Ord. 89-04)

8.12.080: PERMITS:

A. County permits shall be issued by the Cache County fire chief, who shall be authorized to determine the appropriate application process and forms for the issuance of such permits.

B. The county fire chief is authorized to grant a permit orally to an applicant; provided, that the fire chief makes and maintains a written record of the permit, including the name of the applicants, the burning site, the nature, anticipated time and date of the proposed burning, and the time and date of the granting of the permit.

C. The Cache County council may, at its discretion, establish fees by resolution for burning permits. Until such resolution is adopted, no fees shall be assessed.

D. Whenever there is probable cause to believe that there has been a violation of the provisions of this chapter or state law as to any fire or if circumstances give reasonable concern for the safety of persons or property, the Cache County fire chief may, upon notice to any person having a permit, temporarily suspend such permit pending a hearing before the Cache County council; provided, that:

1. The county council shall hold a review hearing, due notice of which has been given to the permittee and the owners of any property affected or likely to be affected by the affirmation, modification, revocation or cancellation of any permit.

2. At that hearing, the county council, upon formal findings of fact, order that the permit be modified, revoked or suspended and specify the reasons therefor in writing to the permittee and to the Cache County fire chief. (Ord. 89-04)

8.12.090: COUNTY AUTHORITIES:

A. The responsibility for the enforcement of this chapter shall be primarily in the Cache County fire chief or his duly authorized agents or deputies and also in the Cache County sheriff or his duly authorized deputies in conjunction with the Cache County fire chief.

B. If there is reason to believe that any fire presents or is likely to present a danger to persons or property, the above designated officers or deputies shall have the authority to require the immediate suppression or prohibition of such burning pending further action by the Cache County fire chief or county council as the case may require. (Ord. 89-04)

8.12.100: LIABILITIES:

Any person responsible for the existence or spread of any uncontrolled or unattended fire, or any other fire, on public or private property, necessitating suppression action by the county or state, shall be liable to the county or state for the payment of all costs therefor. (Ord. 89-04)

CHAPTER 8.16

FIRE DISTRICTS ESTABLISHED

SECTION:

8.16.010: Created

8.16.020: Map

8.16.030: Functions

8.16.040: Appointment Of Commissioners

8.16.010: CREATED:

Pursuant to Utah Code Annotated title 17A, chapter 2, as amended, the county council creates and establishes a fire district in Cache County, to be known hereafter as Cache County fire district. Such district shall consist of and include all lands located within the corporate limits of Cache County, Utah, except and excluding therefrom all lands located within the corporate limits of Logan City. (Ord. 65-03)

8.16.020: MAP:

A map showing the various zones located within the Cache County fire district shall be on file at the office of the county clerk at the county courthouse at Logan, Utah, for inspection by any citizen at any time, showing lands situated within the various zones with the district. Such map may be modified from time to time by order of the county council. (Ord. 65-03)

8.16.030: FUNCTIONS:

The Cache County fire district shall perform such functions as provided by law. (Ord. 65-03)

8.16.040: APPOINTMENT OF COMMISSIONERS:

There shall be three (3) fire protection district commissioners, one of whom shall be the Cache County executive and the other two (2) members shall be appointed by the Cache County executive, with and upon the consent and advice of the Cache County council. (Ord. 65-03; amd. Ord. 89-07)

CHAPTER 8.20

SOLID WASTE

SECTION:

8.20.010: Service Area Created

8.20.020: Purpose

8.20.030: Service Charge

8.20.040: Board Of Trustees

8.20.050: Powers

8.20.060: Service Fee; Collection; Delinquencies

8.20.070: Disposal Of Garbage

8.20.010: SERVICE AREA CREATED:

Public health, convenience and necessity warrant the creation of a county service area no. 1, to consist of all unincorporated areas located within the confines of Cache County, state of Utah, and described in Utah Code Annotated section 17-50-207, except those areas lying and situated in the forest area boundaries, as zoned F-40, as of January 1, 1973. (Ord. 73-03)

8.20.020: PURPOSE:

The county service area no. 1, is created for the purpose of providing an extended county service in the form of garbage and refuse collection to the residents of the county located within the service area as described in section 8.20.010 of this chapter. (Ord. 73-03)

8.20.030: SERVICE CHARGE:

A service charge is levied upon all residences, commercial or industrial property, located within the service area. Residential, commercial and industrial rates shall be determined on the basis of volume, weight and frequency of service provided and adopted by resolution by the board of trustees of county service area no. 1. The rates shall be uniform throughout the entire county service area no. 1 and set forth by the trustees in interlocal agreements with other municipalities located within Cache County, Utah. (Ord. 73-03; amd. Ord. 73-03A; Ord. 73-03B; Ord. 88-06)

8.20.040: BOARD OF TRUSTEES:

A. The governing board of county service area no. 1 shall consist of a board of trustees comprised of the seven (7) members of the Cache County council, unless and until such time as there may be an election of trustees in the manner specified by Utah Code Annotated section 17A-2-411.

B. The Cache County executive is authorized to execute contracts and other legal instruments which shall have been approved by the board of trustees for and on behalf of the board. (Ord. 73-03; amd. Ord. 88-06)

8.20.050: POWERS:

The service area no. 1 shall be deemed a body corporate and politic, a quasi-municipal public corporation, acting through the board of trustees and shall have the following rights, powers and authorities in addition to any other rights, powers and authorities provided by the county service act as follows:

A. The power to exercise all powers of eminent domain possessed by counties in Utah in the manner provided by law for the exercise of eminent domain power by counties.

B. The right to sue and be sued.

C. The power to enter into contracts considered desirable by the board of trustees of the service area to carry out the functions of the service area, including, but without limitation, the power to enter into contracts with municipal corporations, counties or other public corporations, county service areas or districts.

D. The power to impose and collect charges or fees for any commodities, services or facilities afforded by the service area to its consumers and to pledge all or any part of the revenues so derived to the payment of any bonds of the service area, whether the bonds are issued as revenue bonds or as general obligations of the service area. Where revenue bonds are issued payable solely from the revenue of commodities, services and facilities, the fees and charges imposed shall always be sufficient to carry out the provisions of the resolution authorizing the bonds. The board of trustees may do such things and adopt such regulations necessary to assure the collection and enforcement of all fees and charges imposed. Where more than one commodity, service or facility is furnished to a consumer by the service area, the fees and charges for all commodities, services and facilities may be billed to the consumer in a single bill. All or any of the commodities, services and facilities furnished to a consumer by the service area may be suspended if any fees and charges due the service area are not paid in full when due.

E. The power to sell, lease, mortgage, encumber or otherwise dispose of any properties owned by the service area upon such terms and conditions as the board of trustees may determine.

F. The power to own any and all property or interests in property, including water and water rights, deemed necessary or appropriate by the board of trustees in carrying out the purposes of the service area and the power to acquire the same by purchase, lease, gift, devise or bequest.

G. The right to utilize any existing county offices, officers or employees for purposes of the service area when in the opinion of the board of trustees it is advisable to do so; but in any event, the county council may charge the service area a reasonable amount for the services rendered, other than for services rendered by the county council.

H. The right to employ officers, employees and agents of the service area, including attorneys, accountants, engineers and fiscal agents, and to fix their compensation. The board of trustees may require officers and employees charged with the handling of funds to furnish good and sufficient surety bonds or the board may purchase a blanket surety bond for all officers and employees.

I. The right to fix the times for holding regular meetings.

J. The right to adopt an official seal.

K. The right to adopt bylaws and regulations for the conduct of its business and affairs and to perform such other acts as may be provided by the county service area act hereinabove defined. (Ord. 73-03; amd. Ord. 90-06)

8.20.060: SERVICE FEE; COLLECTION; DELINQUENCIES:

The owner and occupant of lands located in the service area is determined to be liable for the payment of the service fee, if garbage services are rendered to such property. This fee shall become delinquent thirty (30) days from the date of billing. In the event the occupant fails to make the payment of the fee when due, then the owner shall be liable for the payment of the fees set forth in the last statement and billed accordingly, and if the fee is not paid by the owner within thirty (30) days, the fee and delinquencies as determined by the trustees shall be subject to collection under the following methods:

A. The service area may sue and receive judgment for the amount due, including all delinquencies and expenses in connection with the collection of said fee, including court costs and reasonable attorney fees and interest; or

B. Collection through taxes. In the event the trustees of the district elect the amount due and all delinquencies, interest and penalties as determined by trustees, shall be referred to the county treasurer for inclusion in the tax notice of the property owner or occupant paying said taxes, the notice of delinquency shall be made in triplicate and statements made of all charges thereon; the district trustees to deliver three (3) copies of the statement to the county treasurer before August 1 of each year. Upon receipt of the itemized statement of the delinquencies and amount due, the county treasurer shall forthwith mail one copy to the owner or occupant or both of the land assessed, together with a notice that an objection in writing may be made by the owner or occupant to the county council, within thirty (30) days from the date of mailing, regarding the whole or any part of the statement so filed. The county treasurer, at the same time, shall deliver a copy of the statement to the clerk of the district court or the county council. If objections to any statement are filed with the council, then the council shall set a date for hearing giving notice thereof to the persons to whom notice was mailed, and upon hearing of the matter, fix and determine the actual costs of the amounts due for services rendered. The amount so fixed shall be then attached to the property of the owner as hereinafter set forth. If, however, there are no objections to the billings made within thirty (30) days of the date of mailing, the county treasurer shall enter the amount of the statement on the assessment roles of the county in the appropriate area prepared for that purpose. If the current tax notices have been mailed, the taxes so incurred may be carried over on the roles to the following year. (Ord. 73-03; amd. Ord. 90-06)

8.20.070: DISPOSAL OF GARBAGE:

It is unlawful for any person to dispose of any garbage, refuse, animals or debris after the county service area pickup system has been developed and put into operation, except through the approved services provided by the county service area, unless such other disposal methods have been approved by the state board of health. (Ord. 73-03)

CHAPTER 8.24

NUISANCES

SECTION:

8.24.010: Real Property To Be Kept Clean

8.24.020: Standards Of Weed Control

8.24.030: Standard For Maintaining Real Property

8.24.040: Examination And Investigation

8.24.050: Duty Of County Fire Chief; Notice

8.24.060: Property Owner Or Occupant May Request Hearing Before County Council

8.24.070: Failure To Request Hearing Before County Council

8.24.080: Cleaning Of Property By County Upon Owner Failure To Comply

8.24.090: Alternate Methods Of Compelling Payment

8.24.100: Collection By Lawsuit

8.24.110: Collection Through Taxes

8.24.120: Costs Of Removal To Be Included In Tax Notice

8.24.130: County Not Civilly Liable

8.24.140: Violation; Penalty

8.24.010: REAL PROPERTY TO BE KEPT CLEAN:

It is unlawful for any person, corporation, partnership or legal entity owning or occupying real property in the county to fail to control the growth of injurious and noxious weeds on such property, or to fail to remove from the property any such weeds or any refuse, unsightly or deleterious objects or structures after having been given notice from the Cache County fire chief. (Ord., 9-9-1969)

8.24.020: STANDARDS OF WEED CONTROL:

Weeds shall be cut to a height of not more than four inches (4") at all times and cleared from all real property in the county, except such property as is not subdivided and is zoned A1 and A2. After cutting, all such weeds shall be promptly removed from the premises. (Ord., 9-9-1969)

8.24.030: STANDARD FOR MAINTAINING REAL PROPERTY:

All properties within the unincorporated areas of Cache County shall not contain any refuse or unsightly or deleterious or abandoned objects or structures, or burned out or partially burned out structures which:

- A. Tend to depreciate or devalue surrounding property;
- B. Obstructs or tends to obstruct or renders unsightly any canal, river, street or highway;
- C. Which tends to distract from the natural beauty in said forest or recreation area;
- D. Which in the opinion of the county council may be a menace to the public health or safety, or a fire hazard or other hazard to the inhabitants of Cache County;
- E. Which may be defined as a public nuisance under the laws of the state of Utah. (Ord., 9-9-1969)

8.24.040: EXAMINATION AND INVESTIGATION:

The county fire chief shall be authorized to make examination and investigation of all real property in the county to determine whether the owners of such property are complying with the provisions of this chapter. (Ord., 9-9-1969)

8.24.050: DUTY OF COUNTY FIRE CHIEF; NOTICE:

Upon a determination that a violation of the provisions of this chapter exists, the fire chief shall ascertain the name of the owner and a description of the premises where the violation exists, and shall serve notice in writing upon the owner or occupant of such property, either personally or by mailing notice, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, as the case may be, to eradicate or destroy or remove the weeds, refuse, objects or structures, buildings or burned out structures causing the violation within such time as the fire chief may designate, which shall be no less than fifteen (15) days from the date of service of such notice. If notice has already been served once during the calendar year directing removal of

weeds, no further notice need be served to compel such weed removal during such calendar year. (Ord., 9-9-1969)

8.24.060: PROPERTY OWNER OR OCCUPANT MAY REQUEST HEARING BEFORE COUNTY COUNCIL:

Any owner or occupant of property described in any notice as provided in this chapter may, within fifteen (15) days from the date of the notice, request a hearing in writing before the county council. The county council shall, thereafter, set the matter for hearing, at which time the owner or occupant of the land or their agents or attorney may present such evidence as they may have as to why the order of the fire chief directing the removal of the weeds, refuse, unsightly or deleterious objects or structures, should be vacated. After the receipt of such evidence, the county council may affirm, modify or vacate the order of the fire chief as they shall deem reasonable and proper under the circumstances. Any owner or occupant of land, agent or representative, within thirty (30) days from the date of the order of the county council, may appeal the decision of the council to the district court of this county and pursue such judicial review thereof as provided by law. (Ord., 9-9-1969)

8.24.070: FAILURE TO REQUEST HEARING BEFORE COUNTY COUNCIL:

Any owner of land or occupant thereof or person having interest in said land, who fails within fifteen (15) days to request a hearing before the county council of any order of the fire chief as may be given to them as provided in this chapter, shall not have any right to appeal to any court from any action of the fire chief or its agents in cleaning up or removing of such weeds, garbage, unsightly or deleterious objects or structures or buildings as provided herein. (Ord., 9-9-1969)

8.24.080: CLEANING OF PROPERTY BY COUNTY UPON OWNER FAILURE TO COMPLY:

If any owner or occupant of property described in the notice provided in this chapter shall fail, within thirty (30) days from date of such notice, to eradicate or destroy and remove such weeds, refuse, objects, buildings, structures or burned out structures, in accordance with such notice, the county fire chief is authorized to employ necessary assistance and cause such weeds, refuse, objects, buildings or structures to be destroyed or removed. The county fire chief shall prepare an itemized statement of all expenses incurred in the removal and destruction of same and shall mail a copy thereof to the owner demanding payment within twenty (20) days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner. (Ord., 9-9-1969)

8.24.090: ALTERNATE METHODS OF COMPELLING PAYMENT:

In the event the owner fails to make payment of the amount set forth in such statement to the county treasurer within twenty (20) days of the date of mailing, the county fire chief may either cause suit to be brought in an appropriate court of law or refer the matter to the county treasurer as provided in this chapter. (Ord., 9-9-1969)

8.24.100: COLLECTION BY LAWSUIT:

In the event collection of expenses of destruction and removal are pursued through the court, the county shall sue for and receive judgment for all expenses of destruction and removal, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. (Ord., 9-9-1969)

8.24.110: COLLECTION THROUGH TAXES:

In the event that the administration elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an itemized statement of all expenses incurred in such destruction and removal and shall deliver three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, objects or structures. (Ord., 9-9-1969)

8.24.120: COSTS OF REMOVAL TO BE INCLUDED IN TAX NOTICE:

Upon receipt of the itemized statement of the costs of destroying or removing such weeds, refuse, objects or structures, the county treasurer shall forthwith mail one copy to the owner of the land from which the same were removed, together with a notice that objection in writing to the county council may be made within thirty (30) days to the whole or any part of the statement so filed. The county treasurer shall, at the same time, deliver a copy of the statement to the clerk of the county council. If objections to any statement are filed with the council, they shall set a date for hearing, giving notice thereof, and upon the hearing of the matter, fix and determine the actual cost of destruction or removal, reporting their findings to the county treasurer. If no objections to the items of the account are made within thirty (30) days of the date of mailing, the county treasurer shall enter the amount of such statement on the assessment rolls of the county in the column prepared for that purpose. The county treasurer shall, within ten (10) days of the date of the action of the county council upon any objections filed, enter in the prepared column, upon the tax rolls, the amount found by the county council to be the cost of destruction and removal. If current tax notices have been mailed, the taxes so incurred may be carried over on the rolls to the following year. (Ord., 9-9-1969)

8.24.130: COUNTY NOT CIVILLY LIABLE:

Cache County nor its officers or agents or employees shall be civilly liable to any owner or occupant or person having an interest in real property for the removal or destruction of weeds, refuse or unsightly and deleterious objects or structures under the provisions of this chapter. (Ord., 9-9-1969)

8.24.140: VIOLATION; PENALTY:

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by fine of not more than two hundred ninety nine dollars (\$299.00) or by imprisonment in the county jail not to exceed six (6) months, or by both such fine and imprisonment. Imposition of one penalty for violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violation or defect within a reasonable time and when not otherwise specified, each ten (10) days that the prohibited conditions are maintained, shall constitute a separate offense. Nothing contained herein shall be construed as limiting the right of Cache County to enjoin any such person or persons from continuing such violation. The application of the above penalty shall not be held to prevent enforced removal of the prohibited condition. (Ord., 9-9-1969)

CHAPTER 8.28

WEED CONTROL

SECTION:

8.28.010: Definitions

8.28.020: Power Of County Weed Control Supervisor(s)

8.28.030: Notice And Control Of Weeds

8.28.040: Appeal Of Noxious Weed Notification

8.28.050: Access To Property And Setbacks

8.28.010: DEFINITIONS:

COUNTY WEED BOARD: A board appointed by the county council, in compliance with the Utah noxious weed act, that helps to enforce the Utah noxious weed act and county weed policy.

NOXIOUS WEEDS: Any plant as identified and adopted by either the state of Utah or by Cache County as a noxious weed.

SUPERVISOR: Cache County weed control supervisor(s) which are employed by Cache County consistent with the Utah noxious weed act. (Ord. 2015-06, 3-24-2015, eff. 4-3-2015)

8.28.020: POWER OF COUNTY WEED CONTROL SUPERVISOR(S):

Supervisors' powers and duties are as provided by the Utah noxious weed act. (Ord. 2015-06, 3-24-2015, eff. 4-3-2015)

8.28.030: NOTICE AND CONTROL OF WEEDS:

The county shall follow the requirements as established within the Utah noxious weed act for the enforcement of all noxious weeds within the county. More specifically, the process for notification and enforcement of the Utah noxious weed act shall be as follows:

- A. The county weed control board shall post a general notice of adopted noxious weeds prior to May 1 of each year:
 1. In at least three (3) public places within the county; and
 2. Publish the notice on at least three (3) occasions in a newspaper or other publication of general circulation and as required by the Utah legal notice publication requirements.
- B. Supervisors shall patrol the county to determine the location and severity of infestation for noxious weeds on private and public ground, rights of way, easements, and any other real property. Supervisors are authorized to perform other duties as allowed by the Utah noxious weed act.
- C. If noxious weeds are present, supervisors shall send initial notices to the property owner (additional copies may be sent to lessees, easement or rights of way owners, etc.) which indicate what noxious weeds exist on their property and what options are available to them for control of noxious weeds. Property owners shall have fifteen (15) days from the issuance of the initial notice to respond to the initial notice indicating a preferred method of control.
- D. If there is no response or a failure to control noxious weeds within fifteen (15) days from the issuance of the initial notice, supervisors shall send a final notice providing an additional fifteen (15) days from the issuance of the final notice to respond to the final notice of noxious weeds.
- E. If the notified property owner fails to respond or to appropriately control noxious weeds, supervisors shall forward the subject property to the county weed board for review. The county weed board may then declare the property a public nuisance and properly notify the landowner of said declaration.
 1. The county weed board may require weed control by supervisors consistent with the Utah noxious weed act after declaration of public nuisance and proper notification.
 2. Any expense incurred by the county in controlling the noxious weeds shall be paid by the property owner of record or the person in possession of the property pursuant to the Utah noxious weed act. (Ord. 2015-06, 3-24-2015, eff. 4-3-2015)

8.28.040: APPEAL OF NOXIOUS WEED NOTIFICATION:

Any landowner of property issued a notice of noxious weeds may appeal the notice or the requirements therein in compliance with the Utah noxious weed act. (Ord. 2015-06, 3-24-2015, eff. 4-3-2015)

8.28.050: ACCESS TO PROPERTY AND SETBACKS:

- A. Each purchaser, occupier, owner of the premises or those possessing an easement or right of way across the property shall provide access for treatment of noxious weeds along irrigation canals. Except as provided herein, no building, tree or accessory structure, equipment, or other structure or property interfering with the continuous unobstructed access shall be located within ten feet (10') of the top inside edge of any irrigation canal bank where maintenance, repair, upkeep, etc., is provided or serviced by a canal company or others other than the individual property owner.
- B. Notwithstanding the above, a fence may be constructed across a right of way or easement, provided an adequate

operable gate of no less than ten feet (10') in width is maintained for continual access along the canal bank. (Ord. 2015-06, 3-24-2015, eff. 4-3-2015)

CHAPTER 8.32

PEST CONTROL

SECTION:

8.32.010: Description Of District

8.32.020: Plat

8.32.030: Recording

8.32.010: DESCRIPTION OF DISTRICT:

The area within mosquito abatement district no. 1 created on May 2, 1989, includes the following territory located within the unincorporated territory of Cache County, Utah:

Sections 34, 35, and 36 in Range 1 West and Township 12 North;

Section 31 in Range 1 East and Township 12 North;

Sections 6, 7, 17, 18, 19, and 20 in Range 1 East and Township 11 North; and

Sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, and 24 in Range 1 West and Township 11 North; excluding, however, those areas located within the corporate boundaries of the city of Logan and also within the corporate boundaries of the city of Nibley. (Ord. 90-07)

8.32.020: PLAT:

Attached to the ordinance codified in this chapter is a plat delineating a metes and bounds description of the area affected. (Ord. 90-07)

8.32.030: RECORDING:

Said ordinance and the attached plat shall be recorded in the public records in the office of the Cache County recorder. (Ord. 90-07)

CHAPTER 8.36

HAZARDOUS MATERIALS EMERGENCY EXPENSE RECOVERY

SECTION:

8.36.010: Definitions

8.36.020: Recovery

8.36.010: DEFINITIONS:

As used in this chapter:

DISASTER OR EMERGENCY: A situation causing or threatening to cause widespread damage, social disruption, or injury or loss of life, or property resulting from attack, internal disturbance, natural phenomena or technological hazard.

EXPENSES: Actual labor costs of the county and voluntary personnel, including workers' compensation and other benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, and the costs of any contract labor and materials.

HAZARDOUS MATERIALS EMERGENCY: A sudden and unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

TECHNOLOGICAL HAZARD: Any hazardous materials accident, mine accident, train derailment, air crash, radiation incident, pollution, structural fire or explosion. (Ord. 94-04)

8.36.020: RECOVERY:

The county executive is authorized and directed to take all necessary action to recover, on behalf of the county, from those persons whose negligent actions caused hazardous materials emergency expenses incurred by the county directly associated with a response to such hazardous materials emergency. (Ord. 94-04)

CHAPTER 8.40

SPECIAL EVENTS

SECTION:

8.40.010: Purpose

8.40.020: Definitions

8.40.030: Permit Required; Exceptions

8.40.040: Application Procedure, Deadlines, Submittal Requirements, And Fees

8.40.050: Application Review Process

8.40.060: Special Event Permit Issuance Or Denial

8.40.070: Supplemental Regulations

8.40.080: Violation

8.40.010: PURPOSE:

A. Time, Place, And Manner: This chapter governs the time, place, and manner of holding certain special events on:

1. County roads;
2. County property; and

3. Private property in the unincorporated area of Cache County when an event's impact upon health, fire, police, transportation, and other services exceeds those regularly provided in the unincorporated area of the county.

B. Promote And Protect Health, Safety, And Welfare: These regulations have been enacted in order to promote and protect the health, safety and welfare of all the persons in the county, including residents and visitors.

1. This is accomplished by ensuring that special events do not:
 - a. Create disturbances;
 - b. Become nuisances;
 - c. Menace or threaten life, health, and property;
 - d. Disrupt traffic; or
 - e. Threaten or damage private or public property.

2. It is not the intent of this chapter to regulate in any manner the content of speech or infringe upon the right to assemble, except for the time, place, and manner of speech and assembly, and this chapter should not be interpreted nor construed otherwise. (Ord. 2012-03, 4-24-2012, eff. 5-9-2012; amd. Ord. 2019-07, 11-26-2019)

8.40.020: DEFINITIONS:

For the purpose of this chapter, the following words shall have the following meanings:

APPLICANT:	The person, or group of people, who is or are the organizer(s) and with whom the responsibility for conducting the event lays. The applicant signs the special event application and all other documents relevant to the event.
ASSEMBLY:	A company of persons gathered together at any location at any single time for any purpose.
ATHLETIC EVENT:	An organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including but not limited to running, jogging, walking, bicycling or skating, on any county street in unincorporated Cache County or upon public or private property in the unincorporated area of Cache County.
ENTERTAINMENT EVENT:	An organized event having as its primary purpose the entertainment or amusement of a group of people, including but not limited to parades, carnivals, fairs, concerts, block parties or neighborhood gatherings, on public or private property within the unincorporated Cache County.
EXPRESSIVE ACTIVITY:	The definition as contained in Utah Code Annotated section, 11-61-102(1) that occurs on any county road in unincorporated Cache County or upon property owned by Cache County, or private property in the unincorporated area of Cache County and includes:

	<ol style="list-style-type: none"> 1. Peacefully assembling, protesting, or speaking; 2. Distributing literature; 3. Carrying a sign; or 4. Signature gathering or circulating a petition.
PERSON:	Any individual, natural person, partnership, corporation, firm, company, association, society, or group.
SPECIAL EVENT:	<ol style="list-style-type: none"> 1. Any assembly, athletic event, or entertainment event: <ol style="list-style-type: none"> a. Whether held for profit, non-profit, or charitable purposes; b. Where the anticipated assembly of persons, including spectators and participants, is one hundred (100) or more; c. That impacts the county by involving the use of, or having impact on, county owned, leased, or controlled property, or requiring county licensing or services beyond the scope of normal business or outside the permitted use of the property. 2. A special event includes activities and events that meet the definition of agritourism as defined in title 17 of this code and occur twenty one (21) days or less per calendar year.
SPONTANEOUS EVENT:	An event that is occasioned by news or affairs coming into public knowledge less than forty eight (48) hours prior to the event and is conducted at a public forum.
USING A PUBLIC ROAD:	Using any portion of a public road or the public right- of- way for an athletic event, entertainment event, political event, or special event. Any other group activity that impedes, blocks, or otherwise interferes with the normal flow of traffic is also considered to be using a public road for purposes of this chapter. (Ord. 2012-03, 4-24-2012, eff. 5-9-2012; amd. Ord. 2019-07, 11-26-2019)

8.40.030: PERMIT REQUIRED; EXCEPTIONS:

A. Permit Required: Any person conducting a special event with or without charge for admission, on public or private property, must first apply for and be granted a special event permit for the specific event and its venue(s).

1. All permits issued as required by this chapter are non-transferable and expire at the completion of the given event, or upon revocation, whichever is earlier.

2. Special event permits do not apply and cannot be issued for activities or uses that require a conditional use permit under the Land Use Ordinance, title 17.

3. Exceptions: The following activities are exempt from obtaining a special event permit:

a. Events where the anticipated assembly of persons, including spectators and participants, is less than one hundred (100).

b. Events not using a public road that are organized by a political party or political organization, an established religious organization, a family for the purposes of a family reunion, and school-sponsored activities are not required to obtain a permit under this chapter. However, in the instance where the event utilizes a public road the organizing person must comply with the approval process as provided for in this chapter.

c. Events held in existing and established recreational or religious facilities, sporting arenas, stadiums, or other similar facilities that have been inspected and approved for the use and safety by Cache County or any other political subdivision of the State of Utah.

d. Events included as allowed activities under a valid conditional use permit (CUP) as approved by the land use authority.

(1) Any event not included in a CUP, or an approved event where there is a material change or intensification of the approved activities requires an amendment to the CUP.

(2) For events allowed under an approved CUP, the organizing person bears responsibility for notifying and coordinating with other agencies including, but not limited to, the Sheriff and emergency services, as necessary.

e. Funeral processions by a licensed mortuary.

f. A spontaneous event held at a public forum. This chapter does not apply to an event held at a non-public forum. Organizers of spontaneous events are encouraged to give as much advanced notice as reasonably possible to permit the county to provide services necessary to promote, protect, and ensure the safety and convenience of the people in their use of county property. Nothing in this subsection shall preclude the county from enforcing other laws, ordinances, or regulations adopted to provide for the health, safety, and welfare of the county and its citizens.

B. Other Approval Required: For any event that qualifies as expressive activity as defined in Utah Code Annotated section 11-61-102, the applicant must submit a reservation with the County Executive's Office, or its designee, to conduct the specified expressive activity on identified public grounds or within other designated county property open to the general

public. The County Council will adopt policies or practices by which the reservation forms will be reviewed including the adoption of any generally applicable time, place, and manner restrictions placed on the expressive activity in accordance with the Utah Code Annotated chapter 11-61, "Expressive Activity Regulation by Local Government Act" ("Act"), specifically section 11-61-104 including the constitutional safeguards described in subsection (1) of that Act.

C. **Filming Activities:** Regardless of the number of persons assembled or the impact on streets and roads, all filming activities must be granted a special event permit as per this chapter prior to conducting the filming activities. Any filming activities undertaken by any business or corporation must first be licensed as a business. Corporations that are specifically in filmmaking or promotions and filming on public or private property must provide proof of insurance, shooting schedule or schedule of events, provide written permission from the property owners, and provide access to any set or site for purposes of code enforcement and for law enforcement to ensure public health, safety, and welfare. Exempt from this requirement are filming associated with: a) news coverage, b) for use in criminal investigations or civil proceedings, c) for personal purposes such as home videos, wedding photography, or still family photos, d) student filming, or e) filming for use by a government school district or religious organization.

D. **Event Series:** Special events that occur in series (i.e., entertainment series which have multiple concerts or performances throughout the year), falling under the criteria established in this chapter, and are not expressly included in an approved conditional use permit (CUP) must have a special event permit, which specifically authorizes each activity in the series, even if the same activity occurs on separate occasions. In addition to the requirements of this chapter, an applicant for a special event series must provide a comprehensive operational plan and schedule of the series a minimum of forty five (45) days before the initial event. (Ord. 2019-07, 11-26-2019)

8.40.040: APPLICATION PROCEDURE, DEADLINES, SUBMITTAL REQUIREMENTS, AND FEES:

A. **Application Submittal:** Each applicant for a special event permit must submit a special event application and fee to the Cache County Development Services Department for review. The application form must reflect the requirements of this code. See Consolidated Fee Schedule for amount of fee.

1. Special event applications can be submitted no earlier than six (6) months prior to the date of the event.
2. Applications must be submitted at least forty five (45) calendar days in advance of the special event.
3. Applications submitted fewer than forty five (45) calendar days in advance of the special event will not be accepted, unless the following criteria are all met:
 - a. The special event applicant is a first-time applicant;
 - b. The director or designee determines there is still adequate time to review the application; and
 - c. Double application fees are paid to defray the increased costs of expediting the application.

B. **Submittal Requirements:** All applications for special event permits shall be made on a special event permit application form and shall include the following information:

1. Type and description of event;
2. Name of person or entity organizing the event, contact person, address and telephone number;
3. Proposed date(s) of the event, together with beginning and ending times for each date;
4. Proposed location, including a plat or map of the area to be used, including any barricade, street route plans, or perimeter/security fencing;
5. Written approval of the property owner, if the applicant is not the owner of the property on which the special event is to take place.
6. Estimated numbers of event staff, participants and spectators;
7. Public health plans, including plans for culinary water supplies, solid waste collections and disposal and waste water (toilet facilities);
8. Fire prevention and emergency medical services plans;
9. Security plans and/or law enforcement response;
10. Admission fee, donation, or other consideration to be charged or requested;
11. Plans for parking;
12. Proof that the applicant has obtained any applicable county, state, or other governmental agency approvals, permits, or licenses; and
13. Signature of applicant.

C. **Fees:**

1. **Application Fee:** Each special event permit application must be accompanied by the non-refundable application fee. See Consolidated Fee Schedule for amount of fee. All application fees are due upon application. Applications will be considered incomplete until the application fee is paid in full.

2. Fee Exemption: The following special events are exempt from the non-refundable application fee but may be subject to the fees of other agencies or departments:

- a. Expressive activity;
- b. Event sponsored by a religious organization on private property;
- c. Event sponsored in whole or part by the county or a municipality;
- d. Block party or family reunion;
- e. Revenue-raising event where the revenue directly benefits the Cache County government; and
- f. Events where the county or a municipality is the primary sponsor.

3. County Services Fees: Upon review of a completed special event permit application by the departments listed in section 8.40.050B, the individual departments will provide the applicant with an estimate of their fees based on the estimated costs for county services arising from the event. The applicant must pay those additional fees directly to the individual departments providing services for the event, and the fees must be paid prior to the issuance of the special event permit.

4. No Vested Right: The payment of fees and/or acceptance of fees by the county does not constitute approval, vesting, or signify that the application is complete or appropriate in any manner. The collection of the non-refundable application fee is required to begin the review process. (Ord. 2012-03, 4-24-2012, eff. 5-9-2012; amd. Ord. 2019-07, 11-26-2019; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

8.40.050: APPLICATION REVIEW PROCESS:

A. Initial Review: The Director, or designee, will review all special event permit applications for completeness. If an application is incomplete, it must be returned to the applicant within seven (7) calendar days with an explanation describing why the application is incomplete.

B. Routing to Other Department/Agencies: After determining that the application is complete, the Development Services Office circulates copies of the application to the following agencies for their review, approval, or disapproval of the proposed special event. The applicant may contact any of the following agencies to coordinate details of the items listed in section 8.40.040C of this chapter:

1. Cache County Sheriff's Office;
2. Cache County Treasurer's Office;
3. Cache County Attorney's Office;
4. Bear River Health Department;
5. Cache County Fire District;

6. Cache County Planning and Zoning Office, if signs advertising the event are to be placed in the unincorporated area of the county. The applicant shall submit plans drawn to scale, for any signage, noting the location of each sign for which application is made. Signs for temporary special events shall not be subject to the approval process of other county ordinances governing sign display or placement;

7. Cache County Building Department, if any temporary facilities are to be constructed or special electrical supplies are considered or warranted;

8. Cache County Road Department, if the special event may create traffic impacts by its location, number of attendees, or participants;

9. Municipalities that may be impacted by the event;
10. Cache Emergency Medical Services;
11. Any other county agency which is to provide a service in connection with the special event.

C. Review Standards: In reviewing an application, the agencies or departments involved may consider the following:

1. The impact of the special event on the traffic, security, health, and safety of the public, public facilities, surrounding property owners, and the plans of the applicant to address those impacts;

2. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health, and welfare of the public, and the past history of the applicant in complying with such requirements;

3. The location and duration of the special event and the county's ability to accommodate the event with the necessary resources and the cost of those resources; and

4. Other previously approved special events that could cause scheduling conflicts during the same period and cause over extension of the county's resources.

D. Additional Requirements: The agencies involved in reviewing an application may impose additional requirements or

conditions necessary to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public.

E. Notification To Municipalities:

1. Upon receiving an application for a special event, the Development Services Office notifies municipalities that may be impacted of the application submittal.
2. A municipality notified of an application submittal has two (2) weeks from the date the notification was sent by the county to respond.

F. Insurance Required:

1. Minimum Coverage: No special event permit will be issued unless the applicant has submitted a certificate of insurance with the application, listing Cache County as an additional insured party, on an occurrence policy issued by an insurance company authorized to do business in the State of Utah with an AM Best Financial Rating of at least A:VII or equivalent, showing comprehensive general liability and property damage coverage for the event with minimum limits of:
 - a. One million dollars (\$1,000,000.00) for injury or death for one person in any one occurrence;
 - b. Two million dollars (\$2,000,000.00) for injury or death for two (2) or more persons in any one occurrence; and
 - c. One hundred thousand dollars (\$100,000.00) for property damage in any one occurrence.
2. Insurance Exemptions: The following special events shall be exempt from the insurance requirements set forth in this section:
 - a. Expressive activity;
 - b. Event sponsored by a religious organization on private property;
 - c. Event sponsored in whole or in part by the county or a municipality; and
 - d. Block party or family reunion.
3. By issuing a special event permit, Cache County makes no guarantees and assumes no liability for the safety of participants or spectators of special events. In consideration for the issuing of a special event permit, the applicant shall agree to indemnify, save harmless and defend the county, its officers and employees, against any claim for loss, damage or expense sustained by any person on account of injury, death or property damage occurring by reason of or arising out of the special event. (Ord. 2012-03, 4-24-2012, eff. 5-9-2012; amd. Ord. 2019-07, 11-26-2019)

8.40.060: SPECIAL EVENT PERMIT ISSUANCE OR DENIAL:

- A. Director, Or Designee, Action: The Development Services Office will review the application and responses from the other departments and agencies and has the authority to:
 1. Approve;
 2. Approve with conditions;
 3. Issue a letter to the applicant outlining the outstanding requirements or modifications; or
 4. Deny, specifying the grounds for denial of an application.
- B. Effect Of Approval: Approval of a special event permit authorizes an applicant to engage in the event as approved and subject to any conditions of approval as imposed by the Director, or designee.
- C. Right To Deny: Cache County reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, safety or welfare, or which may result in unreasonable inconvenience or cost to the public.
- D. Non-Compliance: If an applicant does not comply with the requirements placed upon them through the permitting process, the county reserves the right to deny or revoke any application or permit granted. The county additionally reserves the right to deny any future applications for non-compliance with the terms and conditions of granting a prior special event permit.
- E. Appeal: A denial of the application for a special event permit may be appealed to the Cache County Executive. An appeal must be submitted to the Cache County Executive within seven (7) calendar days after the applicant received notice of the administrative denial. All appeals must be in writing and must state the specific grounds for the appeal.
- F. Amendment: The procedure for amending a special event permit is the same as the original procedure set forth in this chapter. (Ord. 2019-07, 11-26-2019)

8.40.070: SUPPLEMENTAL REGULATIONS:

- A. Clean Up Fee:
 1. Assessing Fee: To ensure that the properties utilized in the county are restored to their original condition after the event, a fee may be assessed to the event organizer. If, upon inspection of the properties after the event, it is the county's determination that additional cleanup is required, the county will assess a fee for the actual cost of cleanup incurred by the

county.

B. Signage:

1. Any signs used as part of a permitted expressive activity or a spontaneous event must be carried by hand or supported by lathe-type sticks only and may not exceed twenty four inches by thirty six inches (24" x 36") in size.

2. Prohibited sign materials include metal, wood, and other similar rigid substances that have the potential to inflict bodily injury or property damage.

3. Signs and placards are prohibited from public meetings and public hearings before a recognized county agency, board, commission, and/or council. Any information a member of the public wishes to be reviewed in a public meeting or public hearing must be presented on eight and a half inches by eleven inches (8.5" x 11") size paper or similar material for distribution to the members of the recognized County agency, board, commission, and/or council.

C. Concealment Of Identity: Participants in expressive activities, at public meetings, or in special events may not deliberately attempt to conceal their identity by the use of masks or other facial coverings. Participants' faces must be visible at all times. Exceptions may be made on a case by case basis for religious head coverings (i.e. for a burqa or niqab).

D. Public Participation At Public Meetings And Public Hearings:

1. Any member of the public who desires to speak at a public meeting and/or public hearing may do so when the county agency, board, commission, or council formally opens a public hearing or invites the public to comment on an agenda item.

2. Public comments must be delivered at the designated podium and the length of comments may be limited by the chairperson.

3. Members of the public who comment from the audience, interrupt others speaking at the podium, or otherwise cause a disturbance during a public meeting and/or public hearing may be removed at the discretion of the chairperson. (Ord. 2019-07, 11-26-2019)

8.40.080: VIOLATION:

Penalty: A violation of this chapter is a Class B misdemeanor. The Cache County Sheriffs Office, in its discretion, may stop an event which has been issued a permit and/or may issue citations where event staff or participants violate other state statutes or county ordinances, or terms or conditions specified in the application including, but not limited to, traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations. (Ord. 2012-03, 4-24-2012, eff. 5-9-2012; amd. Ord. 2019-07, 11-26-2019)

TITLE 9

PUBLIC PEACE, MORALS AND WELFARE

General Offenses 9.02

Offenses Against Public Officers And Government 9.04

Offenses Against Public Peace And Decency 9.08

Weapons 9.12

Curfew For Minors 9.16

Truancy 9.17

CHAPTER 9.02

GENERAL OFFENSES

SECTION:

9.02.010: Restrictions Concerning Synthetic Cannabinoids

9.02.010: RESTRICTIONS CONCERNING SYNTHETIC CANNABINOIDS:

A. Prohibited Activities: Except as authorized by title 58 chapter 37 of the Utah code, as amended, it is unlawful for any person to knowingly and intentionally: 1) produce, manufacture, dispense, or 2) possess with intent to produce, manufacture, or dispense, or 3) distribute, or agree, consent, offer, or arrange to distribute, or 4) possess with the intent to distribute, or 5) possess or use synthetic cannabinoids, more specifically identified as follows:

1. 1-Pentyl-3-(1-naphthoyl)indole

Some trade or other names: JWH-018

2. 1-Butyl-3-(1-naphthoyl)indole

Some trade or other names: JWH-073

3. N-benzylpiperazine

Some trade or other names: BZP

4. 1-(3-[trifluoromethylphenyl]) piperazine

Some trade or other names: TFMPP; or

5. Any structurally similar analogs of the substances listed above.

B. Penalty: A violation of this section is a class B misdemeanor.

C. Subsequent State Action: If the Utah state legislature adopts a statute enacting criminal penalties for prohibitions set forth in this section, then upon the effective date of such state statute, provisions of this section that are covered by the state statute shall no longer be deemed effective. Any violations of this section prior to a state statute becoming effective may be prosecuted. If there are provisions of this section that are not covered by the state statute, those provisions will remain in effect and may be prosecuted. (Ord. 2010-07, 9-14-2010)

CHAPTER 9.04

OFFENSES AGAINST PUBLIC OFFICERS AND GOVERNMENT

SECTION:

9.04.010: Taking, Possessing, Removing Or Damaging Traffic Control Devices

9.04.010: TAKING, POSSESSING, REMOVING OR DAMAGING TRAFFIC CONTROL DEVICES:

A. It is unlawful for any person to willfully take, possess, remove, transport, store, relocate, destroy, take down, deface, alter, mark, write upon, cover, injure, or otherwise tamper with any traffic control device or attempt to do so in whole or partially, whether such action is permanent or temporary, without specific written authority to do so.

B. A "traffic control device" means and includes, but is not limited to, any sign, signal, road marker, barricade, flare, warning light, reflector, railroad sign or signal, shield, insignia, milepost, street sign, or other similar device which is placed upon any highway or street by the County or by any governmental agency or their designee.

C. The unauthorized possession of any county traffic control device or sign shall be prima facie evidence of a violation of this section.

D. Violations of this section shall be punishable in the manner provided for class B misdemeanors.

E. Any firearms, tools, instruments or motor vehicles used in the commission of any violation or offense under this section in this defense shall be subject to confiscation by any law enforcement agency having jurisdiction over the offense. (Ord. 88-03; amd. Ord. 2022-26, - -2022)

CHAPTER 9.08

OFFENSES AGAINST PUBLIC PEACE AND DECENCY

SECTION:

9.08.010: Trespassing Upon Public Property

9.08.010: TRESPASSING UPON PUBLIC PROPERTY:

A. Trespass: It is unlawful for any person to loiter or trespass upon "public property" owned by Cache County, upon where the Cache County courthouse and the Cache County hall of justice and surrounding properties are located during nonbusiness hours, as defined in this section, except where such person is on the property for lawful business purposes, i.e., to attend meetings that might be scheduled by county officials or the county council in any of the buildings located on the property.

B. Public Property Defined: The term "public property", as used in this section, means the Cache County courthouse and the hall of justice and the surrounding lawns, yards, parking lots and sidewalk area leading from Main Street to such buildings, and located at 160 and 179 North Main, Logan, Utah.

C. Property Closed To Public During Nonbusiness Hours: No person shall trespass or be upon the public property from the hours of seven o'clock (7:00) P.M. daily until regular business hours of the next business day, or on Saturday and Sunday or legal holidays.

D. Enforcement: Any peace officer of the state of Utah is authorized to enforce the provisions of this section and make arrests for any violations thereof.

E. Failure To Comply: It is unlawful for any person to fail to comply with the lawful order of any peace officer, to move from such "public properties", as defined in this section.

F. Unlawful To Remain: It is unlawful for any person to remain on the public properties during the time it is declared to be closed for public usage as provided in this section.

G. Penalty: Any person violating any of the provisions of this section is deemed guilty of a misdemeanor and shall be fined no more than two hundred ninety nine dollars (\$299.00), or more than six (6) months in the county jail, or both. (Ord. 73-12)

CHAPTER 9.12

WEAPONS

SECTION:

9.12.010: Spotlighting While In Possession Of Firearms (Rep. by Ord. 2012-12, 9-25-2012)

9.12.020: Discharge Of Firearms; Prohibited Where

9.12.010: SPOTLIGHTING WHILE IN POSSESSION OF FIREARMS:
(Rep. by Ord. 2012-12, 9-25-2012)

9.12.020: DISCHARGE OF FIREARMS; PROHIBITED WHERE:

A. It is unlawful for any person to discharge or cause to be discharged any firearm, including pistols, any caliber of rifles, shotguns, airguns or pellet guns, in the unincorporated areas of Cache County, lying or being included within one-half ($1/2$) mile to the east of the municipal boundaries of the cities lying between the south side of the road leading to Green Canyon and southerly to the north side of Logan Canyon Road.

B. It is unlawful for any person to discharge, or cause to be discharged, any firearm, including pistols, any caliber of rifles, shotguns, airguns or pellet guns between June 1 and August 1 of each year, in the Temple Fork Creek drainage area of Logan Canyon, consisting of sections 1 and 2, township 12 north, range 3 east; section 35, the southeast quarter of section 27, the northeast quarter of section 34, the southwest quarter of section 36, and the southwest quarter of section 26, township 13 north, range 3 east, all being north and east of the Salt Lake base and meridian.

C. It is unlawful for any person to discharge or cause to be discharged any firearm, including pistols, any caliber of rifles, shotguns, airguns or pellet guns, in the unincorporated areas of Cache County lying or being included in one-half ($1/2$) mile to the east of the municipal boundaries of Logan and Providence lying between the south rim of Logan Canyon to and including the south rim of Providence Canyon. (Ord. 70-06; amd. Ord. 78-7; Ord. 78-15)

CHAPTER 9.16

CURFEW FOR MINORS

SECTION:

9.16.010: Declaration Of Findings And Policy

9.16.020: Prohibited Acts

9.16.010: DECLARATION OF FINDINGS AND POLICY:

The county council finds that it is in the best interest of the county and the citizens thereof to establish a uniform curfew ordinance because it:

- A. Provides a clear message about appropriate norms for youth in our county;
- B. Provides clear boundaries and supervision;
- C. Reduces crime;
- D. Provides parents with an extra tool to keep children safe as youths who are off the streets at night are less likely to be victims of crimes; and
- E. Provides police more resources through this chapter to fight crime in our county. (Ord. 97-05)

9.16.020: PROHIBITED ACTS:

- A. It is unlawful for any minor under eighteen (18) years of age to remain or loiter on any of the sidewalks, streets, alleys

or public places in the county between ten thirty o'clock (10:30) P.M. and five o'clock (5:00) A.M., immediately following from Sunday evening through Friday morning.

B. It is unlawful for any minor under eighteen (18) years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the county between twelve o'clock (12:00) midnight and five o'clock (5:00) A.M., immediately following from Friday evening through Sunday morning.

C. It is unlawful for any parent, guardian or other person having legal care and custody of any minor under eighteen (18) years of age to allow or permit any such minor to remain or loiter on any of the sidewalks, streets, alleys or public places in the county, within the times provided in subsections A and B of this section, except as provided in subsection D of this section.

D. The provisions of subsections A, B and C of this section shall not apply where the minor under the age of eighteen (18) is:

1. Married;
2. Accompanied by a parent, guardian or other adult person having care of such minor;
3. Returning home from, going to or being in attendance at any religious or school function, organized dance, theater, sports event or other such associational activity; provided, however that going to or from such activity shall be by a direct route and within a reasonable time of the commencement or termination of such event;
4. Engaged in a legitimate emergency errand;
5. Engaged in legitimate employment and can produce evidence of such employment; or
6. In a motor vehicle engaged in normal travel, while traveling to, from or through the city on an interstate trip. (Ord. 97-05)

CHAPTER 9.17

TRUANCY

SECTION:

9.17.010: Definitions

9.17.020: Offenses

9.17.030: Defenses

9.17.040: Enforcement

9.17.050: Penalties

9.17.010: DEFINITIONS:

For the purposes of this chapter the following terms have the meanings indicated:

COMPULSORY SCHOOL AGE MINOR: A person between the ages of six (6) and eighteen (18) years of age who is not exempted, and must be attending public school or regularly established private school during the school year of the district in which the minor resides pursuant to the compulsory education requirements set forth in Utah Code sections 53G-6-201 to 53G-6-211.

EMERGENCY: An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident or any situation requiring immediate action to prevent bodily injury or loss of life.

ESTABLISHMENT: Any privately owned place of business, whether nonprofit or operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

GUARDIAN:

- A. A person who, under court order, is the guardian of the person of minor, or
- B. A public or private agency with whom a minor has been placed by a court.

MINOR: Any person under eighteen (18) years of age.

OPEN CAMPUS: When a compulsory school age minor is allowed by school officials to leave school for lunch purposes.

OPERATOR: Any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The term includes members or partners of any association or partnership and the officers of a corporation.

PARENT: A person who is:

- A. A natural parent, adoptive parent, or stepparent of another person, or
- B. At least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, sidewalks, the common areas of schools, hospitals, apartment houses, office buildings, stores and shops.

SERIOUS BODILY INJURY: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the functions of any bodily member or organ.

TRUANCY HOURS: Those hours in which a compulsory school age youth should be attending school in the district or jurisdiction in which the student attends school. (Ord. 2011-18, 12-13-2011; amd. Ord. 2022-10, 2-22-2022)

9.17.020: OFFENSES:

- A. A compulsory school age minor commits an offense if he or she remains in any public place or on the premises of any establishment within the county during truancy hours.
- B. A parent or guardian of a minor commits an offense if he or she knowingly permits by insufficient control or allows a compulsory school age minor to remain in any public place or on the premises of any establishment within the county during truancy hours.
- C. The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a compulsory school age minor to remain upon the premises of the establishment during truancy hours. (Ord. 2011-18, 12-13-2011)

9.17.030: DEFENSES:

- A. It is a defense to prosecution under section 9.17.020 of this chapter that a minor was:
 - 1. Accompanied by the minor's parent or guardian;
 - 2. On an errand at the discretion of the minor's parent or guardian, without any detour or stop;
 - 3. In a motor vehicle involved in interstate or intrastate travel with the permission of the minor's parent or guardian;
 - 4. Engaged in an employment activity, or going to or returning home or to school from an employment activity, without any detour or stop; provided the employment activity does not violate the state's compulsory education requirements;
 - 5. Involved in a legitimate emergency;
 - 6. Following school policy regarding open campus for lunch;
 - 7. Attending an official school, religious or other recreational activity supervised by adults and sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor, or going to or returning home or to school without any detour or stop, from an official school, religious, or other recreational activity supervised by adults and sponsored by the city, a civic organization or another similar entity that takes responsibility for the minor; provided attendance at such activity is with the permission of the minor's parent or guardian and/or is sponsored by the school at which the minor would otherwise be required to attend during truancy hours;
 - 8. Is exercising first amendment rights protected by the United States constitution, such as the free exercise of religion, freedom of speech, and the right to assembly; or
 - 9. Married or had been married or had disabilities of minority removed in accordance with state law.
- B. It is a defense to prosecution under subsection 9.17.020C of this chapter that the owner, operator or employee of an establishment promptly notified the sheriff's office or other local law enforcement agency, that a minor was present on the premises of the establishment during truancy hours and refused to leave. (Ord. 2011-18, 12-13-2011)

9.17.040: ENFORCEMENT:

Before taking any enforcement action under this chapter, the law enforcement officer shall ask the apparent offender's age and reason for not being at school. The officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense is present. (Ord. 2011-18, 12-13-2011)

9.17.050: PENALTIES:

A person who violates a provision of this chapter is guilty of a class C misdemeanor and a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed five hundred dollars (\$500.00). (Ord. 2011-18, 12-13-2011)

TITLE 10

PARKING AND VEHICLES

Reserved 10.04

Parking Regulations 10.08

Reserved 10.12

Reserved 10.16

Vehicle Emissions And Maintenance Program 10.20

CHAPTER 10.04

RESERVED

(Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

CHAPTER 10.08

PARKING REGULATIONS

SECTION:

10.08.010: Definition

10.08.020: County Executive To Regulate

10.08.010: DEFINITION:

The term "county facilities" means lands owned and under the supervision and control of Cache County Corporation. It specifically includes those areas designated and made available for off street parking purposes for the public at large in areas surrounding the Cache County Courthouse And Administration Building, Cache County Sherriff's Complex, Cache County Senior Center, Cache County road shops, the county fairgrounds, and all other facilities and properties owned and operated by the county. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

10.08.020: COUNTY EXECUTIVE TO REGULATE:

The county executive is authorized to place upon the parking areas surrounding county facilities, signs regulating all parking, including regulations pertaining to the maximum duration for which parking is allowed, periods of time when parking may be prohibited, or in areas where specified or restricted parking is allowed, and designate certain spaces for county, state and federal employees or other matters pertaining to the efficient regulation control of public parking areas. The county executive or designee shall have the authority to enforce parking restrictions that are placed on all county facilities. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

CHAPTER 10.12

RESERVED

(Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

CHAPTER 10.16

RESERVED

(Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

CHAPTER 10.20

VEHICLE EMISSIONS AND MAINTENANCE PROGRAM

SECTION:

10.20.010: Purpose

10.20.020: Powers And Duties

10.20.030: General Provisions

10.20.040: Guidelines To Be Followed By The Bear River Board Of Health

10.20.050: Review Of Need For Program

10.20.010: PURPOSE:

The purpose of this chapter is to reduce air pollution levels in Cache County by requiring emission inspections of on road motor vehicles and by requiring emission related repairs and/or adjustments for those vehicles that fail to meet the prescribed standards so as to:

- A. Protect and promote the public health, safety, and welfare;
- B. Improve air quality;
- C. Comply with the federal regulations contained in 40 CFR part 51 subpart S;
- D. Comply with the law enacted by the legislature of the state of Utah, section 41-6a-1642 Utah Code Annotated, 1953, as amended. (Ord. 2013-04, 3-12-2013, eff. 3-27-2013)

10.20.020: POWERS AND DUTIES:

- A. The Cache County council (hereafter "council") has authority to implement a vehicle emission inspection and maintenance program under section 41-6a-1642, Utah Code Annotated, 1953, as amended.
- B. The council is presently required by the EPA and the state of Utah to implement a vehicle emission inspection and maintenance program.
- C. The council hereby delegates its authority as an administrative body under section 41-6a-1642, Utah Code Annotated, 1953, as amended, to the Bear River district board of health (hereafter "board"), to address all issues pertaining to the adoption and administration of the vehicle emission inspection and maintenance program.
- D. The council authorizes and directs the board to adopt and promulgate rules and regulations to ensure compliance with EPA and state implementation plan requirements with respect to an emission inspection and maintenance program. (Ord. 2013-04, 3-12-2013, eff. 3-27-2013)

10.20.030: GENERAL PROVISIONS:

- A. The board, in conjunction with its staff, will administer and enforce this chapter.
- B. The board shall adopt vehicle emission and inspection rules and regulations which meet EPA and state implementation plan requirements.
- C. The council shall approve the initial rules and regulations established by the board and all changes in rules and regulations. (Ord. 2013-04, 3-12-2013, eff. 3-27-2013)

10.20.040: GUIDELINES TO BE FOLLOWED BY THE BEAR RIVER BOARD OF HEALTH:

- A. Vehicles registered in Cache County that are not exempt from the program will be inspected on the following schedule:
 - 1. Gasoline and natural gas powered vehicles model year 1969 and newer: No emissions inspection will be required for gasoline and natural gas powered vehicles that are six (6) model years and newer as of January 1 of any given year. An emissions inspection will be required every other year for vehicles that are seven (7) model years and older as of January 1 of any given year. Emissions testing on odd numbered years for vehicles with odd numbered model years and on even numbered years for vehicles with even numbered model years. No emissions inspection for vehicles model year 1968 and older.
 - 2. Diesel powered vehicles model year 1998 and newer: No emissions inspection will be required for diesel powered vehicles that are six (6) model years and newer as of January 1 of any given year. An emissions inspection will be required every other year for vehicles that are seven (7) model years and older as of January 1 of any given year. Emissions testing on odd numbered years for vehicles with odd numbered model years and on even numbered years for vehicles with even numbered model years.

Diesel powered vehicles 2007 and newer will be tested using OBD technology. Diesel powered vehicles 1998 - 2006 will have a visual inspection to verify that proper emissions control devices are in place. Diesel powered vehicles 1997 and older are subject to the Bear River Health Department smoking vehicle program. (Ord. 2013-04, 3-12-2013, eff. 3-27-2013)

- 3. Effective January 1, 2021, vehicles registered in Cache County, that are not exempt from inspection requirements, will be inspected on the following schedule:
 - a. All gasoline and non-diesel based alternative fuel powered vehicles, including bi-fuel vehicles, model year 1996 and newer, with a GVWR eight thousand five hundred (8,500) pounds or less will be subject to inspection. All gasoline and non-diesel based alternative fuel powered vehicles, including bi-fuel vehicles, model year 2008 and newer, with a GVWR greater than eight thousand five hundred (8,500) pounds and less than fourteen thousand one (14,001) pounds will be subject to inspection.
 - b. All diesel and diesel based alternative fuel powered vehicles model year 1998 and newer, with a GVWR less than fourteen thousand one (14,001) pounds will be subject to inspection.

c. No emissions inspection will be required for any vehicle that is less than six (6) years old on January 1 based on the age of the vehicle as determined by the model year identified by the manufacturer.

d. Emissions inspections will be required in odd-numbered years for a vehicle with an odd-numbered model year. Emissions inspections will be required in even-numbered years for a vehicle with an even-numbered model year. (Ord. 2018-15, 12-11-2018)

B. A maximum fee for inspection shall be set by the Board and approved by the Council. Part of this fee will be retained by the entity which performs the test and part may be remitted to the Board as reimbursement for administering the program. The intent of the Council is that this fee be as low as possible, while still maintaining the financial viability of the program.

C. If a vehicle fails an emissions inspection, a waiver may be granted that will allow the vehicle to be registered that year. In order to qualify for a waiver, the vehicle owner/operator must spend a minimum of two hundred dollars (\$200.00) on emissions related repairs and meet any other requirements established by the Board. A waiver will be issued once during the lifetime of the vehicle. Any changes to the minimum required repair expenditure to qualify for the waiver shall be approved by the Council.

D. Emission inspections in Cache County will be conducted by private firms. The Board shall establish criteria to be used to identify how many and which firms are allowed to conduct inspections and the training that is required for certification. (Ord. 2013-04, 3-12-2013, eff. 3-27-2013)

1. Effective January 1, 2021, emission inspections in Cache County will be conducted by private firms, or by utilizing remote OBD technology. The Board shall establish criteria to ensure that testing is performed in accordance with State and Federal requirements. (Ord. 2018-15, 12-11-2018)

E. To fund the administration of the emissions inspection and maintenance program and other air quality improvement programs, the Council authorizes an air pollution control fee to be assessed upon every motorized vehicle registered in Cache County at the time of registration as provided by section 41-1a-1223, Utah Code Annotated, 1953, as amended.

1. The fee is set at three dollars (\$3.00) for each vehicle registration within the County under section 41-1a-215, Utah Code Annotated, 1953, as amended and at two dollars twenty five cents (\$2.25) for each vehicle registration within the County for a six (6) month registration period under section 41-1a-215.5, Utah Code Annotated, 1953, as amended.

2. Motor vehicles that are exempt from the registration fee, and commercial vehicles with an apportioned registration shall be exempt from this fee as per section 41-1a-1223, Utah Code Annotated, 1953, as amended.

3. The fee shall be assessed beginning January 1, 2014. (Ord. 2013-04, 3-12-2013, eff. 3-27-2013)

Notes

1. UCA § 41-6a-1642(3).

10.20.050: REVIEW OF NEED FOR PROGRAM:

The Council shall review the vehicle emissions and maintenance program at least every five (5) years to evaluate the continuing need for the program. (Ord. 2013-04, 3-12-2013, eff. 3-27-2013)

TITLE 11

RESERVED

TITLE 12

RIGHTS OF WAY, ROADWAYS, AND TRANSPORTATION FACILITIES

Public Roadways And Rights Of Way 12.01

Roadway Standards 12.02

CHAPTER 12.01

PUBLIC ROADWAYS AND RIGHTS OF WAY

SECTION:

12.01.010: Rights Of Way And Roadway Authority

12.01.020: Signage Authority

12.01.030: Motor Vehicle Usage

12.01.040: Private Property

12.01.050: Damage To Roadways

12.01.060: Penalties

12.01.010: RIGHTS OF WAY AND ROADWAY AUTHORITY:

A. Acceptance Of Rights Of Way, Easements, And Roadways:

1. The county council shall authorize the county executive to accept, accept with conditions, or reject any new rights of way or easements for incorporation into the county's roadway or trail network. All such actions shall be made at a noticed public meeting.

2. The county executive shall have the authority to accept, accept with conditions, or reject the dedication of existing roadways or additional right of way width on existing roadways.

3. The county executive shall have the authority to provide the final acceptance of all new roadways, bridges, or other transportation facilities within county rights of way or easements. All such facilities shall meet the current standard of construction as outlined in this title and any applicable policies.

4. The acceptance of any right of way, easement, or roadway made by the county executive shall be made by executive order and filed with the county clerk.

B. Closure Of Roads:

1. The county executive shall have the authority to place restrictions for the use of or complete closures on roadways, bridges, and other county facilities to address safety concerns, load limitations, or potential damage to roadway surfaces. This also includes temporary closures for construction or other improvements.

2. The county council shall have the authority to place ongoing, seasonal restrictions on roadways based on the inability to provide snow removal, potential damage to roadways during certain periods of the year, or other safety or access concerns.

3. The county council shall have the authority to abandon or alter rights of way in compliance with Utah Code Annotated 17-27a-208 and 72-3-108.

4. The county executive may impose time specific restrictions on certain mountain roads lying within the unincorporated areas of Cache County, designated by the division of parks and recreation as groomed snowmobile trails, for use by snowmobiles during the winter months, and are to be groomed by the state division of parks and recreation as snowmobile trails.

5. No individual, corporation, government agency, or any other entity, or person(s) shall obstruct or attempt to limit access to a county road. The public shall have access to county roads unless they are temporarily restricted for an emergency, for construction projects, for seasonal restriction as authorized by the county council, or for any other reason deemed appropriate by the county executive. No locks of any kind may be placed upon a gate restricting a county road without the approval of the county council. Cattle guards may be placed across a county road with the permission of the county executive, when necessary to keep livestock contained. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

12.01.020: SIGNAGE AUTHORITY:

The county executive is authorized to establish speed limits, exercise the regulatory powers as provided in Utah Code Annotated section 41-6a-603, and authorize and supervise the erection and maintenance of traffic control devices upon roads, highways, rights-of-way, and easements under county jurisdiction in the manner provided by and consistent with state law.

A. The county executive shall issue an executive order, to be filed with the county clerk, for the posting of all regulatory signs including:

1. Speed limit.
2. Stop and yield.
3. Load limitations.

B. The county public works department shall have the authority to maintain, replace, and upgrade all existing signs as needed and to post informational and warning signs including:

1. Hazard placards.
2. Advanced warning.
3. Temporary or construction related signage. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013; amd. Ord. 2020-05, - -2020)

12.01.030: MOTOR VEHICLE USAGE:

It is unlawful for any person to operate any type of motor vehicle, including, but not limited to, automobiles, motorcycles, trail bikes, dune buggies, motor scooters, jeeps, trucks or other motorized vehicles, on any land within the unincorporated area of Cache County, except:

- A. Upon a highway, roadway, or trail open to the public for use by such motor vehicles.
- B. Upon private property if the operator of such vehicle obtains written permission from the person in lawful possession of the property. Written permission must be maintained in the individual's possession while utilizing the private land.
- C. Upon private property used for residential purposes where such vehicles are there at the express or implied invitation of the owner or persons in lawful possession of the property.
- D. Emergency vehicles when responding to emergency.
- E. Vehicles operated by public officials or servants when on official business. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

12.01.040: PRIVATE PROPERTY:

Any property owner who owns lands adjacent to a public road, may place signs indicating that the land adjacent to the public road is private property. Each landowner will be limited to two (2) such signs, and said signs shall be no smaller than twelve inches by sixteen inches (12" x 16") and no larger than twenty four inches by thirty two inches (24" x 32") and placed no higher than five feet (5') at the highest point of the sign. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

12.01.050: DAMAGE TO ROADWAYS:

- A. Water: It is unlawful for any person to damage or cause to be damaged any county road right of way, or other public facility/signage by permitting irrigation waters, groundwater, stormwater, or other drainage waters to enter upon or damage such road.
- B. Equipment: It is unlawful for any person to damage or cause to be damaged any county road, right of way, or other public facility/signage with construction equipment, vehicles, or farm implements. This includes, but is not limited to, leaving or depositing unapproved material on the roadway surface, unapproved work within the right of way, or the removal of signage/safety equipment. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

12.01.060: PENALTIES:

Notwithstanding any other penalties provided by law, any person violating any of the terms of this title shall be deemed guilty of a class B misdemeanor, and shall be liable for the cost of any corrective actions necessary to repair damage to county facilities. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013)

CHAPTER 12.02
ROADWAY STANDARDS

SECTION:

12.02.010: Standards

12.02.020: Development Of Roadways

12.02.030: Fee In Lieu Of Required Improvements

12.02.010: STANDARDS:

- A. Intent: The intent of this chapter is to provide for the equitable development of roadways using standard engineering and construction practices and to provide for safe and efficient access to homes and businesses and for through travelers.
- B. Standards Adopted: The county council has adopted a Manual of Roadway Design & Construction Standards (the "Manual") setting forth the standards and requirements for the construction of roadways, accesses, and other development within county rights-of-way. The Manual provides the requirements for the construction of roadways for private development and county improvements and for modifications to existing roadways by private persons or entities. A copy of the Manual will be on file with the county clerk, and a copy of the Manual will be available for inspection and reference by the public in the office of the public works department.
- C. Violation: A violation of the Manual is a violation of this title. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013; amd. Ord. 2021-02, 1-12-2021)

12.02.020: DEVELOPMENT OF ROADWAYS:

- A. The roads in a new subdivision or development must connect to an existing county road, private road, improved state highway, or improved city street. Where the connection to an existing county road, private road, improved state highway, or improved city street cannot occur within or immediately adjacent to the new subdivision or development, the subdivider or developer must acquire the needed rights-of-way and construct the required improvements at the subdivider's or developer's expense.
- B. Where land abutting an existing substandard roadway is subdivided or developed, the subdivider or developer must at the subdivider's or developer's expense dedicate any necessary rights-of-way and improve the adjacent roadway to conform

to the standards and requirements set forth in the Manual. The term “substandard roadway” in this subsection has the meaning given to that term in the Manual.

C. It is unlawful for any person to commence work upon or within any county right-of-way until a permit has been granted in conformance with the requirements of the Manual.

D. Any person or entity working within a county right-of-way or on a county facility must pay all costs associated with that work, including costs for the review of design and construction documents, costs for traffic impact studies, and costs for inspections of improvements. Any such costs charged directly by the county as fees must be adopted by the council within a fee schedule. (Ord. 2013-14, 10-8-2013, eff. 10-23-2013; amd. Ord. 2021-02, 1-12-2021)

12.02.030: FEE IN LIEU OF REQUIRED IMPROVEMENTS:

A. Where present conditions exist that make it unfeasible or impractical to install any required public improvements at the time of subdivision or development, the director of the public works department or the director’s designee may require the subdivider or developer to pay to the county a fee equal to the estimated cost of such improvements as determined by the director of the public works department. Upon payment of the fee, the county will assume responsibility for future installation of the improvements.

B. The county will establish an interest bearing ledger account for fees collected under this section. The county will maintain records identifying properties for which such fees have been collected, fee amounts collected for such properties, interest earned on such fees, and the expenditure of such fees.

C. The county may expend a fee collected under this section with respect to a particular parcel, and any associated interest, only to install the improvements for which the fee was paid in lieu of. Except as provided in subsection D, the county must expend or encumber a fee collected under this section within 12 years after the fee is collected.

D. The county may hold a fee collected under this section for longer than 12 years if it identifies in writing an extraordinary and compelling reason why the fee should be held longer than 12 years and an absolute date by which the fee will be expended.

E. As used hereafter in this section:

1. “Affected lot” means a parcel with respect to which the county collected a fee under this section where the fee is subject to a refund under subsection G.

2. “Claimant” means (a) the original owner; (b) the person who paid a fee under this section; or (c) another person who, under subsection I, submits a timely notice of the person’s valid legal claim to a fee refund.

3. “Original owner” means the record owner of an affected lot at the time the county collected a fee under this section.

4. “Unclaimed refund” means a fee collected under this section that is subject to refund under this section but which has not been refunded after application of subsections G and H.

F. The county must refund any fee paid by a subdivider or developer under this section, plus interest earned on the fee, when the subdivider or developer does not proceed with the subdivision or development and has filed a written request for a refund, the fee has not been spent or encumbered, and no impact on the county has resulted.

G. If a fee collected under this section is not spent or encumbered in accordance with subsection C, the county must, subject to subsection H, refund the fee to the original owner, if the original owner is the sole claimant, or to the claimants, as the claimants agree, if there are multiple claimants. If there are multiple claimants who fail to agree on how the refund should be paid to the claimants, the county must interplead the fee refund to a court of competent jurisdiction for a determination of the entitlement to the refund.

H. If the original owner’s last known address is no longer valid at the time the county attempts under subsection G to refund a fee to the original owner, the county must (1) post a notice on its website, stating the county’s intent to refund the fee and identifying the original owner; (2) maintain the notice on the county’s website for one year; and (3) disqualify the original owner as a claimant unless the original owner submits a written request for the refund within one year after the first posting of the notice.

I. In order to be considered a claimant for a fee refund, a person, other than the original owner, must submit to the director of the public works department a written notice explaining the person’s valid legal claim to the fee refund. The written notice must be submitted no later than 30 days after expiration of the 12-year time period for expending or encumbering the fee that is the subject of the refund.

J. The county may retain an unclaimed refund and associated interest. The county must expend any unclaimed refund and associated interest on road construction or maintenance within the county. (Ord. 2021-02, 1-12-2021)

TITLE 13

PUBLIC SERVICES

CHAPTER 13.01

COUNTY WATER BROKERAGE

SECTION:

13.01.010: Creation

13.01.020: Purposes

13.01.030: Duties

13.01.040: Authority

13.01.050: Budget

13.01.060: Further Regulation

13.01.010: CREATION:

There shall be a county water brokerage, which shall be headed and directed by the county water manager who administers the county water department. (Ord. 2008-09, 11-11-2008)

13.01.020: PURPOSES:

The county water department shall use the county water brokerage to provide for the development of the county's water resources. The county water brokerage shall facilitate beneficial use of water, the efficient allocation of that water, and assist in preserving, managing, providing and planning for the current and future water requirements of the county. (Ord. 2008-09, 11-11-2008)

13.01.030: DUTIES:

The county water brokerage shall assist the county in the development of water resources, and perform such functions, reasonably related to the safety, health, morals, and welfare of county inhabitants, as delegated to it by the county council or county executive. (Ord. 2008-09, 11-11-2008)

13.01.040: AUTHORITY:

The county water brokerage shall have the powers and responsibilities necessary to perform the duties charged under section 13.01.030 of this chapter. Among other functions, it is specifically contemplated that the county water brokerage, when appropriate, shall:

- A. Bring willing buyers and sellers of water right interests together;
- B. Act as an intermediary in assisting water users in transferring water right interests to one another, to the county, to municipalities, and to water conservancy districts;
- C. Provide for the reasonable future water requirements of the public;
- D. Commission engineering, hydrological, or other technical studies, and to otherwise provide necessary professional services;
- E. Purchase, sell, lease, acquire, dispose of, contract for, enter agreements with respect to, place under control, appropriate, assign, broker, transfer, possess, use, construct, design, develop, maintain, recharge, store, auction, rent, advertise, establish prices for, bid for, educate regarding, provide services concerning, convey, condemn (when appurtenant to land that is being condemned), and otherwise manage water rights, water right interests, other real property, and the diversionary and storage devices related thereto;
- F. Promulgate rules and regulations necessary to carry out the duties charged under section 13.01.030 of this chapter, and to the extent reasonably related to such duties, to exercise powers conferred to counties under the Utah constitution, by the legislature, and recognized under the laws of the state of Utah. (Ord. 2008-09, 11-11-2008)

13.01.050: BUDGET:

The county water brokerage shall be included in the county budget under the county water department. (Ord. 2008-09, 11-11-2008)

13.01.060: FURTHER REGULATION:

The county council, upon the advice of the county water manager and in consideration of existing state regulation of water, may adopt all rules, requirements, ordinances, resolutions, development agreements, and other forms of land use controls necessary to implement sections 13.01.010 through 13.01.050 of this chapter. (Ord. 2008-09, 11-11-2008)

TITLE 14

RESERVED

TITLE 15

BUILDINGS AND CONSTRUCTION

Building Codes Adopted 15.04

Fire Code 15.08

Public Land Corner Preservation Fund 15.12

Chief Building Official 15.16

Reserved 15.20

Fences 15.24

Flood Damage Prevention 15.28

Stormwater Regulations 15.32

CHAPTER 15.04

BUILDING CODES ADOPTED

SECTION:

15.04.010: Adoption Of Codes

15.04.020: Definitions

15.04.030: Copies

15.04.040: Fees

15.04.010: ADOPTION OF CODES:

In order to promote the health, safety, and welfare of the citizens of Cache County, the most current version of the following codes are automatically adopted:

- A. The international building code with all amendments therein as adopted by the legislature of the state of Utah, and also adopts the following appendices of that code:
 1. Appendix B - board of appeals.
 2. Appendix G - flood resistant construction.
 3. Appendix J - grading.
- B. The international plumbing code with all amendments therein as adopted by the legislature of the state of Utah.
- C. The international mechanical code with all amendments therein as adopted by the legislature of the state of Utah.
- D. The national electrical code with all amendments therein as adopted by the legislature of the state of Utah.
- E. The international residential code with all amendments therein as adopted by the legislature of the state of Utah.
 1. Appendix G section AG106.
- F. The international fuel gas code with all amendments therein as adopted by the legislature of the state of Utah.
- G. The international existing building code with all amendments therein as adopted by the legislature of the state of Utah.
- H. The international energy conservation code with all amendments therein as adopted by the legislature of the state of Utah.
- I. The ANSI 117.1 accessibility code with all amendments therein as adopted by the legislature of the state of Utah. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

15.04.020: DEFINITIONS:

- A. Whenever the word "jurisdiction" is used in these codes, it shall mean Cache County, Utah.
- B. Whenever the words "department of building safety" or "code enforcement agency" are used in these codes, they shall mean the building department of Cache County, Utah. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

15.04.030: COPIES:

Copies of the most current building codes in effect shall be maintained at the clerk's office of Cache County for public

review. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

15.04.040: FEES:

Building permit fee schedules including plan review fees shall be based on the total valuation of the proposed project and be adopted by a resolution of the county council. See Consolidated Fee Schedule for amount of fee. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

CHAPTER 15.08

FIRE CODE

SECTION:

15.08.010: Minimum Requirements

15.08.020: Cache County Fire Code

15.08.030: Amendments

15.08.040: Fire Code Official

15.08.050: Enforcement

15.08.010: MINIMUM REQUIREMENTS:

This chapter is adopted as the requirements concerning the regulations governing life safety and fire prevention code. Where the provisions of this code conflict with the provisions of another, the more specific requirement shall be applicable. (Ord. 2006-16, 12-5-2006)

15.08.020: CACHE COUNTY FIRE CODE:

Each of the regulations, provisions, penalties, conditions, and terms of the following codes and standards, with the additions, insertions, deletions, and changes thereto, if any, prescribed in Chapter 8 of Title 15 of the Cache County Code, are adopted as the Cache County Fire Code:

A. The International Fire Code published by the International Code Council, Inc., as adopted by the State of Utah in Section 15A-5-103(l) of the Utah Code and as amended by the State of Utah in Part 2 of Title 15 A of the Utah Code.

B. Sections D103, D106, and D107 of Appendix D to the International Fire Code published by the International Code Council, Inc., 2018 edition, except that Subsection D 103.1 is not adopted.

C. The International Urban-Wildland Interface Code published by the International Code Council, Inc., as adopted by the State of Utah, with exceptions, in Utah Administrative Code R652-122-1300.

D. The National Fire Protection Association, NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, 2017 edition ("NFPA 1142"), except delete Section 4.6 thereof, titled Water Delivery Rate to the Fire Scene, and exempt all structures in the Forest Recreational Zone (FR40) with an occupancy classification of Storage Group S under the International Building Code from the requirements of NFPA 1142. (Ord. 2006-16, 12-5-2006; amd. Ord. 2011-09, 6-28-2011, eff. 7-13-2011; Ord. 2019-11, 12-3-2019; Ord. 2021-09, 3-9-2021)

15.08.030: AMENDMENTS:

The following sections of the International Fire Code are also hereby revised:

Section 101.1 Insert: Cache County for [name of jurisdiction].

Section 110.4 Insert: Class C misdemeanor for [specify offense].

Section 110.4 Insert: up to seven hundred and fifty dollars (\$750.00) for [amount].

Section 110.4 Insert: up to ninety days or [number of days].

Section 112.4 Insert: up to two hundred and fifty dollars (\$250.00) for the first [amount] and up to seven hundred and fifty dollars (\$750.00) for the second [amount].

Section 503.2 Insert: Driveways are considered fire department access roads.

Section 507.2 Insert: A mobile water supply is approved for fire protection in Group R3 Occupancies when a water source meeting the required fire flow is not available. A mobile water supply is approved for fire protection in Group S Occupancies in Forest Recreation-40 Zones when a water source meeting the required fire flow is not available.

Appendix A: A101.1 Insert: The board of appeals established within the unincorporated portion of Cache County for the purpose of hearing applications for modification of the international fire code pursuant to the provisions of section 108 shall be the Cache County fire board. (Ord. 2011-09, 6-28-2011, eff. 7-13-2011; amd. Ord. 2020-06, 4-28-2020)

15.08.040: FIRE CODE OFFICIAL:

Whenever the words "fire code official" or "fire official" are used in the fire code adopted in this chapter, they shall mean the Cache County fire chief. (Ord. 2006-16, 12-5-2006)

15.08.050: ENFORCEMENT:

The fire code shall be enforced by the Cache County fire district under the supervision of the Cache County fire chief. The Cache County fire chief may assign such members from the fire district as fire marshal, deputy fire marshals or inspectors as shall from time to time be necessary. The urban-interface code shall be enforced by the Cache County fire district and the Cache County development services department. All citations and penalties issued in the enforcement of this code shall be done with direct consultation and oversight of the Cache County attorney or his/her designee. (Ord. 2006-16, 12-5-2006)

CHAPTER 15.12

PUBLIC LAND CORNER PRESERVATION FUND

SECTION:

15.12.010: Established; Fees

15.12.010: ESTABLISHED; FEES:

A. Pursuant to the provisions of Utah Code Annotated section 17-23-19, the public land corner preservation fund is established. Monies generated for the fund shall be used only to pay expenses incurred in the establishment, reestablishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under title 17, chapter 23, and title 57, chapter 10, of the Utah Code Annotated, 1953.

B. The county shall establish a fee schedule for filing maps, records of survey, road dedication plats, and other property plats in the development services office. All monies collected from these identified fees shall be used for the public land corner preservation fund. (Ord. 2015-12, 10-13-2015, eff. 10-28-2015; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

CHAPTER 15.16

CHIEF BUILDING OFFICIAL

SECTION:

15.16.010: Building Official

15.16.020: Powers And Duties

15.16.030: Permit Issuance And Limits

15.16.040: Certificate Of Occupancy

15.16.050: Dwelling Maintained On Lot

15.16.060: Sanctions

15.16.010: BUILDING OFFICIAL:

The County's chief building official shall be appointed by the County Executive in accordance with the provisions of the International Building Codes as adopted by Cache County in chapter 15.04 of this title (hereinafter referred to as "Building Codes"). For the purpose of this chapter, a building official shall mean any inspector or designee of the chief building official. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

15.16.020: POWERS AND DUTIES:

It shall be the duty of the chief building official or their designee to:

- A. Issue permits for all construction and inspect all buildings in course of construction, modification or repair.
- B. Enforce all of the provisions of the zoning ordinance as they relate to building and construction, including, but not limited to, site location, setbacks, side yards, height restrictions as they relate to the Building Codes and any other codes as adopted by the County.
- C. Undertake such enforcement by all reasonable means, including causing actions to be filed in the court of appropriate jurisdiction when necessary. The failure of the building official to enforce any provision of the zoning ordinance or Building Codes shall not be deemed a waiver of the right to such enforcement nor constitute a waiver of the requirements of the zoning ordinance or the Building Codes and any other codes as adopted by the County.
- D. Be responsible for the issuance of building permits in accordance with the provisions of the zoning ordinance, the Building Codes and any other codes as adopted by the County.
- E. Have the power of enforcement specified in the Building Codes.
- F. Have the power to issue notices and orders to cease and desist from any building or construction in violation of the zoning ordinance, the Building Codes, or any other codes adopted by the County. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

15.16.030: PERMIT ISSUANCE AND LIMITS:

A. No construction, modification, repair, removal or occupancy of any structure, building, or any part thereof, which requires a building permit, shall be commenced or lawful unless or until a written building permit shall have been issued for such construction, modification, repair, removal or occupancy.

B. No permit should be issued for the construction or modification of any building or structure or for the moving of a building or structure onto a lot, if such building or structure would be in violation of any of the provisions of this chapter. No other permit or license for the use of any building or property shall be granted by any officer or agent of the County if such use would be in violation of this chapter.

C. No building permit may be issued for buildings or structures on restricted lots.

D. No building permit may be issued without a written statement confirming compliance with the zoning ordinance signed by the Director of Development Services.

E. Approval of any application for a building permit shall in no way exempt the applicant from the strict observation of applicable provisions of this zoning ordinance or any other County or State regulation, ordinance or code.

F. A building permit issued in error shall not confer any rights or privileges to the applicant to proceed with construction and the County shall have the power to revoke such permit immediately upon discovery of any such error.

G. It is unlawful for any person, firm, corporation or utility company to energize, supply fuel, or provide service to any structure, building, service equipment and/or wiring, gas metering equipment, piping and/or appliances for which a building permit is required, until approval is granted by the building official. The building official may order utility services terminated at any location where the use is not authorized or is in violation of the building, zoning or other ordinances of Cache County. (Ord. 2017-09, 10-24-2017, eff. 11-9-2017)

15.16.040: CERTIFICATE OF OCCUPANCY:

No building or structure shall be used or occupied until a certificate of occupancy shall have been issued by the chief building official or their designee. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

15.16.050: DWELLING MAINTAINED ON LOT:

Every dwelling shall be located and maintained on a "lot", as defined in the zoning ordinance. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

15.16.060: SANCTIONS:

A. In addition to any fines or imprisonment, the cost of enforcement incurred by the County, including the costs of obtaining any injunctive relief or court orders, costs of investigation, or service of documents shall be assessed against the violator as well as the imposition of additional fees as required under the Building Codes and any other codes as adopted by the County.

B. The chief building official shall have such power as is provided by the Building Codes for the enforcement thereof, including, but not limited to, the power to issue notices and orders to cease and desist from any unlawful construction, practice, or use in violation of the Building Codes or other applicable codes. (Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

CA899 15.20

CHAPTER 15.20

RESERVED

(Ord. 2011-04, 5-24-2011, eff. 6-4-2011)

CHAPTER 15.24

FENCES

SECTION:

15.24.010: Lawful Fence Defined

15.24.020: Legal Fence Defined

15.24.010: LAWFUL FENCE DEFINED:

A lawful fence shall be not less than four feet (4') in height, and may be constructed of barbed or other fencing wire with not less than four (4) wires, and good, substantial posts not more than one rod apart. Corner posts, where the inside angle is less than one hundred thirty five degrees (135°) shall be substantially braced or counterweighted. Gates in such fences need not be constructed of wire, but shall, in all cases, provide equal protection to ingress and egress as such lawful fence, and if constructed of wire, shall conform to specifications above set out for such lawful fence. (Ord. 45-01; amd. Ord. 2022-09)

15.24.020: LEGAL FENCE DEFINED:

Pursuant to Utah Code section 4-25-204, the Cache County council declares that a lawful fence in Cache County, Utah, is defined as:

- A. An electrified fence existing on a single or multiple wires attached to a fence post by insulators so that the same may carry an electric charge; or
- B. A fence consisting of three (3) or more barbed wires, boards or poles attached to posts not more than one rod apart. (Ord. 78-14; amd. Ord. 2022-09)

CHAPTER 15.28

FLOOD DAMAGE PREVENTION

15.28.100: Authority, Purpose, And Methods

15.28.110: Statutory Authorization

15.28.120: Purpose

15.28.130: Methods Of Reducing Flood Losses

15.28.200: Definitions

15.28.300: General Provisions

15.28.305: Lands To Which This Chapter Applies

15.28.310: Basis For Establishing The Special Flood Hazard Areas

15.28.320: Establishment Of Floodplain Development Permit

15.28.330: Compliance

15.28.340: Abrogation And Greater Restrictions

15.28.350: Interpretation

15.28.360: Warning And Disclaimer Of Liability

15.28.365: Requirement To Submit New Technical Data

15.28.370: Substantial Improvement And Substantial Damage Determination

15.28.400: Administration

15.28.410: Designation Of The Floodplain Administrator

15.28.420: Duties And Responsibilities Of The Floodplain Administrator

15.28.430: Permit Procedures

15.28.440: Variance Procedures

15.28.445: Stop Work Order

15.28.450: Penalties For Noncompliance

15.28.500: Provisions For Flood Hazard Reduction

15.28.510: General Construction Standards

15.28.520: Specific Construction Standards

15.28.530: Standards For Subdivision Proposals

15.28.540: Standards For Areas Of Shallow Flooding (AO/AH Zones)

15.28.550: Floodways

15.28.100: AUTHORITY, PURPOSE, AND METHODS:

15.28.110: STATUTORY AUTHORIZATION:

The legislature of the state of Utah has, in Utah code annotated 17-50-3, delegated the responsibility to counties to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the County Council of Cache County does have or has been delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses and, therefore, does ordain as follows: Cache County elects to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). The National Flood Insurance Program (NFIP) is a voluntary program administered by the Federal Emergency Management Agency (FEMA), a component of the U.S. Department of Homeland Security, and Cache County's community officials have elected to join the program, participate, and enforce this Flood Damage Prevention Ordinance and the requirements and regulations of the NFIP. The

NFIP, established in the aforesaid act, provides that areas of Cache County having a special flood hazard be identified by FEMA, and that floodplain management measures be applied in such flood hazard areas. Furthermore, Cache County may elect to administer the Flood Damage Prevention Ordinance to areas not identified as Special Flood Hazard Areas (SFHAs) by FEMA on the community's effective Flood Insurance Rate Map (FIRM), if the community has documentation to support that there is an inherent risk of flooding in such areas.

Findings of Fact:

A. The Flood hazard areas of Cache County are subject to periodic inundation which may result in the potential loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of SFHAs by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage. (Ord. 2023-14, 4-11-2023)

15.28.120: PURPOSE:

It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by:

- A. Protecting human life and health;
- B. Minimizing expenditure of public money for costly flood control projects;
- C. Minimizing the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimizing prolonged business interruptions;
- E. Minimizing damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- F. Helping maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- G. Notifying potential buyers that property is in a flood area. (Ord. 2023-14, 4-11-2023)

15.28.130: METHODS OF REDUCING FLOOD LOSSES:

- A. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands. (Ord. 2023-14, 4-11-2023)

15.28.200: DEFINITIONS:

Unless specifically defined below, words or phrases used in this chapter must be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application. Words used in the singular also include the plural, and the plural also includes the singular; words used in the present tense also include the future tense. Some words within this chapter are defined by either state or federal departments that regulate or permit floodplains. Words not defined in this section are construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

ACRONYMS:

- BFE: Base Flood Elevation
- CLOMR: Conditional Letter of Map Revision
- DFIRM: Digital Flood Insurance Rate Map
- FBFM: Flood Boundary and Floodway Map
- FEMA: Federal Emergency Management Agency
- FHBM: Flood Hazard Boundary Map
- FIRM: Flood Insurance Rate Map
- FIS: Flood Insurance Study

LOMR: Letter of Map Revision

NFIP: National Flood Insurance Program

SFHA: Special Flood Hazard Area

AREA OF SHALLOW FLOODING:	A designated AO, AH, or VO zone on a community's FIRM with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
BASE FLOOD:	A flood having a one percent (1%) chance of being equaled or exceeded in any given year. Also known as the one percent (1%) annual-chance flood event.
BASEMENT:	Any area of the building having its floor subgrade (below ground level) on all sides.
BEST AVAILABLE DATA:	Existing flood hazard information adopted by a community and reflected on an effective FIRM, FBFM, and/or within an FIS report; or draft or preliminary flood hazard information supplied by FEMA or from another source. Other sources may include, but are not limited to, state, other federal agencies, or local studies, the more restrictive of which would be reasonably used by the community.
BFE:	The water surface elevation of the base flood. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying FIS for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the base flood.
CLOMR:	A letter from FEMA commenting on whether a proposed project, if built as proposed, or proposed hydrology changes would meet minimum National Flood Insurance Program standards.
CRAWLSPACE:	An under-floor space that has its interior floor area (finished or not) no more than four feet (4') from the bottom floor joist of the next higher floor elevation, designed with proper openings that equalize hydrostatic pressures of floodwater, and is not used for habitation.
DEVELOPMENT:	Any manmade change in improved and unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
ENCLOSURE:	An enclosed walled-in area below the lowest floor of an elevated building. Enclosures below the BFE may only be used for building access, vehicle parking, and storage.
EROSION:	The process of the gradual wearing away of land masses by wind, water, or other agents.
EXISTING CONSTRUCTION:	For the purposes of determining rates, structures for which the start of construction commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as existing structures.
EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:	A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.
EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION:	The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
FBFM:	An official map of a community, issued by FEMA, on which SFHAs and the floodways are delineated. This official map is a supplement to and must be used in conjunction with the FIRM.

FILL:	The placement of materials, such as dirt, sand, or rock to elevate a structure, property, or portion of a property above the natural elevation of the site, regardless of where the material was obtained from. The common practice of removing unsuitable material and replacing with engineered material is not considered fill if the elevations are returned to the existing conditions. Any fill placed or used prior to the area being mapped as a SFHA is not deemed as fill.
FIRM:	An official map of a community that identifies FEMA-delineated SFHAs and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a DFIRM.
FIS:	The official report provided by FEMA. The report contains flood profiles, water surface elevation of the base flood, as well as the FBFM (if applicable), FIRM, and supporting technical data.
FLOOD (OR FLOODING):	A general and temporary condition of partial or complete inundation of normally dry land areas from: A. The overflow of inland or tidal waters. B. The unusual and rapid accumulation or runoff of surface waters from any source.
FLOOD HAZARD BOUNDARY MAP (FHBM):	Official map of a community issued by FEMA, where the boundaries of the flood, mudflow and related erosion areas having special hazard have been designated.
FLOOD OPENING:	An opening in the wall of an enclosed structure that allows floodwaters to automatically enter and exit the enclosure. Refer to FEMA Technical Bulletin 1.
FLOODPLAIN (OR FLOOD PRONE AREA):	Any land area susceptible to being inundated by water from any source (see definition of flood).
FLOODPLAIN DEVELOPMENT PERMIT:	A permit or document issued by Cache County that is used for any development that occurs within an SFHA identified by FEMA or Cache County. The permit is used to ensure the proposed development is compliant with Cache County's ordinance.
FLOODPLAIN MANAGEMENT:	The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.
FLOODPLAIN MANAGEMENT REGULATIONS:	Land use ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
FLOODPROOFING:	Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
FLOODWAY:	The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
FUNCTIONALLY DEPENDENT USE:	A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
HIGHEST ADJACENT GRADE:	The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE:	<p>Any structure that is:</p> <p>A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;</p> <p>B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;</p> <p>C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or</p> <p>D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:</p> <ol style="list-style-type: none"> 1. By an approved state program as determined by the Secretary of the Interior; or 2. Directly by the Secretary of the Interior in states without approved programs.
LOMR:	<p>FEMA's modification or revision to all or a portion of the FIRM, FBFM, or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing floodway, BFEs, or SFHAs.</p>
LOWEST FLOOR:	<p>The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of section 60.3 of the NFIP regulations.</p>
MANUFACTURED HOME:	<p>A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. A manufactured home is not recreational vehicle.</p>
MANUFACTURED HOME PARK OR SUBDIVISION:	<p>A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.</p>
MEAN SEA LEVEL:	<p>For purposes of the NFIP, the National Geodetic Vertical Datum of 1929 or other datum, to which BFEs shown on a community's FIRM are referenced.</p>
NEW CONSTRUCTION:	<p>For the purpose of determining insurance rates, structures for which the start of construction commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.</p>
NEW MANUFACTURED HOME PARK OR SUBDIVISION:	<p>A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.</p>

NFIP:	A program created by the Congress of the United States in 1968 through the National Flood Insurance Act of 1968 (P.L. 90-448). The NFIP has two (2) purposes: to share the risk of flood losses through flood insurance and to reduce Flood damages by restricting floodplain development. The program enables property owners in participating communities to purchase insurance protection, administered by the government, against losses from flooding, and requires flood insurance for all loans or lines of credit that are secured by existing buildings, manufactured homes, or buildings under construction, that are located in the SFHA in a community that participates in the NFIP. U.S. Congress limits availability to communities that adopt adequate land use and control measures with effective enforcement provisions to reduce flood damages by restricting development in areas exposed to flooding. The NFIP is managed and administrated by the FEMA.
NO-RISE CERTIFICATION:	Formal certifications signed and stamped by a professional engineer licensed to practice in the state, demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that a proposed development will not result in any increase (0.00 feet) in flood levels during the occurrence of a base flood.
RECREATIONAL VEHICLE:	A vehicle which is: A. Built on a single chassis; B. Four hundred (400) square feet or less when measured at the largest horizontal projections; C. Designed to be self-propelled or permanently towable by a light duty truck; and D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
SFHA:	The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, zone A usually is refined into zones A, AE, AH, AO, A1-A99, VO, V1-V30, VE or V.
START OF CONSTRUCTION:	For other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as: 1. Pouring of slab or footings; 2. Installation of piles; 3. Construction of columns; 4. Any work beyond the stage of excavation; or 5. Placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as: 1. Clearing, grading, and filling; 2. Installation of streets and/or walkways; 3. Excavation for basement, footings, piers, or foundations; 4. Erection of temporary forms; or 5. Installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
STRUCTURE:	A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
SUBSTANTIAL DAMAGE:	Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT:	Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before start of construction of the improvement. This includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not include: A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or B. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
VARIANCE:	A grant of relief to a person from the requirements of this chapter when specific enforcement would result in unnecessary hardship. A variance permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see section 60.6 of the NFIP regulations.)
VIOLATION:	The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) of the NFIP regulations is presumed to be in violation until such time as that documentation is provided.
WATER SURFACE ELEVATION:	The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 2023-14, 4-11-2023)

15.28.300: GENERAL PROVISIONS:

15.28.305: LANDS TO WHICH THIS CHAPTER APPLIES:

This chapter applies to all SFHAs within the unincorporated area of Cache County. (Ord. 2023-14, 4-11-2023)

15.28.310: BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS:

The SFHAs identified by FEMA in a scientific and engineering report entitled, "The Flood Insurance Study For Cache County", dated May 9, 2023, with accompanying FIRMs and FBFMs and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. Cache County automatically adopts all FEMA effective FIRMs and all FEMA effective FISs. This chapter shall also apply to areas of identified and documented flood risk supported using best available data. When best available data contradicts the FIRMs, FIS, and/or the FBFM, the more restrictive data shall be utilized. (Ord. 2023-14, 4-11-2023)

15.28.320: ESTABLISHMENT OF FLOODPLAIN DEVELOPMENT PERMIT:

A floodplain development permit must be required to ensure conformance with the provisions of this chapter. (Ord. 2023-14, 4-11-2023)

15.28.330: COMPLIANCE:

No structure or land must hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations. No structures or developments including buildings, recreation vehicles, or manufactured homes or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations. Nothing herein shall prevent Cache County from taking such lawful action as is necessary to prevent or remedy any violations. (Ord. 2023-14, 4-11-2023)

15.28.340: ABROGATION AND GREATER RESTRICTIONS:

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 2023-14, 4-11-2023)

15.28.350: INTERPRETATION:

In the interpretation and application of this chapter, all provisions must be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 2023-14, 4-11-2023)

15.28.360: WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on

scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside SFHAs or uses permitted within SFHAs will be free from flooding or flood damages. This chapter shall not create liability on the part of Cache County or any official or employee thereof for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made thereunder. (Ord. 2023-14, 4-11-2023)

15.28.365: REQUIREMENT TO SUBMIT NEW TECHNICAL DATA:

A. If the project is determined or reasonably believed to cause an adverse effect on the BFE(s), boundaries of the floodplain or any insurable structures, technical justification for the proposed development shall be submitted and the community may require a CLOMR or LOMR to be submitted prior to the permit approval or as a requirement of the permit.

B. The property owner or developer must notify FEMA by submittal of a LOMR within six (6) months of project completion when an applicant had obtained a CLOMR from FEMA or when development altered a watercourse, modified floodplain boundaries, or modified BFE.

C. The property owner or developer must be responsible for preparing technical data to support the CLOMR or LOMR application and paying any processing or application fees to FEMA. The property owner or developer is responsible for submitting the CLOMR and LOMR to FEMA and must provide all necessary data to FEMA if requested during the review process to ensure the CLOMR or LOMR is issued.

D. The Floodplain Administrator is under no obligation to sign the Community Acknowledgment Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this chapter and all applicable federal, state, and local laws. (Ord. 2023-14, 4-11-2023)

15.28.370: SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE DETERMINATION:

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the applicable Cache County officials and staff, must:

A. Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure only, not of land and building, before the start of construction of the proposed work. In the case of repair, the market value of the building or structure must be the market value before the damage occurred and before any repairs are made.

B. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure.

C. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in section 15.28.200.

D. Use FEMA's Substantial Improvement/Substantial Damage Desk Reference when making any determination on substantial improvement and/or substantial damage.

E. The substantial improvement regulations apply to all the work that is proposed as the improvement, even if multiple permits are issued. Therefore, the determination of the cost of the improvement must consider all costs of all phases of the work before issuance of the first permit.

F. Notify the applicant that if it is determined that the work constitutes substantial improvement or repair of substantial damage, then compliance with this chapter is required. (Ord. 2023-14, 4-11-2023)

15.28.400: ADMINISTRATION:

15.28.410: DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR:

The Director of Development Services is hereby appointed the Floodplain Administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (NFIP regulations) pertaining to floodplain management. (Ord. 2023-14, 4-11-2023)

15.28.420: DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:

The duties and responsibilities of the Floodplain Administrator or their designee include, but are not limited to, the following:

A. Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.

B. Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

C. Review, then approve or deny all applications for floodplain development permits required by adoption of this chapter.

D. Review permit applications to determine whether all necessary permits have been obtained from those federal, state, or local governmental agencies (including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC § 1334) from which prior approval is required.

E. Where interpretation of the exact location of the boundaries of the SFHAs is needed, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the Floodplain Administrator shall make the necessary interpretation.

F. When riverine areas are present, notify adjacent communities and the NFIP coordinator (for the state of Utah, this is the State Floodplain Manager in the Utah Division of Emergency Management) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

G. Require development to maintain the flood-carrying capacity within the altered or relocated portion of any watercourse.

H. When BFE data has not been provided in accordance with section 15.28.310 of this chapter, the Floodplain Administrator must obtain, review, and reasonably use any BFE data and floodway data available from a federal, state, or other source, in order to administer the provisions of section 15.28.500 of this chapter.

I. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) is permitted within zones A, A1-A30 and AE on Cache County's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the Cache County.

J. Under the provisions of 44 CFR chapter 1, section 65.12, of the NFIP regulations, Cache County may approve certain development in zones A1-A30, AE, AH, on Cache County's FIRM which increases the water surface elevation of the base flood by more than one foot (1'), provided that a CLOMR has been granted.

K. In addition to utilizing the effective FIRMs, FIS, Flood Boundary and Floodway Map, all permit reviews will utilize best available data. (Ord. 2023-14, 4-11-2023)

15.28.430: PERMIT PROCEDURES:

A. Application for a floodplain development permit must be presented to the Floodplain Administrator on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to SFHAs.

Additionally, the following information is required:

1. The elevation in relation to mean sea level of the lowest floor (including basement) of all new construction and substantial improvements;
2. The elevation in relation to mean sea level to which any nonresidential structure must be floodproofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure must meet the floodproofing criteria of subsection 15.28.520B of this chapter;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

B. The approval or denial of a floodplain development permit by the Floodplain Administrator must be based on all of the provisions of this chapter including the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets, bridges, public utilities, and facilities such as sewer, gas, electrical, and water systems;
7. The expected heights, velocity, duration, rate of rise, sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the general plan for that area. (Ord. 2023-14, 4-11-2023)

15.28.440: VARIANCE PROCEDURES:

A. The board of adjustments as established by Cache County must hear and render judgment on requests for variances from the requirements of this chapter.

B. The board of adjustments must hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

C. Any person or persons aggrieved by the decision of the board of adjustments may appeal such decision in the courts of competent jurisdiction.

D. The Floodplain Administrator must maintain a record of all actions involving an appeal and must report variances to FEMA upon request.

E. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this chapter.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of 0.5 acres or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in subsection 15.28.430B of this chapter have been fully considered. As the lot size increases beyond 0.5 acres, the technical justification required for issuing the variance increases.

G. A variance may be issued for the new construction or substantial improvement of at-grade accessory structures and at-grade agricultural structures provided the requirements of this section and the following are satisfied:

1. A determination that a proposed accessory structure:
 - a. Represents minimal investment and has low damage potential (amount of physical damage, contents damage, and loss of function).
 - b. Complies with uses and size limits specified in Utah Code section 15A-1-202..
 - c. Complies with the wet floodproofing construction requirements of subsection G3 below.
 2. A determination that a proposed agricultural structure:
 - a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
 - b. Has low damage potential (amount of physical damage, contents damage, and loss of function).
 - c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on manure storage, livestock confinement operations, liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
 - d. Complies with the wet floodproofing construction requirements of subsection G3 below.
 3. Wet floodproofed structures must:
 - a. Be anchored to resist flotation, collapse, and lateral movement.
 - b. Have flood damage-resistant materials below the BFE in compliance with the requirements of sections 15.28.510 and 15.28.520.
 - c. Have mechanical, electrical, and utility equipment in compliance with the requirements of sections 15.28.510 and 15.28.520.
 - d. In SFHAs other than coastal high hazard areas, have flood openings in compliance with the requirements of sections 15.28.510 and 15.28.520.
 4. For any agricultural or accessory structure that has an enclosure, a non-conversion agreement must be completed as part of the variance process. The non-conversion agreement:
 - a. Acknowledges the risk associated with this building practice.
 - b. Acknowledges the use of the area that was permitted as an enclosure will be used solely on nonresidential accessory structure of low value whose usage is only for building access, parking, storage or agricultural purposes.
 - c. Allows for federal, state, and/or local federal officials to conduct periodic inspections to ensure compliance.
- H. Upon consideration of the factors noted above and the intent of this chapter, the board of adjustments may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (see section 15.28.120 of this chapter).
- I. Variances must not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- J. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- K. Prerequisites For Granting Variances:
1. Variances must only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 2. Variances must only be issued upon:

- a. Showing a good and sufficient cause;
- b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

3. Any applicant to whom a variance is granted must be given written notice that the structure will be permitted to be built with the lowest floor elevation below the BFE, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

L. Variances may be issued by Cache County for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

- 1. The criteria outlined in subsections A through I of this section are met; and
- 2. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (Ord. 2023-14, 4-11-2023)

15.28.445: STOP WORK ORDER:

A. Whenever the Floodplain Administrator or other Cache County official discovers any work or activity regulated by this chapter being performed in a manner contrary to the provision of this chapter, the Floodplain Administrator is authorized to issue a stop work order.

B. The stop work order must be in writing and must be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work must immediately cease. The stop work order must state the reason for the order, and the conditions under which the cited work will be permitted to resume.

C. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by local or state law including but not limited to the penalties outlined in section 15.28.450, Penalties for Noncompliance. (Ord. 2023-14, 4-11-2023)

15.28.450: PENALTIES FOR NONCOMPLIANCE:

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with conditions, constitutes a Class C misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than \$_____ or imprisoned for not more than _____ days, or both, for each violation, and must pay all costs and expenses involved in the violation. Nothing herein contained shall prevent Cache County from taking such other lawful action as is necessary to prevent or remedy any violation. (Ord. 2023-14, 4-11-2023)

15.28.500: PROVISIONS FOR FLOOD HAZARD REDUCTION:

15.28.510: GENERAL CONSTRUCTION STANDARDS:

In all SFHAs, the following provisions are required for all new construction and substantial improvements:

A. All new construction or substantial improvements must be designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

B. All new construction or substantial improvements must be constructed by methods and practices that minimize flood damage;

C. All new construction or substantial improvements must be constructed with materials resistant to flood damage;

D. All new construction or substantial Improvements must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

E. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system;

F. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and

G. On site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding. (Ord. 2023-14, 4-11-2023)

15.28.520: SPECIFIC CONSTRUCTION STANDARDS:

In all SFHAs, areas where best available data has been selected, and areas of known or suspected flood risk, the following provisions are required:

In all SFHAs where BFE data has been provided as set forth in section 15.28.310, and subsections 15.28.420H and

15.28.530C of this chapter, the following provisions are required:

A. Residential Construction: New construction and substantial improvement of any residential structure must have the lowest floor (including basement), elevated to a minimum of one foot (1') above the BFE. A registered professional engineer, architect, or land surveyor must submit a NFIP Elevation Certificate to the Floodplain Administrator that the standard of this subsection as proposed in subsection 15.28.430A1 of this chapter, is satisfied.

B. Nonresidential Construction: New construction and substantial improvements of any commercial, industrial, or other nonresidential structure must either:

1. Have the lowest floor (including basement) elevated to a minimum of one foot (1') above the BFE as documented by a NFIP Elevation Certificate; or

2. Together with attendant utility and sanitary facilities, be designed so that below this level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification, a NFIP Floodproofing Certificate, which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed must be maintained by the Floodplain Administrator.

C. Enclosures: New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

1. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.

2. The bottom of all openings must be no higher than one foot (1') above grade.

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. The development and construction of the structure must conform with the provision in FEMA/Federal Insurance Administration-Technical Bulletins 1 and 2. Certification and documentation from a professional, licensed engineer or architect is required if the structure's lowest floor is built below the BFE.

5. For any construction that has an enclosure, a non-conversion agreement must be completed as part of the permitting process. The non-conversion agreement:

a. Acknowledges the risk associated with this building practice.

b. Acknowledges the use of the area that was permitted as an enclosure will be used only for building access, parking, or storage.

c. Allows for federal, state, and/or local officials to conduct periodic inspections to ensure compliance.

D. Manufactured Homes:

1. All manufactured homes to be placed within a SFHA on Cache County's FHBM or FIRM must be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. Manufactured homes that are new construction or substantial improvements within zones A1-A30, AH, and AE on Cache County's FIRM on sites: a) outside of a manufactured home park or subdivision, b) in a new manufactured home park or subdivision, c) in an expansion to an existing manufactured home park or subdivision, or d) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to a minimum of one foot (1') above the BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Manufactured homes that are new construction or substantial improvement on sites in an existing manufactured home park or subdivision within zones A1-A30, AH and AE on Cache County's FIRM that are not subject to the provisions of subsections D1 and D2 of this section be elevated so that either:

a. The lowest floor of the manufactured home is a minimum of one foot (1') above the BFE; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

E. Recreational vehicles placed on sites within zones A1-A30, AH, and AE on Cache County's FIRM must either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days;
2. Be fully licensed and ready for highway use; or
3. Meet the permit requirements of section 15.28.430 of this chapter, and the elevation and anchoring requirements for manufactured homes in subsection D of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

F. Crawlspace:

1. New construction and substantial improvements built on a crawlspace or sub-grade (below grade) crawlspace may be permitted if the development is designed and meets or exceeds the standards found in FEMA's Technical Bulletins 1, 2, and 11, which include but are not limited to the following:
 - a. The structure must be affixed to a permanent foundation, designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet (5') per second unless the design is reviewed and stamped by a qualified design professional, such as a registered architect or professional engineer.
 - b. The crawlspace is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot (1') above the lowest adjacent exterior grade.
 - c. The crawlspace enclosure must have proper openings that allow equalization of hydrostatic pressure by allowing automatic entry and exit of floodwaters. To achieve this, a minimum of one square inch of flood opening is required per one square foot of the enclosed area subject to flooding.
 - d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, piers, or other materials that extend below the BFE. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.
 - e. Any building utility systems within the crawlspace must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
 - f. The interior grade of a crawlspace below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade.
 - g. The height of the below-grade crawlspace, measured from the lowest interior grade of the crawlspace floor to the bottom of the floor joist of the next higher floor cannot exceed four feet (4') at any point.
 - h. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.
 - i. Buildings with below-grade crawlspaces may have higher flood insurance premiums than buildings that have the preferred crawlspace construction, with the interior elevation at or above the lowest adjacent exterior grade.

G. Utilities:

1. All new and replacement water supply systems must be designed to minimize or eliminate infiltration of floodwaters into the system.
2. New and replacement sanitary sewage systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into floodwaters.
3. On-site waste disposal systems must be located to avoid impairment to them or contamination from them during flooding. (Ord. 2023-14, 4-11-2023)

15.28.530: STANDARDS FOR SUBDIVISION PROPOSALS:

- A. All subdivision proposals including the placement of manufactured home parks and subdivisions must be consistent with sections 15.28.120 and 15.28.130 of this chapter.
- B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions must meet floodplain development permit requirements of sections 15.28.320, 15.28.430, and 15.28.500 of this chapter.
- C. BFE data must be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions, if greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to section 15.28.310 or subsection 15.28.420H of this chapter.
- D. All subdivision proposals including the placement of manufactured home parks and subdivisions must have adequate drainage provided to reduce exposure to flood hazards.
- E. All subdivision proposals including the placement of manufactured home parks and subdivisions must have public

utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage. (Ord. 2023-14, 4-11-2023)

15.28.540: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES):

Located within SFHAs established in section 15.28.310 of this chapter, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

A. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on Cache County's FIRM (at least two feet (2') if no depth number is specified).

B. All new construction and substantial improvements of nonresidential structures:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on Cache County's FIRM (at least two feet (2') if no depth number is specified); or

2. Together with attendant utility and sanitary facilities, be designed so that below the BFE the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

C. A registered professional engineer or architect must submit a certification to the Floodplain Administrator that the standards of this section, as proposed in subsections A and B of this section, are satisfied.

D. Have within zones AH or AO, adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 2023-14, 4-11-2023)

15.28.550: FLOODWAYS:

Located within SFHAs established in section 15.28.310 of this chapter, are areas designated as floodways. When FEMA has provided the community with a Flood Zone A and no BFEs or regulatory floodway all encroachments must obtain, review, and reasonably utilize any available floodway data from Federal, State, or other sources to establish a floodway and meet requirements described below. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within Cache County during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements must comply with all applicable flood hazard reduction provisions of section 15.28.500 of this chapter and a registered professional engineer or architect must submit a No-Rise Certification to the Floodplain Administrator that the standards of this section, as proposed in subsection A of this section, are satisfied.

C. Under the provisions of 44 CFR chapter 1, section 65.12, of the NFIP regulations, Cache County may permit encroachments within the floodway that would result in an increase in BFEs, provided that a CLOMR has been approved by FEMA. (Ord. 2023-14, 4-11-2023)

CHAPTER 15.32

STORMWATER REGULATIONS

SECTION:

15.32.010: Purpose And Authority

15.32.020: Definitions

15.32.030: Land Disturbance Permits

15.32.040: Standards Adopted

15.32.050: Waivers

15.32.060: Existing Locations And Developments

15.32.070: Illicit Discharges

15.32.080: Stormwater System Maintenance

15.32.090: Enforcement

15.32.100: Penalties

15.32.110: Appeals

15.32.010: PURPOSE AND AUTHORITY:

A. Purpose: It is the purpose of this chapter to protect the public health, safety and the general welfare of the citizens of the county, by controlling discharges of pollutants to the county's stormwater system and to maintain and improve the quality of the receiving waters into which the stormwater outfalls flow, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the county.

B. Authority: County director of development services (director), or designee, is authorized to administer the provisions of this chapter.

C. Responsibility: Nothing in this chapter relieves any person from responsibility for damage to other persons or property, nor impose upon Cache County, its officers, agents or employees, any liability for damage to other persons or property. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.020: DEFINITIONS:

A. Words used in the singular also include the plural, and the plural also includes the singular; words used in the present tense also include the future tense. Some words within this chapter are defined by either state or federal departments that regulate or permit stormwater or drainage systems. Words not defined in this section are construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

B. For the purpose of this chapter, the adopted stormwater management program, and the adopted county infrastructure standards the following definitions apply:

APPLICANT: The "person", as defined in this section, applying for a permit.

AS BUILT PLANS: Drawings depicting conditions as they were actually constructed.

BEST MANAGEMENT PRACTICES (BMPs): Physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, which have been approved by Cache County.

CHANNEL: A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.

CLEAN WATER ACT (CWA): Federal water pollution control act (33 USC section 1251 et seq.), and any subsequent amendments thereto.

CONSTRUCTION ACTIVITY: Activities subject to NPDES or Utah stormwater general permits for construction activities. These include construction projects resulting in land disturbances of five thousand (5,000) square feet or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

CONTAMINANT: Any physical, chemical, biological, or radiological substance or matter in water that is not naturally occurring.

CONVEYANCE SYSTEM: Any channel or pipe for collecting and directing stormwater.

COUNTY STORMWATER SYSTEM: Conveyance system that receives runoff from public right of way or developed areas. This does not include water coming off of natural areas or agricultural lands.

DESIGN STORM EVENT: A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

DISCHARGE: To dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter onto the ground, into a waterway, or other stormwater facility or conveyance.

EROSION AND SEDIMENT CONTROL PLAN: A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

FILL: A deposit of earth material placed by artificial means.

GRADING: The cutting and/or filling of the land surface to a desired slope or elevation.

HAZARDOUS WASTE: Products that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possesses at least one of four (4) characteristics (flammable, corrosivity, reactivity, or toxicity) or appears on special EPA lists.

HEAVY METALS: Metals of high specific gravity, present in municipal and industrial wastes that pose long term environmental hazards including, but not limited to, cadmium, chromium, cobalt, copper, lead, mercury, nickel, and zinc.

ILLICIT CONNECTION: Any physical connection to a publicly maintained stormwater system or natural waterway allowing discharge of nonstormwater which has not been permitted by the authorizing entity.

ILLICIT DISCHARGE: Any discharge to the stormwater systems or natural waterways that is not composed entirely of stormwater and not specifically exempted under this chapter or within the UPDES permit.

IMPERVIOUS SURFACE: A surface which prevents or retards the penetration of water into the ground including, but not

limited to, roofs, sidewalks, patios, driveways, parking lots, concrete and asphalt paving, gravel, compacted native surfaces and earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.

IRRIGATION DITCHES: An artificial channel used to move water, either by gravity or pressurized system for irrigation purposes.

LAND DISTURBANCE PERMIT: Cache County land disturbance permit as adopted by the county.

LAND DISTURBING ACTIVITY: Any activity, unless specifically exempted by this title, on property that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment, demolition, construction, reconstruction, clearing, grading, filling, and excavation.

LOW IMPACT DEVELOPMENT (LID): This term is used to describe means and methods that can be utilized to reduce the impact of development on the environment.

MAINTENANCE: Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed including, but not limited to, storm channel cleaning, weed control, detention/retention pond dredging, complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters, and the correction of any problem on the site property that may directly impair the functions of the stormwater facility.

MAINTENANCE AGREEMENT: A recorded document that acts as a property deed restriction, and which provides for long term maintenance of stormwater management practices.

MINIMUM CONTROL MEASURE (MCM): The EPA has identified six (6) areas of focus for MS4s in developing a program to minimize the potential for pollutants to leave a jurisdiction and to enter the waters of the United States. These six (6) areas of focus are called minimum control measures and they include:

1. Public education and outreach.
2. Public involvement.
3. Illicit discharge detection and elimination.
4. Construction site stormwater control.
5. Postconstruction stormwater control.
6. Pollution prevention and good housekeeping.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): The conveyances owned or operated by the county for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, manmade channels, and storm drains.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT: A permit issued pursuant to 33 USC 1342.

NOTICE OF VIOLATION (NOV): A written notice of violation to the responsible person or property owner when a violation of this chapter occurs.

OFF SITE FACILITY: A structural BMP located outside the subject property boundary described in the permit application for land development activity.

ON SITE FACILITY: A structural BMP located within the subject property boundary described in the permit application for land development activity.

OUTFALL: The point, location, or structure where wastewater or drainage discharges from a sewer pipe, ditch, or other conveyance to a receiving body of water.

PEAK FLOW: The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.

PERSON: Any and all persons, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.

POLLUTANT: Generally, any substance introduced into the environment that adversely affects the usefulness of a resource including, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

PREEXISTING CONDITIONS: Conditions of property in its native state or changed under approval by the county or changed property that is grandfathered.

PRIORITY AREA: An area where land use or activities generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater, or an area located in close proximity to a natural water body or

other environmentally sensitive natural feature.

PROPERTY OWNER: Fee title owner of property within the boundaries of Cache County.

RECEIVING WATERS: Bodies of water or surface water systems receiving water from upstream natural or constructed systems.

RETENTION: The holding of runoff in a basin without release except by means of evaporation, infiltration, or emergency bypass.

RUNOFF: That portion of the precipitation on a drainage area that is discharged from the area into the MS4.

SHEET FLOW: Runoff which flows over the ground surface as a thin, even layer, not concentrated in a channel.

SOILS REPORT: A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report must be prepared by a qualified soils engineer.

STABILIZATION: To provide adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

STANDARD OPERATING PROCEDURE (SOP): A written description of the standard method of performing a given task that can include a step by step description. SOPs are developed in an effort to bring consistency to a program and to clearly define the expectations of that program.

STORMWATER: Precipitation runoff including, but not limited to, rain and snow/ice melt runoff from roads and other developed lands. Does not include runoff from agricultural or other natural lands.

STORMWATER DESIGN STANDARDS AND REGULATIONS: Current Cache County stormwater standards and regulations as adopted by the county.

STORMWATER GENERAL PERMITS FOR CONSTRUCTION ACTIVITIES: Permit required by the Utah department of environmental quality, division of water quality.

STORMWATER MANAGEMENT FACILITIES: Drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.

STORMWATER MANAGEMENT PROGRAM (SWMP): A document which describes the best management practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A document which describes the general plan for addressing stormwater pollutants at a given site. The plan characterizes the nature of the potential pollutants, describes methods and concepts for controlling those pollutants short term and long term and identifies those responsible for the plan.

STRUCTURAL BMPs: Devices that are constructed to provide control of stormwater.

SURFACE WATER: Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.

SWALE: An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct stormwater flows into primarily drainage channels and allow some of the stormwater to infiltrate into the ground surface.

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM (UPDES): The State of Utah's program to control the discharge of pollutants to waters of the United States. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.030: LAND DISTURBANCE PERMITS:

A. Requirements For Permit: The following activities are required to obtain a land disturbance permit:

1. Land disturbing activity generally disturbing five thousand (5,000) square feet of land or more.
2. Land disturbing activity of less than five thousand (5,000) square feet of land if such activity is part of a larger common plan of development (see Utah stormwater general permits for construction activities) that affects one (1) or more acre of land.
3. Land disturbing activity of less than five thousand (5,000) square feet of land, if in the discretion of the director such activity poses a unique threat to water, public health or public safety.
4. Development of a single-family home.
5. Development of commercial buildings.
6. Processing of earthen materials including, but not limited to, uses defined within section 17.07.030 of this Code, use 6400 mineral extraction.
7. Construction of parking areas greater than five thousand (5,000) square feet.

B. Drainage Channels, Natural Or Constructed Waterways, And Sensitive Areas:

1. Property owners must not alter or restrict natural channels and waterways without required Federal, State and

County permits. Basic maintenance is allowed without permitting as long as it does not create a modification that would require a permit from Federal, State or the County.

2. Modifications of sensitive areas are subject to and governed by title 17, chapter 17.18 of this Code. Modifications to moderate and steep slopes, "floodplain", floodway, manmade water conveyance systems, and "wetlands" as defined within title 17 of this Code require a land disturbance permit.

3. Property owners proposing to redirect runoff, surface and/or pipe flow to properties or facilities outside Cache County boundaries must receive written approval from the State, County, municipality, service districts, or their agents.

4. Property owners are responsible for the protection of canals adjacent to or within their property. Discharges to or modifications of a canal requires written approval from the canal owners and applicable governing agencies and may require a land disturbance permit in compliance with subsection A3 of this section.

C. Issuance Of Building Permit: No building permit will be issued until the applicant has obtained a land disturbance permit where the same is required by this chapter.

D. Exemptions: The following activities are exempt from the requirement of a land disturbance permit:

1. Any emergency activity that is immediately necessary for the protection of life, property, or natural resources. A permit must be obtained as soon as is reasonable to ensure compliance with this chapter and any other County, State, and Federal permit regulations.

2. Existing nursery and agricultural operations conducted as a permitted use.

3. Any agricultural activity that is consistent with an approved farm conservation plan or a management plan prepared or approved by the appropriate County, Federal, or State agency.

4. Additions or modifications to existing single-family structures as long as the total land disturbance does not exceed five thousand (5,000) square feet.

E. Permit Application:

1. A complete application for a land disturbance permit must be submitted to the development services office of Cache County. Incomplete applications will not be accepted.

2. The applicant must complete a stormwater pollution prevention plan for the construction activity that outlines the activities required to be permitted under this chapter and stormwater general permit(s) for construction activities and must meet the requirements of that permit.

3. The applicant must obtain from any other state or federal agency any other required permits, proof of which must be provided to the county. However, the inclusion of those permits in the application does not limit the director from imposing additional development requirements and conditions based on county codes and policy.

4. The applicant is responsible for all costs related to the construction and inspection of all permitted facilities. The county will not perform construction work on stormwater facilities that are the responsibility of a permittee.

F. Review Of Permit Application:

1. Each application for a land disturbance permit will be reviewed to determine its conformance with the provisions of this chapter and other applicable requirements. The director will provide one of the following responses in writing to a complete application:

a. Approval of the permit;

b. Approval of the permit subject to such reasonable conditions as may be necessary to secure substantially the requirements of this chapter or other county ordinances and policies; or

c. Denial of the permit indicating the reason(s) for the denial.

2. If conditional approval of the permit is issued, the applicant must submit a revised plan that conforms to the established conditions.

3. Land disturbing activities are not permitted until a land disturbance permit has been approved and conditions, if any are imposed, have been met.

G. Permit Duration:

1. Every land disturbance permit expires and becomes void if substantial work authorized by such permit has not commenced within one hundred eighty (180) calendar days of issuance, or is not complete within eighteen (18) months from the date of the commencement of construction. If either of these conditions occur, a new permit must be applied for.

H. Notice Of Construction And Inspection:

1. After obtaining a permit, the applicant must notify the development services office two (2) working days in advance of the commencement of construction.

2. Regular inspections of permitted facilities must be conducted by both the party responsible for the work and the

county.

3. The property owner must allow access to the county to inspect all facilities that discharge to the MS4. The inspection shall review the control measures in place, the maintenance plan, and the need for additional measures to completely address the erosion and sediment control for the project.

4. With the issuance of a permit, the county is permitted to enter and inspect, including testing and investigation, facilities subject to this chapter at all reasonable times and as often as necessary to determine compliance for the duration of the project or stormwater facility. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.040: STANDARDS ADOPTED:

A. Cache County adopts the following, which are incorporated by reference in this chapter:

1. Road and infrastructure standards.
2. Stormwater management program.

B. Whenever there is a conflict between any standard contained in this chapter and in the adopted standards, the strictest standard will prevail. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.050: WAIVERS:

A. The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies and is approved:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives or requirements of this chapter or adopted standards.
2. Alternative minimum requirements for on site management of stormwater discharges have been established by the applicant.

B. In order to receive a waiver, the applicant must demonstrate that the waiver will not lead to any of the following conditions downstream:

1. Deterioration of existing culverts, bridges, dams, and other structures;
2. Degradation of biological functions or habitat;
3. Accelerated stream bank or streambed erosion or siltation;
4. Increased threat of flood damage to public health, life or property.

C. No land disturbance permit will be issued where a waiver has been requested until the waiver is granted. If no waiver is granted, the application must comply with the entirety of the permit, ordinance, and adopted standards. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.060: EXISTING LOCATIONS AND DEVELOPMENTS:

A. Changes to approved stormwater systems including, but not limited to, swales, ditches and ponds are prohibited unless designed and constructed in conformance with this section and applicable county standards and all required permits are obtained.

B. The following requirements apply to all locations and development at which land disturbing activities have occurred previous to the enactment of this chapter:

1. Activities required to be permitted under this chapter and stormwater general permit(s) for construction activities must meet the requirements of that permit.

2. Denuded areas should be vegetated or covered under the standards and guidelines specified in the plan and on a schedule acceptable to the director.

3. Cuts and fills should be properly covered with appropriate vegetation and/or retaining walls constructed.

4. Drainageways should be properly covered in vegetation or secured with riprap, channel lining, etc., to prevent erosion.

5. Trash, junk, rubbish, etc., should be cleared from drainageways as it is discovered. Trash along roadways should be cleared as possible by county crews. Property owners are responsible for debris on personal property.

6. Stormwater runoff should be controlled to the extent reasonable to prevent pollution of local waters. Such control measures may include, but are not limited to, the following:

- a. Detention pond.
- b. Alternative storage measures.
- c. Constructed wetlands.
- d. Filter and buffer strips.
- e. Open channel swale.

f. Other infiltration systems.

C. The county will notify owners of existing locations and developments of specific drainage, erosion or sediment problems that affect property, natural and constructed drainages, or other public facilities. The notice must include items required to be corrected and specify a reasonable time for compliance.

1. The county may establish inspection programs to verify that all stormwater facilities, including facilities existing at the time of the passage of this chapter, are functioning within design limits. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.070: ILLICIT DISCHARGES:

A. Prohibited Discharges: No person may introduce or cause to be introduced into the MS4 any discharge that is not composed entirely of stormwater.

1. The prohibition does not apply to any nonstormwater discharge permitted under a UPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the state of Utah division of water quality, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

B. Prohibition Of Illicit Connections:

1. The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

C. Responsibility Of Discharges: Any person responsible for a property or premises, which is or may be, the source of an illicit discharge, will be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES or UPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, will be deemed compliant with the provisions of this section.

D. Notification Of Spills:

1. Notwithstanding other requirements of law, as soon as any person has information of any known or suspected release of materials which are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the person must take all necessary steps to ensure the discovery, containment, and cleanup of such release.

a. In the event of such a release of hazardous materials the person must immediately notify emergency response agencies of the occurrence via emergency dispatch services.

b. In the event of a release of nonhazardous materials, the person must notify the development services department no later than the next business day.

c. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment must also retain an on site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.080: STORMWATER SYSTEM MAINTENANCE:

A. The owner of property that contains a portion of a long term stormwater system component such as, but not limited to, a pond, clarifier, infiltration area, must execute a maintenance agreement that operates as a deed restriction binding on the current property owner and all subsequent property owners. The maintenance agreement must:

1. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located and be recorded as such on the plat for the property by appropriate notation.

2. For commercial and industrial uses, provide for inspection of the stormwater system components by the property owner in accordance with the county's stormwater permits issued by the state.

3. For residential uses, inspections of the stormwater system components will be performed by the county in accordance with the county's stormwater permits issued by the state.

4. Provide the minimum maintenance and repair needs.

5. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the director.

a. Provide that if the property is not maintained or repaired within the prescribed schedule, the county will perform the maintenance and repair at its expense, and bill the same to the property owner.

B. Property owners and irrigation companies are responsible for maintaining, cleaning and replacing their private driveway culverts, irrigation ditches and culverts, and other private water conveyance infrastructure in accordance with this stormwater standard, county ordinances and permits.

1. If private water conveyance system creates a hazard to the traveling public, the county may cause repair work to be completed and bill the cost to the associated private entity. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.090: ENFORCEMENT:

A. Authority: The director has the authority to issue notices of violation, stop work orders, citations, and to impose the civil penalties provided in this section.

1. Failure to comply with the terms of this chapter may result in punitive actions by Cache County, Bear River health department, the state of Utah, the environmental protection agency, or by other means identified in permits, ordinances, or state or federal requirements.

B. Notification Of Violation:

1. If a person discharges stormwater in violation of this chapter or a permit, the director may serve upon such person written notice of the violation.

a. Within five (5) business days of this notice, the person in violation must submit an explanation of the violation and a plan for the satisfactory correction and prevention thereof.

b. Submission of this plan in no way relieves the discharger of liability for any violations occurring before or after receipt of the notice of violation.

2. After notice of the violation, the county may establish an agreement with the person responsible for the violation. Such agreement must include specific action to be taken by the person in violation to correct the noncompliance within a set time period which may include the requirement to obtain proper permitting.

a. A person in violation of this chapter or a permit may provide to the county documentation that shows why a proposed enforcement action should not be taken.

3. If a person in violation of this chapter or a permit fails to comply after proper notice of the violation, the county will issue an order directing correction of the violation which may include, but is not limited to, adequate permitting, structures, devices, self-monitoring, management practices, or that other procedures be implemented to correct the violation.

4. If a person continues to violate this chapter or a permit after the time period of the order directing correction of the issue, the county will issue an order to cease and desist all such violations or work activities and terminate the discharge.

5. If the type of violation is deemed by the director to be egregious or cause imminent harm to life, property, or the natural environment, the director may issue a cease and desist order immediately without the other required steps of notice and progressive enforcement. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.100: PENALTIES:

A. Violation of any of the provisions of this chapter is punishable as a class B misdemeanor as set forth within section 1.24.010, "General Penalty", of this code. In addition, the provisions of this chapter may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.

B. In addition to any civil penalties the county may recover:

1. All damages proximately caused by the violator to the county, which may include any reasonable expenses incurred in investigating violations of, and enforcing compliance with this chapter or a permit, or any other actual damages caused by the violation.

2. The costs of the county's maintenance of stormwater facilities when the user of such facilities fails to maintain them as required by this chapter.

3. Violation penalties assessed to the county from a federal or state agency as a result of the violator's actions.

C. The county may bring legal action to enjoin the continuing violation of this chapter, and the existence of any other remedy, at law or equity, is not a defense to any such actions.

D. The remedies set forth in this section are cumulative, not exclusive, and it is not a defense to any action, civil or criminal, that one or more of the remedies set forth herein has been sought or granted. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

15.32.110: APPEALS:

A. Any person aggrieved by the imposition of a penalty or damage assessment as provided by this chapter may appeal said penalty or damage assessment to the hearings examiner as appointed by the county executive and confirmed by the county council as provided within section 2.08.060 of this code.

B. The appeal must be in writing and filed with the development services office within ten (10) business days after the civil penalty and/or damage assessment is served.

C. Upon receipt of an appeal, the issue will be heard within thirty (30) business days. The decision of the hearings examiner is final.

D. Further appeal of a decision by the hearings examiner to district court is subject to the provisions of Utah code 17-27a part 8. (Ord. 2016-10, 8-9-2016, eff. 8-24-2016)

SUBDIVISION REGULATIONS

General Provisions And Administration 16.01

Type And Process 16.02

Requirements 16.03

General Requirements For All Subdivisions 16.04

CHAPTER 16.01

GENERAL PROVISIONS AND ADMINISTRATION

SECTION:

16.01.010: Title

16.01.020: Purpose And Authority

16.01.030: Definitions And Applicability

16.01.040: Jurisdiction And Penalty

16.01.050: Severability (Effect)

16.01.060: General Responsibilities

16.01.070: Site Preparation Work Prohibited

16.01.080: Incomplete Application

16.01.010: TITLE:

This title shall be known as the *CACHE COUNTY SUBDIVISION ORDINANCE*, hereinafter, "this title". (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.020: PURPOSE AND AUTHORITY:

The Cache County council adopts this title pursuant to the county land use development and management act, title 17, chapter 27a, Utah Code Annotated, 1953, for the purposes set forth therein. The maps and appendices to this title are a part hereof. The intent of this title is to provide a means of ensuring predictability and consistency in the use of land and individual properties and to implement the goals and policies of the Cache countywide comprehensive plan. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.030: DEFINITIONS AND APPLICABILITY:

For the purposes of this title, all terms shall have the same definitions as provided by section 17-27a-103, Utah Code Annotated, 1953, as amended or as in sections 17.07.030 and 17.07.040 of this code. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.040: JURISDICTION AND PENALTY:

This title shall govern and apply to the subdivision, platting and recording of all lands lying within the unincorporated area of Cache County, Utah.

A. No person shall subdivide any land, nor shall any building permit, other required development approval, or any other license or permit be issued for any lot or parcel of land which is located wholly, or in part, within the unincorporated area of Cache County, except in compliance with this title, the Cache County zoning ordinance, and all applicable state and federal laws.

B. Any plat of a subdivision, or any survey description, filed or recorded without the approvals required by this title is deemed to be void, for the purposes of development or the issuance of a building permit, as required by section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended.

C. Any owner or agent of the owner of any land located in a "subdivision", as defined herein, who transfers or sells any land located within the subdivision before the subdivision has been approved and recorded, in the office of the Cache County recorder, consistent with the requirements of this title, and applicable state and federal requirements is guilty of a violation of this title, and section 17-27a-611 et seq., Utah Code Annotated, 1953, as amended, for each lot or parcel transferred or sold.

D. The description by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions does not exempt the transaction from the requirements of this title and such action from the penalties or remedies provided by this title, the Cache County zoning ordinance, or the laws of the state of Utah. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.050: SEVERABILITY (EFFECT):

If any section, provision, sentence, or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination shall not impair the validity of the remainder of this title which shall remain in full force and effect. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.01.060: GENERAL RESPONSIBILITIES:

A. The developer shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The county shall process said plats in accordance with the regulations set forth herein.

B. The Development Services Department shall review the plats for design; for conformity to the Cache Countywide Comprehensive Plan and to the Cache County Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title.

C. Proposed subdivisions shall be referred by the Development Services Department to such county departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Cache County Development Services Office is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer the proposed subdivisions to.

D. The County Surveyors Office and County Road Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Development Services Department.

E. The Development Services Department shall approve the form of the final plat, that the developer dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report.

F. The Planning Commission has final jurisdiction in the approval of subdivision plats. The County Council has the final jurisdiction for the establishment of requirements for and design standards of public improvements; and the acceptance of lands and public improvements that may be proposed for dedication. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.01.070: SITE PREPARATION WORK PROHIBITED:

No excavation, grading or regrading, or removal of vegetation for a proposed subdivision shall take place and no building permits shall be issued until a proposed subdivision has received approval from the Planning Commission and the subdivision has been recorded in the office of the Cache County Recorder, as required herein. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020)

16.01.080: INCOMPLETE APPLICATION:

The lack of any information required by this title, or improper information supplied by the applicant shall be cause for the director of development services to find a subdivision application incomplete. The director shall allow sixty (60) days from the date of notification of an incomplete application for the applicant to provide the required information and provide a complete application to the director. If the application remains incomplete after sixty (60) days from date of notification of an incomplete application, the director shall return the entire incomplete application to the applicant accompanied by application fees paid less any administrative expenses incurred by the development services department to process the application. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 16.02

TYPE AND PROCESS

SECTION:

16.02.010: Standards And Lot Size

16.02.020: Natural Barrier

16.02.030: Agricultural Subdivision

16.02.040: Approval Process

16.02.050: Subdivision Plat Amendment

16.02.060: Cluster Subdivision Option

16.02.070: Boundary Line Adjustments

16.02.080: Single Lot Subdivisions

16.02.010: STANDARDS AND LOT SIZE:

All subdivisions must meet the minimum lot and development standards as outlined in each base zone of the Cache County

zoning ordinance and within this title. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.020: NATURAL BARRIER:

A. Applicants may utilize natural or manmade obstructions as boundary lines for subdivisions in conformance with this title and the Zoning Ordinance.

B. An application may be made for any lot that is clearly separated by a natural or manmade barrier within the Agricultural Zone.

1. Natural barrier determinations of this type will require that the lot is of sufficient size to allow for access, sewer/septic and water, and that further variances will not be required for development of the lot.

2. Natural barrier determinations that do not meet the minimum density requirements for the zone within which the parcel is located may apply to the Board of Adjustments for a variance to the density requirement.

a. The Board of Adjustments shall consider any such request in compliance with state and county code requirements.

3. The Planning Commission is the land use authority for natural barrier determinations. In the event that the Planning Commission or applicant requires further review of a proposed natural barrier, the County Council shall be the land use authority. Any appeal of the Planning Commission's decision must be reviewed by the Board of Adjustments.

4. Parcels created through the natural barrier process are allowed further subdivision in accordance with the standards of the Cache County ordinance currently in effect.

C. Each parcel created by a natural barrier determination may be allowed to be further divided in compliance with this title and title 17 of this code. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.030: AGRICULTURAL SUBDIVISION:

Agricultural parcels may be subdivided without requiring a plat or specific approvals from the director, planning commission, or county council in conformance with state code 17-27a-605 with the following conditions:

A. The lot qualifies as land in agricultural use under state code 59-2-5 of the farmland assessment act.

B. The lot meets the minimum size requirements of applicable land use ordinances.

C. The lot is not used and will not be used for any nonagricultural purpose.

D. Lots having been subdivided by this process may obtain clearance for the construction of agricultural buildings, but shall not be permitted to construct residential or commercial structures. In the event that an agriculturally subdivided lot requests nonagricultural development, the lot will require a legal subdivision from the most recent legal parcel size and configuration, as defined by this title, prior to the issuance of any permits.

E. Any requirements, conditions, stipulations, or restrictions on the use or development of a parent parcel shall apply to all lots that have been or are subdivided from a parent parcel, whether they are subdivided through an agricultural subdivision process or otherwise, unless specifically cleared by the Director of Development Services or Planning Commission with findings of fact. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.02.040: APPROVAL PROCESS:

Subdivisions are to be approved utilizing the following process (any alterations in this process shall be approved by the Director of Development Services):

A. Concept Plan: Upon completing a concept plan, applicants may request that the Director and/or the Planning Commission review all applicable codes and identify any preliminary issues which are likely to be of concern in evaluating the subdivision.

B. Preliminary Plat: Applicants must submit to the Director a completed subdivision application, a preliminary plat, and any other associated materials deemed necessary by this code or by the Director. This information shall be reviewed by the Planning Commission.

C. Final Plat: The Planning Commission must review the application, proposed plat, and any recommendations by staff. The Planning Commission may approve, approve with stipulations or alterations, or deny any subdivision plat.

D. Final Plat Recordation: The final step in the review and approval process is the recordation of the final plat of the proposed subdivision in the office of the Cache County Recorder. It shall be the responsibility of the Director to ensure that all stipulations/alterations have been completed and that the plat meets all applicable codes prior to recordation. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.050: SUBDIVISION PLAT AMENDMENT:

A. Amending A Legally Recorded Subdivision Plat: Any fee owner, as shown on the last County assessment rolls, of land within a subdivision may, in writing, petition the Land Use Authority to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.

B. Approved With A Conditional Use Permit: The division of any property previously approved through the conditional use permit process shall be considered, for the purpose of this title and title 17 of this Code, a legally recorded subdivision if a subdivision plat for that division was recorded at the time of approval.

C. Consideration Of Amendment: The Land Use Authority may consider any proposed vacation, alteration, or amendment of a recorded subdivision plat in compliance with section 17-27a-608 and 609, Utah Code Annotated, 1953, as amended.

D. Request For Amendment: A request for a subdivision amendment must include the following material:

1. For The Adjustment Of Boundary Lines Between Existing, Legal Lots: A record of survey showing the parcels or lots identifying the existing lot line dividing the parcels and the proposed new lot line(s) after the adjustment including the legal description for each amended lot or parcel.

2. For The Creation Of A New Lot/Parcel: Any division of property that results in the creation of a developable lot must meet the minimum lot and development standards as outlined in each base zone of the Cache County zoning ordinance and within this title.

E. Amending An Approved Subdivision Plat Prior To Recordation: An approved, unrecorded subdivision plat may have minor modifications made to the final plat so long as the modifications are not substantial, as determined by the Director of Development Services. The final plat must contain all necessary signatures and be recorded in compliance with this title. (Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

16.02.060: CLUSTER SUBDIVISION OPTION:

The cluster subdivision option is provided by Cache County to encourage creativity in subdivision design, to encourage the achievement of the goals and policies of the Cache Countywide Comprehensive Plan, and to allow for the protection of natural features and the provision of features and amenities for the subdivision site and Cache County. Full compliance with all the provisions of this title and all other applicable state and federal requirements is required.

A. An application for a cluster subdivision shall be submitted to the Director of Development Services and shall be considered concurrently with an application for subdivision approval. All use requirements of the zoning district in which the cluster subdivision is located shall apply; and the application requirements for either a preliminary subdivision plat application, final subdivision plat application, or lot split subdivision application, as applicable, shall apply.

B. The total number of dwelling units allowed in a cluster subdivision shall be the same as the number allowed by the minimum lot area requirements of the zoning district in which the proposed cluster subdivision is located. Any land(s) used for other uses shall not be included in the area for determining the total number of allowed dwelling units. The total number of allowed dwelling units must also recognize any sensitive areas overlay requirements that may be applicable to the development site as identified in chapter 17.18 of this code.

C. The land(s) proposed for a cluster subdivision shall be in a single ownership or the application for a cluster subdivision shall be filed jointly by all owners.

D. A "cluster" is a designed grouping of residential lots of two (2) or more lots which may be used as a repetitive motif to form a series of clusters. Each cluster grouping shall be separated by either an agricultural area or natural open space to form the larger cluster subdivision.

E. Total open space areas for a cluster subdivision must be fifty percent (50%) or greater of the total area of the subdivision.

F. All roads developed within the cluster subdivision shall be designed and constructed in accordance with the county's road standards, and shall also be designed in a manner as to limit the amount of impact on the open space areas of the subdivisions.

G. All areas to be preserved for farm use and/or open space areas as a result of a cluster subdivision approval shall be preserved. These areas shall only be used, and shall be maintained in accordance with the conditions of the cluster subdivision approval as approved by the Planning Commission. Such area(s) shall be noted on the subdivision plat as an agricultural or open space area with future residential and commercial development prohibited.

H. The maximum density, or number of lots allowed, is based on the total amount of developable land. "Developable land" is defined as land that is not restricted by hill slopes (grades greater than twenty percent (20%)), wetlands, floodplains, natural water features, or other lands that may be deemed undevelopable in conformance with chapter 17.18 of this code or as determined by the Planning Commission. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

16.02.070: BOUNDARY LINE ADJUSTMENTS:

A. Within A Legally Recorded Subdivision: An agreement to adjust property lines between adjoining properties within or affecting the boundary of a legally recorded subdivision requires the approval of the land use authority and must be executed upon the approval and completion of a subdivision amendment (see section 16.02.050 of this chapter).

B. Outside A Legally Recorded Subdivision: In compliance with sections 17-27a-522 and 523, Utah Code Annotated, 1953, as amended, an agreement to adjust property lines between adjoining properties must meet the standards of, and shall be recorded in the office of the Cache County recorder, and is not subject to the review of the Cache County land use authority.

C. Compliance With Code: All properties amended by a boundary line adjustment are subject to the regulations of this code. Where boundaries, including subdivision amendments, are adjusted between properties that do not share the same zone, the zoning designation does not adjust with the adjusted property lines. Base and/or overlay zoning districts shall not be amended except through the formal process as identified in this code and by the state. (Ord. 2014-03, 3-25-2014, eff. 4-

9-2014)

16.02.080: SINGLE LOT SUBDIVISIONS:

A division of land resulting in the creation of a single developable lot and a single agricultural remainder parcel. Can only be created on an existing legal lot and is not required to conform with the density standards of title 17, chapter 17.10 of this code. This subdivision process must conform to all other requirements of this title and title 17 of this code. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 16.03

REQUIREMENTS

SECTION:

16.03.010: Application

16.03.020: Concept Plan

16.03.030: Preliminary Subdivision Plat Requirements

16.03.040: Final Subdivision Plat Requirements

16.03.010: APPLICATION:

The director of development services shall establish guidelines for all subdivision applications in conformance with this title. The application shall include all of the information required by staff, the planning commission, and the county council to make a decision on the proposed subdivision. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.03.020: CONCEPT PLAN:

To promote efficiency and an understanding of the subdivision review and approval process of Cache County and to allow applicants to present their initial subdivision proposals to the county, all applicants for subdivision approval may present a concept plan of the proposed subdivision to the director of development services. This process is not required, but it is highly recommended.

A. The conceptual development plan is an informal discussion document designed to allow the identification of policies, procedures, standards and other items that may be considered in the subdivision review and approval processes of Cache County once a subdivision application is received. To achieve these objectives and to promote the identification of all items necessary for consideration, the applicant should provide at a minimum a map, plat, and/or other scale drawing of the area. The following applicable information may also be submitted to provide further information on the nature and intent of the subdivision:

1. The configuration, size and number of lots in the proposed development;
2. Potential locations of hazards and sensitive lands as defined by title 17, chapter 17.18, "Sensitive Areas", of this code or other features which may impose peculiar construction requirements;
3. Potential open space;
4. The way in which the proposed development will fit into the context of the surrounding area;
5. The present and planned surrounding roads and utilities;
6. Access points and limiting of access, if required;
7. Existing and proposed trail system;
8. The anticipated time schedule for the development;
9. Plans and needs for water, sewer, roads, and sanitation disposal;
10. The development method that will be used, the total acreage involved, the number of allowable lots and the number of planned lots;
11. Any planned phasing or future development of adjacent land;
12. Any other information available or pertinent to the proposed subdivision or as required by the director.

B. A conceptual development plan shall not constitute an application for subdivision approval, as provided by this title, and is in no way binding on the county or the applicant. Any discussion that occurs at the concept plan phase shall not be considered as an indication of subdivision approval or denial, either actual or implied.

C. The director shall determine if a concept plan has sufficient detail and meets the basic requirements of this title and the zoning ordinance prior to presenting any concept plan to the planning commission. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

16.03.030: PRELIMINARY SUBDIVISION PLAT REQUIREMENTS:

The following information is required for the subdivision of all lands located within Cache County. The applicant may be required to provide other information as required by the Director of Development Services, Planning Commission, and/or County Council necessary to evaluate the proposed subdivision.

- A. An application for a subdivision, provided by the Director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) proposed to be subdivided.
- B. A preliminary subdivision plat shall be prepared by a licensed land surveyor in pen and the sheets shall be numbered in sequence if more than one sheet is used or required by the Director.
- C. The preliminary subdivision plat shall show the following:
 1. The layout or configuration of the proposed subdivision at a scale of no more than one inch equals one hundred feet (1" = 100'), or as recommended by the Director;
 2. Located at the top and center of the subdivision plat the proposed name of the subdivision and the section, township, range, principal median, and county of its location;
 3. A title block, placed on the lower right hand corner of the plat showing:
 - a. Name and address of owner(s) of record; and
 - b. Name and address of the licensed land surveyor responsible for preparing the preliminary plat; and
 - c. Date of preparation of the preliminary subdivision plat, and any revision dates;
 4. Signature blocks prepared, as required and provided by the county, for the dated signatures of the Planning Commission Chair, Deputy County Surveyor, County Attorney, County Recorder and Bear River Board of Health Director;
 5. North arrow, graphic and written scale, and the basis of bearings used;
 6. Bearings shall be shown to the nearest second; lengths to the nearest hundredth foot; areas to the nearest hundredth acre;
 7. Tabulation of the number of acres in the proposed subdivision, showing the total number of lots, and the areas of each lot;
 8. A vicinity map of the site at a minimum scale of one inch equals two thousand feet (1" = 2,000');
 9. Surveyed boundary of the proposed subdivision; accurate in scale, dimension, and bearing; giving the location of and ties to the nearest two (2) existing government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. The names of all adjoining property owners shall be shown;
 10. A legal description of the entire subdivision site boundary;
 11. All existing monuments found during the course of the survey (including a physical description such as "brass cap");
 12. Identification of known natural features including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, areas which would be covered in the event of one hundred (100) year floods, all water bodies, floodways and drainage ways, slopes exceeding twenty percent (20%) and slopes exceeding thirty percent (30%), and any other natural features as required by the Director, Planning Commission, or County Council for the entire or a portion of the subdivision site, including a tabulation of the acres in each;
 13. Identification of known manmade features including, but not limited to, high voltage power lines, high pressure gas lines, hard surfaced roads, road easements, road rights-of-way, bridges, culverts and drainage channels, field drains, existing water and sewer trunk lines, all utility easements, railroads and railroad easements, irrigation ditches, canals and canal easements within and adjacent to the subdivision site as required by the Director, Planning Commission, or County Council for the entire or a portion of the subdivision site;
 14. The location and dimensions of all existing buildings, existing property lines and fence lines;
 15. The location with name and parcel number of all existing platted lots within, or contiguous to the subdivision site;
 16. All lots, rights-of-way, and easements created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose, shall be given. The addresses of all lots shall be shown. All proposed new roads, whether public or private, shall be numbered, as provided by the Development Services Department, with the coordinates to proposed connections to existing county roads being shown;
 17. All existing and proposed roadway locations and dimensions, including the width of the driving surface and the rights-of-way, with cross sections of all proposed roads. All proposed roads shall be designed to comply with the adopted road standards of Cache County;
 18. Location and size of existing and proposed culinary water and sewer lines and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water and the location of all septic systems and drain fields, as applicable, and the location of fire hydrants, and secondary water facilities if proposed as required by the Director, Planning Commission, or County Council for the entire or a portion of the subdivision site shall be shown;

19. Proposed storm water drainage system for both surface and flood water, including any drainage easements and natural drainage ways, indicating how the flow will be altered with the proposed development;

20. Layout of proposed power lines, including the source and connection to the existing power supply, together with the location of existing and proposed bridges, culverts, utilities, utility easements, and any common space or open space areas including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation;

21. Located on the preliminary plat, or separate map, the identification of the minimum building setback lines for each lot shall be shown;

22. An indication of the use for all proposed lots including required plat notes identifying agricultural protection areas, and other proposed or required protective and restrictive covenants;

23. Endorsement on the plat by every person having a security interest in the subdivision property that they are subordinating their liens to all covenants, servitudes, and easements imposed on the property;

24. All monuments erected, corners, and other points established in the field in their proper places. The material of which the monuments, corners, or other points are made shall be noted. The legend for metal monuments shall indicate the kind of metal, the diameter, and length of the monuments;

25. A letter or other written form of consent by the owner including a reference to the named subdivision and the dedication of public ways or spaces, as required. This shall be signed, dated, and notarized;

26. A surveyor's certificate showing the name and registration number of the land surveyor responsible for making the final plat, and certifying to the plat's accuracy. A simple subdivision may not require a full survey, but instead may be completed through a metes and bounds determination. A waiver form shall be approved by the Cache County Recorder, the County Surveyor (or their representative), and the Director;

27. Any subdivision notes as required by the Director. An approved list of all possible notes and their applicability shall be maintained by staff.

D. A title report for the property proposed to be subdivided provided by a title company within thirty (30) days of the date of subdivision application.

E. A development phasing schedule (if applicable) including the sequence for each phase, approximate size in area of each phase, and proposed phasing of construction of all private and public improvements.

F. A tax clearance from the Cache County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.

G. The names and addresses of all owners of record of real property within three hundred feet (300') of the parcel of land proposed for subdivision, including the names and addresses of the holders of any known valid mineral leases.

H. Payment of the non-refundable administrative processing fee, and a refundable preliminary plat application fee. See Consolidated Fee Schedule for amount of fee. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - - 2020; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

16.03.040: FINAL SUBDIVISION PLAT REQUIREMENTS:

The final subdivision plat is required for the recordation of a subdivision plat as approved by the Planning Commission. The final plat shall reflect any changes to the proposed plat required by the Planning Commission, and must be reviewed by the Director of Development Services for completeness prior to recordation.

A. A final subdivision plat shall be prepared by a licensed land surveyor, and conforming to current surveying practice and in a form acceptable to the Cache County Recorder for recordation. The final subdivision plat shall contain all of the information required in the preliminary subdivision plat and shall be presented to the Director in the following form: one twenty four inches by thirty six inches (24" x 36") in ink on reproducible mylar copy of the final subdivision plat along with one digital copy (type to be specified by the Director) at the same scale and containing the same information. All sheets shall be numbered and referenced to an index map and all required certificates shall appear on a single sheet (along with the index and vicinity maps). All revision dates must be shown as well as the following:

1. Notation of any self-imposed restrictions, or other restrictions, if required by the Planning Commission in accordance with this title or title 17 of this code;

2. Other final subdivision plat notes, as required by the Planning Commission or County Council.

B. All of the required signature blocks shall be signed prior to the recordation of the final plat.

C. All other requirements of this title, title 17 of this code, or of the Planning Commission shall be met prior to the recordation of the final plat. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2020-02, - -2020)

CHAPTER 16.04

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

SECTION:

16.04.010: Subdivision Layout

16.04.020: Commencement Of Site Development

16.04.030: Lots

16.04.040: Roads

16.04.050: Protection Strips

16.04.060: Utilities And Easements

16.04.070: Storm Drainage Requirements

16.04.080: Suitability Requirements For Subdivisions

16.04.090: Redesign

16.04.100: Completion Of Development Improvements

16.04.110: Improvement Surety

16.04.120: Coordination With Municipalities And Other Service Providers

16.04.010: SUBDIVISION LAYOUT:

A. The subdivision layout shall conform to the Cache countywide comprehensive plan, this title, and all other requirements of state code and this code.

B. Where trees, groves, waterways, scenic points, historic spots or other county assets and landmarks, as determined by the land use authority, are located within a proposed subdivision, every practical means shall be provided to preserve these features. Staff may provide recommendations from qualified organizations to aid in the determination of these features.

C. Whenever a tract to be subdivided adjoins or embraces any part of an existing road as claimed by the county or a proposed road designated within the countywide comprehensive plan, such part of the public way shall be platted and dedicated to the county. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.020: COMMENCEMENT OF SITE DEVELOPMENT:

The development services department shall have the authority to authorize the initiation of construction activities (altering the terrain or vegetation) on the proposed subdivision site. Any site development shall only commence after receiving all required permits and reviews and meeting the requirements of this title and this code. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.030: LOTS:

A. All subdivisions shall result in the creation of lots which are developable and capable of being built upon with the exception of agricultural remainders. A subdivision shall not create lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage, or access grades, or other physical conditions.

B. All lots or parcels created by the subdivision shall have reasonable access as defined within this code.

C. The minimum area, dimensions, and density of all lots shall conform to the requirements of title 17 of this code for the zoning district in which the subdivision is located.

D. A lot shall not be divided by an incorporated town or county limit line. No permits shall be issued on any lot/parcel that is divided by a municipal jurisdictional line except for agricultural buildings.

E. Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.040: ROADS:

A. All roads shall be designed and constructed in accordance with the specifications found within title 12 of this code.

B. Private roads shall be identified on the subdivision plat with the appropriate subdivision notes.

C. Road patterns in the subdivision shall be in conformity with the most advantageous development of adjoining areas. The following principles shall be observed:

1. Where appropriate to the design and terrain, proposed roads shall be continuous and in alignment with existing planned or platted roads with which they are to connect and based on the grid system common to Cache County. Where dead end roads are proposed, the land use authority may require that a road and/or right of way be extended to the subdivision boundary to provide road connectivity and access alternatives for current, proposed, and future development.

2. Proposed roads shall intersect one another at right angles, or as near to as topography and other limiting factors of good design permit. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.050: PROTECTION STRIPS:

Protection strips shall not be permitted under any circumstances, nor shall remnant parcels be permitted which may act as

protection strips. A protection strip is any piece of ground created to inhibit access to a road, right of way, and/or easement as determined by the land use authority. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.060: UTILITIES AND EASEMENTS:

Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all front, rear, and side setbacks as deemed necessary by the Planning Commission and/or utility providers. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.070: STORM DRAINAGE REQUIREMENTS:

All subdivision plats shall be required to meet all state and county stormwater permitting requirements. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.080: SUITABILITY REQUIREMENTS FOR SUBDIVISIONS:

The following information is required as part of a subdivision review to establish the availability of basic services required to provide for the public health, safety, and welfare.

A. Water Requirements:

1. Domestic water rights are required for all subdivided lot(s) with the exception of subsection A1a of this section. The land use authority may also require culinary water systems on any subdivision. The required water rights shall be as approved by the State Division of Water Quality and in conformance with Utah Administrative Code R309-510.

a. Subdivisions may be approved with a single dry lot. Any dry lot approved shall be labeled clearly on the plat as "Dry Lot - Restricted for development until an approved domestic water right is provided." In addition to the plat notation, a certificate shall be recorded on each new dry lot created stating that the lot has been approved, but that domestic water shall be required prior to the issuance of a zoning clearance. The plat notation may be removed by the Director of Development Services upon evidence that an approved water right has been assigned to the lot.

2. If a water source being utilized for a lot is not located within that lot, appropriate easements and rights-of-way shall be provided and recorded with the plat, or at such time that development occurs.

3. The land use authority may require that secondary (irrigation) water rights for a subdivided lot(s) be established as a condition of any subdivision approval. The amount of water required shall be in conformance with Utah Administrative Code R309-510.

4. Any secondary water presented to fulfill the requirements of this title shall indicate the source of the water, proof of water rights, and the equivalent amount of acre feet.

B. Sewage Requirements:

1. Subdivision applications, proposing individual on-site wastewater disposal systems, shall include feasibility reports meeting the requirements of the Bear River Health Department or Utah Department of Environmental Quality, as applicable, for each lot proposed. All applicants for a subdivision where on site wastewater systems are proposed shall provide a septic tank permit or septic tank feasibility letter from the applicable authority for the entire subdivision and/or each lot proposed. The minimum lot size, as determined in each base zoning district, may be increased as required to ensure that each lot will be able to provide adequate on-site sewer treatment.

2. If a subdivision requires that off-site facilities be provided, appropriate easements and rights-of-way shall be required. Additionally, any engineering, site studies, or other requirements by the health department shall be conditions of approval for the proposed subdivision.

3. Alternative sewage treatment may be required in conformance with section 17.10.050A4b.

C. Fire Control: A review provided by the Cache County Fire District identifying any items related to providing the proposed subdivision with adequate fire protection and suppression services including but not limited to:

1. Ability to meet the requirements of the International Fire Code;

2. Suitable equipment access based on the needs of the proposed use including but not limited to sufficient roadway improvements (minimum width, structural stability, turn-around capabilities, year round maintenance, and other legal requirements);

3. Access to suitable water supply for fire protection (water tenders, hydrants, storage tanks, or as otherwise required).

D. School Bus Service: A review provided by the Cache County School District, identifying any items related to the provision of school bus services.

E. Roads And Access: A review provided by the Development Services Department that identifies the following:

1. Basic layout of the existing road(s) proposed to service the subdivision.

2. A basic analysis, to the extent possible, outlining if the existing roads meet current standards as outlined within title 12.

3. A review of the existing maintenance efforts, both summer (pavement preservation versus grading) and winter (snow removal services).

4. Additional information that would impact access issues related to the proposed subdivision or the traveling public.

Alternatively, if the proposed subdivision is accessed directly from a state highway, an access permit as required by the state of Utah Department of Transportation shall be provided with the application materials. A UDOT review through the Cache Access Management Program shall be provided prior to Planning Commission review of the plat.

F. Solid Waste Disposal: If the proposed subdivision is located outside of the boundaries of Service Area #1, a garbage or refuse plan shall be provided for review by the Planning Commission.

G. Other Information And Materials: The Land Use Authority may require, with the reasons for such request being identified as either code requirements or items of concern as specified on the record, the applicant to provide additional information including but not limited to feasibility studies and/or evidence indicating suitability of the area for the proposed subdivision. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.090: REDESIGN:

The Planning Commission may require that a subdivision be redesigned based on a recommendation from either staff or the Planning Commission. The redesign may be required based on either site constraints that may include, but are not limited to, topography, floodplain or waterways, historic or culturally significant elements, access issues, or other natural features. A redesign of a subdivision may also be required based on land use planning external to the site. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.100: COMPLETION OF DEVELOPMENT IMPROVEMENTS:

A. Improvements: The Planning Commission may require on-site and off-site improvements as outlined within County Code or as otherwise determined necessary by the Land Use Authority based on the record as required to protect the public health, safety, and welfare.

B. No development shall be recorded until all of the conditions for approval have been met and all required improvements have been completed to the standards and specifications established by the county or other codes, laws, or regulations unless an improvement agreement is in place as defined by section 17.07.040. The following minimum requirements also apply:

1. Construction within the subdivision shall conform to all federal and state regulations.

2. Construction drawings and construction within the subdivision shall conform to the Cache County Ordinance and Manual of Roadway Design and Construction Standards.

C. Permits must be obtained for construction of the infrastructure facilities within the subdivision.

D. Issuance Of Permits: No permits for structures shall be issued within a development that has not completed all improvements and/or conditions. However, the Director of Development Services may, upon review of health, safety, and/or access concerns, issue permits for non-combustible construction only. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016; amd. Ord. 2020-02, - -2020)

16.04.110: IMPROVEMENT SURETY:

When in the judgment of the director of development services, it is not feasible to complete improvements and/or conditions imposed by ordinance or the land use authority prior to the issuance of a permit or recordation of a plat, an improvement security may be accepted as part of an improvement agreement pursuant to this section to guarantee completion of the improvements and/or conditions.

A. Authorization To Accept Surety: The director is authorized to accept improvement surety and to enter into improvement agreements to the completion of improvements and/or conditions imposed by ordinance or by a land use authority.

B. Acceptable Types Of Surety: The following types of improvement surety reflecting one hundred ten percent (110%) of the average of the bid estimates may be accepted:

1. Irrevocable letter of credit issued by a federally insured financial institution.

2. Performance bond issued by a financial institution, insurance company, or surety company with an A.M. Best rating of not less than A-:IX.

C. Estimating The Cost Of Improvements:

1. The developer shall present the county with a firm construction bid for the improvements and/or conditions to be addressed. The bid must be valid for a reasonable period of time from the date of the bid.

2. The bid shall be reviewed by the director or the director's designee prior to acceptance.

3. Upon the director's approval of the bid amount, the developer may provide improvement surety of not less than one hundred ten percent (110%) of the bid amount.

4. If the director does not accept the bid, the developer shall obtain an additional firm bid for the work to be secured with prices valid for at least six (6) months. The county shall accept the average of the two (2) submitted bids as the base amount for improvement security.

D. Completion Of Improvements: As applicable, improvements as identified in the improvement agreement must be

completed three (3) months prior to the expiration of the improvement surety or said surety shall be required to be extended.

E. Inspection: Upon completion of improvements, the county will inspect said facilities to ensure conformance with all requirements and accept the facilities based on said conformance. Upon acceptance of the improvements, the county shall retain ten percent (10%) of the bond amount for a period of not less than one year and no longer than allowed by state code. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

16.04.120: COORDINATION WITH MUNICIPALITIES AND OTHER SERVICE PROVIDERS:

A. Cache County fully supports access management along all state roads and shall work with all applicants of subdivisions through the Cache access management policy to work with the Utah department of transportation to coordinate access, capacity, and safety issues.

B. Cache County will work fully with applicants of subdivisions and adjacent/nearby municipalities to ensure that the information is available to applicants and the municipalities in terms of service provision, development, and annexation in conformance with this title, the land use ordinance, and state code section 10.2, part 4, annexation. (Ord. 2016-03, 4-26-2016, eff. 5-12-2016)

TITLE 17

ZONING REGULATIONS

General Provisions 17.01

Administration 17.02

Review Of Constitutional Taking Issues 17.03

Enforcement 17.04

Reserved 17.05

Uses 17.06

Definitions 17.07

Zoning Districts 17.08

Schedule Of Zoning Uses 17.09

Development Standards 17.10

Reserved 17.11

Reserved 17.12

Mineral Extraction And Excavation 17.13

Resort Recreation (RR) Zone 17.14

Reserved 17.15

Group Living Facilities 17.16

Airport Limitation Areas 17.17

Sensitive Areas 17.18

Public Infrastructure (PI) Overlay

Zone 17.19

Telecommunication Facilities 17.20

Reserved 17.21

Off Street Parking Standards 17.22

Sign Standards 17.23

Sexually Oriented Businesses 17.24

CHAPTER 17.01

GENERAL PROVISIONS

SECTION:

17.01.010: Title

17.01.020: Authority And Purpose

17.01.030: Applicability

17.01.040: Permits Required

17.01.050: Exemptions

17.01.060: Severability Of Provisions

17.01.010: TITLE:

A. This title shall be known as the *CACHE COUNTY LAND USE ORDINANCE*, hereinafter "this title". (Ord. 2018-02, 3-27-2018, eff. 4-12-2018)

17.01.020: AUTHORITY AND PURPOSE:

A. The Cache County Council adopts this title and associated maps and appendices pursuant to the County Land Use Development and Management Act, Utah Code Annotated section 17-27a as amended.

B. The primary purpose of this title is to promote the health, safety, and welfare of the present and future inhabitants of the County. This includes but is not limited to securing safe routes of travel, safety from fire and other natural and manmade dangers, the classification and distribution of land use and development, protection of both residential and nonresidential development, and the implementation of the goals and policies of the Countywide Comprehensive Plan. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018)

17.01.030: APPLICABILITY:

This title applies to all lands within the unincorporated area of the County. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018)

17.01.040: PERMITS REQUIRED:

A. All development must obtain the review and approval of the specified Land Use Authority.

B. The development, alteration, or use of all buildings and property must follow the requirements of this title. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018)

17.01.050: EXEMPTIONS:

A. Properties owned and operated by the State of Utah or the Federal government are exempt from the requirements of this title.

B. This exemption does not apply where State or Federal law requires that the agency of Federal or State government take steps to comply with all applicable local regulations. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018)

17.01.060: SEVERABILITY OF PROVISIONS:

A. If any section, provision, sentence, or clause of this title is declared unconstitutional by a court of competent jurisdiction, such determination does not impair the validity of the remainder of this title; the remainder of this title remains in full force and effect. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018)

CHAPTER 17.02

ADMINISTRATION

SECTION:

17.02.010: Purpose

17.02.020: Rules Of Procedure

17.02.030: Establishing Land Use Authority Duties, Authorities, And Powers

17.02.040: Request A Variance

17.02.050: Effective Period Of Land Use Authority Approval

17.02.060: Appeal A Land Use Authority Decision

17.02.070: Notice For Public Meetings

17.02.010: PURPOSE:

A. The purpose of this chapter is to:

1. Establish the Land Use Authority for Cache County land use ordinance decisions; and
2. Establish the Appeal Authority for Cache County land use ordinance variance and appeal decisions; and
3. Provide direction for the process of land use review and appeal. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord.

17.02.020: RULES OF PROCEDURE:

The Development Services Department shall adopt rules of procedure establishing the application and decision making process for required permits and approvals. These policies and procedures, including preparation of applications, must reflect the requirements of this code. Permitting fees must be approved by resolution by the County Council. The collected fees must be used to defray the costs of administering land use requests or appeals. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

17.02.030: ESTABLISHING LAND USE AUTHORITY DUTIES, AUTHORITIES, AND POWERS:

A. Director:

1. The Cache County Director of Development Services is established and functions as specified in chapter 2.40 of this code and in this chapter;

2. The Director must be appointed by the Cache County Executive, with the advice and consent of the County Council;

3. The Director has the duties, authority, and powers as set forth in this chapter.

4. The Director must:

a. Adopt procedures for land use application processes;

b. Administer and enforce the Land Use Ordinance, the Cache County Subdivision Ordinance, and any associated policies or procedures;

c. Determine the mapped location of a base or overlay zoning district boundary in instances where the location may be unclear. The Director must consider the following criteria in reaching a decision:

(1) The policies and development standards that apply to the base or overlay zoning district; and

(2) Where a base or overlay zoning district map boundary is shown following a road, right-of-way line, interstate highway, public utility right-of-way, railroad line, a stream or watercourse, or a line located midway between the main track of a railroad, the base or overlay zoning district map boundary is deemed to be changed automatically whenever such centerline is changed by natural or artificial means; and

d. Interpret the use related definitions in the applicable base or overlay zoning district as contained in chapter 17.09 Schedule of Zoning Uses, of this title; and

5. Designee: The Director may assign a designee to act as the land use authority in the place of the Director. Any designee must be identified in writing by the Director prior to any land use decision by the designee.

B. Planning Commission:

1. The Cache County Planning Commission is established as required by Utah Code Annotated section 17-27a-301, and has the duties, authority, and powers as found in Utah Code Annotated section 17-27a-302, as amended, and in this chapter; and

2. The Executive must appoint a Planning Commission with the advice and majority consent of the Council; and

3. The Planning Commission must be composed of seven (7) members. All members serve a term of three (3) years; and

4. The Executive, with the advice and consent of the Council, may remove a member of the Planning Commission with or without cause; and

5. The Planning Commission must adopt bylaws and rules of procedure establishing membership, the duties of officers and their selection, and for other purposes considered necessary for the functioning of the Planning Commission. These bylaws and rules of procedure must be approved by the Council; and

6. The Planning Commission must provide land use review to the Council in the following:

a. Preparing and recommending a General Plan and amendments to the General Plan; and

b. Recommending land use ordinances and maps, and amendments to land use ordinances and maps; and

c. On other items as the Council directs.

C. Land Use Hearing Officer:

1. Procedures:

a. The land use hearing officer may administer oaths and compel the attendance of witnesses.

b. All hearings before the land use hearing officer shall comply with the requirements of Chapter 4, Title 52, Utah Code, Open and Public Meetings.

c. The land use hearing officer shall:

- (1) Keep minutes of his or her proceedings; and
- (2) Keep records of his or her examinations and other official actions.

d. The land use hearing officer shall file his or her records in the office of the development services division. All such records are public records.

e. Decisions of the land use hearing officer become effective at the meeting in which the decision is made, unless a different time is designated at the time the decision is made.

2. Qualifications:

a. The land use hearing officer shall be appointed by the County Executive with the advice and consent of the County Council. The Executive shall appoint more than one hearing officer, but only one hearing officer shall consider and decide upon any matter properly presented for hearing officer review.

b. A hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

3. Conflict Of Interest And Removal:

a. The hearing officer shall not participate in any appeal in which the hearing officer has a conflict of interest.

b. The hearing officer may be removed by the Executive with advice and consent of the Council for violation of this title or any policies and procedures adopted by the Development Services director following receipt by the Executive of a written complaint filed against the hearing officer.

4. Powers And Duties

a. The land use hearing officer shall:

(1) Act as the appeal authority for administrative decisions by the Development Services Director and decisions by the planning commission; and

(2) Hear and decide variances from the terms of the zoning ordinance; and

(3) Hear and decide applications for the expansion or modification of nonconforming uses.

D. County Council:

1. The Cache County Council is established as found in Utah Code Annotated section 17-52a-504 as amended, and in title 2, chapter 2.12 of this Code, and has the land use duties, authority, and powers as represented in title 2, chapter 2.12 of this Code, Utah Code Annotated section 17-53 part 2 as amended, and this chapter.

E. Authority For Land Use Actions:

1. The Land Use Authority is responsible for the land use actions as noted in the table below:

TABLE 17.02.030

AUTHORITY FOR LAND USE ACTIONS

Land Use Authority	Land Use Action
Director	Zoning clearance
	Floodplain permit
	Variance for maximum structure height or minimum setback distances
Planning Commission	Subdivision
	Subdivision amendment
	Conditional use permit
Land Use Hearing Officer	Variance (except as listed under Director)
	Appeal
Council	Ordinance or ordinance amendment
	Rezone
	General Plan or General Plan amendment
	Annexation/disconnection

(Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2020-02, - -2020; Ord. 2023-13, 5-9-2023)

17.02.040: REQUEST A VARIANCE:

A. Any person or entity desiring a waiver or modification of the requirements of the land use ordinance as applied to a parcel of property that they own, lease, or in which they hold some other beneficial interest must be filed with the Cache County Development Services Department for a variance from the terms of this title. The designated Appeal Authority may grant a variance if the requirements of Utah Code Annotated section 17-27a-702 as amended have been met; and

B. A request for a variance must:

1. Be filed with Development Services Department; and

C. When a request for a variance is filed, notice is given as required by this chapter. The Appeal Authority hears that issue at the next regularly scheduled meeting, unless such time is extended for good cause or stipulation of the parties; and

D. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

17.02.050: EFFECTIVE PERIOD OF LAND USE AUTHORITY APPROVAL:

A. Administrative land use decisions of approval are effective for a period of one year from the date of Land Use Authority approval; and

B. The Director must issue a notice of expiration to the agent of a project no less than ninety (90) calendar days prior to the end of the effective period of approval; and

C. All final documents required to record a permit or subdivision must be submitted to the Development Services Office no less than four (4) weeks before the approval deadline; and

D. Any approval that has lapsed beyond its effective period is void and any new application must conform to the ordinance currently in effect; and

E. No refunds are issued for void applications or permits; and

F. At the discretion of the Land Use Authority, the effective period of approval may be extended for up to six (6) months beyond the one year period of the original approval. Within that extension no development or active use of the site is allowed until the permit or subdivision plat has been recorded and all conditions have been met.

1. To request an extension an applicant must submit an application to the Development Services Office a minimum of six (6) weeks prior to the expiration of the original one year period of approval.

2. Extension requests must be reviewed by the Land Use Authority. The Land Use Authority may approve an extension request only if:

a. The reason for the extension is not economic.

b. The applicant has shown a clear pattern of working to record the plat or permit throughout the entirety of the approval period.

3. The applicant bears the burden of proving that the conditions justifying an extension have been met.

G. Where an appeal of an approval has been made, the effective period for the approval does not begin until a final decision has been issued by the Appeal Authority or Judge of the First District Court. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018; amd. Ord. 2023-13, 5-9-2023)

17.02.060: APPEAL A LAND USE AUTHORITY DECISION:

A. The Appeal Authority for Land Use Authority actions is assigned as noted in the table below:

TABLE 17.02.060

APPEAL A LAND USE AUTHORITY DECISION

Acting Authority	Appeal Authority
Director	Land Use Hearing Officer
Planning Commission	Land Use Hearing Officer
Land Use Hearing Officer	First District Court
Council	First District Court

B. Land use decisions may be appealed:

1. By a person with standing that is adversely affected as a result of a Land Use Authority's decision by alleging that any order, requirement, decision, or determination of the Land Use Authority is arbitrary, capricious or illegal; and

2. Only if it is the final decision issued by the proper Land Use Authority. The appeal of decisions made by supporting staff must be reviewed by the Land Use Authority that issued the final decision; and

3. If commenced within ten (10) business days of the adverse order, requirement, decision, or determination by filing a written notice of appeal with the Cache County Development Services Department. The notice of appeal must identify the decision being appealed and parties making the appeal; and

a. The appellant has the burden of showing the evidence and proving that the decision of the Land Use Authority is arbitrary, capricious (unsupported by the evidence or facts of record), or illegal; and

C. When a notice of appeal is filed, notice must be given as required by this chapter. The Appeal Authority then hears that issue at the next regularly scheduled meeting for a hearing, unless such time is extended for good cause or stipulation of the parties; and

D. The Appeal Authority may require written briefs or memorandum of the parties as the Appeal Authority deems necessary. At the hearing, the appellant must appear in person or by agent; and

E. Using substantial evidence as the standard of review, the Appeal Authority determines the correctness of a decision of the Land Use Authority in its interpretation and application of a land use or subdivision ordinance. Only those decisions in which a Land Use Authority has applied a land use ordinance to a particular application, person, or parcel may be appealed; and

F. The Appeal Authority must issue a decision in writing within fifteen (15) business days of the final hearing, which constitutes a final decision under Utah Code Annotated section 17-27a-8 as amended; and

G. Any person adversely affected by a final decision of the Appeal Authority may petition the First District Court for review of the decision as permitted by law. Such a petition is barred unless filed within thirty (30) days after the Appeal Authority's decision is final in compliance with Utah Code Annotated section 17-27a-801(2) as amended; and

1. The Appeal Authority may order its decision stayed pending District Court review if the Appeal Authority finds it to be in the best interest of the County. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

17.02.070: NOTICE FOR PUBLIC MEETINGS:

A. Notice for public meetings and public hearings must comply with the Open and Public Meetings Act, Utah Code Annotated chapter 52-4 and Utah Code Annotated section 17-27a-2 as amended. At the discretion of the Land Use Authority additional notice requirements may be applied; and

B. Notice of the time, place, and subject matter of a meeting must be given to the person making a request, the Land Use Authority or official, other affected parties as directed by law, and all adjoining property owners within a three hundred foot (300') radius of the boundary of the subject property. (Ord. 2018-02, 3-27-2018, eff. 4-12-2018; Ord. 2023-13, 5-9-2023)

CHAPTER 17.03

REVIEW OF CONSTITUTIONAL TAKING ISSUES

SECTION:

17.03.010: Policy Considerations

17.03.020: Review Of Final County Decision; Procedures

17.03.030: Reviewing Guidelines

17.03.040: Results Of Review

17.03.010: POLICY CONSIDERATIONS:

Pursuant to Utah state code 63L-4, there is an underlying policy in the county favoring the serious and careful consideration of matters involving constitutional taking claims. There is a desire for fairness to the owner of private property bringing the claim in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of the county in lawfully regulating real property must be preserved and the public's right to require the dedication or exaction of property consistent with the constitution. Consistent with this policy, this chapter establishes procedures for the review of actions that may involve constitutional takings, as well as providing guidelines for such considerations. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

17.03.020: REVIEW OF FINAL COUNTY DECISION; PROCEDURES:

Any owner of private real property who claims there has been a constitutional taking of private real property by an action of the county may request a review of the final decision and action by the county.

The following are specific procedures established for such a review:

A. The person requesting a review must have obtained a final and authoritative determination from the county.

B. Within thirty (30) days from the date of the county's final determination that gave rise to the concern that a constitutional taking may have occurred, the person requesting the review shall file in writing, in the office of the county clerk, a request for review of that decision. A copy shall also be filed with the county attorney.

C. The county council, or their designee, shall immediately set a time to review the decision that gave rise to the

constitutional takings claim.

D. In addition to the written request for review, the applicant must submit the following:

1. Name and address of the applicant requesting review.
2. Name and/or business address of current owner(s) of the property.
3. A detailed description of the grounds for the claim that there has been a constitutional taking.
4. A detailed description of the property taken.
5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired.
6. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest.
7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three (3) years prior to the date of application.
8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application.
9. The assessed value of and ad valorem taxes paid on the property for the previous three (3) years.
10. All information concerning current mortgages or other loans secured by the property, including name of the mortgagor or lender, current interest rate, remaining loan balance and term of the loan, and other significant provisions, including, but not limited to, the right of purchaser(s) to assume the loan.
11. All listings of the property for sale or rent, prices asked and offers received, if any, within the previous three (3) years.
12. All studies commissioned by the applicant or agents of the applicant within the previous three (3) years concerning feasibility of development or utilization of the property.
13. For income producing property, itemized income and expense statements from the property for the previous three (3) years.
14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property.
15. The county council, or their designee, may request additional information, reasonably necessary in their opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.

E. An application shall not be deemed to be "complete" until the county council, or their designee, certifies to the applicant that all the materials and information required above have been received by the county. The county council, or their designee, shall notify the applicant of any missing information and shall identify the materials and information necessary to correct the incomplete application.

F. The county council, or their designee, shall hear all the evidence related to and submitted by the applicant, county, or any other interested party.

G. A final decision on the review shall be rendered within fourteen (14) days from the date the complete application has been received by the county clerk. The decision of the county council, or their designee, regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission or council that rendered the final decision that gave rise to the constitutional takings claim.

H. If the county council, or their designee, fails to hear and decide the review within fourteen (14) days, the decision appealed from shall be presumed to be approved. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

17.03.030: REVIEWING GUIDELINES:

The county council, or their designee, shall review the facts and information presented by the applicant to determine whether or not the action by the county constitutes a constitutional taking, as defined in this chapter. In doing so, they shall consider:

A. Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest.

B. Whether a legitimate governmental interest exists for the action taken by the county.

C. Is the property and exaction taken roughly proportionate and reasonably related, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

17.03.040: RESULTS OF REVIEW:

After completing the review, the county council, or their designee, shall make a determination regarding the above issues and, where determined to be necessary and appropriate, shall make a recommendation to the officer, employee, board, commission or council that made the decision that gave rise to the constitutional takings claim. (Ord. 2016-04, 4-26-2016,

CHAPTER 17.04

ENFORCEMENT

SECTION:

17.04.010: Enforcement Authority

17.04.020: Powers And Duties

17.04.030: Unlawful Use Prohibited

17.04.040: Violation; Penalties And Remedies

17.04.050: Violation; Persons Liable

17.04.060: Violation; Notice And Order

17.04.070: Remedies And Civil Penalties

17.04.010: ENFORCEMENT AUTHORITY:

The director of development services or authorized agent is designated as the officer charged with the enforcement of the regulations set forth in this title. The enforcement requirements within this section shall apply to title 16 of this code and this title. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.04.020: POWERS AND DUTIES:

A. The director of development services is authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this title.

B. The director shall enforce all of the provisions of this title, employing all legal means available to do so. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.04.030: UNLAWFUL USE PROHIBITED:

A. No land, building or structure shall be used for any purpose or use not allowed in the zone in which such land, building or structure is located.

B. Violation of any of the provisions contained in this title is prohibited. Any person who violates the provisions of this title shall be subject to the criminal and civil penalties set forth in this chapter. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.04.040: VIOLATION; PENALTIES AND REMEDIES:

A. Violation of any of the provisions of this title is punishable as a class C misdemeanor upon conviction, as defined by Utah Code Annotated section 17-27A-803 et seq. In addition, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law. (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

B. Any one, all, or any combination of the penalties and remedies set forth in subsection A of this section may be used to enforce the provisions of this title.

C. Each day that any violation continues after notification by the director of development services or authorized agent that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this chapter.

D. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued, shall stop upon correction of the violation. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.04.050: VIOLATION; PERSONS LIABLE:

Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.04.060: VIOLATION; NOTICE AND ORDER:

A. Notice Of Violation: Upon inspection and discovery that any provision of this title is being violated, the director of development services shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.

B. Contents Of Notice: The written notice and order shall:

1. Indicate the nature of the violation;
2. Order the action necessary to correct the violation;
3. Give information regarding the established warning period for the violation; and
4. State the action the director intends to take if the violation is not corrected within the warning period.

C. Final Written Notice: An initial written notice shall be mailed to the property owner and/or violator. If a violation then persists, a final written notice shall be served upon the property owner and/or the violator in the same manner as service of a summons pursuant to the Utah rules of civil procedure. Actual notice shall be required.

D. Notice Period: The final written notice shall commence a ten (10) business day warning period beginning with the receipt of notice. If the violation remains unresolved after the expiration of the warning period, ten (10) business days after receipt of the final written notice the imposition of daily penalties shall commence.

E. Delay Of Enforcement Would Pose A Danger: In cases where the director determines that a delay of enforcement would pose a danger to the public health, safety or welfare, or would otherwise compromise the effective enforcement of this title, the director may seek immediate enforcement without prior written notice. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.04.070: REMEDIES AND CIVIL PENALTIES:

A. Civil Penalties: Violations of the provisions of this title shall result in civil penalties of one hundred dollars (\$100.00) per day for land use or permit violations. Each day a violation is continued or maintained after the receipt of notice shall give rise to a separate civil penalty. Additional penalties may be imposed in the amount of reasonable attorney fees and costs incurred in enforcement of this chapter and collecting the civil penalties herein imposed.

B. Remedies: The county may issue a cease and desist order, stop work order, or other enforcement as necessary based on the situation. If the violation continues past the notice period, the violation shall be turned over to the county attorney's office for prosecution. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 17.05

RESERVED

(Ord. 2013-06, 2-26-2013, eff. 3-13-2013)

CHAPTER 17.06

USES

SECTION:

17.06.010: Uses Identified

17.06.020: Application Required

17.06.030: Burden Of Proof

17.06.040: Permitted Uses

17.06.050: Land Use Applications

17.06.060: Nonconforming Use

17.06.010: USES IDENTIFIED:

A. Allowed Uses: All uses allowed by this title shall be identified as:

1. Permitted.
2. Zoning clearance.
3. Conditional.
4. Nonconforming.

B. Prohibited Use: Any use which is not identified by this title as either a permitted, zoning clearance, conditional, or nonconforming use is hereby determined to be a prohibited use. A prohibited use shall not be allowed or authorized within the unincorporated area of the county. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

17.06.020: APPLICATION REQUIRED:

A. All requests for a conditional use shall be made on an application form provided by the development services department.

B. No use approved as a conditional use may be modified, enlarged or expanded, without obtaining an approved modification to the permit. The application for modification shall be processed as a new permit application under this chapter. The issuance of a permit may require that the existing development site be brought into substantial conformance with the terms of this code in effect on the date the use permit is approved, including, but not limited to: landscaping, screening, parking, and stormwater retention. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

17.06.030: BURDEN OF PROOF:

A. The applicant has the burden of proving that the application meets the requirements of this chapter for any zoning clearance or conditional use. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

17.06.040: PERMITTED USES:

Permitted uses are allowed as a matter of right; however they are required to comply with any requirements of this code and the state of Utah as adopted and as applicable. Permitted uses are identified in chapter 17.09, "Schedule Of Zoning Uses", of this title. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

17.06.050: LAND USE APPLICATIONS:

Complete land use applications are entitled to substantive land use review as identified in this section, this code, and state code.

A. Zoning Clearances: A zoning clearance must be reviewed by the director as provided by this title for any of the uses for which a zoning clearance is required as identified in chapter 17.09, "Schedule Of Zoning Uses", of this title. The director is authorized to approve, impose reasonable conditions, and/or may deny a zoning clearance request as provided for in this section, this code, or other agency requirements. Zoning clearance must be issued to ensure compliance with the conditions established by the land use authority for the following:

1. Conditional use permits;
2. Building permits;
3. Business licenses;
4. Accessory and agricultural structures.

B. Conditional Uses: A conditional use allows the consideration of special uses that may be essential or desirable to a particular community, but are not allowed as a matter of right. These uses require special consideration to ensure that they can be designed, located, and operated in a manner that will not interfere with the use and enjoyment of surrounding properties. The purpose of the conditional use permit application process is to evaluate possible adverse impacts and to minimize them, where possible, through the imposition of specific conditions of approval. If adverse impacts cannot be appropriately resolved, the use may be denied as identified in this section and state code.

1. Conditional use permits must be reviewed by the appropriate land use authority as provided by this title for any of the uses for which a conditional use permit is required as identified in chapter 17.09, "Schedule Of Zoning Uses", of this title. The land use authority is authorized to approve, impose reasonable conditions, and/or may deny a conditional use permit request as provided for in this section, this code, or other agency requirements.

2. The land use authority shall review a conditional use permit request with the following standards and criteria:

a. Health, Safety, And Welfare: The proposed conditional use is not detrimental to the public health, safety and welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity. A conditional use shall be considered detrimental if:

(1) It causes unreasonable risks to the safety of persons or property because of vehicular traffic or parking, or other similar risks; and/or

(2) It unreasonably interferes with the lawful use of surrounding property.

b. Compliance With Law:

(1) The proposed conditional use complies with the regulations and conditions specified in this code and other applicable agency standards for such use.

(2) The proposed conditional use is consistent with the intent, function, and policies of the Cache County general plan, ordinance(s), and land use, and/or compatible with existing uses in the immediate vicinity.

c. Adequate Service Provision: The proposed conditional use does not result in a situation that creates a need for essential services that cannot be reasonably met by local service providers, including, but not limited to: roads and year round access for emergency vehicles and residents, fire protection, law enforcement protection, schools and school busing, potable water, septic/sewer, stormwater drainage, and garbage removal.

d. Impacts And Mitigation: Reasonably anticipated detrimental effects of the proposed conditional use can be substantially mitigated by the proposal or by the imposition of reasonable conditions to achieve compliance with applicable standards. Examples of potential negative impacts include, but are not limited to, odor, vibration, light, dust, smoke, noise, impacts on sensitive areas as defined by this code, and/or disruption of agricultural practices.

C. Denial: If the land use authority determines that the standards of this section cannot be met and that adequate mitigation measures cannot be imposed to bring the use into conformity with the standards and criteria, the land use authority may deny the request for a conditional use permit.

D. Conditions: In approving a conditional use permit, the land use authority may impose such reasonable conditions as deemed necessary for the protection of adjacent properties and the public interest. The land use authority may require guarantees or other evidence that such conditions will be met and complied with.

E. Revocation: If there is cause to believe that grounds exist for revocation of an approved conditional use permit, the

land use authority shall schedule the item for consideration at a public meeting. A minimum notice of thirty (30) days prior to the meeting shall be provided to the property owner at the location of the approved conditional use permit.

1. A conditional use permit may be revoked by the land use authority if the land use authority finds that one or more of the following conditions exist:

a. The conditional use permit was obtained in a fraudulent manner.

b. The use for which the conditional use permit was granted has ceased for a minimum of twelve (12) consecutive calendar months.

c. The nature of the use for which the conditional use permit was granted has changed or the intensity of use has increased beyond that originally approved.

d. The use constitutes a "nuisance" as defined by this title.

e. One or more of the conditions of the conditional use permit have not been met. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

F. Inactive Permits: If a conditional use has concluded operation as identified in the permit, or as requested by the property owner, e.g., mineral extraction, all operations at the site must cease, and the permit shall be considered inactive, with the exception of any outstanding requirements of the permit, e.g., reclamation. (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

G. Permits Run With The Land: All conditional use permits authorized and approved as required by this title are determined to run with the land. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016; amd. Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

17.06.060: NONCONFORMING USE:

A. Continuation Of Use: A nonconforming use may continue provided that it:

1. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a federal, state, or local government entity; and

2. Has been continuously maintained.

B. Alteration Of A Nonconforming Use:

1. A nonconforming use shall not be enlarged upon, expanded, or intensified.

2. A nonconforming use may be maintained, however, for any work that requires a building permit, a zoning clearance shall be issued that identifies the following: the nonconformity, the legally nonconforming status, and that the use is not being enlarged, expanded, or intensified. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

CHAPTER 17.07

DEFINITIONS

SECTION:

17.07.010: Purpose

17.07.020: Other Terms Defined

17.07.030: Use Related Definitions

17.07.040: General Definitions

17.07.010: PURPOSE:

The purpose of this chapter is to provide the definitions for terms specific to this title and title 16 of this Code. (Ord. 2017-03, 3-28-2017, eff. 4-12-2017)

17.07.020: OTHER TERMS DEFINED:

A. Whenever any words or phrases used in this title are not defined herein, but are defined in related sections of the Utah Code, County subdivision ordinance, or the family of International Building Codes, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention as determined by the Land Use Authority. For any words or phrases not specifically defined in the codes as noted, the current online Merriam-Webster Dictionary must be used to determine meaning within the context in which they are used as determined by the Land Use Authority.

B. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this title shall have the respective meanings hereinafter set forth.

C. As determined by the Land Use Authority, definitions nested for organizational purposes shall be considered as stand-alone for definitional purposes. (Ord. 2017-03, 3-28-2017, eff. 4-12-2017)

17.07.030: USE RELATED DEFINITIONS:

A. Terms used within chapter 17.09 of this title to identify specific uses regulated within this title:

RESIDENTIAL USES:	
1100	SINGLE FAMILY DWELLING: A structure containing one dwelling unit. The following requirements also apply:
	1. Only one dwelling unit is allowed per legal lot/parcel with the exception of a single accessory apartment.
	2. The structure must be a manufactured home, mobile home, or other permitted structure on a permanent foundation.
	3. With the approval of the Land Use Authority, this use may allow more than one kitchen if it does not result in the creation of a second dwelling unit.
	4. Uses considered accessory to the primary single family dwelling include: accessory apartment, accessory/agricultural structures, home based business, guest house, swimming pool, and similar accessory uses.
1110	FOSTER HOME: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
1120	ACCESSORY APARTMENT: One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit that is within a single family dwelling. An accessory apartment must comply with the following requirements:
	1. Location:
	a. Only one accessory apartment is allowed per legal lot.
	b. Must be within an existing single family dwelling through an internal conversion of the existing dwelling unit (e.g., basement, attic) maintaining an internal connection between common living area(s) that meets the size, design, and other requirements of this definition, or
	c. An addition to the existing single family dwelling containing an internal connection between common living area(s) of the accessory apartment and the single family dwelling that meets the size, design, and other requirements of this definition, or
	d. New construction of a single-family dwelling with an attached accessory apartment that meets the size, design, and other requirements of this definition.
	e. An accessory apartment must not be detached from the primary dwelling unit on the subject property. An accessory apartment opening into a garage or storage area does not meet the intent of this definition and is not permitted.
	2. Size: Accessory apartments cannot exceed thirty percent (30%) of the square footage of the primary dwelling unit up to a maximum of one thousand (1,000) square feet.
	3. Design:
	a. Required: Accessory apartments must share a common wall and roof for a minimum of twenty (20) linear feet with the primary dwelling and include an internal connection into a common living area of the primary dwelling. The internal connection can be closed off by a door. A basement or attic accessory apartment meets this requirement with the common floor, but must maintain an internal connection to the primary dwelling.
	b. External Appearance: The architectural style, building materials, and building colors of an accessory apartment must be compatible and consistent with the primary dwelling. If an addition to an existing single-family dwelling is built to create an accessory apartment, the addition must also tie into the existing roof line.
	c. Entrance: An exterior entrance to an accessory apartment must be on the side or rear of the primary single family dwelling.
	4. Permits And Approvals:
	a. Must apply for and obtain approval of a zoning clearance prior to applying for a building permit. Application materials must include floor plans and elevations to confirm size, design, and other requirements of this definition.
	b. Must be approved by the Bear River Health Department and County Building Department with respect to sanitation, water, drainage, and all applicable Health Codes and requirements and must also comply with all applicable Land Use, Building, and Safety Codes, including the obtaining of a building permit.
	5. Owner Occupied: The primary single family dwelling unit or the accessory apartment must remain owner occupied.
1130	ACCESSORY/AGRICULTURE STRUCTURES: A use or a structure subordinate to the primary use of a lot, or of a primary building on the same lot, and serving a purpose clearly incidental to a permitted primary use of the lot or of the building and which accessory use or structure is compatible with the primary permitted uses or structures authorized under land use regulations applicable to the property. This includes, but is not limited to, the following:
	1. Residential: Structures associated with recreational activities, raising of pets, or parking of occupants' vehicles such as a garage or carport, accessory buildings for home hobbies, storage buildings, fences, patios, decks, and gardens.

	2.	Commercial/Manufacturing: Includes structures associated with the onsite sale of manufactured goods, offices, parking, storage, and a caretaker's residence.
	3.	Agriculture Structure: As defined within 15A-1-204(11) of Utah Code Annotated, 1953, as amended.
1200		HOME BASED BUSINESS: A use incidental and secondary to a property's primary residential use which does not significantly alter the exterior of the property or affect the residential character of the site as determined by the Development Services Director. The only employees and/or volunteers working at the home shall be the residents of the home. One non-resident employee may work in the residence if it can be demonstrated that there are not significant impacts due to the increase. A minor variance is required as specified in section 17.02.040 of this title. Typical uses include:
	1.	Home Office: A business which is comprised of an office in the home, consulting services, internet based business, or service activities that are managed from the home and occur away from the residential property. This includes sales activities where the business proprietor makes the primary sales transaction at another location such as demonstration sales or sales parties (i.e., cosmetics, cutlery, vacuums, etc.).
	2.	Home Day Care/Preschool: A program providing care in an occupied dwelling operated by residents of that dwelling in which lessons and/or care are provided for not more than eight (8) children. The State licensed and/or reviewed capacity must include all children less than four (4) years of age of any caregiver when their children are present in the residence. Preschool sessions shall last for not more than four (4) hours and shall not overlap. Individual children may attend only one preschool session in any twenty four (24) hour period. Refer to Utah Code Annotated section 26-39 Utah Child Care Licensing Act for State licensing requirements.
	3.	Minor Service Provision: Typically includes professional services where client meetings may occur at the home.
	4.	Minor Production: Production of goods that can be completed within the existing home typically including food goods, arts/crafts, or woodworking.
1300		MULTI-FAMILY DWELLING: A building or portion thereof containing two (2) or more dwelling units. Excludes single family dwellings with accessory apartments.
1400		SEASONAL CABIN: A dwelling used for recreational or leisure purposes with the occupancy period for such dwelling limited to a maximum of one hundred eighty (180) days, or less, for each calendar year. A seasonal cabin cannot be utilized as a primary residence. Only one seasonal cabin is allowed per legal lot/parcel.
1500		RESIDENTIAL LIVING FACILITY: A general term for the following types of facilities:
	1.	Residential Facility For Persons With A Disability: A single-family dwelling unit in which more than one person with a disability resides and which is licensed or certified by the Utah Department of Human Services under Utah Code Annotated 62A et seq., as amended, or the Utah Department of Health under Utah Code Annotated section 26-21 et seq., as amended. Treatment is not a necessary component of a residential facility for persons with a disability, but may be provided upon request. Any treatment provided shall be clearly ancillary to the use of the facility as a residence.
1600		CARETAKER'S RESIDENCE: A dwelling unit accessory to a commercial or industrial use for occupancy by the person who oversees the nonresidential operation, and his or her family. A caretaker's residence must be located on the same immediate property as the primary use, and cannot exceed thirty percent (30%) of the square footage of the structure with the primary nonresidential operation up to a maximum of one thousand (1,000) square feet in size.
MANUFACTURING INDUSTRIES:		
2100		GENERAL MANUFACTURING: The manufacture, processing, and assembling of products by mechanical or chemical processes. Typically includes the manufacturing of rock products (including concrete/asphalt plants); metal products; wood products (including saw mills and pulp factories); plastic components; and the commercial processing of animal products (meat, dairy, eggs, etc.).
2110		AGRICULTURAL MANUFACTURING: The processing of agriculturally based products where seventy five percent (75%) or more of the goods are grown directly on the property or on adjacent property that is operated by the owner of the agricultural manufacturing business. Includes any value added agricultural processing including but not limited to: honey processing, juice production from orchards or berries, meat or fish processing (smoking, jerky, cured meats, etc.), processing of vegetables, etc.
SALES AND SERVICES:		
3100		COMMERCIAL BUSINESS: Any commerce endeavor to engage in the purchase, sale, lease, or exchange of goods, and/or the provision of services. This includes the following specific uses:
	1.	Commercial Sales And Services: An establishment that provides products or services directly to a consumer, and where such products are available for immediate purchase and removal from the premises by the purchaser.

	2.	Professional Services: An administrative, professional, research, laboratory, or personal service, which requires as a condition precedent to the rendering of such service, the obtaining of a license or other legal authorization. These typically include, but are not limited to, services rendered by: certified public accountants, public accountants, engineers, chiropractors, dentists, osteopaths, physicians and surgeons, podiatrists, architects, veterinarians, attorneys at law, physical therapists, and life insurance agents. Merchandise or merchandising services must not be sold on the premises except such as incidental or accessory to the principal use.
3200		HOME BASED KENNEL: Any establishment accessory to a single- family dwelling at which seven (7) to twelve (12) adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. A home based kennel must comply with the following requirements:
	1.	The kennel must include a structure and/or fenced area to confine the dogs to the subject property. Dogs are prohibited from crossing onto adjacent properties unsupervised. The structure and/or fenced area must be of a sufficient size and height to accommodate and contain the particular breed(s) of dogs at the kennel. At the time of application, the applicant must provide detailed information and elevations for the structure and/or fenced area as part of their submittal.
	2.	All kennel facilities must be a minimum of fifty feet (50') from the property boundary.
	3.	Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided prior to recordation to establish the existing ambient noise levels.
3210		RURAL KENNEL: Any establishment not accessory to a dwelling unit at which seven (7) to twelve (12) adult dogs are boarded, groomed, bred, raised, and/or otherwise kept. A rural kennel must comply with the following requirements:
	1.	A rural kennel shall consist of no more than twelve (12) adult dogs (i.e., six (6) months of age or older).
	2.	The kennel is accessory to a use type 6100 Agricultural Production Use, as defined in the County Code.
	3.	The kennel must be located on a legal parcel, five (5) acres or larger in size that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, Utah Code Annotated section 59-2-5.
	4.	The kennel must include a structure and fenced area to confine the dogs to the subject property. Dogs are prohibited from crossing onto adjacent properties unsupervised. The structure and fenced area must be of a sufficient size and height to accommodate and contain the particular breed(s) of dogs at the rural kennel. At the time of application, the applicant must provide detailed information and elevations for the structure and fenced area as part of their submittal.
	5.	A sign, two feet by three feet (2' x 3') or six (6) square feet, must be posted on the private property along the property line and immediately adjacent to a recognized access point that legibly provides the contact name and phone number for the person(s) responsible for the kennel. Multiple signs may be required depending on the size of the parcel and number of recognized access points.
	6.	All kennel facilities must be a minimum of fifty feet (50') from the property boundary.
	7.	Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided prior to recordation establish the existing ambient noise levels.
3300		COMMERCIAL KENNEL/ANIMAL SHELTER: Any establishment where the boarding, grooming, breeding, raising, and/or otherwise keeping of thirteen (13) or more adult dogs or cats occurs or the requirements of a home based kennel or rural kennel cannot be met. A commercial kennel/animal shelter must comply with the following requirements:
	1.	The kennel must include a structure and fenced area to confine the dogs to the subject property. Dogs are prohibited from crossing onto adjacent properties unsupervised. The structure and fenced area must be of a sufficient size and height to accommodate and contain the particular breed(s) of dogs at the kennel. At the time of application, the applicant must provide detailed information and elevations for the structure and/or fenced area as part of their submittal.
	2.	All kennel facilities must be a minimum of fifty feet (50') from the property boundary and a minimum of twenty feet (20') from a caretaker's residence, if present.
	3.	Noise levels from the kennel shall not exceed ten (10) decibels (dBA, Leq) above the existing ambient noise levels at the property line at any time of day or night. A sound level impact and assessment report prepared and signed by a qualified professional must be provided prior to recordation to establish the existing ambient noise levels.
3400		STORAGE AND WAREHOUSING: A structure(s) containing storage space(s) of varying sizes that are affiliated with a commercial or industrial uses. Such facilities are to be used for dead storage only. No business activities may be conducted from a storage facility other than those that are clearly ancillary to the primary business. Also includes the following specific uses:

	1.	Storage Yard: The storage of large equipment and vehicles (either construction or transport); bulk construction materials (soil and rock products or building materials); and buildings or structures for uses such as offices or repair facilities.
	2.	Salvage Yard: A facility or area for storing, keeping, selling, dismantling, shredding, compressing, or salvaging scrap or discarded material or equipment. Scrap or discarded material includes but is not limited to metal, paper, rags, tires, bottles, motor vehicle parts, machinery, structural steel, equipment, and appliances. The term includes facilities for separating trash and debris from recoverable resources, such as paper products, glass, metal cans, and other products which can be returned to a condition in which they may again be used for production.
3410		SELF SERVICE STORAGE FACILITY: A building or group of buildings divided into separate compartments used to meet the temporary storage needs of small businesses, apartment dwellers, and other residential uses; and may include refrigerated or climate controlled facilities.
3500		TRANSPORT SERVICES: An establishment engaged primarily in the loading and unloading of freight onto tractor trucks or the dispatch of tractor trucks which will be used to haul freight. May also include services for the fueling, servicing, repair, or parking of trucks or similar heavy commercial vehicles. Excludes the parking of a single truck by an owner/operator at their place of residence and trucks owned and operated by an agricultural entity engaged in the transport of seventy five percent (75%) or more of that owner's agricultural products.
3600		GENERAL VEHICLE REPAIR: Any building, structure, improvements, or land used for the repair and maintenance of small engines, automobiles, motorcycles, trucks, trailers, tractors, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, tire service and sales, but excludes dismantling or salvage.
3700		MEDICAL SERVICES/FACILITIES: A general term for the following uses:
	1.	Secure Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	2.	Substance Abuse Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	3.	Outpatient Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	4.	Day Treatment: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	5.	Healthcare Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
	6.	Hospital: As licensed by the State of Utah and defined within Utah State Code 26-36a-103.
	7.	Veterinary Clinic: A facility for the diagnosis, treatment, and hospitalization of animals, and which may include boarding and outdoor holding facilities.
3800		HUMAN CARE SERVICES: A general term for the following uses:
	1.	Domestic Violence Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	2.	Assisted Living Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
	3.	Day Care, Adult: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	4.	Day Care/Preschool, Commercial: Any facility, at a nonresidential location, operated by a person qualified by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business and complying with all State standards and licensing.
	5.	Nursing Care Facility: As licensed by the State of Utah and defined within Utah State Code 26-21-2.
	6.	Residential Support: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	7.	Residential Treatment Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	8.	Youth Program: As licensed by the State of Utah and defined within Utah State Code 62A-2-101.
	9.	Long Term Care Facility: As licensed by the State of Utah and defined within Utah State Code 62A-3-202.
CULTURAL, ENTERTAINMENT, AND RECREATION:		
4100		RECREATIONAL FACILITY: A place, either indoor or outdoor, designed and equipped for the conduct of sports and leisure time activities that is operated as a business and/or open to the general public. A recreational facility is operated for a period of greater than thirty (30) days per year and may also include incidental transient lodging accommodations for up to fifteen (15) rooms. For the purposes of a recreational facility only, "room" is defined as a self-contained area within a structure that has a maximum of two (2) sleeping areas, one bathroom, and no provision for cooking. A room provides sleeping accommodations for the general public utilizing the associated recreational facility. All rooms associated with a recreational facility must be contained within a single structure, and access to rooms must be primarily from interior lobbies or halls. A central kitchen and dining room catering to guests and the general public can be provided within the same structure. A recreation facility does not include Use Type 4110 - Campground.

4110	CAMPGROUND: Any area with 2 or more campsites in the FR40, RR or C zones that are improved for occupancy by transients using recreational vehicles, motor homes, mobile trailers, or tents for dwelling, lodging, or sleeping purposes with a duration of state for a period of 30 days or less. Water and sewage facilities shall comply with State requirements (see § 17-10.040.3.a.).
4200	RESORT: A large scale, master planned facility which serves as a destination point for visitors, and has recreational facilities and may include residential accommodations for guests. Typical uses within a resort include but are not limited to: ski facilities, golf courses, and other recreational facilities, overnight accommodations, meeting rooms, convention and banquet facilities, administrative facilities, maintenance and storage facilities, and restaurant/retail uses which are customarily appurtenant to such uses. See chapter 17.14, "Resort Recreation (RR) Zone", of this title for specific requirements.
4300	TRANSIENT LODGING: A general term for the following uses:
	1. Motel: A building or group of buildings for the accommodation of transient guests, comprising individual sleeping or living units, and designed and located to serve the motoring public.
	2. Hotel: An establishment with or without fixed cooking facilities in individual rooms offering transient lodging accommodations to the general public, and which may provide additional services such as restaurants and meeting rooms.
4310	BED AND BREAKFAST INN: An owner occupied dwelling offering transient lodging accommodations where meals may be provided. A bed and breakfast inn may have no more than four (4) guestrooms.
4400	RESTAURANT: A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building and where food sales constitute more than eighty percent (80%) of the gross sales receipts for food and beverages.
4410	MOBILE FOOD TRUCK: A temporary food service establishment, which has a duration limited to six (6) months at any single location, that is a vehicle mounted food service establishment designed to be readily movable.
4500	SEXUALLY ORIENTED BUSINESSES: Seminude entertainment businesses, sexually oriented outcall services, adult businesses, and seminude dancing agencies, as defined by title 5 of this Code, and also addressed by chapter 17.24 of this title.
PUBLIC, INSTITUTIONAL, AND UTILITY USES:	
5100	CEMETERY: A location used for interment of human or animal remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof, and meeting all applicable local, State, and Federal requirements and regulations.
5110	CREMATORIUM: A location containing a cremation chamber or retort intended for use in the act of cremation of human or animal remains, and that meets all applicable local, State, and Federal requirements and regulations.
5200	PUBLIC USES: A use operated exclusively by a public entity over which the County has no jurisdiction in compliance with section 17-27a-304, Utah Code Annotated, 1953, as amended.
5300	RELIGIOUS MEETING HOUSE: A building wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
5400	CORRECTIONAL FACILITY: Facilities for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on approved leave. If the use otherwise complies with this definition, a correctional facility may include, by way of illustration, a prison, jail, or probation center.
5500	EDUCATIONAL FACILITY: Any building or part thereof which is designed, constructed, or used for education or instruction by a public or private organization in any branch of knowledge, but excluding preschool centers. Includes the following uses:
	1. Boarding School: As licensed by the State of Utah and defined within Utah Code Annotated, 1953, as amended, section 62A-2-101.
	2. Therapeutic School: As licensed by the State of Utah and defined within Utah Code Annotated, 1953, as amended, section 62A-2-101.
5600	UTILITY FACILITY, TRANSMISSION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.
	1. Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of one hundred forty thousand (140,000) volts (140 kV), or greater, and that may provide for interstate power transmission, power transmission between substations, or to provide power to customers or areas located outside of the County.
	2. Gas Pipeline Right-Of-Way: A gas transmission pipeline of twelve inches (12") or larger diameter that may provide for interstate gas transmission, or to provide gas to customers or areas located throughout the County.

	3.	Wind Or Water Energy System: A wind or water energy conversion system consisting of one (1) or more turbines and/or towers and associated control and/or conversion electronics and providing generated electrical power to be used for off site consumption.
	4.	Petroleum Pipeline: A petroleum or oil transmission pipeline of four inches (4") or larger in diameter and that provides for interstate petroleum or oil transmission, or to provide petroleum or oil to customers or areas located throughout the County.
	5.	Electric Substation: A power regulating facility designed to regulate power for distribution at voltages of one hundred forty thousand (140,000) volts (140 kV) or greater.
	6.	Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along major utility facilities.
5610		UTILITY FACILITY, DISTRIBUTION: A general term for the following uses. These uses are not required to be located on a building lot or to comply with the minimum lot size requirement for the district in which it is located.
	1.	Electric Transmission Line: A power transmission line, either above or below ground, designed to provide electric transmission at voltages of less than one hundred forty thousand (140,000) volts (140 kV) but more than thirty thousand (30,000) volts (30 kV).
	2.	Gas Pipeline: A gas transmission pipeline of less than twelve inches (12") in diameter.
	3.	Water/Wastewater Transmission Line: A transmission line for water (culinary or irrigation water) or wastewater greater than eighteen inches (18") in diameter. Open canals and barrow pits are exempt from this requirement.
	4.	Electric Substation: A power regulating facility designed to regulate power for distribution to customers at voltages less than one hundred forty thousand (140,000) volts (140 kV).
	5.	Compression/Pumping Station: A gas or petroleum regulating facility designed to regulate the flow along minor utility facilities.
5620		UTILITY FACILITY, SERVICE: Electric, gas, communication, water, sewer, irrigation, drainage lines, or other utility facilities that provide local delivery or collection services from either utility facility distribution or transmission services. This includes home based geothermal, wind, solar, or water powered facilities limited to the production capacity required to service a single family dwelling.
5700		TELECOMMUNICATION FACILITY, MAJOR: See chapter 17.20, "Telecommunication Facilities", of this title.
5710		TELECOMMUNICATION FACILITY, MINOR: See chapter 17.20, "Telecommunication Facilities", of this title.
5800		PUBLIC AIRPORT: A site licensed by the State for the takeoff or landing of aircraft, including uses that may be appurtenant and accessory to said activity (e.g., runways, hangars, facilities for refueling and repair). The following are required at the time of application:
	1.	A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
		a. The current FAA Form 7480-1, and;
		b. FAA response to the Form 7480-1 submission.
		c. A copy of the airport master record.
	2.	A copy of the design criteria as per the current FAA Airport Design Advisory Circular AC 150/5300-13A as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.
	3.	A copy of the State of Utah license as issued by the Utah Division of Aeronautics.
5810		PRIVATE AIRPORT: Any area for the takeoff or landing of aircraft and that is not open to the public, including uses appurtenant to said activity (e.g., runways, hangars, facilities for refueling and repair).
	1.	Application: The following are required at the time of application:
		a. A copy of any and/or all FAA reviews, forms, and analyses regarding the airport location, activity, and design including:
		(1) The current FAA Form 7480-1, and;
		(2) FAA response to the Form 7480-1 submission.
		b. A copy of the design criteria as per FAA Airport Design Advisory Circular AC 150/5300-13B as applicable to the type of aircraft proposed to operate at the site. Said design criteria must be implemented at the site.
	2.	Location: The airport and the following must be located within the boundaries of property owned by the proponent, or that is within a recorded easement:
		a. All appurtenant uses and structures; and
		b. All zones and areas related to the land use and associated with the required design criteria as specified in the noted FAA Airport Design Advisory Circular in item 1b above.
	3.	The proposed use of a private airport must not impose a hazard upon the person or property of others as required in State Code Section 72-10-1-116.

5900	SOLID WASTE FACILITY: A facility engaged in solid waste management, including:	
	1.	Landfill: A landfill.
	2.	Processing System: A processing system, including:
		a. A resource recovery facility;
		b. A facility for reducing solid waste volume;
		c. A plant or facility for compacting, composting, or pyrolyzation of solid waste;
		d. A solid waste disposal, reduction, or conversion facility.
	3.	Composting Facility: A facility where organic materials are converted into a humus like material under a process of managed biological decomposition or mechanical processes. Normal backyard composting and composting incidental to farming operations are exempted from this use.
	4.	Sewage Treatment Works: A facility designed for the collection, removal, treatment, and disposal of waterborne sewage generated within a given service area. Includes sewage lagoons and sewage treatment plants. Excludes septic systems.
5910	NUCLEAR WASTE FACILITY: A facility for the disposal or transfer of high-level nuclear waste or greater than Class C radioactive nuclear waste, as defined within Utah Code Annotated, 1953, as amended, section 19-3-303, as "waste(s)", that is located wholly or partially within the County.	
RESOURCE PRODUCTION AND EXTRACTION:		
6100	AGRICULTURAL PRODUCTION: The derivation of a product from agriculture. Also includes the following specific uses:	
	1.	Horticultural Production: The use of land for the growing or production for income of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod.
	2.	Aquiculture: The commercial cultivation of aquatic life, such as fish, shellfish, and seaweed.
	3.	Agricultural Products Storage: The storage of raw agricultural products. This use does not include the commercial slaughtering, the processing and packaging of meat and poultry, or the processing of food stuffs.
	4.	Animal Husbandry: An agricultural operation or establishment which keeps, feeds, or raises livestock for commercial purposes and as a primary land use.
	5.	Grazing: The feeding of livestock where more than fifty percent (50%) of the feed is produced on the immediate parcel and available to the animals as in-place vegetation to sustain life.
6110	CONCENTRATED ANIMAL FEEDING OPERATION (CAFO): A lot or facility as defined by the EPA as meeting or exceeding the standards of a large CAFO.	
6120	LIVESTOCK AUCTION FACILITY: A structure or structures with associated pens, yards, corrals, and loading and unloading facilities used for the sale of livestock.	
6130	FARM STAND: A structure from which fruits, vegetables, flowers, herbs, plants, or other agriculture products are sold. This use may also include accessory sales of other unprocessed or home-processed foodstuffs such as canned goods, baked goods, and may also include homemade handicrafts. Additionally:	
	1.	The structure must be located on a property that qualifies as land under agricultural use as defined by the Farmland Assessment Act, Utah Code Annotated 59-2-5.
	2.	The area of the structure devoted to the sales of accessory items shall not exceed fifty percent (50%) of the structure's total sales area.
	3.	The sale of commercially packaged handicrafts or commercially processed or packaged food stuffs not originating from land qualifying as land under agricultural use as defined by the Farmland Assessment Act, Utah Code Annotated 59-2-5, is not permitted.
	4.	Only one (1) such structure is allowed per legal lot or parcel.
	5.	The following are additional distinctions and requirements for the specific structure types:
		a. A single, temporary structure that:
		(1) Is in place for no more than one hundred eighty (180) calendar days, and;
		(2) Consists of a two hundred (200) square-foot area or less, and;
		(3) Must be located on the same property where the primary ingredients for all raw and home-processed food products were grown.
		b. A single, permanent structure that:
		(1) Is used for the sales of product, as identified above, for no more than one hundred eighty (180) calendar days, and;
		(2) Is used for the sales of agriculture product, from any adjacent property as determined by the Land Use Authority, which also qualifies as land under agricultural use as defined by the Farmland Assessment Act, Utah Code Annotated 59-2-5, is also permitted in said structure.

6140	AGRITOURISM: A use or activity for the on-site recreation, retail purchase, education, or participation of the general public. Any such use/activity may include, but is not limited to a: farm tour; farm stay; educational class; corn maze; group event or competition; U-pick operation; farmers market; farm museum; cider mill; petting farm/zoo; retail sales facility (e.g., meat shop; dairy or creamery; nursery; gift shop; flower, herb, or spice store; bakery; restaurant; or café); small- scale food processing (e.g., process pumpkins grown on premises into pumpkin pies), not including a winery or small-scale slaughter facility, and other similar uses/activities as determined by the Land Use Authority. Any such use or activity must meet the minimum requirements as follows:	
	1.	Any such use/activity must be accessory to a primary agricultural production use. The primary and accessory uses must:
		a. Be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, Utah Code Annotated 59-2-5;
		b. Be located on a legal parcel, five (5) acres or larger in size; or on contiguous legal parcels that are a total of five (5) acres or larger in size; and
		c. Consist of fifty one percent (51%) or more of products produced on site.
	2.	The use/activity occurs for more than twenty one (21) consecutive or non-consecutive days per year, and provides agriculturally related, and in some instances, non-agriculturally related products and events to the general public.
	3.	Must obtain Land Use Authority review and approval prior to operation.
	4.	Overnight accommodation is permitted as follows:
		a. Guest rooms must be located within an owner occupied dwelling or seasonal cabin that meets the minimum Building and Fire Code standards;
		b. No more than a total of four (4) guest rooms with a maximum occupancy of two (2) per room; not counting children fifteen (15) years of age and under.
6150	SMALL-SCALE SLAUGHTER FACILITY: The slaughtering, skinning, and preparing of livestock and poultry by humane means for the purpose of human consumption which is done at a place other than a licensed slaughtering house by a person who is not the owner of the animal. The following requirements also apply:	
	1.	This use must qualify and be licensed as Farm Custom Slaughtering as defined by the state, and must meet any of the related state requirements that apply prior to operation;
	2.	This use must be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, Utah Code Annotated 59-2-5;
	3.	This use must be located on a legal parcel, two (2) acres or larger in size; or on a parcel less than two (2) acres in size that is contiguous to a legal parcel or parcels under the same ownership as the parcel where the facility is located, that when combined with the initial parcel attains a total of two (2) acres or larger in size;
	4.	All processing activities and processing structures associated with this use must be setback a minimum fifty (50) feet from all property lines;
	5.	This use allows a maximum of one thousand five hundred (1,500) animal units to be slaughtered or processed on an annual basis.
	6.	Any offal must be removed from the site and properly disposed of within twenty-four (24) hours of the slaughter of an animal. Offal must be confined to a refrigerated area until the time it is removed from the premises.
6160	WINERY: An agricultural processing facility used for the commercial purpose of processing fruits, plants, honey, or milk, or other like substance to produce wine. Processing includes wholesale and retail sales, crushing, fermenting, blending, aging, storage, bottling, and administrative office functions. Additional information and requirements are found in Title 5.08 Alcoholic Beverages of the County Code and apply to this use type. The following requirements also apply:	
	1.	A winery must be accessory to a primary agricultural production use.
	2.	A winery must:
		a. Be located on land that qualifies as land under agricultural use that is actively devoted to agriculture as defined by the Farmland Assessment Act, UCA 59-2-5; and
		b. Be located on a legal parcel, or contiguous legal parcels, that are a total of five (5) acres or larger in size.
	3.	Wine produced by the processing facility must be produced from fifty-one percent (51%) or more of the agricultural products that have been grown within the legally defined boundaries of Cache County.
		a. The winery may use agricultural products grown outside the County to produce wine, and a local wine producer may purchase bulk beverage fermented, brewed, or distilled by a licensed alcohol manufacturer and blend the beverage with the local producer's alcoholic beverage if:

	(1) There is an insufficient supply of agricultural products within Cache County due to an event caused by natural phenomena whose effects were not preventable with the exercise of reasonable care and foresight; or
	(2) The on-site and local agricultural product is not yet of a sufficient quantity to support the production of wine, but sufficient resources that will be used as part of the wine production in the form of planted vines, plants, trees, hives, and similar are present and of an equivalent amount to support the quantity of product to be produced.
4.	Retail sales, tours, and tasting facilities of wine and related, accessory, promotional items are also permitted as part of the winery operation.
	a. Retail sales, tours, and tastings means tours of the winery or tasting of beverages produced by the winery, or both during operating hours. The wine producer may serve food in conjunction with tours and tastings, provided:
	(1) The amount and type of food is intended to be secondary and complementary to, and part of, the tours and tastings; and
	(2) The food arrives at the establishment ready for service, or in a state generally ready for consumption.
5.	Production of wine is limited to no more than fifteen thousand (15,000) cases per calendar year.
6.	Overnight accommodation is permitted as follows:
	a. Guest rooms must be located within an owner occupied dwelling that meets the minimum Building and Fire Code standards;
	b. No more than a total of four (4) guest rooms with a maximum occupancy of two per room, not counting children fifteen (15) years of age and under.
6200	BOARDING FACILITY: A series of stables, barns, paddocks, and/or other shelters and exercise facilities in which livestock, including cattle, sheep, goats, swine, horses, mules, poultry, etc., are fed, exercised, and/or cared for on a short or long term basis for a fee.
6300	FORESTRY ACTIVITIES: The felling and transportation of commercially harvested trees. Forestry activities do not include the harvesting of firewood or trees for private use. Excludes sawmills or the production/finishing of lumber.
6400	MINERAL EXTRACTION: The extraction of metallic and nonmetallic minerals or materials; including the accessory uses of rock crushing, screening, and the storage of explosives; except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property. Includes stone quarries and sand/gravel pits.
6410	TOPSOIL EXTRACTION: Extraction activities limited to the removal and sale of topsoil, except where such excavation is for purposes of grading for a building lot or roadway, where grass sod is removed to be used for landscaping, or where materials are excavated from a lot for use on that same lot or an adjoining parcel by the owner of the property.
6420	SITE GRADING: The act of excavation or filling or combination thereof or any leveling to a smooth horizontal or sloping surface on a property in preparation for the construction of a building, but not including normal cultivation associated with an agricultural operation. Excavation shall be less than one thousand five hundred (1,500) cubic yards per parcel. Additional excavation may only be permitted with a variance.

(Ord. 2017-03, 3-28-2017, eff. 4-12-2017; amd. Ord. 2018-14, 11-27-2018, eff. 12-13-2018; Ord. 2019-08, 11-26-2019; Ord. 2020-02, - -2020; Ord. 2021-14, 4-27-2021; Ord. 2021-21, 9-28-2021; Ord. 2022-30, 9-27-2022; Ord. 2022-31, 9-27-2022)

17.07.040: GENERAL DEFINITIONS:

ACCESS: The provision of vehicular and/or pedestrian ingress and egress to buildings, structures, facilities, or property.

AGENT: The person with written authorization to represent an owner or owners.

AGRICULTURE: The primary use of land for the science, art, or practice of cultivating the soil, producing crops, or raising livestock.

ANTENNA: Any apparatus designed for the transmitting and/or receiving of electromagnetic waves including, but not limited to, telephonic, radio or television communications. Types of antennas include, but are not limited to: omni-directional (whip) antennas, sectorized (panel) antennas, multi or single bay (FM and TV), yagi, or parabolic (dish) antennas.

APPEAL: A review by the identified appellate body of a final decision of the approving body.

APPEAL AUTHORITY: A person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or variance.

APPLICANT: The owner of title or agent for property that is the subject of an application.

APPLICATION: The necessary form and all accompanying documents and other materials required by the Land Use

Authority for development review purposes.

APPROVAL: A decision signed and issued by the Land Use Authority stating that a proposed use complies with this Code.

AVERAGE DAILY TRAFFIC (ADT): The average of one-way vehicular trips that use a road during a twenty four (24) hour period.

BOARD OF ADJUSTMENTS (BOA): The officially constituted and appointed body of Cache County, as authorized by the laws of the State of Utah, to perform those duties, as allowed by State law and this title.

BOARD OF TRUSTEES: As provided for in section 8.20.040, "Board Of Trustees", of this Code.

BOUNDARY LINE ADJUSTMENT: The relocation of the property line between two (2) or more adjoining lots or parcels.

BUILDABLE AREA: The portion of a parcel of land which is within the envelope formed by the required setbacks of the zoning district in which the parcel is located and as limited by any sensitive areas as defined in this title.

BUILDING: A structure having a roof supported by columns or walls for housing, shelter or enclosure of persons, animals, processing, equipment, goods, materials, or property of any kind.

BUILDING CODE: The most recently adopted family of International Building Codes used to regulate the construction of buildings and structures located within Cache County.

BUILDING HEIGHT, MAXIMUM: The vertical measure from the average elevation of that portion of a lot or parcel covered by the building to the roof beams in a flat roof; to the highest point on the deck of a mansard roof; to a level midway between the level of the eaves and highest point of pitched, hip, or gambrel roofs.

BUILDING PERMIT: Legal authorization, as required by the adopted Building Code(s) of Cache County, authorizing the erection, alteration, or extension of a structure.

BUILDING, PUBLIC: For purposes of this title only, a public building is a building owned and operated, or owned and intended to be operated by the County, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:

A. Properties owned by the State of Utah or the United States government which are outside of the jurisdiction of the County Land Use Authority as provided under section 17-27a-304, Utah Code Annotated, 1953, as amended, and;

B. The ownership or use of a building which is immune from the County Land Use Authority under the supremacy clause of the United States Constitution.

CACHE COUNTY, UNINCORPORATED: All unincorporated areas, lying within the boundaries of the County, and outside any corporate boundary of a municipality.

CACHE COUNTYWIDE COMPREHENSIVE PLAN: The General Plan as authorized by the laws of the State of Utah for the unincorporated areas of the County, as may be adopted and amended from time to time by the Cache County Council.

CAMPSITE: An area within a campground designed or used to accommodate one party in a single travel trailer, recreational vehicle, or tent.

CARRIER ON WHEELS OR CELL ON WHEELS (COW): A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.

CAT, ADULT: A cat is considered an adult when it is six (6) months of age or older.

CERTIFICATE OF OCCUPANCY: A certificate issued by the County building official after final inspection and upon a finding that the building, structure, or development complies with all provisions of the applicable County codes, permits, requirements, and approved plans.

CLUSTERING: A development or subdivision design that concentrates buildings or lots on a part of the site to allow the remaining land to be used for agriculture, recreation, common open space, and/or preservation of environmentally sensitive areas.

CO-LOCATION: The practice of siting multiple wireless carriers, service providers, and/or radio common carrier licensees on the same antenna support structure or attached wireless communication facility using different and separate antennas, feed lines, and radio frequency generating equipment.

CODES, COVENANTS, AND RESTRICTIONS (CC&Rs): An agreement that binds and restricts the land in the hands of present owners and subsequent purchasers. They are enforced only by the land owners involved and not by the City or other public agency.

COMMON LIVING AREA: An enclosed area or room which is available for use by more than one person, is intended as a gathering area for living, cooking, or recreational purposes, and is a habitable space as defined by the Building Code. Examples include: living room, kitchen, family room, recreational room, laundry room, and similar areas. Common areas that do not meet this definition include: corridors, stairways, hallways, breezeways, bathrooms, closets, garage, storage room,

patio, sunroom, and similar areas.

CONDITIONAL USE: A land use that, because of its unique characteristics or potential impact on the County, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

DENSITY: The number of net acres required per dwelling unit as specified in section 17.10.040, table 17.10.040 of this title. Net acreage shall be calculated by taking the total gross acreage and subtracting non-developable sensitive areas (wetlands, open water, steep slopes) and the area in rights-of-way for roads. In A10 zones, the area in rights of way for roads shall not be subtracted.

DEVELOPABLE ACREAGE: The land area within a subdivision excluding: areas defined as undevelopable under chapter 17.18, "Sensitive Areas", of this title, and areas dedicated to the public, such as parks and public rights-of-way. In A10 zones, areas dedicated to the public, such as parks and public rights of way, shall not be excluded.

DEVELOPMENT: The act, process, or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property, including grading, clearing, grubbing, mining, excavating, or filling of such property. Also includes the improvement or subdivision of land for the purpose of building.

DISABILITY: As defined within section 57-21-2(10) of the Utah Code Annotated, 1953, as amended.

DISPOSAL: The discharge, deposit, injection, dumping, spilling, leaking or placing of any solid or hazardous waste into or on any land or water so that such waste or any constituent thereof may enter the environment, be emitted into the air or be discharged into any waters, including groundwater.

DOG, ADULT: A dog is considered an adult when it is six (6) months of age or older.

DRY LOT: A lot approved through a subdivision process that does not have a State approved domestic water right associated with it.

DWELLING UNIT: One or more rooms in a dwelling designed for or occupied as separate living quarters which provide sleeping, sanitary facilities, kitchen or set of fixed cooking facilities, all for exclusive use by a single family maintaining a household.

EASEMENT: One or more of the property rights granted by the property owner to and/or for the use by another person or entity for a specified use or purpose.

FAMILY: One individual, or two (2) or more persons related by blood, marriage, or adoption, living together in a single dwelling unit and maintaining a common household, or no more than four (4) nonrelated persons living together. The term "family" shall not be construed to mean a group of nonrelated individuals, a fraternity, club or institutional group.

FENCE: An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured materials or combination of materials erected to enclose, screen, or separate areas.

FINDINGS: Statements of the Land Use Authority identifying the reasons and basis for the action taken. Also referred to as findings of fact.

FLOODPLAIN: An area adjoining a river, stream, watercourse, or body of standing water in which a potential flood hazard exists when the area experiences a 100-year storm, including any area designated as a floodplain by the Federal Emergency Management Agency (FEMA) of the United States government. These areas have additional regulations located within title 15, chapter 15.28 of this Code.

GEOLOGIC HAZARD: A hazard inherent in the crust of the earth or artificially created, which is dangerous or potentially dangerous to life, property, or improvements due to the movement, subsidence, or shifting of the earth. The term includes, but is not limited to, unstable slopes, faults, landslides, and rock fall.

GOLF COURSE: A tract of land laid out with at least nine (9) holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

GRADE: The ground surface elevation(s) of a parcel of land.

GRADE, EXISTING: The grade of a property prior to any proposed development or construction activity.

GRADE, FINAL: The finished or resulting grade after completion of the proposed development activity.

GRADING: Any change of existing surface conditions by excavating, placing of any soils or rocks, or stripping of vegetation.

GUEST HOUSE: An attached or detached building that provides living quarters for guests and: a) contains no kitchen or cooking facility; b) is clearly subordinate and incidental to the principal residence on the same building site; and c) is not rented or leased, whether compensation be direct or indirect.

HOUSEHOLD PET: Animals ordinarily kept in a dwelling for personal use and not for commercial purposes. As relates to kennels, this includes up to six (6) adult dogs.

IMPROVEMENT AGREEMENT: An agreement between a developer and the County, reviewed and issued by the Director of Development Services that clearly establishes the developer's responsibility(ies) regarding project phasing, the provision

of public and private facilities, improvements and/or conditions as imposed by ordinance and/or by a Land Use Authority, and any other mutually agreed to terms and requirements.

IMPROVEMENT SURETY: A form of security that is posted in favor of Cache County that may include a letter of credit and/or a bond in an amount and form satisfactory to the County. Letters of credit must be issued by a federally insured financial institution. Bonds must be issued by a financial institution, insurance company, or surety company with an A.M. Best rating of not less than A-:IX.

IMPROVEMENTS: Buildings, structures, facilities, and site work including, but not limited to, grading, surfacing, paving, water mains and lines, water meters, fire hydrants, sanitary sewers, storm drainage facilities, culverts, bridges, public utilities, or other such installations.

INTENSITY: The concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, numbers of buildings, numbers of livestock, etc.

JUNK: Any scrap copper, brass, rope, rags, batteries, paper, trash, wood, rubber debris, waste, or junked, dismantled, or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material.

KITCHEN: An area for the preparation of food and containing a sink and stove.

LAND USE AUTHORITY: A person, board, commission, agency, or body, designated by the local legislative body to act upon a land use application; or, if the local legislative body has not designated a person, board, commission, agency, or body, the local legislative body.

LIVESTOCK: Farm animals kept or raised for use, pleasure, or profit. This includes but is not limited to uses such as piggeries, dairies, dairy and beef cattle ranching, feedlots, chicken, turkey and other poultry farms, rabbit and mink farms, apiaries, aquaculture, and aviaries. This does not include cats or dogs.

LOT/PARCEL: A property within the boundaries of Cache County that has been recorded in the Office of the Cache County Recorder.

A. A lot/parcel may qualify as either:

1. Legal, conforming; or
2. Legal, nonconforming; or
3. Restricted.

B. A lot/parcel may be identified as legal or restricted as follows:

1. Legal: To qualify as legal lot/parcel a property must:
 - a. Be in the same size and configuration as approved by the County Land Use Authority on the recorded subdivision plat and as required by Utah Code; or
 - b. If not part of an approved and recorded subdivision plat, be an existing, recorded parcel as of August 8, 2006.
2. Restricted: A property that has been recorded without the necessary Land Use Authority approval.
 - a. A restricted lot/parcel is not eligible to receive building permits, zoning clearances, or conditional use permits, but may be issued a zoning clearance for an agricultural structure as reviewed and approved by the Director of Development Services.

C. A lot/parcel may be identified as conforming or nonconforming as follows:

1. Conforming: A property that lawfully exists and meets the minimum requirements of the zoning district in which it is located.
2. Nonconforming: A property that lawfully existed prior to the enactment of the requirements of this title, but does not currently meet the minimum requirements of the zoning district in which it is located.

LOT/PARCEL COVERAGE: The percentage of the area of a lot/parcel which is occupied by all buildings, other impervious surfaces, or other covered structures.

LOT/PARCEL FRONTAGE: That portion of a development site that abuts a public or private roadway. For the purposes of determining setback requirements on corner lots, all sides of a lot adjacent to a roadway shall be considered frontage.

LOT/PARCEL SIZE: The total area of a lot, parcel, or tract of land.

MANUFACTURED HOME: A transportable, factory built housing unit constructed on or after June 15, 1976. According to the Federal Home Construction and Safety Standards Act of 1974 (HUD Code), in one or more sections, and when erected on site, the home must be at least twenty feet (20') in width at the narrowest dimension, have exterior and roofing materials in conformance with adopted Building Codes, have a minimum roof pitch of two to twelve (2:12), and be located on a permanent foundation and connected to the required utilities, including plumbing, heating, air conditioning and electrical systems. A manufactured home shall be identified as real property on the property assessment rolls of Cache County. All manufactured homes constructed on or after June 15, 1976, shall be identified by the manufacturer's data plate bearing the date the unit was manufactured and a HUD label attached to the exterior of the home certifying the home was manufactured

to HUD standards.

MOBILE HOME: A transportable, factory built housing unit built prior to June 15, 1976, in accordance with a State Mobile Home Code which existed prior to the Federal Manufactured Housing and Safety Standards Act (HUD Code). Said unit must be placed on a permanent foundation and meet adopted Building Codes. The following are excluded from this definition: travel trailers, motor homes, camping trailers, or other recreational vehicles.

NUISANCE: Any use or activity which emits noise, smoke, dust, odor, or vibration in amounts sufficient to substantially depreciate values of surrounding buildings or lands, or a use or activity which substantially deprives the owners of adjoining property of a property right.

OFF PREMISES: Located outside the lot or parcel lines of the principal use.

OFFICIAL ZONING MAP: The map adopted by the County Council showing the geographical distribution of the zoning districts of the County.

ON PREMISES: Located within the lot or parcel lines of the principal use.

OWNER: Any person, group of persons, or entity, having record title to the property.

PARKING ANALYSIS: An analysis that demonstrates sufficient accommodation for the safe and efficient flow of vehicles and pedestrians, and that minimizes the impact to public streets and environmental resources due to the proposed use. This analysis must include:

- A. A site plan at a useable scale;
- B. All calculations used to demonstrate that the performance standards for access, design, parking supply, and landscape and lighting have been met and/or exceeded.

PARKING, OFF STREET: An area adjoining a building providing for the parking of automobiles which does not include a public street but has access to it.

PERMIT: Written permission issued by the Land Use Authority, empowering the holder thereof to proceed with some act not forbidden by law.

PLANNING COMMISSION: An official body of Cache County as authorized by the laws of the State of Utah, to perform those duties, as allowed by State law and this title.

PROPERTY FRONTAGE: The length of the property line abutting the road, street, or highway right-of-way or a line drawn parallel to the road, street, or highway right-of-way line and located at the front yard setback.

PROPERTY LINE: The boundary line of a lot, parcel, or tract of land.

PUBLIC HEARING: As defined by section 17-27a-103, of Utah Code Annotated, 1953, as amended.

PUBLIC IMPROVEMENT: Any publicly owned and maintained drainage ditch, roadway, street, parkway, sidewalk, pedestrian way, landscaping, off street parking area or other facility or amenity.

PUBLIC MEETING: As defined by section 17-27a-103, of Utah Code Annotated, 1953, as amended.

REASONABLE ACCOMMODATION: A change in a rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. As used in this definition:

- A. "Reasonable" means a requested accommodation will not undermine the legitimate purposes of existing land use regulations, notwithstanding the benefit that the accommodation would provide to a person with a disability.
- B. "Necessary" means the applicant must show that, but for the accommodation, one or more persons with a disability likely will be denied an equal opportunity to enjoy housing of their choice.
- C. "Equal opportunity" means achieving equal results as between a person with a disability and a nondisabled person.

RECLAMATION: Actions performed during and after excavation operations to shape, stabilize, revegetate or otherwise treat the land affected in order to achieve a safe, stable, ecological condition. The excavated lands will be rehabilitated to a usable condition which is readily adaptable to alternate land uses and creates no danger to public safety. The rehabilitation process may extend to affected lands surrounding the excavated lands and may require backfilling, grading, recoiling, revegetation, soil compaction, stabilization and other measures.

REMAINDER: A property within a development that is essentially unimproved. This property does not count toward the total number of lots allowed in a subdivision. A remainder must qualify as one of the following:

- A. Agricultural Remainder: To qualify as agricultural, any single parcel must:
 1. Have a minimum size no less than the requirements of section 59-2-5 of Utah Code Annotated, 1953, as amended.
 2. Include a recorded deed restriction, or note on the recorded subdivision plat, stating that the remainder is non-buildable except for agricultural structures. This restriction can only be removed by the appropriate Land Use Authority.
 3. Be reviewed and approved by the Land Use Authority to confirm the promotion and/or preservation of agriculture.

B. Open Space: Land within or related to a development that is designed and intended for the use or enjoyment of one or more of the resident(s) of the development.

RESIDENCE: A home or domicile; a dwelling unit where an individual is living at a given point in time and intends to remain for more than half of the calendar year, and is not a place of temporary sojourn or transient visit.

RIGHT-OF-WAY: Land occupied or intended to be occupied by a public or private trail, street, road, highway, railroad, other public transportation use or other utility uses.

ROAD, PRIVATE: As defined within the Cache County Manual of Roadway Design and Construction Standards.

ROAD, PUBLIC: Any highway, road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in an action for the partition of real property, and includes the entire areas within the public right-of-way.

SENSITIVE AREA: A. Non-Developable: The following sensitive areas shall not be considered developable. Any acreage encumbered by said areas shall not be considered when calculating development density and no development shall occur therein except for required public utilities and/or facilities.

1. Wetlands: As defined by the U.S. Army Corps of Engineers.

2. Steep slopes: The rise or fall of the land is equal to or exceeds thirty percent (30%) over a horizontal distance of twenty feet (20') or greater.

3. Natural waterways: As defined by this title.

B. Potentially Developable: The following areas are determined to be sensitive areas of Cache County and are subject to the requirements of this title. Development may occur in these areas in compliance with this title and any other applicable County, State, and/or Federal requirements.

1. Moderate Slopes: The rise or fall of the land is equal to or exceeds twenty percent (20%) over a horizontal distance of twenty feet (20') or greater and is less than thirty percent (30%).

2. Ridgelines: One hundred (100) vertical feet on either side of the crest of a significant ridgeline or hill top.

3. Floodplain And/Or Floodway: As identified and defined by Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM), and areas of shallow groundwater susceptibility as identified by the Utah Geological Survey (UGS).

4. Important Habitat Areas: As identified in the Important Habitat Areas Map.

5. Geologic Hazards: Major geographic and geologic features, the depth of bedrock, structural features, folds, fractures, etc., and potential slide and other high hazard areas such as mine shafts and avalanche paths.

6. Wildfire Hazards: Areas of the County designated as wildland-urban interface.

7. Historic, Prehistoric, And Cultural Resources: Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the State of Utah. This includes properties eligible for the National Register of Historic Places.

SETBACK: The minimum required distance between any structure and the property lines of the lot in which it is located. The front, rear, and side setbacks are illustrated in chapter 17.10 of this title and defined as follows:

Front: The area of a lot or parcel of land extending across the frontage and being the minimum horizontal distance between a street or road right-of-way/easement line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches. The front setback of a corner lot is the area adjacent to the designated front lot line.

Rear: The area of a lot or parcel of land extending across the rear width and being the minimum horizontal distance between the primary building, or any projection thereof other than steps, unenclosed balconies and unenclosed porches, and the rear lot line.

Side: An area of a lot or parcel of land extending between the side lot line and the principal building or any projection thereof other than steps, unenclosed balconies and unenclosed porches.

Other: Any distance required between a structure or site improvement and a set feature (i.e., floodplain, geologic hazard, etc.).

SIGN: Any device for visual communication, including any structure or natural object or part thereof that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, fraternal or similar organization.

SITE PLAN: An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development including, but not limited to: topography; vegetation; drainage; floodplains; wetlands; waterways; landscaping and open space; walkways; means of ingress and egress; circulation; rights-of-way or easements; utility services; structures and buildings; lighting; berms, buffers, and screening devices; development on adjacent property; and any other information that may be required to make an informed decision.

SITE SUITABILITY ANALYSIS: A comprehensive site analysis for a public infrastructure utility. This analysis shall consider data and provide findings, conclusions, and recommendations including but not limited to: public involvement including key concerns, issues, and comments, geologic hazard areas as defined by this title, archaeological, ecological, and culturally important areas, jurisdictional wetlands as defined by the U.S. Army Corps of Engineers, crucial wildlife habitat as identified by the State Division of Wildlife Resources and species of special concern, drinking water source protection areas, groundwater depth and recharge areas, structures and developed areas including existing dwellings, residential and commercial zones, schools, and churches, wildfire hazard areas, floodplains, national, State, or County parks, monuments, or recreation areas, prime, unique, and Statewide importance farmlands, State and National Historic Register sites, airports, national forests, visual analysis, cost comparisons, and site alternatives.

SKI FACILITY: A tract of land, with associated improvements, used for downhill or cross country skiing, snowboarding, snowshoeing, snowmobiling, or other snow related activities. Associated improvements may include, but are not limited to: facilities for the preparation or sale of food, retail, and support services facilities; recreational and fitness facilities; parking facilities; and other facilities of a similar nature that are specifically authorized by the land use authority as part of the conditional use permit approval to operate a recreational facility.

SLOPE: The level of inclination of land from the horizontal plane determined by dividing the horizontal run or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure in a percentage value.

SOLID WASTE: All putrescible and non-putrescible solid and semi- solid wastes, such as refuse, garbage, rubbish, paper, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, manure, vegetable or animal solid and semi-solid wastes and shall include other discarded material classified as solid waste by State and Federal law or regulation. This does not include sewage or another highly diluted water carried material or substance and those in gaseous form.

STEALTH COMMUNICATIONS FACILITY: A communications facility, accessory structure, or equipment compound that is not readily identifiable as such, and is designed to be aesthetically compatible with existing and proposed building(s) and uses on a site. There are two (2) types of stealth facilities:

A. Attached: Examples include, but are not limited to: painted antenna and feed lines to match the color of a building or structure, faux windows, dormers or other architectural features that blend with an existing or proposed building or structure.

B. Freestanding: Examples usually have a secondary, obvious function which may be, but is not limited to the following: church steeple, windmill, bell tower, clock tower, cupola, light standard, flagpole with or without a flag, or tree.

STREAM OR CANAL BANK, TOP OF: The land area immediately above and regularly confining a river, stream, canal, or wetland. The bank has a notably steeper slope than the surrounding landscape. The first major break in the slope between the top of the bank and the surrounding landscape shall be the top of the bank.

SUBDIVISION: Any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land after August 21, 1970, for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

SUBDIVISION ORDINANCE: Title 16 of this Code, as adopted.

SUPPORT STRUCTURE: A vertical projection composed of metal or other material with or without a foundation that is designed for the express purpose of accommodating antennas at a desired height. Support structures do not include any device used to attach antennas to an existing building, unless the device extends above the highest point of the building by more than ten feet (10') and not to exceed maximum structure height as identified in section 17.10.040 of this title. Types of support structures include, but are not limited to: guyed, lattice, and monopole structures, utility poles, and other freestanding, self- supporting structures.

TELECOMMUNICATION FACILITY: Any manned or unmanned location for the transmission and/or reception of radio frequency signals, or other wireless communications, and usually consisting of an antenna or group of antennas, transmission cables, and equipment cabinets, and may include an antenna support structure. Accessory uses include, but are not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, foundations, concrete slabs or grade, guy anchors, generators, and transmission cable supports.

TELECOMMUNICATION FACILITY, TYPICAL MAINTENANCE: Ensuring that telecommunication facilities and support structures are kept in good operating condition. Typical maintenance includes inspections, testing and modifications that maintain functional capacity and aesthetic and structural integrity. For example, the strengthening of a support structure's foundation or of the support structure itself. Typical maintenance includes replacing antennas and accessory equipment on a like-for-like basis within an existing telecommunication facility and relocating the antennas of approved telecommunication facilities to different height levels on an existing monopole, lattice, guyed or similar structure upon which they are currently located. Typical maintenance does not include minor and major modifications.

TRANSIENT: Relating to overnight accommodation; a brief stay of less than thirty (30) consecutive days.

USE, ACCESSORY: A subordinate use incidental to and located upon the same parcel occupied by a primary use.

USE, PERMITTED: A use allowed in the district involved, without review by the Land Use Authority, and complying with the

provisions of this title, this Code, and other applicable ordinances and regulations.

USE, PRIMARY: An individual use, located on a parcel or lot, that is subject to the requirements of the regulations of this title, this Code, and any other applicable State and Federal requirements, and to which all other uses are accessory, conditional, or nonconforming. Only one primary use per legal lot/parcel is allowed.

USE, PROHIBITED: Any use, whether accessory or primary, not identified as either a permitted use, zoning clearance, conditional use, or nonconforming use, as provided by this title.

UTILITIES: All lines and facilities related to the provision, distribution, collection, transmission, or disposal of water, storm and sanitary sewage, oil, gas, power, telecommunication and telephone cables and the generation of power. Specific uses are identified and defined under section 17.07.030, "Use Related Definitions", of this chapter.

VARIANCE: As defined by section 17-27a-702, of Utah Code Annotated, 1953, as amended.

WATERWAY, MANMADE: All manmade drainage systems including, but not limited to, all canals, culverts, reservoirs, and other constructed drainages.

WATERWAY, NATURAL: Those areas varying in width along and including, but not limited to, rivers, lakes, ponds, streams, creeks, gullies, springs, faults or washes which are natural drainage channels as determined by the Director of Development Services.

WETLANDS: Any area of Cache County under the regulatory authority of the United States Army Corps of Engineers.

WILDLIFE HABITAT: Areas identified by the Utah Division of Wildlife Resources and/or the United States Fish and Wildlife Service occupied and necessary for the support of fish and fauna.

ZONING CLEARANCE: A land use review to insure compliance with this Code, provided, reviewed, and acted upon by the Director of Development Services, or designee, identifying that the proposed use, building, structure, or facility complies with the requirements of this title.

ZONING DISTRICT, BASE: The classification of all land as reflected in the Cache County Zoning Map wherein development regulations are in place to uniformly govern the use, placement, and size of land and structures. In the instance of conflicting or multiple base zoning districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. Base zoning districts may be combined with an overlay zoning district on all or a portion of a parcel to alter, restrict, or allow specific development regulations.

ZONING DISTRICT, OVERLAY: The classification of land as reflected in the Cache County Zoning Map wherein additional development regulations are applied to the regulations of the base zoning district.

(Ord. 2017-03, 3-28-2017, eff. 4-12-2017; amd. Ord. 2018-09, 8-14-2018, eff. 8-28-2018; Ord. 2018-14, 11-27-2018, eff. 12-13-2018; Ord. 2020-02, --2020; Ord. 2022-31, 9-27-2022; Ord. 2023-02, 2-14-2023)

CHAPTER 17.08

ZONING DISTRICTS

SECTION:

17.08.010: General

17.08.020: Base Zoning Districts Established

17.08.030: Purpose Of Base Zoning Districts

17.08.040: Overlay Zoning Districts Established

17.08.050: Purpose Of Overlay Zoning Districts

17.08.010: GENERAL:

This chapter contains regulations for the zoning districts of Cache County. It includes a list of base and overlay districts and a brief explanation of each district's purpose. The provisions of this chapter are supplemented by other regulations of the zoning ordinance that apply to particular uses and development types and to development within certain zoning districts. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.08.020: BASE ZONING DISTRICTS ESTABLISHED:

The following are the base zoning districts:

Rural 2 (RU2)

Rural 5 (RU5)

Agricultural (A10)

Forest recreation (FR40)

Commercial (C)

Industrial (I)

Resort recreation (RR)

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.08.030: PURPOSE OF BASE ZONING DISTRICTS:

The following provide the purpose(s) of each of Cache County's established base zoning districts:

A. Rural 2 Zone (RU2):

1. To allow for residential development in a moderately dense pattern that can allow for rural subdivisions, and to allow for clustering plans larger than a single parcel. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.

2. To implement the policies of Cache countywide comprehensive plan, including those regarding improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.

3. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.

B. Rural 5 Zone (RU5):

1. To allow for residential estate development in a low density pattern that can allow for rural subdivisions and smaller scale agricultural uses. This type of development should be located and designed to not unreasonably impede adjacent agricultural uses, nor to unreasonably conflict with the development standards of adjacent municipalities.

2. To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, improved roadways, density based residential standards, clustering, moderate income housing and municipality standards.

3. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.

C. Agricultural Zone (A10):

1. To provide areas to promote and protect the opportunities for a broad range of agricultural uses and activities where farming is a viable component of the local economy.

2. To implement the policies of Cache countywide comprehensive plan, including those regarding agricultural promotion, prime farmlands, density based residential standards, and clustering.

D. Forest Recreation Zone (FR40):

1. To permit the proper use of the forest areas of Cache County for grazing, forestry, mining, recreation, and other activities to the extent compatible with the protection of the natural and scenic resources of the forests for the benefit of present and future generations.

E. Commercial Zone (C):

1. To provide compatible locations for retail, office, and business/commerce activities, to enhance employment opportunities, to encourage the efficient use of land, to enhance property values, and to strengthen the county's tax base.

2. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.

F. Industrial Zone (I):

1. To provide locations where manufacturing, processing, warehousing, and fabrication of goods and material can be carried on with minimum conflict or deleterious effect upon the surrounding properties. The purpose of this zone is also to promote the economic well being of the citizens and to broaden the tax base.

2. This zone must be appropriately served by suitable public roads, have access to the necessary water and utilities, and have adequate provision of public services.

G. Resort Recreation Zone (RR):

1. To allow mountain resort and recreation development within Cache County on privately held land. This zone allows for multiple mountain resort and recreation uses within a master planned area. The regulations of the zone are designed to:

a. Provide new recreation opportunities in northern Utah and create destination resort options for the county; and

b. Promote interesting, creative, and indigenous mountain landscaping, design, and architecture that blends in with natural surroundings and follows project specified design guidelines; and

c. Stimulate the local economy and increase the tax base of the county; and

- d. Protect the county's environment; and
- e. Regulate and control development. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.08.040: OVERLAY ZONING DISTRICTS ESTABLISHED:

The following are the overlay zoning districts:

Mineral extraction and excavation (ME) overlay

Public infrastructure (PI) overlay

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.08.050: PURPOSE OF OVERLAY ZONING DISTRICTS:

Overlay zoning districts may be created to reflect unique boundaries that may or may not utilize existing property lines. Overlay zoning districts may be approved by the land use authority in sizes and/or configurations particular to the needs of the proposed use. The following provide the purpose(s) of each of Cache County's established overlay zoning districts:

A. Mineral Extraction And Excavation (ME) Overlay Zone:

1. The purpose of this zone is to establish locations and to protect the commercial mineral extraction and excavation industry while protecting the environment and county citizens. This zone is to assure that the operations of such sites do not impact adjoining uses and are not encroached upon by surrounding noncompatible land uses within Cache County.

2. This zone and provisions thereof are deemed necessary in the public interest to affect practices which will, for the economical use of vital materials necessary for our economy, give due consideration to the present and future use of land in the interest of promoting the public health, safety, and general welfare of the residents of Cache County.

B. Public Infrastructure (PI) Overlay Zone:

1. To provide for the siting and operation of public infrastructure in an environmentally sound and economically competitive manner.

2. To inform current and potential residents of the county of the possible location of future public infrastructure locations.

3. To ensure that any public infrastructure be designed, constructed, and operated in a safe and efficient manner, and in compliance with all federal, state, and local laws and regulations for the protection of the general health, welfare, and safety of the citizens of the county. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 17.09

SCHEDULE OF ZONING USES

SECTION:

17.09.010: Purpose

17.09.020: Permitted Uses And Land Use Applications By Zoning District

17.09.030: Schedule Of Uses By Zoning District

17.09.010: PURPOSE:

The purpose of this chapter is to define the types of uses permitted by right, requiring a land use application, and prohibited within all zoning districts. (Ord. 2017-03, 3-28-2017, eff. 4-12-2017)

17.09.020: PERMITTED USES AND LAND USE APPLICATIONS BY ZONING DISTRICT:

Section 17.09.030, table 17.09.030 of this chapter lists the uses within all Cache County zoning districts. All of the use categories listed in the table are defined in chapter 17.07 of this title.

A. Uses Permitted By Right:

1. A "P" indicates that a use type is allowed without Land Use Authority review/permitting in the respective zoning district.

B. Land Use Applications:

1. A "ZC" indicates that a use type is allowed as a zoning clearance, and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code.

2. A "C" indicates that a use type is allowed as a conditional use permit and that the Land Use Authority must approve, impose reasonable conditions, and/or may deny said use in accordance with this Code and State Code.

C. Uses Prohibited:

1. An "N" indicates that a use type is prohibited in the respective zoning district.

2. Any uses not specifically permitted or conditionally permitted are prohibited.

D. Overlay Zone Uses:

1. A " - " indicates that any applicable overlay zone does not impose any additional requirements on the use beyond the base zone requirements.

E. Additional Compliance: All uses must comply with all applicable local, State, and Federal requirements and licensing and must provide evidence or documentation compliance to the appropriate Land Use Authority. (Ord. 2017-03, 3-28-2017, eff. 4-12-2017; amd. Ord. 2019-08, 11-26-2019)

17.09.030: SCHEDULE OF USES BY ZONING DISTRICT:

Base Zoning Districts	
RU2	Rural 2 Zone
RU5	Rural 5 Zone
A10	Agricultural Zone
FR40	Forest Recreation Zone
RR	Resort Recreation Zone
C	Commercial Zone
I	Industrial Zone

Overlay Zoning Districts	
ME	Mineral Extraction and Excavation
PI	Public Infrastructure

TABLE 17.09.030

Index	Description	Base Zone							Overlay Zone	
		RU2	RU5	A10	FR40	RR	C	I	ME	PI
1000	Residential:									
1100	Single family dwelling	ZC	ZC	ZC	N	ZC	N	N	N	-
1110	Foster home	P	P	P	N	P	N	N	N	-
1120	Accessory apartment	ZC	ZC	ZC	N	ZC	N	N	N	-
1130	Accessory/agriculture structures	ZC	ZC	ZC	ZC	ZC	ZC	ZC	-	-
1200	Home based business	ZC	ZC	ZC	N	ZC	N	N	N	-
1300	Multi-family dwelling	N	N	N	N	C	N	N	N	-
1400	Seasonal cabin	ZC	ZC	ZC	ZC	ZC	N	N	N	-
1500	Residential living facilities	ZC	ZC	ZC	N	ZC	N	N	N	-
1600	Caretaker's residence	N	N	N	N	N	ZC	ZC	N	-
2000	Manufacturing industries:									
2100	General manufacturing	N	N	N	N	N	N	C	N	-
2110	Agricultural manufacturing	N	N	C	N	N	C	C	N	-
3000	Sales and services:									
3100	Commercial business	N	N	N	N	C	C	N	N	-
3200	Home based kennel	C	C	C	N	C	N	N	-	-
3210	Rural kennel	N	N	C	C	N	N	N	-	-
3300	Commercial kennel/animal shelter	N	N	N	N	N	C	C	-	-
3400	Storage and warehousing	N	N	N	N	N	N	C	N	-
3410	Self service storage facility	N	N	N	N	N	C	C	N	-
3500	Transport services	N	N	N	N	N	N	C	N	-
3600	General vehicle repair	N	N	N	N	C	C	C	N	-
3700	Medical services/facilities	N	N	N	N	C	C	N	N	-

3800	Human care services	N	N	N	N	C	C	N	N	-
4000	Cultural, entertainment, and recreation:									
4100	Recreation facility	N	N	C	C	C	C	N	N	-
4110	Campground	N	N	N	C	C	C	N	N	-
4200	Resort	N	N	N	N	C	N	N	N	-
4300	Transient lodging	N	N	N	N	C	C	N	N	-
4310	Bed and breakfast inn	C	C	C	C	C	C	N	N	-
4400	Restaurant	N	N	N	N	C	C	N	N	-
4410	Mobile food truck	N	N	N	N	ZC	ZC	ZC	N	-
4500	Sexually oriented businesses	N	N	N	N	N	N	C	N	-
5000	Public, institutional, and utility uses:									
5100	Cemetery	N	N	C	N	N	N	N	N	-
5110	Crematorium	N	N	C	N	N	N	C	-	-
5200	Public uses	P	P	P	P	P	P	P	N	-
5300	Religious meeting house	C	C	C	N	C	C	N	N	-
5400	Correctional facility	N	N	N	N	N	N	N	N	-
5500	Educational facility	N	N	N	N	N	C	N	N	-
5600	Utility facility, transmission	N	N	N	N	N	N	N	N	C
5610	Utility facility, distribution	C	C	C	C	C	C	C	C	C
5620	Utility facility, service	P	P	P	P	P	P	P	P	P
5700	Telecommunication facility, major	N	N	N	N	N	C	C	N	C
5710	Telecommunication facility, minor	N	N	N	N	N	ZC	ZC	N	ZC
5800	Public airport	N	N	N	N	N	N	N	N	C
5810	Private airport	N	N	C	C	C	C	C	-	-
5900	Solid waste facilities	N	N	N	N	N	N	N	N	C
5910	Nuclear waste facility	N	N	N	N	N	N	N	N	N
6000	Resource production and extraction:									
6100	Agricultural production	P	P	P	P	P	P	P	P	-
6110	Concentrated animal feed operation	N	N	C	N	N	N	N	N	-
6120	Livestock auction facility	N	N	C	N	N	C	C	N	-
6130	Farm stand	ZC	ZC	ZC	N	ZC	ZC	N	-	-
6140	Agritourism	N	N	C	C	N	N	N	-	-
6150	Small-Scale Slaughter Facility	N	N	C	C	N	N	N	-	-
6160	Winery	N	N	C	N	N	N	N	-	-
6200	Boarding facility	C	C	C	N	C	C	N	-	-
6300	Forestry activities	N	N	N	C	C	N	N	N	-
6400	Mineral extraction	N	N	N	N	N	N	N	C	-
6410	Topsoil extraction	N	N	C	N	N	N	N	C	-
6420	Site grading	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	-

(Ord. 2017-03, 3-28-2017, eff. 4-12-2017; amd. Ord. 2018-14, 11-27-2018, eff. 12-13-2018; Ord. 2019-08, 11-26-2019; Ord. 2021-14, 4-27-2021; Ord. 2021-21, 9-28-2021; Ord. 2022-31, 9-27-2022)

CHAPTER 17.10

DEVELOPMENT STANDARDS

SECTION:

17.10.010: Purpose

17.10.020: General Requirements

17.10.030: Development Density And Standards Specific To Base Zoning Districts

17.10.040: Site Development Standards

17.10.050: Supplemental Standards

17.10.060: Improvement Agreements

17.10.010: PURPOSE:

The regulations hereinafter set forth in this chapter supplement and/or qualify the zone regulations appearing elsewhere in this title. (Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

17.10.020: GENERAL REQUIREMENTS:

A. Every Single Family Dwelling To Be On A Legal Lot:

1. Every single family dwelling shall be located and maintained on an approved lot, as defined in this title.
2. A travel trailer or similar vehicle, to be used for housing, may be placed on the same lot as a single family dwelling that is under construction for up to one hundred eighty (180) days.

B. Establishment Of Legal Lots:

1. Legal lots are established as defined in section 17.07.040 of this title, under the definition of lot/parcel.
2. The Cache County Director of Development Services shall make all final determinations of parcel legality.

C. Combined Lots Or Parcels:

1. If combined lots/parcels have two (2) or more different zoning designations, the uses and regulations of the most restrictive zone will apply.

D. Sale Or Lease Of Required Space:

1. Space needed to meet the width, setback, area, coverage, parking or other requirements of this title for a lot/parcel or building shall not be sold or leased away from such lot/parcel or building.

E. Sale Of Lots/Parcels Below Minimum Space Requirements:

1. A parcel of land which has less than the minimum width and area required for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development.

F. Restricted Lots:

1. No permits or licenses will be issued for a use on any restricted lot.
2. A restricted lot which meets all the requirements of this title for a lot, but the creation of which has caused any adjacent lot from which it was severed to be insufficient in frontage, yard or other requirements, may be considered legal by adding sufficient area to the adjacent lot to meet all of the requirements of this title for a lot in its zone. The added area must be duly platted and evidenced in the public records by a deed showing a single legal description in the Office of the County Recorder.
3. A restricted lot meeting the minimum lot size and/or density requirements of a zone may apply for subdivision.

G. Nonconforming Lot/Parcel:

1. Legal lots not meeting the minimum lot size or density requirements of the applicable zone shall be entitled to be developed as a lot, but shall not be entitled to further subdivision in that nonconforming configuration.

H. Nonconforming Structure:

1. Existence: A nonconforming structure may continue provided that it:
 - a. Is determined to legally exist prior to the effective date of the applicable ordinance, or legally established by the action of a Federal, State, or local government entity; and
 - b. Has been continuously maintained.
2. Alteration: A nonconforming structure may be altered, maintained, and/or repaired as follows:
 - a. Minor: Minor changes that do not increase the nonconformity are permitted provided that:
 - (1) Necessary permits are obtained, and on any work being completed that requires a building permit a zoning clearance shall be issued that identifies the following:
 - (A) The legally nonconforming status; and
 - (B) The nonconformity; and
 - (C) That the nonconformity of the structure is not being increased.
 - (2) Any reconstruction or restoration of a nonconforming structure shall comply with State Code and this Code.

b. Major: Requests for major changes that increase a nonconformity may be made to the Cache County Board of Adjustments and must meet State Code requirements for a variance.

3. Abandonment: A nonconforming structure may be determined to be abandoned in compliance with State Code and this Code. (Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

17.10.030: DEVELOPMENT DENSITY AND STANDARDS SPECIFIC TO BASE ZONING DISTRICTS:

A. Commercial (C) And Industrial (I) Zones: The following site development standards shall be complied with in the Commercial (C) and Industrial (I) Zoning Districts:

1. Screening And Landscaping:

a. Where any commercial or industrial lot shares a common boundary with property zoned A10, RU5, or RU2, a screen shall be provided at least six feet (6') in height. The screen may be a fence, wall, berm or approved landscaping or some combination of the same.

b. All mechanical equipment related to the building, including heating and air conditioning units and trash dumpsters, shall be completely screened from surrounding properties by use of a solid screening fence or wall six feet (6') in height or shall be enclosed within a building. Trash dumpsters shall be located a minimum twenty five feet (25') from any property zoned A10, RU5, or RU2.

c. Wherever off street parking areas are situated across the roadway from property zoned A10, RU5, or RU2, a berm or retaining wall in conjunction with a berm, three feet (3') in height shall be constructed within the required setback to adequately screen the parking.

d. Landscaping shall be required on ten percent (10%) of the gross area of the proposed project site. Gross area is interpreted as the total project site area remaining after any required road right-of-way dedication.

e. All landscaping shall be maintained in a healthy, neat, and orderly condition free of weeds and litter. All paved areas, walls, or fences shall be in good repair without broken parts, holes, potholes, or litter.

f. The Planning Commission may modify any provision of the screening and landscaping sections of this chapter if strict adherence to a requirement should be delayed or is deemed unnecessary.

2. General Provisions: The Land Use Authority may limit the hours of operation of a business located within the Commercial (C) and Industrial (I) Zoning Districts. This limitation may be a requirement of obtaining or renewing a business license. Any limitation on the hours of operation of an existing business shall require the Land Use Authority to provide factual findings for the limitation. (Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

17.10.040: SITE DEVELOPMENT STANDARDS:

Table 17.10.040 of this section lists the site development standards that apply within all zoning districts. These are "base" standards, not entitlements. Other regulations of the land use ordinance, the subdivision ordinance, other applicable County ordinances and policies, requirements imposed as conditions of permitting, or requirements from other local, State, and Federal agencies may impose other development standards.

TABLE 17.10.040

SITE DEVELOPMENT STANDARDS

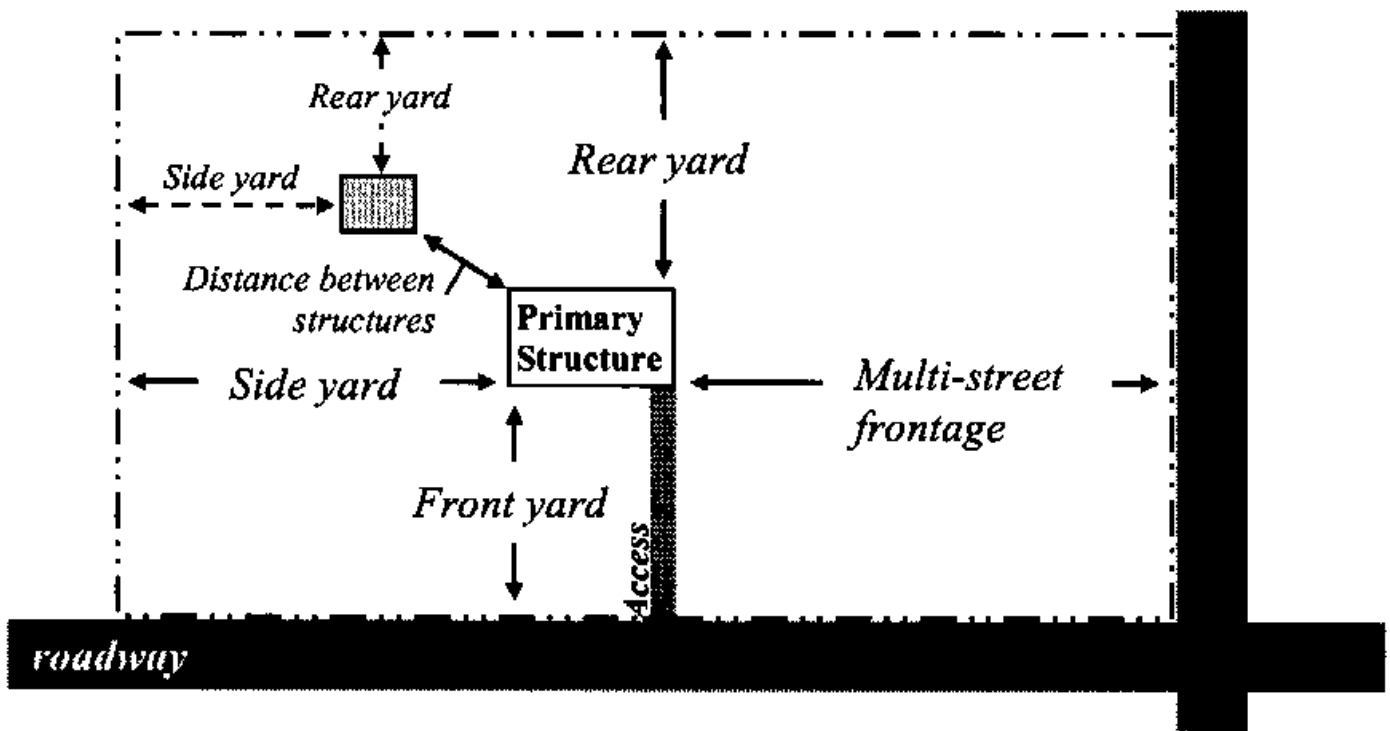
Use Type: **Primary** **Accessory** Both

	Base Zoning Districts											
	RU2		RU5		A10		FR40		C		I	
	Base Zoning Districts											
	RU2		RU5		A10		FR40		C		I	
Use setback distances:												
Front yard	30'		30'		30'		50'		30'		30'	
Multi-street frontage	30'		30'		30'		50'		30'		30'	
Side yard	12'	5'	12'	5'	12'	5'	20'	5'	30' ¹		30' ¹	
Rear yard	30'	5'	30'	5'	30'	5'	30'	5'	30' ¹		30' ¹	
Structures on same lot	10'		10'		10'		10'		10'		10'	
From the top of a recognized irrigation canal bank to any structure or fence	16.5'		16.5'		16.5'		16.5'		16.5'		16.5'	
Other standards:												
Maximum structure height ²	35'		35'		35'		35'		40'	35'	40'	35'

Minimum lot size	1/2 acre	1/2 acre	1/2 acre	1 acre	1/2 acre	1 acre
Maximum density ³	1U/2A	1U/5A	1U/10A	1U/40A	2U/A	n/a
Maximum lot coverage	60%	60%	60%	25%	50%	50%
Minimum lot frontage	90'	90'	90'	150'	150'	150'

Notes:

1. Setback may be reduced to 15 feet with a conditional use permit if the adjoining parcel is zoned commercial or industrial.
2. Maximum height for agricultural structures is 45 feet. Also see definition of "building height, maximum", at section 17.07.040, "General Definitions", of this title.
3. The Land Use Authority shall have the authority to determine the total number of acres eligible for residential density (developable acreage).



(Ord. 2018-09, 8-14-2018, eff. 8-28-2018)

17.10.050: SUPPLEMENTAL STANDARDS:

A. The following site development standards shall be complied with in all zoning districts:

1. Parking Standards:

- a. Parking for each use shall conform to chapter 17.22 of this title.
- b. No required parking shall be permitted in any required setback area.

2. Agricultural Restrictive Covenant:

- a. Any person who chooses to site a nonagricultural use will be required to record a signed agricultural declaration against their property making it subject to a restrictive covenant in favor of all agricultural uses that may occur within the zone they are presently located or within an adjacent zone.
- b. The form of the declaration shall be substantially as follows and it may be incorporated verbatim or by reference:

Agricultural Declaration: *The property described herein is subject to all adjacent Agricultural Uses allowed within or adjacent to this zone, specifically to the sights, sounds, smells, air quality, water use, animal use, hours of operation, etc., accompanying regular and customary agricultural uses now existing or which may exist in the future in an Agricultural zone. By this Declaration the undersigned, and their successors in interest, hereby waive any claim for nuisance or otherwise arising from regular and customary agricultural operations. Agricultural operations that are consistent with sound agricultural practices are declared reasonable and shall not constitute a nuisance. Agricultural operations that are in conformity with federal, state, and local laws and regulations are presumed to be operating within sound agricultural practices.*

3. Water And Sewage Requirements:

a. All proposed uses and/or buildings needing the use of water and sewage facilities shall comply with the requirements of the Bear River Health Department, the Utah Department of Environmental Quality, and the Office of the State Water Engineer. These agencies shall be considered the County experts in evaluating the proposed sewage and culinary water supply system.

b. No proposed septic system shall be permitted within a Zone 1 or Zone 2 as defined by the current drinking water source protection plan for any public culinary water system.

4. Setbacks:

a. Setbacks And Open Space For One Building Only: No required setback or other open space around an existing or proposed building complying with the provisions of this title shall be considered as providing a setback or open space for any other building; nor shall any setback or other required open space on an adjoining lot be considered as providing a setback or open space on a lot whereon a building is to be erected or established.

b. Floodplain: Structures built within one hundred feet (100') of the floodplain as identified on the current FIRM maps and identified on the County sensitive area map must show a minimum of one foot (1') of freeboard above the base flood elevation (BFE).

c. Measurement Of Setback:

(1) Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the Office of the County Recorder, the depth of such front yard shall be measured from the mapped road right-of-way line provided by the official map.

(2) Where an official map has not been recorded, measurements shall be made from the existing right-of-way line or from the proposed right-of-way line, as required by this title or indicated in the transportation element of the Cache Countywide comprehensive plan or indicated in the CMPO long range transportation plan for the Logan urbanized area.

d. Exceptions: The area of required setbacks shall be open to the sky and unobstructed, except for the following:

(1) The ordinary projections of roof eaves, bay windows, window wells, basement accessways, skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a setback not more than four feet (4'); provided, however, that there shall remain a minimum of eight feet (8') to side property lines;

(2) Uncovered steps leading to the main entrance in the front yard which are no more than four feet (4') in height and do not cause any danger or hazard to traffic by obstructing the clear view of the street or intersection.

B. Supplemental development standards specific to the Mineral Extraction and Excavation (ME) Zoning District are located within chapter 17.13 of this title.

C. Supplemental development standards specific to the Resort Recreation (RR) Zoning District are located within chapter 17.14 of this title.

D. Supplemental development standards regarding sensitive areas for all zoning districts are located within chapter 17.18 of this title. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

17.10.060: IMPROVEMENT AGREEMENTS:

Improvement agreements for improvements and/or conditions imposed by ordinance or by a Land Use Authority within this title may be issued in compliance with sections 16.04.100 and 16.04.110 of this Code. (Ord. 2016-04, 4-26-2016, eff. 5-12-2016)

CHAPTER 17.11

RESERVED

(Ord. 2009-07, 9-22-2009, eff. 2-1-2010)

CHAPTER 17.12

RESERVED

(Ord. 2009-07, 9-22-2009, eff. 2-1-2010)

CHAPTER 17.13

MINERAL EXTRACTION AND EXCAVATION

SECTION:

17.13.010: Reserved

17.13.020: General Requirements

17.13.030: Schedule Of Uses

17.13.040: Site Development Standards

17.13.050: Operation Categories

17.13.060: Mineral Extraction And Excavation Master Plan

17.13.070: Minimum Requirements

17.13.080: Reclamation Agreement

17.13.090: Compliance By Existing Operations

17.13.100: Areas Of Potential Sand And Gravel Deposits

17.13.010: RESERVED:

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.13.020: GENERAL REQUIREMENTS:

The following are the general requirements for mineral extraction and excavation operations:

A. Property shall be rezoned through the County rezone process (section 17.02.030 of this title) prior to a Master Plan submittal except in the case of temporary operations as specified in this chapter. (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

17.13.030: SCHEDULE OF USES:

For a schedule of uses for the Mineral Extraction and Excavation Zone, refer to chapter 17.09, "Schedule Of Zoning Uses", of this title. All commercial mineral extraction or excavation projects and associated accessory uses shall be allowed with a conditional use permit issued to the owner and/or operator of the property in accordance with the procedures set forth in section 17.06.050 of this title. (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

17.13.040: SITE DEVELOPMENT STANDARDS:

Site development standards for any mineral extraction or excavation operation shall conform to the base zoning district requirements as listed in section 17.10.040, table 17.10.040 of this title. In the instance of conflicting or multiple base zoning districts on a single parcel, the more restrictive zone shall be applied across the entire parcel. Base zoning districts may be combined with an overlay zoning district on all or a portion of a parcel to alter, restrict, or allow specific development regulations. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.13.050: OPERATION CATEGORIES:

All mineral extraction and excavation operations shall be classified as one of the following categories: (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

A. Commercial operations must be a minimum of five (5) acres in size, and are operations that supply materials to the public on a continual, long term basis. All commercial mineral extraction and excavation operations shall file an operations and progress report with the Planning Commission every three (3) years. The report will summarize activities in fulfillment of the requirements for excavation and rehabilitation in compliance with the rehabilitation plan previously submitted to the Planning Commission. The conditional use permit shall remain in effect until such time that full reclamation has been made on the site. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

B. Temporary mineral extraction and excavation operations and associated uses, which may include, but are not limited to, asphalt or concrete plants which are necessary to supply material for a specific project (i.e., road construction), or a minor extraction operation of less than five (5) acres. These operations shall be allowed within any zone of the County as a conditional use. These operations will have to operate under the same standards as a commercial operation; the termination of the specific project shall also terminate the conditional use permit and the use of the pit. Once the project is complete, the owner or operator shall begin closure and reclamation operations within six (6) months. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.13.060: MINERAL EXTRACTION AND EXCAVATION MASTER PLAN:

All applications for a mineral extraction and excavation Master Plan shall be accompanied by the following materials:

- A. A completed application form for a conditional use permit;
- B. Evidence of ownership or control over the land and a legal description of the property where the extraction operation will be located;
- C. A site plan showing the following:
 1. Dimensions of the excavation site and of the parcel;
 2. Locations of clearances, rights of way, easements, utility lines, existing watercourses and drainage;
 3. Property lines with names and parcel tax identification numbers of adjoining property owners;

4. Proposed ingress and egress;
 5. A contour map based on the USGS 7.5 minute quadrangle and estimate of materials to be removed; and
 6. The location of the sand and gravel overlay area on the site.
- D. Excavation operations plan that outlines the following:
1. Traffic arrangements proposed on existing roads and streets adjoining the site;
 2. The location, arrangement and dimensions of loading and processing facilities; and
 3. On site control of surface and storm water drainage.
- E. A reclamation plan addressing the following:
1. Closure of the extraction operation stating the phasing, acreage and duration of the operation; and
 2. Financial guarantee for the rehabilitation and reclamation extraction operation. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.13.070: MINIMUM REQUIREMENTS:

All mineral extraction and excavation operations shall comply with the following requirements:

- A. Warning signs, fences, trees and berms may be required;
- B. The operation shall obtain all necessary federal, state and local permits;
- C. The hours of operation for an extraction operation shall be limited based on the following:
 1. Extraction operation may operate from six o'clock (6:00) A.M. until eight o'clock (8:00) P.M.;
 2. The operation of the crusher to be allowed only from seven o'clock (7:00) A.M. to five o'clock (5:00) P.M.;
 3. No operation shall occur within the extraction operation on the following holidays:
 - a. Memorial Day;
 - b. July 4 and 24;
 - c. Labor Day;
 - d. Thanksgiving;
 - e. Christmas; and
 - f. New Year's.
 4. The planning commission may allow for variation to the above hours and days of operation based on need and effect.
- D. All activities shall be maintained and operated in such a way as to minimize light, fumes, dust, and smoke emissions. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.13.080: RECLAMATION AGREEMENT:

After the applicant has obtained approval of the mineral extraction and excavation master plan as described above, the approval shall be put in the form of a reclamation agreement negotiated by the county attorney and executed by the county executive pursuant subject to the direction of the planning commission. The agreement shall include the following: (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

- A. A legal description of the land;
- B. A copy of the conditional use permit;
- C. A copy of the approved mineral extraction and excavation master plan;
- D. All final grading and slope for reclamation of the extraction operation shall meet the requirements of appendix J of the currently adopted international building code;
- E. A financial guarantee for the rehabilitation and reclamation;
- F. Other specific requirements, rights and peculiarities pertinent to the project. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.13.090: COMPLIANCE BY EXISTING OPERATIONS:

Compliance and enforcement under this chapter shall be subject to constitutional protections and state law regarding existing nonconforming uses. Requirements shall not be imposed that are unreasonable with respect to operations related to a nonconforming excavation that is legally proven to have occurred prior to the enactment of this chapter. (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

17.13.100: AREAS OF POTENTIAL SAND AND GRAVEL DEPOSITS:

- A. Areas containing potential sand and gravel deposits have been identified and mapping is available when reviewing

CHAPTER 17.14

RESORT RECREATION (RR) ZONE

SECTION:

17.14.010: Reserved

17.14.020: General Requirements

17.14.030: Master Plan Application Requirements And Approval Process

17.14.040: Development Agreement

17.14.050: Subdivision Of Master Planned Land

17.14.060: Development Plan Application Requirements And Approval Process

17.14.070: Open Space

17.14.080: Unit Equivalent Density

17.14.090: Additional Requirements

17.14.100: Development In Phases And Time Of Approval

17.14.110: Fees

17.14.120: Appendix A - Approval Process

17.14.130: Appendix B - Environmental Summary

17.14.140: Appendix C - Fiscal Analysis

17.14.010: RESERVED:

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.020: GENERAL REQUIREMENTS:

A. Property shall be rezoned through the County rezone process (section 17.02.030 of this title) prior to the Master Plan submittal.

B. Development within the RR Zone shall adhere to the standards set forth in this land use ordinance and the Utah Condominium Ownership Act as set forth in Utah Code Annotated title 57, chapter 8, as amended.

C. In order to support the intended recreational uses of the RR Zone and allow for open spaces and buffer zones within proposed developments, the minimum acreage within the zone is two thousand (2,000) acres.

D. Properties adjacent to an RR Zone property and wishing to rezone to the RR Zone must either: 1) meet the RR Zone requirements independently; or 2) establish agreements between the property owners' association and submit for amendment of the Master Plan of the adjacent RR Zone property.

E. The primary uses shall be resort and recreation oriented, and shall include, but not be limited to, ski and/or golf facilities and at least one residential/commercial core village. For clarification of this section, the following definition shall be used:

1. A ski area as a minimum shall include not less than two (2) double chair lifts.

2. A golf facility shall be as a minimum a certified regulation 18-hole golf course with not less than par seventy (70) as per the USGA.

F. Culinary water, sewer, power, telecommunications, and other utility services shall be provided by central systems serving the entire Master Plan development area (e.g., service districts, private companies, public utilities, etc.).

G. Construction, development, maintenance and snow removal on interior roads shall be the responsibility of the developer and, as appropriate, will become the responsibility of the property owners' association, as defined in the development agreement.

H. The County shall require such an arrangement of structures and open space within the RR Zone as necessary to assure that the purpose of this zone is achieved:

1. In no case shall total coverage of hard surface development, buildings and structures be greater than ten percent (10%) of the total project area.

2. Perimeter fencing of homesites and development parcels will not be permitted.

3. The County may require perimeter fencing of the property boundary, as necessary.

4. Commercial areas should provide the density, building mass, scale and visual feeling of a pedestrian mountain resort community.
5. A buffer zone of open space, setbacks or yards between the RR zone and adjacent land, with noncompatible uses, shall be required in accordance with applicable state or local laws.
6. Subdivision boundaries within the RR zone shall conform to county lines.
7. Unit clustering is encouraged, especially in commercial or "village" areas. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.030: MASTER PLAN APPLICATION REQUIREMENTS AND APPROVAL PROCESS:

(For a graphical description of the process outlined here, please see section 17.14.120, "Appendix A - Approval Process", of this chapter.)

The master plan shall be submitted as a conditional use for permit issuance in accordance with section 17.06.050 of this title.

A. Submit Master Plan Application: The following information is required for master plan submissions under the RR zone within the county. The applicant may be required to provide other information required by the director of development services or planning commission as necessary to evaluate the proposed master plan.

1. A master plan application, provided by the director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) represented in the master plan.

2. A master plan, at a convenient scale of not more than one inch equals four hundred feet (1" = 400'), or at a scale as approved by the director. A minimum of eleven (11) paper copies shall be presented to the director, as part of the master plan application. The director may request additional copies if required. The master plan shall show the following:

- a. Vicinity Map: Vicinity map showing location of property;
 - b. Statement Of Restrictions: A statement of all existing restrictions on the use of land, including easements, restrictions or covenants;
 - c. Features: Existing and proposed features (may be shown on separate, numbered pages).
 - (1) Existing conditions map, showing vegetation and existing site features;
 - (2) The approximate location of all existing structures and other significant physical and topographic features presently located on the property;
 - (3) Contour lines based on USGS datum with intervals of not more than twenty feet (20'), which contour lines shall extend a minimum of one hundred feet (100') beyond the proposed development boundary;
 - (4) Slope map, indicating slopes ranging between zero to seven percent (0-7%), seven to ten percent (7-10%), ten to fifteen percent (10-15%), fifteen to twenty percent (15-20%), twenty to twenty five percent (20-25%), and over twenty five percent (25%);
 - (5) The approximate location of any registered historic sites;
 - (6) The approximate location of potential wetlands;
 - (7) FEMA floodplain delineation.
 - d. Concepts: General development concepts:
 - (1) Site plan of the proposed uses showing general building locations, and requested densities;
 - (2) Designations of proposed ownership of areas shown on site plan as being private, part of a condominium, common area or dedicated open space;
 - (3) Proposed locations of site improvements such as plazas, tennis courts, ski runs, golf courses, pools, and similar improvements;
 - (4) Proposed road locations and other circulation features;
 - (5) Proposed intersections with existing roads;
 - (6) Preliminary architectural and landscaping theme drawings;
 - (7) Proposed phasing schedule, if any.
 - e. Services:
 - (1) All utilities available (if any) and proposed easements for new utility services or relocated utility services;
 - (2) Additional proposed features such as systems of drainage, sewage and water supply;
3. As applicable, a brief written statement from each of the following affected entities indicating the availability of current services, as well as the conditions and the impact of the development on such services:

County road superintendent;
Division of environmental quality (DEQ);
EMT response/protection service provider(s);
Fire department;
Health department;
School district(s);
Sewer service district(s);
Sheriff;
State water engineer;
Stormwater management and control agency;
UDOT;
Waste removal and disposal service provider(s); and
Water service district(s).

4. A title report for the property under the master plan provided by a title company within thirty (30) days of the date of master plan application;
5. A tax clearance from the county treasurer indicating that all taxes, interest and penalties owing for the property have been paid;
6. An environmental summary (see section 17.14.130, "Appendix B - Environmental Summary", of this chapter);
7. A financial analysis (see section 17.14.140, "Appendix C - Fiscal Analysis", of this chapter);
8. The proposed development agreement (see section 17.14.040 of this chapter);
9. The name and address of the property owner(s) and all adjoining property owners as disclosed by the most recent plat map.

B. Approval Of Master Plan: After the applicant has submitted the master plan information as described above, the planning commission will approve, approve with conditions or deny the master plan application.

1. After receiving the applicant's submittal, the director will review the master plan application and determine if the required information provided is complete. The director will make a recommendation on the proposed plan to the planning commission and schedule the master plan for review on the planning commission's next available agenda.

If the director feels the applicant's submittal is incomplete, the applicant has forty five (45) days to submit the additional information requested to the director to continue the master plan approval process.

2. The planning commission will review the master plan and will approve, approve with conditions or deny the master plan.

a. Approval by the planning commission grants an equivalent unit density, use and general configuration and allows the applicant to proceed with the process for signature of the development agreement by the county council and by submitting the development plan application.

b. Approval with conditions by the planning commission grants an equivalent unit density, use and general configuration and allows the applicant to meet the conditions of the commission and proceed with the process for signature of the development agreement by the county council and by submitting the development plan application.

c. Denial of the master plan by the planning commission means the applicant cannot proceed with the process for signature of the development agreement by the county council nor by submitting the development plan application and must either: 1) resubmit a revised master plan and begin the process with the planning commission again; 2) appeal the decision to the board of adjustments; or 3) elect to not pursue a master plan any further.

3. The developer may request changes to an approved master plan. Minor changes to the master plan, as determined by the director, may be authorized by the director if required by engineering or other circumstances not foreseen at the time the master plan was approved. The director may also request review by the planning commission to determine if a proposed change requires a master plan amendment. The planning commission shall review all proposed master plan amendments, using the approval of master plan procedure as described in this section, to determine approval of the amendment to the master plan if the intent of the RR zone is maintained and the county does not receive added significant negative impacts. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.040: DEVELOPMENT AGREEMENT:

(For a graphical description of the process outlined here, see section 17.14.120, "Appendix A - Approval Process", of this chapter.)

A. Creation Of Development Agreement: After the applicant has obtained approval of the master plan as described above, the approval shall be put in the form of a development agreement.

1. The development agreement shall be in a form approved by the county attorney.
2. The development agreement shall contain, at a minimum, the following:
 - a. A legal description of the land;
 - b. All relevant zoning parameters including all findings, conclusions and conditions of approval;
 - c. A description of approved density and uses for the project;
 - d. A copy of the approved plans, including master plan, site plans, architectural plans, landscape plans, grading plan, trails and open space plans, and other plans which are a part of the master plan approval by the planning commission;
 - e. A description of all developer exactions or agreed upon public and private dedications and commitments;
 - f. The developer's agreement to pay specified service provider fees;
 - g. The form of ownership anticipated for the project property owners' association and operating description;
 - h. Project phasing plans and schedules;
 - i. Other specific requirements, rights and peculiarities pertinent to the project;
 - j. The development agreement shall contain language, which allows for minor, facility specific modifications to occur to the approval without revision of the development agreement.
3. Review of the master plan application or following approval of such master plan, the applicant will submit a completed development agreement reflecting the results of the master plan approval to the planning commission for review.
4. The planning commission will make a recommendation on the development agreement to the county council.

B. Signing Of Development Agreement: Upon the planning commission's recommendation, the development agreement shall be reviewed by the county council. The county council chairperson and the applicant(s) shall sign the development agreement as presented or as amended by the county council upon the recommendation of the county attorney's office within six (6) months of the date of the master plan recommendation by the planning commission. Failure to act by the county council shall constitute a denial. The development agreement shall be filed for recording with the county recorder's office at the applicant's expense. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.050: SUBDIVISION OF MASTER PLANNED LAND:

(For a graphical description of the process outlined herein, see section 17.14.120, "Appendix A - Approval Process", of this chapter.)

An approved master plan may be subdivided or resubdivided at any time. The subdivision approvals process will follow the county subdivision regulations in title 16 of this code.

Subdivision can take place either prior to or concurrent with a development plan application. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.060: DEVELOPMENT PLAN APPLICATION REQUIREMENTS AND APPROVAL PROCESS:

(For a graphical description of the process outlined herein, see section 17.14.120, "Appendix A - Approval Process", of this chapter.)

A. Submit Development Plan Application: The following information is required for development plan submissions under the RR zone within the county. The applicant may be required to provide other information required by the director of development services or planning commission as necessary to evaluate the proposed development plan. The development plan application may be submitted for individual phases, individual parcels or for the entire master plan.

1. A development plan application, provided by the director, completed and signed by the owner(s), or authorized agent of the owner(s), of the land parcel(s) represented in the development plan.
2. A development plan, at a convenient scale of not more than one inch equals one hundred feet (1" = 100'), or at a scale as approved by the director. A minimum of eleven (11) paper copies shall be presented to the director, as part of the development plan application. The director may request additional copies if required.
3. The development plan shall show the following:
 - a. All mapped information shall be prepared in a neat and legible manner in ink. All map data shall be prepared at an engineer's scale not more than one inch equals one hundred feet (1" = 100'). The exterior tract dimensions and boundaries must be based on actual ground survey made by a registered engineer or registered land surveyor. The sheets prepared shall be numbered in sequence if more than one sheet is used and shall be of such size as is acceptable for filing in the office of the county recorder.
 - b. Contour lines based on USGS datum with intervals of not more than five feet (5') for parcels with a general slope of greater than thirty percent (30%), or intervals of not more than two feet (2') for parcels with a general slope of less than or equal to thirty percent (30%), which contour lines shall extend a minimum of one hundred feet (100') beyond the proposed

development boundary.

c. If a drainage channel borders the proposed development, the additional distance necessary to show the far side of the drainage facility can be shown on an accompanying engineering drawing.

d. A vicinity map showing the proposed development and its location within the project.

e. Existing property description:

(1) Location of property by government lot, section, township and range and/or by metes and bounds description, with map indicating graphic scale, north arrow, acres and date.

(2) The location and dimensions of exterior boundary lines of the property to be expressed to the nearest hundredth of a foot and all other boundary lines to be expressed in feet.

(3) The location of property with respect to surrounding property and streets, the names of adjoining subdivisions or parcels, the land uses of the adjoining areas, and the names of adjoining streets.

(4) The location, width and names of existing rights of way.

(5) The location, width or dimensions, and purpose of existing easements.

(6) The location of existing water bodies, streams and other pertinent features such as swamps, drainage ditches, parks, cemeteries, buildings, railroad rights of way and bridges.

(7) The location and width of all proposed streets, street centerlines and easements, alleys, trails and other public ways, easement and proposed street rights of way, and building setback lines.

(8) The location, dimensions and areas of all proposed or existing lots.

(9) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, for the dedication or reservation.

(10) All utility facilities existing and proposed throughout the development shall be shown on the development plan or on accompanying engineering plans.

(11) Location of known geologic hazards, watercourses, rock outcroppings and existing wooded areas or trees eight inches (8") or more in diameter, measured four feet (4') above ground level.

(12) Location and direction of flow of all watercourses on the property under consideration and abutting properties.

(13) Location, sizes, elevations and slopes of existing sewers, water mains, culverts and other underground structures within the property under consideration and immediately adjacent thereto; existing permanent building and utility poles on or immediately adjacent to the site; and utility rights of way.

f. Property survey control:

(1) Two (2) primary control points, approved by the county surveyor and "ties" to such control points. Primary control points must be public land survey corners or officially recognized corners with corner perpetuation and filing number shown.

(2) Location, description and size of monuments that are set or found (all monuments found, existing or accepted and used in the survey shall be marked with the license number of the surveyor).

(3) Location of street survey monuments.

(4) Ties to all controlling corners.

(5) Sufficient data acceptable to the county surveyor's office to determine readily the location, bearing and length of all lines and to reproduce such lines upon the ground.

g. If the applicant plans a phased development of the area contained in the development plan, the respective areas of development shall be shown on the development plan as to the area and priority of development.

h. Grading plan, noting the maximum street gradient, street sections, and all cuts and fills, which may be on an accompanying engineering drawing.

i. Indication of land uses within the property.

j. Proposed street names, and, if pertinent, the lot layout and numbering of all lots and blocks. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. Include dimensions of each lot.

k. A plan designating limits of disturbance or building pads and utility corridors and connections for each parcel and for improvements, such as utilities and roads.

l. The name of the proposed development shall be shown.

m. All maps shall indicate the name of the person or firm responsible for the drawing and the date drawn in order to facilitate further reference to the information.

4. Ownership:

a. The name and address of the owner or owners, the name and address of the developer if other than the owner, the name of the land surveyors, the name of the author of the property report, and the citation of last instrument conveying title to each parcel of property involved in the proposed development.

b. Citation of any existing legal rights of way or easements affecting the property.

c. Existing covenants on the property, if any.

5. A copy of the project's architectural and design guidelines.

6. A copy of the project's draft CC&Rs.

7. A copy of the declaration and bylaws of the development pursuant to the Utah condominium ownership act.

8. Any special agreements, conveyances, easements, restrictions or conditions, which will govern the use, maintenance and continued protection of the development and any of its common areas, open space and facilities.

9. Names of adjoining property owners from the latest assessment rolls within three hundred feet (300') of any perimeter boundary of the property under consideration.

10. If the development plan application includes a subdivision of property, application for subdivision shall be made under the applicable requirements and process of the county subdivision ordinance 2000-16/17, either prior to or concurrent with the development plan application.

B. Approval Of Development Plan: After the applicant has submitted the development plan information as described above, the planning commission will approve, approve with conditions or deny the development plan application.

1. After receiving the applicant's submittal, the director will review the development plan application and determine if the required information provided is complete. The director will make a recommendation on the proposed plan to the planning commission and schedule the development plan for review on the planning commission's next available agenda.

If the director feels the applicant's submittal is incomplete, the applicant has forty five (45) days to submit the additional information requested to the director to continue the development plan approval process.

2. The planning commission will review the development plan and will approve, approve with conditions or deny the development plan.

a. Approval by the planning commission allows the applicant to proceed by developing the project, with vertical development requiring a zoning clearance prior to issuing a building permit.

b. Approval with conditions by the planning commission allows the applicant to meet the conditions of the commission and proceed by developing the project, with vertical development requiring a zoning clearance prior to issuing a building permit.

c. Denial of the development plan application by the planning commission means the applicant cannot proceed by developing the project and must either: 1) resubmit a revised development plan application and begin the process with the planning commission again; 2) appeal the decision to the board of adjustments; or 3) elect to not pursue a development plan application any further.

3. The applicant must begin development within two (2) years from the time of receiving an approved development plan, unless otherwise designated by the county council in the development agreement.

C. Changes To Approved Plans: Minor changes in the location, site plan or character of buildings and structures may be authorized by the director if required by engineering or other circumstances not foreseen at the time the development plan was approved. No change authorized by the director under this section may increase the size of any building or structure more than ten percent (10%), nor change the location of any building or structure more than ten feet (10') in any direction. The planning commission must approve all other changes to the development plan application using the approval of development plan application procedure. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.070: OPEN SPACE:

A. Functional and aesthetic open space (including buffer zones) are essential parts of the RR zone.

B. Participants in the approval processes shall identify what is to be considered as open space by using the following parameters as a guide:

1. Waterways, water bodies, manmade water features, wetlands, steep slopes, and other areas to remain undeveloped shall count toward the open space requirement.

2. Active, nonhard surface recreation areas, such as golf, skiing, hiking and biking trails shall count toward the open space requirement.

3. Common park areas with passive (landscaping, lawn areas, picnic and bench areas) and active areas (soccer fields, baseball diamonds, tennis courts, fishing ponds, playgrounds, and park gazebos) are encouraged and shall count toward the open space requirement, provided they are used for scenic, landscaping or recreation purposes and they are located on land which is accessible and available to all occupants of dwelling units for whose use the common park area is intended.

4. Buffer zones along the property boundaries shall count toward the open space requirement.

5. Portion of lots outside of designated building pads shall count toward the open space requirement if the area is preserved as natural forest, grasslands or pastureland.

6. Parking lots, parking area landscaping buffers, paved roads, service roads, private yards, buildings or structures, required setbacks for buildings or structures, and all subdivided parcels less than one acre shall not count toward the open space requirement.

C. Preservation, maintenance and ownership of open space within the development shall be accomplished by one or more of the following (as rights and responsibilities are delineated in the development agreement):

1. Designation of land to meet setback or other buffer zone requirements between the RR zone and adjacent properties; or

2. Designation of land as a park, parkway system or pasture for the use of resort property owners and resort guests using the resort's recreational facilities; or

3. Complying with the provisions of the condominium ownership act, Utah Code Annotated title 57, chapter 8, as amended, which provides for the payment of common expenses for the upkeep of the common area and facilities; or

4. The developer may retain ownership and responsibility for maintenance of the designated open space, and shall commit to such responsibility through written agreement with all parties who subsequently acquire ownership of property within the RR zone; or

5. The property owners' association may retain ownership and responsibility for maintenance of the designated open space, and shall commit to such responsibility through written agreement with all parties who subsequently acquire ownership of property within the RR zone.

D. Changes in the project's dedication of open space will be handled through the master plan amendment process. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.080: UNIT EQUIVALENT DENSITY:

A. Density of development is a factor of both number and the size of the structures built within a master planned development. Unit equivalents are used to better convey overall impacts of a project.

B. As a physical limitation, total unit volume is a better determinant than number of units. Basing development density under the RR zone on a program of unit equivalents provides the county with clear expectations of the overall scope of development, yet enables the development flexibility to respond to changing market forces and demand.

C. The unit equivalent structure outlined on the following page establishes the method for density determination within the RR zone:

DENSITY DATA CHART

	Use	Configuration	Unit Equivalent
	Use	Configuration	Unit Equivalent
Hotel commercial or multi-family residential	Hotel room	A room not to exceed 500 sq. ft., which includes bathroom areas, but not corridors outside of the room or foyers.	0.25
	Hotel suite/1 bedroom apartment	A suite or 1 bedroom apartment not to exceed 650 sq. ft., which includes bathroom and kitchenette areas, but not corridors outside of the room or foyers.	0.33
	Hotel or multi-family - A	An apartment with attached rooms not to exceed 1,000 sq. ft., which includes bathroom and kitchen areas, but not corridors outside of the room or foyers.	0.50
	Hotel or multi-family - B	An apartment with attached rooms not to exceed 1,500 sq. ft., which includes bathroom and kitchen areas, but not corridors outside of the room or foyers.	0.75
	Hotel or multi-family - C	An apartment with attached rooms not to exceed 2,000 sq. ft., which includes bathroom and kitchen areas, but not corridors outside of the room or foyers.	1.00

	Hotel or multi-family - D	An apartment with attached rooms not to exceed 2,500 sq. ft., which includes bathroom and kitchen areas, but not corridors outside of the room or foyers.	1.25
Single-family	Small single-family lot	Separate, attached, or unattached homes with any number of rooms (e.g., patio homes, townhomes or condominiums), whose total area inside ranges from 2,500 sq. ft. to 5,000 sq. ft. (Permits 0 lot line units, shared wall units, and lockouts.)	1.00
	Single-family lot	1 single-family lot. (Permits 1 detached or attached accessory dwelling in addition to main house.)	1.00
Mixed use	Corporate retreat	A corporate retreat with residential uses and up to 10,000 sq. ft. of commercial uses with meeting and support space.	4.00
Commercial uses	Golf course facility	Clubhouse, bathrooms, maintenance, garage, food stand, and all accessory buildings (per 1,000 sq. ft.).	1.00
	Equestrian facility	Stables, stalls, barn, and all accessory buildings (per 1,000 sq. ft.).	1.00
	Ski area facility	Lodges, restaurants/bars, retail, and commercial space, maintenance areas, medical facilities, and all accessory buildings (per 1,000 sq. ft.).	1.00
	Commercial	Restaurant, retail, and other commercial space (per 1,000 sq. ft.).	1.00
	Recreation/activity facility	Activity center, recreational courts, and accessory facilities (per 1,000 sq. ft.).	1.00
	Public facilities	Public facilities with human occupancy such as fire stations, police stations, utility plants, etc. (per 1,000 sq. ft.). Public facilities without human occupancy not counted in density determination.	1.00
	Air transportation facilities	Air terminal, commercial facilities, and accessory facilities (per 1,000 sq. ft.) and 1 hangar (maximum of 10,000 sq. ft.) = 1 UE with each additional 1,000 sq. ft. of hangar space = 1 UE	1.00

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.090: ADDITIONAL REQUIREMENTS:

When the planning commission or county council deem necessary, with the reasons for such request being identified, the applicant may be required to provide other information or letters of feasibility, conduct studies and provide evidence indicating suitability of the area for the proposed master plan, including, but not limited to, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, and any other physical or environmental matters necessary to fully identify the suitability of the area for the proposed master plan. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.100: DEVELOPMENT IN PHASES AND TIME OF APPROVAL:

A. If development within the RR zone is to be phased, each phase shall be of such size, composition and arrangement that construction, marketing and operation is feasible as a unit independent of any subsequent phases.

B. The applicant must begin development within two (2) years from the time of final approval, unless otherwise designated by the county council in the development agreement. The planning commission may grant one 24-month extension to the approval without needing to modify the master plan or associated development agreement.

C. Subsequent phases of a multiphase master plan development may begin prior to completion of earlier phases, in accordance with the phasing plan outlined in the development agreement. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.110: FEES:

Any person filing an application for approval of a master plan or development plan application under the RR zone shall pay a fee. See Consolidated Fee Schedule for amount of fee. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

17.14.120: APPENDIX A - APPROVAL PROCESS:

See figures on file in county office. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.130: APPENDIX B - ENVIRONMENTAL SUMMARY:

The master plan submittal shall include an environmental summary, which consists of the information provided in the checklist on the following page. This checklist must be completed to show the developer has responded to all required criteria listed. For each information category, the developer must fill in the appropriate boxes with a check. Additionally, all reports, agency letters and other supporting documentation shall be attached to this checklist. Staff will review the checklist and attached materials and check the "complete" box if no additional work is required by the developer. The planning commission will review the staff's recommendation and determine if the materials are complete.

ENVIRONMENTAL IMPACT ANALYSIS CHECKLIST

R = Required information/submittal, nonmarked boxes indicate required only if staff or planning commission deem necessary.

Information Categories	Date Required	Report And Map	Agency Review And Comment	Best Management Practices	Complete Additional No Work Required	Documentation (Location within the submittal(s) that the information can be found, e.g., exhibit number or master plan page)
Information Categories	Date Required	Report And Map	Agency Review And Comment	Best Management Practices	Complete Additional No Work Required	Documentation (Location within the submittal(s) that the information can be found, e.g., exhibit number or master plan page)
Topographic map	Map showing slopes, views and exposures	R	R	R		
Geological conditions and hazards	A map and brief statement and describing geologic conditions, structure and properties along with existing geological hazards	R	R	R		
Soils map and narrative	A map and brief statement describing soil types, properties and depths	R	R	R		
Hydrology map and narrative	A map and brief report describing site hydrology, drainage, watersheds, existing bodies of water, groundwater conditions, shorelines, and wetlands	R	R	R		
Water quality report	Identification and discussion of waters shown on the project's hydrology maps and potential for proposed development to affect the site's water quality. Mitigation of impacts and compliance with regulations	R	R	R		
Air quality report	A brief statement describing climate and wind factors	R	R	R		

Vegetation report	Statement describing the site's vegetation considerations and a letter or review from the division of forestry-fire and state lands	R	R	R		
Wildlife report	Statement describing the site's wildlife and habitat considerations and a letter or review from the division of wildlife resources	R	R	R		
Cultural resources report	A brief statement describing cultural resources, including historic and archaeological sites and finds, and provide a letter from Utah State Historical Society with their findings (if any) on the site	R	R	R		
Traffic impact report	A statement describing road traffic impacts of the proposed development	R	R	R		

Environmental impact analysis checklist: To complete the checklist the following information is provided under each criteria to assist in contacting the appropriate agency. Not all agencies will provide review of comment but every effort should be made to respond to the needed information as possible. Different agencies have individual reviewing requirements and it is the responsibility of the applicant to work with these agencies.

TOPOGRAPHIC MAP

Summary: US geological survey 7.5 minute topographical quadrangle maps.

Contact Agencies:

Utah State Department Of Natural Resources

Map Library

1594 West North Temple, Suite 3110

P.O. Box 146100

Salt Lake City, UT 84114

GEOLOGIC CONDITIONS AND HAZARDS

Law/Regulation: Chapter 17.18, "Sensitive Areas", of this title. After January 1, 2003, all projects will need to document consistency with Bear River natural hazard mitigation plan.

Summary: Cache County has a very high potential for a number of different geologic hazards that may pose problems for development. Consideration of geologic conditions and hazards should involve both analyzing the impact of these conditions and hazards on the proposed project and impact of the existing environment on the proposed project. The report should identify all geologic conditions and potential hazards which include proximity to all earthquake faults, area of landslide potential, steep slopes and other geologic hazards.

Contact Agencies:

Utah State Department Of Natural Resources

Geological Survey

1594 West North Temple, Suite 3110

P.O. Box 146100

Salt Lake City, UT 84114

Bear River Association Of Governments

Community Development

170 North Main

Logan, UT 84321

SOILS

Summary: From the soil survey of the Cache valley area (USDA - natural resources conservation service, 1974) determine the type and quality of soil for your project and surrounding areas. Consideration should be given to the potential effects of the different soil types on the project and potential hazards that may exist: refer to table 4 - engineering interpretation for soil.

Contact Agencies:

United States Department Of Agriculture

Natural Resources Conservation Service

1860 North 100 East

North Logan, UT 84341

North Cache Or Blacksmith Fork Soil Conservation District

1860 North 100 East

North Logan, UT 84341

HYDROLOGY

Law/Regulation: Clean water act.

Summary: The hydrology of Cache County is a complex and critical natural resource. Consideration should be given to the potential impacts of a project on the hydrology of Cache County and protection of this critical natural resource.

Contact Agencies:

United States Army Corps Of Engineers

Salt Lake City, Utah

United States Environmental Protection Agency

Region VIII

Denver, Colorado

Cache County Water Advisory Board

160 North Main

Logan, UT 84321

WATER QUALITY REPORT

Law/Regulation: All projects within Cache County are subject to the requirements of the EPA's national pollutant discharge elimination system regulations and state permits.

Summary: Projects of one acre or larger will be required to submit and receive approval of a discharge permit from the state division of water quality.

Contact Agencies:

Utah State Department Of Environmental Quality

Division Of Water Quality

288 N. 1460 W.

P.O. Box 144870

Salt Lake City, UT 84114

AIR QUALITY

Law/Regulation: Clean air act 42 USC 7400 et seq. Potentially applicable to all proposed activities. Air quality is an impact category for which specific federal and nonfederal governmental standards exist.

Summary: Consideration of air quality involves both analyzing the impact of the proposed project on air quality in the community and impact of the existing environment on the proposed project forecasting. It depends on project size, type and its location (i.e., the suitability of the particular location for the type of project planned).

Contact Agencies:

Utah State Department Of Environmental Quality

Division Of Air Quality

288 N. 1460 W.

P.O. Box 144870

Salt Lake City, UT 84114

VEGETATION

Law/Regulation: All applicable federal, state and local regulation.

Summary: Consideration should be given to the potential impacts of the project on existing vegetation to protect property from potential fire hazards that may exist for the project.

Contact Agencies:

Utah State Division Of Forestry-Fire And State Lands

Bear River Area

1780 N. Research Parkway, Suite 104

North Logan, UT 84341

WILDLIFE

Law/Regulation: Endangered species act.

Summary: Consideration should be given to the potential impacts of the project on the wildlife and potential endangered species that are within the project area and off site impact should be evaluated.

Contact Agencies:

United States Department Of Agriculture

U.S. Fish And Wildlife Service

1594 West North Temple, Suite 3110

P.O. Box 146100

Salt Lake City, UT 84114

Utah State Department Of Natural Resources

Division Of Wildlife Resources

1594 West North Temple, Suite 3110

P.O. Box 146100

Salt Lake City, UT 84114

CULTURAL RESOURCES

Law/Regulation: The national historic preservation act of 1966.

Summary: Consideration should be given to any manmade structures that are fifty (50) years and older. These structures should be identified and determined if they are historically significant. All archaeological sites should be identified and documented.

Contact Agencies:

Utah State Department Of Community And Economic Development

State Division Of History

1594 West North Temple, Suite 3110

P.O. Box 146100

Salt Lake City, UT 84114

TRAFFIC IMPACT

Law/Regulation: Subject to current Cache County road policies and Utah state department of transportation requirements.

Summary: Considerations should be given to the impacts of all road systems within and accessing the project. A traffic

impact analysis and/or study may be required of the applicant at the discretion of the county.

Contact Agencies:

Utah Department Of Transportation Region 1

169 North Wall Avenue

P.O. Box 12580

Ogden, UT 84412

Cache County Road Department

525 North 1000 West

Logan, UT 84321

(Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.14.140: APPENDIX C - FISCAL ANALYSIS:

The master plan application shall include a fiscal analysis, which consists of the following information:

A. Onetime Revenue Sources:

1. An estimate of fees (e.g., planning, engineering, subdivision, approvals, etc.) that will be generated to Cache County from processing the master plan, individual development plans, subdivisions and building permits with Cache County.

B. Ongoing Revenue Sources:

1. An estimate of annual tax revenue to Cache County (e.g., property taxes, sales taxes, transient taxes, etc.) generated from the master plan development at twenty five percent (25%), fifty percent (50%), seventy five percent (75%) and one hundred percent (100%) of build-out;

2. An estimate of annual tax revenue to Cache County schools generated from the master plan development at twenty five percent (25%), fifty percent (50%), seventy five percent (75%) and one hundred percent (100%) of build-out;

3. An estimate of annual tax revenue to Cache County service providers (e.g., service districts, public safety and health, etc.) generated from the master plan development at twenty five percent (25%), fifty percent (50%), seventy five percent (75%) and one hundred percent (100%) of build-out;

4. The analysis shall show the allocations of such tax revenue to various county funds, uses and organizations.

C. Expenses:

1. Introductory letters from all service providers based in Cache County outlining the anticipated costs for services;

2. Introductory letters from all service providers not based in Cache County outlining the anticipated terms and costs for necessary interlocal service agreements.

The fiscal analysis shall be prepared by the applicant using input from Cache County, Cache County service providers, non-Cache County service providers, and other relevant public agencies. Estimates shall be based on the full master plan at twenty five percent (25%), fifty percent (50%), seventy five percent (75%) and one hundred percent (100%) of build-out.

The analysis will be prepared in a printed, bound report containing an overall analysis summary page, summary pages for each subcomponent of the analysis and copies of the variables, assumption and backup material used to conduct the analysis.

The analysis will be presented to the director of development services for initial, detailed review as part of the master plan application required materials. The director will incorporate an assessment of the financial analysis in his or her recommendation to the planning commission. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 17.15
RESERVED

(Ord. 2013-06, 2-26-2013, eff. 3-13-2013)

CHAPTER 17.16
GROUP LIVING FACILITIES

SECTION:

17.16.010: Purpose And Applicability

17.16.020: Terms

17.16.030: Permitted Uses

17.16.040: Residential Facility Development Standards

17.16.050: Reasonable Accommodation

17.16.010: PURPOSE AND APPLICABILITY:

A. Purpose: It is the purpose of this chapter to:

1. Comply with Utah Code Annotated sections 17-27a-515 and 519; (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)
2. Avoid discrimination in housing against any person regardless of age or disability in compliance with the Utah fair housing act and the federal fair housing act as interpreted by the courts having jurisdiction in Utah.

B. Applicability: This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a "residential facility" as set forth in this title.

C. Limitations: Only such residential facilities as are specifically authorized in this chapter and in this title as permitted or conditional uses shall be allowed. All other residential facilities are prohibited. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.16.020: TERMS:

Certain words and phrases in this chapter are defined in chapter 17.07 of this title. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.16.030: PERMITTED USES:

A. Permitted Use: A residential facility for persons with a disability or a residential long term care facility shall be a permitted use in any zoning district where a single-family dwelling is allowed.

B. Termination: A use permitted by this chapter is nontransferable and shall terminate if any of the following occur:

1. A facility is devoted to a use other than a residential facility for elderly residents or a residential facility for persons with a disability;
2. The facility fails to comply with the requirements of the issued permits, this section, or other Cache County ordinances; or
3. The license or certification issued by the Utah department of human services or department of health terminates or is revoked. (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

17.16.040: RESIDENTIAL FACILITY DEVELOPMENT STANDARDS:

Each residential facility shall conform to the following requirements:

A. Residential Facility Design Standards: Any newly constructed or remodeled residential facility in an agricultural zone or within one thousand feet (1,000') of an agricultural zone shall comply with the following design standards:

1. The residential facility shall comply with: all building, safety, and health regulations; the Americans with disabilities act; fire regulations; and all applicable state code standards and licensing requirements. Additionally, residential facilities shall comply with all standards set forth by any other local, state, or federal agency for the operation of the residential facility.

2. All setbacks shall be according to the requirements of the zone in which the facility sits.

3. In order for new construction to reflect the design and character of the existing neighborhood, the following standards shall be met:

a. The roof design of the proposed or remodeled structure shall be a pitched roof of the same slope as the most common roof slope of the homes within the surrounding area of the proposed building; and

b. The type of exterior materials shall be of traditional home finished materials of brick, siding, rock, stucco, etc. The use of these materials shall be applied in such a manner as to blend in with the neighborhood where the building is located and not draw undue attention to the building because of the materials, their color, and/or their combination being uncharacteristic of the other buildings in the neighborhood.

4. An existing structure may not be utilized as a residential facility unless no structural or landscaping alterations that change the structure's residential character are required for the residential facility to operate. Any alterations to the structure, landscape, or site will require the approval of the appropriate Land Use Authority and must be completed in compliance with this section. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

B. Number Of Occupants: Pursuant to the definition of "family" in section 17.07.040 of this title, not more than four (4) unrelated persons shall occupy a residential long term care facility or any residential facility for persons with a disability established in a dwelling unit unless a reasonable accommodation is granted in conformance with section 17.16.050 of this chapter.

C. License And Certification: Prior to the issuance of a zoning clearance by Cache County for the residential facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the residential facility shall:

1. Provide a certified copy of the license issued or the filed application for a license by the Department of Human Services or the Department of Health to the Development Services Director. (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

2. Certify, in a sworn affidavit submitted with the application for a zoning clearance, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others.

3. For a residential facility for persons with a disability:

a. Certify, in a sworn affidavit submitted with the application for a zoning clearance, that all current residents/clients qualify and that all future residents/clients will qualify prior to admission to the facility as persons with a disability as defined within the Americans With Disabilities Act;

b. Obtain a County business license, if required under applicable provisions of the Cache County ordinances.

4. For a residential facility for elderly persons:

a. Certify, in a sworn affidavit submitted with the application for a zoning clearance, that all current residents/clients qualify and that all future residents/clients will qualify prior to admission to the facility as persons with a "disability" as defined within this title;

b. Certify, in a sworn affidavit submitted with the application for a zoning clearance, compliance with all relevant State Code requirements. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

17.16.050: REASONABLE ACCOMMODATION:

A. Reasonable Accommodation Required: None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for person(s) with a disability. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

B. Application: Any person or entity who wishes to request a reasonable accommodation shall make application to the Land Use Authority in compliance with section 17.02.030 of this title. Said applications shall specifically articulate, in writing, the following: (Ord. 2014-03, 3-25-2014, eff. 4-9-2014; amd. Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

1. The name, mailing address, and phone number of the applicant;

2. The nature and extent of the disability;

3. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;

4. The applicant's proposed reasonable accommodation(s);

5. A statement detailing why a reasonable accommodation is reasonable and necessary in order to afford handicapped persons equal opportunity to use and enjoy housing; and

6. The physical address of the property where the applicant intends on living.

C. Decision: The Land Use Authority shall render a decision on each application for a reasonable accommodation within ninety (90) days. The decision shall be based on evidence of record demonstrating all of the following:

1. The requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.

2. That, but for the accommodation, one or more persons with a disability will be denied an equal opportunity to enjoy housing within the community.

3. That equal results will be achieved as between the person with a disability requesting the accommodation and a nondisabled person. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

D. Appeal: Any person adversely affected by a final decision of the Land Use Authority may appeal that decision in compliance with section 17.02.060 of this title. (Ord. 2016-13, 8-23-2016, eff. 9-7-2016)

CHAPTER 17.17

AIRPORT LIMITATION AREAS

SECTION:

17.17.010: Purpose

17.17.020: General Provisions

17.17.030: Definitions

17.17.040: Airport Zoning Commission

17.17.050: Airport Board Of Adjustment

17.17.060: Schedule Of Uses

17.17.070: Airport Master Plan

17.17.080: Airport Zones

17.17.090: Regulations

17.17.100: Notification

17.17.110: Airport Development Standards

17.17.010: PURPOSE:

The airport limitation areas are intended to establish standards assuring the long range, safe, and beneficial use of the Logan- Cache County Airport. (Ord. 2013-06, 2-26-2013, eff. 3-13-2013)

17.17.020: GENERAL PROVISIONS:

A. These regulations reinforce specific provisions in the Logan- Cache airport master plan (August 11, 1992) and Cache countywide comprehensive plan (January 27, 1998), as amended.

B. The boundary of any officially recognized "airport limitation overlay zones" shall be as it appears on a map and/or other documents approved by the county council. (Ord. 2004-10, 8-10-2004)

17.17.030: DEFINITIONS:

As used in this title, unless the context otherwise requires:

AIRPORT: The Logan-Cache Airport or any area of land designated and used for the landing and taking off of aircraft.

AIRPORT ELEVATION: The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is four thousand four hundred fifty seven feet (4,457') MSL as of the effective date hereof.

AIRPORT HAZARD: Any structure or use of land which actually or potentially obstructs the airspace required for the safe flight of aircraft in landing or taking off at an airport.

APPROACH SURFACE: A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 17.17.090 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

APPROACH, TRANSITIONAL, HORIZONTAL AND CONICAL ZONES: These zones are set forth in section 17.17.080 of this chapter.

CONICAL SURFACE: A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

FAR PART 77: Federal aviation administration regulations pertaining to height and obstruction criteria within prescribed distances from an airport as these regulations currently exist and as may be amended from time to time. Part 77 regulations may also affect lands located outside the boundaries of the defined airport influence area.

HAZARD TO AIR NAVIGATION: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

HEIGHT: For the purpose of determining the height limits in all zones set forth in subsection 17.17.090D of this chapter and shown on the zoning map, the datum shall be the mean sea level (MSL) elevation unless otherwise specified.

HELIPORT PRIMARY SURFACE: The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

HORIZONTAL SURFACE: A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Ldn: Yearly day-night average sound level.

LARGER THAN UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

MSL: Mean sea level.

NONCONFORMING USE: Any preexisting structure, object or natural growth, or use which is inconsistent with the provisions of this title or an amendment thereto.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in nonprecision instrument approach procedure has been approved or planned. It also means a runway for which a nonprecision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

OBSTRUCTION: Any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in

subsection 17.17.090D of this chapter.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), a precision approach radar (PAR), a global positioning system (GPS), a transponder landing system (TLS), or other systems providing both horizontal and vertical guidance. It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in subsection 17.17.080E of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

STRUCTURE: An object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines.

TRANSITIONAL SURFACES: These surfaces extend outward at ninety degree (90°) angles to the runway centerline and the runway centerline extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend a distance of five thousand feet (5,000') measured horizontally from the edge of the approach surface and at ninety degree (90°) angles to the extended runway centerline.

TREE: Any object of natural growth.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 2004-10, 8-10-2004)

17.17.040: AIRPORT ZONING COMMISSION:

A. Established: The Cache countywide planning commission is designated as the "airport zoning commission" as prescribed in Utah Code Annotated section 72-10-405.

B. References To Commission: In this title and state law, any references to the "airport zoning commission" shall mean the Cache countywide planning commission.

C. Planning Commission Function As Airport Zoning Commission: If the planning commission is empowered in this title to take actions that are duties of the airport zoning commission as prescribed in Utah law, the planning commission shall be presumed to be functioning as the airport zoning commission.

D. Duties: The airport zoning commission shall recommend boundaries of the various zones to be established and the regulations to be adopted pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the county council or Utah law. (Ord. 2004-10, 8-10-2004)

17.17.050: AIRPORT BOARD OF ADJUSTMENT:

A. Established: The Cache County board of adjustment is designated as the "airport board of adjustment" as prescribed in Utah Code Annotated section 72-10-408.

B. References To Commission: In this title and state law, any references to the "airport board of adjustment" shall mean the Cache County board of adjustment.

C. Board Of Adjustment Functions As Airport Board Of Adjustment: If the board of adjustment is empowered in this title to take actions that are duties of the airport board of adjustment as prescribed in Utah law, the board of adjustment shall be presumed to be functioning as the airport board of adjustment.

D. Duties: The airport board of adjustment shall hear issues pertaining to any airport hazard area and to perform such other duties as may be assigned to it by the county council or Utah law. (Ord. 2004-10, 8-10-2004)

17.17.060: SCHEDULE OF USES:

The following table indicates the uses and conditions required of those uses within the five (5) designated zones for the airport:

SCHEDULE OF USES

	Airport Influence Area (AIA)	Traffic Pattern Zone (TPZ)	Approach Zone (AZ)	Inner Approach Zone (IAZ)	65 Ldn Noise Area (NA)

	Airport Influence Area (AIA)	Traffic Pattern Zone (TPZ)	Approach Zone (AZ)	Inner Approach Zone (IAZ)	65 Ldn Noise Area (NA)
Residential:					
Single-family, accessory apartments, residential facilities for elderly/handicapped	C ⁶	C ⁴	C ^{3,4}	X	X
Public:					
Schools, libraries, churches	C ⁶	C ⁴	C ^{3,4}	X	X
Parking, cemeteries	P	P	P	C ⁵	C ^{2,5}
Commercial and industrial:					
Offices, retail trade, service commercial, wholesale trade, warehousing, light industrial, general manufacturing, utilities, extractive industry	P	C ⁶	C ⁴	C ¹	C ¹
Agricultural and recreational:					
Cropland	P	P	P	P	P
Livestock breeding, parks, playgrounds, zoos, golf courses, riding stables, water recreation	P	P	P	P	C ²
Outdoor spectator sports	P	C ³	C ^{3,4}	X	X
Amphitheaters	C	C ³	X	X	X
Open space	P	P	P	P	P
Notes: 1. If allowed, aviation easement and disclosure must be required as a condition of development. 2. Any structure associated with uses allowed in the 65 Ldn noise contour must be located outside the 65 Ldn noise contour. 3. If no reasonable alternative exists, use should be located as far from extended centerline as possible. 4. If allowed, disclosure of airport proximity must be required as a condition of development. An aviation easement should be considered based on proximity to runway centerline. 5. Transportation facilities in the 65 Ldn noise contour (i.e., roads, railroads, waterways) must comply with part 77 requirements. 6. Disclosure of airport proximity should be required as a condition of development.					

(Ord. 2004-10, 8-10-2004)

17.17.070: AIRPORT MASTER PLAN:

All uses and regulations pertaining to the airport limitation overlay zone shall be in compliance with and subject to the provisions of the airport master plan, airport layout plan and noise contour map as adopted by the Logan-Cache airport authority board or as amended and is incorporated into this chapter by reference as it pertains to airport land uses. (Ord. 2004-10, 8-10-2004)

17.17.080: AIRPORT ZONES:

In order to carry out the provisions of this title, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces and conical surfaces as they apply to the Logan-Cache airport. Such zones are shown on the Logan-Cache airport "part 77" airspace drawing consisting of two (2) sheets, prepared by Armstrong Consultants, and dated March, 1997, which are attached to the ordinance codified in this title, and made a part hereof. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

A. Airport Influence Area (AIA): An area within the unincorporated portions of the county, proximate to an airport, which is recognized by the county council as containing lands which might be affected by noise and/or safety hazards associated with aircraft operations associated with Logan-Cache airport. The AIA extends from the airport to the outer edge of the conical surface.

B. Traffic Pattern Zone (TPZ): This zone extends from the airport to the outer edge of the horizontal surface.

C. 65 Ldn Noise Area (NA): The area within the sixty five (65) decibel yearly day-night average sound level.

D. Inner Approach Zone (IAZ): The inner edge of this zone coincides with the width of the primary surface of runway 17/35 and is one thousand feet (1,000') wide. It extends at a uniform width of one thousand feet (1,000') to a horizontal distance of five thousand feet (5,000') from the primary surface. The centerline of the inner approach zone is a continuation of the centerline of runway 17/35.

E. Approach Zone (AZ): The area within the FAR "part 77" approach surface for each runway.

1. Runway Precision Instrument Approach Zone: The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach surface expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. The centerline of the approach zone is the continuation of the centerline of the runway. This is the planned condition at the approach end to runway 17.

2. Runway Nonprecision Instrument Approach Zone (Larger Than Utility Aircraft): The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet (3,500') at a horizontal distance ten thousand feet (10,000') from the primary surface. Its centerline is the continuation of the centerline of the runway. This is the condition at the approach end to runway 35.

3. Visual Runway Approach Zone (Larger Than Utility Aircraft): The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach surface expands uniformly to a width of one thousand five hundred feet (1,500') at a horizontal distance of five thousand feet (5,000') from the primary surface. The centerline of the approach zone is a continuation of the centerline of the runway. This is the condition at the approach end to runway 10 and 28.

F. Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.

G. Horizontal Zones: The horizontal zone is established by swinging arcs of ten thousand feet (10,000') radii from the center of each end of the primary surface of runway 17135 and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

H. Conical Zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward therefrom a horizontal distance of four thousand feet (4,000'). (Ord. 2004-10, 8-10-2004)

17.17.090: REGULATIONS:

A. Conforming Uses Only: All uses in the airport limitation overlay zones shall be subject to the regulations of this chapter and prescribed development standards within the airport master plan as amended.

B. Creation Of Airport Hazards Prohibited: No variance, permit or use shall be allowed in the airport hazard area that would create or enhance an airport hazard.

C. Use And Operational Limitations Within Airport Limitation Overlay Zones: No use shall be permitted which:

1. Creates or tends to create electrical interference to navigational devices and communication between aircraft and airports.

2. Creates or tends to create gas, smoke, dust, glare or other visual hazards in the atmosphere around airports or in the airport hazard area.

3. Creates or tends to create structures that interfere with aircraft safety.

4. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations.

D. Height Limitation: Except as exempted in subsection E of this section or otherwise provided in this title, no structure shall be erected, altered or maintained, and no tree shall be allowed to grow, in any zone created by this title to a height in excess of the applicable height limit herein established for such zone. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Runway precision instrument approach zone: Slopes fifty feet (50') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') and continues on for a distance of forty thousand feet (40,000') at a slope of forty feet (40') outward for each foot upward along the extended runway centerline. (Approach to runway 17.)

2. Runway nonprecision instrument approach zone (larger than utility aircraft): Slopes thirty four feet (34') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline. (Approach to runway 35.)

3. Visual runway approach zone: Slopes twenty feet (20') outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000') along the extended runway centerline. (Approach to runways 10 and 28.)

4. Transitional zones: Slope seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of one hundred fifty feet (150') above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7') outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.

5. Horizontal zone: Established at one hundred fifty feet (150') above the airport elevation or at a height of four

thousand six hundred seven feet (4,607') above mean sea level (MSL).

6. Conical zone: Slopes twenty feet (20') outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation (4,607 feet MSL) and extending to a height of three hundred fifty feet (350') (4,807 feet MSL) above the airport elevation.

7. Within ten thousand feet (10,000') of the centerline of runway 17/35 the following height limitation shall apply:

a. From five thousand feet (5,000') of centerline of runway, the height of all structures, uses and trees shall not exceed fifty feet (50') above the contour of the land on which it is proposed to be located.

b. From five thousand feet (5,000') to ten thousand feet (10,000') of centerline of runway, the height of all structures, uses and trees shall not exceed seventy five feet (75') above the contour of the land on which it is proposed to be located.

c. For structures or use from five thousand feet (5,000') to ten thousand (10,000) of centerline of runway, may apply to the county planning commission to exceed the seventy five feet (75') height limitation if the structure or use does not pose a threat based on the conditions outlined in subsection C of this section.

E. Exemptions To Height Limitation:

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

2. Structures up to and including thirty five feet (35') in height above the ground level at its site where the ground elevation at its site is less than or equal to thirty five feet (35') below the height limitations defined in subsection D of this section, and is beyond all reasonable doubt that the structure will not adversely affect safety in air navigation. If in doubt, submission of FAA form 7460-1, notice of proposed construction (as described in section 17.17.100 of this chapter) shall be used to determine its effect on safety in air navigation. (Ord. 2004-10, 8-10-2004)

17.17.100: NOTIFICATION:

A. Required: Except as provided in subsection B of this section, and in addition to all other local notification and permitting requirements, each person who proposes any of the following construction or alteration shall complete and submit an FAA form 7460-1, notice of proposed construction, to the local jurisdiction and to the federal aviation administration in accordance federal aviation regulation part 77, object affecting navigable airspace:

1. Any construction or alteration of more than two hundred feet (200') in height above the ground level at its site.

2. Any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of one hundred to one (100:1) for a horizontal distance of twenty thousand feet (20,000') from the nearest point of the nearest runway at the Logan-Cache airport.

B. Exemptions From Notification:

1. Any object that would be shielded by existing structures of a permanent and substantial character or by natural terrain or topographic features of equal or greater height, and would be located in the congested area of a city, town or settlement where it is beyond all reasonable doubt that the structure so shielded will not adversely affect safety in air navigation.

2. Any antenna structure of twenty feet (20') or less in height, except one that would increase the height of any antenna structure.

C. Time Of Notice: The notice required under subsection A of this section must be submitted at least thirty (30) days before the earlier of the following dates:

1. The date the proposed construction or alteration is to begin.

2. The date an application for a construction permit is to be filed. (Ord. 2004-10, 8-10-2004)

17.17.110: AIRPORT DEVELOPMENT STANDARDS:

The county council may adopt by resolution or enact by ordinance uniform development standards and procedures for facilities within the airport property. (Ord. 2004-10, 8-10-2004)

CHAPTER 17.18

SENSITIVE AREAS

SECTION:

17.18.010: Purpose

17.18.020: Definitions

17.18.030: Review Process

17.18.040: Sensitive Areas Analysis

17.18.050: Standards And Development Plan

17.18.060: Geotechnical Report Minimum Standards

17.18.010: PURPOSE:

The purpose of this chapter is to provide a mechanism for the protection of those areas of Cache County which are determined to be environmentally sensitive or that may pose a potential threat or danger to development. This chapter is intended to:

- A. Protect the general health, welfare, and safety of the citizens of Cache County.
- B. Minimize public and private property damage and emergency tax assistance.
- C. Provide an awareness of, and mitigation strategies for, development within sensitive areas.
- D. Provide a mechanism to determine developable acreage for development within Cache County. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.020: DEFINITIONS:

All terms in this chapter are defined within chapter 17.07, "Definitions", of this title. Any other terms not defined in this title shall be interpreted as defined by state and/or federal code or rule. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.030: REVIEW PROCESS:

The sensitive area review process consists of three (3) primary steps and consideration of reasonable use:

- A. Sensitive Area Determination: The development services department shall provide mapping and an initial determination of the approximate location of known sensitive areas. These maps will provide the most current and accurate data accessible to the county, and may be updated as new or more accurate data becomes available. The initial determination may require the applicant to pursue further site specific analysis or study to confirm the location of sensitive areas as defined within this chapter. In some cases, hazards may not be mapped but may be present on a site and such cases shall be required to meet the requirements of this title.
- B. Sensitive Area Analysis: A sensitive area analysis shall be submitted with any application for development on property containing sensitive areas and shall include an analysis, determination, and a development plan including proposed mitigation.
- C. Suitability Determination: The county shall review the sensitive area analysis and shall report their findings to the applicant and land use authority. In addition:
 1. The applicant must identify significant, adverse impacts on sensitive areas and include appropriate mitigation measures for noted impacts.
 2. The land use authority, prior to hearing any application for a development proposed to be located wholly or partially, within any sensitive area as identified by this chapter, shall provide notice and opportunity for comments and recommendations from state and federal agencies with additional oversight including, but not limited to, the Utah division of wildlife resources (DWR), Utah department of environmental quality (DEQ), United States forest service (USFS), bureau of land management (BLM), U.S. army corps of engineers, etc., and as applicable.
- D. Hardship Relief: If the applicant demonstrates that the regulations imposed by this chapter would deny all reasonable use of the subject property, the county council, following the receipt of a recommendation from the planning commission, may modify the exercise of these requirements to provide the applicant reasonable use of the property and may provide a modified determination of development potential. The county council shall not modify regulations imposed by state and/or federal law and/or rule. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.040: SENSITIVE AREAS ANALYSIS:

A sensitive areas analysis shall be submitted with any application for development on property containing known sensitive areas and/or sensitive areas discovered in the process of development, and shall include an analysis, determination, and a development plan including proposed mitigation as identified below. Mapping that reflects the known sensitive areas is available in the development services department.

- A. Analysis And Determination: The sensitive areas analysis shall provide an analysis and professional determination for each sensitive area.
 1. Nondevelopable:
 - a. Wetlands: As determined necessary by the county, an approved jurisdictional wetland delineation report and concurrence report from the United States army corps of engineers shall be required as part of the wetland analysis.
 - b. Steep Slopes: A topographic map depicting the contours of all steep and moderate slopes at an interval of five feet (5') or as determined by the director.
 - c. Natural Waterways And Open Water: A map depicting all stream corridors as defined by their high water marks.

2. Potentially Developable Areas:

a. Moderate Slopes: Development may be permitted upon county review and approval of a geotechnical report. The analysis should also include:

(1) The location and description of existing natural and manmade features on and surrounding the site, including general topography and soil characteristics and a copy of the soil conservation service soil survey for the site.

(2) The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.

(3) The identification of measures proposed for soil and sediment control, including a schedule of the sequence for the installation of planned erosion and sediment control measures, including anticipated starting and completion dates.

(4) Plans for the proposed vegetation of all disturbed site areas.

b. Ridgelines: A map depicting the crest and one hundred foot (100') vertical buffer of any significant ridgelines or hilltops within the parcel boundary. Development within this area may be permitted upon county review and approval in keeping with the purpose and standards of this chapter.

c. Floodplain, Floodway, And/Or Areas Impacted By Manmade Water Conveyance Systems: A hydrological report including information on groundwater levels, natural and manmade drainage channels and systems (canals), and/or base floodplain elevations.

d. Important Habitat Areas: A habitat management plan prepared by a professional qualified in the areas of ecology, wildlife biology, or other relevant disciplines, that identifies the areas inhabited and/or frequently used by any federally listed flora and/or wildlife species (threatened and/or endangered) and includes the following:

(1) The ecological and wildlife use characterization of the property explaining the species of wildlife using the areas, the times or seasons the area is used by those species, and the value (e.g., feeding, watering, cover, nesting, roosting, or perching) that the area provides for such wildlife species.

(2) Wildlife movement corridors.

(3) The general ecological functions provided by the site and its features.

(4) An analysis of how proposed development activities impact the important habitat areas and associated species.

e. Geologic Hazards: A geotechnical report in compliance with section 17.18.060 of this chapter.

f. Wildfire Hazards: A fire protection report that identifies potential fire hazards, mitigation measures, access for fire protection equipment, existing and proposed fire flow capability and compliance with the Utah wildland interface code (see title 15, chapter 15.08 of this code).

g. Historic, Prehistoric, And Cultural Resources: Identify any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the state of Utah. This includes properties eligible for the national register of historic places.

h. Additional Information: Additional information including input from any of the state of Utah agencies shall be required as determined by the county land use authority. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.050: STANDARDS AND DEVELOPMENT PLAN:

These standards are provided to ensure that any development proposed wholly, or in part, within a sensitive area recognizes the physical and environmental constraints of the development site. These standards shall supplement, and are in addition to, other development standards provided by this code, state, and/or federal code or rule. At the time of application, provide a development plan for the property that addresses and includes the following:

A. Nondevelopable: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact any nondevelopable areas on the property.

1. Wetlands: No building, structure, construction, excavation, or landfilling shall occur on any area determined to be a jurisdictional wetland without the approval and necessary wetlands permit(s), as required by the U.S. army corps of engineers. Where potential wetlands exist, wetland delineation may be required.

2. Steep Slopes: No building, structure, construction, excavation, or landfilling shall occur on any area determined to be a steep slope.

3. Natural Waterways And Open Water: All proposed development adjacent to year round or ephemeral natural waterways or open water, shall be subject to the following, but excluding bridges, boat ramps, culverts, dams, trestles, and similar structures:

a. A minimum setback of fifty feet (50') for all structures and one hundred feet (100') for all on site septic systems shall be required. Said setbacks may be increased or reduced, if necessary, as determined by the planning commission to reasonably address the possibility of any stream or water pollution.

b. Any work within thirty feet (30') of the top of bank shall obtain a state or federal approval and/or permit.

c. The ordinary high water mark as determined by Cache County shall be the point of reference as to the edge of the waterway.

d. The introduction of concentrated sources of pollution into the waterways is prohibited including, but not limited to, septic tanks, untreated sewage, commercial and residential garbage, manure, dead animals, waste, and other hazardous materials.

B. Potentially Developable:

1. Moderate Slopes: Any development proposed for areas identified as a moderate slope shall require a geotechnical report as defined by this chapter.

2. Ridgelines: No structure, accessory structure, satellite dish, deck, patio or removal of significant vegetation shall occur in the ridgeline setback, except as provided below:

a. If any portion of a legal existing parcel of record falls within the ridgeline setback, any development on that parcel shall make every effort to place all development on the most suitable portion of the lot taking into consideration the standards of this title.

b. All disturbance and development shall stay out of the ridgeline setback to the maximum extent possible. If, due to the location, size and configuration of the parcel, that is not possible, the land use authority may approve an exception in keeping with the purpose and standards of this chapter.

3. Floodplain, Floodway, And/Or Manmade Water Conveyance Systems: See title 15, chapter 15.28 of this code. Areas that are shown to have the potential for flooding originating from a manmade water conveyance system (canal) shall follow the standards identified in section 15.28.540 of this code for AO/AH zones.

4. Important Habitat Areas: Strategies that preserve important habitat and prevent fragmentation are encouraged. When new development is proposed within important habitat areas, mitigation methods shall be designed and implemented, including, but not limited to, those listed below:

a. Construction shall be organized and timed to minimize disturbance of federally listed species occupying or using on site and adjacent habitat areas.

b. If the development site contains or is within five hundred feet (500') of a habitat area, and the sensitive areas analysis shows the existence of a federally listed species, the development plan shall include provisions to ensure that any habitat contained in any such area shall not be disturbed or diminished, and to the maximum extent feasible, such habitat shall be enhanced.

c. If the development site contains existing habitat areas that connect to other off site habitat areas, to the maximum extent feasible the development plan shall preserve such habitat area connections. If habitat areas lie adjacent to the development site, but such habitat areas are not presently connected across the development site, then the development plan shall, to the extent reasonably feasible, provide such connection. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between habitat areas and to enhance the opportunity for the establishment of new connections for movement of wildlife.

d. If federally listed wildlife or flora that may create conflicts for future occupants of the development is known to exist in areas adjacent to or on the development site, then the development plan must include provisions to minimize these conflicts to the extent reasonably feasible.

e. Facilitate wildlife movement across areas dominated by human activities by:

(1) Maintaining connectivity between open space parcels on adjacent and nearby parcels and subdivisions such that the result will be a larger contiguous area of open space;

(2) Locating roads and development away from natural travel corridors used by wildlife, such as riparian areas;

(3) Minimizing fencing types that inhibit wildlife movement where appropriate;

(4) Minimizing the visual contrast between human dominated areas, including individual lots, and less disturbed terrain in surrounding areas, for example, by retaining or planting native vegetation and trees around a house or accessory building and maintaining consistent grading between developed and habitat areas.

f. Mimic features of the local natural landscape in developed areas by:

(1) Retaining predevelopment, high quality habitat, including large patches of natural, vegetated areas that have not yet been fragmented by roads or residential development;

(2) Minimizing levels of disturbance to trees, the understory vegetation, and other structural landscape features during construction;

(3) Designing house lots in a fashion consistent with local natural habitats, for example, by preserving and landscaping with natural, native vegetation;

(4) Reclaiming disturbed areas, such as degraded landscapes, roadsides, and other infrastructure disturbances by using seed and other selective plantings.

5. Geologic Hazards: For those areas determined by review to contain geologically unstable conditions, development may be permitted by the county upon the review and approval of a geotechnical report identifying the following:

a. The accurate location of all geologic hazards including, but not limited to, faults, landslides, steep slopes, unstable soils, etc.

b. The location and description of proposed changes to the site, including any grading and excavation, vegetation removal, the location and profiles of proposed roadways, the location of proposed utility lines, the location of existing and proposed buildings and structures, and the location of all other proposed site features.

c. The identification of measures and actions proposed to mitigate the risks from earthquakes, landslides, and soil disturbance including a schedule of the sequence for the installation of planned mitigation actions, including anticipated starting and completion dates.

d. No critical facility (excluding transportation lines or utilities which by their nature may cross active faults or structures) designed for human occupancy shall be built astride a geologic hazard. The planning commission may increase building setback requirements where information from a geotechnical report indicates conditions warrant a greater setback distance.

6. Wildfire Hazards: As applicable, provide a description of all impacts and mitigation regarding development activities that will or are likely to impact and/or be impacted by wildfire hazards on the property. Measures to mitigate wildfire hazards and risks may be required based on the recommendation and review of the Cache County fire district.

7. Historic, Prehistoric, And Cultural Resources: Any sites and/or structures determined to have historical or archaeological significance to the community, the region, or the state of Utah shall require the review of, and comment from, the state historic preservation office (SHPO). This includes properties eligible for the national register of historic places. (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

17.18.060: GEOTECHNICAL REPORT MINIMUM STANDARDS:

When a geotechnical report is required, the county shall review each report against the minimum standards as noted below. The county and this chapter may also identify and include additional requirements depending upon site specific conditions and hazards.

A. A geotechnical report shall be prepared by a qualified professional. The report shall be signed and dated by the preparer and shall also include the qualifications of the preparer.

B. The report shall be site specific and identify all known or suspected potential geotechnical or natural hazards, originating on site or off site, affecting the particular property.

C. The report shall include a detailed site map showing the location of the hazard(s) with delineation of the recommended setback distances from such hazard(s) and the recommended location for proposed structures.

D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants thereof, in terms of risk and potential damage.

E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s). The evidence on which the recommendations and conclusions are based shall be clearly stated in the report. Trench logs, aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.

F. Whenever a potential natural hazard is identified by a geotechnical report under this chapter, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the county prior to the approval of any development or subdivision of such parcel which shall include the following:

1. Notice of the existence and availability of the geotechnical report that identifies the natural hazards for public inspection in the development services department; and

2. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the planning commission to minimize potential adverse effects of the natural hazard(s). (Ord. 2014-06, 6-10-2014, eff. 6-25-2014)

CHAPTER 17.19

PUBLIC INFRASTRUCTURE (PI) OVERLAY ZONE

SECTION:

17.19.010: Purpose

17.19.020: Definitions

17.19.030: Schedule Of Uses

17.19.040: Conditional Use

17.19.050: Application Requirements

17.19.060: Commencement Of Operations

17.19.070: Site Development Standards

17.19.080: Supplemental Standards Specific To Use

17.19.010: PURPOSE:

The purposes of the public infrastructure overlay zone are:

- A. To provide for the siting and operation of public infrastructure in an environmentally sound and economically competitive manner.
- B. To inform current and potential residents of the county of the possible location of future public infrastructure locations.
- C. To ensure that any public infrastructure be designed, constructed, and operated in a safe and efficient manner, and in compliance with all federal, state, and local laws and regulations for the protection of the general health, welfare, and safety of the citizens of the county. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.19.020: DEFINITIONS:

All uses that are allowed within this zone are defined within chapter 17.07, "Definitions", of this title, the state of Utah administrative rules, and the state of Utah Code Annotated. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.19.030: SCHEDULE OF USES:

The public infrastructure overlay zone shall impose additional or alternative requirements to any of the county's base zoning districts. For a schedule of permitted and conditional uses for the public infrastructure overlay zone, refer to chapter 17.09 of this title. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.19.040: CONDITIONAL USE:

All uses allowed in the public infrastructure overlay zone shall be considered a conditional use and shall be reviewed and considered consistent with the procedures for the review of a conditional use as provided in section 17.06.050 of this title. This includes major and minor utility facilities, solid waste facilities, sewage treatment works, and other similar uses found by the land use authority to be in harmony with the character and intent of this overlay zone. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.19.050: APPLICATION REQUIREMENTS:

An application shall be made to the director of development services on a form or forms provided by the development services department, accompanied by the application requirements outlined in section 17.06.020 of this title, as well as the following items to be prepared by the respective licensed professional(s):

- A. A site drainage and grading plan.
- B. An access plan.
- C. An operation management and maintenance plan.
- D. A landscape plan indicating how the proposed landscaping will visually screen the facility and facility activities, and will also mitigate noise, dust, or other impacts on surrounding uses. If surrounding properties are undeveloped, the landscape plan shall address potential impacts on uses permitted within the applicable zoning districts for such undeveloped property. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.19.060: COMMENCEMENT OF OPERATIONS:

Any conditional use under this chapter shall not begin operation until the applicant provides documentation that all approvals have been granted by the necessary state and federal agencies regarding the proposed use, and all conditions of the conditional use permit as approved by the Cache County council have been met. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.19.070: SITE DEVELOPMENT STANDARDS:

Site development standards for any public infrastructure facility shall conform to the base zoning district requirements as listed in section 17.10.040, table 17.10.040 of this title. Whenever there is a conflict between the regulations of a base zoning district and the public infrastructure overlay, the most restrictive regulations shall apply. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

17.19.080: SUPPLEMENTAL STANDARDS SPECIFIC TO USE:

These standards are provided to ensure that any public infrastructure development recognizes the physical and environmental constraints of the development site. These standards shall supplement the development standards provided by the state of Utah administrative rules, state of Utah Code Annotated, and by this title.

- A. Solid Waste Facilities:
 - 1. The minimum lot size for any solid waste facility shall be no less than forty (40) acres.
 - 2. Approval of a site suitability analysis, completed by the respective licensed professional(s), for public infrastructure facilities shall be obtained from the board of trustees prior to application.
 - 3. A closure and postclosure plan, prepared by the appropriate licensed professional, shall be provided for any solid waste facility.

B. Utility Facilities:

1. **Minimum Lot Area:** Cache County requires no minimum lot area or width for utility facilities.
2. **Setbacks:** The setback requirement for a major utility corridor from property lines, rights of way, easements, natural and manmade water features, fault lines, built structures, or other features shall be determined by the land use authority based on the proposed facility type, size, and routing. The determination of a setback requirement shall be based on what is reasonable and necessary to preserve the ability to locate a utility corridor while preserving private property rights and access to community facilities.
3. **Design Standards:** The design and construction of major utility corridors and facilities shall be done to minimize the visual impact of the facility on surrounding residents and the community. Major utility corridors shall demonstrate that all structures or easements will not result in undesirable impacts and that they can be authorized as a conditional use, complying with the requirements of this title. Additionally, the land use authority shall consider the following when acting upon a major utility corridor:
 - a. Hydrologic impacts of surface and ground water systems; and
 - b. Wildlife habitat areas and migration patterns; and
 - c. Erosion control plans; and
 - d. Vegetation plans; and
 - e. Reclamation, decommissioning, and abandonment plans as applicable; and
 - f. Construction plans, including phasing plans and the location of staging areas and traffic control plans; and
 - g. Other issues and impacts as may be applicable.
4. **Fire Protection:** Any development of a major utility corridor shall comply with the requirements of the wildland-urban interface code where applicable.
5. **Land Use Application:** All applications for major utility facilities must contain the following information in addition to the application materials required within chapter 17.06 of this title:
 - a. Engineered drawings of the proposed facility which include:
 - (1) The exact location of any and all rights of way or easements, identifying the proposed width and alignment centerline; and
 - (2) Specific information on the facilities to be installed, including all above and below grade facilities and improvements; and
 - (3) Coverage plans for the proposed tower and including neighboring towers providing coverage for the area; and
 - (4) Phasing plans; and
 - (5) Any other necessary improvements or alterations including public and private infrastructure, grading or drainage alterations, removal of vegetation, etc.
 - b. Emergency and normal shutdown procedures.
 - c. Emergency response plans. (Ord. 2014-03, 3-25-2014, eff. 4-9-2014)

CHAPTER 17.20

TELECOMMUNICATION FACILITIES

SECTION:

17.20.010: Purpose

17.20.020: Definitions

17.20.030: Approval Authority

17.20.040: Application And Review Procedure

17.20.050: General Standards And Design Requirements

17.20.010: PURPOSE:

A. To assure a comprehensive review of impacts of such facilities, and to protect the health, safety and welfare of the county's citizens while attempting to ensure access to reliable wireless communications services throughout the county.

B. To ensure the placement, construction and modification of telecommunication facilities is consistent with the county's land use policies.

C. To minimize the impact of wireless telecommunication facilities, to encourage the collocation of wireless telecommunication facilities on existing structures, and to establish a fair and efficient process for review and approval of applications. (Ord. 2014-07, 6-10-2014, eff. 6-25-2014)

17.20.020: DEFINITIONS:

All uses and structures specified in this chapter are defined within chapter 17.07, "Definitions", of this title. Any other uses or structures not defined in this title shall be interpreted as defined by state and/or federal code or rule, and specifically the federal communications commission report and order FCC 14-153 as regards section 6409 of the middle class tax relief and job creation act of 2012 and United States Code, title 47 section 332(c)(7). (Ord. 2016-12, 8-23-2016, eff. 9-7-2016)

17.20.030: APPROVAL AUTHORITY:

The authority responsible for the review and/or approval and the permits required for telecommunication facilities is as follows:

A. Major Modification; Conditional Use Permit: Requests for major modifications to legal, existing, conforming and nonconforming or new telecommunication facilities must obtain a conditional use permit in accordance with the standards set forth in this chapter and chapter 17.06 of this title. Such modifications shall be considered as follows:

1. Improvements to existing telecommunication facilities or support structures that result in some material change to the facility or support structure. Major modifications include, but are not limited to:

- a. An increase in support structure height.
- b. Replacement of a support structure, except as provided in subsection B1 of this section unless it is of like height and placement.
- c. A new telecommunication facility with support structure(s) and any accessory equipment and/or structures.

B. Minor Modification; Administrative Zoning Clearance: Requests for minor modifications to legal, existing, conforming telecommunication facilities shall require the review and approval of the director of development services in accordance with the standards set forth in this chapter. Such modifications shall be considered as follows:

1. Improvements to existing telecommunication facilities or support structures that result in some material change to the facility or support structure but of a level, quality or intensity that is less than a major modification. Minor modifications include, but are not limited to:

- a. The collocation of antennas and/or dishes.
- b. The placement of equipment and/or structures that are accessory to an existing telecommunication facility, such as utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, foundations, concrete slabs on grade, guy anchors, generators, and transmission cable supports.
- c. The replacement of an existing support structure with a new or modified support structure at a height that is equal to or less than the existing structure and in a similar location.

C. Exempt: The following are exempt from the requirements of this chapter:

1. Typical maintenance of existing telecommunication facilities and support structures.
2. Antennas used by residential households solely for broadcast radio and television reception. Antennas shall not exceed the maximum structure height as identified in section 17.10.040 of this title. (Ord. 2014-07, 6-10-2014, eff. 6-25-2014)
3. Satellite antennas used solely for residential, household, or agricultural purposes. Antennas shall not exceed the maximum structure height as identified in section 17.10.040, table 17.10.040 of this title. (Ord. 2016-12, 8-23-2016, eff. 9-7-2016)
4. COWs (carrier or cell on wheels) placed for a period of not more than one hundred twenty (120) days at any location within the county after a declaration of an emergency or a disaster by the governor or by the responsible official of the county. (Ord. 2014-07, 6-10-2014, eff. 6-25-2014)

17.20.040: APPLICATION AND REVIEW PROCEDURE:

A. Conditional Use Permit:

1. All requests shall be reviewed and considered consistent with the procedures for the review of a conditional use as provided in section 17.06.050 of this title, the standards of this chapter, and must include the following:

- a. A completed application signed by the applicant.
- b. A copy of the lease or a letter of authorization from property owner evidencing the applicant's authority to pursue a conditional use permit.
- c. As defined by the FCC under FCC report and order FCC 14-153, identify if the proposal qualifies as a substantial change.
- d. A development plan prepared and certified by an appropriate professional that consists of:

(1) Property boundaries, setbacks, topography, elevation views, and dimensions of improvements drawn to scale.

(2) A written description and scaled drawings of the proposed support structure, including structure height, ground and structure design, and proposed materials.

(3) The number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure.

(4) A line of sight diagram or photo simulation, showing the proposed support structure set against the skyline and viewed from at least three (3) directions within the surrounding areas.

e. A copy of the supporting federal certifications as follows:

(1) Federal communications commission (FCC) license for the facility, or a signed, notarized statement from the owner and/or operator of the facility attesting that the facility complies with all current FCC regulations.

(2) Certification by an appropriate professional that the proposed facility will comply with all of the applicable standards of the American National Standards Institute (ANSI), the Electronics Industries Association standard for antenna towers and antenna support structures, and any other applicable technical and structural codes.

f. A written description of how the proposed facility fits into the applicant's telecommunication network. As part of this description, the applicant shall describe anticipated maintenance needs, including frequency of service, personnel needs, equipment needs, and traffic, noise, or safety impacts of such maintenance. In all cases, the equipment at a telecommunication facility shall be automated to the greatest extent possible to reduce traffic, congestion, and noise associated with maintenance and upkeep of the facility.

g. Application fee.

B. Administrative Zoning Clearance:

1. All requests must include the following:

a. A completed zoning clearance application signed by the applicant.

b. A copy of the lease or a letter of authorization from property owner evidencing the applicant's authority to pursue a zoning clearance.

c. As defined by the FCC under FCC report and order FCC 14-153, provide supporting documentation that identifies if the proposal qualifies as a substantial change.

d. A development plan prepared and certified by an appropriate professional that consists of:

(1) Graphic and written descriptions of proposed improvements related to the requirements listed in this chapter and including property boundaries, setbacks, topography, elevation views, dimensions of improvements, the number and type of proposed antennas and their height above ground level, including the proposed placement of antennas on the support structure.

e. Application fee. See Consolidated Fee Schedule for amount of fee.

C. Exempt: No application or review required. (Ord. 2014-07, 6-10-2014, eff. 6-25-2014; amd. Ord. 2016-12, 8-23-2016, eff. 9-7-2016; Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

17.20.050: GENERAL STANDARDS AND DESIGN REQUIREMENTS:

Unless otherwise specified herein, all telecommunication facilities and accessory structures are subject to the following standards and requirements:

A. Design:

1. Support structures shall be subject to the following:

a. Must be designed to accommodate multiple telecommunication providers.

b. The compound area surrounding a support structure must be of sufficient size to accommodate accessory equipment for each telecommunication provider.

c. Unless otherwise required by the federal communications commission, the federal aviation administration, or the county land use authority, support structures shall have a galvanized silver or gray finish. (Ord. 2014-07, 6-10-2014, eff. 6-25-2014)

2. Stealth communication facilities shall be designed to accommodate the collocation of other antennas whenever technically feasible or aesthetically appropriate, as determined by the land use authority. (Ord. 2016-12, 8-23-2016, eff. 9-7-2016)

3. Upon the request of the applicant, the planning commission may waive the requirement that new support structures accommodate the collocation of other service providers if the applicant can identify, and the planning commission agrees, that collocation at the site is not essential to the public interest, or that the construction of a shorter support structure with fewer antennas will promote community compatibility.

B. Setbacks:

1. **Property Lines:** Unless otherwise stated herein, support structures shall be set back from all property lines a distance equal to their height measured from the base of the structure to its highest point. Other accessory equipment and/or structures shall be governed by the setbacks required by the underlying base zoning district.

2. **Residential Dwellings:** Unless otherwise stated herein, support structures shall be set back from all off site residential dwellings a distance equal to the height of the structure plus ten feet (10').

3. **Reduction Of Required Setback:** The land use authority shall have the authority to reduce or waive any required setback upon the request of the applicant if the telecommunication facility accessory equipment and/or structures will be less visible as a result of the diminished setback. The land use authority must also find that the reduction or waiver of the setback is consistent with the purposes and intent of this chapter. The structure must still meet the underlying setback requirements of the base zoning district. (Ord. 2014-07, 6-10-2014, eff. 6-25-2014)

C. Height:

1. Support structures shall not exceed a height equal to forty five feet (45') from the base of the structure to the top of the highest point.

2. In all zones, the planning commission shall have the authority to reduce or waive the height restrictions listed in this section upon the request of the applicant, and a satisfactory showing that the greater height is aesthetically appropriate as determined by the land use authority. With the waiver request, the applicant shall submit such technical information or other justifications as are necessary to document the need for the additional height to the satisfaction of the planning commission including, but not limited to:

a. A visual analysis indicating the proposed or existing communications site is aesthetically appropriate, and that the proposed facility cannot be achieved by any other alternative such as a stealth facility, attached facility, replacement facility, or collocation. (Ord. 2016-12, 8-23-2016, eff. 9-7-2016)

D. Aesthetics:

1. **Lighting And Marking:** Telecommunication facilities and support structures shall not be lighted or marked except as required by the federal communications commission or the federal aviation administration (FAA).

2. **Signage:** Signs located at a telecommunication facility shall be limited to ownership and contact information, FCC antenna registration number (if required) and any other information as required by government regulation. Commercial advertising is strictly prohibited.

3. **Landscaping:** In all zones, the land use authority shall have the authority to impose reasonable landscaping requirements surrounding accessory equipment and/or structures. Required landscaping shall be consistent with surrounding vegetation and shall be maintained by the facility owner. The land use authority may choose to not require landscaping for sites that are not visible from the public right of way or adjacent property or in instances where in the judgment of the land use authority, landscaping is not appropriate or necessary.

E. Accessory Structures: Accessory structures, including any buildings, cabinets or shelters, shall be used only to house equipment and other supplies in support of the operation of the telecommunication facility or support structure. Any equipment not used in direct support of such operation shall not be stored on the site.

1. If accessory equipment is at ground level in the RU2 or RU5 zone, the land use authority may require that the building or shelter be faced with brick or other suitable material on all sides and that the compound area is surrounded by landscaping. The accessory equipment must conform to the setback standards of the applicable base zoning district. In the situation of stacked equipment buildings, additional screening/landscaping measures may be required.

F. Additional Provisions:

1. Abandonment And Removal:

a. **Abandonment:** Any telecommunication facility or support structure that is not operated for a period of twelve (12) consecutive months shall be considered abandoned.

b. **Removal:** The owner of the telecommunication facility or support structure shall remove the facility within six (6) months of its abandonment.

2. **Multiple Uses On A Single Parcel Or Lot:** Telecommunication facilities may be located on a parcel containing another principal use on the same site. (Ord. 2014-07, 6-10-2014, eff. 6-25-2014)

CHAPTER 17.21

RESERVED

CHAPTER 17.22

OFF STREET PARKING STANDARDS

SECTION:

17.22.010: Purpose

17.22.020: Development Standards

17.22.010: PURPOSE:

The purpose of these standards is to provide for the safe and efficient flow of vehicles and pedestrians while minimizing the impacts on public streets and environmental resources. (Ord. 2017-03, 3-28-2017, eff. 4-12-2017)

17.22.020: DEVELOPMENT STANDARDS:

A. Table For Computation Of Off-Street Parking Spaces: The following are minimum standards to be used when computing the number of required parking spaces for a specific use:

Use Index	Use Description	Parking Space Requirement
1000	Residential	2 spaces/dwelling unit or PA ¹
2000	Manufacturing industries	1 space/1,000 sq. ft. or PA ¹
3000	Sales and services	1 space/250 sq. ft. or PA ¹
4000	Cultural, entertainment, recreation	PA ¹
5000	Public, institutional, and utility uses	PA ¹
6000	Resource production and extraction	PA ¹

Note:

1. PA - Parking analysis (see section 17.07.040, "General Definitions", of this title).

1. If a fractional number is obtained when calculating the number of required parking stalls, one (1) parking stall or loading space shall be required for that fraction.

2. If more than one (1) use is located on a site, the number of off-street parking and loading spaces to be provided shall be equal to the sum of the requirements of each use.

3. The number of off-street parking stalls required by the above table may be reduced or increased as a condition of development review by the Land Use Authority if a parking analysis demonstrates that the proposed use(s) would have an impact less than or in excess of the requirements of this chapter.

4. All off-street parking stalls must be located outside of any public or private road rights-of-way and outside of any identified setbacks as defined in chapter 17.07 of this title.

5. Where necessary, an off-street area adequate for the loading and unloading of service trucks shall be provided and maintained. This area must be identified on a parking analysis and all loading areas and/or docks shall be located entirely on the site so that no vehicle shall be parked or require maneuvering room within a public or private road right-of-way, or within any identified setback as defined in chapter 17.07 of this title.

B. Parking Analysis:

1. Applicants shall submit a parking analysis, as defined by chapter 17.07, "Definitions", of this title, or provide parking sufficient to meet the base requirement in subsection A, table 17.22.020 of this section where applicable, for any and all development in order to demonstrate that sufficient accommodation has been made for the volume of traffic expected to be generated by the size and type of the proposed use. For uses that require more than five (5) parking stalls, a parking analysis shall be completed by a licensed professional. Calculations used to determine minimum levels of access, design, parking supply, and landscape and lighting must follow all requirements of:

- a. The Cache County ordinance, and;
- b. The Cache County Manual of Roadway Design and Construction Standards, and;
- c. The current ADA Accessibility Guidelines.

2. The standards of the most current edition of the Institute of Transportation Engineers (ITE) Parking Generation report shall serve as a reference point for any standards or calculations not addressed by the ordinance, standards, and guidelines noted in this chapter.

- 3. Any change of occupancy requires the Land Use Authority approval of a revised parking analysis.
- C. Exemptions: The following shall be exempt from the parking analysis requirement:

- 1. Residential uses as follows:

- 1100 - Single family dwelling.
- 1110 - Foster home.
- 1120 - Accessory apartment.
- 1200 - Home based business.
- 1400 - Seasonal cabin.

- 2. Utility uses as follows:

- 5600 - Utility facility, transmission.
- 5610 - Utility facility, distribution.
- 5620 - Utility facility, service.
- 5700 - Telecommunication facility, major.
- 5710 - Telecommunication facility, minor.

D. Performance Standards: The Land Use Authority may authorize alternative designs or construction techniques based upon a parking analysis that demonstrates that the parking plan will equal or exceed the performance standards. These performance standards are:

- 1. Street And Site Access: The development must accommodate the number and size of vehicles expected to be generated without an undue impact on mobility or safety on public streets.
- 2. Parking Site Design: The site shall be designed to facilitate the safe and free flow of pedestrians and vehicles while minimizing physical impacts on the land. Provision must be made for employee and customer access to the development through the design and installation of adequate parking facilities.
- 3. Parking Provision: The development must provide vehicle parking for employees and customers sufficient to avoid congestion of public streets or parking facilities.
- 4. Landscaping And Lighting: The development must be designed and constructed in such a way as to minimize the negative impacts of vehicle activity on neighboring property and public streets. (Ord. 2017-03, 3-28-2017, eff. 4-12-2017)

CHAPTER 17.23

SIGN STANDARDS

SECTION:

- 17.23.010: Purpose**
- 17.23.020: Sign Standards**
- 17.23.030: Exemptions**
- 17.23.040: Prohibited Signs**
- 17.23.050: Maintenance Of Signs**
- 17.23.060: Enforcement**
- 17.23.070: Nonconforming Signs**

17.23.010: PURPOSE:

The purpose of this chapter is to regulate the location, size, placement, and certain features of signs in order to increase safety to life and property, to reduce unnecessary distractions along public road rights of way, and to assure the continued attractiveness of Cache County while allowing for the appropriate identification of property and businesses. (Ord. 2005-06, 4-12-2005)

17.23.020: SIGN STANDARDS:

The following table contains the minimum sign standards which shall apply to all proposed signs:

Sign Standards	Zone					
	A	FR-40	C	IM	ME	RR

Sign Standards	Zone					ME	RR
	A	FR-40	C	IM			
Freestanding Signs							
Maximum sign area	12 square feet	12 square feet	60 square feet	60 square feet			
Maximum height	10 feet	10 feet	20 feet	20 feet			
Minimum setback from road right of way line (measurement of setback shall be based on future road right of way width)	The leading edge of all signs shall be set back 1 foot from property lines and located outside any clear view area	The leading edge of all signs shall be set back 1 foot from property lines and located outside any clear view area	The leading edge of all signs shall be set back 1 foot from property lines and located outside any clear view area	The leading edge of all signs shall be set back 1 foot from property lines and located outside any clear view area			
Approval procedure	Permitted use shall receive a zoning clearance, sign sticker and building permit	Permitted use shall receive a zoning clearance, sign sticker and building permit	Permitted use shall receive a zoning clearance, sign sticker and building permit	Permitted use shall receive a zoning clearance, sign sticker and building permit			
Building Signs							
Maximum sign area (total sign area per building)	20 percent of wall area not to exceed 24 square feet	Not to exceed 12 square feet	20 percent of wall area not to exceed 60 square feet	20 percent of wall area not to exceed 60 square feet			
Maximum height	No portion of a building sign shall extend above the eave of the building	No portion of a building sign shall extend above the eave of the building	No portion of a building sign shall extend above the eave of the building	No portion of a building sign shall extend above the eave of the building			
Approval procedure	Permitted use shall receive a zoning clearance, sign sticker and building permit	Permitted use shall receive a zoning clearance, sign sticker and building permit	Permitted use shall receive a zoning clearance, sign sticker and building permit	Permitted use shall receive a zoning clearance, sign sticker and building permit			
Directional Signs							
Maximum sign area	10 square feet	10 square feet	10 square feet	10 square feet			
Maximum height	10 feet	10 feet	10 feet	10 feet			
Minimum setback from road right of way line (measurement of setback shall be based on future road right of way width)	The leading edge of all directional signs shall be set back 1 foot from property lines and located outside any clear view area	The leading edge of all directional signs shall be set back 1 foot from property lines and located outside any clear view area	The leading edge of all directional signs shall be set back 1 foot from property lines and located outside any clear view area	The leading edge of all directional signs shall be set back 1 foot from property lines and located outside any clear view area	Per development agreement		

Approval procedure	Conditional use and: 1) shall provide evidence, and must maintain a valid business license for a business located in the unincorporated county; 2) an agreement with the owner of the property where the directional sign is proposed to be located; and 3) receive approval from county road department or UDOT, as applicable					
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(Ord. 2005-04, 3-8-2005; amd. Ord. 2005-06, 4-12-2005)

17.23.030: EXEMPTIONS:

The following signs shall be exempt from the requirements of this chapter:

A. Church or other institution signs; provided such signs are erected and contained on the property where the church or institution is located, do not have interior illumination, and do not exceed thirty two (32) square feet in area.

B. Dead end road sign; provided such signs are two feet by three feet (2' x 3'), six (6) square feet or smaller, and located entirely on private property.

C. Election signs; provided such signs favoring or opposing a candidate or issue to be voted on in an election conform to Utah Code Annotated section 20A-3-501(7), for distance from any building being used as a polling place. Election signs may be erected three (3) weeks prior to the election and must be removed within one week following the election. No election sign shall be placed within or on publicly owned property or road right of way; all election signs must be authorized by the owner of property on which the election sign is placed.

D. For sale/for rent signs. Temporary signs located on the premises shall be placed on the property for no longer than six (6) months, and used for the purpose of selling or renting property. Signs for selling or renting a residence shall be no larger than two feet by three feet (2' x 3') or six (6) square feet; signs for selling or leasing farm ground shall be no larger than four feet by eight feet (4' x 8') or thirty two (32) square feet.

E. Interior signs. Signs visible only from the premises on which they are located or visible off the premises only through a window or windows from which they are set back at least ten feet (10').

F. No trespassing signs. Signs that are two feet by three feet (2' x 3'), six (6) square feet or smaller, and located entirely on private property.

G. Residential identification signs; provided such signs are limited to no more than six (6) square feet in area; the display is limited to street numbers, street name, and the name of the resident(s); and provided such sign does not project beyond the property boundary.

H. Seasonal agricultural produce. Signs for the sale of seasonal agricultural produce, provided such signs are placed for a period not to exceed four (4) months and are located entirely on the property where the produce is being sold.

I. Special events; provided such signs shall be placed no earlier than three (3) weeks prior to the event, shall be removed no later than one week following the event, shall not exceed sixteen (16) square feet in area, shall be safely affixed, shall not be placed within or on publicly owned property or road rights of way, shall be authorized by the owner of the property on which the sign is placed, and shall not project beyond the property boundary.

J. Traffic control signs. All signs required for traffic control as prescribed in the manual of uniform traffic control devices or applicable state law and placed by the county, state or federal agency with authority over that road and road right of way.

K. Traffic warning, direction and regulation signs. Temporary or permanent signs for the purposes of traffic warning, regulation and/or direction on which the displayed message is solely for traffic warning, regulation and/or directional information authorized and placed by the county, state or federal agency with authority over that road and road right of way.

L. Window signs. Signs located inside an enclosed building while remaining visible through a window where the area of such signs does not exceed twenty percent (20%) of the area of the window or two (2) square feet, whichever is less.

M. Required sign. Any sign required by federal, state or local law to be a certain dimension or size.

N. Community identification sign. Signs identifying communities may be up to forty (40) square feet. (Ord. 2005-04, 3-8-2005)

17.23.040: PROHIBITED SIGNS:

A. All off premises advertising signs larger than ten (10) square feet advertising a commercial business, goods or services offered at a place other than the location of the sign.

B. All animated signs and all flashing signs that have on and off phases.

C. All signs that include streamers, banners, balloons and similar wind activated materials.

D. Obsolete signs advertising for longer than thirty (30) days a discontinued business, service or activity; or directional signs for a business, service or activity which has changed the location to which it directs. An obsolete sign does not retain nonconforming status.

E. Signs resembling or imitating traffic control signs or other government signs.

F. Signs placed on unlicensed, inoperable or immovable vehicles or trailers which are parked in one location for more than three (3) consecutive days in any week for the purpose of displaying the sign. This prohibition does not apply to licensed vehicles used in the regular course of business with a primary purpose other than advertising.

G. Signs erected or placed which partially or completely obstructs the view or the face of another sign.

H. Signs with direct rays of light which penetrate a property used for residential purposes or which may cause a glare, impair the vision of, or otherwise interfere with the driver of any motor vehicle.

I. A sign erected or placed in excess of two feet (2') in height and less than seven feet (7') in height on a corner lot within a triangular area formed by the road right of way lines and a line connecting them at points forty feet (40') from the intersection of the road right of way lines (clear view zone). (Ord. 2005-04, 3-8-2005)

17.23.050: MAINTENANCE OF SIGNS:

Signs regulated by this chapter shall be maintained in good visual and structural appearance at all times. The county, or any of its officers or employees, shall not be liable for negligence for failure of the owner or the person responsible for maintaining any sign to keep such sign in good condition or be responsible for damages caused by defective conditions. (Ord. 2005-04, 3-8-2005)

17.23.060: ENFORCEMENT:

Any person, whether acting as owner or occupant of the premises involved, contractor or otherwise who violates or refuses to comply with any of the provisions of this chapter shall be guilty of a class C misdemeanor. A separate offense shall be deemed to be committed on each day that the offense occurs or continues. Violations may result in the following actions:

A. If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after giving said notice, the county may issue a citation and the person having charge, control or benefit from such sign shall pay the fine within thirty (30) calendar days, after written notice is mailed to such person.

B. If an illegal sign is not made conforming within thirty (30) calendar days after giving said notice, the county may issue a citation, and the owner or person having charge, control or benefit of any such sign shall pay the fine, within thirty (30) calendar days after written notice is mailed to such person. Failure to pay shall be deemed a class C misdemeanor.

C. The county shall require each nonmaintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control, or person reserving benefit from such sign within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control, or person receiving benefit from such sign. (Ord. 2005-04, 3-8-2005)

17.23.070: NONCONFORMING SIGNS:

A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this chapter.

A. "Alterations" shall be defined as changes which result in a modification to the outside dimensions of the sign cabinet. Any sign that is located within or projects into the public right of way shall be made conforming when a change of ownership, lessee or use occurs.

B. Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, act of a public enemy, or damaged by any other cause to the extent of more than fifty percent (50%) of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter.

C. Minor repairs and maintenance shall not necessitate conformance to the requirements of this chapter. (Ord. 2005-04, 3-8-2005)

SEXUALLY ORIENTED BUSINESSES

SECTION:

17.24.010: Purpose

17.24.020: Location Of Businesses; Restrictions

17.24.030: Effect On Nonconforming Businesses

17.24.040: Signs

17.24.050: Definitions

17.24.010: PURPOSE:

The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually oriented businesses or their location in areas deleterious to the county, regulate the signage of such businesses, control the adverse affects of such signage, and prevent inappropriate exposure of such businesses to the community. This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the United States and Utah constitutions. (Ord. 2004-10, 8-10-2004)

17.24.020: LOCATION OF BUSINESSES; RESTRICTIONS:

A. Sexually oriented businesses and outcall services shall only be allowed in areas zoned for industrial uses (I) under this title, subject to the following additional restrictions: (Ord. 2004-10, 8-10-2004; amd. Ord. 2013-02, 2-12-2013, eff. 2-27-2013)

1. No sexually oriented business shall be located:

- a. Within one thousand five hundred feet (1,500') of any school, public park, library or religious institution.
- b. Within six hundred sixty feet (660') of any residential use or any agricultural or residential zone boundary.
- c. Within six hundred sixty feet (660') of any other sexually oriented business or outcall services.

d. Within six hundred sixty feet (660') of any gateway corridor. The distance shall be measured from the right of way boundary.

B. Distance requirements between structures and uses specified in this chapter shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property boundaries of the school, public park, religious or cultural activity, residential use or other sexually oriented business, or from the right of way line of a gateway to the structure of the sexually oriented business.

C. Distance requirements from zoning districts for this chapter shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually oriented business structure. (Ord. 2004-10, 8-10-2004)

17.24.030: EFFECT ON NONCONFORMING BUSINESSES:

All existing legal, nonconforming sexually oriented businesses, as of the effective date hereof, or any amendment hereto, shall comply with the provisions of this chapter within nine (9) months from the date this chapter is enacted. (Ord. 2004-10, 8-10-2004)

17.24.040: SIGNS:

Notwithstanding anything contrary contained in chapter 17.23, "Sign Standards", of this title, the more restrictive requirements for signs shall prevail. Signs for sexually oriented businesses shall be limited as follows:

- A. No more than one exterior sign shall be allowed.
- B. No sign shall be allowed to exceed eighteen (18) square feet.
- C. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- D. No descriptive art or designs depicting any activity related to or inferring to the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
- E. Only flat wall signs and/or awning signs shall be permitted.
- F. Painted wall advertising shall not be allowed.
- G. Other than the signs specifically allowed by this chapter, the sexually oriented business shall not attach, construct or allow to be attached or constructed any temporary sign, banner, light or other device designed to draw attention to the business location. (Ord. 2004-10, 8-10-2004)

17.24.050: DEFINITIONS:

A. The definition of a sexually oriented business and all other terms involving sexually oriented businesses which are not defined in this title shall have the meanings set forth in title 5 of this code.

B. For purposes of sexually oriented businesses, "school" means an institution of learning or instruction primarily catering

to minors, whether public or private, which is licensed as such facility by either the county, a city or the state. This definition shall include, but not be limited to, kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the state department of education, but not including trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges. (Ord. 2004-10, 8-10-2004)

FEE SCHEDULE

CACHE COUNTY CONSOLIDATED FEE SCHEDULE

(Fees in addition to those set forth in this Consolidated Fee Schedule may be charged if such fees are otherwise allowed by County Ordinance or state statute)

COMMON FEES FOR ALL COUNTY OFFICES

Action	Fee	Utah State Code Reference
Copy of Public Records	\$0.50 per page	

ATTORNEY'S OFFICE

Action	Fee	Utah State Code Reference
Criminal Case Discharge	\$25	

CLERK/AUDITOR OFFICE

General Clerk/Auditor Fees		
Action	Fee	Utah State Code Reference
Marriage License	\$50	62A-1-120
Marriage Ceremony (In Office Only)	\$40	
Certified Copy	\$10	
Clerk Designee	\$10	30-1-6
Uncertified Copy	\$5	
Signature Witnessing (Notary)	\$5 per signature	
Notary Acknowledgment (Notary)	\$5 per signature	
Electronic Copy	\$5	
Dog License	\$10 per license. Approval by land use authority is required if licensing more than six dogs.	
Voter Information Request		
Action	Fee	Utah State Code Reference
Setup Fee (In addition to other charges)	\$20	63-2-203 (10)
List of Registered Voters	\$0.005 Per Name for electronic copy \$0.01 Per Name for hard copy	63-2-203 (10)
Purchase USB	\$10	
Business		
Action	Fee	Utah State Code Reference
Home Occupation Business	\$10 Processing Fee	5.04.040

Alcohol Consent (Includes Winery Manufacturing or Type 5 Package Agency must also pay for commercial business license)	\$300	5.04.040
Contractors (Home is base of business but does contracting work away from home)	\$100	5.04.040
Commercial Business (less than 10 employees)	\$150	5.04.040
Commercial Business (more than 10 employees)	\$250	5.04.040
Fire Inspection Fee	\$45	5.04.040
Self-Inspection Fee	\$0	5.04.040
Late Fee	\$50	5.04.040
Late Fee (non-compliance after 45 days of notification)	\$500	5.04.040
Temporary Business (non-permanent basis or transit business person)	\$10 per calendar day of operation	5.04.040
Action	Fee	Utah State Code Reference
GRAMA Fees	The county shall charge a fee equivalent to the cost of services provided to an individual and any public or private agency for those individual's or agency's sole or personal use. Services or information provided to any individual or any agency for resale shall be charged at the fair market value of such services or information; provided, that such fee shall be never less than the full cost incurred by the county in the provision of such information or services. Cache County, after the first quarter hour of staff time, may charge an hourly charge, in increments of 15 minutes. The fee may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.	CCC 2.64.100 63G-2-203

DEVELOPMENT SERVICES DEPARTMENT

Land Use Fees		
Action	Fee	Utah State Code Reference
Zoning Clearance - Primary Use	\$75	17-27a-509
Zoning Clearance - Accessory Use	\$30	17-27a-509
Special Event Permit	\$75	17-27a-509
Conditional Use Permit	\$600	17-27a-509
Rezone	\$600	17-27a-509
Resort Recreation Development	\$15,000	17-27a-509
Subdivision	\$1,600 + \$60/lot or parcel	17-27a-509
Subdivision Amendment	\$1,560 + \$60/lot or parcel	17-27a-509
Amendment to the Ordinance or General Plan	\$600	17-27a-509

Variance	\$300	17-27a-509
Appeal	\$300	17-27a-509
Floodplain Permit	\$25	17-27a-509
Extension of Land Use Approval	\$225	17-27a-509
Agricultural Protection Area	\$450	17-27a-509
Record of Survey	\$40/sheet	17-27a-509
Annexation Review	\$750	17-27a-509

Building Fees

Action	Fee	Utah State Code Reference
Application Review ¹		
Commercial <5M sq feet	\$1,000	17-27a-509
Commercial >5M sq feet	\$2,500	17-27a-509
Plan Review	Fee	Utah State Code Reference
Residential	1/10 of 1% of the Building Permit Base Fee (Min. \$20)	17-27a-509
Commercial	65% of Building Permit Base Fee ²	17-27a-509
Building Permit	Fee	Utah State Code Reference
Structure	As established by the 1997 Uniform Building Code: Table 1A (Building Permit Base Fees) ³	17-27a-509
Plumbing	\$7.00 per fixture (residential)	17-27a-509
Mechanical	\$15 per unit	17-27a-509
Electrical	\$0.04 per square foot of structure (residential)	17-27a-509
Demolition Permit	Fee	Utah State Code Reference
Residential	\$80.60	17-27a-509
Commercial	\$141.20	17-27a-509
Electrical/Mechanical Replacement Service	Fee	Utah State Code Reference
Residential	\$40.40	17-27a-509
Commercial	\$80.80	17-27a-509
HVAC Replacement - Residential	Fee	Utah State Code Reference
Furnace Only	\$40.40	17-27a-509
Furnace and Duct Work	\$80.80	17-27a-509
Water Heater Replacement - Residential	Fee	Utah State Code Reference
	\$40.40	17-27a-509
Roof Reshingle - Paper, Ice Shield and Shingles	Fee	Utah State Code Reference
	\$100.80	17-27a-509

¹ Additional fees may be assessed based on the need for external consulting or engineering review as approved by the Director of Development Services or their designee.

² Building permit fees may be assessed at double the listed rate if a building permit is not obtained prior to construction.

³ If work fails an inspection more than two times, or if work has not been completed prior to the arrival of the county inspector more than two times, or a combination of both, a \$50 additional fee will be assessed for each related, subsequent inspection.

⁴ At the time the Building Permit is sold, the total Building Permit Fee is reduced by this amount.

⁵ May be reduced by the Chief Building Official based on the size and scope of the project.

⁶ Valuation amounts are set by square-foot and reviewed annually by the Chief Building Official.

GIS Fees		
Action	Fee	Utah State Code Reference
City GIS Services		
Collector App: One Login - field worker user type	\$350 per year	17-27a-509
Server Software, storage space, and programming time	\$1,500 per year	17-27a-509
Initial data scrub and import database	\$0 - Existing Data \$500 - Create Data	17-27a-509
One online web map with widgets	\$250 per year	17-27a-509
Custom reports, geoprocessing widgets, and additional requests	\$45 per hour	17-27a-509
Technical support and staff training - Maximum of 5 hours	\$100 per hour	17-27a-509
GIS Programming	\$50 per hour (\$25 minimum)	17-27a-509
Map Prints	B&W / Color	Utah State Code Reference
8.5" x 11"	\$0.25 / \$1	17-27a-509
11" x 17"	\$1.50 / \$3	17-27a-509
24" x 36"	\$10 / \$20	17-27a-509
36" x 48"	\$20 / \$40	17-27a-509
42" x 60"	\$27.50 / \$55	17-27a-509

EVENTS CENTER AND FAIRGROUNDS DEPARTMENT

Building	Room	Unit	For Profit Fee	Private Rental Fee	Non-Profit Adult Fee	Non-Profit Youth Fee	Comment
Arena Riding Passes	Daily Riding Pass	(none)	N/A	\$10	N/A	N/A	
	Family Day Pass	(none)	N/A	\$20	N/A	N/A	
	Individual Riding Pass	Monthly	N/A	\$30	N/A	N/A	
		Annual	N/A	\$90	N/A	N/A	
		Seasonal	N/A	\$70	N/A	N/A	
	Family Riding Pass	Annual	N/A	\$125	N/A	N/A	
Seasonal		N/A	\$90	N/A	N/A		
Cache Event Center	All Building	Daily	\$1,500	\$1,000	\$800	\$600	
	Event Hall	Daily - Combo	\$1,200	\$900	\$750	\$500	
		Daily - Middle	\$900	\$750	\$600	\$300	
		Daily - North	\$500	\$400	\$350	\$200	
		Daily - South	\$500	\$400	\$350	\$200	
	NE Function Room	Hourly*/	60/300	40/200	25/125	20/100	

	NW Function Room	Daily Maximum	60/300	40/200	25/125	20/100	
	SW Function Room		60/300	40/200	25/125	20/100	
	Kitchen Base	Daily	\$300	\$300	\$300	\$300	\$500 deposit
	Kitchen Full		\$500	\$500	\$500	\$500	\$500 deposit
Arena	Cache Arena	Hourly*/	50/450	40/360	30/270	25/225	\$10/hr surcharge for cattle
	Outdoor Arena		50/450	40/360	30/270	25/225	
	Roping Arena	Daily Maximum	50/450	40/360	30/270	25/225	
Boardwalk	Concessions	Daily	\$200	\$150	\$100	\$50	
Bowery	Bowery	Daily	\$100	\$75	\$50	\$40	
Cow Barn	Cow Barn	Daily	\$100	\$75	\$50	\$40	
Grand Stand	Grand Stand	Daily	\$300	\$250	\$200	\$100	
Green Space	Green Space	Daily	\$150	\$75	\$50	\$40	
	Infield	Daily	\$150	\$75	\$50	\$40	
Millburger	Millburger	Daily	\$300	\$250	\$200	\$100	
Misc Items	50 Bleachers	Event	\$75	\$50	\$50	\$50	Delivery additional >5 miles
	150 Bleachers	Event	\$1,500	\$1,500			
	Portable Stage	Event	\$650	\$600	\$550	\$500	Includes setup/take down
Pig Barn	Pig Barn	Daily	\$100	\$75	\$50	\$40	
Pit Stop	Pit Stop	Daily	\$300	\$250	\$200	\$100	
Event Camping	Green Space	Daily	\$30				TRT Included
Non-Event Camping	Green Space	Daily	\$35				TRT Included
Water Truck	Equipment	Hourly	\$95				
Horse Stall	Rental	Monthly	\$80				\$100 Damage Deposit
		Overnight/Event	\$15				
		Daily (Prorated)	\$3				
Disc Golf	Green Space	Front 9/Daily	\$1000				
Disc Golf	Infield	Back 9/Daily	\$1000				
Stage	Rental	Event	\$50	\$50	\$50	\$50	Per platform
Spider Boxes	Rental	Event	\$25	\$25	\$25	\$25	Per box
Staff Labor	Rate	Hourly	\$25	\$25	\$25	\$25	
Sheriff Sec. Fees							Ask for pricing

*Hourly rate charge minimum of two hours applies even if the full two hours are not needed

Permits		
Action	Fee	Utah State Code Reference
Zoning Clearance	\$120	
New Construction Commercial with Sprinkler System	\$350	
New Construction Commercial without Sprinkler System	\$120	
Fire Self-Inspection Filing Fee	\$15	
Business License Renewal Inspection	\$45	
Special Event - Fireworks	\$60	
Fire Standby	Per MOD	
EMERGENCY MEDICAL SERVICES		
Action	Fee	Utah State Code Reference
Ambulance Transportation Services	Pursuant to Utah Code 26-8-4(18); Administrative Rule R426-1-8-2.3, and 4; the Utah Department of Health establishes and orders the maximum allowable rates for each fiscal year, which rate shall be the rate assessed by the Cache County Fire Department. Rates for each fiscal year are listed at https://rules.utah.gov/publicat/code/r4_26-008.htm#T2	
Ambulance Supplies	Two times actual cost	
Ambulance Report	\$ 10 per report	

IT DEPARTMENT

General Fees		
Action	Fee	Utah State Code Reference
General Fees		
Action	Fee	Utah State Code Reference
CORE - Basic Taxation Information	\$0	
CORE - Online Property Documents and Full		
Access One Time	\$10/day	
CORE - Online Property Documents and Full Access Monthly Ongoing Subscription	\$80/month	
CORE - Online Property Documents and Full Access Annual Ongoing Subscription	\$960/year	
Online Bulk Records	\$0.02/record (Total amount varies by request/query)	
Raw Data Manual Export	\$16.85 minimum charge (1/2 hour of lowest paid qualified technician's hourly wage)	
Predefined Manual Data Export	\$0.02/record	
Manual Data Export for Data Available Online	\$0.03/record	

LIBRARY

Check-Outs

Action	Fee	Utah State Code Reference
Late Fees		
Book Late Fee	\$0.05 per day	
DVD Late Fee	\$1.00 per day	

RECORDER'S OFFICE

Action	Fee	Utah State Code Reference
Action	Fee	Utah State Code Reference
Recording:		
Standard Recording Fee for any instrument not otherwise outlined in this schedule.	\$40	§ 17-21-18.5(1)(a)
Each additional legal description over ten for any instrument containing more than ten legal descriptions	\$2 per description	§ 17-21-18.5(1)(b)
For Recording Any Plat	\$50 per sheet	§ 17-21-18.5(3)(c)
Each lot or unit designation for any plat	\$2 per lot or unit	§ 17-21-18.5(3)(c)
Physical Copies:		
Unassisted Print of Recorded Documents	\$1 for first page. \$0.25 for each additional page	§ 17-21-18.5(3)(a)
Staff Assisted Copy/Print of Recorded Document	\$2 per page	§ 17-21-18.5(3)(a)
Copy of Ownership Plat 18 x 18	\$8 per sheet	§ 17-21 -18.5(3)(a)
Copy of Any Plat 24 x 36	\$10 per sheet	§ 17-21-18.5(3)(a)
Certification of Document Copy	\$5 + Copy Fee	§ 17-21-18.5(3)(b)
Digital Copies:		
Recorded Documents (StaffAssisted via email)	\$1.00 per instrument	§ 17-21-18.5(3)(a)
Unlimited Recorded Documents (Via Core Daily Subscription)	\$10.00 per day	§ 17-21-18.5(3)(a)
Unlimited Recorded Documents (Via Core Monthly Subscription)	\$80.00 per month	§ 17-21-18.5(3)(a)
Unlimited Recorded Documents (Via Core Yearly Subscription)	\$960.00 per year	§ 17-21-18.5(3)(a)
* The recorder may not record any instrument, furnish any copies, or provide any service connected with the office, until the fees prescribed by law have been paid or have been authorized to be paid electronically.		§ 17-21-18

SHERIFF'S OFFICE

General Fees		
Action	Fee	Utah State Code Reference
Sex Offender Registration		17-22-2.5
Civil Processes		17-22-2.5
DNA		17-22-2.5
Background Report	\$20	
GRAMA Requests (Incident Reports)	\$10	
CD (photos)	\$20	
CD (video)	\$20 minimum (please inquire)	

Redactions	\$20 per hour	
Jail Fees		
Action	Fee	
Jail Records	\$10	
Jail Work Diversion	\$10 per day	
Work Release	\$20 per day when out	
Dr. Visit Copay	\$15	
Nurse Visit Copay	\$5	
Nurse Practitioner Copay	\$15	
Pharmacy Copay	\$15	
Stock Meds	\$15	
Dentist Copay	\$15	
Bear River Mental Health Visit	\$5	
Medical Forms	\$1.50	
Medical Lab Tests	\$15	
EKG Tests	\$15	
Medical fees are not charged to State or Federal inmates. The medical costs associated with these inmates are covered with our housing contracts with these agencies.		
Probation Fees		
Action	Fee	
Monthly Probation Fee	\$30	
Initial Risk Assessment Fee	\$10	
Initial UA Test	\$10	
Random Office UA Test	\$10	
CCSO Probation Pre-Sentence Report	\$60	
Probation Ankle Monitor	\$6 per day	
Probation Alcohol Monitor	\$5 per day	

TREASURER'S OFFICE

Payment Processing		
Action	Fee	Utah State Code Reference
Debit Card	\$3.95 for any amount	
Credit Card	2.45% of payment amount (\$1.95 minimum)	
Delinquencies		
Action	Fee	
Late Penalty	Payments are due on November 30 each year. If the 30th falls on a weekend, it is due the following business day. Late fees are as follows:	59-2-1331
November 30 - Jan 31st	1% or \$ 10, whichever is greater	59-2-1331
Jan 31st or After	2.5% or \$10, whichever is greater	59-2-1331
Interest after January 1st	6% above Federal Discount Rate	59-2-1331

UTILITY BILLING

General Fees		
Action	Fee	Utah State Code Reference

Paper Statements	\$3	
Electronic Statements	\$1	
Annual Advance Payment	\$0	
Monthly Late Fee	1.5%	

PUBLIC WORKS DEPARTMENT

Permit Fees		
Action	Fee	Comments
Encroachment Permit Minor Work	\$50	
Encroachment Permit Major Work	\$250 (min. Bond fee \$500)	
Encroachment Pennit Extension	\$150 (6 month max)	
Land Disturbance Permit	\$75 for SWPPP Review \$300 for Single Family Dwelling	Projects lasting more than one year will be charged a monthly inspection fee of \$50.
	\$200 for Developments Less than 1 acre \$400 for Developments Greater than 1 acre and \$100 for each additional acre.	
Design Exception to Road Standards	\$80	

Personnel		
Action	Fee	Comments
County Engineer	\$90	Per hour
Staff Engineer	\$70	Per hour
Public Works Inspector	\$50	Per hour
Superintendent	\$70	Per hour
Foreman	\$60	Per hour
Crew Lead	\$50	Per hour
Equipment Operator 1	\$30	Per hour
Equipment Operator 2	\$35	Per hour
Equipment Operator 3	\$40	Per hour
Part time Employee	\$25	Per hour
Seasonal Employee	\$20	Per hour

Equipment and Material Rates		
Action	Fee	Comments
Asphalt Paver	\$185	Per hour with operator
Chipper	\$185	Per hour with operator
Heavy Duty Equipment	\$145	Per hour with operator
Medium Duty Equipment	\$85	Per hour with operator
Light Duty Equipment	\$25	Per hour with operator
Heavy Duty Trucks	\$125	Per hour with operator
Medium Duty Trucks	\$100	Per hour with operator
Light Duty Passenger	\$25	Per hour with operator
Materials	Cost plus 10%	

(Ord. 2021-22, 12-14-2021, eff. 1-1-2022)

Questar Gas Company

JWB Cable Company

Rocky Mountain Power

ORDINANCE NO. 2007-06

DATE April 24, 2007

AN ORDINANCE GRANTING TO QUESTAR GAS COMPANY A FRANCHISE FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF A GAS DISTRIBUTION SYSTEM IN CACHE COUNTY, STATE OF UTAH.

Questar Gas Company, a Utah corporation, (Questar Gas) desires to construct, maintain and operate a gas distribution system within the unincorporated area of Cache County; and

The Cache County Council has determined that it is in the best interest of the citizens of the Cache County to grant a franchise to Questar Gas to use the roads and streets within Cache County for such purpose:

NOW, THEREFORE, the Cache County Council ordains as follows:

1. Grant of Franchise. The County grants to Questar Gas a nonexclusive franchise (Franchise) to construct, maintain and operate in the present and future roads, streets, alleys, highways, and other public rights-of-way within Cache County unincorporated limits, including any property annexed or otherwise acquired by the Cache County after the effective date of this Franchise, (collectively, Streets) a distribution system for furnishing natural and manufactured gas to the County and its inhabitants for heating and other purposes. Questar Gas shall have the right to erect, construct, equip and maintain along, over and under the Streets a system of mains, pipes, laterals and related equipment (Facilities) as are reasonably necessary for supplying gas service in accordance with this Franchise.

2. Consideration. In consideration of this Franchise, Questar Gas shall pay to County the sum of \$50.00 upon acceptance of this Franchise and shall provide gas service in accordance with the terms of this Franchise.

3. Term. This Franchise is granted for an initial term of twenty (20) years. At the expiration of the initial term, the Franchise shall continue in effect upon the same terms and conditions for up to two additional terms (each of which is a renewal period) of fifteen (15) years each. The County may terminate the Franchise at the end of the initial term, or any renewal period, by giving Questar Gas written notice of the County's intent to so terminate not less than ninety (90) calendar days before the expiration of the initial term or any renewal period.

4. Acceptance. Within sixty (60) days after the passage of this ordinance, Questar Gas shall file with the County an unconditional written acceptance of the Franchise declaring its acceptance of the Franchise and its intention to be bound by the terms and conditions of the Franchise.

5. Construction and Maintenance of Facilities. All Facilities shall be constructed and installed so as to interfere as little as possible with traffic over and public use of the Streets and to cause minimum interference with the rights and reasonable convenience of property owners who adjoin any of the Streets. All Facilities shall be constructed in accordance with established gas distribution construction practices and in a manner which protects the Facilities from all traffic loads. All Facilities that are installed during the term of the Franchise shall be sited without unreasonable additional cost to Questar Gas to be visually unobtrusive and to preserve the natural beauty and neighborhood aesthetics within the unincorporated County limits.

Questar Gas shall repair or replace, at its own expense, any and all rights of way, pavements, sidewalks, street improvements, excavations, other facilities, landscaping, or other improvements, public or private, that it damages in the Franchise operations.

6. Compliance with Ordinances--Conflict. Questar Gas shall comply with all County ordinances, regulations and requirements and shall pay all applicable excavation fees and charges that are or may be prescribed by the County with respect to the construction, maintenance and operation of all Facilities. However, these obligations shall apply only as long as such ordinances, regulations, requirements or fees are not preempted by or otherwise in conflict with any applicable statutory or constitutional law, rule or regulation, or the tariffs approved by regulatory bodies having jurisdiction over Questar Gas, including this Franchise and any lawful revisions made and accepted by Questar Gas during the term of the Franchise.

The County shall have the right to inspect the construction, operation and maintenance of the Facilities to ensure the proper compliance with applicable County ordinances, regulations and requirements. In the event Questar Gas should fail to comply with the terms of any County ordinance, regulation or requirement, the County shall give Questar Gas written notice of such non-compliance and the time for correction provided by ordinance or a reasonable time for correction if there is no applicable ordinance. After written notice and failure of Questar Gas to make correction, the County may, at its sole risk, make such correction itself and charge the cost to Questar Gas including any minimum cost provided by ordinance. Nothing in this Franchise limits Questar Gas' right to oppose any ordinance, either existing, proposed, or adopted from and after the effective date of this Franchise.

7. Information Exchange. Upon request by either the County or Questar Gas, as reasonably necessary, Questar Gas and the County shall meet for the purpose of exchanging information and documents regarding construction and other similar work within the unincorporated County limits, with a view towards coordinating their respective activities in those areas where such coordination may prove mutually beneficial. Any information regarding future capital improvements that may involve land acquisition shall be treated with confidentiality upon request to the extent that the County may lawfully do

so.

8. Relocation. Upon written notice to Questar Gas, the County may require the relocation and removal or reinstallation (collectively, Relocation) of any Facilities located in, on, along, over, across, through, or under any of the Streets. After receipt of such written notice, Questar Gas shall diligently begin such Relocation of its Facilities as may be reasonably necessary to meet the County's requirements. The Relocation of Facilities by Questar Gas shall be at no cost to the County if (i) such request is for the protection of the public health, safety and welfare pursuant to lawful authority delegated to the County; (ii) the Facilities have been installed pursuant to this or any other Questar Gas franchise and not pursuant to a property or other similar right, including, but not limited to, a right-of-way, grant, permit, or license from a state, federal, municipal or private entity; and (iii) the County provides a new location for the Facilities. Otherwise, a Relocation required by the County pursuant to such written notice shall be at the County's expense. Following Relocation of any Facilities, Questar Gas may maintain and operate such Facilities in a new location within County limits without additional payment. If a County project is funded by federal or state monies that include an amount allocated to defray the expenses of Relocation of Facilities, then the County shall compensate Questar Gas up to the extent of such amount for any Relocation costs mandated by the project to the extent that the County actually receives such federal or state funds.

Notwithstanding the preceding paragraph, Questar Gas shall not be responsible for any costs associated with an authorized County project that are not attributable to Questar Gas' Facilities in the Streets. Further, all such costs shall be allocated among all utilities or other persons whose facilities or property are subject to Relocation due to an authorized County project.

9. Terms of Service. Questar Gas shall furnish gas service without preference or discrimination among customers of the same service class at reasonable rates, in accordance with all applicable tariffs approved by and on file with regulatory bodies having jurisdiction over Questar Gas, including revisions to such tariffs made during the term of the Franchise, and in conformity with all applicable constitutional and statutory requirements. Questar Gas may make and enforce reasonable rules and regulations in the conduct of its business, may require its customers to execute a gas service agreement as a condition to receiving service, and shall have the right to contract with its customers regarding the installation and operation of its Facilities. To secure safe and reliable service to the customers, and in the public interest, Questar Gas shall have the right to prescribe the sizes and kinds of pipes and related Facilities to be used and shall have the right to refuse service to any customer who refuses to comply with Questar Gas' rules and regulations.

10. Indemnification. Questar Gas shall indemnify, defend and hold the County, its officers and employees, harmless from and against any and all claims, demands, liens, liabilities, damages, actions and proceedings arising from the exercise by Questar Gas of its rights under this Franchise, including its operations within County unincorporated limits, and Questar Gas shall pay the reasonable cost of defense plus the City's reasonable attorneys' fees. Notwithstanding any provision to the contrary, Questar Gas shall not be obligated to indemnify, defend or hold the County harmless to the extent that any underlying claim, demand, lien, liability, damage, action and proceeding arises out of or in connection with any act or omission of the County or any of its agents, officers or employees.

11. Assignment. Questar Gas may assign or transfer its rights and obligations under the Franchise to any parent, affiliate, or subsidiary of Questar Gas, to any entity having fifty percent (50%) or more direct or indirect common ownership with Questar Gas, or to any successor-in-interest or transferee of Questar Gas having all necessary approvals, including those from the Utah Public Service Commission or its successor, to provide utility service within the County unincorporated limits. Otherwise, Questar Gas shall not transfer, assign or delegate any of its rights or obligations under the Franchise to another entity without the County's prior written approval, which approval shall not be unreasonably withheld or delayed. Inclusion of the Franchise as an asset of Questar Gas subject to the liens and mortgages of Questar Gas shall not constitute a transfer or assignment requiring the County's prior written consent.

12. Effect of Invalidity. If any portion of this Franchise is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of any remaining portions of this Franchise.

13. Amendment. This ordinance shall not be altered or amended without the prior written consent of Questar Gas.

14. Effective Date. This ordinance shall become effective upon the date of acceptance by Questar Gas as established above.

Section: This Ordinance shall become effective immediately upon publication, in the manner required by law.

This Ordinance was adopted by the County Council, Cache County, Utah on the 24th day of April, upon the following vote:

Publication Date: May: 10, 2007

ORDINANCE NO. 89-05

AN ORDINANCE GRANTING A FRANCHISE TO JWB CABLE COMPANY TO OPERATE, CONSTRUCT, AND MAINTAIN TELEVISION COAXIAL CABLES UPON, ALONG, THROUGH, OVER, AND UNDER PUBLIC STREETS, BRIDGES AND PUBLIC PLACES IN THE UNINCORPORATED AREAS OF CACHE COUNTY, UTAH.

The County Council of Cache County, Utah, in a regular meeting, lawful notice of which had been given, finds that the Cache County Council is authorized by law to adopt an ordinance granting a non-exclusive franchise for community cable television services and system to JWB Cable Company; that JWB Cable Company is not affiliated with or owned by Community Television of Utah, Inc., which is currently a franchisee for cable television services under Ordinance No. 81-05; that JWB Cable Company is a Utah corporation and in apparent good standing; and that the public would be benefited by the granting of a franchise for community cable television services in the unincorporated area of the county to JWB Cable Company.

Now therefore the County Council of Cache County, Utah, ORDAINS as follows:

Section 1. Grant of Franchise.

A. A non-exclusive franchise is hereby granted to JWB Cable Company for a cable television system subject to the terms of this ordinance.

B. The non-exclusive franchise granted includes the right, privilege, and authority to construct, erect, operate, and maintain lines of television coaxial cable, including poles, wires, conduits, manholes, electrical conductors, amplifiers, and fixtures where necessary, in, upon, along, across, through, and under the streets, rights-of-way, bridges, and other public places in the unincorporated areas of Cache County, Utah.

C. For the purposes of this ordinance, the lines of television coaxial cable, including poles, wires, conduits, manholes, electrical conductors, amplifiers, and other equipment and fixtures of the cable television system shall collectively be designated as "CATV".

Section 2. Prior Approval.

A. No CATV shall be installed on or in the property of the county without the prior written approval of the Building Inspector and Road Superintendent and such other county officer or employee as may be designated by the Cache County Executive.

B. The application for such approval shall specify details and plans indicating the location and description of the CATV.

C. A right-of-way encroachment permit shall be obtained by the franchisee from the county for all construction within public rights-of-way.

D. The CATV system as currently installed in the unincorporated area of the county is hereby confirmed and approved.

Section 3. Maps.

The franchisee shall provide the county with current "as-constructed" maps and drawings of all CATV lines and facilities including underground lines in the area covered by this franchise. The franchisee shall deliver copies of such maps and drawings to the Cache County Building Inspector, Cache County Road Superintendent, and Cache County Surveyor.

Section 4. Pole Installations.

A. CATV lines are to be placed on poles except where underground placement of lines is required under subparagraph C of this section.

B. The poles to be used for the CATV lines shall be those erected and maintained by other public utilities when practical, providing satisfactory rental agreements can be entered into between the franchisee and such utility companies.

C. In event such rental agreements are not able to be entered into, the franchisee shall have the right to install its own poles; provided, however, that the franchisee shall not be permitted to install poles or place CATV lines above the surface of the ground in subdivisions within the unincorporated areas of the county in which there presently exists any underground utilities or where the land use ordinance of the county requires underground utilities.

D. Subject to any applicable state or federal regulations, the county shall have the right to make use, for any public purpose, of any poles or conduits controlled and maintained for the franchisee any public right-of-way, street, bridge, or other public place; provided, however, that:

1. Such use by the county does not interfere with the use by the franchisee; and

2. The county holds the franchisee harmless against and from any claims for damages or liabilities arising out of such use of said poles or conduits.

Third parties wishing to make use of any poles or conduits may do so only in the manner provided by law and by direct agreement with the franchisee.

Section 5. Conditions.

A. All CATV lines and systems shall be so located and constructed as to cause minimum interference with the use of streets, public rights-of-way, and the reasonable convenience of property owners who adjoin such streets or rights-of-way.

B. All CATV systems constructed and maintained under this ordinance shall comply with and meet the minimum standards of the building codes and land use ordinance of the county; the National Electrical Code; the National Safety Code, other uniform codes adopted by the county; and any applicable federal or state codes or standards for CATV systems and service.

C. The franchisee, at its expense, shall replace and restore any streets, sidewalks, curbs, or gutters or other public property damaged or injured as a result of the construction, maintenance, or installation of CATV systems.

D. The franchisee shall, at all times employ reasonable care and shall construct, install, and maintain the CATV system with commonly accepted methods and devices for preventing failures and accidents which are likely to cause danger, injury, or nuisance to the public. The CATV system shall be constructed, installed, and maintained in a safe and reasonable condition.

Section 6. Future Ordinances.

The franchise granted by this ordinance shall be subject to all ordinances now in effect or that may be hereafter passed with regards to the use of public streets, highways, bridges, rights-of-way, and other public places in the county.

Section 7. Hold Harmless.

A. The franchisee shall hold the county safe and harmless from any and all claims or damages arising by reason of negligence in the construction, installation, and maintenance of the CATV system including the costs of defense.

B. The franchisee shall maintain public liability and property damage insurance in an amount agreed to by the Cache County Executive and the franchisee designating the county as a second party insured from the effective date of this ordinance.

Section 8. Term.

A. The franchise granted by this ordinance, and all rights and authority pertaining thereto, shall be for a term of fifteen (15) years from the effective date of this ordinance.

B. The franchise may be renewed for subsequent fifteen (15) year periods subject to a regular public proceeding as required by law.

Section 9. Rates.

A. The franchisee shall file with the County Clerk a schedule setting forth all rates and charges to be made to subscribers for basic CATV service, including connection and service charges. Grantee shall similarly file with the County Clerk any modifications to the rate schedule at least thirty (30) days in advance of the effective date of such changes.

B. Franchisee shall not make or grant any preference or advantage to any person nor subject any person to any prejudice, discrimination or disadvantage as to rates, charges, service, rules, or other matters; provided, however, that nothing in this franchise shall be deemed to prohibit the establishment of a graduated scale of charges and classified rate schedules to which any person or customer coming within such classification would be entitled or subject and further provided that connection and service charges may be waived or modified during promotional campaigns of the franchisee.

Section 10. Franchise Payments.

The franchisee granted under this ordinance is granted upon the condition that franchisee shall pay to the county, in quarterly payments, commencing six (6) months after the effective date of this ordinance within the unincorporated area of the county a fee equivalent to 3% of the gross subscriber revenues derived from the regular subscriber monthly or other periodic service fees from within the unincorporated area of the county. The franchisee shall provide an annual summary report verifying the gross subscriber revenues received during the preceding year.

Section 11. Amendments.

A. The franchise granted hereunder may be amended from time to time by such ordinance to comply with any applicable federal or state regulations including specifically the regulations of the Federal Communications Commission. Such amendments should be made within one (1) year from the date that such regulations are adopted by the state or federal governments.

B. It shall be the policy of the county to amend this franchise upon application from the franchisee, when necessary, to reasonably enable the franchisee to take advantage of any development in the field of transmission or television and radio signals which will afford it opportunity to more effectively, efficiently, or economically service its customers.

Section 12. Franchisee Office.

A. The franchisee shall maintain a business office in Cache County, Utah to which subscribers may telephone or visit in person during regular business hours. The franchise shall notify the County Clerk of any change of address for its office.

B. In the event subscribers or others have requests or complaints against the franchisee which are not resolved by direct contact, the requesting or complaining party may refer such unresolved request or complaint to the Office of the County Executive. Such request or complaint may be resolved by essentially the following procedures:

1. Complaint shall be first to the franchisee through its manager or designated officer or employee at its local office.
2. Any complaint not resolved within seven (7) days may then be reported to the Cache County Executive who shall give notice to the franchisee.
3. Upon thirty (30) days written notice to the franchisee, the County Executive may conduct a hearing for the purpose of allowing all interested persons including the complainant and representatives of the franchisee to appear and make any statement or submit any documents or exhibits as may be reasonably required. The principles of due process shall be applied at all times with respect to such proceedings.

Section 13. Termination and Removal.

Upon expiration of the franchise, if the franchisee shall not have acquired an extension or renewal thereof and accepted the same, it shall have the right to enter upon the streets, bridges, rights-of-way, and other public areas of the unincorporated areas of the county for the purposes of removing the CATV system. In so removing the CATV system, the franchisee shall,

at its expense, repair and restore the county property to its prior condition insofar as practical.

Section 14. Transfers or Assignments.

The franchisee shall not transfer or assign the franchise granted hereunder, or any rights pertaining thereto, to any other party without the prior written approval of the county. Such approval shall not be unreasonably withheld. This section shall not preclude the subjection of the CATV system as collateral to secure any loans or any other business transaction of the franchisee.

Section 15. Compliance with Applicable Law.

The franchise shall at all times during the term of the franchisee comply with all applicable federal, state, and county laws and ordinances.

Section 16. Restrictions.

A. From and after the effective date of this ordinance, it shall be unlawful for any person to construct, install, or maintain a CATV within any public street, bridge, right-of-way, or other public place in the unincorporated areas of the county or within any privately owned area within the unincorporated areas of the county which have not as yet become a public street but which is designated or delineated as a proposed public street or right-of-way on any tentative subdivision map approved by the county, any CATV system unless a franchise authorizing such use has been first obtained and is in full force and effect.

B. It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, conductively, or otherwise with any part of the franchised CATV system within the unincorporated areas of the county for the purpose of enabling that person to receive any signal from the CATV system without the prior consent of the franchisee.

C. It shall be unlawful for any person, without the consent of the franchisee, to willfully tamper with, remove, or injure the CATV system or any part thereof.

D. Any person violating the provisions of this ordinance shall be guilty of a Class B Misdemeanor for each and every day of the violation and subject to penalty as provided by law.

Section 17. Severability.

If any part of this ordinance is for any reason held invalid by the decision of any court or regulatory agency of competent jurisdiction, such decision shall not render invalid the remaining portion of the ordinance. The invalidity of any portion of this ordinance shall not abate, reduce, or otherwise affect any consideration of other obligations required of the franchisee.

Section 18. Repealer.

All ordinances, or any parts thereof, in conflict with this ordinance are hereby repealed and superseded by this ordinance to the extent of such conflict.

Section 19. Effective Date.

This ordinance shall take effect immediately upon adoption and publication in the manner provided by law.

This ordinance was adopted by the Cache County Council on the 15th day of August, 1989, upon the following vote:

Voting in Favor: Funk Voting Against: None

Weston _____

Gibbons _____

Kotter _____

Monson _____

Morse _____

Skanchy _____

CACHE COUNTY COUNCIL

By: _____

Dennis Funk, Chairman

ATTESTED BY:

Seth S. Allen

Cache County Clerk

Publication Date: August 24, 1989

ORDINANCE NO. 2016-05

AN ORDINANCE GRANTING AN ELECTRIC UTILITY FRANCHISE AND GENERAL UTILITY EASEMENT TO ROCKY MOUNTAIN POWER

WHEREAS, Rocky Mountain Power, is a regulated public utility that provides electric power and energy to the citizens of Cache County (the "County") and other surrounding areas;

WHEREAS, providing electrical power and energy requires the installation, operation and maintenance of power poles and other related facilities to be located within the public ways of the County;

WHEREAS, the County, pursuant to the provisions of Utah Code Ann. § 17-50-306 has the authority to regulate power line facilities within public ways and to grant to Rocky Mountain Power a general utility easement for the use thereof;

WHEREAS, the County desires to set forth the terms and conditions by which Rocky Mountain Power shall use the public ways of the County;

NOW, THEREFORE, be it ordained by the County:

SECTION 1. Grant of Franchise and General Utility Easement The County hereby grants to Rocky Mountain Power the right, privilege and authority to construct, maintain, operate, upgrade, and relocate its electrical distribution and transmission lines and related appurtenances, including underground conduits and structures, poles, towers, wires, guy anchors, vaults, transformers, transmission lines, and communication lines (collectively referred to herein as "Electric Facilities") in, under, along, over and across the present and future streets, alleys, public ways and public places (collectively referred to herein as "Public Ways") within the County, for the purpose of supplying and transmitting electric power and energy to the inhabitants of the County and persons and corporations beyond the limits thereof.

SECTION 2. Term. The term of this Franchise and General Utility Easement is for Ten (10) years commencing on the date of acceptance by the Company as set forth in Section 3 below.

SECTION 3. Acceptance by Company. Within sixty (60) days after the passage of this ordinance by the County, Rocky Mountain Power shall file an unqualified written acceptance thereof, with the County Clerk otherwise the ordinance and the rights granted herein shall be null and void.

SECTION 4. Non-Exclusive Franchise. The right to use and occupy the Public Ways of the County shall be nonexclusive and the County reserves the right to use the Public Ways for itself or any other entity that provides service to County residences; provided, however, that such use shall not unreasonably interfere with Rocky Mountain Power's Electric Facilities or Rocky Mountain Power's rights as granted herein.

SECTION 5. County Regulatory Authority. In addition to the provision herein contained, the County reserves the right to adopt such additional ordinances and regulations as may be deemed necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties or exercise any other rights, powers, or duties required or authorized, under the Constitution of the State of Utah, the laws of Utah or County Ordinance.

SECTION 6. Indemnification. The County shall in no way be liable or responsible for any loss or damage to property or any injury to, or death, of any person that may occur in the construction, operation or maintenance by Rocky Mountain Power of its Electric Facilities. Rocky Mountain Power shall indemnify, defend and hold the County harmless from and against claims, demands, liens and all liability or damage of whatsoever kind on account of Rocky Mountain Power's use of the Public Ways within the County, and shall pay the costs of defense plus reasonable attorneys' fees for any claim, demand or lien brought thereunder. The County shall: (a) give prompt written notice to Rocky Mountain Power of any claim, demand or lien with respect to which the County seeks indemnification hereunder; and (b) permit Rocky Mountain Power to assume the defense of such claim, demand, or lien. If such defense is not assumed by Rocky Mountain Power, Rocky Mountain Power shall not be subject to liability for any settlement made without its consent. Notwithstanding any provision hereof to the contrary, Rocky Mountain Power shall not be obligated to indemnify, defend or hold the County harmless to the extent any claim, demand or lien arises out of or in connection with any negligent or willful act or failure to act of the County or any of its officers or employees.

SECTION 7. Annexation.

7.1 Extension of County Limits. Upon the annexation of any territory to the County, the rights granted herein shall extend to the annexed territory to the extent the County has such authority. All Electrical Facilities owned, maintained, or operated by Rocky Mountain Power located within any public ways of the annexed territory shall thereafter be subject to all of the terms hereof.

7.2 Notice of Annexation. When any territory is approved for annexation to the County, the County shall, not later than ten (10) working days after passage of an ordinance approving the proposed annexation, provide by certified mail to Rocky Mountain Power: (a) each site address to be annexed as recorded on county assessment and tax rolls; (b) a legal description of the proposed boundary change; and (c) a copy of the County's ordinance approving the proposed annexation. The notice shall be mailed to:

Rocky Mountain Power Customer Contact Center

Attn: Annexations

P.O. Box 400

Portland, Oregon 97207-0400

With a copy to:

Rocky Mountain Power

Attn: Office of the General Counsel

1407 West North Temple, Room 320

Salt Lake County, UT 84116

SECTION 8. Plan, Design, Construction and Installation of Company Facilities

8.1 All Electrical Facilities installed or used under authority of this Franchise shall be used, constructed and maintained in accordance with applicable federal, state and county laws, codes and regulations.

8.2 Except in the case of an emergency, Rocky Mountain Power shall, prior to commencing new construction or major reconstruction work in the public way or street or other public places, apply for a permit from the County which permit shall not be unreasonably withheld, conditioned, or delayed. Rocky Mountain Power will abide by all applicable ordinances and all reasonable rules, regulations and requirements of the County, and the County may inspect the manner of such work and require remedies as may be reasonably necessary to assure compliance. Notwithstanding the foregoing, Rocky Mountain Power shall not be obligated to obtain a permit to perform emergency services prior to the work being done.

8.3 All Electric Facilities shall be located so as to cause minimum interference with the Public Ways of the County and shall be constructed, installed, maintained, cleared of vegetation, renovated or replaced in accordance with applicable rules, ordinances and regulations of the County.

8.4 If, during the course of work on its Electrical Facilities, Rocky Mountain Power causes damage to or alters the Public Way or public property, Rocky Mountain Power shall (at its own cost and expense and in a manner reasonably approved by the County) replace and restore it in as good a condition as existed before the work commenced.

8.5 In addition to the installation of underground electric distribution lines as provided by applicable state law and regulations, Rocky Mountain Power shall, upon payment of all charges provided in its tariffs or their equivalent, place newly constructed electric distribution lines underground as may be required by County ordinance.

8.6 The County shall have the right without cost to use all poles and suitable overhead structures owned by Rocky Mountain Power within Public Ways for County wires used in connection with its fire alarms, police signal systems, or other public safety communication lines used for governmental purposes; provided, however, any such uses shall be for activities owned, operated or used by the County for a public purpose and shall not include the provision of CATV, internet, or similar services to the public. Provided further, that Rocky Mountain Power shall assume no liability nor shall it incur, directly or indirectly, any additional expense in connection therewith, and the use of said poles and structures by the County shall be in such a manner as to prevent safety hazards or interferences with Rocky Mountain Power's use of same. Nothing herein shall be construed to require Rocky Mountain Power to increase pole size, or alter the manner in which Rocky Mountain Power attaches its equipment to poles, or alter the manner in which it operates and maintains its Electric Facilities. County attachments shall be installed and maintained in accordance with the reasonable requirements of Rocky Mountain Power and the current edition of the National Electrical Safety Code pertaining to such construction. Further, County attachments shall be attached or installed only after written approval by Rocky Mountain Power in conjunction with Rocky Mountain Power's standard pole attachment application process. Rocky Mountain Power shall have the right to inspect, at the County's expense, such attachments to ensure compliance with this Section 8.6 and to require the County to remedy any defective attachments.

8.7 Rocky Mountain Power shall have the right to excavate the Public Rights of Ways subject to reasonable conditions and requirements of the County. Before installing new underground conduits or replacing existing underground conduits, Rocky Mountain Power shall first notify the County of such work by written notice and shall allow the County, at its own expense, (to include a pro rata share of the trenching costs), to share the trench of Rocky Mountain Power to lay its own conduit therein, provided that such action by the County will not unreasonably interfere with Rocky Mountain Power's Electrical Facilities or delay project completion.

8.8 Before commencing any street improvements or other work within a Public Way that may affect Rocky Mountain Power's Electric Facilities, the County shall give written notice to Rocky Mountain Power.

SECTION 9. Relocations of Electric Facilities.

9.1 The County reserves the right to require Rocky Mountain Power to relocate its Electric Facilities within the Public Ways in the interest of public convenience, necessity, health, safety or welfare at no cost to the County. Within a reasonable period of time after written notice, Rocky Mountain Power shall promptly commence the relocation of its Electrical Facilities. Before requiring a relocation of Electric Facilities, the County shall, with the assistance and consent of Rocky Mountain Power, identify a reasonable alignment for the relocated Electric Facilities within the Public Ways of the County.

The County shall assign or otherwise transfer to Company all right it may have to recover the cost for the relocation work and shall support the efforts of Rocky Mountain Power to obtain reimbursement.

9.2 Rocky Mountain Power shall not be obligated to pay the cost of any relocation that is required or made a condition of a private development. If the removal or relocation of facilities is caused directly or otherwise by an identifiable development of property in the area, or is made for the convenience of a customer, Rocky Mountain Power may charge the expense of removal or relocation to the developer or customer. For example, Rocky Mountain Power shall not be required to pay

relocation costs in connection with a road widening or realignment where the road project is made a condition of or caused by a private development.

SECTION 10. Subdivision Plat Notification. Before the County approves any new subdivision and before recordation of the plat, the County shall send a copy of the proposed plat to Rocky Mountain Power for the Company's review and comment as to the adequacy of plat provisions for Electrical Facilities, including underground facilities to be installed by the developer, and associated rights of way depicted on the plat. The County shall take into consideration comments provided by Rocky Mountain Power. A copy of the plat shall be mailed or emailed to:

Rocky Mountain Power

Attn: Estimating Department

780 N Main St

Smithfield, Utah 84335

Or,

Subdivision Plat Notification@pacificcorp.com

SECTION 11. Vegetation Management. Rocky Mountain Power or its contractor may prune all trees and vegetation which overhang the Public Ways, whether such trees or vegetation originate within or outside the Public Ways to prevent the branches or limbs or other part of such trees or vegetation from interfering with Rocky Mountain Power's Electrical Facilities. Such pruning shall comply with the *American National Standard for Tree Care Operation (ANSI A300)* and be conducted under the direction of an arborist certified with the International Society of Arboriculture. A growth inhibitor treatment may be used for trees and vegetation species that are fast-growing and problematic. Nothing contained in this Section shall prevent Rocky Mountain Power, when necessary and with the approval of the owner of the property on which they may be located, from cutting down and removing any trees which overhang streets.

SECTION 12. Renewal. At least 120 days prior to the expiration of this Franchise, Rocky Mountain Power and the County either shall agree to extend the term of this Franchise for a mutually acceptable period of time or the parties shall use best faith efforts to renegotiate a replacement Franchise. Rocky Mountain Power shall have the continued right to use the Public Ways of the County as set forth herein in the event an extension or replacement Franchise is not entered into upon expiration of this Franchise.

SECTION 13. No Waiver. Neither the County nor Rocky Mountain Power shall be excused from complying with any of the terms and conditions of this Franchise by any failure of the other, or any of its officers, employees, or agents, upon any one or more occasions to insist upon or to seek compliance with any such terms and conditions.

SECTION 14. Transfer of Franchise. Rocky Mountain Power shall not transfer or assign any rights under this Franchise to another entity, except transfers and assignments by operation of law, or to affiliates, parents or subsidiaries of Rocky Mountain Power which assume all of Rocky Mountain Power's obligations hereunder, unless the County shall first give its approval in writing, which approval shall not be unreasonably withheld, conditioned or delayed; provided, however, Rocky Mountain Power may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Franchise to any financing entity, or agent on behalf of any financing entity to whom Rocky Mountain Power (i) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

SECTION 15. Amendment. At any time during the term of this Franchise, the County through its County Council, or Rocky Mountain Power may propose amendments to this Franchise by giving thirty (30) days written notice to the other party of the proposed amendment(s) desired, and both parties thereafter, through their designated representatives, will, within a reasonable time, negotiate in good faith in an effort to agree upon mutually satisfactory amendment(s). No amendment or amendments to this Franchise shall be effective until mutually agreed upon by the County and Rocky Mountain Power and formally adopted as an ordinance amendment, which is accepted in writing by Rocky Mountain Power.

SECTION 16. Notices. Unless otherwise specified herein, all notices from Rocky Mountain Power to the County pursuant to or concerning this Franchise shall be delivered to the County Recorder's Office. Unless otherwise specified herein, all notices from the County to Rocky Mountain Power pursuant to or concerning this Franchise shall be delivered to the Customer Services Vice President, Rocky Mountain Power, 201 South Main, Suite 2400, Salt Lake County, Utah 84111, and such other office as Rocky Mountain Power may advise the County of by written notice.

SECTION 17. Severability. If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, or superseded by other lawful authority including any state or federal regulatory authority having jurisdiction thereof or unconstitutional, illegal or invalid by any court of common jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which will remain in full force and effect for the term of the Franchise or any renewal or renewals thereof.

SECTION 18. Waiver of Jury Trial. To the fullest extent permitted by law, each of the parties hereto waives any right it may have to a trial by jury in respect of litigation directly or indirectly arising out of, under or in connection with this agreement. Each party further waives any right to consolidate any action in which a jury trial has been waived with any other action in which a jury trial cannot be or has not been waived.

PASSED by the County Council of the County of Cache, Utah this 12th day of April, 2016.

ATTEST: COUNTY COUNCIL

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Jill N. Zollinger, County Clerk/Auditor Gregory Merrill, Council Chair