INDEX for 2010 PERRY MUNICIPAL CODE

Adopted 01/13/11

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Adopted 01/13/11 and Ratified ??/??/11
Containing Two Volumes (A and B)

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Containing Two Volumes (A and B)

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01.04.060. Computation of Time.
01.04.070. Construction.
01.04.080. Repeal Shall Not Revive any Ordinances.

01.04.010. Definitions.

The following words and phrases, whenever used in the ordinances of the City of Perry, 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:

1. City: The City of Perry, or the area within the territorial limits of the City, and such territory outside the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
2. Council: The City Council of the City of Perry “All its members” or “all Council members” means the total number of Council members holding office.
3. County: This term refers to the county of Box Elder.
4. Law: This term denotes applicable federal law, the Constitution and statutes of the state of Utah, the ordinances of the City, and when appropriate, any and all rules and regulations which may be promulgated thereunder.

5. May: The word “may” is permissive.
6. Month: One calendar month.
7. Must/shall: These are each mandatory terms.
8. Oath: An 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.”
9. Owner: As applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirely, of the whole or part of such building or land.
10. Person: 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.
11. Personal Property: Money, goods, chattels, things in action and evidences of debt.
12. Preceding/Following: These terms mean next before and next after, respectively.
13. Property: The term includes real and personal property.
14. Real Property: This term includes lands, tenements, and herditaments.
15. Sidewalk: That portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
16. State: This term refers to the state of Utah.
17. Street: Streets include all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in the City 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.
18. Tenant/Occupant: These terms are applied to a building or land, and include any person who occupies the whole or a part of such building or land, whether alone or with others.
19. Written: Printed, typewritten, mimeographed, multigraphed, typed, or otherwise reproduced in permanent visible form.
20. Year: This term refers to one calendar year.

01.04.020. 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.

01.04.030. Grammatical Interpretation.

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

1. Gender: Each gender includes the masculine, feminine and neuter genders.
2. Singular and Plural: The singular number includes the plural and the plural includes the singular.
3. Tenses: Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable.

01.04.040. 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.

01.04.050. Prohibited Acts Include Causing and Permitting.

Whenever in the ordinances of the City any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the face of such act or omission.

01.04.060. 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.

01.04.070. Construction.

The provisions of the ordinances of the City and all proceedings under them are to be construed with a view to affect their objects and to promote justice.

01.04.080. 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.

Chapter 01.08.
CORPORATE SEAL

01.08.010 Corporate Seal.

01.08.010 Corporate Seal.
The official corporate seal of the City shall be one and seven-eighths inches in diameter and the following device: Inside the inner circle the words, "Corporate Seal," and near the outer circle the words, "City of Perry, Box Elder County, Utah."

Chapter 01.12.
CITY BOUNDARIES
(Reserved)

Chapter 01.16.
GENERAL PENALTY

01.16.010. General Penalty.

01.16.010. General Penalty.
Except in cases where a different punishment is prescribed by ordinance, any person convicted of violating any ordinance of the City shall be punished by a fine not to exceed one thousand dollars ($1,000.00), imprisonment not to exceed six (6) months, or both.

Legislative History
Many amendments made to 1997 Codification.
New numbering system and codification into 2008 Perry Municipal Code: 12/11/08

Title 2, A General Ordinance
ADMINISTRATION AND PERSONNEL

Chapter 02.04. MAYOR
Chapter 02.08. CITY COUNCIL
Chapter 02.10. CITY ADMINISTRATOR
Chapter 02.12. CITY RECORDER
Chapter 02.16. CITY TREASURER
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Chapter 02.24. CHIEF OF POLICE
Chapter 02.28. OFFICERS' BONDS
Chapter 02.32. OFFICERS' SALARIES
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Chapter 02.56. RECORDS ACCESS AND MANAGEMENT
Chapter 02.60. PERSONNEL POLICY

Chapter 02.04.
MAYOR

02.04.010. Preside at Council Meetings.
02.04.020. Duties.

02.04.010. Preside at Council Meetings.

The Mayor shall preside at all meetings of the City Council and in case that he is absent from said meeting one of the Council members may be appointed by the Council to act in his place during his absence.

02.04.020. Duties.

The Mayor shall perform the duties which are, or may be, prescribed by law, or by ordinance, and shall see that the laws and ordinances are faithfully executed.

Chapter 02.08.
CITY COUNCIL

02.08.010. Regular Meetings.
02.08.020. Special Meetings.
02.08.030. General Powers.

02.08.010. Regular Meetings.

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

02.08.020. Special Meetings.

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

02.08.030. General Powers.

The Council members shall perform all duties as are, or may be, prescribed by the statutes of the state, or by the City ordinances, and shall perform such other acts and take such other measures not inconsistent with law, as may be necessary for the efficient government of the City.

Chapter 02.10
CITY ADMINISTRATOR

02.10.010. Creation, Appointment, and Removal.
02.10.020. Qualifications.
02.10.030. Office of the City Administrator.
02.10.040. Limitations.
02.10.050. Compensation.

02.10.010. Creation, Appointment, and Removal.

The office and position of "City Administrator" is hereby created and the appointment or removal for such shall be made by the Governing Body as a group, the Mayor and the members of the City Council each having one vote, and with the Mayor's vote and at least three Council Members' votes being required to take any action (to appoint, remove or take other action). The appointment to this office and position shall be subject to the terms and conditions of any contract or agreement between the City and appointee made contemporaneous with or subsequent to the appointment. One of the terms and conditions of any contract or agreement between the City and appointee shall be the amount of severance pay which shall be paid to the appointee upon removal (if removed before the end of the contracted time period). If not specified in a contract, the amount shall be the equivalent of three months' salary.

02.10.020. Qualifications.

Any candidate for the office and position of City Administrator shall:

1. Have at least a four-year college degree (or graduate degree) in a field relating to public administration, political science, legal studies or law, or public policy.
2. Have at least two years experience working in state or local government.
3. Preference is given to those candidates with advanced or graduate degree(s) in public administration, political science, legal studies or law, public policy, or related fields.
4. Preference is given to those candidates that have supervisory experience, relevant certificate or licenses, demonstrate experience in policy implementation, and other similar experience.
5. Other requirements or preferences as required by law, ordinance, or policy established by the City Council.

02.10.030. Office of the City Administrator.

The office of City Administrator shall be under the supervision and control of the Governing Body. The City Administrator shall perform (or in some instances, supervise the performing of) the following duties:

1. Serve as director of the Administrative Services Department, upon the creation of such department, and supervise other department heads or directors;
2. Administer and exercise supervisory control of all departments, offices, divisions or bureaus of the City, and all subordinate officers and employees of the City;
3. Manage the day-to-day operations of the City as directed by the Mayor and Council;
4. Investigate, examine, or inquire into the affairs or operations of any department, office, division, or commission of the City as needed or authorized by the Mayor and Council;
5. Recommend to the Mayor the hiring, disciplining or terminating of any City employee, or appointed officer;
6. Conduct performance evaluations, recommend pay increases and bonuses for City employees, and initiate pay adjustments as prescribed by ordinance or policy;
7. If a licensed attorney, fill the role of City Attorney for all civil law issues (including reviewing and/or drafting contracts, agreements, ordinances, resolutions, etc., and supervising any prosecuting attorney, special litigation attorney, etc.);
8. Direct the formulation, administration, and enforcement of all laws, the municipal code,

and other ordinances;

9. Assist in the issuance of administrative rules and general administrative procedures;
10. Execute the policies affecting administration that are adopted by the Mayor and Council;
11. Assist in the preparation of the annual budget;
12. Have authority to sign checks and financial instruments on behalf of (substituting for) the Mayor for routine and Council-approved payments, including payroll, bills, invoices and other financial obligations (with the City Treasurer or Deputy Treasurer also signing);
13. Exercise general supervision over all public buildings, parks and other public property under the control and jurisdiction of the City, and ensure proper operation and maintenance of all City offices and facilities;
14. Attend Council meetings as necessary, and act as parliamentarian (as needed);
15. Employ consultants and professional counsel to aid administration as authorized by the Mayor and Council;
16. Examine performance requirements, delivery schedules, and estimates of costs of various contracts involving the City, to ensure completeness and accuracy;
17. Prepare or supervise the preparation of bids, specifications, progress reports and other items that may be required in connection with existing or proposed contracts;
18. Review bids and proposals from other agencies for conformity to contract requirements and help determine acceptable bids and proposals;
19. Assist in negotiating various contracts;
20. Administer contracts for services or otherwise for the City;
21. Coordinate scheduling for implementation and fulfillment of contracts and may act as liaison between City and contract provider;
22. Assist in affairs relating to other entities, agencies, governments, or municipalities as directed by the Mayor and Council;
23. Public relations and media affairs by preparing and issuing communications or and news releases and by directing media operation operated by the municipality;
24. Oversee a proper and effective relationship with the local justice court, as directed by the Mayor and Council; and
25. Perform such other duties as may be delegated or assigned to the City Administrator.

02.10.040. Limitations and Filling a Vacant Position.

A Member of the Governing Body may not serve as City Administrator. The City Administrator shall not simultaneously serve as City Recorder, City Treasurer or director/head of a department other than the Administrative Services Department (referred to as “special positions”), and if an individual is serving in a special position when appointed as City Administrator, then said individual is deemed to be removed from said special position and the special position is deemed to be vacant (and can then be filled according to applicable law). Any vacancy within the office and position of City Administrator shall be filled as soon as possible according to Section 02.10.010 herein. This chapter only serves to create a new office as authorized by *Utah Code Annotated* §10-9-901. Nothing in this chapter shall be construed to limit the powers of the Mayor or Council, nor is this chapter a change in form of government under *Utah Code Annotated* §10-3-830.

02.10.050. Compensation.
Compensation for this office and position shall be in accordance with Chapter 02.32 of the Perry City Municipal Code. Until such time as a salary compensation schedule (including the compensation for the City Administrator) is adopted by the Governing Body, the pay range for this position shall be as follows: $70,000 to $80,000, depending on experience and qualifications, if the individual is an attorney performing (Civil) City Attorney functions; or $40,000 to $60,000, depending on experience and qualifications, if the individual is not an attorney performing (Civil) City Attorney functions.

Chapter 02.12
CITY RECORDER

02.12.010. Appointment: Duties.
On or before the first Monday in February following the municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Recorder. The City Recorder shall perform such duties as are prescribed by state law and City ordinances or resolutions. The City Recorder is ex officio the City Auditor and shall perform the duties of that office.

Chapter 02.16
CITY TREASURER

02.16.010. Appointment: Duties.
On or before the first Monday in February following the municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Treasurer. The City Treasurer shall perform such duties as are prescribed by state law and City ordinances or resolutions.

Chapter 02.20
CITY ATTORNEY

02.20.010. Appointment: Duties.
On or before the first Monday in February following the municipal election, the Mayor, with the advice and consent of the City Council, shall appoint a qualified person to the office of City Attorney. The City Attorney shall exercise the powers and duties given to the City Attorney by state law and by ordinances and resolutions of the City.

Chapter 02.24
CHIEF OF POLICE

02.24.010. Duties.
The Chief of Police shall perform such duties as are now prescribed, or as may hereafter be prescribed by law, ordinance or resolution.

Chapter 02.28
OFFICERS' BONDS

02.28.010. Oaths and Bonds Required.
The following regarding required oaths and bonds:

1. All officers of the City, whether elected or appointed, before they enter upon the duties of their respective offices, shall take and subscribe the constitutional oath of office; and every such officer, before entering upon the duties of his office, shall execute a bond with good and sufficient sureties, to be approved by the City Council, payable to the City in the respective penal sums as are specifically fixed and provided for by resolution or ordinance of the City Council, conditioned for the faithful performance of the duties of his office and the payment of all money received by such officer according to law, this code and any other ordinances of the City.
2. The premium charged by the corporate surety for any bond required as above shall be a legal charge against the funds of the City.
3. All bonds given by the officers of the City shall be filed with the City Recorder, except the bond of the City Recorder, which shall be filed with the City Treasurer.

Chapter 02.32
OFFICERS' SALARIES

02.32.010. Salaries.
The salaries of the elective and appointive officers of the City shall be set from time to time by ordinance of the City Council after public hearing conforming to the requirements of UCA Section 10-3-818.

Chapter 02.33.
COMPENSATION SCHEDULES

02.33.005 Definitions: Elected Officers and Statutory/Appointed Officers.
02.33.010. Compensation Schedule for Elected Officers.
02.33.020. Compensation Schedule for Statutory/Appointed Officers.
02.33.030. Acknowledgment Form for Statutory/Appointed Officers.

02.33.005 Definitions: Elected Officers and Statutory/Appointed Officers.

These terms shall be defined as follows:

1. Elected Officer: This term includes those officers identified in Section 02.33.010.
2. Statutory/Appointed Officer: This term includes those officers identified in Section 02.33.020. See Sections 02.36.020 and 02.36.030 for the definitions of "Exempt Statutory/Appointed Officer" and "Non-Exempt Statutory/Appointed Officer."
3. Ceremonial Appointments: This term includes Deputy Recorders and others who are appointed and/or who take an oath of office but who are not identified in Section 02.33.020 and thus are not "Statutory/Appointed Officers" for purposes of Title 2.

02.33.010. Compensation Schedule for Elected Officers.

Effective with the paycheck including pay for work performed on January 1, 2008, the compensation on a two week basis and annual basis for the referenced elected officers shall be as follows:

1. Mayor: $150.00 every two (2) weeks; $3,900.00 annually; and
2. City Council Member: $100.00 every two (2) weeks; $2,600.00 annually.

02.33.020. Compensation Schedule For Statutory/Appointed Officers.

Effective with the paycheck including pay for work performed on July 1, 2010, the compensation on an hourly and annual basis for the referenced Statutory/Appointed Officers shall be as follows:

1. City Administrator/Attorney ($38.62 Hourly; $80,329.60 Annually); and
2. Police Chief ($26.25 Hourly; $54,600.00 Annually); and
3. City Recorder ($19.35 Hourly; $40,248.00 Annually); and
4. City Treasurer ($15.99 Hourly; $19,507.80 Annually, based on approximately 1220 hours/year, instead of 2080 hours/year).

02.33.030. Acknowledgment Form for Statutory/Appointed Officers.
As a condition of being appointed or hired as a Statutory/Appointed Officer and before a paycheck is provided or oath of office is taken, each such officer shall sign a form acknowledging that he/she voluntarily (and in consideration of pay to be received) agrees to be bound by and understands the terms of Perry Municipal Code, Sections 02.36.020 and 02.36.030. After a Statutory/Appointed Officer is approved by the City Council, the Mayor shall sign the acknowledgment form with the City Recorder attesting to the signature (or a Deputy Recorder attesting if the form is for the City Recorder).

Chapter 02.36
APPOINTMENT OF OFFICERS

02.36.010. Generally.
02.36.020. Definitions: Exempt and Non-Exempt Statutory/Appointed Officers.
02.36.030. Rights of Exempt and Non-Exempt Statutory/Appointed Officers.

02.36.010. Generally.
On or before the first Monday in February following the municipal election, the Mayor, with the advice and consent of the City Council, shall appoint such City officers as are required by state law or City ordinance. Appointed officers shall continue in office until their successors are appointed and qualified unless sooner removed by the City Council.

02.36.020. Definitions: Exempt and Non-Exempt Statutory/Appointed Officers.
These terms shall be defined as follows:

1. Exempt Statutory/Appointed Officer: This term automatically includes the City Administrator and the Police Chief and also includes (if one or more of the following conditions apply) any employee filling a Statutory/Appointed Officer position who either:
    a. Has an employment contract; and/or
    b. Is exempt pursuant to IRS regulations; and/or
    c. Is full-time in his/her Statutory/Appointed Officer responsibilities.
2. Non-Exempt Statutory/Appointed Officer: This person is an employee filling a Statutory/Appointed Officer position who is not included in the definition of Exempt Statutory/Appointed Officer. As long as it is not in conflict with subsection (1) above, this definition includes:
    a. A full-time employee who is a Statutory/Appointed Officer part-time and fulfills other responsibilities part-time; and
    b. A part-time employee who is a Statutory/Appointed Officer, whether or not he/she fulfills other responsibilities part-time.

02.36.030. Rights of Exempt and Non-Exempt Statutory/Appointed Officers.

The following rights shall be available for the referenced positions:

1. Merit employee status is only acquired when specifically hired as a merit employee or as otherwise set forth in state law or in the Personnel Policy, Title 3 of the Perry Municipal Code; and
2. When an individual accepts a position as an Exempt Statutory/Appointed Officer (whether or not having previously served a s a Perry City employee or officer), he/she does not have, acquire, or retain any "merit employee status" (he/she automatically waives and forfeits merit status), but does retain any rights set forth in state law, in the Personnel Policy (Title 3 of the Perry Municipal Code), or in an employment contract; and
3. A Non-Exempt Statutory/Appointed Officer, who was previously hired as a merit employee, would retain his/her "merit employee status" if not re-appointed to a Non-Exempt Statutory/Appointed Officer position; and
4. A Non-Exempt Statutory/Appointed Officer, who was not previously hired as a merit employee, would no longer be an employee or officer of Perry City if not re-appointed to a Non-Exempt Statutory/Appointed Officer position (and if not hired to another position of employment).

Chapter 02.40
OFFICE VACANCIES

02.40.010. Procedure.

Any vacancy in any of the elective offices of the City occasioned by death, resignation, removal or otherwise may be filled for the unexpired term of such office by a majority vote of the whole City Council.

Chapter 02.44
MUNICIPAL JUSTICE COURT

02.44.010. Dissolved.

Pursuant to action taken by the judiciary of the State of Utah, Perry City's Justice Court has been dissolved. Unless otherwise determined by the Mayor and City Council, the Box Elder County Justice Court shall act as the Justice Court for Perry City.

02.44.020. Prosecuting Attorney.
The City Attorney may act as the Prosecuting Attorney for Perry City. In the alternative, the Mayor (with the advice and consent of the City Council) may appoint or enter into a contract with another attorney as the Prosecuting Attorney, said attorney to then act under the direction of the City Attorney.

Chapter 02.48
FIRE DEPARTMENT

02.48.010. Provision of Equipment.
The Mayor and the City Council may provide the necessary firefighting equipment for the residents of the City.

02.48.020. Contract Services.
If in the opinion of the Mayor (and concurred in by the City Council) the City will be better served by arranging and contracting for said fire protection services with the county, another city, an interlocal agreement, a local district, a quasi-municipal corporation, or similar contract or agreement, then and in that event the Mayor (with the advice and consent of the City Council) is authorized to so contract for such services.

Chapter 02.52
ELECTIONS

02.52.010. Election for Mayor and Council Members.
The following regarding elections for Mayors and Council Members:

1. Election for Mayor and Council Members shall be conducted according to the municipal election section of the Utah Code, reference Title 20A and other related provisions.
2. This section provides for the candidates for Mayor and Council members to be nominated at a primary election if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election plus candidates that were not required to run in the primary are to be placed on the November ballot.

02.52.020. Filling Vacancy.
If any person nominated resigns or declines nomination or dies before election day, or if any certificate of nomination is insufficient or inoperative, the vacancy thus occasioned may be filled in the manner required by State law.

Chapter 02.56
RECORDS ACCESS AND MANAGEMENT

02.56.010. Adoption of State Law.
02.56.020. Fees.
02.56.030. Retention Schedule.

02.56.010. Adoption of State Law.
The Utah Government Records Access and Management Act, UCA Chapter 63-2, is adopted by reference as if fully set out in this chapter. A copy of UCA Chapter 63-2 is on file in the office of the City Recorder for public inspection.

02.56.020. Fees.
The City shall establish by ordinance or written formal policy adopted by the City Council a fee schedule to cover the City's actual cost of duplicating records.

02.56.030. Retention Schedule.
The City may establish by ordinance or resolution a retention schedule for City records, which schedule shall be reported to the state archives.

Chapter 02.60
PERSONNEL POLICY

02.60.010. City Employees.
The following regarding all City employees:

1. The City shall have rules, regulations and policies for employees of the City.
2. The rules, regulations and policies for the employees are contained in a document titled "Personnel Policy," codified as Title 3 in the Perry Municipal Code.

02.60.020. Police Employees.
The following regarding police employees:

1. The City shall have additional rules, regulations, standards and policies applicable to only police employees of the City.
2. The additional rules, regulations, standards and policies for the police employees are contained in a book titled "Police Policy and Procedures," said book and amendments thereto to be approved by the Police Chief and by the Mayor.

Legislative History

Chapter 02.10 adopted 5/31/07.
Amended Chapters 02.32, 02.33, and 02.36, etc. in 2008.
Amended Chapters 02.44, 02.48, and 02.52, etc., to be consistent with current law and policy, and new numbering system and codification into 2008 Perry Municipal Code-12/11/2008.
Amended Chapters 02.33.020 Restructure Pay/Benefits: 07/08/2010 and 09/09/2010

Title 3, A General Ordinance
PERSONNEL POLICY

Chapter 03.01. INTRODUCTION
Chapter 03.02. EMPLOYMENT
Chapter 03.03. EMPLOYMENT STATUS AND RECORDS
Chapter 03.04. EMPLOYEE BENEFIT PROGRAMS
Chapter 03.05. EMPLOYEE COMPENSATION
Chapter 03.06. TIMEKEEPING/PAYROLL
Chapter 03.07. WORK CONDITIONS AND HOURS
Chapter 03.08. LEAVES OF ABSENCE
Chapter 03.09. EMPLOYEE CONDUCT AND DISCIPLINARY ACTION
Chapter 03.10. EMPLOYEE GRIEVANCES AND APPEALS
Chapter 03.11. TERMINATION OF EMPLOYMENT

Chapter 03.01.
INTRODUCTION

03.01.010. Introductory Statement.
03.01.020. Employee Acknowledgement Form.

03.01.010. Introductory Statement.

The introduction for this title is as follows:

1. This handbook is designed to acquaint you with Perry City and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as an employee and outlines the programs developed by Perry City to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth.
2. No employee handbook can anticipate every circumstance or question about policy. As Perry City continues to grow, the need may arise and Perry City reserves the rights to revise, supplement, or rescind any policies or portion of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. This handbook is not, and shall not be construed as, an explicit or implied contract, shall not modify any existing status of any Perry City employee, and shall not create any due process requirement in excess of federal or state law. Employees will, of course, be notified of such changes to the handbook as they occur.
3. The provisions of *Utah Code Annotated* 10-3-1101 et seq. as amended, are incorporated herein by reference.

03.01.020. Employee Acknowledgement Form.

The following is the Employee Acknowledgement Form for Perry City Employees:

1. The employee handbook describes the policies, practices and benefits of employment

with Perry City. I agree to abide by the policies in this handbook and I accept the responsibility for informing myself about these policies and understand that I should consult my supervisor, the City Recorder, or the City Administrator, regarding any questions not answered in the handbook. I have entered into my employment relationship with Perry City voluntarily and acknowledge that there is no specified length of employment.

2. Since the information in this Personnel Policies and Procedures handbook is necessarily subject to change, I understand that the information that I have received may be changed or replaced by other policies and procedures, which Perry City may adopt in the future. I understand and acknowledge that no one has promised me that Perry City will not change these policies, and understand that Perry City has reserved the right to change these policies in the future.
3. For Probationary Employees and Exempt Department Heads, I understand and agree that my employment with Perry City may be terminable at-will, meaning that either Perry City or I may terminate the employment relationship at any time for any reason. I understand that neither Perry City nor I have any obligation to base a termination decision on anything other than intent not to continue the employment relationship. No one has promised me that my employment will only be terminated for cause, or only for any particular reason, or will only be terminated through some particular process or procedure above, beyond, or in addition to such due process as may be required by federal or state law.
4. I understand and agree that no one at Perry City has authority to offer me employment on terms different from what is stated in this handbook, and I understand and agree that no one in Perry City is authorized by Perry City to promise in the future that the terms of my employment will be different from what is stated in this handbook.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

Chapter 03.02.
EMPLOYMENT

03.02.010. Nature of Employment.
03.02.020. Employee Relations.
03.02.030. Equal Employment Opportunity.
03.02.040. Ethics and Conduct.
03.02.050. Hiring of Relatives.
03.02.060. Immigration Law Compliance.
03.02.070. Conflicts of Interest.
03.02.080. Outside Employment.
03.02.090. Confidentiality.
03.03.100. Disability Accommodation.
03.02.110. Job Posting and Employee Referrals.

03.02.010. Nature of Employment.

The following regarding the nature of employment:

1. Employment with Perry City is voluntarily entered into, and the employee is free to resign at any time, with or without cause. Policies set forth in this handbook are not intended to create a contract, nor are they to be construed to constitute contractual obligations of any kind or a contract of employment between Perry City and any of its employees. The provisions of the handbook have been developed at the discretion of the administration and with the approval of the city council and may be amended or cancelled at any time, at Perry City's discretion.
2. Employees are responsible for informing themselves about the policies, practices, and benefits set forth in Perry City's handbook by reading them and, if necessary, asking that they be explained to them.
3. These provisions supersede all existing policies and practices and may not be amended or added to without the express written approval of the Mayor and Perry City Council.

03.02.020. Employee Relations.

The following regarding employee relations:

1. Perry City believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in city government. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their supervisors.
2. Our experience has shown that when employees deal openly and directly with supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that Perry City amply demonstrates its commitment to employees by responding effectively to employee concerns.

03.02.030. Equal Employment Opportunity.

The following regarding equal employment opportunity:

1. In order to provide equal employment and advancement opportunities to all individuals, employment decisions at Perry City will be based on qualifications and abilities. Perry City does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.
2. Perry City will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship to the City. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.
3. Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor or the City Administrator. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

03.02.040. Ethics and Conduct.

The following regarding ethics and conduct:

1. The successful operation and reputation of Perry City is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a conscientious regard for the highest standards of conduct and personal integrity.
2. The continued success of Perry City is dependent upon the trust of the members of the public we serve and we are dedicated to preserving that trust. Employees owe a duty to Perry City and the residents of the city to act in a way that will merit this continued trust and confidence.
3. Perry City will comply with all applicable laws and regulations and expects its employees to conduct all duties in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.
4. In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. You are encouraged to openly discuss any situation that arises where it is difficult to determine the proper course of action, openly with your immediate supervisor and, if necessary, with the City Administrator.
5. Compliance with this policy of ethics and conduct is the responsibility of every Perry City employee. Disregarding or failing to comply with this standard of ethics and conduct could lead to disciplinary action, up to and including termination of employment.

03.02.050. Hiring of Relatives.

The following regarding the hiring of relatives:

1. The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.
2. Relatives of persons currently employed by Perry City may be hired only if they will not be working in the same department. Also, they cannot be hired by or report directly to a relative as stated in Utah law prohibiting the employment of relatives. See Utah Code Ann. §§52-3-1 to -4. The City Council of Perry City may make exceptions to this policy as long as such exceptions are in accordance with Utah law.
3. In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.
4. For the purposes of this policy, a "relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.

03.02.060. Immigration Law Compliance.

The following regarding compliance with immigration law:

1. Perry City is committed to employing only citizens of the United States and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.
2. In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with Perry City within the past three years, or if their previous I-9 is no longer retained or valid. Employees with questions or seeking more information on immigration law issues are encouraged to contact the City Administrator. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

03.02.070. Conflicts of Interest.

The following apply for conflicts of interest:

1. Employees have an obligation to conduct job duties within guidelines that prohibit actual or potential conflicts of interest. This policy establishes only the framework within which Perry City wishes to operate. The purpose of these guidelines is to provide general direction so that employees can seek further clarification on issues related to the subject of acceptable standards of conduct. Contact the City Administrator for more information or questions about conflicts of interest.
2. Transactions with outside firms must be conducted within a framework established and controlled by Perry City. Dealings with outside firms should not result in unusual gains

for those firms. Unusual gains refer to bribes; product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both. Promotional plans that could be interpreted to involve unusual gains require specific approval.

3. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative of the employee as a result of Perry City's dealings. For the purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage.
4. No "presumption of guilt" is created by the mere existence of a relationship with outside firms. However, if employees have any influence on transactions involving purchases, contracts, or leases, it is imperative that they disclose to the City Administrator of Perry City as soon as possible the existence of any actual or potential conflict of interest, or the appearance of a conflict of interest, so that safeguards can be established to protect all parties.
5. Personal gain may result not only in cases where an employee or relative has a significant ownership in a firm with which Perry City does business, but also when an employee or relative receives any kickback, bribe, or a substantial gift. Employees are prohibited from soliciting or accepting any gift, gratuity, favor, entertainment, loan or item of monetary value from any person seeking to obtain business with Perry City, or from any person within or outside Perry City employment whose interests may be affected by the employee's performance or nonperformance of official duties. Perry City employees will not accept gifts or gratuities except under circumstances or within the limitations allowed by the Utah Public Offices' and Employees' Ethics Act. See *Utah Code Ann*otated §§67-16-1 to -14.

03.02.080. Outside Employment.

The following regarding outside employment:

1. Employees may hold outside jobs as long as they meet the performance standards of their job with Perry City. All employees will be judged by the same performance standards and will be subject to Perry City's scheduling demands, regardless of any existing outside work requirements.
2. If Perry City determines that an employee's outside work interferes with performance or the ability to meet the requirements of Perry City as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain employed with Perry City.
3. Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside Perry City for materials produced or services rendered while performing their jobs for Perry City.
4. Employees are required to provide written notification to the City Administrator or the Mayor using the Employee's Notice of Secondary Employment, before starting any secondary or outside employment. The City Administrator must give written notice to

the Mayor and City Council before any secondary or outside employment.

03.02.090. Confidentiality.

The following regarding confidentiality:

1. Employees have an unquestionable right to expect all personal information about themselves, their medical conditions, their family and financial circumstances to be kept confidential. Every employee has an obligation to protect this confidence when knowledge of other employees' personal information is necessary. Never discuss personal confidential information with others who are not authorized to receive it, either inside or outside the office.
2. Employees involved with information of significant public interest may not use this privileged information for personal gain, nor to benefit friends or acquaintances. If an employee has an outside interest which could be affected by any Perry City plan or activity, this situation must be reported to the City Administrator immediately. Each employee is charged with the responsibility of ensuring only information that should be made available to the general public is released as defined in the Government Records Access and Management Act. Violation of these provisions regarding privileged information or use for private gain shall be cause for disciplinary action up to and including termination and legal action, even if the employee does not actually benefit from the disclosed information.

03.03.100. Disability Accommodation.

The following regarding accommodations for the disabled within this title:

1. Perry City is committed to complying fully with the Americans with Disabilities Act (ADA) and other laws ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.
2. Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the essential duties of the position.
3. Reasonable accommodation is available to all disabled employees, where their disability affects the performance of job functions and does not cause an undue burden to the City. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.
4. Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.
5. Perry City is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability. Perry City will follow any state or local law that provides individuals with disabilities greater protection than the ADA.

6. This policy is neither exhaustive nor exclusive. Perry City is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

03.02.110. Job Posting and Employee Referrals.

The following regarding job posting and employee referrals:

1. Perry City provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although Perry City reserves its discretionary right to not post a particular opening.
2. Job openings will be posted at the Perry City Offices and through the Box Elder News Journal (if accepting external applicants). Each job posting notice will include the dates of the posting period, job title, department, location, grade level or pay range, job summary, essential duties, and qualifications (required skills and abilities). Preference in hiring may be given to Perry City residents.
3. The head of each City department or division shall be the hiring authority for the employees in that department or division, with notification to the Mayor and City Council and recommendation regarding pay rate. In an emergency, to prevent undue delay or serious interference with the provision of vital City services, the Mayor may make an emergency appointment for a period not to exceed thirty calendar days.
4. To be eligible to apply for a job posted internally, employees must have performed competently for at least six calendar months in their current position and have permission from their current supervisor. Employees who have a written warning on file, or are on probation or suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications.
5. To apply for an open position, employees should submit a job posting application to the head of the requesting department, listing his or her job-related skills and accomplishments. They should also describe how their current experience with Perry City and prior work experience and/or education qualifies them for the position.
6. Perry City recognizes the benefit of developmental experiences and encourages employees to talk with their supervisors about their career plans. Supervisors are encouraged to support employees' efforts to gain experience and advance within the City.
7. An applicant's supervisor may be contacted to verify performance, skills, and attendance. Any staffing limitations or other circumstances that might affect a prospective transfer may also be discussed.
8. Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the hiring manager. Other recruiting sources may also be used to fill open positions in the best interest of the City.
9. Perry City also encourages employees to identify friends or acquaintances who are interested in employment opportunities and to refer qualified outside applicants for

posted jobs. Employees should obtain permission from the individual before making a referral, share their knowledge of Perry City, but may not make commitments or oral promises of employment.

10. An employee should submit the referral's resume and/or completed application form to the head of the requesting department for a posted job. If the person being referred is interviewed, the referring employee will be notified of the initial interview and the final selection decision.

Chapter 03.03.
EMPLOYMENT STATUS AND RECORDS

03.03.010. Employment Categories.
03.03.020. Access to Personnel Files.
03.03.030. Employment Reference Checks.
03.03.040. Personnel Data Changes.
03.03.050. Introductory Period.
03.03.060. Employment Applications.
03.03.070. Performance Evaluation.

03.03.010. Employment Categories.

The following regarding categories of employment:

1. It is the intent of Perry City to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Perry City will pay at least minimum wages and overtime to all employees except those who are specifically exempt from minimum wage and overtime under the Fair Labor Standards Act (FLSA). Perry City will also provide equal pay to all employees doing similar work which requires substantially equal skill, effort, and responsibility and are performed under similar working conditions in accordance with the FLSA and the Equal Pay Act.
2. Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by Mayor and City Council.
3. In addition to the above categories, each employee will belong to one other employment category:
    a. Introductory Employees: Those employees whose performance is being evaluated to determine whether further employment in a specific position or with Perry City is appropriate. Perry City’s introductory period is for 12 months and may be extended up to a maximum of 24 months if the employee’s supervisor feels it necessary. Employees who satisfactorily complete the introductory period will be

notified of their new employment classification. Probationary employees of Perry City may be terminated at-will, meaning that the City or the employee may terminate the employment relationship at any time for any or no reason.

b. Regular Full-Time Employees: Those employees who are not in a seasonal or introductory status and who are regularly scheduled to work 35 hours or more per week according to Perry City's full-time schedule. Generally, they are eligible for Perry City's full benefit package, subject to the terms, conditions, and limitations of each benefit program and subject to the employee's financial participation in certain benefits.

c. Regular Part-Time Employees: Those employees who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 35 hours per week. While regular part-time employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of Perry City's other benefit programs.

d. Seasonal and Temporary Employees: Those employees who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Temporary employees either on an as needed basis or a temporary on-going basis retain that status unless and until notified of a change. While temporary employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of Perry City's other benefit programs.

4. When an employee changes from a Seasonal/Temporary or regular part-time employment to full-time employment the employee is subject to a new 12 month introductory period for that position.
5. When a new position is created, the department or division superintendent shall send the City Administrator a request for classification of the position with a description of the applicable duties and responsibilities to be assigned to the position. The City Administrator shall then create a formal job description for the position, after analysis and evaluation of the duties and responsibilities. The new position must be approved by the City Council.
6. When the assignment of an employee has changed substantially as to kind and/or level of work, the department head shall initiate a request for change in classification. Such request should be submitted in writing to the City Administrator, accompanied by a position description prepared by the department or division head and a written description of the reasons for the change in classification. Reclassification will be subject to budgetary limitations.
7. If the Mayor determines that the position has changed sufficiently, he will recommend reclassification to the City Council. If the City Administrator recommends that a reclassification is not justifiable, his decision may be appealed to the City Council. If the appeal is denied, no similar request may be submitted within six (6) months.

03.03.020. Access to Personnel Files.

The following regarding access to personnel files:

1. Perry City maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records. All information in the personnel file will remain in the file and is not allowed to be removed for any reason.
2. Personnel files are the property of Perry City, and access to the information they contain is restricted. Generally, only supervisors and management personnel of Perry City who have a legitimate reason to review information in a file are allowed to do so.
3. Employees who wish to review their own file should contact the City Recorder. With reasonable advance notice, employees may review their own personnel files in Perry City's offices and in the presence of an individual appointed by Perry City to maintain the files and may make copies of certain documents when permitted by law.

03.03.030. Employment Reference Checks.

The following regarding employment reference checks:

1. To ensure that individuals who join Perry City are well-qualified and have a strong potential to be productive and successful, it is the policy of Perry City to check the employment references and to complete a criminal background checks of all applicants.
2. Only authorized Perry City personnel will respond in writing only to those reference check inquiries that are submitted in writing and have the former employee's authorized signature giving permission to release the information. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held. No employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry.

03.03.040. Personnel Data Changes.

It is the responsibility of each employee to promptly notify Perry City of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of any emergency, educational accomplishments, and/or other such status reports should be accurate and current at all times. If any personnel data has changed, notify the Payroll Clerk.

03.03.050. Introductory Period.

The following regarding the introductory period:

1. The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. Perry City uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or Perry City may end the employment relationship at any time during the introductory

period, with or without cause or advance notice.

2. All new, rehired employees, and employees who may change status (i.e., change from seasonal/temporary or regular part-time to full-time status) work on an introductory basis of a minimum of 12 months up to a maximum of 24 months after their date of hire or change of status. For sworn police officers, the introductory period will be 90 days after graduation from P.O.S.T. Academy and completion of the 12-24 month introductory period. Any significant absence will automatically extend an introductory period by the length of the absence. If Perry City determines that the designated introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended at the supervisor's or department head's discretion for a specified period.
3. Upon satisfactory completion of the introductory period, the department or division head shall submit in writing an evaluation and recommendation for the employee to enter the "regular" employment classification.
4. During the introductory period, employees are generally eligible for Perry City's benefit package, subject to the terms, conditions, and limitations of each benefit program. They are also eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security.

03.03.060. Employment Applications.

Perry City relies on the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in Perry City's exclusion of the individual from further consideration for employment or, if the person has been hired, will constitute grounds for the immediate termination of employment.

03.03.070. Performance Evaluation.

The following regarding performance evaluation:

1. Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the introductory period, allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.
2. The performance of all employees is generally evaluated according to an ongoing 12-month cycle every April. However, some departments may elect to evaluate the performance of their employees on a quarterly basis.
3. These evaluations will be used to:
    a. improve employee effectiveness;
    b. assess training needs and plan training activities; and

c. evaluate possible promotions, separations, salary advancements, and other personnel actions.

Chapter 03.04.
EMPLOYEE BENEFIT PROGRAMS

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03.04.010. Employee Benefits.

The following regarding employees' benefits:

1. Eligible employees at Perry City are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability and unemployment insurance) cover all employees in the manner prescribed by law.
2. Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor or the Payroll Clerk can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.
3. Employees who have completed their probationary period before September 1, 2007 will be grandfathered in on the previous eligibility requirements, unless the employee elects the current City Benefits. All employees hired after this date should contact the Payroll Clerk for current plan details and eligibility requirements.
4. The following benefit programs are currently available to full-time employees:
    a. 401(k) Savings Plan through Utah Retirement Systems
    b. Benefit Conversion at Termination {COBRA)
    c. Bereavement Leave
    d. Cafeteria Plan, including flexible spending for health care and dependent care expenses
    e. Dental Insurance
    f. Family Medical Leave
    g. Holidays
    h. Jury Duty Leave
    i. Life Insurance
    j. Medical Insurance

k. Military Leave
l. Paid Time Off (PTO)
m. Supplemental Life Insurance
n. Vision Care Insurance
o. Home Owners Insurance
p. Pre-paid Legal Insurance

5. Only Regular & Introductory Full-Time Perry City employees are eligibility for Perry City's full benefits package of, Life Insurance, Health Insurance, Dental Insurance, Vision Insurance, Flexible Spending Accounts, paid vacation, and holidays. All benefits are subject to change.

03.04.020. Perry City Health Plan.

The following regarding Perry City's health plan:

1. Perry City's health plan and contributions are subject to insurance coverage costs and budget limitations and are subject to change depending on these factors. The information below explains the current plan details:
    a. Perry City will be using a health program approved by the Mayor and City Council at the beginning of each benefit year. For additional questions regarding the plan or doctors on the plan, see the payroll clerk.
    b. Perry City's health plan provides employees and their dependents access to medical care benefits. Eligible employees may participate in the health plan subject to all terms and conditions of the agreement between Perry City and the benefit provider.
    c. A change in employment classification that would result in loss of eligibility to participate in the health plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy or contact the benefit provider for more information.
2. Details of the health plan are described in the Summary Plan Description (SPD). An SPD and information will be provided in advance of enrollment to eligible employees. Contact the Payroll Clerk for more information about health plan benefits and the Perry City's contributions.

03.04.030. Perry City Dental Plan.

Perry City's dental plan and contributions are subject to insurance coverage costs and budget limitations and are subject to change depending on these factors. The information below explains the current dental plan details: Perry City will be using a dental program approved by the Mayor and City Council at the beginning of each benefit year. Please review detailed plan description booklets for more information. If you have additional questions regarding the plan or dentists on the plan see the payroll clerk.

03.04.040. Benefits Continuation (COBRA).

The following regarding continuation of benefits:

1. The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health coverage under Perry City's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.
2. Under COBRA, the employee or beneficiary pays the full cost of coverage at Perry City's group rates plus an administration fee of 2%. The benefit provider will provide each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under Perry City's health insurance plan. The notice contains important information about the employee's rights and obligations.

03.04.050. Life Insurance.

The following regarding life insurance:

1. Life insurance offers you and your family important financial protection. Perry City provides a basic life insurance plan for eligible employees paid for by Perry City. Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan.
2. Employees in the following employment classifications are eligible to participate in the life insurance plan:
    a. Regular Full-Time employees
    b. Introductory Full-Time employees
3. Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between Perry City and the insurance carrier.
4. Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description provided to eligible employees. Contact the Payroll Clerk for more information about life insurance benefits.

03.04.060. 401k and other Retirement Plans.

Only regular & Introductory Full-Time employees are eligible for Perry City’s retirement plans. For plan details, please see contact the Payroll Clerk.

03.04.070. Vacation Benefits.

The following regarding vacation benefits:

1. Vacation time off with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:
    a. Regular Full-Time employees

b. Introductory Full-Time employees

2. The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

VACATION SCHEDULE

Full-Time Employees			
Years Employed	**Hours Accrued Per Pay Period**	**Hours Accrued Per Year**	**Days Accrued Per Year**
*0-1 year	2	52	6.5
1-10 years	4	104	13
10-15 years	6	156	19.5
15+ years	8	208	26

*Introductory Period

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3. The length of eligible service is calculated on the basis of a "benefit year." This is the 12-month period that begins when the employee begins to earn vacation time and ends every June 30th. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)
4. Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the schedule. Vacation time can be used, on the 1st of the month following 30 days of employment, or upon entering an eligible employment classification. Employees can request use of earned vacation time including that accrued during the waiting period.
5. Paid vacation time can be used in minimum increments of one-hour per day. To take vacation, employees should request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including city needs and staffing requirements.
6. Vacation time-off is paid at the employee's base pay rate at the time of vacation. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.
7. As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, June 30th, employees may carry-over up to 150% of their accrued benefit hours. For example, if you have been with the City for two (2) years, you can carry over up to 156 hours. If you have been with the City for eleven (11) years, you can carry over up to 234 hours (see matrix on next page). Any accrued annual leave in excess of 150% of your current benefit accrual shall be forfeited on July 1st of any given year.

Upon Separation of employment, employees will be paid for unused vacation time that has been earned through the last day of work.

VACATION CARRY OVER MATRIX

Full-Time Employees			
Years Employed	**Hours Accrued Per Year**	**Days Accrued Per Year**	**Hours allowed to Carry Over (150%)**
0-1 year	52	6.5	52*
1-10 years	104	13	156
10-15 years	156	19.5	234
15+	208	26	312

*First year only 52 hours possible

03.04.080. Holidays.

The following regarding holidays under this title:

1. Perry City will grant twelve (12) paid holidays to all Regular and Introductory Full-time employees. Ten (10) regular set holidays and two (2) floating holidays that will be predetermined by Administration at the beginning of the year. The set holidays are:
    a. New Year's Day
    b. Dr. Martin Luther King, Jr. Day
    c. Washington and Lincoln Day
    d. Memorial Day
    e. Independence Day
    f. Labor Day
    g. Veteran's Day
    h. Thanksgiving
    i. Day after Thanksgiving
    j. Christmas
2. Perry City will grant paid holiday time off to all eligible employees on the 1st of the month following 30 days of employment. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day. Eligible employee classification(s):
    a. Regular Full-Time employees
    b. Introductory Full-Time employees
3. A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday.

4. If a recognized holiday falls during an eligible employee's paid absence (such as vacation or sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.
5. If eligible nonexempt employees work on a recognized holiday, they will receive regular wages at one and one-half times their straight-time rate for the hours worked on the holiday. Exempt employees will be given compensatory time at one and one-half times their straight-time rate for hours worked on the holiday. However, employees must have written authorization from their immediate supervisor prior to working on a holiday.
6. Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

03.04.090. Sick Leave Benefits.

The following regarding sick leave benefits:

1. Perry City provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):
    a. Regular Full-Time Employees
    b. Introductory Full-Time employees
2. Eligible employees will accrue sick leave benefits as follows:

SICK LEAVE				
Eligible	**Accrual Hours Per Pay Period**	**Hours Accrued Per Year**	**Days Accrued Per Year**	**Maximum Annual Accrual**
Regular/Introductory Full-Time Employees	2	52	6.5	90 days (720 hours)

3. Sick leave benefits are calculated on the basis of a "benefit year," the 12-month period that begins when the employee starts to earn sick leave benefits.
4. Employees can request use of paid sick leave on the first of the month following 30 days of employment. Paid sick leave can be used in minimum increments of one hour. Eligible employees may use sick leave benefits for an absence due to their own illness, injury or to take care of a sick family member.
5. Employees who are unable to report to work due to illness or injury should notify their direct supervisor before the scheduled start of their workday, if possible. The direct supervisor must also be contacted on each additional day of absence. The department head may ask for a doctor’s note following three consecutive days of sick leave and employee is required to provide such note.
6. Sick leave benefits will be calculated based on the employee's base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials. As an additional condition of eligibility for

sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or City-provided disability insurance programs if available and if offered by the city. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

7. Unused sick leave benefits will be allowed to accumulate until the employee has accrued a total of ninety (90) calendar day's worth of sick leave benefits. If the employee's benefits reach this maximum, further accrual of sick leave benefits will be suspended until the employee has reduced the balance below the limit. Unused sick leave may be converted into vacation leave at a rate of three hours of sick leave for each hour of vacation with a maximum conversion of 36 hours of sick leave to 12 hours of vacation leave.
8. Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment.
9. If an employee is separated and has unused, accrued sick leave, they will not be compensated for the unused sick leave.
10. Perry City realizes that employees with contagious, temporary illnesses such as influenza, colds, and other viruses need to continue with normal-life activities which include work. In deciding whether an employee with an apparent short-term, contagious illness may continue to work, the City considers several factors when deciding whether or not the employee is capable of work. The employee must be able to perform normal job duties and meet regular performance standards. In the judgment of the employer, the employee's continued presence must pose no risk to the health of the employee, other employees, and/or customers. If an employee disputes the company's determination that such a risk exists, the employee must submit a statement from his or her attending health care provider that the employee's presence in the workplace poses no significant risk to the employee, other employees or customers.
11. Supervisors are encouraged to remind employees that the company provides paid sick leave to cover absences due to contagious and temporary illnesses. All employees are urged to contact Human Resources regarding any questions about the possible contagious nature of another employee's temporary illness.

03.04.100. Workers' Compensation Insurance.

The following regarding workers' compensation insurance:

1. Perry City provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.
2. Employees who sustain work-related injuries or illnesses should inform their supervisor

immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

3. Neither Perry City nor the insurance carrier will be liable for the payment of workers' compensation benefits for injuries that occur during an employee's voluntary participation in any off-duty recreational, social, or athletic activity sponsored by Perry City.

Chapter 03.05.
EMPLOYEE COMPENSATION

03.05.010. Salary Schedule.

03.05.010. Salary Schedule.

The following regarding the salary schedule:

1. Perry City's Salary Schedule is detailed in appendix A of this handbook. The Salary Schedule for each position at Perry City is based on the lane the position is assigned to, the work experience of the employee, and employee performance. Each employee is eligible for performance-based raises that are made effective starting the pay period which includes July 1st.
2. Performance is generally evaluated according to an ongoing 12-month cycle each April. However the department within which the employee works may elect to evaluate performance on a more regular basis.

Chapter 03.06.
TIMEKEEPING/PAYROLL

03.06.010. Timekeeping.
03.06.020. Paydays.
03.06.030. Administrative Pay Corrections.
03.06.040. Pay Deductions and Setoffs.
03.06.050. Circumstances in Which Perry City May Make Deductions from Pay from an Exempt Employee.
03.06.060. Improper Deduction.
03.06.070. Employment Termination.
03.06.080. Policy.

03.06.010. Timekeeping.

The following regarding timekeeping:

1. Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require Perry City to keep an accurate record of time worked in

order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

2. Nonexempt employees should accurately record the time they begin and end their work, as well as the beginning and ending time of each unpaid meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Overtime work must always be approved by the direct supervisor before it is performed.
3. Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.
4. It is the employee's responsibility to sign their time records to certify the accuracy of all time recorded. The supervisor will review and then initial the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

03.06.020. Paydays.

The following regarding paydays:

1. All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.
2. In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.
3. If a regular payday falls during an employee's vacation, the employee's paycheck or statement of wages will be available upon his or her return from vacation.
4. Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to Perry City. Employees will receive an itemized statement of wages when Perry City makes direct deposits.

03.06.030. Administrative Pay Corrections.

The following regarding administrative pay corrections:

1. Perry City takes all reasonable steps to ensure that employees receive the correct amount of pay in each paycheck and that employees are paid promptly on the scheduled payday.
2. In the unlikely event that there is an error in the amount of pay, the employee should promptly bring the discrepancy to the attention of the Payroll Department so that corrections can be made as quickly as possible.

03.06.040. Pay Deductions and Setoffs.

The following regarding pay deductions and setoffs:

1. The law requires that Perry City make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. Perry City also must deduct Social Security taxes on each employee's earnings up to a specified

limit that is called the Social Security "wage base." Perry City matches the amount of Social Security taxes paid by each employee.

2. Perry City offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their paychecks to cover the costs of participation in these programs.
3. Pay setoffs are pay deductions taken by Perry City, usually to help pay off a debt or obligation to Perry City or others.
4. If you have questions concerning why deductions were made from your paycheck or how they were calculated, your supervisor can assist in having your questions answered.

03.06.050. Circumstances in Which Perry City May Make Deductions from Pay from an Exempt Employee.

Deductions from pay are permissible when an exempt employee: is absent from work for one or more full days for personal reasons other than sickness or disability; for absences of one or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness; to offset amounts employees receive as jury or witness fees, or for military pay; or for unpaid disciplinary suspensions of one or more full days imposed in good faith for workplace conduct rule infractions. Also, Perry City is not required to pay the full salary in the initial or terminal week of employment; for penalties imposed in good faith for infractions of safety rules of major significance, or for weeks in which an exempt employee takes unpaid leave under the Family and Medical Leave Act. In these circumstances, either partial day or full day deductions may be made.

03.06.060. Improper Deduction.

The following regarding handling improper deductions

1. If you believe that an improper deduction has been made to your salary, you should immediately report this information to your department head, or to the Payroll Clerk
2. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, you will be promptly reimbursed for any improper deduction made.

03.06.070. Employment Termination.

The following regarding employment termination:

1. Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:
    a. Resignation: Voluntary employment termination initiated by an employee.
    b. Discharge: Involuntary employment termination initiated by the organization.
    c. Layoff: Involuntary employment termination initiated by the organization for non-disciplinary reasons.
    d. Retirement: Voluntary employment termination initiated by the employee meeting

age, length of service, and any other criteria for retirement from the organization.

2. Perry City will generally schedule exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to Perry City, or return of Perry City-owned property. Suggestions, complaints, and questions can also be voiced.
3. Employees will receive their final pay in accordance with applicable state law. Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

03.06.080. Policy.

It is our policy to comply with the salary basis requirements of the FLSA. Therefore, we prohibit all City supervisors or Department Heads from making any improper deductions from the salaries of exempt employees. We want employees to be aware of this policy and that Perry City does not allow deductions that violate the FLSA.

Chapter 03.07.
WORK CONDITIONS AND HOURS

03.07.010. Safety.
03.07.020. Use of Equipment.
03.07.030. Use of Phone and Mail Systems.
03.07.040. Use of Tobacco Products.
03.07.050. Work Schedules.
03.07.060. Rest and Meal Periods.
03.07.070. Overtime and/or Compensation Time.
03.07.080. On-Call or Standby Duties.
03.07.090. Emergency Closings.
03.07.100. Travel Expenses.
03.07.110. Visitors in the Workplace.
03.07.120. Computer and E-mail Usage.
03.07.130. Workplace Monitoring.
03.07.140. Workplace Violence Prevention.

03.07.010. Safety.

The following regarding safety under this ordinance:

1. To assist in providing a safe and healthful work environment for employees, customers, and visitors, the City has established a workplace safety program. This program is a top priority for Perry City. The Perry City Risk Management Department has responsibility

for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all employees.

2. Perry City provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.
3. Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.
4. Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, cause hazardous or dangerous situations, or fail to report or, where appropriate, remedy such situations may be subject to disciplinary action, up to and including termination of employment.
5. In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees are required to immediately notify their supervisor. The supervisor is required to notify Perry City Risk Management Specialist within 24 hours. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

03.07.020. Use of Equipment.

The following regarding use of equipment under this ordinance:

1. Equipment essential in accomplishing job duties is often expensive and may be difficult to replace. When using property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.
2. Please notify the supervisor if any equipment, machines, or tools appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment used on the job.
3. The improper, careless, negligent, destructive, or unsafe use or operation of equipment can result in disciplinary action, up to and including termination of employment.

03.07.030. Use of Phone and Mail Systems.

The following regarding the use of phone and/or mail systems:

1. Personal use of the telephone for long-distance and toll calls is not permitted. Employees should practice discretion when making local personal calls and may be required to reimburse Perry City for any charges resulting from their personal use of the telephone.
2. The use of Perry City-paid postage for personal correspondence is not permitted.
3. To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

03.07.040. Use of Tobacco Products.
In keeping with Perry City's intent to provide a safe and healthful work environment, and to comply with the Utah Clean Air Act, tobacco use is prohibited throughout the workplace and smoking is prohibited within 50 feet of the building entrance and any ventilation ducts. Tobacco use is also prohibited in all City Vehicles. This policy applies equally to all employees and visitors.

03.07.050. Work Schedules.
The following regarding work schedules:

1. Work schedules for employees vary throughout our organization. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.
2. Flexible scheduling, or flextime, is available in some cases to allow employees to vary their starting and ending times each day within established limits. Flextime may be possible if a mutually workable schedule can be negotiated with the supervisor involved. However, such issues as staffing needs, the employee's performance, and the nature of the job will be considered before approval of flextime. Employees should consult their supervisor to request participation in the flextime program.

03.07.060. Rest and Meal Periods.
The following regarding rest and meal periods:

1. Perry City follows the current state and federal laws for rest and meal periods. Supervisors will advise employees of the regular rest period length and schedule.
2. Except for Public Safety employees or as otherwise required by law, rest breaks of short duration, usually fifteen (15) minutes, are considered hours worked and should be compensated. Meal periods, typically thirty (30) to sixty (60) minutes, generally need not be compensated provided the employee is completely relieved from duty for the purpose of eating. The rest break is paid work time, while the meal period is unpaid time provided during the 30 minutes or more.
3. Each workday, full-time nonexempt employees are provided with two rest periods, part-time employees are provided with one rest period. Supervisors will advise employees of the regular rest period length and schedule. To the extent possible, rest periods will be provided in the middle of work periods. Since this time is counted and paid as time worked, employees must not be absent from their workstations beyond the allotted rest period time.
   All full-time employees are provided with one unpaid meal period each workday. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time.

03.07.070. Overtime and/or Compensation Time.

The following regarding overtime and/or compensation time:

1. When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours. When possible, advance notification of these mandatory assignments will be provided. All overtime work must have signed authorization from both the department head and the City Administrator or Mayor prior to any overtime worked. Overtime assignments will be distributed as equitably as practical to all employees qualified to perform the required work.
2. Overtime compensation is paid or given as compensatory time to all nonexempt employees in accordance with federal and state wage and hour restrictions. Overtime pay is based on actual hours worked. Time off on sick leave, vacation leave, guaranteed show-up time in certain situations, or any leave of absence will not be considered hours worked for purposes of performing overtime calculations.
3. Compensatory time is paid time off the job which is earned and accrued by an employee in lieu of immediate cash payment for overtime hours worked at a rate of time-and-one-half of hours worked as required by the Fair Labor Standards Act. Perry City prefers that employees required to work overtime elect to take compensatory time. Upon Perry City's fiscal year end, June 30th, all but forty (40) hours of unused accrued compensatory time will be paid out to the employee at the required overtime rate.
4. Perry City follows the Fair Labor Standards Act for all overtime calculations and compensation, including exceptions for law enforcement and fire protection employees. For law enforcement employees, overtime hours are any hours worked over 171 hours during a 28-day period. Fire Protection employees are due overtime for any hours worked over 212 hours during a 28-day period.
5. Employees may be subject to disciplinary action, up to and including possible termination of employment for working overtime without receiving prior authorization from their supervisor.

03.07.080. On-Call or Standby Duties.

The following regarding on-call or standby duties:

1. Perry City may need employees to be on call or standby to help with emergency situations. While the employee is on call or standby, they can use their time freely, and are not performing a specific assigned task they just need to be available by phone or pager to respond to Perry City needs in a timely manner.
2. Perry City offers on call or standby compensation. Police employees working on call will be paid two hours per day of on call duty at their regular rate of pay. If the employee is called to duty, they will receive their on-call pay and their regular rate of pay for all time that work was actually performed.
3. Non-police employees working on call will also receive compensation for their time on call. They will receive 4 hours of regular pay per 7-day period of on call duty. If the employee is called to duty while they are on call, they will receive their on-call pay and their regular rate of pay for all time that work was actually performed.

4. Overtime pay will not apply to on call wages if the employee did not actually perform work.

03.07.090. Emergency Closings.

The following regarding emergency closings:

1. At times, emergencies such as severe weather, fires, power failures, or earthquakes, can disrupt Perry City operations. In extreme cases, these circumstances may require the closing of a work facility. This officially announced by the Mayor or the Mayor Pro Tem.
2. When operations are officially closed due to emergency conditions, the time off from scheduled work will be unpaid. However, with supervisory approval, employees may use available paid leave time, such as unused vacation benefits.
3. In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused vacation benefits.
4. Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive regular pay.

03.07.100. Travel Expenses.

The following regarding travel expenses:

1. Perry City will reimburse employees for reasonable travel expenses incurred while on assignments away from the normal work location. These expenses will be reimbursed at the IRS standard rates. Your department head and the city administrator (or Mayor) must approve all travel in advance. Employees whose travel plans have been approved should make all travel arrangements through Perry City or a designated travel agency.
2. When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing travel objectives will be reimbursed by Perry City. Employees are expected to limit expenses to reasonable amounts.
3. Expenses that generally will be reimbursed include the following:
    a. Airfare or train fare for travel in coach or economy class or the lowest available fare.
    b. Car rental fees, only for compact or mid-sized cars.
    c. Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.
    d. Taxi fares, only when there is no less expensive alternative.
    e. Mileage costs for use of personal cars, only when less expensive transportation is not available.
    f. Mileage costs will be reimbursed at the current IRS rate driven.
    g. Cost of standard accommodations in low to mid-priced hotels, motels, or similar lodgings.
    h. Cost of meals, no more lavish than would be eaten at the employee's own expense.
    i. Tips not exceeding 15% of the total cost of a meal or 10% of a taxi fare.
    j. Charges for telephone calls, fax, and similar services required for Perry City

purposes.

4. Employees who are involved in an accident while traveling for Perry City must promptly report the incident to their immediate supervisor. Vehicles owned, leased, or rented by Perry City may not be used for personal use without prior approval.
5. Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.
6. When travel is completed, employees should submit completed travel expense reports within 30 days. Receipts for all individual expenses should accompany reports.
7. Employees should contact their supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other travel issues.
8. Abuse of this travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

03.07.110. Visitors in the Workplace.

The following regarding visitors in the workplace:

1. To provide for the safety and security of employees and the facilities at Perry City, only authorized visitors are allowed in the workplace. Restricting unauthorized visitors helps maintain safety standards, protects against theft, ensures security of equipment, protects confidential information, safeguards employee welfare, and avoids potential distractions and disturbances.
2. All visitors should enter Perry City at the main entrance. Authorized visitors will receive directions or be escorted to their destination. Employees are responsible for the conduct and safety of their visitors.
3. If an unauthorized individual is observed on Perry City's premises, employees should immediately notify their department head or, if necessary, direct the individual to the main entrance.

03.07.120. Computer and E-mail Usage.

The following regarding computer and e-mail usage:

1. Computers, computer files, the e-mail system, and software furnished to employees are Perry City property intended for City use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored.
2. Perry City strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, Perry City prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale.
3. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or

showing disrespect for others.

4. E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-City matters.
5. Perry City purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, Perry City does not have the right to reproduce such software for use on more than one computer.
6. Employees may only use software on local area networks or on multiple machines according to the software license agreement. Perry City prohibits the illegal duplication of software and its related documentation.
7. Employees should notify their immediate supervisor, the administration or any member of management upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

03.07.130. Workplace Monitoring.

The following regarding workplace monitoring:

1. Workplace monitoring may be conducted by Perry City to ensure quality control, employee safety, security, and customer satisfaction. All Perry City equipment, property and vehicles used for work may be monitored, and there should be no expectation of workplace privacy of City property.
2. Perry City reserves the right to monitor telephone conversations or record conversations of employees who regularly communicate with customers. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our customers' image of Perry City as well as their satisfaction with our service.
3. Computers furnished to employees are the property of Perry City. As such, computer usage and files may be monitored or accessed.
4. Employees can request access to information gathered through workplace monitoring that may impact employment decisions. Access will be granted unless there is a legitimate reason to protect confidentiality or an ongoing investigation.
5. Because Perry City is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

03.07.140. Workplace Violence Prevention.

The following regarding workplace violence prevention:

1. Perry City is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, Perry City has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.
2. All employees, including supervisors and temporary employees, should be treated with

courtesy and respect at all times. Employees are expected to refrain from fighting, "horseplay," or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited from the premises of Perry City without proper authorization unless a public safety officer.

3. Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.
4. All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate supervisor or any other member of management. This includes threats by employees, as well as threats by customers, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.
5. All suspicious individuals or activities should also be reported as soon as possible to a supervisor. Do not place yourself in peril. If you see or hear a commotion or disturbance near your workstation, do not try to intercede or see what is happening.
6. Perry City will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, Perry City may suspend employees, either with or without pay, pending investigation.
7. Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.
8. Perry City encourages employees to bring their disputes or differences with other employees to the attention of their supervisors or the Human Resources Department before the situation escalates into potential violence. Perry City is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

Chapter 03.08.
LEAVES OF ABSENCE

03.08.010. Family Medical Leave.
03.08.020. Personal Leave.
03.08.030. Bereavement Leave.
03.08.040. Training Leave.
03.08.040. Military Leave.
03.08.060. Time Off to Vote.
03.08.070. Emergency Leave.
03.08.080. Jury Duty.
03.08.090. Witness Duty.
03.08.110. Community Service.

03.08.010. Family Medical Leave.

Family Medical Leave provides eligible employees leaves of absence without pay who wish to take time off from work duties to fulfill family obligations relating directly to childbirth, adoption, or placement of a foster child; or to care for a child, spouse, or parent with a serious health condition. A serious health condition means an illness, injury, impairment, or physical or mental condition that involves inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider. Perry City follows all current requirements as outlined by the Family Medical Leave Act.

03.08.020. Personal Leave.

The following regarding personal leave for employees:

1. Perry City provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:
    a. Regular Full-Time employees
    b. Introductory Full-Time employees
2. As soon as eligible employees become aware of the need for a personal leave of absence, they should request a leave from their supervisor.
3. Personal leave may be granted for a period of up to 5 calendar days every 5 years. If this initial period of absence proves insufficient, consideration will be given to a written request for a single extension of no more than 30 calendar days. With the supervisor's approval, an employee may take any available sick leave or vacation leave as part of the approved period of leave.
4. Requests for personal leave will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.

5. Subject to the terms, conditions, and limitations of the applicable plans, Perry City will continue to provide health insurance benefits for the full period of the approved personal leave.
6. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.
7. When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, Perry City cannot guarantee reinstatement in all cases.
8. If an employee fails to report to work promptly at the expiration of the approved leave period, Perry City will assume the employee has resigned.

03.08.030. Bereavement Leave.

The following regarding bereavement leave:

1. Employees who wish to take time off due to the death of an immediate family member may take up to three (3) days leave, and should notify their supervisor immediately. Immediate Family is defined as: husband, wife, son, daughter, father, mother, brother, sister, and parents of the spouse. Two (2) days leave will be allowed for grandparents or grandchildren.
2. Up to three (3) days of paid bereavement leave will be provided to eligible employees in the following classification(s):
    a. Regular Full-Time employees
    b. Introductory Full-Time employees
    c. Regular Part-Time employees
    d. Part-time
    e. Temporary
3. Bereavement pay is calculated based on the base pay rate at the time of absence, and the number of hours customarily worked each day and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.
4. Bereavement leave will normally be granted unless there are unusual needs or staffing requirements. Employees may, with their supervisors' approval, use any available paid leave for additional time off as necessary.
5. Perry City defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child, or sibling; the employee's child's spouse; grandparents or grandchildren.

03.08.040. Training Leave.

The following regarding training leave:

1. Perry City provides educational leaves of absence without pay to eligible employees who wish to take time off from work duties to pursue course work that is applicable to their job duties with Perry City. Employees who are required by Perry City to attend training classes may receive leave with pay at the discretion of the Department head and the City

Administrator or Mayor. Employees in the following employment classification(s) are eligible to request educational leave as described in this policy:

a. Regular Full-Time employees
b. Introductory Full-Time employees

2. Employees become eligible on the first of the month following 60 days of employment to request educational leave, as needed. Requests will be evaluated based on a number of factors, including anticipated workload requirements and staffing considerations during the proposed period of absence.
3. Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by Perry City until the end of the month in which the approved educational leave begins. At that time, employees will become responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from educational leave, benefits will again be provided by Perry City according to the applicable plans.
4. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.
5. When an educational leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, Perry City cannot guarantee reinstatement in all cases.
6. If an employee fails to report to work at the end of the approved leave period, Perry City will assume that the employee has resigned.

03.08.040. Military Leave.

The following regarding military leave:

1. A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Advance notice of military service is required, unless military necessity prevents such notice or it is otherwise impossible or unreasonable.
2. Exempt employees will receive partial pay for two-week training assignments and shorter absences. Upon presentation of satisfactory military pay verification data, employees will be paid the difference between their normal base compensation and the pay (excluding expense pay) received while on military duty.
3. The portion of any military leaves of absence in excess of two weeks will be unpaid. However, employees may use any available paid time off for the absence.
4. Continuation of health insurance benefits is available as required by USERRA based on the length of the leave and subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible.
5. Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon the employee's return to active employment.
6. Employees on military leave for up to 30 days are required to return to work for the first

regularly scheduled shift after the end of service, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with USERRA and all applicable state laws.

7. Employees returning from military leave will be placed in the position they would have attained had they remained continuously employed or a comparable one depending on the length of military service in accordance with USERRA. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service.
8. Contact the VP of Human Resources for more information or questions about military leave.

03.08.060. Time Off to Vote.

The following regarding time off to vote:

1. Perry City encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, Perry City will grant up to 4 hours of unpaid time off to vote.
2. Employees should request time off to vote from their supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift; whichever provides the least disruption to the normal work schedule.

03.08.070. Emergency Leave.

Department heads may allow a permanent or introductory employee reasonable time off not to exceed three (3) working days with pay in case of an emergency or death in the immediate family. Time will be charged to sick leave. The City Council shall have the authority to grant longer leaves in unusual circumstances in which an emergency exists. During emergency leave periods in excess of thirty calendar days, vacation leave, sick leave, or time toward yearly evaluation shall not accrue.

03.08.080. Jury Duty.

The following regarding jury duty:

1. Perry City encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to 5 business days of paid jury duty leave over any 1-year period.
2. Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:
    a. Regular Full-Time employees
    b. Introductory Full-Time employees
3. If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request

an unpaid jury duty leave of absence.

4. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.
5. Either Perry City or the employee may request an excuse from jury duty if, in Perry City's judgment, the employee's absence would create serious operational difficulties.
6. Perry City will continue to provide health insurance benefits for the full term of the jury duty absence.
7. Benefit accruals such as vacation, sick leave, or holiday benefits will be suspended during unpaid jury duty leave and will resume upon return to active employment.
8. Paid leave will not be granted when the employee is serving as his own witness in financial and related suits which he has initiated.

03.08.090. Witness Duty.

The following regarding witness duty:

1. Perry City encourages employees to appear in court for witness duty when subpoenaed to do so.
2. If employees have been subpoenaed or otherwise requested to testify as witnesses by Perry City, they will receive pay for the entire period of witness duty. All Perry City employees will be compensated their regular workday wages. If an employee is required to go to witness duty during their regular work day, the employee should notify his or her department head of the witness duty and refuse to accept the witness duty check provided. If an employee is required to go to witness duty during time off work, they can accept the witness duty check as pay for the first hour of witness duty, and all other time on witness duty will be compensated as regular hours worked.
3. Employees will be granted unpaid time off, to appear in court as a witness when requested by a party other than Perry City. Employees are free to use any available paid leave benefit (such as vacation leave) to receive compensation for the period of this absence.
4. The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

03.08.110. Community Service.

Perry City encourages employees to give back to the community. Perry City allows paid time off to all employees volunteering their time to a non-profit organization. This time off must be approved in advance by the Department Head and Mayor or City Administrator

Chapter 03.09.
EMPLOYEE CONDUCT AND DISCIPLINARY ACTION

03.09.010. Employee Conduct and Work Rules.
03.09.020. Drug and Alcohol Use.
03.09.030. Sexual and Other Unlawful Harassment Policy.
03.09.040. Attendance and Punctuality.
03.09.050. Personal Appearance.
03.09.060. Return of Property.
03.09.070. Security Inspections.
03.09.080. Solicitation.
03.09.090. Drug Testing.
03.09.100. Life-Threatening Illnesses in the Workplace.
03.09.120. Recycling.

03.09.010. Employee Conduct and Work Rules.

The following regarding employee conduct and work rules:

1. To ensure orderly operations and provide the best possible work environment, Perry City expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.
2. It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:
    a. Theft or inappropriate removal or possession of property
    b. Falsification of timekeeping records
    c. Working under the influence of alcohol or illegal drugs
    d. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
    e. Fighting or threatening violence in the workplace
    f. Boisterous or disruptive activity in the workplace
    g. Abrupt or rude behavior to co-workers or citizens
    h. Negligence or improper conduct leading to damage of employer-owned or customer-owned property
    i. Insubordination or other disrespectful conduct
    j. Violation of safety or health rules
    k. Smoking in prohibited areas
    l. Sexual or other unlawful or unwelcome harassment
    m. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
    n. Excessive absenteeism or any absence without notice

o. Unauthorized absence from work station during the workday
p. Unauthorized use of telephones, mail system, or other employer-owned equipment
q. Unauthorized disclosure of business "secrets" or confidential information
r. Violation of personnel policies or other policies and procedures
s. Unsatisfactory performance or conduct
t. Carelessness in work duties
u. Failure to follow instruction
v. Improper use of time at work for personal business

03.09.020. Drug and Alcohol Use.

The following regarding drug and alcohol use:

1. It is Perry City's desire to provide a drug-free, healthful, and safe workplace. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.
2. While on Perry City premises and while conducting business-related activities off Perry City premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.
3. Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.
4. Under the Drug-Free Workplace Act, an employee who performs work for a government contract or grant must notify Perry City of a criminal conviction for drug-related activity occurring in the workplace. The report must be made within five days of the conviction.
5. Drug and alcohol tests may be conducted as a routine part of the pre-employment physical examination for applicants and co-op students. Applicants must satisfactorily pass the drug screen prior to reporting to work, as a condition of employment. Offers of employment may be made contingent on satisfactorily meeting these requirements. If the drug screening procedures indicate the presence of illegal drugs or controlled substances, the applicant will not be considered further for employment. An applicant who fails a pre-employment drug test may not re-apply for employment for a period of one hundred and twenty (120) days.
6. In addition, Perry City reserves the right, consistent with applicable law, to conduct tests based on reasonable suspicion or following the occurrence of any accident or damage to property. Random testing may also be conducted at any time. An employee may be suspended pending the outcome of any required drug test. Perry City will use Brigham City Community Hospital to handle all drug testing unless another location is determined by the City Administrator or City Council.

7. Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the Senior Management without fear of reprisal.

03.09.030. Sexual and Other Unlawful Harassment Policy.

The following regarding sexual and other unlawful harassment:

1. Perry City is committed to providing a work environment that is free of discrimination and unlawful harassment. Perry City complies with federal and state equal employment opportunity laws and strives to keep the workplace free from all forms of harassment, including, but not limited to, harassment based on:
    a. Sex
    b. Religion
    c. National origin
    d. Age
    e. Disability
    f. Race
2. Some examples of conduct that might be considered harassment include ethnic slurs, and racist remarks. In addition, sexual harassment includes any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature where tolerance of such actions is made a condition of employment, interferes with an individual's work performance, or creates an intimidating, hostile or offensive work environment.
3. It is illegal and against Perry City's policy for any worker, male or female, to harass another worker or create a hostile working environment by committing or encouraging:
    a. Physical assaults on another employee, including rape, sexual battery, molestation, or attempts to commit these assaults;
    b. Intentional physical conduct that is sexual in nature, including touching, pinching, patting, or brushing up against another employee's body;
    c. Unwanted sexual advances, propositions, or sexual comments, including sexual gestures, jokes, or comments made in the presence of any employee who has indicated that such conduct is unwelcome; sexual in nature or pornographic;
    d. Posting or displaying pictures, posters, calendars, graffiti, objects, or other materials that are sexual in nature or pornographic.
4. The creation of an intimidating, hostile, or offensive working environment includes such actions as persistent sexual comments or the display of obscene or sexually oriented photographs or drawings. However, conduct or actions that arise out of a personal or social relationship and are not intended to have a discriminatory employment effect might not be viewed as harassment. The employer will determine whether such conduct constitutes sexual harassment.
5. Employees subjected to sexual harassment should immediately report the harassment to their supervisor or any member of management. Employees can raise concerns and make reports without reprisal.

6. Supervisors and managers who receive a sexual harassment complaint should immediately follow the required steps for investigating the allegations and protect the employee from retaliation.
7. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

03.09.040. Attendance and Punctuality.

The following regarding attendance and punctuality:

1. To maintain a safe and productive work environment, Perry City expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on Perry City. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.
2. Poor attendance and excessive tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

03.09.050. Personal Appearance.

The following regarding personal appearance:

1. Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the image Perry City presents to customers and visitors.
2. While working, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work. Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

03.09.060. Return of Property.

The following regarding return of property:

1. Employees are responsible for items issued to them by Perry City or in their possession or control, such as the following:
    a. Credit cards
    b. Identification badges
    c. Keys
    d. Manuals
    e. Pagers
    f. Cell phones
    g. Weapons (for police officers)
    h. Security passes
    i. Written materials

2. Employees must return all Perry City property immediately upon request or upon termination of employment. This includes any original works, ideas and improvements created while employed by Perry City. Where permitted by applicable laws, Perry City may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. Perry City may also take all action deemed appropriate to recover or protect its property.

03.09.070. Security Inspections.

The following regarding security inspections:

1. Perry City wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, Perry City prohibits the possession, transfer, sale, or use of such materials on its premises. Perry City requires the cooperation of all employees in administering this policy.
2. Desks, lockers, and other storage devices may be provided for the convenience of employees but remains the sole property of Perry City. Accordingly, any agent or representative of Perry City can inspect them, as well as any articles found within them, at any time, either with or without prior notice.

03.09.080. Solicitation.

The following regarding solicitation:

1. In an effort to ensure a productive and harmonious work environment, persons not employed by Perry City may not solicit or distribute literature in the workplace at any time for any purpose.
2. Perry City recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, work breaks, or any other periods in which employees are not on duty.)
3. In addition, the posting of written solicitations on Perry City bulletin boards is prohibited. Bulletin boards are reserved for official organization communications on such items as:
    a. Internal memoranda
    b. Job openings
    c. Organization announcements
    d. Payday notice
    e. Workers' compensation insurance information
    f. State disability insurance/unemployment insurance information

03.09.090. Drug Testing.

The following regarding drug testing:

1. Perry City is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, if a supervisor has reasonable suspicion to believe that an employee is using

or is under the influence of drugs or alcohol on the job, the employee may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing may result in disciplinary action, up to and including termination of employment.

2. Copies of the drug testing policy will be provided to all employees. Employees will be asked to sign an acknowledgement form indicating that they have received a copy of the drug testing policy. Questions concerning this policy or its administration should be directed to the Senior Management.

03.09.100. Life-Threatening Illnesses in the Workplace.

The following regarding life-threatening illnesses in the workplace:

1. Employees with life-threatening illnesses, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. Perry City supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, Perry City will make reasonable accommodations in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.
2. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.
3. Employees with questions or concerns about life-threatening illnesses are encouraged to contact Perry's Human Resources Director, or persons acting in this capacity for information and referral to appropriate services and resources.

03.09.120. Recycling.

The following regarding recycling in Perry City:

1. Perry City supports environmental awareness by encouraging recycling and waste management in its practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.
2. Special recycling receptacles have been set up to promote the separation and collection of the following recyclable materials at Perry City:
    a. Computer paper
    b. White high grade or bond paper
    c. Mixed or colored paper
3. The simple act of placing a piece of paper into a recycling container is the first step in reducing demand on the earth's limited resources. Success of this program depends on active participation by all of us. Employees are encouraged to make a commitment to recycle and be a part of this solution.

4. By recycling, Perry City is helping to solve trash disposal and control problems facing all of us today.

Chapter 03.10.
EMPLOYEE GRIEVANCES AND APPEALS

03.10.010. General Grievance Policy.
03.10.020. Confidentiality.
03.10.030. Filing.

03.10.010. General Grievance Policy.

The following regarding the general grievance policy:

1. Employees who perceive that they have a grievance against Perry City should exhaust the administrative procedure set forth in the body of this policy before addressing their grievance through any other forum. An employee may file a grievance about any perceived work related injustice or oppression resulting from an act occurrence, omission, condition, or unfair labor practice. Issues addressable throughout the grievance process include, but are not limited to:
    a. Employee-supervisor relationships.
    b. Duty assignments not affecting job classification.
    c. Shift and job location assignments.
    d. Working conditions.
    e. Practices affecting granting of leave.
2. Grievances should be resolved at the lowest administrative level possible. Employees and supervisors shall attempt to resolve grievances informally by discussing the grievance issues before any formal written grievance is filed. Each employee pursuing a formal grievance must prepare and submit a separate written grievance/appeal. Written grievances shall contain, at a minimum, the following information:
    a. Name of the employee.
    b. Date the occurrence or action underlying the grievance occurred.
    c. Nature of the grievance.
    d. Historical information related to the grievance.
    e. Requested resolution.
    f. Signature of the employee filing the grievance and date filed.
3. Employees will be allowed a reasonable amount of time during work to prepare written grievances. Employee grievances must be filed within ten (10) days of the occurrence or event giving rise to the grievance, or within ten (10) days of when the employee acquires knowledge of the occurrence or event giving rise to the grievance.
4. At each level of the grievance process, after an administrator has received an employee grievance, the administrator shall have ten (10) working days to respond in writing to the grievance.

5. If an administrator is unable to answer the grievance within the specified time period due to extenuating circumstances, the administrator may take an additional ten (10) working days to answer the grievance if they notify the employee in writing of the exigent circumstances and that the extension is being exercised. If the grievance remains unresolved or the decision is considered unacceptable, the employee may appeal the decision to the next level of appeal.
6. Absent exigent circumstances, if the supervisor fails to respond within the allotted time, the employee may proceed to the next level of appeal.
7. Only the issues presented in the original grievance may be considered throughout the appellate process. A grievance and any necessary appeals shall be processed through the following chain of command, if applicable:
    a. Immediate Supervisor.
    b. Department Head.
    c. City Administrator/Manager.
    d. Mayor. (Final Step for Temporary Employees)
    e. City Council. (Final Step for Regular & Introductory Full-Time and Part-Time employees)
8. The decision of the City Council constitutes the final decision of Perry City for Regular and introductory Full-time & Part-time employees and cannot be appealed, except by filing with the district court as otherwise allowed by law.
9. The decision of the Mayor constitutes the final decision of Perry City for Temporary Full-time & Part-time employees and cannot be appealed, except by filing with the district court as otherwise allowed by law.

*The provisions of *Utah Code Annotated* 10-3-1106, as amended, are incorporated herein by reference.

03.10.020. Confidentiality.

Written Grievance Forms shall be private data under the government Records Access Management Act of the State of Utah. The Mayor or City Council may declare the grievance documents to be confidential and/or order the entire record, or any part of it, sealed.

03.10.030. Filing.

The following regarding filing:

1. No document relating to a grievance shall be placed in the employee's personnel file.
2. If any disciplinary action against an employee is rescinded as a result of the grievance process, the Mayor, or designee, shall remove the record of the disciplinary action from the employee's personnel file.
3. If any disciplinary action against an employee is modified as a result of the grievance process, the unmodified record of the disciplinary action shall be removed from the employee's personnel file and the modified record of the disciplinary action shall be placed in the employee's personnel file.

Chapter 03.11.
TERMINATION OF EMPLOYMENT

03.11.010. Types of Termination.
03.11.020. Retirement.
03.11.030. Voluntary Resignation.
03.11.040. Resignation of an Involuntary Termination: Agreement.
03.11.050. Involuntary Termination.
03.11.060. Reductions in Force/Layoffs.
03.11.070. Required Notice Prior to Termination.
03.11.080. Termination Procedures.

03.11.010. Types of Termination.
Any involuntary termination or termination of any employee who is allowed to resign, in lieu of an involuntary termination, should be reviewed with legal counsel before termination is pursued or a resignation is accepted to ensure the employee's due process and property rights are not violated.

03.11.020. Retirement.
Voluntary termination at the end of an employee's career.

03.11.030. Voluntary Resignation.
The following regarding voluntary resignation:

1. Resignation is a voluntary act initiated by the employee to terminate employment with Perry City. Although advance notice is not required, Perry City requests at least two (2) weeks' written resignation notice from all employees. Failure to provide a 2-week notice of termination may result in forfeiture of any unused accrued vacation payment.
2. Prior to an employee's departure, an exit interview will be scheduled to discuss the reasons for resignation and the effect of the resignation on benefits.

03.11.040. Resignation of an Involuntary Termination: Agreement.
The Mayor, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and exempt Department Heads) or for cause. If Involuntary Termination proceedings have begun, but have not been completed and an employee suggests that they would like to voluntarily resign, the Mayor may agree to a Resignation In Lieu Of An Involuntary Termination Agreement.

03.11.050. Involuntary Termination.
The Mayor, or designee, may conclude that an employee should be involuntarily terminated for no reason (for probationary employees and exempt Department Heads) or for cause.

03.11.060. Reductions in Force/Layoffs.
Whenever it is necessary to reduce the number of employees in Perry City because of lack of work or lack of funds, Perry City may attempt to minimize layoffs by readjustment of personnel through reassignment of duties in other work areas.

03.11.070. Required Notice Prior to Termination.
The following regarding required notices prior to termination:

1. All employees, including at-will employees, must notify Perry City at least two (2) weeks before retiring or voluntarily resigning to be eligible, to receive pay for unused, accrued vacation leave (if applicable), and to be eligible for rehire.
2. Perry City does not have a requirement to give any prior notice to an employee before terminating their employment with Perry City.
3. Unused, accrued vacation leave (if applicable) will always be paid for terminations of employment involving Reductions in Force/Layoffs, Medical Reasons, and Deaths.

03.11.080. Termination Procedures.
The following regarding termination procedures:

1. A Notice of Voluntary Resignation Form, signed by the employee and the Mayor, or designee, may be utilized in Voluntary Resignations.
2. Involuntary Terminations/Separations for Cause require Perry City to provide their terminating employees with written notification of due process. At-Will Involuntary Terminations (for probationary employees and exempt Department Heads) do not require Perry City to provide their terminating employees with written notification of due process.
3. A Resignation in Lieu of an Involuntary Termination Agreement, signed by the employee and the Mayor, or designee, may be utilized in negotiated terminations. A Resignation In Lieu of an Involuntary Termination Agreement does not require Perry City to provide their terminating employees with written notification of due process.
4. The following steps should be taken for Voluntary Retirements:
    a. Employees who desire retirement should notify Perry City three (3) months in advance.
    b. Perry City should communicate the status of each employee's retirement benefits. Upon request for retirement benefits, Perry City should notify the administrator of the retirement program and the appropriate state and federal regulatory agencies.
    c. Perry City should carefully explain to the employee what the options are (such as Cobra and Retirement Plan Options).
    d. Perry City should give the employee ample time to review the retirement plan.
    e. Perry City should have the employee sign a release, or at least a declaration statement, to the effect that they are electing retirement of their own free will.
5. All terminating employees should complete an Exit Interview Form with the Mayor, or designee. The Exit Interview Form should be signed by the employee and the Mayor, or designee.

Legislative History
Original Personnel Policy adopted on 04/25/96.
Amendments during 1997-2007.
New Personnel Policy adopted on 03/27/08.
New numbering system and codification into Perry Municipal Code: 12/11/2008.

Title 4, A General Ordinance
REVENUE AND FINANCE

Chapter 04.04. **ASSESSMENTS**
Chapter 04.08. **SALES AND USE TAX**
Chapter 04.10. **MUNICIPAL TRANSIENT ROOM TAX**

Chapter 04.04.
ASSESSMENTS

04.04.010. Assessments.

04.04.010. Assessments.

All property within the corporate limits of the City which is or which may hereafter be made taxable for county or state purposes by the laws of the state, shall be assessed and taxed for municipal purposes. The assessment of all property taxable as aforesaid, and the collection of all general taxes levied for municipal purposes in the City shall be made in the manner now or which may hereafter be provided by the laws of the state for the assessment of property, for the collection of taxes for county and state purposes, and the redemption from tax sales.

Chapter 04.08.
SALES AND USE TAX

04.08.010. Title.
04.08.020. Purpose.
04.08.030. Sales and Use Tax.
04.08.035. Enactment of Sales Tax Revenue Transfer for Transit Purposes.
04.08.040. Violation and Penalty.

04.08.010. Title.

This Chapter shall be known as the Sales and Use Tax Ordinance of the City of Perry.

04.08.020. Purpose.

The following regarding the purpose of this Ordinance:

1. The 48th Session of the Utah Legislature of Utah has authorized the counties and municipalities of the state to enact sales and use tax ordinances imposing a one percent tax.
2. It is the purpose of this chapter to conform to the sales and use tax of the municipality to the requirements of the Sales and Use Tax Act, Chapter 12 of Title 59, *Utah Code Annotated*, 1953, as currently amended.

04.08.030. Sales and Use Tax.

The following regarding sales and use taxes:

1. From and after the effective date of the ordinance codified in this chapter, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of one percent. The following is also included:
    a. An excise tax is imposed on the storage, use or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of said ordinance at the rate of one percent of the sales price of the property.
    b. For the purpose of this chapter all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed by and adopted by the State Tax Commission. Public utilities as defined by Title 54, *Utah Code Annotated*, 1953, shall not be obligated to determined the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenue arising from such service allocable to the City shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.
2. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, *Utah Code Annotated*, 1953, as amended, and in force and effect on the effective date of the ordinance codified in this chapter, insofar as they relate to sales taxes, excepting Sections 59-12-101 and 59-12-119 thereof, are adopted and made a part of this chapter as though fully set forth herein.
    a. Wherever, and to the extent that in Chapter 12 of Title 59, Utah Code Annotated, 1953, the state is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the name of the municipality for the word “state” when that word is used as part of the title of the State Tax Commission, or of the Constitution of the state, nor shall the name of the municipality be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter.

b. If an annual license has been issued to a retailer under Section 59-12-106 of the Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.
c. There shall be excluded from the purchase price paid or changed by which the tax is measured:
d. The amount of any sales or use tax imposed by the state of Utah upon a retailer of consumer;
e. 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 under the sales or use tax ordinance enacted by that county or municipality in accordance with the Sales and Use Tax Act.

04.08.035. Enactment of Sales Tax Revenue Transfer for Transit Purposes.
In addition to the other sales and use taxes authorized by law, there is hereby established, approved, and levied a sales and use tax of 0.25% upon retail sales (and/or other applicable sales), as set forth in Utah Code Ann. Title 59, Chapter 12 (and subject to any exemptions identified therein), with said sales and use tax revenue to be transferred to the Utah Transit Authority as set forth in law and in the Interlocal Cooperation Agreement, which was approved by Resolution 08-02, on or about January 10, 2008.

04.08.040. Violation and Penalty.
Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount less than three hundred dollars ($300.00) or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

Chapter 04.10.
MUNICIPAL TRANSIENT ROOM TAX

04.10.010. Title.
04.10.020. Purpose.
04.10.030. Transient Room Tax Imposed.
04.10.040. Penalties and Interest.

04.10.010. Title.
This Chapter shall be known as the “Perry City Municipal Transient Room Tax Ordinance.”

04.10.020. Purpose.
The Utah Legislature authorizes municipalities to adopt an ordinance that imposes a one (1%) percent transient room tax. It is the purpose of this chapter to conform this tax to the

requirements of the transient room tax in accordance with Part 3A of Chapter 12 of Title 59, *Utah Code Annotated*, 1953, as amended, or its successor statute. In accordance with *Utah Code Annotated* §59-12-352(4), 1953, as amended, the transient room tax imposed by this chapter may be used for general fund purposes.

04.10.030. Transient Room Tax Imposed.

The following regarding imposing the transient room tax:

1. There is hereby levied upon the business of every person, company, corporation, or other like and similar persons, groups or organizations, doing business in the City as motor courts, motels, hotels, inns or the like, and similar public accommodations, an annual license tax equal to one percent (1%) of the gross revenue derived from the rent for each and every occupancy of a suite, room or rooms, occupied for a period of less than thirty (30) days.
2. For purposes of this section, gross receipts shall be computed upon the base room rental rate. There shall be excluded from the gross revenue, by which this tax is measured:
    a. The amount of any sales or use tax imposed by the state of Utah or by any other governmental agency upon a retailer or consumer;
    b. The amount of any transient room tax or resort communities tax levied under authority of Section 3A of Chapter 12 of Title 59, *Utah Code Annotated*, 1953, as amended, or its successor statute;
    c. Receipts from the sale or service charge for any food, beverage or room-service charges in connection with the occupancy of the suite, room or rooms, not included in the base room rate; and
    d. Charges made for supplying telephone service, gas or electrical energy service, not included in the base room rate.
3. The City may collect on the same basis and schedule as established for the transient room tax being collected by the Utah State Tax Commission. Every person or business taxed hereunder shall report and remit to the "collecting officer" (that person or entity designated by the City Administrator as responsible for collection of taxes) the amount of tax due for the period covered by the report. Unless otherwise designated, the "collecting officer" shall be the City Treasurer.
4. The City may contract with the Utah State Tax Commission or other agencies to perform all functions incident to the administration and operation of this chapter and is further authorized to participate in such enforcement measures, including but not limited to levies and other penalties, as may be established by the Utah State Tax Commission.
5. The City Administrator is hereby authorized to implement this chapter and to fulfill the necessary notice requirements set forth in *Utah Code Annotated* §59-12-355, 1953, as amended, including any additional subsequent requirements set by statute or by regulation of the Utah State Tax Commission.

04.10.040. Penalties and Interest.

In accordance with *Utah Code Annotated* §59-12-354(2)(c) and (4), 1953, as amended, there is hereby also imposed penalties and interest in amounts that are less than or equal to the penalties

and interest rates authorized for the Utah State Tax Commission set forth in *Utah Code Annotated* §§59-1-401 and 59-1-402. As an additional penalty at the discretion of the municipality, any person, corporation, or entity violating any of the provisions of this chapter shall be deemed guilty of a class B misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount not less than $1,000 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

Legislative History

Chapter 04.08 adopted by Ord. 90-03 in 1990.
Chapter 04.04 adopted with 1997 Codification.
Chapter 04.10 and Section 04.08.035 adopted in 2008 by Ord. 08-D and 08-M, respectively.
New numbering system and codification in 2008 Perry Municipal Code: 12/11/2008

Title 5, A General Ordinance
BUSINESS LICENSES AND REGULATIONS

Chapter 05.02. BUSINESS LICENSING
Chapter 05.06. ALCOHOLIC BEVERAGES
Chapter 05.32. RESIDENTIAL SOLICITATION
Chapter 05.36. APARTMENT HOUSES, DUPLEXES AND MOBILE HOME PARKS
Chapter 05.40. FEES
Chapter 05.50. INDEX OF ANNUAL BUDGET AND TAX RATE APPROVALS

Chapter 05.02.
BUSINESS LICENSING

05.02.010. Unlawful to Operate a Business Without a License.
05.02.020. Definitions.
05.02.030. Uniform Business License Regulations.
05.02.040. Business License Application.
05.02.050. Business License Fees.
05.02.060. Exceptions to the Business License Fee.
05.02.070. Licensing Authority, Review Authorities, and Other Authorities.
05.02.075. Procedure for Business License Approval.
05.02.080. Inspection and Enforcement Authority.
05.02.090. License Denial and Revocation.
05.02.100. Notice of Issuance or Denial.
05.02.110. Appeal Authority.
05.02.120. Penalties.

05.02.010. Unlawful to operate a business without a license.

In accordance with *Utah Code Annotated* §10-1-203(2), 1953, as amended, or its successor statute, the City hereby prescribes that all businesses operating in the City shall be licensed for the purpose of regulation and revenue and shall also be subject to any applicable regulations established by ordinance. It shall be unlawful for any person to engage in any business or similar operation within the City, whether on a temporary or permanent basis, without first procuring the license required by this chapter. All licenses issued under the provisions of this title are non-transferable and expire as set forth in this title.

05.02.020. Definitions.

In addition to the definition set forth in *Utah Code Annotated* §10-1-203, 1953, as amended, for the purposes of this title, the following additional definitions apply:

1. Apartment: Apartment means a habitable residential unit that was duly approved by the municipality that is rented by its owner for residential occupation. For the purposes of this title, this definition does not apply to an apartment consisting of two units or less

where the property owner occupies one of the units or the same premise as the tenant(s), notwithstanding that the owner complies with the other applicable relevant portions of the land use ordinances.

2. Appeal Authority: Appeal authority means the land use Appeal Authority (an official or board), acting as a business licensing Appeal Authority, and charged with hearing and acting upon either:
    a. an appeal of a final action or decision of the municipal licensing authority (which is a final action or decision by the Community Development Director); or
    b. an appeal of a final action or decision of a "review authority" (which is a final action or decision by the City Council or Special Uses and Appeals Board).
3. Ceremonial Authority: Ceremonial authority means the Mayor's role in signing each temporary, standard, or special business license, certifying that each process is complete and that it complies with the City's ordinances.
4. City or Municipality: City or municipality means the municipal boundaries constituting the City limits of Perry City, Utah.
5. Home Occupation: Home occupation means any income-producing use conducted within the home and carried on by persons residing in the home, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character. The home occupation typically allows the home to be used for maintaining a business telephone and receiving mail. In addition to the licensing provisions of this title for a home occupation, the applicant shall also comply with the applicable requirements of the land use ordinances.
6. Inspecting and Enforcement Authority: Any federal, state, county, or local authority that may inspect, investigate, or enforce upon a business compliance with any governing law. The inspection and enforcement authority has the ability to issue citations or seek other remedy for a violation of law under its respective jurisdiction. Any law enforcement officer of any jurisdiction shall be considered an ex-officio inspection and enforcement authority under this title.
7. Licensing Authority: Licensing authority means the City authority designated to administer this title, issue a business license, or review and/or revoke the license of a business operating in the City. The "licensing authority" shall include (1) a "licensing officer" designated by and operating under the direction of the Community Development Director, and (2) the Community Development Director who, in consultation with the City Attorney, may overrule any action or decision of the "licensing officer." The "licensing officer" shall be a City Planner, Assistant City Planner, or a member of the Community Development Department Staff (unless otherwise designated). The licensing authority shall take final action on all business licenses, other than those for which a "review authority" is designated (in which case, the licensing authority takes initial action and recommends, and the review authority reviews and takes final action.
8. Municipal Services: Municipal services is defined by *Utah Code Annotated* §10-1-203(5)(b)(i).
9. Regulating Authority: Regulating authority means any federal authority, state authority, local authority, or professional organization that must first license an individual or

business prior to receiving a business license. The regulating authority includes such entities as the Utah Division of Occupational and Professional Licensing, the local health department, the Utah State Bar, the fire Marshall or related designee, the local planning commission, any land use authority, and similar authorities.

10. Person: Person means any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, business trust, corporation, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, non-profit, or otherwise.
11. Review Authority: Review authority means the City authority designated to render final review and action on certain new, temporary, or special business licenses, after a recommendation from (and initial action by) the licensing authority.
12. Special License: Special license means any business license issued for a home occupation with visiting clientele, excavation operation, any other business requiring a conditional use permit, a sexually oriented business, a business engaging in the sale of alcohol or beer, a business engaging in the handling or use of hazardous material or explosives (and/or engaging in ultra-hazardous activities), a business leasing or renting residential apartment building(s) or house(s), or any other type of business designated in the municipal code as a "special business."
13. Temporary License: Temporary license means any business license issued for a period of forty five (45) calendar days or less. "First class temporary license" means any temporary license for which twenty (20) or more people are likely to be present at any given time. "Second class temporary license" means any temporary license for which less than twenty (20) people are likely to be present at any given time. Each residential solicitor is required to:
    a. Obtain a second-class temporary license; and
    b. Meet the requirements of Chapter 05.32.

5.02.025. Adoption of study and determination.

1. Study adopted. The *Business License Fee Analysis* prepared by Lewis, Young, Robertson & Burningham dated December 2008 (hereafter referred to as the "Study"), is hereby adopted and incorporated herein by this reference.
2. Determination. In accordance with *Utah Code Annotated* §10-1-203(5), the city hereby determines what constitutes basic, disproportionate, and enhanced levels of municipal service as set forth in the Study based upon the amounts reasonably related to the costs for municipal services as identified in the Study.

05.02.030. Uniform Business License Regulations.

The following regarding uniform business license regulations:

1. Applicability: The following types of businesses are required to obtain a license before engaging in such business within the City:
    a. Any business, with license fees to be based upon the classification of the business.
    b. Any temporary business.
    c. Any home occupation.

   d. A residential solicitor.
   e. A business leasing or renting residential apartment building(s) or house(s).
2. Classification: All businesses shall be classified by the licensing authority, and any license fees shall be uniform in respect to the class upon which they are imposed.
3. Applicability of other Laws: The issuance of a business license to a business does not warrant that the business has conforms of all applicable laws, it is the continuing duty of the business owner to ensure that the business is operating within the law. Businesses in the City shall comply with the other applicable laws and ordinances that govern the business, including:
   a. The applicable federal, state, and local law.
   b. Applicable regulations enforced by any regulating authority.
   c. Land use ordinances.
   d. Applicable building and fire codes.
4. Posting License Required: It shall be the duty of any person conducting a licensed business in the City to display the business license issues by the City. Such license shall be posted in a prominent place on the premises used for such business at all times.
5. Unlawful Uses of a License: It is unlawful to do any of the following with a business license certificate:
   a. Counterfeit a license certificate.
   b. Deface or mutilate a license certificate that is required to be posted
   c. Steal or otherwise remove a license certificate.
   d. To sell or otherwise transfer any license certificate to another.
   e. To use a license beyond the scope for the business for which it was issued.
6. License Period: All licenses will be issued on a calendar year basis and shall expire as of December 31 of the issuing year. Licenses, except for solicitors, temporary licenses, and newly established businesses, shall be due and payable on or before January 1 of the current calendar year in which the license has been applied for. Late fees shall be assessed after January 1. Solicitors and temporary licensees must obtain a license upon conducting their first job or business transaction within the City for the current year. New businesses must obtain a license before conducting such business.
7. Branch Establishments: A separate license must be obtained for each branch establishment or separate location of a business engaged within the City, as if such branch establishment or location were a separate business. Each license authorizes the licensee to engage only in the business licensed at the location and in the manner designated in such license.
8. Separate Businesses on Same Premises: Where two or more persons conduct separate businesses at the same location, each such person shall obtain a separate license for each such business and must pay the required license fee for such business.

05.02.040. Business License Application.

The following regarding business license applications:

1. Application Form and Filing: An application for a business license shall be made in the form and manner provided by the licensing authority and shall be filed with the City's

licensing authority.

2. Application Contents: The application shall include the following:
    a. Provide the name and location of the business.
    b. State the name of the applicant.
    c. State the type of entity under which the business is organized.
    d. If an entity registered, incorporated or organized with the Utah Department of Commerce, specify the name and address of the registered agent with Utah Department of Commerce who is authorized to receive service of process and any communication regarding the applicant's license.
    e. Provide the state sales tax reporting number and federal tax identification number, as applicable.
    f. Provide the state contractor's license number, state real estate broker's license number, or other professional license number issued by the state or a regulating authority, if applicable.
    g. Provide information relating to the purpose and general operation of the business, including:
        i. Its primary operation and function.
        ii. The number of employees.
    i. Building square footage, site frontage, and dimensions of its building and grounds, as needed.
    ii. Whether is engages in the sale of alcohol or beer.
    iii. Whether it is a home occupation.
    iv. Whether is engages in the handling or use of hazardous material or explosives (and/or engaging in ultra-hazardous activities).
    v. Emergency contact numbers and related information.
    h. Any additional information required by the licensing authority on the application to assist in the regulation of a business or as may be needed for the purpose of issuing the license.
3. Business to Provide Updated Information: The applicant or his designee is responsible to provide to the licensing authority, in writing, updated information relating to any change in the information in the application within ten (10) days of the change.

05.02.050. Business License Fees.

The following regarding business license fees:

1. Any business license fees imposed and levied shall be on a annual basis by the classifications of businesses specified the Business License Fee Schedule, in the amounts described therein, and shall administered as follows:
2. Fees may be established by Resolution: The Business License Fee Schedule may be adopted by resolution based upon the basic level of services, disproportionate costs, and enhanced costs of regulating each class of business.
3. Applicant to Pay License Fee: Any applicant must include the fee with any application upon filing of an application. The fee shall be in an amount equal to the fee designated on the Business License Fee Schedule for the classification of the business as assigned by

the licensing authority. Annual renewal fees shall be made in the same manner. No license shall issue until all fees are paid. The applicant of a new business starting after January 1 shall be issued a business license for the unexpired portion of the calendar year and may request the license fees be prorated according to the remainder of the calendar year if such a request for prorated fees is made contemporaneous with filing the application and license fee.

4. Late Fees: The following late fees apply to any person who engages in business prior to submitting a completed application and payment of all fees or fails to renew a license after such expires:
    a. Within thirty (30) days of the fee due date, the late fee shall be the license fee plus twenty five (25%) percent of the total specified fee for said license.
    b. After thirty (30) days of the fee due date, the license or renewal fee shall be double the total specified fee for said license. This fee and late fee shall continue to accrue for each year the business operates without a license, except where such accrual is waived for good cause.
    c. Any license fee due and unpaid under this Title, and all penalties thereon, shall constitute a debt to the City and may be collected by court proceedings in the same manner as any other debt or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies.
    d. Any license fee, and all late fees and penalties thereon, shall constitute a debt to the City and may be collected by court proceedings in the same manner as any other debt or may be turned over to a collection agency, which remedy shall be in addition to all other existing remedies.
    e. The payment of late fees does not relieve any person from fully complying with all other requirements of law, nor from any other prescribed penalties.
5. Refund Policy: Unless otherwise provided herein, no business license fee is refundable for any reason whatsoever, once the license has been issued. If a license is denied or the application is withdrawn by applicant before approval, the applicant shall be entitled to a refund of the amount paid in excess of $75.00 which shall be retained to offset application processing costs.
6. Grandfather Clause: If no study has been conducted for the purpose of basis of setting a disproportionate and/or enhanced fee schedule, then the fee schedule in place prior to the adoption of this ordinance shall remain effective until such study is adopted by the City Council.

05.02.060. Exceptions to the Business License Fee.

No business license fee shall be imposed under this Chapter upon the following persons or businesses:

1. Any person engaged in business for solely religious, charitable, eleemosynary, or other types of strictly non-profit purposes who is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah; nor shall any business license

fee be imposed on any non-profit corporation duly incorporated according to the provisions of the Utah Non-Profit Corporation and Cooperative Association Act.

2. Any business or person exempted by state law.
3. Any contractor holding a valid license issued or exempt in the local jurisdiction in which the licensee has its principal place of business, and regulated by the state in accordance with Part 3, Chapter 55, Title 58 of the *Utah Code Annotated*.
4. Any alarm company holding a valid business license issued by the local jurisdiction in which the licensee has its principal place of business.
5. Any tow truck motor carrier holding a valid business license to perform tow truck service issued by the local jurisdiction in which the licensee has its principal place of business unless the tow truck business is also physically located in the City.
6. Any person selling surplus household goods or furnishings at a private residence in the garage or yard, if such sales are held infrequently.

05.02.070. Licensing Authority, Review Authorities, and Other Authorities.

The City Council hereby designates the following (business) licensing authority and (business licensing) review authorities:

1. Licensing Authority: As defined in Section 05.02.020(7) herein, the licensing authority consists of a licensing officer and the Community Development Director. The licensing authority is required to administer the provisions of this title, and shall:
    a. Receive initial license applications and fees files with the City and forward to the mayor for action with fees being forwarded to the appropriate financial officer.
    b. Classify the business within the appropriate fee schedule based upon the information supplied in the application, and as such information may be supplemented by the inspection and enforcement authority.
    c. Request that the applicant provide additional information when questions arise or to verify the accuracy of information offered in an application or relating to an existing business license.
    d. Coordinate initial inspections, investigations and enforcement with the inspection and enforcement authority.
    e. Bill and collect renewal license information and fees and forward all fees to the designated financial officer.
    f. Maintain municipal records and information regarding business licenses.
    g. Forward any information or matters involving action on a business license to the appropriate authority.
    h. Issue business license certificates. Also included:
        i. Following license approval a certificate shall be prepared and signed by the mayor and/or licensing officer of business licenses.
        ii. The certificate shall:
            1. Be issues under the seal of the City.
            2. Specify by name the person, firm, or corporation to whom it is issued.
            3. Designate the location where the business shall be conducted.

4. Specify the classification of the business and license number.

iii. Signed licenses shall be mailed to the address indicated on the application within a reasonable time after approval.

i. Communicate matters involving business licenses and related concerns to the "review authorities" (New Business License Review Authority and Special Business License Review Authority), as applicable.

j. Forward enforcement matters to an inspection and/or enforcement authority.

k. Notify the applicant, licensee, or other interested party of the status or any action relating to an application or license.

2. Business License Review Authorities: As defined in Section 05.02.020(11) herein, the review authority for a business license is the City authority designated to render final review and action on certain new, temporary, or special business licenses, after a recommendation from (and initial action by) the licensing authority.

a. New Business License Review Authority (City Council): Each new application for a "standard business license" filed with the licensing officer shall be such submitted to the City Council for final review and action (approval or denial) within a reasonable time. Annual license renewals for "standard business licenses" do not require the City Council's approval. The City Council also provides final review and action for "first class temporary licenses." "Second class temporary licenses" do not require the City Council's approval.

b. Special Business License Review Authority (Special Uses and Appeals Board): Each new application or annual renewal for a "special business license" filed with the licensing officer shall be such submitted to the Special Uses and Appeals Board for final review and action (approval or denial) within a reasonable time.

c. Appeal Authority: As defined in Section 05.02.020(2), "Appeal Authority" means the land use Appeal Authority (an official or board), acting as a business licensing Appeal Authority, and charged with hearing and acting upon either: (a) an appeal of a final action or decision of the licensing authority; or (b) an appeal of a final action or decision of a "review authority," as per the chart set forth in Section 5.02.075 herein. See also Section 05.02.110 herein, as well as Section 23 in the Data Base of Land Use Ordinances.

d. Ceremonial Authority: As defined in Section 05.02.020(3), "Ceremonial Authority" means the Mayor's role in signing each temporary, standard, or special business license, certifying that each process is complete and that it complies with the City's ordinances.

05.02.075. Procedures for Business License Approval.

Type of Business License Application* (Administrative Action)	Initial Business License Authority	Final Business License Authority	Appeal Authority
1.Second Class Temp. Bus. Licenses; Standard Business License Renewals	_____	Licensing Authority **(C.D.Dep./ Staff)**	Special Uses/Appeals Bd.
2. New Standard Business Licenses; First Class Temporary Bus. Licenses	Licensing Authority **(C.D. Dep./ Staff)**	Review Authority **City Council**	Special Uses/Appeals Bd.
3. New Special Business Licenses for Conditional Use Permits	Licensing Authority **(C.D. Dep./ Staff)**	Review Authority **Planning Commission**	Special Uses/Appeals Bd.
4. New Special Business Licenses for other than CUP's; All Special Business License Renewals	Licensing Authority **(C.D. Dep./ Staff)**	Review Authority **Special Uses/Appeals Bd.**	Administrative Law Judge
5. Business License Reviews, Suspensions, or Revocations (outside of regular first time or annual renewal process)	Same as First Time or Annual Renewal Process	Same as First Time or Annual Renewal Process	Same as First Time or Annual Renewal Process
* Or for an amendment, modification, enlargement, or revocation of said type of application, unless otherwise indicated. The Mayor shall sign each temporary, standard, or special business license, certifying that each process is complete.			

05.02.080. Inspection and Enforcement Authority.

The Community Development Director may designate one or more inspection and enforcement authorities to administer the provisions of the municipal code for any proposed or existing businesses within the jurisdiction of the municipality. Any officer designed as inspection and enforcement authority shall be responsible to:

1. Conduct Code Inspections: Inspections may be conducted by the inspection authority as follows:
    a. Prior to the issuance of a new business license at a given location, or a business with a change to its application, the applicant shall permit inspection of the business premise by any regulating authority and by the inspection and enforcement authority to ensure compliance with the law and the municipal code.
    b. Ongoing inspection of any business or business premises may be conducted by any regulating authority or by the inspection and enforcement authority any time during business hours, or as otherwise arranged, in ensure ongoing compliance with the municipal code and other applicable law.
2. Conduct Investigations: Investigations may be conducted relating to any proposed business to verify the accuracy of the information relating to its application, or responding to issues and complaint relating to any existing business operation.
3. Coordination: Coordinate investigations and enforcement with the licensing authority.
4. Violations and remedies: Any regulating authority or inspecting and enforcement may:
    a. Issue a notice of violation to the business in the City for a violation of law.
    b. Issue a certificate of non-compliance and require a corrective action plan for any business in the City for a violation of the law.
    c. Issue a citation to the business or any person at the business who has allegedly violated the law.

   d. Seek administrative, injunctive, or other relief allowed by law.
5. Recommend to the licensing review authority that a business license be suspended or revoked.
6. Cause for suspension or revocation. It is cause for business license suspension or revocation for any business to:
   a. Violate local building, fire, and health codes.
   b. Violate occupational and safety laws and regulations.
   c. Violate applicable provisions of federal law, state law, or the municipal code.
7. Suspension or Revocation: Forward matters involving business license suspension or revocation to the appropriate review authority.

05.02.090. License Denial and Revocation.

The City's licensing authority and review authorities have cause to deny, suspend, or revoke a business license if the applicant:

1. Obtained a license by fraud or deceit.
2. Otherwise provided false or incomplete information on its license application to mislead any City official, the licensing authority, a regulating authority, or the inspecting and enforcement authority.
3. Failed to update its information on its application as provided in this Title, or failure to fully pay required fees.
4. Failed to pay any duly imposed property taxes, other taxes, or fees imposed by the City.
5. Failed to meet the requirements for issuance of a license set forth in the municipal code.
6. Has violated federal, state, county, or local law governing operation of the business for which the applicant is applying for the license.

05.02.100. Notice of Issuance or Denial.

The licensing authority shall notify the applicant of:

1. The Issuance of the License: Notification is fulfilled by mailing the license certificate to the address indicated upon the business license application of the business.
2. The denial, suspension, or revocation of a license and the reason for such action.

05.02.110. Appeal Authority.

Any person may appeal a decision made under this chapter to the administrative hearing officer or appeal authority by filing a written appeal within ten (10) days of the decision. As defined in Section 05.02.020(2), the designated Appeal Authority shall hear and decide the appeal of any final action or decision of any licensing authority or review authority, including any matter involving the denial, revocation, suspension, disputed classification, or other unresolved issue relating to a business license, as per Sections 05.02.070(3) and 05.02.075 herein. An appeal shall:

1. Not be heard by an Appeal Authority until after the Community Development Director or review authority has taken a final decision or action.
2. Be filed by a written notice of appeal filed with the licensing authority within ten (10) days of the notice of a classification, denial, suspension, or revocation, or any other

decision or action by a licensing authority or review authority.

3. Have no appeal fee, but all applicable license fees should have already been paid by the deadline as a pre-requisite to the appeal (but the fees are potentially refundable, as decided by the appeal authority).
4. Be heard by the Appeal Authority within a reasonable time after the filing of the notice of appeal.
5. Require that the designated Appeal Authority shall follow the same applicable rules and regulations used as a land use Appeal Authority, as such appropriately apply, as set forth in the Perry Municipal Code, Title 43, Rules of the Perry City Land Use Authorities and Appeal Authorities).
6. Require that decisions of an Appeal Authority become effective immediately (assuming the Appeal Authority issues an oral decision at a public meeting); otherwise, decisions of an Appeal Authority become effective as soon as they are made available in writing or to the public.
7. Require that no lawsuit may be filed in District Court by any business or applicant for any denial, suspension, or revocation of a business license, or any other decision or action by a licensing authority, review authority, or Appeal Authority, until the administrative appeal remedies of this section are exhausted. An appeal to District Court may only be made within 30 calendar days of the final decision or action of the appropriate Appeal Authority (or as otherwise allowed by law), which is the final decision or action of the City. If the thirtieth day is a Saturday, Sunday, or holiday, then an appeal can be made on the next day the Court Clerk's office is open.
8. Consist of the Special Uses and Appeals Board or the Administrative Law Judge.
9. Hear and decide all appeals under this chapter.
10. Act in a quasi-judicial manner and serve as the final arbiter of issues involving the interpretation or application of applicable law.
11. Exercise other powers and duties prescribed by law or assignment.
12. **General Provisions.** No person may challenge in district court any decision of the municipality or its enforcement officer(s) until that person has complied with the appeal procedure of this chapter and has exhausted all administrative remedies. No adversely affected party shall present a theory of relief in district court that was not first presented to the appeal authority. Adversely affected parties are precluded from pursuing duplicate or successive appeals before the appeal authority as a condition of the adversely affected party's duty to exhaust administrative remedies.

05.02.120. Penalties.

In addition to the other penalties provided by law for a violation of this title, the following penalties apply:

1. Civil penalties: Engaging in business activities in violation of this title there is imposed a warning for first offenses, $100 fine for second offenses, $500 fine for third offenses, and $1,000 for each subsequent offense.
2. Criminal Penalties: Engaging in business activities in violation of this title is a class B misdemeanor, and each day a violation continues constitutes a separate offense.

05.02.130. Severability.
In the event that any provision of this chapter is declared invalid for any reason by a court of competent jurisdiction, then the remaining provisions shall remain in full effect.

Chapter 05.06
ALCOHOLIC BEVERAGE CONTROL

05.06.010. Definitions.
05.06.020. Identification of license classifications.
05.06.030. Authorized license classifications and license fees.
05.06.040. Licensing requirements.
05.06.050. Inspection and enforcement.
05.06.060. Restrictions.
05.06.070. Suspension and revocation.
05.06.080. Appeals.
05.06.090. Penalties.

05.06.010. Definitions.
The following definitions apply in this chapter:

1. The definitions set forth in *Utah Code Annotated* §32A-1-105, 1953, as amended, or its successor statute, are adopted and incorporated herein by this reference.
2. "Alcohol or alcoholic beverage" means both "beer" and "liquor" collective when referenced in this chapter, unless otherwise distinguished.
3. "Alcoholic Beverage Control Act" means Title 32A of the *Utah Code Annotated*, or its successor statute.
4. "Enforcement officer" means any law enforcement officer or the person designated by the City Administrator to enforce this chapter.
5. "Local authority" means the Perry City and its enforcement officers.
6. "Licensing authority" means the local official designated by the local authority to issue business licenses, or the city recorder in absence of such official.

05.06.020. Identification of license classifications.
In accordance with *Utah Code Annotated* §32A-10-101, licenses to sell an alcoholic beverage issued hereunder shall be of the following six (6) classes and shall carry the following privileges:

1. Class "A" retail licenses issued hereunder shall entitle the licensee to sell on the premises licensed in original containers for consumption off the premises in accordance with the Utah Alcoholic Beverage Control Act and the ordinances of the local authority.
2. Class "B" retail licenses (for restaurants) shall entitle the licensee to sell a patron alcohol, a maximum of two (2) alcoholic beverages per customer, to be served on the premises for

consumption by the patron on the premises in conjunction with the sale of food in accordance with the Alcoholic Beverage Control Act and the ordinances of the local authority, as per Utah Code Section 32A-1-105(54), cited as follows:

"Restaurant" means a business establishment:

(a) where a variety of foods are prepared and complete meals are served to the general public;

(b) located on a premises having adequate culinary fixtures for food preparation and dining accommodations; and

(c) that is engaged primarily in serving meals to the general public.

3. Class “C” retail license shall entitle the licensee to sell draft beer for consumption on or off the premises and to sell beer in accordance with the Alcoholic Beverage Control Act and the ordinances of the local authority.
4. Class “D” retail license shall entitle the licensee to sell alcohol for consumption on or off the premises in accordance with the Alcoholic Beverage Control Act and the ordinances of the local authority.
5. Class “E” retail or wholesale license shall entitle the licensee to sell an alcoholic beverage in accordance with the Alcoholic Beverage Control Act and the ordinances of the local authority.
6. Class “F” a temporary license of any class issued for a period of time not to exceed one (1) year.

05.06.030. Authorized license classifications and license fees.

The local authority shall only issue a license to sell alcohol for the license classifications authorized in this section. In accordance with *Utah Code Annotated* §32A-11-102(2)(b), in addition to business license fees imposed by the local authority, including any accrued late fees, an annual application/license fee for the sale of alcohol is hereby imposed as set forth in this section. In the event that the local authority is required to issue a license for the sale of alcohol to an applicant by a governing authority or jurisdictional court, the annual application/license fee shall be paid as follows. The annual application/license fee for all other classes of licenses is also as follows:

1. Class “A” License: $225.00 for the initial application and each annual license renewal.
2. Class “B” License: $475.00 for the initial application and each license annual renewal.
3. Class “C” License: No Class “C” licenses are authorized by the local authority.
4. Class “D” License: No Class “D” licenses are authorized by the local authority.
5. Class “E” License: No Class “E” licenses are authorized by the local authority.
6. Class “F” Temporary License: No Class “F” or similar temporary-type licenses are authorized by the local authority.

05.06.040. Licensing requirements.

1. License required. It is unlawful for any person to engage in the business of selling an alcoholic beverage within the city without first obtaining the licenses required by this chapter.
2. Administration. The city recorder shall administer this chapter under the direction of the city administrator.
3. Application and fee. Any person seeking a license to sell an alcoholic beverage shall submit a written application to the city recorder as provided for in this chapter which shall be accompanied by the appropriate application/license fee required. All but $100.00 of the application/ license fee is refundable in the event that the application is denied (the $100.00 nonrefundable amount is to cover the time and expense to process the application). However, the applicant is given thirty (30) days after notice from the city of a deficiency to cure a denied or defective application without the requirement of repayment of the application/ license fee.
4. Information required. All applications for a license to sell an alcoholic beverage shall be made in writing upon the form provided by the city recorder. The application shall state:
    a. The name of the person desiring a license to sell an alcoholic beverage.
    b. The name of the business.
    c. The location where business is to be conducted.
    d. The names of all partners holding more than a twenty percent (20%) interest in the business.
    e. The class of license sought.
    f. Other information specified on the application as determined by the city administrator, or any other information required by ordinance or statute.
5. Review and approval. An application that complies with this chapter shall be issued by the city recorder after review and approval by the licensing authority. An application that does not meet the requirements of this chapter shall be denied by the licensing authority.
6. License owner. A license for the sale of alcohol is issued in the name of the business operator or owner rather than the name of the business. In the event of a change of the business operator or ownership, a new application and license is required along with a $25.00 processing fee (this fee is to cover the time and expense to process the application, and avoids the unnecessary expense of an additional annual business license fee).
7. Nontransferable. Licenses issued under this chapter are not transferable.
8. Renewal. A license issued under this chapter shall be renewed annual in conjunction the renewal schedule for business licenses.
9. Display. The holder of a license issued under this chapter shall display in a conspicuous location the licensee issued by the licensing authority along with any license issued by governing state agency for the sale of any alcoholic beverage.
10. Time limit on operation. If a holder of a license issued under this chapter fails to open or to conduct business within the jurisdiction of the local authority for a period of one (1) year after issuance of the license, then said license is void and a new application and fee must be submitted and approved by the licensing authority.

05.06.050. Inspection and enforcement.

The licensing official or enforcement official may conduct an inspection regarding any license issued under this chapter to assure compliance with applicable law. The holder of a license issued under this chapter, by accepting said license, irrevocably consents to allow the inspection and search of the licensed premises by any the licensing officer and/or the enforcement officer for any alcoholic beverage or for any other goods illegally possessed or kept, or for any evidence of any alleged alcohol related crime under investigation by law enforcement. The licensee further consents to the seizure of alcohol that exceeds that classification limits set upon the license holder or alcohol related property in violation of this chapter.

05.06.060. Restrictions.

The following restrictions in this section apply to all license classes and persons.

1. State law. It is unlawful to sell alcohol in violation of the Utah Alcoholic Beverage Control Act, or its successor.
2. Municipal code. It is unlawful for a applicant or licensee to violate the municipal code or any terms of the license issued under this chapter.
3. Limits on hours. It is unlawful for a person or any class of licensee to sell or otherwise furnish a patron or other person with an alcoholic beverage during the hours from one o'clock (1:00) A.M. to six o'clock (6:00) A.M.
4. Exceed license. It is unlawful to sell an alcoholic beverage except in the manner for which he has been so licensed pursuant to the provisions of this chapter.
5. Licensed premises. It is unlawful for any licensee to sell an alcoholic beverage anywhere within the city, except upon or within the premises licensed for such sale.
6. Advertising and promotions limitations. It is unlawful to advertise the sale of an alcoholic beverage, except in full compliance with the Alcoholic Beverage Control Act and regulations duly made thereunder by the state. It is unlawful for any licensee to give away or offer a free lunch, free food, or similar promotion in connection with the sale of an alcoholic beverage.
7. Intoxicated person. It is unlawful to sell an alcoholic beverage to a person who appears to be intoxicated by drugs or alcohol, or who is under the influence of any intoxicating beverage.
8. Under age. It is unlawful to sell an alcoholic beverage to any person under the age of 21, or allow a person under the age of 21 years to sell the same.
9. Unlawful product. It is unlawful for any licensee to purchase or acquire or allow to be kept upon the licensed premises any alcoholic beverage not lawfully acquired from a brewer or wholesaler licensed under the provisions of the Alcoholic Beverage Control Act, or as part of a duly approved micro-brewery. It is unlawful for any licensee keep a any liquor product on the licensed premises that exceed the scope of the license class or violates the Alcoholic Beverage Control Act.
10. Gambling. It is unlawful for any licensee to have, possess, store or display upon the licensed premises any gambling or gaming device or any lottery tickets, or to allow any such device or tickets to be brought upon the premises for any purpose.

11. Access. It is unlawful for any serving area, door, or entryway to be locked or barricaded in any way so as to interfere with the free entrance to the licensed premises by any enforcement officer at any time while the premises is occupied or open to the public. However, licensee may maintain upon the premises a locked storeroom for the keeping of goods and supplies used in the business.
12. Lookouts and warning devices. It is unlawful for any person commonly known as a "lookout" to be stationed or maintained to give warning of an approach of any enforcement officer. It is unlawful to maintain or operate any device which is used or capable of being used to give warning to persons of the approach of an enforcement officer.
13. Respondeat superior. The licensee shall be responsible under this chapter for all of the activities of his employees and hereunder, the licensee unconditionally guarantees to the city that neither he nor his employees will violate the terms of this chapter, and for breach of such guarantee, the license may be revoked. It is unlawful for the owner or any licensee to:
    a. Fail to maintain full control of the conduct of the business upon the licensed premises.
    b. Fail to inform employees of the requirements of law relating to the sale of alcohol in the state of Utah.
    c. Fail to maintain control of employees.
14. Adverse action. It is unlawful for any person to sell an alcoholic beverage after the revocation or suspension of any license issued to said person.
15. Set-backs. It is unlawful to operate a business where an alcoholic beverage is sold at retail for off-premise consumption within the set-back distance of a "community location" as defined in *Utah Code Annotated* §32A-1-105(14), according to the specified set-back distances for each class of license set forth in Title 32A of the *Utah Code Annotated*, unless the establishment pre-existed this chapter or is granted a variance to this part by the city council.
16. Restricted activities. It is unlawful to sell an alcoholic beverage at:
    a. At a dance or dance hall.
    b. At a public activity or on public property.
    c. At a sexually-oriented business.
    d. At a theater or cinema.
17. Nuisances. It is unlawful to keep or maintain a nuisance that results from the sale of an alcoholic beverage.

05.06.070. Suspension and revocation.

Any enforcement officer may suspend or revoke a license issued under this chapter as follows:

1. Suspension. If a licensee has been issued a warning or citation for a violation of this chapter and a second violation occurs within a one (1) year period, then the enforcement officer may suspend a license for up to thirty (30) day. In lieu of a suspension, the enforcement officer may issue a civil penalty not to exceed $1,000.00 for a violation of this chapter, unless a different fee is identified in the Fee Schedules (Title 84).

2. Revocation. An enforcement officer may revoke a license issued under this chapter if a license has another violation of this chapter where a suspension has been made within a one (1) year period prior to the violation. Any revocation made under this chapter shall continue for a period of one (1) year after which an applicant may resubmit an application under this chapter.
3. Education requirement. An enforcement officer may issue a suspension to any licensee for a violation of *Utah Code Annotated* §32A-1-401, or follow the procedure in this section as set forth for any adjudicative proceeding or otherwise. In lieu of suspension and based upon the facts and circumstances, the enforcement officer may impose a fine of up to $250 against any off-premise beer retailer for a violation of this part, unless a different fee is identified in the Fee Schedules (Title 84).
4. Operational requirements. It is cause for immediate revocation or suspension for a licensee who violates the operational requirements of *Utah Code Annotated* §§32A-4-106 and 32A-4-307, depending upon the severity of the violation(s).

05.06.080. **Appeals.**
All appeals shall be filed pursuant to the provisions of PMC Section 05.02.110.

05.06.090. Penalties.
In addition to other remedies allowed by law or applicable civil penalties provided by ordinance or statue, each violation of this chapter is a class B misdemeanor.

Chapter 05.32.
RESIDENTIAL SOLICITATION

05.32.010. Purpose.
05.32.020. No Other City License or Approval Required.
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05.32.040. Exemptions from Chapter.
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05.32.060. Registration of Solicitors.
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05.32.080. Written Disclosures.
05.32.090. When Registration Begins.
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05.32.130. Non-Transferability of Certificates.
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05.32.160. Deceptive Soliciting Practices Prohibited.
05.32.170. “No Soliciting” Notice.

05.32.180. Duties of Solicitors.
05.32.190. Time of Day Restrictions.
05.32.200. Buyer's Right to Cancel.
05.32.210. Penalties.

05.32.010. Purpose.

The following regarding the purpose of this Chapter:

1. General Statement of Purpose: Residents of the City have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.
2. General Statement of Policy: There must be a balance between these substantial interests of the City and its citizens, and the effect of the regulations in this chapter on the rights of those who are regulated. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door-to-door solicitation, the experience of its law enforcement officers and those affected by door-to-door canvassing and solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door-to-door solicitation, the City adopts this chapter to promote the City's substantial interests in:
    a. Respecting citizen's decisions regarding privacy in their residences;
    b. Protecting persons from criminal conduct;
    c. Providing equal opportunity to advocate for and against religious belief, political position, or charitable activities; and
    d. Permitting truthful and non-misleading door-to-door solicitation regarding lawful goods or services in intrastate or interstate commerce.
3. The City finds that the procedures, rules and regulations set forth in this Chapter are narrowly tailored to preserve and protect the City interests referred to herein while at the same time balancing the rights of those regulated.

05.32.020. No other City License or Approval Required.

The following exemptions are:

1. Registered and Exempt Solicitors: Registered solicitors and persons exempt from registration by law need not apply for, nor obtain, any other license, permit, or registration from the City to engage in door-to-door solicitation in addition to the requirements of this chapter.
2. General Business License does not Authorize Solicitation: Any business licensed by the City under another City ordinance that uses employees, independent contractors, or agents for door-to-door solicitation in an effort to provide any tangible or intangible

benefit to the business, is required to have its solicitors obtain a certificate, unless otherwise exempt.

3. No General Business License if not in City: Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.
4. Licensing Required by Another Governmental Authority: Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government laws regarding any license, permit, or certificate that a registered solicitor is otherwise required to have or maintain.

05.32.030. Definitions.

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

1. Advocating: Speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.
2. Appeals Officer or "Appeal Authority: The local appeal authority or hearing officer designated or responsible for hearing and deciding any appeal relating regarding the denial or suspension of a certificate and issuing a decision as required by this chapter. Unless otherwise designated, the Appeal Authority shall be the Administrative Law Judge (identified in the City's Land Use Ordinances, particularly in Section 23 thereof).
3. Appellant: The person or entity appealing the denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of the applicant or registered solicitor.
4. Applicant: An individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door-to-door solicitation.
5. Application Form: A standardized form provided by the City to an applicant to be completed and submitted as part of registration.
6. BCI or BCI report: An original or copy, dated no older than 180 days prior to the date of the application, of either:
    a. A Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or
    b. Verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.
7. Business: A commercial enterprise licensed by the City as a person or entity under this title, having a fixed or temporary physical location within the City.
8. Certificate: A temporary, annual, or renewal certificate permitting door-to-door solicitation in the City applied for or issued pursuant to the terms of this chapter.
9. Charitable Activities: Advocating by persons or entities that either are, or support, a charitable organization.

10. Charitable Organization: Charitable organization includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity that is:
    a. A benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;
    b. For the benefit of a public safety, law enforcement, or firefighter fraternal association; or
    c. Established for any charitable purpose; and
    d. Tax exempt under applicable provisions of the Internal Revenue Code of 1986 as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.
    e. Charitable organization, within the meaning of the "Charitable Solicitation Act" set forth in *Utah Code Annotated* §13-22-2(1)(a) and (b), including a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the City or the state of Utah.
11. Competent Individual: A person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.
12. Completed Application: A fully completed application form, a B.C.I, two copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of the applicable fees.
13. Criminally Convicted: Criminally convicted means the final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.
14. Disqualifying Status: Anything specifically defined in this chapter as requiring the denial or suspension of a certificate, and any of the following:
    a. The applicant or registered solicitor has been criminally convicted of:
        i. Felony homicide;
        Physically abusing, sexually abusing, or exploiting a minor;
        The sale or distribution of controlled substances, or
        Sexual assault of any kind.
    b. Criminal charges currently pending against the applicant or registered solicitor for:
        i. Felony homicide;
        ii. Physically abusing, sexually abusing, or exploiting a minor;
        iii. The sale or distribution of controlled substances, or;
        iv. Sexual assault of any kind.

c. The applicant or registered solicitor has been criminally convicted of a felony within the last ten (10) years.
d. The applicant or registered solicitor has been incarcerated in a federal or state prison within the past five (5) years.
e. The applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five (5) years involving a crime of:
    i. Moral turpitude, or
    ii. Violent or aggravated conduct involving persons or property.
f. A final civil judgment been entered against the applicant or registered solicitor within the last five (5) years indicating that:
    i. The Applicant or Registered Solicitor had either engaged in fraud, or intentional misrepresentation, or
    ii. That a debt of the Applicant or Registered Solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19).
g. The applicant or registered solicitor currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device.
h. The applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction.
i. The applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

15. Door-to-door Solicitation: The practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or attempting to further the sale of goods and or services.
16. Entity: Entity includes a corporation, partnership, limited liability company, or other lawful entity, organization, society or association.
17. Fees: The cost charged to the applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the certificate and/or identification badge.
18. Final Civil Judgment: A civil judgment that would be recognized under state law as a judgment to which collateral estoppels would apply.
19. General Business License: A business license required to operate a business in the City under any other chapter of this title.
20. Goods: One or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.
21. Home Solicitation Sale: Home solicitation sale means to make or attempt to make a sale of goods or services by a solicitor at a residence by means of door-to-door solicitation, regardless of:
    a. The means of payment or consideration used for the purchase;
    b. The time of delivery of the goods or services; or

   c. The previous or present classification of the Solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

22. Licensing Officer or Licensing Authority: The City official or authority responsible for receiving from an applicant or registered solicitor the completed application and either granting, suspending, or denying the applicant's certificate. Unless otherwise designated, this shall be an individual designated by the Community Development Director, who is subject to the direction of the Community Development Director.
23. No solicitation sign: A reasonably visible and legible sign that states: "No Soliciting," "No Solicitors," "No Salespersons," "No Trespassing," or words of similar import.
24. Political Position: Any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.
25. Registered Solicitor: Any person who has been issued a current certificate by the City.
26. Registration: The process used by the City licensing officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.
27. Religious Belief: Any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.
28. Residence: Any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the City, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, public street, or public rights of way.
29. Responsible Person or Entity: That person or entity responsible to provide the following to an applicant, registered solicitor, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:
    a. Maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;
    b. Facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and
    c. Refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.
30. Sale of Goods or Services: The conduct and agreement of a solicitor and the competent individual in a residence regarding a particular good(s) or service(s) that entitles the consumer to rescind the same within three days under any applicable federal, state, or local law.
31. Services: Those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.
32. Soliciting, Solicit, or Solicitation: Any of the following activities:

a. Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
b. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
c. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;
d. Seeking to obtain orders or prospective customers for goods or services.
e. Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale; or
f. Other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

33. Solicitor or Solicitors: A person(s) engaged in door-to-door solicitation.
34. Submitted in Writing: The information for an appeal of a denial or suspension of a certificate submitted in any type of written statement to the City offices by certified, registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.
35. Substantiated Report: An oral, written, or electronic report:
    a. Submitted to and documented by the City by a:
        i. A competent individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;
        ii. City law enforcement or licensing officer; or
        iii. Any other regularly established law enforcement agency at any level of government.
    b. That provides any of the following information regarding a registered solicitor:
        i. Documented verification of a previously undisclosed disqualifying status of a registered solicitor;
        ii. Probable cause that the registered solicitor has committed a disqualifying status which has not yet been determined to be a disqualifying status;
        iii. Documented, eye-witness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this chapter; or
        iv. Probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City.
36. Waiver: The written form provided to applicant by the City wherein applicant agrees that the City may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this chapter, and which contains applicant's notarized signature.

05.32.040. Exemptions.

The following regarding exemptions:

1. Except as provided herein, the following are exempt from registration under this Chapter:

a. Invitee: Persons specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence.
b. Licensee: Persons whose license, permit, certificate or registration with the State of Utah permits them to engage in door-to-door solicitation to offer goods or services to an occupant of the residence.
c. Delivery service: Persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual.
d. Non-profit: Persons advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase.
e. Charity: Persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the solicitation has been approved in writing by the school administration, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.

2. Limitations: Those persons exempt from registration are not exempt from the duties and prohibitions outlined in Sections 05.32.170, 05.32.180 and 05.32.190 while advocating or soliciting.

05.32.050. Solicitation Prohibited.

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

05.32.060. Registration of Solicitors.

Unless otherwise exempt under this chapter, all persons desiring to engage in door-to-door solicitation within the City, prior to doing so, shall submit a completed application to the licensing officer and obtain a certificate (which is a particular type of second-class temporary license).

05.32.070. Application Form.

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

1. Review of Written Disclosures: An affirmation that the applicant has received and reviewed the disclosure information required by this chapter.
2. Contact Information: The following information shall be provided by applicant:

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

3. Proof of Identity: An in-person verification by the licensing officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:
    a. A valid driver's license issued by any state.
    b. A valid passport issued by the United States.
    c. A valid identification card issued by any state.
    d. A valid identification issued by a branch of the United States military.
4. Return Original: Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant.
5. Proof of Registration with Department of Commerce: The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah State Department of Commerce.
6. Special Events Sales Tax Number: The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity for which the applicant will be soliciting.
7. Marketing Information: The following documentation shall be provided by applicant:
    a. The goods or services offered by the Applicant, including any commonly known, registered or trademarked names.
    b. Whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.
8. BCI Background Check: The applicant shall provide:
    a. An original or a copy of a BCI background check as defined in this chapter.
    b. A signed copy of a waiver whereby applicant agrees to allow the City to obtain a name/date of birth BCI background check on applicant for purposes of enforcement of this chapter as set forth in *Utah Code Annotated* §53-10-108(1)(b).
    c. Responses to questions regarding disqualifying status. The applicant shall be required to affirm or deny each of the following statements on the application form:
        i. Has the applicant been criminally convicted of:
            1. Felony homicide.
            2. Physically abusing, sexually abusing, or exploiting a minor.
            3. The sale or distribution of controlled substances.
            4. Sexual assault of any kind.
        ii. Are any criminal charges currently pending against the Applicant for:
            1. Felony homicide.

2. Physically abusing, sexually abusing, or exploiting a minor.
3. The sale or distribution of controlled substances.
4. Sexual assault of any kind.

iii. Has the Applicant been Criminally Convicted of a felony within the last ten (10) years.

iv. Has the Applicant been incarcerated in a federal or state prison within the past five (5) years.

v. Has the Applicant been Criminally Convicted of a misdemeanor within the past five (5) years involving a crime of:
1. Moral turpitude.
2. Violent or aggravated conduct involving persons or property.

vi. Has a final civil judgment been entered against the applicant within the last five (5) years indicating that:
1. Applicant had either engaged in fraud, or intentional misrepresentation.
2. That a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. ' 523(a)(2), (a)(4), (a)(6), or (a)(19).

vii. Is the applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device.

viii. Does the applicant have an outstanding arrest warrant from any jurisdiction.

ix. Is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

9. Fee: The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the certificate and/or identification badge.
10. Execution of Application: The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful and accurate.

05.32.080. Written Disclosures.

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

1. Authorization: Applicant's submission of the application authorizes the City to verify information submitted with the completed application including:
   a. Applicant's address.
   b. Applicant's and/or responsible person or entity's state tax identification and special use tax numbers, if any.
   c. Validity of the applicant's proof of identity.
2. Research: The City may research any publically available sources for information on the applicant, including but not limited, to databases for any outstanding warrants, protective orders, or civil judgments.

3. Identity: Establishing a valid proof of identity is required before registration is made.
4. Fee: Payment of the applicable fee amount must be submitted by applicant with any completed application.
5. BCI Report: Applicant must submit a BCI background check with a completed application. To the extent permitted by state and/or federal law, the applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection.
6. Public Record: The City will maintain copies of the applicant's application form, proof of identity, and certificate and/or identification badge. These copies will become public records available for inspection on demand at the City office whether or not a certificate is denied, granted, or renewed.
7. Supporting Documentation: Applicant shall provide any additional supporting documentation relating to the criteria pertaining to disqualifying status.
8. Temporary Certificate: A request for a temporary certificate will be granted or denied the same business day that a completed application is submitted.

05.32.090. When Registration Begins.

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

05.32.100. Issuance of Certificates.

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

1. Temporary Certificate:
    a. A temporary certificate shall issue allowing the Applicant to immediately begin door-to-door solicitation upon all the following conditions being met:
        i. Applicant's submission of a completed application.
        ii. Applicant's submission of the required fee.
        iii. Applicant establishes proof of identity;.
        iv. The applicant's representations on the application form do not affirmatively show a disqualifying status.
        v. BCI does not affirmatively show a disqualifying status.
        vi. Applicant has not previously been denied a certificate by the City, or had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.
    b. Expiration: A temporary certificate will automatically expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual certificate, whichever period is shorter.

2. Annual Certificate: Within twenty-five (25) calendar days of the issuance of a temporary certificate the City licensing officer shall:
    a. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to those disclosed with the application form.
    b. Issue written notice to the applicant and the responsible person or entity, if any, that the applicant either:
        i. Will be issued an annual certificate, eligible for renewal one year from the date of issuance of the temporary certificate; or
        ii. Will not be issued an annual certificate for reasons cited in Section 05.32.140 of this chapter.
3. Renewal Certificate: An annual certificate shall be valid for one year from the date of issuance of the temporary certificate and shall expire at midnight on the anniversary date of issuance. Any annual certificate that is not suspended, revoked, or expired may be renewed upon the request of the registered solicitor and the submission of a new completed application and payment of the fee, unless any of the conditions for the denial, suspension or revocation of a certificate are present as set forth in Section 05.32.140, or a disqualifying status is present.

05.32.110. Form of Certificate and Identification Badge.

The following regarding the form of certificate and identification badge:

1. Certificate Form: Should the licensing officer determine that the applicant is entitled to a certificate, the licensing officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the license officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the City.
2. Identification Badge: If the City issues an identification badge, with a certificate, the identification badge shall be worn prominently on his or her person while soliciting in the City. The identification badge shall bear the name of the City and shall contain:
    a. The name of the registered solicitor.
    b. Address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity is provided.
    c. A recent photograph of the registered solicitor.
    d. The date on which the certificate expires.

05.32.120. Maintenance of Registry.

The licensing officer shall maintain and make available for public inspection a copy or record of every completed application received and the certificate or written denial issued by the City. The applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The licensing officer may furnish to the head of the City's law enforcement agency a listing of all applicants, those denied, and those issued a certificate.

05.32.130. Non-transferability of Certificates.

Certificates shall be issued only in the name of the applicant and shall list the responsible party or entity, if any. The certificate shall be non-transferable. A registered solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different goods, services, responsible person or entity shall submit a written change request to the licensing officer prior to the commencement of such a change. An amended certificate based on the changed information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before the amended certificate is issued to the registered solicitor, the registered solicitor may be required to pay any amendment fees, update any the identification badge, and provide any additional updated information to the registered solicitors' original application.

05.32.140. Denial, Suspension, or Revocation of a Certificate of Registration.

The following regarding denial, suspension, or revocation of a certificate of registration:

1. Denial: Upon review, the licensing officer is prohibited from issuing a certificate to an applicant as provided in this section.
    a. Denial of Temporary Certificate: Any of the following is a basis for denial of a temporary certificate:
        i. The application form is incomplete.
        ii. Applicant fails to:
            1. Establish proof of identity;
            2. Provide a BCI report; or
            3. Applicant does not pay the required fees.
        iii. The completed application or BCI report indicates that the applicant has a disqualifying status.
        iv. The applicant has previously been denied a certificate by the City, or has had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.
    b. Denial of Annual Certificate: Any of the following is a basis for denial of issuance of an annual certificate:
        i. The information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect.
        ii. Since the submission of the completed application, the applicant is subject to a previously undisclosed or unknown disqualifying status.
        iii. Applicant fails to make payment of the required fees.
        iv. Since the submission of the application, the City has received a substantiated report regarding the past or present conduct of the applicant for a violation of this chapter.
        v. Since the submission of the application, the City or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating federal, state, or municipal laws in a manner rising to the level of a disqualifying status.

vi. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that:
    1. The applicant had either engaged in fraud, or intentional misrepresentation; or
    2. That a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19).

c. Denial of Annual Certificate Renewal: Any of the following is a basis for denial of an annual certificate renewal:
    i. The information submitted by the applicant when seeking renewal of a certificate is found to be incomplete or incorrect.
    ii. Since the submission of the renewal application, the applicant is subject to a previously undisclosed or unknown disqualifying status.
    iii. Failure to make payment of any required fee.
    iv. Since the submission of the application or granting of a certificate, the City has received a substantiated report regarding the past or present conduct of the solicitor in violation of this chapter.
    v. The City or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating federal, state, or municipal laws in a manner rising to the level of a disqualifying status.
    vi. Since the submission of the application, a final civil judgment has been entered against the applicant indicating that:
        1. Applicant had either engaged in fraud, or intentional misrepresentation, or;
        2. That a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19).

2. Suspension or Revocation: The City shall either suspend or revoke a certificate when any of the basis warranting the denial of a certificate occurs.
3. Notice of Denial or Suspension: Upon determination of the licensing officer to deny an applicant's completed application or to suspend a registered solicitor's certificate, the City shall cause written notice to be sent to the applicant or registered solicitor by the method indicated in the completed application. The notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by applicant upon one (1) business day notice to the City, and the date upon which the denial or suspension of the certificate shall take effect. It shall further state that the applicant or registered solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in section 05.32.030, in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a certificate automatically results in its revocation.

05.32.150. Appeal.

An applicant or registered solicitor whose certificate has been denied or suspended shall have the right to appeal to the Appeal Authority (also known as the "Appeals Officer"). The following is also included:

1. Standing: Any appeal must be submitted by the applicant, the responsible person or entity, or authorized legal counsel.
2. Procedure: The following procedures and requirements shall apply to all appeals:
    a. The appeal must be submitted in writing to the City Recorder or designee within ten (10) business days of the decision from which the appeal is taken.
    b. The appeal shall describe in detail the nature of the appeal, the action complained of, and the grounds for appeal.
    c. Upon request of the applicant or registered solicitor, within one business day, the City will make available any information upon which it relied in making the determination to either deny or suspend the certificate.
3. Standard of Review: The Appeals Officer shall review, de novo, all written information submitted by the applicant or registered solicitor to the licensing officer, any additional information relied upon by the licensing officer as the basis for denial, suspension or revocation, and any additional information supplied by the City, applicant or registered solicitor. Any additional information submitted by any party to the appeal to the Appeals Officer shall be simultaneously submitted to the opposing party. If requested, any party shall have three (3) business days to submit rebuttal documentation to the Appeals Officer regarding the additional information submitted by the opposing party.
4. Decision: The Appeals Officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in Section 05.32.150, the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.
    a. The denial or suspension of the certificate shall be reversed by the Appeals Officer if upon review of the written appeal and information submitted, the Appeals Officer finds that the licensing officer made a material mistake of law or fact in denying or suspending the applicant or registered solicitor' certificate.
    b. If the written appeal and information submitted indicates that the licensing officer properly denied or suspended the certificate of the applicant or registered solicitor, the denial or suspension of the certificate shall be affirmed and constitute a determination that the suspended certificate is revoked.
    c. The decision of the Appeals Officer shall be delivered to the applicant or registered solicitor by the means designated in the completed application, or as otherwise agreed during the appeal process.
5. Exhaust Administrative Remedies Required: The applicant is required to exhaust all administrative remedies relating to an application before filing suit or initiating a proceeding in any court.
    a. After the ruling of the Appeals Officer, the applicant or solicitor is deemed to have exhausted all administrative remedies with the City.

b. Nothing herein shall impede or interfere with the Applicant's, Solicitor's, or City's right to seek relief in a court of competent jurisdiction after exhausting all administrative remedies.

05.32.160. Deceptive Soliciting Practices Prohibited.

The following activities are prohibited:

1. Fraud: No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.
2. Improper Display of Identification: A solicitor fails to properly display any identification badge required by this chapter to the consumer during face-to-face solicitation.
3. False Name: No solicitor uses a fictitious name, an alias, or any name other than his or her true and correct name.
4. No Endorsement: No solicitor shall represent directly or by implication that the granting of a certificate of registration implies any endorsement by the City of the solicitor's goods or services or of the individual solicitor.

05.32.170. Notice of "No Solicitation."

Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" or similar sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence. Such sign shall not exceed the size parameters specified in the land use ordinance relating to signs. The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors. It shall be the responsibility of the solicitor to check each residence for the presence of any such notice. The provisions of this section shall apply also to solicitors who are exempt from registration.

05.32.180. Duties of Solicitors.

Solicitors shall have the following duties prescribed by law, notwithstanding the issuance of a certificate:

1. Check for Notice: Every person soliciting or advocating shall check each residence for any "No Soliciting" or similar sign or placard notifying a solicitor not to solicit on the premises. If such sign or placard is posted such solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property.
2. Attempted Solicitation After Notice Of Desist. No solicitor shall knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or placard for the purpose of engaging in or attempting to engage in advocating, a home solicitation sale, door-to-door soliciting, or soliciting.
3. False Purpose: No solicitor shall through ruse, deception, or fraudulent concealment of a purpose to solicit, to take action calculated to secure an audience with an occupant at a residence.
4. Leave Premises upon Request: Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.

5. No Physical Contact: No solicitor shall intentionally or recklessly make any physical contact with, or touch another person without the person's consent.
6. Consent before Entering Premises: No solicitor shall follow a person into a residence without their explicit consent.
7. Pressure Tactics: No solicitor shall continue to repeat soliciting after a person and/or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods or services of the solicitor.
8. Profanity and Disorderly Conduct: No solicitor shall use obscene or profane language in a place or under circumstances which could cause a breach of the peace or good order of the City in accordance with *Utah Code Annotated* §10-8-50, 1953, as amended, or engage in any other disorderly conduct as prohibited by law.

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

05.32.200. Buyer's Right to Cancel.
In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within three (3) days after signing an agreement to purchase. Such notice of "Buyer's right to cancel" shall be in the form required by *Utah Code Annotated* §70C-5-103, 1953, as amended, in addition to any other related state or federal law.

05.32.210. Penalties.
Any person who violates any term or provision of this chapter shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed $1,000.00 and/or a jail sentence of not to exceed six (6) months.

Chapter 05.36.
APARTMENT HOUSES, DUPLEXES AND MOBILE HOME PARKS

05.36.010. Definitions.
05.36.020. License Requirement.
05.36.030. License: Inspection Required Prior to Issuance.
05.36.040. License: Application.
05.36.050. License: Contents.
05.36.060. License: Fee.
05.36.070. License: Revocation.
05.36.080. Violation: Misdemeanor.

05.36.010. Definitions.

For the purposes of this title:

1. Apartment House: An apartment house shall consist of three or more rented units upon a plot of property.
2. Duplex: A building arranged or designed to be occupied by two families, the structure having only two dwelling units.
3. Mobile Home, Mobile Home Park, and Mobile Home Space as used in this Chapter are defined in Section 05.02.020., Definitions.

05.36.020. License Requirement.

It is unlawful for any person or party to engage in or carry on the business of operating an apartment house, duplex or mobile home park, as defined, without first procuring a business license for the same.

05.36.030. License: Inspection Required Prior to Issuance.

Each apartment house, duplex and mobile home within the City shall be inspected by the City building inspector or his agents to ascertain the condition of safety and sanitation thereof prior to the issuance of such license. Any such apartment house, duplex, mobile home park shall be inspected annually prior to the issuance of each annual business license therefore.

05.36.040. License: Application.

Each apartment house, duplex, and mobile home park owner shall submit an application in writing on forms furnished by the City for an apartment house, duplex or mobile home park business license. The application forms shall grant to the City the right to make an inspection of the apartment house, duplex or mobile home park premises prior to the issuance of the initial and each subsequent annual apartment house, duplex and mobile home park license.

Upon receipt of an approved inspection of the apartment house, duplex or mobile home park premises by the City building inspector or his agents, said application shall be submitted to the City Council for its approval; upon approval by the City Council said license shall be issued to applicant under the signatures of the Mayor and City Recorder.

05.36.050. License: Contents.

Every license shall specify by name, the person, and firm or party to whom it is issued, and shall designate the number of apartment units or mobile home park spaces and the place at which the apartment house, duplex or mobile home park business shall be carried on.

05.36.060. License: Fee.

The annual license fees for apartment houses, duplexes and mobile home parks shall be set from time to time by resolution of the City Council. All license fees shall be due and payable annually on or before February 16th of each calendar year. The license fees for newly constructed apartment houses will be due and payable forty-five (45) days after the certificate of occupancy is issued by the City. If a license fee is paid after the times specified above, a fifty (50%) percent penalty will be added.

05.36.070. License: Revocation.

The City Council reserves the right to revoke any apartment house, duplex or mobile home park license as issued hereunder for just cause, after proper notice to and right to hearing by the holder thereof, according to law.

05.36.080. Violation: Misdemeanor.

Any person who shall engage in the operation of an apartment house, duplex or mobile home park as defined in this title, without first obtaining a license as provided in this chapter shall be deemed guilty of a misdemeanor.

Chapter 05.40.
FEES

05.40.010. Assessment Generally.
05.40.020. Fees.
05.40.030. Time of Payment and Term of License.

05.40.010. Assessment Generally.

The license fee levied and assessed upon any business, profession, or calling engaging in business with the City, shall be assessed as hereinafter set forth. The City may modify the amounts chargeable as license fees from time to time by resolution, and upon enacting said resolution the ordinance codified in this chapter shall be considered modified, as set forth therein.

05.40.020. Fees.

License fees for businesses shall be as identified in Perry Municipal Code Section 05.02.030 (Uniform Business License Regulations) and Title 84 (Fee Schedules).

05.40.030. Time of Payment and Term of License.

All licenses as referred to in this title shall be payable in advance for the current calendar year, or part thereof, without pro-ration for any partial year. All licenses are due and payable on or before the first day of January of the current calendar year for which the license has been applied for, for year-around continuing business or the forty-fifth day after commencing business for new or seasonable businesses, professions or activities. A fifty (50%) percent penalty of the regular license fee shall be added for any license fee paid after February 1st.

Chapter 05.50.
INDEX OF ANNUAL BUDGET AND TAX RATE APPROVALS

05.50.090. 09-I (Final Budget Amendment for Fiscal Year 08-09), Approved 06/11/09.
05.50.091. 09-J (Final Budget FY 09-10), Approved 06/11/09.
05.50.092. 09-Q, Initialed called 09-21 (Final Tax Rates and Budget FY 09-10), Approved 08/13/09.
05.50.093. 10-I (Final Amended budget FY 09-10), Approved 06/10/10.
05.50.094. 10-J (Final Budget FY 10-11), Approved 06/10/10.
05.50.095. 10-16 (Flat Tax Rate Adjustment), Approved 08/12/10.

Legislative History

Chapters 05.28, 05.36, and 05.40 were adopted in 1983 by Ord. 124.
Previous ordinance adopted 1/24/08 which adopted Chapter 05.02 and repealed Chapter 05.04, Chapter 05.08, Chapter 05.12, Chapter 05.16, Chapter 05.20, and Chapter 05.24.
Previous ordinance adopted 2/28/08, which adopted Chapter 05.32.
New numbering system and codification into 2008 Perry Municipal Code: 12/11/2008
Amendments to Chapter 5.02 and Section 05.40.020. 01/29/2009
Amended 05.02.110 in its entirety: 05/27/2010
Repealed Chapter 05.28 and enacted Chapter 50.06: 05/27/2010
First Index Codification, Creating Chapter 05.50: January 13, 2011

Title 6, A General Ordinance
ANIMAL CONTROL

Chapter 06.01. **DEFINITIONS.**
Chapter 06.02. **ADMINISTRATION.**
Chapter 06.03. **LICENSING AND REGULATORY PERMITS.**
Chapter 06.04. **PROHIBITED ACTS.**
Chapter 06.05. **IMPOUNDMENT.**
Chapter 06.06. **RABIES CONTROL.**
Chapter 06.07. **OTHER ANIMAL CONTROL LAWS.**
Chapter 06.08. **ENFORCEMENT AND PENALTIES.**

Chapter 06.01.
DEFINITIONS

06.01.010. Definitions.

06.01.010. Definitions.

The following definitions of this title:

1. Animal: Any and all types of livestock, dogs and cats, and all other subhuman creatures, domestic and wild, male and female, singular and plural.
2. Animal boarding establishment: Any establishment that takes in animals and boards them for profit.
3. Animal grooming establishment: Any establishment maintained for the purpose of offering cosmetological services for animals at a profit.
4. Animal shelter or shelter: Any facility owned and operated by a governmental entity or an animal welfare organization duly organized in Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, homeless, quarantined, abandoned, stray, or unwanted dogs, cats, or other domestic animals.
5. Animals at-large: An animal shall be considered to be “at-large” when it is off the owner’s property and not under immediate control, by means of a durable restraint device, capable of keeping the animal restrained; or an animal that is on the property of the owner and not securely confined by a leash, building, fenced area, or appropriate transport device.
6. Bite: Any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.
7. Cat: Any age feline, of the domestic type.
8. Cattery: An establishment for boarding, breeding, buying, grooming, or selling cats (five (5) or more) for profit.
9. Cat colonies: A group of two or more feral cats.
10. City or municipality: The municipality of Perry City, Utah.
11. Dangerous animal: Any animal that, according to the records of the Perry City Animal Control Division, or other city or county law enforcement agency and/or officer:

a. Has inflicted serious injury on a human being, with or without provocation, on public or private property;
b. Has killed a domestic animal, with or without provocation, while off the owner's property;
c. Has previously been found to be "potentially dangerous", the owner having received notice of such, and is witnessed and documented that the animal aggressively bites, attacks or endangers the safety of humans or domestic animals; or
d. The animal is found to be in violation of any of the restrictions placed upon the animal by the Animal Control Division, pertaining to a potentially dangerous animal. As designated in this ordinance.

12. Department: The Perry City Police Department.
13. Division: The Animal Control Division within the Perry City Police Department.
14. Dog: Any canis familiaris over four (4) months of age. Any canis familiaris under the age of four (4) months is a puppy.
15. Domesticated animals: Animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys, lamas, and cattle.
16. Enclosure: As it relates to dogs, a fence or structure of at least six feet in height, forming or causing an enclosure suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the vicious dog.
17. Astray or stray: Any animal running at-large, whose owner cannot be found after a reasonable search; and, only relating to livestock, such is more specifically defined as set forth in Utah Code §4-25-1, 1952 as amended.
18. Facility manager: The manager of the animal impound facility or animal shelter facility used or contracted by the City.
19. Feral cats: Cats that exist in a wild state and determined not to have an owner and have reverted to wild state.
20. Government working dog: A dog trained to assist officials of government agencies in law enforcement exercises.
21. Guard dog: A working dog which must be kept in a fenced run or other suitable enclosure during business hours, and on a leash or under absolute control while working so that it cannot come into contact with the public.
22. Holding facility or facility: Animal impound, animal shelter, humane establishment, or any other similar facility used for holding animals.
23. Impounded animal: Any animal taken into custody by the division, another governmental entity, or a facility.
24. Kennel: Land or buildings used in the keeping of four (4) or more dogs, four (4) months or older.
25. Leash or lead: Any chain, rope or device used to restrain an animal.
26. Licensed dog: A dog wearing its current dog license tag.
27. Livestock: Any normally domesticated animal that is not a cat, or dog, such as: cattle, sheep, goats, mules, burros, horses, geese, ducks, turkeys, lamas, pigs, etc.
28. Neutered animal: An animal having had the testicles removed; a castrated animal.

29. Officer: An animal control officer, governmental official, law enforcement officer, or other individual authorized to enforce or act within the scope of this chapter.
30. Owner: Any person who is the legal owner, keeper, possessor, and/ or the actual custodian of animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal.
31. Pet: A domesticated animal kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, mice, and their animals associated with man's environment.
32. Pet shops: Any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cat, birds or other pets for sale are kept or displayed.
33. Police Chief or Chief of Police: The duly appointed Perry City Police Chief.
34. Potentially dangerous animal: Any animal that, with or without provocation, chases or approaches a person upon the streets, sidewalks, or any public grounds, in a threatening or menacing fashion, or apparent attitude of attack, or any animal with a known propensity, tendency or disposition to attack with or without provocation. In addition a potentially dangerous animal is any animal that, because of witnessed and documented action, is believed capable of causing injury, or otherwise posing a threat to the safety of humans or domestic animals.
35. Quarantine: The isolation of an animal under the observation of a licensed veterinarian or in the custody of the animal shelter in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
36. Residence: Any legally recognized dwelling (home, apartment, and/or condominium).
37. Restraint device: Any chain, leash, cord, rope, or other device commonly used to restrain an animal.
38. Ridding school or stable: An establishment which offers boarding and /or riding instruction of any horse, pony, donkey, mule or burro or which offers such animals for hire.
39. Service animal: An animal specifically trained and certified by a nationally recognized training establishment to assist physically challenged persons. Examples include but are not limited to: hearing-impaired, mobility-limited, or seeing-eye dogs.
40. Spayed: An animal having had the ovaries and uterus removed or extirpated and ovariohysterectomy.
41. Vaccinated dog: A dog inoculated with an approved, currently valid, anti rabies vaccine, and wearing a current dog license tag indicating proof of such vaccination.
42. Vicious animal: a vicious animal as described below:
    a. Inflicted severe injury on human being, with or without provocation, on public or private property;
    b. Has killed a domestic animal, with or without provocation, while off the owners' property; or

c. Has been previously found to be dangerous, the owner having received notice of such, and the animal again bites, attacks or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions, placed upon it, as a potentially dangerous or dangerous animal pursuant to Section 6.04.050. and 6.04.060. of this ordinance.

43. Wild animal: Any animal which is not commonly domesticate, or which is a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, or property if not kept, maintained, or confined in safe and secure manner. Those animals, however domesticated, shall include but are not limited to:
    a. Alligators, Crocodiles, Caiman;
    b. Bears (ursidae). All bears including grizzly bears, brown bears and black bears;
    c. Cat Family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wild cat, and similar animals;
    d. Dog Family (canidae). All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo, and similar animals.
    e. Porcupine (erethizontidae);
    f. Primate (Non-human). All subhuman primates;
    g. Raccoon (prosynnidae). All raccoons, including eastern raccoon, desert raccoon ring-tailed cat, and similar animals;
    h. Skunks;
    i. Venomous fish and piranha;
    j. Venomous snakes and lizards;
    k. Weasels (mustelidae). All including weasels, martens, wolverines, badgers, otters ermine, mink, mongoose, and similar animals;
    l. Despite the restrictions stated above, there shall be an exception granted to persons raising wild animals for their pelts and for commercial purpose.

Chapter 06.02.
ADMINISTRATION

06.02.010. Animal Control Division Created.
06.02.020. Power and Authority of Animal Control Officials.
06.02.030. Interfering With Officers Prohibited.
06.02.040. Animal Shelter Provided.
06.02.050. Restrictions, Rules, and Regulations.

06.02.010. Animal Control Division Created.

The Perry City Council hereby creates Animal Control Division within the Perry City Police Department for the purpose of resolving animal related occurrences in the municipality.

06.02.020. Power and Authority of Animal Control Officials.
The chief of the Department may designate one or more officers as animal control officers, who shall take the oath of office, and shall be:

1. Vested with the power and authority to enforce this ordinance.
2. Animal control officers are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this chapter and administer the provisions of the same.

06.02.030. Interfering With Officers Prohibited.
It is unlawful for any person to knowingly and intentionally interfere with any animal control officer in the lawful discharge of his/her duties as prescribed in this ordinance.

06.02.040. Animal Shelter Provided.
The Perry City Council shall provide for suitable premises, facilities, and supplies for an animal shelter wherein impounded animals can be adequately kept, or may contract for the same with another entity. Any shelter provided or contracted shall comply with the "Municipal Animal Shelter Pet Sterilization Act" set forth in *Utah Code Annotated* §10-17-101, et seq, 1953, as amended.

06.02.050. Restrictions, Rules, and Regulations.
Under the direction of the Chief of Police, the division may impose restrictions on dangerous or potentially dangerous or similar animals to protect the public or persons from the same. Under the direction of the Chief of Police, the division is hereby delegated authority and may promulgate such rules and regulations necessary and consistent with this chapter to more fully implement the same. Under the direction of the Chief of Police, the division is hereby delegated authority to promulgate rules and regulations applicable to pet shops, animal grooming establishments, or similar establishments for the safe and effective operation of the same.

Chapter 06.03.
LICENSING AND REGULATORY PERMITS

06.03.010. Licensing and Registration of Dogs.
06.03.020. Exemptions.
06.03.030. Tag And Collar Required.
06.03.040. Removal of Tag and Collar Unlawful.
06.03.050. Kennel Licenses.
06.03.060. Number of Cats and/or Dogs Per Residence.
06.03.070. Display of Permit.
06.03.080. Renewal of Permit.
06.03.090. Exemptions.
06.03.100. Inspections.
06.03.110. Suspension or Revocation of Permit.
06.03.120. Notice Served.

06.03.010. Licensing and Registration of Dogs.

It shall be unlawful for any person to own, keep, harbor, or maintain a dog over the age of four (4) months of age, without registering and obtaining a license for such dogs from the division or authorized vendor.

1. All dogs brought into the municipality shall require registering and licensing within thirty (30) days after they enter the municipality, or within thirty (30) days after having reached the age of four (4) months.
    a. The annual fee for all dog licenses shall be from time to time set by resolution by the Perry City Council.
    b. For any dog not registered within thirty (30) days after having been brought into the municipality, or within thirty (30) days of being four (4) months old, the owner thereof will be required to pay and additional license "late fee" which shall be set from time to time by resolution of the Perry City Council.
2. No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.
3. Proof that the dog has a current rabies inoculation shall be presented at the time the license is applied for. Proof must be in writing and must include the licensed veterinarian who administered the vaccine.

06.03.020. Exemptions for Licensing.

Section 6.03.010 does not apply to the following:

1. Persons 65 years of age or older may obtain a dog license for a spayed or neutered dog for a reduced fee. This shall be known as a "Senior Citizen License".
2. Licensed dogs, whose owners are non-residents, temporarily (up to thirty (30) days) within the municipality, provided, however, that licensed dogs whose owners remain within the municipality longer than thirty (30) days may transfer a current license from another local government authority to Perry City upon payment of a "transfer fee' and proof of current rabies vaccination.
3. Individual dogs within a properly licensed kennel or other such establishment.
4. Service animals.
5. Government working dogs.
6. Animals especially trained to assist government officials in the performance of their duties, and are owned or maintained by a government agency.
7. Notwithstanding the foregoing, nothing in this section shall be construed so as to exempt any dog from having a current rabies vaccination as prescribed in this chapter.

06.03.030. Tag and Collar Required.

Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In the event a dog tag is lost or destroyed, a duplicate will be issued by the division upon presentation of a receipt showing payment of the license fee for the current year, and payment of a duplicate tag fee as set from time to time by the Perry City Council.

The license shall not be transferable from one dog to another and no refunds shall be made on any dog license for any reason whatsoever.

06.03.040. Removal of Tag Unlawful.
It shall be unlawful to deprive a registered dog of its collar and or its tags

06.03.050. Kennel License.
It shall be unlawful for any person to operate or maintain a kennel or cattery without first complying with federal, state, and local law and obtaining a kennel or cattery license from the division as follows:

1. Animal owners making application for a kennel license shall first seek approval from the City's land use authority and the local health department. The division may only issue a kennel license once the required local land use authority and local health department regulations are met, the necessary inspections are made and approved, and all permits issued. No kennel license shall be issued in violation of local land use or health regulations.
2. The applicant must comply with any other federal, state, or local laws.
3. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the division.
4. Upon notification from the local land use authority and health department that the kennel facility has been inspected and approved, division personnel will perform an additional and final inspection, and upon approval, issue a kennel license.
5. Kennel licenses shall also be valid for one year from the date of purchase.
6. The procedures relating to a kennel or kennel license set forth in this section and elsewhere in this chapter shall are the same for a cattery or cattery license and shall administered accordingly.

06.03.060. Number of Cats and/or Dogs per Residence.
No person or persons, at any one residence, shall at any time own, harbor, license or maintain more than five (5) cats and/or three (3) dogs, except as authorized by section 6.03.050 of this chapter.

06.03.070. Display of Permit.
A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as an appurtenant to the premises, and not transferrable to another location. The permittee shall notify the division within thirty (30) days of any change of its establishment, or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the division, immediately. Permits shall not be transferable from one owner to another.

06.03.080. Renewal of Permit.
Any permit for a license issued, pursuant to this section, shall be renewed each year by January 31st, but may be renewed as early as the preceding December 1st. Any payment for a permit received after January 31st shall be accompanied by a late fee, in addition to the regular permit fee. Proof of a current rabies vaccination shall be provided for each dog. Regular permit fees and late fees shall be paid as provided in Title 84 (Fee

Schedules) of the Perry Municipal Code (or according to the most recent City resolution). There shall be no proration of fees for a permit for a partial year.

06.03.090. Exemptions.
Research facilities, where bona fide medical or related research is conducted, humane shelters and other animal establishments, operated by state or local government, or which are licensed by federal law, are excluded from the licensing requirements of this ordinance.

06.03.100. Inspections.
All establishments required to obtain a permit under this ordinance shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be filed with the division.

06.03.110. Suspension or Revocation of Permit.
A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

1. Falsification of the facts in a permit application.
2. Violation of any of the provisions of this ordinance or any other regulation governing the establishment, including noise, building and zoning ordinances, or maintaining or selling illegal species.
3. Conviction of a charge of cruelty to animals under state or local codes.

The procedure for revocation of a permit is governed by this part:

1. If an inspection of any facility operating with a kennel permit reveals a violation of this ordinance, the inspector shall notify the permit holder or operator of such violation by means of an inspection report from, or other written notice.
2. The notification shall:
    a. Set forth the specific violation found.
    b. Establish a specific and reasonable period of time for the correction of the violation(s) found.
    c. State that any failure to comply with any notice issued in accordance with the provisions of this ordinance shall result in immediate suspension of the permit.
    d. State that an opportunity for an appeal from any notice of inspection finding shall be provided if a written request for hearing is filed with the Division of Animal Control within five (5) days of date of notice.
    e. Upon request of a hearing, a minimum of five (5) days notice shall be given to the permittee advising him of the date and time of such hearing and listing the cause or causes for such suspension or revocation.
3. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee and proof that all requirements of this ordinance have been met.
4. Any permit granted under this ordinance may be suspended or revoked by the division for violations listed in this chapter.

06.03.120. Notice Served.
Notice provided for under this ordinance shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge of the kennel or cattery or such notice has been sent by certified mail to the last known address of the permit or license holder. A copy of such notice shall be filed with of division.

Chapter 06.04.
PROHIBITED ACTS

06.04.010. Nuisance Animal.
06.04.020. Abatement of Public Nuisance Animals.
06.04.030. Control and Fencing.
06.04.040. Female Dogs/Cats in Heat.
06.04.050. Possession of Potentially Dangerous Animals.
06.04.060. Possession of Dangerous Animals.
06.04.065. Custody of Dangerous Animals.
06.04.070. Failure to Properly Confine Potentially/Dangerous Animal.
06.04.080. Animals At-Large Prohibited.
06.04.090. Allowing Domestic Fowl to Trespass Prohibited.
06.04.100. Staking Animals Improperly on Unenclosed Premises.
06.04.110. Animal Waste.
06.04.120. Wild Animals Prohibited.

06.04.010. Nuisance Animal.
All persons having custody of animals shall exercise proper care and control of his/her animal(s) in order to prevent them from becoming a nuisance.

1. An animal shall be deemed to be a nuisance if the animal:
    a. causes damage to the property of anyone other than its owner.
    b. causes unreasonable odors.
    c. causes unsanitary conditions.
    d. barks, whines, howls, or makes other disturbing noises for an extended period of time.
    e. chases vehicles.
    f. is an animal which has been impounded for being at-large, or its owner or possessor has been convicted for the animal being at-large on three separate occasions within a twelve month period.
    g. is an animal previously declared potentially dangerous or dangerous and is found in violation of restrictions placed on that animal by the division.
2. In addition to other remedies allowed by law, this section also authorizes the animal control officer/shelter facility manager to abate a nuisance animal as prescribed by state or local law.

06.04.020. Abatement of Nuisance Animals.

When it reasonably appears to the officer/manager that any animal is a nuisance as defined in this chapter, and that such nuisance should be abated, the officer/manager shall:

1. Abatement such animal by either relocating or euthanizing the animal after attempting to obtain the written consent of the animal's owner to abate the animal.
2. If the animal owner's consent cannot be readily obtained, the officer/manager may file a complaint with the governing court charging the maintenance of a nuisance animal.
    a. The charge shall set forth the facts according to the best of the officer's/manager's information and belief, indicating that the owner is maintaining a nuisance, and the nuisance should be abated.
    b. Until such time as the owner may appear before the court, the animal(s) may be taken into impound by the division and held there pending a decision by the court.
    c. If the complaint is denied, a hearing will be set pursuant to the normal procedure of the court.
    d. If the court finds that the complaint of maintaining a nuisance has been proven, the division will seek an order from the court setting out the method of abatement.
3. Abatement by relocation shall not be an option if the animal is a continuing threat of serious harm, such as a vicious dog. If relocation is ordered, the court may set whatever conditions are necessary to guarantee that the said animal shall not constitute a nuisance in the future.
4. In the event the court determines that the animal is a nuisance, the owner shall pay the cost of all impoundment fees, maintenance fees, or any other fee that may incur as a result of such impoundment.

06.04.030. Control and Fencing.

It is unlawful for any person owning or having the custody, possession, or control of any livestock to:

1. Allow, either negligently or with specific intent, the livestock to run at-large in or about a public property or roadway, where such is not permitted by law, or appropriately marked to otherwise permit the animal to be herded, pastured, or moved upon the land of another without permission.
2. All fencing of property where livestock are kept shall be of sufficient construction to prevent the escape of or injury to the animals being confined within the fencing.
3. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged or in any way create the possibility of injury to the confined livestock or to allow the escape thereof.
4. Failure to properly confine any class of livestock shall constitute a violation of this section.

06.04.040. Female Dogs/Cats in Heat.
Except for planned breeding, any owner or person having charge, care custody or control of any female dog/cat in heat shall, in addition to restraining such dog/cat from running at-large, cause such dog/cat to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs/cat and creating a nuisance.

06.04.050. Possession of a Potentially Dangerous Animal.
Any person who owns or maintains a potentially dangerous animal shall use all reasonable means at his or her disposal to restrict a potentially dangerous animal from injuring any other person or animal. The division, at the discretion of the Police Chief or his designee, impose specific restrictions regarding the housing of potentially dangerous animals.

06.04.060. Possession of Dangerous Animals.
Any dangerous animal, while on the owner's property, must be securely confined indoors, or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure for a dangerous animal shall have secure sides and top and shall also provide protection from the elements for the animal. The structure shall be such that the animal cannot burrow or dig under the sides of the enclosure. Dangerous animals, when outside the proper enclosure, must be under immediate control of a responsible adult by means of a restraint device and muzzled. The muzzle shall be made in such a manner that it will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal.

06.04.065. Custody of Dangerous Animals.
The division may take into immediate possession any dangerous animal if the officer determines that the animal is:

1. Not maintained in a proper enclosure.
2. Is outside of the dwelling of the owner, or outside of a proper enclosure and not under physical restraint of the person, or,
3. If there are any further violations of any legal restrictions previously placed on such animal by division as provided in this ordinance.

06.04.070. Failure to Properly Confine Potentially/Dangerous Animal.
Any owner of any potentially dangerous or dangerous animal who allows it to go at-large or who fails to hold the same in the manner specified for such animal by the division is guilty of a class B misdemeanor.

06.04.080. Animals At-Large Prohibited.
It shall be unlawful for any animal, as defined herein, to be allowed, either negligently or with specific intent, to run at-large. The following also apply:

1. Dogs may be at-large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer

engaged in law enforcement duties, or while being trained for the above purposes, or while on the owner's private property, so long as such dogs are under the direct and effective sound or gesture control, and within sight of owners or such individuals noted above, to assure that such animals do not violate any provisions of this ordinance.

2. In accordance with *Utah Code Annotated* §10-8-64, the following general provisions apply to animals at-large:
    a. The municipality is authorized to establish an animal control and impound facilities, impound animals running at-large, and provide for the sale of the same in the manner provided by administrative rules promulgated by the division for the sale of strays and trespassing animals.
    b. The proceeds arising from the sale of such animals after the payment of all costs shall go to the City Treasurer to be disposed of according to law.

06.04.090. Allowing Domestic Fowl to Trespass Prohibited.
It is unlawful for the owner of any domestic fowls such as turkeys, ducks, geese, chickens, peacocks or any other variety of fowl to permit such fowls to trespass or go upon the premises of another or to run at-large on any public property or roadway. Fowl kept and maintained by public entities within the confines of public parks or aviaries are exempt, however such fowls shall not be allowed on public roadways.

06.04.100. Staking Animals Improperly on Unenclosed Premises.
It is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property, or the person with whom he shares joint tenancy. No animals are to be staked along public roadway easements.

06.04.110. Animal Waste.
The person having custody of an animal shall be responsible for the immediate removal of any waste deposited by his animal on any public walk, recreation area, or private property other than that belonging to the owner of the animal.

06.04.120. Wild Animals Prohibited.
It shall be unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as defined in this chapter, except an animal shelter, zoological park, veterinarian hospital, humane society, shelter, bona fide laboratory, circus, sideshow, amusement show, or a facility for education or scientific purposes. In such cases, animals must be maintained by means of protective devices adequate to prevent such animals from escaping or injuring the public. Every facility controlling or maintaining such animal shall comply with all state and federal regulations regarding quarantine and vaccinations as directed for each species. All such wild animals or reptiles shall be kept under confinement on the premises of the owner and shall not be allowed to run at-large, and shall be maintained on the premises or private property of the owner in such a manner as to not endanger the life or limb of any persons lawfully entering such premises. Despite the restrictions stated above, the division shall grant an exception to

persons raising wild animals for their pelts and for legal commercial purpose after local land use authority and health department approvals.

Chapter 06.05.
IMPOUNDMENT

06.05.010. Impoundment Authorized.
06.05.020. Impoundment Regulations and Record Keeping Requirements.
06.05.030. Redemption Requirements.
06.05.040. Terms of Impoundment/Destruction and Disposal of Animals.
06.05.050. Declaration and Disposal of Vicious Animal.

06.05.010. Impoundment Authorized.

The division shall place all animals which are taken into custody in a designated animal impound or shelter facility. The following animals may be taken into custody and impounded as deemed necessary:

1. Any animal being kept or maintained contrary to the provisions of the municipal code.
2. Any animal running at-large, with any reasonable means used to immobilize or capture such animal.
3. Any animal which is by this ordinance required to be licensed and is not licensed; an animal not wearing a tag shall be presumed to be unlicensed for the purpose of this section**.**
4. Sick or injured animals whose owner cannot be immediately located or whose owner requests impoundment and agrees to pay a reasonable fee for the services rendered.
5. Any abandoned, neglected animal, whose safety may be threatened should the animal not be readily placed into protective custody.
6. Animals which are not vaccinated for rabies in accordance with the requirements of this ordinance.
7. Any animal needing to be held for quarantine.
8. Any potentially dangerous or dangerous animal not properly confined as required by sections 6.04.050 and 6.04.060 of this chapter.
9. Any animal in the custody of any person or persons who are arrested or otherwise detained by any police officer.

06.05.020. Impoundment Regulations and Record Keeping Requirements.

The facility manager may promulgate and implement such rules and regulations necessary for an efficient and effective impound and shelter facility operation, and in accordance with state law. The impounding facility or shelter shall keep a record of each animal impounded.

06.05.030. Redemption Requirements.

The owner of any impounded animal or his authorized representative may redeem such animal upon payment of the required fees and before disposition in accordance with the regulations of the impounding facility or shelter. The following regarding fees:

1. Fees shall include:
    a. Impound fees.
    b. Daily board charge.
    c. Veterinary costs incurred during the impoundment period.
    d. License fee including appropriate rabies vaccination fee, if applicable.
    e. Transportation fee if transportation of an impounded animal by specialized equipment is required. "Specialized equipment" is that equipment, other than the usual patrol and operation vehicles of animal control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers as determined by the Perry City Council or set by the contractor at a level which approximates the cost of utilizing the specialized equipment in the particular situation.
    f. Any other expenses incurred to impound an animal in accordance with state or local laws, including any reasonable restitution for property damage created by the animal, or that occurs as a result of the impoundment.
2. The Perry City Council, at the recommendation of the facility manager, may review the fees imposed from time to time and adjust the same. Such fees shall take into account the type of animal impounded.

06.05.040. Terms of Impoundment/ Destruction and Disposal of Animals.

The facility manager is delegated authority to administer the terms of impoundment substantially as follows, and subject to other rules and regulations of the facility:

1. Animals shall be impounded for a minimum of three (3) working days before further disposition unless the animal is wearing a license tag or other identification, in which case it shall be held a minimum of five (5) working days. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as provided herein.
2. All animals, except those quarantined or confined by court order, or those subject to Utah Code §4-25-4, 1953 as amended, which are held longer that the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or disposed of as the facility manager shall direct. Any healthy dog or cat may be sold in compliance with the applicable adoption policy after payment of all applicable fees. Other small animals not included as livestock may also be sold as determined by the director.
3. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease, requiring medical attention may, at the

discretion of the facility manager, be released to the care of a veterinarian with or without the consent of the owner.

4. When in the judgment of the facility manager (or an officer), it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to person or property, such animal may be destroyed without regard to any time limitation otherwise established in this ordinance, and without court order.
5. The facility manager or any of his agents (or an officer) may destroy an animal upon request of the owner without transporting the animal to contracted facilities. An appropriate fee shall be charged the owner for the destruction and any subsequent disposal of the carcass by the facility.

06.05.050. Declaration and Disposal of Vicious Animals.

If an officer, the facility manager, or another authorized agent determines, as a result of a witnessed incident, that an animal is dangerous or potentially dangerous, and finds that the animal is in violation of vicious animal regulations and such deems it necessary for the safety of persons and/or animals in the community, such may:

Declare the animal to be a vicious animal.

1. Take possession of the vicious animal and place the animal in a proper quarantine holding facility.
2. After placing the animal in the holding facility seek the written consent of the animal's owner to destroy the animal in a humane manner.
3. If the animal owner's consent cannot be readily obtained seek a court order to destroy the animal in a humane manner.
4. In the event the court determines that the animal is a vicious animal, the owner shall pay the cost of all impoundments fees, disposal fees, or any other fees that may have been incurred.

Chapter 06.06.
RABIES CONTROL

06.06.010. Animal Rabies Vaccination Requirements.
06.06.020. Exceptions for Transient Animals.
06.06.030. Vaccination certification and Tags.
06.06.040. Impounding Animals Without Valid Vaccination Tags
06.06.050. Rabid Animal Reports.
06.06.060. Quarantine and Disposition of Biting or Rabid Animals.
06.06.070. Duty to Report Bites.

06.06.010. Animal Rabies Vaccination Requirements.

All dogs, cats or other animals susceptible to rabies for which a federally approved vaccine is available shall be vaccinated at four (4) months of age and again at fifteen (15) months of age by a licensed veterinarian or rabies clinic. Every dog shall be re-vaccinated every twenty-four and/or thirty-six (36) months, depending on the type of vaccination, and every cat re-vaccinated every twelve (12) months thereafter. Any unvaccinated dog

or cat over four (4) months of age adopted or brought into the jurisdiction must likewise be vaccinated initially. Thereafter valid protection must be maintained.

6.06.020. Exception for Transient Animals.
The provisions of this chapter with respect to vaccinations shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than thirty days. Such animals shall be kept under strict supervision of the owner. It is unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

06.06.030. Vaccination Certification and Tags.
The following regarding vaccination certification and tags:

1. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination, in duplicate, which includes the following information;
    a. Owner's name and address
    b. Description of the animal
    c. Date of vaccination
    d. Rabies vaccination tag number
    e. Type of vaccine administered
    f. Manufacture's serial number of vaccine
2. A copy of the certificate shall be distributed to the owner of the animal, and the original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter.
3. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered shall be securely attached to the collar or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this ordinance.

06.06.040. Impoundments of Animals Without Valid Vaccination Tags.
The following regarding impoundment of animals without a valid vaccination tag:

1. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of a rabies vaccination and payment of all impoundment fees prior to release.
2. Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within fourteen (14) days of release.
3. Any animal not reclaimed within the prescribed period of time shall be disposed of pursuant to provisions of chapter 5.

06.05.050. Rabid Animal Report.
Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the division, or the state or local health department.

06.05.060. Quarantine and Disposition of Biting or Rabid Animal.

The following regarding quarantine and disposition of biting or rabid animals:

1. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal affected with rabies, or that has been exposed to rabies shall be reported by the owner as set forth above, and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the Animal Control agents upon demand.
2. The owner of any animal of a species subject to rabies, which has been bitten by another animal known to be capable of harboring the rabies virus, shall surrender the animal to an authorized official upon demand.
3. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten (10) days by the division. The owner of the animal shall bear the cost of the confinement. The animal shelter shall be the normal place for such quarantine, but other arrangements, including confinement by the owner may be made by the division, if the animal has current rabies vaccinations at the time the bite is inflicted, or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or animal control officer to make an inspection or examination of the animal during the period of quarantine. If the animal dies within ten (10) days from the date of the bite, the person having custody shall immediately notify the division. If at the end of (10) day period, an investigating officer of the division examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided in chapter 06.05.040.
4. Unvaccinated bitten animals:
    a. In the case of an unvaccinated animal species subject to rabies, which is known to have been bitten by or exposed to a known rabid animal, such bitten or exposed animal shall be immediately destroyed.
    b. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.
5. Vaccinated bitten animals:
    a. If the bitten or exposed animal is currently vaccinated, as prescribed herein, the animal shall be re-vaccinated within twenty-four (24) hours and quarantined for a period of thirty (30) days following re-vaccination; or
    b. If the animal is not re-vaccinated within twenty-four (24) hours, the animal shall be isolated and quarantined under veterinary supervision for 6 months.

c. The animal shall be destroyed if the owner does not comply with subdivisions 1 or 2 of this subsection (e), regarding exposure by known rabid animals.
d. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the facility manager.

06.06.070. Duty to Report Bite.

The following regarding the duty to report bites:

1. Any person having knowledge of any individual or animal having been bitten, by an animal, of a species subject to rabies shall report the incident immediately to the division.
2. The owner, of an animal, that bites a person and any person bitten by an animal, shall report the bite to the division within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
3. To the extent is section does not conflict with HIPPA provisions, a physician or other medical personnel, who renders professional treatment to a person bitten by an animal, the bite of which might cause rabies, shall report the fact that he has rendered professional treatment, to the division, within twenty-four (24) hours of his first professional attendance. He shall report the name, sex and address of the person bitten, as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the division.
4. Any person treating an animal bitten, injured or mauled by another animal, shall report the incident to the division. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.
5. Any person not conforming to the requirements of this chapter shall be in violation of this ordinance.

Chapter 06.07.
OTHER ANIMAL CONTROL LAWS

06.07.010. Cruelty to Animals.
06.07.020. Defenses.
06.07.030. Injuries and Communicable Diseases.
06.07.040. Seizure of Animals.
06.07.050. Harboring Animals Prohibited Duty to Notify.
06.07.060. Place Prohibited to Animals.
06.07.070. Disposal of Dead Animals.

06.07.010. Cruelty to Animals.

A person commits cruelty to animals when he/she:

1. Causes one animal or fowl to fight with another.

2. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his/her own property or that of another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin, in furtherance of public health, when applied in such a manner as to reasonably prohibit access to other animals
3. By intention or negligence or omission causes pain, suffering, terror or torment, or if intentionally or with negligence injures, mutilates, or causes disease or death to any animal or fowl.
4. Administers, applies, procures or permits the administration or application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to animals or livestock, with the intent to harm or take the animal, whether the animal be his/her own property or that of another. All set live capture traps shall be checked and emptied daily. This provision shall not be interpreted so as to prohibit the use of trapping mechanisms by those licensed, with the State, and whose traps have owner identification permanently affixed to them.
5. Neglects or fails to supply an animal under his/her control, custody or care with necessary space, shelter and protection from the elements.
6. Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fighting purposes or which has the comb clipped or the spur altered or who is in possession of an artificial spur.
7. Is present, as a spectator, at any animal contest wherein one animal or fowl is caused to fight with another, or rents any building, shed, room, yard, ground or premises for the purpose of holding such a contest between animals or knowingly suffers or permits the use of any building, shed, room, yard, ground or premises belonging to him or under his control for any of these purposes.
8. Abandons an animal.
9. Performs or causes to be performed any of the following operations.
    a. Inhumanely removes any portion of the beak of any bird, domestic or wild.
    b. Alters the gait or posture of any animal, by surgical, chemical, mechanical, or any other means, including soring.
    c. Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat and is not a licensed veterinarian.
    d. Inhumanely docks the tail of an animal or removes an animal's claws
10. Sell, purchases, owns, or has custody of any animal or fowl that have been dyed, painted, or otherwise artificially colored.
11. Offers chicks, duckling, goslings or their fowls for sale, raffles, offers as a prize, a premium, or an advertising device, or displays chicks, ducklings, goslings or other fowl to the public without providing and operating brooders or other heating devices that may be necessary to maintain the chicks, ducklings, goslings or other fowl in good health, and without keeping adequate food and water available to the birds at all times.
12. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely or lie down during transportation, or while awaiting slaughter, must be provided.

13. Leaves any animal confined in a vehicle unattended in excessively hot or cold weather.
14. Continuously drives or works a horse or other animal to a point of observable strain, and denies the animal rest periods. Working animals shall be offered water periodically.
15. Takes or kills any wild bird(s) or robs or destroys any nest containing eggs, or young of any bird in violation of state law.
16. Inhumanely hobbles livestock or other animals.
17. Leaves any livestock species used for drought, driving or riding purposes on the street without protection from the weather and without food and water for a period of time that would endanger the health or safety of the animal.
18. Recklessly rides or drives any horse or other livestock species on any street, highway or avenue within its jurisdiction.
19. Induces or encourages an animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner in which will cause, or is likely to cause physical injury or unnecessary suffering.
20. Violates any other state law relating to cruelty of animals.

06.07.020. Defenses.

The following regarding defense:

1. It is a defense to prosecution under this section that the conduct of the actor towards the animal was by a licensed veterinarian using an accepted veterinary practice or directly related to a bona fide experimentation for scientific research; provided, that the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose of scientific research involved.
2. Any person may kill or disable any animal while it is attacking, chasing or harassing any domestic animal having a commercial value, or any species of hoofed protected wildlife, while attacking domestic fowls, or while such animal is being pursued thereafter.
3. Any dog making a vicious and unprovoked attack on any person, except when the attack is in defense of the person, family, and/or property of the dog's owner, may be killed by any person while it is making such an attack.

06.07.030. Injuries and Communicable Diseases.

No person shall knowingly harbor or keep any animal with a serious injury, or afflicted with mange, ringworm, distemper, parvo, kennel cough, or any other contagious disease, unless such animal is being given adequate treatment to control or eliminate the disease.

06.07.040. Seizure of Animals.

A person filing charges under this chapter may seize or arrange to be seized an animal found in the keeping or custody of a person being charged, and which is being used or will be used as evidence in the case resulting from such charge. The person making said seizure shall cause such animal to be delivered immediately to the division, or when necessary to a veterinarian for treatment. It shall be the duty of that division to humanely hold such animal until further court order regarding its disposal. The perpetrator of any

such act shall be responsible for the costs of impound, board, and any medical expenses incurred during the holding period of the animal.

06.07.050. Harboring of Lost or Stray Animals Prohibited.
It is unlawful for any person to harbor or keep within this jurisdiction any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Animal Shelter within seventy-two (72) hours. An animal control officer may take the animal into protective custody.

06.07.060. Places Prohibited to Animals.
The following regarding places prohibited to animals:

1. It shall be unlawful for any person to take or permit any animals, excluding service animals (such as hearing or seeing eye dogs) and government working dogs or similar animals, whether on a leash or in the arms of their owners, in any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets, and fruit or vegetable stores.
2. Dogs, whether on a leash, or not on a leash, shall be completely prohibited from school premises and from posted picnic, pond, park, recreation, or play areas. This, however, shall not apply to service animals, government working dogs, or trained animals used by their owner for the purpose of public educational programs, law enforcement exercises, or authorized events.

06.07.070. Disposal of Dead Animals.
In accordance with *Utah Code Annotated* §4-26-1, 1953, as amended, it is the responsibility of the owner or other person responsible for any domestic animal which dies to bury or otherwise dispose of it within two days after death. If the owner or other person responsible for such an animal cannot be found, it is the duty of the municipality within which the dead animal is found, or its contractor, at the expense of the municipality, to bury the dead animal. The municipality or its contractor which incurs expense under this section is entitled to reimbursement from the owner of the dead animal.

Chapter 06.08.
ENFORCEMENT AND PENALTIES

06.08.010. Power and Authority of Animal Control Officers.
06.08.020. Penalties.
06.08.030. Applicability of Procedure for All Peace Officers.

06.08.010. Power and Authority of Animal Control Officers.
In the performance of their duties, the animal control officer is hereby vested with the power and authority given by this ordinance within the office of the division. Badges of authority shall be issued by the municipality, and officers having received and been

sworn to the oath of office. An office may enter and inspect the premises of any pet shop, animal grooming establishment, or similar establishment in the enforcement of this chapter.

06.08.020. Penalties.
Any person violating each provision of this chapter shall be guilty of a class B misdemeanor and shall be punished within the confines of that class as prescribed by the laws of the state of Utah. Each day a violation continues shall be deemed as a separate offense.

06.08.030. Applicability of Procedure for All Peace Officers.
The foregoing provisions of this chapter authorize any peace officer to issue a citation for a violation of this chapter. The procedure prescribed herein shall not otherwise be exclusive of any other method prescribed by law for the redress, abatement, citation, arrest, prosecution, or otherwise of a person for an offense under another law or regulation separate from this chapter.

Legislative History
Animal Control Ordinance completely redrafted: 4/26/2007
Codification and added section numbers as part of 2008 Perry Municipal Code: 5/22/2008
Final Codification as part of 2008 Perry Municipal Code: 12/11/2008
Amended 06.05.040 to allow an officer to destroy the animal for humane reasons: 12/10/2009
Amended 06.03.080 payment date and late fee amount: 01/28/2010

Title 8, A General Ordinance
HEALTH AND SAFETY

Chapter 08.04. BURNING
Chapter 08.08. NOISE
Chapter 08.12. RAT CONTROL
Chapter 08.14 INTOXICATING CHEMICAL COMPOUNDS PROHIBITED
Chapter 08.16 DISCHARGE OF WEAPONS IN CITY LIMITS

Chapter 08.04.
BURNING

08.04.010. Agricultural Burning.
08.04.020. Burning Allowed by Permit.
08.04.030. Permit Number Requirement.
08.04.040. Types of Burning Permitted.
08.04.050. Non-permitted Burning.
08.04.060. Fires on Wildlands or Wildlife Habitats: Consent Required.
08.04.070. Violation and Penalty.

08.04.010. Agricultural Burning.

The following regarding agricultural burning:

1. Agricultural burning is defined by UCA Section 19-2-114.
2. Legitimate agricultural burning in the City is identified by all or a combination of several of the following criteria:
    a. Tax identification number;
    b. Acreage, greenbelt, one thousand dollars ($1,000.00) or more gross income per tax I.D. parcel number.
3. Applications are filled out by property owners. Those who meet the criteria, determined by a majority vote of City, county and/or the Utah State Farm Bureau will be given a notification number for each parcel.
4. The notification number will be used to notify the fire department as a courtesy when an agricultural burn takes place.
5. Burning is permitted on fence lines, cultivated lands, orchards, canals or irrigation ditches where 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 Box Elder sheriff dispatch office with the notification number and the approximate time the burning will occur.
6. All fires must be supervised during the time that the fire is burning.

08.04.020. Burning Allowed by Permit.

All burn permits issued within the geographical limits of the City shall require, in addition to any other conditions imposed by the City or other authority, the following:

1. No fires shall be ignited before sunrise or after six p.m. Fires still burning at sunset will be extinguished thoroughly and as quickly as possible.
2. The maximum number of acres which may be actually burning at any given time shall be dependent upon the status of the clearing index for that particular day.
3. No burning by permit shall be allowed under any circumstances within the corporate limits of the City when the clearing index is less than five hundred (500') feet.
4. No burning shall occur in any area which has received heavy precipitation within the immediately proceeding twenty-four (24) hours prior to the ignition of any fire.
5. All fires must be supervised during the time that the fire is burning.

08.04.030. Permit Number Requirement.

The following regarding the permit number requirement:

1. The county fire marshal, or the City or contracted fire department, shall establish a procedure to include a permit number issued over the phone when the clearing index allows, whereby persons seeking burning permits will be able to obtain the same upon application, assuming burning is permitted under provisions of this Chapter.
2. All permittees must have the permit number in their possession before commencing any burn, and the permit number shall be present at the site of the fire during the burn. On-site supervision of the fire is required by this Chapter.

08.04.040. Types of Burning Permitted.

Unless prohibited by state statutes or regulations, other county ordinances, applicable declarations of closed fire seasons, the order of a law enforcement officer, the Box Elder County fire marshal, or fire department contract representative or his duly authorized agent, following types of burning are permitted, providing that a county permit has first been obtained and subject to the provisions and restrictions in this Chapter:

1. The burning of pruning from trees, bushes and plants, or dead, or diseased trees, bushes and plants, including stubble, incidental to horticultural or agricultural operations;
2. Open burning of materials or structures when conducted under the control and supervision of the fire department contractor.
3. Fires for firemen training purposes when conducted under the direct control and supervision of the fire department contractor;
4. Other open burning for special purposes or under unique circumstances when approved by the fire department contractor and the county health department following a formal request;
5. Fires on any county property including roads, right-of-way, ditch banks, river bottomlands, wildlands or other areas of City domain.

08.04.050. Non-permitted Burning.

The following types of burning are not permitted:

1. Open burning whether in container or on the ground of trash, garbage or other household or residential garbage not classified as agricultural;
2. Burning of dead animals;
3. Burning of combustible or industrial materials such as paint, oil, etc.;
4. Any commercial or industrial burning.

08.04.060. Fires on Wildlands or Wildlife Habitats: Consent Required.

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.

08.04.070. Violation and Penalty.

The following regarding violations and penalties:

1. Any person who shall violate or fail to comply with the provisions of this chapter shall, for each day for each violation or noncompliance be guilty of a separate class "B" misdemeanor, punishable by a fine not to exceed one thousand dollars ($1,000.00) or imprisonment for not more than six months, or by both such fines and imprisonment, for each offense.
2. Any person responsible for the creation and/or spreading of any uncontrolled or unattended fire, or any other fire, on public or private property, necessitating suppression action by the City or state shall be liable to the City or state for the payment of all costs associated with that fire.

Chapter 08.08.
NOISE

08.08.010. Noise Regulations in General.
08.08.020 Noises Prohibited.
08.08.030. Exemptions.
08.08.040. Violation and Penalty.
08.08.050. Injunctions.

08.08.010. Noise Regulations in General.

It is unlawful for any person to willfully make, continue, or cause to be made or continued any excessive, unnecessary or unusually loud noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person or normal sensitiveness residing within the City limits.

08.08.020 Noises Prohibited.

The following acts are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exhaustive.

1. Motor Vehicle Horns: The sounding of any horn on any automobile, motorcycle, or other motor vehicle on any street or public place of the City except as a warning signal.
2. Radios, Television Sets, and Similar Devices: The using, operating or permitting to be played, used or operated, any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound between the hours of ten p.m. and seven a.m. in such manner as to disturb the peace, quiet and comfort of neighboring residents.
3. Loudspeakers and Amplifiers: The using or operating or any loudspeaker or sound-amplifying device mounted upon any vehicle within the City for the purpose of broadcasting or advertising any information about any business or activity for any other purpose, unless a permit for such sound amplification has been obtained from the Mayor or Chief of Police.
4. Construction Equipment and Activity: The operating of any equipment or performing of any outside construction or repair work on buildings, structures, roads, or projects within the City between hours of ten p.m. and seven a.m. unless a permit for such construction or repair work between such hours has been obtained from the Mayor or Chief of Police.
5. Exhausts: The discharging into the open air of the exhaust of any internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
6. Animals and Birds: The keeping of any animal or bird which by frequent or continuous barking, chirping or other means of communication disturbs the comfort or repose of the residents of any residential neighborhood.
7. Vehicle Repair in Residential Areas: The repairing, rebuilding or testing of any motor vehicle between the hours of ten p.m. and seven a.m. within any residential area in such a manner as to disturb the peace, quiet and comfort of the residents of the area.
8. Schools, Courts, Churches, and Hospitals: The creating of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use, or adjacent to any hospital, which unreasonably interferes with the workings of such institution, or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
9. Hawkers and Peddlers: The selling of anything by outcry within the residential areas of the City, except at licensed sporting events, parades, fairs, circuses, and other similar licensed public entertainment events.

10. Drums: The using of any drum or other instrument or device for the purpose of attracting attention by the creation of noise within the City, unless a permit for such use has been obtained from the Mayor or Chief of Police.

08.08.030. Exemptions.

The following uses and activities shall be exempt from the noise regulations set forth in this Chapter:

1. Noises of safety signals and warning devices;
2. Noises resulting from any authorized emergency vehicle, when responding to an emergency call or acting in time of emergency;
3. Noises resulting from emergency work, to be construed as work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

08.08.040. Violation and Penalty.

Any person who shall violate any of the provisions of this chapter shall, upon conviction thereof, be fined in an amount not exceeding one thousand ($1,000.00) dollars or imprisonment for a period not exceeding thirty (30) days, or by both such fine and imprisonment. A separate offense shall be deemed to have been committed for each day during or upon which a violation occurs or is permitted to continue.

08.08.050. Injunctions.

The operation or maintenance of any device, vehicle or machinery in violation of any provision of this chapter which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents of the City shall be deemed, and is declared to be, a public nuisance, and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

Chapter 08.12.
RAT CONTROL

08.12.010. Definitions.
08.12.020. Respective Duties of Owner and Occupant.
08.12.030. Failure of Owner to Rat proof after Notice.
08.12.040. Failure of Occupant to Free Building of Rats after Notice.
08.12.050. Duty of Owner to Maintain Rat proofed Building in Rat proof Condition.
08.12.060. Inspections by Health Officer.
08.12.070. Closing Building.
08.12.080. Condemnation.

08.12.090. Removing Ratproofing: New Openings.
08.12.100. Structures Wherein Foodstuffs are Kept.
08.12.110. Compliance with Chapter before Issuance of License.
08.12.120. Duty of Building Inspector to Submit Plans to Board of Health.
08.12.130. Duty of Utility Companies: Wires.
08.12.140. Storage of Feed for Animals.
08.12.150. Garbage or Refuse Consisting of Waste Animal or Vegetable Matter.
08.12.160. Rubbish, Which May Afford Food or Harborage for Rats.
08.12.170. Accumulations of Material to be on Open, Elevated Racks.
08.12.180. Rules and Regulations of Health Officer.

08.12.010. Definitions.

The following definitions as they apply to this Chapter:

1. Business Building: Any structure, whether public or private, regardless of the type of material used in its construction, located within the boundaries of the City, that is adapted to occupancy for residence or for the rendering of professional services, for the display, sale or storage of goods, wares or merchandise, or for the performance of work or labor, including hotels, rooming houses, boarding houses, apartment houses, beer houses, beer parlors, office buildings, public buildings, stores, markets, restaurants, grain elevators and abattoirs, warehouses, workshops and factories, junkyards, scrap iron businesses or places, lumberyards, coal yards, automobile tire yards, sheds or buildings used for the storage of tires and any or all similar places where rats may find harborage.
2. Health Officer: Health officer, as used in this Chapter, means the health officer of the City or any duly authorized representative.
3. Occupant: Occupant, as used herein, means the individual, partnership or corporation that uses or occupies any business building or part or fraction thereof, whether the actual owner or tenant. In the case of vacant business buildings or vacant portions thereof, the owner, agent or custodian shall have the responsibility as occupant.
4. Owner: The actual owner, agent, or custodian of the business building, whether individual, partnership or corporation. These shall be construed as the “owner” for the purpose of this chapter when business building agreements hold the lessee responsible for maintenance and repairs.
5. Rat Eradication: The elimination or extermination of rats within buildings or premises by fumigation, trapping, clubbing, etc.
6. Rat Harborage: Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under, or outside of any structure.
7. Vent Stoppage or Ratproofing: Vent stoppage or ratproofing, as used in this chapter, apply to a form of ratproofing to prevent the ingress of rats into business buildings from the exterior or from one business building to another. It consists of the closing and keeping

closed of all openings in the exterior walls, ground or first floors, basements, roofs, sidewalk gratings, sidewalk openings, foundations, elevator shafts, fire escapes and other places that may be reached and entered by rats by climbing, burrowing or otherwise. The material to be used for ratproofing shall include cement, concrete, brick masonry laid in cement, concrete mortar, sheet metal and hardware cloth of not less than nineteen (19) gauge having a mesh not larger than one-half inch. All material for ratproofing shall be of such strength and thickness as to be impervious to rat gnawing. Windows and other openings for light or ventilation, the sills of which are less than thirty (30") inches from the ground or accessible to rats by means of climbing wires or pipes, shall, if open, be covered by hardware cloth conforming to the above gauge and dimensions. All exterior doors shall be protected against the gnawing of rats by the use of materials prescribed above. When closed, all exterior doors shall have a maximum clearance between doors, doors sills and jambs of not exceeding three-eighths of an (3/8") inch. In all side and rear doors which are left open at night, and those which are left open during the day, but infrequently used, shall be installed hardware cloth doors conforming to the above dimensions and equipped with a self-closing device. All concrete floors and curtain walls shall be at least four inches in thickness.

08.12.020. Respective Duties of Owner and Occupant.

All business buildings in the City shall be ratproofed by the owner and freed of rats and maintained in a ratproof and rat-free condition by the occupant or tenant, to the satisfaction of the health officer.

08.12.030. Failure of Owner to Ratproof after Notice.

Upon receipt of written notice or order from the health officer, the owner of any business building specified herein shall take immediate measures for ratproofing the building and unless such work and improvements have been completed by the owner in the time specified in the written notice.

08.12.040. Failure of Occupant to Free Building of Rats after Notice.

Whenever the health officer notifies the occupant of a business building that there is evidence of rat infestation of the building, such occupant shall immediate institute appropriate measures for freeing the premises he occupies of all rats and unless such measures are instituted within fifteen (15) days after receipt of notice and unless continuously maintained in a satisfactory manner until the building is free of rats, the health officer is authorized and directed to free the building. If the costs thereof are not paid by the owner or occupant the health officer shall certify the amount due from the owner or occupant to the City Attorney and the City Attorney shall bring suit to collect the same.

08.12.050. Duty of Owner to Maintain Ratproofed Building in Ratproof Condition.

The owners of all ratproofed business buildings are required to maintain the premises in a ratproof condition and to repair all breaks or leaks that may occur in the ratproofing without a specific order of the health officer.

08.12.060. Inspections by Health Officer.
The health officer is empowered to make unannounced inspections of the interior and exterior of business buildings to determine full compliance with this chapter in emergency situations. Warrants will be required for nonemergency, nonconsensual searches. If evidence is found the health officer shall make periodic inspections at intervals of not more than three months of all ratproofed buildings to determine evidence of rat infestation and the existence of new breaks or leaks in their ratproofing. When any evidence is found indicating the presence of rats or openings through which rats may again enter business buildings, the health officer shall serve the owners or occupants with notice or order to abate the conditions found.

08.12.070. Closing Building.
Whenever conditions inside or under occupied business buildings provide extensive harborage for rats, in the opinion of the health officer, the health officer is empowered, after due notification in accordance with Section 08.12.060 to close such business buildings until such time as the conditions are abated by ratproofing and harborage removal, including, if necessary, the installation of suitable concrete floors in basements or the replacement of wood on first or ground floors with concrete or other major repairs necessary to facilitate rat eradication.

08.12.080. Condemnation.
Whenever conditions inside or under unoccupied business buildings provide extensive harborage for rats, in the opinion of the health officer, the health officer is empowered to require compliance with the provisions of Section 08.12.060 and in the event such conditions are not corrected in a period of sixty (60) days or within the time to which a written extension may have been granted by the health officer, the health officer is empowered to institute condemnation and destruction proceedings.

08.12.090. Removing Ratproofing: New Openings.
It is unlawful, under the provisions of this chapter, for any occupant, owner, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the ratproofing from any business building, for any purpose. Further, it is unlawful for any person to make any new openings that are not closed or sealed against the entrance of rats.

08.12.100. Structures Wherein Foodstuffs are Kept.
It is unlawful for any person to occupy any building or structure wherein foodstuffs are to be stored, kept, handled, sold, held or offered for sale without complying with the ratproof regulations prescribed in this chapter for existing buildings and structures.

08.12.110. Compliance with Chapter before Issuance of License.
No license from the City to conduct or carry on a business will be issued to any person until the requirements of this chapter have been complied with.

08.12.120. Duty of Building Inspector to Submit Plans to Board of Health.
When in the opinion of the chief building inspector, plans for building, remodeling or renovating indicate that such changes or construction will affect the ratproof condition of a building or structure, the chief building inspector shall forward such plans or specifications to the board of health for its recommendations with regard to ratproofing or vent stopping. This shall apply both to new buildings or the renovating of existing structures.

08.12.130. Duty of Utility Companies: Wires.
Utility companies shall place all wires or guy wires attached to buildings at least eighteen (18) inches away from the openings or attach rat guards as defined by rules and regulations of the health officer.

08.12.140. Storage of Feed for Animals.
All food and feed within the City for feeding chickens, cows, pigs, horses, and other animals shall be stored to prevent rat infestation as best as possible. If complaints are received or problems are observed the health officer will be asked to investigate, report to and make recommendations to the City Council.

08.12.150. Garbage or Refuse Consisting of Waste Animal or Vegetable Matter.
All garbage or refuse consisting of waste animal or vegetable matter, upon which rats may feed and all small dead animals shall be disposed of properly. If complaints are received or problems are observed the health officer will be asked to investigate, report to and make recommendations to the City Council. It is further declared unlawful for any person to dump or place on any premises, land or waterway any dead animals. Waste animal or vegetable matter used for agricultural purposes or fertilization is not included in this section.

08.12.160. Rubbish, Which May Afford Food or Harborage for Rats.
It is unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish, trash or junk in any building or on any premises, improved or vacant, or any open lot or alley or elevated loading platform in the City so that the same shall or may afford food or harborage for rats.

08.12.170. Accumulations of Material to be on Open, Elevated Racks.
It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or any open lot or alley in the City any lumber, boxes, barrels, bottles, cans, containers, junk or other materials that may be permitted to remain thereof, unless the same shall be placed on open racks that are elevated not less than eighteen (18) inches above the ground and evenly piled or stacked.

08.12.180. Rules and Regulations of Health Officer.
The City health officer is authorized to adopt rules and regulations necessary to enforce the provisions of this Chapter.

Chapter 08.14
INTOXICATING CHEMICAL COMPOUNDS PROHIBITED

Sections:
08.14.010. Purpose.
08.14.020. Prohibited chemical compounds.
08.14.030. General provisions.
08.14.040. Enforcement.

08.14.010. Purpose.
It is the purpose of this chapter to prohibit within the Perry City, Utah, the manufacture, distribution, use, possession, purchase, sale, and offering for sale of certain intoxicating chemical compounds as defined in this chapter that have an intoxicating and/or hallucinogenic effect upon the human body, and which are not regulated by state or federal law.

08.14.020. Prohibited chemical compounds.
It is unlawful for any person, business, corporation, or entity to manufacture, distribute, dispense,ingest, use, possess, purchase, attempt to purchase, sell, publicly display for sale, attempt to sell, give, trade, barter, or exchange in any manner the following chemical compounds and/or substances, including their salts, isomers, homologues, and salts of their isomers or homologues;

1. Salvia Divinorum or Salvinorum A, including all parts of the plant presently classified botanically as Salvia Divinorum, whether growing or not, including seeds thereof, and any extract or derivative of such plant.
2. Pentyl-3(1-naphthoyl)indole (also known as JWH-018).
3. (6ar, 10ar)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);
4. 2-(3-hydroxycyclohexyl)-5-(2-methyloctan-2-yl) phenol (also known as CP-47,497), and the dimethylhexyl, dimethyloctyl, and dimethylnonyl homologues of CP-47,497.
5. 1-Butyl-3-(1-naphthoyl)indole (also known as JWH-073).
6. 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl) indole (also known as JWH-200).

7. 1-Pentyl-3-(2-methoxyphenylacetyl)indole (also known as JWH-250).
8. 1-Hexyl-3-(1-naphthoyl)indole (also known as JWH-019).
9. 1-Pentyl-3-(4-chloro-1-naphthoyl)indole (also known as JWH-398).
10. N-benzylpiperazine (also known as BZP).
11. 1-(30trifluoromethylphenyl) piperazine (also known as TFMPP).
12. Any similar structure analogs of the above chemical compounds.
13. Any synthetic cannabinoids.

08.14.030. General provisions.

1. Exemptions. It is not an offense under this chapter if:
   a. A city licensing or enforcement official is enforcing this chapter or acting under a legitimate drug education program that furthers the purpose of this chapter.
   b. A person has a lawfully obtained prescription for substances approved by the U.S. Food and Drug Administration or as may be allowed by state law.
2. Seizure and disposition. The city's law enforcement official may seize, confiscate, and destroy any chemical compounds prohibited by this chapter in accordance with standard operating procedures for the same.
3. No waiver. Failure to enforce this chapter does not act as a waiver nor constitute a defense.

08.14.040. Enforcement.

1. Criminal. Each violation of this chapter is a class B misdemeanor, which is punishable by a fine up to $1,000.00 and/or six (6) months imprisonment. Each day a violation continues constitutes a separate offense.
2. Civil. A violation of this chapter by a business constitutes grounds for the suspension or revocation of a business license issued by the city. The city may seek injunctive relief for any person, business, corporation, or entity that violates this chapter.

Chapter 08.16
DISCHARGE OF WEAPONS IN CITY LIMITS

08.16.010 Definitions.
08.16.015 Special Provisions.
08.16.020 Unlawful to Discharge a Dangerous Weapon in the Railroad to Pineview Area.
08.16.030 Unlawful to Allow a Bullet/Projectile to Enter the Railroad to Pineview Area.
08.16.040 Unlawful to Discharge a Weapon Anywhere in the City Limits if it Endangers Safety or Damages Property.
08.16.050 Unlawful to Discharge a Weapon in or on Any Public Parks or City-Owned Property.
08.16.060 Punishment for the Illegal Discharge of a Weapon.
08.16.070 Enhanced Punishment for the Illegal Discharge of a Weapon In a School Zone.

08.16.010 Definitions.

The following definitions regarding the discharge of a weapon:

1. "Firearm" means a pistol, revolver, shotgun, sawed-off shotgun, rifle, sawed-off rifle, bow (and arrows), crossbow, or any other similar dangerous device that could be used as a dangerous weapon from which is expelled a projectile by any force.
2. "Dangerous Weapon" includes all firearms, and also includes any other weapon that, in the manner of its use or intended use, is capable of causing death or serious injury. The following factors shall be used in determining whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon:
   (a) The character of the instrument, object, or thing;
   (b) The character of the wound likely to be produced, if any; and
   (c) The manner in which the instrument, object, or thing was used.
3. "Airgun" means any airsoft gun, paintball gun, or similar device capable of expelling non-metallic projectiles by any force, which does not fit the definition of a "dangerous weapon."
4. "Railroad to Pineview Area" means the portion of Perry City limits bounded by:
   (a) The north Perry City limits;
   (b) 600 feet east of the Pineview Canal Road and 600 feet east of any developed property (as the eastern boundary);
   (c) The south Perry City limits; and
   (d) The railroad tracks (as the western boundary).

08.16.015 Special Provisions.

The following special provisions shall apply to all Sections in this Chapter:

1. It shall be a defense to this charge if the person discharging a dangerous weapon or airgun can show that it was discharged in self-defense;
2. It shall be a defense to this charge if the discharge of a dangerous weapon or airgun by any person is necessary to protect life or property or to kill any dangerous animal;

3. This prohibition shall not apply to any peace officer in the discharge of his duty;
4. This prohibition shall not apply to any approved target shooting after the erection, at a proper and approved place (outside the "Railroad to Pineview Area"), of a proper breastwork or battery for the protection of the citizens, as approved by: (a) the appropriate landowner(s) (for property not owned by the City); and (b) the Police Chief (the Mayor shall have authority to overrule the Police Chief regarding this Sub-Section);
5. It shall *not* be a defense under this section that firing of a dangerous weapon or airgun was done during an approved hunting season pursuant to the regulation of the State of Utah, except as provided in Sub-Section 6; and
6. A shotgun may be used for hunting water fowl and upland game, during legal hunting seasons, provided such shotgun is used in accordance with federal laws, Utah State Statutes, and Utah Hunting Regulations and Proclamations.

08.16.020 Unlawful to Discharge a Dangerous Weapon in the Railroad to Pineview Area.

It shall be unlawful for any person to discharge a dangerous weapon of .177 caliber or greater in the "Railroad to Pineview Area."

08.16.030 Unlawful to Allow a Bullet/Projectile to Enter the Railroad to Pineview Area.

It shall be unlawful for any person to discharge a dangerous weapon of .177 caliber or greater outside the "Railroad to Pineview Area," if it is reasonably foreseeable that the path or trajectory of the bullet or other projectile will enter into the "Railroad to Pineview Area."

08.16.040 Unlawful to Discharge a Weapon Anywhere in the City Limits if it Endangers Safety or Damages Property.

It shall be unlawful for any person to discharge a dangerous weapon (of any caliber), or any airgun, anywhere in Perry City limits, if the firing of said weapon endangers the safety of any person or domestic animal, or if the firing of the weapon damages any property.

08.16.050 Unlawful to Discharge a Weapon in or on Any Public Parks or City-Owned Property.

It shall be unlawful for any person to discharge a dangerous weapon (of any caliber), or any airgun, in or on any public park or other City-owned property in Perry City limits.

08.16.060 Punishment for the Illegal Discharge of a Weapon.

A violation of this Ordinance shall be a Class B Misdemeanor punishable by a fine not to exceed $299.00 and/or a jail sentence not to exceed six months.

08.16.070 Enhanced Punishment for the Illegal Discharge of a Weapon In a School Zone.

A violation of this Ordinance which occurs within 1000 feet of any school zone will enhance the penalty to a Class A Misdemeanor, the fine will be $1,000.00 and/or a jail sentence not to exceed one (1) year, as per *Utah Code Annotated* §76-3-204, as amended.

Legislative History

Chapter 08.12 adopted by Ord. 88-02 in 1988, with amendments by Ord. 95-12 in 1995.
Chapter 08.04 adopted by Ord. 96-01 in 1996.
Same sections (including Chapter 08-08) amended or added during 1997 Codification.
New numbering system and codification into 2008 Perry Municipal Code: 12/11/08.
Resolution 96-04 adopted, regulating weapons and firearms: 01/11/95
Ordinance 09-W adopted, codifying and adopting minor revisions to Res. 96-04: 11/19/09
Amend Resolution 96-04 and Ordinance 09-W and codified them into Chapter 08.16: 11/19/09.
Added Chapter 08.14: 11/18/2010

Title 9, A General Ordinance
CRIMINAL CODE

Chapter 09.01. CRIMINAL CODE
Chapter 09.03. PUBLIC INDECENCY
Chapter 09.06. JUVENILE NIGHT CURFEW
Chapter 09.07. JUVENILE DAY CURFEW

Chapter 09.01.
CRIMINAL CODE

09.01.010. Definitions.
09.01.020. Adoption by Reference of the Utah Criminal Code.
09.01.030. Mayor May Act to Remove Disruptive Person.
09.01.040. Illegal Advertisement and Tampering.
09.01.050. Discharge of Weapon or Device Prohibited: Fireworks Prohibited in Certain Circumstances.

09.01.010. Definitions.

For purposes of this Title, the following definitions apply:

1. Adult: Any person twenty one (21) years of age or older.
2. City: “City” refers to Perry City.
3. Adult: Adult means any person twenty one (21) years of age or older.
4. City: This term refers to Perry City.
5. Emergency: An emergency means an unforeseen circumstance or circumstances or the resulting situation that calls for immediate action to prevent serious bodily injury or loss of life. The term includes, but is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.
6. Establishment: Any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment or recreation.
7. Law Enforcement Officer: Any agency providing law enforcement services to the City.
8. Minor: Persons under the age of eighteen (18) who are not married, or as otherwise defined by *Utah Code Annotated* § 15-2-1, as amended, are minors.
9. Officer: A police officer, sheriff, deputy sheriff, or any other law enforcement officer.
10. Police Department: The Perry City Police Department, or any other law enforcement agency such as the county sheriff or highway patrol.
11. Public Place: Any place to which the public or a substantial group of the public has access and includes, but not limited to, streets, highways, hospitals, office

buildings, transportation facilities, shopping centers, malls, business, eating establishment, place of amusement, parks, public playgrounds, public buildings and appurtenant open spaces and parking lots, open vacant lots.

12. Remain: To linger, stay, or fail to leave a public place when requested to do so by a police officer or the person in control of the public place.

09.01.020. Adoption by Reference of the Utah Criminal Code.

The provisions of Title 76, *Utah Code Annotated*, 1953, as amended, are adopted and incorporated by reference as ordinances of Perry City, except as provided in this section.

1. The title, chapter and section numbers of the *Utah Code Annotated*, 1953, as amended for the above provisions are adopted as the corresponding title, chapter and section numbers of the ordinances of Perry City.
2. Those provisions of Title 76 and Title 41, *Utah Code Annotated*, 1953, as amended, which are reserved exclusively to the state of Utah, counties of the state of Utah, or cities of a different class than Perry City are not adopted.
3. The Perry City Council shall determine the justice court to have jurisdiction, by contract, by Interlocal Agreement, or otherwise, over Perry City.
4. Perry City shall be substituted for other governmental entities named in said provisions as may be applicable.

09.01.030. Mayor May Act to Remove Disruptive Person.

The Mayor may remove or order the removal of any person who disrupts a meeting or procession, and such person may be charged as set forth in *Utah Code Annotated* §76-9-103.

09.01.040. Illegal Advertisement and Tampering.

Unless otherwise stated by law, the violation for any of the following is a class C misdemeanor:

1. Posting without permission prohibited. It is unlawful for any person to print, paint, write, mark, or otherwise post an advertisement, notice, card, or similar upon any wall, fence, tree, post, building, bridge, sidewalk, street, or other property, or cause the same to be done without the permission of the owner or agent for the same. If the property is owned by the City the Mayor may grant permission on behalf of the City.
2. Signs over streets and walkways. It is unlawful for any person to erect or construct any sign or similar advertising over, through, under, across, or otherwise interfering with any street, sidewalk, park, or similar public walkway without first making application and obtaining permission from the Mayor. No sign approved under this part shall be erect at a height less than eight (8’) feet from the street, sidewalk, or walkway surface.
3. Tampering with official notice or proclamation. It is unlawful for any person to tamper with an official notice or proclamation as set forth in *Utah Code Annotated* §76-8-417.

09.01.050. Discharge of Weapon or Device Prohibited: Fireworks Prohibited In Certain Circumstances.

As authorized by *Utah Code Annotated* §10-8-47, it is hereby declared unlawful and a class B misdemeanor for any person to:

1. Discharge any firearm, weapon, or similar device that expels a dangerous projectile in the city limits, except in self-defense or at a location where the discharge of a weapon or devise is permitted by the City, etc., as provided in PMC Chapter 08.16.
2. Sell, possess, distribute, or use fireworks, explosives, gunpowder, rockets, or similar pyrotechnics for flammable substance within the City limits contrary to the established rules or instructions for such device or when the state fire marshal or City fire marshal has publicly prohibited the same in response to a fire danger or similar hazard.

Chapter 09.03.
PUBLIC INDECENCY

09.03.010. Public Indecency Definitions.
09.03.020. Construction and Severability.
09.03.030. Penalty.

09.03.010. Public Indecency Definitions.

1. Definitions. As used in this Section, the following terms shall have the following meanings:
    a. Public place means:
        i. Any public building, park, or stadium;
        ii. Any publicly-owned building or real property;
        iii. Any public street, sidewalk, alley or right-of-way;
        iv. Any area open to the sky to which the public or a substantial group of the public has access and includes, but is not limited to, parking lots, accessways, entry-ways, private streets, sidewalks, landscaped areas, playgrounds or common areas;
        v. All buildings and enclosed places to which the public or a substantial group of the public has access, including such places of entertainment, taverns, restaurants, private clubs, cabarets, theaters, dance halls, banquet halls, party rooms or halls limited to specific members, restricted to adults or to patrons invited to attend, whether or not an admission charge is levied.
    b. Nudity means a state of dress in which the female breast below a point immediately above the top of the areola, or the male or female genitals, the buttocks, the pubic area or the anus are not fully covered by opaque clothing.

2. A person is guilty of public indecency if the person knowingly or intentionally, in a public place:
    a. Appears in a state of nudity;
    b. Exposes on his or her person:
        i. any device, costume, or covering which gives the appearance of or simulates the genitals, pubic hair, natal cleft, perineum anal region or pubic hair region.
        ii. any devise worn as a cover over the nipples and/or areola of the female breast, which device simulates and gives the realistic appearance of nipples and/or areola; or
    c. Engages in any of the following acts:
        i. an act of sexual intercourse or sodomy;
        ii. masturbation;
        iii. fondling the genitals of himself, herself or another person.
3. The prohibition set forth in subsection 3 above shall not apply to:
    a. A woman exposing a breast in the process of breast-feeding an infant under two (2) years of age, including breast feeding in any location where the woman otherwise may be, irrespective of whether or not the breast is covered during or incidental to feeding as provided in *Utah Code Annotated* §§ 10-8-41 and 10-8-50;
    b. Any child under ten (10) years of age; or
    c. A licensed sexually-oriented business employee performing in a state of semi-nudity in an adult live entertainment business, in accordance with the requirements of the Sexually Oriented Business regulations of Perry City.

09.03.020. Construction and Severability.

It is the intention of the City that the provisions of this ordinance be construed, enforced and interpreted in such a manner as will cause the least possible infringement of the constitutional rights of free speech, free expression, due process, equal protection or other fundamental rights consistent with the purposes of this ordinance. Should a court of competent jurisdiction determine that any part of this ordinance, or any application or enforcement of it is excessively restrictive of such rights or liberties, then such portion of the ordinance, or specific application of the ordinance shall be severed from the remainder, which shall continue in full force and effect.

09.03.030. Penalty.

Public indecency is punishable as a class B misdemeanor.

Chapter 09.06.
JUVENILE NIGHT CURFEW

09.06.010. Minors Prohibited In Public Places: Responsibility of Parents and Guardians.
09.06.020. Exemptions.
09.06.030. Enforcement body.
09.06.040. Enforcement Procedures.
09.06.050. Violations.

09.06.010. Minors Prohibited In Public Places: Responsibility of Parents and Guardians.

The following regarding minors in public places:

1. It is unlawful for any minor under the age of sixteen (16) to remain in any public place within the City between the hours of 10 p.m. and 5 a.m., except as provided in Section 6.06.030 below.
2. It is unlawful for any minor sixteen (16) years of age or older to remain in any public place within the City between the hours of 12 midnight and 5 a.m., except as provided otherwise in this chapter.
3. It is unlawful for any parent, guardian or other person having legal care and custody of any minor to knowingly permit or by insufficient control allow a minor to violate this chapter.

09.06.020. Exemptions.

A minor under the age of eighteen (18) shall not be in violation of this chapter if, at the time the minor was stopped by a law enforcement officer, the minor was:

1. Sixteen (16) years or older and emancipated by marriage;
2. Accompanied by the minor's parent, guardian or other adult person having the care, custody or supervision of said minor;
3. In a motor vehicle involved in interstate travel;
4. On an errand at the direction of the minor's parent or guardian, without detour or stop;
5. Acting in response to an emergency;
6. Within one thousand (1,000') feet of the minor's primary residence;
7. Engaged in a lawful employment activity or going to or returning home from such an employment activity without any detour or stop; or
8. Returning home from, going to or being in attendance at any religious, family, or school function, organized dance, theater, sporting event, events associated with City or other local government or civic clubs, 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.

09.06.030. Enforcement Body.
Any law enforcement officer shall enforce this chapter with reasonable discretion if a minor is in violation of this chapter where such minor has committed no foreseeable criminal conduct, or vandalism, and has no potential to so, but the officer shall make record of the name and address of the minor. Any law enforcement officer shall strictly enforce this chapter if a minor is in violation under this chapter where such minor has committed any criminal conduct, mischief or vandalism; or has the intent to commit any such an act.

09.06.040. Enforcement Procedure.
The following regarding enforcement procedure:

1. Before taking any enforcement action under this Chapter, the officer shall attempt to ascertain the apparent offender's age, home address, and reason for being in the public place.
2. The officer shall not take enforcement action under this chapter unless the officer has probable cause to believe that no exemption under this chapter applies.

09.06.060. Violations.
A violation of this chapter shall be punishable as a class C misdemeanor.

Chapter 09.07
JUVENILE DAYTIME CURFEW

09.07.010. Daytime Curfew for Minors.
09.07.020. Parent's Responsibility.
09.07.030. Enforcement and Penalty.

09.07.010. Daytime Curfew for Minors.
Unless otherwise provided in this section, it is unlawful for any minors under the age of eighteen (18) years, who is subject to compulsory education, to be in any public place as defined in this chapter during the hours of 8:30 a.m. and 2:00 p.m. on weekdays when the minor's public or private school is in session. This section does not apply if:

1. The minor is accompanied by the minor's parent, guardian or other adult person having the care, custody and control of the minor.
2. The minor is on an emergency errand directed by the minor's parent, guardian or other adult person having the care, custody and control of the minor.
3. The minor is going to or coming from the minor's place of gainful employment, to or from a medical, dental or related appointment, or is participating in an approved alternate education program.

4. The minor has in the minor's possession a valid, school issued, off-campus permit granting permission to leave the school campus for lunch or a school related activity.
5. The minor has been declared by the local school board to be exempt from school attendance in conformity with *Utah Code Annotated* § 53A-11-102, as amended, or the minor's absence is authorized by other applicable federal, state or local law.
6. The minor is exempt by law from compulsory education.
7. The minor is attending, or without any detour or stop, going to or returning from an official school, religious, government-sponsored, or other activity which is supervised by an adult and sponsored by a civic organization, school district, religious institution or

09.07.020. Parent's Responsibility.
Parental responsibility for this chapter is the same as provided in Chapter 9.06.

09.07.030. Enforcement and Penalty.
Upon any violation of this chapter, a peace officer may issue a citation to the minor and may transport the minor home or to the school from which the minor is absent. If a citation is issued, the minor and parent shall appear in court as directed in the citation. The person shall be advised of the fact that the minor was cited for a violation of this chapter. The person shall be warned of his or her responsibility and liability as the minor's custodian. Any conviction for any citation issued under this chapter shall be as follows:

1. A minor's first offense for a violation of this chapter is an infraction.
2. A minor's second offense and any subsequent convictions for a violation of this chapter is a class C misdemeanor.
3. If the person has been warned as set forth this section, the next violation of this chapter shall constitute an infraction by the parent, guardian, or other adult person having the care, custody, and control of the minor.
4. If the person has previously been convicted of an infraction as set forth in this chapter, any further violation of this chapter by the minor shall constitute a class C misdemeanor by the parent, guardian, or other adult person having the care, custody and control of the minor.

<u>Legislative History</u>
Amended title in its entirety: July 12, 2007
New numbering system and codified into new municipal code: 12/11/2008
Amended Sub-Section 09.01.050 (1): 11/19/20

Title 11, A Public Service Ordinance
MISCELLANEOUS PUBLIC SERVICES

Chapter 11.02. Questar Gas Franchise

Chapter 11.02.
Questar Gas Franchise

11.02.005 Purpose
11.02.010 Grant of Franchise
11.02.020 Consideration
11.02.030 Term
11.02.040 Acceptance
11.02.050 Construction and Maintenance of Facilities.
11.02.060 Compliance with Ordinances--Conflict
11.02.070 Information Exchange
11.02.080 Relocation
11.02.090 Terms of Service
11.02.100 Indemnification
11.02.110 Assignment
11.02.120 Insurance
11.02.130 Effect of Invalidity
11.02.140 Amendment
11.02.150 Effective Date

11.02.005 Purpose.

1. Questar Gas Company, a Utah corporation, (Questar Gas) desires to construct, maintain and operate a gas distribution system within the City of Perry (City); and

2. The City Council has determined that it is in the best interest of the citizens of the City to grant a franchise to Questar Gas to use the roads and streets within the City for such purpose; and

3. The City Council has therefore approved an ordinance granting to Questar Gas Company a franchise for the construction, operation and maintenance of a gas distribution system in Perry City, Box Elder County, State Of Utah.

11.02.010 Grant of Franchise.

The City 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 City limits, including any property annexed or otherwise acquired by the City after the effective date of this Franchise, (collectively, Streets) a

distribution system for furnishing natural and manufactured gas to the City 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.

11.02.020 Consideration.
In consideration of this Franchise, Questar Gas shall pay to City the sum of $50.00 upon acceptance of this Franchise and shall provide gas service in accordance with the terms of this Franchise.

11.02.030 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 City may terminate the Franchise at the end of the initial term, or at the end of any renewal period, by giving Questar Gas written notice of the City's intent to so terminate not less than ninety (90) calendar days before the expiration of the initial term or any renewal period.

11.02.040 Acceptance.
Within sixty (60) days after the passage of this ordinance, Questar Gas shall file with the City 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.

11.02.050 Construction and Maintenance of Facilities.

1. 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. Without unreasonable additional cost to Questar Gas, all Facilities that are installed during the term of the Franchise shall be sited to be visually unobtrusive and to preserve the natural beauty and neighborhood aesthetics within the City limits.

2. 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.

11.02.060 Compliance with Ordinances--Conflict.

1. Questar Gas shall comply with all City ordinances, regulations and requirements and shall pay all applicable excavation fees and charges that are or may be prescribed by the City 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.

2. The City shall have the right to inspect the construction, operation and maintenance of the Facilities to ensure the proper compliance with applicable City ordinances, regulations and requirements. In the event Questar Gas should fail to comply with the terms of any City ordinance, regulation or requirement, the City 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 time frame provided by the applicable ordinance, regulation, or requirement. After written notice and failure of Questar Gas to make correction, the City 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.

11.02.070 Information Exchange.

Upon request by either the City or Questar Gas, as reasonably necessary, Questar Gas and the City shall meet for the purpose of exchanging information and documents regarding construction and other similar work within the City 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 City may lawfully do so.

11.02.080 Relocation.

1. Upon written notice to Questar Gas, the City 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 City's requirements. The Relocation of Facilities by Questar Gas shall be at no cost to the City if (i) such request is for the protection of the public health, safety and welfare pursuant to lawful authority delegated to the City; (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 City provides a new location for the Facilities. Otherwise, a Relocation required by the City pursuant to such written notice shall be at the City's expense. Following Relocation of any Facilities, Questar Gas may maintain and operate such Facilities in a new location within City limits without additional payment. If a City project is funded by federal or state monies that include an amount allocated to defray the expenses of Relocation of Facilities, then the City shall compensate Questar Gas up to the extent of such amount for any Relocation costs mandated by the project to the extent that the City actually receives or is otherwise authorized to direct or approve payment of such federal or state funds.

2. Notwithstanding the preceding paragraph, Questar Gas shall not be responsible for any costs associated with an authorized City 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 City project.

11.02.090 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.

11.02.100 Indemnification.

Questar Gas shall indemnify, defend and hold the City, 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 City 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 City 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 City or any of its agents, officers or employees.

11.02.110 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 City limits. Otherwise, Questar Gas shall not transfer, assign or delegate any of its rights or obligations under the Franchise to another entity without the City'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 City's prior written consent.

11.02.120 Insurance.
The Company shall responsibly self-insure or maintain insurance in an amount sufficient to cover its obligations and liabilities set forth in Section 10, in lieu of any insurance as may be required in any City ordinances.

11.02.130 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.

11.02.140 Amendment.
This ordinance shall not be altered or amended without the prior written consent of Questar Gas.

11.02.150 Effective Date.
This ordinance shall become effective upon the date of acceptance by Questar Gas as established above.

Legislative History
Adopted Questar Gas Franchise Ordinance (later numbered Chapter 11.02) on 03/25/2010.
Codified into Municipal Code on 01/13/2011.

Title 12, A Public Service Ordinance
PARKS, TRAILS, AND RECREATION

Chapter 12.01. GENERAL PROVISIONS
Chapter 12.02. USE REGULATIONS
Chapter 12.03. PERRY CITY PARKS AND TRAILS DESIGN STANDARDS ORDINANCE
Chapter 12.04. PERRY CITY TRAILS, PATHS AND OTHER PUBLIC SPACES: LOCATION AND REQUIREMENTS ORDINANCE
Chapter 12.05. PERRY CITY PARKS, OPEN SPACES, AND OTHER PUBLIC SPACES: LOCATION AND PURCHASE FEE ORDINANCE

Chapter 12.01.
GENERAL PROVISIONS

12.01.010. Superintendent.
12.01.020. Applicability.

12.01.010. Superintendent.
The Mayor, with the advice and consent of the City Council, may select a competent person to supervise the maintenance, operation, care, improvement and beautification of all City parks and public grounds who shall be called the Superintendent of Parks.

12.01.020. Applicability.
The provisions of this ordinance apply to all public parks and grounds located within the corporate limits of Perry City. Public grounds means any public property or public facility owned, operated or otherwise controlled by Perry City that is not a public roadway and includes such things as public buildings and landscaping around them, public infrastructure and facilities such as storm drainage areas, well houses, or pump/lift stations, planting strips, flower beds, open spaces, playgrounds, trails, walkways, riding arena or wildlife viewing areas. The provisions of this ordinance shall not be applicable to a peace officer or Perry City employee while acting within the scope of his duty or employment.

Chapter 12.02.
USE REGULATIONS

12.02.030. Designated Park Hours.
12.02.040. Prohibited Activities.
12.02.050. Activities Requiring Permit.
12.02.060. Penalty.

12.02.030. Designated Park Hours.

It shall be unlawful for any person, other than a peace officer on duty, or an employee of Perry City acting within the scope of his employment or an officer in the discharge of his official duties, to be in or about any park or public grounds within the corporate limits of Perry City between thirty (30) minutes after sunset and six o'clock (6:00) a.m., except in connection with an organized event or activity authorized by the Mayor and the Superintendent of Parks. The hours referred to in this part shall be deemed to be the time then in current use at the date in question, whether the same is Mountain Standard Time or Daylight Saving Time.

12.02.040. Prohibited Activities.

This part does not apply to the vehicles, equipment and employees of Perry City or independent contractors acting under Perry City's discretion. The following activities are prohibited in or upon any park or public grounds except as expressly authorized by the Perry City Council or where specific, designated approval has been obtained from the Mayor and Superintendent of Parks:

1. Skating: It shall be unlawful for any person to operate/ride a skateboard, roller blades, roller skates, or similar devices on any table, bench, landscaping, playground equipment or similar improvement.
2. Shooting Games: It shall be unlawful for any person to play and/or practice golf, paint balling, archery, shooting, hunting or any similar game or activity.
3. Hitching Animals: It shall be unlawful to hitch or fasten any horse or other animal to any structure, improvement or tree/plant except the use of a structure that is expressly designated for such purpose.
4. Trailers: It shall be unlawful to stop, park, use, load or unload any private trailer.
5. Sleeping and Camping: It shall be unlawful for any person to sleep overnight or camp except while engaging in an organized event or activity authorized by the Mayor and Superintendent of Parks.
6. Injury and/or Vandalism to Public Property or Landscaping: It shall be unlawful for any person to remove or willfully damage or deface, scratch, cut, injure or write upon any building, improvement, furniture, structure, rest room facility, fence, fountain, bench, bleachers, irrigation system or any other public property or parts thereof. It shall be unlawful to cut, remove or willfully damage any landscaping, tree, flower, plant, shrub, grass, soil, rock, sand, gravel or any other material.
7. Alcohol Consumption or Possession: It shall be unlawful for any person to have in his possession or to consume any alcohol or alcoholic beverage.
8. Animals at large: It shall be unlawful for the owner or care-taker of any dog or other a animal to permit such animal at large. It shall be unlawful for any animal owner or care-taker having a leashed or controlled animal or any animal at large, to fail to clean up and remove any excrement from or to fail to repair any damages caused by such animal.

9. Use of firearms, fireworks or explosives: It shall be unlawful for any person to fire or discharge any firearms, fireworks, firecracker, or any explosive device or weapon except for a peace officer in the performance of his duty or specific written consent of City Fire Marshal and under his direction for fireworks displays approved by the Mayor and Superintendent of Parks.
10. Littering and Smoking: It shall be unlawful for any person to litter, leave, fail to clean up or deposit garbage, junk, or refuse of any kind in any place except for inside of the receptacles provided for that purpose. It shall likewise be unlawful to smoke or leave smoking debris.
11. Annoying Behavior and Disorderly Conduct: It shall be unlawful for any person to engage in any activity that causes or creates annoyances such as excessive noise (defined as 83 DBA measured 3 feet from the source), lewdness, disorderly conduct or other such harmful nuisances.
12. Trespassing: It shall be unlawful for any person to trespass on any public grounds where trespassing is expressly prohibited.

12.02.050. Activities Requiring Permit.

Any person holding an activity, event, meeting, gathering, picnic, musical, theatrical or other entertainment in any park or City Building or public grounds is responsible for first obtaining a permit and paying a fee and/or deposit, if applicable. Such fees and deposit amounts shall be included in a fee schedule adopted by a resolution of the Perry City Council and may be changed by resolution whenever deemed necessary.

12.02.060. Penalty.

Any person who violates any of the provisions of this ordinance is guilty of a Class C misdemeanor and shall be fined not less than $100.00 for each violation. The sentencing judge may, upon the request of the City, also order that the offender:

1. Render community service to remedy damage caused by him or pay restitution for the same, and/or
2. Be prohibited from entering and/or using any park, public grounds and/or public facilities as dictated by the court for a period of time set by the court, or order that the offender be restrained from engaging in any prohibited activity in any park, public grounds or public facilities.

Chapter 12.03.
PERRY CITY PARKS AND TRAILS DESIGN STANDARDS ORDINANCE

12.03.010. Purpose and Application.
12.03.020. Characteristics and Amenities for Mini-Parks, Neighborhood Parks, Community Parks, Trails, and Trailheads.
12.03.030. Required Amenities for all Parks, Trails, and Trailheads.

12.03.010. Purpose and Application.

To establish specific standards for all parks and trails in order to ensure appropriate high quality parks and trails are developed within the community, and ensure that maintenance patterns are standardized throughout the Perry City Parks and Trails System. Residents are encouraged to participate in "adopt a tree," "adopt a trail" and similar programs. This ordinance shall be immediately effective upon approval and shall be applicable to all subdivisions and areas for which there is not yet final approval by the City Council.

12.03.020. Characteristics and Amenities for Mini-Parks, Neighborhood Parks, Community Parks, Trails, and Trailheads.

The following regarding the characteristics and amenities for mini-parks, neighborhood parks, community parks, trails, and Trailheads:

1. Mini-parks: A specialized facility that serves a concentrated or limited population or specific group, such as tots or senior citizens. This facility should be located within neighborhoods and in close proximity to apartment complexes, townhouse developments, or housing for the elderly. When used for detention of storm water, mini-parks must maintain a minimum seventy five (75%) percent of dry area (i.e. not used for detention). Mini-parks less than one acre are not customarily included in the impact fee level of service for the City's parks because they are usually considered project improvements of a new development. In order for a park less than one acre to be considered in the impact fee level, it must be developed by the City and not as part of a new development. The following regarding mini-parks:
   a. Typical Park Size: 5,445 sq. ft- 2.99 acres
   b. Site Characteristics: Centrally located in neighborhoods and higher-density residential. The walking distance should not exceed one-quarter mile nor require the crossing of busy streets. Appropriate facilities include children's playground equipment, grassy play areas, picnic tables and shelters, and benches.
2. Neighborhood Parks: Areas designed for intense recreational activities such as field games, court games, crafts, playground apparatus, skating, picnicking, wading pools, etc. Neighborhood park sites should be suited for intense development, easily accessible to neighborhood populations, and geographically located for safe walking and bicycle access (service radius of one-half mile). A minimum twenty percent of the site area should be dry (i.e. not used for detention). These parks are included in the City's level of service and considered system improvements. The following regarding neighborhood parks:
   a. Typical Park Size: 3.0 – 12.99 acres
   b. Site Characteristics: Centrally located to provide direct and safe walking/biking access. Appropriate facilities include open play areas for softball, soccer, youth baseball, Frisbee, etc., as well as restrooms, parking facilities, picnic areas, shelters, and a children's playground with seating available nearby. Sites should be relatively visible from adjoining streets.
3. Community parks: Areas of diverse recreational value including intense recreational facilities, such as athletic complexes and pools, as well as more passive uses such as

picnicking, viewing, nature studying, and other types of recreational development. The size and amenities contained within each community park should be based on the planned population to be served. A minimum twenty percent of the site area should be dry (for a 10-year storm event). Community parks should serve the majority of residential areas with overlapping service area coverage. These parks are included in the City's level of service and are considered system improvements. The following regarding community parks:

a. Typical Park Size: 13.0 – 50.0 acres
b. Site Characteristics: Comprises both active and passive recreational activities with support facilities such as off-street parking and restrooms. Appropriate facilities include fields for formal baseball-softball, soccer, etc., along with picnic facilities, trail/pathway systems, and children's playgrounds. The park should be located on an arterial or collector street and have landscaped setbacks to buffer active use areas from residential areas as needed.

12.03.030. Required Amenities for all Parks, Trails, and Trailheads.

The following regarding the required amenities for all parks, trails, and Trailheads:

1. Park amenities: Park amenities will be to the required standards set by the City Parks Superintendent. Specific improvements will be approved by the City Parks Superintendent and will be in accordance with Ordinance 07-D Parks and Public Grounds – Use Regulations. All parks will have:
    a. Park signs designating the name of the park and rules;
    b. Picnic tables;
    c. Pavilion or bowery;
    d. Restroom facilities (not required for Mini-Parks);
    e. Play structures (primarily constructed of plastic and powder-coated metal);
    f. Benches (primarily constructed of aluminum, plastic or powder-coated metal);
    g. Parking facilities (not required for Mini-Parks);
    h. Walking paths (not required for Mini-Parks under one acre);
    i. ADA accessibility;
    j. Landscaping/lawn/trees/sprinkler system;
    k. Lighting/electricity availability;
    l. Water fountain;
    m. Designated street crossings for entrance to park (painted lines and park crossing signs).
2. Trail and Trailhead amenities: Trail and Trailhead amenities will be to the required standards set by the City Parks Superintendent. Specific improvements will be approved by the City Parks Superintendent and will be in accordance with Ordinance 07-D Parks and Public Grounds – Use Regulations. Required amenities shall be as follows:
    a. Bike and Pedestrian Trails will consist of landscaping (where the City deems necessary), benches, trees, trail signs, asphalt/concrete surfaces (unless

otherwise specified by the City), 10-foot wide (unless otherwise specified by the City) and will follow the following class system:

b. Class I Bike and Pedestrian Trails (path): Paved hard surface paths, with a minimum 10-foot wide tread, and require a minimum separation of 5-feet from the roadway. AASHTO standards should be used as design guidelines.
c. Class II Bike Lane: Striped lanes adjacent to the curb on a roadway, with width and other requirements as per UDOT and/or other standard regulations.
d. Class III Bike Routes: Existing streets with signage for on-street bicycle use.

3. Equestrian Trails: Dirt or stabilized dirt is a preferred surface. The equestrian trail should be at least three to six feet away from a hard surface trail for bikes and pedestrians and at least 5-foot wide tread for horses. Vertical clearance for equestrians should be at least ten feet, with a horizontal clearance of at least five feet.
4. Trailheads: Trailheads will consist of landscaping, restroom facility, benches, parking facility(ies), bicycle rack, drinking fountain, shelter, information station, and trail sign.

Chapter 12.04.
PERRY CITY TRAILS, PATHS AND OTHER PUBLIC SPACES: LOCATION AND REQUIREMENTS ORDINANCE

12.04.010. Purpose and Application.
12.04.020. Location of Trails, Paths, Public Spaces, Waterway Corridor Setbacks.
12.04.030. Trails, Paths, and other Public Space Improvement Requirements.

12.04.010. Purpose and Application.

To establish the location, requirements and specifications for development of trails, paths, and other public spaces which have been outlined and planned in the Perry City Parks, Trails, Open Space and Critical Lands Master Plan. This ordinance shall be immediately effective upon approval and shall be applicable to all subdivisions and areas for which there is not yet final approval by the City Council.

12.04.020. Location of Trails, Paths, Public Spaces, Waterway Corridor Setbacks.

The following regarding the location of trails, paths, public spaces, and waterway corridor setbacks:

1. Land shall be reserved and improvements shall be installed: The Planning Commission, in its review of each subdivision, shall require that land be reserved and improvements installed for trails, paths, and other public spaces designated within the Perry City Parks, Trails, Open Space and Critical Lands Master Plan or in other areas where such amenities would be appropriate and would benefit the subdivision and its residents. The area shall be shown on the Final Plat and will be built to the City's specifications.

2. Areas to be left completely as Open Space include those for which one or more of the following conditions apply:
    a. Areas within required waterway corridor setbacks; and/or
    b. Areas designated as floodplain by FEMA (the Federal Emergency Management Agency), and/or
    c. Slopes over thirty (30%) percent, and/or
    d. Wetlands (unless exceptions apply as per Army Corps of Engineers regulations).
3. Setbacks for subdivisions (and other areas) developed along major waterways, including major canals, rivers, creeks and streams where trails are planned shall require a forty foot (on each side) Perry City right of way dedication (waterway corridor setback) for trail development.
4. Setbacks for subdivisions (and other areas) developed along minor waterways, including minor canals, ditches and streams where trails are planned shall require a fifteen (15') foot (on each side) Perry City right-of-way dedication (waterway corridor setback) for trail development.

12.04.030. Trails, Paths, and other Public Space Improvement Requirements.

The following regarding trails, paths, and other public space improvement requirements:

1. In order for the City to obtain property for trails, paths, and other public spaces, the developer shall provide for a right of way dedication, which shall be dedicated to Perry City for trails, paths, or other public spaces and developers will be required to install all improvements to these areas and shall be built to City specifications.
2. Trails, paths, and other public spaces shall be developed appropriately to permit efficient drainage, provide safe access, and allow links to adjacent trails. Trails should provide a link to schools, recreation facilities, commercial areas, parks and significant natural features.
3. Trails should be provided to allow efficient internal pedestrian and non-motorized circulation as well as provide links to other cities' trails and regional trails. Construction of new trails will be required concurrently with the installation of other public improvements unless the Planning Commission determines otherwise, in which case, cash deposits shall be required pursuant to this Code for trail improvements. The developer or the developer's engineer shall provide cost estimates for trail development, as needed. The City Engineer(s) shall review all cost estimates for trail development.
4. Although required trails may not link to adjacent trails immediately, each trail is a vital part of the overall circulation plan.

Chapter 12.05.
PERRY CITY PARKS, OPEN SPACES, AND OTHER PUBLIC SPACES: LOCATION AND PURCHASE FEE ORDINANCE

12.05.010. Purpose and Application.
12.05.020. Location of Parks, Open Space, and Other Public Spaces.
12.05.030. Parks, Open Space, and Other Public Spaces Purchase Fees.

12.05.010. Purpose and Application.
This parks, open spaces, and other public spaces location and purchase fee ordinance will establish placement and assess fees to purchase land for the development of parks, open space and other public spaces. This ordinance shall be immediately effective upon approval and shall be applicable to all subdivisions and areas for which there is not yet final approval by the City Council, excepting subdivisions and areas for which preliminary approval was given by the City Council on or before November 30, 2006.

12.05.020. Location of Parks, Open Space, and Other Public Spaces.
The City shall require a minimum of six (6) acres of property for parks, open space or other public spaces for every 1,000 population throughout the City. The location of parks shall be determined by the City as identified in the Perry City Parks, Trails, Open Space and Critical Lands Master Plan. Developers will be required to work with the City to obtain park property within the development where placements of parks have been identified.

12.05.030. Parks, Open Space, and Other Public Spaces Purchase Fees.
The following regarding parks, open space, and other public spaces purchase fees:

1. Regular 2% Cash Purchase Fee: In order for the City to obtain property for parks, open space, and other public spaces, and as a condition of subdivision approval, the developer shall contribute to the City two (2%) percent of the appraised value of all land being developed which shall be used to purchase property for parks, open space and other public spaces in the City. This assessment shall be made on each phase of the development. Payment of cash will be made by the developer to the City before recording the plat.
2. Optional 2% Land Donation: In lieu of cash, the City may require the developer to donate two (2%) percent of the property being developed should the City desire a park, open space, or public space in that location; provided, not less than a contiguous minimum of ten thousand (10,000) square feet shall be so allocated.
3. MAI Appraisal: The amount of the Park Purchase Fee shall be determined by a third party MAI (Member of the Appraisal Institute) designated appraisal requested by the City. The developer shall pay a nominal fee as per the City's fee schedule (or as determined by the City Council) to defray the cost of the appraisal report. The developer may accept the City's MAI appraisal or may procure and submit to the City an MAI appraisal of the subdivision property. The City Council shall choose between MAI appraisals if more than one is available, subject to review in District Court.
4. Exclusive Use of Funds: The monies shall be exclusively used for park, open space, or other public space development (thus, monies shall not be placed in the general fund; but rather, in the appropriate capital facilities fund or other special fund and used accordingly).

Legislative History

Major update to Chapter 12.02 (Use Regulations) on February 22, 2007.
Added Chapters 12.03 (Parks Standards), 12.04 (Location and Other Requirements), and 12.05 (2% Purchase Fee) as part of Impact Fee Ordinance 07-L: 08/09/2008.
New numbering (including the two Sections in Chapter 12.01 being removed from Chapter 12.02 as a separate Chapter) and codification adopted as Perry Municipal Code: 12/11/2008.
Amended 12.02.030: 07/30/2009

Title 13, A Public Service Ordinance
STORM WATER AND DRAINAGE

Chapter 13.01. GENERAL PROVISIONS
Chapter 13.02. DEFINITIONS
Chapter 13.03. VARIOUS PROHIBITIONS
Chapter 13.04. REQUIREMENTS AND PENALTIES
Chapter 13.05. PERMITS
Chapter 13.06. STORM WATER POLLUTION PREVENTION PLAN
Chapter 13.07. CIVIL PENALTY: ADMINISTRATIVE HEARING

Chapter 13.01.
GENERAL PROVISIONS

13.01.010. Purpose and Intent.
13.01.020. Best Management Practices.
13.01.030. Easements.

13.01.010. Purpose and Intent.

The purpose of this article is to prevent the discharge of sediment and other construction related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the City and surrounding areas, Each year, storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers and lakes. Sediment from storm water runoff also clogs and obstructs storm drains, culverts and canals and causes damage to private property, wildlife habitat and water quality.

13.01.020. Best Management Practices.

The following regarding Best Management Practices (BMP's):

1. Requirement: Any person connecting to the storm sewer system developing a commercial or residential site shall employ best management practice (BMPs) approved by the City. The City shall adopt a policy establishing a menu of BMPs that may be used to satisfy this requirement. The BMPs shall be designed to ensure that the quality and quantity of storm water released to the City storm sewer system meets the requirements of federal, state and local laws and regulations and the City NPDES permit, and will not exceed the designed capacity of the storm sewer system or jeopardizes the integrity of the storm sewer system.
2. Failure to Comply: Failure to conform to prescribed BMPs will result in the penalties as set forth in this Title.

13.01.030. Easements.

City employees may enter all private properties through which the City holds an easement for the purpose of inspecting, observing, measuring, repairing or maintaining any portion of the storm

sewer facilities lying within the easement or the performance of any other duties pertinent to the operation of the storm sewer system.

Chapter 13.02.
DEFINITIONS

13.02.005. Purpose of this Chapter.
13.02.010. Best Management Practices (BMPS).
13.02.015. Catch Basin.
13.02.020. Clean Water Act.
13.02.025. Debris.
13.02.030. Detention Basin.
13.02.035. Development.
13.02.040. Disturb.
13.02.045. Drain Outlet.
13.02.050. Hazardous Material.
13.02.055. Illicit Connection.
13.02.060. Illicit Discharge.
13.02.065. Land Development.
13.02.070. Non-storm Water Runoff.
13.02.075. Person.
13.02.080. Pollutant.
13.02.085. Redevelopment.
13.02.090. Storm Drain.
13.02.095. Storm Sewer System.
13.02.100. Storm Water.
13.02.105. Storm Water Runoff.
13.02.110. Sump.

13.02.005. Purpose of this Chapter.
The following words and phrases shall be defined as follows for the purpose of this Title.

13.02.010. Best Management Practices (BMPS).
A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which gave been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use, BMPs also include treatment requirements, operating procedures and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage.

13.02.015. Catch Basin.
A drain inlet designed to keep out large or obstructive matter.

13.02.020. Clean Water Act.
The federal water pollution prevention and control act, 33USC 1251 et seq.

13.02.025. Debris.
Any rock, dirt, sand, sediment, vegetation, rubbish or litter.

13.02.030. Detention Basin.
A depression designed to detain storm water runoff until downstream storm sewer resources are less heavily taxed. A detention basin contains an inlet and an outlet, allows debris to settle out, and regulates water flow.

13.02.035. Development.
Any manmade change to improved or unimproved real estate, including, but not limited to site preparation, filling, grading, paving, excavation and construction of buildings or other structures.

13.02.040. Disturb.
To alter the physical condition, natural terrain or vegetation of lad by clearing, grubbing, grading, excavating, filling, building, other construction activity.

13.02.045. Drain Outlet.
A point of entry into a sump, detention basin, or storm drain system is a drain outlet.

13.02.050. Hazardous Material.
Any material, including any substance, waste, of combination thereof, which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property or the environment when improperly treated, stored, transported, disposed of or otherwise managed, “Hazardous material” includes, but is not limited to, any hazardous substance designated under 40 CAR part 116 pursuant to section 311 of the clean water act.

13.02.055. Illicit Connection.
Either of the following can be an illicit connection:

1. Any drain of conveyance, whether on the surface of subsurface, which allow an illicit discharge to enter the storm drain system, Examples include, but are not limited to, any conveyances with allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any connections to the storm drain system form indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted or approved by a government agency; or
2. Any drain or conveyance connected to or discharging to the storm drain system, which has not been:
    a. Documented in plans, maps or equivalent records submitted to the City; and
    b. Approved in writing by the City.

13.02.060. Illicit Discharge.
Any non-storm water discharge to the storm sewer system, "Illicit discharges" include both direct connections (e.g. , wastewater piping either mistakenly of deliberately connected to the storm sewer system) and indirect connections (e.g., infiltration of debris, hazardous materials or pollutants into the storm sewer system or spills collected by drain inlets).

13.02.065. Land Development.
Any development of a parcel, lot, subdivision plat or site plan, If there is more than one lot in the subdivision plat or site plan, all lots in the subdivision plat or site plan shall jointly be considered to be part of the land development.

13.02.070. Non-storm Water Runoff.
Any runoff other than storm water.

13.02.075. Person.
Any individual, corporation, partnership, association, company or body politic, including any agency of the state of Utah and the United States government.

13.02.080. Pollutant.
Dredged spoil, solid waste, incinerator reside, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat wrecked or discarded equipment, rock, sand cellar dirt, industrial, municipal and agricultural waste, 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, articles and accumulation that may cause or contribute to pollution; floatables; pesticides, herbicide 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(including, but not limited to, sediments, slurries and concrete resinates); and noxious or offensive matter of any kind.

13.02.085. Redevelopment.
Alterations of a property that change the footprint of a site or building in such a way that disturbs one acre of land or more.

13.02.090. Storm Drain.
A closed conduit for conducting collected storm water.

13.02.095. Storm Sewer System.
The system of conveyances (including sidewalks, roads with drainage systems, municipals streets, catch basins, detention basins, curbs, gutters, ditches, manmade channels, sups storm drained and ground water) owed and operated by the City, which is designed and used for collection or conveying storm water. The "storm sewer system" is also referred to as a "municipal separate storm

sewer system” or “MS4".

13.02.100. Storm Water.
Any flow that occurs during or following any form of natural precipitation. “Storm water” includes only the portion of such flow that is composed of precipitation.

13.01.105. Storm Water Runoff.
Water that is generated by storm water flows over land.

13.01.110. Sump.
A formalized underground structure, surrounded by drain rock, which acts as a detention basin to allow the slow release of water into the surrounding subsoil. Sumps usually receive storm water runoff from paved areas such as streets, parking lots building roofs, etc.

Chapter 13.03.
VARIOUS PROHIBITIONS

13.03.010. Specified Prohibited Obstructions.
13.03.020. Exemptions of Obstruction.
13.03.030. Prohibited Discharge.
13.03.040. Storage and Littering Prohibitions.
13.03.050. Notice of Violation.
13.03.060. Damage to Storm Sewer System or Irrigation Lines.

13.03.010. Specified Prohibited Obstructions.
It is unlawful for any person to:
1. Obstruct the flow of water in the storm system.
2. Contribute to the obstruction of the flow of water in the storm sewer system, e.g., placement of dirt and or rock in the flow line of the gutter or storm water system, and /or construction of a ramp between the edge of the roadway and the top of the curb without the use of permitted culvert.
3. Cover or obstruct any drain inlet.

13.03.020. Exemptions of Obstruction.
The following obstructions are exempt from the prohibitions of this Section:
1. Street and/or sewer improvement projects authorized by the City.
2. Flood control and prevention activities performed by the City.
3. Obstructions approved by the City as part of a site’s storm water drainage plan.
4. Obstruction occurring during cleanup periods established by the City; provided that the materials are placed according to City directions and do not obstruct drain inlets.

13.03.030. Prohibited Discharge.

It is unlawful for any person to cause or allow an illicit discharge to the storm sewer system. The following discharges to the storm sewer system are exempt from the prohibitions of this Section;

1. Discharge regulated under a valid a national pollutant discharge elimination system storm discharge permit; provided, that the discard complies with the terms of the permit.
2. Discharges from water line flushing performed by the City.
3. Discharge from sprinkled landscape irrigation or sprinkled lawn watering.
4. Discharges from individual residential car washing; provided that biodegradable detergent is used.
5. Discharges from natural riparian habitat or wetlands flows.
6. Discharges form natural ground water flows.
7. Discharge from firefighting or emergence management activities.
8. Discharges from air conditioning condensation.
9. Discharges from swimming pools constructed prior to April 10, 1990.
10. Discharges from foundation drains, footing drains or crawl space or basement pumps if the discards have been approved in writing by the City.
11. Discharges allowed by a City storm sewer connection permit.

13.03.040. Storage and Littering Prohibitions.

It is unlawful for any person to maintain, store, keep, deposit, or leave any pollution or hazardous material, or any item containing a pollutant or hazardous material to the storm sewer system.

13.03.050. Notice of Violation.

The following regarding a notice of violations of the various prohibitions:

1. Requirements: Whenever the City finds that a person has violated a prohibition or failed to comply with a requirement of this article, the City will order compliance by written notice of violation. Such notice may be require, without limitation:
    a. The performer of monitoring, analyses and reporting;
    b. The elimination of illicit, connections or discharges:
    c. That violating discharges, practices or operations shall cease and desist;
    d. The abatement, remediation or cleanup of storm water pollution or contamination hazards, and the restoration of any affected property;
    e. Payment to cover administrative, remediation, monitoring, analyses and reporting cost; and
    f. The implementation of source control or treatment BMPs.
2. Immediate Legal Action: The City may skip the notice requirements set forth in this Section and immediately proceed with legal action against the violator if:
    a. The violator has committed the same violation in the past; or
    b. The violation, in the opinion of the City, creates a serious risk to person, the environment or property; or
    c. The City deems the violation to constitute and emergency.

13.03.060. Damage to Storm Sewer System or Irrigation Lines.

The following regarding damage to the storm sewer system or irrigation lines:

1. Responsibility For Repair: Any person who damages any portion of the storm sewer system, a City owned irrigation line or a City maintained irrigation line shall be responsible for repairing the damages, The damages shall be repaired by a licensed contractor bonded to do work in the City and shall be repaired in accordance with Title 16 of the Perry Municipal Code, Public Works Standards.
2. Permission Required to Remove or Alter: It is unlawful to remove or alter any portion of the storm sewer system without permission from the public works director/City Engineer.

Chapter 13.04.
REQUIREMENTS AND PENALTIES

13.04.010. Authority to Inspect.
13.04.020. Requirement to Monitor and Analyze.
13.04.030. Manhole Covers.
13.04.040. Drinking Water Protection.
13.04.050. Compliance with Federal and State Law.
13.04.060. Penalty.

13.04.010. Authority to Inspect.

The following regarding the authority to inspect provisions of this Title:

1. Authorized: Whenever necessary to make an inspection to enforce any provision of this article, or whenever the City has cause to believe that there exist, or potentially exists, a condition which constitutes a violation of this article, the City may enter the premises at all reasonable times to inspect the same and to inspect and copy records related to storm water compliance.
2. Refusal: In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

13.04.020. Requirement to Monitor and Analyze.

If City tests or inspections indicate that a site is causing or contributing to storm water pollution, illegal discharges and/or non-storm water discharges to the storm sewer system or waters of the United States and if the violations continue after notice from the City, the City may require any person engaged in the illicit activity and/or the owner of operator of the site to provide, at their own expense, monitoring and analyses required by the City to determine compliance with this Title.

13.04.030. Manhole Covers.

It shall be unlawful to open any storm sewer manhole or other storm sewer fixture (such as grates, lids, or inlets) without permission from the public works director.

13.04.040. Drinking Water Protection.
All storm water and non-storm water discharges shall comply with the City drinking water source protection ordinance.

13.04.050. Compliance with Federal and State Law.
Nothing in this Title shall be interpreted to relieve any person from an obligation to comply with an applicable federal, state, or local law relating to storm water discharge or drinking water protection.

13.04.060. Penalty.
See Chapter 13.07 of this Title for violations and penalties.

Chapter 13.05.
PERMITS

13.05.010. Storm Sewer Connection Permit.
13.05.020. Permit for Storm Water Construction Activity.
13.05.030. Application for Permit.
13.05.040. Proper Operation and Maintenance.
13.05.050. Inspection and Entry.
13.05.060. Revocation or Suspension of Permit.

13.05.010. Storm Sewer Connection Permit.
The following regarding storm water connection permits:

1. Permit Requirement: No person shall connect to the City storm system, either directly or indirectly, without first obtaining a storm sewer connection permit from the City.
2. When Permit is Required: Any person beginning new construction (development of an undeveloped parcel) or "redevelopment" in the City, as defined in this Chapter, shall obtain a storm sewer connection permit before commencing construction.
3. Application: The applicant for a storm sewer connection permit shall submit the following to the City:
    a. Application Form: A completed application form. Application forms will be available at the City offices.
    b. BMP Plan: A plan incorporating storm water BMP's that meet the requirements of this Title.
    c. Maintenance Plan: A plan outlining hoe the applicant will maintain the storm water improvements listed in the application.
    d. Fee: A fee in an amount set by resolution of the City Council
4. Submission: The application shall be submitted to the City Building Official.
5. Review: The storm sewer connection permit application shall be reviewed by the building official and either approved, approved with conditions, or denied. Either the permit applicant or the City may appeal the building official's decision to the City Engineer.

6. Factors: When deciding whether to approve, conditionally approve, or deny a storm sewer connection permit application, the following factors shall be considered:
    a. Whether the application complies with applicable City Ordinances and policies.
    b. Whether the application compiles with the City storm drainage master plan.
    c. Whether the proposed connection introduces pollutants into the storm drain system.
    d. Whether the proposed connection creates a safety hazard.
    e. Whether the proposed connection incorporates effective best management practices.
    f. Whether the proposed connection affects the integrity of the storm sewer system, infrastructure.
    g. Whether the proposed connection endangers the City drinking water.
    h. Whether the applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's connection and on site storm water improvements.
7. Failure: Failure to construct or maintain storm water improvements in accordance with an approved storm sewer connection permit shall be a violation of this article.
8. As Built Plans: Any person connection to the storm sewer system shall provide the City storm sewer utility with as built plans showing the details and the locations of the connection. The plans shall be in a format that is acceptable to the City.
9. Rate: Connection to the storm sewer system shall be designed so that the discharge to the storm sewer system does not exceed two-tenths (0.2) cubic feet per second per acre.
10. Exempt Connections; The following connections to the storm sewer system are exempt from the permitting requirements of this Section:
    a. Single-family Residences: Connection from single-family residences; provided that the runoff from the residences is handled according to a plat or site plan approved by the City. However, any person desiring to use a basement pump, foundation drain, or other related fixture directly or indirectly connection to the storm sewer system must obtain a storm sewer connection permit.
    b. City: Connections made by the City.

13.05.020. Permit for Storm Water Construction Activity.

A City storm water construction activity permit is required before any person or entity may excavate, grub and clear, grade or perform any type of construction activity that will disrupt or cause a change in the natural landscape upon any of the following types of property located within the City:

1. One Acre or More: Any parcel, lot, or land development which is one acre (43,560 square feet) or greater than or equal to one acre in size qualifies under this subsection even if each of the individual lots in the subdivision are smaller than one acre.
2. Special Concern Areas: Any parcel, lot, or land development for which the building official determines that because of the nature or type of the parcel, lot or development, disturbance of the lands is likely to result in erosion or the transport of sediment off the site by storm water to a degree substantially greater than that which would occur under natural landscape conditions.

13.05.030. Application for Permit.

Any person or entity desiring a storm water construction activity permit must first file an application with the City. The application shall be submitted as part of an application for a subdivision preliminary plat, site plan approval or building permit. The following regarding the application for permit:

1. Content: The application shall include a storm water pollution prevention plan which meets the criteria set forth in Chapter 13.04, and other applicable Chapters, of this Title.
2. Timing: The applicant shall file the application on the following dates:
    a. Subdivision: The date that the applicant submits the subdivision preliminary plat application if the applicant proposes to develop a subdivision.
    b. Site Plan: The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
    c. Building Permit: The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.
    d. Other: At least two (2) weeks before the developer intends to perform application any type of work not listed above that would require a storm water construction activity permit pursuant to this Title.
3. Compliance: If an applicant's development comes under more that one of the categories listed above, them the applicant shall submit the storm water construction activity permit application on the earliest of the listed dates, Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire a required storm water construction activity permit is grounds for denying a related subdivision application, site plan application, conditional use permit application or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required storm water construction activity permit.
4. Application Approval: The building official or designee shall approve that application and grant the permit if the application is complete and meets the criteria set forth in Chapter 13.04, and other applicable Chapters, of this Title and the applicant has paid any permit fees that the City may prescribe by resolution. The building official shall deny the application or approve the application with conditions if he or she determines that the measures proposed in the plan fail to meet the criteria set forth in Chapter 13.04, and other applicable Chapters, of this Title. Conditions the building official may impose in connection with the approval of a permit include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction related pollutants from the site by storm water.
5. Term: Unless otherwise revoked or suspended, a storm water construction activity permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
    a. Subdivisions: For permits associated with a subdivision plat approval:
        i. The permittee must complete all required subdivision improvements; and
        ii. One of the following three (3) events must occur:
            1. The City issues a final certificate of occupancy for each lot in the subdivision; or

2. Individual storm water construction activity permits have be issued for each lot in the subdivision not having a final occupancy permit; or
3. The property has been re-vegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.

b. Site Plans: For permits associated with a site plan approval, the date that the permittee has completed all required landscaping and all outside construction work associated with the site plan.
c. Building Permits: For permits associated with a building permit application, th date that the City issues a final occupancy permit for the structure covered by the building permit.
d. Other: For permits issued that are not tied to other approvals from the City, the date that the permittee has completed all work associated with the permit and takes steps required by the permit to prevent further erosion and runoff from the site.

6. Termination: No storm water constriction activity permit shall be considered terminated until the permittee submits a notice of termination of construction activity permit ("notice") to the City and the notice is accepted by the City.
7. Amendments: In the event that the proposed construction activity for a site to which a permit pertains is materially altered from that described in an original plan n a way that may have a significant impact upon the effectiveness of the measures and controls described in the original plan, the permittee shall file an amended storm water pollution prevention plan which meets the criteria set forth in Chapter 13.04, and other applicable Chapters, of this Title.

13.05.040. Proper Operation and Maintenance.

The recipient of a storm water construction activity permit (the permittee) shall install the erosion and sediment control measures required by the approved storm water pollution prevention plan before commencing any construction activity on the site to which the plan applies or at such times indicated in accordance with the permit, the manufactures specification and good engineering practice. The permitee shall maintain such measures on the site until the City accepts the termination of the permit pursuant to Section 13.05.060.

13.05.050. Inspection and Entry.

The permittee shall allow any authorized employees and representatives of the City, representatives of the state division of water quality and representatives of the EPA to enter the site to which a permit applies at any times and to inspect the erosion and sediment control measures maintained by the permittee. The permittee shall also inspection of any records pertaining to the condition of the permit.

13.05.060. Revocation or Suspension of Permit.

The following regarding revocation or suspension of permits:

1. Revocation or Suspension: A storm water construction activity permit may be revoked or suspended by the building official or his designee upon the occurrence of any one of he following events:
   a. Failure of a permittee to comply with the plan or any condition of the permit; or

b. Failure of a permittee to comply with any provision of this article or any other applicable law, ordinance, rule or regulation related to storm water; or
c. A determination by the building official or his designee that the erosion and sediment control measures implemented by a pemittee pursuant to the plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other pollutants, from the construction site by Strom water.

2. Notice: The City shall mail a permittee written notice of noncompliance before revoking or suspending a permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the permittee to avoid evocation or suspension of the permit. The notice shall allow he permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the permit which time, in the absence of exceptional circumstances, shall not be less than ten (10), nor more than thirty (30) days. The notice shall be mailed to the address listed for the permittee in the application. If the permittee fails to correct the problems identified on the notice during the time specified in the notice, the building official may suspend or revoke the permit by mailing or delivering written notice of the suspension or revocation to the permittee. The permittee may appeal s suspension or revocation of the permit pursuant to the appeal procedure as set forth in section 13.04.040 of this Title.
3. Exceptional Circumstances: For purposes of this Chapter, “exceptional circumstances” include, but are not limited to, situations that involve a risk of injury to person, damage to storm drain facilities, or damage to other property or the environment. The City may take any steps the City deems necessary to alleviate any such “exceptional circumstances”, as defined above, and may bill the owner, developer or contractor responsible for creating the exceptional circumstances for the cost of allocating said circumstances.
4. Stop Work Order: A stop work order may be issued upon the revocation or suspension of a permit, or upon the discovery of work being conducted without a required permit. The stop work order may be issued by the building inspection department. No construction activity may be commenced or continued on any site for which a permit has been revoked or suspended until the permit has been reinstated or reissued.
5. Reinstatement: A storm water construction activity permit may be reinstated or reissued upon compliance with all provisions of this section and all permit conditions, or in the case of a suspension for reasons provided in this section, upon the filing of an amended storm water pollution prevention plan which is designed to correct the deficiencies of the original plan.

Chapter 13.06.
STORM WATER POLLUTION PREVENTION PLAN

13.06.010. Required Information.
13.06.020. Goals and Criteria.
13.06.030. Exemptions.
13.06.040. Appeal.
13.06.050. Compliance with Federal and State Law.
13.06.060. Enforcement: Penalty.

13.06.010. Required Information.

The storm water pollution prevention plan (the "plan") shall contain the following information:

1. Site description: a site description (including a map with spot elevations and contour lines) which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g., grubbing, excavation, grading, utilities and infrastructure installation, etc.) and estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading or other activities.
2. Control Description: A description of the proposed measures and controls that will be implemented during construction activity and/or while the site is not stable. The plan must clearly describe the times during the construction prices that the measures will be implemented for each major activity identified pursuant to subsection 1 of this section. The plan shall also state the mane and phone number of the person or entity responsible for implementation of each control measure.

13.06.020. Goals and Criteria.

The proposed measures and controls described in the plan shall be designed to meet the following goals and criteria:

1. Prevent Or Minimize Discharge: The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris and other construction related pollutants from the construction site by storm water runoff into the storm drainage system.
2. Prevent O Minimize Construction Debris: The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights of way. Any such discharge shall be cleaned up and removed immediately upon notification to the permittee or when it otherwise comes to the attention of the permittee, At a minimum, the deposit or discharge shall be cleaned and removed upon notification from the City within a twenty four (24) hour period or penalty will be assessed.
3. BMPS: The proposed measures and controls shall consist of best management practices (BMPs) available at the time that the plan is submitted. BMPS may include, but shall not be limited to, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminate off site tracking, straw bale sediment barriers, establishment of temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, subsurface drains, pipe slope drains, level spreaders, rock outlet protection, reinforced soul retaining systems, and gabion.
4. Stabilization: The proposed measures and controls shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be indicated as soon as practicable in disturbed portions of the site where construction activities have temporarily or permanently ceased, but in no case more than

fourteen (14) days after the construction activity in that portion of the site has temporarily or permanently ceased, except under the following circumstances:

a. If the initiation of stabilization measures by the fourteenth day after construction activity temporarily or permanently ceases s precluded by snow cover or frozen ground conditions, stabilization measures shall be indicated as soon as practicable; or
b. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within twenty on (21) days, temporary stabilization measures need not be initiated on that portion of the site.

5. Minimize Risk of Discharge of Other Materials: The proposed measures and controls shall be employed to minimize the risk of discharge of construction related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site, Such measures may include implantation of storage practices to minimize exposure of the material to storm water as well as spill prevention and response.

13.06.030. Exemptions.

The following activities are exempt from the requirements of this Title:

1. Actions by a public utility, the City or any other governmental entity to remove or alleviate an emergency condition, restore utility service or reopen a public thoroughfare to traffic;
2. Actions by any other person when the City determines, and document in writing, that the actions are necessary to remove or alleviate an emergency conditions, restore utility service or reopen a public thoroughfare to traffic;
3. Construction activities which disturb less than five hundred (500) square feet of land surface area, or which consist of the excavation and/or fill of less than twenty (20) cubic yards of material,
4. Landscape maintenance activities on full developed properties, necessary to maintain the existing developed landscape; and
5. Bona fide agricultural and farming operations that constitute the principal use of any lot or tract of ground located within the City and which meet the requirements of the zoning ordinance.

13.06.040. Appeal.

The following regarding appeals:

1. Time limit Information Requirement: An applicant for a storm water construction activity permit or a permittee of a storm water construction activity permit may appeal any decision or directive made by the City or its representatives pursuant to this article. The party desiring to appeal shall file a notice of appeal with the City Recorder within ten (10) days of the decision or directive being appealed. The notice of appeal shall contain the following information:
   a. The appellant’s name, address and daytime telephone number;
   b. A short statement describing the basis for the appeal; and
   c. The relief sought by the appellant.
2. Informal Hearing: Upon receipt of the notice of appeal, the City Recorder shall set a date for an informal hearing to consider the appeal. The informal haring shall be conducted before the City hearing officer in accordance with policies established by the City Administrator. The City hearing officer shall uphold the decision or directive being appealed unless the City hearing officer finds that there has been an error in the interpretation or implementation of this article. The

City hearing officer shall render a decision on the appeal within ten (10) days of the inform hearing with the appellant. The City hearing officer shall have authority to affirm, reverse or modify any decision or directive appealed pursuant to this section.

13.06.050. Compliance with Federal and State Law.
Nothing contained in this Title is intended to relieve any person or entity from any obligation to comply with applicable feral and state laws and regulations pertaining to clean water and/or storm water runoff.

13.06.060. Enforcement: Penalty.
The following regarding penalties to enforce this Ordinance:

1. See Chapter 13.07 with regards to civil fines and/or penalties.
2. In addition to any civil fines and/or penalties which may be assessed for a violation of this Title, the City shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this article. The City shall have the right to have such measures installed or maintained by the City personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work, plus a twenty five percent (25%) penalty charge.
3. Violators of this article may also be subject to prosecution, fines and penalties from the state and the United States EPA.

Chapter 13.07.
CIVIL PENALTY:
ADMINISTRATIVE HEARING

13.07.010. Civil Penalties for Violations.
13.07.020. Amount of Penalties Set by Resolution.
13.07.030. Enforcement Officers.
13.07.040. Notices.
13.07.050. General Contractor Responsibility.
13.07.060. Property Owner Responsibility.
13.07.070. Payment of Penalties.
13.07.080. Hearings.
13.07.090. Collection.
13.07.100. Appeals.

13.07.010. Civil Penalties for Violations.
The following regarding civil penalties for violations:

1. Any person violating any provision of this Title shall be liable for a civil penalty. Any penalty assessed under this article may be in addition to other penalties that may be provided in other applicable laws. Each day that a violation occurs shall constitute a separate offense.

2. If, as the result of the violation of any provision of this Title, the City or any other party suffers damages and is required to make repairs and/or replace, any materials, the cost of repair and/or replacement shall be borne the violating party and shall be in addition to any civil fines and/or penalties.
3. Violators of this Title may also be subject to prosecution, fines and penalties from the state and the United States EPA.

13.07.020. Amount of Penalties Set by Resolution.
The amount of any civil penalty assessed under this Title may be established by an ordinance or resolution adopted by the City Council.

13.07.030. Enforcement Officers.
Employees of the building inspection department, police department, or the code enforcement officer shall have the authority to issue notices under this Chapter.

13.07.040. Notices.
The following regarding notices:

1. Requirements: Whenever the City finds that a person or company has violated, or failed to comply with requirements of this Title, the City will order compliance by written notice of the violation. Such notice may require without limitation:
    a. The performance of monitoring, analyses and reporting;
    b. The elimination of illicit connections or discharges;
    c. That violating discharge, practice or operations shall cease and desist;
    d. The abatement, rededication or cleanup of storm water pollution or contamination hazards and the restoration of any affected property:
    e. Payment to cover administrative, rededication, monitoring analyses and reporting costs;
    f. The implementation of source control or treatment BMPs
2. Immediate Legal Action: The City may skip the notice requirements set forth in this section and immediately proceed with criminal and/or civil action against the violator if:
3. The violator has committed the same violation in the past; or
4. The violation, in the opinion of the City, creates a serious risk to person, the environment or property; or
5. The City deems the violation to constitute an emergency.

13.07.050. General Contractor Responsibility.
Whenever any violation of this Title is found, there shall be a rebuttal presumption that the general contractor for the project from where the violation originated is responsible for the violation and subject to the civil penalty provided.

13.07.060. Property Owner Responsibility.
Whenever any violation of this Title is found and there is no general contractor responsible for the project, there shall be a rebuttal presumption that the property owner for the project from where the violation originated is responsible for the violation and subject to the civil penalty provided.

13.07.070. Payment of Penalties.

Any civil penalty imposed under this Chapter, which is paid within ten (10) days of the notice, shall be reduced by the sum of twenty-five ($25.00) dollars. All monetary penalties, expenses and/or damages must be paid in full within forty (40) days of the notice, unless other arrangements have been made with the City hearing officer.

13.07.080. Hearings.

The following regarding hearings:

1. Appointment of Hearing Officer: The Mayor, with the advice and consent of the City Council, shall appoint the hearing officer, as he or she deems appropriate to consider matters relating to violations of this Chapter. The hearing officer may be a City employee, the Administrative Law Judge, or another impartial individual.
2. Request For Hearing: Within thirty (30) days after receiving the notice described in Section 13.07.040, the person who received the notice may request a hearing on the allegation that he or she violated this chapter, including articles A B and D, except that a person may not request a hearing under this section of the violation is alleged to have occurred I conjunction with a criminal violation as part of a single criminal episode and the criminal violation will be prosecuted in a criminal proceeding. A person desiring to have a hearing under this section shall file a written request a hearing within thirty (30) days shall be deemed to have waived the right to a hearing.
3. Conduct Of Hearing: Within ten (10) days after receiving the request for a hearing, the hearing officer shall schedule a hearing on the alleged violation of this chapter. The hearing shall:
    a. Be a public meeting held during the City's regularly scheduled business hours.
    b. Provide due process to all of the parties, including the right to be represented by counsel.
    c. Burden Of Proof: The burden to prove any defense shall be upon the person raising the defense.
4. Dismissal: The hearing officer shall dismiss the notice of the violation if:
    a. The hearing officer finds that no violation of this chapter, including articles A B and C occurred;
    b. The City Attorney has recommended dismissal and provided the hearing officer with good cause for the dismissal.
5. Reduction Of Penalty:
    a. The hearing officer may reduce the penalty provided in this article if:
        i. The hearing officer finds good cause for the reduction; or
        ii. The City Attorney recommends the reduction of the penalty and provides the hearing officer with good cause for the reduction.
    b. In no event shall the hearing officer reduce the penalty below the sum of twenty-five ($25.00) dollars.
6. Agreement for Payment: If the hearing officer finds that a violation of this Title occurred and no applicable defense exists, the hearing officer may in the interests of justice and on behalf of the City, enter into an agreement for the timely payment of the applicable penalty.

13.07.090. Collection.
If any penalty, expenses and/or damages imposed pursuant to this Title remains unpaid after forty (40) days from the receipt of the notice, or after ten (10) days from the date of a hearing pursuant to Section 13.07.080, the City may act to recover the penalty, expenses, and/or damages.

13.07.100. Appeals.
The hearing officer shall make final administrative determinations in all maters in which a violation of this Title has been alleged.

Legislative History.
Codification and numbering system into 2008 Perry Municipal Code 12/11/2008.

Title 14, A Public Service Ordinance
VEHICLES AND TRAFFIC

Chapter 14.04. GENERAL PROVISIONS
Chapter 14.06. STREET NAMES AND AUTHORITY OF THE CITY COUNCIL
Chapter 14.08. TRAFFIC CONTROL DEVICES
Chapter 14.12. VEHICLE REGULATIONS
Chapter 14.14. OFF-HIGHWAY VEHICLES (Reserved)
Chapter 14.16. SPEED LIMITS
Chapter 14.20. STOPPING AND PARKING REGULATIONS
Chapter 14.24. OBSTRUCTIONS ON THE PUBLIC RIGHT-OF-WAY
Chapter 14.28. SNOW REMOVAL
Chapter 14.30. ENCROACHMENTS
Chapter 14.32. PEDESTRIANS
Chapter 14.36. RULE-MAKING, ENFORCEMENT, PENALTIES, AND APPLICABILITY TO OTHER ORDINANCES

Chapter 14.04.
GENERAL PROVISIONS.

14.04.010. Definitions.
14.04.020. Applicability.
14.04.030. Enactment of State Motor Vehicle Code.

14.04.010. Definitions.

Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section:

1. "Alley" means a public way, not designed for general travel, within a block primarily intended for service and access to abutting property by vehicles.
2. "City" means Perry City.
3. "Crosswalk" means that portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; also, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.
4. "Crosswalk line" means a single white line, not less than six inches in width, painted on a street marking the outlying limits of a pedestrian crossing.
5. "Dynamic braking devises" (commonly referred to as "jacob brake", "engine brake", or "compression break") means any device used primarily on trucks for

the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

6. "Driver" means every person who drives or is in actual physical control of a vehicle.
7. "Intersection" means:
   a. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, the lateral boundary lines or the roadway of two streets that join one another at, or approximately at, right angels, or the area within which vehicles, traveling upon different streets joining at any other angle, come in conflict.
   b. Where a street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection.
8. "Driveway" means a road or access in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not used by other persons.
9. "Emergency vehicles" means vehicles that are designated or authorized as ambulances, or any emergency vehicles of the federal, state, county, or municipal government as may be operated on the streets of the City.
10. "Jurisdiction" means under the jurisdiction, authority, and control of Perry City or another government entity.
11. "Motor vehicle" means every vehicle, with the exception of implements of husbandry (farm equipment), that is self-propelled, but not operated upon rails.
12. "Owner" means a person who holds the legal title to a vehicle or, in the event a vehicle is subject to an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.
13. "Park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading.
14. "Pedestrian" means any person afoot.
15. "Person" means every natural person, entity, organization, partnership, association, or corporation as based upon the context.
16. "Police Chief" means the duly appointed Police Chief of Perry City.
17. "Police department" means the Perry Police Department, or any law enforcement agency authorized to enforce the law.
18. "Police officer or law enforcement officer" means any duly sworn peace officer of the state of Utah.

19. "Road or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.
20. "Roadside box" means any mailboxes, newspaper box, or other roadside boxes along or adjacent to a road, highway, or public right-of-way.
21. "Safety zone" means that area within the crosswalk for the exclusive use of pedestrians, bounded on two sides by the crosswalk lines and on the other two sides by yellow lines or by physical barriers, or otherwise so protected, marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.
22. "Sidewalk or sidewalk area" means that portion of a street or highway between the curb lines of the lateral lines of a roadway and the adjacent property lines.
23. "Stop" means complete cessation from movement.
24. "Traffic control device" means all signs, signals, traffic markings and devices of the state placed or erected by authority of the official having jurisdiction, for the purposes of regulating, warning or guiding traffic.
25. "Traffic Engineer" means the City Engineer for Perry City or another designated City official or contractor designated by the City to administer this title.
26. "Vehicle" means every device in, upon, or by which a person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

14.04.020. Applicability.

All vehicles using the roads and highways within the City shall be subject to the provisions of this title. Every person propelling any pushcart, bicycle, scooter, motorcycle, moped, or like device, or riding an animal upon a roadway, and every person driving an animal-drawn vehicle, shall be subject to such provisions as are applicable to the drivers of vehicles, except those that by their nature have no application.

14.04.030. Enactment of the *Utah Criminal and Traffic Code*.

The following regarding the *Utah Criminal and Traffic Code:*

1. Adoption: The *Utah Criminal and Traffic Code*, current edition, as compiled by the Utah Department of Public Safety and published in code book form, and as duly filed with the City, is hereby approved and adopted by this reference is if fully set forth herein. The provisions herein adopted are adopted as they now exist and as such may be amended, seceded, or enacted in the future.
2. Reference: Corresponding title, chapter, and section numbers as used in the *Utah Criminal and Traffic Code*, current edition, adopted herein correspond and shall be referenced as the same title, chapter and section numbers within the *Perry Municipal Code*.
3. Limitations: Those provisions of *Utah Criminal and Traffic Code*, current edition, which are reserved exclusively to the state of Utah, counties of the state of Utah, or cities of another class than Perry City are not adopted. Those provisions which

are within the jurisdiction of the justice court designated or used by the City are specifically adopted and incorporated by reference. Those adopted provisions of the *Utah Criminal and Traffic Code*, current edition, which conflict with the Perry Municipal Code are superceded by the Perry Municipal Code.

Chapter 14.06.
STREET NAMES AND AUTHORITY OF THE CITY COUNCIL

14.06.010. Street Names.
14.06.020. City Council Directing Traffic Engineer to Study Special Traffic Control Devices.
14.06.030. Temporary Emergency Exceptions: Temporary Use and/or Obstruction of Right-of-Way.
14.06.040. Legislative and Financial Responsibility.

14.06.010. Street Names.

Unless not deemed to be practicable by the City Council, all City Streets shall have "numbered names," but the City Council may designate a secondary "non-numbered name" for any given street, either on its own motion, or after having received a petition for consideration.

14.06.020. City Council Directing Traffic Engineer to Study Special Traffic Control Devices.

The City Council, either on its own motion, or after having received a petition for consideration, may direct the Traffic Engineer to study certain traffic control devices and to provide options for the City Council to consider.

14.06.030. Temporary Emergency Exceptions: Temporary Use and/or Obstruction of Right-of-Way.

Temporary Emergency Exceptions (to the land use ordinances) may be granted by the City Council, in accordance with Perry Municipal Code, Section 23.04.090. Such exceptions may be granted in unusual emergency, disaster, or "act of God" situations. Permits to Temporarily Use or Obstruct the Public Right-of-way may also be granted by the City Council. Such permits may be granted for public parades, public events, and other special circumstances.

14.06.040. Legislative and Financial Responsibility.

The City Council may periodically update the ordinances regarding vehicles and traffic in the best interest of the public welfare, and shall fund the placement and maintenance of traffic control devices.

Chapter 14.08.
TRAFFIC CONTROL DEVICES

14.08.010. Obedience to Traffic Control Devices.
14.08.020. Traffic Control Devices.
14.08.030. Unauthorized Traffic Control Devices Prohibited.
14.08.040. Authority to Designate Crosswalks, Safety Zones, and Traffic Lanes.
14.08.050. Authority to Designate One-Way Highways.
14.08.060. Reserved.
14.08.070. Restrictions upon Use of Highways.
14.08.080. Weight and Size Limits.
14.08.090. Vehicle Size and Weight Restrictions.
14.08.100. Dynamic Braking Devices Prohibited.
14.08.110. Obstruction of View Prohibited.

14.08.010. Obedience to Traffic Control Devices.

Subject to the exceptions granted drivers of authorized emergency vehicles, no person shall disobey the instructions of any applicable traffic control device placed in accordance with the provisions of this title unless otherwise directed by an appropriate law enforcement officer.

14.08.020. Traffic Control Devices.

The Traffic Engineer, or his designee, is authorized to administer the placement and maintenance of all traffic control devices upon City roads and highways as provided in this title, or otherwise regulate, warn, or guide traffic. Generally, all traffic control devices should conform to the Manual on Uniform Traffic Control Devices, most current edition, as published by the Federal Highway Administration under the direction of the U.S. Department of Transportation.

14.08.030. Unauthorized Traffic Control Devices Prohibited.

The following regarding prohibition and removal of unauthorized traffic control devices:

1. Prohibition. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, light, marking or other device:
    a. That purports to be, imitates or resembles an official traffic control device, railroad sign or signal, or authorized emergency flashing light;
    b. That attempts to direct the movement of traffic;
    c. That hides from view or interferes with the effectiveness of any official traffic device or any railroad sign or signal; or
    d. That is of such brilliant illumination and so positioned as to be in danger of blinding or dazzling a driver on any highway adjacent thereto.
2. Removal. Every such prohibited sign, signal, light or marking is declared to be a public nuisance which any police officer is empowered to remove or cause to be removed without notice to the owner.

14.08.040. Authority to Designate Crosswalks, Safety Zones, and Traffic Lanes.
The Traffic Engineer is hereby authorized to:

1. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at other places as he may deem necessary;
2. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians; and
3. To mark lanes for traffic on street pavements at places he may deem advisable, consistent with this title.

14.08.050. Authority to Designate One-Way Highways.
The Traffic Engineer, with the consent of the City Council, may designate by appropriate markings certain City roads and highways as one-way, requiring that all vehicles thereon move in one specific direction.

14.08.060. Reserved.

14.08.070. Restrictions on Road or Highway Use.
The Traffic Engineer may impose restrictions on the operation of certain vehicles upon any jurisdictional road or highway in accordance with *Utah Code Annotated* §72-7-408, 1953, as amended, if an engineering inspection concludes that, due to deterioration caused by climatic conditions, a jurisdictional road or highway will be seriously damaged or destroyed unless certain vehicles are prohibited. Any such restriction shall be designated by appropriate signs.

14.08.080. Weight and Size Limits.
It is unlawful for any person to drive or move upon the roads or highways of the City any vehicle subject to jurisdictional size or weight limits when such vehicle exceeds the limitations thereof as provided by law, except where a permit or authority is granted by the appropriate jurisdiction.

14.08.100. Dynamic Braking Devices Prohibited.
Where posted, it is unlawful for any person to operate any motor vehicle with a dynamic braking device engaged, except for the aversion of imminent danger.

14.08.110. Obstruction of View Prohibited.
Any tree, plant, shrub, sign, vehicle, fence or other obstacle of any kind that blocks the view of any traffic control device to the vision of oncoming motorists or to obscure the vision of oncoming traffic constitutes a traffic hazard and is a nuisance that may be abated. The City may remove traffic hazards nuisance or order the owner or occupant of the property where the traffic hazard is located to remove the traffic hazard within ten

(10) days of the notification. Failure of an owner or occupant to remove the traffic hazard order to be removed by the City is a Class C misdemeanor.

Chapter 14.12.
TRAFFIC REGULATIONS

14.12.010. Interference with Control of Vehicle Prohibited.
14.12.020. Negligent Collision.
14.12.030. Duty to Keep Proper Lookout.
14.12.040. Noise Emanating from a Motor Vehicle.

14.12.010. Interference with Control of Vehicle Prohibited.
No driver shall engage in any activity that interferes with the safe control and operation of his vehicle while the same is in motion. A violation of this section is a class B misdemeanor.

14.12.020. Negligent Collision.
It is unlawful to operate a vehicle with such lack of due care as to cause the same to collide with any vehicle, person or object. A violation of this section is a class B misdemeanor.

14.12.030. Duty to Keep Proper Lookout.
No person shall drive a vehicle on the streets of the City without keeping a reasonable and proper lookout for traffic. A violation of this section is a class B misdemeanor.

14.12.040. Noise Emanating from a Motor Vehicle.
While operating, driving, or parking a motor vehicle it is unlawful for any unauthorized person to use or operate any stereo, radio, or other electronic device that create a noise in such manner that it disturbs peace, quiet, or create vibration for persons within the vicinity of said motor vehicle. It is a *prima facia* violation of this section if sound emanating from the stereo, radio, or other electronic device in a motor vehicle is clearly audible from a distance of fifty (50) feet. A violation of this section is a class B misdemeanor.

Chapter 14.14.
OFF-HIGHWAY VEHICLES
(Reserved)

Chapter 14.16.
SPEED LIMITS

14.16.010. Establishing Speed Limits: Designation by Traffic Engineer.
14.16.020. Reduced Speed School Zones.

14.16.010. Establishing Speed Limits: Designation by Traffic Engineer.
In accordance with *Utah Code Annotated* §41-6a-603, 1953, as amended, the Traffic Engineer is authorized to determine the reasonable and safe speed limit for each highway or section of highway under the City's jurisdiction as specified under Title 72, Chapter 3, Highway Jurisdiction and Classification Act. Any speed limit shall be established in accordance with the provisions of *Utah Code Annotated* §41-6a-602(1-3, 5).

14.16.020. Reduced Speed School Zones.
In accordance with *Utah Code Annotated* §41-6a-604, 1953, as amended, the Traffic Engineer is authorized to designate reduced speed school zones as defined in *Utah Code Annotated* §41-6a-303, 1953, as amended.

Chapter 14.20.
STOPPING AND PARKING REGULATIONS

14.20.010. Unauthorized Parking and Stopping Prohibited.
14.20.020. Stopping and Parking Traffic Control Devices.
14.20.030. Curb Markings.
14.20.040. Regulation of Parking.
14.20.050. Vehicles for Sale or Used for Merchandise Sale.
14.20.060. Parking of Certain Trucks.
14.20.070. Removal and Impound Procedures for Illegally Parked or Abandoned Vehicles.

14.20.010. Unauthorized Parking and Stopping Prohibited.
It is unlawful for the owner or operator of a vehicle to park or stop said vehicle in violation of this chapter. The fact that an automobile is unlawfully parked is sufficient to constitute a rebuttable presumption that the registered owner was in control of the automobile at the time it was parked.

14.20.020. Stopping and Parking Traffic Control Devices.
The Traffic Engineer is hereby authorized to administer the placement and maintenance of all traffic control devices relating to stopping and parking. The Traffic Engineer is also authorized to designate parking and no parking areas. No traffic control device shall be placed or maintained by the City upon any highway under the jurisdiction of the Utah Department of Transportation.

14.20.030. Curb Markings.

The following are definitions regarding curb markings:

1. Markings: The Traffic Engineer is authorized to designate the appropriate curb markings, along with the other respective traffic control devices, to denote applicable stopping or parking regulations in the City. The traffic markings shall designate the appropriate zone and shall have the following meanings:
    a. "Red" marking means no vehicle stopping or parking at any time.
    b. "Yellow" marking which may include the stenciled words "Restricted Zone" means no vehicle stopping or parking, except as stated on the signs or markings giving notice thereof.
2. Notice: When appropriate signs or traffic curb markings have been erected or placed according to this section, no person shall stop or park a vehicle in any zone in violation of this section.

14.20.040. Regulation of Public Parking.

1. Generally. The Traffic Engineer may, on placement of the traffic control device:
    a. Prohibit or restrict the parking or loading of vehicles where, in his opinion, such parking or loading is dangerous to those using the road, highway, or where the parking of vehicles would unduly interfere with the free movement of traffic thereon.
    b. Prohibit, restrict or regulate the parking or stopping of vehicles on any off-street parking facility or property that the City owns or operates.
2. Brakes set. When parking on a hill, slope, perceptible grade, or any location where a motor vehicle may roll it is unlawful for the driver to fail to turn the front wheels to the curb side of the street to and set the parking brake.
3. Parallel parking. It is unlawful for any driver to park a motor vehicle on any road or highway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement, with the right-hand wheels of the vehicle more than 18 inches away from the curb or edge of road, except where otherwise marked by a traffic control device.
4. Disabled parking. It is unlawful for any person to park in any stall or area designated for handicap or disabled parking, loading, or unloading.
5. Disabled vehicles. It is unlawful for any person to leave or cause to be left any disabled or inoperable vehicle on a jurisdictional road or highway for more than 48 hours. It is unlawful for any person to dismantle or disassemble any vehicle on any jurisdictional road or highway.
6. Specific prohibition. It is unlawful for any person to park in violation of *Utah Code Annotated* §41-6a-1401, 195, as amended, or in any manner that obstructs traffic.
7. Public facilities. Parking at any public facility or parking lot owned or operated by the City shall be as follows:
    a. Parking is allowed only in designated stalls and as otherwise provided.
    b. Double parking is prohibited.

c. No overnight parking is allowed without the consent of an authorized City official, except for City employees in the normal course of their employment.

8. Penalty. Any person in violation of this section is guilty of an infraction.

10.20.050. Vehicles for Sale or Used for Merchandise Sale.

It is unlawful for the owner or operator of any vehicle to park a vehicle on a road or highway for the purpose of displaying it for sale. It is also unlawful for the owner or operator of any vehicle to park said vehicle on any road or highway for the purpose of advertising or for the selling of merchandise. Each vehicle parked in violation of this section constitutes a separate offense.

14.20.060 Parking of Certain Trucks.

Parking in general. No truck or truck trailer with a rated capacity of one and one-half tons
or more, or licensed for more than eighteen thousand (18,000) pounds gross, with the exception of implements of husbandry, shall be allowed to parked on the public streets for a period in excess of two (2) hours, except while actually loading or unloading merchandise. In no event shall a truck or trailer remain parked for longer that eight (8) hours.

a. For the purposes of this section, a truck shall be deemed parked, even though the motor is running, if the vehicle is left standing for any period in excess of three (3) minutes with its driver present at the wheel of the vehicle; or
b. Any time the vehicle is not attended by its lawful driver at the wheel. Access limits. Except as stated above, no truck with a rated capacity of one and one-half tons or more, or licensed in excess of eighteen thousand (18,000) pounds gross weight shall be parked on any public street closer that thirty (30) feet of a public road or highway, private driveway, private street, alley, or similar access.

14.20.070. Removal and Impound Procedures for Illegally Parked or Abandoned Vehicles.

Whenever any law enforcement officer finds a vehicle stopped or parked upon a road or highway in violation of this title, the officer is authorized to move the vehicle or require the driver or other person in charge of said vehicle to move it to a position not in violation of this title, or remove and impound the vehicle.

Chapter 14.24.
OBSTRUCTIONS ON THE PUBLIC RIGHT-OF-WAY

14.24.010. Obstruction of Road or Highway is a Public Nuisance.
14.24.020. Roadside Box Standards.
14.24.030. Liability for Repair of Sidewalk.
14.24.040. Defects to be Reported and Repaired.
14.24.050. Building Material in Street.
14.24.060. Obstructions Generally.
14.24.070. Sales Attracting Crowds on a Sidewalk.
14.24.080. Playing on Sidewalk or in Street: No Driving on Sidewalk.
14.24.100. Coasting on Street.
14.24.110. Gates to Swing Inward.
14.24.120. Billboards.
14.24.130. Irrigation Water.
14.24.140. Leaving Railroad Cars in Streets.
14.24.150. Public Parade Regulations.
14.28.160. Dropping, Sifting, and/or Leaking Loads.
14.24.170. Temporary Emergency Exceptions: Temporary Use and/or Obstruction of Right-of-Way.

14.24.010. Obstruction of Road or Highway is a Public Nuisance.

In accordance with *Utah Code Annotated* §76-10-803, 1953, as amended, any action or object that obstructs, or tends to obstruct, or renders dangerous any road, highway, or public right-of-way is hereby declared a public nuisance and may be abated accordingly. Any person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class B misdemeanor.

14.24.020. Roadside Box Standards.

Purpose. The purpose of this section is to establish a policy for roadside boxes along roads, highways, and right-of-ways in the City.

1. Installation. A roadside box shall be constructed and installed in conformance with current standard regulations of the Department of Transportation and the U.S. Postal Service.
2. Prohibition. It is unlawful for the owner of any roadside box to install the roadside box in violation of this section or in a manner that endangers the public, obstructs traffic, or unduly encroaches on the public-right-of-way. Existing roadside boxes in violation of this section shall be removed and altered by the owner, at owner's expense, to conform to this section.
3. Liability. The owner of any box in violation of this section is liable for any damage, civil or criminal, for said violation.
4. Penalty. A violation of this section is an infraction.

14.24.030. Liability for Repair of Sidewalk.
Whenever a sidewalk is out of repair by reason of the act or omission of any person, the same shall be repaired at his expense under the direction of the Superintendent of Streets and Sidewalks.

14.24.040. Defects to be Reported and Repaired.
All defects in public streets coming to the knowledge of any officer or person in the employ of the City shall be by him at once communicated to the Superintendent of Streets and Sidewalks and he or some competent person detailed by him shall, without delay, repair or cause such defect to be immediately repaired. Until such repair is completed, he shall do whatever shall be necessary to protect the public from injury by reason of the defect.

14.24.050. Building Material in Street.
It shall be unlawful for any person to occupy or use any portion of the public street for the erection or repair of any building upon and abutting thereon, without first making application to and receiving from the City Council a permit for the occupation or use, for building purposes, of such portions of streets and for such periods of time and under such limitations and restrictions as may be required by the City Council; provided that no permit shall be granted to occupy more than fifteen feet of any street, measured from the curb line, and any such permit may be revoked by the City Council at any time when the holder thereof fails to comply with any rule or regulation under which it is granted or when in the opinion of the City Council, the public good requires such revocation.

14.24.060. Obstructions Generally.
It shall be unlawful for any person to put or place or cause to be put or placed anywhere upon a public street or sidewalk, and it shall be unlawful for any such person, after reasonable notice by the Chief of Police or any police official, to suffer to be or remain in front of his premises, upon the sidewalk, on the half of the street next to such premises:

1. Any broken ware, glass, filth, rubbish or refuse matter, on the half of the street next to such premises;
2. Any wagons, old automobiles, lumber, wood, boxes, fencing, building material, merchandise or other things which shall obstruct such public streets or sidewalks, or any part thereof, or the free use and enjoyment thereof, or the free passage over and upon the same, or any part thereof, without the permission of the City Council;
3. Any goods, wares, or merchandise, for sale or show or otherwise, beyond three feet of the front line of the lot where such goods, wares or merchandise may be exposed.
4. It shall be unlawful to:
    a. place, pile, cause, or permit to be placed or piled any sand, gravel, lime, cement, mortar, plaster, concrete, or any other like substance or mixture.

b. to allow the same to remain on any portion of any paved street or sidewalk in the City.
c. Make, mix, cause, or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk in the City without first obtaining a permit from the Superintendent of Streets and Sidewalks.

No person receiving or delivering goods, wares or merchandise in the City shall place or keep upon, or sue for to be placed or kept upon, any sidewalk in the City any goods, wares or merchandise which he may be receiving or delivering, for a longer period than two hours.

14.24.070. Sales Attracting Crowds on A Sidewalk.
It shall be unlawful for any merchant, auctioneer or other individual to sell or exhibit for sale any kind of property on or near to any street so as to cause people to gather in crowds on the sidewalk or to obstruct free passage thereon.

14.24.080. Playing on Sidewalk or in Street: No Driving on Sidewalk.
It shall be unlawful for any person to obstruct any sidewalk or street by games of any kind, playing ball, marbles, jumping, rolling hoops, flying kites or roller skating, so as to annoy or obstruct the free travel of any pedestrian or vehicle. It shall be unlawful for any person to drive or operate any vehicle or load, ride, or drive any animal upon any sidewalk in the City.

14.24.100. Coasting on Street.
It shall be unlawful for any person to coast or slide with any sled, sleigh, toboggan or vehicle upon any public street, avenue, sidewalk or alley within the City; provided that the City Council, by public notice or proclamation, may authorize the use of certain streets for coasting during the winter season. During the period for which such notice or proclamation shall be issued, coasting and sliding upon such streets as may be designated by the proclamation or notice shall be permissible.

14.24.110. Gates to Swing Inward.
It shall be unlawful for any person to allow or cause any gate to open outward and upon the sidewalk.

14.24.120. Billboards.
It shall be unlawful for any person to erect and maintain any billboard for advertising purposes on, in or along any street in the City without first obtaining a permit therefore from the Special Uses and Appeals Board (see Title 58, Sign Regulations).

14.24.130. Irrigation Water.
All owners or occupants of lots in the City requiring water from a main ditch for irrigation or other purposes are hereby required to dig suitable ditches, erect flumes or lay

pipes and maintain the same to convey the water across the sidewalk to or from their respective lots. It shall be unlawful for any person to allow or cause any irrigation water to overflow or be directed upon the street or the public right-of-way where it causes any damage.

14.24.140. Leaving Railroad Cars in Streets.

It shall be unlawful for any person to cause to be left standing or allow any boxcar or other railroad vehicle to remain on switches or other tracks, other than main lines, laid in the streets of the City; provided that boxcars may be left so standing while a switch engine or other power unit is in the immediate vicinity and in the process of switching other cars at such location.

14.24.150. Public Parade Regulations.

The following shall apply to public property adjoining parade routes and staging areas for parades and it shall be unlawful for any person to violate these provisions:

1. No person shall place, erect, use or employ any tent or other enclosed shelters, including vehicles and trailers, on public property along a parade route or staging areas at any time.
2. No person shall obstruct public sidewalks, paved portions of streets, or occupy any unsafe position or occupy a position which may cause damage to public or private property.
3. From and after 8:00 p.m. of the day before a parade and continuing until the conclusion of the parade, no person shall park a motor vehicle, trailer or tent trailer on the streets designated as the parade route. Only motor vehicles and trailers which are parade entries or parts thereof are allowed to be in the areas designated as staging areas. Any vehicle, motor vehicle, trailer or tent trailer parked in violation of this section is a public nuisance and may be towed from the prohibited area at the owner's expense.
4. The Mayor may authorize the City to reserve places for the observation of the parade and to erect and control seating on reserved public property.

14.28.160. Dropping, Sifting, and/or Leaking Loads.

It shall be unlawful for any person to drive a vehicle or move the same upon any street within the City unless the vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping there-from. There shall at all times be a minimum of three inches between the top of the contents and the top of the sideboards and end gate of the vehicle.

14.24.170. Temporary Emergency Exceptions: Temporary Use and/or Obstruction of Right-of-Way.

Temporary Emergency Exceptions (to the land use ordinances) and Permits to Temporarily Use or Obstruct the Public Right-of-way may be granted by the City

Council, in accordance with Perry Municipal Code, Section 23.04.090 or Chapter 14.06 herein.

Chapter 14.28.
WINTER SNOW REMOVAL

14.28.010. Snow Removal from City Right-of-Way.
14.28.020. Snow Removal from Sidewalks and Private Driveways.
14.28.030. Parking Vehicles on Streets after Snowstorm.

14.28.010. Snow Removal from City Right-of-Way.

The City shall be responsible for snow removal on jurisdictional roads and highways. Snow may be pushed by the City off the travel-ways into the roadside drainage ditch channels or burrow areas in rural areas and toward the curb and gutter and onto the parking strip as far as possible in urban areas. Snow removal by the City may take place according to an operation plan which affords priority relatively as follows: major arterial road, medium collector roads, and then to residential roads. Additionally, higher priorities may be afforded to public facilities and areas with heavy user access.

14.28.020 Snow Removal from Sidewalks and Private Driveways.

The following regarding snow removal from sidewalks and private driveways:

1. It shall be unlawful for any person or entity owning, having charge or control of or occupying any real estate abutting on any street within the City to fail, refuse or neglect to remove all weeds and noxious vegetation from the curb line to the inside line of public sidewalks and further, to keep the sidewalk in front of such property free from litter, snow, ice and obstructions (see Perry Municipal Code, Section 14.14.115.).
2. The violation of the foregoing shall constitute a Class B Misdemeanor. Additionally, should the City choose to remove the weeds, vegetation, letter, snow, ice or obstructions, the real property owner shall be indebted to the City for the reasonable cost of such removal. In the event legal action is commenced to obtain reimbursement for said costs, the abutting property owner shall also pay all legal expenses incurred by the City in obtaining judgment for such costs.

14.28.030. Parking Vehicles on Streets after Snowstorm.

The following regarding parking:

1. No person shall park or allow to be parked a motor vehicle, trailer, camper, or any other obstruction on any street in Perry City at any time during a period of forty-eight (48) hours immediately following any snowfall on the streets of Perry City, especially when such parking would interfere with the City's efforts to remove snow or to conduct any other public works activity. In the event of sequential snowstorm activity, the time period will commence at the first snowfall and end

forty-eight (48) hours after the conclusion of the latter storm. Any motor vehicle, camper, trailer or other object parked in violation of this requirement shall be presumed to be so parked by the owner unless the registered owner by competent evidence shows that the vehicle was so parked by some other individual and without the owner's permission or knowledge. Garbage cans shall be removed from City streets as soon as possible, to assist with snow removal.

2. Police officers are authorized to issue citations to individuals violating the foregoing paragraph. In the event of an apparent repeat offender or if the vehicle or object creates a serious maintenance or safety problem, then the vehicle, trailer, camper or other object may be impounded. The owner shall be responsible for all costs of towing, storage and any other incidental expenses incurred as a result of said impoundment.
3. A violation of this section shall be considered to be a public nuisance and an infraction punishable by a fine up to $500.00.
4. It shall be a defense to any prosecution hereunder if the defendant can show that the vehicle for which the citation was issued was parked in front of the individual's residence and that the individual is a tenant, rather than an owner of the residence, and that the rental property has no off-street parking for the tenant and constitutes a nonconforming use which existed prior to the enactment of the City zoning ordinances.

Chapter 14.30.
ENCROACHMENTS

14.30.010. Notice to Remove: by Whom Given.
14.30.020. Notice to Remove: to Whom Given, Posting, and Contents.
14.30.030. Failure to Remove after Notice: Removal by Superintendent of Streets and Sidewalks.
14.30.040. Action to Abate.
14.30.050. Temporary Emergency Exceptions: Temporary Use and/or Obstruction of Right-of-Way.

14.30.010. Notice to Remove: by Whom Given.

If any street is encroached upon by a fence or building or otherwise, the Superintendent of Streets and Sidewalks shall, in writing, require the encroachments to be removed.

14.30.020. Notice to Remove: to Whom Given, Posting, and Contents.

Notice must be given to the occupant or owner of the land or person causing or owning the encroachments or be left at his place of residence, if he resides in the City; if not, it must be posted on the encroachment, specifying the breadth of the street, the place and extent of the encroachment and requiring the removal thereof within ten days thereafter.

14.30.030. Failure to Remove after Notice: Removal by Superintendent of Streets and Sidewalks.

It shall be unlawful to leave, or cause to be left, any encroachment upon the streets of the City after the expiration of ten days from the service or posting of a notice to remove such encroachment. If the encroachment is such as to effectually obstruct and prevent the use of the highway for vehicles, the Superintendent of Streets and Sidewalks shall forthwith remove the same. If the encroachment is not denied but is not removed for five days after the notice is complete, the Superintendent of Streets and Sidewalks shall cause such encroachment to be removed at the expense of the owner, occupant or person controlling the same and recover his costs and expenses in an action for that purpose.

14.30.040. Action to Abate.

If the encroachment is denied and the owner, occupant or person controlling the matter or thing charged with being an encroachment refuses either to remove or permit the removal thereof, the City Council may direct the City Attorney to commence in the proper court an action to abate same as a nuisance, or may direct the Community Development Director or other official(s) to take other appropriate action allowed by law.

14.30.050. Temporary Emergency Exceptions: Temporary Use and/or Obstruction of Right-of-Way.

Temporary Emergency Exceptions (to the land use ordinances) and Permits to Temporarily Use or Obstruct the Public Right-of-way may be granted by the City Council, in accordance with Perry Municipal Code, Section 23.04.090 or Chapter 14.06. herein.

Chapter 14.32.
PEDESTRIANS

14.32.010. Responsibility of Driver to Exercise Caution.
14.32.020. Pedestrian Has Right-of-Way at Crosswalk.
14.32.030. Pedestrian to Yield of Right-of-Way.
14.32.040. Pedestrian Limited Access Area.

14.32.010. Responsibility of Driver to Exercise Caution.

Notwithstanding the provisions of this title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any incapacitated person upon a roadway.

14.32.020 Pedestrian Has Right-of-Way at a Crosswalk.

The following regarding a pedestrian right-of-way:

1. Vehicle to yield: When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if

necessary, to a pedestrian crossing the roadway within the crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.

a. A pedestrian shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the driver to yield.
b. This section does not apply where the pedestrian is crossing at a place other than a crosswalk.

2. No passing: Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle on either side.

14.32.030. Pedestrian to Yield Right-of-Way.

The following regarding pedestrians yielding the right-of-way:

1. No crosswalk. Every pedestrian crossing a roadway at any point, other than within a marked crosswalk or within an unmarked crosswalk or at an intersection, shall do so only if:
   a. No crosswalk exists within 350 feet of the desired point of crossing; and,
   b. When crossing, the pedestrian shall yield the right-of-way to all vehicles upon the roadway.
2. Tunnel or overhead crossing. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.
3. Marked crossing. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk.

14.32.040. Pedestrian Limited Access Area.

The Traffic Engineer is authorized to restrict or prohibit pedestrian traffic in designated areas where public safety necessitates. In such designated areas, no unauthorized pedestrian may trespass. A violation of this section shall constitute a Class “C” misdemeanor.

Chapter 14.36.
RULE-MAKING, ENFORCEMENT, PENALTIES, AND APPLICABILITY TO OTHER ORDINANCES

14.36.010. Pedestrian Limited Access Area Traffic Engineer Rules and Regulations.
14.36.020. Police Chief Rules and Regulations.
14.36.030. Enforcement.

14.36.040. Violation and Penalties.
14.36.050. Applicability of Other Ordinances.

14.36.010. Traffic Engineer Rules and Regulations.
The Traffic Engineer is hereby authorized to create and administer rules, regulations, and any policies and procedures to effect the administration of this title.

14.36.020. Police Chief Rules and Regulations.
The Police Chief is hereby authorized to create and administer rules, regulations, and any policies and procedures to effect the administration of this title.

14.36.030. Enforcement.
The police department is charged with the enforcement of this title. The police department, by its officers, shall issue citations or warnings for violations, make arrests for violations, investigate accidents, conduct studies, create reports, impose a reasonable fee for documents as set by rule, follow applicable policies and procedures, keep records and documents, make recommendation, and cooperate with other City official in the administration of this title in order to improve traffic safety.

14.36.040. Violations and Penalties.
The penalty for any violation of this title not specifically stated herein shall be set as defined by the *Utah Criminal and Traffic Code.* The penalty for any violation of this title not otherwise stated is a class B misdemeanor. Each violation of this title or each day of continuing violations under this title constitutes a separate offense.

14.36.050. Applicability of Other Ordinances.
See also Title 54, Streets, Trees, Parkways, and Parking.

Legislative History
Amended title in its entirety: January 24, 2008
New numbering system: March 27, 2008
Codified into new municipal code: December 11, 2008

Title 15, A Public Service Ordinance
CULINARY WATER

Chapter 15.01. GENERAL PROVISIONS
Chapter 15.02. APPLICATIONS, FEES, AND CHARGES
Chapter 15.03. REGULATIONS INCLUDING PROHIBITED ACTIONS
Chapter 15.04. INSTALLATION
Chapter 15.05. JURISDICTION OF CITY OUTSIDE CITY LIMITS
Chapter 15.06. WATER SOURCE PROTECTION
Chapter 15.07. WATER CONSERVATION PLAN

Chapter 15.11. POWER TO ADOPT ADDITIONAL REGULATIONS:PENALTIES

Chapter 15.01.
GENERAL PROVISIONS

15.01.010. Adoption of Ordinance.
15.01.020. Supervision.
15.01.030. Water Connections.

15.01.010. Adoption of Ordinance.
Perry City having expanded its culinary water system hereby adopts the following Ordinance concerning such water system repealing all former ordinances in conflict herewith.

15.01.020. Supervision.
Supervision shall be the determined by the Perry City Council which may appoint a Water Superintendent and prescribe his duties and responsibilities.

15.01.030. Water Connections.
Water Connections to the Perry City culinary water system shall not be made without a water meter installed by or under the direction of Perry City and in compliance with this ordinance.

Chapter 15.02.
APPLICATIONS, FEES, AND CHARGES

15.02.010. Application for Water Service Connection.
15.02.020. Owner and Tenant Responsibilities.
15.02.025. Deposit and Application Fee.

15.02.030. Water Connection and Rates.
15.02.040. Service Billings Payment and Delinquency.

15.02.010. Application for Water Service Connection.

Any person, firm or corporation within the municipal boundaries of Perry City, who desires a culinary water connection to the water mains of Perry City, and any such person, firm or corporation who purchase or otherwise acquires ownership of or an interest in a property already connected to the Perry City water system shall make application in writing and file an agreement with the City which shall be substantially the following form:

PERRY CITY APPLICATION FOR SERVICES
(Current Address of City Offices)

Address of Property: _____ Parcel #: _____

Name of Property Owner: _____

Address of Property Owner (# and street): _____ (city, state, zip)

Preferred Billing Address: ☐ Address of Property Owner ☐ Address of Property (check one)

1. **Property Owner's Responsibility.** The Undersigned Property Owner hereby applies for culinary water, sanitary sewer, storm water, and garbage services from Perry City for the property described by the above listed address. By signing this Application, the Undersigned represents and acknowledges being the Property Owner of the real property located at the above provided address and accepts responsibility for the payment of all fees and charges associated with the services provided under this Application, until such a time as the Property Owner shall direct the services be discontinued. If renting or leasing the property, the lessee/resident may pay for said fees and charges, but the Property Owner remains ultimately responsible to pay for all fees and charges. The Undersigned agrees that in the event of transfer or sale of the property at the above address, the Undersigned shall ensure that all fees and charges assessed against the property for these services are paid in full at the closing of that transaction. The Undersigned hereby acknowledges that notice of this Application, if approved by Perry City, may be recorded in the Office of the Box Elder County Recorder.

2. **Deposit and Application Fee.** A fee of $200.00 ($175.00 refundable deposit and $25.00 non-refundable application fee) shall be paid by the Property Owner at the time services are requested. In the event the services are discontinued due to failure to pay the fees and/or charges, the deposit shall be forfeited for the amount of the $50.00 re-connection fee and the outstanding balance of the account. The Property Owner shall be required to restore the deposit to the original $175.00 amount prior to the restoration of services. If the balance is greater than the deposit, the entire balance and a new $175.00 deposit shall be paid prior to the restoration of services. The $25.00 non-refundable application fee paid shall be applied to the processing of this Application and/or the recording of the notice of assessment for service with the County Recorder. No Application for service shall be accepted unless, at the time the Application is submitted, the Property Owner: (a) is present; (b) produces photographic identification and proof of ownership; and (c) pays the security deposit and application fee.

3. **Waiver/Refund of Deposits.** As per Resolutions 05-19 and 06-01, a waiver of all deposits (and a refund of all past deposits) shall be granted for any Property Owner or resident who can establish that they:

(a) have already been a Property Owner and/or resident for at least three (3) years during the past ten (10) years; and
(b) were in good standing and paid all of their utility payments to the City on time during that time period.

4. **Monthly Bills; Late Fees; Interest; and Termination of Service.** Payment for all fees and charges shall be assessed each month and shall be due and payable as per the monthly billing notice (mailed to the Billing Address provided above). Any payment that is more than thirty (30) days late shall be assessed a late fee of $25.00. Any delinquency in the payment of fees or charges outstanding for more than sixty (60) days may result in: (a) the termination of services until all delinquencies are paid in full (or until the said failure to conform is corrected); and/or (b) the assessment of an annual interest rate of eighteen (18%) percent. If a notice other than the monthly billing statement is served upon the Property Owner as a result of any delinquency, an additional fee of $15.00 shall be assessed for any mailed notice (and a $50.00 fee shall be assessed for any notice served in person upon the property or upon the Property Owner).

5. **Collection Action; Incorporation by Reference of Perry Municipal Code.** In the event of default or late payments, Perry City shall have the right to institute collection action (including legal proceedings) on all outstanding amounts. Any amounts turned over to an attorney or collection agency for collection shall be assessed an annual interest rate of eighteen (18%) percent. The Property Owner agrees to pay for all court costs and administrative expenses involved in collecting past due amounts including attorney's fees and collection costs of forty (40%) percent of the balance turned over to any attorney or collection agency. In addition to the terms of this Application, the Undersigned agrees to be bound by the Ordinances, Resolutions, and Regulations (enacted or adopted by Perry City) applicable to the City's utility system and the provisions of this Application.

_____

Property Owner Signature Date Property Owner Signature Date

[A Notary (Jurat) Certificate is on the Back Side of this Page]

State of Utah)
§
County of Box Elder)

Subscribed and sworn to before me on this _____ day of _____, in the year 2____.
DAY MONTH YEAR

By _____ and _____
NAME OF DOCUMENT SIGNER NAME OF SECOND DOCUMENT SIGNER (IF ANY)

_____
NOTARY PUBLIC
SEAL

15.02.020. Owner and Tenant Responsibilities.
Property owners will be billed for the utility service. If tenants do not comply with the ordinance, rules, regulations, and resolutions in any form, the Property Owner will be held responsible.

15.02.025. Deposit and Application Fee.
A fee of $200.00 ($175.00 refundable deposit and $25.00 non-refundable application fee) shall be paid by the Property Owner at the time culinary water and other utility services are requested. In the event the services are discontinued due to failure to pay the fees and/or charges, the deposit shall be forfeited for the amount of the $50.00 re-connection fee and the outstanding balance of the account. The Property Owner shall be required to restore the deposit to the original $175.00 amount prior to the restoration of services. If the balance is greater than the deposit, the entire balance and a new $175.00 deposit shall be paid prior to the restoration of services. The $25.00 non-refundable application fee paid shall be applied to the processing of the Application and/or the recording of the notice of assessment for service with the County Recorder. No Application for service shall be accepted unless, at the time the Application is submitted, the Property Owner:

1. Is present;
2. Produces photographic identification and proof of ownership; and
3. Pays the security deposit and application fee.

15.02.030. Water Connection and Rates.
The following regarding water connections and rates:

1. Water connections shall be made to the Perry City water system only by qualified plumbers and only upon the written approval, as to materials and means of connection, by the Perry City Water Superintendent.
2. All connections will be by 3/4 inch line for single dwellings. As specifically authorized by Resolution, of the Perry City Council, larger sizes may be authorized for commercial, school, church or other use.
3. Water connection fees after the effective date of this ordinance shall be as follows:

3/4 inch line	As set forth in Title 84, Fee Schedule
1 inch line	As set forth in Title 84, Fee Schedule
2 inch line	As set forth in Title 84, Fee Schedule

   *Larger size cost will be determined individually and by Perry City Council action.
4. Water Service Rates for single dwellings and commercial buildings shall be a certain minimum rate per month, usage not to exceed 15,000 gallons per month, a certain rate per each 1,000 gallons or part thereof in excess of 15,000 gallons used per month, as per Title 84, Fee Schedule.

5. Multiple Housing Dwelling Units with more than one living unit serviced by one water meter shall be considered multiple housing under the ordinances of Perry City. Fees will

be charged a certain monthly rate for each unit allowing 10,000 gallons minimum per unit per month as per Title 84, Fee Schedule. Water cannot be disconnected for one unit when both are occupied. The property owner is responsible for all water, sewer, garbage and other charges. If, the unit is unoccupied, water can be disconnected upon the owner's request. (If one unit is occupied, the basic fee for each unit will be charged per month.)

6. The connection fees and water rated hereinabove provided for, shall be subject to change by Resolution of the City Council duly passed and adopted, provided however, no change of size or rate will be made which may impair the ability of Perry City to pay and discharge the bonds or other obligations incurred for the installation, maintenance or repair of the Perry City Water System.
7. It is hereby expressly provided that it shall be unlawful for the owner or other person having charge of, or occupying any property upon which a building shall have been or is being constructed for residential or commercial use, any part of which building is within two (200') hundred feet of a City water line in existence and when the City water line abuts the property line and used in the City for culinary purposes to not be connected to such line. When a water line is within the required distance and when property owner has received written and proper notice from Perry City, such owner, agent or other person having charge of or occupying all property coming within scope of this section must be connected to the culinary water line.
8. In the instance where Perry City does not have an existing water line in place at the time of occupancy of the building and the owner or other person having charge of the property has had to seek other means of obtaining culinary water and indeed has obtained culinary water by such means as a legalized private well, due to the inability of the City to provide such water at that time, the owner or other person having charge of said property will not be required to connect to Perry City water or pay water connection or impact fees until a City water connection is desired or at such time as the subject property is sold or conveyed in any manner. At that time, the owner or other person having charge of the property may make application for a culinary water connection and will be required to pay the appropriate fees that are in place at the time of application.

15.02.040. Service Billings Payment and Delinquency.

The City shall bill each water user for each calendar month for the water actually or constructively used and adjusted by actual meter readings. The bill for said water service may be combined with the City sewer service charges, garbage or other City contracted services and one bill only rendered to the user. Payment in full for such combined billings shall be made to Perry City on or before the first (1st) day of each calendar month covering the previous month's services. If any water user fails to pay his water and utility charge, the municipality may enforce charges and/or collection as follows:

1. Monthly Bills, Late Fees, Interest, and Termination of Service:
    a. Payment for all fees and charges shall be assessed each month and shall be due and payable as per the monthly billing notice (mailed to the Billing Address

provided). Any payment that is more than thirty (30) days late shall be assessed a late fee of $25.00. Any delinquency in the payment of fees or charges outstanding for more than sixty (60) days may result in:

i. the termination of services until all delinquencies are paid in full (or until the said failure to conform is corrected); and/or

ii. the assessment of an annual interest rate of eighteen (18%) percent. If a notice other than the monthly billing statement is served upon the Property Owner as a result of any delinquency, an additional fee of $15.00 shall be assessed for any mailed notice (and a $50.00 fee shall be assessed for any notice served in person upon the property or upon the Property Owner).

2. Collection Action and Incorporation by Reference of Perry Municipal Code:
   a. In the event of default or late payments, Perry City shall have the right to institute collection action (including legal proceedings) on all outstanding amounts. Any amounts turned over to an attorney or collection agency for collection shall be assessed an annual interest rate of eighteen (18%) percent. The Property Owner agrees to pay for all court costs and administrative expenses involved in collecting past due amounts including attorney's fees and collection costs of forty (40%) percent of the balance turned over to any attorney or collection agency. In addition to the terms of the Application, the Undersigned agrees to be bound by the Ordinances, Resolutions, and Regulations (enacted or adopted by Perry City) applicable to the City's utility system and the provisions of the Application.

Chapter 15.03.
REGULATIONS INCLUDING PROHIBITED ACTIONS

15.03.010. Turning on Water after Being Turned off: Prohibited.
15.03.020. Separate Connections.
15.03.030. Maintenance on Service Connections.
15.03.040. Control of Water Resources.
15.03.050. Waste of Water.
15.03.060. Non-Liability for Damages.
15.03.070. Access to Places Supplied with Water.
15.03.080. Cross-Connections Prohibited.

15.03.010. Turning on Water after Being Turned off: Prohibited.

It shall be unlawful for any person, after the water has been turned off from any premises for nonpayment of water and sewer charges or other violation of the rules and regulations pertaining

to the water system, to turn on or allow the water to be turned on or used without authority. A $500.00 fine will be charged to the owner, occupant or any person tampering with the meter, i.e. turning on water, re-connection, etc. Fine amount may be changed by resolution.

15.03.020. Separate Connections.

Each dwelling, business, multiple dwelling building, church, school, or other user shall have a separate meter and service connection to the Perry City Water System unless permission has been granted, by the City Council in writing, after a recommendation of approval by the

Planning Commission and a finding that the interests of the City can be protected and the applicant signs an appropriate agreement with the City. It shall be unlawful for any user to attach or to permit to be attached to his service connection any pipe or connection to any other user or property.

15.03.030. Maintenance on Service Connections.

All users of water services shall keep their service lines and connections in good repair and protected from damage, deterioration, or pollution. All pipes, fittings, valves, or other devises shall be of such material, quality and specifications as the City Council shall provide by Resolution and shall be installed as specified by regulations duly adopted by the City Council and shall be installed only after first obtaining approval and permit therefore from the Water Superintendent.

15.03.040. Control of Water Resources.

The following regarding the control of water resources:

1. It shall be unlawful for any water user to waste water, or to allow it to be wasted, by defective stops, taps, valves, leaky joints or lines or to allow tanks or troughs to leak or overflow or to wastefully run water from hydrants, faucets or stops, or to use the water for purposes other than for those which he has paid, or to use the water in violation of the rules and regulations adopted by the City for controlling the water supply.
2. The City Council may at any time fix by Resolution the time of day culinary water may be used for lawn sprinkling or other irrigation purposes, and may divide the City into districts for that purpose if in the judgment of the City Council it may be necessary due to an emergency situation. In time of scarcity of water the City Council may at its sole discretion, limit the use of water as it deems appropriate.

15.03.050. Waste of Water.

The following regarding waste of water:

1. Users of the municipal water system shall not permit water to run wastefully and shall exercise reasonable efforts to conserve the supply. If, in the judgment of the Water Superintendent or of any other officer of the municipality, the users of municipal water engages, in practices which result in the needless waste of water and continues to do so

after reasonable notice to correct the waste has been given, the Superintendent or any officer may refer the matter to the City Council.

2. The City Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the governing body at which termination of water services is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of said termination.
3. A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
4. After due hearing, the City Council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

15.03.060. Non-Liability for Damages.

Perry City shall not be held liable for any damage to any water user by reason of stoppage or interruption of water supply caused by delinquency of account, the scarcity of water, accidents, fires, or as the result of water system maintenance or extension operations, or from any other unavoidable natural or unnatural cause.

15.03.070. Access to Places Supplied with Water.

Free access shall at all ordinary hours be allowed to the Superintendent of waterworks, or other authorized persons, to all places supplied with water to examine the apparatus, the amount used and the manner of using the water or to cut off the same. (For state law as to right of entry on premises of water user, see U.S.A., 1953, Section 10-7-13).

15.03.080. Cross-Connections Prohibited.

It is unlawful for the owner or occupant of any premises using water supplied by the utility to cross-connect such water supply with an irrigation or other foreign source of water (that does not meet the purification standards maintained for the City water supply) with any appliance, appurtenance, sprinkling system, hose, pipe or other fixture in such manner that there is a possibility that water from such foreign source may flow, be siphoned or be pumped into the City water system. (See also Cross Connection Ordinance 91-01).

Chapter 15.04.
INSTALLATION

15.04.010. Permit for Installations.
15.04. 020. Damage to Waterworks Property.
15.04.030. Opening or Closing Fire Hydrant.
15.04.040. When Cost of Installing Service Pipe to be Paid by Applicant: Credit Upon Account.

15.04.010. Permit for Installations.

It shall be unlawful for any person to engage in the connection or altering the connection of any water line to the culinary water system of the City without first having received a construction permit from the office of the City Recorder or from the Water Superintendent. Permits shall be issued only to qualified plumbers and only after compliance with the Ordinance and applicable resolutions and regulations.

15.04. 020. Damage to Waterworks Property.

Any person who shall willfully and without authority from the Superintendent of waterworks removes or damages any meters, back flow valves, covers, distribution lines, or other culinary water system device of the waterworks system, constructed or maintained for the purpose of supplying culinary water to the inhabitants of the City shall be deemed guilty of a misdemeanor.

15.04.030. Opening or Closing Fire Hydrant.

It shall be unlawful for any person to open or close any fire hydrant within the corporate limits of the City or to attempt to open or close, by the use of any wrench or other device any such hydrant without first having obtained from the Mayor and Council or the Superintendent of waterworks permission to do so; provided, that this section shall not apply to any volunteer fireman of the City.

15.04.040. When Cost of Installing Service Pipe to be Paid by Applicant: Credit Upon Account.

The following regarding the cost of installing a service pipe when paid by applicant:

1. Definitions:
    a. Private Property Owner: A person wishing to extend water or sewer services to his own home or building. Not a developer or commercial business.
    b. Developer: A person, firm or corporation wishing to extend water or sewer services to two or more residents or buildings on his property.
    c. Street: A Perry City Street defined such by dedication or right of use.
2. Where any private property is not served by a service water pipe inc. front of or adjacent to such property and the owner desires a water service connection, such water service connection shall be furnished only on the condition that the owner pay all costs of

installing the pipeline, the back filling and repairing of the streets through such property and in addition thereto pay for the meter installation as required by ordinance; provided that the applicant shall be required to lay the size of pipe which in the opinion of the City, may be necessary or needful to serve other potential water users in the future along such street, in which event the City shall pay the difference in cost between the size of pipe needed by the applicant and that specified by the Water Superintendent; provided further, that all costs of installation, fronting on an existing street, to pipe to the place of the applicant, which has been paid by the applicant, shall be entered as a credit upon the account of the applicant and all water bills thereafter charges against such account for a period of not more than ten (10) years or until the costs of installation have been paid in full, at which time the service line shall be considered the property of the City. Receipts for all materials paid by applicant which qualify for credit must be on file at the City Offices before credit will be given.

3. Thereafter the property owner, or his successor in interest, shall pay the regular charges for water consumed upon the premises, with no credit thereafter being allowed.
4. The Planning Commission may make incentive recommendations, under certain conditions they deem advisable to the City Council, concerning developers extensions of water and sewer service where the City might participate other than with the cost of additional pipe line size.
5. The same arrangement applies with the sewer collection line extension as detailed above for water, with two exceptions. Private property owners will be required to have the sewer extension line engineered and approved by the City Engineer and assume that cost; and in instances where the City's major collector lines are not within 200 feet or where the extension will not work with the present collection system, Perry City will have no responsibility for either extension of the line or associated cost.
6. With the extension of either water or sewer lines, the cost of fire hydrants, gate valves and manholes that are required by the City Engineer will be divided between the property owner and the City, and will not be reimbursed to the property owner.
7. Whenever any intervening property ("off-site") is benefited by the installation of any of the required facility, by a developer, the sub divider shall pay the cost of such facilities to the City, such cost to be determined by the City Engineer. Benefiting intervening property owners shall be charged the fee rates for sewer and water connections in effect at the time such connections are made. Half of such fees shall then be returned to the sub divider to reimburse the costs of the installation of the facilities, up to half of the total costs; such agreement for reimbursement shall extend for a maximum period of five years from initial date of agreement after which time no further reimbursement shall be made to the sub divider. The City may also elect to reimburse the sub divider for such "off-site" facilities in full or in part after the sub divider has furnished the City with acceptable evidence that an agreed number of housing units are occupied. No interest shall accrue or become payable on such reimbursement. Engineering drawings showing benefited property shall be prepared by the City Engineer and copies forwarded to the sewer, water,

and streets departments of the City.

Chapter 15.05.
JURISDICTION OF CITY OUTSIDE CITY LIMITS

15.05.010. Prevention of Pollution or Contamination Outside of the City.
15.05.020. Supply of Water Services to Persons Outside City Limits.
15.05.030. Perry City Water User's Agreement for Surplus Water.

15.05.010. Prevention of Pollution or Contamination Outside of the City.

The following regarding the prevention of pollution and/or contamination outside of Perry City:

1. It shall be unlawful for any person, firm, corporation or entity to maintain or erect any buildings, closet, privy, outhouse or urinal, or any buildings, pens or stalls in which shall be kept any horses, cattle, sheep, swine or other animals or to permit any of such animals to be corralled, bedded or run at large within fifteen hundred (1,500) feet of any stream, reservoir, canal, ditch, pipe, drain, spring, or other source of water from which water for the waterworks system of the City shall be taken, within fifteen miles above the point where the water of such stream, reservoir, canal, ditch, pipe, drain, spring or other source of water is taken into the waterworks system.
2. It shall be unlawful for any person, firm, corporation, or entity to pollute or cause to be polluted, either directly or indirectly, any reservoir, stream, canal, ditch, pipe, drain, spring or other source of water from which water for the waterworks systems of this City shall be taken. Before any person shall be allowed to bring animals onto property or to construct any building or improvements which may or which could be construed to cause pollution or contamination of water sources of Perry City within fifteen hundred (1,500) feet of any, reservoir, canal, ditch, pipe, drain, spring and/or other sources of water of the waterworks shall be taken, they shall first make application to the building inspector of Perry City and the Box Elder County Health Department and shall provide evidence that such building or other improvement shall not cause pollution or contamination of water sources of Perry City.
3. It shall be unlawful for any person to maintain any camp or any other facility or source within one-half mile of any reservoir, stream, canal, ditch, pipe, drain, spring, or other source of water of source through which water is carried to the waterworks system of this City or to permit any refuse matter of any kind or character to be deposited in or near a reservoir, stream, canal, ditch, pipe, spring, or other source of water which is used in connection with the waterworks system of this City. (For state law as to extra-territorial jurisdiction of City, see *Utah Code Annotated*, 1953, Section 10-8-15).

15.05.020. Supply of Water Services to Persons Outside City Limits.

The following regarding the supply of water services to persons outside of Perry City limits:

1. Perry City may furnish water from its water system to persons outside its corporate limits in accordance with the provisions of the following sections.
2. Any person located outside the City Limits desiring to be supplied with water services from the City water system and being willing to pay in advance the whole expense of extending the water system to his property, including the cost of extending the water main from its present location to the City limits, may make application to the City Council by petition containing:
    a. A description of the proposed extension.
    b. A map showing the location thereof.
    c. An offer to pay the whole expense incurred by the City in providing such extension and to advance such expense as said expense shall be certified by the Water Superintendent. The City and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the costs of installing such extension may be refunded.
3. An acknowledgement that the City in granting said petition engages to supply only such water to the petitioner from which time to time the City Council deems excess to the requirements of water users within the City Limits.
4. An acknowledgement that such water line extension shall be the property of and subject to the control of Perry City and appropriate easements are granted to the City.
5. When an extension supplying more than one house or user outside the City Limits is connected to City water mains, the Water Superintendent may require a master meter to be installed near the point where the connection is to be made to the City Main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates.
6. A person, firm or corporation desiring water services outside the Perry City limits (and after date of this ordinance any person currently receiving water services) shall sign an agreement in substantially the following form and by doing so agree to be bound said agreement.

15.05.030. Perry City Water User's Agreement for Surplus Water.

The following is the form for the Perry City Water Users Agreement for Surplus Water:

PERRY CITY WATER USERS AGREEMENT FOR SURPLUS WATER

This agreement made and entered into this_____ day of _____, 20___, by and between PERRY CITY, a municipal corporation in the State of Utah, hereafter referred to as CITY,
and_____, persons desiring to be furnished Perry City culinary

water outside the corporate limits of Perry City, hereinafter referred to as Water User (who is the Property Owner of said property).

WITNESSETH

That for and in consideration of the mutual covenants, promises and conditions herein agreed to be kept by each party hereto, it is agreed that CITY shall, from water excess to the needs of City and its inhabitants, furnish to water user, Perry City culinary water through a _____ inch line and tap, subject however to the following conditions:

1. City finding and determining that it has water excess to the needs of City and its inhabitants, and in any event, no sale of Perry City water or Water Rights is intended nor by these presents made.
2. Water User shall sign an Application for a Perry City water hookup, pay the required fees, charges, and assessments, plus all cost of materials and labor in running the line from City mains to Water User's point of delivery, and shall thereafter pay to Perry City promptly when due the monthly water charges or assessments as now or hereafter to be fixed by Perry City.
3. That Water User by the execution of this agreement grants to Perry City and its agents the easement or right to come upon and cross over Water User's property in Box Elder County, Utah for the purpose of installing, repairing, replacing, removing, maintaining, reading, shutting off the water meter and accessories, or for such other purposes as may be necessary or incidental to the enforcement or supervision of this contract.
4. Water User's point of delivery and location of the water meter to be installed shall be _____(location).
5. That no hookup to the Perry City water system shall be made except by written permit from Perry City and subject to the supervision, inspection and approval by Perry City of the hookup lines, meters, fittings and incidental items.
6. This agreement shall be limited to the following defined location and no additional use shall be made without the express written consent of Perry City.
7. That this agreement may be immediately terminated by Perry City at any time City makes a determination that is has no culinary water excess to the needs of the City or its inhabitants, or a determination that because of the water distribution system, Water User can no longer be supplied with Perry City culinary water, or for the failure of Water User to pay promptly when due all water charges, assessments or fees to City.
8. In addition thereto without making any such determination that surplus water is or is not available, Perry City may, upon sixty (60) days advance notice, terminate this agreement for any reason it may so desire. The Water User fully understands and consents that Perry City grants no rights or usage to Water User by this agreement.
9. The Water User declares that he/she:
    a. Is the Property Owner; and
    b. Shall comply with Perry City Ordinances; and
    c. Shall concurrently sign an Application for Services, as per Perry Municipal Code 15.02.010.

IN WITNESS WHEREOF the parties have executed this agreement the day and year first above written. PERRY CITY, a municipal corporation of the State of Utah

BY _____
Mayor

ATTEST:_____
City Recorder

_____
Property Owner Signature Date Property Owner Signature
Date

State of Utah)
§
County of Box Elder)

Subscribed and sworn to before me on this _____ day of _____, in the year 2____.
DAY MONTH YEAR

By _____ and _____
NAME OF DOCUMENT SIGNER NAME OF SECOND DOCUMENT SIGNER (IF ANY)

_____
NOTARY PUBLIC
SEAL

Chapter 15.06.
WATER SOURCE PROTECTION

15.06.010. SHORT TITLE AND PURPOSE.
15.06.020. DEFINITIONS.
15.06.030. ESTABLISHMENT OF WELLHEAD PROTECTION ZONE.
15.06.040. PERMITTED USES.
15.06.050. PROHIBITED USES.
15.06.060. ADMINISTRATION.

15.06.010. Short Title and Purpose.

1. This ordinance shall be known at the “Wellhead Protection Ordinance.”
2. The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water supply for the surrounding the wellheads for all wells which are the supply sources for the City water system and by the designation and maintained within such zones.

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

1. Hazardous waste or material – any waste or material which because of its quantity, concentration or physical, chemical or infectious characteristics may:
    a. Cause or significantly contribute to an increase in incapacitating reversible illness; or;
    b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.
2. Sanitary landfill – A disposal site where solid wastes, including putrescrible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
3. Wellhead – the upper terminal of a well, including adapters, ports, seals, valves and other attachments.

15.06.030. Establishment of Wellhead Protection Zone.
There is hereby established a use district to be known as a wellhead protection zone, indentified and described as all the area within a circle the center of which is the center of any city water supply wellhead and the radius of which is 1500 feet.

15.06.040. Permitted Uses.
The following uses shall be permitted within wellhead protection zones:
1. Any use permitted within existing agricultural or single family residential districts, except that the minimum residential lot size for a lot any portion of which lies within the wellhead protection zone shall not be less than one acre; and
2. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.

15.06.050. Prohibited Uses.
The following uses or conditions shall be and are hereby prohibited within wellhead protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section 4. Of this ordinance:
1. Surface use or storage of hazardous material, expressly including commercial use of agricultural pesticides;
2. Septic tanks or drain fields appurtenant thereto;
3. Impervious surfaces other than roofs of building, and streets, driveways and walks serving buildings permitted under Section 4 of this ordinance;
4. Sanitary landfills;
5. Hazardous waste disposal sites;
6. Storm water infiltration basins;
7. Underground storage tanks;
8. Sanitary sewer lines within 150 feet of a wellhead;

15.06.060. Administration.
The policies and procedures for administration of any wellhead protection zone established under this ordinance, including without limitation those applicable to non-conforming uses, exceptions, enforcement and penalties, shall be the same as provided in the existing zones ordinance for the City of Perry, as the same is presently enacted or may from time to time be amended.

Chapter 15.07.
WATER CONSERVATION PLAN

15.07.010. Introduction.
The citizens of Perry are concerned about water use and the careful preservation of this valuable resource in our community. The City is growing rapidly in residential and commercial areas. The potential for growth and development is increasing and we realize that along with that growth will be increased use of the City's water system. This plan is written to help address these concerns and promote the wise use of the water resources available to facilitate desired economic growth and support residential and commercial/industrial areas in the future. Perry City is committed to supporting the State of Utah in its efforts to conserve water by observing the Water Conservation Plan Act.

15.07.020. Description of Perry City and its Water System.
Perry City is located in the southeast part of Box Elder County. The City's boundary is shown in Appendix B. The culinary water system, providing water to most homes, was put into operation in 1911. There were approximately 50 families living in Perry at that time. With the completion of the Pineview Canal, hundreds of acres of arid land could be irrigated making agriculture and dairy farming the leading industries. Perry is famous for the quality and variety fruit (especially peaches) produced here. In 2003, an area of commercial property west of I-15 and at approximately 1100 South was annexed into the City. Culinary and secondary water lines have been installed to the area to provide water for the development.

15.07.030. Inventory of Water Resources.
Perry City has been withdrawing approximately 650 acre-feet of water annually from an underlying aquifer through wells and one spring. These sources supply all of the water required for our culinary system. A portion of the residents have secondary water connections for outdoor watering from a pressurized system administered by Pineview Irrigation. Pineview Irrigation is planning for the expansion of their irrigation system to include all of the incorporated boundaries of Perry City.

There are also numerous private wells used in commercial, agricultural, and residential applications. Some of the water for future residents will come from additional usage of the existing wells, as well as from the reduction of outdoor irrigation and the use of Pineview Irrigation in lieu of culinary water.

The majority of shares in irrigation companies (Perry Irrigation Company and Three Mile Creek Irrigation Company) are owned by individual share holders, not Perry City.

The City remains an agricultural community with fields, orchards and pasture being irrigated with these private water shares. As development occurs, the developer is required to provide secondary water access to the residential lots and each lot buyer must purchase a connection for his property. Shares of irrigation companies are relinquished to Pineview Irrigation when agricultural land is developed to provide the connections to the pressurized system for the residential lots.

TABLE 1 - City owned shares of Irrigation Companies

NAME	**Acre/Feet**
Perry Irrigation Co.	n/a
Three Mile Creek Irrigation	31.26
Pineview Irrigation	n/a

The shares of Three Mile Creek Irrigation owned by Perry City are not part of the culinary water system. They are strictly secondary water for outdoor watering but are not being used at this time. The City does use the pressurized Pineview Irrigation system for watering of parks, office landscaping, and City landscaping along Highway 89.

Contacts for Secondary Water systems:
Pineview Irrigation: Dale Valcarce 1-800-750-6553
Three Mile Creek Irrigation: Paul Nelson 435 - 723-6461
Perry Irrigation Co.: Boyd Hirschi 435 - 723-5532

TABLE 2 - City-owned Water Rights

Source #	**NAME**	**Water Right #**	**CFS***	**AF****
1	Well #1	29-162	0.55	
2	Well #2	29-707	0.43	
3	Anderson Well (Well #3)	29-1192 29-1017	0.89 .957	
4	Stokes Springs	29-2869 29-3571	0.29 0.5	
5	East Bench Well (Well #4)	29-3728	3.0	
6	Nielson Well (Well #5)	29-1297	1.783	

	Walker Springs	29-3774		7.0
	Basin Springs	29-3570	0.5	

* Cubic Feet Per Second
** Acre/Feet

15.07.040. Present Water Use and Future Water Needs.

Perry City currently supplies culinary water to approximately 1425 connections. These include 1385 Residential, 1 Industrial, 35 Commercial, and 4 Institutional connections. The annual report of water delivered to these connections is approximately 187,375,000 gallons (150,000,000 gallons for Residential; 1,094,000 gallons for Industrial; 35,398,000 gallons for Commercial; and 883,000 gallons for Institutional). This would calculate to 131 gpcd (gallons per capita per day) of water use for the culinary system.

The majority of the water used within the City is supplied by four wells and one developed spring. The City has a fifth well that is currently not needed but can be put into use in the future. There are three storage reservoirs in our system with the completion of a new 1,000,000 gallon reservoir in 1999. Our water storage capacity now is approximately 1,650,000 gallons.

The City is planning to acquire additional water rights and to expand its culinary water system in the future. A new reservoir is planned for the south end of the City. The City plans to purchase at least one irrigation well from one of the local irrigation companies. The City updated its Culinary Water Master Plan (Capital Facilities Plan) and Impact Fee Ordinances in 2007, which plan and ordinances identify other planned system upgrades.

There are three sources of secondary water available to residents within Perry City. Pineview Irrigation water, administered by the Weber/Box Elder Conservation District, built a reservoir in Perry in 2002. A pressurized distribution system is now in place serving 85% of residences, with water for lawns and gardens.

Two irrigation companies have existed for many years and provide for agricultural irrigation. They are the Three Mile Creek Irrigation and the Perry Irrigation Company. The City continues to protect the access to the ditches (and assists in preventing storm water encroachment and safety problems) for both of these companies when making planning decisions.

Perry City is growing rapidly and the water connections have doubled in number over the last seven years. Population according to the 2000 Census was 2,383. It is estimated that the current population (December, 2009/ January, 2010) is around 4750. This would be close to an average increase of 250 per year. Thus, the projected population in five years (December, 2014/ January, 2015) is 6000.

Apartment complexes, condominiums and cluster housing developments have been approved and built in some areas of the City. A few years of local accelerated growth has been recently

followed by a nationwide trend in low construction rates, but it is anticipated that residential growth will start dramatically increasing again by January, 2011.

The majority of the land is still used in agriculture production, but the orchards and fields are slowly disappearing as more and more land owners are selling property to developers. Future water needs will be easily met by pumping larger quantities from existing wells and also putting other existing wells into service that are not being used at this time.

Highway 89 and Interstate I-15 run through the entire length of Perry City thus providing a large potential for population growth and economic development. Mostly undeveloped area fronts both sides of Interstate I-15 at this time. Three phases of one subdivision have been approved and partially developed for commercial development in the area (identified as "Pointe Perry"), which was annexed to Perry City in 2003.

The Pointe Perry area and the commercial property along the north boundary of the City west of Highway 89 will make up the land to be used for a much of the commercial development in the near future. One such "north boundary" area (south of 1100 South, identified as "Upland Square"), partially within Perry City and partially within Brigham City, will be at least partially developed within the next five years.

15.07.050. Overview of Water Problems and Goals.

Water Problems Identified

Several problems have been noted by the City Administration. A Committee needs to be formed to prioritize and identify any additional problems with our water system and recommend goals for addressing these problems.

- ★ Citizens lack awareness of conservation measures including xeroscaping, low water usage landscaping, water needs of various plants, and creative ways to minimize water use in the Summer months.

- ★ Billing and meter reading errors occasionally occur. The costs of doing manual meter reading and computer entry of data could be reduced.

- ★ Power Outages significantly affect the City's ability to deliver water into the system because the well pumps require electricity.

- ★ Some portions of the water system are aging and need replacement or upgrading and/or maintenance of distribution lines and hydrants.

These problems present opportunities to increase the efficiency of the operation of the Perry City Water System and create awareness of the residents to water conservation issues. The City Newsletter can be used as a monthly reminder and educational tool to give residents information about ways to conserve and protect our water resources. Automatic meter reading and computer systems need to be acquired and installed to improve efficiency. Standby generators for each of the wells need to be purchased, installed and be available in case of power outages. At the present time, there is only one well that has a standby generator. A schedule of water system upgrading, replacement and maintenance needs to be developed and implemented.

Water Conservation Goals

In pursuit of solutions to the problems identified previously, and in the light of the variety of conservation measures available to solve these problems, the following goals have been identified:

- **GOAL #1**

  Continue to Reduce the City's per capita water use rate, especially by using a "Water Conservation Committee."

  The rate is currently 131 gpcd (gallon per capita per day), and was 126 gpcd five years ago, representing a 3.7 % rate reduction over this time frame. This is only 50.4 % of the 260 gpcd State average. The goal for the next five years is to have at least another 2.5 % rate reduction (0.5 % per year).

  These rate reductions have occurred (and will continue to occur) through education, reminders in the City Newsletter, charging for "overages," and alternatives to water-intensive landscaping. A "Water Conservation Committee" will be formed to conduct research into xeroscaping, low water use landscaping, creative conservation ideas, and find ways to make the public aware and encouraged to conserve water.

- **GOAL #2**

  Increase the financial viability of the Perry City Water System, Especially by Transitioning to a "100 Per Cent Radio Read" and "Monthly Meter Read" System.

  Meeting this goal would include installation of automatic reading meters on all remaining connections. The City is in the process of achieving this goal within the next three years. The computer system for entering the meter data automatically has dramatically increased efficiency and saved money. Once all meters are "radio read," monthly meter reads will actually be less labor intensive, will save money, and will allow the city to more efficiently identify necessary improvements in the culinary water system.

  At this time, it is unknown if water is leaking from the system due to aging distribution lines or lack of maintenance, but developing a schedule of

regular upgrading of lines, replacements and maintenance would increase the system efficiency and ensure that water in the lines is not being wasted. Reading the meters more frequently would help identify any leakage that could be occurring.

- **GOAL #3**

  Continue to Replace Aging Water Lines.
  The City's 2007 Capital Facilities Plan identifies several projects which can be completed with impact fees. The City recently worked with UDOT and used over $400,000 in impact fees to upgrade 50 to 65 year old water lines along Highway 89 (which is essentially Perry City's "Main Street"). Another mile of aging water lines along Highway 89 will be replaced over the next three years.

- **GOAL #4**

  Maintain or improve the landscaping of City Property and develop a policy for planting these areas with low water use landscaping.
  The City itself should be mindful of conservation measures and set an example for the residents, with beautiful public areas that are prudently watered and planted with landscaping that will conserve water.

15.07.060. Current Conservation Practices.

Perry City has not had the problem of dealing with water shortages. Although there have been drought conditions in the area, our wells have continued to produce adequate water supplies and have the capability of providing adequate water for the projected growth. Perry City owns two wells that are not currently in use. In the winter, the system only requires the operation of one well.

Over the last few years, Perry City has implemented conservation practices in order to maintain the adequate supply of culinary water for the future and ensure that our system will be able to meet the need for additional water as the City's population increases.

The following Conservation practices have been implemented since submission of our original Water Management Conservation Plan adopted December 11, 1997:

- ❑ Completion and state acceptance of the Water Source Protection Plans for each well and spring in our system.

- ❑ Replacement of many of the water meters in our system with the automatic reading type.

- ❑ Completion of a new reservoir and a pressurized delivery system for secondary water to 85% of the residents. All new subdivisions are now required to provide

connections to this system for every lot thus saving the culinary water that was previously used for outside watering.

- ❑ As of June 1, 2001, the water rates changed to provide an incentive for residents to connect to the secondary water system and conserve culinary water. Previously the rate was $.75 per 1000 gallons for the amount over 15,000 gallons per month. The new rate that has been in effect now for eight years is $.95 per 1000 gallons for the amount over 10,000 gallons per month.

  During 2006 and 2007, aging water lines were replaced on 900 West and on Highway 89, a new emergency water connection is now in place with Brigham City which allows Perry to connect to and use Brigham City water in the event of an emergency.

With the adoption of this Water Conservation Plan, the following practices will be established (or re-established) for the Perry City Water System:

- **Water Conservation Contingency Plan**

This Plan will be implemented in the event of water supply shortages due to drought, equipment failure, political problems or natural disaster:

Level 1 - Normal Years (as defined by the drainage of the Bear River or Weber Basin)

- Eliminate watering on City property after 10:00 a.m and before 6:00 p.m.
- Initiate voluntary public conservation measures.
- Issue information to all customers on conservation procedures which can be implemented around their own property and within their own homes.

Level 2 - 75% of Normal

- Eliminate watering of City Property.
- Educate the public on the water supply reductions.
- Initiate mandatory public conservation measures.
- Enforce outside watering restrictions including watering times and quantities.

Level 3 - 50% of Normal

- Strictly enforce all conservation policies with significant fines for non-compliance
- Physically restrict water supplies to (in order of priority):
  1. All outside irrigation systems
  2. Park properties and other non-essential support facilities
  3. Commercial businesses, restricting largest users first
  4. Residential areas

5. Any other " non-life support" areas, ensuring that water supplies to hospitals and other health care facilities are maintained.

- **Water Education Program**

The following information on efficient outdoor and indoor water use is available to the residents of Perry City through occasional flyers delivered by Boy Scouts or Youth Council Members. In the future, this information will be included with the City water statement sent out on June 1st of each year with a reminder that the water meters are read at the end of June and conservation is encouraged.

Outdoor Water Use

The following are suggestions for this specific area:

- Water landscape only as much as required by the type of landscape, and the specific weather patterns of your area, including cutting back on watering times in the Spring and Fall.
- Do not water on hot, sunny, and /or windy days. You may actually end up doing more harm than good to your landscape, as well as wasting a significant amount of water.
- Sweep sidewalks and driveways instead of using the hose to clean them off.
- Wash your car from a bucket of soapy (biodegradable) water and rinse while parked on or near the grass or landscape so that all the water running off goes to beneficial use instead of running down the gutter to waste.
- Check for and repair leaks in all pipes, faucets, hoses, couplings, valves, etc.

Verify there are no leaks by turning everything off and checking your water meter to see if it is still running. Some underground leaks may not be visible due to draining off into storm drains, ditches, or traveling outside your property.

- Use mulch around trees and shrubs, as well as in your garden to retain as much moisture as possible. Areas with drip systems will use much less water, particularly when hot, dry or windy conditions exist.
- Keep your lawn well trimmed and all other landscaped areas free of weeds to reduce overall water needs of your yard.

Indoor Water Use

About two-thirds of the total water used in a household is used in the bathroom. Concentrate on reducing your bathroom water use. ***The following are suggestions for this specific area:***

- Do not use your toilet as a wastebasket. Put all tissues, wrappers, diapers, cigarette butts, etc. in the trash can.
- Check the toilet for leaks and see if the water level is too high. Put a few drops of food coloring in the tank. If the bowl becomes colored without flushing, there is a

leak.

- If you do not have a low volume flush toilet, put a plastic bottle full of sand and water to reduce the amount of water per flush. However, be careful not to conserve to the point of having to flush twice to make the toilet work. Be sure the container you are using does not interfere with the flushing mechanism.
- Take short showers with the water turned up only as much as necessary. Turn the shower off while soaping up or shampooing. Install low flow showerheads and /or other flow restriction devices.
- Do not let the water run while shaving or brushing your teeth (instead, fill the sink or use a glass).
- When doing laundry, make sure you always wash a full load or adjust the water level appropriately if your machine will do that. Most machines use 40 gallons or more for each load, whether it is two socks or a week's worth of clothes.
- Repair any leak within the household. Even a minor slow drip can waste up to 15 or 20 gallons of water a day.
- Know the location of your main water valve and be sure that it works. Shutting the water off yourself in the event of a pipe breakage or leak will not only save water, but will eliminate or minimize damage to your personal property.
- Keep a bottle of water in the refrigerator for a cold drink instead of running water from the tap until it gets cold. You are putting several glasses of water down the drain for one cold drink.
- Plug the sink when rinsing vegetables, dishes or anything else; use only a sink full of water instead of continually running the water down the drain.

15.07.070. Current Water Rates.

Determining appropriate water rates is a complex task. In 2001, the Perry City Council adopted a new rate schedule as a conservation measure. The majority of the City could be on a pressurized, secondary water system to provide for outside watering. The costs of delivering the service were estimated according to the past capital and operating expenses. A survey was done of water rates for surrounding communities to be sure our City rates were to too much different. The revenue requirements were estimated by the City Water Department and it was found that the rate change was necessary for efficient operation of the City water system as well as to encourage conservation and to use of the secondary system for outside watering.

TABLE 3 - City Water Rates

CURRENT WATER RATES (Since June 2001)
Base Charge: $15.00 / Month
Base Allocation: 10,000 Gallons / Month
Over 10,000 gal.: $.95 / Kgal

H. Additional Conservation Measures

1. COMPREHENSIVE WATER CONSERVATION PLAN
This plan has been developed for water management and conservation as required by law. The plan was adopted by the Perry City Council. The plan will be updated every five (5) years. The plan outlines conservation practices to be implemented during various stages of water shortage and contains specific goals that will reduce water use and encourage conservation.

2. UNIVERSAL METERING
Perry City will continue to work on completing the installation of automatic reading meters on all residential, commercial, institutional and industrial water connections. Meters are read three times per year, at the end of March, June and September. A maintenance and replacement program will be established for the existing meters. Upon completion of installation of automatic readers on all connections, the meters will be read every month to insure accuracy and detection of water leaks or problems.

3. WATER CONSERVATION ORDINANCES
Ordinances that follow the Best Management Practices (BMPs) that are being considered for adoption by the City Council include: time of day watering restrictions in hot weather, requirements for water efficient landscaping of commercial developments, and prohibition of "cross-connections" (with secondary water) and general waste of water.

4. SYSTEM WATER AUDITS, LEAK DETECTION AND REPAIR
Standards for annual water system accounting that will quantify any system losses are being considered for adoption. These standards need to be set and specific goals need to be determined for the detection of leakage and the repair and/or replacement of any faulty parts in the system. More frequent reading of meters as stated in Number 2, will aid in leak detection.

5. OTHER BMP'S (Best Management Procedures)
Applicable to Perry City Water System
Perry City could benefit from the adoption of other measures that would ensure the continuation of adequate water resources:

A. Large landscape conservation programs & incentives
B. Water survey programs for residential customers

C. Public information programs / school education programs
D. Adoption of Plumbing standards

15.07.080. Cost Analysis.

Perry City will strive to reach all goals of this plan as well as implement the Best Management Practices herein discussed as far as possible and practical with the small water system we have. Perry City does not have to purchase any water in order to fulfill the culinary water requirements of its residents. The basic cost savings would be in the improvement of efficiency of operation to save labor cost of repairs or replacements in the system. It is difficult to estimate these savings of costs. The residents are the ones who will directly benefit in cost savings by using less water. The City could potentially lose revenue as each resident reduces their use of water. Perry City already has a low amount of per capita usage due to the extensive availability of secondary water for outside watering.

Cost of Reaching GOAL #1

Costs would be minimal for reaching this goal. The City Newsletter is already being sent to all residents. The cost would only include the paper and the labor to write the material and make copies. Any committee formed to do research would serve on a volunteer basis but could utilize a small budget for the dissemination of information gathered. The water system will require funds for upgrading, maintenance, and replacements of lines and equipment, along with labor to do the inspection and installation of the replacements. These costs are unknown. It is also unknown to what extent there is a problem with leakage or faulty equipment.

Cost of Reaching GOAL #2

There are approximately 500 households needing replacement of water meters to the automatic reading type. These meters cost approximately $120.00 which would be $60,000. The cost of labor to do the change would be approximately $20.00 to $25.00 per meter. This would equal between $10,000 and $12,500. The computer software has already been purchased which will save extensive labor costs to enter the data into the computer. The labor cost saved by the significant reduction in the time it will take to read the meters should also be included but is unknown. The advantage of changing the meters would be in the efficiency of the system which will make it more cost effective. The accuracy of the readings and data entry would greatly improve with the automated system thus contributing to efficiency.

Cost of Reaching GOAL #3

As mentioned above, the water system will require funds for upgrading, maintenance, and replacements of lines and equipment, along with labor to do the inspection and installation of the replacements. These costs are unknown. It is also unknown to what extent there is a problem with leakage or faulty equipment.

Cost of Reaching GOAL #4

The landscaping of City areas will not be changed to meet this goal. But, in the future, as the City develops new public areas, the City maintenance department will only plant landscaping that will conserve water utilizing the benefit of information from the committee formed in Goal #1. The Perry City administration will instruct maintenance personnel in the Best Management Practices and supervise the personnel properly to see that these practices are implemented for the maximum conservation of water. These measures would not significantly increase costs of operating the system but would result in water savings.

Perry City's plan for reaching each of these goals involves mostly minimal costs to the City (but with some expensive system upgrades), while at the same time conserving water. It is difficult to determine any avoided costs, capital costs or annual costs for the accomplishment of any of these goals. The net benefit is also very difficult to measure in terms of money. There certainly will be tangible benefits for the saving of water but the exact amount is unknown.

15.07.080. Implementing and Updating the Water Conservation Plan.

To ensure that the goals outlined above are reached, appropriate tasks must be determined, responsibility must be fixed with the logical person or department, and a time line must be set for the completion of each task. The Water Conservation Committee will be organized according to Goal #1. The time set for completion of this task will be April 30, 2010.

The implementation of this plan will be under the direction of the Water Superintendent (who shall be the "Water Conservation Coordinator"). He/ she will report to the City Administrator, organize the Water Conservation Committee, and become the liaison between the Committee and the City Council. It will be his/her responsibility to work with the Public Works Director to place funds in the budget to be used by the Committee for the implementation of any measures it deems necessary (as approved by the City Council). At this time, the budget for water includes the funds needed to maintain the water system and to continue the project of replacing old meters with automatic reading meters.

The City Administration will have the responsibility to monitor and evaluate the progress of the implementation of the Water Conservation Plan. As part of his regular report to the City Council, the Water Superintendent will keep the Council informed of the progress in implementation of the suggestions made by the Water Conservation Committee and the accomplishment of the goals specified in this plan.

The Water Conservation Plan will be updated, revised, and resubmitted (to the Utah Division of Water Resources), as required by law and by changing conditions and needs. This plan will also be updated and in September 2009, as required by legislative House Bill 153.

Approval of the Plan.
This Water Conservation Plan was administratively approved by the Mayor, the City Administrator, and the Water Superintendent on December 31, 2009, and was approved by ordinance (after final discussion), by the City Council, on January 14, 2010.

The City Council (as of January, 2010) is comprised of:

Jerry Nelson, Mayor
Tom Peterson, Council Member
Boyd Malan, Council Member
Marci Satterthwaite, Council Member
Bill Walker, Council Member
Karen Cronin, Council Member

Other City Officials (as of January, 2010) are:

Duncan Torr Murray, City Administrator
Paul Nelson, Public Works Director and Water Superintendent

Appendix.
A map of Perry City, Utah, that is covered by this Plan, with the water sources located, is attached as ***Appendix A.***

Chapter 15.11.
POWER TO ADOPT ADDITIONAL REGULATIONS: PENALTIES

15.11.010. Power to Adopt Additional Regulations.
15.11.020. Penalties.

15.11.010. Power to Adopt Additional Regulations.
The City Council shall have power and retains the right to adopt additional regulations controlling the manner and circumstances under which the water system may be used in addition to the regulatory provisions set forth expressly in this Ordinance. Such regulatory provisions may include regulations relating to the manner in which excavations shall be made for purposes of making the connections or repairs to the water service lines which may necessitate excavations on or near and under sidewalks and public ways.

15.11.020. Penalties.
Any person violating any of the provisions of this Ordinance for which a penalty is not otherwise specifically prescribed, shall be deemed guilty of a misdemeanor and may be punished by a fine in an amount of no more than $299.00.

Legislative History

Previous Ordinance passed and adopted: 8/26/94.
15.02.030, Subsection 7 amended and Subsection 8 added: 9/26/02.
New application form approved and adopted as part of Sections 15.02.010, 15.02.025, and 15.02.040, and other minor changes referencing new fee schedules, etc., on 7/10/08, etc.
New numbering system and codification into Perry Municipal Code: 12/11/2008.
Added Chapter 15.07 (Water Conservation Plan): 01/14/2010
Water Source Protection Ordinance, approved on Ordinance 94-01 on January 27, 1994, codified into the 2010 Perry Municipal code as Chapter 15.06 (and the prior Chapter 15.06 regarding additional regulations and penalties renumbered as Chapter 15.11): 01/13/2011.

Title 16, A Public Service Ordinance
WASTEWATER

Chapter 16.01 PURPOSE AND BASIC CONDITIONS FOR THIS ORDINANCE
Chapter 16.02. CONNECTIONS
Chapter 16.03. REQUIREMENTS
Chapter 16.04. REGULATIONS
Chapter 16.05. INSPECTIONS
Chapter 16.06. PRETREATMENT
Chapter 16.07. BACKFLOW AND CROSS-CONNECTIONS
Chapter 16.08. FEES, RATES, AND PENALTIES

Chapter 16.01
PURPOSE AND BASIC CONDITIONS FOR THIS ORDINANCE

16.01.010. Declaration of Policy.
16.01.020. State Law in Relation to Cities.
16.01.030. Superintendent.
16.01.040. Conditions and Charges for Discharge into Public Sewers.
16.01.050. Opening Manhole.
16.01.060. Maintenance.

16.01.010. Declaration of Policy.
The Council has caused a survey to be made of sanitary conditions within the City, including the geological aspects in relation to industrial, business and residential establishments as the same affect the health and welfare of the inhabitants of the City, and has determined and does hereby determine and require that is necessary for the protection of the public health that owners of improved property within the City be required to connect their industrial, business and residential establishments to the sewer system and to cease to use all other methods of sewage disposal, if such establishments are capable of being served by and through the municipal sewer system.

16.01.020. State Law in Relation to Cities.
For state law as to powers of cities with respect to sewers, see *Utah Code Annotated*, 1953, Section 10-8-38.

16.01.030. Superintendent.
The following regarding the position of Superintendent:

1. The entire sewer system shall be under the immediate care, supervision, and control of the Superintendent of Sewers who shall be appointed by the Mayor and confirmed by the City Council.
2. The Superintendent of Sewers is hereby charged with the duty of enforcing this chapter.

16.01.040. Conditions and Charges for Discharge into Public Sewers.

The admission into the public sewers of any waters or wastes having:

1. a five (5) day biochemical oxygen demand (B.O.D.) greater than three hundred (300 ppm) parts per million by weight; or
2. containing more than three hundred fifty (350ppm) parts per million by weight of suspended solids; or
3. containing any quantity of substances having the characteristics prescribed in this Section or having an average daily flow greater than two (2%) percent of the average daily flow of the main outfall sewer line serving area, shall subject the owner or applicant for sewer service to the following conditions before receiving approval therefore of the City Council:
    a. Where necessary in the opinion of the City Council, the owner shall provide, at his expense, such preliminary treatment as may be necessary to reduce the B.O.D. to three hundred parts per million and the suspended solids to three hundred fifty parts per million, by weight, or reduce objectionable characteristics of constituents to within the maximum limits provided for in this Section, or control, within acceptable limitations hereinabove prescribed, the quantities and rates of discharge of such waters or wastes. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the City Council and of the water pollution control commission of the state, and no construction of such facilities shall be commenced until such approvals are obtained in writing.
    b. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner, at his expense.
    c. Where the strength of any waters or waste exceeds three hundred parts per million by weight of B.O.D. of three hundred fifty parts per million by weight of suspended solids or one hundred parts per million by weight of other extractable matter, a daily fee shall be charged for each one hundred pounds of such excess, or fractional part thereof, in the amount fixed by the City Council from time to time by resolution. Such fee shall be paid by the owner monthly until such time as the City Council is notified that preliminary treatment facilities have been provided by the owner, or that other proper steps to insure compliance with this Section that have been established. At that time the City Council or its authorized representative shall inspect facilities and cause to have new samples tested at owner's expense to determine the extent of effectiveness, at which time charges to comply with the condition of such wastes will then be made.
    d. When required by the City Council, the owner of any property served by a building sewer lateral carrying industrial wastes shall install a suitable control manhole in the building sewer lateral to facilitate observation, sampling and measurement of wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City Council. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.
    e. All measurements, tests and analysis of the characteristics of waters and wastes to which

reference is made in any of the foregoing sections shall be determined in accordance with "Standard Methods for the Examination of Water and Sewage" and shall be determined at the control manhole samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

f. The City Council or other duly authorized employees of this City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurements, sampling and testing, in accordance with the provisions of this section.

16.01.050. Opening Manhole.

It shall be unlawful for any person to open any sewer manhole without the permission of the Superintendent of Sewers.

16.01.060. Maintenance.

Property owners are responsible for maintenance from the connection on the main line to point of usage. The City may accept responsibility for pipe breakage or other unusual circumstances but is not responsible for repair or maintenance from clogs, etc. Perry City will not be held liable for damage to shrubs, lawns, driveways, sidewalks, etc. in repair of maintenance of a sewer line. All users of the sewer services shall keep their service pipes, connections, and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of the Sewer Superintendent, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main. For rules and regulations regarding connection lines, see Chapter16.02.

Chapter 16.02.
CONNECTIONS

16.02.010. Permit for Sewer Connection Required: to be Kept on Premises: Exhibition.
16.02.020. Sewer Connection Application for Permit: Grant of Permit.
16.02.030. Sewer Connection Designation of Grade: Plat of Connection.
16.02.040. Inspection of Connections.
16.02.050. Connections to Intercepting Sewer when Fixtures are Lower than Sewer Elevation.
16.02.060. To Whom Permits for Sewer Connections are Issued.
16.02.070. Plumbing in House or Building for which Sewer Connection Permit Sought.
16.02.080. Joint Sewer Connections.
16.02.090. Junction of Pipes.
16.02.100. Required Connections with Sewer: 300 Feet Rule.
16.02.110. Ownership of Connecting Lines.
16.02.120. Inside of Drain: Dead Ends.
16.02.130. Backfilling.

16.02.010. Permit for Sewer Connection Required: to be Kept on Premises: Exhibition.
The following regarding permits for sewer connections:

1. It shall be unlawful for any person to commence or carry on the work of laying, repairing, altering or connecting any sewer pipe with the public sewer without first having a permit to do so from the Superintendent of Sewers. Such permit must be on the premises during the whole time the work is in progress and must be exhibited, upon a request, to the Superintendent or his authorized agent.
2. It shall be unlawful for any person to connect or attach any private drain or house connection directly or indirectly with the public sewer without having first received the regular permit from the Superintendent of Sewers.

16.02.020. Sewer Connection Application for Permit: Grant of Permit.
The application for a permit for a sewer connection must be made in writing by the owner of the premises or his authorized agent and must be accompanied by plans showing the cause of the connection, its size and the size and location of all branches to be connected. The application and plans together with the connection fee as hereinafter provided for, shall be deposited with the City treasurer and when approved by the Superintendent of Sewers and/or the City Engineer shall be granted, subject to the provisions of this chapter.

16.02.030. Sewer Connection Designation of Grade: Plat of Connection.
All sewer connections shall be put into line on grades designated by the Superintendent of Sewers or the City Engineer, who shall prepare a plat of each connection and file such plat in the office of the Superintendent.

16.02.040. Inspection of Connections.
All house connections to the sewer shall be inspected by the sewer inspector and work not approved by him shall be rectified without delay before the backfilling shall be done. No certificate of inspection shall be issued until the work is entirely satisfactory.

16.02.050. Connections to Intercepting Sewer when Fixtures are Lower than Sewer Elevation.
No permit shall be issued for nor shall any connection be made with what is known as the intercepting sewer where the fixtures in the house or the property so to be connected to such sewer are lower than the present elevation of the sewer in which the connection is to be made. Individual home pumping stations would be acceptable.

16.02.060. To Whom Permits for Sewer Connections are Issued.
The following regarding to whom permits for sewer connections are issued:

1. All permits for sewer connections shall be issued to the state licensed contractor who is qualified under state license law to do the work.
2. The Superintendent of Sewers may at any time revoke a permit for a sewer connection on account of defective work or material.

16.02.070. Plumbing in House or Building for which Sewer Connection Permit Sought.
Permits to connect with the public sewer shall not be issued unless the plumbing in the house or building

to be connected is in accordance with the provisions of all ordinances of the City relating thereto.

16.02.080. Joint Sewer Connections.
Each separate building or premises shall have a separate connection to the main line sewer, except only in cases where it is impracticable, and then only on special permission granted by the Council upon the recommendation of the Sewer Superintendent. No special permission shall be granted by the Council unless and until the owner of each building or premises to be thus connected shall grant to and receive from every other owner perpetual easements and rights of way which shall be properly recorded across and upon each of the premises involved for the purpose of constructing and maintaining each separate connection, and shall covenant and agree as a part of such right of way or easement, so that the same shall be a covenant appurtenant to and running with the land, that each owner will bear and pay his proportionate share for the maintenance and repair of the connection whether the expenditure, maintenance or repair becomes necessary upon his own premises or the premises with which he is connected.

16.02.090. Junction of Pipes.
Unless otherwise directed in the permit, all private sewer or house drains must be connected with junction pipes, slants or wyes, laid in the sewer during construction. The connection point with the sewer must first be located before opening the trench for the rest of the work. All trenches must be of sufficient width and opened in such a manner as to admit of easy inspection and all connections with the public sewer must be made in the presence of the inspector. In all cases where there is one junction piece, slant or wye in the sewer at the point where connection is to be made, the opening of the sewer and the making of such connection must be in strict accordance with the permit and under the supervision of the Superintendent of Sewers.

16.02.100. Required Connections with Sewer: 300 Feet Rule.
It is hereby expressly provided that it shall be unlawful for the owner or other person having charge of or occupying any property upon which a building shall have been or is being constructed for residential, commercial or industrial use, any part of which building is within three hundred (300’) feet of any sewer then in existence and used in the City, to construct or permit to be constructed or to use or permit to be used any privy vault, septic tank or cesspool connected with such building. Each such owner or other person shall, within ninety days after having been given notice by the City that an accepted a public sewer is ready to receive connections therewith, cause such building to be connected with such sewer and it shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause or permit to exist any privy vault, septic tank or cesspool to which such building is connected or which is used by the occupant thereof. Whenever an accepted public sewer is available to receive connections therewith, the Superintendent of Sewers shall cause appropriate notice to be served upon the owner, agent or other person having charge of or occupying all property coming within the scope of this section that such public sewer is ready to receive connections therewith and that all plumbing must be connected with such sewer.

16.02.110. Ownership of Connecting Lines.
unless provision is expressly made for ownership of mains or lines by owner of the adjacent property by

means of a written agreement, all lines and mains connecting the sewer system to a land owner or resident's premises which are situated on the public way between the main and the property line shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises.

16.02.120. Inside of Drain: Dead Ends.
All drains connected with the public sewer must be left smooth and perfectly clean on the inside and all dead ends must be securely stopped by brick and cement or other watertight and imperishable materials.

16.02.130. Backfilling.
All sewer connections shall be backfilled around and over the pipe for a depth of two feet with fine material carefully tamped. The remainder of the backfilling shall be completed with good material, well tamped or settled with water as may be directed.

Chapter 16.03.
REQUIREMENTS

16.03.010. Settling Tanks.
16.03.020. Pipe Requirements.
16.03.030. Changes in Direction.
16.03.040. Manner of Making Excavations.
16.03.050. Variation from Provisions of This Chapter.

16.03.010. Settling Tanks.
The discharge of contents of waste pipes from water filters, gas engines, soda water fountains, air compressors, vacuum or dry cleaners, garages, stores or warehouses containing inflammable oils, car barns, carriage houses, laundries, buildings for the stabling and keeping of horses, cows or other animals, and all similar establishments shall not be made into or connected with a public sanitary sewer, unless such contents are discharged into a settling tank properly trapped and vented. Such tanks shall be of construction approved by the Superintendent of Sewers and to be at all times subject to his inspection and condemnation.

16.03.020. Pipe Requirements.
The following pipe requirements:

1. Joints: Any private drain with the public sewer of the City except upon full compliance with the provisions of this chapter.
2. All drain pipes shall not be less than four (4") nor more than six (6") inches internal diameter and from the house or building to a point five (5') feet outside the wall or foundation thereof shall be of cast iron or PVC and from that point to the main sewer connection may be either cast iron, PVC, or concrete pipe, at the option of the owner of the premises with which the sewer connection is to be made.

3. The cast-iron or PVC pipe shall be sound, free from holes or cracks and without traps, valves or other obstructions which might prevent or retard the free passage of air or sewage.
4. Four (4”) inch diameter standard cast-iron soil pipe will be acceptable. Larger or heavier pipe may be used or required when conditions warrant its use.
5. In the use of five or six iron pipe the corresponding standards may be used and all fittings used in connection with any of the above sizes shall correspond with it in weight and quality.
6. All joints shall be rubber gasket sealed unless otherwise approved by the Superintendent of Sewers.
7. All pipe shall be laid in a firm bed, true to the line and grades by the City Engineer, on a uniform grade not less than 1. 8 feet per one hundred feet for four inch pipe and not less than 0.8 feet per one hundred feet of six inch pipe. Variation from these grades must be approved by the Superintendent of Sewers and/or the City Engineer.

16.03.030. Changes in Direction.

All changes in direction must be made by the use of appropriate fittings approved by the Superintendent of Sewers.

16.03.040. Manner of Making Excavations.

In excavating the sewer trench, bell holes must be dug under all bell ends of the pipe so that all joints can be easily made and examined. All work that may be necessary shall be done to keep the trench and sewer free from surface or ground water during the process of the work. In wet trenches, a channel shall be kept open on one side to conduct the water to a pump, where it shall be pumped or drained off, and no water shall be allowed to enter the sewer any time during the construction. Whenever necessary, the trench shall be properly timbered to prevent the sides from caving in. No tunneling shall be allowed except where absolutely necessary and then only by permission of the Superintendent of Sewers. All gas and water pipes and other conduits encountered shall be carefully supported and protected from injury until the backfilling is completed. If the sewer trenches pass through any cesspool or other pit, the pipe shall be satisfactorily supported. No paved street or other improved surface shall be disturbed until a deposit shall have been made with the City Treasurer to cover the cost of repairing the same. All portions of the street excavated shall be put in as good condition as before. Sewer excavations must also meet the requirements of Perry City Standard Works.

16.03.050. Variation from Provisions of This Chapter.

Any variation from the provisions of this chapter shall be made only upon the written order of the Sewer Superintendent.

Chapter 16.04.
REGULATIONS

16.04.010. Injuring Sewer Appliance or Appurtenance.
16.04.020. Prohibited Substances in Sewers.
16.04.030. Discharge of Dangerous or Harmful Substances into Public Sewers: Enumeration of Restricted Substances.
16.04.040. Discharging Rain Water, etc. into Sanitary Sewer: Overflow from Blow-off Boilers.
16.04.050. Distance of Other Pipes from Sewer.
16.04.060. Construction of Drain Under Council Regulations.
16.04.070. Destruction.

16.04.010. Injuring Sewer Appliance or Appurtenance.

The following regarding sewer appliances and appurtenances:

1. It shall be unlawful for any person to willfully injure, break or remove any part or portion of any sewer appliance or appurtenance.
2. It shall be unlawful for any person to maintain or allow to grow any tree, shrub or bush on his property within such proximity of the City sewer lines that the root thereof enter into or displace such sewer line. Each day such condition is allowed to exist after notice has been given to the owner thereof shall be a separate offense. The maintenance of or the allowing to grow of such trees, shrub or bush is hereby declared to be a nuisance and the City shall have the right to abate the same by the removal or destruction of said tree, shrub, or bush.

16.04.020. Prohibited Substances in Sewers.

It shall be unlawful for any person to empty or discharge into the public sewer any garbage, refuse or other similar matter or anything likely to obstruct the sewer system or to discharge into the sewer any inflammable gas, gasoline, oil or petroleum by-products or any calcium carbide or residue there from or any other matter which, by chemical reaction, shall become dangerous to health, life or property or any liquid or other material or substance which will evolve an inflammable gas when in contact with water, sewage or fire. Oil separators installed in any buildings where volatile fluids are used must not be connected directly with the sewer.

16.04.030. Discharge of Dangerous or Harmful Substances into Public Sewers: Enumeration of Restricted Substances.

Except as hereinafter provided, no person or owner or applicant for sewer service shall discharge or cause to be discharged any of the following described waters, or waste to any public sewers:

1. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit.
2. Any water or waste which may contain more than one hundred parts per million, by weight, of fat, oil or grease.
3. Any garbage that has not been properly shredded.
4. Any ashes, cinders, sand, mud, straw, shavings, metal glass, rags, feathers, tar plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow

in sewers or other interference with the proper operation of the sewage works and sewage treatment plant.

5. Any waters or wastes having a pH lower than five point five or higher than nine point zero, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works or sewage treatment plant.
6. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.
7. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
8. Any noxious or malodorous gas or substance capable of creating a public nuisance.

16.04.040. Discharging Rain Water, etc. into Sanitary Sewer: Overflow from Blow-off Boilers.
It shall be unlawful for any person to connect with a public sanitary sewer any drain or pipe which discharges rain water, ground water, cellar or surface water or the contents of any spring, flowing well, creek, ditch or other from blow-off boilers or heating plants shall not be permitted to enter a sewer at a temperature above one hundred and twenty degrees Fahrenheit.

16.04.050. Distance of Other Pipes from Sewer.
It shall be unlawful for any person to lay any gas or water pipe or other conduit vertically above a public sewer, in the trench in which such sewer has been laid, or within three feet horizontally from such sewer or from the trench in which it has been laid.

16.04.060. Construction of Drain Under Council Regulations.
It shall be unlawful for any person to construct any private drain connection with the public sewer, of any length except under such regulations and restrictions, as may be prescribed by the Council in each instance.

16.04.070. Destruction.
It shall be unlawful for any person to destroy, deface, injure, or interfere with the operation of nay part or appurtenance of the sewer service. Persons found guilty of such destruction shall be deem guilty of a misdemeanor.

Chapter 16.05.
INSPECTIONS

16.05.010. Inspection.
16.05.020. Work Done Without Inspection.
16.05.030. Failure to Remedy Defective Work.
16.05.040. Use of Licensed Plumber's Name.

16.05.010. Inspection.
The following regarding sewer inspections:

1. The inspection of sewer connections between the main sewer and five (5') feet outside of the building line shall be under the direction of the Superintendent of Sewers. He shall be notified at least four hours in advance by the plumber that the connection is complete and ready for inspection. The entire length of the sewer connection, including to wye at the main sewer, if there be one, shall be fully exposed.
2. No backfilling shall be done until the inspection is made and the work is accepted. If any portion of the work is not done in accordance with this chapter and the instructions of the Superintendent of Sewers, or his inspector, it shall be rectified promptly.

16.05.020. Work Done Without Inspection.
Work done without notice to inspect or without inspection shall be treated as defective work and shall be condemned and uncovered and re-laid, if necessary, to the grade given by the Sewer Superintendent and inspected by the proper officer upon the proper permits being taken out by a duly licensed plumber, the expense for the same to be borne by the property owner. The license of the plumber or drain layer of such defective work shall be revoked.

16.05.030. Failure to Remedy Defective Work.
No permit shall be issued to any licensed plumber or contractor during the time that he shall fail to remedy any defective work, after he has been notified that he has been held responsible therefore under this chapter.

16.05.040. Use of Licensed Plumber's Name.
No licensed plumber shall allow his name to be used by any person or party, directly or indirectly, either for the purpose of obtaining a permit or to do any work under his license.

Chapter 16.06.
PRE-TREATMENT

16.06.010. Preamble.
16.06.020. Purpose and Policy.
16.06.030. Administration.
16.06.040. Definitions.
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16.06.090. Hauled Wastewater.
16.06.100. Wastewater Analysis.
16.06.110. Wastewater Discharge Permit Requirement.
16.06.120. Wastewater Discharge Permitting: Existing Connections.
16.06.130. Wastewater Discharge Permitting: New Connections.
16.06.140. Wastewater Discharge Permit Application Contents.
16.06.150. Application Signatories and Certification.
16.06.160. Wastewater Discharge Permit Decisions.
16.06.170. Wastewater Discharge Permit Duration.
16.06.180. Wastewater Discharge Permit Contents.
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16.06.200. Wastewater Discharge Permit Modification or Revocation.
16.06.210. Wastewater Discharge Permit Transfer.
16.06.220. Wastewater Discharge Permit Reissuance.
16.06.230. Right of Entry: Inspection and Sampling.
16.06.240. Confidential Information.
16.06.250. Notification of Violation.
16.06.260. Consent Orders.
16.06.270. Show Cause Hearing.
16.06.280. Compliance Orders.
16.06.290. Cease and Desist Orders.
16.06.300. Administrative Fines.
16.06.310. Emergency Suspensions.
16.06.320. Termination of Discharge.
16.06.330. Injunctive Relief.
16.06.340. Remedies Nonexclusive.
16.06.350. Severability.

16.06.010. Preamble.

The following preamble for this Chapter:

1. The City Council of Perry City, a municipal corporation of the State of Utah, has determined that the health, welfare, and safety of the City require the adoption of a pretreatment ordinance to regulate the discharge of wastewater into the City's Sewer System.
2. The City is authorized under the Utah Municipal Code (Title 10 of the *Utah Code Annotated*) to construct and regulate sewage works, waterworks, and water treatment plants for the benefit of the residents of the City.

16.06.020. Purpose and Policy.

The objectives of this Ordinance are:

1. To prevent the introduction of pollutants into the City's Sewer System that will interfere with its operation;
2. To prevent the introduction of pollutants into the City's Sewer System that will pass through the City's Sewer System, inadequately treated into receiving waters, or otherwise be incompatible with the City's Sewer System;
3. To protect both City's personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
4. To promote reuse and recycling of industrial wastewater and sludge from the City's Sewer System; and
5. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the City's Sewer System.

This pretreatment ordinance applies to all users of the City's Sewer System. This pretreatment ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established in this pretreatment ordinance.

16.06.030. Administration.

Except as otherwise provided in this pretreatment ordinance, the Wastewater Facility Manager (also referred to as "Facility Manager") will administer and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the Facility Manager may be delegated by the Facility Manager to other City personnel.

16.06.040. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this ordinance, have the following meanings.

1. Authorized Representative of the User.
   a. If the user is a corporation: the president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.
   b. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

c. If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
d. The individuals described in paragraphs a through c above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the user, and the written authorization is submitted to the City.

2. City: Perry City, Utah.
3. Indirect Discharge or Discharge: The introduction of pollutants into the City's Sewer System from any nondomestic source.
4. Interference: A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the City's Sewer System, its treatment processes or operations or its sludge processes, use or disposal.
5. Medical Waste: Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
6. Pass Through: A discharge which exits the City's Sewer System into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of this ordinance.
7. Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns.
8. pH: A measure of the acidity or alkalinity of a solution, expressed in standard units.
9. Pollutant: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, turbidity, color, toxicity, or odor).
10. Pretreatment: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the City's Sewer System. This reduction or alteration may be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
11. City's Sewer System: Any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.
12. Septic Tank Waste: Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
13. Sewage: Human excrement and gray water (household showers, dishwashing operations, etc.).
14. Slug Load or Slug: Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 16.06.050 of this Ordinance.

15. Storm Water: Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
16. Suspended Solids: The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.
17. User or Industrial User: A source of indirect discharge.
18. Wastewater: Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the City's Wastewater System.
19. Wastewater Treatment Plant or Treatment Plant: That portion of the City's Wastewater System which is designed to provide treatment of municipal sewage and industrial waste.

16.06.050. Prohibited Discharge Standards.

The following prohibited discharge standards and definitions:

1. General Prohibition: No user may introduce or cause to be introduced into the City's Sewer System any pollutant or wastewater which causes pass through or interference. This general prohibition applies to all users of the City's Sewer System whether or not the user is subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
2. Specific Prohibitions: No user may introduce or cause to be introduced into the City's Sewer System the following pollutants, substances, or wastewater:
3. Pollutants which create a fire or explosive hazard in the City's Sewer System, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees Fahrenheit using the test methods specified in 40 CFR 261.21;
4. Wastewater having a pH less than 6.0 or more than 9.0 or otherwise causing corrosive structural damage to the City's Sewer System or equipment;
5. Solid or viscous substances in amounts which may cause obstruction of the flow in the City's Sewer System resulting in interference, but in no case solids greater than 0.5 inches in any dimension;
6. Pollutants, including oxygen-demanding pollutants, released in a discharge at a flow rate or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the City's Sewer System;
7. Wastewater having a temperature greater than 150 degrees Fahrenheit, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit;
8. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that may cause interference or pass through;
9. Pollutants which may result in the presence of toxic gases, vapors, or fumes within the City's Sewer System in a quantity that may cause acute worker health and safety problems;
10. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
    a. Wastewater which imparts color which cannot be removed by the treatment process;

b. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

11. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Facility Manager.
12. Sludges, screenings, or other residues from the pretreatment of industrial wastes;
13. Medical wastes, except as specifically authorized by the Facility Manager in a wastewater discharge permit;
14. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
15. Detergents, surface-active agents, or other substances which may cause excessive foaming in the City's Sewer System; or
16. Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/L.
17. Pollutants, substances, or wastewater prohibited by this section may not be processed or stored in a manner that they could be discharged into the City's Sewer System.

16.06.060. Dilution.

No user may ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by the Facility Manager.

16.06.070. Pretreatment Facilities.

Each user must provide wastewater treatment as necessary to comply with this ordinance. Any facilities necessary for compliance will be provided, operated, and maintained at the user's sole expense. Detailed plans describing pretreatment facilities and operating procedures must be submitted to the Facility Manager for review, and must be acceptable to the Facility Manager before the facilities are constructed. The review of plans and operating procedures will in no way relieve the user from the responsibility of modifying a facility as necessary to produce a discharge acceptable to the City under the provisions of this ordinance.

16.06.080. Accidental Discharge/Slug Control Plans.

At least once every two (2) years, Perry City will evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Facility Manager may require any user to develop, submit for approval, and implement an accidental discharge/slug control plan. Alternatively, the Facility Manager may develop a plan for any user. An accidental discharge/slug control plan must address, at a minimum, the following:

1. Description of discharge practices, including non-routine batch discharges;
2. Description of stored chemicals;
3. Procedures for immediately notifying appropriate officials of any accidental or slug discharge; and
4. Procedures to prevent adverse impact from any accidental or slug discharge, including but not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment

structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

16.06.090. Hauled Wastewater.

The following regarding hauled wastewater:

1. Septic tank waste may be introduced into the City's Sewer System only at times and locations designated by the City. The City may require septic tank waste haulers to obtain a wastewater discharge permit.
2. The City shall require haulers of industrial waste to obtain wastewater discharge permits. The City shall require generators of hauled industrial waste to obtain wastewater discharge permits. The City also may prohibit the disposal of hauled wastewater.
3. Wastewater haulers may discharge loads only at locations designated by the City. No load may be discharged without prior consent of the City. The City may collect samples of each hauled load to ensure compliance with this ordinance. The City may require the industrial waste hauler to provide a waste analysis of any load prior to discharge. Industrial waste haulers must provide a waste-tracking form for every load. That form must include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form must identify the type of industry, known or suspected waste constituents, and whether any wastes are hazardous wastes.

16.06.100. Wastewater Analysis.

When requested by the City, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Facility Manager is authorized to prepare a form for this purpose and may periodically require users to update this information.

16.06.110. Wastewater Discharge Permit Requirement.

The following regarding wastewater discharge permit requirements:

1. No significant industrial user may discharge wastewater into the City's Sewer System without first obtaining a wastewater discharge permit from the City, except that a significant industrial user that has filed a timely application pursuant to Section 16.06.120 of this Ordinance may continue to discharge for the time period specified.
2. The City may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
3. Any violation of the terms and conditions of a wastewater discharge permit will constitute a violation of this Ordinance.

16.06.120. Wastewater Discharge Permitting: Existing Connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the City's Sewer System prior to the effective date of this ordinance and who wishes to continue discharging in the future, must, within sixty (60) days after the effective date of this ordinance date, apply to the Facility Manager for a wastewater discharge permit in accordance with Section 16.06.140 of this ordinance, and may not cause or allow discharges to the City's Sewer System to continue more than thirty

(30) days after the effective date of this ordinance except in accordance with a wastewater discharge permit issued by the City.

16.06.130. Wastewater Discharge Permitting: New Connections.
Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the City's Sewer System must obtain a permit prior to the beginning or recommencing of discharge. An application for this wastewater discharge permit, in accordance with Section 16.06.140 of this ordinance, must be filed at least thirty (30) days before the date upon which any discharge will begin or recommence.

16.06.140. Wastewater Discharge Permit Application Contents.
Each user required to obtain a wastewater discharge permit must submit a permit application. The City may require all users to submit as part of an application the following information:

1. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the City's Sewer System;
2. Number and type of employees, hours of operation, and proposed or actual hours of Operation;
3. Each product produced by type, amount, process or processes, and rate of production;
4. Type and amount of raw materials processed (average and maximum per day);
5. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
6. Time and duration of discharges; and
7. Any other information as may be deemed necessary by the Facility Manager to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

16.06.150. Application Signatories and Certification.
Each wastewater discharge permit application and user report must be signed by an authorized representative of the user.

16.06.160. Wastewater Discharge Permit Decisions.
The Facility Manager will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the City will determine whether or not to issue a wastewater discharge permit. The Facility Manager may deny any application for a wastewater discharge permit.

16.06.170. Wastewater Discharge Permit Duration.
A wastewater discharge permit will be issued for a specified time period, at the City's discretion, but in no event will the permit be effective for more than five years from the effective date of the permit. Each wastewater discharge permit will indicate a specific date upon which it will expire.

16.06.180. Wastewater Discharge Permit Contents.
A wastewater discharge permit may include such conditions as are deemed reasonably necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the City's Sewer System.

16.06.190. Wastewater Discharge Permit Appeals.
The City will provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance. The following regarding this Section:

1. Failure to submit a timely petition for review will constitute a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit will not be stayed pending the appeal.
4. If the City fails to act within sixty (60) days, a request for reconsideration will be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit are considered final administrative actions for purposes of judicial review.
5. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the First Judicial District Court for Box Elder County, Utah.

16.06.200. Wastewater Discharge Permit Modification or Revocation.
The City may modify or revoke a wastewater discharge permit for good cause.

16.06.210. Wastewater Discharge Permit Transfer.
Wastewater discharge permits may be transferred to a new owner or operator only if the current permit holder gives at least sixty (60) days advance notice to the City and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur; and
3. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

16.06.220. Wastewater Discharge Permit Reissuance.
A user with an expiring wastewater discharge permit must apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 16.06.140 of this ordinance, a minimum of ninety (90) days before the expiration of the user's existing wastewater discharge permit.

16.06.230. Right of Entry: Inspection and Sampling.

The City has the right to enter the premises of any user to determine whether the user is complying with all requirements of this ordinance and any wastewater discharge permit. Users must allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The following is also included:

1. If a user has security measures in force which require proper identification and clearance before entry into its premises, the user must make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities.
2. The City has the right to set up on the user's property, or require installation of, devices that are necessary to conduct sampling and metering of the user's operations.
3. The City may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment will be maintained at all times in a safe and proper operating condition by the user at its own expense.
4. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected or sampled must be promptly removed by the user at the written or verbal request of the City and must not be replaced. The costs of clearing access will be born by the user.
5. Unreasonable delays in allowing the City access to the user's premises constitute a violation of this ordinance.

16.06.240. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, will be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes will not be made available for inspection by the general public.

16.06.250. Notification of Violation.

When the City finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may serve upon that user a written Notice of Violation. Within 20 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, must be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section limits the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

16.06.260. Consent Orders.
The City may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance.

16.06.270. Show Cause Hearing.
The City may order a user which has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or any other pretreatment requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice will be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting will be served personally or by registered or certified mail (return receipt requested) at least thirty (30) days before the hearing. A show cause hearing is not be a bar against, or prerequisite for, taking any other action against the user.

16.06.280. Compliance Orders.
When the City finds that a user has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit any other pretreatment requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order does not relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order is not a bar against, or a prerequisite for, taking any other action against the user.

16.06.290. Cease and Desist Orders.
When the City finds that a user has violated, or continues to violate, any provision of this ordinance or a wastewater discharge, the City may issue an order to the user directing it to cease and desist violations and directing the user to:

1. Immediately comply with all requirements; and
2. Take appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

16.06.300. Administrative Fines.
The following regarding administrative fines:

1. Notwithstanding any other section of this ordinance, any user found to have violated any provision of this ordinance or a wastewater discharge permit may be fined up to one thousand ($1,000) dollars per day per violation.
2. Assessments may be added to the user's next scheduled sewer service charge and the City has other collection remedies as may be available for other service charges and fees.

3. Unpaid charges, fines, and penalties will, after sixty calendar days, be assessed an additional penalty of ten (10%) percent of the unpaid balance and interest will accrue thereafter at a rate of one (1%) percent per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.
4. Users desiring to dispute any fines under this ordinance must file a written request for the City to reconsider the fine along with full payment of the fine amount within thirty days of being notified of the fine. Where a request has merit, the City will convene a hearing on the matter within fourteen days of receiving the request from the user. In the event the user's appeal is successful the payment with any accrued interest will be returned to the user.
5. Issuance of an administrative fine is not a prerequisite for taking any other action against the user.

16.06.310. Emergency Suspensions.

The following regarding emergency suspensions:

1. The City may immediately suspend a user's discharge, after informal notice to the user, whenever suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the City's Sewer System, or which presents, or may present, an endangerment to the environment.
2. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. If a user's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the City's Sewer System, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed.
3. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing.
4. Nothing in this section may be interpreted as requiring a hearing prior to any emergency suspension under this section.

16.06.320. Termination of Discharge.

Any user who violates the following conditions is subject to discharge termination:

1. Violation of wastewater discharge permit conditions;
2. Failure to accurately report the wastewater constituents and characteristics of its discharge;
3. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge; or
4. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

16.06.330. Injunctive Relief.
When the City finds that a user has violated, or continues to violate, any provision of this ordinance or a wastewater discharge permit, the City may petition the First Judicial District Court for Box Elder County, Utah through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the user. The City may also seek such other action as is appropriate for legal or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief is not a bar against, or a prerequisite for, taking any other action against a user.

16.06.340. Remedies Nonexclusive.
The remedies provided for in this ordinance are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user.

16.06.350. Severability.
If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions will not be effected and will continue in full force and effect.

Chapter 16.07
BACKFLOW AND CROSS-CONNECTIONS

16.07.010. Purpose.
16.07.020. Definitions.
16.07.030. City Responsibility.
16.07.040. Consumer's Responsibility.
16.07.050. Plumbing Official or Building Inspector Responsibility.
16.07.060. Certified Backflow Assembly Technicians, Surveyors or Repair Person's Responsibilities.
16.07.070. Inspection and Maintenance Requirements.
16.07.080. Violation: Discontinuance of Service.

16.07.010. Purpose.
The following is the purpose of this Chapter:

1. To protect the safe drinking water supply of the city from the possibility of contamination or pollution by requiring compliance with state and local plumbing codes, health regulations, OSHA and other applicable industry standards for water system safety within the consumer's internal distribution system(s) or private water system(s). Compliance with these minimum safety codes will be considered reasonable vigilance for prevention of contaminants or pollutants which could backflow into the public drinking water systems; and

2. To promote reasonable elimination or control of cross-connections in the plumbing fixtures and industrial piping system(s) of the consumer, as required by state and local plumbing codes, health regulations, OSHA and other applicable industry standards to assure water system safety; and
3. To provide for the administration of a continuing program of backflow prevention which will systematically and effectively prevent the contamination or pollution of all drinking water systems.

16.07.020. Definitions.

The following definitions as used in this Chapter:

1. Appropriate Time Suspense: An "appropriate time suspense" will be determined with the degree of hazard and time set by the water surveyor or building inspector.
2. Approved Backflow Assembly: This term means a backflow assembly that has been accepted by the Utah Department of Health, Bureau of Drinking Water/Sanitation, as meeting an applicable specification or as suitable for the proposed use.
3. Auxiliary Water Supply: Any water supply on or available to the premises other than the purveyor's public water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as well, spring, river, stream, harbor, etc., or "used waters" or industrial fluids." These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.
4. Backflow: The reversal of the normal flow of water caused by either back-pressure or back-siphonage.
5. Backflow Prevention Assembly: An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained with the Utah Plumbing Code, Chapter 10, (Appendix J), and the Cross-Connection Control Program for Utah.
6. Back-pressure: The flow of water or other liquids, mixtures, or substances under pressure into the feeding distribution pipes of a potable water supply system for any source(s) other than the intended source.
7. Back-siphonage: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water supply system.
8. Contamination: Any degradation of the quality of the potable water supply by sewage, industrial fluids or waste liquids, compounds or other materials.
9. Cross-connection: Any physical connection or arrangement of piping or fixtures which may allow non-potable water or industrial fluids or other material of questionable quality to come in contact with potable water inside a distribution system. This would include any temporary connections, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes or other plumbing arrangements.
10. Cross-connection Containment: The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or, it means the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are

actual or potential cross-connections which cannot be effectively eliminated or controlled at the point of the cross-connection (isolation).

11. Cross-Connection, Controlled: "Controlled cross-connection" means a connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.
12. Water Surveyor: The person designated to be in charge of the water department of the city, is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this chapter.

16.07.030. City Responsibility.

The following regarding the City's responsibility and this Chapter:

1. The City shall be responsible for the protection of the drinking water distribution system from foreseeable conditions leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.
2. Drinking water system surveys/inspections of the consumer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing the city. Surveys shall be conducted as per this Chapter according to degree of hazard records shall indicate compliance with the aforementioned health and safety standards. All such records shall be maintained by the City.
3. The City shall notify in writing whether in the regular monthly billing or by individual notice, all consumers of the need for the periodic system survey to insure compliance with existing applicable minimum health and safety standards.
4. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey.

16.07.040. Consumer's Responsibility.

The following regarding the consumer's responsibility:

1. To comply with this chapter as a term and condition of supply and consumer's acceptance of service is admittance of his/her awareness.
2. It shall be the responsibility of the consumer to purchase, install, test and maintain any backflow prevention device/assembly outside of the meter box on the owner's property that is required to comply with this chapter.

16.07.050. Plumbing Official or Building Inspector Responsibility.

The following regarding the plumbing official's and/or building inspector's responsibilities:

1. The plumbing official's or building inspector's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or consumer side of the meter) and continues throughout the developed length of the consumer's water system.

2. The plumbing official or building inspector will review all plans and/or make site inspections if necessary to ensure that unprotected cross-connections are not an integral part of the consumer's water system. If excavation must be done in order to verify a cross-connection, this cost will be passed on to the consumer. If a cross-connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the Utah Plumbing Code.
3. Water vacating the drinking water supply must do so via an approved air gap or approved mechanical backflow prevention assembly, properly installed and in accordance with the Utah Plumbing Code.

16.07.060. Certified Backflow Assembly Technicians, Surveyors or Repair Person's Responsibilities.

The following regarding the responsibilities of certified backflow assembly technicians, surveyors, and/or repair persons:

1. Whether employed by the consumer or a utility to survey, test, repair, or maintain backflow prevention assemblies the state-certified backflow technicians, surveyors, or repair persons will have the following responsibilities:
   a. Ensuring acceptable testing equipment and procedures are used for testing.
   b. Repairing or overhauling backflow prevention assemblies. The City is not responsible for the accuracy or validity of the testing or equipment used.
   c. Make reports of such testing and/or repair to the consumer, water purveyor, and the Bureau of Drinking Water/Sanitation on forms approved for such use by the Bureau of Drinking Water/Sanitation, and within the time frames prescribed by the Bureau of Drinking Water/Sanitation.
   d. The report shall include the list of materials or replacement parts used.
   e. Insuring replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
   f. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
   g. A certified technician shall perform all tests of the mechanical devices/assemblies and be responsible for the competence and accuracy of all tests and reports.
   h. Insuring his state license is current, the testing equipment being used is acceptable to the state, and is in proper operating condition.
   i. Be equipped with, and be competent to use, all necessary tools, gauges, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
   j. The certified technician conducting the test must tag each double check valve, pressure vacuum breaker, reduced pressure backflow assembly and high hazard air gap, showing the serial number, date tested and by whom. The technician's license number must also be on this tag.
2. In the case of a consumer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the consumer, water purveyor and the Bureau of Drinking Water/Sanitation. If such a commercially tested assembly is in need of repair,

the Plumber's Law of Utah, Section 58-A-2-5-(3), requires a licensed plumber make the actual repair.

16.07.070. Inspection and Maintenance Requirements.

The following regarding inspection and maintenance requirements:

1. No water service connection to any premises shall be installed or maintained by the public water purveyor unless the water supply is protected as required by state laws, regulations, codes, and this chapter. Service of water to a consumer found to be in violation of this chapter shall be discontinued by the water purveyor after due process of written notification of violation and an appropriate time suspense for voluntary compliance, if:
    a. A backflow prevention assembly required by this chapter for control of backflow and cross-connections is not installed, tested and maintained; or
    b. If it is found that a backflow prevention assembly has been removed or by-passed; or
    c. If an unprotected cross-connection as determined by the water surveyor, plumbing official or building inspector exists on the premises; or
    d. If the periodic system survey has not been conducted.
    e. Service will not be restored until such conditions or defects are corrected.
2. The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of the water purveyor to determine whether cross-connections or other structural or sanitary hazards, including violation of this chapter exist and to audit the results of the required survey (Section 16.07.03(a)).
3. Whenever the public water purveyor deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified consumer's water system, at or near the property line, or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
4. The type of protective assembly required under subsection C of this section shall depend upon the degree of hazard which exists at the point of cross-connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
5. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under subsection F of this section, be excluded from the requirements of these rules so long as the water purveyor is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or, requires more than minimum maintenance or, when the water purveyor finds that the operation or maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the local and state requirements.
6. It shall be the responsibility of the consumer at any premises where backflow prevention high hazard assemblies are installed to have certified surveys/inspections, and operational tests made at least once per year at the consumer's expense. In those instances where the public water purveyor deems the hazard to be great, he may require certified surveys/inspections and tests at a more frequent interval. It shall be the duty of the public water purveyor to see that these tests are made

according to the standards set forth by the State Department of Health, Bureau of Drinking Water/Sanitation.

7. All backflow prevention assemblies shall be tested within ten (10) working days of initial installation.
8. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: installed over an electrical panel, steam pipes, boilers, pits, or above ceiling level.
9. The City will purchase and install backflow prevention assemblies for residential users. The cost will be billed on the user's regular monthly billing and may be paid for over a ninety (90) day period. The cost of the device will be as billed to the city. The cost of installation is to be set by resolution and can be changed from time to time as the Council deems necessary.
10. If meter boxes or other changes need to be made in order to install backflow devices, the entire cost of materials will be passed on to consumers.

16.07.080. Violation: Discontinuance of Service.

If violations of this Chapter exist or if there has not been any corrective action taken by the consumer within ten (10) days of the written notification of deficiencies noted within the survey, then the public water purveyor shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with the state and city statutes relating to plumbing, safe drinking water supplies and the regulations adopted pursuant thereto.

Chapter 16.08.
FEES, RATES, AND PENALTIES

16.08.010. Sewer and Water Bills.
16.08.020. Application for Sewer Service and Monthly Fees and Charges.
16.08.030. Property Outside City Limits.
16.08.040. Connection Fee: Discontinuance of Water Service to NonConnected Property.
16.08.050. Rates.
16.08.060. Service to Commercial, Industrial and Other Users.
16.08.070. Special Rates.
16.08.080. Board of Equalization, Rates, and Rebates.
16.08.090. Penalty.

16.08.010. Sewer and Water Bills.

All bills for sewer service shall be rendered monthly at established rates on the same bill with water and/or other city utilities bill. Each bill shall show separately the amount of the sewer service charges but the total thereof shall be considered one charge for the combined use of water, sewer, and other services of the City. The portion of the bill rendered for water service cannot be paid separately from the other portions. All charges for sewer service furnished by the city shall be billed to the user following each one month period of service and payment, therefore, shall be immediately due and payable with late fees, interest, and/or termination of service to be assessed (if required), as per Perry Municipal Code, Section 15.02.040, Service, Billings Payment, and Delinquency. Re-establishment of service may be withheld until all

delinquent charges due from such party have been paid in full, together with a service charge for reconnection. The service charge for reconnection shall be as set forth in Chapter 15.02 or as determined by resolution of the City Council and may be amended from time to time by the Council.

16.08.020. Application for Sewer Service and Monthly Fees and Charges.
The Application form, initial deposit, and monthly fees and charges for sewer and other utility services are set forth in Perry Municipal Code, Chapter 15.02, Applications, Fees, and Charges, especially Section 15.02.010 and are incorporated herein by reference.

16.08.030. Property Outside City Limits.
The proper officers of the city are hereby authorized to make and enter into such contracts as may be necessary, convenient or proper with respect to the carriage and treatment of sewage for improved property outside the territorial limits of the city and with respect to the payment of property charges for such service, including, without limiting the generality of the foregoing, connection charges justly related to but not less than the charges hereinabove fixed; provided, that no such contract shall impair the ability of the city to carry and treat properly the sanitary sewage furnished within the territorial limits of the city.

16.08.040. Connection Fee: Discontinuance of Water Service to Non-Connected Property.
The following regarding connection fees and the discontinuance of water services to non-connected properties:

1. The charges for the connection of any property to the municipal sewer system from the effective date of this ordinance shall be (For current fees, see Title 84, Fee Schedule) and shall remain the same until changed by resolution of the Perry City Council duly passed and adopted. The above said charges shall be paid to the city prior to the issuance of a permit for or the beginning of any excavation or other work to connect to city sewer lines. The charge for connecting all larger service lines shall be determined from time to time by the City Council by resolution duly passed and adopted.
2. In addition to the service connection fee hereinabove set forth, the contractor or property owner shall pay all the actual expenses of installing the service line from the property to the main sewer line, connecting to the city sewer line subject to the city's inspection and approval, and all other costs including the repairing and restoring of the street in a manner satisfactory to the city.
3. Where property on existing city streets is not served by a sewer line in front of or adjacent to such property and the owner desires a sewer service connection, the abutting property owner, in addition to paying the service connection fee, will be required to run the line at his own expense to the main sewer line, to make the connection at his own expense, subject to the City's inspection and approval, and to restore and repair the street in a manner satisfactory to the city.
4. If any abutting improved property on which is located a residence or business, is not connected to the city sewer lines after the effective date of this ordinance, provided the sewage facilities are available in sewage lines passing in front of or adjacent to such property, the city is to discontinue service of water to such property, and shall not serve such property with water until the connection is made and the connection charge paid, or arranged for, and further in the event any owner of improved property fails or refuses to make such connection prior to such date, such failure or refusal is hereby declared to be a misdemeanor and day that such failure or refusal

continues is hereby declared to be a separate offense and punishable as such.

5. All provisions contained in prior ordinances, in conflict with the provisions of this ordinance, are to the extent of such conflicts hereby repealed.

16.08.050. Rates.

The following schedule of rates which may be revised from time to time as determined by the City Council of Perry City to be necessary or desirable, which rates are hereby found and determined to be just, reasonable and necessary charges for the use of the municipal sanitary sewage system for service rendered by or through such system within the territorial limits of the City is hereby established.

	SEWAGE RATES	MONTHLY SERVICE CHARGE
1.	For single dwelling units and Other structures/uses	For current fees, see Perry Municipal Code, Title 84, Fee Schedule

16.08.060. Service to Commercial, Industrial and Other Users.

The basic rates for sewage service to all other property and premises not covered by the provisions above shall be based on the amount of water delivered by the Perry City Waterworks Department to the premises served and shall be made in accordance with the following rate schedule. By Resolution, the City Council may, from time to time, change the monthly service charges for any one or more of the above named categories as it may see fit. The rates hereinabove provided for shall be added to the water rates now fixed and determined by Ordinance or Resolution and the total thereof shall be considered as one charge for the combined use of water and the services of the sewage system. All structures that can be served by the sewer when the same is completed and ready for use shall be charged the above rates per month whether or not such structures are connected to the sewer and water service shall be discontinued for nonpayment as herein provided.

16.08.070. Special Rates.

The City Council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.

16.08.080. Board of Equalization, Rates, and Rebates.

The City Council is hereby constituted a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.

16.08.090. Penalty.

Persons found guilty of violations of any section of this chapter or ordinance shall be found guilty of a misdemeanor.

<u>Legislative History</u>

Previous ordinance, now codified as Chapters 16.01 through 16.05 and 16.08, adopted: 1988
Backflow and Cross-Connections, now codified as Chapter 16.07: added 3/26/91.
Chapter 16.06, Pretreatment, added on 7/22/08.
New numbering system and codification into Perry Municipal Code: 12/11/2008.

Title 17, A Public Service Ordinance
GARBAGE COLLECTION

Chapter 17.01. **PURPOSE**
Chapter 17.02. **BILLING, DISCONTINUANCE, AND REESTABLISHMENT OF SERVICES**
Chapter 17.03. **RATES**

Chapter 17.01.
PURPOSE

17.01.010. Purpose.

17.01.010. Purpose.

The City adopts the Perry City garbage collection fee ordinance which regulates when and how garbage fees may and can be collected.

Chapter 17.02.
BILLING, DISCONTINUANCE, AND REESTABLISHMENT OF SERVICES

17.02.010. Billing for Nonpayment.
17.02.020. Discontinuance and Reestablishment of Service.

17.02.010. Billing for Nonpayment.

All bills for garbage service shall be rendered monthly at established rates on the same bill with water, sewer and/or other City utilities. Each bill shall show separately the amount of the garbage service charges but the total thereof shall be considered one charge for the combined use of water, sewer, garbage and other services of the City. The portion of the bill rendered for garbage service cannot be paid separately from the other portions. All charges for garbage service contracted by the City shall be billed to the user on any day of the month following a one-month period of service and payment, therefore, shall be due and payable twenty (20) days after such date of billing and if not paid within sixty (60) days from date of billing, the garbage service may be discontinued with notice as follows:

1. The City Recorder may and is authorized and empowered to institute collection proceedings by all means available to the City, including suit in a court of proper jurisdiction pursuant to which judgment may be sought and obtained to collect all delinquencies and fees that may be due or become due and to seek judgment requiring the defendant to pay all costs of collection.

2. An overdue notice will be sent on or about the twentieth day of each month to those accounts sixty (60) days and over. A notice of shut-off letter will be sent to accounts ninety (90) days and over giving them seven (7) days to respond with payment or written arrangements for payment. If there is a question on the bill, the utility user must request a hearing within the seven-day period. At the end of the seven days, a red tag will be hand delivered to the residence giving an additional twenty-four (24) hours before disconnection.
3. The City Recorder or the Water Superintendent may notify the City Council of the ninety (90) days and over delinquency account and the City Council shall have authority to direct that all services to the premises involved be shut off until payment of the charges have been paid provided proper notice has been made.
4. Interest will be charged on accounts of thirty (30) days and over at the rate of one and one-half percent. Fees may be changed by resolution of the City Council.
5. Before water service to said premises shall again be provided all water, sewer and garbage charges due must have been paid to the City office, together with such extra charges for turning on the water as the City Council may have established by resolution. At the date of the ordinance codified in this chapter fifty dollars ($50.00) is the fee adopted.

17.02.020. Discontinuance and Reestablishment of Service.

The City reserves the right to discontinue garbage (and/or other public utility) services on delinquent billing for any of the services billed on the monthly statement (including garbage) if proper notice has been given. Reestablishment of service may be withheld until all delinquent charges due from such part have been paid in full, together with a service charge for reconnection, which shall be determined by resolution of the City Council and may be amended from time to time by the Council.

Chapter 17.03.
RATES

17.03.010. Regular Rates.
17.03.020. Special Rates.
17.03.030. Board of Equalization: Corrections of Rates in Special Circumstances.

17.03.010. Regular Rates.

There shall be adopted (by resolution) a schedule of rates and fees for garbage collection which may be revised from time to time (by resolution) as determined by the City Council to be necessary or desirable, which rates are found and determined to be just, reasonable and necessary charges for the garbage collection within the territorial limits of the City. Said fee schedule shall be codified as part of Title 84.

17.03.020. Special Rates.
The City Council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of garbage collection under special or exceptional circumstances.

17.03.030. Board of Equalization: Corrections of Rates in Special Circumstances.
The City Council is constituted as a board of equalization of garbage collection rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal or unjust.

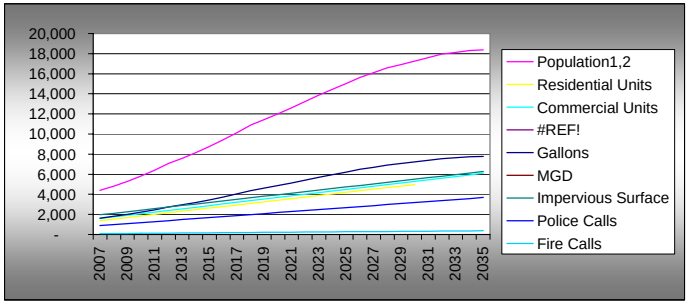
Legislative History
Ord. 95-10 adopted in 1995.
New numbering system and codification into 2008 Perry Municipal Code: 12/11/2008.

APPENDIX A.1: POPULATION PROJECTIONS

Year	Population[1,2]	Residential Units	Commercial Units	Culinary Water ERU's	Stormwater ERU's	Fire Calls	Police Calls	Parks Population
2007	4,381	1,373	1,594	1,639	1,962	91	885	4,381
2008	4,820	1,530	1,755	1,814	2,116	101	985	4,820
2009	5,302	1,687	1,916	2,009	2,269	111	1,085	5,302
2010	5,832	1,844	2,077	2,225	2,423	121	1,185	5,832
2011	6,415	2,001	2,238	2,464	2,577	131	1,284	6,415
2012	7,056	2,157	2,399	2,730	2,731	141	1,384	7,056
2013	7,586	2,314	2,560	2,952	2,885	151	1,484	7,586
2014	8,155	2,471	2,721	3,191	3,039	161	1,584	8,155
2015	8,766	2,628	2,882	3,451	3,193	171	1,683	8,766
2016	9,424	2,784	3,043	3,732	3,347	181	1,783	9,424
2017	10,130	2,941	3,203	4,037	3,501	191	1,883	10,130
2018	10,890	3,098	3,364	4,367	3,654	201	1,983	10,890
2019	11,435	3,255	3,525	4,606	3,808	211	2,082	11,435
2020	12,006	3,411	3,686	4,858	3,962	221	2,182	12,006
2021	12,607	3,568	3,847	5,124	4,116	231	2,282	12,607
2022	13,237	3,725	4,008	5,405	4,270	241	2,382	13,237
2023	13,899	3,882	4,169	5,702	4,424	251	2,482	13,899
2024	14,455	4,039	4,330	5,953	4,578	261	2,581	14,455
2025	15,033	4,195	4,491	6,215	4,732	271	2,681	15,033
2026	15,634	4,352	4,652	6,489	4,886	281	2,781	15,634
2027	16,103	4,509	4,813	6,704	5,039	291	2,881	16,103
2028	16,586	4,666	4,974	6,926	5,193	301	2,980	16,586
2029	16,918	4,822	5,134	7,079	5,347	311	3,080	16,918
2030	17,257	4,979	5,295	7,236	5,501	321	3,180	17,257
2031	17,602	5,136	5,456	7,396	5,655	331	3,280	17,602
2032	17,954	5,293	5,617	7,560	5,809	341	3,380	17,954
2033	18,133	5,449	5,778	7,643	5,963	351	3,479	18,133
2034	18,315	5,606	5,939	7,728	6,117	361	3,579	18,315
2035	18,383	5,763	6,100	7,760	6,270	371	3,679	18,383

1. Perry City General Plan

2. Perry City Parks, Trails and Critcal Lands Draft Master Plan December 2006



Population Projections	
Buildout Population	18,383
Current Population	4,381
Population increase	14,002
Percentage to growth	320%
Current Pop/ Future Pop	24%

Housing Permits Per Year							
BEBR		**2001**	**2002**	**2003**	**2004**	**2005**	**2006**
Single Family Homes		44	53	29	59	63	25
Mobile/ manufactured			2			1	
Duplex		2					
Multi-Family					2	8	
Total		**46**	**55**	**29**	**61**	**72**	**25**
Rate of change		6.16%	6.94%	3.42%	6.96%	7.68%	2.48%
Total HH in Peri	**747**	**793**	**848**	**877**	**938**	**1010**	**1035**
2,383	2,530	2,705	2,798	2,992	3,222	3,302	

APPENDIX A.2: COMMERCIAL LANDUSE SUMMARY

Land use Category	Type	Total Acres	Developed Acres	Net Developed Floor Space[1]	1,000 Sf Units[2]	Undeveloped Acres	Net Developable Floor Space[1]	1,000 Sf units[2]
C	Commercial	299	61	7	319	238	29	1,243
MU-C	Mixed Use Commercial	166	46	6	240	120	14	625
NC	Neighborhood Commercial	135	128	15	669	7	1	37
M/I	Manufacturing/Industrial	362	32	4	167	330	40	1,724
M/I-L	Manufacturing/Industrial Limited	112	6	1	31	106	13	553
CVC	Civic	18	17	2	89	1	0	6
INSTL	Institutional	8	8	1	42	0	0	2
MU-O	Mixed Use Office	67	7	1	37	60	7	316
ES	Environmental Sensitive	820	820	-	-	-	-	-
M/I-2	Sewage Lagoon	282	282	-	-	-	-	-
NP	Neigborhood Park	45	13	-	-	32	-	-
	Total	**2,314**	**1,420**	**36.60**	**1594**	**894**	**103.44**	**4,506**

1. Net developable is Total acres * 0.8 to account for streets, sidewalks etc., plus an floor area ratio (FAR) of 0.15
2. 1,000 Sf units multiplies the Net Developed/Developable floor space by 43,560 and then dividing by 1,000.

APPENDIX A.3: RESIDENTIAL LANDUSE SUMMARY

Land Use Category	Type	Total Acres	Developed Acres	Net Developed Acres	Units per Acre1	Total Developed Units	Undeveloped Acres	Net Undeveloped Acres	Units per Acre1	Total Undeveloped Units
MU-R	Mixed Use Residential	84	29	23	2.21	51	55	44	6.00	262
R 1/2	Residential - 1/2 Acre	419	102	82	1.11	90	317	254	2.00	507
R 1/3	Low Density Residential - 1/3 Acre	125	27	22	1.66	36	98	78	3.00	234
R-1	Medium Density Residential	989	574	459	2.41	1,105	415	332	5.96	1,978
RE 1/2	Rural Residential - 1/2 Acre	387	62	50	1.11	55	325	260	2.00	520
A	Agricultural	596	41	33	1.11	36	555	444	2.00	888
	Total	**2,599**	**835**	**668**		**1,373**	**1,764**	**1,411**		**4,390**
						49,446				207,468

1. Units per acre found in the the Perry General Plan

2. Based off of

APPENDIX B.1: POLICE AND FIRE IMPACT FEE CALCULATION

Police Fee

Existing	Residential	Commercial	Total
Units	1,373	1,594	N/A
Calls For Service	789	96	885
Percent of Calls	89%	11%	100%
Average call per unit	0.575	0.060	N/A

Buildout	Residential	Commercial	Total
Units	5,763	6,100	N/A
Average Calls for Service per unit	0.575	0.060	N/A
Projected Calls for Service	3,313	366	3,679
Percent of Total Calls	90%	10%	100%

New Development	Residential	Commercial	Total
Units	4,390	4,506	N/A
Average Calls for Service per unit	0.575	0.060	N/A
New Calls for Service	2,523	271	2,794
Percent of Total Calls (current and future)	69%	7%	76%
Percent of Total Calls- New Development only	90%	10%	

Fire Fee

Existing	Residential	Commercial	Total
Units	1,373	1,594	N/A
Calls For Service	54	37	91
Percent of Calls	59%	41%	100%
Average call per unit	0.0390	0.0240	N/A

Buildout	Residential	Commercial	Total
Units	5,763	6,100	N/A
Average Calls for Service per unit	0.0390	0.024	N/A
Projected Calls for Service	225	146	371
Percent of Total Calls	61%	39%	100.00%

New Development	Residential	Commercial	Total
Units	4,390	4,506	N/A
Average Calls for Service per unit	0.039	0.024	N/A
New Calls for Service	171	109	280
Percent of Total Calls (current and future)	46%	29%	75%
Percent of Total Calls- New Development only	61%	39%	

TOTAL TRIPS WITHIN THE PERRY SERVICE AREA

Residential Summary

Subdivision Name	Total Units	Existing Units	Future Units	Total Trips	Existing Trips	Future Trips
Service Area Summary						
Single Family Residential	5,449.25	1,322	4,127	5,050	1,253	3,797
Multi-Family	313.75	51	262	188	31	157
TOTALS	**5,763**	**1,373**	**4,390**	**5,238**	**1,283**	**3,954**

Non-Residential Summary

Project Name	Approved Total Units	Constructed Units	Unconstructed Units	Total Trips	Existing Trips	Future Trips
Perry Service Area Summary						
Retail	5,704	1,427	4,277	11,470	3,838	7,631
Office	352	37	316	764	79	685
Institutional	138	131	8	222	210	13
TOTALS	**491**	**1,594**	**4,600**	**12,456**	**4,127**	**8,329**

Proportionate Share Table

	Total Trips	Future Trips	% of Total	% of Growth	Costs to Growth
				Total Trips	Future Trips
Single Family Residential	5,050	3,797	29%	31%	$ -
Multi-Family	188	157	1%	1%	-
Retail	11,470	7,631	65%	62%	-
Office	764	685	4%	6%	-
Institutional	222	13	1%	0%	-
Totals	**17,694**	**12,283**	**100%**	**100%**	**$ -**

Total Perry Proportion of Growth-Related Trips **69.42%**

APPENDIX C1: STORM WATER CAPITAL PROJECTS

Table: C1.1: Future Project Construction Year Costs

Project Class	Storm Water Projects	Construction Costs	Construction Year	Right-of-way Acquistion	Utilities Placement	Engineering Expense	Construction Inflation[1]	Total Construction Year Cost
Pipe								
Area A		457,323	2008	$ -	$ -	$ -	$ 32,573	$ 489,896
Area B		4,510,096	2011	-	-	-	846,483	5,358,591
Area C		1,633,939	2011	-	-	-	306,668	1,942,618
Area D		2,329,386	2013	-	-	-	634,243	2,965,642
Area E		74,575	2014	-	-	-	23,626	100,215
Area F		114,230	2015	-	-	-	41,454	157,699
Subtotal		9,119,549		-	-	-	1,885,047	11,014,660
Detention								
Area A		$ -	2008	$ -	$ -	$ -	$ -	$ -
Area B		340,413	2011	-	-	-	63,891	406,314
Area C		175,594	2011	-	-	-	32,957	210,562
Area D		176,604	2013	-	-	-	48,086	226,703
Area E		-	2014	-	-	-	-	2,014
Area F		-	2015	-	-	-	-	2,015
Subtotal		692,611		-	-	-	144,933	847,608
Totals		**$ 9,812,160**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 2,029,980**	**$ 11,862,268**

1 Construction inflation projected at 3.5% annually

Table: C2.2: Future Project Funding by Entity

Project Class	Storm Water Projects	Total Construction Year Cost	Federal Contribution	UDOT Contribution	City Contributions	Private Contributions	City Funded
Pipe							
Area A		489,896	$ -	$ -	$ -	$ -	$ 489,896
Area B		5,358,591	-	-	-	-	5,358,591
Area C		1,942,618	-	-	-	-	1,942,618
Area D		2,965,642	-	-	-	-	2,965,642
Area E		100,215	-	-	-	-	100,215
Area F		157,699	-	-	-	-	157,699
Subtotal		11,014,660	-	-	-	-	11,014,660
Detention							
Area A		-	$ -	$ -	$ -	$ -	-
Area B		406,314	-	-	-	-	406,314
Area C		210,562	-	-	-	-	210,562
Area D		226,703	-	-	-	-	226,703
Area E		2,014	-	-	-	-	2,014
Area F		2,015	-	-	-	-	2,015
Subtotal		847,608	-	-	-	-	847,608
Totals		**$ 11,862,268**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 11,862,268**

APPENDIX C.2: IMPACT FEE EXPENSE

Table: C2.1: Future Project Funding by County Funding Source

Project Class	Storm Water Projects	City Funded	Qualified Impact Fee Expense	Remaining To Be Funded
Pipe				
Area A		$ 489,896	344,683	$ 145,213
Area B		5,358,591	3,770,220	1,588,370
Area C		1,942,618	1,366,795	575,822
Area D		2,965,642	2,086,579	879,063
Area E		100,215	70,509	29,705
Area F		157,699	110,955	46,744
Subtotal		11,014,660	7,749,742	$ 3,264,918
Detention				
Area A		-	-	$ -
Area B		406,314	285,876	120,438
Area C		210,562	148,148	62,414
Area D		226,703	159,505	67,198
Area E		2,014	1,417	597
Area F		2,015	1,418	597
Subtotal		$ 847,608	$ 596,364	$ 251,244
Totals		**$ 11,862,268**	**$ 8,346,106**	**$ 3,516,162**

APPENDIX C.3: STORM WATER ERUs WITHIN THE SERVICE AREA

Residential Summary	Total Units	Existing Units	Future Units	Total ERUs	Existing ERUs	Future ERUs
Cottonwood Heights Service Area Summary						
Mixed Use Residential	314	51	262	186	64	121
Residential - 1/2 Acre	597	90	507	838	204	634
Low Density Residential - 1/3 Acre	270	36	234	221	48	173
Medium Density Residential	3,083	1,105	1,978	1,978	1,148	830
Rural Residential - 1/2 Acre	575	55	520	688	110	578
Agricultural	924	36	888	1,192	82	1,110
TOTALS	**5,763**	**1,373**	**4,390**	**5,104**	**1,657**	**3,447**

Non-Residential Summary

Project Name	Total Acres	Existing Acres	Future Acres	Total ERUs	Existing ERUs	Future ERUs
CHService Area Summary						
Commercial	299	61	238	731	149	581
Mixed Use Commercial	166	46	120	368	102	266
Neighborhood Commercial	135	128	7	300	284	16
Manufacturing/Industrial	362	32	330	965	85	880
Manufacturing/Industrial Limited	112	6	106	298	16	282
Civic	18	17	1	36	34	2
Institutional	8	8	0	20	20	1
Mixed Use Office	67	7	60	150	16	134
TOTALS	**1,167**	**305**	**862**	**2,868**	**706**	**2,162**

Proportionate Share Table

	Total ERUs	Future ERUs	% of Total	% of Growth	Costs to Growth
				Total ERUs	Future ERUs
Mixed Use Residential	186	121	2%	2%	$ -
Residential - 1/2 Acre	838	634	11%	11%	
Low Density Residential - 1/3 Acre	221	173	3%	3%	
Medium Density Residential	1,978	830	25%	15%	
Rural Residential - 1/2 Acre	688	578	9%	10%	
Agricultural	1,192	1,110	15%	20%	
Commercial	731	581	9%	10%	
Mixed Use Commercial	368	266	5%	5%	
Neighborhood Commercial	300	16	4%	0%	
Manufacturing/Industrial	965	880	12%	16%	
Manufacturing/Industrial Limited	298	282	4%	5%	
Civic	36	2	0%	0%	-
Institutional	20	1	0%	0%	
Mixed Use Office	150	134	2%	2%	-
Totals	**7,972**	**5,608.65**	**100%**	**100%**	**$ -**

Total Proportion of Growth-Related ERUs **70.36%**

APPENDIX C.4: STORM WATER IMPACT FEES PER LAND USE CATEGORY

Land Use Category	Total Undeveloped SF	Impervious SF per Unit	Multiplier	Impact Fee per ERU	Impact Fee
Single Family Residential (Assessed per Unit)					
Mixed Use Residential	952,570	3,630	0.46	$ 4,251.87	$ 1,968.46
Residential - 1/2 Acre	4,971,067	9,801	1.25	4,251.87	5,314.84
Low Density Residential - 1/3 Acre	1,359,211	5,808	0.74	4,251.87	3,149.53
Medium Density Residential	6,508,648	3,291	0.42	4,251.87	1,784.60
Rural Residential - 1/2 Acre	4,531,355	8,712	1.11	4,251.87	4,724.30
Agricultural	8,703,288	9,801	1.25	4,251.87	5,314.84
Non-Residential (Assessed per Acre)					
Commercial	4,558,728	23,958	7.28	$ 4,251.87	$ 4,251.87
Mixed Use Commercial	2,084,085	21,780	6.62	4,251.87	4,251.87
Neighborhood Commercial	121,794	21,780	6.62	4,251.87	4,251.87
Manufacturing/Industrial	6,896,559	26,136	7.94	4,251.87	4,251.87
Manufacturing/Industrial Limited	2,212,569	26,136	7.94	4,251.87	4,251.87
Civic	17,250	19,602	5.96	4,251.87	4,251.87
Institutional	7,283	23,958	7.28	4,251.87	4,251.87
Mixed Use Office	1,051,887	21,780	6.62	4,251.87	4,251.87

APPENDIX D.1: CULINARY WATER--FUTURE CAPITAL PROJECT COSTS

Project	Year	Construction Total	Contingency	Administration and Engineering	Construction Observation	Total Cost ($2006)	Construction Inflation	Total Construction Year Cost
Distribution Expansion								
South Storage Transmission	2008	$ 116,702	$ 23,340	$ 14,004	$ 5,602	$ 159,648	$ 11,371	**$ 171,019**
1.5 MG Tank on South End	2008	1,020,000	204,000	122,400	85,680	1,432,080	102,000	**1,534,080**
Hwy 89 fireflow upgrades	2010	361,801	72,360	43,416	17,366	494,943	73,016	**567,959**
2950 South Crossing	2010	171,957	34,391	20,635	8,254	235,237	34,703	**269,940**
Industrial Area Loop	2010	112,762	22,552	13,531	5,413	154,258	22,757	**177,015**
Subtotal		$ 1,783,222	$ 356,644	$ 213,986	$ 122,315	$ 2,476,167	$ 243,846	$ 2,720,013
Wells								
Rehabilitation Ag. Well	2015	479,250	95,850	69,012	40,257	684,369	248,356	**932,725**
New 850 gpm Well	2020	479,250	95,850	69,012	40,257	684,369	423,415	**1,107,784**
New 850 gpm Well	2025	479,250	95,850	69,012	40,257	684,369	631,331	**1,315,700**
Subtotal		$ 1,437,750	$ 287,550	$ 207,036	$ 120,771	$ 2,053,107	$ 1,303,102	$ 3,356,209
Tanks								
1.5 MG Tank on South End	2015	1,020,000	204,000	122,400	85,680	1,432,080	519,698	**1,951,778**
South End Transmission	2013	185,934	37,187	22,312	8,925	254,358	69,256	**323,614**
Storage Transmission Tank on N. End	2021	93,323	18,665	11,199	4,479	127,666	86,219	**213,884**
1.0 MG Tank on North End	2021	695,000	139,000	83,400	58,380	975,780	658,992	**1,634,772**
1.0 MG Tank on North End	2027	695,000	139,000	83,400	58,380	975,780	1,033,772	**2,009,552**
Subtotal		$ 2,689,257	$ 537,851	$ 322,711	$ 215,844	$ 3,765,663	$ 2,367,937	$ 6,133,601
Total		**$ 5,910,229**	**$ 1,182,046**	**$ 743,733**	**$ 458,930**	**$ 8,294,938**	**$ 3,914,885**	**$ 12,209,823**

Project	Total Construction Year Cost	Federal Contribution	UDOT Contribution	County Contributions	Private Contributions	City Funded
Distribution Expansion						
South Storage Transmission	$ 171,019					$ 171,019
1.5 MG Tank on South End	1,534,080					1,534,080
Hwy 89 fireflow upgrades	567,959					567,959
2950 South Crossing	269,940					269,940
Industrial Area Loop	177,015					177,015
Subtotal	$ 2,720,013	$ -	$ -	$ -	$ -	$ 2,720,013
Wells	-					
Rehabilitation Ag. Well	$ 932,725					$ 932,725
New 850 gpm Well	1,107,784					1,107,784
New 850 gpm Well	1,315,700					1,315,700
Subtotal	$ 3,356,209	$ -	$ -	$ -	$ -	$ 3,356,209
Tanks	-					
1.5 MG Tank on South End	$ 1,951,778					$ 1,951,778
South End Transmission	323,614					323,614
Storage Transmission Tank on N. End	213,884					213,884
1.0 MG Tank on North End	1,634,772					1,634,772
1.0 MG Tank on North End	2,009,552					2,009,552
Subtotal	$ 6,133,601	$ -	$ -	$ -	$ -	$ 6,133,601
Totals	**$ 12,209,823**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 12,209,823**

APPENDIX D.2: CULINARY WATER--FUTURE CAPITAL PROJECT COSTS

1

Project	City Funded	Qualified Impact Fee Expense	Remaining To Be Funded
Distribution Expansion			
South Storage Transmission	$ 171,019	$ 171,019	$ -
1.5 MG Tank on South End	1,534,080	1,534,080	-
Hwy 89 fireflow upgrades	567,959	567,959	-
2950 South Crossing	269,940	269,940	-
Industrial Area Loop	177,015	177,015	-
Subtotal	$ 2,720,013	$ 2,720,013	$ -
Wells		**5,440,027**	**-**
Rehabilitation Ag. Well	$ 932,725	$ 932,725	$ -
New 850 gpm Well	1,107,784	1,107,784	-
New 850 gpm Well	1,315,700	1,315,700	-
Subtotal	$ 3,356,209	$ 3,356,209	$ -
Tanks			
1.5 MG Tank on South End	$ 1,951,778	$ 1,951,778	$ -
South End Transmission	323,614	323,614	-
Storage Transmission Tank on N. End	213,884	213,884	-
1.0 MG Tank on North End	1,634,772	1,634,772	-
1.0 MG Tank on North End	2,009,552	2,009,552	-
Subtotal	$ 6,133,601	$ 6,133,601	$ -
Total	**$ 12,209,823**	**$ 12,209,823**	**$ -**

Title 20, An Impact Fee Ordinance
IMPACT FEES: GENERAL PROVISIONS

Chapter 20.01.	**APPENDIX A.1: POPULATION PROJECTIONS**
Chapter 20.02.	**APPENDIX A.2: COMMERCIAL LANDUSE SUMMARY**
Chapter 20.03.	**APPENDIX A.3: RESIDENTIAL LANDUSE SUMMARY**
Chapter 20.04.	**APPENDIX B.1: POLICE AND FIRE IMPACT FEE CALCULATION**
Chapter 20.05.	**TOTAL TRIPS WITHIN THE PERRY SERVICE AREA**
Chapter 20.06.	**APPENDIX C.1: STORM WATER CAPITAL PROJECTS**
Chapter 20.07.	**APPENDIX C.2: IMPACT FEE EXPENSE**
Chapter 20.08.	**APPENDIX C.3: STORM WATER ERUs WITHIN THE SERVICE AREA**
Chapter 20.09.	**APPENDIX C.4: STORM WATER IMPACT FEE PER LAND USE CATEGORY**
Chapter 20.10.	**APPENDIX D.1: CULINARY WATER—FUTURE CAPITAL PROJECT COSTS**
Chapter 20.11.	**APPENDIX D.2: CULINARY WATER—FUTURE CAPITAL PROJECT COSTS**

Legislative History

New Impacted fees adopted: 2007.
New numbering system and codification into Perry Municipal Code: 12/11/2008 and 01/13/2011.

Title 22, An Impact Fee Ordinance
PARKS AND RECREATION IMPACT FEES

Chapter 22.01. PURPOSE
Chapter 22.02. DEFINITIONS
Chapter 22.03. WRITTEN IMPACT FEE ANALYSIS
Chapter 22.04. IMPACT FEE CALCULATIONS
Chapter 22.05. CAPITAL FACILITIES PLAN
Chapter 22.06. IMPACT FEE SCHEDULE AND FORMULA
Chapter 22.07. FEE EXCEPTIONS AND ADJUSTMENTS
Chapter 22.08. APPEAL PROCEDURE
Chapter 22.09. MISCELLANEOUS

Chapter 22.01.
PURPOSE

22.01.010. Purpose.

22.01.010. Purpose.

This Impact Fee Ordinance establishes the City's Parks & Recreation Impact Fee policies and procedures and repeals certain provisions of prior ordinances related to parks & recreation Impact Fees and conforms to the requirements of the Utah Impact Fees Act (§11-36). This Ordinance repeals any prior ordinances related to parks & recreation Impact Fees and establishes Impact Fees for parks & recreation facilities within the Perry City-Wide Service Area, provides a schedule of Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing Impact Fees.

Chapter 22.02.
DEFINITIONS

22.02.010. Intent.
22.02.020. Capital Facilities Plan:
22.02.030. Development Activity.
22.02.040. Development Approval.
22.02.050. City.
22.02.060. Impact Fee.
22.02.070. Project Improvements.
22.02.080. Proportionate Share.
22.02.090. Public Facilities.
22.02.100. Service Area.
22.02.110. System Improvements.

22.02.010. Intent.
Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Ordinance. The following words and phrases shall have the attached meanings within this Title.

22.02.020. Capital Facilities Plan:
The plan required by Section 11-36-201 of the Act. In Section 11-36-201 (2)(e) there is an exception to the Capital Facilities Plan for cities of 5,000 or less in population, based on the latest census. Perry City does meet this exception but has completed a Capital Facilities Plans in accordance with the Act and has adopted the Capital Facilities Plans in conjunction with this Ordinance.

22.02.030. Development Activity.
Any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land located within the Perry City-Wide Service Area that creates additional demand and need for Public Facilities related to parks & recreation.

22.02.040. Development Approval.
A development approval is any written authorization from the City that authorizes the commencement of Development Activity. Typically, development approval would be in the form of a building permit issued by the City's building department.

22.02.050. City.
A local political subdivision of the State of Utah and is referred to herein as Perry City.

22.02.060. Impact Fee.
A payment of money imposed upon Development Activity as a condition of development approval. An impact fee includes development Impact Fees, but is not a tax, a special assessment, a hookup fee, a building permit fee, a fee for project improvements, or other reasonable permit or application fees.

22.02.070. Project Improvements.
Site improvements and facilities that are planned and designed to provide service for development resulting from a Development Activity and are necessary solely for the use and convenience of the occupants or users of said Development Activity. "Project improvements" do not include "System Improvements" as defined below.

22.02.080. Proportionate Share.
Proportional share means the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a Development Activity.

22.02.090. Public Facilities.
Public facilities means, for purposes of this Ordinance, parks and recreation, improvements, or facilities of the City for the Perry City-Wide Service Area.

22.02.100. Service Area.
Service area refers to a geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's Public Facilities provides service. For purposes of this Ordinance, the Perry City-Wide Service Area shall be considered a separate and distinct geographic area from the rest of Perry City, which creates different demands on the Public Facilities than the City and therefore creates different impacts on the costs of capital infrastructure. The Perry City-Wide Service Area is identified in the attached map (Exhibit A: Map of the Perry City-Wide Service Area).

22.02.110. System Improvements.
System improvements refers both to existing Public Facilities designed to provide services within Perry City-Wide Service Area and to future Public Facilities identified in the Parks & recreation Capital Facilities Plan adopted by the City that are intended to provide service to the Perry City-Wide Service Area. System Improvements do not include Project Improvements, as defined above.

Chapter 22.03.
WRITTEN IMPACT FEE ANALYSIS

22.03.010. Executive Summary.
22.03.020. Written Impact Fee Analysis.
22.03.030. Proportionate Share Analysis.

22.03.010. Executive Summary.
A summary of the findings of the Written Impact Fee Analysis that is designed to be understood by a lay person is included in Parks & recreation Impact Fee Analysis and demonstrates the need for Impact Fees to be assessed on Development Activity. The Executive Summary has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

22.03.020. Written Impact Fee Analysis.
The City has commissioned the written Parks and Recreation Impact Fee Analysis for the Parks and Recreation Impact Fees that identifies the impacts upon the parks & recreation system and the facilities required by Development Activity, demonstrates how those impacts on System Improvements are reasonably related to Development Activity, estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to the Development Activity and identifies how the Impact Fees are calculated. A copy of Written Parks & recreation Impact Fee Analysis has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

22.03.030. Proportionate Share Analysis.
The City has prepared a Proportionate Share Analysis which analyzes whether or not the proportionate share of the costs of future Public Facilities is reasonably related to new Development Activity. The Proportionate Share Analysis identifies the costs of existing Public Facilities, the manner of financing existing Public Facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the City. A copy of the Proportionate Share Analysis is included in the Written Parks & recreation Impact Fee Analysis and has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

Chapter 22.04.
IMPACT FEE CALCULATIONS

22.04.010. Ordinance Enacting Impact Fees.
22.04.020. Elements.
22.04.030. Developer Credits.
22.04.040. Impact Fees Accounting.
22.04.050. Refunds.
22.04.060. Other Impact Fees.
22.04.070. Additional Fees and Costs.
22.04.080. Fees Effective at Time of Payment.
22.04.090. Imposition of Additional Fee or Refund after Development Activity.

22.04.010. Ordinance Enacting Impact Fees.
The City Council will, by this Ordinance, approve Impact Fees in accordance with the Written Impact Fee Analysis.

22.04.020. Elements.
In calculating the Impact Fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of System Improvements, and outstanding or future debt service charges if the City might use Impact Fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of System Improvements. Also regarding impact fee calculations:

1. Notice and Hearing: In conjunction with the approval of this, the City held a public hearing on April 12, 2007, and made a copy of the Ordinance available to the public, at least fourteen (14) days before the date of the hearing, all in conformity with the requirements of Utah Code Annotated 10-9-103(2). After the public hearing, the City Council adopted this Impact Fee Ordinance as presented herein.
2. Contents of the Ordinance: The Ordinance adopting or modifying an Impact Fee contains such detail and elements as deemed appropriate by the City Council, including a designation of the Perry City-Wide Service Area within which the Impact

Fees are to be calculated and imposed. The Perry City-Wide Service Area will be the only service area included in this analysis, with a map defining their boundaries included in Exhibit A: Map of the Perry City-Wide Service Area. The Ordinance includes:

a. a schedule of Impact Fees to be imposed for parks & recreation, and
b. the formula to be used by the City in calculating the Impact Fee.

3. Adjustments: The standard Impact Fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a Development Activity or project. The standard Impact Fee may also be adjusted to ensure that Impact Fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes. The Impact Fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.
4. Previously Incurred Costs: To the extent that new growth and development will be served by previously constructed improvements, the City's Impact Fees may include public facility costs and outstanding bond costs related to the parks & recreation improvements previously incurred by the City. These costs may include all projects included in the Capital Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

22.04.030. Developer Credits.

A developer may be allowed a credit against Impact Fees for any dedication or improvement to land or new construction of System Improvements provided by the developer, provided that it is

1. identified in the City's Capital Facilities Plan, and
2. required by the City as a condition of approving the Development Activity. Otherwise, no credit may be given.

22.04.040. Impact Fees Accounting.

The City will establish a separate interest-bearing ledger account for the Impact Fees collected pursuant to this Ordinance and will conform to the accounting requirements provided in the Impact Fees Act. All interest earned on the collection of Parks & recreation Impact Fees shall accrue to the benefit of the segregated account. Impact Fees collected prior to the effective date of this Ordinance need not meet the requirements of this section. The following is also included:

1. Reporting: At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
2. Impact Fee Expenditures: The City may expend Impact Fees covered by the Impact Fees Policy only for System Improvements that are:

   a. Public Facilities identified in the City's Capital Facilities Plans, and
   b. of the specific public facility type for which the fee was collected. Impact Fees will be expended on a First-In First-Out ("FIFO") basis.
3. Time of Expenditure: Impact Fees collected pursuant to the requirements of this Impact Fees Ordinance are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the City, unless the City Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
4. Extension of Time: The City may hold previously dedicated or unencumbered fees for longer than six (6) years if it identifies in writing:
   a. An extraordinary and compelling reason why the fees should be held longer than six (6) years, and
   b. An absolute date by which the fees will be expended.

22.04.050. Refunds.

The City shall refund any Impact Fees paid by a developer plus interest actually earned when:

1. the developer does not proceed with the Development Activity and files a written request for a refund,
2. the fees have not been spent or encumbered; and
3. no impact has resulted.

An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the Developer's planned Development Activity even though that capacity may, at some future time, be utilized by another development.

22.04.060. Other Impact Fees.

To the extent allowed by law, the City Council may negotiate or otherwise impose Impact Fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in Impact Fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

22.04.070. Additional Fees and Costs.

The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

22.04.080. Fees Effective at Time of Payment.
Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section 6 below.

22.04.090. Imposition of Additional Fee or Refund after Development Activity.
Should any developer undertake Development Activities such that the ultimate density or other impact of the Development Activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Impact Fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional Impact Fee to the developer or other appropriate person covering the density for which an Impact Fee was not previously paid.

Chapter 22.05.
CAPITAL FACILITIES PLAN

22.05.010. Capital Facilities Plan.

22.05.010. Capital Facilities Plan.
The City has developed a parks & recreation Capital Facilities Plan for the City's parks & recreation system. The Parks & recreation Capital Facilities Plan has been prepared based on reasonable growth assumptions for the Perry City-Wide Service Area, and analyzes the general demand characteristics of current and future users of each system. Furthermore, the Capital Facilities Plan identifies the impact on System Improvements created by Development Activity and estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to new Development Activity.

Chapter 22.06.
IMPACT FEE SCHEDULE AND FORMULA

22.06.010. Maximum Supportable Impact Fees.

22.06.010. Maximum Supportable Impact Fees.
The following regarding maximum supportable impact fees for this ordinance:

1. The fee schedule included herein represents the maximum Impact Fees which the City may impose on development within the defined Perry City-Wide Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right under the Impact Fees Act (Utah Code 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.
2. This adjustment may result in a higher Impact Fee if the City determines that a user would create a greater than normal impact on any of the systems. The City may also decrease the Impact Fee if the developer can provide documentation that the

proposed impact will be less than what could be expected given the type of user (Utah Code 11-36-202(3)(a)).

3. Recommended Parks and Recreation Impact Fees*:

Type of Household	Fee Per Capita	Persons Per Household	Recommended Fee	Final Adopted Fee
Single Family Fee	$759.93	3.25	$2,469.76	$2,000
Multi-Family Fee	$759.93	2.64	$2,006.20	$1,500

*The City Council approved these amounts.

Chapter 22.07.
FEE EXCEPTIONS AND ADJUSTMENTS

22.07.010. Waiver for Public Purpose.

22.07.010. Waiver for Public Purpose.
The City Council may, on a project by project basis, authorize exceptions or adjustments to the Impact Fees due from development for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature. The City Council may elect to waive or adjust Impact Fees in consideration of economic benefits to be received from the developer's activity. Regarding procedures:

1. Procedures: Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

Chapter 22.08.
APPEAL PROCEDURE

22.08.010. Impact Fee Challenge Procedure.
22.08.020. Application.
22.08.030. Hearing.
22.08.040. Decision.

22.08.010. Impact Fee Challenge Procedure.
Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:

1. An appeal to the City pursuant to paragraph 2, 3 and 4 of this Section;
2. A request for arbitration as provided in *Utah Code Annotated* § 11-36-402(1), as amended; or

3. An action in state district court as provided in *Utah Code Annotated* § 11-36-401(4)(c)(iii), as amended.

22.08.020. Application.
Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge or appeal the Impact Fee by filing a written notice of appeal with the City Council within thirty (30) days of the date that the fee was paid.

22.08.030. Hearing.
Upon receiving the written notice of appeal, the City shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee.

22.08.040. Decision.
The hearing panel, which shall consist of the City Council or such other body as the City shall designate, shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

Chapter 22.09.
MISCELLANEOUS

22.09.010. Severability.
22.09.020. Interpretation.
22.09.030. Effective Date.

22.09.010. Severability.
If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Ordinance are declared to be severable.

22.09.020. Interpretation.
This Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Ordinance shall not be affected by such division or by any heading contained herein.

22.09.030. Effective Date.
Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify, or affect any Impact Fee of the City in existence as of the effective date of this Ordinance, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees,

after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance.

Legislative History
New ordinance adopted: 8/09/07
New numbering system and codification into Perry Municipal Code: 12/11/2008

Title 23, An Impact Fee Ordinance
STORM WATER IMPACT FEES

Chapter 23.01. PURPOSE
Chapter 23.02. DEFINITIONS
Chapter 23.03. WRITTEN IMPACT FEE ANALYSIS
Chapter 23.04. IMPACT FEE CALCULATIONS
Chapter 23.05. CAPITAL FACILITIES PLAN
Chapter 23.06. IMPACT FEE SCHEDULE AND FORMULA
Chapter 23.07. FEE EXCEPTIONS AND ADJUSTMENTS
Chapter 23.08. APPEAL PROCEDURE
Chapter 23.09. MISCELLANEOUS

Chapter 23.01.
PURPOSE

23.01.010. Purpose.

23.01.010. Purpose.

This Impact Fee Ordinance establishes the City's Storm Water Impact Fee policies and procedures and repeals certain provisions of prior ordinances related to Storm Water Impact Fees and conforms to the requirements of the Utah Impact Fees Act (§11-36). This Ordinance repeals any prior ordinances related to Storm Water Impact Fees and establishes Impact Fees for Storm Water facilities within the Perry City-Wide Service Area, provides a schedule of Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing Impact Fees.

Chapter 23.02.
DEFINITIONS

23.02.010. Purpose.
23.02.020. Capital Facilities Plan.
23.02.030. Development Activity.
23.02.040. Development Approval.
23.02.050. City.
23.02.060. Impact Fee.
23.02.070. Project Improvements.
23.02.080. Proportionate Share.
23.02.090. Public Facilities.
23.02.100. Service Area.
23.02.110. System Improvements.

23.02.010. Purpose.
Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Ordinance. The following Sections shall have words and phrases which have the attached meanings.

23.02.020. Capital Facilities Plan.
The plan required by Section 11-36-201 of the Act. In Section 11-36-201 (2)(e) there is an exception to the Capital Facilities Plan for cities of 5,000 or less in population, based on the latest census. Perry City does meet this exception but has completed a Capital Facilities Plans in accordance with the Act and has adopted the Capital Facilities Plans in conjunction with this Ordinance.

23.02.030. Development Activity.
Any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land located within the Perry City-Wide Service Area that creates additional demand and need for Public Facilities related to Storm Water.

23.02.040. Development Approval.
Any written authorization from the City that authorizes the commencement of Development Activity. Typically, development approval would be in the form of a building permit issued by the City's building department.

23.02.050. City.
A city is a local political subdivision of the State of Utah and is referred to herein as Perry City.

23.02.060. Impact Fee.
A payment of money imposed upon Development Activity as a condition of development approval. Impact Fee includes development Impact Fees, but is not a tax, a special assessment, a hookup fee, a building permit fee, a fee for project improvements, or other reasonable permit or application fees.

23.02.070. Project Improvements.
Site improvements and facilities that are planned and designed to provide service for development resulting from a Development Activity and are necessary solely for the use and convenience of the occupants or users of said Development Activity."Project improvements" do not include "System Improvements" as defined below.

23.02.080. Proportionate Share.
Proportionate share of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a Development Activity.

23.02.090. Public Facilities.
For purposes of this Ordinance, public facilities mean storm water improvements or facilities of the City for the Perry City-Wide Service Area.

23.02.100. Service Area.
Service area refers to a geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's Public Facilities provides service. For purposes of this Ordinance, the Perry City-Wide Service Area shall be considered a separate and distinct geographic area from the rest of Perry City, which creates different demands on the Public Facilities than the City and therefore creates different impacts on the costs of capital infrastructure. The Perry City-Wide Service Area is identified in the attached map (Exhibit A: Map of the Perry City-Wide Service Area).

23.02.110. System Improvements.
System improvements refers both to existing Public Facilities designed to provide services within Perry City-Wide Service Area and to future Public Facilities identified in the Storm Water Capital Facilities Plan adopted by the City that are intended to provide service to the Perry City-Wide Service Area. System Improvements do not include Project Improvements as defined above.

Chapter 23.03.
WRITTEN IMPACT FEE ANALYSIS

23.03.010. Executive Summary.
23.03.020. Written Impact Fee Analysis.
23.03.030. Proportionate Share Analysis.

23.03.010. Executive Summary.
A summary of the findings of the Written Impact Fee Analysis that is designed to be understood by a lay person is included in Storm Water Impact Fee Analysis and demonstrates the need for Impact Fees to be assessed on Development Activity. The Executive Summary has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

23.03.020. Written Impact Fee Analysis.
The City has commissioned the Written Storm Water Impact Fee Analysis for the Storm Water Impact Fees that identifies the impacts upon the Storm Water system and the facilities required by Development Activity, demonstrates how those impacts on System Improvements are reasonably related to Development Activity, estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to the Development Activity and identifies how the Impact Fees are calculated. A copy of Written

Storm Water Impact Fee Analysis has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

23.03.030. Proportionate Share Analysis.
The City has prepared a Proportionate Share Analysis which analyzes whether or not the proportionate share of the costs of future Public Facilities is reasonably related to new Development Activity. The Proportionate Share Analysis identifies the costs of existing Public Facilities, the manner of financing existing Public Facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the City. A copy of the Proportionate Share Analysis is included in the Written Storm Water Impact Fee Analysis and has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

Chapter 23.04.
IMPACT FEE CALCULATIONS

23.04.010. Ordinance Enacting Impact Fees.
23.04.020. Developer Credits.
23.04.030. Impact Fees Accounting.
23.04.040. Refunds.
23.04.050. Other Impact Fees.
23.04.060. Additional Fees and Costs.
23.04.070. Fees Effective at Time of Payment.
23.04.080. Imposition of Additional Fee or Refund after Development Activity.

23.04.010. Ordinance Enacting Impact Fees.
The City Council will, by this Ordinance, approve Impact Fees in accordance with the Written Impact Fee Analysis. The following regarding enactment of impact fees:

1. Elements: In calculating the Impact Fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of System Improvements, and outstanding or future debt service charges if the City might use Impact Fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of System Improvements.
2. Notice and Hearing: In conjunction with the approval of this, the City held a public hearing on May 31, 2007, and made a copy of the Ordinance available to the public, at least fourteen (14) days before the date of the hearing, all in conformity with the requirements of Utah Code Annotated 10-9-103(2). After the public hearing, the City Council adopted this Impact Fee Ordinance as presented herein.
3. Contents of the Ordinance: The Ordinance adopting or modifying an Impact Fee contains such detail and elements as deemed appropriate by the City Council,

including a designation of the Perry City-Wide Service Area within which the Impact Fees are to be calculated and imposed. The Perry City-Wide Service Area will be the only service area included in this analysis, with a map defining their boundaries included in Exhibit A: Map of the Perry City-Wide Service Area. The Ordinance includes:

a. a schedule of Impact Fees to be imposed for Storm Water, and
b. the formula to be used by the City in calculating the Impact Fee.

4. Adjustments: The standard Impact Fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a Development Activity or project. The standard Impact Fee may also be adjusted to ensure that Impact Fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes. The Impact Fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.
5. Previously Incurred Costs: To the extent that new growth and development will be served by previously constructed improvements, the City's Impact Fees may include public facility costs and outstanding bond costs related to the Storm Water improvements previously incurred by the City. These costs may include all projects included in the Capital Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

23.04.020. Developer Credits.

A developer may be allowed a credit against Impact Fees for any dedication or improvement to land or new construction of System Improvements provided by the developer provided that it is:

1. identified in the City's Capital Facilities Plan, and
2. required by the City as a condition of approving the Development Activity. Otherwise, no credit may be given.

23.04.030. Impact Fees Accounting.

The City will establish a separate interest-bearing ledger account for the Impact Fees collected pursuant to this Ordinance and will conform to the accounting requirements provided in the Impact Fees Act. All interest earned on the collection of Storm Water Impact Fees shall accrue to the benefit of the segregated account. Impact Fees collected prior to the effective date of this Ordinance need not meet the requirements of this section. The following is also included:

1. Reporting: At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.

2. Impact Fee Expenditures: The City may expend Impact Fees covered by the Impact Fees Policy only for System Improvements that are:
    a. Public Facilities identified in the City's Capital Facilities Plans and
    b. of the specific public facility type for which the fee was collected. Impact Fees will be expended on a First-In First-Out ("FIFO") basis.
3. Time of Expenditure: Impact Fees collected pursuant to the requirements of this Impact Fees Ordinance are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the City, unless the City Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
4. Extension of Time: The City may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing:
    a. an extraordinary and compelling reason why the fees should be held longer than six years, and
    b. an absolute date by which the fees will be expended.

23.04.040. Refunds.

The City shall refund any Impact Fees paid by a developer plus interest actually earned when:

1. the developer does not proceed with the Development Activity and files a written request for a refund;
2. the fees have not been spent or encumbered; and
3. no impact has resulted.

An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the Developer's planned Development Activity even though that capacity may, at some future time, be utilized by another development.

23.04.050. Other Impact Fees.

To the extent allowed by law, the City Council may negotiate or otherwise impose Impact Fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in Impact Fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

23.04.060. Additional Fees and Costs.

The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

23.04.070. Fees Effective at Time of Payment.
Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section 6 below.

23.04.080. Imposition of Additional Fee or Refund after Development Activity.
Should any developer undertake Development Activities such that the ultimate density or other impact of the Development Activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Impact Fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional Impact Fee to the developer or other appropriate person covering the density for which an Impact Fee was not previously paid.

Chapter 23.05.
CAPITAL FACILITIES PLAN

23.05.010. Capital Facilities Plan.

23.05.010. Capital Facilities Plan.
The City has developed a Storm Water Capital Facilities Plan for the City's Storm Water system. The Storm Water Capital Facilities Plan has been prepared based on reasonable growth assumptions for the Perry City-Wide Service Area, and analyzes the general demand characteristics of current and future users of each system. Furthermore, the Capital Facilities Plan identifies the impact on System Improvements created by Development Activity and estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to new Development Activity.

Chapter 23.06.
IMPACT FEE SCHEDULE AND FORMULA

23.06.010. Maximum Supportable Impact Fees.
23.06.020. Recommended Storm Water Impact Fees.

23.06.010. Maximum Supportable Impact Fees.
The fee schedule included herein represents the maximum Impact Fees which the City may impose on development within the defined Perry City-Wide Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right under the Impact Fees Act (*Utah Code* 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed. The following regarding the adjusted fee:

1. This adjustment may result in a higher Impact Fee if the City determines that a user would create a greater than normal impact on any of the systems. The City may also decrease the Impact Fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (*Utah Code* 11-36-202(3)(a)).

23.06.020. Recommended Storm Water Impact Fees.

The following charts for Single Family Residential and Non-Residential Land Use Categories:

1. Single Family Residential (Assessed per Unit)*.

Land Use Category	Multiplier	Impact Fee per ERU	Impact Fee
Mixed Use Residential	0.46	$4,251.87	$1,968.46
Residential- 1/2 Acre	1.25	$4,251.87	$5,314.84
Low Density Residential- 1/3 Acre	0.74	$4,251.87	$3,149.53
Medium Density Residential	0.42	$4,251.87	$1,784.60
Rural Residential- 1/2 Acre	1.11	$4,251.87	$4,724.30
Agricultural	1.25	$4,251.87	$5,314.84

2. Non-Residential (Assessed per Acre)*.

Commercial	$4,251.87	$4,251.87
Mixed Use Commercial	$4,251.87	$4,251.87
Neighborhood Commercial	$4,251.87	$4,251.87
Manufacturing/Industrial	$4,251.87	$4,251.87
Manufacturing/Industrial Limited	$4,251.87	$4,251.87
Civic	$4,251.87	$4,251.87
Institutional	$4,251.87	$4,251.87
Mixed Use Office	$4,251.87	$4,251.87

*The City Council approved these amounts.

Chapter 23.07.
FEE EXCEPTIONS AND ADJUSTMENTS

23.07.010. Waiver for Public Purpose.

23.07.010. Waiver for Public Purpose.

The City Council may, on a project by project basis, authorize exceptions or adjustments to the Impact Fees due from development for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature. The City Council may elect to waive or adjust Impact Fees in consideration of economic benefits to be received from the developer's activity. The following regarding the procedure for exceptions:

1. Procedures: Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

Chapter 23.08.
APPEAL PROCEDURE

23.08.010. Challenge of Impact Fee.
23.08.020. Application.
23.08.030. Hearing.
23.08.040. Decision.

23.08.010. Challenge of Impact Fee.

Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:

1. An appeal to the City pursuant to paragraph 2, 3 and 4 of this Section 8;
2. A request for arbitration as provided in *Utah Code Annotated* § 11-36-402(1), as amended; or
3. An action in state district court as provided in *Utah Code Annotated* § 11-36-401(4)(c)(iii), as amended.

23.08.020. Application.

Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge or appeal the Impact Fee by filing a written notice of appeal with the City Council within thirty (30) days of the date that the fee was paid.

23.08.030. Hearing.

Upon receiving the written notice of appeal, the City shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may

appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee.

23.08.040. Decision.
The hearing panel, which shall consist of the City Council or such other body as the City shall designate, shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

Chapter 23.09.
MISCELLANEOUS

23.09.010. Severability.
23.09.020. Interpretation.
23.09.030. Effective Date.

23.09.010. Severability.
If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Ordinance are declared to be severable.

23.09.020. Interpretation.
This Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Ordinance shall not be affected by such division or by any heading contained herein.

23.09.030. Effective Date.
Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify or affect any Impact Fee of the City in existence as of the effective date of this Ordinance, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees, after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance.

Legislative History
New ordinance adopted: 5/31/07.
Added new numbering and codification into Perry Municipal Code: 12/11/2008.

Title 25, An Impact Fee Ordinance
CULINARY WATER IMPACT FEES

Chapter 25.01. **PURPOSE**
Chapter 25.02. **DEFINITIONS**
Chapter 25.03. **WRITTEN IMPACT FEE ANALYSIS**
Chapter 25.04. **IMPACT FEE CALCULATIONS**
Chapter 25.05. **CAPITAL FACILITIES PLAN**
Chapter 25.06. **IMPACT FEE SCHEDULE AND FORMULA**
Chapter 25.07. **FEE EXCEPTIONS AND ADJUSTMENTS**
Chapter 25.08. **APPEAL PROCEDURE**
Chapter 25.09. **MISCELLANEOUS**

Chapter 25.01.
PURPOSE

25.01.010. **Purpose.**

25.01.010. Purpose.

This Impact Fee Ordinance establishes the City's culinary water Impact Fee policies and procedures and repeals certain provisions of prior ordinances related to culinary water Impact Fees and conforms to the requirements of the Utah Impact Fees Act (§11-36). This Ordinance repeals any prior ordinances related to culinary water Impact Fees and establishes Impact Fees for culinary water facilities within the Perry City-Wide Service Area, provides a schedule of Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing Impact Fees.

Chapter 25.02.
DEFINITIONS

25.02.010. **Explanation of This Section.**
25.02.020. **Capital Facilities Plan.**
25.02.030. **Development Activity.**
25.02.040. **Development Approval.**
25.02.050. **City.**
25.02.060. **Impact Fee.**
25.02.070. **Project Improvements.**
25.02.080. **Proportionate Share.**
25.02.090. **Public Facilities.**
25.02.100. **Service Area.**
25.02.110. **System Improvements.**

25.02.010. Explanation of This Section.
Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Ordinance. The following words and phrases shall have the attached meanings.

25.02.020. Capital Facilities Plan.
The plan required by Section 11-36-201 of the Act. In Section 11-36-201 (2)(e) there is an exception to the Capital Facilities Plan for cities of 5,000 or less in population, based on the latest census. Perry City does meet this exception but has completed a Capital Facilities Plans in accordance with the Act and has adopted the Capital Facilities Plans in conjunction with this Ordinance.

25.02.030. Development Activity.
Any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land located within the Perry City-Wide Service Area that creates additional demand and need for Public Facilities related to culinary water.

25.02.040. Development Approval.
Any written authorization from the City that authorizes the commencement of Development Activity. Typically, development approval would be in the form of a building permit issued by the City's building department.

25.02.050. City.
A local political subdivision of the State of Utah and is referred to herein as Perry City.

25.02.060. Impact Fee.
A payment of money imposed upon Development Activity as a condition of development approval. Impact Fee includes development Impact Fees, but is not a tax, a special assessment, a hookup fee, a building permit fee, a fee for project improvements, or other reasonable permit or application fees.

25.02.070. Project Improvements.
Site improvements and facilities that are planned and designed to provide service for development resulting from a Development Activity and are necessary solely for the use and convenience of the occupants or users of said Development Activity. Project improvements do not include System Improvements as defined below.

25.02.080. Proportionate Share.
Proportionate share of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a Development Activity.

25.02.090. Public Facilities.
Public facilities means, for purposes of this Ordinance, culinary water or improvements or facilities of the City for the Perry City-Wide Service Area.

25.02.100. Service Area.
Service area refers to a geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's Public Facilities provides service. For purposes of this Ordinance, the Perry City-Wide Service Area shall be considered a separate and distinct geographic area from the rest of Perry City, which creates different demands on the Public Facilities than the City and therefore creates different impacts on the costs of capital infrastructure. The Perry City-Wide Service Area is identified in the attached map (Exhibit A: Map of the Perry City-Wide Service Area).

25.02.110. System Improvements.
System improvements refer both to existing Public Facilities designed to provide services within Perry City-Wide Service Area and to future Public Facilities identified in the Culinary Water Capital Facilities Plan adopted by the City that are intended to provide service to the Perry City-Wide Service Area. System Improvements do not include Project Improvements as defined above.

Chapter 25.03.
WRITTEN IMPACT FEE ANALYSIS

25.03.010. Executive Summary.
25.03.020. Written Impact Fee Analysis.
25.03.030. Proportionate Share Analysis.

25.03.010. Executive Summary.
A summary of the findings of the Written Impact Fee Analysis that is designed to be understood by a lay person is included in Culinary Water Impact Fee Analysis and demonstrates the need for Impact Fees to be assessed on Development Activity. The Executive Summary has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

25.03.020. Written Impact Fee Analysis.
The City has commissioned the Written Culinary Water Impact Fee Analysis for the Culinary Water Impact Fees that identifies the impacts upon the culinary water system and the facilities required by Development Activity, demonstrates how those impacts on System Improvements are reasonably related to Development Activity, estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to the Development Activity and identifies how the Impact Fees are calculated. A copy of Written Culinary Water Impact Fee Analysis has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

25.03.030. Proportionate Share Analysis.
The City has prepared a Proportionate Share Analysis which analyzes whether or not the proportionate share of the costs of future Public Facilities is reasonably related to new Development Activity. The Proportionate Share Analysis identifies the costs of existing Public Facilities, the manner of financing existing Public Facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the City. A copy of the Proportionate Share Analysis is included in the Written Culinary Water Impact Fee Analysis and has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

Chapter 25.04.
IMPACT FEE CALCULATIONS

25.04.010. Ordinance Enacting Impact Fees.
25.04.020. Developer Credits.
25.04.030. Impact Fees Accounting.
25.04.040. Refunds.
25.04.050. Other Impact Fees.
25.04.060. Additional Fees and Costs.
25.04.070. Fees Effective at Time of Payment.
25.04.080. Imposition of Additional Fee or Refund after Development Activity.

25.04.010. Ordinance Enacting Impact Fees.
The City Council will, by this Ordinance, approve Impact Fees in accordance with the Written Impact Fee Analysis. The following is also included:

1. Elements: In calculating the Impact Fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of System Improvements, and outstanding or future debt service charges if the City might use Impact Fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of System Improvements.
2. Notice and Hearing: In conjunction with the approval of this, the City held a public hearing on May 31, 2007, and made a copy of the Ordinance available to the public, at least fourteen (14) days before the date of the hearing, all in conformity with the requirements of *Utah Code Annotated* 10-9-103(2). After the public hearing, the City Council adopted this Impact Fee Ordinance as presented herein.
3. Contents of the Ordinance: The Ordinance adopting or modifying an Impact Fee contains such detail and elements as deemed appropriate by the City Council, including a designation of the Perry City-Wide Service Area within which the Impact Fees are to be calculated and imposed. The Perry City-Wide Service Area will be the only service area included in this analysis, with a map defining their boundaries

included in Exhibit A: Map of the Perry City-Wide Service Area. The Ordinance includes:

a. a schedule of Impact Fees to be imposed for culinary water; and
b. the formula to be used by the City in calculating the Impact Fee.

4. Adjustments: The standard Impact Fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a Development Activity or project. The standard Impact Fee may also be adjusted to ensure that Impact Fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes. The Impact Fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.
5. Previously Incurred Costs: To the extent that new growth and development will be served by previously constructed improvements, the City's Impact Fees may include public facility costs and outstanding bond costs related to the culinary water improvements previously incurred by the City. These costs may include all projects included in the Capital Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

25.04.020. Developer Credits.

A developer may be allowed a credit against Impact Fees for any dedication or improvement to land or new construction of System Improvements provided by the developer, provided that it is (i) identified in the City's Capital Facilities Plan and (ii) required by the City as a condition of approving the Development Activity. Otherwise, no credit may be given.

25.04.030. Impact Fees Accounting.

The City will establish a separate interest-bearing ledger account for the Impact Fees collected pursuant to this Ordinance and will conform to the accounting requirements provided in the Impact Fees Act. All interest earned on the collection of Culinary Water Impact Fees shall accrue to the benefit of the segregated account. Impact Fees collected prior to the effective date of this Ordinance need not meet the requirements of this section. The following regarding this Section is also included below:

1. Reporting: At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
2. Impact Fee Expenditures: The City may expend Impact Fees covered by the Impact Fees Policy only for System Improvements that are:
    a. Public Facilities identified in the City's Capital Facilities Plans; and
    b. of the specific public facility type for which the fee was collected. Impact Fees will be expended on a First-In First-Out ("FIFO") basis.

3. Time of Expenditure: Impact Fees collected pursuant to the requirements of this Impact Fees Ordinance are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the City, unless the City Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.
4. Extension of Time: The City may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing:
    a. an extraordinary and compelling reason why the fees should be held longer than six (6) years; and
    b. an absolute date by which the fees will be expended.

25.04.040. Refunds.

The City shall refund any Impact Fees paid by a developer plus interest actually earned when:

1. the developer does not proceed with the Development Activity and files a written request for a refund;
2. the fees have not been spent or encumbered; and
3. no impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the Developer's planned Development Activity even though that capacity may, at some future time, be utilized by another development.

25.04.050. Other Impact Fees.

To the extent allowed by law, the City Council may negotiate or otherwise impose Impact Fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in Impact Fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

25.04.060. Additional Fees and Costs.

The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

25.04.070. Fees Effective at Time of Payment.

Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section 6 below.

25.04.080. Imposition of Additional Fee or Refund after Development Activity.
Should any developer undertake Development Activities such that the ultimate density or other impact of the Development Activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Impact Fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional Impact Fee to the developer or other appropriate person covering the density for which an Impact Fee was not previously paid.

Chapter 25.05.
CAPITAL FACILITIES PLAN

25.05.010. Capital Facilities Plan.

25.05.010. Capital Facilities Plan.
The City has developed a Culinary Water Capital Facilities Plan for the City's culinary water system. The Culinary Water Capital Facilities Plan has been prepared based on reasonable growth assumptions for the Perry City-Wide Service Area, and analyzes the general demand characteristics of current and future users of each system. Furthermore, the Capital Facilities Plan identifies the impact on System Improvements created by Development Activity and estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to new Development Activity.

Chapter 25.06.
IMPACT FEE SCHEDULE AND FORMULA

25.06.010. Maximum Supportable Impact Fees.
25.06.020. Recommended Culinary Water Impact Fees.
25.06.030. Formula for Calculation of Non-Standard Culinary Water Impact Fees.

25.06.010. Maximum Supportable Impact Fees.
The following regarding maximum supportable impact fees:

1. The fee schedule included herein represents the maximum Impact Fees which the City may impose on development within the defined Perry City-Wide Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right under the Impact Fees Act (*Utah Code Annotated* 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.
2. This adjustment may result in a higher Impact Fee if the City determines that a user would create a greater than normal impact on any of the systems. The City may also decrease the Impact Fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (*Utah Code Annotated* 11-36-202(3)(a)).

25.06.020. Recommended Culinary Water Impact Fees.
The following for culinary water impact fee calculation*:

Meter Size	Class	Flow Rate (gpm)	Equivalent Units	Cost per ERU	Equivalent Impact Fee
3/4"	Displacement	25	1.00	$2,351	$2,351
1"	Displacement	40	1.60	$2,351	$3,762
11/2"	Displacement	50	2.00	$2,351	$4,703
2"	Displacement	100	4.00	$2,351	$9,405
3"	Class I Turbine	350	14.00	$2,351	$32,919
4"	Class I Turbine	600	24.00	$2,351	$56,432
6"	Class I Turbine	1,250	50.00	$2,351	$117,566
8"	Class I Turbine*	1,800	72.00	$2,351	$169,296

25.06.030. Formula for Calculation of Non-Standard Culinary Water Impact Fees.
The following formula for non-standard culinary water impact fee calculation*:

	Impact Fee Per Af	Gallons Per ERU	Fee Per 1,000 Gallons
All Land Uses*	$2,351.33	292,000	$8.05

*The City Council approved these amounts

Chapter 25.07.
FEE EXCEPTIONS AND ADJUSTMENTS

25.07.010. Waiver for Public Purpose.
25.07.020. Procedures.

25.07.010. Waiver for Public Purpose.
The City Council may, on a project by project basis, authorize exceptions or adjustments to the Impact Fees due from development for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature. The City Council may elect to waive or adjust

Impact Fees in consideration of economic benefits to be received from the developer's activity.

25.07.020. Procedures.
Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

Chapter 25.08.
APPEAL PROCEDURE

25.08.010. Requirements for Appeal Procedure.
25.08.020. Application.
25.08.030. Hearing.
25.08.040. Decision.

25.08.010. Requirements for Appeal Procedure.
Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:

1. An appeal to the City pursuant to paragraph 2, 3 and 4 of this Section 8;
2. A request for arbitration as provided in *Utah Code Annotated* § 11-36-402(1), as amended; or
3. An action in state district court as provided in *Utah Code Annotated* § 11-36-401(4)(c)(iii), as amended.

25.08.020. Application.
Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge or appeal the Impact Fee by filing a written notice of appeal with the City Council within thirty (30) days of the date that the fee was paid.

25.08.030. Hearing.
Upon receiving the written notice of appeal, the City shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee.

25.08.040. Decision.
The hearing panel, which shall consist of the City Council or such other body as the City shall designate, shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

Chapter 25.09.
MISCELLANEOUS

25.09.010. Severability.
25.09.020. Interpretation.
25.09.030. Effective Date.

25.09.010. Severability.

If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Ordinance are declared to be severable.

25.09.020. Interpretation.

This Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Ordinance shall not be affected by such division or by any heading contained herein.

25.09.030. Effective Date.

Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify or affect any Impact Fee of the City in existence as of the effective date of this Ordinance, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees, after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance.

Legislative History

New Ordinance adopted: 5/31/07.
New numbering system and codification into Perry Municipal Code: 12/11/2008.

Title 26, An Impact Fee Ordinance
WASTEWATER IMPACT FEES
[Un-Codified; Chapter Index Only; See PMC Volume D for the Full Text of Titles 26 & 36]

[CFP and Impact Fee Analysis - Document Dated June, 2007]

Chapter 26.04. Evaluation of Viable Alternatives and Plan Adoption

Chapter 26.06. Appendices

- **A. Soil Legend**
- **B. Discharge Permit**
- **C. Environmental Letters**
- **D. Exhibits and Maps**
  - **1.1 Location Map**
  - **1.2 Area Map**
  - **1.3 Physiography & Topography**
  - **1.4 Fault Locations**
  - **1.5 Soil Classifications**
  - **1.6 Wetland Locations**
  - **1.7 Groundwater Resources**
  - **1.8 Zoning Map**
  - **1.9 Flood Plain Map A**
    Flood Plain Map B

  - **4.1 Regionalize with Brigham City**
  - **4.2 Build STM Aerotor Mechanical Plant**
  - **4.3 STM Aerotor Process Diagram**
  - **4.4 Build SBR Mechanical Plant**
  - **4.5 SBR Process Diagram**
  - **4.6 Join with Willard STM Aerotor**

- **E. Cash flow Model**
- **F. Opinion of Probable Cost Exhibits**
- **G. Net Present Value**
- **H. Bighorn Archaeological Consultants Report**
- **I. DEQ Analysis of Perry City Lagoon System**

[Supplement - Separate Document Dated June/July, 2009]

Chapter 26.11. Supplementary Information

Legislative History

Adopt new Capital Facilities Plan and impact fee analysis in June, 2007.
Adopt Supplement to new Capital Facilities Plan and impact fee analysis in June/July, 2009.
Added into 2010 Perry Municipal Code without re-numbering or codification: 01/13/2011.

Title 28, An Impact Fee Ordinance
FIRE IMPACT FEES

Chapter 28.01. PURPOSE
Chapter 28.02. DEFINITIONS
Chapter 28.03. WRITTEN IMPACT FEE ANALYSIS
Chapter 28.04. IMPACT FEE CALCULATIONS
Chapter 28.05. CAPITAL FACILITIES PLAN
Chapter 28.06. IMPACT FEE SCHEDULE AND FORMULA
Chapter 28.07. FEE EXCEPTIONS AND ADJUSTMENTS
Chapter 28.08. APPEAL PROCEDURE
Chapter 28.09. MISCELLANEOUS

Chapter 28.01.
PURPOSE

28.01.010. Purpose.

28.01.010. Purpose.

This Impact Fee Ordinance establishes the City's Fire Impact Fee policies and procedures and repeals certain provisions of prior ordinances related to Fire Impact Fees and conforms to the requirements of the Utah Impact Fees Act (§11-36). This Ordinance repeals any prior ordinances related to Fire Impact Fees and establishes Impact Fees for Fire facilities within the Perry City-Wide Service Area, provides a schedule of Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing Impact Fees.

Chapter 28.02.
DEFINITIONS

28.02.010. Explanation of This Section.
28.02.020. Capital Facilities Plan.
28.02.030. Development Activity.
28.02.040. Development Approval.
28.02.050. City.
28.02.060. Impact Fee.
28.02.070. Project Improvements.
28.02.080. Proportionate Share.
28.02.090. Public Facilities.
28.02.100. Service Area.
28.02.110. System Improvements.

28.02.010. Explanation of This Section.

Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Ordinance. The following words and phrases shall have the attached meanings.

28.02.020. Capital Facilities Plan.
The plan required by Section 11-36-201 of the Act. In Section 11-36-201 (2)(e) there is an exception to the Capital Facilities Plan for cities of 5,000 or less in population, based on the latest census. Perry City does meet this exception but has completed a Capital Facilities Plans in accordance with the Act and has adopted the Capital Facilities Plans in conjunction with this Ordinance.

28.02.030. Development Activity.
Any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land located within the Perry City-Wide Service Area that creates additional demand and need for Public Facilities related to Fire.

28.02.040. Development Approval.
Any written authorization from the City that authorizes the commencement of Development Activity. Typically, development approval would be in the form of a building permit issued by the City's building department.

28.02.050. City.
A local political subdivision of the State of Utah and is referred to herein as Perry City.

28.02.060. Impact Fee.
A payment of money imposed upon Development Activity as a condition of development approval. Impact Fees include development Impact Fees but is not a tax, a special assessment, a hookup fee, a building permit fee, a fee for project improvements, or other reasonable permit or application fees.

28.02.070. Project Improvements.
Site improvements and facilities that are planned and designed to provide service for development resulting from a Development Activity and are necessary solely for the use and convenience of the occupants or users of said Development Activity. Project improvements do not include System Improvements as defined below.

28.02.080. Proportionate Share.
Proportionate share of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a Development Activity.

28.02.090. Public Facilities.
Public facilities means, for purposes of this Ordinance, Fire or improvements or facilities of the City for the Perry City-Wide Service Area.

28.02.100. Service Area.
Service area refers to a geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's Public Facilities provides service. For purposes of this Ordinance, the Perry City-Wide Service Area shall be considered a separate and distinct geographic area from the rest of Perry City, which creates different demands on the Public Facilities than the City and therefore creates different impacts on the costs of capital infrastructure. The Perry City-Wide Service Area is identified in the attached map (Exhibit A: Map of the Perry City-Wide Service Area).

28.02.110. System Improvements.
System improvements refer both to existing Public Facilities designed to provide services within Perry City-Wide Service Area and to future Public Facilities identified in the Fire Capital Facilities Plan adopted by the City that are intended to provide service to the Perry City-Wide Service Area. System Improvements do not include Project Improvements as defined above.

Chapter 28.03.
WRITTEN IMPACT FEE ANALYSIS

28.03.010. Executive Summary.
28.03.020. Written Impact Fee Analysis.
28.03.030. Proportionate Share Analysis.

28.03.010. Executive Summary.
A summary of the findings of the Written Impact Fee Analysis that is designed to be understood by a lay person is included in Fire Impact Fee Analysis and demonstrates the need for Impact Fees to be assessed on Development Activity. The Executive Summary has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

28.03.020. Written Impact Fee Analysis.
The City has commissioned the Written Fire Impact Fee Analysis for the Fire Impact Fees that identifies the impacts upon the Fire system and the facilities required by Development Activity, demonstrates how those impacts on System Improvements are reasonably related to Development Activity, estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to the Development Activity and identifies how the Impact Fees are calculated. A copy of Written Fire Impact Fee Analysis has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

28.03.030. Proportionate Share Analysis.
The City has prepared a Proportionate Share Analysis which analyzes whether or not the proportionate share of the costs of future Public Facilities is reasonably related to new Development Activity. The Proportionate Share Analysis identifies the costs of existing Public Facilities, the manner of financing existing Public Facilities, the relative extent to

which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the City. A copy of the Proportionate Share Analysis is included in the Written Fire Impact Fee Analysis and has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

Chapter 28.04.
IMPACT FEE CALCULATIONS

28.04.010. Ordinance Enacting Impact Fees.
28.04.020. Developer Credits.
28.04.030. Impact Fees Accounting.
28.04.040. Refunds.
28.04.050. Other Impact Fees.
28.04.060. Additional Fees and Costs.
28.04.070. Fees Effective at Time of Payment.
28.04.080. Imposition of Additional Fee or Refund after Development Activity.

28.04.010. Ordinance Enacting Impact Fees.

The City Council will, by this Ordinance, approve Impact Fees in accordance with the Written Impact Fee Analysis. The following is also included:

1. Elements: In calculating the Impact Fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of System Improvements, and outstanding or future debt service charges if the City might use Impact Fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of System Improvements.
2. Notice and Hearing: In conjunction with the approval of this, the City held a public hearing on April 12, 2007, and made a copy of the Ordinance available to the public, at least fourteen (14) days before the date of the hearing, all in conformity with the requirements of *Utah Code Annotated* 10-9-103(2). After the public hearing, the City Council adopted this Impact Fee Ordinance as presented herein.
3. Contents of the Ordinance: The Ordinance adopting or modifying an Impact Fee contains such detail and elements as deemed appropriate by the City Council, including a designation of the Perry City-Wide Service Area within which the Impact Fees are to be calculated and imposed. The Perry City-Wide Service Area will be the only service area included in this analysis, with a map defining their boundaries included in Exhibit A: Map of the Perry City-Wide Service Area. The Ordinance includes:
    a. A schedule of Impact Fees to be imposed for Fire; and
    b. The formula to be used by the City in calculating the Impact Fee.
4. Adjustments: The standard Impact Fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with

impacts created by a Development Activity or project. The standard Impact Fee may also be adjusted to ensure that Impact Fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes. The Impact Fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.

5. Previously Incurred Costs: To the extent that new growth and development will be served by previously constructed improvements, the City's Impact Fees may include public facility costs and outstanding bond costs related to the Fire improvements previously incurred by the City. These costs may include all projects included in the Capital Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

28.04.020. Developer Credits.

A developer may be allowed a credit against Impact Fees for any dedication or improvement to land or new construction of System Improvements provided by the developer, provided that it is:

1. Identified in the City's Capital Facilities Plan; and
2. Required by the City as a condition of approving the Development Activity. Otherwise, no credit may be given.

28.04.030. Impact Fees Accounting.

The City will establish a separate interest-bearing ledger account for the Impact Fees collected pursuant to this Ordinance and will conform to the accounting requirements provided in the Impact Fees Act. All interest earned on the collection of Fire Impact Fees shall accrue to the benefit of the segregated account. Impact Fees collected prior to the effective date of this Ordinance need not meet the requirements of this section. The following regarding this Section is also included below:

1. Reporting: At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
2. Impact Fee Expenditures: The City may expend Impact Fees covered by the Impact Fees Policy only for System Improvements that are:
    a. Public Facilities identified in the City's Capital Facilities Plans; and
    b. of the specific public facility type for which the fee was collected. Impact Fees will be expended on a First-In First-Out ("FIFO") basis.
3. Time of Expenditure: Impact Fees collected pursuant to the requirements of this Impact Fees Ordinance are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the City, unless the City Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

4. Extension of Time: The City may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing (i) an extraordinary and compelling reason why the fees should be held longer than six years and (ii) an absolute date by which the fees will be expended.

28.04.040. Refunds.

The City shall refund any Impact Fees paid by a developer plus interest actually earned when:

1. The developer does not proceed with the Development Activity and files a written request for a refund;
2. The fees have not been spent or encumbered; and
3. No impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the Developer's planned Development Activity even though that capacity may, at some future time, be utilized by another development.

28.04.050. Other Impact Fees.

To the extent allowed by law, the City Council may negotiate or otherwise impose Impact Fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in Impact Fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

28.04.060. Additional Fees and Costs.

The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

28.04.070. Fees Effective at Time of Payment.

Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Section 6 below.

28.04.080. Imposition of Additional Fee or Refund after Development Activity.

Should any developer undertake Development Activities such that the ultimate density or other impact of the Development Activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Impact Fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional Impact Fee to the developer or other appropriate person covering the density for which an Impact Fee was not previously paid.

Chapter 28.05.
CAPITAL FACILITIES PLAN

28.05.010. Capital Facilities Plan.

28.05.010. Capital Facilities Plan.

The City has developed a Fire Capital Facilities Plan for the City's Fire system. The Fire Capital Facilities Plan has been prepared based on reasonable growth assumptions for the Perry City-Wide Service Area, and analyzes the general demand characteristics of current and future users of each system. Furthermore, the Capital Facilities Plan identifies the impact on System Improvements created by Development Activity and estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to new Development Activity.

Chapter 28.06.
IMPACT FEE SCHEDULE AND FORMULA

28.06.010. Maximum Supportable Impact Fees.
28.06.020. Recommended Fire Impact Fees.

28.06.010. Maximum Supportable Impact Fees.

The following regarding maximum supportable impact fees:

1. The fee schedule included herein represents the maximum Impact Fees which the City may impose on development within the defined Perry City-Wide Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right under the Impact Fees Act (*Utah Code Annotated* 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.
2. This adjustment may result in a higher Impact Fee if the City determines that a user would create a greater than normal impact on any of the systems. The City may also decrease the Impact Fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (*Utah Code Annotated* 11-36-202(3)(a)).

28.06.020. Recommended Fire Impact Fees.
The following for fire impact fee calculation*:

	Residential	Commercial
Percent of Total Calls at Buildout	73.92%	26%
Total Costs to be Assessed	$1,108,793.62	$391,206.38
Total Number of Future Calls	17	6
Costs Per Call	$64,132.89	$64,132.89
Average Calls Per Unit	0.003	0.001
Cost Per Unit	$192.40	$64.13

*The City Council approved these amounts.

Chapter 28.07.
FEE EXCEPTIONS AND ADJUSTMENTS

28.07.010. Waiver for Public Purpose.
28.07.020. Procedures.

28.07.010. Waiver for Public Purpose.
The City Council may, on a project by project basis, authorize exceptions or adjustments to the Impact Fees due from development for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature. The City Council may elect to waive or adjust Impact Fees in consideration of economic benefits to be received from the developer's activity.

28.07.020. Procedures.
Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

Chapter 28.08.
APPEAL PROCEDURE

28.08.010. Requirements for Appeal Procedure.
28.08.020. Application.
28.08.030. Hearing.
28.08.040. Decision.

28.08.010. Requirements for Appeal Procedure.
Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:

1. An appeal to the City pursuant to paragraph 2, 3 and 4 of this Section 8;

2. A request for arbitration as provided in *Utah Code Annotated* § 11-36-402(1), as amended; or
3. An action in state district court as provided in *Utah Code Annotated* § 11-36-401(4)(c)(iii), as amended.

28.08.020. Application.
Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge or appeal the Impact Fee by filing a written notice of appeal with the City Council within thirty (30) days of the date that the fee was paid.

28.08.030. Hearing.
Upon receiving the written notice of appeal, the City shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee.

28.08.040. Decision.
The hearing panel, which shall consist of the City Council or such other body as the City shall designate, shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

Chapter 28.09.
MISCELLANEOUS

28.09.010. Severability.
28.09.020. Interpretation.
28.09.030. Effective Date.

28.09.010. Severability.
If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Ordinance are declared to be severable.

28.09.020. Interpretation.
This Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Ordinance shall not be affected by such division or by any heading contained herein.

28.09.030. Effective Date.
Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify or affect any Impact Fee of the City in existence as of the effective date of this Ordinance, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees,

after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance.

Legislative History
New Ordinance adopted: 4/12/07.
New numbering system and codification into Perry Municipal Code: 12/11/2008.

Title 29, An Impact Fee Ordinance
POLICE IMPACT FEES

Chapter 29.01. PURPOSE
Chapter 29.02. DEFINITIONS
Chapter 29.03. WRITTEN IMPACT FEE ANALYSIS
Chapter 29.04. IMPACT FEE CALCULATIONS
Chapter 29.05. CAPITAL FACILITIES PLAN
Chapter 29.06. IMPACT FEE SCHEDULE AND FORMULA
Chapter 29.07. FEE EXCEPTIONS AND ADJUSTMENTS
Chapter 29.08. APPEAL PROCEDURE
Chapter 29.09. MISCELLANEOUS

Chapter 29.01.
PURPOSE

29.01.010. Purpose.

29.01.010. Purpose.

This Impact Fee Ordinance establishes the City's Police Impact Fee policies and procedures and repeals certain provisions of prior ordinances related to police Impact Fees and conforms to the requirements of the Utah Impact Fees Act (§11-36). This Ordinance repeals any prior ordinances related to police Impact Fees and establishes Impact Fees for police facilities within the Perry City-Wide Service Area, provides a schedule of Impact Fees for differing types of land-use development, and sets forth direction for challenging, modifying and appealing Impact Fees.

Chapter 29.02.
DEFINITIONS

29.02.010. Explanation of This Section.
29.02.020. Capital Facilities Plan.
29.02.030. Development Activity.
29.02.040. Development Approval.
29.02.050. City.
29.02.060. Impact Fee.
29.02.070. Project Improvements.
29.02.080. Proportionate Share.
29.02.090. Public Facilities.
29.02.100. Service Area.
29.02.110. System Improvements.

29.02.010. Explanation of This Section.
Words and phrases that are defined in the Act shall have the same definition in this Impact Fee Ordinance. The following words and phrases shall have the attached meanings.

29.02.020. Capital Facilities Plan.
The plan required by Section 11-36-201 of the Act. In Section 11-36-201 (2)(e) there is an exception to the Capital Facilities Plan for cities of 5,000 or less in population, based on the latest census. Perry City does meet this exception but has completed a Capital Facilities Plans in accordance with the Act and has adopted the Capital Facilities Plans in conjunction with this Ordinance.

29.02.030. Development Activity.
Any construction or expansion of building, structure or use, any change in use of building or structure, or any change in the use of land located within the Perry City-Wide Service Area that creates additional demand and need for Public Facilities related to police.

29.02.040. Development Approval.
Any written authorization from the City that authorizes the commencement of Development Activity. Typically, development approval would be in the form of a building permit issued by the City's building department.

29.02.050. City.
A local political subdivision of the State of Utah and is referred to herein as Perry City.

29.02.060. Impact Fee.
A payment of money imposed upon Development Activity as a condition of development approval. Impact Fee includes development Impact Fees, but is not a tax, a special assessment, a hookup fee, a building permit fee, a fee for project improvements, or other reasonable permit or application fees.

29.02.070. Project Improvements.
Site improvements and facilities that are planned and designed to provide service for development resulting from a Development Activity and are necessary solely for the use and convenience of the occupants or users of said Development Activity. Project improvements do not include System Improvements as defined below.

29.02.080. Proportionate Share.
Proportionate share of the cost of public facility improvements means an amount that is roughly proportionate and reasonably related to the service demands and needs of a Development Activity.

29.02.090. Public Facilities.
Public facilities means, for purposes of this Ordinance, police or improvements or facilities of the City for the Perry City-Wide Service Area.

29.02.100. Service Area.
Service area refers to a geographic area designated by the City based on sound planning and engineering principles in which a defined set of the City's Public Facilities provides service. For purposes of this Ordinance, the Perry City-Wide Service Area shall be considered a separate and distinct geographic area from the rest of Perry City, which creates different demands on the Public Facilities than the City and therefore creates different impacts on the costs of capital infrastructure. The Perry City-Wide Service Area is identified in the attached map (Exhibit A: Map of the Perry City-Wide Service Area).

29.02.110. System Improvements.
System improvements refer both to existing Public Facilities designed to provide services within Perry City-Wide Service Area and to future Public Facilities identified in the Police Capital Facilities Plan adopted by the City that are intended to provide service to the Perry City-Wide Service Area. System Improvements do not include Project Improvements as defined above.

Chapter 29.03.
WRITTEN IMPACT FEE ANALYSIS

29.03.010. Executive Summary.
29.03.020. Written Impact Fee Analysis.
29.03.030. Proportionate Share Analysis.

29.03.010. Executive Summary.
A summary of the findings of the Written Impact Fee Analysis that is designed to be understood by a lay person is included in Police Impact Fee Analysis and demonstrates the need for Impact Fees to be assessed on Development Activity. The Executive Summary has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

29.03.020. Written Impact Fee Analysis.
The City has commissioned the Written Police Impact Fee Analysis for the Police Impact Fees that identifies the impacts upon the police system and the facilities required by Development Activity, demonstrates how those impacts on System Improvements are reasonably related to Development Activity, estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to the Development Activity and identifies how the Impact Fees are calculated. A copy of Written Police Impact Fee Analysis has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

29.03.030. Proportionate Share Analysis.
The City has prepared a Proportionate Share Analysis which analyzes whether or not the proportionate share of the costs of future Public Facilities is reasonably related to new Development Activity. The Proportionate Share Analysis identifies the costs of existing

Public Facilities, the manner of financing existing Public Facilities, the relative extent to which new development will contribute to the cost of existing facilities and the extent to which new development is entitled to a credit for payment towards the costs of new facilities from general taxation or other means apart from user charges in other parts of the City. A copy of the Proportionate Share Analysis is included in the Written Police Impact Fee Analysis and has been available for public inspection at least fourteen (14) days prior to the adoption of this Ordinance.

Chapter 29.04.
IMPACT FEE CALCULATIONS

29.04.010. Ordinance Enacting Impact Fees.
29.04.020. Developer Credits.
29.04.030. Impact Fees Accounting.
29.04.040. Refunds.
29.04.050. Other Impact Fees.
29.04.060. Additional Fees and Costs.
29.04.070. Fees Effective at Time of Payment.
29.04.080. Imposition of Additional Fee or Refund after Development Activity.

29.04.010. Ordinance Enacting Impact Fees.

The City Council will, by this Ordinance, approve Impact Fees in accordance with the Written Impact Fee Analysis. The following is also included:

1. Elements: In calculating the Impact Fee, the City has included the construction costs, land acquisition costs, costs of improvements, fees for planning, surveying, and engineering services provided for and directly related to the construction of System Improvements, and outstanding or future debt service charges if the City might use Impact Fees as a revenue stream to pay principal and interest on bonds or other obligations to finance the cost of System Improvements.
2. Notice and Hearing: In conjunction with the approval of this, the City held a public hearing on April 12, 2007, and made a copy of the Ordinance available to the public, at least fourteen (14) days before the date of the hearing, all in conformity with the requirements of Utah Code Annotated 10-9-103(2). After the public hearing, the City Council adopted this Impact Fee Ordinance as presented herein.
3. Contents of the Ordinance: The Ordinance adopting or modifying an Impact Fee contains such detail and elements as deemed appropriate by the City Council, including a designation of the Perry City-Wide Service Area within which the Impact Fees are to be calculated and imposed. The Perry City-Wide Service Area will be the only service area included in this analysis, with a map defining their boundaries included in Exhibit A: Map of the Perry City-Wide Service Area. The Ordinance includes:
    a. A schedule of Impact Fees to be imposed for police; and
    b. The formula to be used by the City in calculating the Impact Fee.

4. Adjustments: The standard Impact Fee may be adjusted at the time the fee is charged in response to unusual circumstances or to fairly allocate costs associated with impacts created by a Development Activity or project. The standard Impact Fee may also be adjusted to ensure that Impact Fees are imposed fairly for affordable housing projects, in accordance with the local government's affordable housing policy, and other development activities with broad public purposes. The Impact Fee assessed to a particular development may also be adjusted should the developer supply sufficient written information and/or data to the City showing a discrepancy between the fee being assessed and the actual impact on the system.
5. Previously Incurred Costs: To the extent that new growth and development will be served by previously constructed improvements, the City's Impact Fees may include public facility costs and outstanding bond costs related to the police improvements previously incurred by the City. These costs may include all projects included in the Capital Facilities Plan which are under construction or completed but have not been utilized to their capacity, as evidenced by outstanding debt obligations. Any future debt obligations determined to be necessitated by growth activity will also be included to offset the costs of future capital projects.

29.04.020. Developer Credits.

A developer may be allowed a credit against Impact Fees for any dedication or improvement to land or new construction of System Improvements provided by the developer, provided that it is:

1. Identified in the City's Capital Facilities Plan; and
2. Required by the City as a condition of approving the Development Activity. Otherwise, no credit may be given.

29.04.030. Impact Fees Accounting.

The City will establish a separate interest-bearing ledger account for the Impact Fees collected pursuant to this Ordinance and will conform to the accounting requirements provided in the Impact Fees Act. All interest earned on the collection of Police Impact Fees shall accrue to the benefit of the segregated account. Impact Fees collected prior to the effective date of this Ordinance need not meet the requirements of this section. The following regarding this Section is also included below:

1. Reporting: At the end of each fiscal year, the City shall prepare a report on each fund or account generally showing the source and amount of all monies collected, earned and received by the fund or account and each expenditure from the fund or account.
2. Impact Fee Expenditures: The City may expend Impact Fees covered by the Impact Fees Policy only for System Improvements that are:
    a. Public Facilities identified in the City's Capital Facilities Plans; and
    b. of the specific public facility type for which the fee was collected. Impact Fees will be expended on a First-In First-Out ("FIFO") basis.
3. Time of Expenditure: Impact Fees collected pursuant to the requirements of this Impact Fees Ordinance are to be expended, dedicated or encumbered for a permissible use within six years of the receipt of those funds by the City, unless the

City Council directs otherwise. For purposes of this calculation, the first funds received shall be deemed to be the first funds expended.

4. Extension of Time: The City may hold previously dedicated or unencumbered fees for longer than six years if it identifies in writing:
    a. An extraordinary and compelling reason why the fees should be held longer than six years; and
    b. An absolute date by which the fees will be expended.

29.04.040. Refunds.

The City shall refund any Impact Fees paid by a developer plus interest actually earned when:

1. The developer does not proceed with the Development Activity and files a written request for a refund;
2. The fees have not been spent or encumbered; and
3. No impact has resulted. An impact that would preclude a developer from a refund from the City may include any impact reasonably identified by the City, including, but not limited to, the City having sized facilities and/or paid for, installed and/or caused the installation of facilities based in whole or in part upon the Developer's planned Development Activity even though that capacity may, at some future time, be utilized by another development.

29.04.050. Other Impact Fees.

To the extent allowed by law, the City Council may negotiate or otherwise impose Impact Fees and other fees different from those currently charged. Those charges may, at the discretion of the City Council, include but not be limited to reductions or increases in Impact Fees, all or part of which may be reimbursed to the developer who installed improvements that service the land to be connected with the City's system.

29.04.060. Additional Fees and Costs.

The Impact Fees authorized hereby are separate from and in addition to user fees and other charges lawfully imposed by the City and other fees and costs that may not be included as itemized component parts of the Impact Fee Schedule. In charging any such fees as a condition of development approval, the City recognizes that the fees must be a reasonable charge for the service provided.

29.04.070. Fees Effective at Time of Payment.

Unless the City is otherwise bound by a contractual requirement, the Impact Fee shall be determined from the fee schedule in effect at the time of payment in accordance with the provisions of Chapter 29.06. below.

29.04.080. Imposition of Additional Fee or Refund after Development Activity.

Should any developer undertake Development Activities such that the ultimate density or other impact of the Development Activity is not revealed to the City, either through inadvertence, neglect, a change in plans, or any other cause whatsoever, and/or the Impact

Fee is not initially charged against all units or the total density within the development, the City shall be entitled to charge an additional Impact Fee to the developer or other appropriate person covering the density for which an Impact Fee was not previously paid.

Chapter 29.05.
CAPITAL FACILITIES PLAN

29.05.010. Capital Facilities Plan.

29.05.010. Capital Facilities Plan.

The City has developed a police Capital Facilities Plan for the City's police system. The Police Capital Facilities Plan has been prepared based on reasonable growth assumptions for the Perry City-Wide Service Area, and analyzes the general demand characteristics of current and future users of each system. Furthermore, the Capital Facilities Plan identifies the impact on System Improvements created by Development Activity and estimates the proportionate share of the costs of impacts on System Improvements that are reasonably related to new Development Activity.

Chapter 29.06.
IMPACT FEE SCHEDULE AND FORMULA

29.06.010. Maximum Supportable Impact Fees.
29.06.020. Recommended Police Impact Fee Chart.

29.06.010. Maximum Supportable Impact Fees.

The following regarding maximum supportable impact fees:

1. The fee schedule included herein represents the maximum Impact Fees which the City may impose on development within the defined Perry City-Wide Service Area and are based upon general demand characteristics and potential demand that can be created by each class of user. The City reserves the right under the Impact Fees Act (*Utah Code Annotated* 11-36-202(2)(c,d)) to assess an adjusted fee to respond to unusual circumstances to ensure that fees are equitably assessed.
2. This adjustment may result in a higher Impact Fee if the City determines that a user would create a greater than normal impact on any of the systems. The City may also decrease the Impact Fee if the developer can provide documentation that the proposed impact will be less than what could be expected given the type of user (*Utah Code Annotated* 11-36-202(3)(a)).

29.06.020. Recommended Police Impact Fee Chart.

The following chart for police impact fees*:

	Residential	Commercial
Percent of Total Calls at	90.05%	10.00%

Buildout		
Total Costs to be Assessed	$141,352.47	$15,612.17
Total Number of Future Calls	2,524	270
Costs per Call	$56.00	$57.76
Average Calls per Unit	0.575	0.06
Costs per Unit	$32.20	$3.47

*The City Council approved this impact fee.

Chapter 29.07.
FEE EXCEPTIONS AND ADJUSTMENTS

29.07.010. Waiver for Public Purpose.
29.07.020. Procedures.

29.07.010. Waiver for Public Purpose.

The City Council may, on a project by project basis, authorize exceptions or adjustments to the Impact Fees due from development for those projects the City Council determines to be of such benefit to the community as a whole to justify the exception or adjustment. Such projects may include facilities being funded by tax-supported agencies, affordable housing projects, or facilities of a temporary nature. The City Council may elect to waive or adjust Impact Fees in consideration of economic benefits to be received from the developer's activity.

29.07.020. Procedures.

Applications for exceptions are to be filed with the City at the time the applicant first requests the extension of service to the applicant's development or property.

Chapter 29.08.
APPEAL PROCEDURE

29.08.010. Requirements for Appeal Procedure.
29.08.020. Application.
29.08.030. Hearing.
29.08.040. Decision.

29.08.010. Requirements for Appeal Procedure.

Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge the Impact Fee by filing:

1. An appeal to the City pursuant to paragraph 2, 3 and 4 of this Section 8;
2. A request for arbitration as provided in *Utah Code Annotated* § 11-36-402(1), as amended; or
3. An action in state district court as provided in *Utah Code Annotated* § 11-36-401(4)(c)(iii), as amended.

29.08.020. Application.
Any person or entity that has paid an Impact Fee pursuant to this Ordinance may challenge or appeal the Impact Fee by filing a written notice of appeal with the City Council within 30 days of the date that the fee was paid.

29.08.030. Hearing.
Upon receiving the written notice of appeal, the City shall set a hearing date to consider the merits of the challenge or appeal. The person or entity challenging or appealing the fee may appear at the hearing and present any written or oral evidence deemed relevant to the challenge or appeal. Representatives of the City may also appear and present evidence to support the imposition of the fee.

29.08.040. Decision.
The hearing panel, which shall consist of the City Council or such other body as the City shall designate, shall hold a hearing and make a decision within thirty (30) days after the date the challenge or appeal is filed.

Chapter 29.09.
MISCELLANEOUS

29.09.010. Severability.
29.09.020. Interpretation.
29.09.030. Effective Date.

29.09.010. Severability.
If any section, subsection, paragraph, clause or phrase of this Impact Fee Policy shall be declared invalid for any reason, such decision shall not affect the remaining portions of this Impact Fee Policy, which shall remain in full force and effect, and for this purpose, the provisions of this Impact Fee Ordinance are declared to be severable.

29.09.020. Interpretation.
This Impact Fee Ordinance has been divided into sections, subsections, paragraphs and clauses for convenience only and the interpretation of this Impact Fee Ordinance shall not be affected by such division or by any heading contained herein.

29.09.030. Effective Date.
Except as otherwise specifically provided herein, this Impact Fee Ordinance shall not repeal, modify or affect any Impact Fee of the City in existence as of the effective date of this Ordinance, other than those expressly referenced in Section 1 above. All Impact Fees established, including amendments and modifications to previously existing Impact Fees, after the effective date of this Ordinance shall comply with the requirements of this Impact Fee Ordinance.

Legislative History

New Ordinance passed and approved: 4/12/07.
New numbering system and codification into Perry Municipal Code: 12/11/2008.

PERRY CITY UTAH

GENERAL PLAN

Adopted by the Perry City Council
OCTOBER 27, 2005

PERRY CITY GENERAL PLAN

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1. Introduction

Perry City, originally known as “Three Mile Creek” is located in Box Elder County, nestled between Brigham City, Utah and Willard, Utah. Perry is known regionally for its contribution of delicious fruit, vegetables, and row crops produced and sold along Highway 89 from Perry’s northern boundary to the Weber County line. Numerous fruit stands along the highway sell the produce to tourists and Utah residents alike. This traditional way of life is shifting to the development of homes and businesses as growth investments have increased land values significantly over the past decade, and some farmers have sold their farm acreage for development. Historical summaries of Perry are contained in the introductions to the City’s Trails and Transportation Plan Elements.

Residential Growth

From 1990 to 2000, Perry City grew more rapidly than any other community in Box Elder County. This presents a unique challenge to a community that attracts new residents to its rural quality of life and is simultaneously shifting to a more suburban environment with the addition of each new home or business. This general plan documents a community visioning process that invited residents and stakeholders to explore growth strategies to accommodate Perry’s continuing growth trend, while exploring growth alternatives to assure that a high quality of life is maintained.

Perry City's current 2005 population is estimated to be at approximately 3,500 persons. This estimate is based on actual number of homes and utility usage.

Perry City and Surrounding Region

Perry holds 6.3% of Box Elder's 2005 population estimate of 47,896. This county estimate is from the Utah Governor's Office of Planning and Budget (GOPB). Perry's growth rate is almost four times the growth rate of Brigham City to the North. Because of Perry's smaller current population, Brigham City is expected to produce over twice the new growth of Perry by 2030 (See Table 1).

The GOPB had projected Perry's 2005 population to be at 2,863. That projection has proven to be much lower than the actual numbers. The GOPB also forecasts 6,006 persons for Perry in 2030, or 8.8% of Box Elder County's 2030 population projection of 68,088.

Perry's building permit data from 1996 to 2003 suggests a more rapid annual growth rate than state projections would indicate. Perry City's population may likely reach more than 6,000 persons prior to the year 2030 (See Table 2). In 2010, after the U.S. Census completes a new survey of population in Utah communities, the state of Utah (GOPB) should provide a new population projection for the year 2030. This projection should be based on updated population estimates and Perry's growth trend from the previous decade. This general plan effort seeks to comply with statewide population distribution, but

Table 1. Perry City Growth Rate compared to other Communities in Box Elder County

Community	Annual Growth Rate	2000 U.S. Census Population
Perry	7%	2,239
Tremonton	5%	5,592
Plymouth Town:	5%	328
Honeyville	3.6%	1,214
Willard	2.1%	1,630
Brigham City	1.85%	17,411

Table 2. Perry City Population Estimates & Projections

	2000	2005	2010	2020	2030
GOPB	2,239	2,863	3,665	5,085	6,006
Building Permit Estimate		3,019			

also recognizes that projected growth may occur sooner than forecasts have predicted.

Like most communities in Utah, Perry's household size average should continue to decrease over time (See Table 3). This is due to a projected demographic shift to more retired households and younger families in the following years.

Non-residential Growth

The GOPB estimates a total of 23,854 employees in Box Elder County in 2005, and projects 38,750 employees in the year 2030. Table 4 estimates current employees in Perry City by applying the percentage ratio of Perry's population compared to the total county population, to countywide employees for the years 2005 and 2030. This method produces a current estimate of 1,503 employees for 2005 and 3,410 employees in Perry for 2030. While this estimate for 2005 is likely high, the 2030 estimate may be a reasonable planning target. The City should consider conducting a physical count of employees to refine the current employee count for future planning purposes. An employee count is useful for projecting work related travel demand, water consumption and wastewater of nonresidential development.

Table 3. Perry City Household Size

2000	2005	2010	2020	2030
3.19	3.07	2.94	2.82	2.67

Derived from GOPB population and household projections

Table 4. Perry City Employee Estimates by Weighted Population

Pop. %	Perry Population	Box Elder Population	Perry % of Population	Box Elder Employees	Perry Weighted Share of Employees
2005	3,019	47,896	6.3%	23,854	**1,503**
2030	6,006	68,088	8.8%	38,750	**3,410**

The total number of employees in a community is different than the total number employed as listed in the 2000 U.S. Census for Perry City. The U.S. Census Table DP-3 for Perry City shows the number of workers 16 years of age and over as 1,645, with an average commute time of 22.7 minutes to work. This would indicate that many of Perry's employed residents drive 5 to 10 minutes north to Brigham City, and 20 minutes to 50 minutes northwest to ATK-Thiokol or to neighboring counties. The U.S. Census reports that the majority of new workers (80%) in Box Elder County work outside of the county.

Public Involvement Process

This general plan is an update based on a community visioning effort conducted from April 2004 to December 2004. The visioning effort was conducted by Envision Utah, a non-profit planning organization focused on growth along the Wasatch Front. Envision Utah was guided by the regular input of a Steering Committee, comprised of several community citizens and stakeholders. In June of 2004, residents were invited through the City's newsletter to participate in a public workshop where input was gathered from a mapping exercise, and a visual preference survey. Later, in September 2004, residents were invited to attend a public open house where the results of the workshop were presented. Under the guidance of the steering committee, the visioning results were prepared for review and commentary by the Perry City Planning Commission to be recommended for adoption by the City Council.

Workshop participants build their vision of Perry for the year 2030.

A complete summary of workshop findings is available in the document, "Perry City Vision, 2005 to 2030."

2. Goals and Objectives

Perry's General Plan is structured within the following seven categories that are based on the collective efforts of a Steering Committee during the visioning phase of this general plan update:

<u>2.1 - COMMUNITY-WIDE</u>: Perry offers a pleasant living environment that is attractive to new residents and children of existing residents. Perry City seeks to define and preserve quality of life attributes while accommodating new growth. Perry seeks to maintain and enhance its image as a "high quality of life" community.

<u>2.2 - ECONOMIC</u>: Perry City's foremost economic objective is to plan for and provide high-quality job opportunities for residents. Additionally, Perry is pursuing commercial retail development in a cooperative manner with adjacent municipalities to build sales tax revenues. Accomplishing these goals should help to offset the tax burden and ensure prosperity and fiscal responsibility.

a. The City favors developing and providing guidelines and incentives for expanding the job market with an emphasis on higher-paying jobs.

b. The City would like to target large-scale retail development that captures traffic from I-15 and 1100 South; and smaller-scale commercial development along northern Highway 89 and other internal arterials, such as 1200 West, where appropriate.

c. Perry City would like to attract tourists to its commercial developments through promotion and support of regional destinations such as the Bear River Migratory Bird Refuge and the Golden Spike National Historic Site. Perry City is considering regional recreation activities such as bike or other trails that connect to mountain and bird refuge areas.

d. To foster this type of activity, Perry City could designate and plan for a central area (community/town center) with entertainment, shops, museum and/or other types of facilities to attract visitors and shoppers to a central location. This area could also accommodate housing in a mixed use setting (see housing below).

<u>2.3 - HOUSING</u>: Perry City is committed to meeting the housing needs of current and future residents by providing housing choices.

a. Perry City recognizes the variety of needs of its citizens and will endeavor to plan for a range of housing types, provided that they meet aesthetic and other guidelines to ensure the future quality of life.

b. The City encourages the integration of parks and other amenities into new neighborhoods

c. Perry City favors exploring options to create new zoning guidelines that allow greater flexibility in lot sizes and average densities to create site amenities such as parks or pasture areas. Through the drafting of new guidelines, the City hopes to avoid giving mixed signals to developers and intends to establish clear, high-quality residential development standards.

<u>2. 4 - TRANSPORTATION</u>: Perry City favors the development of roads that balance the needs of all users while assuring safety, appropriate design, and a level of efficiency that maximizes public investments. It is essential that road development comply with Perry City's Transportation Element.

a. Public Transportation concerns include a plan for use of future commuter rail with potential shuttle routes to: (1) connect residents to nearby employment and commercial centers and (2) provide access for residents to local services.

b. The City should explore appropriate street standards to service a variety of development types in the community, including commercial, housing areas, and mixed-use areas.

c. Perry City has a plan to increase its street connectivity for increased mobility and safety. Perry is in the process of providing a north / south alternative to Highway 89 on 1200 West. An expanded street network would reduce congestion and allow for improved emergency service to the community.

<u>2.5 - LAND DEVELOPMENT</u>: Perry City seeks to maximize its development opportunities through efficient use of land.

a. The City encourages development in the most appropriate areas and gives developers opportunities to use land efficiently

b. Perry City considers the impacts of development to the community based on the density and location of proposed development.

<u>2.6 - RURAL QUALITIES</u>: Perry City encourages protection of sensitive lands and voluntary agricultural production.

a. Perry City considers appropriate development adjacent to natural and agricultural areas.

b. Perry City will continue to promote the sale of quality fruits and vegetables to the greater region to support current and future producers.

c. The City has defined environmentally sensitive slopes and other areas that characterize Perry's rural atmosphere, and supports preservation efforts.

<u>2.7 - AMENITIES:</u> Perry City seeks to develop public amenities that enhance the quality of life for its residents. These could include neighborhood or outdoor facilities to promote recreation, education, and other community activities.

a. Community facilities could include a recreation center or a sports complex.

b. Perry City seeks to provide trail linkages to public open space areas and regional trails.

c. The City is considering street tree programs to improve neighborhood aesthetics.

d. Perry City is in the process of the development of a local cemetery.

e. Establishment of a library is being considered (perhaps a satellite of Brigham City's current facility).

3. Community Land Uses

Refer to the General Plan map for the location of planned land areas.

3.1 Residential Zone

3.1.a. R-1: Medium Density Residential:
Single family homes with a 10,000 s.f. minimum lot size, or 4.35 units per net acre. This density is used to create a lot yield plan with sufficient Right-of-Way area to determine the maximum number of homes to be built in a development. Lot sizes could be adjusted without increasing the number of housing units to provide a greater variety of single family lot sizes, and to create open space amenities or parks in a development (See Section 6.1).

3.1.b. R-1/3: 1/3 Acre Low Density Residential:
Single family homes at a net density of 3 units per acre, or 14,520 s.f. area per lot. This density is used to create a lot yield plan with sufficient Right-of-Way area to determine the maximum number of homes to be built in a development. Lot sizes could be adjusted without increasing the number of housing units to provide a greater variety of single-family lot sizes, and to create open space, amenities or parks in a development (See Section 6.1).

3.1.c. R-2: Medium / High Density Residential
An existing area of more compact residential development. The function of providing a more compact variety of housing is no longer to be provided by this land use. Rather, the variety of single family lot sizes allowed in single family residential areas, and the variety of compact housing choices allowed in the following mixed use land areas replace the need for this land type.

3.1.d. R-1/2: Residential ½ Acre
Single family homes at a net density of 2 units per acre, or 21,780 s.f. area per lot. This density is used to create a lot yield plan with sufficient Right-of-Way area to determine the maximum number of homes to be built in a development. Lot sizes could be adjusted without increasing the number of housing units to provide a greater variety of single family lot sizes, and to create open space amenities or parks in a development (See Section 6.1).

3.1.e. RE- 1/2: Rural Residential ½ Acre
Single family homes at a net density of 2 units per acre, or 21,780 s.f. area per lot with 1 large animal right per unit. The purpose of this zone is to preserve some of Perry's rural quality while accommodating housing market demands for manageable lot sizes. This density is used to create a lot yield plan with sufficient Right-of-Way area to determine the maximum number of homes to be built in a development. Lot sizes could be adjusted without increasing the number of housing units to provide a greater variety of single family lot sizes, and to create a continuous open space pasture for livestock or smaller scale agricultural production (see Section 6.1). RE-1/2 is shown on tracts along the western environs of Perry's built core. The zone provides vistas of the community from the freeway between industrial zones and higher density developments.

3.2 Mixed Use Zones

The following three categories of land use encourage a mix of commercial and residential land uses. Mixed uses may be attached or detached, and vertical (housing above commercial), or horizontal (housing adjacent to commercial). Mixed-use development is intended to reduce traffic congestion in the community by providing residential opportunities for living closer to work and shopping. More residents mixed with commercial areas provides additional support to future retail, which supports the community's tax base, and provides a housing choice for future generations, or retiring individuals in Perry to find a suitable housing choice.

Increased residential development in these areas creates less development conflicts between single family neighborhoods and multi-family projects.

Mixed-use development could also support future transit in Perry by encouraging additional residents and jobs within a walkable distance to future transit stops. It also avoids the look and feel of segregated higher density housing as it is mixed with daily shopping and work activities.

Moderate income and affordable housing may be integrated into mixed use neighborhoods by following the design guidelines detailed in Section 5.1.

Single family homes may be developed in mixed use areas, but prospective buyers must be informed by a developer that future surrounding development could be of mixed use variety.

3.2.a. MU-R: Mixed Use Residential

An area where retail and office commercial may be combined with multi-family or higher density single family residential uses. The predominant uses should be residential to provide for a greater housing variety in the community, to encourage live work units, and to encourage additional shoppers or employees living near retail or work opportunities.

3.2.b. MU-C: Mixed Use Commercial:

An area where retail and office commercial may be combined with multi-family or higher density single family residential uses. The area should primarily consist of commercial development with the option of integrating multi-family and smaller single family homes, as well as office buildings. Mixed uses may be attached or detached, and vertical (housing above commercial), or horizontal (housing adjacent to commercial).

3.2.c. MU-O: Mixed Use Office

These areas are intended to attract jobs, including research park facilities, corporate headquarters, or light interior industrial uses. Housing and retail may be integrated to support the primary goal of attracting quality jobs to the community.

3.3 Commercial Zones

3.3.a. Neighborhood Commercial:
This land use option is to be an overlay option along much of the frontage of Highway 89/91. It provides land owners the option of integrating a retail or office commercial use into single family or other neighborhood types. As described in section 5.2, certain conditions should apply for a business to be approved. To keep driving conditions safe, access is not allowed onto Highway 89/91, but rather onto intersecting streets or a new frontage road that parallels the highway. Owners of these businesses may still realize the advertising benefit of visibility along the highway. Businesses of greater size and traffic impact should be located closer to intersections with the highway to reduce the traffic through residential neighborhoods. Smaller businesses that generate fewer visits and traffic are permitted along a frontage road within residential neighborhoods. All businesses in this area should include pedestrian friendly and traffic calming elements, including landscaping, sidewalks, and parking to the side or rear of the business.

3.3.b. Commercial:
This is similar to the existing commercial developments at Pointe Perry, Maddox Ranch House, and Wal-Mart. Its purpose is to attract visits from traffic along 1100 South and I-15, and to serve as a retail anchor to surrounding mixed use developments where designated. The Commercial designation is to be developed exclusively as retail, office and service uses.

3.4 Manufacturing/Industrial Zones

3.4.a. M/I – L: (Manufacturing/Industrial Limited)
This zone envisioned for the new freeway interchange on 2950 South provides an area for interior manufacturing, small retail centers, and smaller scale storage. Heavy industrial uses with large ware houses and outdoor storage are unsightly and should not be approved in this zone.

3.4.b. M/I: Manufacturing/Industrial
Intense manufacturing developments are to be separated from residential and office land uses. Uses include outdoor storage and large warehouses.

Manufacturing /Industrial development as shown on the General Plan Map should be separated by agricultural uses or wetland preserves to maintain favorable views of the community.

3.5 Other Land Uses

3.5.a. Civic:
Areas of current and future city offices, utilities and services, and current and future school sites.

3.5.b. Institutional:
Private institutions open to the public, including churches and museums.

3.5.c. Neighborhood Park:
Public parks, open spaces, and trail corridors.

3.5.d. Agriculture:
Agricultural areas continue where it is not feasible to extend services for new development or where landowners choose to continue farming activities. Land development near agricultural areas should minimize conflicts with farming through site design standards (See Section 8). Landowners in Agricultural areas will maintain rights to own animals and conduct agricultural operations, provided that reasonable efforts are made to minimize the external impacts of dust, sprays and noise on residential areas.

4. General Community Development Guidelines

4.1 Compliance with the General Plan

The purpose of this general plan document is to guide future development into a pattern that enhances the quality of life and community value for all residents and businesses. The general plan was built with significant public outreach to a cross section of interests and perspectives in the community. The plan is a guide to landowners, developers, and investors to help them plan and propose new development that fits within the greater community context.

Zoning ordinances and land use policies are intended to support this plan, and establish understanding of future development for developers and existing residents alike. Perry City recognizes that a general plan document cannot adequately predict or describe all details of the future needs and complexities of a growing community. As such, this plan should be updated every five years beginning in the fifth year from the adoption date. Therefore, this plan will be updated in 2010 beginning in March and completed no later than December 2010. This General Plan may be revisited at least once a year for updates or proposals of changes to it. A public hearing is required before any amendment to the Perry City General Plan is approved.

Utah Code 10-9-03, on general plan adoption, Section 6 states: (1) The general plan is an advisory guide for land use decisions and
(2) The Legislative Body may adopt ordinances mandating compliance with general plan provisions.

This general plan document applies Sections (a) and (b) of Utah Code 10-9-03 as stated above, by functioning as a document containing both advisory and mandatory elements. This affords the City more time to create zoning ordinances and zoning updates that comply with all general plan elements. The City of Perry should seek to update zoning ordinances in an expedient manner to comply with the recommendations and mandates of this general plan. The City should also update advisory elements of this general plan to become mandatory as zoning updates occur.
This general plan provides advisory language when statements contain the word “should,” or “may.” This plan provides mandatory language when statements contain the word “shall,” or “will.”

4.2 General Plan Policies

4.2.a. All zoning ordinances and zoning map amendments shall be made in accordance with mandatory elements of the Perry City General Plan.

4.2.b. It is hereby declared to be the policy of Perry City that zoning ordinances and land use zoning areas should be amended only when changed or changing conditions render the proposed amendment reasonably necessary to promote the purposes of the Perry City General Plan.

4.2.c. Public hearings to consider amendments to the Perry City General Plan shall take place when any changes are proposed. Clarifying changes such as grammatical or sentence structure corrections will not require a public hearing. These corrections do not constitute an annual review of the general plan. An annual review should be a comprehensive review of the plan and will be performed at least every five years as prescribed in Section 4.1.

4.2.d. Perry City does not subsidize the costs of development, and requires that developers pay for the extension of sewer, water, and road infrastructure, including development impacts to service new development and fees to fund inspections to ensure the quality of new infrastructure.

4.2.e. Perry City seeks to minimize growth costs and favors new growth having a neutral effect on the city budget. New developments should maximize the use of already existing roads and infrastructure, where feasible; otherwise, impact fees will be set to cover the financial burden of providing services.

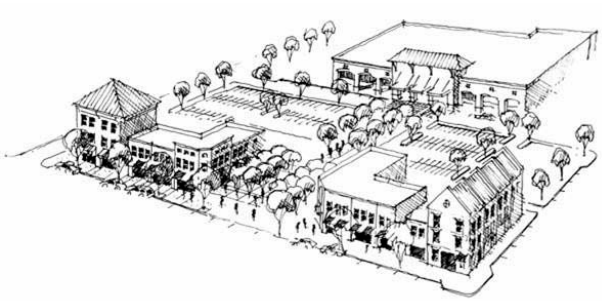
Dispersed, inefficient growth

Contiguous Growth, maximizes infrastructure

5. Economic Development Guidelines

5.1 Primary Business District

Perry's Primary Business District is defined as a commercial and residential area that fosters a mix of uses and activities, such as retail, hotel, office, entertainment, educational, and residential (see general plan map mixed use and commercial areas). This environment is intended to attract shoppers, tourists, residents and employees within one area. Automobile circulation should be designed to respect pedestrian activity and create a place where people can gather to work, recreate, socialize, dine, shop, and live.



Example: small business district

Mixed Use and Commercial Design Standards

5.1.a. Buildings should be located close to the street with windows and entrances that are inviting to pedestrians.
5.1.b. Parking should be oriented to the side and rear of buildings to assure an inviting street environment for pedestrians.
5.1.c. On-street parking should be provided to improve access to buildings.
5.1.d. Businesses with varying peak parking hours may share parking facilities to reduce total surface parking area.
5.1.e. Street trees and parking lot trees should be included to reduce heat and enhance neighborhood aesthetics.
5.1.f. Residential development should compliment retail and office development by occurring above ground-level commercial, or by matching the look and style of adjacent commercial development.
5.1.g. The majority of Perry's higher density residential development should be located in this district.

Riverwoods, Provo: residential above commercial

Example of side and rear parking

5.2 Neighborhood Commercial:

Commercial development near single family and multi-family residential areas should be built at a scale and character compatible with surrounding development. These businesses should not attract excessive traffic and should serve the needs of the neighborhood or incidental traffic through the neighborhood.

These standards apply to the Neighborhood Commercial zoning overlay that fronts Highway 89 / 91. Perry City recognizes the commercial and economic development opportunities associated with the high volume of current and future traffic on the highway. However, stretches of this highway already produce an accident rate that is higher than the state highway average (see Transportation Plan, 2.6 and 2.7). This is due to the existing road access that encourages vehicle turns to and from homes and businesses.

Performance Standards

5.2.a. General parking lot access to businesses should, whenever possible, access a frontage road or intersecting road to Highway 89/91 as defined in Section 7.5.

5.2.b. Buildings should be located close to the frontage street or intersecting street to Highway 89/91 with windows and entrances that are inviting to pedestrians.

5.2.c. Parking should be located to the side or rear of the building. On street parking is permitted as indicated by road paint or signage.

5.2.d. The commercial unit may place a pole sign to the rear of the property (fronting highway 89 / 91), and a smaller sign on the front of the building or a monument sign along the frontage road.

5.2.e. Street trees and parking lot trees should be added to increase the aesthetic appeal of the site.

5.2.f. Accessory residential units may be included to provide additional residential opportunity and evening hour occupation to enhance the safety during non-business hours.

5.2.g. The commercial permit may be revoked if unsightly storage, noise, or over-crowded parking activities adversely affect the quality and value of the neighborhood.

Jack's Market, Stansbury Park, Tooele County with an accessory dwelling unit above the retail space below.

6. Housing Guidelines

Perry City recognizes the variety of housing needs of those seeking to establish residency in the community. The following housing guidelines encourage a broad range of housing types with aesthetic guidelines to ensure the future quality of life.

Affordable Housing Component

This section provides housing options that support the affordable housing guidelines as outlined in Perry's Affordable Housing General Plan Component.

6.1 Density Based Zoning in Single Family Areas

Single Family zones in Perry may apply flexibility in design requirements to encourage neighborhood amenities and to encourage a variety of single family housing in new neighborhoods. This technique can increase the value of neighborhoods and allow developers to sell homes more quickly to a wider market segment.

Design Standards

6.1.a. The zoning density of each single family zone is a baseline density, or the maximum number of future homes that may be developed.
6.1.b. Lot sizes may vary to provide for the market demand range of single family lot sizes and price ranges.
6.1.c. Open space areas may qualify as public city parks pending continuing recreational amenity studies (See Section 9.1). Otherwise the developer may establish a homeowner's association (HOA) to maintain any private open space amenities.

Typical minimum lot size zoning: all lots are ¼ acre.

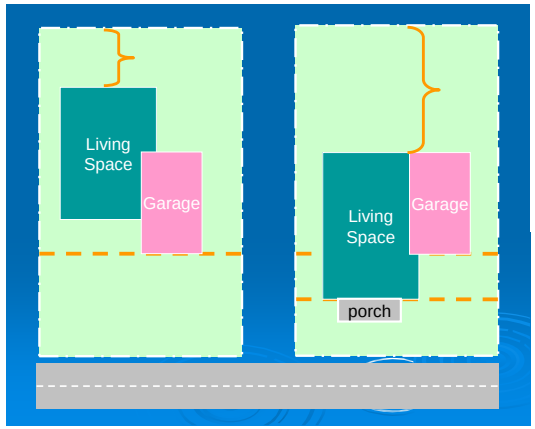
Density-based subdivision: different lot-sizes, same number of lots with park and open space amenities added.

6.2 Smaller Single Family Lot Design

Homes on lots below 8,000 s.f. should maximize the back yard area and improve the architectural appeal of the home by reducing the front yard set back, and by de-emphasizing the garage. This goal could create greater neighborhood appeal, increase the usable private area behind the home, and reduce the irrigation area in the front yard.

Design Standards

6.2.a. A reduced front yard set back applies only to the living area of the home and should not be less than 10 feet.
6.2.b. The garage setback should be no less than 20 feet to accommodate guest parking outside of the garage.
6.2.c. Garages that are flush with the front elevation of a home should not exceed 40% of the front façade width.



Site plan on left with deep front yard set back, Site plan on the right with reduced setback and architectural standard applied.

Home with reduced setback, recessed garaged

6.3 Multi-Family Residential

New multi-family buildings should be designed to be compatible with nearby single- family homes and the broader community by hiding parking areas and ensuring that window and door openings face public streets and walkways.

Perry city discourages the mass repetition of multi-family designs in a development or neighborhood to avoid declining neighborhood value. Designs should follow two general styles to enhance the character of the community, including: 1) Town homes, and 2) Grand House Apartments / Condos.

Town homes are of greater value than most multi-family housing because an owner or tenant has increased privacy without having to live above or below a neighbor. Grand House apartments emulate the look of a large home while providing a variety of apartments or condominiums under one roof. The look of a large home is achieved by providing only one front entrance to the building, and by designing multiple units that are accessed by a central hallway system. Many grand house apartments were once large single-family mansions converted to apartments.

Town home style units facing the public street with landscaping enhancements

Town home style units with back yards facing the public street

7. Transportation Guidelines

This section identifies land use requirements for creating new Right-of-Ways in new development. Perry's Master Road Plan Map shows existing and future major roadways to service the community. All development proposals, large or small, should be required to provide for new roads as shown on the plan. Developments should dedicate Rights-of-Way and appropriately develop roads within each project consistent with this plan, and with design standards listed in Section 7.1. Single lot projects and other smaller projects should be scrutinized closely to see that road connections are not ignored or overlooked.

The alignments shown in the Master Road Plan are conceptual, and developers are required to provide drawings with adequate designs and surveys as proposals are prepared for review by the City. The review process will assure that property boundaries or natural features do not interfere with the development proposal.

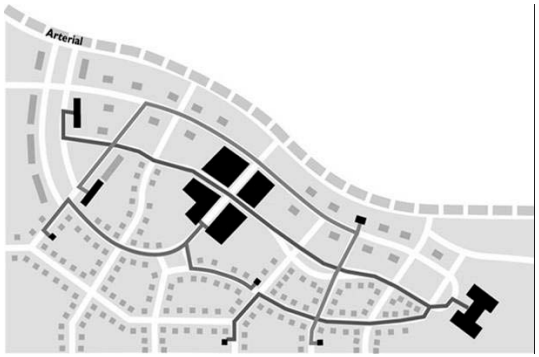
7.1 Street Connectivity

New streets in Perry City should be interconnected to ease pedestrian and bicycle movement, enhance safety and emergency response efficiency, and disperse traffic.

Design Standards

7.1.a. New development street configurations should comply with Perry's Master Road Plan and Transportation Master Plan maps.
7.1.b. Cul-de-Sacs will generally be discouraged except under one or all of the following circumstances:

1. The development fronts a road that should limit frequent access (such as Highway 89).
2. The development is adjacent to non-developable slopes or wetlands that would restrict a through-street.
3. Cul-de-sacs reduce connectivity by no more than 15% of a continuous block pattern.



Connected streets allow multiple routes and disperse traffic

7.2 Road Width

Perry City's street design and road width standards should vary with the traffic and parking demand for each specific street and corresponding land use. Reduced street widths where appropriate encourage slower driving speeds and reduce neighborhood heat reflection and temperatures during summer months. Reduced pavement allows for a narrower Right-of-Way while accommodating space for planting strips with street trees and snow piling during winter months.

Perry City intends to reduce road maintenance and road replacement costs by requiring reduced pavement widths on streets that carry minimal traffic volumes, particularly in lower-density residential neighborhoods (See Two-Lane Cross Section, Figure 4-1 in the Perry City Transportation Master Plan). On-street parking demand is minimal in residential neighborhoods with a net density of 3 units per net acre or lower because there is ample space on these lots for driveway and automobile parking. Perry's site design standards for these residential densities should assure sufficient parking on the property to minimize the demand for on-street parking. Wider pavement widths are required where more traffic and parking demand is expected, such as in higher density residential, commercial districts, or mixed use development areas, or where community automobile circulation generates above-average traffic volumes on a street.

Design Standards

(Compare to Transportation Master Plan, Figure 4-1: Suggested Typical Cross Sections)

7.2.a. Perry's local street width is 24 feet (plus curb and gutter) for residential areas zoned at 3 units per acre or less. Gutters may be replaced by 6 foot grass or vegetated swales to preserve rural character in a development. A 4 foot side walk should be provided on at least one side of the street. Street trees should be required on both sides of the street (See Section 7.3).

7.2.b. An 8-foot parking lane (9 ½ feet total with curb) may be painted on one side of a 24 foot street to discourage parking on the other side and to calm traffic. This street standard supports speeds up to 25 miles per hour.

7.2.c. A street width of 39 feet (plus curb and gutter) may apply to collector streets in residential areas with a density of 4 units per acre or greater, and to commercial and mixed use areas. This would accommodate parking on both sides of the street with driving speeds at 30 to 35 miles per hour. Street trees require a planting strip width of 6 feet.

7.2.d. Commercial and mixed use areas should require a sidewalk width of 5 feet to support additional pedestrian use.

Above: 24 foot pavement with curb and swale in a 66 foot Right-of-Way, adapted from the Two-Lane Cross Section, Figure 4-1 in the Perry City Transportation Master Plan. Below: 39 foot pavement with curb and gutter (42 feet from curb to curb in a 66 foot Right-of-Way.

Above, a variety of street widths appropriate to the varying level of travel and parking needs in a community.

7.3 Street Trees

Street trees with ample planting strips should be provided between the street pavement (or curb) and sidewalk in new residential and commercial developments. Street trees create privacy and visual quality, reduce storm water runoff and neighborhood temperatures in summer months (requiring less air conditioning and landscaping irrigation), and they reduce winter freeze / thaw contractions and extend the life of road pavement. Street trees also add significant value to homes and neighborhoods for resale and investment.

Design Standards

7.3.a. Street trees should follow the approved tree list with root systems that do not interfere with sidewalks. Street trees require a planting strip of at least 5 feet wide.

7.3.b. Street tree spacing standards should encourage a consistent linear tree canopy above the sidewalk and street edge to maximize shade, protect the pavement and reduce water evaporation.
7.3.c. Street trees and home landscaping should not interfere with visibility at street intersections.
7.3.d. Building permit approval should be contingent upon the owner or developer planting street trees, including sprinklers and landscaping in the right-of-way.
7.3.e. The homeowner or business owner will maintain street trees, and may be subject to fines for neglect of trees.
7.3.f. Street trees must be planted on the property edge of the sidewalk for streets with 24 foot pavement (See figure 7.4.c.)

A 66 foot Right-of-Way with street trees, curb, gutter and sidewalks and 39 feet of pavement.

7.4 Rural Residential

Rural Street and Open Space Characteristics to Reduce Storm Drainage

To enhance rural character, concrete gutters may be replaced with grass swales in a planting strip to reduce surface water volumes and storm drainage infrastructure, and to enhance the rural character of Perry. Swales may only be applied to neighborhoods designated at 2 units per acre or less to avoid vehicle parking and damage to the swale vegetation cover.

Design Standards

7.4.a. Swales may replace a gutter by creating a low point of at least 6 inches in the center of the 6 foot planting strip.
7.4.b. Driveways that cross the swale must include a 12 inch culvert to allow drainage water to pass underneath drive surface.

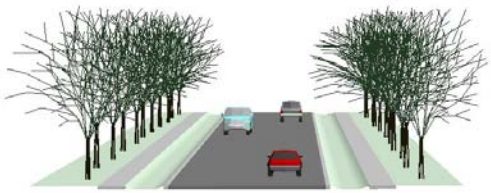


Figure 7.4.c
A 66 foot Right-of- Way with 6 foot swales, street trees, curb, sidewalks and 24 feet of pavement. Street trees shown in swale or outside of sidewalk.

7.5 Land Uses Fronting Highway 89

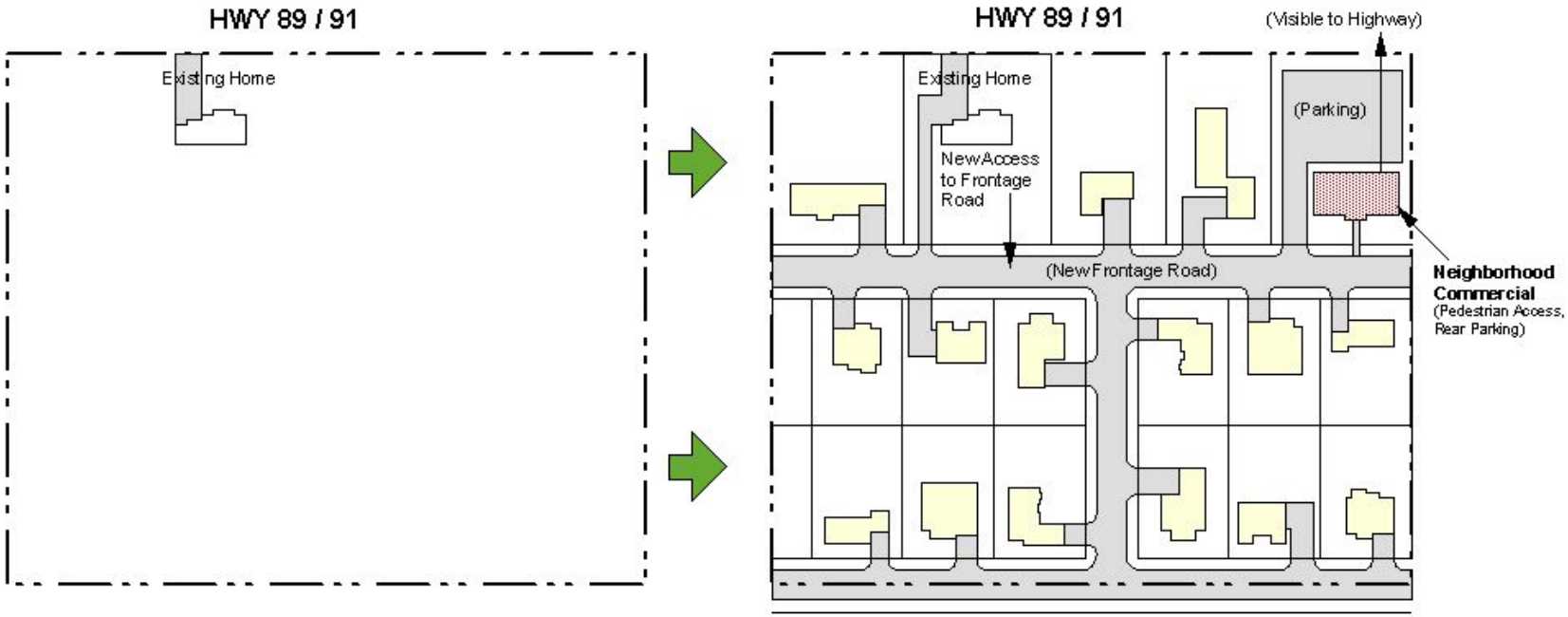


Figure a. ***Figure b.***

Figure a above shows acreage fronting Highway 89/91 with one existing home on an otherwise vacant land parcel. The subdivision of this acreage (figure b) illustrates Perry City's requirement for all new homes and businesses to access a frontage road, or existing or planned roads that intersect with the highway. The existing home should also create a new primary access to the frontage road as the land is developed. The frontage road is to be built by developers to protect the safety of new residents and drivers on the highway. Perry's Transportation Master Plan documents the high accident rates currently experienced on the highway from 2500 South to 1850 South (See page 2-14).

Commercial development should be integrated in a compatible manner with surrounding residential development by situating parking to the side or rear of the primary structure, and by providing a front yard and pedestrian access to the frontage road (See Section 5.2). Commercial highway development with frequent visitor demands should be encouraged closer to streets that intersect with the highway to minimize neighborhood traffic.

7.6 Highway 89 Enhancements

7.6.a South Highway 89 Enhancements (Between 2100 South and 2700 South):
This segment of the highway contains some historic residential and commercial units with stretches of vacant land between. As vacant land continues to develop, and as community trails are built, additional pedestrians may seek to walk along the highway or cross it to access activities on the other side. Perry's Transportation Plan describes a Transportation Advisory Committee list of highest priority projects, which includes a pedestrian underpass or overpass at 2450 South, a traffic signal and deceleration lane at 2700 South, and an access management study along US-89 through Perry City Limits.

Potential Enhancements:
Perry City should encourage safety enhancements in an on-going dialog with UDOT. City goals include slower speeds of 40 mph near key intersections, street trees to beautify the City and calm traffic near active pedestrian areas, and visible crosswalks with pedestrian refuge points at the central median and street edges.

7.6.b North Highway 89 Enhancements (Between 1400 South and 2100 South)
This segment of highway experiences extensive commercial visits and traffic, especially starting in early evening hours when area residents frequent restaurant and movie entertainment venues.

Perry City should encourage new development to access frontage roads or existing or planned roads that intersect with Highway 89 (See Section 7.5). Existing businesses and homes should convert their primary access to frontage roads or shared access points as additional development is added near existing development. This should improve the safety on Highway 89-91 as additional traffic is generated from new homes and businesses.

Potential Enhancements:
Main Street-type appearance and speed reductions to 35 - 45 mph, pedestrian refuge at key crossing points (including central median and street edges), street trees, widened sidewalks, and additional pedestrian crossing lights.

Image of Highway 89 / 91 in Perry.

8. Preservation of Environmentally Sensitive Lands

Perry City supports landowners who wish to preserve key rural open space areas for the future and seeks to encourage compatible development adjacent to preservation areas.

8.1 Desirable open space areas include:

1. Mountain benches in areas where slopes exceed 20%.
2. Jurisdictional wetlands as determined by the current SAMP (Special Areas Management Plan) procedure or delineation by a qualified environmental specialist.
3. Quality orchards or produce farms owned by farmers who desire to continue their operation.

8.2 Sensitive Land Protection Strategies

During the visioning workshops held in 2004, residents showed a preference to keep some of the perimeter areas of Perry as lower density with the potential of clustering development to create open pastures for animals or agriculture. The mapping exercise also showed some support for preservation of higher mountain bench areas with public trail access to a community and regional trail system (See Perry City Vision, 2005 to 2030).

8.2.a. Mountain Bench Preservation

Perry City restricts development of property on slopes above 20% grade in the ES Zone. Landowners may cluster homes onto slopes lower than 20% through a flexible lot size option with a fixed gross density (See Section 6.1). Cluster development could apply to multiple parcels so that homes might be clustered away from the upper bench areas, and located on lower bench areas.

8.2.b. Transferred Density Consideration

The City may consider a future option of allowing non-adjacent parcels to cluster development, or to allow transferable development rights that would allow land owners to sell their density, or development rights to areas where higher density is more appropriate. This would create a trade off between more development density in one area and preservation in other areas (See Mixed Use Zones on Page 11).

8.2.c. Wetlands Planning

Continued study and City involvement in the Box Elder County Special Areas Management Plan (SAMP) could help the City determine which wetlands are jurisdictional and which wetlands should be preserved or developed through mitigation.

8.2.d. Wetlands in Agricultural Areas
Agricultural land with wetland areas could be used as storm water detention or retention areas as community development adds additional impervious surfaces and existing storm water detention capacity is filled. Open detention areas may be created through cluster development and serve as a visual compliment to future industrial development located in western Perry (See Industrial/Manufacturing and Agricultural land use descriptions under Section 3, Community Land Uses).

8.2.e. Farmland in Perry
Farmers are likely to continue to operate their orchards and pastures for years to come but Perry City's projected growth demands could gradually convert agricultural areas into developed land. Farming is the second most profitable economic activity for land use in the community. The City shall protect the farming rights of existing residents that cultivate their property or raise animals by educating prospective residents of new subdivisions about the adjacent farming uses.

(1) The City should require new developments near existing agricultural areas to prepare a "Waiver of Complaint" form that is required as a conditional use for a building permit. The agreement becomes a deed record acknowledging that the new home is located near agricultural activities that take place on the land. The form should also consent to avoid trespassing and release of debris onto neighboring farm lands.

(2) To avoid over-spray incidents with nearby residents, the City should encourage adjacent residential development to incorporate a variety of lot sizes through flexible lot size zoning with the back yards of larger lots abutting the preserved farm or orchard areas (see Section 6.1).

(3) Fencing between new residential and agricultural areas should be required of developers to prevent crop damage from subdivision residents.

9. Recreation and Amenities

Visioning workshops held during the summer of 2004 generated input from 50 community residents and stakeholders, that included suggestions for general community amenities. The survey, although not scientific, shows community support for two major categories of amenities, including recreational, and cultural (See figure c. at right). Recreational resources listed include both indoor and outdoor activities for residents, including trails, parks, sports facilities and community centers. A library and cemetery were identified as potential cultural resources.

Strong support for trails supports the findings of a trails survey conducted in 2001 for the Perry City Trails Plan. The City of Perry supports these findings and recommendations of the Perry City Trails Plan, and relies on its content as a Trails Element of the Perry City General Plan.

9.1 Trails and Open Space Committee

Standards for other community recreation amenities such as parks, and sports facilities should be developed through continued planning and study by a Trails and Open Space Committee. The committee should explore appropriate locations and spacing of future recreation sites to best compliment the community trail system, while considering costs and efficiency for the maximum benefit to residents.

9.2 General Trails Guidelines

Additional trails routes, and access points to trails from new and existing development should be considered and be updated to the Trails Plan as required. Trails and walking routes (as described in Pedestrian Routes, pg. 25) should link public destinations such as parks, activity centers, open space preserves, and especially to planned regional trails and facilities such as the Bonneville Shoreline Trail, Perry Canyon, and the Bear River Migratory Bird Refuge.

9.3 General Park Guidelines

The presence of parks in Perry City should compliment development areas so that all residents and employees in the community are able to access a park by foot within a comfortable walking distance. The Trails and Open Space Committee should define this distance as well as the location and frequency of parks required to achieve this goal.

Parks should vary in size and function to compliment a variety of needs and interests in the community, including sports facilities, natural areas, pocket parks, trail destinations, exercise facilities, skating, sitting, and picnic areas. Reference to indoor recreational and cultural facilities should be made as complimentary components to a park site plan.

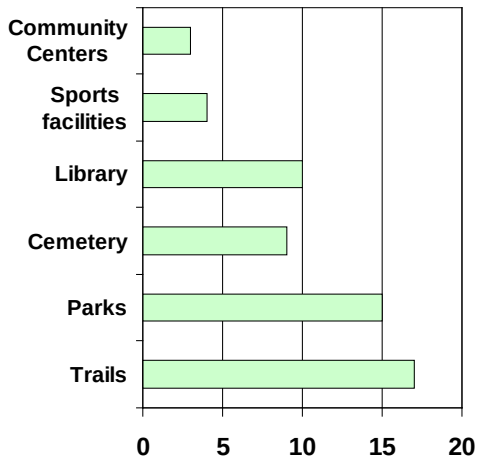


Figure c. Repeated general comments from 50 participants at public workshops in 2004.

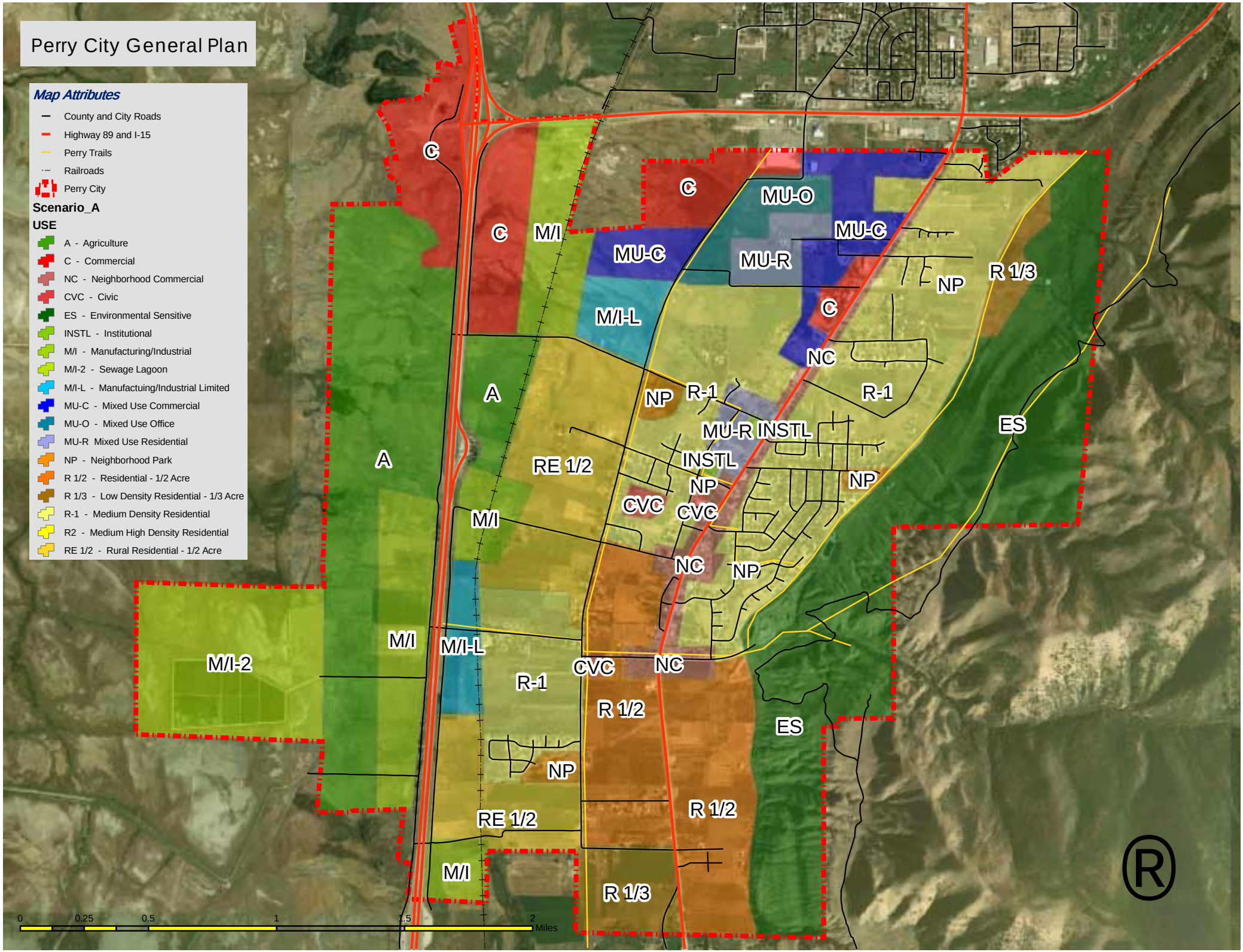
9.4 Pedestrian Routes

Many Perry City residents have expressed concern with pedestrian safety and feel that additional consideration should be given to improving pedestrian mobility.

The Trails and Open Space Committee could identify key areas where current and future pedestrian street crossings are unsafe, identify crossing design strategies, and then provide recommendations to the City. The committee should reference Perry's Transportation Master Plan, Sections 2.8.2 and 4.2.2 (Pedestrian and Safe Routes to School), 4.2.1 (Bicycles/Trails), and 5.2 (Recommended Projects, including Pedestrian access across US-89). A continued dialog should occur with UDOT to identify the key intersections on Highway 89-91 where pedestrian crosswalks, flashing yellow lights (activated by pedestrians), median refuge points, or sidewalk enhancements for a stronger pedestrian emphasis may be appropriate.

A pleasant, safe pedestrian environment and crosswalk on a major road in Sugarhouse (Salt Lake City)

Perry City General Plan



Title 32, A General Plan and Related Element Ordinance
PARKS, TRAILS, AND CRITICAL LANDS MASTER PLAN

Chapter 32.01. **INTRODUCTION**
Chapter 32.02. **COMMUNITY CHARACTER**
Chapter 32.03. **DEFINITIONS AND TYPES OF SERVICE**
Chapter 32.04. **DEFINITIONS AND STANDARD GUIDELINES FOR PARK, TRAIL, AND CRITICAL LAND TYPES**
Chapter 32.05. **CRITICAL LAND DEFINITION AND TYPES**
Chapter 32.06. **NEEDS ANALYSIS**

Chapter 32.01.
INTRODUCTION

32.01.010. **Plan Purpose.**
32.01.020. **Intent.**
32.01.030. **Mission Statements.**

32.01.010. Plan Purpose.

The following regarding the purpose of this Ordinance:

1. The Perry City Parks, Trails, and Critical Lands Master Plan stems from the community's desire to enjoy enhanced outdoor recreational opportunities. The plan and maps are intended to provide a proactive "road map" which will make the use of parks, trails, and critical lands an integral part of daily life in Perry. Parks and trails provide recreational opportunities, revitalize neighborhoods, build healthy communities, encourage economic development, and create a sense of place for citizens to meet. Preservation of the critical lands helps ensure the natural environment and habitats are protected against development.
2. A Parks, Trails, and Open Space Committee met September – December of 2006 to plan and prepare this Master Plan. The committee consisted of city officials, staff, and a few residents. Four workshops were held to discuss, map, and plan the needs and desires for the future of the community.
3. Like many communities throughout the U.S., Perry City desires more recreational opportunities, open space, and a preservation of important environmental habitats. The residents also have a strong desire for community beautification improvements and outdoor learning opportunities.
4. With the revision of Perry City's General Plan in 2004, the citizens' committee expressed a desire to seek development of "public amenities" that enhance the quality of life for its residents. These could include neighborhood or outdoor facilities to promote recreation, education, and other community activities. The following also regarding community facilities for Perry City:
    a. Community facilities could include a recreation center or a sports complex.
    b. Perry City seeks to provide trail linkages to public open space areas and regional trails.

   c. The City is considering street tree programs to improve neighborhood aesthetics.
   d. Perry City is considering the process to develop a local cemetery.
5. They were especially concerned that new parks and open spaces keep pace with growth and development of these facilities provides adequate recreational amenities as well as trails for recreation and commuting purposes.

32.01.020. Intent.

The Perry City Parks, Trails, and Critical Lands Master Plan has been prepared to:

1. Give direction and offer a framework to guide future planning, design, and implementation decisions;
2. Establish goals, policies, and standards which provide direction in future development of parks, trails, recreational facilities, and open space preservation;
3. Determine types of service standards and whether they are project improvements or system improvements;
4. Introduce standards that will serve as a basis for calculation and assessment of parks and recreation impact fees;
5. Give Perry City the choice to accept or reject park land dedications offered by developers as a credit against impact fees based on how the project contributes to the level of service and overall park system and whether the improvement relates to the goals, policies, and standards set by the Master Plan;
6. Additionally, this Plan is intended to provide a foundation for developing Perry City's Capital Improvements Plan and a Parks and Trails Impact-Fee program. It is designed to be an appendix of and have a strong working relationship with the Perry City General Plan.

32.01.030. Mission Statements.

The following are the mission statements for the community and the Parks and Trails Master Plan Vision:

1. Community Mission Statement: "Build upon the rich heritage of our community as a great place to live, and provide services, business opportunities and technology that improve the lives of our residents."
2. Parks and Trails Master Plan Vision Statement: "Develop a park and trail system that offers access to outdoor recreation, preserves open space and environmental habitats, allows for family recreational activities, and develops public amenities that enhance the quality of life and encourages interaction of its citizens."

Chapter 32.02.
COMMUNITY CHARACTER

32.02.010. Location.
32.02.020. History.
32.02.030. Population.

32.02.010. Location.

Perry City is located in eastern Box Elder County, directly south of Brigham City. The Bear River Valley, in which Perry is located, is one of the prime agricultural areas of northern Utah. Perry is bordered on the east by the Wasatch Mountains and on the west by the shoreline of the Bear River Migratory Bird Refuge. The town consists of about nine square miles with a population of 3,989.

32.02.020. History.

The following describing the history of Perry City:

1. In 1851, the same year that Box Elder (now Brigham City) was being settled, Orrin Porter Rockwell and his brother Merritt laid claim to some land lying about 2.5 miles southwest of the center of Box Elder settlement. It was adjacent to a large spring known to this day as Porter Spring. The Rockwells made no improvements on their land, although they claimed it for a number of years. One reason they never occupied the land may have been the danger of Indian raids; Porter Springs was a great camping place for both emigrants and Indians in those days.
2. Early in the spring of 1853, Mormon pioneers began to settle in the area. William Plummer Tippetts and his family, along with Lorenzo and May Wray Perry and Gustavus Perry and his family, laid claim to land in what became the center of town. Thomas C. Young Sr., Robert Henderson, and Alexander Perry settled to the north of the Tippetts and Perrys.
3. Three Mile Creek was the name given to early-day Perry, as it was just three miles from the center of Box Elder to the small stream which furnished water for the settlers.
4. While surrounding communities were building forts to protect themselves from the Indians, the residents of Three Mile Creek made friends with the Indians, who would bring wild game and trade for what was called "white face bread." They taught the settlers to cure and tan deer hides to make coverings for their feet.
5. There was a small settlement of Welsh immigrants' midway between Three Mile Creek and Brigham City. Among the first settlers of the area were Benjamin Jones, Kidwalendar Owens, David Peters, Thomas Mathias, and John Roberts. They chose to meet each week over the years, with those living in Box Elder until 1868. Then the two communities joined together and organized a Sunday school.
6. The first brick school in Box Elder County was built in Perry in 1874. It was constructed supposedly for a meetinghouse but the community used it for school purposes. In 1899, a new two-story meetinghouse was constructed. It was 32 by 60 feet with a tower and large double doors on the west. Bishop James Nelson directed construction of the building at a cost of $5,000. This building had several subsequent additions. When a new LDS meetinghouse was built in 1974-75, it was sold to a theatrical group and is now home to the Heritage Theater. Live productions delight people throughout northern Utah each month.
7. From the beginning, lack of water hindered growth of Three Mile Creek, as there was much more land than water available to irrigate it. In the fall of 1894, a reservoir was partially completed at the head of Three Mile Creek Canyon. Before the project was finished, however, frost stopped the work and winter set in. The next year no work was done to finish the dam but, because it was a low water year, nothing happened.

8. In June 1896, a rainstorm before all the snow melted caused a heavy flow of water into the reservoir, which resulted in a terrible flood. Homes were lost and farms were covered with mud, gravel, and debris, but no fatalities. In 1923, a series of cloudbursts caused a second flood; however, damage was not quite as great.
9. When the railroad passed through the western part of Three Mile Creek in 1868-69, it brought much-needed revenue to the residents who hauled timber and telegraph poles from the canyon. Some men made as much as thirty dollars a day. The railroad also paid high prices for goods. Hay sold for fifty dollars a ton, and grain, eggs, and butter were also very much in demand.
10. In May 1898, the name of Three Mile Creek was changed to Perry in honor of O.A. Perry, who had served as an LDS bishop for almost twenty years. Population of the town at the turn of the century was 261 (50 families).
11. In the spring of 1905, residents of Perry built their own electric company, with Vinson F. Davis as president. They erected their own poles and strung the wires. The company was purchased by the town in 1912 and later sold to Utah Power and Light Company in 1950.
12. Water, or the lack of it, continued to be a major problem. In 1902, the Three Mile Creek Irrigation Company decided to pipe water from the mouth of the canyon to the settlement for irrigation purposes. When the Pine View Canal was later built from Ogden to Brigham City, farmers were able to increase their orchards, plant row crops, and reclaim hundreds of acres of arid land. A culinary water system, put into operation in 1911 provided water to each home in Perry. The water came from mountain springs and later from wells. The town was incorporated in 1911.
13. Agriculture, consisting primarily of family dairies and fruit orchards, lead the industry in Perry. A creamery was built at the Barnard White farm and in 1910. Residents established a cannery to can local peas, tomatoes, carrots, and beets. They also set up facilities to ship the excellent fruit grown in the region to all parts of the United States. This provided work for those in the community and surrounding areas.
14. Residents later established a nursery on forty acres in the southwest part of Perry, growing and grafting to make a better variety of fruit trees. In 1909, the number of trees in the nursery reached a half million, supplying trees for many orchards in the area.
15. The population in 1958 was 500. At that time, Perry City's growth began to increase, with orchards giving way to housing areas. Dairy farms became fewer in number. The character of the town changed from a rural to a suburban community with residents commuting to Ogden, Brigham City, Thiokol, and other areas for employment. Due to this growth, the small three-room schoolhouse, built in about 1910, was enlarged in 1961. Six added classrooms, along with a multipurpose room and kitchen, helped make it a modern school.
16. Perry is home to Maddox Ranch House, which is known throughout Utah for its fried chicken and steak dinners.
17. History information was taken from Utah History Encyclopedia web site written by Lois J. Nelson in 1970.

32.02.030. Population.

The following regarding the population of Perry City:

According to the U.S Census data, Perry City's population in the year 2000 was 2,383. Based on projections by the Utah State Office of Planning and Budget, it is expected to grow to 6,223 by 2050. However, the current growth rate of ten (10%) percent over one year shows Perry growing much faster than anticipated. With the current population at 3,989 as of 2006, it is probable Perry City could meet its estimated build-out population of 18,383* by the year 2035. This is much earlier than projections by the Office of Planning and Budget in 2000.

*(Build-out population based on Sunrise Engineering Sewer Study build-out populations 2006 and the current percentage of growth which is taking place currently.)

The continual growth of surrounding cities, location and availability of land, and increased employment opportunities at ATK have all contributed to the quicker growth of Perry City.

The characteristics of a community's population are often a good indicator of the type and level of services they require. Information provided by the 2000 Census revealed the following:

Perry's population is primarily Caucasian (98%), with 2% identified as other races.

The average age of Perry residents (30.1 yrs) is 5 years younger than the national average age of 35. The age category representing the largest percentage in Perry is 35-44 year olds. Perry has typical percentage of residents 65 years of age and over, at 10.2%, which is slightly higher than the state average of 8.5 % and slightly lower than the national average of 12.4 %.

The average household size in Perry is 3.19 persons with 789 households as of the 2000 Census.

Perry shows a median household income of $52,500, which is considerably higher than the state average ($45,726) and much higher than the national average ($41,994).

About 93.9% of Perry's residents over 25 years of age are high school graduates (statewide is 87.7%), and the number of college graduates over 25 years of age (26.6%) is slightly higher than the average for the state (26.1%).

There are 1,096 people 16 years of age or over employed in Perry.

Only 1.2% of Perry residents live in poverty compared to 9.4% statewide and 12.4% nationally

This information tells us, on average Perry has a young, highly-educated and medium-income population base compared to the rest of the nation and state.

Chapter 32.03.
DEFINITIONS AND TYPES OF SERVICE

32.03.010. Purpose of Definitions.
32.03.020. Park and Recreation Goals and Objectives.
32.03.030. Goals and Objectives.
32.03.040. Definition of Project Improvements and System Improvements.

32.03.010. Purpose of Definitions.

The definitions will provide the City with descriptions, classifications, and characterizations of the types of services and standards to be used within this document. It will allow for clarity as each type of service is discussed, giving everyone the ability to be on the same page. Definitions will also serve as important tools for development of impact fees and capital improvement plans.

32.03.020. Park and Recreation Goals and Objectives.

Several issues emerge as development continues to shape the goals and objectives of this plan. With time, new community concerns may appear that have not yet been considered. It is important this plan be revisited every few years to identify and evaluate developing issues and make adjustments to the goals and objectives of this plan.

32.03.030. Goals and Objectives.

The following regarding the goals and objectives of Perry City:

1. Increase facility planning and development to support the growing community's recreational needs.
2. Beautify and enhance the entrances into the community.
3. Preserve the natural beauty and environment of the community.
4. Document important habitats and critical lands to be left within the community in order to perform their natural function.
5. Develop a sense of place for community gatherings and events.
6. Adopt standards for development of parks within the community.
7. Support property values and community growth by providing areas for leisure, recreation, and open space.
8. Implement a trail system linking important areas of the community, i.e. parks, schools, transportation hubs, etc.
9. Develop a working parks system, which implements improvements that benefit the whole community including sports facilities, natural areas, trail destinations, exercise facilities, and leisure areas for sitting and picnicking.
10. Develop a plan which addresses the City's actual level of service, future needs, proposed capital improvements and associated costs, and funding sources available to the City.
11. Maintain communication between administration, public officials, and residents to ensure recreational facilities and programs continue to meet the needs of the community.

32.03.040. Definition of Project Improvements and System Improvements.

The City will use the following definitions and descriptions as benchmarks in determining how the City will define its parks system. These definitions are based on the National Recreation and Parks Association standards and have been tailored to the specific needs of Perry City.

1. Project Improvements:
    a. Project improvements include facilities that benefit a small area and are generally of little benefit to the community as a whole. They also include private facilities that would limit access to the general public. In this analysis, mini-parks under one acre and private club areas (i.e. swimming pools, tennis courts, open space, etc.) are considered project improvements, as are parks dedicated to the City in return for increased density within certain zoning classes (Cluster Residential Overlay, Mixed-Use, Planned Residential Urban Development, and Group Dwellings). Project improvements cannot be funded through impact fees, receive credit for costs against impact fees, or be considered in the impact fee level of service.
2. System Improvements:
    a. System improvements are intended to benefit the community as a whole and can be funded through impact fees. Generally, these improvements are located outside specific developments unless the improvement is provided in addition to the parks needed for the developer to receive full density.

Chapter 32.04.
DEFINITIONS AND STANDARD GUIDELINES FOR PARK, TRAIL, AND CRITICAL LAND TYPES

32.04.040. Regional Park/Park Preserve.
32.04.050. Special Use Areas.
32.04.060. Open Space: Definition and Types.
32.04.070. Trails.
32.04.080. Trailheads.

32.04.010. Mini-park.

A specialized facility that serves a concentrated or limited population or specific group, such as tots or senior citizens. This facility should be located within neighborhoods and in close proximity to apartment complexes, townhouse developments, or housing for the elderly. When used for detention of storm water, mini-parks must maintain a minimum 75% of dry area (i.e. not used for detention). Mini-parks less than one acre are not customarily included in the impact fee level of service for the City's parks because they are usually considered project improvements of a new development. In order for a park less than one acre to be considered in the impact fee level, it must be developed by the City and not as part of a new development. The following regarding mini-parks:

1. Typical Park Size: 5,445 sq. ft – 2.99 acres.
2. Site Characteristics: Centrally located in neighborhoods and higher-density residential. The walking distance should not exceed one-quarter mile nor require the crossing of busy streets. Appropriate facilities include children's playground equipment, grassy play areas, picnic tables and shelters, and benches.

32.04.020. Neighborhood Parks.

Areas designed for intense recreational activities such as field games, court games, crafts, playground apparatus, skating, picnicking, wading pools, etc. Neighborhood park sites should be suited for intense development, easily accessible to neighborhood populations, and

geographically located for safe walking and bicycle access (service radius of one-half mile). A minimum twenty (20%) percent of the site area should be dry (i.e. not used for detention). These parks are included in the City's level of service and considered system improvements. The following regarding neighborhood parks:

1. Typical Park Size: 3.0 – 12.99 acres.
2. Site Characteristics: Centrally located to provide direct and safe walking/biking access. Appropriate facilities include open play areas for softball, soccer, youth baseball, Frisbee, etc., as well as restrooms, parking facilities, picnic areas, shelters, and a children's playground with seating nearby. Sites should be relatively visible from adjoining streets.

32.04.030. Community Parks.

Areas of diverse recreational value including intense recreational facilities, such as athletic complexes and pools, as well as more passive uses such as picnicking, viewing, nature studying, and other types of recreational development. The size and amenities contained within each community park should be based on the planned population to be served. A minimum twenty (20%) percent of the site area should be dry (for a 10-year storm event). Community parks should serve the majority of residential areas with overlapping service area coverage. These parks are included in the City's level of service and are considered system improvements.

1. Typical Park Size: 13.0 – 50.0 acres.
2. Site Characteristics: Comprises both active and passive recreational activities with support facilities such as off-street parking and restrooms. Appropriate facilities include fields for formal baseball-softball, soccer, etc., along with picnic facilities, trail/pathway systems, and children's playgrounds. The park should be located on an arterial or collector street and have landscaped setbacks to buffer active use areas from residential areas as needed.

32.04.040. Regional Park/Park Preserve.

Areas of natural or ornamental quality for outdoor recreation such as picnicking, boating, fishing, swimming, camping, and trail uses, with much of the land reserved for conservation and natural resource management. While they sometimes contain traditional park facilities, like playground structures or tennis courts, regional parks are usually dedicated to one particular use, such as golf. The location of these parks usually takes advantage of the area's unique, natural, or cultural features. These parks are included in the City's level of service and are considered system improvements.

1. Typical Park Size: 50.0- 100.0 acres.
2. Site Characteristics: Comprises both active and passive recreational activities used to service the needs of the entire region.

32.04.050. Special Use Areas.

Miscellaneous public recreation lands or land occupied by a specialized facility. Typical uses of these areas include small or special uses, specialty landscaped areas, cemeteries, community gardens, streetscapes, viewpoints, or historic sites. Special use areas are not considered in the impact fee level of service.

32.04.060. Open Space: Definition and Types.

The definitions for open space facilities provide guidance in the determination of appropriate amenities for the community. Open space can be categorized into two types: passive and natural.

The following definitions are provided to guide the appropriate location and components for a mix of open space that enhances the quality of life for existing and future Perry City residents. Open space can include Sensitive Areas within the City such as wetlands or parcels having slopes of thirty cent or greater. The following definitions and types:

1. Passive Open Space:
   Areas that have had minor, if any, improvements and are set aside, dedicated, designated, or reserved for public or private use. Passive open spaces typically accommodate activities such as picnicking, hiking, bicycling, equestrian, walking, dog park or "off-leash" running areas, neighborhood electric vehicle areas, gardening, agriculture, and aesthetics, etc. Passive open spaces include plazas, greenbelts, buffers, landscaped parkways, peripheral landscape tracts, water or lake features, and entrances into the City or other similar areas. Subject to City Council approval, passive open space may be utilized for a secondary purpose of satisfying storm water retention requirements. Passive open space is property that is not considered Sensitive Lands.
2. Natural Open Space:
   Unimproved areas in their natural state and set aside, dedicated, designated, or reserved for public or private use. Minimal improvements are allowed in natural open spaces for trails, natural interpretive areas, and limited re-vegetation or landform alterations for trail maintenance, aesthetics, visual relief, and environmental, public safety, and or emergency purposes so long as the areas disturbed are restored to their natural appearance. Natural open spaces shall not be used for improved drainage purposes. Natural open spaces include water features, washes, riverbanks, desert lands, and other similar areas.

32.04.070. Trails.

The following regarding trails:

1. Linear parks are open spaces, landscaped areas, and or trail systems that follow stream corridors, abandoned railroads, power line easements or other elongated features. Linear parks and trails usually consist of open spaces with limited development. Typical features of linear parks and trails include trailheads, trail systems, education signage, benches, and picnic tables. A standard 0.5 miles per 0 residents is included as the target l of service for linear trails.
2. Natural pedestrian trails are not paved. They are primitive paths intended for pedestrians and mountain bike use, created in open, natural areas not following roadways. Paved bike/pedestrian paths are developed with a hard surface of pavement or concrete. The trails are intended for use by both bicyclists and pedestrians. They should be built to the American Association of State Highway and Transportation Officials (AASHTO) Standards for a Class 1 bike path.
3. Bike lanes and routes utilize vehicle roadways for bicyclists only to access local facilities and connect to other trails. These lanes and routes should be developed according to AASHTO bikeway standards:
   a. Class II Bike Lanes: Striped lanes adjacent to the curb on a roadway.
   b. Class III Bike Routes: An existing street with signage for on-street bicycle use.

32.04.080. Trailheads.

Trailheads are an important link to trails as they provide areas for walkers and bikers to park, rest, picnic, and further enjoy the trail system. Currently, the City has one trailhead which is a park called Dale Young Nature Park.

Chapter 32.05.
CRITICAL LAND DEFINITION AND TYPES

32.05.010. Critical Land Definition.
32.05.020. Critical Land Types.
32.05.030. Groundwater.
32.05.040. Lakes, Streams, and Riparian Areas.
32.05.050. Wetlands.
32.05.060. Wildlife Habitat.
32.05.070. Steep Slopes.
32.05.080. Ridgelines.
32.05.090. Prime Agricultural Land.
32.05.100. Geological Faults and Earthquakes.
32.05.110. Wildland Fires.
32.05.120. Landslides.
32.05.130. Floodplains.

32.05.010. Critical Land Definition.

The following information comes from the Governor's Office of Planning and Budget (GOPB) Critical Lands Toolbox:

1. The GOPB web site allows access to maps and information for planning and documenting critical lands within the communities in Utah. This toolbox will be used to define and map the areas within Perry City.
2. Defining 'critical lands' is difficult; however, defining the word 'critical' is considerably easier. The word "critical" implies that something is essential or indispensable and is characterized by risk or uncertainty. Perhaps it can then be inferred that "critical lands" are those lands which are essential, indispensable, and at risk.
3. Critical lands are defined as areas lands that help ensure the health, safety, and welfare of Utah and its residents. They provide the clean air and water, the food, and the fiber Utah needs, while protecting residents from floods, landslides, and other natural hazards. Critical lands are also important economically for the state in that they often generate tourism dollars, may produce tax revenues, and frequently protect development from costs associated with natural disasters. Critical lands also play a vital role in defining the character of a community and providing for the quality of life of its residents.
4. Lands exhibiting these important attributes are often held in public trust by a state or federal land management agency but are frequently owned by private citizens as well. It is these private lands that are under the greatest pressure for use and development. Care must be taken to protect the rights of landowners while balancing them with demonstrable needs of the community."

32.05.020. Critical Land Types.

The following definitions and information were taken from the Utah Governor's Office of Planning Budget Critical Lands Toolbox and are the types of critical land defined and documented within this plan.

32.05.030. Groundwater.
Groundwater is the water below the earth's surface. More specifically, it is the water from rain and snow melt found underground in the spaces and cracks in soil, rock, and sands. Groundwater is stored in aquifers, or underground geologic formations of rock, sand, soil, or gravel. It comes to the surface naturally through springs or is released into lakes and streams. It may also be extracted through wells drilled into the aquifer.

32.05.040. Lakes, Streams, and Riparian Areas.
Water is the most important substance on Earth because all life is dependent on water for survival. Lakes, streams, and riparian areas provide not only water, but the food, irrigation and transportation needed for development. Their attractiveness for development, however, also threatens the health of these areas. Lakes are large bodies of normally fresh water, which may be formed by river drainage, surface water runoff, glaciers, or ground water seepage. Lakes provide important habitat for fish, wildlife, and migratory birds. They are also valuable areas for recreational activities such as water sports, fishing, and hunting.

32.05.050. Wetlands.
Wetlands are transition areas between dry land and open water where the water table is usually at or near the surface, or the land is covered by shallow water all or part of the year. All wetlands have three common characteristics:

1. Wetlands are sometimes or always covered with water.
2. Wetland soils are hydric, meaning they are poorly drained and contain little or no oxygen.
3. Wetlands contain plants called hydrophytes or "water-lovers." These plants can survive with little or no oxygen (Lock 1993).
4. Wetlands play a vital role in a healthy ecosystem. They control flooding, store floodwater, provide a home to a diverse population of wildlife, filter pollutants from runoff, and provide many recreational opportunities.

32.05.060. Wildlife Habitat.
A habitat is a place where an animal (or plant) lives and finds water, food, shelter, and room to grow and reproduce. A habitat can be a wetland, an alfalfa field, or even a park (Urban Wildlife Habitat). As the population of Utah grows, so does the demand for houses, schools, stores, and roads. This growth puts pressure on critical habitats and increases the chance for conflict with wildlife. The amount of wildlife habitat statewide has been in decline in recent years. Some of the most significant reasons for this decline are the loss of open space to urbanization and agricultural conversion, draining of wetlands, and other development patterns which often fragment habitat (Wilmer 2000).

32.05.070. Steep Slopes.
The following regarding steep slopes:

1. Steep slopes are generally defined as land with a slope angle of twenty percent or greater for a minimum of thirty (30') feet horizontally. These slopes are becoming increasingly popular for home sites as the valleys and flat lands in Utah are lost to development. These steep slopes may make for dramatic home sites, but they also pose problems. Steep slopes are prone to natural disasters, often expensive to build on, and expensive to maintain. Most likely, they are of aesthetic value to the community below as well (City of Nanaimo, 3 Dec. 2004).

2. Slope failures, erosion, or avalanches may not be as spectacular as tornadoes or earthquakes, but they are usually more widespread. Financial losses from these mass movements of earth and snow are costly. They include not only the direct costs associated with property damage but also indirect costs such as loss of tax revenues, reduced real estate values, and degraded water quality (Gray 1996). Also, development on steep slopes is often susceptible to wildfire and may be expensive to defend when necessary.
3. Construction on steep slopes is costly. The costs associated with the cut and fill, earthwork, retaining walls, erosion prevention, etc., is often prohibitive. In cases where cost is not an issue, the maintenance of roads and utilities must still be addressed. Cities and towns may be left holding the bill for maintenance costs unless prior arrangements with developers and homeowners have been made.

32.05.080. Ridgelines.

The following regarding ridgelines:

1. The term ridgeline is used to describe a visually prominent and narrow piece of land that includes the highest points of elevation within a watershed. Ridgelines are characterized by the lack of a topographical backdrop, where the sky is visible beyond the ridge or by a backdrop of a nearby higher topographic feature such as a mountain range. Ridgelines are often considered scenic areas and add to the character and visual quality of the communities they surround (Napa County, 3 Dec 2004).
2. In times of rapid growth, the scenic views of these ridgelines may be altered by development. Building on a ridgeline or at the crest of a hill interferes with the natural profile of the land and allows buildings to dominate the skyline. Protecting ridgelines by developing below the ridgeline preserves the natural landform and character of the land. Protection of ridgelines can lead to increased property values and preserve a community's distinctiveness while attracting positive growth (Scenic America, 14 Dec. 2004).
3. The protection of ridgelines may be accomplished in a number of ways. Communities can use overlay zoning, design guidelines, transfer of development rights, and other means to protect ridgelines from development. Zoning laws that limit building heights based on their proximity to scenic areas have proved effective in some areas. Establishing clear design guidelines and design reviews allow communities to decide how development near ridgelines or other scenic areas will look. Transfer of Development Rights, or TDRs, preserve ridgelines by transferring development rights away from sensitive areas, such as ridgelines, to areas better suited to growth (Scenic America, 14 Dec. 2004)

32.05.090. Prime Agricultural Land.

The following regarding prime agricultural land:

1. Agricultural land or farmland may include cropland, pasture land, rangeland, forestland, and other rural land. According to the Utah Department of Agriculture, farmers and ranchers generate more than $1 billion annually in raw products and employ more than 100,000 people. The effect on the economy is much larger because of its links to a variety of industries. For example, farming requires machinery, seed, feed, fertilizer, labor, financial services, and other inputs to produce crops and livestock. A productive farm or ranch also generates taxes to help local communities. In most cases, when farmers subdivide their land, the resulting sprawl is a tax drain on communities (Utah Department of Agriculture, 3 Dec. 2004).

2. Agricultural land provides more than simply food production and economic benefits. It also provides open space, wildlife habitat, and water recharge, along with other amenities such as visual quality and landscape diversity. Deer, elk, and many species of birds rely on ranches or farms. Rain and snowmelt seep back into the groundwater in agricultural areas instead of being evaporated on driveways and parking lots.
3. As Utah's population continues to grow, more and more agricultural land is being lost to development. Fortunately, there are many tools that can be used to protect agricultural land, such as agricultural districts, conservation easements, and transfer of development rights. Agricultural districts permit farmers to form distinctive areas where agriculture is not only protected, but encouraged. Conservation easements are voluntary agreements that allow farmers to retain the right to use their land for ranching and farming while protecting the land from development. Farmers continue to hold title to their properties while receiving fair market compensation. Furthermore, they may restrict public access and sell the property as they desire. Transfer of development rights allows landowners to transfer the right to develop from one parcel of land to another, thereby protecting one parcel and allowing higher density development on the other. Other policies and programs include comprehensive planning and cluster zoning (The American Farmland Trust. "The Farm Protection Toolbox." 13 Dec. 2004).

32.05.100. Geological Faults and Earthquakes.

The following regarding geological faults and earthquakes:

1. The U.S. Geological Survey defines an earthquake as "both sudden slip on a fault [a crack in the earth's crust caused by the displacement of one side with respect to the other] and the resulting ground shaking and radiated seismic energy caused by the slip, by volcanic or magmatic activity, or other sudden stress changes in the earth." Utah experiences about 700 earthquakes every year, the majority of which are not felt by people and do not cause any damage (Bolt 1986).
2. There are many hazards associated with earthquakes. These include ground shaking, fault rupture and ground deformation, liquefaction, slope failure and avalanches, flooding, fires, and hazardous material situations. Ground shaking is a result of the seismic vibrations caused by the earthquake. This ground shaking can cause objects to fall and buildings to collapse. Fault rupture and ground deformation happens when the ground at or near the fault is broken and drops, causing damage to buildings on or near the fault. Liquefaction occurs when sandy, water saturated soils temporarily act like a liquid in response to the vibrations caused by the earthquake. Development in valleys bordering the mountain ranges across the State are at risk of being damaged by liquefaction. Slope failures, such as landslides and avalanches, can cause damage to buildings, depending on the magnitude of the earthquake and slope conditions. Dam failures, flooding, fire, and hazardous materials spills may also result with significant consequences from an earthquake (Bolt 1986). Proper planning can do much to reduce the risks associated with earthquakes. Mapping fault lines and liquefaction zones is an important part of this planning. Re-directing development to avoid fault lines will reduce risk of damage during an earthquake. Engineering buildings to withstand the shaking, liquefaction, and other hazards associated with earthquakes can reduce the costs associated with damage.

32.05.110. Wildland Fires.

The following regarding wildland fires:

1. A wildland fire is a fire occurring on relatively undeveloped and often public land. There are three classes of wildland fire. Surface fires are the most common and burn slowly along the ground, damaging and killing trees. A ground fire is usually started by lightning and burns on or below the forest floor. A crown fire is fueled by trees and burns quickly as it spreads along the tops of the trees (Federal Emergency Management Agency, 3 Dec. 2004).
2. There is a trend toward residential development expanding into wildland environments throughout the West. This trend is creating an expansion of the wildland/urban interface where structures are located near large amounts of vegetation. Development in these areas is vulnerable to destruction if a wildland fire should occur in the surrounding area. Further, if a fire does occur and development is spared, it is still prone to damage from landslides, mudflows, and flooding that often follow fire (National Wildland/Urban Interface Fire Protection Program, 13 Dec. 2004).
3. Defending development from wildland fires is not only costly, but risky as well. The best mitigation for structural damage by wildland fire is to keep development away from fuels such as stands of trees and undergrowth. In areas where this is impossible or impractical, steps may be taken to reduce the risks to property and lives. Steps include removing dead limbs and leaves from around developments, maintaining an irrigated greenbelt, mowing dry grasses and weeds, and reducing the density of surrounding vegetation (Colorado State Forest Service, 1 Dec. 2004).

32.05.120. Landslides.

The following regarding landslides:

1. The term “landslide” describes a wide variety of processes that result in the downward and outward movement of slope forming materials such as rock, soil, artificial fill, etc. The materials may move by sliding, spreading, toppling, flowing, or falling (United States Geological Survey, 3 Dec. 2004). Landslides can move slowly and cause damage over time, or they may move quickly, destroying property and taking lives. There are many causes of landslides, but most common are water, earthquakes, and volcanic activity. Intense rainfall or snowmelts are the primary causes of landslides. Often, a landslide happens simultaneously with flooding or after a fire has removed the vegetation from a slope. The occurrence of earthquakes increases the chance of landslides in areas with steep slopes already prone to failure (United States Geological Survey).
2. Each year, landslides kill between 25 and 50 people and cause $3.5 billion in damages. Landslides are capable of destroying homes, washing away cars, roads, and bridges, wiping out utility lines, and obstructing streams and roadways (United States Geological Survey). Municipalities usually the pick up the tab when it comes to damages caused by landslides.
3. The effects of landslides can be reduced by mitigation. Perhaps the most important step in the mitigation process is mapping areas of landslide potential. The most obvious measure to prevent damage from landslides is to prohibit or restrict development in potentially hazardous areas. If development is to occur in a hazardous area, the landslide potential should be disclosed to the consumer. Having disclosed the potential for landslides, the consumer then assumes the cost for any damages that occur.

32.05.130. Floodplains.

The following regarding floodplains:

1. A floodplain is a low-lying area adjacent to a river that is made-up primarily of river sediment and is subject to flooding. Flooding can be fast or slow, but usually develops over a period of days. Development often occurs in floodplains because of their rich, fertile soils. Some of the most desirable agricultural lands in the United States are in floodplains. In the past, flooding was not as catastrophic as it is today because smaller populations lived in the floodplains and runoff was kept in check by vegetation. As the population in floodplains increased, so did the damage caused by flooding (Glimer 1995).
2. Every year, billions of dollars are spent across the United States to clean up damage caused by flooding. Much of this damage occurs in floodplains. Damage can range from water inundating a basement to the complete loss of a structure. Ecological problems are also associated with flooding. Sewers and septic systems can rupture or overflow during a flood event, causing contamination of lakes, streams, and groundwater. Soil erosion is also prevalent as the flood waters recede because of the lack of vegetation in the developed floodplain.
3. Proper planning can help communities avoid the damage, devastation, and costs associated with flooding. A comprehensive plan that relates the use of the land to the land's hazards is important. Hazardous areas, such as floodplains, may be reserved as parks, greenways, or other open spaces. Zoning ordinances give teeth to a land use plan and can restrict development in floodplains.

Chapter 32.06.
NEEDS ANALYSIS

32.06.010. Park and Trail Needs Analysis.
32.06.020. Needs Determination.
32.06.030. City Population Projections.

32.06.010. Park and Trail Needs Analysis.

A Park Needs Analysis typically looks at existing acreages of park land compared to current and projected populations. In determining the need for parks and park facilities, the National Recreation and Park Association (NRPA) previously recommended the population ratio method (acres of park land and miles of trail per 1,000 residents) modified to accommodate local preferences. In the past, NRPA has changed guidelines to suggest a total park system should represent more acres of developed open space per 1000 population. Yet, in recent years, NRPA has found that such a guideline is not always appropriate and now recommends a detailed analysis of the community to determine its specific needs.2 Perry City has done their analysis and determined the ratio of 6 acres per 1000 residents is a sufficient standard in terms of park system investment along with .5 miles of trail per 1000 citizens.

32.06.020. Needs Determination.

With the development of this Parks and Trails Master Plan, the decision to maintain a goal of approximately 6 acres of park land and .5 miles of trail per 1000 population has been determined with the Perry City Parks and Trails Citizen Committee. Through this committee an analysis was done to determine needs of the community by the following:

1. a series of five community workshops to determine the goals and needs of this plan
2. an analysis of the recreational and leisure needs of the community
3. cost and availability of land
4. the anticipation of programs and events for the present and future
5. evaluating the regional facilities being developed and paid for by a regional fund (such as a regional recreational center, regional softball and soccer complexes, and other regionally-run recreational programs)
6. examining critical lands, wetlands, and other environmentally sensitive areas that necessitate important open space
7. considering current ordinances and zoning requirements

32.06.030. City Population Projections.

The demand for park and recreation facilities is driven solely by residential land uses and population; therefore, the standards for park infrastructure are expressed in terms of facilities per 1,000 residents. Perry City showed a population increase of 1,600 from the Census 2000 to fall 2006. The following is an estimated population projection for Perry City through buildout in 2035. The following table is a baseline city projection:

Year	Population
2000 Census	2,383
2006	3,989
2010	5,832
2020	12,006
2030	17,257
2035 Buildout	18,383

Legislative History

Adopt Parks, Trails, and Critical Lands Master Plan: 03/29/2007.
New numbering system and codification into 2008 Perry Municipal Code: 12/11/2008.

Perry City Parks Committee

J-U-B Engineers Inc.

Perry City Parks, Trails, and Critical Lands Master Plan

Approved March 29, 2007

Attachment A

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Chapter 1

Introduction

Plan Purpose

The Perry City Parks, Trails, and Critical Lands Master Plan stems from the community's desire to enjoy enhanced outdoor recreational opportunities. The plan and maps are intended to provide a proactive "road map" which will make the use of parks, trails, and critical lands an integral part of daily life in Perry. Parks and trails provide recreational opportunities, revitalize neighborhoods, build healthy communities, encourage economic development, and create a sense of place for citizens to meet. Preservation of the critical lands helps ensure the natural environment and habitats are protected against development.

A Parks, Trails, and Open Space Committee met September – December of 2006 to plan and prepare this Master Plan. The committee consisted of city officials, staff, and a few residents. Four workshops were held to discuss, map, and plan the needs and desires for the future of the community.

Like many communities throughout the U.S., Perry City desires more recreational opportunities, open space, and a preservation of important environmental habitats. The residents also have a strong desire for community beautification improvements and outdoor learning opportunities.

With the revision of Perry City's General Plan in 2004, the citizens' committee expressed a desire to seek development of :

> "public amenities that enhance the quality of life for its residents. These could include neighborhood or outdoor facilities to promote recreation, education, and other community activities.
>
> 1. Community facilities could include a recreation center or a sports complex.
> 2. Perry City seeks to provide trail linkages to public open space areas and regional trails.
> 3. The City is considering street tree programs to improve neighborhood aesthetics.
> 4. Perry City is considering the process to develop a local cemetery.
>
> They were especially concerned that new parks and open spaces keep pace with growth and development of these facilities provides adequate recreational amenities as well as trails for recreation and commuting purposes." [1]

[1] Perry City General Plan

The Perry City Parks, Trails, and Critical Lands Master Plan has been prepared to:

1. give direction and offer a framework to guide future planning, design, and implementation decisions;
2. establish goals, policies, and standards which provide direction in future development of parks, trails, recreational facilities, and open space preservation;
3. determine types of service standards and whether they are project improvements or system improvements;
4. introduce standards that will serve as a basis for calculation and assessment of parks and recreation impact fees;
5. give Perry City the choice to accept or reject park land dedications offered by developers as a credit against impact fees based on how the project contributes to the level of service and overall park system and whether the improvement relates to the goals, policies, and standards set by the Master Plan;

Additionally, this Plan is intended to provide a foundation for developing Perry City's Capital Improvements Plan and a Parks and Trails Impact-Fee program. It is designed to be an appendix of and have a strong working relationship with the Perry City General Plan.

Mission Statement

Community Mission Statement: "Build upon the rich heritage of our community as a great place to live, and provide services, business opportunities and technology that improve the lives of our residents."

Parks and Trails Master Plan Vision Statement: "Develop a park and trail system that offers access to outdoor recreation, preserves open space and environmental habitats, allows for family recreational activities, and develops public amenities that enhance the quality of life and encourages interaction of its citizens."

Community Character

Location

Perry City is located in eastern Box Elder County, directly south of Brigham City. The Bear River Valley, in which Perry is located, is one of the prime agricultural areas of northern Utah. Perry is bordered on the east by the Wasatch Mountains and on the west by the shoreline of the Bear River Migratory Bird Refuge. The town consists of about nine square miles with a population of 3,989.

History

In 1851, the same year that Box Elder (now Brigham City) was being settled, Orrin Porter Rockwell and his brother Merritt laid claim to some land lying about 2.5 miles southwest of the center of Box Elder settlement. It was adjacent to a large spring known to this day as Porter Spring. The Rockwells made no improvements on their land, although they claimed it for a number of years. One reason they never occupied the land may have been the danger of Indian raids; Porter Springs was a great camping place for both emigrants and Indians in those days.

Early in the spring of 1853, Mormon pioneers began to settle in the area. William Plummer Tippetts and his family, along with Lorenzo and May Wray Perry and Gustavus Perry and his family, laid claim to land in what became the center of town. Thomas C. Young Sr., Robert Henderson, and Alexander Perry settled to the north of the Tippetts and Perrys.

Three Mile Creek was the name given to early-day Perry, as it was just three miles from the center of Box Elder to the small stream which furnished water for the settlers.

While surrounding communities were building forts to protect themselves from the Indians, the residents of Three Mile Creek made friends with the Indians, who would bring wild game and trade for what was called "white face bread." They taught the settlers to cure and tan deer hides to make coverings for their feet.

There was a small settlement of Welsh immigrants' midway between Three Mile Creek and Brigham City. Among the first settlers of the area were Benjamin Jones, Kidwalendar Owens, David Peters, Thomas Mathias, and John Roberts. They chose to meet each week over the years, with those living in Box Elder until 1868. Then the two communities joined together and organized a Sunday school.

The first brick school in Box Elder County was built in Perry in 1874. it was constructed supposedly for a meetinghouse but the community used it for school purposes. In 1899, a new two-story meetinghouse was constructed. It was 32 by 60 feet with a tower and large double doors on the west. Bishop James Nelson directed construction of the building at a cost of $5,000. This building had several subsequent additions. When a new LDS meetinghouse was built in 1974-75, it was sold to a theatrical group and is now home to the Heritage Theater. Live productions delight people throughout northern Utah each month.

From the beginning, lack of water hindered growth of Three Mile Creek, as there was much more land than water available to irrigate it. In the fall of 1894, a reservoir was partially completed at the

head of Three Mile Creek Canyon. Before the project was finished, however, frost stopped the work and winter set in. The next year no work was done to finish the dam but, because it was a low water year, nothing happened.

In June 1896, a rainstorm before all the snow melted caused a heavy flow of water into the reservoir, which resulted in a terrible flood. Homes were lost and farms were covered with mud, gravel, and debris, but no fatalities. In 1923, a series of cloudbursts caused a second flood; however, damage was not quite as great.

When the railroad passed through the western part of Three Mile Creek in 1868-69, it brought much-needed revenue to the residents who hauled timber and telegraph poles from the canyon. Some men made as much as thirty dollars a day. The railroad also paid high prices for goods. Hay sold for fifty dollars a ton, and grain, eggs, and butter were also very much in demand.

In May 1898, the name of Three Mile Creek was changed to Perry in honor of O.A. Perry, who had served as an LDS bishop for almost twenty years. Population of the town at the turn of the century was 261 (50 families).

In the spring of 1905, residents of Perry built their own electric company, with Vinson F. Davis as president. They erected their own poles and strung the wires. The company was purchased by the town in 1912 and later sold to Utah Power and Light Company in 1950.

Water, or the lack of it, continued to be a major problem. In 1902, the Three Mile Creek Irrigation Company decided to pipe water from the mouth of the canyon to the settlement for irrigation purposes. When the Pine View Canal was later built from Ogden to Brigham City, farmers were able to increase their orchards, plant row crops, and reclaim hundreds of acres of arid land. A culinary water system, put into operation in 1911 provided water to each home in Perry. The water came from mountain springs and later from wells. The town was incorporated in 1911.

Agriculture, consisting primarily of family dairies and fruit orchards, lead the industry in Perry. A creamery was built at the Barnard White farm and in 1910. Residents established a cannery to can local peas, tomatoes, carrots, and beets. They also set up facilities to ship the excellent fruit grown in the region to all parts of the United States. This provided work for those in the community and surrounding areas.

Residents later established a nursery on forty acres in the southwest part of Perry, growing and grafting to make a better variety of fruit trees. In 1909, the number of trees in the nursery reached a half million, supplying trees for many orchards in the area.

The population in 1958 was 500. At that time, Perry City's growth began to increase, with orchards giving way to housing areas. Dairy farms became fewer in number. The character of the town changed from a rural to a suburban community with residents commuting to Ogden, Brigham City, Thiokol, and other areas for employment. Due to this growth, the small three-room schoolhouse, built in about 1910, was enlarged in 1961. Six added classrooms, along with a multipurpose room and kitchen, helped make it a modern school.

Perry is home to Maddox Ranch House, which is known throughout Utah for its fried chicken and steak dinners.

History information was taken from Utah History Encyclopedia web site written by Lois J. Nelson in 1970.

Population

According to the U.S Census data, Perry City's population in the year 2000 was 2,383. Based on projections by the Utah State Office of Planning and Budget, it is expected to grow to 6,223 by 2050. However, the current growth rate of ten percent over one year shows Perry growing much faster than anticipated. With the current population at 3,989 as of 2006, it is probable Perry City could meet its estimated build-out population of 18,383* by the year 2035. This is much earlier than projections by the Office of Planning and Budget in 2000.
**(Build-out population based on Sunrise Engineering Sewer Study build-out populations 2006 and the current percentage of growth which is taking place currently.)*

The continual growth of surrounding cities, location and availability of land, and increased employment opportunities at ATK have all contributed to the quicker growth of Perry City.

The characteristics of a community's population are often a good indicator of the type and level of services they require. Information provided by the 2000 Census revealed the following:

- Perry's population is primarily Caucasian (98%), with 2% identified as other races.
- The average age of Perry residents (30.1 yrs) is 5 years younger than the national average age of 35. The age category representing the largest percentage in Perry is 35-44 year olds. Perry has typical percentage of residents 65 years of age and over, at 10.2%, which is slightly higher than the state average of 8.5 % and slightly lower then the national average of 12.4 %.
- The average household size in Perry is 3.19 persons with 789 households as of the 2000 Census.
- Perry shows a median household income of $52,500, which is considerably higher than the state average ($45,726) and much higher than the national average ($41,994).

- About 93.9% of Perry's residents over 25 years of age are high school graduates (statewide is 87.7%), and the number of college graduates over 25 years of age (26.6%) is slightly higher than the average for the state (26.1%).
- There are 1,096 people 16 years of age or over employed in Perry.
- Only 1.2% of Perry residents live in poverty compared to 9.4% statewide and 12.4% nationally

This information tells us, on average Perry has a young, highly-educated and medium-income population base compared to the rest of the nation and state.

Chapter 2

Definitions and Types of Service

Purpose of Definitions

The definitions will provide the City with descriptions, classifications, and characterizations of the types of services and standards to be used within this document. It will allow for clarity as each type of service is discussed, giving everyone the ability to be on the same page. Definitions will also serve as important tools for development of impact fees and capital improvement plans.

Park and Recreation Goals and Objectives

Several issues emerge as development continues to shape the goals and objectives of this plan. With time, new community concerns may appear that have not yet been considered. It is important this plan be revisited every few years to identify and evaluate developing issues and make adjustments to the goals and objectives of this plan.

Goals and Objectives

- Increase facility planning and development to support the growing community's recreational needs
- Beautify and enhance the entrances into the community
- Preserve the natural beauty and environment of the community
- Document important habitats and critical lands to be left within the community in order to perform their natural function
- Develop a sense of place for community gatherings and events
- Adopt standards for development of parks within the community
- Support property values and community growth by providing areas for leisure, recreation, and open space
- Implement a trail system linking important areas of the community, i.e. parks, schools, transportation hubs, etc.
- Develop a working parks system, which implements improvements that benefit the whole community including sports facilities, natural areas, trail destinations, exercise facilities, and leisure areas for sitting and picnicking

- Develop a plan which addresses the City's actual level of service, future needs, proposed capital improvements and associated costs, and funding sources available to the City
- Maintain communication between administration, public officials, and residents to ensure recreational facilities and programs continue to meet the needs of the community

Definition of Project Improvements and System Improvements

The City will use the following definitions and descriptions as benchmarks in determining how the City will define its parks system. These definitions are based on the National Recreation and Parks Association standards and have been tailored to the specific needs of Perry City.

Project Improvements

Project improvements include facilities that benefit a small area and are generally of little benefit to the community as a whole. They also include private facilities that would limit access to the general public. In this analysis, mini-parks under one acre and private club areas (i.e. swimming pools, tennis courts, open space, etc.) are considered project improvements, as are parks dedicated to the City in return for increased density within certain zoning classes (Cluster Residential Overlay, Mixed-Use, Planned Residential Urban Development, and Group Dwellings). Project improvements cannot be funded through impact fees, receive credit for costs against impact fees, or be considered in the impact fee level of service.

System Improvements

System improvements are intended to benefit the community as a whole and can be funded through impact fees. Generally, these improvements are located outside specific developments unless the improvement is provided in addition to the parks needed for the developer to receive full density.

Definitions and Standard Guidelines for Park, Trail, and Critical Land Types

Active Park Land Definition, Types, and Standard Guidelines

- ***Mini-park*:** A specialized facility that serves a concentrated or limited population or specific group, such as tots or senior citizens. This facility should be located within neighborhoods and in close proximity to apartment complexes, townhouse developments, or housing for the elderly. When used for detention of storm water, mini-parks must maintain a minimum 75% of dry area (i.e. not used for detention). Mini-parks less then one acre are not customarily included in the

impact fee level of service for the City's parks because they are usually considered project improvements of a new development. In order for a park less than one acre to be considered in the impact fee level, it must be developed by the City and not as part of a new development.

- **Typical Park Size:** 5,445 sq. ft – 2.99 acres
- **Site Characteristics:** Centrally located in neighborhoods and higher-density residential. The walking distance should not exceed one-quarter mile nor require the crossing of busy streets. Appropriate facilities include children's playground equipment, grassy play areas, picnic tables and shelters, and benches.

❖ ***Neighborhood Parks****: A*reas designed for intense recreational activities such as field games, court games, crafts, playground apparatus, skating, picnicking, wading pools, etc. Neighborhood park sites should be suited for intense development, easily accessible to neighborhood populations, and geographically located for safe walking and bicycle access (service radius of one-half mile). A minimum twenty percent of the site area should be dry (i.e. not used for detention). These parks are included in the City's level of service and considered system improvements.

- **Typical Park Size:** 3.0 – 12.99 acres
- **Site Characteristics:** Centrally located to provide direct and safe walking/biking access. Appropriate facilities include open play areas for softball, soccer, youth baseball, Frisbee, etc., as well as restrooms, parking facilities, picnic areas, shelters, and a children's playground with seating available nearby. Sites should be relatively visible from adjoining streets.

❖ ***Community parks*****:** Areas of diverse recreational value including intense recreational facilities, such as athletic complexes and pools, as well as more passive uses such as picnicking, viewing, nature studying, and other types of recreational development. The size and amenities contained within each community park should be based on the planned population to be served. A minimum twenty percent of the site area should be dry (for a 10-year storm event). Community parks should serve the majority of residential areas with overlapping service area coverage. These parks are included in the City's level of service and are considered system improvements.

- **Typical Park Size:** 13.0 – 50.0 acres
- **Site Characteristics:** Comprises both active and passive recreational activities with support facilities such as off-street parking and restrooms. Appropriate facilities include fields for formal baseball-softball, soccer, etc., along with picnic facilities, trail/pathway systems, and

children's playgrounds. The park should be located on an arterial or collector street and have landscaped setbacks to buffer active use areas from residential areas as needed.

- ***Regional Park/Park Preserve*:** Areas of natural or ornamental quality for outdoor recreation such as picnicking, boating, fishing, swimming, camping, and trail uses, with much of the land reserved for conservation and natural resource management. While they sometimes contain traditional park facilities, like playground structures or tennis courts, regional parks are usually dedicated to one particular use, such as golf. The location of these parks usually takes advantage of the area's unique, natural, or cultural features. These parks are included in the City's level of service and are considered system improvements.
  - **Typical Park Size:** 50.0 – 100.0 acres
  - **Site Characteristics:** Comprises both active and passive recreational activities used to service the needs of the entire region.

- ***Special Use Areas:*** Miscellaneous public recreation areas or land occupied by a specialized facility. Typical uses of these areas include small or special uses, or specialty landscaped areas, cemeteries, community gardens, streetscapes, viewpoints, or historic sites. Special use areas are not considered in the impact fee level of service.

Open Space Definition and Types

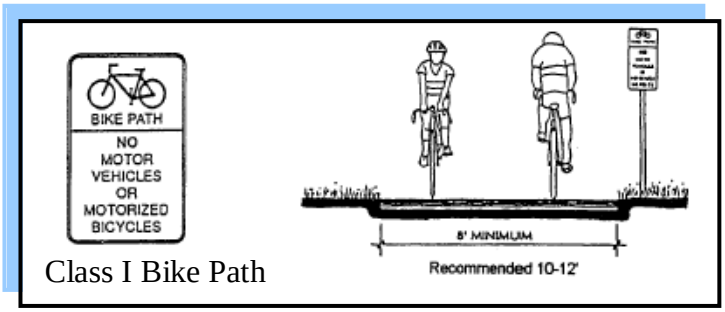
The definitions for open space facilities provide guidance in the determination of appropriate amenities for the community. Open space can be categorized into two types: passive and natural. The following definitions are provided to guide the appropriate location and components for a mix of open space that enhances the quality of life for existing and future Perry residents. Open space can include Sensitive Areas within the City such as wetlands or parcels having slopes of thirty percent or greater.

- ***Passive Open Space:*** Areas that have had minor, if any, improvements and are set aside, dedicated, designated, or reserved for public or private use. Passive open spaces typically accommodate activities such as picnicking, hiking, bicycling, equestrian, walking, dog park or "off-leash" running areas, neighborhood electric vehicle areas, gardening, agriculture, and aesthetics, etc. Passive open spaces include plazas, greenbelts, buffers, landscaped parkways, peripheral landscape tracts, water or lake features, and entrances into the city or other similar areas. Subject to City Council approval, passive open space may be utilized for a secondary purpose of satisfying storm water retention requirements. Passive open space is property that is not considered Sensitive Lands.

- ***Natural Open Space:*** Unimproved areas in their natural state and set aside, dedicated, designated, or reserved for public or private use. Minimal improvements are allowed in natural open spaces for trails, natural interpretive areas, and limited re-vegetation or landform alterations for trail maintenance, aesthetics, visual relief, and environmental, public safety, and/or emergency purposes so long as the areas disturbed are restored to their natural appearance. Natural open spaces shall not be used for improved drainage purposes. Natural open space includes water features, washes, riverbanks, desert lands, and other similar areas.

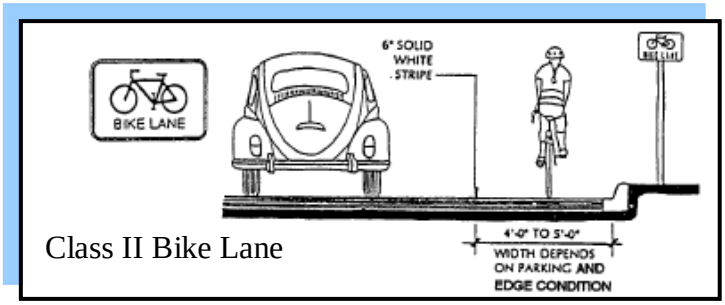
Trails and Trailheads

- ***Trails:*** Linear parks are open spaces, landscaped areas, and/or trail systems that follow stream corridors, abandoned railroads, power line easements, or other elongated features. Linear parks and trails usually consist of open spaces with limited development. Typical features of linear parks and trails include trailheads, trail systems, education signage, benches, and picnic tables. A standard 0.5 miles per 1,000 residents is included as the target level of service for linear trails.



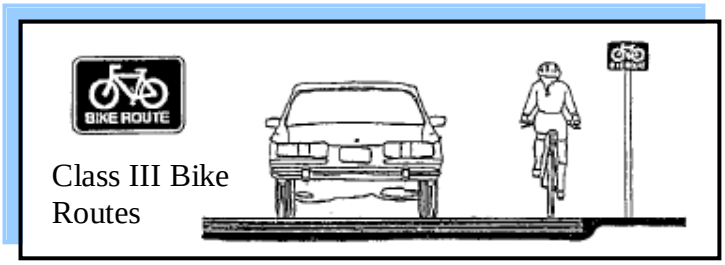
Class I Bike Path

  - Natural Pedestrian trails are not paved. They are primitive paths intended for pedestrians and mountain bike use, created in the existing dirt and rock environment. They are usually in open, natural areas not following roadways.



Class II Bike Lane

  - Paved bike/pedestrian paths are developed with a hard surface of pavement or concrete. The trails are intended for use by both bicyclists and pedestrians. They should be built to the American Association of State Highway and Transportation Officials (AASHTO) standards for a Class I Bike Path.



Class III Bike Routes

  - Bike lanes and routes utilize vehicle roadways for bicyclists only to access

local facilities and connect to other trails. These lanes and routes should be developed according to AASHTO bikeway standards:

1. Class II Bike Lanes – Striped lanes adjacent to the curb on a roadway.
2. Class III Bike Routes – An existing street with signage for on-street bicycle use.

- ***Trailheads:*** Trailheads are an important link to trails as they provide areas for walkers and bikers to park, rest, picnic, and further enjoy the trail system. Currently, the City has one trailhead which is a park called Dale Young Nature Park.

Critical Land Definition and Types

The following information comes from the Governor's Office of Planning and Budget (GOPB) Critical Lands Toolbox. The GOPB web site allows access to maps and information for planning and documenting critical lands within the communities in Utah. This toolbox will be used to define and map the areas within Perry City.

Defining 'critical lands' is difficult; however, defining the word 'critical' is considerably easier. The word "critical" implies that something is essential or indispensable and is characterized by risk or uncertainty. Perhaps it can then be inferred that "critical lands" are those lands which are essential, indispensable, and at risk.

Critical lands are defined as areas lands that help ensure the health, safety, and welfare of Utah and its residents. They provide the clean air and water, the food, and the fiber Utah needs, while protecting residents from floods, landslides, and other natural hazards. Critical lands are also important economically for the state in that they often generate tourism dollars, may produce tax revenues, and frequently protect development from costs associated with natural disasters. Critical lands also play a vital role in defining the character of a community and providing for the quality of life of its residents.

Lands exhibiting these important attributes are often held in public trust by a state or federal land management agency but are frequently owned by private citizens as well. It is these private lands that are under the greatest pressure for use and development. Care must be taken to protect the rights of landowners while balancing them with demonstrable needs of the community."

Types of Critical Lands within Perry City

The following definitions and information were taken from the Utah Governor's Office of Planning Budget Critical Lands Toolbox and are the types of critical land defined and documented within this plan:

Groundwater

Groundwater is the water below the earth's surface. More specifically, it is the water from rain and snow melt found underground in the spaces and cracks in soil, rock, and sands. Groundwater is stored in aquifers, or underground geologic formations of rock, sand, soil, or gravel. It comes to the surface naturally through springs or is released into lakes and streams. It may also be extracted through wells drilled into the aquifer.

Lakes, streams, and riparian areas

Water is the most important substance on Earth because all life is dependent on water for survival. Lakes, streams, and riparian areas provide not only water, but the food, irrigation and transportation needed for development. Their attractiveness for development, however, also threatens the health of these areas.

Lakes are large bodies of normally fresh water, which may be formed by river drainage, surface water runoff, glaciers, or ground water seepage. Lakes provide important habitat for fish, wildlife, and migratory birds. They are also valuable areas for recreational activities such as water sports, fishing, and hunting.

Wetlands

Wetlands are transition areas between dry land and open water where the water table is usually at or near the surface, or the land is covered by shallow water all or part of the year. All wetlands have three common characteristics:

1) Wetlands are sometimes or always covered with water.

2) Wetland soils are hydric, meaning they are poorly drained and contain little or no oxygen.

3) Wetlands contain plants called hydrophytes or "water-lovers." These plants can survive with little or no oxygen (Lock 1993).

Wetlands play a vital role in a healthy ecosystem. They control flooding, store floodwater, provide a home to a diverse population of wildlife, filter pollutants from runoff, and provide many recreational opportunities.

Wildlife habitat

A habitat is a place where an animal (or plant) lives and finds water, food, shelter, and room to grow and reproduce. A habitat can be a wetland, an alfalfa field, or even a park (Urban Wildlife Habitat). As the population of Utah grows, so does the demand for houses, schools, stores, and roads. This growth puts pressure on critical habitats and increases the chance for conflict with wildlife. The amount of wildlife habitat statewide has been in decline in recent years. Some of the most significant reasons for this decline are the loss of open space to urbanization and agricultural conversion, draining of wetlands, and other development patterns which often fragment habitat (Wilmer 2000).

Steep slopes

Steep slopes are generally defined as land with a slope angle of twenty percent or greater for a minimum of 30 feet horizontally. These slopes are becoming increasingly popular for home sites as the valleys and flat lands in Utah are lost to development. These steep slopes may make for dramatic home sites, but they also pose problems. Steep slopes are prone to natural disasters, often expensive to build on, and expensive to maintain. Most likely, they are of aesthetic value to the community below as well (City of Nanaimo 3 Dec. 2004).

Slope failures, erosion, or avalanches may not be as spectacular as tornadoes or earthquakes, but they are usually more widespread. Financial losses from these mass movements of earth and snow are costly. They include not only the direct costs associated with property damage but also indirect costs such as loss of tax revenues, reduced real estate values, and degraded water quality (Gray 1996). Also, development on steep slopes is often susceptible to wildfire and may be expensive to defend when necessary.

Construction on steep slopes is costly. The costs associated with the cut and fill, earthwork, retaining walls, erosion prevention, etc., is often prohibitive. In cases where cost is not an issue, the maintenance of roads and utilities must still be addressed. Cities and towns may be left holding the bill for maintenance costs unless prior arrangements with developers and homeowners have been made.

Ridgelines

The term ridgeline is used to describe a visually prominent and narrow piece of land that includes the highest points of elevation within a watershed. Ridgelines are characterized by the lack of a topographical backdrop, where the sky is visible beyond the ridge or by a backdrop of a nearby higher topographic feature such as a mountain range. Ridgelines are often considered scenic areas and add to the character and visual quality of the communities they surround (Napa County 3 Dec 2004).

In times of rapid growth, the scenic views of these ridgelines may be altered by development. Building on a ridgeline or at the crest of a hill interferes with the natural profile of the land and allows buildings to dominate the skyline. Protecting ridgelines by developing below the ridgeline preserves the natural landform and character of the land. Protection of ridgelines can lead to increased property values and preserve a community's distinctiveness while attracting positive growth (Scenic America 14 Dec. 2004).

The protection of ridgelines may be accomplished in a number of ways. Communities can use overlay zoning, design guidelines, transfer of development rights, and other means to protect ridgelines from development. Zoning laws that limit building heights based on their proximity to scenic areas have proved effective in some areas. Establishing clear design guidelines and design reviews allow communities to decide how development near ridgelines or other scenic areas will look. Transfer of Development Rights, or TDRs, preserve ridgelines by transferring development rights away from sensitive areas, such as ridgelines, to areas better suited to growth (Scenic America 14 Dec. 2004).

Prime agricultural land

Agricultural land or farmland may include cropland, pasture land, rangeland, forestland, and other rural land. According to the Utah Department of Agriculture, farmers and ranchers generate more than $1 billion annually in raw products and employ more than 100,000 people. The effect on the economy is much larger because of its links to a variety of industries. For example, farming requires machinery, seed, feed, fertilizer, labor, financial services, and other inputs to produce crops and livestock. A productive farm or ranch also generates taxes to help local communities. In most cases, when farmers subdivide their land, the resulting sprawl is a tax drain on communities (Utah Department of Agriculture 3 Dec. 2004).

Agricultural land provides more than simply food production and economic benefits. It also provides open space, wildlife habitat, and water recharge, along with other amenities such as visual quality and landscape diversity. Deer, elk, and many species of birds rely on ranches or farms. Rain and snowmelt seep back into the groundwater in agricultural areas instead of being evaporated on driveways and parking lots.

As Utah's population continues to grow, more and more agricultural land is being lost to development. Fortunately, there are many tools that can be used to protect agricultural land, such as agricultural districts, conservation easements, and transfer of development rights. Agricultural districts permit farmers to form distinctive areas where agriculture is not only protected, but

encouraged. Conservation easements are voluntary agreements that allow farmers to retain the right to use their land for ranching and farming while protecting the land from development. Farmers continue to hold title to their properties while receiving fair market compensation. Further more, they may restrict public access and sell the property as they desire. Transfer of development rights allows landowners to transfer the right to develop from one parcel of land to another, thereby protecting one parcel and allowing higher density development on the other. Other policies and programs include comprehensive planning and cluster zoning (The American Farmland Trust. "The Farm Protection Toolbox." 13 Dec. 2004).

Geological Faults and Earthquakes

The U.S. Geological Survey defines an earthquake as "both sudden slip on a fault [a crack in the earth's crust caused by the displacement of one side with respect to the other] and the resulting ground shaking and radiated seismic energy caused by the slip, by volcanic or magmatic activity, or other sudden stress changes in the earth." Utah experiences about 700 earthquakes every year, the majority of which are not felt by people and do not cause any damage (Bolt 1986).

There are many hazards associated with earthquakes. These include ground shaking, fault rupture and ground deformation, liquefaction, slope failure and avalanches, flooding, fires, and hazardous material situations. Ground shaking is a result of the seismic vibrations caused by the earthquake. This ground shaking can cause objects to fall and buildings to collapse. Fault rupture and ground deformation happens when the ground at or near the fault is broken and drops, causing damage to buildings on or near the fault. Liquefaction occurs when sandy, water saturated soils temporarily act like a liquid in response to the vibrations caused by the earthquake. Development in valleys bordering the mountain ranges across the State are at risk of being damaged by liquefaction. Slope failures, such as landslides and avalanches, can cause damage to buildings, depending on the magnitude of the earthquake and slope conditions. Dam failures, flooding, fire, and hazardous materials spills may also result with significant consequences from an earthquake (Bolt 1986).

Proper planning can do much to reduce the risks associated with earthquakes. Mapping fault lines and liquefaction zones is an important part of this planning. Re-directing development to avoid fault lines will reduce risk of damage during an earthquake. Engineering buildings to withstand the shaking, liquefaction, and other hazards associated with earthquakes can reduce the costs associated with damage.

Wildland fires

A wildland fire is a fire occurring on relatively undeveloped and often public land. There are three classes of wildland fire. Surface fires are the most common and burn slowly along the ground, damaging and killing trees. A ground fire is usually started by lightning and burns on or below the forest floor. A crown fire is fueled by trees and burns quickly as it spreads along the tops of the trees (Federal Emergency Management Agency 3 Dec. 2004).

There is a trend toward residential development expanding into wildland environments throughout the West. This trend is creating an expansion of the wildland/urban interface where structures are located near large amounts of vegetation. Development in these areas is vulnerable to destruction if a wildland fire should occur in the surrounding area. Further, if a fire does occur and development is spared, it is still prone to damage from landslides, mudflows, and flooding that often follow fire (National Wildland/Urban Interface Fire Protection Program 13 Dec. 2004).

Defending development from wildland fires is not only costly, but risky as well. The best mitigation for structural damage by wildland fire is to keep development away from fuels such as stands of trees and undergrowth. In areas where this is impossible or impractical, steps may be taken to reduce the risks to property and lives. Steps include removing dead limbs and leaves from around developments, maintaining an irrigated greenbelt, mowing dry grasses and weeds, and reducing the density of surrounding vegetation (Colorado State Forest Service 1 Dec. 2004).

Landslides

The term “landslide” describes a wide variety of processes that result in the downward and outward movement of slope forming materials such as rock, soil, artificial fill, etc. The materials may move by sliding, spreading, toppling, flowing, or falling (United States Geological Survey 3 Dec. 2004). Landslides can move slowly and cause damage over time, or they may move quickly, destroying property and taking lives. There are many causes of landslides, but most common are water, earthquakes, and volcanic activity. Intense rainfall or snowmelts are the primary causes of landslides. Often, a landslide happens simultaneously with flooding or after a fire has removed the vegetation from a slope. The occurrence of earthquakes increases the chance of landslides in areas with steep slopes already prone to failure (United States Geological Survey).

Each year, landslides kill between 25 to 50 people and cause $3.5 billion in damages. Landslides are capable of destroying homes, washing away cars, roads, and bridges, wiping out utility lines, and obstructing streams and roadways (United States Geological Survey). Municipalities usually the pick up the tab when it comes to damages caused by landslides.

The effects of landslides can be reduced by mitigation. Perhaps the most important step in the mitigation process is mapping areas of landslide potential. The most obvious measure to prevent damage from landslides is to prohibit or restrict development in potentially hazardous areas. If development is to occur in a hazardous area, the landslide potential should be disclosed to the consumer. Having disclosed the potential for landslides, the consumer then assumes the cost for any damages that occur.

Floodplains

A floodplain is a low-lying area adjacent to a river that is made-up primarily of river sediment and is subject to flooding. Flooding can be fast or slow, but usually develops over a period of days. Development often occurs in floodplains because of their rich, fertile soils. Some of the most desirable agricultural lands in the United States are in floodplains. In the past, flooding was not as catastrophic as it is today because smaller populations lived in the floodplains and runoff was kept in check by vegetation. As the population in floodplains increased, so did the damage caused by flooding (Glimer 1995).

Every year, billions of dollars are spent across the United States to clean up damage caused by flooding. Much of this damage occurs in floodplains. Damage can range from water inundating a basement to the complete loss of a structure. Ecological problems are also associated with flooding. Sewers and septic systems can rupture or overflow during a flood event, causing contamination of lakes, streams, and groundwater. Soil erosion is also prevalent as the flood waters recede because of the lack of vegetation in the developed floodplain.

Proper planning can help communities avoid the damage, devastation, and costs associated with flooding. A comprehensive plan that relates the use of the land to the land's hazards is important. Hazardous areas, such as floodplains, may be reserved as parks, greenways, or other open spaces. Zoning ordinances give teeth to a land use plan and can restrict development in floodplains.

Chapter 3

Needs Analysis

Park and Trail Needs Analysis

A Park Needs Analysis typically looks at existing acreages of park land compared to current and projected populations. In determining the need for parks and park facilities, the National Recreation and Park Association (NRPA) previously recommended the population ratio method (acres of park land and miles of trail per 1,000 residents) modified to accommodate local preferences. In the past, NRPA has changed guidelines to suggest a total park system should represent more acres of developed open space per 1000 population. Yet, in recent years, NRPA has found that such a guideline is not always appropriate and now recommends a detailed analysis of the community to determine its specific needs.[2] Perry City has done their analysis and determined the ratio of 6 acres per 1000 residents is a sufficient standard in terms of park system investment along with .5 miles of trail per 1000 citizens.

Needs Determination

With the development of this Parks and Trails Master Plan, the decision to maintain a goal of approximately 6 acres of park land and .5 miles of trail per 1000 population has been determined with the Perry City Parks and Trails Citizen Committee. Through this committee an analysis was done to determine needs of the community by the following:

- ✓ a series of five community workshops to determine the goals and needs of this plan
- ✓ an analysis of the recreational and leisure needs of the community
- ✓ cost and availability of land
- ✓ the anticipation of programs and events for the present and future
- ✓ evaluating the regional facilities being developed and paid for by a regional fund (such as a regional recreational center, regional softball and soccer complexes, and other regionally-run recreational programs)
- ✓ examining critical lands, wetlands, and other environmentally sensitive areas that necessitate important open space
- ✓ considering current ordinances and zoning requirements

[2] (National Recreation and Park Association Park, Recreational, Open Space and Greenway Guidelines, 1995.)

City Population Projections

The demand for park and recreation facilities is driven solely by residential land uses and population; therefore, the standards for park infrastructure are expressed in terms of facilities per 1,000 residents. Perry City showed a population increase of 1,600 from the Census 2000 to fall 2006. The following is an estimated population projection for Perry City through buildout in 2035.

Figure 1 Perry Baseline City Population Projections

Year	Population
2000 Census	2,383
2006	3,989
2010	5,832
2020	12,006
2030	17,257
2035 Buildout	18,383

*Based on Population Projections developed by the City and J-U-B ENGINEERS, Inc. for the Drinking Water Master Plan, Fall 2006 – a combination of previous building permits, water hook-ups, and number of current housing units.

Park and Recreation Needs by Population

In order to maintain its current ratio of park acres to population, Perry City needs to make a comparison of what exists within its park system and its future needs. The standard of 6 acres of park land per 1000 and .5 miles of trail per 1000 residents is the goal to maintain as the community grows. By employing these standards, Perry can determine needs for additional facilities. NRPA has developed a set of definitions and standards. It is important to recognize these standards are only guidelines which should be adapted to the specific needs of the community.

Type of Recreation Facility	NRPA National Standards	Total Perry Would Need at Buildout	Current or Existing	Additional Need to Develop for Population of 10,000	Additional Need to Develop for Buildout of Approx 18,500
Baseball Field, little	1/5,000	4	1	1	2
Baseball Field, standard	1/30,000	-	0	0	0
Softball Field	1/5,000	4	1	1	2
Soccer Field	1/10,000	2	0	1	1
Football Field	1/20,000	1	0	0	1
Track ¼ mile	1/20,000	1	0	0	1
Basketball Court, outside	1/5,000	4	1	1	2
Tennis Court	1/2,000	9	1	4	4
Volleyball/ Badminton	1/5,000	4	1	1	2
Recreation Center	1/25,000	-	-	-	-
Swimming Pool	1/20,000	1	0	0	1
Trails – miles	.5 /1,000	9 miles	1.7miles	3.3 miles	4 miles
Playground	1/2,000	9	4	1	4
Picnic Pavilion (40 to 200 people)	1/2,000	9	1 Large/3 Med	1	4

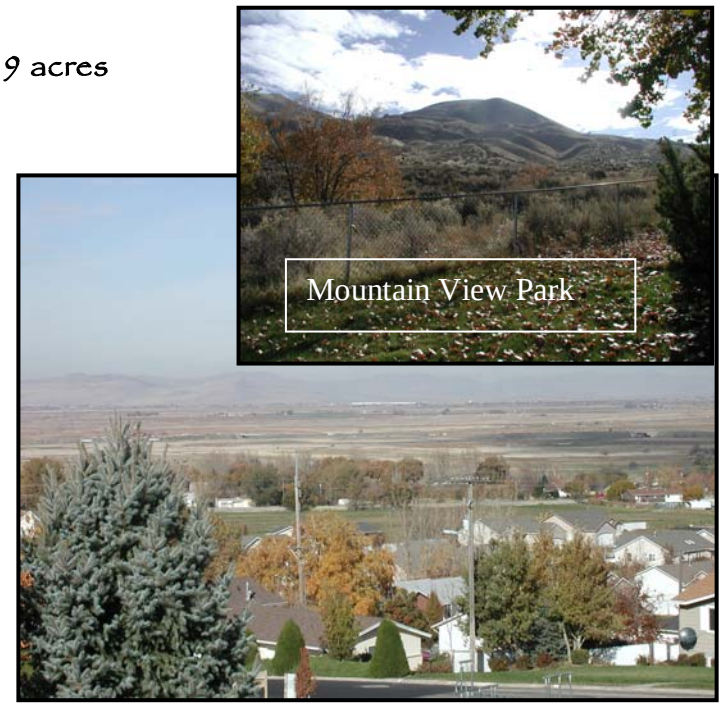
Existing Park and Trail Inventory

Mini Parks: Typical Size 5,445 sq. ft – 2.99 Acres

Anderson Park – 2700 South 600 West

- 1. 3 acres
- Playground (tot lot)
- Picnic pavilion
- Future needs: park sign, benches, and water fountain

Neighborhood Parks: Typical Size 3.0 – 12.99 acres



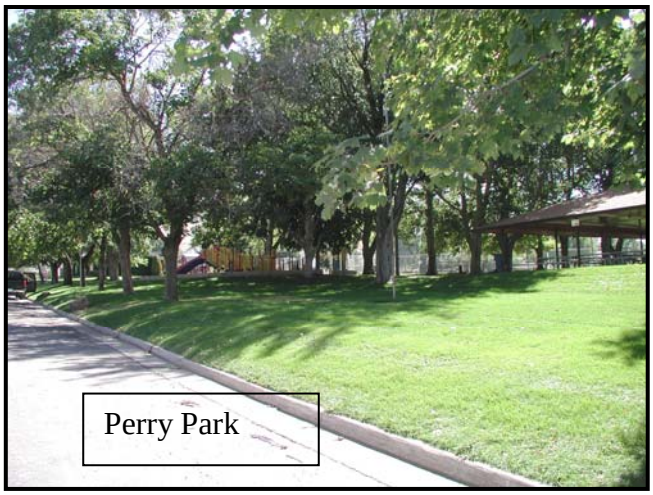
Mountain View Park – 365 West 2400 South

- 13.89 acres: 2.19 acres developed, 11. 7 acres undeveloped
- Restrooms ADA accessible
- 2 playgrounds (safety issues)
- 2 medium picnic shelters
- Park sign
- Benches
- Volleyball court
- Small parking lot and some street parking
- Future needs: additional parking, 2 new play structures, the volleyball court converted to a basketball court, 2 Gazebos in the undeveloped area trails, for viewing and picnicking,, some cleared landings for viewing, and 4 benches.

Perry Park – 2450 South 900 West

- 4.58 acres: 3.58 developed park – 1undeveloped
- Softball field (lighted)
- Large picnic pavilion
- 2 playgrounds (one large and one small)

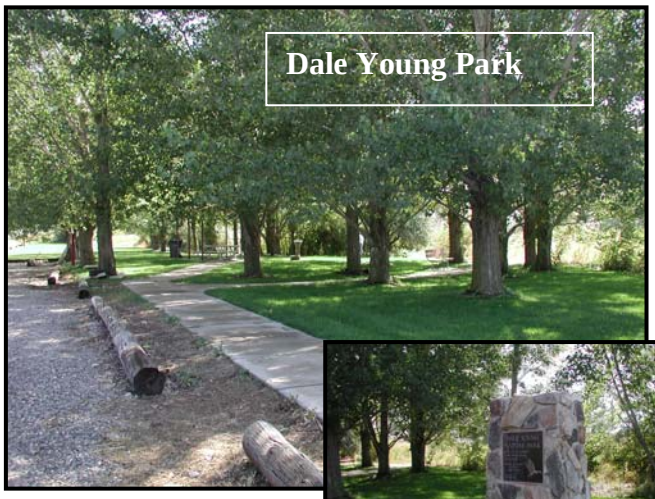
- Restroom facilities
- Parking area and some street side parking
- Tennis/basketball court
- 4 horseshoe pits
- Park sign
- Future needs: tennis and basketball court remolding, cooking facilities added to pavilions, softball field level out, parking facility to the west of park extended, and a shield for the back yard property of the home to the northeast


Perry Park

Community Parks: Typical Size 13.0 to 50 acres

<u>Dale Young Nature Park – 2250 South 1200 West</u>

- 18.26 acres: 4.35 acres landscaped, the rest is wetlands, pond, and trail area
- Equestrian park
- 1.7 miles of trail
- Benches
- Small picnic shelter and table
- Small parking lot and some street parking
- Large grassy area (used as a small practice field of soccer)
- Future needs: Restrooms, paved road near equestrian area, 2 view areas for the pond (duck blinds), additional trails through wetlands, large picnic pavilion, information signs, 4 additional benches, and movable soccer goals for open field


Dale Young Park

Trails

Dale Young Trail – 2250 South 1200 West

- 1.7 miles long
- Cinder pathway (5ft wide)
- Benches
- Future needs: Additional trail, benches, and duck blinds for observation of wildlife

Open Space

Currently, the designated areas which are considered open spaces which have wetlands or critical lands associated with them are in the Dale Young Nature Park and in the Maple Hills, Walker Springs, Perry Estates, and Davis Creek Estates Subdivisions. A common area as part of a PRUD within the Cherish View Subdivision, which has no wetland or critical lands, has also been designated as open space. The Perry City General Plan states, "Perry City encourages protection of sensitive lands and voluntary agricultural production." It defines environmentally-sensitive slopes and other areas that characterize Perry's rural atmosphere and supports preservation efforts. It also states the desirable open space areas are mountain benches where the slopes exceed twenty percent, jurisdictional wetlands determined by the current Army Corp of Engineers Special Areas Management Plan (SAMP), and quality orchards or produce farms owned by farmers who desire to continue their operation.

Critical Lands

Currently, the bench area has been designated as sensitive lands within the City's General Plan. The Perry City General Plan states, "Perry City encourages protection of sensitive lands and voluntary agricultural production." It defines environmentally-sensitive slopes and other areas that characterize Perry's rural atmosphere and supports preservation efforts. Areas the community deems critical land or sensitive lands are the mountain benches, wetlands, and farm lands. Areas above the Pineview Canal and have been zoned as Environmentally Sensitive in the Land Use Plan.

Non-City Parks, Recreational, and Open - Space Facilities

- ✓ **Brigham City Recreation:** Brigham City offers a number of activities for youth and adults. Perry City has participated in these activities over the years, which include: football, soccer, baseball, softball, volleyball, fishing classes, tennis, basketball, and seasonal races.
- ✓ **Golf Course**: Eagle Mountain Golf Course, located at 960 East 700 South Brigham City, is within a five to ten minute drive from Perry City. This course is a public course and offers reasonable opportunities to golf.

- ✓ **Fishing Pond:** Brigham City has two ponds: the Mayor's Pond and the Rees Pioneer Park Pond. Both are located at the Rees Pioneer Park, 800 West Forest Street, and is regulated by the Utah Division of Wildlife Resources proclamation. Fishing at Mayor's Pond is restricted to 15 years of age and younger and no swimming or diving is permitted in either body of water.
- ✓ **Brigham City Pool:** The Brigham City Community Swimming Pool, located at 720 West Forest Street, is also in Rees Pioneer Park. The pool features a 150- foot water slide, two tot slides, two in the water splash features, two 1-meter diving boards in the diving well, and 50 meter lanes. The pool holds 750,000 gallons of cool inviting water to help beat the heat of summer, sufficient deck space to enjoy the sun, shade structures to cool off under, an easy zero depth entry area with shallow water for wading, and a concession stand for treats, hot dogs, and drinks. The pool opens at noon, Mondays through Saturdays, between Memorial Day and Labor Day. Swim lessons, water aerobics, and lap swimming are available. The pool is ADA accessible.
- ✓ **Bear River Migratory Bird Refuge:** Located at the northern tip of the Great Salt Lake, and just west of Perry City, is a 74,000 acre National Wildlife Refuge. The historic 65,000 acres of Refuge consist of marsh, open water, and mudflats. Approximately 9,000 more acres were added to the Refuge through land acquisition during 1993-94. Much of this new property consists of uplands, wet meadows, and ponds. This area is an oasis for shorebirds and waterfowl and for people to find solitude viewing the winter sun setting over the Promontory Mountains, or by watching a pair of American Avocets dancing in Spring.

Types of Services

Currently, within the city, there is one mini-park, two neighborhood parks, and one Community Park (24 acres of developed park land) with 1.7 miles of pedestrian trail (this trail does not allow for bikes). There are some special use areas which include school grounds, church grounds, and landscaped portions within a commercial area. These areas will not be included in the park distribution and service area analysis below.

Comparison of Park Land and Trail Goals to the Existing Facilities

A park distribution and service area analysis was done to determine if existing park acreage met the goal of 6 acres per 1000 residents and trails of .5 miles per 1000 residents. The estimated needs by buildout will be 108 acres of park land and 9 miles of developed trail.

Based on this analysis of the Perry City residential areas, Perry should currently have 24 acres of developed park land and 2 miles of trail (based on a population of 3,983). Perry City is on track with the development of park land but is slightly underserved with trails based on the current population. The comparison shows that, in order to bring the City current with the goal, .3 miles of

trail need to be developed. Thus, by 2020, a minimum of 63 acres of park land and 5.25 miles of trail will be needed. The City at buildout will need to have developed an additional 82.57 acres of park land and 7.6 miles of trail to meet the goal of 108 acres of park land and 9 miles of trail. The following is a comparison of park land and trail goals to current acres and an estimate of future needs.

Figure 2 Comparison of Park Land Goal to Current Park Acres and Estimate of Future Needs

Year	Population @ Current Growth	Goal of Parks/Trails @ 6 Acres/1000; .5 miles/ 1000	Currently Developed Park Acres (Open space not included)	Current Developed Trail Miles	Additional Park Acreage Park Needed to Meet Goal (Open space not included)	Additional Trail Miles Trail Needed to Meet Goal
2006	3,989	24 acres/2 miles	26.43 acres	1.7 miles	0	.3 miles
2020	10,452	63 acres/5.25 miles	26.43 acres	1.7 miles	36.57 acres	3.55 miles
2035	18,383	108 acres/9 miles	26.43 acres	1.7 miles	82.57 acres	7.3 miles
			Total needed for buildout:		**82.57 acres**	**7.6 miles**

Chapter 4

Proposed Improvements for Future Planned Parks, Trails, and Open Space

Active Parks

The Importance of Parks

Parks in Perry City are vital to ensure a quality community life. They provide recreational opportunities for local residents and beautify the area. They add warmth, peace, and a touch of nature to an oftentimes cold, hard environment. Open green space is critical to the spiritual and emotional well-being of a city. Parks and open space are often the only places where people take the time to observe the passing scene, meet friends, and celebrate with a wide range of people who are different from themselves. The following is a list of existing and future planned parks:

	Park	Type	Status	Acres*
1	Anderson Park	Mini Park	Developed	1.3
2	Dale Young Nature Park	Community Park	Developed	18.26 (4.35 acres landscaped; the rest is wetlands, pond, and trail area)
3	Mountain View Park	Neighborhood Park	Developed	13.89 (2.19 acres developed 11. 7 acres undeveloped)
4	Perry City Park	Neighborhood Park	Developed	4.58 acres (3.58 is developed 1 acres undeveloped)
5	2250 South 1300 West	Community Park	Undeveloped	20 (minimum)
6	Detention Soccer Park	Neighborhood Park	In Planning	3 (minimum)
7	Quarry Recreation Park	Neighborhood Park	Undeveloped	7 (minimum)
8	3600 South Recreation Park	Neighborhood Park	Undeveloped	7 (minimum)
9	1200 South Recreation Park	Neighborhood Park	Undeveloped	7 (minimum)
10	Three Mile Creek Nature/ Leisure/History Park	Community Park	Under Consideration	15 (minimum)
11	800 West 3100 South	Mini Park	Undeveloped	1 (minimum)
12	3600 South 800 West	Mini Park	Undeveloped	1 (minimum)
13	2700 South 1100 West	Mini Park	Undeveloped	1 (minimum)
14	1500 South 100 East	Mini Park	Undeveloped	1 (minimum)

15	1850 South 900 West	Mini Park	Undeveloped	1 (minimum)
16	350 West 1500 South	Mini Park	Undeveloped	1 (minimum)
17	Above 150 West 1900 South	Mini Park	Undeveloped	1 (minimum)
18	250 West 2100 South	Mini Park	Undeveloped	1 (minimum)
	*** Approximate or Recommended Acres**		**Total Acres**	***106.87**

The proposed projects in this plan will assist the City in achieving the goals established through the "Needs Assessment" in Chapter 3. The proposed projects are intended to increase the amount of park and trail space-to-ratio and also revitalize the City's existing parks and trails system by adding amenities.

Existing Active Park Improvements

Figure 3 Park Improvements and Estimated Cost

Park Name	Recommended Upgrades	Cost
Anderson Park	Park sign ($2,500), 3 benches ($1,300 ea), and water fountain($3,500)	$9,900.00
Mountain View Park	Additional parking ($75,000), 2 new play structures (large $50,000, small $35,000), conversion of volleyball court to a basketball court ($50,000), trails in the undeveloped (70,000), 2 gazebos ($35,000 each), some cleared landings for viewing ($25,000), and 4 benches ($1,300)	$310,200.00
Perry Park	Tennis and basketball court remolded ($50,000), cooking facilities at pavilions ($8,000), leveling of softball field ($15,000), extension of parking facility to the west ($75,000), and shield for back yard property of the home to the northeast ($5,000), and 4 benches ($1,300)	$158,200.00
Dale Young Nature Park	Restrooms ($80,000), paved road near equestrian area ($60,000), 2 view areas for pond [duck blinds] ($8,000 each), and add additional trails through wetlands ($10,000), large picnic pavilion ($65,000), information signs ($8,000), 4 additional benches ($1,300), and movable soccer goals for open field ($3,000)	$247,200.00

Proposed Active Park Land

To meet the goal of 6 acres of park land per 1000 residents, Perry City would need to develop 83 acres of park/open space at buildout. The following parks have been planned to meet this goal (*land cost are based on current land sales of the area)*. The open space will be addressed later in the plan:

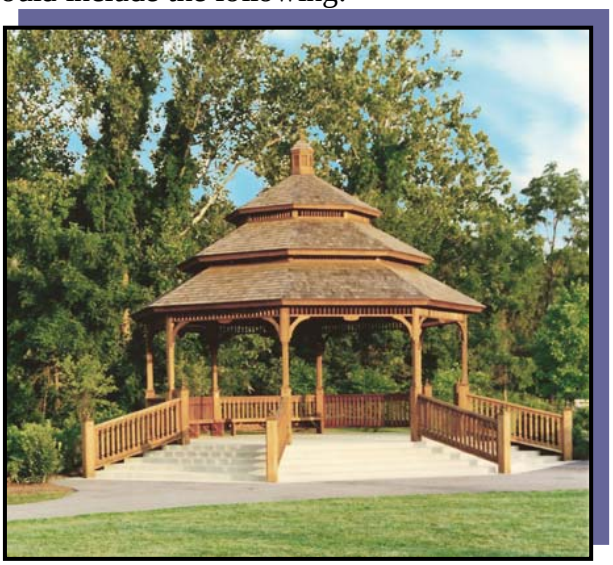
- ✓ 2 community parks at 13 to 50 acres
- ✓ 4 neighborhood parks at 3 to 12.99 acres
- ✓ 6 mini-parks at 1 to 2.99 acres

Proposed parks would include:

2250 South 1300 West Park (Community Park) –

The City would like a Community Park in the area of 2250 South 1300 West. This park would be considered an active recreation community park. The park could include the following:

- 20 to 30 acres of land
- Passive green space
- Play structure
- Large gazebo (75 people picnic shelter)
- 3 small gazebo (10 people picnic shelters)
- 18 benches
- Softball/baseball complex
- Basketball court
- Restroom
- Walking path (trails)
- Parking Facility
- 2 park signs



2250 South 1300 West Estimated Development Cost (2007 prices)

Figure 4 Baxter Park Estimated Cost

Improvements	Total Cost
Land purchase	2,000,000.00*
Play structure	50,000.00
Large gazebo pavilion	75,000.00
Small gazebo picnic structure (3each)	60,000.00
Softball complex	895,000.00
Benches (18 each)	23,400.00
Basketball court with lights	85,000.00
Restrooms	90,000.00
Park sign (2 each)	5,000.00
Parking surface	350,000.00
Landscaping	380,000.00
Concrete pathway	40,000.00
Park lighting	25,000.00
Total	**$4,078,400.00**

**Land cost are based on current land sales of the area*

Quarry Neighborhood Park – 2950 South 400 West (where the current gravel pit is located)

This will be considered a Neighborhood Park. The park could include the following:

- 7 to 10 acres
- Football/soccer field
- 2 tennis courts
- Playground
- Sand-pit volleyball
- Walking path
- Pond
- 8 benches
- Parking facilities
- Restroom facilities
- Large (75 people) and Medium (40 people) pavilions
- Park sign

Figure 5 Quarry Park Cost Estimates (2007 prices)

Improvements	Estimated Costs
Land (If land has to be paid for)	800,000.00
Landscaping	200,000.00
Play structure	50,000.00
Tennis Courts	175,000.00
Parking facilities	80,000.00
Restroom facilities	70,000.00
Pavilions (3 Small, 1 Large)	70,000.00
Concrete pathway	10,000.00
Park lighting (5 lights)	12,500.00
Benches (8 each)	10,400.00
Park sign	2,500.00
Pond (exist but might need work)	50,000.00
Total	**$1,530,400.00**

3600 South Neighborhood Park – 3600 South 800 West

This will be considered a Neighborhood Park. The park could include the following:

- 7-10 acres
- Playground
- Passive green space
- Water feature
- Basketball court
- Large (125 people) and 3 small picnic shelters and tables
- Sandpit volleyball
- Restroom facilities
- 2 small baseball fields
- Walking path
- 4 benches
- Parking facilities
- Park sign

Figure 3600 South Park Cost Estimates

Improvements	Estimated Costs
Land (If land has to be paid for)	800,000.00
Landscaping	300,000.00
Play structure	50,000.00
Basketball Court	65,000.00
Parking facilities	80,000.00
Restroom facilities	70,000.00
Pavilions (3 Small, 1 Large)	70,000.00
Concrete pathway	10,000.00
Park lighting (5 lights)	12,500.00
Benches (4 each)	5,200.00
Park sign	2,500.00
Total	**$1,465,200.00**

1200 South Neighborhood Park – 1200 South 1500 West

This will be considered a Neighborhood Park. The park could include the following:

- 7-10 acres
- Playground
- Passive green space
- 2 tennis/ basketball courts
- Large (50 people) and 3 small (10 people) picnic shelters and tables
- Restroom facilities
- Small baseball field
- Walking path
- 8 benches
- Parking facilities
- Park sign

Figure 6 1200 South Park Cost Estimates

Improvements	Estimated Costs
Land (If land has to be paid for)	800,000.00
Landscaping	200,000.00
Basketball/tennis	175.000.00
Play structure	50,000.00
Parking facilities	70,000.00
Restroom facilities	70,000.00
Pavilions (3 Small, 1 Large)	70,000.00
Concrete pathway	10,000.00
Park lighting (5 lights)	12,500.00
Benches (8 each)	10,400.00
Park sign	2,500.00
Total	**$1,470,400.00**

Detention Park North Neighborhood Park – 3000 South 1200 West

This will be considered a Neighborhood Park. The park could include the following:

- 3 to 5 acres
- Playground
- Soccer field
- 4 small (10 people) picnic shelters and tables
- Restroom facilities
- Parking facilities
- 6 benches
- Park sign

Figure 7 Detention Park Cost Estimates

Improvements	Total Cost
Land (city owns land)	
Landscaping	175,000.00
Large playground	45,000.00
Pavilion(4 small)	40,000.00
Restroom Facility	70,000.00
Parking Facility	60,000.00
Benches (6 each)	7,800.00
Park sign	2,500.00
Total	**$400,300.00**

Three Mile Creek Active/Leisure Park – 1200 West 3350 South

This park can be built within an area of the community which has some wetlands, environmental habitats, and some historical value for the community. It can be considered a community park because of its size. This park could include the following:

- 12.5 acres (with at least 8 acres preserved as natural area)
- Historical information signs
- 2 playgrounds
- Active bike areas and a consideration of the possibility of a paintball area
- Large gazebo for sitting or as a bandstand
- 4 small gazebos for picnicking

- 10 benches
- Park lighting
- Walking paths
- Water feature
- Parking facilities
- Restroom facilities
- Park sign

Figure 8 Three Mile Creek Leisure/Active Park Cost Estimate

Improvements	Estimated Costs
Land (If land has to be paid for)	800,000.00
Landscaping	275,000.00
Basketball	75.000.00
Play structure (2 each)	95,000.00
Parking facilities	90,000.00
Restroom facilities	70,000.00
Pavilions (4 Small, 1 Large Bandstand)	145,000.00
Concrete pathway	30,000.00
Park lighting (5 lights)	12,500.00
Benches (10 each)	13,000.00
Park sign	2,500.00
Total	**$1,608,000.00**

Mini Parks

There should be a minimum of six mini parks developed as part of the new development. This facility should be located within neighborhoods and in close proximity to apartment complexes, townhouse developments, or housing for the elderly. When used for detention of storm water, mini-parks must maintain a minimum 75 percent of dry area (i.e. not used for detention). **Mini-parks less then one acre are not usually included in the impact fee level of service for the City's parks because they are usually considered project improvements of a new development.** In order for a park less than one acre to be considered in the impact fee level, it must be developed by the City and not as part of a new development.

All are approximate locations

Mini Park 1 – 800 West 3100 South

Mini Park 2 – 3600 South 1200 West

Mini Park 3 – 2700 South 1100 West

Mini Park 4 – 1500 South 100 East

Mini Park 5 – 1850 South 900 West

Mini Park 6 – 350 West 1500 South

Mini Park 7 - Above 150 West 1900 South

Mini Park 8 – 250 West 2100 South

The park could include the following

- 1 to 2.99 acres
- Playground (small)
- 1 to 2 small (8 people) picnic shelters and tables
- 3 benches
- Park sign
- Raised road crossing at the entrance to the park (to slow traffic)

Figure 10 Mini Park Cost Estimate

Improvements	Units	Total Units	Cost Per Unit	Total Cost
Land	Acres	1	$80,000.00	$ 80,000.00
Small tot lot	Each	1	$37,000.00	$ 37,000.00
Landscaping	Sq Ft	40,000	$ .75	$ 30,000.00
Picnic shelters and tables	Each	1	$15,000.00	$ 15,000.00
Benches	Each	3	$ 1,300.00	$ 3,900.00
Park signs	Each	1	$ 2,500.00	$ 2,500.00
			Total	$168,400.00

Trail Improvements

Importance of Trails

Trails are playing an evermore important role in communities all across America. Among the reasons are the growing emphasis on health and fitness and the fact that Americans have less and less leisure time to devote to recreational pursuits; hence, there is an increasing demand for recreational opportunities located closer to home. At the same time, there is a parallel demand for open space and passive recreational areas. Greenways and trail systems are ideally suited to meet these needs.

Trails provide a means for improving the overall health and fitness of individuals. It has been well documented in the medical literature that introducing even low intensity activities, such as walking, into the daily routine can significantly reduce the risk of developing coronary heart disease.[3] Other beneficial aspects of walking include stress reduction, weight loss and the potential for reducing blood pressure. Walking for fitness and recreation has become one of the fastest growing and popular activities in America.

The National Park Service stated that:

[3] (National Recreation and Park Association. Park, Recreational, Open Space and Greenway Guidelines, 1995.)

"Trails have multiple values whose benefits reach far beyond recreation. Trails can enrich the quality of life for individuals, make communities more livable, and protect, nurture, and showcase America's grandeur by traversing areas of natural beauty, distinctive geography, historic significance, and ecological diversity. Trails are important for the nation's health, economy, resource protection, and education, and help meet the needs of a changing society."

Types of Trails

- ✓ Natural Trails –Trails are not paved. They are primitive paths intended for pedestrian and mountain bike use, created in the existing dirt and rock environment, and is usually in open natural areas, not following roadways.
- ✓ Pedestrian Trails –Trails are usually made of asphalt, concrete, or crushed fines (small rocks or other materials crushed very fine) and are intended for use by pedestrians and those in wheelchairs. They should have a minimum of 5- to 7-foot wide tread.
- ✓ Class I Bike and Pedestrian Trails (path) – Paved hard surface paths, with a minimum 10-foot wide tread, and require a minimum separation of 5-feet from the roadway. AASHTO standards should be used as design guidelines
- ✓ Class II Bike Lane – Striped lanes adjacent to the curb on a roadway.
- ✓ Class III Bike Routes – Existing streets with signage for on-street bicycle use.
- ✓ Equestrian Trails – Dirt or stabilized dirt is a preferred surface. The equestrian trail should be at least three to six feet away from a hard surface trail for bikes and pedestrians and at least 5-foot wide tread for horses. Vertical clearance for equestrians should be at least ten feet, with a horizontal clearance of at least five feet.
- ✓ Cross-country Ski Trails – Many multi-use trails used for bicycling, walking, and horseback riding during warm months are ideal for cross-country skiing during winter months. The only requirement is at least six inches of snow.
- ✓ Snowmobile Trails – Multi use trails can be designated snowmobile trails with as little as six inches of snow, without causing damage to the trails. Snowmobiles can damage the trails if they do not have enough snow, so signage should advise snowmobilers of the required snow-depth.

Trail Systems

- ✓ Community – Trails within the community that link areas, such as schools, parks, churches, commercial, and historical, and access points to regional and state trails. This can include sidewalks, roadways, and designated multi-use trails.
- ✓ Regional – Trails that connect from community to community.

- ✓ Historic – Trails designated as historical areas, i.e. Old Western Trail or the California-Oregon Trail.
- ✓ State – Trails that continue throughout the state and then connect into another state, i.e. Old Western Trail or the California-Oregon Trail.

The abundance of wetlands, canyons, mountain slopes, streams, and ponds provide Perry City residents many opportunities for natural trails and paved bike and pedestrian trails which can connect to community trails as well as regional trails such as the Bonneville Shoreline Trail. The following is a list of existing and future planned trails:

Figure 9 Existing and Future Trails

	Trail	Type/System	Status	Length	Cost to Develop (2007 Prices)
1	Dale Young Nature Trails	Pedestrian –5' granular surface/ Community	Developed	1.7 Miles	
2	Dale Young Nature Park Phase II	Pedestrian –5' granular surface/ Community	Undeveloped	.72 Miles	$55,000.00
3	Rail Trail	Bike/Pedestrian/Equestrian –10' asphalt surface/ Regional	Undeveloped	2.67 Miles	$962,500.00
4	1200 West Trail	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface/ Community	Undeveloped	3.13 Miles	$807,500.00
5	School Trail	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface/ Community	Undeveloped	.62 Miles	$230,000.00
6	Canal Trail	Bike/Pedestrian – 10' asphalt surface/ Regional	Undeveloped	3.57 Miles	$1,047,500.00
7	Highway 89 Bike Lane	Bike Lane – painted lanes along roadside/ Regional	Undeveloped	3.40 Miles	Cost to Paint Bike Lanes
8	3600 South (East West) Trail	Bike/Pedestrian- 10' asphalt surface/ Community	Undeveloped	.67 Miles	$240,000.00

9	Three Mile Creek Trail	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface/ Community	Undeveloped	1.18 Miles	$315,000.00
10	2450 South Over/Underpass	Bike/Pedestrian/ Regional	Undeveloped		$3,000,000.00
11	2450 East/West Trail (From Hwy 89 to Rail Trail)	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface/ Community	Undeveloped	.49 Miles	$200,000.00
12	Freeway Trail	Bike/Pedestrian – 10' asphalt trail / Regional	Undeveloped	3.42 Miles	$1,032,500.00
13	SR 91 Bike Lane	Bike Lane – painted lanes along roadside/Regional	Undeveloped	.66 Miles	Cost to Paint Bike Lanes
14	2250 South (from 900 West to Rail Trail)	Bike/Pedestrian/Equestrian – 5' to 8' sidewalks or 10' asphalt surface / Community	Undeveloped	.85 Miles	272,500.00
15	3000 South (from Canal to Rail Trail)	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface / Community	Undeveloped	1.06 Miles	290,000.00
16	900 West	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface / Community	Undeveloped	.31 Miles	80,000.00
17	1850 South	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface / Community	Undeveloped	.75 Miles	200,500.00
18	2700 South	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface / Community	Undeveloped	.34 Miles	85,000.00
19	Perry Canyon Creek Trail	Bike/Pedestrian/Equestrian – 5' to 8' road base surface / Community	Currently part of a dirt road	.61	100,000.00
20	3000 to Mt View Park Trail	Bike/Pedestrian – 5' to 8' sidewalks or 10' asphalt surface / Community	Undeveloped	.31	80,000.00

Existing Trail Heads

- ✓ Dale Young Park

Future Trail Heads

All current and existing parks can be considered as trail heads if trails are developed as planned.

If other trail heads are needed they could be located along the Regional trails or as they connect from community to community so that the cost can be shared by both communities. These trail heads could consist of the following:

- ✓ Restroom facility
- ✓ Benches
- ✓ Parking facility
- ✓ Bicycle racks
- ✓ Drinking fountains
- ✓ Shelters
- ✓ Information stations
- ✓ Trail signs

Open Space

Importance of Open Space

Open space attributes greatly to the character of a community. Without planning, ill-conceived changes in land-use patterns can dramatically alter a community in a short period of time. Valued natural resources would not be preserved, maintained, and restored; it is only through thoughtful planning and active stewardship these important resources can be protected.

Planning now to protect important open space can greatly enhance the attractiveness of a city and encourage compatible growth in the future. Planning allows cities to confront and manage aspects of growth and development in ways that preserve, protect, and enhance the environment.

By planning for open space, residents benefit and the "green infrastructure" of a community is protected. Planning this "green infrastructure" of water supply, land, working farms and forests, viable wildlife habitats, and greenways is as important to the economic future of a community as planning for schools, roads, water, and wastewater infrastructure.

Proposed Open Space

Passive Open Space

Areas within the community should be preserved for passive recreation. The areas identified include:

Mountain View Park – Undeveloped portions of this park could be considered as this type of open space.

Dale Young Nature Park – Undeveloped portions of this park could be considered passive open space.

Three Mile Creek Park – Large portions of this proposed park could be considered passive open space.

Natural Open Space

A large area in the western part of the community is considered wetlands and should be preserved as natural open space to allow the land to perform its natural function.

Critical Land

The following was taken form the Critical Lands Toolbox website and all documentation and designation have come from Automated Geographic Reference Center (AGRC) published by the Utah Geological Survey in 2000, National Wetlands Inventory (NWI) conducted by the U.S. Fish and Wildlife Services, Water Courses in Utah are represented by data produced by Digital Line Graphs (DLG) and CFF's, collected by the U. S Forest Services and the U.S Geological Survey.

> "Utah's population is rapidly growing along the urbanized areas of the Wasatch Front. The region's mountains and lakes constrain the potential real estate market, which leads to a demand for lands on steep slopes, in floodplains, in habitat corridors, and near wetlands. In spite of this demand, it is critical that some lands perform their natural function - even in areas of high demand. It is crucial that proactive efforts are made to conserve the State's critical lands.
>
> One reason conservation is so important is because the result of poor land and ecosystem management is federal intervention. For example, as habitat is diminished, wildlife species dwindle and are added to the Federal Endangered Species List. Once they become listed, the federal government places substantial restrictions on the State's lands. This can often be avoided with proactive planning.
>
> The lack of planning for critical lands can also influence the State's economy. For example, a transportation infrastructure project that is likely to impact wetlands must show the federal government the loss of wetland acreage can be mitigated by essentially moving the wetland to a comparable or better area. The "replacement" area will need to be located where it can function as a natural wetland."

Critical lands planning is not just concerned with preservation of natural systems, but also with the mitigation of natural disasters.

Effective critical land conservation creates amenities within the community that cannot be replaced once lost. Perry City must first identify their critical lands, document them in their land use plans, and then implement measures designed to protect them.

> "The two most common successful methods for protection in Utah are purchasing **conservation easements** and applying protective **zoning** designations. It is probably best to do both in order to protect private property rights.
>
> A **conservation easement** (or conservation restriction) is a voluntary legal agreement between a landowner and a land trust or government agency that permanently limits the uses of the land in order to protect its conservation values. It allows the owner to continue to own and use their land and to sell it or pass it on to heirs. There are a number of non-profit entities interested in investing in critical land conservation projects. More information is available on the LeRay McAllister Critical Land Conservation Fund website."

A **zoning ordinance** is designed as an overlay zone for sensitive areas. It is dependent on documenting a map and adopting a zoning overlay map. The map should identify the approximate areas of sensitive lands.

The following lists the designated critical lands identified as important to the eco system of Perry City:

- ✓ Lakes, Streams and Wetlands – Please see Wetlands Map
- ✓ Geological Faults – Please see Geological Faults Map
- ✓ Landslide Areas – Please see Landslide Map
- ✓ Steep Slopes – Please see Steep Slopes Map

Critical lands are identified to develop ways to protect and preserve them and to mitigate natural disasters.

Timing for Future Planned Parks, Trails, and Open Space

Within this analysis of park land and trails, data shows that, for Perry City's current population, 24 acres of park land and 2 miles of trail are needed. Perry would like to develop a small portion of trail to meet this goal for the current population and, as the population continues to increase, will need to continue to develop additional planned parks and trail. There is no set time recommendation made on the development of park land and trails. Many parks are constructed as opportunities for affordable land, donated land, or grants become available. With development, opportunities for future planned parks and trails will occur allowing for the needs and goals to be satisfied.

Chapter 5

Goals, Strategies, and Actions

Goal Philosophy

The goals, strategies, and actions reflect the priorities set forth by the advisory staff, Planning Commission, and City Council. One of the key goals listed in this plan is that priorities for parks, trails, and open space should be reviewed bi-annually to insure the goals are in line with the current objectives of the community. Additionally, since the priorities of planned goals will shift over time and new goals may need to be set, the plan itself should experience a comprehensive review and update at least every five years.

Goal Categories

The goals, strategies, and actions established within this plan are listed in the following categories:

1. General Planning
2. Parks and Trails Facilities
3. Funding and Budgeting

Planning Goals

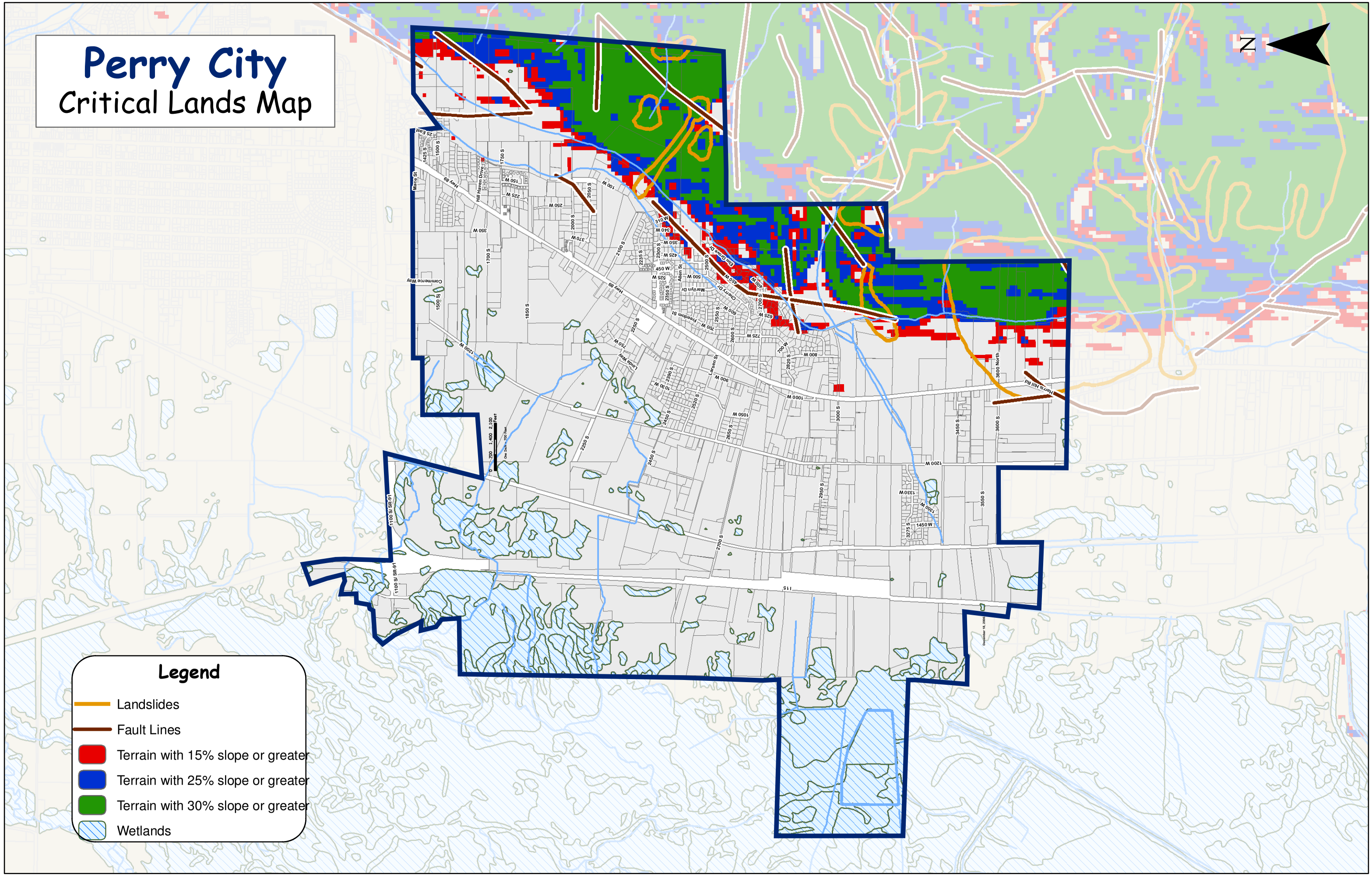
General Planning Goals

Goals	Strategies	Actions	Timing	Agency
1. Review the community needs and priorities for parks, trails, and open space projects bi-annually	Schedule bi-annual reviews in public meetings	Take public comments and make recommendations	Bi-annually	Planning Commission
		Adopt new priorities as needed		
2. Adopt a citywide goal of 6-acres (minimum) of park land per 1000 residents as the park land service goal, and review the impact fees charged for parks, trails, and open space	Analyze the Park, Trails, and Open Space needs as population increases	Analyze the Park, Trail, and Open Space Impact Fees, as needed, as a means of funding future parks, trails, and open space	Bi-annually	Advisory staff and Planning Commission
		Adopt by resolution		
3. Adopt standards of development for all parks, trails, and open space by ordinance	Specify development standards and requirements for all future parks, trails, and open space developed within the community	Document standards and requirements by ordinance	0-1 year	Public Works, advisory staff, and Planning Commission
4. Perform a comprehensive update of the Perry City Parks, Trails, and Critical Lands Master Plan at least every 5 years	Review results of annual reviews and/or amendments to the plan and determine which goals and plan aspects are in need of update	Submit a report on the status and needed updates of the plan	Every 5 Years	City Staff over Parks and Trails
		Hold a public hearing for comments about the plan	" "	Planning Commission
		Assign or commission the work of updating the plan	" "	City Council

Parks and Trails Facility Goals				
Goals	**Strategies**	**Actions**	**Timing**	**Agency**
5. Require park land and trail development within areas of planned future development by ordinance	Explore the possibilities for dedication and purchasing of future parks and trails by developing an ordinance that requires an assessed value on the total acreage to be provided to the city in cash or by a land donation.	Contact land owners, developers, and private sources for gifts, dedications, or trades	0 – 5 Years	City Council and City staff
		Seek funding opportunities and /or establish budget goals for purchasing and developing parks and trails	0 – 5 Years	City Council
6. Create a conceptual development plan for future planned parks, trails, and trail heads documented within the plan and evaluate names of the parks and trails to determine if changes need to be made	Determine the facility needs and desires for the community leisure park, trails, and trail head	Submit conceptual plan recommendations to the City Council	0 – 4 Years	City staff and Planning Commission
		Assign or commission the preparation of a conceptual development plan	0 – 4 Years	City Council
7. Complete needed improvements to existing parks	Review and amend the recommended improvements for the parks and trails as listed in this plan	Submit recommendation to the City Council	0 – 2 Years	City staff and Planning Commission
		Approve plan and budget for park and trail improvements	0 – 2 Years	City Council
8. Identify any additional areas where future parks or trails may be needed	Review needs in bi-annual public hearing	Submit recommendation for any future facilities	Bi-annually	City staff and Planning Commission
		Adopt plan amendments as needed	Bi-annually	City Council
Plan and document a map of motorized trails for use within the community and document the areas with which parking could be available for parking trailers transporting ATV's	Determine the facilities needed, rules and regulations for the trail area including times available for use	Develop map and guidelines for use	0-1 Year	Parks Committee, City Staff, Planning Commission, and City Council

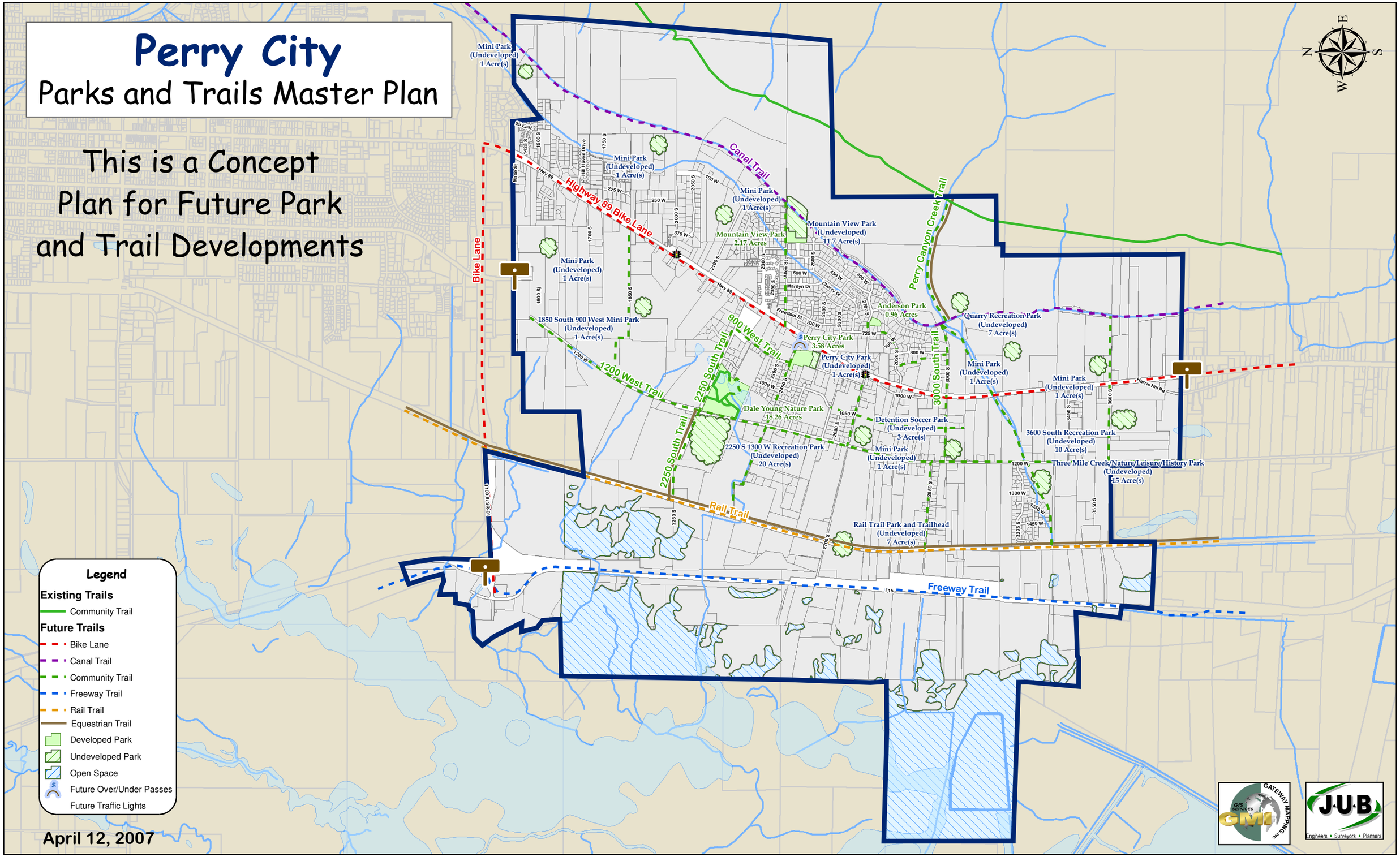
Funding and Budgeting Goals				
Goals	**Strategies**	**Actions**	**Timing**	**Agency**
9. Obtain funding from as many possible outside sources	Identify funding possibilities from federal, state, regional, and local sources	Apply for grants for specific parks, trails, and open space projects	0 -5 Years	City staff and Public Works
		Create and cultivate good relationships with important funding sources	0 -5 Years	City staff and Public Works
	Investigate opportunities for private funding	Contact land owners and private sources for gifts, donations, and dedications	0 -5 Years	City staff and Public Works
10. Prepare annual budget to address priority projects	Hold a work meeting to determine the needs, priorities, goals, and budget for parks, trails, and open-space projects	Prepare/ revise a strategic plan for budgeting and accomplishing the goals of this plan during the next 5 years	Annually	City Council
		Adopt a budget which includes accomplishing the identified goals for that year	Annually	City Council

Perry City
Critical Lands Map



Perry City
Parks and Trails Master Plan

This is a Concept Plan for Future Park and Trail Developments



April 12, 2007

Title 33, A General Plan and Related Elements
STORM DRAIN CAPITAL FACILITIES PLAN

Chapter 33.01. **Overview Of The Perry City Storm Drain System Capital Facilities Plan**
Chapter 33.02. **Existing System Evaluation**
Chapter 33.03. **Future System Evaluation**
Chapter 33.04. **Finance Element: Funding of Future Storm Drainage Facilities**
Chapter 33.05. **Appendices**

Chapter 33.01.
Overview of The Perry City Storm Drain System Capital Facilities Plan

33.01.010. **Purpose of a Capital Facilities Plan**

33.01.100 **Need for a Capital Facilities Plan**
33.01.110 **Demand Analysis.**
33.01.120 **Financing Options.**

33.01.200 **Noticing and Adoption Requirements – 11-36-202.**

33.01.300 **System Overview.**
33.01.310 **Detention facilities.**
33.01.320 **Conveyance System**

33.01.330 **Other Facilities**

33.01.010 Purpose of a Capital Facilities Plan.

The purpose of this Capital Facilities Plan (CFP) is to identify existing system deficiencies (if any), the increased demands placed upon the City's existing storm drain facilities by future development and to evaluate how these deficiencies and future demands will be met by the City. The CFP is also intended to outline improvements which may be funded through impact fees.

33.01.100 Need for a Capital Facilities Plan.

According to the Impact Fees Act, local political subdivisions with populations or serving populations of more than 5,000 as of the last federal census must prepare a Capital Facilities Plan. Although Perry had a population of less than 5,000 as of the 2000 Federal Census, the City has elected to prepare this comprehensive capital facilities plan for culinary water infrastructure to ensure adequate planning for future growth.

Local governments must pay strict attention to the required elements of the Capital Facilities Plan which are enumerated in the Impact Fees Act. The following elements must be discussed in the CFP before a local political subdivision can legally commence public notice and adopt the CFP.

33.01.110 Demand Analysis.

The CFP must consider the level of service which is provided to a community's existing residents and ensure that future facilities meet these standards. The unit of measurement varies depending on which public facility is discussed. For example, the demand on culinary water improvements may be measured in terms of ERUs demanded. The CFP is also required to include a clear nexus between estimated future demand and the proposed capital facilities required to be constructed or acquired to meet the future demand.

33.01.120 Financing Options.

The CFP must also include a consideration of all revenue sources, including impact fees, which may be used to finance system improvements.[1] In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.[2]

33.01.200 Noticing and Adoption Requirements – 11-36-202.

The Impact Fees Act requires that any entity within a first- or second-class county provide written notice of its intent to prepare or modify any CFP. Because Box Elder County is classified as a second-class County, Perry must meet this requirement.

If an entity prepares an independent CFP rather than include a capital facilities element in the general plan, the actual CFP must be adopted by enactment. Before the CFP can be adopted, a reasonable notice of the public hearing must be published in a local newspaper at least 14 days before the actual hearing. A copy of the proposed CFP must be made available to the public during the 14-day noticing period for public review and inspection. Copies must be posted in at least three designated public places which may include the City offices and each public library within the City's jurisdiction.

Following the 14-day noticing period, a public hearing will be held, after which the City Council may adopt, amend and adopt, or reject the proposed CFP. Following the adoption, Utah Code Section 10-3-711 and 712 requires that a summary of the enactment be published in order for the enactment to become effective.

[1] 11-36-201(3)
[2] 11-36-201(4)

33.01.300 System Overview.

The Perry City Storm Drain System serves the inhabitants and businesses within Perry City limits. The Perry system is bounded on the south by the Willard City system, on the north by the Brigham City system, on the east by the Ogden-Brigham canal and mountains, and on the west by the great salt lake wetlands, thus, expansion of the system beyond current city boundaries is not anticipated. Furthermore, extension of the system east of the Ogden-Brigham canal is not anticipated except for a handful of residential developments in the northeast corner of the city. Some minor interaction exists between the storm drain systems in Brigham City and Willard. Some small, localized areas in Perry drain to Brigham City or Willard. Further information about the modeling process, data sources, and assumptions made are included in an appendix. Individual elements of the system are as follows:

33.01.310 Detention facilities.

Perry's storm drain system consists of two types of detention facilities; local detention for subdivisions and larger regional detention basins. For example, there is a regional detention basin at 2450 South and 1200 West. Residential developments have been required to provide detention facilities in the past. City officials have decided to consolidate future detention into city-built regional basins and no longer require small individual detention basins for each subdivision. The costs for the new regional detention basins will be offset by impact fees collected from new developments. Commercial, industrial, and institutional developments will still be required to provide on-site detention.

33.01.320 Conveyance System.

The storm drain conveyance system consists of streets, curb and gutter, inlet boxes, pipes, and ditches or channels. The most common conveyance pipe in the system is 15" diameter reinforced concrete pipe. The conveyance system generally routes stormwater from east to west to an outfall point. Currently there are few well-defined outfalls in the system. This is due in part to the fact that large portions of the lower lying ground on the west side are undeveloped. It is unreasonable to expect a subdivision on the east bench of the City to run a storm drain pipe several thousand feet beyond the limits of the development to an outfall near I-15. The City will build such lines to designated outfall points and the master plan provides guidance as to the size and location of these conveyance facilities.

33.01.330 Other Facilities.

The Box Elder County and Perry Flood Control District own two groups of facilities crossing through Perry City. The first consists of debris basins at the mouth of Matthias, Evans, and Perry canyons. A pipe connects the basin at Matthias Canyon to the one at Evans Canyon and then routes the stormwater west down 1850 South and under Highway 89. The second group is a debris basin and outlet pipe on Three Mile Creek at the mouth of Perry Canyon. The pipe routes

Three Mile Creek's flow southwest down from the bench, under Highway 89, to the south side of the Cherry Ridge subdivision, under I-15, and discharges to marsh areas. Perry City's storm drain system ties into both of these facilities at several points. For example, stormwater from the Cherry Ridge subdivision flows into a detention basin on the Three Mile Creek drainage.

Chapter 33.02.
Existing System Evaluation

33.02.100. Existing Detention and Conveyance System
33.02.110 Project 1
33.02.120 Project 2
33.02.130 Project 3.
33.02.140 Project 4

33.02.100 Existing Detention and Conveyance System.

The existing storm conveyance system is mostly comprised of 15" reinforced concrete pipes with inlet boxes that collect drainage from the curb and gutter. The storm drainage conveyed in these existing pipes has a variety of outfalls; some are adequate, others are not. Several areas exist where stormwater is conveyed to an open field, or from a detention basin into a box that overflows onto Highway 89. Most of the existing system deficiencies are related to runoff not being adequately conveyed across Highway 89. The existing deficiencies are grouped into projects and listed below. Cost estimates for these projects are included in the Appendix.

33.02.110 Project 1.

This project addresses the section along Highway 89 from 2100 S. to 2000 S. Currently there are no storm drain facilities to convey storm water from the east to west side of the highway. As a result storm water flows across the highway. Proposed 24", 30", and 36" pipes solves this issue.

33.02.120 Project 2.

This project solves several issues in the area of 2500 S. and Highway 89. Existing detention basins at 2550 S. and 2600 S. along Highway 89 discharge to curb and gutter and cause flooding along the highway. A proposed 15" and 27" pipe installed along the highway convey these flows west to an existing pipe in 2450 S.

The model indicates the detention basin at 2450 S. and 700 W. is inadequate. A pipe installed in 2400 S. and along Highway 89 to an existing pipe at 2450 S. west of 89 solves the issue. A section of 18" pipe along the highway would be replaced. Piping a section of 750 W. near 2650 S. eliminating a "bubble-up" box would also improve the drainage in the area.

33.02.130 Project 3.

This project is designed to convey flows from existing detention basins at 2820 S. and 2700 S. along Highway 89 to existing pipes rather that into a vacant lot and field. The project includes new pipes along Highway 89, west along 2700 S. and north along 1200 W. The existing pipes along 1200 W. would be replaced with larger diameter pipes. A connection to existing pipes at 2450 S and 1200 W would be made, just above the existing regional detention basin. This project will also accommodate future development in the area south of 2700 S. and east of 1200 W.

33.02.140 Project 4

Near 2300 S. and Highway 89 a detention basin discharges to curb and gutter. This problem is similar to the issue associated with Project 2 above. A pipe would route the flow west across the highway and tie into an existing pipe in 2300 S.

Several other minor issues within the existing storm drain system are present. Generally speaking these areas involve issues that can be remedied as development occurs nearby.

The existing detention facilities are adequate for the existing development. Several regional detention basins are proposed are will need to be constructed as the area draining to those basins develops.

Chapter 33.03.
Future System Evaluation

33.03.010. Future Detention and Conveyance System
33.03.020 Project 1
33.03.030 Project 2

33.03.010 Future Detention and Conveyance System.

Future deficiencies are also identified. These are situations where the existing conveyance system is currently adequate, but will not be at a future date when additional runoff is created by new developments. Costs to remedy these future deficiencies can be offset by impact fees collected. The list of future deficiencies is not a complete list of pipes that will eventually be installed. Additional pipes will be installed as part of the future conveyance system. This plan will provide guidance to ensure that future storm drain lines installed will have adequate capacity for both the development under consideration and the contributing areas upstream.

The locations of proposed regional detention basins were selected to coincide with park locations identified in the Parks Master Plan where possible. The accompanying figure and tables provide location and cost information for these basins. The peak flow rates shown in the tables in the Appendix were generated with the detention basins in place.

The future deficiencies are grouped into projects and listed below. There are several pipes that need to be installed for future flows that are near identified existing deficiency projects. These future pipes are included in those projects due to proximity and reduced costs of installing the pipes while a construction crew is on site. The cost for the portion of the project that is intended to convey future flows is not included in the existing deficiency project cost but is included in the impact fee cost analysis. Cost estimates for these projects are included in the Appendix.

33.03.020 Project 1.

This project addresses the runoff that will be generated by currently undeveloped land east of 2000 S. The flow from this area will most likely be directed down 2000 S. A proposed pipe in 2000 S. routes this flow to existing pipes. Some of the existing pipes in 2000 S. near the highway will need to be replaced to accommodate the additional flow.

33.03.030 Project 2.

This project is very similar to the project listed above. It concerns the undeveloped area above 2100 S. It involves replacing existing pipes to accommodate the increased runoff from future development.

Chapter 33.04.
Finance Element: Funding Of Future Storm Drainage Facilities

33.04.010 Impact Fee Revenues
33.04.100 Impact Fee Credits

33.04.010 Impact Fee Revenues.

Impact fees have become an ideal mechanism for funding growth-related infrastructure. Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing level of service. Increases to an existing level of service cannot be funded with impact fee revenues.

The main source of revenue for the storm water capital projects will be from impact fees. Since 100 percent of the future capital projects are growth related, 100 percent of the costs are qualified to be funded through impact fees. The timing and costs of the future storm water capital projects will have an influence on whether or not the City will be

required to issues bonds to cover the initial costs. Table 4.1 shows the timing and the costs of all the capital projects scheduled during the respective years. The bond that is recommended for the City is found in table 4.2. All bond financing costs will be covered by the revenues received from impact fees for storm water.

TABLE 4.1: STORM WATER CAPITAL PROJECT COSTS AND TIMING

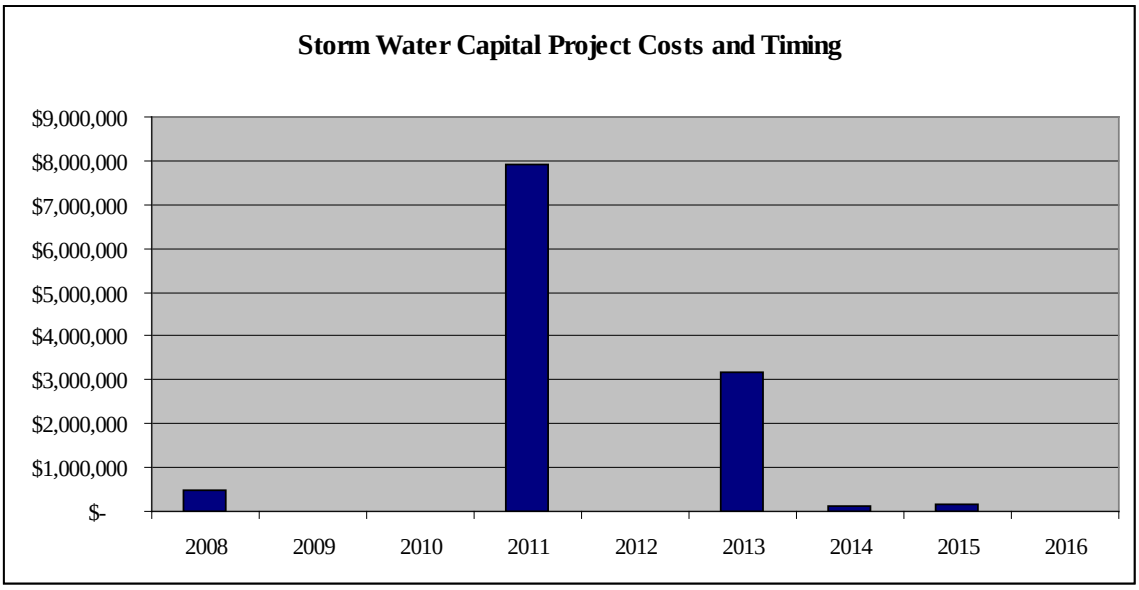


TABLE 4.2: SERIES 2011 STORM WATER BOND

Principle	10,695,529
Rate	5.0%

Year	Payment	Interest	Principle	Remaining Principle
2012	($858,236.93)	$ 534,776	$ 323,460	$ 10,372,069
2013	($858,236.93)	518,603	339,633	10,032,435
2014	($858,236.93)	501,622	356,615	9,675,820
2015	($858,236.93)	483,791	374,446	9,301,374
2016	($858,236.93)	465,069	393,168	8,908,206
2017	($858,236.93)	445,410	412,827	8,495,379
2018	($858,236.93)	424,769	433,468	8,061,911
2019	($858,236.93)	403,096	455,141	7,606,770
2020	($858,236.93)	380,338	477,898	7,128,871
2021	($858,236.93)	356,444	501,793	6,627,078
2022	($858,236.93)	331,354	526,883	6,100,195
2023	($858,236.93)	305,010	553,227	5,546,968
2024	($858,236.93)	277,348	580,889	4,966,079
2025	($858,236.93)	248,304	609,933	4,356,146
2026	($858,236.93)	217,807	640,430	3,715,717
2027	($858,236.93)	185,786	672,451	3,043,266
2028	($858,236.93)	152,163	706,074	2,337,192
2029	($858,236.93)	116,860	741,377	1,595,815
2030	($858,236.93)	79,791	778,446	817,369
2031	($858,236.93)	40,868	817,369	0

33.04.100 Impact Fee Credits

Impact Fee Credits are handled between the City and developers to "allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities: a) are identified in the Capital Facilities Plan and b) are required by the local political subdivision as a condition of approving the development activity."[3] Credits are handled on a case-by-case basis and will not be included in the analysis, although the Proportionate Share Analysis of the impact fee analysis will identify the extent to which specific developers are entitled to a credit.

[3] 11-36-202(3)(c)

Chapter 33.05
Appendices

33.05.100 Appendix A: Cost Estimates and Tables.

33.05.200 Appendix B: General Information and Assumptions

33.05.100 Appendix A: Cost Estimates and Tables.

A cost estimate was prepared with the estimated prices being based on prices from recent storm drain projects plus a contingency. A per foot quantity of imported materials and asphalt were associated with each pipe size. The final unit price of any particular size of pipe included the pipe, associated imported materials, asphalt, and 10% for engineering and administration.

1. A unit price was estimated for catch basins and manholes. These costs were included in the cost of any particular reach of pipe assuming a manhole every 400 feet and two catch basins every 500 feet.

2. A similar process was used to estimate the costs of proposed detention basins.

3. Following are Capital Facilities Plan tables by basin that lists pipe length, slope, capacity, flow, and cost along with similar information for detention facilities.

4. Finally, a figure illustrating the conceptual plan for the future storm drain system is provided. Pipes are classified as existing, existing to be replaced, or future.

33.05.200 Appendix B: General Information and Assumptions.

1. The city was divided into drainage areas which were further divided into sub-basins to be modeled. Each drainage area generally has a separate discharge point from the city's facilities and extends from east to west. Drainage areas are bounded on the east by the Ogden-Brigham canal except for a small area on the northeast side. An assumption was made that runoff generated east of the canal (except as noted above) would not reach the storm drain system. The drainage areas extend to the western city boundary. However runoff west of 1)15 was not routed through pipes as these areas were generally considered to consists of wetlands in some form or another.

2. A computer model was created to simulate runoff in drainage basins and the routing of the resultant flow through the existing pipe network as well as a conceptual future pipe network. XP Software's XP-SWMM v10.5 was the storm runoff and routing

model used to create this master plan. The software is a fully dynamic computational model routing flow by the dynamic wave method and has the ability to model complex storm drain scenarios using overflows, weirs, orifices, and many other structures.

3. The proposed pipe sizes in this master plan were determined using an assumed pipe slope. When using this plan, the required capacity of a pipe and the slope at which the pipe will actually be constructed dictate the actual required pipe size.

4. The pipes in the model were assumed to parallel the surface grade in most cases unless there were record drawings available on existing or design drawings on proposed facilities. The proposed pipe sizes in the plan were determined using an assumed pipe slope. Considerations for future pipe size should include required pipe capacity for proposed pipes rather than just pipe sizes from this master plan because the actual grades at which a pipe is eventually installed will most likely be different than what was assumed in preparing the model.

5. A rainfall storm with a cumulative depth of 1” in a one-hour period was used in the storm water model with a distribution appropriate for the geographical area (given below).

% Storm Duration	% Depth	Time (min.)	Incremental Depth	Cumulative Depth
0	0	0	0	0
5	18.3	3	0.183	0.183
10	36.5	6	0.182	0.365
15	51	9	0.145	0.510
20	61.5	12	0.105	0.615
25	70	15	0.085	0.700
30	76.5	18	0.065	0.765
35	80.6	21	0.041	0.806
40	83.9	24	0.033	0.839
45	86.2	27	0.023	0.862
50	88	30	0.018	0.880

55	89.5	33	0.015	0.895
60	90.8	36	0.013	0.908
65	92	39	0.012	0.920
70	93.2	42	0.012	0.932
75	94.4	45	0.012	0.944
80	95.6	48	0.012	0.956
85	96.8	51	0.012	0.968
90	98	54	0.012	0.980
95	99	57	0.010	0.990
100	100	60	0.010	1.000

6. Roughness coefficients assumed were 0.013 for concrete pipes with other appropriate values used for other pipe materials. All proposed storm drain pipe was assumed to be reinforced concrete pipe with a minimum diameter of 15”.

7. Elevation information was obtained from the State of Utah Automated Geographic Reference Center (AGRC) in the form of digital terrain models, and from improvement drawings from subdivisions and public works projects. Parcel information was purchased from Box Elder County in GIS format. An aerial photograph was used to approximate percent impervious values for drainage basins in the existing model. A land use figure was used to approximate percent impervious percentages for undeveloped basins in the future model. Typical percent impervious values were 45% for residential areas, and 50% or higher for commercial areas.

8. City personnel provided specific information and confirmed or corrected the construction of facilities shown on subdivision improvement drawings.

9. Facilities owned by the Box Elder County and Perry Flood Control District cross from east to west through Perry City. On the north is the pipe from debris basins at the mouth of both Evans and Matthias canyons. On the south end of the city is the pipe conveying flow from the Three Mile Creek debris basin. Both of these facilities were modeled with a constant background flow representing roughly one-half the capacity of the pipe.

Legislative History

Adopt Capital Facilities Plan in 2007.

New numbering system and codification into 2010 Perry Municipal Code: 01/13/2011.

Title 34, General Plan and Related Elements
TRANSPORTATION MASTER PLAN

Chapter 34.01. INTRODUCTION
Chapter 34.02. ROADWAYS AND TRAFFIC CONDITIONS
Chapter 34.03. FUTURE CONDITIONS ANALYSIS
Chapter 34.04. CAPITAL IMPROVEMENT PROGRAM
Chapter 34.05. CONCLUSION AND RECOMMENDATIONS
Chapter 34.06. APPENDICES

Chapter 34.01.
INTRODUCTION

34.01.010. Historical Analysis, Demographics, and Intent.
34.01.020. Types of Improvements Needed.

34.01.010. Historical Analysis, Demographics, and Intent.

The following introduction pertaining to Perry City and this Ordinance:

1. Perry City is a small growing city, located 25 miles north of Ogden adjacent to I-15, immediately south of Brigham City along US-91. US-89 also divides the city creating an eastern and western area of the community (Figure 1.1). The population of Perry in 2000 was 3,500 in an area approximately 10 square miles. Current population estimates indicate the population has grown to approximately 4,380. Perry City represents a "crossroads" through which a high level of out of town traffic passes. Internal growth as well as traffic from surrounding areas is creating the need for additional roadway infrastructure improvements.
2. Perry shares a southern boundary with Willard City, a northern boundary with Brigham City, its western boundary is constrained by the Bear River Migratory Bird Refuge and the eastern boundary by the Cache National Forest. At the present, Perry has ample undeveloped land and room to grow within its boundaries. At a growth rate of approximately 1.3% per year, in 20 years the population of Perry will approach nearly 18,383.
3. Perry faces the challenge of adequately preparing for anticipated population growth within in the next twenty years and beyond. The Perry City General Land Use Plan address future growth as well as a number of transportation-specific issues such as, future transportation network, connectivity, and mobility.
4. Historically, roadways in Perry have been funded from a variety of sources. Class C road funds have supported a large portion of road construction and maintenance in Perry. New developments are currently required to construct new roadways with the appropriate typical roadway section for their developments. Normally, these requirements are made as conditions of city approval of the development. Private land owners are sometimes willing to pay for minor street improvements such as curb and gutter and sidewalk.
5. Impact fees for new development on roadways have never been collected in the past for Perry. This report provides the background information now needed for assigning appropriate impact fees for new development. As a new era of growth approaches, this report will lend support to the City as it assigns appropriate and needed impact fees for roadway construction and improvement projects.

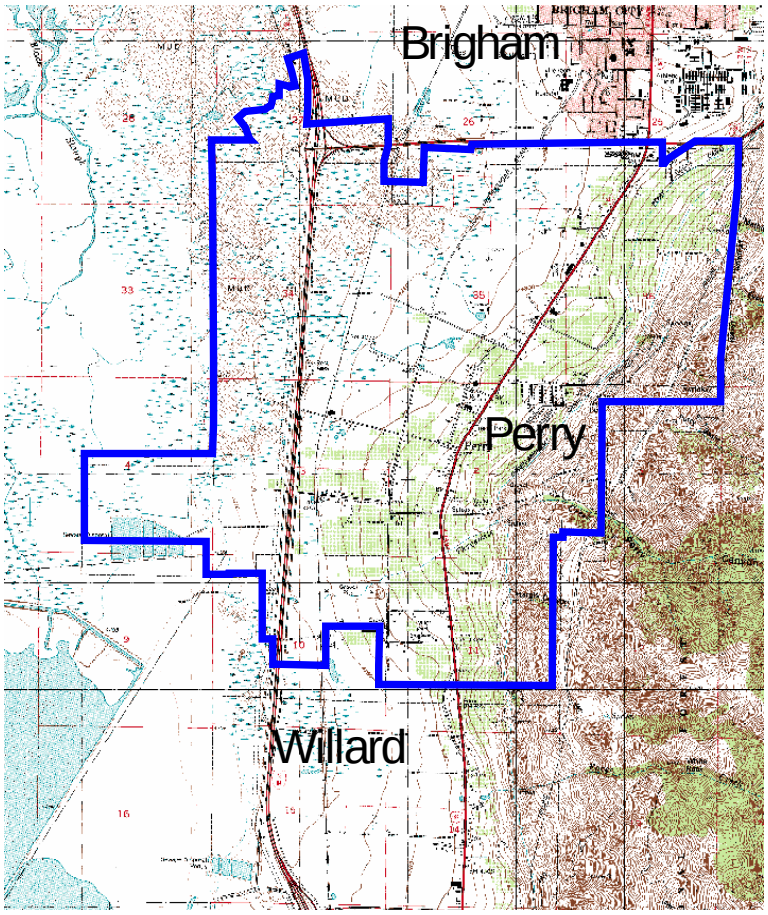
6. This Transportation Plan is undertaken to assess the existing condition of the transportation infrastructure in the City and provide a guide for maintaining and updating the transportation system in the future. There are many aspects of a transportation system. These include: roads, vehicle traffic, traffic control devices, intersections, and roadway geometry. All of these aspects must be balanced and maintained for the benefit of the City and its residents.

34.01.020. Types of Improvements Needed.

Therefore, this plan has evaluated the condition of and identified the need for improvements to the following facets of transportation:

1. Roadway Capacity: The ability of the existing roadway facilities to accommodate existing and future traffic needs
2. Intersection Level of Service: Measuring the different operating conditions that occur on a roadway or at an intersection when accommodating various traffic volumes. It is a qualitative measure of the effect of traffic flow factors such as speed and travel time, interruptions and delays, freedom to maneuver, and driver comfort and convenience.
   a. Intersection Signals: Evaluation of existing signalized intersections to meet current and future standards for traffic conveyance.
   b. This information will facilitate efforts to plan for project funding and to assign appropriate levels of responsibility (in the form of impact fees) for the traffic impacts of new development projects.

Figure 1.1 - Perry City Location Map



Chapter 34.02.
ROADWAYS AND TRAFFIC CONDITIONS
Chapter 34.02.
ROADWAYS AND TRAFFIC CONDITIONS

34.02.010. Assessment of Existing Conditions.
34.02.020. Transportation Network.
34.02.030. Functional Classification.
34.02.040. Interstate.
34.02.050. Arterial.
34.02.060. Collector.
34.02.070. Local Streets.
34.02.080. Key Roadway and Intersections Characteristics.
34.02.090. Average Daily Traffic Volumes and Intersection Counts.
34.02.100. Level-of-Service Evaluation Methodology.
34.02.110. Roadways.
34.02.120. Intersections.
34.02.130. Traffic Level of Service Analysis.

34.02.010. Assessment of Existing Conditions.

Assessment of the existing traffic conditions within the study area is a process built upon collection of data and the evaluation of the information collected. The following existing transportation information has been collected and included in this report:

1. Roadway functional classification of public city streets;
2. Roadway geometrics (lane and shoulder widths, speed, parking, etc.);
3. Intersection geometrics (lane uses, traffic control, lane widths, etc.);
4. Average daily traffic (ADT) and AM and PM peak hour volumes on key roadways;

34.02.020. Transportation Network.

The transportation network is the circulatory system of the City, providing routes for the movement of goods, services, and people. The transportation network provides both access and mobility. The original network for Perry City was laid out with all local roads connecting to US-89, the State Highway. Local roads primarily consisted of single access to properties fronting on US-89. Without a clearly defined transportation network the development that has occurred over the years has not followed a hierarchy of road classifications. Within the City, streets serve different purposes. Accordingly, streets are classified by their function and purpose.

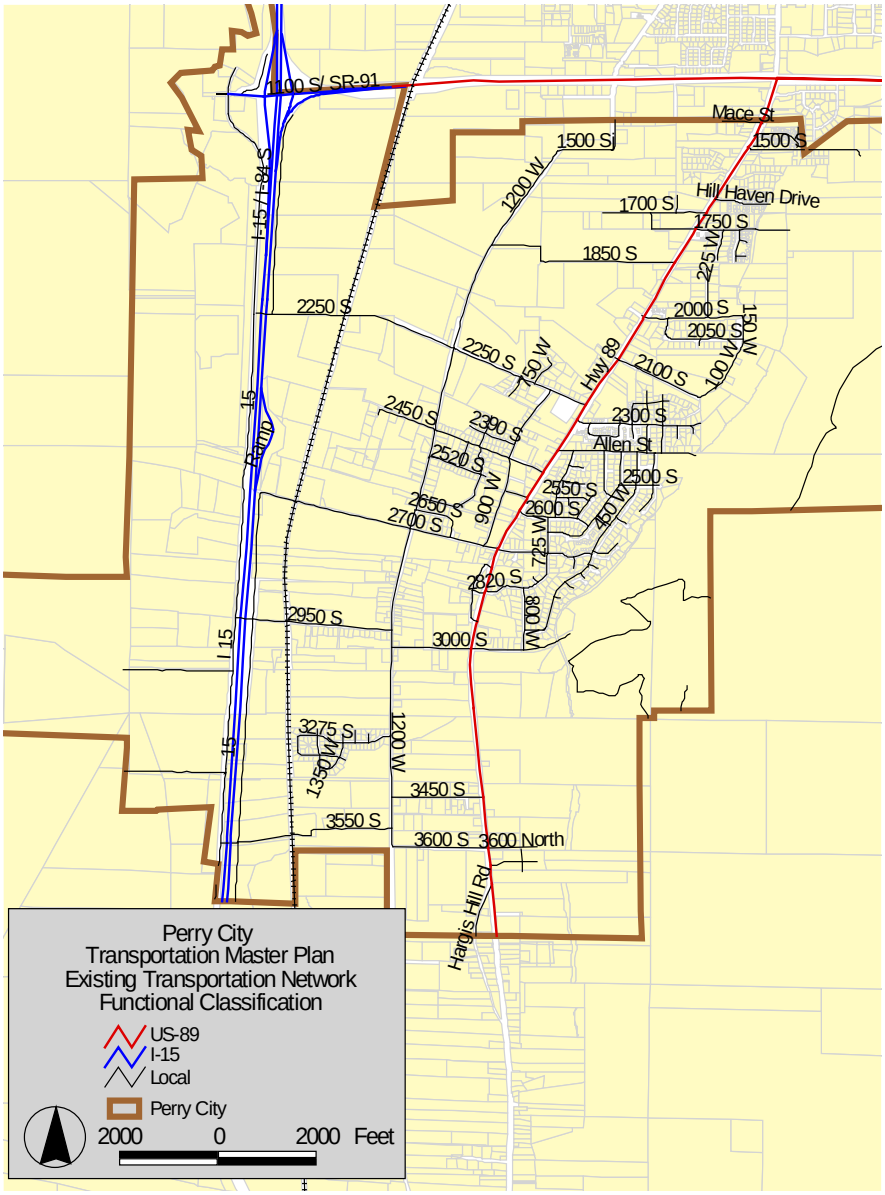
34.02.030. Functional Classification.

The functional classification roadways range from a local residential street that provides access to limited access Interstate highway. In a city, the two main classifications that are of concern when dealing with traffic are; arterials, typically having 84 to 110 feet of right-of-way (ROW) with 4 to 7 lanes; and collectors, typically having 66 to 78 feet of ROW with 2 to 4 lanes. Arterials are the main roads in a city that have the function of transporting large numbers of vehicles through an area at a relatively moderate speed (35-45 mph). An example of an arterial roadway in Perry City would be US-89 which functions as such but is classified as a Highway. Local roads are the capillaries of the Perry City transportation network, providing direct access

to public facilities, businesses, and private property. All existing functionally classified roadways in Perry are shown in Figure 2.2. Perry's current hierarchy of street classification only exists of local roads and US-89. The federal functional classifications are defined as follows:

34.02.040. Interstate.

The interstate freeway system is essentially a specialized principal arterial. The interstate promotes movement of traffic, with limited access high speeds, separated directional lanes, adequate geometrics and grade-separated intersections. I-15 was not considered a key roadway for multiple reasons including: it is unlikely that future traffic volumes will exceed the existing capacity, if such demand were ever generated to exceed the existing capacity, the Utah Department of Transportation would be the lead agency responsible for any improvements. Thus, while I-15 itself was not analyzed for the purposes of this study, its presence strongly influences current and projected future traffic patterns (Figure 2.2 - Existing Transportation Network and Functional Class).



34.02.050. Arterial.
Principal arterials are generally high volume streets and contain the greatest proportion of through or long-distance travel. Access, is typically limited to promote efficient traffic movement; parking is usually prohibited in urban situations. Speeds are generally in the 35 to 45 mph range. Arterials are commonly about a mile apart but may be one-half mile. Although SR-89 is the old state highway, it functions as a principal arterial and certainly has the most capacity of any roadway in the city. Streets that connect principal arterials and collectors are called minor arterials. The predominant function of these streets is to provide movement of through traffic; they also provide considerable access for local traffic that originates or is destined to points along the primary corridors. Often, minor arterials become boundaries to neighborhoods and serve less concentrated developments such as neighborhood shopping centers or schools. Urban speeds are generally around 35 mph.

34.02.060. Collector.
Functionally, a collector is intended to assemble and concentrate residential and rural traffic and to direct it to the arterial system. To preserve neighborhoods, collectors are generally spaced about a half mile apart. Direct access to adjoining property is more common and often essential. Operating speeds are in the 25 to 30 mph range. Parking is acceptable but may be limited.

34.02.070. Local Streets.
Local roadways serve the primary purpose of providing access to adjacent properties. Local streets contain the majority of the road system within Perry. While local roads serve an important function, for this study, no local roadways are considered key roadways.

34.02.080. Key Roadway and Intersections Characteristics.
Field data were collected regarding the key roadways and intersections in Perry. Table 2.1 lists several characteristics for the key roadways that influence traffic flow, capacity and safety.

Table 2.1 - Traffic-Related Characteristics on Key Roadways

Roadway	Number of Travel Lanes	Average Lane/Shoulder Width (ft)	Posted Speed (mph)	Parking allowed?
US-89	2	12/10	55	No
900 West	2	12/6	20	Yes
1200 West	2	12/9	30	Yes
2100 South	2	12/8	20	Yes
2250 South	2	12/8	20	Yes
2300 South	2	12/8	20	Yes
2400 South	2	12/8	20	Yes
2450 South	2	10/4	20	Yes
2600 South	2	12/8	25	Yes
2700 South	2	10/4	25	Yes
3000 South	2	10/4	25	Yes

Intersection	Lane Use	Control
1200 West/2700 South	NB 1200 West 1 lane (LTR) SB 1200 West 1 lane (LTR) EB 2700 South 1 lane (LTR) WB 2700 South 1 lane (LTR)	Two-way stop EB/WB
1200 West/2450 South	NB 1200 West 1 lane (LTR) SB 1200 West 1 lane (LTR) EB 2450 South 1 lane (LTR) WB 2450 South 1 lane (LTR)	Two-way stop EB/WB
1200 West/2250 South	NB 1200 West 1 lane (LTR) SB 1200 West 1 lane (LTR) EB 2250 South 1 lane (LTR) WB 2250 South 1 lane (LTR)	Two-way stop EB/WB
US-89/2250 South	NB US-89 West 1 lane (LTR) SB US-89 West 1 lane (LTR) WB 2250 South 1 lane (LTR)	One-way stop WB
US-89/2300 South	NB US-89 West 1 lane (LTR) SB US-89 West 1 lane (LTR) EB 2300 South 1 lane (LTR)	One-way stop EB
US-89/2400 South	NB US-89 West 1 lane (LTR) SB US-89 West 1 lane (LTR) EB 2400 South 1 lane (LTR)	One-way stop EB
US-89/2450 South	NB US-89 West 1 lane (LTR) SB US-89 West 1 lane (LTR) WB 2450 South 1 lane (LTR)	One-way stop WB
US-89/2600 South	NB US-89 West 1 lane (LTR) SB US-89 West 1 lane (LTR) EB 2600 South 1 lane (LTR)	One-way stop EB
US-89/2700 South	NB US-89 West 1 lane (LTR) SB US-89 West 1 lane (LTR) WB 2700 South 1 lane (LTR)	One-way stop WB
US-89/3000 South	NB US-89 West 1 lane (LTR) SB US-89 West 1 lane (LTR) WB 3000 South 1 lane (LTR)	One-way stop WB

34.02.090. Average Daily Traffic Volumes and Intersection Counts.

The following regarding the average daily traffic volumes and intersection counts:

1. Traffic counts were collected in March 2007 with automatic counters at various locations in the study area as well as AM and PM peak period turning movement counts were manually collected at several intersections discussed later. The average daily traffic volumes counts are provided in Figure 2.3. Average daily traffic counts on SR-89 was provided by the Utah Department of Transportation (UDOT).
2. From the traffic counts, correlation between the peak hour and the average daily traffic (ADT) in the study area can be evaluated. Typically, the PM Peak hour ADT is usually used for analysis purposes because it tends to be much higher than the AM Peak. However, both AM and PM peak hour are analyzed for this study.

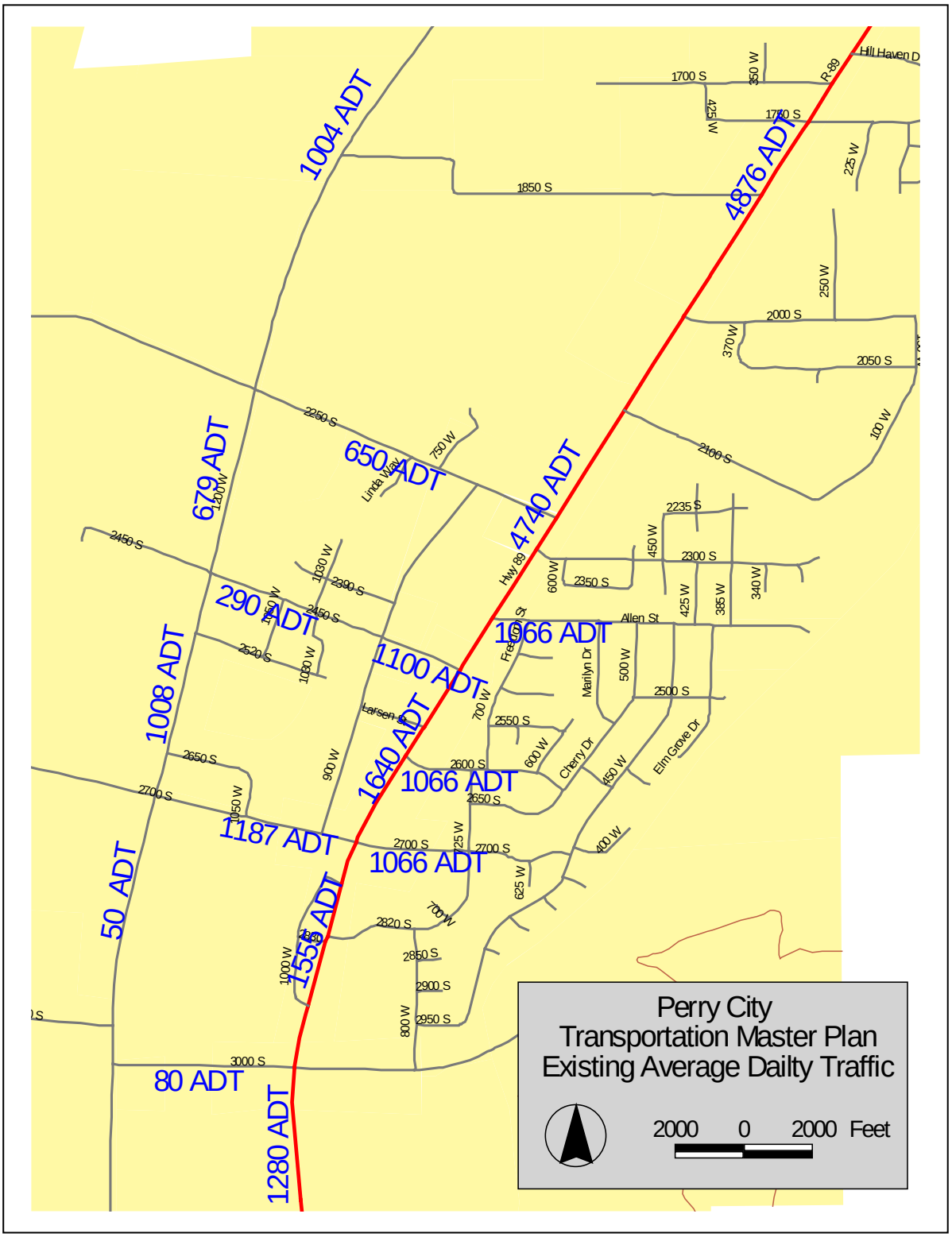


Figure 2.3 – Existing Average Daily Traffic (ADT)

34.02.100. Level-of-Service Evaluation Methodology.

The following regarding the level of service evaluation methodology:

1. Level-of-Service (LOS) is a measure of the performance of an element of transportation infrastructure. An intersection, rural roadway, residential street, arterial, or freeway segment can all be graded, “A” through “F”, on the adequacy of its performance under given traffic conditions.
2. Level-of-Service is a description of different operating conditions that occur on a roadway or at an intersection when accommodating various traffic volumes. It is a qualitative measure of the effect of traffic flow factors such as speed and travel time, interruptions and delays, freedom to maneuver, and driver comfort and convenience.
3. The determination of Level-of-Service for roadways and intersections is derived as follows:

34.02.110. Roadways.

The following regarding roadways:

1. Roadway and traffic conditions, ranging from "ideal" to "forced" flow, have been divided into six levels of service for qualitative evaluation. Rural roadway level-of-service is defined when the traffic flow is "uninterrupted". In an urban situation the roadways are not uninterrupted. They are constrained by traffic control at intersections, lower speed limits, numerous approaches, and probably parking. The level-of-service for most of the urban roadways will be restricted by the performance of the intersections on the roadway. Roadway levels of service are defined as follows:
    a. Level A: Free flow, low volumes and densities, high speeds. Drivers can maintain their desired speeds with little or no delay.
    b. Level B: Stable flow, operating speeds beginning to be restricted somewhat by traffic conditions. Drivers still have reasonable freedom to select their speed. Suitable for rural design standards.
    c. Level C: Stable flow, but speeds and higher volumes more closely control maneuverability. Suitable for urban design standards.
    d. Level D: Approaches unstable flows, tolerable operating speeds that are, however, considerably affected by operating conditions. Drivers have little freedom to maneuver.
    e. Level E: Unstable flow, with yet lower operating speeds and, perhaps, stoppages of momentary duration, volumes at or near capacity.
    f. Level F: Forced flow, both speed and volumes can drop to zero. Stoppages may occur for short or long periods. These conditions usually result from queues of vehicles backing up from a restriction downstream.
    *Source: Fundamentals of Traffic Engineering, 9th Ed., by Wolfgang S. Homburger, James H. Kell.
2. At lower speeds, below 50 mph, the intersections generally dictate the capacity of an urban roadway section. It is, however, always useful to evaluate an overall urban roadway in simplistic form; at times intersection improvements will not address larger problems of handling through-put vehicle capacity deficiencies in a corridor. Multi-lane facilities typically need intersection treatments to accommodate demand for specific turning movements. To generally define urban roadway level-of-service in the study process, Table 2.2 has been formulated. Determination of level-of-service for urban roadways is then defined by the average daily traffic volume (ADT) in both directions.

Table 2.2 - Level-of-Service Criteria for Urban Roadways

Facility Type	Both Ways	A	B	C	D	E
State Highways	6 lanes + median	30,000	35,000	40,000	45,000	50,000
	5 lanes + median	27,000	31,500	36,000	40,500	45,000
	4 lanes + median	24,000	28,000	32,000	36,000	40,000
	2 lanes + median	10,000	11,600	13,300	15,000	16,600
	2 lanes w/o median	8,000	9,300	10,600	12,000	13,300
Arterials	4 lanes + median	18,000	21,000	24,000	27,000	30,000
	4 lanes w/o median	16,000	18,500	21,000	23,600	26,250
	2 lanes + median	9,000	10,500	12,000	13,500	15,000
	2 lanes w/o median	7,000	8,200	9,300	10,500	11,600
Collectors	2 lanes + parking	5,250	6,125	7,000	7,875	8,750
	2 lanes + median	9,000	10,500	12,000	13,500	15,000
Industrial		6,000	7,000	8,000	9,000	10,000
Local Street	2 lanes + parking	-	-	2,500	-	-
	2 lanes + parking	-	-	1,200	-	-

The recommended acceptable roadway level of service is LOS C.

34.02.120. Intersections.

The following regarding intersections:

1. Intersections are usually analyzed in the design process by the collection of turning movement volumes and conducting highway capacity analysis using the *Highway Capacity Manual* method. This is done for short range planning purposes when specific turning movement volumes can be obtained. For intersections the measures of effectiveness (MOE) used is average control delay (seconds) per vehicle. The Highway Capacity Manual LOS criteria for signalized and unsignalized intersections are summarized in Table 3.

Table 3. Level-of-Service (LOS) Criteria for Intersections

Level of Service (LOS)	Average Control Delay (seconds/vehicle)	
	Signalized Intersections	Unsignalized Intersections
A	< =10	< =10
B	>10 - < 20	>10 - < 15
C	>20 - < 35	>15 - < 25
D	>35 - < 55	>25 - < 35
E	>55 - < 80	>35 - < 50
F	>80	>50
Source: *Highway Capacity Manual 2000*, Transportation Research Board, National Research Council, Washington, D.C., 2000.		

2. The HCM method is based on the capacity available to service the various movements at a signalized intersection based on the amount of green time provided for each movement, the impacts of any conflicting movements, etc; for unsignalized intersections delay is based on the availability of gaps in the major street to allow minor street movements to occur. Delay results in driver frustration and anxiety, loss of time and increased fuel consumption.
3. Generally accepted standards indicate that it must be demonstrated that major intersection approaches for unsignalized intersections can operate at LOS “E” or better, however if a

second access point provides access to a signalized intersection LOS "F" may be acceptable. For a signalized intersection, an intersection LOS of "D" is acceptable.

34.02.130. Traffic Level of Service Analysis.

The following regarding traffic level-of-service analysis:

1. For the existing conditions analysis, the 2007 ADT counts on key roadways were compared against the values in Table 3 and roadway characteristics to determine level of service. To determine intersection levels of service, geometric and turning movement volume data were analyzed using the most recent version of Highway Capacity Software (HCS 2000).
2. The existing year (2007) analysis demonstrates that most of the roadways and intersection facilities are operating at acceptable traffic levels of service. See existing conditions analysis results for AM and PM Peak hours in Figures 2.4 and 2.5 respectively. The side street left turn at 2300 South and 2450 South currently function at LOS D during the PM Peak hour. During the AM Peak hour the left turn from 2450 South experiences an LOS F.

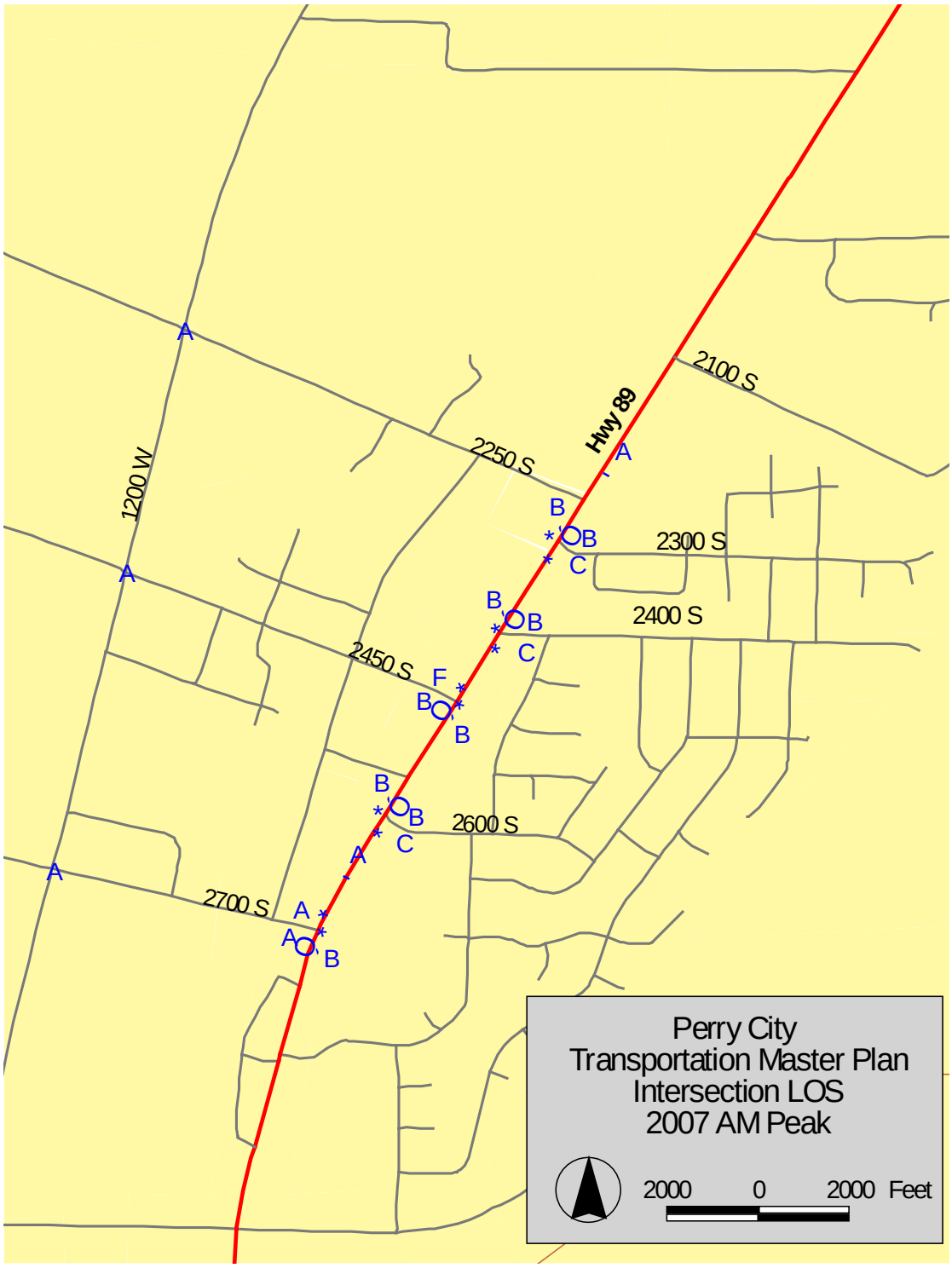


Figure 2.4 – Existing Conditions LOS AM Peak

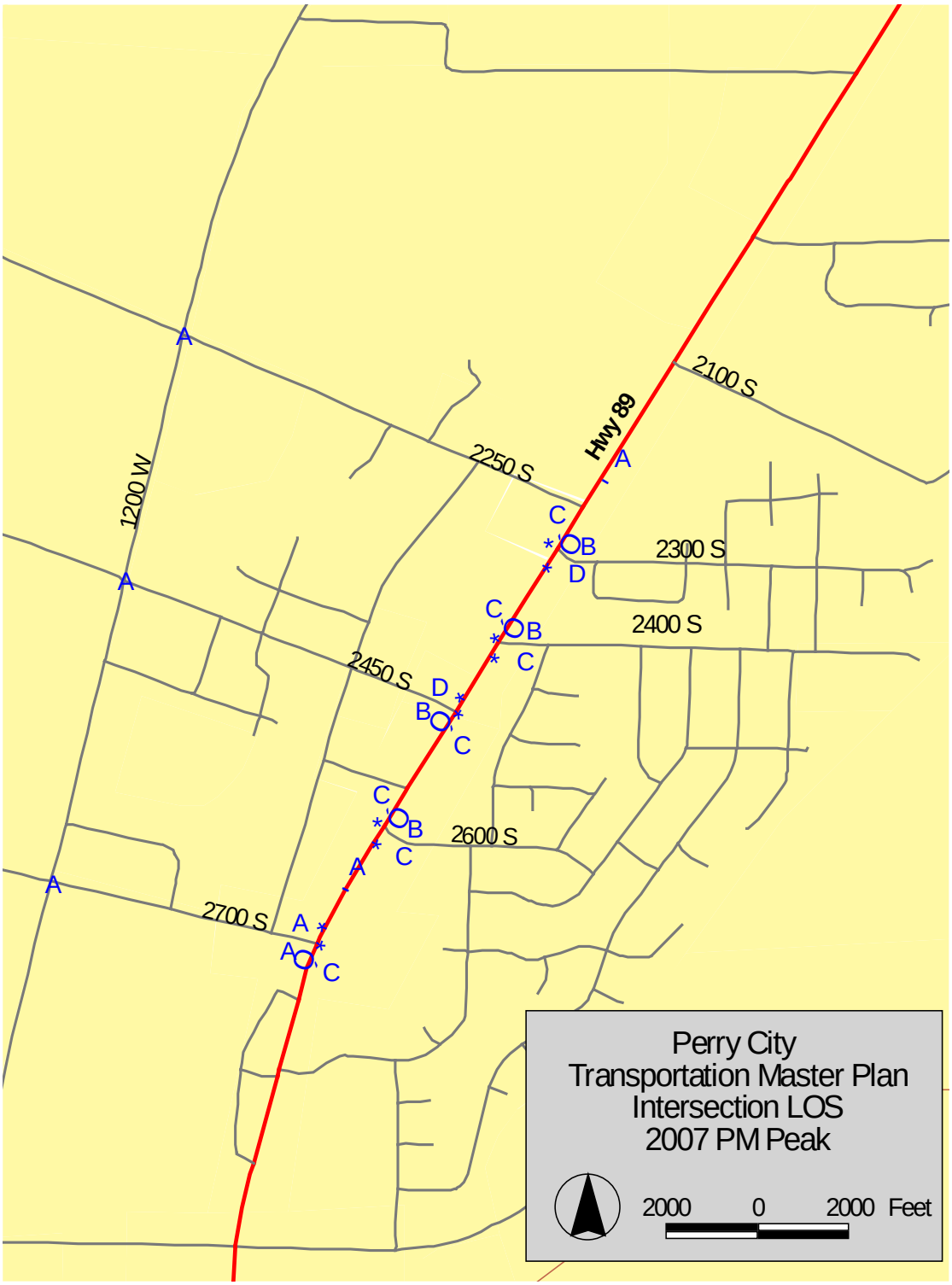


Figure 2.5 – Existing Conditions LOS PM Peak

Chapter 34.03.
FUTURE CONDITIONS ANALYSIS

34.03.010. Anticipation of Future Conditions Analysis.
34.03.020. Transportation Analysis Zones.
34.03.030. Number of Zones.
34.03.040. Internal Homogeneity.
34.03.050. Traffic Shed Characteristics.
34.03.060. Boundaries.
34.03.070. Size of Zone.
34.03.080. Existing and Future Land Use.
34.03.090. Future Traffic Volumes.
34.03.100. Internal Trips.
34.03.110. External Trips.
34.03.120. Future Roadway Network.
34.03.130. Trip Assignment.
34.03.130. Future Traffic Level-of-Service Analysis.

34.03.010. Anticipation of Future Conditions Analysis.

The following regarding a future conditions analysis:

1. In order to assess future roadway conditions and operating characteristics an estimate of anticipated land uses must be determined. An effective transportation system is an essential part of any community. A transportation system provides the means by which people can get to places where they work, shop, go to school, or recreate. Thus the types of land uses welcomed and envisioned by a community will determine the amount of traffic generated in and by the community.
2. Future population and commercial growth or intensity of development will typically intensify traffic conditions at some point. This section provides a basis for estimating future population, employment and development growth when the City of Perry is fully developed. From this information an analysis of the potential trip generation characteristics can be performed. The roadway operational characteristics can then be evaluated by assigning total vehicle trips to the roadway network. Roadways and intersections anticipated to function poorly will be identified for future roadway improvements. This type of analysis is called travel demand estimation, and the procedure facilitates the assessment of needed transportation improvements.
3. Important in any analysis of future conditions for such a long-range forecast is a full knowledge of assumptions used in the evaluation process. This section will set forth the assumptions used to establish build-out conditions for the traffic analysis.

34.03.020. Transportation Analysis Zones.

The following regarding transportation analysis zones:

1. The General Land Use Plan identifies areas for future development. Although there are areas within the City still being used for agricultural purposes, the Plan identifies residential development for these agricultural areas as well as other residential, commercial, and public use areas within the City. Using this General Plan in conjunction with historic trends, future development data provided by Perry City, was used to estimated build-out conditions. The process began by evaluating the data and creating Transportation Analysis Zones (TAZ), then continued with identification of demographics and population data within each TAZ.

2. TAZs represent small sub-areas, within which estimates are made for the volume of traffic generated by various land uses. The total volume of traffic generated by a TAZ is then distributed throughout the study area. Each trip leaving the zone has a corresponding destination in some other zone based on the type of trip (home-to-work, -to-school, etc.). These trips were manually assigned onto the available road network based on the land uses in each TAZ. The study area includes 15 individual TAZs. Each of the TAZs are numbered and identified on Figure 3.1. The following concepts were used as a guide to delineate the TAZs.

34.03.030. Number of Zones.

In general, a large number of zones allow analysis in greater detail for existing and future conditions. The desire for in-depth detail was balanced with the level of effort required to analyze a fewer number of zones.

34.03.040. Internal Homogeneity.

The following regarding internal homogeneity:

1. Generally, each zone is homogenous has an identifiable or prominent land use or activity characteristic. This characteristic differentiates the area within the zone from the area outside. The prominent internal characteristic may include one of the following examples of activities:
    a. Residential neighborhood;
    b. Retail business area;
    c. Recreational destination;
    d. Transportation terminal or hub;
    e. Industrial area;
    f. Agricultural area.
2. Future land uses, to the best effort possible based on the General Plan, were estimated for each of the zones. For example, if within a given area there was currently only one prominent land use, the expectation was that it constitutes one zone. However, if it was expected that a part of that zone may alter its land use in the future, two zones were created. An existing average density of 1.5 units per acre, provided by the City was used for the TAZ analysis.

34.03.050. Traffic Shed Characteristics.

Most traffic will eventually use an arterial or collector to exit a zone. Conversely, most traffic entering a zone is likely to follow an arterial or collector before dispersing among local streets.

34.03.060. Boundaries.

Ideally, boundaries of TAZs do not overlap with boundaries of sub-areas identified by planning agencies, highway boundaries, or census data boundaries. In cases where a roadway formed a clear boundary between land uses and indeed, acted as a barrier to activity, the boundary was located down the center of the roadway.

34.03.070. Size of Zone.

There is no strict rule regarding the optimum zone size. The most important consideration is that zone size should be inversely related to the volume of traffic within it. That is, areas with intense traffic and dense land use activities have small zones, and dispersed land use areas are composed of large zones.

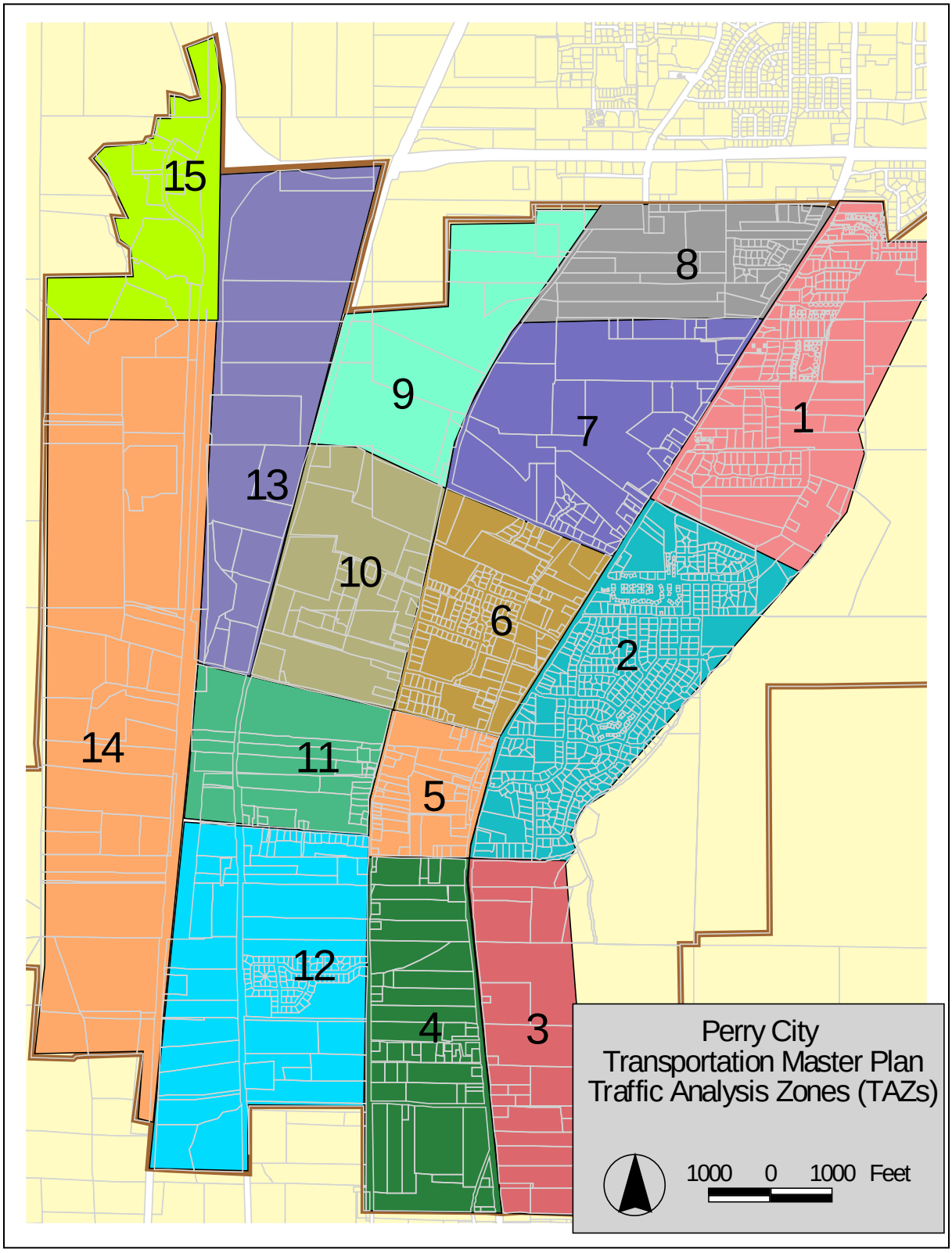


Figure 3.1 – Traffic Analysis Zones (TAZs)

34.03.080. Existing and Future Land Use.

The following regarding existing and future land use:

1. Although population data for Perry City is readily available through the U.S. Census Bureau, square footage of existing retail, office and industrial development is more difficult to acquire. Since a full build-out condition is the scenario under analysis for the present study, a more meaningful approach to land use is to look at the future mix of land uses. As discussed above, the build-out characteristics for the study area are presented in the Perry City General Plan. These land uses are shown in Figure 3.2.
2. An estimate of the population of Perry at full-build out begins by multiplying the number of acres of residential land for each of the 4 categories by the average number of households per acre anticipated for the category. The average density of households for the Mixed Use Residential (MU-R) designation is estimated at 4 per acre, average household density for Medium Residential (R-1) is also 4 units per acre, average density for Rural Residential (RE-1/2) is 2 units per acre. Agricultural land use was estimated at a density of 2 units per acre.
3. Based on the Governors Office of Planning and Budget (GOPB), it is estimated that Perry City will grow at an annual rate of 1.3% per year. At a growth rate of 1.3% per year Perry's population will reach approximately 18, 383 in 20 years. However, the current population is approximately 4,300 which is the 2030 population projection according to the GOPB estimates. This equates to an average growth rate at approximately 5% per year. This will likely slow in the next few years back to the GOPB growth rate. This average 1.3% growth per year accommodates for the market fluctuations that occur over the years.
4. A major assumption for this analysis is that the rate of development for the commercial/business and industrial land uses will be such that it will reach build-out at the same time as the residential land uses.

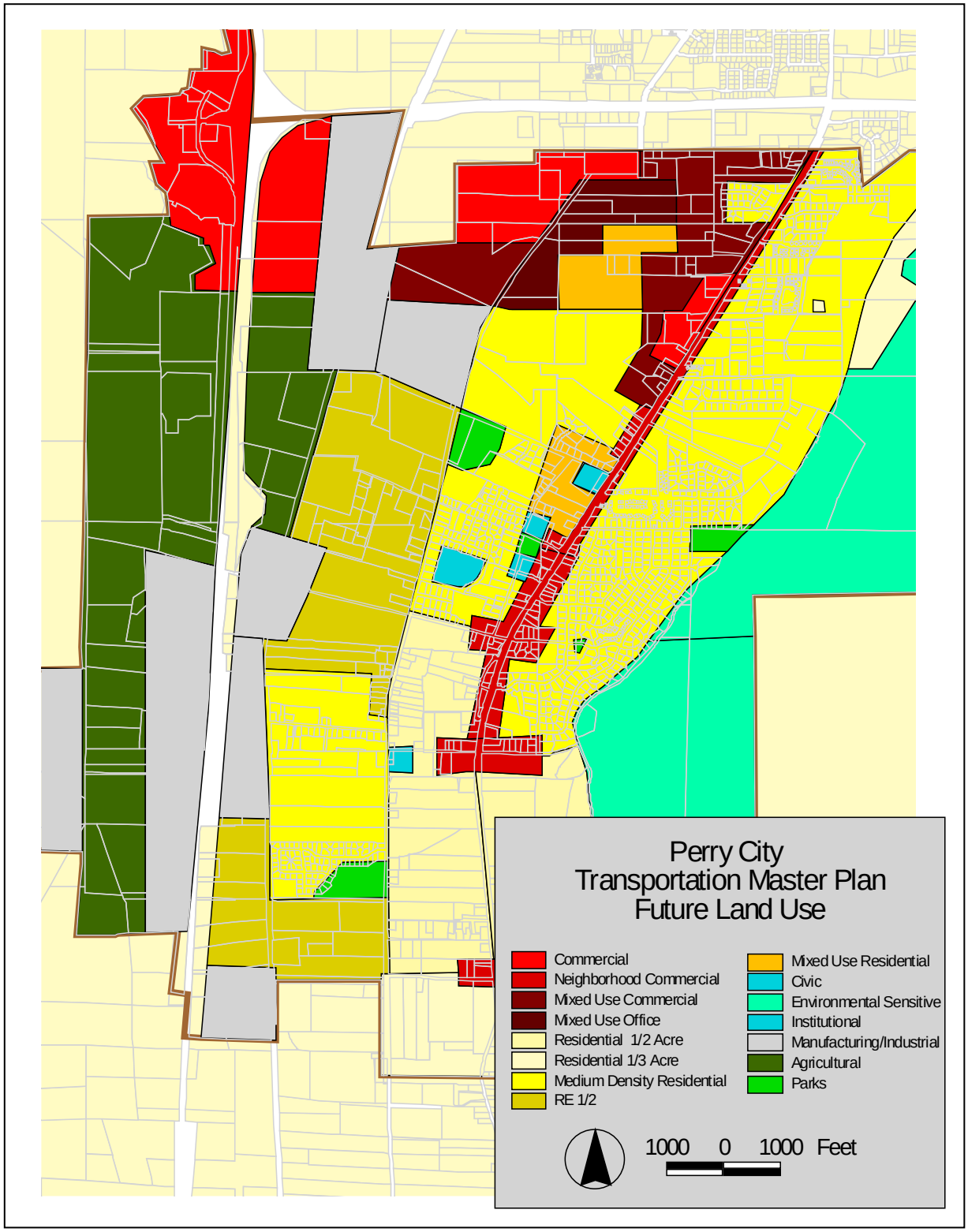


Figure 3.2 – Future Land Use

34.03.090. Future Traffic Volumes.

There are two types of trips that will impact the roadway network within Perry City. Trips that start or end in the study area such as trips by those living there or working there are one such type; we will call these trips that either start or end within the study area internal trips. Some of these trips will not be fully contained within the study area, but will venture out to other areas, such as those made by people who live in Perry but who work somewhere in nearby cities such as Brigham City, Ogden, North Ogden, Logan, or in Box Elder, Weber or Cache County. A second type of trip will neither start nor end in Perry but will be a pass-through or external trip; these trips will start or end north or south of the city, go through the City on US-89 to some destination outside the City.

34.03.100. Internal Trips.

The following regarding internal trips:

1. Every type of land use has different trip-making characteristics. Much research has been performed to quantify these characteristics for purposes of estimating trip generation potential of various types of development. The Institute of Traffic Engineers 7th Edition of "Trip Generation" was consulted to determine the number of trips anticipated for each of the land uses called for in the Perry General Plan. "Trip Generation" gives very specific rates for different types of development; rates are provided with varying levels of statistical confidence for weekdays, weekends, morning peak hour and evening peak hour with estimates for inbound and outbound trips. The number of trips can be calculated based on the number of residential units, the number of square feet of commercial/retail/office, the number of employees, etc. For the purposes of this study the average daily trip generation rates for a weekday were used, with the total number of inbound and outbound trips being equal.
2. Although the trip generation rates for residential land uses are very similar on a per unit basis, rates for different types of commercial/retail/office and industrial development vary greatly. Ideally a traffic impact analysis is performed with the knowledge of specific development proposal, enabling a more precise level of analysis to be achieved. In order to estimate a trip generation rate for the various commercial land uses that might occur in Perry City, several types of development was assumed. In order to determine the total number of trips generated by the commercial areas an estimate of the square footage of building space needed to be made.
3. Build-out land use characteristics for the entire study area are presented in the Perry City General Plan and shown in Figure 3.2. Using appropriate trip generation rates for each land use category, the number of internal trips anticipated for Perry City was calculated and is shown in Table 3.1. The total number of potential trips generated by the land uses envisioned in the General Plan is estimated at nearly 100,720 average weekday trips added to the roadway network. Again this was based on the maximum density allowed for each land use zone. Some areas within the city are constrained due to physical limitations such as slope, high water table, and wetlands.

Table 3.1 - Build-out Land Use and Trip Generation

Land Use Type	ITE Average Weekday Trips	Acreage at Build out	Units at Build out	Number of Trips Generated on Avg. Weekday
RE 1/2 Rural Residential	9.57 per d.u.	387	774 dwelling units	7,407
R-1 Medium Density Residential	9.57 per d.u.	989	3956 dwelling units	37,858
R 1/3 Low Density Residential	9.57 per d.u.	125	250 dwelling units	2,393
R 1/2 Residential 1/2 Acre	9.57 per d.u.	419	838 dwelling units	8,019
MU-R Mixed Use Residential	9.57 per d.u.	84	336 dwelling units	3,215
Agricultural	9.57 per d.u.	540	1176 dwelling units	11,255
Total Residential		2,544	7,330	70,147
C-1 Commercial	42 per 1000 sf	297	646 1000 sf	27,168
MU-C Mixed Use Commercial	42 per 1000 sf	166	361 1000 sf	15,185
NC Neighborhood Commercial	42 per 1000 sf	121	263 1000 sf	11,068
Total Commercial		584	1270	53,421
Industrial	6.97 per 1000 sf	472	499 1000 sf	3,478
Institutional	12.89 per 1000 sf	8	348 1000 sf	4,491
CVC Civic	1.6 per 1000 sf	18	27 1000 sf	1,861
MU-O Mixed Use Office	1.55 per 1000 sf	67	11 1000 sf	17
Total Others		565	885	9,847
TOTAL		3,766		100,720

34.03.110. External Trips.

The following regarding external trips:

1. The second type of trip that must be accounted for in estimating future roadway traffic conditions are external trips or pass-through trips. For the purposes of this study the number of trips having at least one trip end outside the city was estimated by examining the traffic data collected early in the study process.

2. Currently, based on census data, approximately 45% of people that live in Box Elder County work in some other nearby county. (This does not necessarily mean that 45% of trips leave the county or the study area, but it is likely to still be a high number due to the proximity of nearby metropolitan shopping and entertainment opportunities and the relative low provision of such amenities in Brigham City and other locations throughout the county.) It is anticipated however, that with future opportunities for shopping and employment in the city that this number will be much smaller. People that live in nearby county areas that travel through Perry to shop in Brigham or Weber County will no longer have to pass through Perry, but may become an internal trip, stopping in Perry for some of their shopping needs.

34.03.120. Future Roadway Network.

The following regarding future roadway networks:

1. Prior to assigning trips to the roadway network, a cursory evaluation of the existing network was made. Two factors will significantly influence traffic patterns given the existing barriers to traffic movement. There is only one major north/south arterial road through Perry that provides access to the US-91/I-15 Interchange and access to destinations to the south in Weber County. This would tend to focus a significant amount of traffic on US-89 even if operational characteristics deteriorate, due to the lack of alternate routes to access different areas of the city. For this reason a second north/south access road as suggested in the General Plan, by extending 1200 West, was assumed in the analysis to more evenly distribute traffic throughout the city.
2. Undeveloped areas of the city is assumed be constructed with a network of collector and local roadways. For this purpose a limited roadway network was understood based on locations for future connections as envisioned in the General Plan. This future roadway network represents key roadways, collector roadways as well as important local roadways, but does not attempt to assume full build-out of the local roadway system that would be constructed within each development.

34.03.130. Trip Assignment.

The following regarding trip assignments:

1. The number of trips determined earlier was proportionately divided among the 14 TAZs based on the estimated acreages shown in Table 3.1. This was done using professional judgment assigning some trips to each of several likely routes, while recognizing that not all trips will originate or be destined for the same point within any given zone.
2. Pass through trips were also added to the roadway network, assuming that these trips will use the most direct routes on the highest functionally classified roadway possible.
3. Once the total number of daily trips are estimated for any given roadway, an estimate of the peak hour trips must also be made because usually traffic operational analysis is performed at the intersection level for the worst hour of a typical weekday. It is anticipated that at 2030 conditions the peak hour will constitute 10% of the daily traffic. For purposes of this analysis, each link was evaluated and the PM peak hour volume for each direction of travel was estimated between 40 and 60% of the peak hour volume based on the position of the link in the network. The total average daily traffic volumes for 2030 conditions are shown in Figure 3.3.

34.03.130. Future Traffic Level-of-Service Analysis.

The following regarding future traffic level-of-service analysis:

1. A future level of service analysis was performed using the existing lane, intersection geometry and traffic control. Average daily traffic volumes shown in Figure 3.3 were compared to the

values for the various types of roadways in Table 2.2 and a corresponding LOS determined. The results of the LOS analysis for key roadways intersections are shown in Figures 3.4 for AM Peak and 3.5 for PM Peak.

2. As can be seen in Figures 3.4 and 3.5, the roadways with predicted levels of service below LOS C are:
    a. 2600 South/US-89 southbound, northbound and eastbound
    b. 2400 South/US-89 southbound, northbound and eastbound
    c. 2300 South/US-89 southbound, northbound and eastbound
    d. 2450 South/US-89 northbound
    e. 2700 South/US-89 northbound and westbound
3. The worse conditions occur during the PM Peak hour which is not unusual. Poor conditions also occur during the AM Peak as well primarily for northbound and southbound travel along US-89.

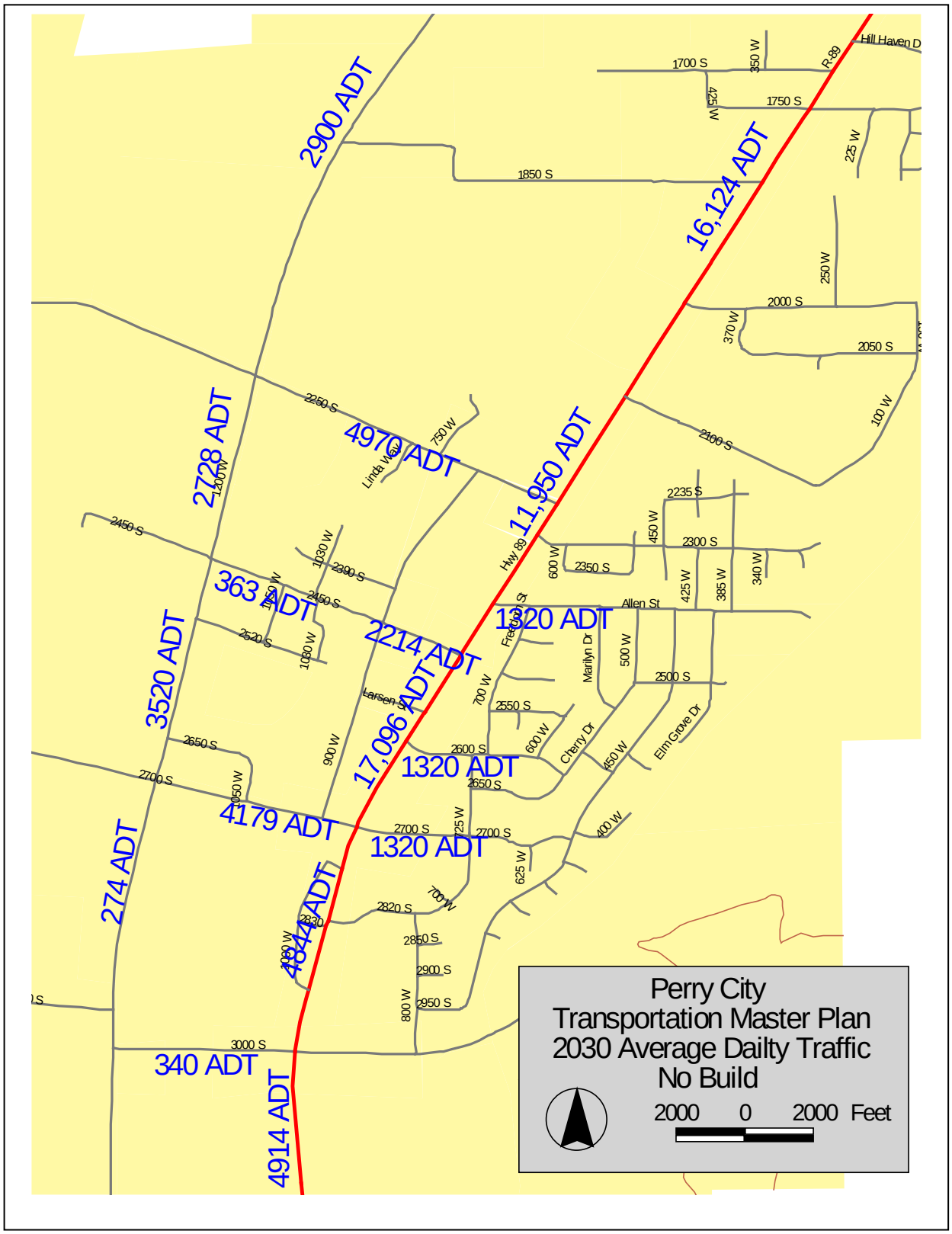


Figure 3.3 – 2030 ADT Volumes

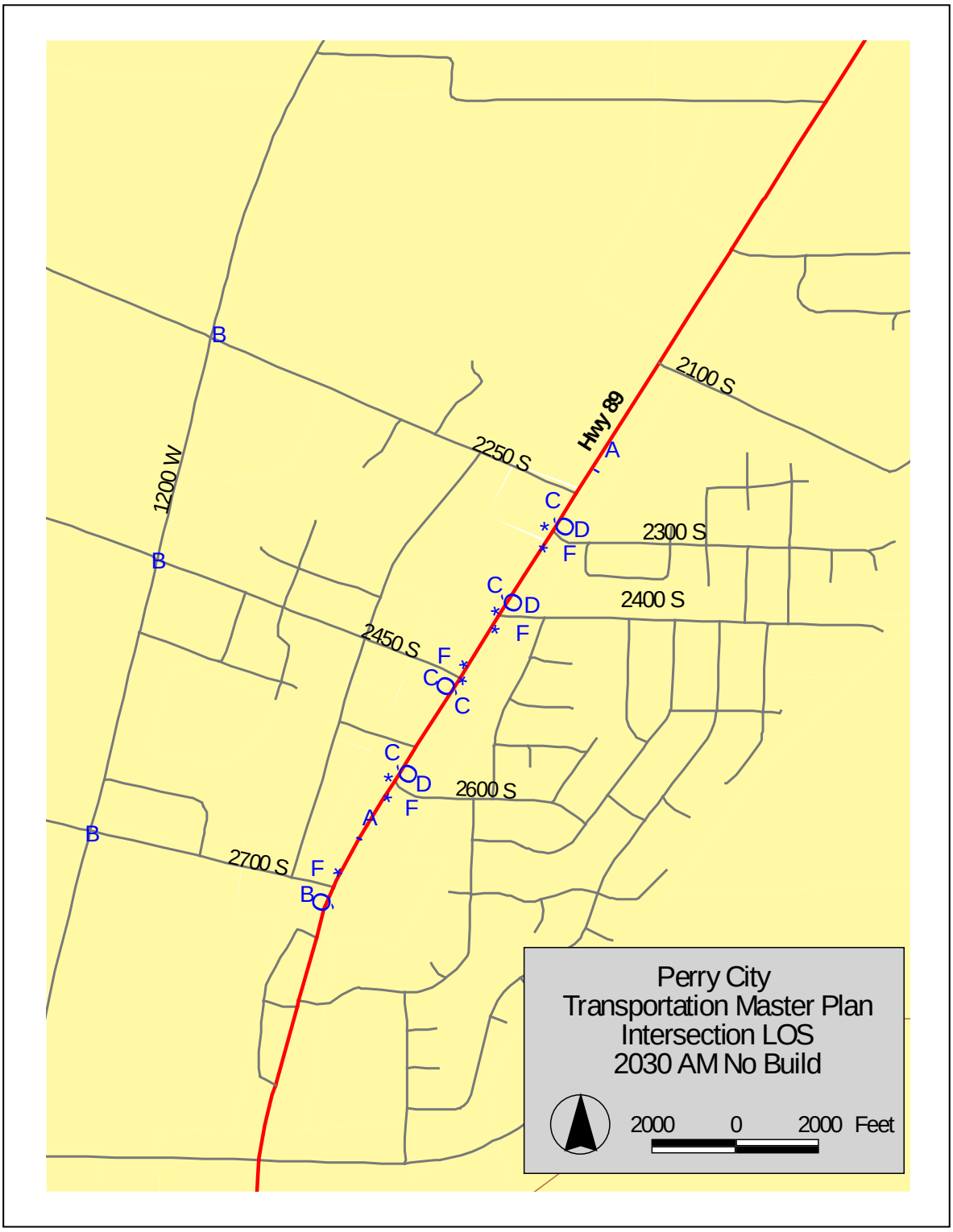


Figure 3.4 – 2030 AM Peak LOS

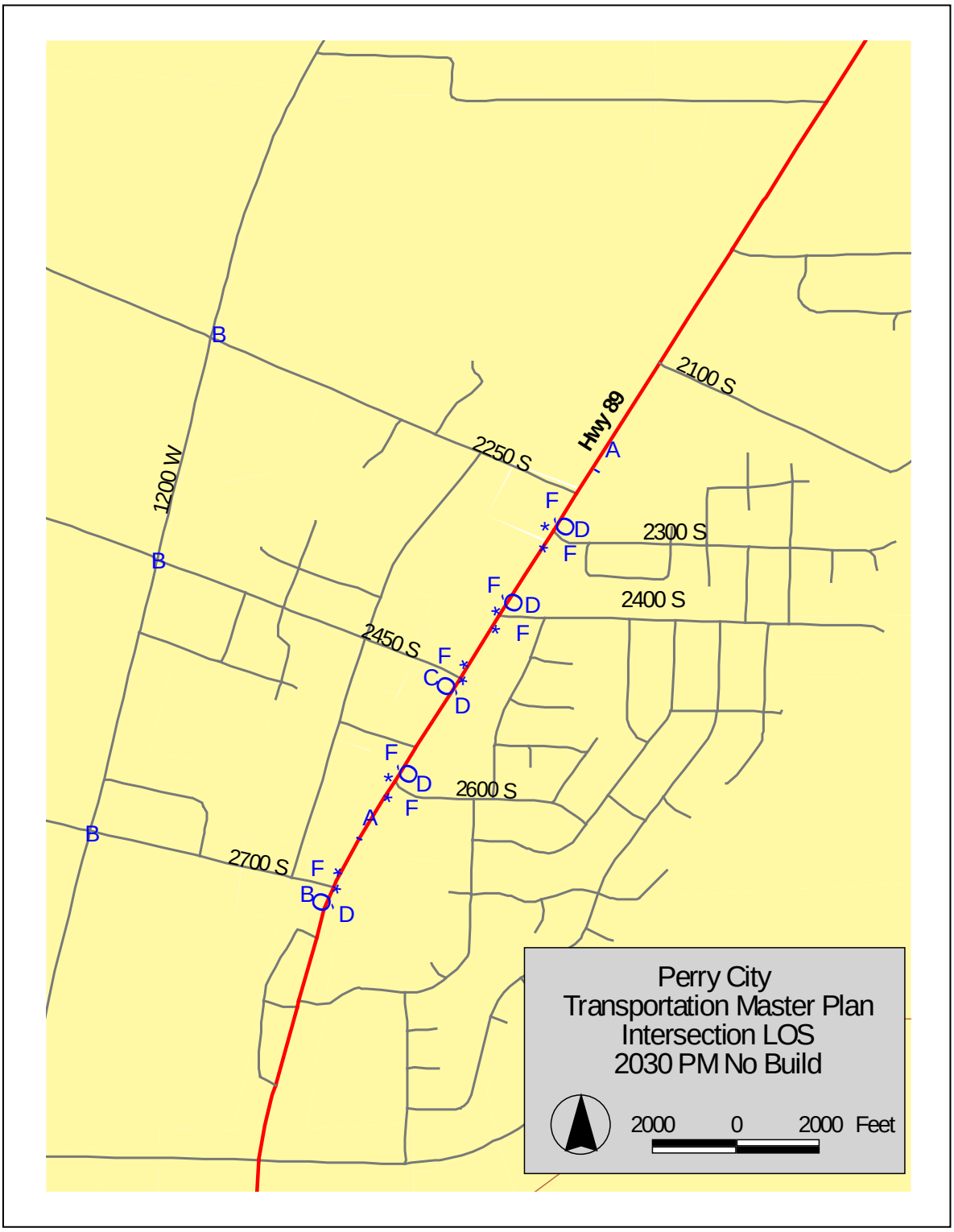


Figure 3.5 – 2030 PM Peak LOS

Chapter 34.04.
CAPITAL IMPROVEMENT PROGRAM

34.04.010. Purpose.

34.04.010. Purpose.

The following regarding capital improvement programs:

1. Based on the results of the traffic level of service analysis performed, a list of projects was prepared. In addition to the roadways shown as functioning at unacceptable levels of service, the Extension of 1200 West to US-91 is included in the list of projects due to the fact that it will serve a collector street function and provide relief for US-89.
2. In creating a list of projects, it is safe to assume that it is likely that intersections will be improved prior to the widening of roadways. In some cases relatively inexpensive treatments may be feasible that will temporarily address problems that arise at spot locations. Other intersections may require additional pavement to be constructed. Eventually, signalization of intersections may be required -- it should be noted that traffic signals are not installed based on a long range forecast of traffic volumes, a separate warrant analysis is conducted. Clearly, the future travel demand and additionally, the need for eastside and westside collector roads will become a priority. These roads should function to allow local traffic additional north and south access that will eventually distribute traffic along US-89 at different locations. A Westside collector such as 1200 West will allow traffic direct access to US-91 relieving US-89 of local traffic. A long term consideration for 1200 West is to extend it south to Willard. This will allow greater north/south access for local traffic.
3. It is recommended that each major development continue to be subject to safe engineering principles and that those most significant developments should be required to perform a site specific traffic impact analysis. For the purposes of this study it is assumed that each development will be required to construct appropriate roadways that connect to the existing roadway network, subject to City Planning Commission and/or City Council approval. Cost estimates for collector and arterial roadways consistent with the City typical street section standards shown in Figure 4.1, including curb, gutter and 4' sidewalks on each side of the roadway were developed. These costs do not include right-of-way. Right-of-way values should be appraised at the time when the city is negotiating with property owners for the property. Detailed assumptions for these cost estimates are included in the appendix.
4. A few of the anticipated roadway improvements are associated with US-89, therefore the Utah Department of Transportation will need to be involved, at least in a review capacity, if not financially as well. Impact fees may also contribute to intersection improvements along US-89 caused by development that contributes traffic to the roadway. In addition, to require that developments construct all roadways internal to their development (with appropriate connections to existing and future roadways), impact fees may be assessed to development that cause the need for off-site capacity improvements.
5. Although the order in which future development will occur is not known at this time, Table 4.1 was prepared to indicate a time period for each of the several projects needed to address anticipated roadway improvement needs. Certainly the order and intensity of future development will dictate the locations for specific improvement in the future. In order to assess impact fees for these projects, an estimate of the total traffic using the project area, as

well as the percentage of both new growth and internal traffic is included along with the estimated project cost.

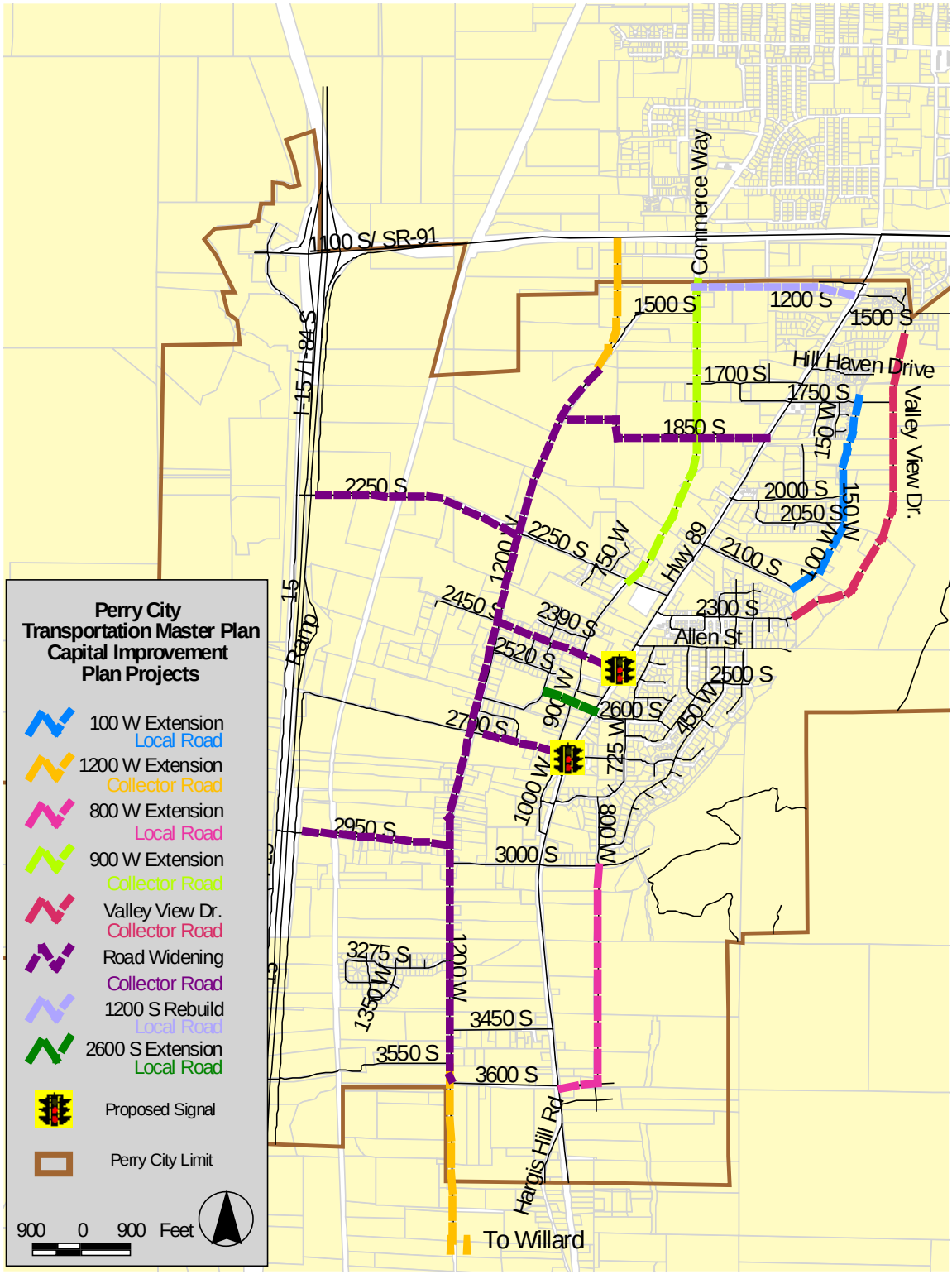


Figure 4.1 Capital Improvement Plan Recommendations

Table 4.1 – Capital Improvement Projects

Project Location	Recommended Improvement Type	From/To	Estimated 2030 Project Cost
2008 - 2013 Projects			
1200 West connection to US-91	Road extension	1700 S/SR-91	$230,000
1200 West	Road widening	1700 S/3000 S	$750,000
2450 South	Road widening	US-89/1200 W	$310,500
Canyon View Drive (100 West)	New Road/Extension	2100 S/1750 S	$310,000
1200 South	New Road	US-89/Commerce	$173,376
2600 South Extension	New Road	US-89/Linda Way	$110,000
Sub Total			**$1,990,500.00**
2013 - 2023 Projects			
2450 South/US-89	Intersection Traffic Signal	N/A	$350,000
2700 South/US-89	Intersection Traffic Signal	N/A	$350,000
2700 South	Road widening	US-89/1200 W	180,000
Park Street (900 West)	Road Extension	2250 S/1500 S	$527,000
East Side Connector/Valley View Dr.	New Road	1500 S/2300 S	$798,000
Sub Total			**$2,205,000.00**
Projects beyond 2023			
2950 South Extension/widening	Widening/extension	1200 W/I-15 Frontage	$310,000
2250 South	New Road/Extension	1200 W/I-15 Frontage	$441,000
1700 South	Road widening	US-89/1200 W	$390,000
800 West	New Road/Extension	3000 S/3600 S	$389,700
1200 West Extension South	New Road/Extension	3600 S/City Limit	$568,800
Sub Total			**$2,099,500.00**

Cost estimates do not include Right-of-way

Chapter 34.05.
CONCLUSION AND RECOMMENDATIONS

34.05.010. Purpose.
34.05.020. Interchange Evaluation.

34.05.010. Purpose.

As stated in the introduction, the purpose of this study was to identify anticipated future roadway improvement needed to accommodate growth and provide acceptable LOS and appropriate roadway classification to allow Perry City to properly plan and budget for essential existing and future transportation needs. The population of Perry is projected to more than double over the next 5-7 years, and potentially reach population of over 25,000 residents in the next 30 years. Therefore it is expected that traffic volumes will correspondingly increase in Perry. In order to project where the increased traffic will originate and which roads will be most affected and to what extent the roads will be affected, an analysis of several different factors is required. These contributing factors are as follows:

1. Land Development: It must be determined, based on the City's General Plan, where and how much of certain types of development will occur in the City.
2. Transportation Corridors: It needs to be determined where the traffic is going to be carried on the transportation network so that future improvements can be planned.

34.05.020. Interchange Evaluation.

The following regarding interchange evaluations:

1. In addition to identifying the anticipated future roadway improvements, the Perry City Planning Commission requested that an evaluation of a potential interchange located at 2950 South be conducted. This evaluation included consultation with FHWA and evaluation of existing policy. Each new access onto the interstate has to receive Federal Highway Administration approval through an interchange justification process. That justification process must identify the need for the interchange; that there are no surface street alternatives to the interchange; and that the interchange does not negatively impact the flow of traffic on the interstate. Approval of a new access to the interstate constitutes a federal action and as such requires full NEPA documentation. The existing policy is included in the Appendices. In addition to meeting the criteria identified in the FHWA interchange policy, additional concerns raised by FHWA include the proximity of the existing rest stop and port of entry. These would likely have to be relocated if an interchange were approved at this location to avoid the adverse affect of weaving from the on and off ramps.
2. This plan evaluated the condition of and identified the need for improvements to the existing and future transportation network. From that evaluation, a capital improvement project list was prepared based on a 25 year projection. The next step to implement capital improvement projects relies on funding. Perry City is currently in the process of developing an impact fee schedule for all new development to aid in the capital improvement costs.

Chapter 34.06.
APPENDICES

34.06.010. Appendix of Individual Project Cost Quantities.
34.06.020. Additional Interchanges to the Interstate System.
34.06.030. Summary, Date, and Further Information.
34.06.040. Supplementary Information.
34.06.050. Summary of Changes.
34.06.060. Policy.
34.06.070. Application.
34.06.080. Implementation.
34.06.090. Policy Statement Impact.

34.06.010. Appendix of Individual Project Cost Quantities.

The following appendix for individual project cost quantities:

Individual Project Cost Quantities					
1200 West Widening					
curb & Gutter	linear feet	15000	$14.00		$210,000.00
Sidewalk	linear feet	15000	$14.00		$210,000.00
widening street	square feet	0	$1.75		$0
overlay/rebuild	square feet	330000	$1.00		$330,000.00
				Sub-total	**$750,000.00**
1200 West to South City Limit					
curb & Gutter	linear feet	15800	$14.00		$221,200.00
Sidewalk	linear feet		$14.00		
widening street	square feet		$1.75		
New build	square feet	347600	$1.00		$347,600.00
				Sub-total	**$568,800.00**
1200 West to US-91					
curb & Gutter	linear feet	4600	$14.00		$64,400.00
Sidewalk	linear feet	4600	$14.00		$64,400.00
widening street	square feet	0	$1.75		$0
New build	square feet	101200	$1.00		$101,200.00
					$230,000.00
				Sub-total	
East Side Connector					
curb & Gutter	linear feet	12000	$14.00		$168,000.00
Sidewalk	linear feet	12000	$14.00		$168,000.00
widening street	square feet	264000	$1.75		$462,000.00
New build	square feet	0	$1.00		$0
				Sub-total	**$798,000.00**
1200 South					
curb & Gutter	linear feet	2408	$14.00		$33,712.00
Sidewalk	linear feet	2408	$14.00		$33,712.00

widening street	square feet	0	$1.75		$0
New build	square feet	105952	$1.00		$105,952.00
				Sub-total	**$173,376.00**
2450 South					
curb & Gutter	linear feet	4600	$14.00		$64,400.00
Sidewalk	linear feet	4600	$14.00		$64,400.00
widening street	square feet	46000	$1.75		$80,500.00
overlay/rebuild	square feet	101200	$1.00		$101,200.00
				Sub-total	**$310,500.00**
2250 South					
curb & Gutter	linear feet	8820	$14.00		$123,480.00
Sidewalk	linear feet	8820	$14.00		$123,480.00
widening street	square feet	0	$1.75		$0
overlay/rebuild	square feet	194040	$1.00		$194,040.00
				Sub-total	**$441,000.00**
2600 South					
curb & gutter	linear feet	2200	$14.00		$30,800.00
Sidewalk	linear feet	2000	$14.00		$30,800.00
widening street	square feet	0	$1.75		$0
New build	square feet	48400	$1.00		$48,400.00
				Sub-total	**$110,000**
900 West					
curb & gutter	linear feet	10540	$14.00		$147,560.00
Sidewalk	linear feet	10540	$14.00		$147,560.00
widening street	square feet	0	$1.75		$0
overlay/rebuild	square feet	231880	$1.00		$231,880.00
				Sub-total	**$527,000.00**
100 West					
curb & gutter	linear feet	6200	$14.00		$86,800.00
Sidewalk	linear feet	6200	$14.00		$86,800.00
widening street	square feet		$1.75		$0
New build	square feet	136400	$1.00		$136,400.00
				Sub-total	**$310,000.00**
800 West					
curb & gutter	linear feet	7794	$14.00		$109,116.00
Sidewalk	linear feet	7794	$14.00		$109,116.00
widening street	square feet		$1.75		$0
New build	square feet	171468	$1.00		$171,468.00
				Sub-total	**$389,700.00**
1700 South					
curb & gutter	linear feet	7800	$14.00		$109,200.00
Sidewalk	linear feet	7800	$14.00		$109,200.00
widening street	square feet		$1.75		$0
overlay/rebuild	square feet	171600	$1.00		$171,600.00
				Sub Total	**$390,000.00**
2950 South					

curb & gutter	linear feet	6200	$14.00		$86,800.00
Sidewalk	linear feet	6200	$14.00		$86,800.00
widening street	square feet		$1.75		$0
Rebuild	square feet	136400	$1.00		$136,400.00
				Sub-total	**$310,000.00**
2700 South					
curb & gutter	linear feet	3600	$14.00		$50,400.00
Sidewalk	linear feet	3600	$14.00		$50,400.00
widening street	square feet	0	$1.75		
overlay/rebuild	square feet	79200	$1.00		$79,200.00
				Sub-total	**$180,000.00**
Total Quantities					
Curb & Gutter	linear feet	112,202	$14.00		$1,570,828.00
Sidewalk	linear feet	96,402	$14.00		$1,349,628.00
Widening Street	square feet	494,800	$1.75		$865,900.00
Overlay / Rebuild	square feet	2,204,444	$1.00		$2,204,444.00
				Total Cost	**$ 5,488,376.00**

34.06.020. Additional Interchanges to the Interstate System.

The following information regarding the sources for additional interchanges to the interstate system:

1. Federal Register: February 11, 1998 (Volume 63, Number 28)
2. Notices
3. Page 7045-7047
4. From the Federal Register Online via GPO Access
5. DOCID:fr11fe98-120
   a. DEPARTMENT OF TRANSPORTATION
   b. Federal Highway Administration
   c. Additional Interchanges to the Interstate System
   d. AGENCY: Federal Highway Administration (FHWA), DOT.
   e. ACTION: Notice of policy statement.

34.06.030. Summary, Date, and Further Information.

The following regarding the summary, date, and further information of this Chapter:

1. This document issues a revision of the FHWA policy statement regarding requests for added access to the existing Interstate system. The policy includes guidance for the justification and documentation needed for requests to add access (interchanges and ramps) to the existing Interstate System. The policy statement was originally issued in the Federal Register on October 22, 1990 (55 FR 42670).
2. The effective date of this policy is February 11, 1998.
3. For Further Information Contact: Mr. Seppo I. Sillan, Federal-Aid and Design Division, Office of Engineering, (202) 366-0312, or Mr. Wilbert Baccus, Office of Chief Counsel, (202) 366-0780, Federal Highway Administration, 1200 New Jersey Avenue SE,

Washington DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., e.t., Monday through Friday, except Federal holidays.

34.06.040. Supplementary Information.

The following supplementary information for this Title:

1. Background: Section 111 of title 23, U.S.C., provides that all agreements between the Secretary and the State highway department for the construction of projects on the Interstate System shall contain a clause providing that the State will not add any points of access to, or exit from, the project in addition to those approved by the Secretary in the plans for such project, without the prior approval of the Secretary. The Secretary has delegated the authority to administer 23 U.S.C. 111 to the Federal Highway Administrator pursuant to 49 CFR 1.48(b)(10). A formal policy statement including guidance for justifying and documenting the need for additional access to the existing sections of the Interstate System was published in the Federal Register on October 22, 1990 (55 FR 42670).
2. The FHWA has adopted the AASHTO publication "A Policy on Design Standards--Interstate System" as its standard for projects on the Interstate System. This publication provides that access to the Interstate System shall be fully controlled by constructing grade separations at selected public crossroads and all railroad crossings. Where interchanges with selected public crossroads are constructed, access control must extend the full length of ramps and terminals on the crossroad.

34.06.050. Summary of Changes.

The following summary of changes:

1. The changes in the policy statement are being made to reflect the planning requirements of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA, Pub. L. 102-240) as implemented in 23 CFR part 450, to clarify coordination between the access request and environmental processes, and to update language at various locations. The following specific revisions are made to the existing policy statement:
2. An additional sentence is added to item 5 under "Policy" that ensures requests for new or revised access are consistent with 23 CFR part 450 and 40 CFR parts 51 and 93.
3. Text in item 5 pertaining to future interchange additions has been moved to item 6 because it covers a different subject.
4. Item 6 is re-designated as item 7.
5. A new item 8 is added so that those reviewing the access request have the information necessary to process the request.
6. The fifth paragraph under "Application" is revised to clarify coordination with the environmental process.
7. The revised policy statement also includes various editorial changes to enhance clarity and readability. The revised policy statement is as follows:

34.06.060. Policy.

The following regarding policy:

1. It is in the national interest to maintain the Interstate System to provide the highest level of service in terms of safety and mobility. Adequate control of access is critical to

providing such service. Therefore, new or revised access points to the existing Interstate System should meet the following requirements:

2. The existing interchanges and/or local roads and streets in the corridor can neither provide the necessary access nor be improved to satisfactorily accommodate the design-year traffic demands while at the same time providing the access intended by the proposal.
3. All reasonable alternatives for design options, location and transportation system management type improvements (such as ramp metering, mass transit, and HOV facilities) have been assessed and provided for if currently justified, or provisions are included for accommodating such facilities if a future need is identified.
4. The proposed access point does not have a significant adverse impact on the safety and operation of the Interstate facility based on an analysis of current and future traffic. The operational analysis for existing conditions shall, particularly in urbanized areas, include an analysis of sections of Interstate to and including at least the first adjacent existing or proposed interchange on either side. Crossroads and other roads and streets shall be included in the analysis to the extent necessary to assure their ability to collect and distribute traffic to and from the interchange with new or revised access points.
5. The proposed access connects to a public road only and will provide for all traffic movements. Less than "full interchanges" for special purpose access for transit vehicles, for HOV's, or into park and ride lots may be considered on a case-by-case basis. The proposed access will be designed to meet or exceed current standards for Federal-aid projects on the Interstate System.
6. The proposal considers and is consistent with local and regional land use and transportation plans. Prior to final approval, all requests for new or revised access must be consistent with the metropolitan and/or statewide transportation plan, as appropriate, the applicable provisions of 23 CFR part 450 and the transportation conformity requirements of 40 CFR parts 51 and 93.
7. In areas where the potential exists for future multiple interchange additions, all requests for new or revised access are supported by a comprehensive Interstate network study with recommendations that address all proposed and desired access within the context of a long-term plan.
8. The request for a new or revised access generated by new or expanded development demonstrates appropriate coordination between the development and related or otherwise required transportation system improvements.
9. The request for new or revised access contains information relative to the planning requirements and the status of the environmental processing of the proposal.

34.06.070. Application.

The following regarding application of this Title:

1. This policy is applicable to new or revised access points to existing Interstate facilities regardless of the funding of the original construction or regardless of the funding for the new access points. This includes routes incorporated into the Interstate System under the provisions of 23 U.S.C. 139(a) or other legislation.
2. Routes approved as a future part of the Interstate system under 23 U.S.C. 139(b) represent a special case because they are not yet a part of the Interstate system and the policy contained herein does not apply. However, since the intention to add the route to

the Interstate system has been formalized by agreement, any proposed access points, regardless of funding, must be coordinated with the FHWA Division Office. This policy is not applicable to toll roads incorporated into the Interstate System, except for segments where Federal funds have been expended, or where the toll road section has been added to the Interstate System under the provisions of 23 U.S.C. 139(a).

3. For the purpose of applying this policy, each entrance or exit point, including "locked gate" access, to the mainline is considered to be an access point. For example, a diamond interchange configuration has four access points.
4. Generally, revised access is considered to be a change in the interchange configuration even though the number of actual points of access may not change. For example, replacing one of the direct ramps of a diamond interchange with a loop, or changing a cloverleaf interchange into a fully directional interchange would be considered revised access for the purpose of applying this policy.
5. All requests for new or revised access points on completed Interstate highways must be closely coordinated with the planning and environmental processes. The FHWA approval constitutes a Federal action, and as such, requires that the National Environmental Policy Act (NEPA) procedures are followed. The NEPA procedures will be accomplished as part of the normal project development process and as a condition of the access approval. This means the final approval of access cannot precede the completion of the NEPA process. To offer maximum flexibility, however, any proposed access points can be submitted in accordance with the delegation of authority for a determination of engineering and operational acceptability prior to completion of the NEPA process. In this manner, the State highway agency can determine if a proposal is acceptable for inclusion as an alternative in the environmental process. This policy in no way alters the current NEPA implementing procedures as contained in 23 CFR part 771.
6. Although the justification and documentation procedures described in this policy can be applied to access requests for non-Interstate freeways or other access controlled highways, they are not required. However, applicable Federal rules and regulations, including NEPA procedures, must be followed.

34.06.080. Implementation.

The FHWA Division Office will ensure that all requests for new or revised access submitted by the State highway agency for FHWA consideration contain sufficient information to allow the FHWA to independently evaluate the request and ensure that all pertinent factors and alternatives have been appropriately considered. The extent and format of the required justification and documentation should be developed jointly by the State highway agency and the FHWA to accommodate the operations of both agencies, and should also be consistent with the complexity and expected impact of the proposals. For example, information in support of isolated rural interchanges may not need to be as extensive as for a complex or potentially controversial interchange in an urban area. No specific documentation format or content is prescribed by this policy.

34.06.090. Policy Statement Impact.

The policy statement, first published in the Federal Register on October 22, 1990 (55 FR 42670), describes the justification and documentation needed for requests to add or revise access to the existing Interstate System. The revisions made by this publication of the policy statement reflect

the planning requirements of the ISTEA as implemented in 23 CFR part 450, clarify coordination between the access request and environmental processes, and update language at various locations. The States will have to take these factors into consideration when making future requests for new or revised access points, but the overall effort necessary for developing the request will not be significantly increased.

Legislative History

12/11/08- New numbering system and codified into 2008 Perry City Municipal Code.

Title 35, A General Plan and Related Elements
CULINARY WATER CAPITAL FACILITIES PLAN

Chapter 35.01. Overview of The Perry City Culinary Water System Capital Facilities Plan
Chapter 35.02. Existing System Evaluation
Chapter 35.03. Future System Evaluation
Chapter 35.04. Finance Element: Funding of Future Culinary Water Facilities

Chapter 35.01.

Overview of The Perry City Culinary Water System Capital Facilities Plan

35.01.010 Purpose of a Capital Facilities Plan

35.01.100 Need for a Capital Facilities Plan
35.01.110 Demand Analysis.
35.01.120 Financing Options.

35.01.200 Noticing and Adoption Requirements – 11-36-202.

35.01.300 System Overview.
35.01.310 Water Resources.
35.01.320 Conveyance System
35.01.330 Other Facilities
35.01.340 Future Water Source / Supply
35.01.350 Water Storage
35.01.360 Distribution System

35.01.010 Purpose of a Capital Facilities Plan.

The purpose of this Capital Facilities Plan (CFP) is to identify existing system deficiencies (if any), the increased demands placed upon the City's existing culinary water facilities by future development and to evaluate how these deficiencies and future demands will be met by the City. The CFP is also intended to outline which improvements which may be funded through impact fees.

35.01.100 Need for a Capital Facilities Plan.

According to the Impact Fees Act, local political subdivisions with populations or serving populations of more than 5,000 as of the last federal census must prepare a Capital Facilities

Plan. Although Perry had a population of less than 5,000 as of the 2000 Federal Census, the City has elected to prepare this comprehensive capital facilities plan for culinary water infrastructure to ensure adequate planning for future growth. Local governments must pay strict attention to the required elements of the Capital Facilities Plan which are enumerated in the Impact Fees Act. The following elements must be discussed in the CFP before a local political subdivision can legally commence public notice and adopt the CFP.

35.01.110 Demand Analysis.

The CFP must consider the level of service which is provided to a community's existing residents and ensure that future facilities meet these standards. The unit of measurement varies depending on which public facility is discussed. For example, the demand on culinary water improvements may be measured in terms of ERUs demanded. The CFP is also required to include a clear nexus between estimated future demand and the proposed capital facilities required to be constructed or acquired to meet the future demand.

35.01.120 Financing Options.

The CFP must also include a consideration of all revenue sources, including impact fees, which may be used to finance system improvements.[1] In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.[2]

35.01.200 Noticing and Adoption Requirements – 11-36-202.

The Impact Fees Act requires that any entity within a first- or second-class county provide written notice of its intent to prepare or modify any CFP. Because Box Elder County is classified as a second-class County, Perry must meet this requirement.

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If an entity prepares an independent CFP rather than include a capital facilities element in the general plan, the actual CFP must be adopted by enactment. Before the CFP can be adopted, a reasonable notice of the public hearing must be published in a local newspaper at least 14 days before the actual hearing. A copy of the proposed CFP must be made available to the public during the 14-day noticing period for public review and inspection. Copies must be posted in at least three designated public places which may include the City offices and each public library within the City's jurisdiction.

Following the 14-day noticing period, a public hearing will be held, after which the City Council may adopt, amend and adopt, or reject the proposed CFP. Following the adoption, Utah Code Section 10-3-711 and 712 requires that a summary of the enactment be published in order for the enactment to become effective.

[1] 11-36-201(3)
[2] 11-36-201(4)

35.01.300 System Overview.

The Perry City Water System supplies water to the inhabitants and businesses within Perry City limits. Most of this water is treated and used for non-irrigation purposes. Pineview Water supplies pressurized irrigation water to most of the city and plans to serve the entire city upon build out. The Perry system is bounded on the south by the Willard City system, on the north by the Brigham City system, on the east by mountains and on the west by the great salt lake wetlands, thus, expansion of the system beyond current city boundaries is not anticipated. Individual elements of the system are as follows:

35.01.310 Water Resources.

Perry's water system is supplied by one spring and four wells. The spring is Stokes Springs located southwest of Evans Canyon and east of the Ogden-Brigham Canal. The wells are located on 2400 South, 2700 South and approximately 1760 South. These sources supply a maximum flow rate of 1,990 gallons per minute.

In addition to culinary water, Perry City is served by Pineview Secondary Water System. Water is delivered by a canal along the east bench to several reservoirs where it enters the pressurized distribution system. This system is reliable and the entity is committed to serving the whole city through build out, thus outdoor water demand was neglected for this plan.

35.01.320 Existing Water Demand.

All connections to the water system are equated to Equivalent Residential Units (ERU). A typical residence is considered to be 1 ERU, while a school, church, or other large user would be some multiple of an ERU based upon usage records. Currently there are 1,481 ERUs in the system.

Using usage records and information from city personnel it has been determined that the peak day demand is 1.2 million gallons per day and the peak instantaneous demand is 1,136 gallons per minute.

35.01.330 Future Water Demand.

The future demand is found assuming the condition where all remaining land (except sewer ponds and environmentally sensitive areas) within city boundaries will be developed at a density consistent with the city's land use map. This scenario is referred to as "build out". Build out also includes infill development in established sections of town.

At the build out condition, there will be approximately 7,760 ERUs resulting in a peak day demand of 6.29 million gallons per day and a peak instantaneous demand of 6,120 gallons per minute.

35.01.340 Future Water Source / Supply.

Current sources can only supply 41% (or 2.61 million gallons per day) of the required 6.29 million gallons per day. It is apparent that new sources of water will need to be developed. If current population projections and flow rate assumptions hold true, it appears that the existing water sources will be adequate until approximately 2015. Additional sources would likely come from rehabilitating an agricultural well owned by the city as well as developing new wells.

35.01.350 Water Storage.

Perry City currently has a total storage capacity of 1.65 million gallons located in three reservoirs. Current storage requirements are 592 thousand gallons for equalization, 420 thousand gallons for fire suppression and 600 thousand gallons for emergency, totaling 1.61 million gallons. It is apparent that additional storage will be needed in 2007 or 2008 to stay ahead of the amount required.

At the build out condition, approximately 6.67 million gallons of storage will be needed. This includes 3,104 thousand gallons for equalization, 420 thousand gallons for fire suppression and 3,144 thousand gallons for emergency.

35.01.360 Distribution System.

The existing distribution system consists of several different pipe materials including PVC, steel and cast iron (some lead joint). There are two Pressure Reducing Valves (PRV) and three Pressure Sustaining Valves (PSV) effectively creating three to four pressure zones depending on the flow condition.

Currently there are no distribution deficiencies except for the need for a redundant loop on the northeast corner of the city (200 West). The distribution system will need to be upgraded through build out due to additional demands placed on it by development. This will consist of line upsizing, transmission lines, PSVs and PRVs.

Chapter 35.02.
Existing System Evaluation

35.02.100 Existing Demand

35.02.200 Existing Water Sources / Supply

35.02.300 Existing Storage

35.02.400 Existing Distribution System

35.02.100 Existing Demand.

1. Existing demand is calculated to determine existing deficiencies in the City's water system. To do this, the existing demand is input into the water model and various scenarios of flow conditions are evaluated. From these scenarios, areas of low pressure or flow deficiencies are discovered.

2. A standard residential unit is the basic unit used for calculating demand on the system. Water users that differ from a basic residential unit are considered to be some multiple of a residential unit depending on the expected water use. Commercial connections are estimated from water usage records and other available data to convert to Equivalent Residential Units (ERU). The ERUs are summed for each demand region and the city as a whole.

3. There are 1,237 existing residential connections. These are single family or multiple family residential structures. Based on water use records commercial demands have been converted to ERUs. These commercial and industrial connections total 244 ERUs. Total existing equivalent residential connections, including residential, multi-family, small and large commercial and industrial users, calculated for the year 2006 is 1,481.

4. Currently there are a very small number of connections in the city that are not served by pressurized secondary water. The local supplier of secondary water is working to serve the area and has committed to serving the whole city through build out. For this to happen however, the city must require developments to provide secondary water. Developments must also provide the required water shares / rights for secondary water. For this reason, all demands are considered to be indoor use and all modeling was done based on this assumption.

5. Several types of demand are used for water modeling. The peak instantaneous demand is used in the water model. The peak instantaneous demand is calculated from the average summer day demand multiplied by a factor to get to the peak day demand. The peak day

demand is then multiplied by a factor to get to the peak hour, or peak instantaneous demand. This is the highest demand the system will experience, and consequently the demand used for modeling of the distribution system, while the peak day demand was used in evaluating storage requirements.

6. Guidelines established by the State of Utah estimate peak day demand (the highest 24-hour period of the year) for indoor and outdoor as discussed below.

   Peak Day – State of Utah Formula (Indoor Use)

   800 gpd/connection X 1,481 ERUs = 1,184,800 gallons per day
   = 823 gallons per minute

7. A second approach taken to arrive at the peak day demand is to start from an average day's demand and apply a reasonable factor. From a sampling of 2005 usage records, an average demand for a residence is 0.26 gpm. These flow rates were applied to the appropriate demand regions and a factor of 2.14 was applied to get to the peak day demand. This demand is 810 gpm. This approach is backed up by anecdotal evidence supplied by city personnel suggesting that on a peak day in the summer, their sources supply about 1.2 million gallons (~810 gpm) to the system.

8. The instantaneous peak (peak hour of the peak day) was obtained by applying a higher factor of 3.00. The .26 gpm multiplied by 3.00 and applied over the entire system gives the instantaneous peak of 1136 gpm. This is the demand that was used in the existing model to analyze current pipe sizes, service pressures, and residual pressures from fire flow demands.

9. This second approach is more reliant upon actual flows observed and therefore was used in the existing model to assess current pipe sizes, service pressures, and residual pressures from fire flow demands.

35.02.200 Existing Water Sources / Supply.

1. Water is supplied to the system by one spring and 4 wells. The city also owns an agricultural well which is currently used to irrigate an orchard. The agricultural well would need to be rehabilitated in order to be used by the system.

2. Flows from Stokes Springs vary throughout the year with a spring high of approximately 130 gpm and an approximate summertime rate of 90 gpm. This 90 gpm was used for determining source capacity.

3. The four wells that supply the system when demand exceeds the supply of Stokes Springs are: Well #1, Well #2, Anderson Well #3, and East Bench Well #4. The combined

(rated) flow rate of all four wells together is 1,900 gpm. The flow rate of the agricultural well is 800 gpm.

4. Thus, the combined possible flow rate on the peak day is 1,990 gpm. As mentioned, the current peak day demand is 810 gpm. An investigation of the city's water rights reveals that they have water rights of 3,128 gpm (including the agricultural well).

35.02.300 Existing Storage.

1. Water storage provides a reserve to compensate for varying demand as a result of time of day. It also provides the emergency storage needed for the large demands placed on the system as the result of fire fighting efforts or line breaks.

2. Some water systems have emergency interconnections with neighboring systems. Perry has a six inch line on the north side of town that interconnects with Brigham City Water System.

3. Existing storage capacity is 2.65 million gallons. That capacity is distributed as follows:

   - North Bench - 1,000,000 gallons
   - South Bench - 300,000 gallons
     350,000 gallons

4. Storage can be divided into three categories.

   - Equalization storage volume - to satisfy peak hour demands.
   - Fire storage volume - to provide fire-fighting water.
   - Emergency storage volume - to meet emergency demands in the event of some type of system failure. In discussions with city personnel, it has been decided that since the system is relatively reliable, 50% of peak day demand would be adequate.

   a. <u>Required Equalization Storage – State of Utah</u>

      Indoor Use

      <u>Existing</u>
      400 gal/ERU X 1,481 ERUs = 592,400 gallons

   b. <u>Identified Fire Storage</u>

      <u>Existing</u>
      3,500 gpm for 2 hours = 420,000 gallons

c. Identified Emergency Storage

Existing
53% =637,600 gallons

35.02.400 Existing Distribution System.

1. The distribution level of service is based upon a review of fire flow demands for various areas and structures as well as the capacity of the system. Target fire flows were assumed based upon previous experience. A fire flow analysis consisting of the peak hour and fire flow demands was performed in the model near large water users and such places as schools, churches, and industry. Fire flow is in addition to peak hour demand.

2. It was found that except for the highest elevation areas of the city, fire flows are adequate. The high elevation areas of the city were developed before current state laws for pressure and fire flow were implemented. Agreements were made between the developer and the city as to the amount of pressure that would be supplied to the areas.

3. Actual fire flow tests were performed in the field in October 2006. The hydraulic model was calibrated using those flows.

4. Assumptions for required fire flow included 1,000 gpm for residential areas, 2,000 gpm for churches and commercial areas, and 3,500 gpm for Wal-Mart and industrial areas. It is difficult to predict where future schools, churches and other structures commonly found in residential areas will develop. These types of water users will have a higher fire flow demand than a typical home, so the distribution system capacity will need to be evaluated at that time.

Chapter 35.03.
Future System Evaluation*

35.03.100. Future Demand

35.03.200 Future Water Sources / Supply

35.03.300 Future Storage

35.03.400 Future Distribution System

35.03.100 Future Demand.

Future demands on the system will occur in sections of the city already developed and in currently undeveloped areas. All areas of future demand are assumed to have pressure irrigation available.

Future demands are calculated by multiplying the gross acreage in a future demand region (currently undeveloped area) by a density factor that represents ERUs per acre at build-out. Additional demands are placed in partially developed areas to account for "in-fill" as neighborhoods mature. All of these new demands are added to existing demands to simulate a build out scenario.

It is estimated that, using the above procedure, future development will result in 6,279 new equivalent residential units. When added to the 1,481 existing equivalent residential connections, the resulting number of equivalent residential units at build-out will be 7,760.

The assumption has been made that future demand characteristics will be similar to current patterns for similar land uses. Total future water demand at build out is estimated to be 4,366 gpm for Peak Day.

35.03.200 Future Water Sources / Supply.

Based upon projected growth rates for Perry, the existing sources will be adequate until somewhere near the year 2015. This assumes the projected growth rates are not exceeded, that the existing wells can pump at the current rate when needed, and that the springs continue to produce at or above the yields shown above.

Due to the difference between current source capacity and future peak day demand (4,366 gpm – 1,990 gpm = 2,376 gpm), additional sources will need to be identified. The city has plans to rehabilitate their agricultural well and bring it online when needed. Other additional sources could result from developing new sources and conservation efforts.

Additional water rights will also need to be aquired (4,366 gpm – 3,128 gpm = 1,238 gpm).

*Detailed cost estimates for all future improvements can be found in the appendix

35.03.300 Future Storage.

Future storage requirements are again threefold, equalization, fire suppression and emergency. Future equalization requirements are calculated per state law. Fire storage assumes that the current 3,500 gpm for two hours is adequate. Also, since the city has an interconnection with Brigham City's water supply, they are comfortable with having only 50% of peak day demand as emergency storage. This means that they are currently very near capacity for storage. Additional storage needs to be constructed within the very near future to provide the desired protection.

Required Equalization Storage – State of Utah

Indoor Use

Existing
400 gal/ERU X 7,760 ERUs = 3,104,000 gallons

Identified Fire Storage

Existing
3,500 gpm for 2 hours = 420,000 gallons

Identified Emergency Storage

Existing
50% =3,143,822 gallons

This is a total of 6.67 million gallons of storage required at build out. This equates to the need for 5 million more gallons of storage. It is proposed that all 5 million gallons of storage be built at the same elevation as the existing south bench storage. In order to better serve the south end of the community, it is suggested that two 1.5 million gallon tanks should be built closer to the south end of the city. The remaining 2 million gallons required could be built as two 1 million gallon tanks near the north end of the city.

35.03.400 Future Distribution System.

As Perry grows, much of the growth will be on the south and west sides of existing development. Since all of the storage will be contained on the east side of the city, improvements will be necessary to convey water across highway 89 and out to the west side of Perry.

Currently there are three Pressure Sustaining Valves (PSV) where the distribution system crosses Hwy. 89. These PSVs restrict flow across the highway in order to maintain a minimum pressure at the higher elevation parts of the system. As the west side of the city develops, additional crossings and related PSV valves will need to be installed. An alternative to the PSV valves would be to reconfigure / develop an additional pressure zone for the upper elevation areas thus eliminating the need for the PSVs. Under this scenario, one of the future storage tanks would need to be placed at a higher elevation to create a new pressure zone.

Additional distribution upgrades include the following. Transmission lines would need to be installed to convey water from new storage tanks to the distribution system. If significant growth on the west side of I-15 does indeed occur, another feeder would need to be installed at 2950 South and go under the interstate highway. As the industrial zone develops between the railroad tracks and I-15, an additional loop will be needed near the south end of the industrial area to accommodate the high fire flows that are required for some industries.

Areas of future development have been modeled in a general way only. A simple grid system consisting of 8” pipes was modeled with the build out demands being applied. It is anticipated that the 8” waterlines will be installed as part of the development and that 8” will be the minimum size for most developments. It is recommended that a minimum pipe size of 10” be required in the industrial zone between the railroad tracks and I-15 due to the narrowness of the area and associated probable lack of looping.

Chapter 35.04.
Finance Element: Funding of Future Culinary Water Facilities

35.04.100 Impact Fee Revenues

35.04.200 Impact Fee Credits

35.04.100 Impact Fee Revenues

Impact fees have become an ideal mechanism for funding growth-related infrastructure. Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing level of service. Increases to an existing level of service cannot be funded with impact fee revenues.

Impact fee revenues are the main source of funding for the future culinary water capital facilities. The projects are 100 percent growth related, so 100 percent of the costs will be qualified to be funded through impact fees. The timing of the culinary water projects can lead to large costs to the City in any given year. In order to offset these costs bonding may be a method in which the City is able to pay for the projects without using other revenue sources such as property taxes. The timing and costs of culinary water capital projects are found in table 4.1. In the case that the City decides to used culinary water bonds to finance its capital projects tables 4.2 and 4.3 show the principle borrowed at an interest rate of 5 percent. The bond financing costs will be recovered by culinary water impact fees.

TABLE 4.1: CULINARY WATER TIMING AND COSTS

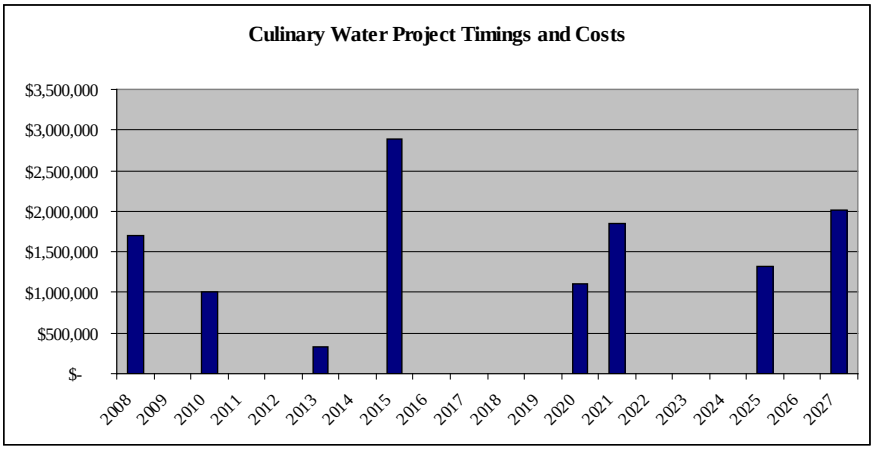

TABLE 4.2: SERIES 2009 CULINARY WATER BOND

Principle	$ 2,720,013
Interest	5.0%

Year	Payment	Interest	Principle	Remaining Principle
2010	($218,260.91)	$ 136,001	$ 82,260	$ 2,637,753
2011	($218,260.91)	131,888	86,373	2,551,380
2012	($218,260.91)	127,569	90,692	2,460,688
2013	($218,260.91)	123,034	95,227	2,365,461
2014	($218,260.91)	118,273	99,988	2,265,474
2015	($218,260.91)	113,274	104,987	2,160,486
2016	($218,260.91)	108,024	110,237	2,050,250
2017	($218,260.91)	102,512	115,748	1,934,501
2018	($218,260.91)	96,725	121,536	1,812,966
2019	($218,260.91)	90,648	127,613	1,685,353
2020	($218,260.91)	84,268	133,993	1,551,360
2021	($218,260.91)	77,568	140,693	1,410,667
2022	($218,260.91)	70,533	147,728	1,262,939
2023	($218,260.91)	63,147	155,114	1,107,825
2024	($218,260.91)	55,391	162,870	944,956
2025	($218,260.91)	47,248	171,013	773,942
2026	($218,260.91)	38,697	179,564	594,379
2027	($218,260.91)	29,719	188,542	405,837
2028	($218,260.91)	20,292	197,969	207,868
2029	($218,260.91)	10,393	207,868	(0)

TABLE 4.3: SERIES 2014 CULINARY WATER BOND

Principle	$ 3,208,117
Interest	5.0%

Year	Payment	Interest	Principle	Remaining Principle
2015	($257,427.60)	$ 160,406	$ 97,022	$ 3,111,095
2016	($257,427.60)	155,555	101,873	3,009,222
2017	($257,427.60)	150,461	106,966	2,902,256
2018	($257,427.60)	145,113	112,315	2,789,941
2019	($257,427.60)	139,497	117,931	2,672,010
2020	($257,427.60)	133,601	123,827	2,548,183
2021	($257,427.60)	127,409	130,018	2,418,165
2022	($257,427.60)	120,908	136,519	2,281,646
2023	($257,427.60)	114,082	143,345	2,138,300
2024	($257,427.60)	106,915	150,513	1,987,788
2025	($257,427.60)	99,389	158,038	1,829,749
2026	($257,427.60)	91,487	165,940	1,663,809
2027	($257,427.60)	83,190	174,237	1,489,572
2028	($257,427.60)	74,479	182,949	1,306,623
2029	($257,427.60)	65,331	192,096	1,114,527
2030	($257,427.60)	55,726	201,701	912,826
2031	($257,427.60)	45,641	211,786	701,039
2032	($257,427.60)	35,052	222,376	478,664
2033	($257,427.60)	23,933	233,494	245,169
2034	($257,427.60)	12,258	245,169	-

35.04.200 Impact Fee Credits

Impact Fee Credits are handled between the City and developers to "allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities: a) are identified in the Capital Facilities Plan and b) are required by the local political subdivision as a condition of approving the development activity."[3] Credits are handled on a case-by-case basis and will not be included in the analysis, although the Proportionate Share Analysis of the impact fee analysis will identify the extent to which specific developers are entitled to a credit.

Legislative History
Adopt Capital Facilities Plan in 2007.
New numbering system and codification into 2010 Perry Municipal Code: 01/13/2011.

[3] 11-36-202(3)(c)

Title 36, A General Plan and Related Elements
WASTEWATER CAPITAL FACILITIES PLAN
[Un-Codified; Chapter Index Only; See PMC Volume D for the Full Text of Title 36]

[CFP - Document Dated June, 2007]

Chapter 36.01. **Existing and Future Conditions**
Chapter 36.02. **Environmental Review**
Chapter 36.03. **Development & Screening of Alternatives**
Chapter 36.04. **Evaluation of Viable Alternatives and Plan Adoption**
Chapter 36.05. **Selected Plan, Description, and Implementation**

Chapter 36.06. **Appendices**
- **A. Soil Legend**
- **B. Discharge Permit**
- **C. Environmental Letters**
- **D. Exhibits and Maps**
  - **1.1 Location Map**
  - **1.2 Area Map**
  - **1.3 Physiography & Topography**
  - **1.4 Fault Locations**
  - **1.5 Soil Classifications**
  - **1.6 Wetland Locations**
  - **1.7 Groundwater Resources**
  - **1.8 Zoning Map**
  - **1.9 Flood Plain Map A**
    Flood Plain Map B

  - **4.1 Regionalize with Brigham City**
  - **4.2 Build STM Aerotor Mechanical Plant**
  - **4.3 STM Aerotor Process Diagram**
  - **4.4 Build SBR Mechanical Plant**
  - **4.5 SBR Process Diagram**
  - **4.6 Join with Willard STM Aerotor**

- **E. Cash flow Model**
- **F. Opinion of Probable Cost Exhibits**
- **G. Net Present Value**
- **H. Bighorn Archaeological Consultants Report**
- **I. DEQ Analysis of Perry City Lagoon System**

[Supplement - Separate Document Dated June/July, 2009]

Chapter 36.11. **Supplementary Information**

Legislative History
Adopt new Capital Facilities Plan in June, 2007.
Adopt Supplement to new Capital Facilities Plan in June/July, 2009.
Added into 2010 Perry Municipal Code without re-numbering or codification: 01/13/2011.

Title 38, A General Plan and Related Elements Ordinance
EMERGENCY MANAGEMENT PLAN

Chapter 38.01. PURPOSE AND INTENT
Chapter 38.02. LEGISLATION
Chapter 38.03. SUMMARY OF EMERGENCY SITUATIONS
Chapter 38.04. PERRY CITY GOVERNMENT RESPONSIBILITY IN THE EVENT OF EMERGENCY/DISASTER
Chapter 38.05. DUTIES AND RESPONSIBILITIES IN THE EVENT OF AN EMERGENCY
Chapter 38.06. DESCRIPTION OF EMERGENCY CONDITIONS: LEVELS 1, 2, and 3
Chapter 38.07. DESCRIPTION OF EMERGENCY RESPONSE CONDITIONS
Chapter 38.08. SUPPORTING AGENCIES
Chapter 38.09. PHASES OF EMERGENCY MANAGEMENT
Chapter 38.10. PLAN IMPLEMENTATION
Chapter 38.11. EVACUATIONS
Chapter 38.12. EMERGENCY SUPPORT FUNCTIONS
Chapter 38.13. EMERGENCY MANAGEMENT PLAN MAINTENANCE

Chapter 38.01.
PURPOSE AND INTENT

38.01.010. Protection of Health, Safety, and Welfare; and Implementation of Law.
38.01.020. Caveat and Disclaimer.

38.01.010. Protection of Health, Safety, and Welfare; and Implementation of Law.
The purpose and intent of this Plan is to implement all federal, state, and local laws and policies; to better provide for the protection of the health, safety, and welfare of all Perry City area residents, business owners, real property owners, and other affected parties; to better coordinate with other governmental agencies and public entities; and to provide for better training, communication, preparation, etc. of Perry City officials and affected parties.

38.01.020. Caveat and Disclaimer.
Nothing within this Plan should be deemed or construed to be a guarantee of specific results or to be binding or to cause liability against Perry City for failure to act according to this Plan. Perry City, despite its best efforts, may not be able to completely execute all components of this Plan.

Chapter 38.02.
LEGISLATION

38.02.010. Federal Legislation.
38.02.020. State Legislation.
38.02.030. Perry City Legislation.

38.02.010. Federal Legislation.

The following documents are located in the State Emergency Operations Center (EOC) and can be accessed through the Federal Emergency Management website (www.fema.gov):

1. 44 CFR Chapter 1 (Emergency Management and Assistance):
   This document outlines the organization, power, and duties of the Federal Emergency Management Agency (FEMA). It also details the operation and scope of FEMA programs such as hazard mitigation, the National Flood Insurance Program (NFIP), fire prevention and control, disaster assistance and preparedness (including, in Part 350, radiological emergency preparedness).
2. Disaster Relief and Emergency Assistance Act (Stafford Act.) (PL 100-707):
   This act limits the qualifying events for disaster assistance to natural catastrophes and established provisions for cost sharing by state and local governments.
3. Disaster Mitigation Action of 2000 (PL 106-390):
   This action amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for pre-disaster mitigation, to streamline the administration of disaster relief, to control the federal costs of disaster assistance and for other purposes.
4. Emergency Planning and Community Right-to-know Act (EPCRA) (42 USC 110001-11050):
   The EPCRA provides the public with information on the hazardous chemicals in their communities and establishes emergency planning and notification requirements to protect the public in the event of a release of an extremely hazardous substance.
5. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675:
   CERCLA protects the public health and environment by facilitating cleanup of environmental contamination and imposing costs on parties responsible for the pollution.
6. 10 CFR 50-47:
   This legislation requires the establishment of state and local plans and preparedness for coping with effects of radiological emergencies as part of the nuclear power plant license.

38.02.020. State Legislation.

State Statutes are located in State Emergency Operation Center (EOC). The following state statutes:

1. The Governor's Emergency Operation Directive
   Utah Emergency Management Act of 1981, Utah Code 53-2, 63-5
   Disaster Response Recovery Act Utah Code 63-5A
   Emergency Interim Succession Act, Utah Code 63-5B
2. Utah National Guard (Chapter from Utah Code)

Chapter 39 - Describes departmental duties.

3. Department of Natural Resources (Chapters from Utah Code):
    a. Chapter 65: Discusses responsibilities during forest fires.
    b. Chapter 23: Discusses responsibilities for wild animals and plants and powers for restricting hunting and fishing.
    c. Chapter 17: Discusses the powers and duties of the department regarding flood control.
    d. Chapter 65: Discusses general environmental provisions (e.g., hazardous substance spills, disposal of debris including animal carcasses).
4. Department of Family Services (Chapters from Utah Code):
    a. Chapter 63: Describes the administration, supervision, powers and duties of state health activities.
    b. Chapter 63: Describes the structure, duties and levels of services of local health departments.
    c. Chapter 63: Describes departmental powers and duties regarding communicable diseases.
    d. Chapter 63: Describes the powers, duties, identification and control of environmental health concerns (e.g. toxic substances, radioactive material/nuclear power plants, disease control.)
5. Department of Transportation (Chapters from Utah Code):
    a. Chapter 72: Describes emergency repairs of county trunk highways.
    b. Chapter 72: Describes departmental powers, duties and organization.
    c. Chapter 72: Describes the powers and duties of traffic officers
    d. Chapter 72: Describes provisions for the maintenance of order in state, county and municipal prisons.
6. Department of Agriculture (Chapters from Utah Code):
    a. Chapter 4: Describes departmental powers and duties.
    b. Chapter 4: Describes the maintenance of animal health requirements (e.g., cooperation with the federal government during animal disease outbreaks, embargo and condemnation of diseased animals, slaughter on premises.)
    c. Chapter 4: Describes the regulation of food.
7. Counties (Chapter from Box Elder County Policies and Procedures):
    a. Chapter 17: Describes the legal status and organization (e.g., home rule; powers of the board chairperson and vice-chair, executive, administrator and sheriff).
8. Cities (Chapter from Utah Code):
    a. Chapter 62: Describes the legal status and organization (e.g., powers of the mayor and council, ambulance service).
9. General Municipal Law (Chapter from Utah Code):
    a. Chapter 10: Describes the legal status and organization (e.g., exercise of home rule, law enforcement, mutual assistance, emergency powers).
    b. Chapter 10: Defines and describes the authorities regarding mutual aid agreements.
    c. Chapter 53: Describes the police power of a fire chief or a rescue squad.

38.02.030. Perry City Legislation.
The following references regarding Perry City legislation:

a. Perry City Resolution 03-02 (Appendix C of this plan)
b. Perry City Resolution 05-10 (authorize implementation of this plan in case of emergency) (Appendix C of this plan)

Chapter 38.03.
SUMMARY OF EMERGENCY SITUATIONS

38.03.010. Perry City Emergencies.

38.03.010. Perry City Emergencies.
Perry City could be subjected to one or more range of emergencies that include:

1. Hazardous material spills or releases into the air, ground, or water. This may occur during transportation or at fixed locations.
2. Landslides and mudslides caused by heavy snowmelt or runoff.
3. Earthquake activity. Perry City has at least two major earthquakes faults and has the potential for earthquakes.
4. Flash flooding caused by sudden downpours and water cascading down the mountain slopes.
5. Strong canyon winds, causing damage to power lines, trees, and buildings.
6. Drought. A water shortage and drought could have a severe impact.
7. Wild land and forest fires. These become a threat in late summer when growth is dry and easily inflamed.
8. Terrorism, aircraft crashes, civil disturbances, and tornadoes. These disasters are possible though low in probability.

Chapter 38.04.
PERRY CITY GOVERNMENT RESPONSIBILITY IN THE EVENT OF EMERGENCY/DISASTER

38.04.010. Scope.
38.04.020. Responsibilities.
38.04.030. Integrated Emergency Management System.
38.04.040. Mutual Aid Agreements.
38.04.050. Terrorist Incidents.

38.04.010. Scope.
Perry City's Emergency Committee is designated to standardize and coordinate Perry City's emergency management plan and procedures for its citizens living, working or visiting in Perry City. The Emergency Committee coordinates with the Box Elder County Emergency Services

Director, and the State of Utah Emergency Services and Homeland Security Division.

38.04.020. Responsibilities.

Perry City government has the responsibility to protect the life and property of their citizens from disasters through recognition of potential disasters, advanced planning, and utilization of resources. The various departments in the city government have the primary responsibility for emergency management activities, but when the emergency or disaster exceeds their capability to respond, assistance will be requested from the County or State government. The Federal government will provide assistance to the State, when appropriate. This Plan is based upon the concept that emergency functions for various groups involved in emergency management will generally parallel their normal day-to-day functions. To the extent possible, the same personnel and material resources will be employed in both cases. It is generally true, however, that a disaster is a situation in which the usual way of doing things no longer suffices. It is desirable, and always attempted to maintain organizational continuity and to assign familiar tasks to personnel. In large-scale disasters, however, it may be necessary to draw on people's basic capacities and to use them in areas of greatest need. Day-to-day functions that do not contribute directly to the emergency operation may be suspended for the duration of any emergency. Resources normally used for day-to-day functions will be redirected to accomplish the emergency task by the agency concerned.

38.04.030. Integrated Emergency Management System.

In keeping with the nationwide strategy of the Integrated Emergency Management System (IEMS), this plan is concerned with all types of emergency situations that may develop. It also accounts for activities before, during, and after emergency operations. The National Incident Management Systems(NIMS) will be incorporated into the Integrated Emergency Management System.

38.04.040. Mutual Aid Agreements.

Mutual aid agreements with surrounding local emergency response departments will be used to supplement needed resources within the City. Perry City is a partner in the Regional Mutual Aid agreement (see Appendix D).

38.04.050. Terrorist Incidents.

The response to a terrorist's incident includes two major components, which may operate concurrently or consecutively:

1. Crisis Management:
   Crisis management is the law enforcement response to the causes of terrorist's incidents, terrorist, and their weapons. It includes measures to identify, acquire and plan the use of resources needed to anticipate, isolate, prevent, and/or resolve a threat or act of terrorism. The federal government exercises preeminent authority and responsibility in crisis management. The federal crisis management effort is lead by the Federal Bureau of Investigation (FBI) with assistance from other federal, state and local agencies as necessary.
2. Consequence Management:

Consequence management addresses the consequences of terrorism, the effects upon people, their property and their community. It includes measures to protect public health, and safety, restore essential government services, and provide emergency relief to government, businesses, and individuals affected by the consequences of terrorism. The authority and responsibility for terrorism consequence management rests with the State of Utah and Perry City.

Chapter 38.05.
DUTIES AND RESPONSIBILITIES IN THE EVENT OF AN EMERGENCY

38.05.010. Duties and Responsibilities.
38.05.020. Emergency Commander: Mayor.
38.05.030. Emergency Committee.
38.05.040. Emergency Committee Duties and Responsibilities under the Direction of the Mayor.
38.05.050. Emergency Operation Center (EOC) Activation.
38.05.060. Police Department.
38.05.070. City Recorder.
38.05.080. Public Works Department Coordinator.
38.05.090. City Department Heads.
38.05.100. Individual Employees.
38.05.110. Checklists.
38.05.120. Forms.
38.05.130. Emergency Commander Responsibilities.
38.05.140. Emergency Management Committee (EMC) Member Responsibility.
38.05.150. City Attorney Responsibility.
38.05.160. Volunteer/Donation Coordinator Responsibility.
38.05.170. Public Information Officer (PIO) Responsibility.
38.05.180. Incident Commander Responsibility: One Commander for each Incident.
38.05.190. City Recorder Responsibility.
38.05.200. Public Works Coordinator Responsibility.
38.05.210. Individual City Employee Responsibility.

38.05.010. Duties and Responsibilities.

In this section the duties and responsibilities of the key Perry City Government officials and employees are described. Also provided is a checklist for these individuals to be used during the emergency. The duties/responsibilities and the checklist supplement each other. The duties predetermine the actions to be taken by these individuals in preparation for an emergency.

38.05.020. Emergency Commander: Mayor.

This individual has the ultimate authority and responsibility before, during and after an emergency declaration. The Mayor issues the proclamation of emergency (see Appendix E for

form to be filled out) after consultation with the incident commander(s) at the disaster site(s) and rescinds it when appropriate. The Mayor is responsible for ensuring mutual aid agreements are in place with neighboring communities and county/state agencies. The Mayor ensures that a line of succession exists for the members of the emergency committee and each city department head in the event that they are unable to discharge their duties at the time of emergency. The Mayor is responsible for appointing emergency committee. Periodic training of these individuals through classroom sessions or on site drills is an additional responsibility of the Mayor.

38.05.030. Emergency Committee.

The following regarding the Emergency Committee:

1. The mayor is advised during the emergency by the Emergency Committee. The Perry City Emergency Committee is made up of the following members:
    a. Emergency Commander (Mayor)
    b. Deputy Emergency Commander (Mayor Pro Tem)
    c. City Recorder
    d. Public Works Coordinator
    e. Volunteer/Donation Coordinator
    f. Public Information Officer (PIO)
    g. Secretary
2. The Emergency Committee has the ultimate responsibility to carry out the directions of the mayor before, during and after the emergency/disaster situation. The Emergency Committee has authority for making decisions during the emergency. Policy issues would typically include expenditures, appointment of coordinators, requesting aid and resources, establishing incident specific goals, creating response procedures etc.

38.05.040. Emergency Committee Duties and Responsibilities under the Direction of the Mayor.

The following emergency duties and responsibilities under the for the Emergency Committee under the direction of the Mayor:

1. Coordination of City emergency organization of training and education efforts.
2. Point of contact/liaison with other municipal, county, state, or federal organizations.
3. Review and update City mutual aid agreements.
4. Evaluate and update the City Emergency Management Plan.
5. Coordinate department specific written plans within the City, included as annexes to the City Emergency Management Plan.
6. Practice the four phases of Emergency Management - Mitigation, Preparedness, Execution and Recovery.
7. Coordinate City plans with the cities/towns within the County and State Emergency Management Plans.
8. Each member of the City's Emergency Committee should assure that their respective checklists are ready and available. These checklists should be stored where they can be accessed easily.

38.05.050. Emergency Operation Center (EOC) Activation.

The following regarding the Emergency Operation Center (EOC) activation:

1. The designated Emergency Operation Center (EOC) is in the city offices at 3005 South 1200 West. The city recorder is responsible (see checklist in Section 5) for the operation readiness (seating arrangements, equipment, supplies, etc.) of the command center.
2. In case the designated command center is rendered non-operational, the alternate command center is located in the Principals Office, Perry Elementary School located at 994 West 2625 South.
3. The Emergency Commander is responsible for selecting other command centers. Communication between the command center and the field units will be accomplished through the Box Elder Public Safety Dispatch Center located at 52 South 1000 West, Brigham City, Utah.
4. The EOC will be activated on the order of the Mayor or any primary member of the Emergency Committee.
5. The Emergency Committee is responsible for setting up of the furniture, equipment, displays, etc.

38.05.060. Police Department.

The following regarding the Police Department:

1. The State of Utah has adopted statues requiring all persons exercising police authority to be "CERTIFIED" by the State of Utah. Only Certified Officers will be able to exercise police power, even in the times of disaster or emergency.
2. During emergency operations requiring active use of police authority, the Perry City Police Department will utilize mutual aid from other law enforcement agencies.

38.05.070. City Recorder.

The City Recorder duties and responsibilities during and after the emergency situation are:

1. Ensuring operational readiness of the Emergency Operations Center.
2. Coordinator for all requests for emergency financial resources.
3. Keeping records to track expenditures incurred during the emergency.
4. Preparing financial reports to County, State and Federal governments in support of reimbursements.
5. Assists in the resolution of claims and accounting for resources expended during the emergency.

38.05.080. Public Works Department Coordinator.

The responsibilities of the Public Works Department Coordinator are to:

1. Assist in providing damage assessment information to the EOC.
2. Coordinate and aid disaster operations as related to repair and restoration of public works - roads, bridges, power, gas, sewer, etc.
3. Coordinate with the police department in the identification of alternate/detour routes for vehicular traffic throughout the City.
4. Coordinate the clearance of debris.

38.05.090. City Department Heads.
The City Department heads will ensure that a chain of command exists that allows the continuation of routine services at the highest possible level during emergency operations. Since it is anticipated that these department heads will be engaged in the resolution of the emergency, prior designation for the responsibility of continued services and routine tasks within the department is important.

38.05.100. Individual Employees.
During times of emergency, employees may find their normal supervisors are engaged in the resolution of the emergency situation and may not have the opportunity to direct activities as usual. If this occurs, the city expects individual employees to continue assigned functions, and pick up any additional duties likely to result from the reassignment of resources, to maintain the pre-emergency level of services.

38.05.110. Checklists.
The subsequent pages contain checklists for the key individuals involved in the operation and resolutions of emergency operations. They are an aid to ensuring that the necessary items that need to be attended to are carried out.

38.05.120. Forms.
The forms to be filled out during an emergency are included in Appendix E.

38.05.130. Emergency Commander Responsibilities.
The Perry City Mayor or a designee will act in the capacity of the emergency commander as or when needed. The responsibility of the emergency commander is to:

1. Establish and activate the Emergency Operations Center (EOC). Sign the activation checklist roster provided by the city recorder.
2. Direct notification of Emergency Committee members.
3. Obtain situation briefing from incident commander(s): evaluate the situation.
4. Declare local disaster emergency by releasing form to the Box Elder County Emergency Services Department with a copy to the State of Utah Department of Emergency Services (provided by the city recorder). See Appendix E for forms.
5. Direct the notification of county and state authorities (form provided by the city recorder). See Appendix E for forms.
6. Determine and direct action necessary to obtain internal and external assistance/resources.
7. Authorize information release to public.
8. Request and review rapid updates of emergency/disaster impacts from incident commander(s) and other sources.
9. Review establishment of volunteer assembly points from volunteer coordinator.
10. Verify rescue operations are occurring as rapidly as possible.
11. Review evacuation plans if required.
12. Maintain Emergency Operation center (EOC) support until stability is achieved.
13. Appoint assistants and specialists as needed during an emergency.
14. Rescind proclamation of local emergency when appropriate by releasing local state of

emergency cancellation form provided by the City Recorder. (See Appendix E for form)

38.05.140. Emergency Management Committee (EMC) Member Responsibility.
The responsibilities of any member of the emergency management committee are to:

1. Report to the Emergency Operations Center (EOC). If unable to report immediately, communicate with Emergency Operations Center (EOC) and assign alternate to report.
2. Sign activation checklist roster provided by the City Recorder.
3. Obtain assignments from the Emergency Commander - be prepared to act in capacity assigned.
4. Access individual "what to do" checklist.
5. Establish contact with resource personnel and employee reporting to you.
6. Stay until released by Emergency Commander.

38.05.150. City Attorney Responsibility.
The responsibility of the City Attorney is to:

1. Function as a legal advisor to the Emergency Committee.
2. Assist emergency committee in the interpretation of the laws governing emergency powers in a disaster situation.

38.05.160. Volunteer/Donation Coordinator Responsibility.
The responsibility of the volunteer/donation coordinator is to:

1. Act under the direction of the Emergency Commander and Emergency Operations Center (EOC).
2. Maintain regular contact with Emergency Commander at Emergency Operations Center (EOC).
3. Establish assembly points and a briefing area for volunteers separate from the incident scene.
4. Maintain a list of all volunteers, contacts phone numbers/addresses, and hours worked and provide these to government agencies as needed (See Appendix E for forms).
5. Prepare clear and concise statements defining role of volunteers, where needed, transportation, arrangement of communication requirements, physical requirements for help required (shovel etc).
6. Organize volunteers for a 24-hour operation on a rotating shift basis.
7. Serve as point of contact for amateur radio organizations serving as auxiliary telecommunication support.
8. Ensure volunteers are not put in harm's way by coordinating with incident commanders (need for safety equipment and blankets, immunizations etc).
9. Conduct any training required for volunteers.
10. Maintain a list of donors, amounts/supplies/equipment, when received and provide these to the City recorder as needed (See Appendix E for forms).
11. Prepare and maintain a list of unused donations. Protocol for unused donations will be:
    a. donations that can be used by the City during or after the emergency will be retained.
    b. donations that cannot be used by the City during or after emergency use will be

returned to the donor or to a nonprofit organization.

12. Prepare and mail a "thank you" letter signed by the Mayor or designee to volunteers who have donated time and/or cash supplies. Forward "thank you" letter to local newspaper for publication if desired.

38.05.170. Public Information Officer (PIO) Responsibility.

The responsibility of the Public Information Officer is to:

1. Act under the direction of the Emergency Commander at Emergency Operations Center (EOC).
2. Maintain regular contact with Emergency Commander at Emergency Operations Center (EOC).
3. Solicit update of events from Emergency Operations Center (EOC), incident commander(s).
4. Establish liaison with representatives of public informing media.
5. Establish a briefing area for the media away from the emergency scene.
6. Prepare drafts of clear, concise statements reflecting current situation of events as quickly as possible.
7. Obtain release signature on communication drafts from the emergency commander.
8. Read communication drafts to media and answer questions without speculation.
9. Brief media members on areas they may use or visit and those they may not.
10. Assign personnel to take incoming calls to the Emergency Operations (EOC) and direct them to the applicable coordinator/Emergency Committee member.
11. Assist in the establishment of communication with external resources for members of Emergency Committee staff and Emergency Commander.
12. Inform media of time and location of next update.
13. Prepare and maintain display boards to show open and closed roads, evacuation routes etc.

38.05.180. Incident Commander Responsibility: One Commander for each Incident.

The responsibility for the Incident Commander is to:

1. Assume control of the emergency scene.
2. Appoint scribe for recording events at scene. Record incident description: where, when, what, who, extent of damage, etc.
3. Determine boundaries of the scene. Cordon if required.
4. Evaluate scene for secondary threats.
5. Contact emergency commander by any means possible (runner, cell phone, walkie talkie, land line phone, etc.) and keep commander informed of changes at the scene.
6. Recommend to emergency commander if declaration of disaster is required.
7. Call for necessary assistance including photographer and emergency equipment.
8. Coordinate overall emergency activities including activities of outside agencies.
9. Request utility shut off as needed.
10. Brief personnel on site of plan of action, any exposure concerns.
11. Report injury and fatality information to the Emergency Operations Center (EOC).
12. Report all site team members' names to the Emergency Operations Center (EOC).
13. Request additional assistance as needed through the Emergency Operations Center (EOC).

14. Prevent movement or contamination of evidence.
15. Direct debris removal and rescue.
16. Request food, water, sanitary facilities and replacement of personnel as needed.
17. Downsize the scene and rescue efforts as needed.
18. Hand over responsibility to responsible department leaders when incident has been contained.
19. Release site personnel as needed.
20. Instruct all emergency responders to refer the news media to the emergency commander or communications coordinator.

38.05.190. City Recorder Responsibility.

The responsibility of the City Recorder is to:

1. Ensure Emergency Operations Center (EOC) is operational - seating arrangements, telecommunication, equipment, power etc.
2. The City Recorder is responsible for ensuring furniture, telephones, communication equipment, city maps, evacuation route maps, shelter locations, etc. are located in or near the EOC.
3. The City Recorder is responsible for ensuring emergency declaration forms, roster, checklist for EOC members and copies of this Emergency Management Plan are available to EOC members immediately.
4. Get Emergency Commander to sign notification of emergency declaration and release to county and state officials.
5. Get Emergency Commander to sign “local government initial disaster report form” (Appendix E) and transmit form to Division of Emergency Services by rapid communication means (phone:801-538-3400; fax 1-801-538-3770).
6. Maintain in the Emergency Operations Center (EOC) current and detailed situations maps, roster of emergency committee members check in/checkout times, roster of support agencies (American Red Cross etc.) and when they were informed.
7. Coordinate with incident commanders the identification markings and securing of public and private buildings that constitute a safety hazard.
8. Assist Emergency Commander in the tracking of damage assessment activities in the city.
9. Act as focal point for collecting damage assessment records, collecting bills for expenses incurred for disaster relief by contractors, city departments acquiring/renting equipment liability claims, etc.
10. Maintain and properly store detailed expense records to show expenses incurred due to disaster, submitted to city, county, state or federal agencies for reimbursement purposes.
11. Provide information to city government departments on how emergency expenditures may be changed.
12. Assist in the supervision and direction of the city clerical staff such as typing, answering phones, faxing, answering inquiries or other emergency related duties.
13. Other duties as assigned during the emergency.

38.05.200. Public Works Coordinator Responsibility.
The responsibility of the Public Works Coordinator is to:

1. Report to the Emergency Operations Center (EOC).
2. Be responsible for coordinating all work within their jurisdiction.
3. Assist with barricades, traffic control points, signs and markers as requested.
4. Utilize heavy equipment for expedient bulldozing and debris clearance to maintain routes for emergency vehicles and evacuation routes.
5. Provide logistical support for fleet operation -fleet fueling, lease, purchase, or rental of equipment etc.
6. Try to ensure water supply, power and sanitary services are operable and maintained at shelters and mass care facilities during emergency.
7. Coordinate with other county and state agencies in the execution of appropriate emergency support functions (ESF's).
8. Determine need for and obtain additional resources.

38.05.210. Individual City Employee Responsibility.
The responsibility of each individual employed by the City is to:

1. Continue assigned functions in areas of responsibility.
2. Take on additional duties from Emergency Committee to maintain pre-emergency level of services.

Chapter 38.06.
DESCRIPTION OF EMERGENCY CONDITIONS: LEVELS 1, 2, and 3

38.06.010. Emergency Conditions Definition.
38.06.020. Perry City Response to Emergencies.
38.06.030. Mutual Aid Agreements: NIMS and CIS.
38.06.040. Transition to Emergency Operation.
38.06.050. Levels of Emergency Conditions.

38.06.010. Emergency Conditions Definition.
An emergency is anything that occurs that is not normal. An emergency is any situation that is above and beyond the normal operating activities of any city department or agency. These activities are in response to a threat to life (personal safety), property, or the environment.

38.06.020. Perry City Response to Emergencies.
Perry City personnel respond to emergencies within the City. Box Elder County, the State of Utah, and the Federal Government may provide resources and assistance to the City. Using the incident command system, Perry City retains responsibility for management of the incident.

38.06.030. Mutual Aid Agreements: NIMS and CIS.
The National Emergency Management system (NIMS) will be incorporated into the Incident

Command System (ICS) system. Other mutual aid agreements can be activated with the various communities.

38.06.040. Transition to Emergency Operation.

When carrying out the emergency operations plan, the transition from normal operations to emergency operation must be orderly. To ensure that everything runs efficiently, all departments need to have a common definition and status of emergencies.

38.06.050. Levels of Emergency Conditions.

There are three levels of emergency conditions for which action is taken: levels 1, 2, and 3. These defined levels of an emergency provide for uniform transition from normal operating posture to full alert and provide for coordination with other agencies. When responding to emergencies, and coordinating between the Emergency Operations Center (EOC), the following levels apply:

1. Level 1: No required outside help needed.
    a. The level l emergency is above the normal daily activities that pose a threat to life (personal safety), property or the environment and where ample resources exists. The responding department controls and handles the incident with on-duty resources that may or may not exceed their individual department.
2. Level 2: Enhanced Response: Help from outside needed:
    a. A greater emergency which poses a threat to life (personal safety), property or the environment, and requires more than one city department to help out. Perry City personnel handle the emergency with other resources, mutual aid and resource sharing. Once a level 2 Emergency is in effect, any request for assistance or resources from the on-scene Incident Commander will take precedence over other daily activities. The Incident Commander will notify the Perry City Emergency Committee. The Committee response to the incident will be based upon evaluation and recommendation of the scene Incident Commander. The Emergency Operations Center may be activated with appropriate staffing, as the incident requires.
3. Level 3: Major Disaster: Help needed now from everywhere:
    a. A level 3 is an emergency involving a catastrophic incident. The incident may result from a natural disaster such as earthquake, flood or fire, etc. A level 3 requires the resources of the entire county, government, private and outside assistance. Perry City Emergency Committee in consultation with the Mayor or their designee declare a level 3 emergency. The Emergency Operation center (EOC) will be activated with full staffing.

Chapter 38.07.
DESCRIPTION OF EMERGENCY RESPONSE CONDITIONS

38.07.010. Response Procedures.
38.07.020. Response Conditions.

38.07.010. Response Procedures.

During response operations, responders maintain the principle of centralized control and decentralized execution. All response actions are in harmony and orchestrated by legal authority from the Emergency Operations Center (EOC). As City Departments, agencies, and non-governmental organizations progress from normal operations to an emergency posture, they go through the following response conditions.

38.07.020. Response Conditions.

The following is a description of the various response conditions and their characteristics:

1. RESPONSE CONDITION I: No Outside Assistance Required.
    a. Monitor the situation regularly.
    b. Review applicable plans and Standard Operations Procedures.
    c. Notify elected officials and key personnel as identified by the Continuity of Operations Plan.
    d. Review status of all equipment and supplies.
2. RESPONSE CONDITION II: Enhanced Response Required
    a. Place Emergency Operations Center (EOC) on medium staffing determined by the Emergency Commander.
    b. Accelerate repair or procurement of equipment and supplies on an emergency basis 24 hours a day. Use emergency procedures for procurement of supplies and equipment.
    c. Place all personnel on standby status.
3. RESPONSE CONDITIONS III: Major Incident
    a. Place Emergency Operations Center (EOC) on full staffing.
    b. Bring equipment and supplies to full operational status.
    c. Recall personnel as necessary.
    d. Commit all supplies and resources to the emergency.
4. The above procedures will not constrain or limit the emergency actions of any department or agency involved in a response. The department or agency notifies the Emergency Committee of the size of the emergency by using one of the definitions of an emergency. The Emergency Commander may declare a response condition and notify the Emergency Committee to begin developing a plan of action for the event.

Chapter 38.08.
SUPPORTING AGENCIES

38.08.010. Support Agencies and Organizations.
38.08.020. Other Support Agencies for Various Emergencies.
38.08.030. Utility Companies.
38.08.040. Private Resources.

38.08.010. Support Agencies and Organizations.

The following are possible Support Agencies and Organizations for various emergencies situations:

1. Police:
    a. Primary: Perry Police Department (723-5291); or
    b. Willard Police Department (734-3800);
    c. Brigham City Police Department (734-6650);
    d. Box Elder County Sheriff's Office (734-3818);
    e. Utah Highway Patrol / Utah Department of Public Safety (723-1094)
2. Fire:
    a. Primary: Brigham City Volunteer Fire and Ambulance
    b. Support: Perry First Responders;
    c. Willard Fire Department;
    d. Weber County Fire
3. Wildfires:
    a. Bureau of Land Management;
    b. National Forest Service;
    c. Utah Correctional Industries Flame-in-goes.

38.08.020. Other Support Agencies for Various Emergencies.

The following is a list of other support agencies for various emergencies that may occur:

1. Brigham City Emergency Services
2. Box Elder Sheriff's Office Search and Rescue or Scuba Team: Lost persons
3. Box Elder School District: Buses for mass transportation needs
4. Bear River Health Department: Health needs and possible body bags
5. Utah Medical Examiner's Office: Body bags and death investigations
6. Utah Department of Public Safety Dive Team: Water searches
7. Utah Department of Public Safety (DPS) Division of Emergency Services and Homeland Security: any significant emergency.
    a. This agency can activate and assist in finding resources in most cases.
8. Utah National Guard and Utah Air Guard: Has to be activated for use through the Governor's office, usually with a recommendation from Utah Department of Public Safety (DPS).
9. Utah Department of Transportation - Heavy equipment and roadway construction
10. Hill Air Force Base Emergency Operations Center (EOC): for Bomb and Explosive problems.

11. Federal Emergency Management Agency - Call at recommendation of Division of Emergency Services.
12. Box Elder County Coroner.

38.08.030. Utility Companies.

The following is a list of various utility companies:

1. Brigham City Power.
2. Utah Power and Light / PacifiCorp.
3. Questar.
4. Qwest / and other phone service providers.

38.08.040. Private Resources.

The following is a list of private resources that may be useful in any emergency situation and each perspective use that is offered by that private resource:

1. Life-flight (IHC) / Air-med University of Utah: Emergency medical transport needs.
2. Utah Transit Authority: Large transportation needs.
3. American Red Cross: Temporary Shelter and food supplies.
4. The Church of Jesus Christ of Latter-day Saints: Manpower and emergency supplies.
5. Brigham Community Hospital: Medical coordination.
6. Geneva Rock: Heavy equipment and debris removal.
7. Staker/Parsons: Heavy equipment and debris removal.
8. Gallegos Construction: Heavy equipment and debris removal.
9. Whitaker Construction: Heavy equipment and debris removal.
10. Kel Con Construction: Heavy equipment and debris removal.
11. Braegger Construction: Heavy equipment and debris removal.
12. Gillespie/Peterson Mortuary: deceased persons help.
13. Myer /Olsen Mortuary: deceased persons help.
14. Wilk-n-son Construction: Heavy equipment and debris removal.
15. Wyatt Construction: Heavy equipment and debris removal.
16. Anvil Construction: Heavy equipment and debris removal.
17. Ormond Construction: Heavy equipment and debris removal.

Chapter 38.09.
PHASES OF EMERGENCY MANAGEMENT

38.09.010. Purpose.
38.09.020. Mitigation.
38.09.030. Preparedness.
38.09.040. Response.
38.09.050. Recovery.

38.09.010. Purpose.
The purpose of this Chapter is to outline and describe the four (4) phases of emergency management for Perry City: Mitigation, Preparedness, Response, and Recovery.

38.09.020. Mitigation.
Mitigation activities are any actions taken to prevent or reduce the occurrence of any emergency or risk to human life and property. Examples of mitigation efforts include, but are not limited to:

1. Building codes.
2. Disaster insurance.
3. Public education.
4. Procurement and integration of equipment.
5. Identifying resources.

38.09.030. Preparedness.
Preparedness activities are any actions taken prior to the emergency that facilitate the implementation of a coordinated response. Examples of preparedness efforts include, but are not limited to:

1. Continuity of government decisions.
2. Testing and maintaining equipment.
3. Establishing, equipping, and maintaining the Emergency Operations Center (EOC).
4. Developing emergency plans and procedures.
5. Participation in training, drills, and exercises.
6. Coordination of Emergency Broadcast System utilization.
7. Coordination of Community Emergency Response Teams locally.
8. Hazard Identification.

38.09.040. Response.
Response activities are any actions taken immediately before, during or directly after an emergency to save lives, minimize damage to property, and increase the effectiveness of recovery efforts. The following is also included:

1. Perry City government has primary responsibility for supporting the response activities of local units of government by:
    a. Providing or supporting initial response resources (i.e., police, fire and rescue, Emergency Medical Services (EMS), public works, protective actions and public health-environmental issues) and draw additional resources (i.e., mutual aid

agreements) from within and outside the county when local/county resources are exhausted.

b. Notifying the State of the incident where statutes require and request assistance as needed.
c. Providing a line of succession of key government officials (Continuity of Government).
d. Maintaining accurate records of disaster-related activities and expenses.
e. Compiling damage assessment figures reported by damage assessment teams and local units of government.

2. State government provides support upon county request in disaster response by:
    a. Activating the State Emergency Operations Center (EOC) when necessary.
    b. Supplementing resources when they are exhausted or need specialized services not available. Services may be provided by private contractors or through various mutual aid agreements.
    c. Keeping informed and maintaining accurate records of disaster-related activities and expenses.
    d. Compiling information collected through the damage assessment process and requesting assistance from appropriate federal agencies.
    e. Requesting National Guard support.
3. Federal government provides support upon state request in disaster response by:
    a. Providing assistance through the Federal Response Plan.
    b. Providing disaster assistance under the Stafford Act and other federal authorities.

38.09.050. Recovery.

Recovery is the phase that involves restoring systems to normal. Short-term recovery actions are taken to assess damage and establish vital life-support systems; long-term recovery actions may continue for years. The following are different examples of recovery efforts:

1. City recovery efforts include, but are not limited to:
    a. Restoring essential services to the community, including debris clearance, decontamination, counseling, and temporary housing.
    b. Assigning personnel, obtaining additional assistance, and managing volunteers and donated resources.
    c. Coordinating access to the disaster area.
    d. Coordinating restoration activities (i.e., re-entry).
    e. Identifying short and long-term health/mental health impacts and determining how to address them.
    f. Identifying and implementing mitigation opportunities where feasible.
    g. Addressing the long-term economic impacts of the disaster.
    h. Continuing with the damage assessment process.
    i. Assisting local units of government with submitting disaster assistance applications.
2. State government recovery activities include, but are not limited to:
    a. Supporting city restoration activities by providing basic guidance, conflict resolution, providing specialized resources and requesting additional resources

from federal government/private contractors.
   b. Coordinate health and environmental issues, which arise.
   c. Assisting the city government with the damage assessment process.
   d. Supporting the city government with identifying and addressing short and long-term impacts (e.g., health, mental health, mitigation and economic).
   e. Coordinating with the federal government to deliver disaster assistance under the Stafford Act and other federal authorities.
3. Federal government recovery activities include, but are not limited to:
   a. Coordinating federal assistance under the Stafford Act and other federal authorities.
   b. Providing specialized resources not previously available in accordance with state policy through the Emergency Support Function (ESF) of the Federal Response Plan (FRP).
   c. Supporting city and state long-term recovery efforts.

Chapter 38.10.
PLAN IMPLEMENTATION

38.10.010. Purpose.
38.10.020. Incident Commander's Role.
38.10.030. Decision to Declare an Emergency.
38.10.040. Figure 1: Perry City Emergency Plan Implementation.

38.10.010. Purpose.

The following regarding the purpose of this Chapter:

1. This plan addresses Perry City's planned response to large scale emergency situations created by natural or human triggered incidents as well as unexpected events or accidents. It is not meant for day to day emergencies that utilize well established and routine procedures. It is to be used for unique situations that require unusual emergency response.
2. Figure 1 summarizes the implementation of the plan for the anticipated emergencies/disasters listed in the left hand column. It starts with the arrival of the first responder (which can be a citizen or a member of the police department) at the emergency scene. The'911' call from the citizen or the first contact of the dispatch center by the police activates the Incident Command System (ICS). The police are trained to request the proper agencies for assistance and assume the role of the "initial" incident commander. Figure 1 is attached at the end of this Chapter as Section 38.10.040.

38.10.020. Incident Commander's Role.

The actual incident commander's role is decided by the police, fire department and medical services personnel arriving at the scene based on the nature of the emergency and who is best fit to assume command for that emergency. For example, an individual from the police department will assume the role for a public shooting. An individual from the fire department will assume the role for a major fire. The incident commander is responsible for informing and briefing the

Emergency Commander (Mayor of Perry City or Designee) on the type and magnitude of the emergency as well as recommendation on whether an emergency should be declared. The incident commander(s) is also trained to invoke the implementation of the emergency support functions (ESF's) and remain at the incident site until incident is contained and recovery operations have been initiated. At that time the incident commander will ensure that responsibility at the site is properly assumed by the appropriate personnel.

38.10.030. Decision to Declare an Emergency.

The decision to declare an emergency rests with the Emergency Commander (EC) who chairs the Emergency Management Committee (EMC). The Emergency Commander and the Emergency Management Committee (EMC) provide the focal point for management of the various agencies and appointees engaged in the resolution of emergency. Effective direction coordination and control of resources in a teamwork environment is a key Emergency Management Committee (EMC) function. Their decisions are based on getting frequent and accurate situational assessment from the incident commander and appointees. Checklists have been prepared for the key individuals involved in the resolution of the emergency and these can be found in Section 5 and Appendix F of the plan. The following also regarding this Section:

1. Two key appointees to be made by the Emergency Commander at the onset of the emergency/disaster are the volunteer coordinator and the communications coordinator. These coordinators are responsible for the execution of Emergency Support Functions ESF #6 and ESF #5 respectively.
2. The various support agencies (city, county, state, and federal), and appointed coordinators and the city employees in the various departments have the responsibility to extend every effort to restore and maintain city services and functions to pre-emergency levels.

38.10.040. Figure 1: Perry City Emergency Plan Implementation.

The following chart is for the implementation of the Perry City Emergency Plan:

Chapter 38.11.
EVACUATIONS

38.11.010. Purpose and Responsibility.
38.11.020. Evacuation of Public Buildings.
38.11.030. Medical Facilities.
38.11.040. Animal/Livestock Evacuation.
38.11.050. Shelters.
38.11.060. Schools.

38.11.010. Purpose and Responsibility.

The following regarding the purpose and responsibility of evacuations:

1. The responsibility for ordering evacuations rests only with the Incident Commanders. The Incident Commander is responsible for notifying the Emergency Commander of any evacuation ordered. Any time the need arises to evacuate people voluntarily or

involuntarily; the Emergency Commander should be notified so that proper measures can be taken to provide security at the evacuation sites. Involuntary evacuations require an unusual exercise of policy power, and restraint should be exercised in non-life threatening situations. When life is threatened, evacuations must be ordered and enforced.

2. Voluntary evacuation decisions are usually left to the property owner. For hazards that are highly visible or extensively discussed in the media, people may evacuate prior to the official recommendation to do so.

38.11.020. Evacuation of Public Buildings.

If certain types of emergency situations occur during working hours, it may be necessary to evacuate employees and the public from City buildings until a safety check can be completed. Departments should develop an evacuation plan, and conduct periodic briefings for their employees. The Elected Officials/Department Head, the major building occupant, or the highest level of government occupying the premises, will be responsible for assuring plans are in place.

38.11.030. Medical Facilities.

Within Perry City there are medical facilities (eg. Avocet) that need special consideration with regard to evacuation and relocation of patients/residents. These plans will be developed by the medical facilities, and the City will review them to ensure that plans are in place and operational.

38.11.040. Animal/Livestock Evacuation.

The sheltering and protection of animals and livestock is the responsibility of the owners. However, in an emergency, the Emergency Management Committee will provide information to the police on how animal control operations will be conducted. This includes shelter areas, quarantine areas, assisting the reuniting owners.

38.11.050. Shelters.

The American Red Cross has been chartered under Federal law to provide mass care (feeding and housing) to victims/displaced persons of natural disasters. Hence efforts should be coordinated with them since they will normally operate shelter and mass care operations. Other agencies such as the Salvation Army, religious groups and volunteer organizations may operate shelters in coordination with the Emergency Operations Center. Some or all of these organizations coordinate their efforts with the American Red Cross. Some may operate the shelters themselves and assume full responsibility for them.

38.11.060. Schools.

The schools are responsible for developing and implementing an evacuation plan. These plans will be reviewed with the City. Coordination with the police department in an emergency situation is required.

Chapter 38.12
EMERGENCY SUPPORT FUNCTIONS

38.12.005. Purpose of this Chapter.
38.12.010. ESF#1: Emergency Alert Issuance.
38.12.020. ESF#2: Law Enforcement.
38.12.030. ESF#3: Fire and Rescue.
38.12.040. ESF#4: Public Works.
38.12.050. ESF#5: Communications Management.
38.12.060. ESF#6: Volunteer Management.
38.12.070. ESF#7: Evacuation, Mass Care, and Sheltering.
38.12.080. ESF#8: Health and Medical.
38.12.090. ESF#9: Hazardous Materials/Radiological Protection.
38.12.100. ESF#10: Animal Protection and Control.
38.12.110. ESF#11: Disaster Assessment and Recovery.
38.12.120. Chart.

38.12.005. Purpose of this Chapter.

The Perry City Emergency Committee established the following eleven Emergency Support Function (ESF's). They contain the emergency assignments and responsibilities for each of the functions as detailed below. Table 1 summarizes the emergency support functions and supporting agency responsibilities. During the recovery phase, all agencies are expected to support continuing operations with equipment and staff. (for Table, see 38.12.130).

38.12.010. ESF#1: Emergency Alert Issuance.

The following information regarding ESF #1 Emergency Alert Issuance:

1. Primary Agencies:
    a. Box Elder Consolidated Dispatch (911 Center).
2. Supporting Agencies:
    a. Perry City Emergency Management Committee.
    b. Perry City Police Department.
    c. Utah Division of Emergency Services and Homeland Security, Brigham City.
    d. Local cellular and telephone companies.
    e. Media.
    f. Volunteer and Private Organizations.
3. Response:
    a. Provide countywide, redundant 24-hour communications and warning capabilities and procedures.
    b. Initiate and disseminate warning to emergency response personnel.
    c. Receive and disseminate reports and warnings of incidents to the public and emergency response personnel.
    d. Support the direction and control function by linking primary and supporting agencies, jurisdictions, field sites and command facilities.

4. Recovery:
    a. Demobilize and return resources to a state of readiness.

38.12.020. ESF#2: Law Enforcement.

The following information regarding ESF #2 Law Enforcement:

1. Primary Agencies:
    a. Perry City Police Department.
2. Supporting Agencies:
    a. Perry City Emergency Management Committee.
3. Response:
    a. Agency members participate and assume appropriate role in the incident area(s) and Emergency Operations Center.
    b. Assist with maintaining security and control access to the site of the disaster, Emergency Operations Center (EOC), temporary morgue sites and other facilities. Assist with controlling traffic and crowds.
    c. Coordinate with neighboring community agencies in the establishment of a perimeter around the evacuated area and a pass system for emergency response personnel and resources.
    d. Coordinate with neighboring community law enforcement to conduct warning, evacuations, search and rescue, identification of victims and shelter operations.
    e. Obtain special resources and services (e.g. bomb squad, civil support team, hostage negotiators, laboratory facilities).
    f. Coordinate and assist the FBI in matters dealing with terrorism or terrorism threats arising within Perry City.
4. Recovery:
    a. Coordinate re-entry activities with local law enforcement.
    b. Demobilize and return resources to a state of readiness.

38.12.030. ESF#3: Fire and Rescue.

The following information regarding ESF #3 Fire and Rescue:

1. Primary Agencies:
    a. Brigham City Fire and Ambulance Department.
2. Supporting Agencies:
    a. Perry City Emergency Management Committee.
    b. Perry City First Responders.
    c. Utah Division of Emergency Services and Homeland Security, Brigham City.
3. Response:
    a. Agency members participate and assume appropriate role in the incident area(s) and Emergency Operations Center.
    b. Mobilize and coordinate city resources to assist the fire department.
    c. Conduct hazardous materials and decontamination operations.
    d. Provide fire suppression and search and rescue operations.
    e. Assist the Incident Commander with requesting and coordinating with Utah Division of Emergency Services a County Level Hazardous Materials Team, if

needed.

f. Determine the need for and acquire additional resources.

4. Recovery:
    a. Assist re-entry activities with local law enforcement.
    b. Demobilize and return resources to a state of readiness.

38.12.040. ESF#4: Public Works.

The following information regarding ESF #4 Public Works:

1. Primary Agencies:
    a. Perry City Public Works Department.
2. Supporting Agencies:
    a. Perry City Emergency Management Committee.
    b. Bear River Health Department-Environmental Health.
    c. Utah Department of Transportation (UDOT) - trucks, front end loaders, portable toilets.
    d. Mutual Aid Communities.
    e. Utah Department of Natural Resources.
3. Response:
    a. Agency members participate and assume appropriate role in the incident area(s) and Emergency Operations Center.
    b. Assess and report damage to infrastructure and waterways.
    c. Procure necessary equipment (trucks, earth moving equipment, portable toilets, etc.) from Utah Department of Transportation.
    d. Coordinate the restoration and maintenance of essential services (i.e., electricity, fuel, water, gas, sewage disposal) to the affected area.
    e. Clear or barricade roads, repair water and sewer systems and provide potable water supply and emergency lighting as needed.
    f. Coordinate with Utah Department of Natural Resources for debris removal and disposal.
    g. Procure services from neighboring communities with mutual aid agreement, city engineering contractors, and private contractors and coordinate their operations with the Emergency Operations Center.
4. Recovery:
    a. Assist with recovery activities and assessment of damage to those systems.
    b. Demobilize and return resources to a state of readiness.

38.12.050. ESF#5: Communications Management.

The following information regarding ESF #5 Communications Management:

1. Primary Agencies:
    a. Public Information Officer (PIO).
    b. Perry City Emergency Management Committee.
2. Supporting Agencies:
    a. Perry City elected officials.
    b. Perry City Police Department.

c. Bear River Health Department.
d. Perry City Public Works Department.
e. Local Media.

3. Response:
   a. Maintain liaison with Emergency Operations Center and field command post.
   b. Convene emergency public information staff; coordinate information between officials and the news media and implement rumor control.
   c. Obtain information and when authorized, by the Emergency Commander, release information to the news media through the proper channels (e.g., local media, Emergency Alert System, newspaper).
   d. Establish and maintain a joint public information center to ensure coordinated public information during emergency operations.
   e. Disseminate instructions to the public regarding protective action recommendations.
   f. Provide consumer protection information to the public.
   g. Assess the public affairs implications and support public officials with the dissemination of emergency protective actions.
4. Recovery:
   a. Coordinate returning to pre-disaster/emergency status.

38.12.060. ESF#6: Volunteer Management.

The following information regarding ESF #6 Volunteer Management:

1. Primary Agencies:
   a. Volunteer/Donation Coordinator.
   b. Perry City Emergency Management Committee.
2. Supporting Agencies:
   a. Perry City Elected Officials.
   b. American Red Cross, Northern Chapter.
   c. Salvation Army.
   d. Volunteer and private organizations.
3. Response:
   a. Identify and coordinate donated resources (i.e., personnel, facilities, equipment, supplies) in support of local operations.
   b. Track resources used during operations.
   c. Coordinate volunteer agency activities.
4. Response:
   a. Identify and release resources from service when no longer needed.
   b. Coordinate returning to pre-disaster status and replenish resources.

38.12.070. ESF#7: Evacuation, Mass Care, and Sheltering.

The following information regarding ESF #7 Evacuation, Mass Care, and Sheltering:

1. Primary Agencies:
   a. Perry City Emergency Management Committee.
   b. Perry City Police Department Office.

c. Bear River Health Department.
d. Perry City Elected Officials.
e. American Red Cross, Northern Chapter.

2. Supporting Agencies:
    a. Box Elder School District.
    b. Salvation Army.
    c. Volunteer and private organizations.
3. Response:
    a. Agency member(s) participate and assume appropriate role in the incident area(s) and the Emergency Operations Center.
    b. Assess the incident and the need to evacuate or shelter in-place.
    c. Coordinate with ESF#1 and ESF#5 to implement procedures for public warning, traffic re-routing, and evacuation and shelter operations including pets and livestock.
    d. Identify and request special resources (such as neighborhood schools, etc.) needed for evacuation and sheltering operations.
    e. Coordinate the activities regarding evacuation, shelter and human services functions including persons with special needs (e.g. mass feeding, registration of victims and families, shelter operation, emergency financial aid, mental health and stress management support to victims and responder).
4. Recovery:
    a. Collect vital statistics and identify potential or actual continuing hazards affecting public health and offer appropriate guidance for mitigation and harmful effects in accordance with ESF#8 and report to appropriate local, state , and federal authorities.
    b. Determine the appropriateness of re-entry and implement re-entry activities.
    c. Assist evacuees in returning to their homes and address temporary and long-term housing needs.

38.12.080. ESF#8: Health and Medical.

The following information regarding ESF #8 Health and Medical:

1. Primary Agencies:
    a. Perry City Emergency Management Committee.
    b. Bear River Health Department/Environmental Services.
    c. Perry City First Responders.
    d. Utah State Medical Examiner’s Office.
2. Supporting Agencies:
    a. Perry City Police Department.
    b. Brigham City Fire and Ambulance Departments.
    c. Volunteer and Private organizations.
    d. Local funeral home directors.
    e. Local Hospitals and Clinics.
3. Response:
    a. Agency members participate and assume appropriate role in the incident area(s)

and Emergency Operations Center.

b. Coordinate and provide leadership in the activities of public health, emergency medical response, and mortuary services.
c. Provide triage, transportation, and emergency and non-emergency medical treatment to victims, including isolation and decontamination activities.
d. Issue health and medical advisories to the public and emergency responders in accordance with ESF #5.
e. Assist with shelter operations/rehabilitation sites and the recording and registration of victims and in accordance with ESF#7.
f. Procure mutual aid resources for medical/health/mortuary supplies, equipment and personnel.
g. Coordinate the response and the activities regarding public health functions for hazardous materials/radiological hazards, infectious and communicable disease, safety of food and drugs, vaccinations, medical/mental health and crisis counseling for victims, responders and persons with special needs, vector control, potable water/wastewater/solid waste, and inspections/damage assessments for contamination and health hazards.
h. Coordinate with the Utah Department of Health and Division of Family Services.

4. Recovery:
    a. Assist with re-entry activities.
    b. Collect vital statistics and identify potential or actual continuing hazards affecting public health and offer appropriate guidance for mitigation and long-term health effects and report to appropriate local, State, and Federal authorities.

38.12.090. ESF#9: Hazardous Materials/Radiological Protection.

The following information regarding ESF #9 Hazardous Materials/Radiological Protection:

1. Primary Agencies:
    a. Brigham City Fire and Ambulance Department.
    b. Perry City Emergency Management Committee.
2. Supporting Agencies:
    a. Perry City Police Department.
    b. Perry City Public Works Departments.
    c. Utah Emergency Services and Homeland Security, Brigham City.
    d. Bear River Health Department, Brigham City.
    e. Utah Department of Environmental Health.
    f. Local hospitals and clinics.
3. Response:
    a. Set up a perimeter around the facility or spill and enact an access control system.
    b. Report the incident to the Utah Division of Emergency Services and Homeland Security Duty Officer in Brigham City or the Department of Environmental Health.
    c. Document all personnel who might have been exposed to radiation /hazardous material contamination.
    d. Coordinate with ESF#7 to implement procedures for evacuation, mass care and

sheltering.
   e. Collect shipping papers and contact facilities' representatives for more information regarding material involved and relate to appropriate agencies.
   f. Provide emergency medical care to victim(s).
4. Recovery:
   a. Determine the appropriateness of re-entry and implement re-entry activities.
   b. Assist evacuees in returning to their homes and address temporary and long term housing needs.

38.12.100. ESF#10: Animal Protection and Control.

The following information regarding ESF #10 Animal Protection and Control:

1. Primary Agencies:
   a. Perry City Emergency Management Committee.
   b. Perry City Police Department.
   c. Bear River Health Department, Brigham City.
   d. Utah State University Extension Agents.
2. Support Agencies:
   a. Brigham City Fire Department.
   b. Box Elder County Humane Society.
   c. Local Veterinarians.
   d. Volunteer Agencies and Private Organizations.
   e. Media.
   f. Public Information Officer (PIO).
3. Response:
   a. Provide biosecurity and surveillance to contain and prevent spread of disease.
   b. Provide regulatory enforcement of quarantines.
   c. Control vectors that may be involved in the spread of disease.
   d. Provide vital needs and care to displaced animals.
   e. Communicate information and guidance to the public.
   f. Determine need for additional resources.
   g. Coordinate with Department of Natural Resources, United States Department of Agriculture, and other local, State and Federal agencies.
4. Recovery:
   a. Provide assistance with reuniting owners and their animals.
   b. Provide provisions for re-entry of animals (domestic and wild).

38.12.110. ESF#11: Disaster Assessment and Recovery.

The following information regarding ESF #11 Disaster Assessment and Recovery:

1. Primary Agencies:
   a. Perry City Recorder.
   b. Perry City Emergency Management Committee.
2. Supporting Agencies:
   a. Perry City Police Department.
   b. Bear River Health Department.

   c. Perry City Public Works Departments.
   d. Brigham City Fire and Ambulance Department.
   e. American Red Cross.
   f. Salvation Army.
3. Response:
   a. Activate the Perry City disaster assessment process by identifying damage to roads, bridges, power lines, gas lines, water lines, etc.
   b. Report to the involved agencies the extent of agency involvement, estimate damages and gather information regarding the disaster's impact on the public and private sectors.
   c. Submit Local Government Initial Disaster Report (Appendix E) to Utah Division of Emergency Services/Homeland Security in Brigham City within 24 hours and update as needed.
   d. Receive and disseminate information to decision makers to prioritize recovery efforts and determine the need for state or federal assistance.
4. Recovery:
   a. Assist with the Preliminary Damage Assessment and disaster declaration processes as requested.

38.12.120. Chart.
The attached chart summarizes the emergency support functions and supporting agency responsibilities. The chart:

Chapter 38.13.
EMERGENCY MANAGEMENT PLAN MAINTENANCE

38.13.010. Authority and Responsibility.

38.13.010. Authority and Responsibility.
The Perry City Emergency Committee has the overall authority and responsibility for the development and maintenance of this plan. Typical items that are involved in the maintenance are:

1. Periodic review (frequency determined by the Emergency Commander) and updates to the plan.
2. Distribution of copies of the most recent plan to various government departments, support agencies, etc.
3. Discussion of the plan with the various departments and support agencies.
4. Amendments to the plan to reflect statutory or policy changes, lessons learned through drills or actual emergencies/disasters.

Legislative History.
Addition of Chapter 38.01 and new numbering system and codification into 2008 Perry Municipal Code: 12/11/2008.

Title 39, A General Plan and Related Elements Ordinance
PUBLIC SAFETY CAPITAL FACILITIES PLAN

Chapter 39.00. **Executive Summary**
Chapter 39.01. **Overview of the Capital Facilities Plan**
Chapter 39.02. **Overview of Perry City**
Chapter 39.03. **Existing Fire/EMT Facilities and Demands**
Chapter 39.04. **Law Enforcement**
Chapter 39.05. **Finance Element**
Chapter 39.06. **Appendix (Perry City Fire Response Map)**

Chapter 39.00.
Executive Summary

39.00.010 **Purpose of CFP**
39.00.100 **Fire and EMT**
39.00.110 **Fire/EMT Level of Service and Current Facilities.**
39.00.120 **Future Fire/EMT Facilities**
39.00.130 **Proposed Financing of Future Fire/EMT Capital Facilities.**

39.00.200 **Police**
39.00.210 **Police Level of Service and Current Facilities**
39.00.220 **Proposed Financing of Future Police Capital Facilities**

39.00.010 Purpose of CFP.

The purpose of the Public Safety Capital Facilities Plan ("CFP") is to provide Perry City (the "City") with substantive planning for future fire/EMT and law enforcement (collectively referred to as "public safety") capital infrastructure and demonstrate a basis for assessing impact fees for fire/EMT and for law enforcement services throughout the City. This document will address the future public safety infrastructure needed to serve the City through build-out including capital project costs, project timings, an inventory of existing facilities, and a financing plan which considers the use of impact fees and other revenues to fund the identified projects.

The CFP will also identify the target level of service standards that the City will provide to both existing and future development. The capital projects proposed in the CFP will ensure that these levels of service standards are provided to all existing and future recipients who benefit from public safety services. The CFP will also fulfill all financial requirements as promulgated under Title 11 Chapter 36, Utah Code (the "Impact Fees Act").

39.00.100 Fire and EMT

National Fire Protection Association ("NFPA") is one administrative body that provides standards and guidelines for the planning of fire protection services. NRPA response time standards have been considered in the planning of the facilities and analysis of response time.

39.00.110 Fire/EMT Level of Service and Current Facilities.

Currently the City of Perry has a contract with Brigham City for fire services. In case of a fire the Perry City First Responder Unit ("PFRU") can serve any medical needs to people that are affected by the fire; any fire situations must be handled by Brigham City fire department. PVRU operates from the existing city offices in a limited amount of space for administrative procedures, and they also use one half of a maintenance bay [one full bay as of 2010] for storing the ambulance [actually a First Responder Vehicle] that they own. Since the 2000 Federal Census, the City's population has increased by approximately 45 percent, and City expects the population to steadily increase through build-out. With new development comes a more complicated and expansive roadway system with more residential zones, traffic, intersections, coinciding calls, and other factors that will increase the time to respond to outer areas of the City.

The City would like to expand and build their own fire facility within the city limits to provide faster services. The City will strive to maintain four minute response times for 90percent of existing and future development, as recommended by the NFPA, and locate a fire station within 1.5 miles of all development within the City's boundaries.

39.00.120 Future Fire/EMT Facilities.

Perry City currently has 12 First Responders that are able to perform emergency medical procedures. In 2007 Perry plans to train the PFRU to be Quick Responders. The designation of "Quick Responder" is certification level below that of Firefighters. In the future the City would like to train the PFRU to be Level I Firefighters. Figure 1 summarizes the costs of the future fire/EMT capital facilities that the City will be required to fund.

39.00.130 Proposed Financing of Future Fire/EMT Capital Facilities.

Impact fees may be used to fund fire/EMT facilities, and may only recover the costs of capital infrastructure that are directly related to future growth. However, the future capital projects proposed in this CFP are also intended to cure existing system deficiencies. According to the Impact Fees Act, impact fees must exclude the costs of capital facilities that are intended to cure existing deficiencies. The cost of the future fire facility will be equally divided between current population and future growth so that future growth only pays their fair share.

FIGURE 1: EXISTING FIRE/EMT CAPITAL EXPENSES

Station	Construction Year	Current Year Costs	Construction Year Costs[1]
City Hall Station	2007	$ 1,500,000	$ 1,500,000
Totals		$ 1,500,000	$ 1,500,000

1. includes 3 percent construction inflation

39.00.200 POLICE.

39.00.210 Police Level of Service and Current Facilities.

Unlike fire protection, police protection does not rely on response times based on the time for responding units to arrive at a call from a fixed location. Officers patrol throughout a community and the units closest to a call are generally the first to respond to the call. Therefore a police station's location is determined by growth patterns and central locations rather than target response times.

Perry City provides its own police service. The City currently has a full time Police Chief, a full time Lieutenant, one full time Detective, three full time Officers, and two part time Officers. This gives Perry City a total of 6.25 full time or full time equivalent officers or a level of service of 1.43 sworn officers for every 1,000 residents in the City. The PCPD currently uses half of the upper floor, or 783 square feet, in the City office building to conduct their administration issues.

The police level of service used in this analysis is defined as the number of sworn officers per 1,000 residents. As the number of police calls increases as a result of future growth the City must hire additional sworn officers and administrative personnel to maintain the number of officers per 1,000 residents. The increase in officers will require the City to construct additional police facilities to accommodate its growing staff. The City has proposed adding a facility onto the future City Hall that would house the current police department and have additional room for police officers through buildout.

FIGURE 2: PROJECTED FUTURE POLICE EXPENSES

Police Facility Costs			
	Cost per SF	**Total Sf**	**Total Cost**
Existing Station	$ 100	783	$ 78,300
Buildout Need	100	2,303	230,265
Impact Fee Portion	**$ 100**	**1,520**	**$ 151,965**

39.00.220 Proposed Financing of Future Police Capital Facilities.

The City must construct additional law enforcement facilities for the PCPD to accommodate the future officers that the City will need to achieve its target level of service standard. Impact fees will allow the City to assess a fee to new development that is equitably based upon the costs related to the portion of the future law enforcement facilities that is intended to serve future growth. However, the future capital projects proposed in this CFP are also intended to cure existing system deficiencies, so the impact fees must exclude the costs for the portion of the law enforcement facilities that is intended to cure these deficiencies.

Chapter 39.01
Overview of the Capital Facilities Plan

39.01.010 Purpose of a Capital Facilities Plan
39.01.020 Definition of "Public Safety Capital Facilities"

39.01.100 Required Elements for a Capital Facilities Plan
39.01.110 Inventory Valuation of Existing and Future Facilities
39.01.120 Demand Analysis
39.01.130 Financing Options

39.01.200 Noticing and Adoption Requirements – 11-36-202

39.01.010 Purpose of a Capital Facilities Plan.

The purpose of this Capital Facilities Plan is to identify the increased demands placed upon the City's existing public safety facilities by future development and evaluate how these demands **will be met by the City. The CFP is also intended to outline the improvements which may be funded through impact fees.**

39.01.020 Definition of "Public Safety Capital Facilities".

The Impact Fees Act defines a public safety facility as "a building constructed or leased to house police, fire, or other public safety entities"[1] which refers to the "brick and mortar" improvements, the cost of land on which the buildings sit, and permanent fixtures with a useful life of ten or more years relating to existing and future fire and police stations. The Impact Fees Act also allows the inclusion of ladder trucks that cost at least $1.25 million if the City has commercial buildings of five stories or higher. At this moment Perry City can include the costs of constructing fire stations but does not qualify to assess an impact fee for ladder trucks.

All other vehicles, apparatus, station equipment, personal gear, and other costly and necessary equipment will be discussed as a basis for sizing future fire stations, but the costs and funding of these needs are not addressed in the CFP since they cannot be included in the calculation of the impact fees.

39.01.100 Required Elements for a Capital Facilities Plan.

According to the Impact Fees Act, local political subdivisions with populations or serving populations of more than 5,000 as of the last federal census must prepare a Capital Facilities Plan. Although Perry City had a population of 2,383 as of the 2000 Federal Census, the City has elected to prepare this comprehensive Capital Facilities Plan for public safety infrastructure to

[1] 11-36-102(13)(a)

ensure adequate planning for the future growth. The City projects that the population will surpass 5,000 residents as soon as 2008.

Local governments must pay strict attention to the required elements of the Capital Facilities Plan which are enumerated in the Impact Fees Act. The following elements must be discussed in the CFP before a local political subdivision can legally commence public notice and adopt the CFP.

39.01.110 Inventory Valuation of Existing and Future Facilities.

The Capital Facilities Plan must inventory the City's public safety facilities. To the extent possible the inventory valuation should consist of the following information:

- Each capital facility;
- Estimated date of completion of each future facility;
- Estimated useful life of each facility;
- Remaining useful life of each existing facility; and
- Replacement cost of each facility.

39.01.120 Demand Analysis.

The CFP must consider the level of service which is provided to a community's existing residents and ensure that future facilities meet these standards. The unit of measurement varies depending on which public facility is discussed. For example, the demand on public safety improvements may be measured in terms of calls received. The CFP is also required to include a clear nexus between estimated future demand and the proposed capital facilities required to be constructed or acquired to meet the future demand.

39.01.130 Financing Options.

The CFP must also include a consideration of all revenue sources, including impact fees, which may be used to finance system improvements.[2] In conjunction with this revenue analysis, there must be a determination that impact fees are necessary to achieve an equitable allocation of the costs of the new facilities between the new and existing users.[3]

39.01.200 Noticing and Adoption Requirements – 11-36-202.

The Impact Fees Act requires that any entity within a first- or second-class county provide written notice of its intent to prepare or modify any CFP. Because Box Elder County is classified as a second-class County, Perry must meet this requirement.

[2] 11-36-201(3)
[3] 11-36-201(4)

If an entity prepares an independent CFP rather than include a capital facilities element in the general plan, the actual CFP must be adopted by enactment. Before the CFP can be adopted, a reasonable notice of the public hearing must be published in a local newspaper at least 14 days before the actual hearing. A copy of the proposed CFP must be made available to the public during the 14-day noticing period for public review and inspection. Copies must be posted in at least three designated public places which may include the City offices and each public library within the City's jurisdiction.

Following the 14-day noticing period, a public hearing will be held, after which the City Council may adopt, amend and adopt, or reject the proposed CFP. Following the adoption, Utah Code Section 10-3-711 and 712 requires that a summary of the enactment be published in order for the enactment to become effective.

Chapter 39.02
Overview of Perry City

39.02.100 General Description of Perry City
39.02.200 Incremental Development by Zoning Class

39.02.100 General Description of Perry City.

Perry City is a rural community situated in the eastern edge of Box Elder County. Figure 2.1 shows the City's estimated current population of 4,381. Since it is impossible to predict the exact rates at which the City's population will increase, growth rates have been estimated to taper off as the City gets closer to its projected buildout year. The City expects build-out to occur in 2035 at an estimated population of 18,383 residents.

FIGURE 2.1: CITY-WIDE POPULATION PROJECTIONS

Year	Population	% Increase	Year	Population	% Increase
2007	4,381		2022	13,237	5.00%
2008	4,820	10.00%	2023	13,899	5.00%
2009	5,302	10.00%	2024	14,455	4.00%
2010	5,832	10.00%	2025	15,033	4.00%
2011	6,415	10.00%	2026	15,634	4.00%
2012	7,056	10.00%	2027	16,103	3.00%
2013	7,586	7.50%	2028	16,586	3.00%
2014	8,155	7.50%	2029	16,918	2.00%
2015	8,766	7.50%	2030	17,257	2.00%
2016	9,424	7.50%	2031	17,602	2.00%
2017	10,130	7.50%	2032	17,954	2.00%
2018	10,890	7.50%	2033	18,133	1.00%
2019	11,435	5.00%	2034	18,315	1.00%
2020	12,006	5.00%	2035	18,383	0.37%
2021	12,607	5.00%			

Source: J-U-B Engineering Population Estimates

39.02.200 Incremental Development by Zoning Class.

As the City continues to grow, residential density will increase; agricultural land will assist in increasing the population because in the future it is proposed that agricultural land will be developed to house residential units. Commercial units will assist in providing the business services that future residents will require. Residential development has buildout only 32 percent of the total buildout units, commercial however, has developed 61 percent of the total projected buildout units.

FIGURE 2.2: TOTAL DEVELOPED AND UNDEVELOPED RESIDENTIAL LAND

Type	Total Acres	Developed Acres	Undeveloped Acres	Percent Undeveloped
Mixed Use Residential	84	29	55	65%
Residential - 1/2 Acre	419	102	317	76%
Low Density Residential - 1/3 Acre	125	27	98	78%
Medium Density Residential	989	574	415	42%
Rural Residential - 1/2 Acre	387	62	325	84%
Agricultural	596	41	555	93%
Total	**2,599**	**835**	**1,764**	**68%**

FIGURE 2.3: TOTAL DEVELOPED AND UNDEVELOPED COMMERCIAL LAND

Type	Total Acres	Developed Acres	Undeveloped Acres	Percent Undeveloped
Commercial	299	61	238	80%
Mixed Use Commercial	166	46	120	72%
Neighborhood Commercial	135	128	7	5%
Manufacturing/Industrial	362	32	330	91%
Manufacturing/Industrial Limited	112	6	106	95%
Civic	18	17	1	6%
Institutional	8	8	0	5%
Mixed Use Office	67	7	60	90%
Environmental Sensitive	820	820	-	0%
Sewage Lagoon	282	282	-	0%
Neigborhood Park	45	13	32	71%
Total	**2,314**	**1,420**	**894**	**39%**

Chapter 39.03
Existing Fire/EMT Facilities and Demands

39.03.100 Overview of Fire Station Planning
39.03.110 Service Area Size, Barriers, and Topography
39.03.120 Land Development
39.03.130 Roadway Networks and Traffic Congestion
39.03.140 Fire Station Sizing

39.03.200 Existing Fire Stations

39.03.300 Current Response Time Coverage

39.03.400 Historic and Future Fire/EMT Call Volumes

39.03.500 RESPONSE TIME COVERAGE - 2035

39.03.600 Future Fire Station
39.03.610 Cost of Future Fire Station

39.03.100 Overview of Fire Station Planning.

Many state and national bodies, including the NFPA, have established response time guidelines for fire departments. While these guidelines can be used as benchmarks, communities are not required to adopt universal response times due to the wide variety of geographic characteristics that differ from community to community. Perry should develop a target response time which best suits the City based on the following criteria.

39.03.110 Service Area Size, Barriers, and Topography.

Development that spreads across large geographic areas, are removed from existing fire stations, or have limited entrance routes will receive abnormally large response times. Response times can be extended by natural or manmade obstacles, such as waterways with limited bridges, freeways, railroads, steep terrain and canyons, etc. which limits travel. Some areas may have very limited access points that require longer routes.

39.03.120 Land Development.

Land use and specific developments may increase the potential of fire outbreaks and medical emergencies. In analyzing future fire needs, the City must consider the patterns and types of growth, the timings of new development, and land uses or locations that may result in higher levels of calls. The type of land use within range of a particular station may affect the apparatus that it may house. For example, industrial land-uses require different fire suppression apparatus

than residential land-uses, and stations closer to a freeway may house more vehicle extraction equipment than one in a residential area.

Fire stations may only be placed in non-residential land uses and generally along arterial roadways. Fire stations located in residential areas create disturbances to neighboring homes when responding to late night calls. Ideally, stations should be placed in areas that are predominantly commercial, but buffers may also be considered when stations must be located near residential neighborhoods.

39.03.130 Roadway Networks and Traffic Congestion.

As the population expands within the City and surrounding areas, the City's roadways will become increasingly more congested and intersections become busier. While expanded roadways and improved intersections will help ease the flow of traffic, responding fire units will still be forced to compete with traffic as they strive to meet their target response times. Properly designed roadways with adequate connectivity and well situated stations will enable responding fire and emergency medical units to reach their calls within the established target response times. In addition to more roadways, updated fire technology will also assist in the future fire department responding to calls for service.

39.03.140 Fire Station Sizing.

Fire stations must be sized according to their role in the system which dictates the amount of offices, firefighter housing and living areas, and the equipment and apparatus needs of each station.

39.03.200 Existing Fire Stations.

The Perry Volunteer Responder Unit is currently housed in the city office building; they use half of a maintenance bay to park the ambulance [actually a First Responder Vehicle] that the City owns. Currently capacity and space in the City office building is being used for PVRU until a dedicated Fire Station is provided. This main station will house all administrative offices for the PVRU.

FIGURE 3.1: CURRENT COST TO BUILD NEW FIRE STATION

Station	Construction Year	Current Year Costs	Construction Year Costs[1]
City Hall Station	2007	$ 1,500,000	$ 1,500,000
Totals		$ 1,500,000	$ 1,500,000

1. includes 3 percent construction inflation

PVRU relies upon the services of volunteer firefighters (there are approximately 12 volunteer firefighters in the PVRU). The City currently owns the following fire suppression and emergency medical apparatus.

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FIGURE 3.2: CURRENT PVRU APPARATUS INVENTORY

Perry Fire Inventory	
	Total
Ambulance	1
Total	1

[Ambulance is actually a First Responder Vehicle]

The Main Perry Fire Station currently lacks the space to accommodate all the City's future apparatus needs. In addition to space limitations, some equipment could be more optimally placed according to primary areas served.

39.03.300 Current Response Time Coverage.

The City has considered the aforementioned factors and consequently established a response time level of service of a response to 90 percent of all calls within four minutes. Appendix 1 illustrates the City's current ability to meet a four minute response given the current roadway network which at the present time covers approximately 90 percent of the City.

39.03.400 Historic and Future Fire/EMT Call Volumes.

Impact fees are calculated by dividing the costs of fire/EMT facilities that have capacity to serve new growth by the future calls for service originating by new users. In order to accurately apply growth-related costs of capital facilities to future development, the additional call volumes that undeveloped land-uses will place on the current fire services offered to the City's residents must be determined.

The projection of future calls per land use is based upon the average current annual calls for service by unit of land use. As shown in Figures 3.4 and 3.5, the future fire/EMT calls are projected based upon the number of historic calls within each land-use category.

FIGURE 3.3: HISTORIC FIRE/EMT CALL DATA PER LAND-USE CATEGORY

Calls For Service	2002-2006	Per Month	Average per Year	Adjusted Calls*
Residential	260	4	54	260
Commercial	181	3	37	181

FIGURE 3.4: HISTORIC FIRE/EMT CALLS

Existing			
	Residential	Commercial	Total
Units	1,373	1,594	N/A
Calls For Service	54	37	91.29
Percent of Calls	59%	41%	100%
Average call per unit	0.0390	0.0240	N/A

FIGURE 3.5: FIRE/EMT CALL PROJECTIONS

Buildout			
	Residential	Commercial	Total
Units	5,763	6,100	N/A
Average Calls for Service per unit	0.0390	0.024	N/A
Projected Calls for Service	225	146	371
Percent of Total Calls	61%	39%	100.00%

39.03.500 RESPONSE TIME COVERAGE - 2035

Future growth moving away from the main fire station will inhibit the PVRU's ability to provide adequate fire protection and emergency medical coverage to future development from one central fire station. As development continues to occur within the City, the need for vehicles and firefighters will increase.

39.03.600 Future Fire Station.

The needed station will house all the administrative offices, and will also have living quarters for the firefighters and service bays for the future engines and ambulances. The current contract with Brigham City has made the need for a new fire facility in the city of Perry more of a priority.

39.03.610 Cost of Future Fire Station.

Although the PVRU currently relies on the services of volunteer firefighters, the City will gradually move towards becoming a more professionally-based department as the City's population increases. Therefore, future fire stations should include living areas for professional firefighters and emergency technicians. The City is ultimately responsible for working with an architect to design stations which best accommodate the department's specific needs.

FIGURE 3.6: ESTIMATED COST OF FUTURE FIRE STATIONS

Station	Construction Year	Current Year Costs	Construction Year Costs[1]
City Hall Station	2007	$ 1,500,000	$ 1,500,000
Totals		$ 1,500,000	$ 1,500,000

1. includes 3 percent construction inflation

The estimated building costs are average costs for a fire facility found in cities of relative size with Perry, but these costs may vary depending on the PVRU's specific needs. The amount of money budgeted to the PVRU and the projected generation of impact fee revenues directly affect the construction timing of the future capital facilities.

Chapter 39.04
Law Enforcement

39.04.100 Existing Police Station

39.04.200 Current Police Level of Service

39.04.300 Future Demand

39.04.400 Future Capital Projects

39.04.100 Existing Police Station.

Perry City currently has a limited amount of police facilities due to being located in half the upper floor of the city offices. According to the Impact Fees Act, jails, prisons, or other places of involuntary incarceration cannot be funded with impact fee revenues.

39.04.200 Current Police Level of Service.

Unlike fire protection, police protection does not depend on the distance of responding units to fixed locations. Officers generally patrol throughout the City, and the units closest to a call will typically be the call's first respondents. Therefore, the level of service for police services is based upon the number of sworn officers per 1,000 residents. Figure 4.2 shows the City's existing and target level of service standards, measured by sworn officers per 1,000 residents. The City currently has approximately 1.43 sworn police officers for every 1,000 residents; this includes one full time Chief of Police, one full time Lieutenant, one full time Detective, three full time Patrol Officers, and two part time Patrol Officers. Through build out the officers per 1,000 residents will decrease to 1 per 1,000 residents. The number per 1,000 residents will decrease because of redundant positions that don't necessarily need to be added to in the future such as Police Chief or administrative positions. The surplus/deficiency portion on Table 4.2 shows the number of officers that the City will need to add to their police department by buildout.

FIGURE 4.2: SWORN OFFICERS PER 1,000 RESIDENTS

	Sworn Officers	Current Population	Sworn Officers Per 1,000 Residents
Existing Level of Service	6.25	4,381	1.43
Target level of Service	18.38	18,383	1
Surplus/Deficiency	**(12.13)**		

The City has also established a floor space square footage standard for police service according to police facilities already constructed. The City would like to provide each of its officers with approximately 125 square feet of facility floor space. The existing and target level of service standards for floor space square footage per officer are shown in Figure 4.3.

FIGURE 4.3: FACILITY SQUARE FOOTAGE PER SWORN OFFICER

	Sworn Officers	Estimated Square Footage	Square feet per Officer
Existing Level	6.25	783	125.28
Target Level	18.38	2,303	125.28
Deficiency		(1,520)	

With a current level of service of 125 square feet per officer it will be required at buildout to have a police facility that is 2,303 square feet. Future development will be responsible for the costs of 1,520 square feet of the total future police facility.

39.04.300 Future Demand.

In order to accurately apply the growth-related costs of capital facilities to future development, the additional call volumes that undeveloped land-uses will place on the current police services offered to the City's residents must be determined. An in-depth analysis has been prepared to determine the number of developed units or acres of land in each land-use category, and the number of calls per unit or acre of land has been assigned to each land-use category. As shown in Figures 4.4 and 4.5, future police calls are projected based upon the number of historic calls within each land-use category. The average historic calls have been used in order to project future calls.

FIGURE 4.4: HISTORIC POLICE CALL DATA PER LAND-USE CATEGORY

Existing			
	Residential	Commercial	Total
Units	1,373	1,594	N/A
Calls For Service	789	96	885
Percent of Calls	89%	11%	100%
Average call per unit	0.575	0.060	N/A

FIGURE 4.5: POLICE CALL PROJECTIONS

Buildout			
	Residential	Commercial	Total
Units	5,763	6,100	N/A
Average Calls for Service per unit	0.575	0.060	N/A
Projected Calls for Service	3,313	366	3,679
Percent of Total Calls	90%	10%	100%

39.04.400 Future Capital Projects

Based upon the City's projected increase in population through build-out, the City must hire approximately 12 additional full-time (or full-time equivalent) sworn officers to provide the City's target level of service to existing and future development. An increase in future residents will require the City to provide the PCPD with approximately 1,520 square feet of facility floor space, excluding incarceration areas.

FIGURE 4.6: COSTS OF FUTURE POLICE CAPITAL PROJECTS

Police Facility Costs			
	Cost per SF	Total Sf	Total Cost
Existing Station	$ 100	783	$ 78,300
Buildout Need	100	2,303	230,265
Impact Fee Portion	**$ 100**	**1,520**	**$ 151,965**

The estimated building costs per square foot are average costs for a similar police facility in cities similar to the size of Perry, but these costs may vary depending on the PCPD's specific needs. The amount of money budgeted to the PCPD and the projected generation of impact fee revenues directly affect the construction timing of the future capital facilities.

Chapter 39.05
Finance Element

39.05.010 Existing Police Station

39.05.100 Historic Funding of Public Safety Facilities
39.05.110 General Fund Revenues

39.05.200 Funding of Future Public Safety Facilities
39.05.210 Property Tax Revenues
39.05.220 Grants and Donations
39.05.230 Impact Fee Revenues

39.05.300 Equity of Impact Fees

39.05.400 Impact Fee Credits

39.05.010 Existing Police Station.

As limited by statute, this chapter will discuss only the historic and proposed methods of financing existing and future capital facilities, excluding equipment, apparatus, salary, and all other operational needs.

39.05.100 Historic Funding of Public Safety Facilities.

39.05.110 General Fund Revenues.

The City's existing public safety infrastructure has been funded through general fund and impact fee revenues. General fund revenues include a mix of property taxes, sales taxes, federal and state grants, and any other available general fund revenues.

39.05.200 FUNDING OF FUTURE PUBLIC SAFETY FACILITIES.

39.05.210 Property Tax Revenues.

Property tax revenues are not specifically identified in this analysis as a funding source for capital projects, but inter-fund loans can be made from the general fund which will ultimately include some property tax revenues. Inter-fund loans will be repaid once sufficient impact fee revenues have been collected.

39.05.220 Grants and Donations.

Grants and donations are not currently contemplated in this CFP. However, the impact fees will be adjusted if grants become available to reflect the grant monies received. A donor will be

entitled to a reimbursement for the value of the improvements funded through impact fees if donations are made by new development.

39.05.230 Impact Fee Revenues.

Impact fees have become an ideal mechanism for funding growth-related infrastructure. Impact fees are charged to ensure that new growth pays its proportionate share of the costs for the development of public infrastructure. Impact fee revenues can also be attributed to the future expansion of public infrastructure if the revenues are used to maintain an existing level of service. Increases to an existing level of service cannot be funded with impact fee revenues. Analysis is required to accurately assess the true impact of a particular user upon the City infrastructure and to prevent existing users from subsidizing new growth. The following paragraphs discuss other issues pertaining to impact fees.

39.05.300 Equity of Impact Fees.

Impact fees are intended to recover the costs of capital infrastructure that relate to future growth. This method results in an equitable fee as future users will not be expected to fund any portion of the projects that will benefit existing residents. This method also addresses current deficiencies by assuming that facilities are sized optimally to cover the City without deficiencies or excess at build-out.

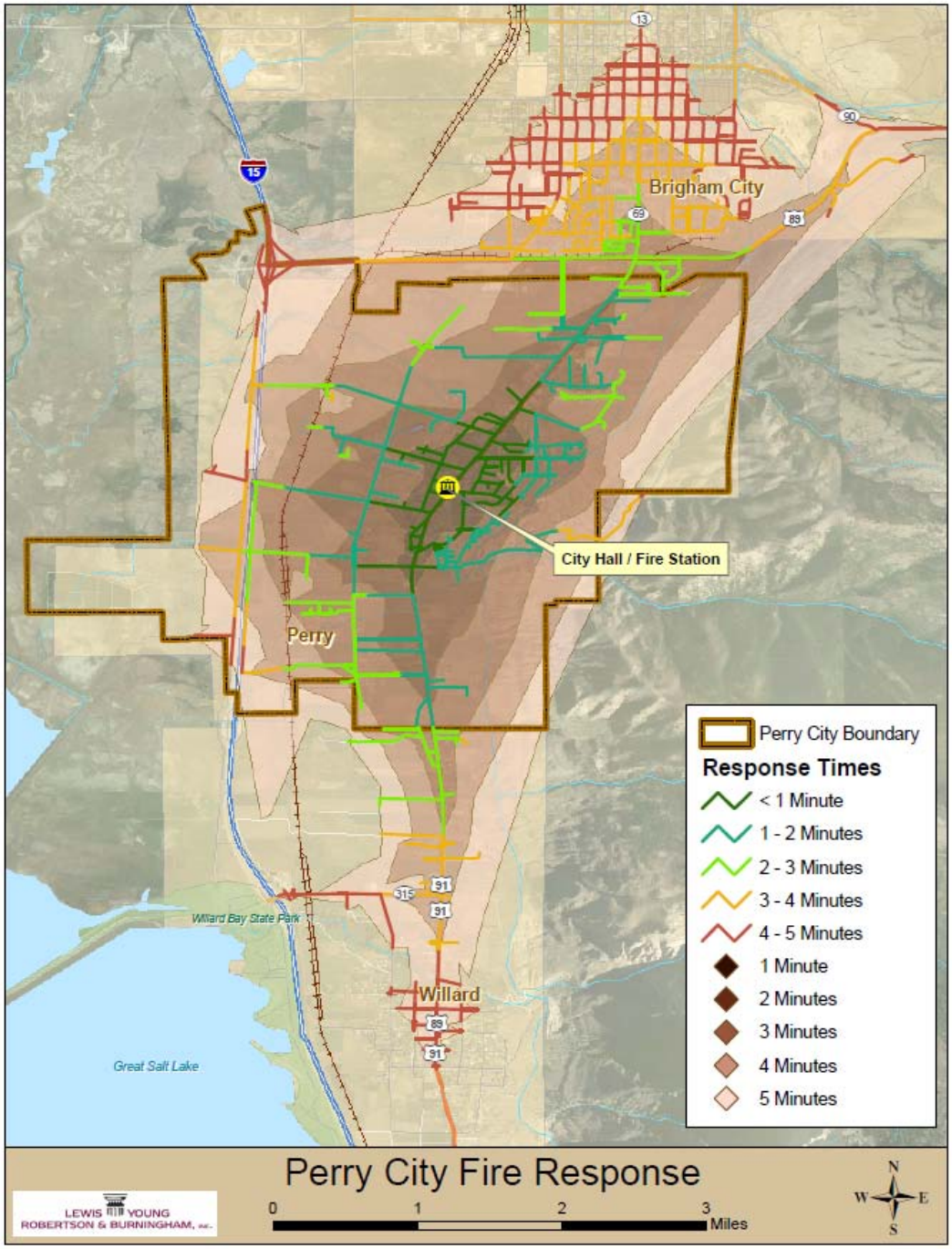
The impact fee calculations are structured so that impact fees will fund 100percent of the growth-related facilities identified in the proportionate share analysis as presented in the impact fee analysis. Even so, there may be years that impact fee revenues cannot cover the annual growth-related expenses, and other revenues, most likely general fund revenues, will be used to make up any annual deficits. Any borrowed funds are to be repaid in their entirety through impact fees.

39.05.400 Impact Fee Credits.

Impact Fee Credits are handled between the City and developers and "allow a credit against impact fees for any dedication of land for, improvement to, or new construction of, any system improvements provided by the developer if the facilities: a) are identified in the Capital Facilities Plan and b) are required by the local political subdivision as a condition of approving the development activity."[4] Credits are handled on a case-by-case basis and will not be included in the analysis, although the Proportionate Share Analysis will identify the extent to which specific developers are entitled to a credit.

[4] 11-36-202(3)(c)

CHAPTER 39.06
Appendix (Perry City Fire Response Map)



Legislative History
Adopt new Capital Facilities Plan in 2007.
Added and codified into 2010 Perry Municipal Code and corrected typographical errors in reference to the Perry City First Responder Unit ("PFRU") and to the First Responder Vehicle: 01/13/2011.

Title 40, A Land Use Ordinance
GENERAL LAND USE PROVISIONS

Chapter 40.01. **SHORT TITLE AND DEFINITION OF "LAND USE ORDINANCES"**
Chapter 40.02. **LEGISLATIVE INTENT**
Chapter 40.03. **EFFECT OF PREVIOUS ANDPENDING ORDINANCES**
Chapter 40.04. **CREATION OF A COMMUNITYDEVELOPMENT DEPARTMENT**
Chapter 40.05. **PENALTIES**
Chapter 40.11. **GENERAL APPLICABILITY**
Appendix 40A **UTAH CODE CHAPTERS 10-9a (MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT ACT)**
Appendix 40B **UTAH CODE CHAPTER 10-2 (MUNICIPAL BOUNDARIES, ANNEXATION, CLASSIFICATION, ETC.)**

Chapter 40.01.
SHORT TITLE AND DEFINITION OF "LAND USE ORDINANCES"

40.01.010. **Definition of "Land Use Ordinances and Resolutions."**
40.01.020. **List of Types of Ordinances.**
40.01.030. **Definition of "Written Land Use Provisions."**

40.01.010. Definition of "Land Use Ordinances and Resolutions."

Titles 40 through 79 shall be known as the Perry City "Land Use Ordinances" or "Land Use Ordinances and Resolutions" (which shall be defined as and which shall include all maps, Public Works Standards, Architectural Design Guidelines, and other written land use provisions) and may be so cited and pleaded, with Titles 70 through 79 more specifically being indexes of vacated subdivisions, Public Works Standards, Architectural Design Guidelines, and other land use resolutions or land use provisions approved by resolution.

40.01.020. List of Types of Ordinances.

Included in the "Land Use Ordinances" shall be Ordinances and Policies for Zoning, Subdivisions, Cluster Housing, Landscaping, Area Requirements, Signs, Fences, Home Occupations, Parking, Design Review, Land Use, Conditional Uses, Excavation, Reclamation, Nonconforming Uses and Noncomplying Structures, Planning Commission Rules, Land Use Authorities and Appeal Authorities, Zoning Administration, Land Use Definitions, and other written land use provisions, maps, and information pertinent to and for clarification of the above, and as per the definition in *Utah Code Annotated* Section 10-9a-103(16), as follows: "a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan."

40.01.030. Definition of "Written Land Use Provisions."
Titles 30 through 39 constitute the General Plan and "Master Plan Elements," which are *not* "Land Use Ordinances and Resolutions." The "Land Use Ordinances and Resolutions" and the "General Plan and Master Plan Elements" may be collectively referred to as "Written Land Use Provisions."

Chapter 40.02.
LEGISLATIVE INTENT

40.02.010. Purpose.
40.02.020. Interpretation.
40.02.030. Conflict with Covenants, Other Ordinances, Etc.
40.02.040. Severability.

40.02.010. Purpose.
The Land Use Ordinances are designed and enacted for the purpose of promoting the health, safety, order, prosperity and welfare of the present and future inhabitants of Perry City.

40.02.020. Interpretation.
In interpreting and applying the provisions of the Land Use Ordinances, the requirements contained herein are declared to be the minimum for the purposes set forth.

40.02.030. Conflict with Covenants, Other Ordinances, Etc.
The Land Use Ordinances shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws.

40.02.040. Severability.
Should any section, clause or provision of any "Land Use Ordinance" (as defined herein) be declared by the courts to be invalid, the same shall not affect the validity of the remaining portions of the written Land Use Ordinance provision(s) as a whole or any part thereof; the written Land Use Ordinance provision(s) to thus continue to be in full force and effect, other than the part(s) so declared to be invalid.

Chapter 40.03.
EFFECT OF PREVIOUS AND PENDING ORDINANCES

40.03.010. Effect of Previous Ordinances and Maps.
40.03.020. Effect of Pending Land Use Ordinances.

40.03.010. Effect of Previous Ordinances and Maps.
The existing ordinances of Perry City regulating the zoning of areas in the City are hereby superseded and amended to read as set forth herein. Projects or developments that were approved under previous ordinances or processes shall be binding and accountable to ordinances of that date.

40.03.020. Effect of Pending Land Use Ordinances.
The provisions of *Utah Code Annotated* Section 10-9a-509(1(a)) are specifically reserved, such that appropriate land use officials may temporarily prohibit approval of an application (according to the terms of the referenced statute), pending action on the relevant pending ordinance. "Formally initiating proceedings to amend city ordinances" or "when a pending ordinance exists" shall be defined as "when a pending ordinance is first specifically referred to on an official city agenda or is in written form available to the public." If the "pending ordinance" has the date it became "pending" listed on it, that date shall be the official date.

Chapter 40.04.
CREATION OF A COMMUNITY DEVELOPMENT DEPARTMENT

40.04.010. Head of and Members of the Department.
40.04.020. Department to be Staff For Land Use and Appeal Authorities.
40.04.030. Placement of Land Use Issues on Agendas.
40.04.040. Other City Officials May Assist Department.

40.04.010. Head of and Members of the Department.
The Community Development Department shall consist of a Community Development Director, Building Official, Building Inspector(s), City Engineer, City Planner, Community Development Clerk and others, as designated by ordinance or by the city administrator. The Community Development Director shall be the director or head of said department. Unless otherwise designated, the City Engineer shall be the Assistant Community Development Director and may be assigned to chair, supervise or manage certain projects and meetings.

40.04.020. Department to be Staff For Land Use and Appeal Authorities.
The Community Development Department shall be the staff for the Planning Commission and for all Land Use Authorities and Appeal Authorities. The Community Development Department shall also provide the personnel to review, receive, and process all land use ordinance amendment requests, escrow release requests, business license applications, building permit applications and other land use applications (including general plan and zoning issues, subdivisions, site plans, design review and conditional use processes, etc.).

40.04.030. Placement of Land Use Issues on Agendas.
The Community Development Department shall place the appropriate issues and applications on the agendas for the Planning Commission and for the Land Use Authorities and Appeal Authorities and shall provide information to the City Recorder for items to be placed on the City Council agenda.

40.04.040. Other City Officials May Assist Department.
The Public Works Director, the City Attorney, and/or other City officials may provide support to the Community Development Department on issues as necessary.

Chapter 40.05.
PENALTIES

40.05.010. Criminal Penalties.
40.05.020. Land Use Penalties.
40.05.030. Injunctive and Other Civil Penalties.

40.05.010. Criminal Penalties.
Any person, group, firm or corporation, whether a principal, agent, employee or otherwise, violating, causing, or permitting violations of the provisions of this chapter shall be guilty of misdemeanor (Class B, unless otherwise identified). Such person, group, firm or organization shall be deemed to be guilty of a separate offense of each day during which any portion of any violation of this chapter is permitted or continued by such person, group, firm or corporation.

40.05.020. Land Use Penalties.
A Land Use Authority or Appeal Authority may, if allowed by law, delay or refuse to act on a land use application until action required regarding a prior land use application is completed or may use any other remedies allowed by land use law.

40.05.030. Injunctive and Other Civil Penalties.
Perry City may by action of the City Council also institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, or maintenance or use.

Chapter 40.11.
GENERAL APPLICABILITY

40.11.010. Applicability of This Title.

40.11.010. Applicability of This Title.

The provisions of this Title are applicable to all Titles numbered 40 through 79.

Legislative History

Last Major Substantive Changes: May 25, 2006
Added "Pending Ordinance Rule": July 26, 2007
Added "Severability" Clause: January 24, 2008
Changed numbering system, technical corrections and updates and adopted as part of new Municipal Code: May 22, 2008 and December 11, 2008

Appendix 40A UTAH CODE CHAPTER 10-9a (MUNICIPAL LAND USE, DEVELOPMENT, AND MANAGEMENT ACT)

Appendix 40B UTAH CODE CHAPTER 10-2 (MUNICIPAL BOUNDARIES, ANNEXATION, CLASSIFICATION, ETC.)

Title 41, A Land Use Ordinance
LAND USE DEFINITIONS

Chapter 41.01. GENERAL PROVISIONS
Chapter 41.02. LIST OF TERMS

Chapter 41.01
GENERAL PROVISIONS

41.01.010. Purpose and Intent.
41.02.020. Explanation.

41.01.010. Purpose and Intent.
The following definitions pertain to the Perry City Land Use Ordinance for the purpose of explanation and defining of terms contained within included ordinances.

41.01.020. Explanation.
For the purpose of this chapter, certain words and terms are defined as follows: words used in the present tense include the future; words in the singular number include the plural and in the plural, the singular, words not included herein but defined elsewhere in this chapter or in the adopted Building Code of Perry City shall be construed as defined therein.

Chapter 41.02.
LIST OF TERMS

41.02.005. Accessory Use or Building.
A use or detached, subordinate building on the same lot with, but of a nature clearly incidental and subordinate to, the principal use of the property or building.

41.02.010. Agent of Owner.
Any person who can show written proof that he is acting for the property owner and with the property owner's knowledge and permission.

41.02.015. Agriculture.
The tilling of the soil, the raising of crops, horticulture, and food production for humans or animals, but not including the keeping or raising of domestic animals or businesses such as fruit-packing plants, fur farms, animal hospitals, stables, kennels or other similar uses.

41.02.020. Alley.
A public access-way less than twenty-six (26) feet in width, which is designed to give secondary access to lots or abutting properties; an alley shall not be considered a street, for the purpose of this Ordinance.

41.02.025. Apartment House.
A building or portion thereof which is designed and built for occupancy by five (5) or more families.

41.02.047. Appeal Authorities.
The land use appeal authorities that decide appeals when there is an error in administration or grant a variance to the requirements of an ordinance under special circumstances, and which replaced the Board of Adjustment. The Land Use Appeal Authorities include the Special Uses and Appeals Board and the Administrative Law Judge (see Title 43, Rules of the Perry City Land Use Authorities and Appeal Authorities).

41.02.030. Average Per Cent Of Slope.
An expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a parcel or lot. A vertical rise of one hundred (100) feet between two points, one hundred (100) feet apart measured on a horizontal plane is a one hundred (100) per cent slope.

41.02.035. Basement.
The portion of a building that is partly (twelve (12) inches or more) or completely below the grade or level of the abutting ground.

41.02.040. Block.
The land surrounded by streets or other right-of-way, other than an alley, or land which is designated as a block on any recorded subdivision plat.

41.02.045. Board of Adjustment.
A five (5) member board previously organized to decide appeals when there is an error in administration or grant a variance to the requirements of an ordinance under special circumstances, but which has been replaced by the Land Use Appeal Authorities; namely, the Special Uses and Appeals Board and the Administrative Law Judge (see Title 43, Perry City Land Use Ordinance).

41.02.005. Accessory Use or Building.
A detached, subordinate building or other use on the same lot with, but of a nature clearly incidental and subordinate to, the principal building or use on the property. For a lot or parcel that has a dwelling as its principal use, the following shall always be an "Accessory Use or Building":

1. Any building, structure, or enclosed container (other than an approved garbage receptacle) that covers at least 25 square feet of ground surface area, and
2. Whether or not said building, structure, or container is permanent, immovable, affixed, or attached.

41.02.053. Building Accessory.
A detached subordinate building on the same lot with, and of a nature customarily incidental and subordinate to, the principal building is a building accessory.
See – **Accessory Use or Building.**

41.02.055. Building, Height of.
The vertical distance from the average, finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a pitch or hip roof is the building height.

41.02.060. Building Inspector.
The person designated as the building official for the local jurisdiction by the governing body as having authority charged with administration and enforcement of the adopted building code. The building inspector may also be the zoning administrator, if so designated.

41.02.063. Building Official.
A building official is the official, or his duly authorized deputy, charged with the administration and enforcement of this ordinance.

41.02.065. Building Permit Required.
The construction, alternation, repair, or removal of any building, structure, or part thereof as provided or as restricted in this Ordinance shall not be commenced or continued except after the issuance of a written permit from the building inspector. Work not started within one hundred eighty (180) days will require a new permit.

41.02.070. Carport.
A carport is any covered, private vehicle parking area not completely enclosed by walls or doors that is attached to a dwelling or accessory building. For the purposes of this Ordinance, a carport shall be subject to all the regulations prescribed for a private garage. A carport shall be considered part of a dwelling if the carport and dwelling have a roof in common.

41.02.075. City Attorney.
The attorney employed by or officially representing the local jurisdiction.

41.02.080. City Engineer.
The engineer employed by or under contract with and officially representing the local jurisdiction.

41.02.085. City Standards.
The words "Perry City Standards" mean a set of standard drawings and specifications entitled "Minimum Standards for Public Utility and Street Improvements and related facilities for Perry City Corporation."

41.02.090. Cluster Housing.
A subdivision of land in which the lots have areas less than the minimum lot area of the zoning district in which the subdivision is located, but which complies with the cluster subdivision provisions of the Perry City Land Use Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

41.02.095. Conditional Use.
The use of a building or land indicated by "C" on the land use chart which requires special conditions to be met for approval as defined in the Conditional Use Ordinance to prevent any detrimental effects to the public health, safety, and welfare or would impair the integrity and character of the zoned district. The applied-for use must be stated in the zoning ordinance (land use chart). The Planning Commission and City Council either approves, subject to the listed condition(s), or denies such uses. Each application is considered on its individual merits.

41.02.100. Condominium.
The ownership of a single unit in a multi-unit project together with an undivided interest in common in the common areas and facilities of the property.

41.02.105. Corral.
A space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals or fowl.

41.02.110. Court.
An open space, unobstructed to the sky, other than a yard which is located at or above grade level and bounded on two or more sides by walls or a building(s).

41.02.115. Crosswalk or Walkway.
A right-of-way dedicated to public use, to facilitate access through a subdivision block; designed for use by pedestrians and not for use by motor vehicles; may be located within or without a street right-of-way, at grade, or separated from vehicular traffic.

41.02.120. Cul-de-sac.
The term "cul-de-sac" (dead-end street) means a street, existing or proposed, which has access from one open end and is terminated by a vehicular turn-around at the other end, as defined by Perry City Standards.

41.02.125. Density.
The number of families, individuals, dwelling units or housing structures per unit of land; usually that unit is expressed as an acre. The control of density is one of the basic purposes of zoning. **Gross density** includes land for streets, schools and parks. **Net density** does not include area for public spaces.

41.02.130. Density, Control of.
Density control is imitation on the occupancy of land. Density can be controlled through zoning by one or a combination of the following methods: use restrictions (single or multiple dwellings); minimum lot size requirements; floor area ratios; setback and yard requirements; minimum house-size requirements; establishing ratios between lot and house size; limitations on units per acre; and other means.

41.02.135. Design, Subdivision.
These include:
1. Street alignment, grades and width; and
2. Width and alignment of easements and rights-of-way for drainage, water systems, sanitary sewer lines, and other utilities; and
3. Minimum lot area, width, and depth, etc.

41.02.140. Development Impact Fee.
A fee or charge imposed on a developer to pay for the costs to the community of providing services to a new development. It is a means of providing a fund for financing new public improvements without resorting to deficit financing.

41.02.143. Division of Agricultural Land for Agricultural Purposes.
A bona fide division of partition of agricultural land for agricultural purposes shall mean, for purposes of this ordinance, the division of a parcel of land into three (3) or more parcels which meet all of the following conditions:
1. None of the parcels created can be smaller than five (5) acres in area for irrigated land and ten (10) acres for un-irrigated land.
2. The purpose of the division shall be to use each of the lots for agriculture, not for investments, building development, recreational use, cabin or other housing use, livestock feed yard, or any other agricultural industry or business.
3. Each of the parcels created have access to a public street or highway or to a private street approved by the Planning Commission and the governing body.
4. Each of the parcels created shall be capable, in the opinion of the Planning Commission and the governing body, of producing an income from the sale of agricultural products sufficient to justify its existence as a separate agricultural-lot entity. Among the factors used in making a decision as to whether a division of land is or is not bona fide division or partition of agricultural land for agricultural purposes, the Planning Commission and the governing body may consider the availability of water for irrigation or stock-watering purposes; the class of the soil and depth of the soil mantel; the slope of the land; and, past history of agricultural production.
5. The owner seeking a bona fide division of agricultural land for agricultural purposes shall record a “Restrictive Covenant Precluding the Non-agricultural Use of Land” at the County Recorder’s Office in a form approved by the city attorney.

41.02.145. Driveway.
A private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the driveway is located.

41.02.150. Dwelling.
Any building or portion thereof designed or used as the more or less permanent residence, living space or sleeping place of one or more persons or families, but not including a tent, commercial assisted living center, hotel, motel, hospital, or nursing home.

41.02.155. Duplex.
A building which is designed, built, or remodeled that is intended for use as a dwelling for occupancy by two (2) families.

41.02.160. Easement.
A quantity of land set aside or over or under which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public. No permanent structures as defined and reviewed by the Planning Commission are allowed in any recorded easements.

41.02.165. Essential Facilities.
Essential facilities are any utility, sanitary, and public safety facilities provided by a public utility or governmental agency for overhead or surface or underground services, excluding any building, electrical sub-station or transmission line of fifty (50) K or greater capacity.

41.02.170. Excavation Uses.
Mines, gravel pits, sand pits, clay pits (including concrete batching plants and/or asphalt plants installed in connection with pits) rock quarries, rock crushers, and buildings or structures in connection, therewith (see Title 61, Perry City Land Use Ordinances for regulations).

41.02.175. Family.
One or more persons related by blood, marriage or adoption, or a group of not more than four unrelated persons living together as a single nonprofit housekeeping unit.

41.02.180. Final Plat.
A subdivision map prepared in accordance with the provision of the Subdivision Ordinance which is designed to be placed on record in the office of the County Recorder.

41.02.185. Fire Protection.
Such water supply, water lines, fire hydrants and/or other protective devices as may be required in the provisions of the Perry City Land Use Ordinance for adequate elimination of fire hazards.

41.02.190. Flag Lot.
A flag or L-shaped lot comprised of a staff portion contiguous with the flag portion thereof (subject to special conditions). See Title 52, Perry City Land Use Ordinance (Subdivision Ordinance) for regulations.

41.02.195. Flood Hazard.
A hazard to land or improvements due to inundation or overflow of water having sufficient velocity to transport and/or deposit debris, scour the surface soil, dislodge or damage buildings and/or erode the banks of water courses.

41.02.200. Four-plex.
A building which is designed, built, or remodeled and intended for use as a dwelling for occupancy by four (4) families.

41.02.205. Frontage.
Frontage is any area of a lot facing the street or public right-of-way. All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

41.02.210. Garage, Private.
An enclosed vehicle parking area attached to a dwelling or an accessory building designed or used for the storage of not more than four automobiles, owned and used by the occupants of the main building to which it is accessory, provided, that on a lot occupied by a multi-family dwelling, the private garage may be designed and used for the storage of a minimum of one and one-half times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

41.02.215. General Plan.
A long range generalized plan of the City of Perry for development and zoning approved by the Planning Commission and adopted by the Governing Body for the Local Jurisdiction, including maps, reports or both as required by law.

41.02.220. Geological Hazard.
A hazard that is inherent in the crust of the earth or artificially created which is dangerous or potentially dangerous to life, property and/or improvements due to movement, failure and/or shifting of the earth is a geological hazard.

41.02.225. Governing Body.
The elected legislative body of the local jurisdiction that is the City Council for Perry City.

41.02.230. Haul Road.
A road designated as a haul road on the Circulation, Road or Master Transportation Plan or as defined by the Planning Commission. Haul Roads shall require special negotiation of construction standards with the City Engineer before any improvement of existing roads or development of proposed roads is approved.

41.02.235. Health Officer.
The health officer or department employed or officially representing the local jurisdiction in health related matters.

41.02.240. Height of Building.
See - **Building, Height of.**

41.02.245. Home Occupation.
Every trade, profession, occupation, business or activity engaged in within a residence or dwelling with the object of economic profit, benefit or gain, directly or indirectly and carried on by persons residing on the premises and is ongoing in nature as opposed to temporary (Example: garage sales, lemonade stands) and is incidental and secondary to the use of the property as a residential dwelling. Yearly business license is required before conducting business.

41.02.250. Homeowner's Association.
A non-profit organization operating under recorded legal agreements running with the land. Generally, each lot owner in a condominium or similar planned development becomes a member upon purchase and each lot is subject to a charge for a proportionate share of the expenses for the organization's activities, such as landscaping, maintaining common areas, recreation facilities, parking areas and enforcement of CC&Rs (Conditions, Covenants & Restrictions).

41.02.255. Household Pets.
Animals or fowl ordinarily permitted in and around the house or yard, and kept for company or pleasure, such as dogs, cats, and canaries, but not including the keeping of normally dangerous animals, such as lions, tigers, etc. or domesticated farm animals such as pigs, horses, cows, goats, ducks, pigeons etc. (see Title 6, Perry City Animals Ordinance for limitations on household pets.)

41.02.260. Improvements.
Work, objects, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, streets, paving, grading, construction to required standards, water systems, sewer systems, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, streetlights, traffic control or safety devices, fire hydrants, and such other facilities or construction as is required by the Subdivision Ordinance, subdivision regulations, or by the Planning Commission and/or City Council for the necessary, proper development of a proposed subdivision.

41.02.265. Infrastructure.
Facilities and services needed to sustain industrial, manufacturing, residential and commercial activities. It includes sewer and water lines, streets and roads, communication lines and public facilities such as fire houses, parks, etc.

41.02.270. Inundation.
Water of sufficient depth and/or motion to damage property by presence of water, moving debris or deposit of silt is known as inundation.

41.02.275. Kennel/Cattery.
The keeping of three or more dogs/cats, with equipment and supplies for the business of breeding, raising, and/or boarding of dogs/cats for business purposes. A business license is required for a kennel or cattery.

41.02.280. Lateral Sewer.
A lateral sewer is any sewer line that discharges into another sewer line and has only the building sewage as a tributary to it.

41.02.285. License (Business).
a written business license certificate issued by the business licensing authority and approved by the City Council allowing a person to operate and maintain a home occupation or business under the provisions of the Perry City Business License Code and regulations issued hereunder.

41.02.290. Limited Number of Livestock.
The keeping of livestock shall not exceed six (6) large animals per acre, such as any combination of the following examples: Horses, cattle, sheep, goats, pigs, etc. and shall not exceed 18 small animals per acre, such as chickens, turkeys, ducks, geese, pigeons, peacocks, rabbits and other small fur bearing animals, etc.

41.02.291. Local Attorney.
The attorney employed by or officially representing Perry City.

41.02.292. Local Building Inspector.
The building inspector employed by or officially representing Perry City.

41.02.293. Local Engineer.
The engineer employed by or officially representing Perry City.

41.02.294. Local Jurisdiction.
Local jurisdiction refers to Perry City.

41.02.295. Local Surveyor.
The surveyor employed by or officially representing Perry City.

41.02.300. Lot.
A parcel or unit of land described by metes and bounds and held or intended to be held in separate lease or ownership, or a parcel or unit of land shown by a parcel on a recorded subdivision map, or shown on a plat used in the lease or sale or offer of lease or sale of land resulting from the division of a larger tract. A parcel of land occupied or to be occupied by a building or a group of buildings, together with such yards, open spaces, with width and area as are required by Perry City Ordinance; having frontage upon a street, or upon a right-of-way approved by an Appeal Authority. These regulations may be waived by a Land Use Authority or Appeal Authority, as allowed by any Planned Unit Development, Cluster Housing Development, or other City ordinance. Not more than one dwelling structure shall occupy any one lot.

41.02.305. Lot, Corner.
A corner lot is any lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees.

41.02.310. Lot, Restricted.
A lot requiring adherence to special conditions and/or requirements to be met before a building permit can be issued or has an “R” designation on the recorded subdivision plat and a listed condition to be met for a building permit. The slope of the lot may be a reason for the restriction.

41.02.315. Lot Right-of-Way.
A strip of land of not less than sixteen (16) feet in width connecting a lot to a dedicated street or right of way for use as private access to that lot.

41.02.320. Lot, Unrestricted.
A lot having an average slope less than is prohibited by the Foothill Development Ordinance, Title 47 (Perry City Land Use Ordinance), and having the buildable area designated on the subdivision plat in which the lot is located with no “R” designation with the lot number.

41.02.325. Main Building.
The principal building or dwelling on a lot recognized as the primary use of the property on which it is located.

41.02.330. Master Plan.
A plan adopted by Perry City Council describing a certain aspect of the city or infrastructure for future development or current use such as the Transportation Master Plan, Trails Master Plan, Master Plan for Dale Young Park, etc. as subsidiary plans that may or may not be included as components of the General Plan.

41.02.335. Mining Operation(s).
Mining Operation(s) means those activities conducted on the surface of the land for the exploration for development of or the extraction of mineral deposits and/or raw materials from its natural occurrences, including surface mining and surface effects of underground mining including on-site transportation and other primary processing.

41.02.340. Mobile Home.
A detached, single-family dwelling unit not less than six-hundred square feet in area, designed for long-term occupancy, and to be transported on it own wheels or on flatbed or other trailers or detachable wheels; containing a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, and ready for occupancy except for utility connections and other minor work. Pre-sectionalized, modular, or prefabricated houses not placed on a permanent foundation shall be regarded as mobile homes. If placed upon a permanent foundation, such structures which meet all applicable building and housing codes, shall not be considered as mobile homes, but shall be regulated as conventional housing; and mobile homes which are so placed on permanent foundations and meet all applicable building and housing codes shall be regulated as conventional housing.

41.02.345. Mobile Home Lot.
A lot within a mobile home subdivision designed to be used for the accommodation of one (1) mobile home.

41.02.350. Mobile Home Park.
An area designed and approved by Planning Commission and City Council for occupancy by mobile homes, to be under a single ownership or management for mobile home space rental or lease. All requirements of the Mobile Home Parks and Mobile Home Subdivisions Chapter shall be met.

41.02.355. Mobile Home Space.
A space within a mobile home park designed to be used for the accommodation of one (1) mobile home.

41.02.360. Mobile Home Subdivision.
A subdivision designed and intended for residential use where the lots are to be individually owned or occupied by mobile homes exclusively.
All requirements of the Mobile Home Parks and Mobile Home Subdivisions Chapter shall be met.

41.02.365. Modular/Manufactured Home.
A permanent dwelling structure built in prefabricated units, which are assembled and erected on the site, or at another location and brought as a unit to the site; or as integral parts which have

been built or assembled prior to incorporation in the building. A modular/manufactured home is classed as a mobile home until it is placed on a permanent foundation and complies with all governing building codes.

41.02.370. Nonconforming Building or Structure.
A building or structure or portion thereof, lawfully existing at the time this chapter became effective which does not conform to all the height, area, and yard regulations herein prescribed in the zone in which it is located.

41.02.375. Nonconforming Use.
A use which lawfully occupied a building or land at the time the zoning ordinance became effective and which does not conform to the use regulations of the zoning district in which it is located.

41.02.380. Official Map.
A map which has been adopted as the official map of the local jurisdiction, showing existing public streets, streets on plats of subdivision which have been approved by the Planning Commission, and/or other street extensions, widenings, narrowings, or vacations which have been accurately surveyed and definitely located.

41.02.385. Off-site Facilities.
Public or private improvements not within the boundaries of the subdivision and which provide serve to said subdivision are off-site facilities.

41.02.390. Off-Street Parking Space.
The space required to park one (1) passenger vehicle, which space shall meet the requirements of the Zoning Ordinance, Parking Ordinance and is located off of the public right of way.

41.02.395. On-site Facilities.
Construction and/or placement of public or private improvements within the boundaries of the subdivision for which they provide service are on-site facilities.

41.02.400. Open Space.
Areas reserved in parks, courts, playgrounds, golf courses, subdivisions and other similar open areas to meet the density requirements of planned unit developments.

41.02.405. Operator.
Any person, firm, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative of any kind either public or private, owning, controlling, or managing mining operations or proposed mining operations including exploring for or developing of mineral deposit sites.

41.02.410. Oversized Facilities and Utilities.
The words "oversized facilities and utilities" mean facilities and utilities which are designed, with added capacity, width, depth, etc., with the express purpose of making service available to other properties outside the legally described perimeter of the subdivisions or developments for which the facilities and utilities are constructed.

41.02.415. Owner.
Any person, corporation, association, partnership, or other representative of any kind, either public or private, owning, controlling or other entity recognized by law, and his or its lessees, permitees, assignees, or successors in interest.

41.02.420. Parcel of Land.
A contiguous quantity of land, in possession of, owned by or recorded as the property of the same person and/or entity. (Land recorded as the same ownership, but physically divided by a public highway, road or street is not considered contiguous and is therefore, two or more individual parcels.

41.02.425. Parking Lot.
An open area, other than a street, used for the parking of more than four motor vehicles and available for public use, whether free, for compensation or as an accommodation for clients and customers.

41.02.430. Pedestrian Way.
A right of way designed for use by pedestrians and not intended for use by any vehicle or animal that is ridden or led. It may be a crosswalk, walkway, sidewalk or path and may be located with or without a street right of way, at grade or grade separated from vehicular traffic.

41.02.435. Per Cent of Slope or Grade.
An expression of rise or fall in elevation along a line perpendicular to the contours of the land, connecting the highest point of land to the lowest point of land within an area or within a lot.

41.02.440. Permanent Monument.
Any structure of concrete, masonry and/or metal placed on or in the ground intending to remain as placed for the purpose of indicating the location of something, including those expressly placed for surveying reference and meet the requirements of the local jurisdiction for permanent monuments or markers.

41.02.445. Plan, Sketch.
A generalized layout of a proposed subdivision or development, with accompanying general proposals and intentions of the developer, relating the proposed subdivision or development to its area, to public utilities, facilities, and services, and to special problems which may exist in the area.

41.02.450. Planned Unit Development (PUD).
An integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements.

41.02.455. Planning Commission.
The administrative body charged with the development of the General Plan, formulation and administration of the zoning map and ordinance and the review of any other land-use matters designated by the Mayor and City Council. The Commission is an advisory board to the City Council and City Officials (see Title 42, Perry City Land Use Ordinance).

41.02.460. Plot Plan.
A drawing of a lot, drawn to scale, showing its actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, setbacks and other such information as may be required by the Planning Commission or Building Inspector.

41.02.465. Preliminary Plat.
A drawing, to scale, representing a proposal for a subdivision of land, meeting the preliminary plat requirements (dimensions, topography, existing structures, etc.) of the Perry Municipal Code Title 52, Subdivision Ordinance, Including Special Exceptions and Flag Lots.

41.02.470. Principle Use.
A principal use is any main use of land, a building, an area, or a structure that is distinguished from conditional, accessory, or secondary uses. (Example: A home is a principal use on a lot. Pools, detached garages or sheds are accessory uses.)

41.02.475. Protection Strip.
A strip of land between the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access to the street by property owners abutting the subdivision is a protection strip.

41.02.480. Public Road.
Any 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 area within the right-of-way.

41.02.485. Reclamation.
Actions performed during or after mining operations to shape, stabilize, re-vegetate, or otherwise treat the land affected in order to achieve a safe, stable, ecological condition. The mined lands

will be reclaimed to a useable condition which is readily adaptable to alternate land uses and create no danger to public safety. These rehabilitated or reclaimed conditions will be consistent with the Perry land use plan in the immediate area. The reclamation process may extend to affected lands surrounding the mined lands and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, and other measures.

41.02.490. Rural Road.
A street (not completed to Perry City's minimum standards), existing, designated and approved by the Planning Commission and City Council, which is supplementary to a collector street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood and gives access to abutting property. A Rural Road has less construction requirements for a temporary period as determined by City Council. Abutting property owners must sign agreements pertaining to the installation of improvements to the road at a later date.

41.02.495. Sign, Permanent.
A sign constructed or erected for advertising, informational or directional purposes and intended to be used on an on-going basis.

41.02.500. Sign, Temporary.
A sign used for advertising, informational, directional or political purposes and intended to be used for a short, defined time period. Temporary signs are intended to advertise seasonal products or special events. Temporary signs shall be removed as soon as the event is ended or products advertised are sold.

41.02.505. Site Plan Review.
The process whereby local officials, Planning Commission and/or staff review the site plans of a developer to assure that the plans meet all ordinance requirements, the purposes and standards of the zone, provide for public facilities and protect adjacent property.

41.02.507. Special Use Application.
An application for any of the following:

1. A Conditional Use Permit; or
2. A non-conforming use or non-complying structure; or
3. A limited non-conforming use or limited non-complying structure; or
4. A special exception; or
5. A zoning location/boundary policy decision; or
6. Any other special application.

41.02.509. Spot Zoning.
There is no statutory reference to spot zoning in the *Utah Code Annotated*. The definition and legal status of spot zoning are founded entirely upon Utah case law. The cases relative to "Spot Zoning" are generally cases where a particular small tract of land within a large district is specially zoned so as to impose upon it restrictions not imposed upon the surrounding land. The

creation of a small (single parcel) zoning district for a use that is generally incompatible with surrounding zoning is a logical suspect for a claim of “Spot Zoning.”

41.02.510. Story.
The space within a building included between the surface of any floor and the surface of the ceiling next above.

41.02.515. Story, Half.
A story with a least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

41.02.520. Street.
A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare, not less than fifty (50) feet wide which has been made public by right of use and which affords the principal means of access to abutting property.

41.02.525. Structure.
Anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground; includes "building".

41.02.530. Subdivider.
The word "subdivider" means an individual, corporation, or registered partnership owning or controlling any tract, lot, or parcel of land to be subdivided; or a group of two or more persons owning any tract, lot or parcel of land to be subdivided who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, in representing or executing the purpose of the subdivision.

41.02.535. Subdivision.
The division of any tract, lot or parcel of land into two (2) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future sale, lease, or of building development, provided that said term `subdivision' shall not include a `bona fide division or partition of agricultural land for agricultural purposes' as defined herein, nor a division of land into two (2) or more parcels, each of which is twenty (20) acres or more in area. The word "subdivision" and any derivative thereof shall have reference to the term `subdivision' as herein defined.
For the purpose of these regulations, a subdivision of land shall include:

a. The dedication of a road, highway, or street through a tract of land, regardless of area, which may create a division of lots or parcels constituting a "subdivision" or,
b. Re-subdivision of land heretofore divided or platted into lots, sites, or parcels.
c. Division of land under P.U.D. provisions where street and/or access-to-lots are owned and maintained by a private lot owners association.

41.02.540. Subdivision, Cluster.
A subdivision of land in which the lots have areas less than the minimum lot area of the district in which the subdivision is located, but which complies with the Cluster Subdivision provisions of the Zoning Ordinance and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide low-density character for the residential lots in the subdivision.

41.02.542. Subdivision Land Use Authority.
The group, board, or council designated and given authority to approve and otherwise act on subdivisions and all matters related thereto, in behalf of Perry City, which currently is the City Council.

41.02.545. Townhouse - Condominium Development.
A single family dwelling of one, two or three stories connected to another house by a common wall placed in a high density or commercial zone. Condominium standards apply with reduce density.

41.02.543. Transition Zone.
Buffer lots for reduction of zones between developments. See note under sketch or concept plan.

41.02.550. Tri-plex.
A building designed and built as a dwelling for occupancy by three (3) families.

41.02.555. Use, Accessory.
A subordinate use customarily incidental to and located upon the same lot occupied by a main use.
See – **Accessory Use or Building.**

41.02.560. Utilities.
Public services including but not limited to culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, natural gas lines, electric power, cable T.V., and telephone transmission lines, together with all poles, wires, underground conduit and junction boxes, guy wires and bracing, etc.

41.02.565. Variance.
A device which grants a property owner relief from certain provisions of the zoning ordinance, because of particular physical surroundings, shapes, or topographical conditions of the property. Variances are granted when compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. The petitioner must prove that a physical hardship exists, and that the request would not be alien to the design or intent of the area. Only the Administrative Law Judge (as an Appeal Authority) is vested with the authority to grant variances. Any appeal of the board decision must be made to the district courts. There is no legal way to grant a variance to alter the use of a piece of property.

41.02.570. Vicinity Plan.
A map or drawing, to scale, showing the physical relationships of a proposed development to existing or proposed streets, buildings, and utilities; other relevant information such as special terrain or surface drainage; and existing zoning classifications of all land within three hundred (300) feet of the property proposed for development.

41.02.575. Width of Lot.
The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

41.02.580. Yard.
A space on a lot other than a court, unoccupied and unobstructed from the ground upward by buildings except as otherwise provided herein.

41.02.585. Yard, Front.
A space on the same lot with a building, between the front line of the building the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line for the building.

41.02.590. Yard, Rear.
A space on the same lot with a building between the rear line of the building and the rear lot line that extends the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building. The rear yard shall be located opposite of the front yard.

41.02.595. Yard, Side.
A space on the same lot with a building that is between the side line of the building and side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and side of building. On corner lots, the property owner may choose either frontage as the side yard.

41.02.600. Yard, Street Side.
A space on the same lot with a building and is between the side of the building and the street.

41.02.605. Zone.
A district as described on the zoning map or in the zoning ordinance.

41.02.610. Zoning Administrator.
The local official designated by the local governing body to enforce the regulations of the Zoning Ordinance. The Zoning Administrator may also be the Building Inspector or a City Council Member.

41.02.615. Zoning Map.
The officially adopted map of Perry City specifying the districts and/or areas zoned and the zoning designation of each is the zoning map.

41.02.620. Zoning Ordinance.
The Zoning Ordinance of Perry City defining zoned areas and permitted land uses within zones and other related information and requirements regarding land use within the City also known as the "Perry City Land Use Ordinance".

Legislative History
Last Substantive Revision: November 9, 2006
New numbering system and codified into new municipal code: 12/11/2008
Amended definition for "Accessory Use Building" 11/18/2010

Title 42, A Land Use Ordinance
PLANNING COMMISSION RULES OF PROCEDURE

Chapter 42.01. GENERAL PROVISIONS REGARDING PLANNING COMMISSION
Chapter 42.02. MEMBERS OF THE PLANNING COMMISSION
Chapter 42.03. TERMS, VACANCIES, TRAINING, AND REMOVAL OF MEMBERS
Chapter 42.04. DESIGNATION OF OFFICERS AND STAFF
Chapter 42.05. PROCEDURES FOR MEETINGS
Chapter 42.06. ETHICS AND CONFLICT OF INTEREST
Chapter 42.07. PROCEDURES TO BE FOLLOWED BY APPLICANTS
Chapter 42.08. RULES GOVERNING PUBLIC INPUT
Chapter 42.09. PLANNING COMMISSION VOTES
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Chapter 42.01.
GENERAL PROVISIONS REGARDING PLANNING COMMISSION

42.01.010. Governing Statutes and Ordinances.
42.01.020. Authority Limited to what is Specifically Identified.
42.01.030. Functions of the Planning Commission.

42.01.010. Governing Statutes and Ordinances.

The Perry City Planning Commission (herein referred to as "Planning Commission") shall be governed by the provisions of the *Utah Municipal Code*, Title 10, Chapter 9a, Sections 301 through 305 (Planning Commission), 1953, as amended, and by the other sections in Title 10, Chapter 9a, and by all other applicable state statutes and City ordinances (including Title 43 and this Title 42), and shall be an advisory body to the City Council, and shall serve as a "land use authority" and as a "quasi-legislative body," as per Title 43.

42.01.020. Authority Limited to what is Specifically Identified.

The Planning Commission may only exercise authority which is specifically identified in the state statutes or in the City ordinances, and may not exercise any authority over business licensing, animal regulations, nuisances, or zoning enforcement, etc., unless specifically authorized by ordinance (this does not preclude participation in a conditional use permit process). The Planning Commission shall not act as an Appeal Authority and shall not act as a "final" land use authority (except in a limited capacity for limited review permits).

42.01.030. Functions of the Planning Commission.

The Planning Commission shall have the following duties and responsibilities:

1. Propose, review, and recommend amendments and updates of the Perry City General

Plan to the City Council.

2. Propose, review, and recommend amendments of the Zoning Ordinance and Zoning Map, the Subdivision Ordinance and other ordinances related to building and land use to the City Council.
3. Receive and review annexation proposals and forward recommendations to the City Council.
4. Propose, review, and recommend amendments of the Perry City Annexation Declaration Policy to the City Council.
5. Receive and review subdivision requests and forward recommendations to the City Council.
6. Receive and review design review/site plan applications and forward recommendations to the City Council.
7. Receive and review limited review permit applications, as per Sections 43.04.070 and 43.04.080, including receiving and reviewing site plans for all residential building construction not located in an approved subdivision.
8. Receive and review conditional use permit applications and forward recommendations to the Special Uses and Appeals Board.
9. Provide information as requested by the City Council on various building problems and requests.
10. Exercise other actions authorized in the Perry Municipal Code or which are necessary to enable the Planning Commission to perform its functions or to complete directives from the City Council.

Chapter 42.02.
MEMBERS OF THE PLANNING COMMISSION

42.02.010. Number of Members and Manner of Appointment.
42.02.015. Residency Requirement.
42.02.020. Powers and Duties of Alternate Planning Commission Members.

42.02.010. Number of Members and Manner of Appointment.

The Planning Commission shall consist of seven (7) permanent members and two (2) alternate members. The members shall be appointed by the Mayor with the advice and consent of the majority of the City Council. Members of the City Council may submit names of candidates for the Mayor to consider for appointments.

42.02.015. Residency Requirement.

All of the permanent and alternate members of the Planning Commission shall be residents of Perry City for at least thirty (30) days when appointed and during the time of appointment. If a permanent or alternate member of the Planning Commission moves outside of the Perry City boundaries (and/or is no longer in compliance with Section 42.03.060), said member shall be immediately and automatically removed as a member of the Planning commission without the need to comply with any of the provisions of Sections 42.03.080 and 42.03.090.

42.02.020. Powers and Duties of Alternate Planning Commission Members.
Alternate members shall serve in the event a permanent member is unable to attend. A permanent member should contact an alternate member to take his/her place on the Planning Commission if he/she is going to be absent. An alternate member who is seated with the Planning Commission shall have the same powers to participate in discussions and vote as the permanent member he/she replaces. Alternate members are encouraged to attend each meeting and if not seated with the Planning Commission, may be recognized by the Chair to give comments before a motion is entertained. An alternate member does not vote unless seated in the place of a permanent member.

Chapter 42.03.
TERMS, VACANCIES, TRAINING, AND REMOVAL OF MEMBERS

42.03.010. Terms and Vacancies.
42.03.020. Commencement of Terms: Time of Appointment.
42.03.030. Initial Training Qualifications for Permanent Planning Commission Members.
42.03.040. Continuing Training Qualifications for Permanent Planning Commission Members.
42.03.050. Not A City Official.
42.03.060. No Land Use/Real Estate Compensation (on Owner or Commission Basis).
42.03.070. No Compensation (from the City) for Members of the Planning Commission.
42.03.080. Procedures for Removal (for Cause) of Planning Commission Members.
42.03.090. Decision Regarding Removal of a Planning Commission Member.

42.03.010. Terms and Vacancies.
Each permanent member of the Planning Commission shall be appointed for a four (4) year term, which runs from January 1 to December 31 four years later. Each alternate member shall be appointed for an indefinite term, not to exceed four (4) years from the date of appointment. Alternate members shall be considered first to fill permanent member vacancies. No member shall serve more than ten (10) consecutive years of combined service as an alternate and permanent member, as per Section 43.02.100. Any vacancy in the membership of the Planning Commission (by reason of death, resignation, removal, disqualification, or other reason) shall be filled for the remainder of the un-expired term by appointment from the Mayor (and approval by the City Council), as per Section 42.02.010.

42.03.020. Commencement of Terms; Time of Appointment.
Members of the Planning Commission, who are appointed for a full term, shall commence their terms of office at the first available meeting in January. Members of the Planning Commission, who are filling vacancies, shall commence their terms of office at the next available meeting

after appointment. Before or during the last meeting of November each year, the Mayor (and City Council) shall complete the appointment process for vacancies of members of the Planning Commission whose terms expire in December, as per Section 42.02.010.

42.03.030. Initial Training Qualifications for Permanent Planning Commission Members.

Each permanent member of the Planning Commission shall, before being appointed, or within one (1) year after being appointed, show proof of having taken the two day Certified Community Planner Seminar organized by the Utah Local Governments Trust or twelve (12) hours of equivalent training.

42.03.040. Continuing Training Qualifications for Permanent Planning Commission Members.

Each member of the Planning Commission shall, in the second and subsequent years, after being appointed, show proof of completing at least six (6) hours of approved land use authority training during each one-year (January to December) time period as a member. The City shall provide "on line" or "in house" (initial and continuing) training alternatives and shall cover all costs of training (and travel, etc.).

42.03.050. Not A City Official.

No member of the Planning Commission, when appointed or during the time of appointment, may be a member of the Governing Body, City Staff, employee, independent contractor, or serve in any capacity as staff for or a member of another land use authority or Appeal Authority of Perry City (but may be an elections worker, volunteer, or committee member).

42.03.060. No Land Use/Real Estate Compensation (on Owner or Commission Basis).

No Member of the Planning Commission, when appointed or during the time of appointment, may receive any compensation in the field of selling, developing, building, appraising, insuring, and/or financing real estate, but may be employed with another governmental agency or business entity, as a non-owner (and non-full time commission basis) expert or employee who assists in these processes (with a maximum of one non-full time "commission basis" member of the Planning Commission to serve at any given time).

42.03.070. No Compensation (from the City) for Members of the Planning Commission.

Each member of the Planning Commission shall serve without compensation, except that each member is entitled to have the costs of training, including per diem and mileage costs, reimbursed or paid for by Perry City (and other reasonable expenses approved by the City Council).

42.03.080. Procedures for Removal (for Cause) of Planning Commission Members.

An alternate member of the Planning Commission may resign at any time and may be removed without cause (and without the need for any charges or formal action) by either: (1) the Mayor

and/or (2) the City Council. A permanent member of the Planning Commission may resign at any time and may be removed for cause by the City Council upon written charges (and after a meeting regarding the issue). Such written charges may include high crimes and misdemeanors, dereliction of duties, failure to attend at least half of the scheduled meetings (in a six month period), willful violation(s) of City ordinances(s) and/or state or federal law, insubordination or disrespectful conduct, egregious violations of rules of ethical conduct, failure to complete required training curriculum as required by the Governing Body, or violation of the other qualifications and conditions set forth herein. The written charges shall be provided at least five (5) days before the meeting and the member of the Planning Commission may choose whether the meeting shall be open to the public or closed to just the member of the Planning Commission, his/her representative (if any), the Governing Body, their representative (if any), and a minutes clerk. If no choice is made by the member, the meeting shall be closed, as set forth herein.

42.03.090. Decision Regarding Removal of a Planning Commission Member.
A decision (to remove or not to remove, with or without conditions) by the City Council regarding a permanent member of the Planning Commission shall either be rendered in the presence of the member at the meeting or may be taken under advisement and issued within 20 days thereafter.

Chapter 42.04.
DESIGNATION OF OFFICERS AND STAFF

42.04.010. Officers and Staff and Their Duties.
42.04.020. Chair, Vice Chair, and Acting Chair of the Planning Commission.
42.04.030. Officer Terms, Vacancies, and Duties.
42.04.040. Community Development Department to Act as Staff to the Planning Commission.
42.04.050. Community Development Department to Provide Minutes, Agendas, and Information Regarding Land Use Applications to the Planning Commission.

42.04.010. Officers, Staff, and Their Duties.
The officers of the Planning Commission shall consist of a Chair and a Vice Chair. The staff of the Planning Commission shall consist of the Community Development Department and the City Attorney (or an Assistant City Attorney).

42.04.020. Chair, Vice Chair, and Acting Chair of the Planning Commission.
During one of the meetings in January each year, the Planning Commission, by a majority of the quorum in attendance, shall recommend for appointment, from among the qualified permanent members of the Planning Commission (who have at least two years of service remaining or who are being re-appointed), a Vice Chair/Chair-Elect, for a two-year term, with no limit as to the number of consecutive years. The Vice Chair/Chair-Elect shall serve one year as Vice-Chair, followed by one year as Chair (and with a Chair to be appointed in January, 2008 for a one year term in 2008). Each such recommendation for officer appointment shall be acted upon by the

Governing Body as a group, at a meeting in January or as soon thereafter as possible, the Mayor and City Council Members each having one vote, and with the Mayor's vote and at least three City Council Members' votes being required to appoint, reject, or take other action. If the recommendation is rejected, the Planning Commission shall make another recommendation, and if rejected a second time, the Mayor and City Council shall make an appointment (without further recommendation).

42.04.030. Officer Terms, Vacancies, and Duties.

Candidates for officer vacancies may be appointed in the same manner. The terms of office for officers shall be from January 1 to December 31, but shall "hold over" until their successors are appointed. The Chair, or in his/her absence or incapacity, the Vice Chair, shall approve all agendas, and shall preside over the meetings he/she attends, and shall execute all official documents of the Planning Commission for said meetings. If the Chair and Vice Chair are both absent and/or incapacitated, an Acting Chair, selected (from among the permanent and alternate members participating) by a majority of the quorum in attendance, shall fulfill the referenced functions. The Chair, Vice Chair, and Acting Chair may execute documents and act on behalf of each other and shall always vote, as per Section 42.05.020.

42.04.040. Community Development Department to Act as Staff to the Planning Commission.

The Community Development Director ("Director"), as the head of the Community Development Department ("Department"), shall ensure that the City engineer(s), planner(s), and inspector(s), etc., provide adequate staffing and equal access to municipal resources for each member of the Planning Commission. The Director shall also work with the City Recorder to provide a Community Development Clerk and/or Minutes Clerk to assist the City planner(s) and other staff with accepting all applications and preparing all agendas and minutes for the Planning Commission, and to maintain records of the Planning Commission, including all applications and files of proceedings and actions taken in connection therewith.

42.04.050. Community Development Department to Provide Minutes, Agendas, and Information Regarding Land Use Applications to the Planning Commission.

The Department shall, not less than three days prior to any meeting of the Planning Commission, transmit to each member of the Planning Commission an agenda (with the time of the meeting), a copy of the minutes of the previous meeting(s), and information pertinent to the requests to be acted upon by the Planning Commission at the meeting (including records of actions taken by the Department and/or other land use authorities, etc.). If the three day agenda deadline is missed, then the meeting is automatically cancelled. If the three day information deadline is missed, then the agenda item may be discussed, but not acted upon. The Department shall be responsible for posting the agenda and notifying interested parties of upcoming the Planning Commission meetings. The Department shall ensure that all granted/approved plats and other relevant land use documents are recorded in the County Recorder's Office, at the expense of the property owner or appropriate interested party.

Chapter 42.05.
PROCEDURES FOR MEETINGS.

42.05.010. Planning Commission Quorum.
42.05.020. Planning Commission: Decisions by Majority (Roll Call) Vote.
42.05.030. Members to Vote on All Issues and to Recuse/Abstain When Conflicts Arise.
42.05.040. Rules of Procedure; City Attorney to Decide Rules Application.
42.05.050. Time of Planning Commission Meetings.
42.05.060. Protecting Due Process Rights: Constitutional Takings.
42.05.070. Reliance Upon City Council (or Other City) Rules of Procedure.

42.05.010. Planning Commission Quorum.

The procedures for meetings for the Planning Commission shall be as set forth in the following sections. A quorum of at least four (4) members of the Planning Commission (voting, not recused) is required to start or convene a meeting, to continue a meeting, and to act on any application or issue, except that if at least five (5) members of the Planning Commission are present, then at least three (3) members (voting, not recused) are required to act on any application or issue, as per Section 42.09.020(1). A quorum of three (3) members is allowed if:

1. There is at least one (1) permanent member vacancy on the Planning Commission; and
2. The meeting was listed on the annual meeting notice.

42.05.020. Planning Commission: Decisions by Majority (Roll Call) Vote.

All votes shall be by "Roll Call," and the Chair, Vice Chair, or Acting Chair shall always vote (and shall always vote last). A majority affirmative concurring vote of the quorum in attendance (excluding members recused, as per Section 42.05.030), with a minimum of three (3) affirmative votes, is required for any motion or vote to be approved. If only three (3) members are present and voting (not recused) and the vote is not unanimous (in favor or opposed), then the application or issue is automatically tabled to the next meeting. The Planning Commission shall operate in compliance with applicable federal, state, and municipal laws and regulations.

42.05.030. Members to Vote on All Issues and to Recuse/Abstain When Conflicts Arise.

All members: (1) may ask applicants and interested parties questions; and (2) shall vote on all issues, except where they recuse themselves (also known as abstaining) for a conflict of interest or other ethical issue. Reasons to recuse include: (1) a financial conflict of interest; or (2) a situation in which a member was previously a member of another land use authority or Appeal Authority which acted on the issue (or on a related issue) now before the Planning Commission; or (3) another significant legal or ethical issue. A member may either vote or recuse regarding approval of minutes for a meeting he/she did not attend. To "recuse" means to leave the meeting (unless the issue is approval of the minutes) for the relevant issue and to not participate in any discussion, motions, or voting (unless the member is an applicant, in which case said member may be present and participate as an applicant). For most other ethical issues, disclosure (without recusing/abstaining) may be adequate. As per Section 42.05.040, the City Attorney (or Assistant City Attorney), as parliamentarian, shall decide any issues as to how the rules of ethics

shall be applied, subject to a procedural appeal/petition. See also Chapter 42.06, entitled "Ethics and Conflicts of Interest."

42.05.040. Rules of Procedure: City Attorney to Decide Rules Application.
Roberts Rules of Order, newly revised, shall govern meeting conduct, unless other appropriate rules of procedure are adopted, or unless such rules conflict with other provisions of the Municipal Code. The Chair (or Vice Chair or Acting Chair) of the Planning Commission may administer oaths and compel the attendance of witnesses. The City Attorney (or Assistant City Attorney), as parliamentarian, shall decide any issues as to how the rules of procedure shall be applied, subject to a procedural appeal/petition.

42.05.050. Time of Planning Commission Meetings.
Meetings of the Planning Commission shall be held at least once per month, unless a meeting is cancelled due to lack of business. The Planning Commission may meet on first and third Thursdays, or at any other time, as needed. All meetings shall follow the requirements of the Open and Public Meetings Act, "The Sunshine Law," Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended. Special meetings may be called by the Chair or by three (3) of the other members of the Planning Commission at any time, provided that at least twenty-four (24) hours notice has been given each member and the press before a special meeting is held. In addition to the regular meetings, the Planning Commission may schedule field trips, work sessions, and executive sessions, etc., as allowed by law.

42.05.060. Protecting Due Process Rights: Constitutional Takings.
Each application or petition shall be conducted as provided in the ordinance, and the Planning Commission shall respect the due process rights of each of the participants. Particular care shall be taken with regards to exactions, condemnations, "constitutional takings," and similar issues. See Section 43.04.110 regarding avoiding unnecessary or excessive delays.

42.05.070. Reliance Upon City Council (or Other City) Rules of Procedure.
The Planning Commission and the City Attorney may rely upon the City Council Rules of Procedure or other Perry City Rules of Procedure in interpreting a Planning Commission rule of procedure or to provide for a rule where no other rule exists.

Chapter 42.06.
ETHICS AND CONFLICT OF INTEREST

42.06.010. Definition: Conflict of Interest.
42.06.020. Action Required.
42.06.030. Determination.
42.06.040. Ethics Rules.
42.06.050. Ethical Guidelines Chart.

42.06.010. Definition: Conflict of Interest.
Any private benefit obtained directly or indirectly, creating material or personal gain or providing an advantage to self, relatives, friends, or groups and associates which hold some share of the Planning Commission member's loyalty. Mere membership in a group shall not be considered a conflict of interest unless such membership would prevent an objective consideration of the matter at hand by the Planning Commission member.

42.06.020. Action Required.
Any Planning Commission member who experiences a conflict of interest, should declare his/her interest publicly, abstain from voting on the action and excuse him/herself from the room during consideration of the action (but may fulfill the role of applicant if he/she is an applicant). He/she should not discuss the matter privately with any other Planning Commission member, as per Section 42.05.030. The vote of a Planning Commission member experiencing a conflict of interest who fails to disqualify himself/herself shall be disallowed. No Planning Commission member should engage in any transaction in which he/she has a financial interest, directly or indirectly, with the agency or jurisdiction that he/she serves unless the transaction is disclosed publicly and determined to be lawful.

42.06.030. Determination.
A Planning Commission member who has any question about a conflict should raise the matter with the other Planning Commission members and the City Attorney in order to determine whether a conflict of interest exists (see also Sections 42.05.030 and 42.05.040).

42.06.040. Ethics Rules.
The Planning Commission shall abide by the provisions of the American Planning Association and shall adhere to the ethical rules set forth by state law (see *Utah Code Annotated* §§67-16-1 et seq. and §§10-3-1301 et seq., 1953, as amended), by City ordinance, or by other professional codes of ethics and conduct to:

1. Serve the public interest.
2. Support citizen participation in planning.
3. Recognize the comprehensive and long-range nature of planning decisions.
4. Expand choice and opportunity for all persons.
5. Facilitate coordination thorough the planning process.
6. Avoid conflicts of interest.
7. Render thorough and diligent planning service
8. Not seek or offer favors.
9. Not disclose or improperly use confidential information for financial gain.
10. Ensure access to public planning reports and studies on an equal basis.
11. Ensure full disclosure at public hearings.
12. Maintain public confidence.

42.06.050. Ethical Guidelines Chart.
The Planning Commission shall also abide by the provisions of this Ethical Guidelines Chart:

Function or Role	Can Public Clamor be Considered?	Discretion in Acting on Agenda Item	Ex Parte Communication Allowed?
Quasi-Legislative	Yes	A Lot	Yes (No Disclosure Necessary)
Administrative	No, Must Follow Ordinances/Standards	Not Much	Yes (Disclosure is Necessary)
Quasi-Judicial*	No, Must Follow Ordinances/Standards	Not Much	No (Never Allowed)

*****Conditional Use or Other "Special Use" Permit/Application (see Section 43.04.100).

Chapter 42.07.
PROCEDURES TO BE FOLLOWED BY APPLICANTS

42.07.010. Deadline for an Application to be on an Agenda.
42.07.020. Mandatory Appearance at Meetings.
42.07.030. Application Form.
42.07.040. Information to be Included on the Application.

42.07.010. Deadline for an Application to be on an Agenda.
In order to be on a Planning Commission agenda, an application or request, with all necessary documentation, shall be filed with the Community Development Department at least fourteen (14) days prior to the meeting, by 2:30 p.m. The Community Development Director shall be empowered to make a procedural exception and allow the 14-day time period to be reduced to as few as 10 days (prior to the meeting, at 2:30 p.m.) if the Director determines that a City official caused a delay or that there is an unusual emergency which is outside of the control of the applicant.

42.07.020. Mandatory Appearance at Meetings.
Except for limited review permits, no consideration will be given and no action will be taken with regards to any land use application(s) on a Planning Commission agenda unless the applicant (or a representative of the applicant) is present at the time and place designated on the Planning Commission agenda; the Chair (or Vice Chair or Acting Chair) shall declare such agenda item(s) automatically tabled if an applicant or representative is not present by the time that the land use applications portion of the Planning Commission agenda is completed.

42.07.030. Application Form.
Requests must be submitted on an application form provided by the City.

42.07.040. Information to be Included on the Application.
The following information to be included on the application:

1. The applicant's name, address, and phone number.

2. The City street address of the subject property (may be obtained from the County or City).
3. A statement of the request with all supporting evidence or facts.
4. A plot plan showing the lot dimensions and area, and the location, uses, dimensions, and set backs of all existing and proposed buildings.
5. A filing fee payable to Perry City.

If applicable:

6. A legal description and current ownership plat of the property (may be obtained from the County Recorder or from the City).
7. A list of landowners and their addresses for all property within three hundred (300) feet of the property in question.
8. Anything else required by Chapter 43.04, especially by 43.04.030.

Chapter 42.08.
RULES GOVERNING PUBLIC INPUT

42.08.010. Chair to Recognize Speakers.
42.08.020. One Individual Speaks at a Time.
42.08.030. Time Limit to Speak.
42.08.040. Limit Redundant Comments.
42.08.050. Motion to Limit (or End) Discussion.
42.08.060. Public Hearing and Public Comments Rules.

42.08.010. Chair to Recognize Speakers.
No one speaks until recognized by the Chair (or Vice Chair or Acting Chair).

42.08.020. One Individual Speaks at a Time.
Only one person speaks at a time. The members of the audience will not interrupt or attempt to ask or answer questions until the Chair recognizes them.

42.08.030. Time Limit to Speak.
Once recognized by the Chair, the speaker may speak for or against the application or issue for three (3) minutes (more for complex issues). The Chair will recognize no person more than two (2) times in order to give more people the opportunity to address the issue.

42.08.040. Limit Redundant Comments.
The Chair will attempt to limit redundant comments and moderate the discussion.

42.08.050. Motion to Limit Discussion.
In the event public discussion of any agenda item becomes too lengthy, the Chair or any member of the Planning Commission may call for a vote on the pending matter or make a motion to limit (or end) time for discussion. Upon receiving a second to the motion to limit (or end) time for discussion, reasonable time limits (or an end) may be imposed upon the public discussion by a

majority of the Planning Commission members present and voting (three "yes" votes required to pass any matter).

42.08.060. Public Hearing and Public Comments Rules.
The following are rules regarding public hearings and public comments, which may be posted on the agenda in a manner similar to the following:

1. Please speak only once (maximum of three (3) minutes) per agenda item.
2. Please speak in a courteous and professional manner.
3. Do not speak to specific member(s) of the Planning Commission, staff, or public (please speak to the Chair or to the Planning Commission as a group).
4. Please present possible solutions for all problems identified.
5. No decision may be made during this meeting if the item is not specifically on the agenda (with action on Public Hearings to be potentially taken later in the meeting).

Chapter 42.09.
PLANNING COMMISSION VOTES

42.09.010. Procedure from Calling Agenda Item to Time of Vote.
42.09.020. Planning Commission Abstaining Votes: For Any Vote Other Than Minutes or Procedural.
42.09.030. Reconsideration of an Open-Ended, Failed Vote.
42.09.040. Open-Ended, Failed Vote Becomes a Final Vote If Not Timely Reconsidered.
42.09.050. Final Vote: Limited Reconsideration after the Meeting is Over.
42.09.060. Immediate Forwarding of Final Votes to Higher Authority.
42.09.070. Remand From Higher Authority for Further Action.
42.09.080. Retention of Recommendations of Staff.

42.09.010. Procedure from Calling Agenda Item to Time of Vote.
The following procedures shall be observed for regular Planning Commission agenda items, as well as for ordinances and resolutions:

1. The Chair (or Vice Chair or Acting Chair) of the Planning Commission shall read the agenda item and shall have Planning Commissioner(s), staff, or others make any necessary presentations.
2. If a motion and second are required and made on the item, the process shall proceed; otherwise, further action on the item is not required (in accordance with Robert's Rules of Order and rules established by resolution or ordinance).
3. Following a motion and second, the Planning Commission may further discuss the motion.
4. After discussion by the Planning Commission, the Chair (or Vice Chair or Acting Chair), may allow public comment, by invitation only, to discuss the item, and the Planning Commission may then further discuss the item.
5. Once discussion is completed, the Chair shall call for a vote on the motion.

42.09.020. Planning Commission Abstaining Votes: For Any Vote Other Than Minutes or Procedural.

In the event of a vote on any motion, land use application, ordinance, or other issue besides a vote on minutes or a simple procedural or scheduling item (referred to herein collectively as "vote") during a Planning Commission meeting which results in 1 or more Planning Commission members abstaining or refusing to vote (referred to herein collectively as "abstain(s)" or "abstention(s)"), each abstention shall not count as a yes vote or as a no vote, as long as a conflict of interest, personal bias, or other ethical disclosure (does not have to be specific) is declared before or at the time of the vote; otherwise, the abstention shall count as a no vote. Two examples are as follows:

1. In the event of a 2 yes, 1 no, and 2 abstentions (with ethical disclosures) vote, the vote shall not be counted as a "final, failed vote"; but rather, shall be an "open-ended, failed vote," due to a lack of the minimum 3 yes votes or 3 no votes, as per Section 42.05.020.
2. In the event of a 3 yes, 3 no vote, said tie vote shall be an "open-ended, failed vote," due to the lack of a majority vote, as per Sections 42.05.020 and 42.09.030.
3. In the event of a 2 yes, 2 no vote, said tie vote shall be an "open-ended, failed vote," due to a lack of the minimum 3 yes votes or 3 no votes, and due to the lack of a majority vote, as per Sections 42.05.020 and 42.09.030.

42.09.030. Reconsideration of an Open-Ended, Failed Vote.

In the event of a 3 yes, 3 no tie vote, or in the event of any other vote which does not receive a majority vote of at least 3 yes votes or 3 no votes (referred to herein collectively as an "open-ended, failed vote"), the vote may only be reconsidered in a "timely fashion," defined as follows:

1. At the same meeting and/or at a Planning Commission meeting within 36 days of said meeting, or if approved by a motion of the Planning Commission within said 36 days to be placed on a later Planning Commission meeting agenda (within 36 days of said motion); and if
2. The issue is properly placed on the agenda for said meeting; and if
3. All other legal requirements are met, including the number of members of the Planning Commission present and voting (not counting abstentions) is equal to or greater than the number of members present and voting at the prior meeting (not counting abstentions).

42.09.040. Open-Ended, Failed Vote Becomes a Final Vote If Not Timely Reconsidered.

If the open-ended, failed vote is not reconsidered and voted on with a "final, approved vote" in a "timely fashion," it shall be deemed a final, failed vote and it shall: (1) be immediately forwarded to the appropriate higher authority, as per Section 42.09.060; and (2) not be reconsidered at any subsequent Planning Commission meeting, except as Section 42.09.050 herein.

42.09.050. Final Vote: Limited Reconsideration after the Meeting is Over.

In the event of a vote which receives a majority with 3 or more yes votes ("final, approved vote") or with 3 or more no votes ("final, failed vote"), the vote shall be deemed a "final vote" at the conclusion of the meeting and shall thus not be reconsidered, unless the Planning Commission

votes to reconsider at a subsequent meeting (before a higher authority has acted), with a finding that:

1. The prior vote was illegal or in violation of a contract or other legal obligation, or that the new vote is required by law; and
2. The issue is properly placed on the agenda by three (3) or more members of the Planning Commission; and
3. A higher authority has not yet acted on the recommendation; and
4. All other legal requirements are met, including the requirements of Section 42.09.030(3).

42.09.060. Immediate Forwarding of Final Votes to Higher Authority.
All final votes shall be immediately forwarded to the appropriate higher authority (City Council, Special Uses and Appeals Board, etc.), except for limited review permits (for which the Planning Commission is the final land use authority).

42.09.070. Remand From Higher Authority for Further Action.
If a higher authority remands an item to the Planning Commission for further consideration, the scope of the item remanded shall not be treated as "reconsideration"; but rather, as a new item.

42.09.080. Retention of Recommendations of Staff.
All recommendations of the city staff that are not specifically excluded or overruled by a Planning Commission vote shall be deemed accepted and part of said vote.

Chapter 42.10.
DECISIONS

42.10.010. Recording Votes, Including Abstaining Votes.
42.10.020. Reasons and Conditions of Decisions.
42.10.030. Recording Decisions in Minutes.
42.10.040. Notice of Decision to Applicants.

42.10.010. Recording Votes, Including Abstaining Votes.
Other than for minor procedural votes, the vote of each member shall be recorded as "For" ("Yes"), "Against" ("No"), or "Abstaining". When Planning Commission Members abstain from voting on any request in which they have a vested interest, conflict of interest, etc., the reason for abstaining may be included in the minutes.

42.10.020. Reasons and Conditions of Decisions.
The Planning Commission shall include the reasons for their decision and may modify or set conditions upon any decision being made.

42.10.030. Recording Decisions in Minutes.
Each decision, including the vote and supporting reasons, shall be recorded in the minutes for the meeting at which the decision is made.

42.10.040. Notice of Decision to Applicants.
If requested or if required by law, the Community Development Department shall mail notice of the Planning Commission's decisions to an applicant, a copy of which shall be entered into the Planning Commission's records. Such notice may state a summary of the request, decision of the Planning Commission, reasons for the decision, and any conditions attached to that decision. Such notice may be a copy of the minutes of the relevant meeting(s).

Legislative History
Original Ordinance: Ordinance 88-05
Updated Public Hearing and Adoption: May 8, 1997
Update added to land use ordinances: December 30, 1997
Administrative changes: February 10, 2000
Clarified quorum and majority vote, administrative changes: June 24, 2004
Updated, changed number of alternates, added section/paragraph numbers and Utah Municipal Code references: May 25, 2006
Changed rules regarding alternate members of the Planning Commission: April 26, 2007
Changes to appointment of Chair and Vice Chair: December 13, 2007
Major changes to Chapters 42.01, 42.03, 42.04, and 42.05, etc.: January 24, 2008
Numbering changes to codify into new 2008 Municipal Code: May 22, 2008
Add Chapters 42.08 and 42.09, Sections 42.02.015, 42.05.070, 42.06.050, and parts of 42.05.020 and 42.05.030: June 26, 2008
Final 2008 Municipal Code: December 11, 2008

Title 43, A Land Use Ordinance
LAND USE AUTHORITIES AND APPEAL AUTHORITIES

Chapter 43.01. LEGISLATIVE INTENT OF THIS TITLE
Chapter 43.02. APPEAL AUTHORITIES
Part A. Designation of Appeal Authorities: Membership and Qualifications.
Part B. Appeals Board: Terms, Appointment, and Removal.
Part C. Appeals Board: Authority and Procedures.
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Part E. Appeals Board: Meetings, Voting, and Ethics.
Part F. Administrative Law Judge.
Chapter 43.03. APPEALS TO DISTRICT COURT OR TO THE OMBUDSMAN
Chapter 43.04. LAND USE AUTHORITIES
Part A. General Provisions.
Part B. Applications; Fees; Errors; Enforcement.
Part C. Limited Review Permits and Temporary Emergency Exceptions.
Part D. Tables Designating Land Use Authorities to Act on Applications.
Part E. Appeals to Appeal Authorities.
Chapter 43.05. LEGISLATIVE LAND USE ACTION
Chapter 43.06. LAND USE POWERS OF THE CITY ATTORNEY, CITY ADMINISTRATOR, GOVERNING BODY, AND COMMUNITY DEVELOPMENT DEPARTMENT

Chapter 43.01.
LEGISLATIVE INTENT OF THIS TITLE

43.01.010. Primary Intent of this Land Use Ordinance Title.
43.01.020. Intent With Regards to Legislative Land Use Powers.
43.01.030. Intent With Regards to Administrative Land Use Powers.
43.01.040. Intent With Regards to Appeals and Quasi-Judicial Land Use Powers.
43.01.050. Land Use Powers of the Planning Commission.
43.01.060. Miscellaneous Intent; Compliance with Law.

43.01.010. Primary Intent of this Land Use Ordinance Title.

The primary intent of this title is to designate the land use authorities and land use appeal authorities for all types of land use applications, and to otherwise clarify and make changes with regards to the procedures for and handling of land use issues by the City.

43.01.020. Intent With Regards to Legislative Land Use Powers.

All of the legislative land use powers of the City Council shall be retained (they cannot be delegated). The City Council shall thus retain the right to amend or repeal this "Land Use Authorities/Appeal Authorities" ordinance at any time, if necessary. Some quasi-legislative

"rule-making" authority for public works standards has already been delegated, but is subject to legislative review and action (at any time) by the City Council.

43.01.030. Intent With Regards to Administrative Land Use Powers.
All primary administrative land use powers of the City Council shall be retained; namely, final approval of design review/site plan processes, subdivision plats (new, amended, and vacated), dedicating and vacating streets, and similar actions. The secondary administrative land use powers of the City Council shall be delegated to the City Staff (with final review by or appeals to the Appeal Authorities), such as escrow releases and Certificates of Existence for Nonconforming Uses and Non-complying Structures.

43.01.040. Intent With Regards to Appeals and Quasi-Judicial Land Use Powers.
All of the appeals and quasi-judicial land use powers (for appeals of final decisions, interpreting land use provisions, variances, etc.) of the Board of Adjustment (which shall no longer exist), as well as other powers, shall be delegated to the new Appeal Authorities.

43.01.050. Land Use Powers of the Planning Commission.
The Planning Commission has the land use powers identified in the governing legislation (state law; see Section 42.01.010) and in Perry Municipal Code Titles 42 and 43, especially Sections 42.01.020 and 42.01.030. Except when acting on limited review permits, the Planning Commission makes recommendations to the City Council or Appeals Board, etc.

43.01.060. Miscellaneous Intent; Compliance with Law.
Unless qualified residents are not available, most of the Members of the Appeal Authorities shall be Perry City residents, and all of the Members of the Appeal Authorities shall be appointed by the Mayor (and approved by the City Council). All applicants, interested parties, land use authorities, other City officials, and Appeal Authorities, shall operate in compliance with applicable federal, state, and municipal laws and regulations.

Chapter 43.02.
APPEAL AUTHORITIES

Part A. Designation of Appeal Authorities: Membership and Qualifications.
43.02.010. Governing Legislation for the Land Use Appeal Authorities.
43.02.020. Two Appeal Authorities (Appeals Board and Administrative Law Judge).
43.02.030. Membership of the Appeals Board; Qualified Residents Required.
43.02.040. Qualifications of Appeals Board Members.
43.02.050. No Compensation (from the City) Except for the Appeals Board Chair.

Part B. Appeals Board: Terms, Appointment, and Removal.
43.02.060. Terms of Appeals Board Members.
43.02.070. Appointment to the Appeals Board (by the Mayor, With Advice/Consent).
43.02.080. Procedures for Filling Appeals Board Vacancies (Unexpired Terms).
43.02.090. Starting a Term; "Holding Over."
43.02.100. Term Limits for Appeals Board Members.
43.02.110. Procedures for Removal (for Cause) of Appeals Board Members.

Part C. Appeals Board: Authority and Procedures.
43.02.120. Authority of the Appeals Board.
43.02.130. General Procedures of the Appeal Authorities; Presumption of Validity.
43.02.135. Procedures of the Appeal Authorities: Adjudicating Variances/Appeals.
43.02.140. When Appeal Authority Decisions Become Effective.

Part D. Appeals Board: Leadership and Staff.
43.02.150. Chair and Acting Chair of the Appeals Board.
43.02.160. Community Development Department to Act as Staff to Appeal Authorities.
43.02.170. Community Development Department to Provide Minutes, Agendas, and Information Regarding Land Use Applications to the Appeal Authorities.

Part E. Appeals Board: Meetings, Voting, and Ethics.
43.02.180. Appeals Board: Quorum; Decisions by Majority (Roll Call) Vote.
43.02.190. Members to Vote on All Issues: Members to Recuse When Conflicts Arise.
43.02.200. Rules of Procedure: Chair to Decide Rules Application.
43.02.210. Rules of Ethics.
43.02.220. Protecting Due Process Rights; Constitutional Takings.
43.02.230. Time of Appeal Authority Meetings.

Part F. Administrative Law Judge.
43.02.240. Administrative Law Judge: Qualifications, Compensation, Appointment.
43.02.250. Authority of the Administrative Law Judge.

Part A. Designation of Appeal Authorities: Membership and Qualifications.

43.02.010. Governing Legislation for the Land Use Appeal Authorities.

The two Perry City Land Use Appeal Authorities (herein sometimes referred to collectively as "Appeal Authorities") shall be governed by the provisions of the *Utah Code Annotated* Title 10, Chapter 9a, Sections 701 through 708 (Appeal Authority and Variances), 1953, as amended, and by the other sections in Title 10, Chapter 9a, and by all other applicable state statutes and City ordinances (including this Title 43), said written provisions being referred to collectively as "governing legislation."

43.02.020. Two Appeal Authorities (Appeals Board and Administrative Law Judge).

In accordance with *Utah Code Annotated* §10-9a-701, 1953, as amended, Perry City hereby establishes two Appeal Authorities for land use issues in Perry City and for the other responsibilities set forth in the governing legislation; namely, the Special Uses and Appeals Board (herein sometimes referred to as "Appeals Board") and the Administrative Law Judge. Once the Appeal Authorities are formed and individual Members are appointed, the Appeal Authorities shall fulfill all of the land use appeals and quasi-judicial functions previously fulfilled by the Board of Adjustment (which shall be abolished when this ordinance is adopted), as well as other functions. An individual may not be a Member of both Appeal Authorities at the same time.

43.02.030. Membership of the Appeals Board; Qualified Residents Required.

The Appeals Board shall be composed of seven (7) Members, each of whom shall be a resident of Perry City when appointed (except for the attorney Member, who shall not be a resident, when appointed or during the time of appointment), unless no Perry City resident meeting the qualifications is available. The seven (7) Members shall be as follows:

1. A Utah State Bar licensed attorney, who has significant experience in land use planning and parliamentary procedure; and
2. An individual with significant full-time experience in municipal planning, business licensing, or reviewing subdivision plats and commercial site plans, or who has been a member of a planning commission for at least four (4) full years; and
3. A Utah licensed/certified building inspector or an individual with significant full-time experience with public works, streets, utilities, etc.; and
4. An engineer or surveyor who is Utah licensed/certified and/or has at least ten (10) years experience as an engineer or surveyor (with at least a bachelor's degree); and
5. A former Perry City Mayor or former Perry City Council Member; and
6. Two additional Members, each with experience in one or more of the five sets of qualifications identified in Sub-Sections (1) through (5) above.

43.02.040. Qualifications of Appeals Board Members.

Members shall meet the qualifications of Section 43.02.030, as well as the following:

1. **Initial Training:** Each Member of the Appeals Board shall, before being appointed, or within one (1) year after being appointed, show proof of having taken the two (2) day

Certified Community Planner Seminar organized by the Utah Local Governments Trust or twelve (12) hours of equivalent training; and

2. **Continuing Training**: Each Member of the Appeals Board shall, after being appointed, show proof of completing at least six (6) hours of approved appeals authority training during each one-year (January to December) time period as a member. The City shall provide "on line" or "in house" (initial and continuing) training alternatives and shall cover all costs of training (and travel, etc.); and
3. **Not A Perry City Official:** No Member of the Appeals Board, when appointed or during the time of appointment, may be a Member of the Governing Body, a Planning Commissioner, City Staff, employee, independent contractor, or serve in any capacity as staff for or a member of a land use authority, or as the Administrative Law Judge, of Perry City (but may be an elections worker, volunteer, or committee member); and
4. **No Land Use/Real Estate Compensation** (on Owner or Commission Basis): No Member of the Appeals Board, when appointed or during the time of appointment, may receive any compensation in the field of selling, developing, building, appraising, insuring, and/or financing real estate, but may be employed with another governmental agency or business entity, as a non-owner (and non-full time commission basis) expert or employee who assists in these processes (with a maximum of one non-full time "commission basis" member of the Appeal Authorities to serve at any given time).

43.02.050. No Compensation (from the City) Except for the Appeals Board Chair.
Each regular Member of the Appeals Board shall serve without compensation, except that each Member is entitled to have the costs of training, including per diem and mileage costs, reimbursed or paid for by Perry City (and other reasonable expenses approved by the City Council). The Chair shall be an independent contractor receiving 7 per cent of a City Council annual stipend per meeting attended, to change when City Council compensation changes.

Part B. Appeals Board: Terms, Appointment, and Removal.

43.02.060. Terms of Appeals Board Members.
Each Member of the Appeal Authorities shall serve a four (4) year term, staggered so that no more than three (3) Appeal Authority Members' terms expire in a given year, with the Administrative Law Judge to be appointed as per Section 43.02.240(3), and with the Appeals Board to be appointed as follows:

1. **Attorney and Planning/Licensing Expert Members:** The appointments of these positions shall be made in January or February, 2008 for four year terms, to run from January, 2008 to January, 2012, and these positions shall be re-appointed in November or December, 2011 and every four years thereafter for four year terms; and
2. **Building Inspector/Public Works and Engineer/Surveyor Members:** The appointments of these positions shall be made in January or February, 2008 for two-year terms, to run from January, 2008 to January, 2010, and these positions shall be re-appointed in November or December, 2009 and every four years thereafter for four year terms; and

3. **Former Mayor/City Council Member:** The appointment of this position shall be made in January or February, 2008 for a four year term, to run from January, 2008 to January, 2012, and shall be re-appointed in January, 2012 and every four years thereafter for a four year term.

43.02.070. Appointment to the Appeals Board (by the Mayor With Advice/Consent).
Each appointment to the Appeals Board shall be made by the Mayor, with the advice and consent of the City Council (the City Council being able to recommend names).

43.02.080. Procedures for Filling Appeals Board Vacancies (Unexpired Terms).
Any vacancy in the membership of the Appeals Board (by reason of death, resignation, removal, disqualification, or other reason) shall be filled for the remainder of the unexpired term by appointment from the Mayor, with advice and consent from the City Council. The individual appointed shall have the same or similar qualifications as the Member being replaced, as per Section 43.02.030.

43.02.090. Starting a Term; "Holding Over."
New Appeals Board Members appointed for a full term shall commence their terms of office at the first available meeting in January or February. Appeals Board Members filling vacancies shall commence their terms of office at the next available meeting after appointment. If a new Appeals Board Member has not yet been appointed, the Appeals Board Member still holding the position may "hold over" in his/her position through February 15 of the year in which the term expires.

43.02.100. Term Limits for Appeals Board Members.
No Appeals Board Member may be appointed to serve a term which would provide for more than ten (10) consecutive years of service. Thus, a Member who served an initial term or unexpired term of two (2) years or less may still be re-appointed to subsequently serve two full four year terms. An Appeals Board Member who has not served on the Appeals Board for at least two (2) consecutive years does not have any consecutive years of service and may thus be re-appointed for up to ten (10) consecutive years of additional service.

43.02.110. Procedures for Removal (for Cause) of Appeals Board Members.
An Appeals Board Member may resign at any time and may be removed for cause by the City Council upon written charges (and after a meeting regarding the issue). Such written charges may include those issues identified in Section 42.03.080. The written charges shall be provided at least five (5) days before the meeting and the Appeals Board Member may choose whether the meeting shall be open to the public or closed to just the Appeals Board Member and certain other people, and with a decision to be made, as per Sections 42.03.080 and 42.03.090.

<u>Part C. Appeals Board: Authority and Procedures.</u>

43.02.120. Authority of the Appeals Board.

The Special Uses and Appeals Board shall:

1. ***Hear and decide, as a final land use authority (or final business license authority), "special uses"*** and certain business license issues, such as:
   a. All special exceptions (including for lot line adjustments, flag lots, cul de sacs, billboards and outdoor advertising, etc.); and
   b. All conditional use permits (and expansions, revocations, etc., including child care, other home occupation permits with visiting clientele, and excavation operations); and
   c. The zoning location and boundary policy; and
   d. The modification/enlargement of nonconforming uses/noncomplying structures; and
   e. The existence of "limited" nonconforming uses and "limited" noncomplying structures (for "permits by mistake" or "zoning estoppel" situations); and
   f. Any other special applications for which special land use expertise is needed for the City, or for any affiliated building authority or special district, etc.; and
   g. Certain business license issues, as per the business license ordinance, especially Section 5.02.075; and
   h. Any other powers and duties prescribed by law or assignment;

   All as identified in items 5A, 5B, and 5C in Section 43.04.100 or by law; and with the Appeals Board to primarily review compliance with legal requirements and to provide reasonable deference to the Planning Commission (when it is acting as an initial land use authority); and
2. ***Hear and decide "regular" appeals from decisions of land use authorities,*** in accordance with *Utah Code Annotated* §§10-9a-701 and -703, 1953, as amended, and the City's land use ordinances, including, but not limited to, the authority for appeals identified in Section 43.04.120 and in items 1, 2, 3A, 3B, and 4 in Section 43.04.100, and certain business license issues, as per the business license ordinance, especially Section 5.02.075, with the standard of review to be "on the record" if a public meeting or public hearing was held; otherwise, the standard of review to be "de novo"; and
3. ***Do the following, in a quasi-legislative manner:***
   a. Recommend to the City Council that a legislative process be initiated with regards to one or more specific land use ordinances or other written land use provisions; and
   b. Act as the "Public Works Standards Review Committee," as set forth in Sections 43.05.010 (items 7A and 7B) and 46.02.030(3) unless the Mayor, with advice and consent from the City Council, appoints other members for said Committee; and
   c. Recommend to the City Council proposed amendments to the business license, transient room tax, or municipal energy sales and use tax ordinances, as per Section 43.05.010 (Item 9).

43.02.130. General Procedures of the Appeal Authorities; Presumption of Validity.
The following procedures shall apply to the Appeal Authorities:

1. The Appeal Authorities shall comply with *Utah Code Annotated* §10-9a-701(5), 1953, as amended, regarding membership; and no Member of either Appeal Authority, when appointed or during the time of appointment, shall be a member of the City Staff, the Governing Body, a land use authority, or the other Appeal Authority of the City, as per Section 43.02.040(3) herein; and
2. All references to the "Board of Adjustment" in the municipal code and Land Use Ordinances are hereby amended to read the "Appeals Board" or "Administrative Law Judge," as applicable (as per Sections 43.01.040 and 43.02.020); and
3. Title 10, Chapter 9a, Part 7 of the *Utah Code Annotated*, 1953, as amended, and the applicable City ordinances shall govern all appeal deadlines, burden of proof, due process, standards of review, and matters of finality. For any appeal of a land use decision to an Appeal Authority, the deadline is 10 calendar days from the date of the land use authority's decision, as per Sections 43.04.115 and 43.04.120; and
4. An Appeal Authority shall presume all City ordinances and other written land use provisions to be valid, unless a Court rules to the contrary. If an applicant alleges that a written land use provision is unconstitutional, illegal, invalid, etc., then said claim may be stated for the record and preserved for a potential appeal to District Court.

43.02.135. Procedures of the Appeal Authorities: Adjudicating Variances/Appeals.
When an Appeal Authority is acting on a variance or on a regular, procedural, or limited appeal of a decision of a land use authority (and is not acting as a land use authority or as a quasi-legislative body), then the following procedures apply:

1. The City and the applicant shall each be treated as separate "parties" (and each is entitled to its own attorney or representative) before the Appeal Authority, and other interested person(s) may also be "parties," for purposes of the quasi-judicial proceeding; and
2. Copies of all records of proceedings, memoranda, or other documents (referred to collectively as "documents") provided by City Staff or a land use authority (referred to collectively as "City officials") to an Appeal Authority shall also be provided to the applicant and other interested parties (referred to collectively as "interested parties") at least three days in advance of the proceeding. Likewise, the interested parties shall provide, to the City officials and other interested parties, copies of all documents provided to the Appeal Authority at least three days in advance of the proceeding; and
3. The Appeal Authority shall have the authority to exclude copies of any and all documents not provided (at least three days) in advance to the Appeal Authority and/or to all interested parties; and
4. The City has the option of not taking a position on an issue. The City shall be represented in such a proceeding by the Chair or Director (or his/her designee) of the land use authority being appealed and/or by the City Attorney (or his/her designee); and
5. An Appeal Authority may affirm, reverse, or affirm in part and reverse in part any decision of a land use authority regarding land use decisions. An Appeal Authority may

remand the matter to the appropriate land use authority with directions for specific areas of review or clarification, or may request direction from the other Appeal Authority before rendering a decision. Appeal Authority review of petitions of appeal shall be limited to consideration of only those matters raised by the petition(s), unless the Appeal Authority, by motion, enlarges the scope of the appeal to accept information on other matters it may legally hear.

43.02.140. When Appeal Authority Decisions Become Effective.
Decisions of an Appeal Authority become effective immediately (assuming the Appeal Authority issues an oral decision at a public meeting); otherwise, decisions of an Appeal Authority become effective as soon as they are made available in writing or to the public.

Part D. Appeals Board: Leadership and Staff.

43.02.150. Chair and Acting Chair of the Appeals Board.
The Chair of the Appeals Board shall be the attorney Member of the Appeals Board, and shall approve all agendas, and shall preside over the meetings he/she attends, and shall execute all official documents of the Appeals Board for said meetings. If the Chair is absent, an Acting Chair, selected by a majority of the quorum in attendance, shall preside over the meeting, and shall execute all official documents of the Appeals Board for that meeting. In the alternative, the Chair and Acting Chair may execute documents on behalf of each other. The Chair or Acting Chair shall always vote, as per Section 43.02.180. See Section 43.02.200 for additional authority of the Chair. The compensation for the Chair of the Appeals Board is set forth in Section 43.02.050.

43.02.160. Community Development Department to Act as Staff to Appeal Authorities.
The Community Development Director ("Director"), as the head of the Community Development Department ("Department"), shall ensure that the City engineer(s), planner(s), and inspector(s), etc., provide adequate staffing and equal access to municipal resources for each Member of the Appeal Authorities. The Director shall also work with the City Recorder to provide a Community Development Clerk and/or Minutes Clerk to assist the City planner(s) and other staff with accepting all applications and preparing all agendas and minutes for the Appeal Authorities, and to maintain records of the Appeal Authorities, including all applications and files of proceedings and actions taken in connection therewith. The City Attorney (or an Assistant City Attorney) shall also act as staff for the Appeal Authorities (for "special uses" and other applications), but not for appeals or variances (for which a special attorney could be retained, if needed).

43.02.170. Community Development Department to Provide Minutes, Agendas, and Information Regarding Land Use Applications to the Appeal Authorities.
The Department shall, not less than three days prior to any meeting of an Appeal Authority, transmit to each Member of the Appeal Authority an agenda (with the time of the meeting), a copy of the minutes of the previous meeting(s), and information pertinent to the requests to be

acted upon by the Appeal Authority at the meeting (including records of actions taken by the Department and/or Planning Commission, etc.). If the three day agenda deadline is missed, then the meeting is automatically cancelled. If the three day information deadline is missed, then the agenda item may be discussed, but not acted upon. The Department shall be responsible for posting the agenda and notifying interested parties of upcoming Appeal Authority meetings. The Department shall ensure that all granted/approved variances, plats, and other relevant land use documents are recorded in the County Recorder's Office, at the expense of the property owner or appropriate interested party.

Part E. Appeals Board: Meetings, Voting, and Ethics.

43.02.180. Appeals Board: Quorum; Decisions by Majority (Roll Call) Vote.

A quorum of at least three (3) Members of the Appeals Board is required to start or convene a meeting and to act on any application, appeal, or issue. All votes shall be by "Roll Call," and the Chair or Acting Chair shall always vote (and shall always vote last). A majority affirmative concurring vote of the quorum in attendance (excluding Members recused, as per Section 43.02.190) is required for any motion or vote to be approved. The Appeals Board shall operate in compliance with applicable federal, state, and municipal laws and regulations.

43.02.190. Members to Vote on All Issues: Members to Recuse When Conflicts Arise.

All Members: (1) may ask applicants and interested parties questions; and (2) shall vote on all issues, except where they recuse themselves (also known as abstaining) for a conflict of interest or other ethical issue. Reasons to recuse could include a financial interest or a situation in which a Member was previously a member of a land use authority which acted on the issue or on a related issue (which is now on appeal or otherwise before the Appeals Board). A Member may either vote or recuse regarding approval of minutes for a meeting he/she did not attend. To "recuse" means to leave the meeting (unless the issue is approval of the minutes) for the relevant issue and to not participate in any discussion, motions, or voting (unless the Member is an applicant, in which case said Member may be present and participate as an applicant). For some ethical issues, disclosure (without recusing/abstaining) may be adequate. As per Section 43.02.200, the Chair or Acting Chair of the Appeals Board shall decide any issues as to how the rules of ethics shall be applied, subject to a procedural appeal/petition.

43.02.200. Rules of Procedure: Chair to Decide Rules Application.

Roberts Rules of Order, newly revised, shall govern meeting conduct, unless other appropriate rules of procedure are adopted, or unless such rules conflict with other provisions of the municipal code. The City Attorney (or Assistant City Attorney or special attorney), as parliamentarian, may recommend regarding any issues as to how the rules of procedure shall be applied. The Chair or Acting Chair of the Appeals Board shall decide any issues as to how the rules of procedure (including rules of ethics) shall be applied, subject to a procedural appeal/petition, and may administer oaths and compel the attendance of witnesses.

43.02.210. Rules of Ethics.
Appeal Authority Members shall adhere to the same ethical rules as Planning Commissioners, or as set forth by state law (see *Utah Code Annotated* §§67-16-1 et seq. and §§10-3-1301 et seq., 1953, as amended) or by City ordinance (see Chapter 42.06). As per Section 43.02.200, the Chair or Acting Chair of the Appeals Board shall decide any issues as to how the rules of ethics shall be applied, subject to a procedural appeal/petition.

43.02.220. Protecting Due Process Rights; Constitutional Takings.
Each appeal, variance, or other application or petition shall be conducted as provided in the ordinance, and each Appeal Authority shall respect the due process rights of each of the participants. Particular care shall be taken with regards to exactions, condemnations, "constitutional takings," and similar issues. See Section 43.04.110 regarding avoiding unnecessary or excessive delays.

43.02.230. Time of Appeal Authority Meetings.
Meetings of the Appeal Authorities shall be held as needed, with at least one meeting of the Appeals Board to be held in January or February of each year. The Appeals Board may meet on the same evening as Planning Commission, or at any other time, as needed. The Administrative Law Judge may hold meetings on the same evening as City Council, or at any other time, as needed, but with no January/ February meeting requirement. All meetings shall follow the requirements of the Open and Public Meetings Act, "The Sunshine Law," Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended. Special meetings may be called by the Chair or by two (2) of the other Members of the Appeals Board at any time, provided that at least twenty-four (24) hours notice has been given each Member and the press before a special meeting is held. In addition to the regular meetings, the Appeals Board may schedule field trips, work sessions, and executive sessions, etc., as allowed by law.

Part F. Administrative Law Judge.

43.02.240. Administrative Law Judge: Qualifications, Compensation, Appointment.
The Administrative Law Judge shall:

1. Be one individual, who shall not be a resident of the City; and who shall be either a Utah State Bar licensed attorney or an AICP certified planner (in either case, having significant experience in land use planning and administrative law); and
2. As an independent contractor, receive 7 per cent of a City Council annual stipend per meeting attended, to change when City Council Member compensation changes; and
3. Be appointed by the Mayor, with the advice and consent of the City Council (the City Council being able to recommend names), in January or February, 2008 for a two-year term, to run through January, 2010, and shall be re-appointed in January, 2010 and every four years thereafter for a four year term (maximum of 10 consecutive years, as per Section 43.02.100); and
4. Section 43.02.040 and the relevant provisions of Sections 43.02.070 to 43.02.110 and 43.02.130 to 43.02.230 shall apply to the Administrative Law Judge.

43.02.250. Authority of the Administrative Law Judge.
The Administrative Law Judge shall:

1. Hear and decide "regular" appeals from decisions of the land use authorities (including enforcement actions), in accordance with *Utah Code Annotated* §§10-9a-701 and -703, 1953, as amended, and the City's land use ordinances, including, but not limited to, the authority for appeals identified in Section 43.04.120 and in items 5A, 5B, 5C, 5D, and 6B in Section 43.04.100 (but also including appeals from any other land use decision of any City official not identified in 43.04.100), with the standard of review to be "on the record" if a public meeting or public hearing was held; otherwise, the standard of review to be "de novo"; and
2. Exercise statutory authority to hear and decide:
   a. Variances from the terms of the land use ordinances, in accordance with *Utah Code Annotated* §§10-9a-701, 702, and 703, 1953, as amended, with a limitation on authority of a maximum variation of 5.00 per cent from any numeric standard; and
   b. Limited appeals to interpret land use ordinances and maps (see Section 43.04.130); The Administrative Law Judge having original jurisdiction, as identified in item 6A in Section 43.04.100; and with the standard of review in each case (a or b) to be "de novo"; and
3. Assist with resolving unnecessary or excessive delays and similar "procedural" appeals (if a seemingly unnecessary public hearing has been scheduled, or if a rule of procedure has been misapplied, or if it is unclear which authority is the appropriate land use authority or Appeal Authority for a given issue, etc.), as per Sections 43.04.110 and 43.04.100 (item 6A); and exercise other powers and duties prescribed by law or assignment; and
4. Do the following, in a quasi-legislative manner: recommend to the City Council that a legislative process be initiated with regards to one or more specific land use ordinances or other written land use provisions; and
5. Other duties as assigned.

Chapter 43.03.
APPEALS TO DISTRICT COURT OR TO THE OMBUDSMAN

43.03.010. Appeals to District Court.
43.03.020. Appeals to the Property Rights Ombudsman's Office.

43.03.010. Appeals to District Court.
No person may challenge in (appeal to) District Court any land use decision of the municipality in accordance with state law, or under a regulation made under authority of state law, until that person has complied with *Utah Code Annotated* §§10-9a-701 and -801, 1953, as amended, and otherwise exhausted all administrative remedies set forth in the land use ordinances (which

includes having a decision from the appropriate Appeal Authority), within the time limits and according to the standards prescribed by law, as follows:

1. No adversely affected parties shall present a theory of relief in District Court that was not first presented to the appropriate Appeal Authority; and
2. Adversely affected parties are precluded from pursuing duplicate or successive appeals before the same or separate Appeal Authorities as a condition of the adversely affected party's duty to exhaust administrative remedies; and
3. This land use ordinance does not provide for any specified type of land use decision(s) to be appealed directly to District Court; but rather, a land use decision may not be appealed directly to District Court (without a prior appeal to an Appeal Authority) unless specifically required by state or federal law; and
4. An appeal to District Court may only be made within 30 calendar days of the final decision or action of the appropriate Appeal Authority, which is the final decision or action of the City (see Section 43.02.140, as to when an Appeal Authority decisions become effective). If the thirtieth day is a Saturday, Sunday, or holiday, then an appeal can be made on the next day the Court Clerk's office is open.

43.03.020. Appeals to the Property Rights Ombudsman's Office.
Appeals to the Property Rights Ombudsman's Office may be taken (by an applicant or by a City official) at any time allowed by state law. The City, together with all of its employees, departments, land use authorities, Appeal Authorities, etc., shall fully comply with the lawful requests and directives of the Property Rights Ombudsman's Office.

Chapter 43.04.
LAND USE AUTHORITIES

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Part A. General Provisions.

43.04.010. Land Use Authorities.

As authorized by *Utah Code Annotated* §10-9a-302, 1953, as amended, all applications for building permits, land use permits, site plans, conditional use permits, home occupation permits, or other land use related permits shall be duly filed with the Community Development Department ("Department"), who shall forward the same to the appropriate land use authority(ies) as designated and set forth in this title. The designated land use authority(ies) shall review and take action as provided in this title, especially as set forth in Section 43.04.100. Such review and any subsequent action by any land use authority on any application or request shall assure compliance with the requirements of the municipal code (and state and federal law).

43.04.020. Legislative Action.

Any request to amend the land use ordinances or maps (including zone changes), or request to amend the general plan or maps, or request for other legislative action, shall also be duly filed with the Department, who shall forward the same to the Planning Commission or City Council, etc., as is appropriate, and as provided for in Section 43.05.010.

Part B. Applications; Fees; Errors; Enforcement.

43.04.030. Land Use Applications.

In accordance with *Utah Code Annotated* §10-9a-509.5, 1953, as amended, the municipality shall (in a timely manner) determine, among other things, whether an application is complete for

the purposes of subsequent, substantive land use authority review. For applications requiring review by the planning commission, see Section 42.07.040.

1. **Completeness:** In accordance with *Utah Code Annotated* §10-9a-509(1)(c), 1953, as amended, a land use application is generally considered submitted and complete when the application is provided:
   a. In a form that complies with the requirements of applicable ordinances; and
   b. With all pertinent information provided; and
   c. All applicable fees have been paid; and
   d. All of the applicable landowners (or their representatives) agree to the application; and
2. **Deadline to be on the Agenda:** In order be on a land use authority agenda, an application or request, with all necessary documentation, shall be filed with the Department at least fourteen (14) days prior to the meeting, by 2:30 p.m. The Community Development Director ("Director") shall be empowered to make a procedural exception and allow the 14-day time period to be reduced to as few as 10 days (prior to the meeting, at 2:30 p.m.) if the Director determines that a City official caused a delay or that there is an unusual emergency which is outside of the control of the applicant; and
3. **Basis for Approval or Denial:** A duly submitted and complete application that conforms to the requirements of the zoning map, other land use maps, and applicable land use ordinances in effect upon complete application is entitled to approval, except as provided in *Utah Code Annotated* §10-9a-509(1), 1953, as amended; and the municipality may not impose requirements not adopted in municipal code or by other applicable law; and
4. **Pending Ordinance Rule:** As per Section 40.03.020, the provisions of *Utah Code Annotated* Section 10-9a-509(1)(a) are specifically reserved, such that the City may temporarily prohibit approval of an application, pending action on the relevant pending ordinance. "Formally initiating proceedings to amend City ordinances" or "when a pending ordinance exists" shall be defined as "when a pending ordinance is first specifically referred to on an official city agenda or is in written form available to the public." If the "pending ordinance" has the date it became "pending" listed on it, that date shall be the official date; and
5. **Bound by Law:** In accordance with *Utah Code Annotated* §10-9a-509(1)(c), 1953, as amended, the municipality is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances; and
6. **Request for Determination:** An applicant may request a written determination on an application as set forth in *Utah Code Annotated* §10-9a-509.5, 1953, as amended (the "reasonable diligence" or "rip cord" rule). See also Section 43.04.110.

43.04.035. Development and Permit Fees.

The City may impose development fees and permit fees to offset development costs, as follows:

1. **Development Fees:** Development fees are to offset the costs of processing any application or applicable action. Such fees shall be recommended by the City Staff

and/or Planning Commission for adoption by ordinance or resolution by the City Council and reviewed from time to time for appropriate increase or decrease. Collection of fees shall be the responsibility of the City Recorder (or under the direction of the City Recorder); and

2. **Building Permit and Other Land Use Fees:** The municipality may impose building permit, plan review, appeal, variance, and other land use application fees in accordance with *Utah Code Annotated* §10-9a-510, 1953, as amended. The payment of a filing fee shall not guarantee a certain result, nor shall fees be refunded due to the lack of a favorable result, nor shall fees be refunded on the sole basis that an applicant prevails on appeal; and
3. **Fee Waivers,** Refunds, and Reductions: Except for impact fees or as otherwise limited by ordinance or resolution, the Director shall have the limited authority to grant waivers, refunds, or reductions (collectively referred to as "waivers") for any fee (for which the Director is responsible) by the greater of 5.00 per cent or $50.00 per permit, subject to legislative review by or petition to the City Council. The Director may only waive a fee if he/she determines that a City official caused the need for the waiver or that there is an unusual situation which is outside of the control of the applicant and which warrants the waiver. Waivers beyond these amounts may only be considered by the City Council, with a staff recommendation being provided by the Department (see Section 43.05.010, Item 8).

43.04.040. Errors and/or Omissions by the City Do Not Legalize Violations: Limited Exception (for Certificate of Limited Nonconforming Use/Structure).

Any inaction, failure, mistake, or other error/omission of any land use authority, building official, zoning enforcement official, or designee does not legalize a violation of the municipal code, unless: 1) a Court orders said relief, or 2) a Certificate of Limited Nonconforming Use or Certificate of Limited Noncomplying Structure is approved by the Appeals Board. Such a Certificate may only be approved after an application and review of the pertinent facts and standards (see Title 66 for standards, as well as case law for "permits by mistake" or "zoning estoppel"). The Administrative Law Judge or the District Court may require that a Certificate be approved (as part of an appeal). The City and the Appeal Authorities shall not have authority to enlarge, expand, or modify a Certificate of Limited Nonconforming Use or Certificate of Limited Noncomplying Structure (and such a structure may not be rebuilt if destroyed).

43.04.050. Invalid Permits and Licenses; Errors and/or Omissions By Applicants.

Officials and employees of the City who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title (Title 43) and the other Titles of Land Use Ordinances. Any such permit or license that is issued as follows shall be null and void (not valid):

1. When such is in conflict with the provisions of the Land Use Ordinances; or
2. Upon false or fraudulent information provided by the applicant; or

3. When a "complete" permit is not acted upon or work performed within the established time period (the time period is six (6) months if there is no other time period established), any vested rights thus being terminated.

43.04.055. Violation deemed nuisance.

Any structure made or existing (or any use of land) in violation of any provision of the Land Use Ordinances, is a public nuisance and may be abated by enforcement action or by other appropriate proceedings.

43.04.060. Appeals, Enforcement, and Penalties.

The City has authority as follows:

1. **Appeal to District Court or to the Property Rights Ombudsman's Office:** See Sections 43.03.010, and 43.03.020, and 43.04.120; and
2. **Enforcement:** In accordance with *Utah Code Annotated* § 10-9a-802, 1953, as amended, if violations of the land use ordinances (enacted under the authority of state law) occur or are about to occur, the municipality or any adversely affected owner of real estate within the municipality may, in addition to other remedies provided by law, institute or seek relief as provided in *Utah Code Annotated* §10-9a-802, 1953, as amended; and
3. **Zoning Enforcement Officials:** The Mayor shall designate the officers charged with enforcement of the land use ordinances of the municipality and, absent the Mayor designating such, the Director, or his/her designee, is charged with the enforcement of the land use ordinances of the municipality; and
4. **Complaints:** Whenever a violation of this ordinance occurs (or is alleged to have occurred) any person may file a written complaint. Such complaint stating fully the causes and bases thereof shall be filed with the Director, who shall record properly such complaint and timely investigate and take action thereof as provided by this ordinance; and
5. **Penalties:** In accordance with *Utah Code Annotated* §10-9a-803, 1953 as amended, the municipality imposes the following penalties for any violation of any land use ordinance enacted under the authority of Title 10, Chapter 9a of the *Utah Code Annotated*, 1953, as amended, or otherwise enacted to regulate land use as follows:
   a. **Civil Penalty:** In addition to other remedies as authorized by law, any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or permitting the violation of any land use provision established by law, shall pay a $250.00 penalty per violation for the first day of the violation, and $500 per violation per day for additional days, in addition to reasonable attorney's fees and costs incurred by the municipality, in any enforcement action; or
   b. **Misdemeanor:** Any person, firm, or corporation, whether as principal, agent, employee, or otherwise, violating or permitting the violation of the provisions of any land use provision established by law, shall be guilty of a class C misdemeanor and punishable as provided by law; and such person, firm, or corporation, who intentionally violates this land use ordinance, shall be deemed to be guilty of a

separate offense for each and every day during which any portion of any violation of the land use ordinances is committed, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

Part C. Limited Review Permits and Temporary Emergency Exceptions.

43.04.070. Denial By Department of Limited Review Permits.

If the Department denies a limited review permit, this becomes a final decision and the Planning Commission does not review the permit, but this decision of the Department may be appealed to the Appeals Board, as per Section 43.04.120. See Sections 42.01.030(7) and 43.04.100 (Item 3A) for more information regarding limited review permits.

43.04.080. Approval of Limited Review Permits (Involving Planning Commission).

If the Department approves a limited review permit (or chooses to defer the decision to approve or deny to the Planning Commission), this single meeting review is limited to the Planning Commission doing the following (and the Planning Commission decision may be appealed to the Appeals Board, as per Section 43.04.120):

1. Receiving a copy of the application for the limited review permit (some of the applications being special commercial building permits for signs, fences, etc., which are effectively "miniature design review" processes); and/or
2. Asking the Department questions; and/or
3. Either (a) upholding approval of the application; or (b) denying the application, by citing one or more current or pending ordinances or written land use provisions other than the General Plan (by neither specifically upholding approval nor denying the application at the one meeting, the Planning Commission automatically upholds approval); and/or
4. Starting a process to update any applicable ordinance or written land use provision for future applications.

43.04.090. Temporary Emergency Exceptions.

The Mayor (or the Mayor Pro Tem in his/her absence, inability, or refusal to act) has the authority to recommend, with or without an application (and with or without a recommendation from the Community Development Department or City Staff), in a public meeting, temporary emergency exceptions from any term or condition of the land use ordinance for a period of not to exceed three (3) months in duration. This time period may be recommended for extension up to three (3) additional months by the Mayor (or the Mayor Pro Tem), for a total duration for any one tract of land not to exceed six (6) months. In order to be effective, each such three (3) month temporary emergency exception shall:

1. Be based upon the Mayor (or the Mayor Pro Tem) determining that: (a) said temporary emergency exception is justified because of some unusual emergency, disaster, or "act of God" situation; and (b) the health, safety, convenience, order, and welfare of the inhabitants of the municipality shall not be materially affected (in an adverse way) if said exception is granted; and

2. Be reviewed and approved by the City Council, to verify that said temporary emergency exception is a legal and appropriate use of authority under the circumstances. The Mayor (or the Mayor Pro Tem) may recommend a temporary emergency exception in the same meeting that the City Council considers final approval of said temporary emergency exception (and the Mayor and City Council shall have broad discretion in this regard).

Part D. Tables Designating Land Use Authorities to Act on Applications.

43.04.100. Land Use Authorities: Administrative/Quasi-Judicial Land Use Applications.

See the following tables. The process ends when the double line is reached, unless there is an appeal. Each recommendation from staff or an initial land use authority is forwarded to the next higher land use authority, whether the recommendation is to deny or to approve. See Sections 43.02.120 and 43.02.250 regarding the authority of the Appeal Authorities.

Type of Standard Application* (Administrative)	**Staff Reports**	**Initial Land Use Authority**	**Final Land Use Authority**	**Appeal Authority (Quasi-Judicial)**
1. ***Routine Permits*** (including building permits, utility easements, regular traffic signs/markings, Home Occupation without visiting clientele, design review not involving a site plan change, temporary use/obstruction of city right of way, etc.); ***Escrow Release Requests***	_____	_____	**CDDep./Staff**	**Special Uses and Appeals Board**
2. ***Non-Routine Permits*** (including changes to street names/signs, special traffic signs/markings); ***Temporary Emergency Exceptions***	_____	**CDDep./Staff or Mayor**	**City Council**	**Special Uses and Appeals Board**
3A. ***Limited Review Permits,*** including certain commercial bldg. permits, res. site plans not in a subdivision, signs, etc. ***	_____	**CDDep./Staff**	**Plan. Com. Ltd. review*** **	**Special Uses and Appeals Board**
3B. ***Design Review involving a (New or Amended) Site Plan**; Recommendations to Public Agencies or Neighborhood Planning Issues****	**CDDep./Staff**	**Plan. Com.****	**City Council**	**Special Uses and Appeals Board**
4. ***Subdivisions/Street Dedications**** (new, amend, vacate, dedicate, etc.)	**CDDep./Staff**	**Plan. Com.**** ***Public Hearing***	**City Council**	**Special Uses and Appeals Board**

* Or for an amendment, modification, enlargement, or revocation of said type of application, unless otherwise indicated.

** Preliminary and final recommendations may be combined for simplified site plans and one to three lot residential subdivisions. For the design review/site plan process, a public hearing is not required, but is an option (for the Planning Commission). See PMC Sections 52.01.045 and 52.01.050 for optional processes for subdivisions.
*** This is a limited one meeting review (for limited review permits). See Sections 43.04.070/43.04.080 for further information regarding this process. A recommendation as to a public right of way or other neighborhood planning issue may be given to UDOT or another public agency (or to otherwise take action on an issue, with or without a formal application).

Type of "Special Use" Application* (Quasi-Judicial)	**Staff Reports**	**Initial Land Use Authority**	**Final Land Use Authority**	**Appeal Authority (Quasi-Judicial)**
5A. *Zoning Location and Boundary Policy* **	**CDDep./Staff**	**Plan. Com.** **	****Special Uses/ Appeals Board**	**Administrative Law Judge**
5B. *Conditional Use Permits* (including Home Occ. With visiting clientele, Excavation, etc.); ***Special Exceptions for Subdivisions and Residential*** (incl. lot line adj., flag lots)		**CDDep./Staff**	**Plan. Com. *Public Hearing* ******	**Special Uses/ Appeals Board ******
5C. Nonconforming Uses, incl. Certif. of Exist. for Limited Nonconforming Uses/Structures (Sec. 43.04.040), Modify "Regular" Nonconforming Uses/ Structures, etc.; ***Other Special Exceptions and Special Applications***		**CDDep./Staff ******	**Special Uses/ Appeals Board ******	**Administrative Law Judge**
5D. Certificate of Existence for Nonconforming Uses/ Noncomplying Structures (and Certif. of Legal Compliance)		_____	**CDDep./Staff**	**Special Uses/ Appeals Board ******

Type of Limited or Procedural Appeal; or Variance Application* (Quasi-Judicial)	**Staff Reports**	**Appeal Authority (Quasi-Judicial)**
6A. *Limited Appeals to Interpret Land Use Ordinances and Maps*; Variances****; Procedural Appeals*** (See Section 43.04.110)	**CDDep./Staff**	**Administrative Law Judge**

***** Or for an amendment, modification, enlargement, or revocation of said type of application, unless otherwise indicated.
****** Either an applicant or a land use authority may request an interpretation of a land use ordinance or map, as per item 6A above (see Section 43.04.130), including a special process for the interpretation of zoning locations and boundaries for "split parcels," etc., as per item 5A above (see Chapters 45.04 and 45.05).
******* As per *Utah Code Annotated* §10-9a-702(3), 1953, as amended, this is for an applicant desiring "a waiver or modification of the requirements of a land use ordinance as applied to a parcel of property that he owns, leases, or. . beneficial interest . . ."
****The proposed amendment, modification, or enlargement of a Nonconforming Use or Noncomplying Structure requires a public hearing by the Special Uses and Appeals Board. The review, suspension, or revocation of a Conditional Use Permit does not require a public hearing.

Type of Ordinance Enforcement Action (Administrative/Quasi-Judicial)	Initial Land Use Authority	Final Land Use Authority	Appeal Authority (Quasi-Judicial)
6B. Nuisance Enforcement/Zoning Enforcement	**_____**	**CDDep./Staff**	**Administrative Law Judge**

43.04.105. Community Development Department as a Land Use Authority.
If the Community Development Department is acting as a land use authority, the Community Development Director shall make or consent to the final decision on behalf of the Community Development Department (see Section 43.06.050).

Part E. Appeals to Appeal Authorities.

43.04.110. Petition to Avoid Unnecessary or Excessive Delays: Procedural Appeals.
An interested party, including a City official, may petition (without filing fee) the next "higher" land use authority listed on the tables above to speed up the process (or to place the application on its agenda), if unnecessary or excessive delays or "tabling" has occurred (or may appeal to the Administrative Law Judge if the next "higher" land use authority does not provide relief or if the "final" land use authority is the authority causing the delay). Unnecessary or excessive delays or "tabling" may be considered to be a decision or action to not recommend approval (or to not approve). In the alternative, the next "higher" land use authority (or the Administrative Law Judge) may, on its own motion, provide such relief. The next "higher" land use authority or the Administrative Law Judge may also hear and decide similar procedural petitions/appeals (if a seemingly unnecessary public hearing has been scheduled, or if a rule of procedure has been misapplied, etc.). See *Utah Code Annotated* §10-9a-509.5, 1953, as amended, regarding the "reasonable diligence" or "rip cord" rule.

43.04.115. When Final Land Use Authority Decisions Become Final: Time to Appeal.
Decisions of a final land use authority become effective and final immediately (assuming the land use authority issues an oral decision at a public meeting); otherwise, decisions of a final land use authority become effective and final as soon as they are made available in writing or to the public. If no appeal to the appropriate Appeal Authority has been taken within 10 calendar days of the effective date, then the decision of the final land use authority may no longer be appealed. If the tenth day is a Saturday, Sunday, or holiday, then an appeal can be made on the next day the City office is open.

43.04.120. Right to a Regular Appeal of a Land Use Authority Decision to an Appeal Authority: Automatic Stay Pending the Appeal Authority Decision.
An Appeal to an Appeal Authority may be taken by any person aggrieved or affected by any land use decision (whether or not listed on the chart in Section 43.04.100) of any officer, department, board, bureau, commission, or council of the municipality. Such appeal shall be taken within 10 calendar days of the effective date of the decision. A party may appear in person or by agent or by attorney. Upon the filing of a valid petition (by an aggrieved party) for appeal or review by an Appeal Authority, the decision of the land use authority is automatically stayed and

suspended until the Appeal Authority has acted on the appeal (except that there is no automatic stay for temporary emergency exceptions). The Appeal Authorities shall thus "serve as the final arbiter[s] of issues involving the [administration] or application of land use ordinances," as per *Utah Code Annotated* §10-9a-701(3)(a)(ii), 1953, as amended.

43.04.125. Right of <u>Land Use Authorities to Interpret</u> (Subject to Appeal).

The following rules as to the interpretation of written land use provisions and procedural rules:

1. As to all Titles other than Titles 42, 43, and 80, each land use authority shall have the right to interpret a written land use provision, subject to being overruled by a higher land use authority (and subject to an appeal to the Administrative Law Judge), but with reasonable deference to be given to a lower land use authority and to an applicant; and
2. As to Titles 42, 43, and 80, *the designated individual for* each land use authority shall have the right to interpret a written land use provision or procedural rule therein, subject to (if appealed) being overruled by the Administrative Law Judge, but with reasonable deference to be given to an applicant, as follows:
    a. Section 42.05.040 (City Attorney to interpret rules application in Planning Commission meetings); and
    b. Section 43.02.200 (Chair to interpret rules application in Special Use and Appeals Board meetings); and
    c. Section 80.03.050 (City Attorney and Mayor to interpret rules application in City Council meetings); and
3. Any interpretation of a written land use provision or procedural rule by any land use authority or by *the designated individual for* any land use authority may be appealed, as applicable, according to the terms of Section 43.04.110, Procedural Appeal, or Section 43.04.130, Limited Appeal (to Interpret), with the Administrative Law Judge being the final arbiter, subject only to judicial review or review by the Property Right's Ombudsman's Office, as per Chapter 43.03.

43.04.130. <u>Limited Appeal to Interpret</u> Written Land Use Provisions: Binding.

The authority of the Administrative Law Judge identified in Sections 43.02.250(2)(b) and 43.04.100 (item 6A) to "interpret land use ordinances and maps" (or other written land use provisions) is essentially an "interlocutory appeal" limited to the interpretation of the specific written land use provisions in question, unless the underlying land use application has received a final decision and has been simultaneously appealed pursuant to Section 43.02.250(1 and 2) (and is thus also ripe for adjudication on the merits). Such limited appeal shall be taken before a formal decision or within 10 calendar days of the effective date of the decision (with an automatic stay, as described above). The Administrative Law Judge shall thus "serve as the final arbiter of issues involving the interpretation . . . of land use ordinances," as per *Utah Code Annotated* §10-9a-701(3)(a)(ii), 1953, as amended. The interpretation of specific written land use provisions is binding upon all applicants, land use authorities, and Appeal Authorities for all similar future cases, unless a new ordinance, map, or other written land use provision has been enacted or is pending, or unless a Court has applied a different interpretation.

Part F. Public Notice Requirements for Public Hearings.

43.04.200. Public Notice Requirements for Public Hearings, if Established in State Law.
If, for a certain type of land use application: (i) a public hearing is required by State law; and (ii) the public notice requirements for said public hearing are established by State law; then a public hearing shall be held after public notice is given, said public notice to at least meet the minimum requirements of State law.

43.04.210. Public Notice Requirements for Public Hearings, if Not Established in State Law.
If, for a certain type of land use application: (i) a public hearing is not required by State law, but (ii) is required by City ordinance (or desired by the land use authority); then the public notice requirements for said public hearing shall be as follows:

1. Publish at least once, and at least 8 days in advance, in the Box Elder News-Journal;
2. Place on the agenda of the land use authority; and
3. Mail notice, by placing it into the regular U. S. mail at least 10 days in advance, to:
   a. The applicant(s), who may or may not be the current landowner(s) of the property(ies) in the application,
   b. The current landowner(s) of the property(ies) in the application, and
   c. All current "nearby landowner(s)" (of property(ies) within 300 feet of the property(ies) in the application), but inadvertent failure to send notice to 10 percent (or fewer) of the nearby landowner(s) shall not invalidate said public notice.

43.04.220. Previous Public Notice Requirements for Public Hearings are Repealed.
Any previous public notice requirements for public hearings are repealed and replaced with these requirements.

Chapter 43.05.
LEGISLATIVE LAND USE ACTION

43.05.010. Summary of Legislative Land Use Action.
43.05.020. Petition to Avoid Unnecessary or Excessive Delays: Procedural Petitions.
43.05.030. Definition of Quasi-Legislative Body.
43.05.040. Incorporation by Reference of Applicable Provisions of Chapter 43.04.

43.05.010. Summary of Legislative Land Use Action.
See the following tables. The process ends when the double line is reached (unless there is an appeal to District Court, or unless the City Council decides to take action on the Public Works Standards or Architectural Design Guidelines). If the City Council has initiated or requested a legislative process, each recommendation from a "quasi-legislative body" is forwarded to the next level, whether the recommendation is in favor of or against the legislative proposal.

Administrative "Rule-Making" Action (Quasi-Legislative)**	**Initial Recommend.**	**Final Recommendation**	**Final Adoption**	**Legislative Review** (At any time)	**Judicial Review**
7A. ***Public Works Standards***	_____	**CDDep./Staff**	**PWS Rev. Comm.**	**City Council**	**District Court**
7B. ***Architectural Design Guidelines***	**CDDep./Staff or Ind. Contractors**	**Planning Comm.** ***(Public Hearing)***	**PWS Rev. Comm.**	**City Council**	**District Court**

Type of Action (Legislative)**	**Initial Recommend.**	**Final Recommendation**	**Legislative Body** (Final Action)	**Judicial Review**
8. ***Moratoria; Fee Waivers; Development Agreements; Boundary Adjust.*** (w/Other City); ***Non-Land Use Ordinances/Resolut.***	_____	**CDDep./Staff**	**City Council******	**District Court**
9. ***Business License, Room Tax, or Energy Sales/Use Tax Ordinances*** (Special Non-Land Use Ordinances)	**CDDep./Staff**	**Special Uses/ Appeals Board**	**City Council** ***(Public Hearing)***	**District Court**
10. ***Land Use Ordinances/Resol.*;*** Zoning Map, incl. Changes; General Plan, incl. Attachments and G. P. Map; ***Annexation Policy Plans***; Annexation Petitions*****	**CDDep./Staff**	**Planning Comm.** ***(Public Hearing)***	**City Council *****	**District Court**

* A "land use ordinance," according to Utah Code Annotated §10-9a-103(16), 1953, as amended, "means a planning, zoning, development, or subdivision ordinance of the municipality, but does not include the general plan."

** Or for an amendment to said type of action, unless otherwise indicated.

*** For an annexation policy plan or annexation petition, check special procedures required by state law for public hearings, public notices, etc., including public hearings, if required for the City Council.

**** A public hearing is held for boundary adjustments and certain non-land use ordinances, as required by law.

43.05.020. Petition to Avoid Unnecessary or Excessive Delays: Procedural Petitions.
An interested party, including a City official, may petition (without filing fee) the City Council to speed up the process or to place the legislative proposal on a "quasi-legislative body" (see Section 43.05.030 for a definition) agenda or the City Council agenda, if unnecessary or excessive delays or "tabling" has occurred. Unnecessary or excessive delays or "tabling" may be considered to be a decision or action to not recommend approval (or to not approve). The City Council may also, on its own motion, provide such relief, including determining that a "quasi-legislative body" has taken ample time, and advancing the legislative process to the next level, especially when the City Council has specifically requested a recommendation for a specific

ordinance or legislative proposal. The City Council may also hear and decide similar procedural petitions (if a seemingly unnecessary public hearing has been scheduled, or if a rule of procedure has been misapplied, etc.). See *Utah Code Annotated* §10-9a-509.5, 1953, as amended, regarding the "reasonable diligence" or "rip cord" rule. Also, see Section 43.02.250(3) and 43.04.100 (item 6A).

43.05.030. Definition of Quasi-Legislative Body.
A "quasi-legislative body" may be any of the following when acting in a role of proposing, recommending, or adopting public works standards, architectural guidelines, land use ordinances and maps, the general plan, or other written land use provisions, as per the table above:

1. The Community Development Department; or
2. The City Attorney (or Assistant City Attorney); or
3. Other City Staff; or
4. An independent contractor providing land use planning, engineering, or other similar services; or
5. The Planning Commission; or
6. The Public Works Standards Review Committee; or
7. The Special Uses and Appeals Board.

43.05.040. Incorporation by Reference of Applicable Provisions of Chapter 43.04.
The provisions of Chapter 43.04 which are consistent with this Chapter 43.05 are incorporated herein by reference.

Chapter 43.06.
LAND USE POWERS OF THE CITY ATTORNEY, CITY ADMINISTRATOR, GOVERNING BODY, AND COMMUNITY DEVELOPMENT DEPARTMENT

43.06.010. Land Use Powers and Duties of the City Attorney and Assistants.
43.06.020. No Land Use Powers for the City Administrator and Assistants.
43.06.030. Limited Land Use Powers for the Mayor and City Council.
43.06.040. Land Use Powers of the Planning Commission.
43.06.050. Department May Only be Overruled by a Designated Higher Authority.

43.06.010. Land Use Powers and Duties of the City Attorney and Assistants.
Titles 42 and 43, as well as other titles in the Land Use Ordinances and Municipal Code, detail the powers of the Community Development Department, the Planning Commission, other land use authorities, the Appeal Authorities, etc. These titles also provide for specific delegations of procedural and advisory powers to the City Attorney, which may be delegated by the City Attorney to an Assistant City Attorney(s) and/or Acting Assistant City Attorney(s). In particular, Sections 42.05.040, 43.02.160, and 43.02.200 detail the City Attorney's responsibility to act as a parliamentarian and as part of the City Staff. The City Attorney shall also review proposed plats,

agreements, and applications, as provided for in Title 52 (Subdivisions) and elsewhere in the municipal code, state law, or federal law. The City Attorney may also provide an oral or written legal opinion to any land use authority or Appeal Authority at any time, subject to other provisions of the municipal code. Finally, the City Attorney may, without paying a filing fee, petition for a "procedural appeal," "regular appeal," or "limited appeal" (to interpret written land use provisions) at any time he/she determines that an appeal is warranted in the best interest of justice, and shall specifically state the reasons for the appeal in the petition.

43.06.020. No Land Use Powers for the City Administrator and Assistants.
The City Administrator (and any Assistant City Administrator) shall not have any powers to decide land use issues and shall not be a member of any land use authority, Appeal Authority, quasi-legislative body, or legislative body of the City but, if concurrently appointed as the City Attorney, shall fulfill the land use duties and authority of the City Attorney.

43.06.030. Limited Land Use Powers for the Mayor and City Council.
The Mayor and City Council shall only exercise the land use powers expressly set forth in the municipal code (and in state and federal law).

43.06.040. Land Use Powers of the Planning Commission.
The Planning Commission has the land use powers identified in the governing legislation (state law; see Section 42.01.010) and in Perry Municipal Code Titles 42 and 43, especially Sections 42.01.020 and 42.01.030. Except when acting on limited review permits, the Planning Commission makes recommendations to the City Council or Appeals Board, etc.

43.06.050. Department May Only be Overruled by a Designated Higher Authority.
No member of the Governing Body, City Administrator, City Attorney, or other City official may overrule, set aside, modify, or otherwise direct any decision of the Community Development Department, except as expressly set forth in the municipal code (and in state and federal law). The Department may thus only be overruled by a higher land use authority or by an Appeal Authority for administrative or quasi-judicial actions (or by a higher legislative body for legislative or quasi-legislative actions). In particular, and as indicated in Section 43.04.100 (items 1, 5D, and 6B), most routine permits, applications, and enforcement actions, for which the Department is the final land use authority, may be appealed to an Appeal Authority. Moreover, a "limited" appeal to interpret the written land use provisions, or a procedural appeal, may be made to the Administrative Law Judge. Other actions of the Department, such as consideration of subdivisions and site plans, are recommendations, and may be reversed or overruled by the Planning Commission and/or City Council as "higher" land use authorities, etc., as per Section 43.04.100, etc.

Legislative History
Complete re-write of title, abolished Board of Adjustment, created new Appeal Authorities, and designated Land Use Authorities: 01/24/2008.
Minor changes and codified into new 2008 Perry Municipal Code: 05/22/2008

Minor changes, including Section 43.04.125 (regarding interpretation of written land use provisions): 10/09/2008
Final 2008 codification: 12/11/2008
Sections 43.02.030 and 43.02.180 were amended to change the number of members for a quorum and a full Board: 05/28/2009
Added Sections 43.04.200, 43.04.210 and 43.04.220 (Chapter 4, Part F): 09/23/2010
Amend Section 43.04.100 (Planning Commission as Final Land Use Authority and City Staff Authority for Land Use not involving Site Plan): 09/23/2010

PERRY CITY LAND USE CHART

Agricultural Uses	A	AL	R 1 A	RE 1/2	R 1/2	R 1/3	R1	R2	ES	C	C1	NC2	NC3	MU-C	MU-O	MU-R	M/I L	M/I
Accessory Uses & Buildings	P	P	P*	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Agricultural Experiment Station	P*	P*	~	~	~	~	~	~	~	P*	~	~	~	~	~	~	P*	P*
Animal Hospital	P*	~	~	~	~	~	~	~	~	P*	~	C	C	~	~	~	~	P*
Animal Kennel/ Cattery Breeding Establishments	P*	P*	~	~	~	~	~	~	~	~	~	~	~		~	~	~	~
Animal Training Schools	P*	P*	~	~	~	~	~	~	~	~	~	~	P*	~	~	~	~	~
Apiaries	P	P	~	~	~	~	~	~	P*	~	~	~	~	~	~	~	~	~
Aviaries	P	P	P*	P*	~	~	~	~	P*	~	~	~	~	~	~	~	~	~
Dairy or Creamery	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Domesticated Animals, Family Food-Production/Pleasure (See Note 1)*	P	P	P	C	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Egg Candling & Sales	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Fertilizer & Soil Condition Manufacturing & Sales	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Field Crops, Row Crops, Orchards, Hay Chopping	P	P	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	P	P*
Grazing	P	P	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
Fruit & Vegetable- Wholesale	P	P	~	~	~	~	~	~	~	P*	~	P	P	~	~	~	~	~
Fruit & Vegetable Stands- Retail	P	P	~	~	~	~	~	~	~	P*	P*	P	P	P*	~	~	~	~
Fruit & Vegetable long-term Storage	P*	P*	~	~	~	~	~	~	~	~	~	C	C	~	~	~	P*	P
Greenhouses & Nurseries- Commerci	P*	P*	P*	~	~	~	~	~	~	P*	~	P*	P*	~	~	~	~	P*
Livestock Feed or Sales Yard	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Milk Processing Plant	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Soil Composting, Manufacturing, & S	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Stock Yard	P*	~	~	~	~	~	~		~	~	~	~	~	~	~	~	P*	~

P*- Use Permitted by Design Review **P- Use Permitted in Zone**

***Notes-see Section 45.20.040** **C-Conditional Use** **~ Use not Permitted**

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Residential Uses	**A**	**AL**	**R 1 A**	**RE 1/2**	**R 1/2**	**R 1/3**	**R1**	**R2**	**ES**	**C**	**C1**	**NC2**	**NC3**	**MU-C**	**MU-O**	**MU-R**	**M/I L**	**M/I**
Accessory Buildings (See Area Requirements Chart)	P	P	P	P	P	P	P	P*	P*	P	~	P*	P*	~	~	P*	~	~
Apartment Buildings (5 or more units	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	~	~
Boarding House,Bed/ Breakfast note 4	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	P*	P*	~	~
Condominiums, Town Houses (5+ un	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	~	~
Duplex, Tri-plex, Four-plex	~	~	~	~	~	~	~	P*	~	~	~	~	~	C	C	C	~	~
Home Occupations w/o visiting client	P	P	P	P	P	P	P	P	P*	~	~	P	P	P	P	P	~	~
Home Occupations w/ visiting cliente	C	C	C	C	C	C	C	C	C	~	~	C	C	C	C	C	~	~
Household Pets	P	P	P	P	P	P	P	P	P	~	~	P	P	P	P	P	~	~
Modular/Manufactured Homes	P	P	P	P	P	P	P	P	~	~	~	~	~	~	~	~	~	~
Single Family Homes	P	P	P	P	P	P	P	P	P*	~	~	~	~	~	~	~	~	~
Zero-lot Line Home	~	~	~	~	~	~	~	P	~	~	~	~	~	P*	P*	P*	~	~
Model Home	~	~	C	C	C	C	C	C	~	~	~	~	~	C	C	C	~	~
Municipal Uses																		
Animal Pound	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*
Cemetery	P*	P*	P*	P*	P*	P*	P*	P*	~	~	~	~	P*	~	~	~	~	~
Garbage Transfer	P	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
Public Building or Utility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Public Park	P	P	P	P	P	P	P	P	P	~	~	C	C	P	P	P	P	P
Sewage Disposal and/or Treatment Pl	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P	P

P*- Use Permitted by Design Review **P- Use Permitted in Zone**

***Notes-see Section 45.20.040** **C-Conditional Use** **~ Use not Permitted**

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Recreational Uses	**A**	**AL**	**R 1 A**	**RE 1/2**	**R 1/2**	**R 1/3**	**R1**	**R2**	**ES**	**C**	**C1**	**NC2**	**NC3**	**MU-C**	**MU-O**	**MU-R**	**M/I L**	**M/I**
Dude Ranch	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Campground Commercial or Recreati	P*	P*	~	~	~	~	~	~	P*	~	~	~	P*	~	~	~	~	~
Golf Course	P*	P*	P*	P*	P*	P*	P*	P*	P*	~	~	~	~	~	~	~	~	~
Golf Driving Range	P*	P*	P*	~	~	~	~	~	P*	~	~	~	~	~	~	~	~	~
Gun Club	P*	~	~	~	~	~	~	~	P*	~	~	~	~	~	~	~	P*	~
Ice Rink	P*	P*	~	~	~	~	~	~	~	~	~	C	C	~	~	~	~	~
Private Park	P	P	P	P	P	P	P	P	P	~	~	~	~	P*	P*	P*	~	P
Public Stable	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P	~
Riding Academy	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	~
Rodeo Grounds	P*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Skeet Shooting Range	P*	~	~	~	~	~	~	~	P*	~	~	~	~	~	~	~	P*	~

Educational & Religious Uses																		
Art Gallery	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	~	~	~
Place of Worship	P*	P*	P*	P*	P*	P*	P*	P*	P*	~	~	P*	P*	~	~	P*	~	~
College, University, Trade, Tech. Sch	P*	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	~	~	~
Day Care Center-Commercial	P*	P*	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	P*	~	~
Fraternity-Sorority	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	~	~
Library	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	~	~
Museum	~	~	~	~	~	~	~	~	~	C	C	P*	P*	P*	P*	P*	~	~
Private School	P*	P*	P*	P*	P*	P*	P*	P*	~	~	~	C	C	P*	P*	P*	~	~
Wedding Reception Center	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	~	~	~	~

P*- Use Permitted by Design Review **P- Use Permitted in Zone**

***Notes-see Section 45.20.040** **C-Conditional Use** **~ Use not Permitted**

Medical Uses	**A**	**AL**	**R 1 A**	**RE 1/2**	**R 1/2**	**R 1/3**	**R1**	**R2**	**ES**	**C**	**C1**	**NC2**	**NC3**	**MU-C**	**MU-O**	**MU-R**	**M/I L**	**M/I**
Assisted Living	~	~	~	~	~	~	~	~	~	~	~	P*	P*	~	~	P*	~	~
Clinic	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	~	~	~
Rehabilation Center	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	~	~
Hospital	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	~	~	~
Rest Home	~	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	~	~
Sanitarium	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	C	C
Commercial Uses																		
Body & Fender Shop	~	~	~	~	~	~	~	~	~	~	C	C	C	~	~	~	~	P*
Cabinet Shop	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*
Vehicle Repair	~	~	~	~	~	~	~	~	~	~	C	C	C	~	~	~	~	P*
Vehicle Sales	~	~	~	~	~	~	~	~	~	~	P*	C	C	~	~	~	~	~
Vehicle Wash	~	~	~	~	~	~	~	~	~	P*	P*	C	C	P*	~	~	~	~
Construction Yard (See Note #3)*	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
Firearms Retail/Repair (See Note #2)*	C	C	C	C	C	C	C	C	~	P*	P*	P*	P*	P*	~	~	~	~
Fix It Shop	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	~	~	~	P*
Grocery Store	~	~	~	~	~	~	~	~	~	P*	P*	C	C	P*	~	~	~	~
Laundromat/ Dry Cleaners	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	~	~	~	~
Machine Shop	~	~	~	~	~	~	~	~	~	~	~	P*	P*	~	~	~	P*	P*
Mortuary	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	~	~	~	~
Nursery (Plants)	P	P	~	~	~	~	~	~	~	~	~	P*	P*	~	~	~	~	~
Planing Mill or Welding Shop	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*
Sexually Oriented Business	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	~
Wholesale Outlet	~	~	~	~	~	~	~	~	~	P*	P*	C	C	P*	~	~	~	P*
Small Retail (Less than 20,000 sq.ft)	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	P*	P*	P*
Large Retail (more than 20,000 sq. ft)	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	~	~	~	P*	P*

P*- Use Permitted by Design Review **P- Use Permitted in Zone**

***Notes-see Section 45.20.040** **C-Conditional Use** **~ Use not Permitted**

Special Commercial Uses	**A**	**AL**	**R 1 A**	**RE 1/2**	**R 1/2**	**R 1/3**	**R1**	**R2**	**ES**	**C**	**C1**	**NC2**	**NC3**	**MU-C**	**MU-O**	**MU-R**	**M/I L**	**M/I**
Alcohol Retail, off premises, Note 2	~	~	~	~	~	~	~	~	~	P*	P*	C	C	~	~	~	~	~
Hotel/ Motel (w/or w/o Alcohol),Note	~	~	~	~	~	~	~	~	~	C	C	~	C	C	~	~	~	~
Restaurant w/on prem. alcohol, Note 2	~	~	~	~	~	~	~	~	~	C	C	C	C	C	~	~	~	~
Restaurant without on prem. alcohol	~	~	~	~	~	~	~	~	~	P*	P*	C	C	P*	P*	P*	P*	P*
Other Alcohol on premises,business	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Light Commercial Uses																		
Athletic Club	~	~	~	~	~	~	~	~	~	P*	P*	C	C	P*	P*	P*	~	~
Bakery	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	P*	~	~
Bike Shop	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	P*	~	~
Book Store	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	P*	~	~
Convenience Store	~	~	~	~	~	~	~	~	~	P*	P*	C	C	P*	P*	P*	P*	P*
Gift Shop	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	P*	~	~
Hardware Store	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	~	~	~	~
Professional Office Space	~	~	~	~	~	~	~	~	~	~	P*	P*	P*	P*	P*	P*	~	~
Recreation Center	~	~	~	~	~	~	~	~	~	~	P*	C	C	P*	P*	P*	~	~
Fast Food Restaurant	~	~	~	~	~	~	~	~	~	P*	P*	C	C	P*	P*	P*	P*	P*
Fuel Stop	~	~	~	~	~	~	~	~	~	P*	P*	C	C	P*	P*	P*	P*	P*
Upholstery Shop- Retail	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	~	~	P*	P*
Check Cashing Serv./Car Title Loans	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~

P*- Use Permitted by Design Review **P- Use Permitted in Zone**

***Notes-see Section 45.20.040** **C-Conditional Use** **~ Use not Permitted**

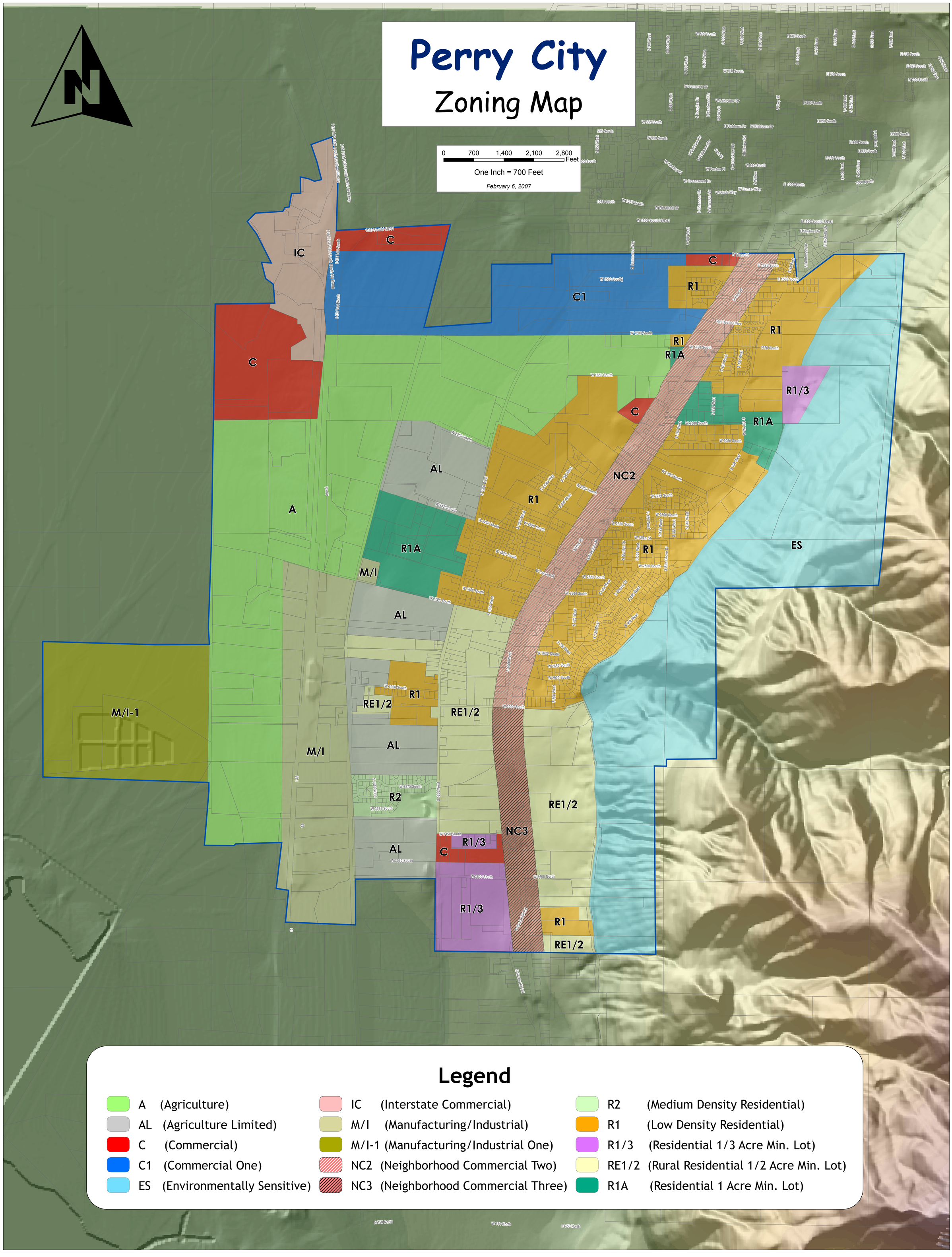
Manufacturing- Industrial Uses	**A**	**AL**	**R 1 A**	**RE 1/2**	**R 1/2**	**R 1/3**	**R1**	**R2**	**ES**	**C**	**C1**	**NC2**	**NC3**	**MU-C**	**MU-O**	**MU-R**	**M/I L**	**M/I**
Asphalt Plant	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~
Fabrication Processes	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
Milling & Machinery Facilities	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
Packaging Processes	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
Printing Processes	~	~	~	~	~	~	~	~	~	~	P*	C	C	~	~	~	~	P*
Product Development	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	P*	~	~	P*
Product Distribution	~	~	~	~	~	~	~	~	~	~	~	~	~	C	C	~	P*	P*
Research & Development Facilities	~	~	~	~	~	~	~	~	~	~	~	C	C	P*	P*	~	~	P*
Storage Units-N of 3000 S (N #3) *	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
S.U.-S of 3000 S (See Note #3) *	~	~	~	~	~	~	~	~	~	P*	~	~	~	~	~	~	P*	P*
Warehousing/ Large Scale Distributio	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	P*	P*
Gravel Pits	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~	~

P*- Use Permitted by Design Review **P- Use Permitted in Zone**

***Notes-see Section 45.20.040** **C-Conditional Use** **~ Use not Permitted**

Perry City

Zoning Map



Legend

A	(Agriculture)	IC	(Interstate Commercial)	R2	(Medium Density Residential)
AL	(Agriculture Limited)	M/I	(Manufacturing/Industrial)	R1	(Low Density Residential)
C	(Commercial)	M/I-1	(Manufacturing/Industrial One)	R1/3	(Residential 1/3 Acre Min. Lot)
C1	(Commercial One)	NC2	(Neighborhood Commercial Two)	RE1/2	(Rural Residential 1/2 Acre Min. Lot)
ES	(Environmentally Sensitive)	NC3	(Neighborhood Commercial Three)	R1A	(Residential 1 Acre Min. Lot)

Title 45, A Land Use Ordinance
ZONING, INCLUDING PROCEDURES, LAND USE CHART, AREA REQUIREMENTS, AND ZONING MAPS

Chapter 45.01. INTENT AND GENERAL PROVISIONS
Chapter 45.02. ZONING DISTRICTS
Chapter 45.03. ZONE DESCRIPTIONS
Chapter 45.04. RULES FOR LOCATING BOUNDARIES
Chapter 45.05. ZONING BOUNDARY POLICY
Chapter 45.06. AIRPORT OVERLAY ZONE
Chapter 45.07. NEIGHBORHOOD COMMERCIAL ZONES
Chapter 45.08. IN-FILL DEVELOPMENT (IN NC2 AND NC3 ZONES)
Chapter 45.11. ZONING ADMINISTRATION
Chapter 45.18. PENALTIES
Chapter 45.20. LAND USE CHART
Chapter 45.21. AREA, FRONTAGE, SETBACK, AND HEIGHT REQUIREMENTS
Chapter 45.22. ZONING MAP

Chapter 45.01.
INTENT AND GENERAL PROVISIONS

45.01.020. Filing of Zoning Ordinance and Zoning Map.

45.01.020. Filing of Zoning Ordinance and Zoning Map.

This Zoning Ordinance and Zoning Map shall be filed in the custody of the City Recorder of Perry City and may be examined by the public subject to reasonable regulations established by the City Recorder.

Chapter 45.02.
ZONING DISTRICTS

45.02.010. List of Zones.

45.02.010. List of Zones.

The territory of the City of Perry is divided into the following zoning districts or potential districts. For the Land Use Chart which shows the restrictions and limitations within these districts or potential districts, refer to Chapter 45.20. of this Title.

A	AGRICULTURAL
AL	AGRICULTURAL LIMITED
R1 A	RURAL RESIDENTIAL - 1 ACRE
RE 1/2	RURAL RESIDENTIAL - 1/2 ACRE
R 1/2	LOW DENSITY RESIDENTIAL - 20,000 sf

R 1/3	LOW DENSITY RESIDENTIAL - 1/3 ACRE
R1	LOW DENSITY RESIDENTIAL - 10,000 sf
R2	MEDIUM DENSITY RESIDENTIAL - 8,000 sf
C	COMMERCIAL
C 1	COMMERCIAL - PRINCIPAL
IC	INTERSTATE COMMERCIAL
NC2	NEIGHBORHOOD COMMERCIAL
NC3	NEIGHBORHOOD COMMERCIAL
MU-C	MIXED-USE COMMERCIAL
MU-O	MIXED-USE OFFICE
MU-R	MIXED-USE RESIDENTIAL
M/I	MANUFACTURING/INDUSTRIAL
M/I L	MANUFACTURING/INDUSTRIAL LIMITED
ES	ENVIRONMENTALLY SENSITIVE

Chapter 45.03.
ZONE DESCRIPTIONS

45.03.010. Agricultural.
45.03.020. Agricultural Limited.
45.03.030. Rural Residential.
45.03.040. Rural Residential 1/2 Acre.
45.03.050. Low Density Residential 1/2 Acre (20,000 sf).
45.03.060. Low Density Residential 1/3 Acre.
45.03.070. Low Density Residential 1/4 Acre (10,000 sf).
45.03.080. Medium Density Residential (8,000 sf).
45.03.090. Commercial.
45.03.100. Commercial.
45.03.110. Interstate Commercial.
45.03.120. NC2 and NC3 -Neighborhood Commercial.
45.03.130. MU-C Mu-O Mu-R Mixed Use Commercial, Office, and Residential.
45.03.140. M/I- Manufacturing/Industrial.
45.03.150. M/I L- Manufacturing/Industrial Limited.
45.03.160. Environmentally Sensitive.
45.03.210. Caveat Regarding Zone Descriptions (and Development Standards).

45.03.010. Agricultural.

The purpose of the Agricultural Zone is to promote and preserve conditions favorable to intensive agriculture. This zone is intended to include activities normally and customarily related to the production of livestock, crops, and related agricultural products and to protect the zone from the intrusion of uses detrimental to the continuation of intensive agricultural activities.

45.03.020. Agricultural Limited.
The purpose of the limited agricultural zone is to promote and preserve in appropriate areas conditions favorable to light agriculture. This zone is intended to include activities normally and customarily related to the conduct of agriculture and to protect the zone from intrusions of uses, which will have an adverse effect on the continuation of light agricultural activities.

45.03.030. Rural Residential.
The purpose of the rural residential zone is to provide for and protect residential development in a semi-rural environment. The keeping of limited numbers of livestock and the raising of crops can be considered normal activities in the rural residential zone.

45.03.040. Rural Residential 1/2 Acre.
The purpose of the rural residential zone is to provide for residential development in a semi-rural environment. The keeping of one large animal per half acre, limited numbers of small animals/fowl and the raising of crops can be considered normal activities in this rural residential zone. The following clarifications apply to a RE zone:

1. One (1) large animal will be allowed per 20,000 sq of property on a parcel. (Example: Two large animals are allowed on 50,000 sq. of property. Additional animals are not allowed on portions of property less than 20,000 sq.) Large Animals are considered: Horses, cattle, sheep, goats, pigs, etc. Large animals must be contained in a corral or stock fence. If there is no main building, corrals or stock fences must have a thirty (30) foot minimum front setback, sixteen (16) foot minimum rear setback and eight (8) foot minimum side setbacks on a lot or parcel. If there is a main building, corrals or stock fences shall be sixteen (16) feet from the building and other setbacks will apply.
2. Nine (9) small animals/fowl will be allowed per 20,000 sq. of property on a parcel. (Example: Eighteen (18) small animals/fowl are allowed on 50,000 sq. of property.) Under special conditions, additional small animals/fowl may be allowed with the approval of a conditional use permit (reviewed on a yearly basis) and following the process for its issuance. Small animals/fowl are considered: Chickens, turkeys, ducks, geese, pigeons, peacocks, rabbits, mink, ferrets, or other small domesticated fur bearing animals.
3. Special Conditions that will be considered to allow more small animals/fowl would include but not be limited to: available housing or shelters (coops, pens, barns, etc.), fencing, control of animals/fowl, consent of neighbors and lack of complaints.

45.03.050. Low Density Residential 1/2 Acre (20,000 sf).
The purpose of the low density residential zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

45.03.060. Low Density Residential 1/3 Acre.
The purpose of the low density residential zone is to provide appropriate locations where low density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.
NOTE: This zone allows a septic tank on a minimum 1/3 acre lot in the south annexed area of the city until such time as sewer collection lines are installed within 300 feet of a lot line, then the owner of said lot has one year to connect to the sewer collection lines.

45.03.070. Low Density Residential 1/4 ACRE (10,000 sf).
The purpose of the R-1 Zone, low density residential, is to provide appropriate locations where low density housing neighborhoods may be established, maintained and protected. The regulations are intended to prohibit those uses which would be intrusive to activities and uses usually associated with single-family neighborhoods.

45.03.080. Medium Density Residential (8,000 sf).
The purpose of the medium density residential zone is to provide appropriate locations where medium density residential neighborhoods may be established, maintained and protected. The regulations are intended to prohibit uses that would be intrusive to activities and uses usually associated with medium density neighborhoods.

45.03.090. Commercial. (C)
The purpose of the commercial zone is to provide an appropriate area for intensive commercial and light manufacturing. Development standards must minimize potential negative visual impact and objectionable effects to adjacent zones.
NOTE: Variables that determine if a proposed development should be included in the Manufacturing/Industrial Zone as opposed to the Commercial Zone include but are not limited to:

1. Number of employees
2. Square footage and height of building(s)
3. Square footage of hard space
4. Requirements for outside storage areas or service requirements
5. Potential negative environmental impact
6. Overall visual quality of the development

45.03.100. Commercial (C1)
This zone is unique to the area along the north border of Perry City, West of Highway 89 extending west to Interstate 15 and South from the border with Brigham City for approximately 2000 feet (as defined on the Zoning Map). The purpose of this zone is to provide space for development of business which focuses on retail and wholesale sales along with professional offices. The zone is considered prime business district and does not allow residential development or heavy commercial development such as processing plants, etc. Appropriate uses are defined in the Land Use Chart and will be approved through the Design Review process.

45.03.110. Interstate Commercial.
The purpose of the Interstate Commercial Zone is to permit all commercial uses as listed in the Development and/or Inter-local Agreements between Perry City and the developers of the Pointe Perry Development. This zone applies only to the area of the Pointe Perry Development.

45.03.120. NC2 and NC3 - Neighborhood Commercial.
The purpose of the neighborhood commercial zones is to permit the establishment of well-designed retail commercial facilities along Highway 89 and minimize the effects of commercial development adjacent to residential uses (see Chapter 45.07 for specific zoning information and Title 60 for Conditional Use information).

45.03.130. MU-C Mu-O Mu-R Mixed Use Commercial, Office, and Residential.
The purpose of the mixed use zones is to provide an area for multi-family dwellings in combination with commercial uses such as offices or retail. Combining these uses will reduce traffic congestion by providing for an area adjacent to mass transit as well as making jobs available close to home.

45.03.140. M/I- Manufacturing/Industrial.
The purpose of the Manufacturing/Industrial Zone is to provide an area conducive to heavy manufacturing and industry that is in harmony with the environmental quality of the community.

45.03.150. M/I L- Manufacturing/Industrial Limited.
The purpose of the Manufacturing/Industrial Limited Zone is to provide an area conducive to specific manufacturing uses, heavy commercial uses and industry that is in harmony with the General Plan.

45.03.160. Environmentally Sensitive.
The purpose of the Environmentally Sensitive Zone is to promote environmental planning of areas which have severe physical limitations and have a complex ecological and environmental balance, including limiting development in sloped terrain (see "Sloped Terrain and Foothill Development," Title 47).

45.03.210. Caveat Regarding Zone Descriptions (and Development Standards).
Development standards must protect the Perry City water shed and water supply, limit erosion and storm water runoff, be compatible with existing wildlife winter range, accent the goals of the General Plan, not limit casual access to the foothills, and limit disruption of vegetation through a cut and fill process.

1. ***Grade is to be determined on individual lots and not averaged across the development.***

2. Ratio of dwelling unit per existing grade:
   Over 20% grade - no development
   15 - 20% grade - 1 dwelling per 5 acres
   10 - 15% grade - 1 dwelling per 2 acres

5 - 10% grade - 1 dwelling per 1 acre
0 - 5% grade - 1 dwelling per 1/2 acre

Chapter 45.04.
RULES FOR LOCATING BOUNDARIES

45.04.010. Basic Rules.
45.04.020. Final Decisions and Appeals for Locating Boundaries.
45.04.030. Zoning Boundary Divides a Parcel.

45.04.010. Basic Rules.

Where uncertainty exists as to the boundaries of any zone, the following rules shall govern:

3. Whenever the zone boundary is not accurately defined on the Zoning Map, but is indicated as being approximately along the center line of a street, alley, or block, or along a property line, then the center line of such street, alley, or block, or such property line shall be construed to be the boundary of such zone.
4. Wherever the zone boundary is indicated as being parallel to or an extension of features on the map, such as parallel line or such extensions shall be deemed to be the boundary of such zone.
5. Where such zone boundaries cannot be determined by the above rules, the boundary location may be found by the use of the scale appearing upon the Zoning Map.

45.04.020. Final Decisions and Appeals for Locating Boundaries.

Where the application of the above rules does not adequately clarify the zone boundary location, the Board of Adjustment shall apply the basic rules and interpret and define the zone boundary of the Zoning Map.

45.04.030. Zoning Boundary Divides a Parcel.

Where the zoning boundary divides a parcel of property, the Zoning Boundary Policy (Chapter 45.05 of this title) is to be applied to determine the zone of the parcel.

Chapter 45.05.
ZONING BOUNDARY POLICY

45.05.010. Purpose and Intent.
45.05.020. General Guidelines for Zoning Boundary Policy.
45.05.030. Final Decisions and Appeals Regarding Zoning Boundary Policy Applications.

45.05.010. Purpose and Intent.

The purpose and intent of this ordinance is as follows:

1. The purpose and intent of this ordinance is to address land use considerations on parcels split by zoning boundaries because different uses are allowed in the different zones. The intent of the land use extension recommendation by the Planning Commission is that land

uses will be allowed to be extended into adjoining zones without changing the zone boundary or the zoning map. It is intended that land use extensions for developments are an intrinsic part of the proposal itself and the approval of the development includes the extension of the land use.

2. The Planning Commission's zoning and land use guidelines consist of statements which define how zoning and land use decisions should be made. They are to be used in addressing the needs of all the stakeholders and they provide a framework for future land use and zoning decision making. These guidelines represent the commitment the Planning Commission makes to the community.
3. Because these are general statements, there will be occasions when various policies conflict. In such cases, the Planning Commission will need to determine the precedence given on a case by case basis according to the specific needs of the issue that is pending.

45.05.020. General Guidelines for Zoning Boundary Policy.

The following are guidelines for zoning boundary policy:

1. These guidelines may be applied during the Design Review process (Title 53) or the Subdivision process (Title 52) as a means to extend a land use when the following requirements are met:
   a. The parcel for development is split by a zoning boundary. (The parcel boundaries and the zone boundaries are different or the parcel is divided into two or more zones).
   b. The applicant has applied for a use that is allowed in one or more of the zones that are within the parcel.
2. One or a combination of these considerations will be made to recommend a method to deal with parcels split by zone boundaries:
   a. A definite edge should be established between types of uses to protect the integrity of each use.
   b. Land use extensions should reflect the existing use of the property to the largest extent possible, unless the area is in transition.
   c. Where possible, properties which face each other across a local street should be the same or similar uses.
   d. Primary frontage of the parcel and surrounding uses should be considerations when establishing uses for corner lots.
   e. Non-residential uses abutting residential uses should be planned to help minimize the impact on an established residential area that is in close proximity to the non-residential use.
3. One or a combination of the following methods for determining land use may be applied by the Planning Commission to make recommendations for the parcel in question:
   a. The Planning Commission may recommend that the uses allowed in the majority zone of the parcel be extended to the entire parcel.
   b. The Planning Commission may make a determination as to which zone is the most beneficial for Perry City in regards to the public good, aesthetic considerations, and/or special circumstances that are characteristic of the property and recommend

that the land uses associated with the desired zone be extended as far as the Planning Commission deems necessary.

c. When there are conflicting lot size requirements in the zones contained in the parcel for development, the Planning Commission may recommend using a formula to average the size of the lots to be developed to conform to the average density allowed in all of the zones involved.

4. In making land use recommendations, the Planning Commission may give consideration to one or more of the following suggestions:
   a. The right of the property owner(s) and the desire to use their property for a use that is allowed in part of the property should be recommended when appropriate.
   b. Re-Zoning of a parcel to conform to ne zone should be recommended when appropriate.
   c. Discouragement of small lot developments of multiple density uses.
   d. Commercial uses should be located on collector or arterial streets.
   e. Access to commercial, manufacturing and industrial uses should avoid residential streets.

45.05.030. Final Decisions and Appeals Regarding Zoning Boundary Policy Applications.

After a recommendation from the Planning Commission, as per Sections 45.05.010. and 45.05.020. herein, the Special Uses and Appeals Board shall make a final decision, subject to an appeal to the Administrative Law Judge (within 10 calendar days; see Section 43.04.100, items 5A and 6A; see also Section 43.04.130).

Chapter 45.06.
AIRPORT OVERLAY ZONE

45.06.010. Purpose and Intent.
45.06.020. General Provisions.
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45.06.040. Airport Zoning Commission: for the Portions of Perry City that Fall Within the Outer Approach Zone.
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45.06.070. Airport Master Plan.
45.06.080. Airport Overlay Zones.
45.06.090. Regulations.
45.06.100. Notification.
45.06.110. Airport Development Standards.

45.06.010. Purpose and Intent.

The purpose and intent of this ordinance is to state that an airport hazard endangers the lives and property of users in the Brigham City Airport and of occupants of land or to property in its vicinity. Such hazard also reduces the size of the area available for landing, taking off and maneuvering of aircraft, and it tends to destroy or impair the utility of the Brigham City Municipal Airport and the public investment therein. Accordingly, it is declared:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Brigham City Municipal Airport;
2. That it is necessary in the interest of public health, public safety and general welfare that the creation or establishment of an airport hazard be prevented; and
3. That the prevention of those hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

It is further declared that both the prevention of the creation or establishment of airport hazards and the elimination, removal, alteration, mitigation, or marking and lighting of existing airport hazards are public purposes for which political subdivisions may raise and expend public funds and acquire lands or interests in land.

45.06.020. General Provisions.

The following are general provisions of this ordinance:

1. These regulations reinforce specific provisions in the Brigham City Municipal Airport Master Plan (May 2, 1996), as amended and Brigham City General Plan (January 15, 1998), as amended.
2. The boundary of any officially recognized “Airport Overlay Zones” shall be as it appears on a map and/or other documents approved by the Brigham City Council.
3. Portions of Perry City fall within the OUTER APPROACH ZONE of the Brigham City Municipal Airport (see Brigham City Municipal Airport Overlay Zones map). The restrictions listed for the Outer Approach Zone in the schedule of uses and the restrictions sections of this ordinance identify the only impact for land within Perry City.
4. Perry City must notify developers when property falls within the portion of the Outer Approach Zone that is located within Perry City limits. Developers must notify potential purchasers (in writing) when property is within the Outer Approach Zone of the Brigham City Airport.

45.06.030. Definitions.

Definitions used in this Ordinance unless the context otherwise requires:

1. Airport: The Brigham City Municipal Airport or any area of land designated and used for the landing and taking off of aircraft.
2. Airport Elevation: The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is 4,225.5 feet MSL as of the date of this ordinance.
3. Airport Hazard: Any structure or use of land that actually or potentially obstructs the airspace required for the safe flight of air craft in landing or taking off at an airport.
4. 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 this Ordinance. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

5. Approach, Transitional, Horizontal, and Conical Zones: These zones are set forth on Page 3.14 of this Ordinance.
6. Conical Surface: A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
7. F.A.R. 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.
8. Hazard to Air Navigation: An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.
9. Height: For the purpose of determining the height limits in all zones set forth on Page 3.14 and shown on the zoning map, the datum shall be the mean sea level (MSL) elevation unless otherwise specified.
10. Horizontal Surface: A horizontal plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.
11. Ldn: Yearly day-night average sound level.
12. MSL: Mean Sea Level.
13. Non-precision 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 non-precision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.
14. Obstruction: Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in this Ordinance.
15. 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.
16. 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.
17. Primary Surface: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 500 feet beyond each side of the runway and 200 beyond the end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.
18. Runway: A defined area on an airport prepared for landing and takeoff of aircraft along its length.

19. Structure: An object, including a mobile object, constructed or installed by man, including but not limited to, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.
20. Transitional Surfaces: These surfaces extend outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet 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 5,000 feet measured horizontally from the edge of the approach surface and at 90 degree angles to the extended runway centerline.
21. Tree: Any object of natural growth.
22. Utility Runway: A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight and less.
23. Visual Runway: A runway intended solely for the operation of aircraft using visual approach procedures.

45.06.040. Airport Zoning Commission: for the Portions of Perry City that Fall Within the Outer Approach Zone.

The Commission established is thus:

1. The Perry City Planning Commission is designated as the "Airport Zoning Commission" as prescribed in *Utah Code Annotated* §72-10-405.
2. In this Title and State law, any references to the "Airport Zoning Commission" shall mean the Perry City Planning Commission (for the Perry City Outer Approach Zone).
3. 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.
4. 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 Perry City Council or Utah law.
5. The Perry City Airport Zoning Commission shall act as the Airport Zoning Commission for Perry City (for the Perry City Outer Approach Zone).

45.06.050. Airport Board of Adjustment: For the Portion of Perry City that Falls Within the Outer Approach Zone.

The Perry City Special Uses and Appeals Board is designated as the “Airport Board of Adjustment” as prescribed in *Utah Code Annotated* §72-10-408. In this Title and State law, any references to the "Airport Board of Adjustment" shall mean the Perry City Special Uses and Appeals Board (for the Perry City Outer Approach Zone). 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. 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 Perry

City Council or Utah law. The Perry City Airport Board of Adjustment shall act as the Airport Board of Adjustment for Perry City (for the Perry City Outer Approach Zone).

45.06.060. Schedule of Uses.

The following table indicates the uses and conditions required within the 5 designated zones for the airport:

Table of Uses

	AIRPORT INFLUENCE AREA (AIA)	TRAFFIC PATTERN ZONE (TPZ)	OUTER APPROACH ZONE (OAZ)	INNER APPROACH ZONE (IAZ)	65 Ldn NOISE AREA (NA)
RESIDENTIAL					
Single-family, Multi-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 & 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 & 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

(1) If allowed, navigation easements and disclosure must be required as a condition of development.

(2) Any structures 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. A navigation 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 be configured to comply with Part 77 requirements.

(6) Disclosure of airport proximity should be required as a condition of development.

45.06.070. Airport Master Plan.

All uses and regulations pertaining to the Airport 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 Brigham City Council or as amended and is incorporated into this chapter by reference as it pertains to airport land uses.

45.06.080. Airport Overlay Zones.

In order to carry out the provisions of this Ordinance, 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 Brigham City Municipal Airport. An area located in more than one (1) 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:

1. Airport Influence Area (AIA): An area which is recognized by the Brigham City Council as containing lands which might be affected by noise and/or safety hazards associated with aircraft operations associated with Brigham City Municipal Airport. The AIA extends from the airport to the outer edge of the conical surface.
2. Traffic Pattern Zone (TPZ): This zone extends from the centerline of Runway 34/16 to the outer edge of the horizontal surface.
3. 65Ldn Noise Area (NA): The area within the 65 decibel yearly day-night average sound level.
    a. Inner Approach Zone (IAZ): The area within the FAR “Part 77" Approach Surface for each Runway:
    b. Runway 16 Approach Zone: An approach zone is established at the end of Runway 16 for utility landings and take-offs. The approach zone shall have a width of 500' at a distance of 200' beyond the end of the runway, widening thereafter uniformly to a width of 1,010' at a distance of 1,700' beyond the end of the runway, its centerline being the continuation of the centerline of the runway. The approach zone shall rise 1' in height for each 20' in horizontal distance beginning at a point 200' from and at the centerline elevation of the runway and extending to a distance of 5,000' from the end of the runway.
    c. Runway 34 Precision Approach Zone: A precision instrument approach zone is established at the end of runway 34 for precision instrument approach zone shall have a width of 1,000' at a distance of 200' beyond the end of the runway; widening thereafter uniformly to a width of 1,750' at a distance of 2,700' beyond the end of the runway. The precision instrument approach zone shall rise 1' in height for each 50' in horizontal distance beginning at a point 200' from and at the centerline elevation of the precision instrument runway and extending to a point 10,200' from the end of the runway.
    d. Outer Approach Zone (AZ): The area within the FAR “Part 77" Outer Approach Surface for Runway 34 is established at 10,200 feet from the end of runway 34 with a width of 2,500 feet widening thereafter uniformly to a width of 16,000' at a distance of 50,200' beyond the end of the runway. This approach zone will rise 1' in height for

each 40' in horizontal distance beginning at a point 10,200' from and at the centerline elevation of the precision instrument runway and extending to a point 50,200' from the end of the runway. This Zone is the only zone pertaining to Perry City.

e. Transitional Zones: The transitional zones are the areas beneath the transitional surfaces.
f. Horizontal Zones: The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of Runway 34/16 and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.
g. Conical Zone: The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.

45.06.090. Regulations.

The following regulations apply for this Ordinance:

1. Conforming uses only.
2. All uses in the Airport Overlay zones shall be subject to the regulations of this Ordinance and prescribed development standards within the Airport Master Plan as amended.
3. Creation of airport hazards prohibited.
4. No variance, permit, or use shall be allowed in the airport hazard area that would create or enhance an airport hazard.
5. Use and operational limitations within the Airport Overlay zones.
6. No use shall be permitted which:
   a. Creates or tends to create electrical interference to navigational devices and communication between aircraft and airports.
   b. Creates or tends to create gas, smoke, dust, glare, or other visual hazards in the atmosphere around airports or in the airport hazard area.
   c. Creates or tends to create structures that interfere with aircraft safety.
   d. Creates or tends to create any type of hazard for the airport that would inhibit or constrain safe and acceptable airport operations.
7. Height limitation: Except as exempted in Paragraph H of this Section otherwise provided in this Ordinance, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this Ordinance 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:
   a. Runway 16 Visual Approach Zone: 1' in height for each 20' in horizontal distance beginning at a point 200' from and at the centerline elevation of the end of the runway and extending a distance of 5,200' from the end of the runway 16.
   b. Runway 34 Precision Instrument Approach Zone: 1' in height for each 50' in horizontal distance beginning at a point 200' from and at the centerline elevation of the end of the runway and extending a distance of 10,200' from the end of the runway.

c. Transition Zone: 1’ in height for each 7' in horizontal distance beginning at any point 250' normal to and at the elevation of the centerline of the runway, extending 200' beyond each end thereof, and 500' normal to and at the elevation of the centerline of the runway, extending 200' beyond each end thereof, extending to a height of 150' above the airport elevation. In addition, there are established height limits of 1' vertical height for each 7' horizontal distance measured from the edges of all approach zones for the entire length of the approach zone and extending upward and outward to the points where they intersect the horizontal or conical surfaces.
d. Horizontal Zone: 150' above the airport elevation or a height of 4225.5 feet above mean sea level (MSL).
e. Conical Zone: Slopes twenty (20) feet outward for each one (1) foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation (*4,375.5* ft. MSL) and extending to a height of 350 (*4,725.5* ft.MSL) feet above the airport elevation.

8. Exemptions to height limitation:
    a. 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
    b. Structures up to and including 35 feet in height above the ground level at its site where the ground elevation at its site is less than or equal to 35 feet below the height limitations defined in this Ordinance, 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 shall be used to determine its effect on safety in air navigation.

45.06.100. Notification.

The following regarding notification:

1. Except as provided in Paragraph B, 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:
    a. Any construction or alteration of more than 200 feet in height above the ground level at its site.
    b. Any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 100 to 1 for a horizontal distance of 20,000 feet from the nearest point of the nearest runway at the Brigham City Municipal Airport.
2. Exemptions from Notification:
    a. 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.

b. Any antenna structure of 20 feet or less in height except one that would increase the height of any antenna structure.

3. Time of Notice: The notice required under Paragraph A must be submitted at least 30 days before the earlier of the following dates:
   a. The date the proposed construction or alteration is to begin.
   b. The date an application for a construction permit is to be filed.

45.06.110. Airport Development Standards.
The Brigham City Council may adopt by resolution or enact by ordinance.

Chapter 45.07.
NEIGHBORHOOD COMMERCIAL ZONES

45.07.010. Intent and Purpose.
45.07.020. Types of Neighborhood Commercial Zones.
45.07.030. Approval Process.
45.07.040. Area Requirements.
45.07.050. Site Development Standards.
45.07.060. Protection of Adjoining Residential Properties.
45.07.070. General Regulations.
45.07.080. Building Permit Issuance.
45.07.090. Time Limitations.

45.07.010. Intent and Purpose.
The purpose of the Neighborhood Commercial Zones is to permit the establishment of a well-designed complex of retail commercial facilities for the community along Highway 89 to provide goods and services for the people to be served, minimize traffic congestion on public streets in the vicinity and allow uses which shall best fit the general environment and land use pattern of the area to be served. It is intended that the protective standards contained in this ordinance will minimize any adverse effect of the Neighborhood Commercial Zones on the nearby property values, preserve the aesthetic qualities of the area, and provide for safe and efficient use of the commercial property.

45.07.020. Types of Neighborhood Commercial Zones.
The following are the various types of neighborhood commercial zones under Perry City Municipal Code:
NC 2-

1. Permitted and/or Conditional Uses: Provides for the sale and supply of daily living needs of the people in the neighborhood as well as major segments of the community, professional offices, recreation centers, government offices, civic centers and churches. Mixed-use residential developments (buildings containing both a residence and a

business) shall be the only residential uses allowed in the Neighborhood Commercial Zones and are allowed in the NC 2 Zone.

2. There shall be at least as much commercial space as is being used for residential living area in each building of a mixed-use residential development. Permitted uses in the NC 2 Zone are less intrusive to adjoining residential development than those in the NC 3 Zone. Consult the Land Use Chart, Title 50, for permitted uses allowed by Design Review and conditional uses allowed with the meeting of specific conditions.
3. Zone Area: The NC 2 Zone shall include the area from the Brigham City Boundary to 3000 South Street on both sides of Highway 89 for 300 feet measured from the Highway 89 Right of Way line. The City Center shall be located at approximately 2500 South Street.

NC 3-

4. Permitted and /or Conditional Uses: Provides for the sale and supply of a complete range of retail and wholesale goods and personal services for the entire community as well as centers for recreational entertainment and cultural activities for the region. Consult the Land Use Chart (Chapter 45.09), for permitted uses allowed by Design Review and Conditional Uses allowed with the meeting of specific conditions.
5. Zone Area: The NC 3 Zone shall include the area from 3000 South Street to the Willard boundary on both sides of Highway 89 for 300 feet measured from the Highway 89 Right of Way line. The area is relatively undeveloped at this time and the requirement for frontage road access to development will be enforced in this zone.

45.07.030. Approval Process.

The following criteria are required for approval:

1. All permitted and/or conditional uses shall be listed and regulated according to the Land Use Chart, Title 50. Permitted uses shall be listed on the Land Use Chart as “Allowed by Design Review” and designated “P*”. Conditional uses shall be listed on the Land Use Chart and designated “C. Conditional uses shall be regulated according to the Conditional Use Ordinance Title 60. The Planning Commission and City Council may be petitioned to have uses not specifically listed, added to the Land Use Chart, Title 50.
2. The Planning Commission shall review all proposed commercial development in all Neighborhood Commercial Zones as part of the Business License and Building Permit approval processes by following the Design Review process.

45.07.040. Area Requirements.

The following area requirements apply:

1. No minimum or maximum lot area is required.
2. All setbacks and building placements shall be approved according to the Design Review process (Title 53) or conditions of the Conditional Use Ordinance (Title 60).

45.07.050. Site Development Standards.

The following site development standards apply:

1. Unless otherwise set forth by ordinance, the site development standards in all Neighborhood Commercial Zones shall be the same as the "C" Commercial Zone. Provisions of the Perry City Ordinances for Landscaping, Signs, Fencing, Building Permits, Lighting, Conditional Uses, Land Use Chart, Area Requirements, and other relevant requirements shall regulate each individual commercial property development or improvement.
2. Written approval by the Utah Department of Transportation (UDOT) shall be required prior to a recommendation by the Planning Commission for the final approval of the development plan. Frontage roads for access shall be required where possible for any new development.

45.07.060. Protection of Adjoining Residential Properties.

Where Neighborhood Commercial development adjoins any lot in any residential zone, there shall be provided and maintained along such property line an ornamental masonry wall or equivalent of not less than six (6) feet in height. However, such wall shall be three feet in height along the property line which bounds the front yard of adjoining residential lots. Such wall shall be maintained with a minimum six (6) foot wide planting strip and landscaping with trees and grass or shrubs along the commercial property inside the wall.

45.07.070. General Regulations.

The following are general regulations:

1. A Neighborhood Commercial Zone (NC) development may be established only upon land held in single ownership or under unified control or where the Planning Commission determines that commercial development on separate adjoining properties should be coordinated to form a physically unified commercial facility which will be compatible with the surrounding land uses.
2. At the time a Design Review Application is approved and prior to the building permits being issued, deed restrictions on the property or properties covered by the development shall be filed by the applicant or owners of subject property with the County Recorder and shall provide that development take place on such property or properties in accordance with the final site plan approved by the Perry City Council and on file with the City Recorder.
3. A Neighborhood Commercial Zone (NC) development shall not be established upon a tract of land which contains an existing non-conforming use unless the development planned for the tract includes the elimination of the non-conforming use or its integration into the planned development.
4. The Neighborhood Commercial Zone developments shall have an acceptable relationship to and further the purposes of the General Plan as determined by the Perry City Planning Commission. Refer to the Perry City General Plan for specific information.
5. Outdoor lighting shall be directed downward and shielded at the light source to minimize the illumination of adjacent property. Parking lots shall only be illuminated during the

hours of operation. All lighting must meet UDOT requirements and specifications for use along Highway 89.

6. Hours of operation and delivery times allowed shall be determined by the Design Review process or Conditional Use Ordinance (Title 60) regulations with consideration for surrounding, existing uses.

45.07.080. Building Permit Issuance.

The following are procedures for the issuance of building permits:

1. After proceeding through the Design Review or Conditional Use permit process and having met all requirements for recommended approval by the Planning Commission and final site plan approval by the City Council, the applicant or owner may apply for a building permit(s) and follow the regular procedure for the approval of the permit.
2. The final site plan shall be of a sufficient detail according to the Design Review Ordinance. No changes shall be made to the final site plan during the course of construction pursuant thereto without first obtaining prior approval of the Planning Commission and Building Inspector. Only changes which may be subsequently approved shall be added thereto.
3. Use and building permits shall be issued only for those uses and buildings indicated on the approved final development and /or site plan.

45. 07.090. Time Limitations.

The following time limitations apply:

1. A building permit shall be secured and construction begun in accordance with the approved final development plan within eighteen (18) months from the final approval date or other period of time as determined by the City Council.
2. In the event that construction is not started within the specified time limits, the Planning Commission shall review the development plan and the progress which has taken place. If deemed necessary, a recommendation to revoke the plan approval may be issued to the City Council.
3. All construction authorized in the approved final development plan shall be completed within eighteen (18) months of the date construction commenced. A plan for the stage development which will require more than the time limits contained herein may be approved by the City Council after recommendation by the Planning Commission.
4. In the event that construction is not completed within the time limits specified, the Planning Commission shall review the development which has taken place and if necessary, make a recommendation to the City Council as to the status of the development and actions necessary to ensure the completion of the development in a timely manner or removal of any structures or development that has taken place and revocation of the approval for such development.

Chapter 45.08.
IN-FILL DEVELOPMENT (IN NC2 AND NC3 ZONES)

45.08.010. Definition of In-Fill Development.
45.08.020. Exception to Non-Application of Zoning Boundary Policy.
45.08.030. Intent and Purpose of In-Fill Development.
45.08.040. Criteria for Approval.

45.08.010. Definition of In-Fill Development.

In-fill development is any new residential development of property within the NC2 and/or NC3 Zones that abuts or is surrounded by existing residential uses. The new residential development must be approved by the Planning Commission and City Council using the criteria presented in this chapter. This chapter of the Perry City Municipal Code shall apply only to those parcels currently wholly within or partially within the NC2 or NC3 Zones. The Zoning Boundary Policy (in Chapter 45.05) shall only apply to parcels split by zones other than NC2 or NC3 with the exception of Section 45.08.020.

45.08.020. Exception to Non-Application of Zoning Boundary Policy.

If less than one acre of a proposed development (which is split by NC2 or NC3 and another zone) is outside of the Neighborhood Commercial Zones, then the Commercial Zones Standards may apply to the entire development at the discretion of the Planning Commission and the Special Uses and Appeals Board.

45.08.030. Intent and Purpose of In-Fill Development.

The intent and purpose of this chapter is to allow for new residential development next to existing residential uses in the NC2 and NC3 Zones along Highway 89, where residential is deemed to be a more consistent use than commercial development. In making this decision, the Planning Commission shall give consideration to the property owner's desires, the surrounding residential development, the preference for commercial development, elimination of accesses to Highway 89 (by using a side street or another parallel street for frontage) and/or any other similar conditions deemed appropriate.

45.08.040. Criteria for Approval.

The following are criteria for approval:

1. All new in-fill development shall be subject to the Conditional Use Permit process and the Subdivision process, as needed, to determine if a development meets the criteria for this chapter. The two processes may be combined for purpose of discussion and public hearings.
2. The maximum size of any in-fill development project shall be 1 (one) acre, not including existing residential lots that are part of the development, and not including any land which is not a part of the NC2 and NC3 Zones. An in-fill development project shall not

have any property line or right of way in common with any other in-fill development project.

3. The development shall not require new access from Highway 89, but may provide additional access from a side or parallel street, thus eliminating an existing Highway 89 access. Consolidating or moving access from Highway 89 in a manner that does not increase the total number of accesses does not constitute a new access. Property with frontage on Highway 89, not containing an existing dwelling, will not be considered for in-fill residential development.
4. A flag lot may be permitted only if no other option is available to provide the necessary frontage, while avoiding an access off of Highway 89. The requirements for flag lots shall still apply.
5. The new residential use must have the same existing residential use on two or more sides or on one side and across a street. Single family dwellings or multi-family dwellings shall be allowed only adjacent to a similar existing use (i.e. condos, townhouses, duplexes etc.) Multi-family dwellings (two-family, three-family, or four-family) shall not generally be allowed for in-fill development, but multi-family dwellings may be allowed adjacent to existing multi-family dwellings. The presence of an existing in-fill development project may not be used to qualify a proposed in-fill development project without a finding by the Planning Commission that the purpose and intent of this chapter would be achieved by said proposed in-fill development project.
6. Utilities for the in-fill development must either be available within public utility easements, public streets or through easements to be established.
7. Lot size, frontage, setback, and other requirements for single-family dwelling in-fill developments shall be the same as are required in the R1 residential zone. Lot size, frontage, setback and other requirements for multi-family dwelling in-fill developments shall be the same as are required in the R2 residential zone [remainder of sentence deleted].
8. Fencing (in accordance with the Perry City Fence Ordinance) is required between Commercial and Residential Uses and shall be installed by the developer. When residential property is developed next to vacant commercial property, the residential developer shall provide the fence. When commercial property is developed next to existing residential, the developer of the commercial property shall provide the fence if there is no existing fencing. The required fencing shall be installed prior to occupancy permits being issued [remainder of sentence deleted].
9. Conditions for in-fill development projects (including subdivisions and lots) may be required by the Planning Commission during the Conditional Use Permit and/or subdivision processes.
10. Lots or Developments approved by the Planning Commission using the in-fill criteria shall be designated with “R” for “Restricted” on the recorded plat and the reason for the restriction shall be stated on the plat by using the following or similar language: “Restricted lots in this subdivision are deemed such to put owners on notice that commercial development is an allowed and preferred use in the NC2 or NC3 Zone in which the restricted lots are located.”

Chapter 45.11.
ZONING ADMINISTRATION

45.11.010. Zoning Administrator: Authority and Duties.
45.11.020. Amendments to Zoning Ordinance and Map.
45.11.030. Petition by Landowners for Annexation.
45.11.040. Written Zone Change Application Required.
45.11.050. Zone Change Fee Required.
45.11.060. Procedure for Zone Change Amendment.
45.11.070. Reversion to Original Zoning Designation.
45.11.080. Development Agreement.

45.11.010. Zoning Administrator: Authority and Duties.

The Zoning Administrator shall be:

1. The Community Development Director or someone designated by him, unless otherwise directed by the Mayor or City Administrator,
2. Authorized to enforce this ordinance and all provisions thereof and shall do so by any legal means available, including but not limited to the following:
    a. Advise the Building Inspector of the issuance of building permits. (If the Zoning Administrator gives written notification to the Building Inspector that an intended use, building, or structure would be in violation of this ordinance, such written notification shall be a presumption of illegality and the Building Inspector shall not issue a building permit for such use, building, or structure. If the offices of the Building Inspector and Zoning Administrator are held concurrently by one person, this person shall detail the violation in writing on the permit refusal notification).
    b. Issue a permit of occupancy, or confer with the Building Inspector to issue an occupancy permit, to the effect that the proposed use, building or structure will conform to all ordinances of Perry City.
    c. Inspect the uses of buildings, structures or land to determine compliance with this ordinance. Such inspections shall be made at reasonable times.
    d. Issue Notices of Violation, or confer with the Building Inspector to issue notices of violation, wherever a building or land is being used contrary to the provisions of this ordinance. (This shall be done by serving notice in writing on any person engaged in said use and posting such notice on the premises.)
    e. Inform the City Council of all ordinance violations and recommend specific courses of action with regard to each violation.
    f. Maintain a file of ordinance violations and action(s) to be taken by order of the City Council on such violations.

45.11.020. Amendments to Zoning Ordinance and Map.
The City Council may initiate Ordinance amendment recommendations. When the proposed amendment originates with the City Council, it shall be submitted to the Planning Commission for review and comment. The Planning Commission may initiate ordinance amendment recommendations to the City Council; also, any other person seeking to amend the ordinance or map shall make application for such amendment by filing the required material with the City Recorder for Planning Commission Review and recommendations to the City Council.

45.11.030. Petition by Landowners for Annexation.
Whenever the owners of real property petition for annexation, the zoning of the real property shall also be considered.

45.11.040. Written Zone Change Application Required.
For rezone requests, a written petition including the area boundary description, signed by the property owners requesting the change and surrounding property owners who support the request, designating the change desired and the reasons therefore shall be presented to the Planning Commission for review and recommendations to the City Council. For any zoning amendment, the petitioner shall complete and submit a Zone Change Application Form to the Planning Commission.

45.11.050. Zone Change Fee Required.
A non-refundable Zone Change Amendment review fee shall be paid to Perry City in an amount determined by resolution of the City Council (see Fee Schedule).

45.11.060. Procedure for Zone Change Amendment.
The following is the procedure for zone change amendments:

1. The Planning Commission shall review the Zone Change Amendment Application/Petition and give notice of a public hearing, to be advertised in accordance with the Utah State Code (Article 10, Chapter 9a, Section 205 or as applicable) to consider such amendment as provided by law for zoning amendments. Written notification of this public hearing to consider re-zoning (and/or annexation) amendments shall be in accordance with state law. If mailing is part of the notice required by the City, the petitioner(s) shall reimburse Perry City for all postage costs incurred by this mailing.
2. Following the public hearing, the Planning Commission shall then submit its recommendations in writing concerning the proposed amendment to the City Council within forty-five (45) days from receipt of the amendment application. If the Planning Commission fails to make a recommendation at the end of forty-five (45) days, it shall be presumed that the proposed amendment is recommended for approval by the Planning Commission and the City Council shall then take action.
3. The Planning Commission shall recommend adoption of a proposed zone change amendment where the following findings are made:

a. The proposed amendment is in accord with the goals of the General Plan of Perry City, including the Transportation Master Plan and other elements of the General Plan and the Capital Facilities Plan.
b. A concept plan is submitted with the application/petition indicating the proposed use of the property. This plan shall be regarded as a Concept Plan only with more specific development plans to be reviewed with the Subdivision or Design Review process. Approval of the Zone Change Amendment shall not constitute approval of the concept plan for a particular proposed development.
c. The proposed amendment will provide a significant benefit to Perry City, said benefit being something other than just additional housing.

4. After receipt of the written recommendations of the Planning Commission for re-zoning or annexation, the City Council shall (if required by state law) hold a regular public meeting regarding the issue.
5. After the required public hearing has been held by the Planning Commission on the proposed amendment and after the Planning Commission has given a recommendation, the City Council may:
   a. Adopt the zoning ordinance amendment as proposed;
   b. Amend the zoning ordinance and adopt or reject the zoning ordinance as amended;
   c. Reject the zoning ordinance amendment; or
   d. Refer the zoning ordinance amendment with a recommendation back to the Planning Commission for further review.
   e. Use any other option allowed by law.
6. Where an application for a zoning amendment has been denied by the City Council, any resubmitted application shall be processed in accordance with the procedure outlined above.

45.11.070. Reversion to Original Zoning Designation.

The following regarding reversion to original zoning designation:

1. If development does not occur according to the proposed concept plan submitted at the time of the amendment approval, the public benefits expected from the development cannot be realized and the effect of the re-zoning is therefore without merit in terms of improving the public economic prosperity, general welfare, safety, health and convenience to the City residents. If in such cases the City finds that the zoning purpose has not been attained, the City may then declare its intent to revert back to the former zoning of the property or other appropriate zone so that future opportunities for similar development in the same general area may be shared by all properties deemed suitable and so that a speculative zoning monopoly is not created.
2. If building permits have not be obtained and construction of the development or an agreed upon phase thereof, in accordance with the approved concept and final development plans, has not commenced within two years from the date of the zoning amendment approval by the City Council or other time period that has been set by the City Council, Perry City may examine the reasons for the delay and progress of the developers to that point and revert the zoning designation back to the former zone or other appropriate zone of the property. The

reversion of zoning shall follow the same procedure established by law for amending the zoning map.

45.11.080. Development Agreement.

The following regarding development agreements (see also PMC Title 51):

1. The City Council may require a petitioner, at the time of a Zoning Amendment approval, to enter into a development agreement which specifies and details the petitioner's responsibilities and commitments in carrying out development contained in an approved concept plan and which lists the conditions and limitations of development imposed by Perry City in case of default by a petitioner or any successors in interest in the re-zoned property.
2. The agreement shall also contain the petitioner's acknowledgment that the commitment of zoning is predicated upon the good faith accomplishment of the approved development and if not started or constructed within the specified periods of time, Perry City may take steps to rescind zoning approval and revert the zoning to its former zone or other appropriate zone.

Chapter 45.18.
PENALTIES

45.18.010. Available Penalties.

Available penalties are set forth in Chapter 40.04.

Chapter 45.20.
LAND USE CHART

45.20.010. General Regulations.
45.20.020. Classification of New and/or Unlisted Uses.
45.20.030. Abbreviations for Land Use Chart.
45.20.040. Additional Information ("Notes") Regarding Land Use Chart.
45.20.050. Guide for Land Use Chart.
45.20.060. Legislative History for this Chapter.

45.20.010. General Regulations.

The following regarding the general regulations of the land use chart:

1. No building, structure or land shall be used and no building or structure shall be constructed, altered, enlarged, or maintained except as provided according to this Land Use Chart and Ordinance.
2. The City Council shall have the authority to amend definitions or add new definitions of land uses by Ordinance. New uses that are not similar to an existing use cannot be added to the Land Use Chart without a public hearing.

45.20.020. Classification of New and/or Unlisted Uses.

For uses not listed in the Land Use Chart, the applicant for such use shall take the request for classification to the Planning Commission. The Planning Commission shall determine the appropriate classification based on the following guidelines:

1. Should the Planning Commission determine the new or unlisted use is the same as a use listed under another name in the Land Use Chart, the Planning Commission shall so document this information. The applicant may then proceed under the regulations applicable to the use.
2. Should the Planning Commission determine the use is not considered by comparison to the Land Use Chart, the applicant shall petition the City Council to amend the Zoning Ordinance to specify and locate an appropriate zone or zones for the new use.
3. A use that is not identified on the Land Use Chart is hereby determined to be a "use not permitted" in any zone in Perry City.

45.20.030. Abbreviations for Land Use Chart.

The following abbreviations shall apply:

1. P Permitted Use
2. P* Permitted by Design Review and Approval
3. C Conditional Use - Permitted by Conditional Use Permit
4. ~ Use not permitted

See attached land use chart at end of this ordinance.

45.20.040. Additional Information ("Notes") Regarding Land Use Chart.

The following is additional information regarding the land use chart:

1. For any lot in the RE ½ Zone or for 40,000 square feet or larger lots in the R1/2, R1/3,R1A, R1 or R2 zones, domesticated animals shall be permitted, by Conditional Use Permit, with an annual review, or as needed.
    a. One (1) large animal or nine (9) small animals/fowl per 20,000 square feet of property may be kept. Portions of less than 20,000 square feet, will not be considered acceptable.
    b. Large animals are considered: Horses, Cattle, Sheep, goats, llamas, or pigs. Large animals must have a corral or fence. They may not be fenced in the front yard.
    c. Small animals/fowl are considered: Chickens, ducks, geese, pigeons, peacocks, rabbits and other small fur bearing animals.
    d. Special conditions that will be considered to allow more small animals would include but not be limited to: housing or shelters available (coops, barns, pens, etc.) fencing, control of animals/fowl, complaints, and/or written consent of neighbors. A request for more than nine (9) small animals/fowl will be allowed only by Planning Commission approval of a Conditional Use Permit with a yearly review.
2. Sale of firearms and alcohol shall not be permitted within 1000 feet of any school or place of worship. A hotel or motel may have an "on premises" consumption of alcohol use that does not require more than seven percent (7%) of the floor space of the hotel or motel.

Restaurants with “on premises” consumption of alcohol use are also permitted by conditional use in certain zones, as per the land use chart. Other than for a hotel/motel or a restaurant, as designated on the Land Use Chart, “on premises” consumption of alcohol is not available for any other business in any zone. No “on premises” alcohol business shall be permitted until a specific “on premises” alcohol business license ordinance has been adopted. Minimum of fifty units or more.

3. Storage Units shall not be defined as allowing “junk”, surplus or other various accumulations of items, supplies or materials. Only supplies directly related to daily business of a construction yard may be stored at the site. All other items, supplies and materials must be stored within designated storage units.
4. In the NC2 and NC3 zones, only Single Family Dwellings existing as of December 11, 2008 will be permitted for Boarding, Bed and Breakfast as a Conditional Use. In the MU-C, MU-O, MU-R zones, this type of use will be permitted by Design Review.

45.20.050. Guide for Land Use Chart.

The following guide is an index for the attached land use chart:

1. Page 1: Agricultural Uses
2. Page 2: Municipal, Residential Uses
3. Page 3: Recreational &Educational & Religious Uses
4. Page 4**:** Medical Uses and Commercial Uses
5. Page 5: Light Commercial Uses and Special Commercial Uses
6. Page 6: Manufacturing-Industrial Uses

45.20.060. Legislative History for This Chapter.

12/29/1999 Restored Commercial (C) Zone uses prior to 9/9/99
03/22/2001 Added M/I-L uses to chart
08/22/2002 Added Note #4 and corrections
06/26/2003 Pets/kennels under Animal Control
08/14/2003 Changes to graph - added P^
12/10/2003 Added Tri-Plex, Four-Plex to residential uses
03/28/2005 Changes Dog to Animal, Auto to Vehicle, Dog Kennel to Kennel/Cattery
09/08/2005 Storage Units added to Commercial and M/I Zones
02/09/2006 Condominiums/Townhouses allowed in Commercial (C) Zone
08/10/2006 Addition of NC 2 and NC 3 Zones - elimination of Planned Unit Developments/Cluster Housing
05/22/2008 Changed numbering system and adopted as part of the New Municipal Code.
12/11/2009 Final adoption of 2008 Perry Municipal Code.
01/15/2009 Significant change to entire chart and other provisions, incl. notes (and deleted P^).
11/18/2010 Storage Units allowed in C Commercial Zone (South of 3000 South)

Chapter 45.21.
AREA, FRONTAGE, SETBACK, AND HEIGHT REQUIREMENTS

45.21.010. Requirements for A, ES, AL, and R1A Zones.
45.21.020. Requirements for RE 1/2, R 1/2, and R3MHP/R3MHS Zones.
45.21.030. Requirements for R 1/3, R1, and R2 Zones.
45.21.040. Requirements for M/I, M/I L, Mixed Use, IC, C, C1, NC2, and NC3 Zones.
45.21.060. City Staff to Make Recommendations During the Design Review Process.
45.21.080. Septic Tanks Only Available as an Option if Allowed by Title 16.

45.21.010. Requirements for A, ES, AL, and R1A Zones.

REQUIREMENTS	ZONES		
	A and ES	**AL**	**R 1 A**
Minimum LOT AREA	5 Acres	2 Acres	1 Acre
Minimum FRONTAGE	200 Feet	150 Feet	120 Feet

Main Buildings

Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	20 Feet	20 Feet	20 Feet
Minimum STREET SIDE SETBACK (Corner Lot)*	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides
Maximum HEIGHT	50 Feet	35 Feet	35 Feet

Accessory Buildings

Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	4 Feet	4 Feet	1 Foot
Minimum STREET SIDE SETBACK (Corner Lot)*	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	4 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.	4 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.	4 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.
Maximum HEIGHT	50 Feet	35 Feet	35 Feet

*Corner 40 feet site triangle ordinance (in PMC Title 52) applies.

45.21.020. Requirements for RE 1/2, R 1/2, and R3MHP/R3MHS Zones.

REQUIREMENTS	ZONES		
	RE 1/2	**R 1/2**	**R3MHP/R3MHS**
Minimum LOT AREA	20,000 sq. ft.; 1 acre if septic tank+	20,000 sq. ft.; 1 acre if septic tank+	MHP – 5000 sq. ft. MHS – 6000 sq. ft. Corner Lot–7000 s.f. Sep.tank not allowed
Minimum FRONTAGE	80 Feet Corner Lot – 90 ft.	80 Feet Corner Lot – 90 ft.	60 Feet Corner Lot – 70 ft.

Main Buildings

Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	20 Feet	20 Feet	20 Feet
Minimum STREET SIDE SETBACK (Corner Lot)*	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides
Maximum HEIGHT	35 Feet	35 Feet	MHP – 14 Feet MHS – 35 Feet

Accessory Buildings

Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	1 Foot	1 Foot	1 ft.; 5 ft. if back of bldg. is against side yard of adjacent lot
Minimum STREET SIDE SETBACK (Corner Lot)*	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	4 Feet	1 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.	4 Feet
Maximum HEIGHT	25 Feet	25 Feet	MHP – 15 Feet MHS – 20 Feet

*Corner 40 feet site triangle ordinance (in PMC Title 52) applies.
+See PMC Section 45.21.080 regarding septic tanks.

45.21.030. Requirements for R 1/3, R1, and R2 Zones.

REQUIREMENTS	ZONES		
	R 1/3	**R 1**	**R 2**
Minimum LOT AREA	15,000 sq. ft.; 1 acre if septic tank+	10,000 sq. ft.; 1 acre if septic tank+	8,000 sq. ft. for SFD 5,000 sq. ft. per unit for multi-family; 1 acre if septic tank+
Minimum FRONTAGE	80 Feet	80 Feet	80 Feet for SFD; 60 ft. times #of units for multi-family; +10 ft. for corner lot

Main Buildings

Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	20 Feet	20 Feet	20 Feet
Minimum STREET SIDE SETBACK (Corner Lot)*	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides	8 ft. on one side; min. 22 ft. both sides
Maximum HEIGHT	35 Feet	35 Feet	35 Feet

Accessory Buildings

Minimum FRONT SETBACK	30 Feet at building setback line	30 Feet at building setback line	30 Feet at building setback line
Minimum REAR SETBACK	1 Foot	1 Foot	1 Foot
Minimum STREET SIDE SETBACK (Corner Lot)*	20 Feet	20 Feet	20 Feet
Min. INTERIOR SIDE SETBACK	1 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.	1 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.	1 ft. if located 6 ft. or > behind main bldg.; 8 ft. if < 6 ft. behind main bldg.
Maximum HEIGHT	25 Feet	25 Feet	25 Feet

*Corner 40 feet site triangle ordinance (in PMC Title 52) applies.
+See PMC Section 45.21.080 regarding septic tanks.

45.21.040. Requirements for M/I, M/I L, Mixed Use, IC, C, C1, NC2, and NC3 Zones.

REQUIREMENTS	ZONES		
	M/I and M/I L	**Mixed Use Zones; IC, C, and C1**	**NC2 and NC3*** **
Minimum LOT AREA	By Design Review	By Design Review	By Design Review
Minimum FRONTAGE	By Design Review	By Design Review	By Design Review

Main Buildings

Minimum FRONT SETBACK	20 Feet at building setback line	20 Feet at building setback line	20 Feet at building setback line
****Minimum REAR SETBACK**	By Design Review **	By Design Review **	By Design Review **
****Minimum SIDE SETBACK (Corner Lot)***	By Design Review **	By Design Review **	By Design Review **
****Min. INTERIOR SIDE SETBACK**	By Design Review **	By Design Review **	By Design Review **
Maximum HEIGHT	35 Feet (> w/ Fire Marshal approval)	35 Feet (> w/ Fire Marshal approval)	35 Feet (> w/ Fire Marshal approval)

Accessory Buildings

Minimum FRONT SETBACK	20 Feet at building setback line	20 Feet at building setback line	20 Feet at building setback line
****Minimum REAR SETBACK**	By Design Review **	By Design Review **	By Design Review **
****Minimum SIDE SETBACK (Corner Lot)***	By Design Review **	By Design Review **	By Design Review **
****Min. INTERIOR SIDE SETBACK**	By Design Review **	By Design Review **	By Design Review **
Maximum HEIGHT	35 Feet (> w/ Fire Marshal approval)	35 Feet (> w/ Fire Marshal approval)	35 Feet (> w/ Fire Marshal approval)

*Corner 40 feet site triangle ordinance (in PMC Title 52) applies.

**Subject to design review imposing more stringent requirements, any commercial, manufacturing, industrial, institutional, public, or similar use(s) (collectively "commercial") approved adjacent to a residential/agricultural use(s) shall have: (1) a six feet high full privacy fence (compliant with PMC Titles 56 and 57, Landscaping and Fences) along the property lines adjacent to the residential/agricultural use(s); and (2) rear and side setbacks adjacent to the residential/agricultural use(s) that are at least:

(a) 25 feet, where a single level commercial floor height does *not* exceed 12 feet above grade; or

(b) 25 feet, plus an another ½ foot for every additional foot of height of the structure above grade, for multiple floors or for where the single level floor height *exceeds* 12 feet above grade; and
(c) Any measurement is from the lowest point of the roofline nearest to the residential property.

*** Additional requirements for residential uses allowed (by the Land Use Chart, PMC Chapter 45.20) in the **NC2/NC3 Zones** are set forth in PMC Chapters 45.07 and 45.08 ("In-fill Development" Ordinance).

45.21.060. City Staff to Make Recommendations During the Design Review Process.
During the Design Review process (PMC Title 53), determination of area requirements, frontage, setback distances, height and layout of buildings, and other review criteria may depend upon recommendations by/from the Community Development Department and other City Staff (the City Fire Marshal, City Engineer, City Building Inspector, etc.).

45.21.080. Septic Tanks Only Available as an Option if Allowed by Title 16.
Despite the references to "septic tanks" in the "Minimum Lot Area" parts of the tables in this Chapter, septic tanks are only available as an option if allowed by: (1) State law; (2) the local/ regional health department; and (3) the Perry Municipal Code, especially Title 16 (Wastewater).

Legislative History for Chapter 45.21

11/20/06	Addition of zones: NC2 NC3 MU-O MU-R MU-C; Removal of information regarding Planned Unit Developments/Cluster Housing; And changes regarding height for accessory buildings in residential areas.
06/28/07	Rear Setbacks changed to 20 feet (Ord. 07-W).
07/08/10	Updated, reorganized, and codified charts, with several typographical and substantive changes.

Chapter 45.22.
ZONING MAP

45.22.010. Zoning Map.
See attached zoning map.

Legislative History for Title 45 (See also additional Leg. His. Of Chap. 20 and 21 of Title 45)
Last Major Substantive Changes: 11/09/06, 3/08/07, and 4/26/07
References to the Special Uses and Appeals Board added: January 24, 2008
Section 45.08.020 added and Sections 45.08.040(2), 45.10.010, and 45.10.030 amended: 05/22/08
12/11/2008 Final adoption of 2008 Perry Municipal Code.
01/15/2009 Significant change to entire land use chart and other provisions, including notes (and deleted P^).
Amended 45.08.040(Residential In-Fill Revisions for NC2/NC3 Zones): 11/18/2010

Title 46, A Land Use Ordinance
BUILDINGS AND CONSTRUCTION, INCLUDING RULES TO ADOPT STANDARDS AND GUIDELINES

Chapter 46.02. **BUILDING CODES ADOPTED**
Chapter 46.03. **BUILDING PERMIT REQUIREMENTS**
Chapter 46.04. **REGULATION OF TEMPORARY DWELLING UNITS**
Chapter 46.06. **PROCEDURES FOR ADOPTING AND AMENDING PUBLIC WORKS STANDARDS AND ARCHITECTURAL DESIGN GUIDELINES**
Chapter 46.11. **PENALTIES**

Chapter 46.02.
BUILDING CODES ADOPTED

46.02.010. Names of Building Codes Adopted.

46.02.10. Names of Building Codes Adopted.

The most recent editions of the ICC, IBC, IRC, and related codes are adopted, and with any further updates approved by the State of Utah to be automatically adopted by Perry City.

Chapter 46.03.
BUILDING PERMIT REQUIREMENTS

46.03.010. Building Permits: Site Plan Required.
46.03.020. Rural Road Agreement Required.
46.03.030. Building and Occupancy Permits Required.
46.03.040. Building and Occupancy Permits to Comply with this Code.
46.03.050. Fees for Permits and Amendments.
46.03.060. Inspection and Approval Required Prior to Occupancy.

46.03.010. Building Permits: Site Plan Required.

The following requirements have been set forth for building permit applications:

1. An application for a building or use permit shall be made to Perry City and reviewed by the Building Inspector and the Zoning Administrator and shall include a site plan and such other information as may be required by resolution in Perry City. Refer to I.B.C. Section 105, as amended. (See Perry City Building Permit Application Guidelines for the procedure of the application process.)
2. All applications for building permits for new construction of a primary building/structure, not in an approved subdivision, must be reviewed by the Perry City Planning Commission.

3. After permits are issued, any violation of any provision of this ordinance or any other ordinance or resolution of Perry City, whether intentional or otherwise, shall null and void such building permit.

46.03.020. Rural Road Agreement Required.
An application for a building or use permit, for a primary structure, fronting or abutting a road or street that is not improved to meet Perry City Standards must be accompanied by a signed Rural Road Agreement.

46.03.030. Building and Occupancy Permits Required.
All buildings or structures that are erected, constructed, enlarged altered repaired, moved, improved, removed, converted or demolished require a building permit as defined and described in the International Building Code, Section 105, as amended.

46.03.040. Building and Occupancy Permits to Comply with this Code.
Building and occupancy permits shall not be granted for the construction or alteration of any building or structure, or for the moving or removing of a building onto or from a lot or for the use or occupancy of a building or land if such structure, construction, alteration, moving, use, or occupancy would be in violation of any of the provisions of this ordinance or the International Building Code adopted by Perry City.

46.03.050. Fees for Permits and Amendments.
In order to cover the costs incidental to processing permits required by this ordinance, considering amendments to this ordinance or map, and considering appeals (to an Appeal Authority) shall establish and reestablish by resolution such fees directly related to processing fees, permits, amendments or appeals (see Fee Schedule).

46.03.060. Inspection and Approval Required Prior to Occupancy.
Buildings and structures requiring a building permit pursuant to the provisions of this ordinance shall not be occupied or put into use until the local Building Official, as appointed by the City Council, has inspected such building or structure, finds compliance with this ordinance and the International Building Code as adopted by Perry City, and gives a written certificate of occupancy and use to the owner or owner's agent to occupy and/or use the building or structure in the manner approved by the issuance of a valid building permit.

Chapter 46.04.
REGULATION OF TEMPORARY DWELLING UNITS

46.01.010. Intent.
46.04.020. Definitions.

46.04.030. When Allowed: Conditions.
46.04.040. Time Periods.
46.04.050. Penalty.

46.01.010. Intent.
The State of Utah has provided that cities and municipal governments may enact zoning and building ordinances, policies, rules, and codes as determined to be necessary and helpful for the City and Perry City desires to define the conditions that allow a temporary unit.

46.04.020. Definitions.
The following is a list of definitions for this Chapter:

1. Dwelling Unit: Any dwelling unit that has living facilities including sleeping, eating, and bathroom arrangements.
2. Definition of Temporary: A period of time not to exceed one (1) year during which a permanent home or other approved structure is being constructed.

46.04.030. When Allowed: Conditions.
A temporary dwelling unit is allowed on a normal building lot during the construction of a permanent structure and the following also apply:

1. It is intended that mobile units must remain mobile.
2. If a mobile unit is moved onto the property, the axles and tires making the unit mobile must remain intact.
3. If a structure exists on the property and is not mobile, a defined use for that structure must be given to the City in writing at the time of application for a building permit.
4. If that structure will remain after construction for the purpose of a garage, storage, or other use, it must be approved for such use by the building inspector prior to a building permit being issued for the new structure.

46.04.040. Time Periods.
If the structure is to be removed after completion of the permanent structure, a written contract must be made between the owner and the City to remove that unit within ninety (90) days after the occupancy permit is issued. This contract shall authorize the City to remove that unit within one hundred and twenty (120) days after the occupancy permit is issued. This contract shall authorize the City to remove that structure at the expense of the property owner if the time period has lapsed.

46.04.050. Penalty.
Any person who shall maintain a temporary dwelling unit without permission and contract from Perry City as defined in this Ordinance shall be deemed guilty of a misdemeanor.

Chapter 46.06.
PROCEDURES FOR ADOPTING AND AMENDING PUBLIC WORKS STANDARDS AND ARCHITECTURAL DESIGN GUIDELINES

46.06.010. Process to Approve the First Edition of the Revised Public Works Standards.
46.06.020. Process to Approve Amendments to the First Edition Standards or Design Guidelines.
46.06.030. Approval by PWS Review Committee of Amended Standards or (New or Amended) Design Guidelines.
46.06.050. Legislative Review Process.

46.06.010. Process to Approve the First Edition of the Revised Public Works Standards.

The process to approve the first edition of the revised public works standards as follows:

1. The Community Development Department, primarily the Community Development Director and the City Engineer, shall recommend the First Edition of the (Revised) Public Works Standards and Technical Specification (referred to herein as "First Edition Standards").
2. The Public Works Director, the City Attorney, the Planning Commission (or individual members), and/or other City officials may provide comments as to the recommended First Edition Standards.
3. The Mayor and City Council may approve, by a Joint Resolution, the recommended First Edition Standards, with or without amendment.

46.06.020. Process to Approve Amendments to the First Edition Standards or Design Guidelines.

The process to approve amendments to the first edition standards or design guidelines as follows:

1. The Community Development Department, primarily the Community Development Director and the City Engineer, shall recommend amendments to or subsequent editions of the Standards (referred to herein as "Amended Standards" or (New or Amended) Architectural Design Guidelines).
2. The Public Works Director, the City Attorney, and/or other City officials may provide comments as to the Amended Standards or as to (New or Amended) Architectural Design Guidelines.

46.06.030. Approval by PWS Review Committee of Amended Standards or (New or Amended) Design Guidelines.

The "Public Works Standards Review Committee" shall act in a quasi-legislative manner and shall make a final decision by rejecting (with or without comment) or approving (with or without amendment) any recommended Amended Standards or (New or

Amended) Architectural Design Guidelines (which shall follow the processes set forth in Section 43.05.010, items 7A and 7B). The Special Uses and Appeals Board shall act as this Committee, unless the Mayor appoints, with the advice and consent of the City Council, three to five specific Members for this committee.

46.06.050. Legislative Review Process.
The Mayor and City Council may, at any time (with or without a recommendation), commence a "legislative review process" to:

1. review the Public Works Standards or Architectural Design Guidelines; and/or
2. amend the Public Works Standards or Architectural Design Guidelines, by adopting a Joint Resolution approving of said amendment(s).

Chapter 46.11.
PENALTIES

46.11.010. Available Penalties.

46.11.010. Available Penalties.
Available penalties are set forth in Chapter 40.04.

Legislative History
Temporary Dwelling Unit Regulations Chapter adopted: May 22, 2003
Building Permit Requirements updated: April 26, 2007
Adopted Chapter regarding procedures to amend public works standards and architectural design guidelines: July 26, 2007
Removed "Building Permits Requirements" from "Administration" Section and re-created as a Chapter in this Title, changed numbering system, technical corrections and updates, and adopted as part of new Municipal Code: 12/11/2008

Title 47, A Land Use Ordinance
FOOTHILL DEVELOPMENT AREAS

Chapter 47.01. PURPOSE
Chapter 47.02. SPECIAL TERMS
Chapter 47.03. SCOPE AND APPLICATION
Chapter 47.04. DENSITY, LOT SIZE, WIDTH, AND CHARACTERISTICS
Chapter 47.05. ROAD, ACCESS AND FIRE REQUIREMENTS
Chapter 47.06. PRUDS- PLANNED RESIDENTIAL UNIT DEVELOPMENT
Chapter 47.07. DEVELOPMENT STANDARDS
Chapter 47.08. REVIEW AND APPROVAL PROCEDURE
Chapter 47.09. FINAL APPROVAL
Chapter 47.10. CONSTRUCTION, GRADING AND CONTOUR MAPS

Chapter 47.01.
LEGISLATIVE INTENT AND PURPOSE

47.01.010. Legislative Intent.
47.01.020. Purpose.

47.01.010. Legislative Intent.
The City Council of Perry, Utah deems, that in order to preserve the peace, health, safety, welfare and promote the best interest of the inhabitants of the Perry City, these Foothill Development Regulations be created, which shall provide standards, guidelines, and criteria, having the effect of minimizing flooding, erosion, and other environmental hazards and protecting the natural scenic character of the foothill areas not suitable for development, and insuring the efficient expenditure of public funds

47.01.020. Purpose.
The standards, guidelines, and criteria to be achieved by the overlay zone shall include, but not be limited to the following:

1. The protection of the public form natural hazards of storm water runoff and erosion by requiring drainage facilities and the minimal removal of natural vegetation.
2. The minimizing of the threat and consequential damages of fire in foothill areas by establishing fire protection measures.
3. The preservation of natural features, wildlife habitat and open space.
4. The preservation of public access to mountain areas and natural drainage channels.
5. The preservation and enhancement of visual and environmental quality by use of natural vegetation and the prohibiting of extensive excavation and terracing
6. The establishment of traffic circulation facilities that insure ingress and egress for vehicles including emergency vehicles into all developed areas at any time of the year with minimal cut, fill, or visible scars.

7. The encouragement of variety of development designs and concepts that are compatible with the natural terrain of the foothill areas, that will preserve open space and natural landscape.
8. The establishment of land-use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.
9. Encouragement of regard for the view of the foothills as well as the view from the foothills.

Chapter 47.02.
SPECIAL TERMS

47.02.010. Average Slope.
47.02.020. Area.
47.02.030. Development Site.
47.02.040. Natural Vegetation.
47.02.050. Useable Land.

47.02.010. Average Slope.
As used in this Chapter, the words "Average slope" Shall mean and be determined by the use of the following formula:

$$S: \quad \frac{.00229\ I \times L}{A}$$

S: Average slope of the site before development or construction
A: Total number of acres in the parcel
L: Summation of the length of all contour lines in feet
I: Contour intervals in feet

In the determination of the average slope of a development site:

47.02.020. Area.
The term "Area" need not include the area of lands having a greater slope than thirty (30) percent. If such areas are excluded, they shall not be included as part of the development site for purposes of determining the number of dwelling units allowed.

47.02.030. Development Site.
The term "Development Site" shall mean and include the Total perimeters of a subdivision, a planned unit development, or tract, lot, or parcel of land intended to be used as commercial use.

47.02.040. Natural Vegetation.
This term shall include orchards, trees, shrubs, lawns, and grass or other natural vegetation.

47.02.050. Useable Land.
This term shall describe that land within a lot which has a slope of thirty percent (30%) or less. This portion of the building lot must be a minimum of eight thousand (8,000) square feet.

Chapter 47.03.
SCOPE AND APPLICATION

47.03.010. Application in All Zones.
47.03.020. Reconciliation with Similar Provisions.
47.03.030. Lack of Retroactive Application.
47.03.040. Road Grades.

47.03.010. Application in All Zones.
The provisions of this Title shall apply to all zoning districts in Perry City.

47.03.020. Reconciliation with Similar Provisions.
This Title sets forth additional provisions to those set forth in the Subdivision Ordinance, Title 52 and other Title of the Land Use Ordinances. In the event of conflict between such foregoing designated Title of this Ordinance, the more restrictive provisions shall apply.

47.03.030. Lack of Retroactive Application.
The provisions of this Ordinance shall have no application to Subdivisions, Planned Unit Developments, or other construction projects which have been granted preliminary or concept approval prior to the adoption of this Ordinance.

47.03.040. Road Grades.
Road grades identified in this chapter are peculiar to this Foothill Ordinance and may be different from the minimum standard in other development areas.

Chapter 47.04.
DENSITY, LOT SIZE, WIDTH, AND CHARACTERISTICS

47.04.010. Single Family Dwelling Units.

47.04.010. Single Family Dwelling Units.
The following regarding single family dwelling units:

1. Minimum Lot Size: Any average slope area less than 20.1% is not affected by this ordinance. The minimum lot size with respect to lots upon which single family dwelling units are located in subdivisions or otherwise shall be determined by reference to the following tables:
   a.

Average Slope of Development Site:	20.1-30%	30.1%+
Minimum Lot Size:	20,000 sq ft	80 ft at front yard setback line
Minimum Lot Width:	not permitted	

2. Yard Regulations: See regulations for residential zones in Perry City Database Section 9.

3. Maximum Impervious Material Coverage: The maximum impervious material coverage such as roofs, paved driveways, sidewalks, etc. that shall be allowed on lots upon which single family dwelling units are located shall be forty five (45%) percent. Exceptions may be granted after review and recommended by the Perry City Engineer and the Planning Commission and final approval by the City Council.
4. Usable Area: Single family dwelling structures shall be located only upon usable land and whose building area shall be at least eight thousand (8,000) square feet in space and shall have minimum dimensions, either length or width, of sixty (60) feet.
5. Lot and Access Design: Single family dwelling structures shall not be located farther than two hundred and fifty (250) feet from the nearest public street. However, the Perry City Council may grant an exception to such requirements provided that the following conditions are complied with as a condition precedent to the granting of such exceptions:
   a. Recommendation from the Planning Commission.
   b. Road and access requirements as defined in Perry City Public Works Standards and Technical Specifications and Section 01.05 of this document.

Chapter 47.05.
ROAD ACCESS AND FIRE REQUIREMENTS

47.05.010. Dwelling Access to Fire Department Apparatus.

47.05.010. Dwelling Access to Fire Department Apparatus.
Every dwelling structure shall be accessible to fire department apparatus by way of an access roadway having an all-weather driving surface no less than sixteen (16) feet of unobstructed width with adequate roadway turning room and having a minimum of thirteen (13) feet, six (6) inches of vertical clearance. Dead end access roads in excess of two hundred (200) feet in length shall be provided with approved provisions for the turning around of fire department apparatus. The following also apply:

1. The required width of access roadway shall not be obstructed in any manner including the parking of vehicles. Where no space is provided for parking along access roads, said roadway shall be kept unobstructed.
2. Property owners shall be required to identify and mark fire lanes to the satisfaction and approval of the Fire Chief as follows:
   a. Signs shall be posted near the entrance of access roadways. Spacing and placing of signs shall be as directed by the Fire Chief.
   b. Signs shall be a minimum of seventeen (17”) inches by twenty four (24”) inches (17”x 24”) in one inch (1”) reflective block lettering with one (1) half inch (½”) stroke on a contrasting background.
   c. Signs shall read “No Parking- Fire Department Access Road.”
3. Where access roadways are adjacent to required fire hydrants, such access roads within twenty (20’) feet of either direction of the fire hydrant shall be a minimum of thirty (30’) feet in width.

4. The access road shall be extended to a maximum of one hundred and fifty (150’) feet in length of all portions of the exterior walls of the first story of any building.
5. The maximum grade for access roadways of greater than one hundred and fifty (150’) feet in length shall be ten percent (10%). However, grades up to twelve percent (12%) are allowable with approval of the Fire Chief and the City Engineer.
6. The owner shall be responsible for establishing the base grade of the access roadway before the waster system is installed. The owner or possessor of the lot shall clear the right-of-way for the water system and establish the fire hydrant location and the owner shall then install the water system and set the fire hydrant to the grade established by Perry City. If there are any changes to the access roadway or right-of-way areas which do not allow for a minimum of forty two (42”) inches cover over the water line or not more than a four (4”) inch vertical difference between the flange of the fire hydrant and the finished surface of the access roadway, the owner shall be responsible for all expenses associated with the relocation or adjustment to the water system.
7. The property owner or possessor of the premises shall maintain, according to Perry City road standards, the access roadway with adequate snow removal so as to provide free and uninhibited access by emergency and service vehicles.
8. A fire hydrant shall be installed by and at the expense of the property owner and shall be connected by an eight (8”) inch water main in connection with Section 10 of the Uniform Fire Code. Fire hydrants shall be located on all required access roads as required by Perry City and shall be located within five (5’) feet of the required access roadway.
9. If, in the opinion of the Fire Chief, fire hydrants are vulnerable to vehicular damage, appropriate crash posts shall be required. NO obstruction shall exist within a three (3’) foot working area of each fire hydrant. Crack posts shall be a four (4”) inch cement-filled pipe having a minimum of three (3’) feet height above grade with two (2’) feet of pipe below grade set in concrete. Hydrant shut-off valves shall be located as per Perry City standards.
10. A turnaround shall be provided at the end of the access road in accordance with Perry City standards.
11. Lost shall not be allowed or approved where the static water pressure from the Perry City water system serving the proposed lot or lots is less than twenty (20) psi at the highest use facility during peak usage. The Fire Department may require a minimum flow rate (GPM). All water line installations shall be installed to the specifications of Perry City at the expense of the property owner.
12. The property owner shall grant an easement to Perry City along the course and full width of the access roadway permitting access to Perry City emergency and service vehicles and inspection personnel.
13. The property owner shall grant a utility easement to Perry City extending from the public street to the fire hydrant and having a minimum width of sixteen (16’) feet for the purpose of using, operating, maintaining, and repairing of such hydrant and water line.
14. It shall be unlawful for the property owner or possessor of a dwelling structure located farther than two hundred (200’) feet from the nearest public street to fail to maintain such

access roadway to Perry City standards and keep free from snow and encroachments that would inhibit the free movement and access of emergency and service vehicles.

15. All improvements, such as water, roads, sewer, etc., as required by the Perry City Engineer and Planning Commission using Perry City ordinances and standards, shall be installed at the lot owner's expense.
16. Such other conditions and standards may apply as the governing body deem necessary.

Chapter 47.06.
PRUDS: PLANNED RESIDENTIALUNIT DEVELOPMENT

47.06.010. Maximum Available Units per Acre.

47.06.010. Maximum Available Units per Acre.

The maximum allowable units per acre that shall be allowable in the PRUD shall be determined by reference to the following table:

1.

Average Slope of the Development Site Site	Maximum Allowable Dwelling Units Per Acre
0-15%:	6
15.1%-30%	4
30.1%+	None allowed

Chapter 47.07.
DEVELOPMENT STANDARDS

47.07.010. Intent.

47.07.010. Intent.

It is intended by this Section that the development standards and provisions, as set forth herein, shall be required in connection with all building and construction in the Perry City Environmental Sensitive Zone. The following apply to this Chapter:

1. Drainage and Erosion:
    a. Lots shall be arranged so as to insure adequate setback from drainage channel.
    b. Lots shall be arranged so as to insure that an adequate buildable area is located outside of the one hundred (100) year flood plain.
    c. Facilities for the collection of storm water runoff shall be required to be constructed on the development site.
    Such facilities shall be the first improvements constructed on the development site.
    d. Such facilities shall be designed so as to retain safely and adequately the maximum expected storm water runoff for a ten (10) year storm, as per the Perry City Engineering standards, for a sufficient length of time so as to prevent flooding and erosion during and after storm runoff flow periods.

   e. Such facilities shall be so designed as to divert surface water away from cut surfaces or sloping surfaces of a fill.
2. Vegetation and Re-vegetation:
   a. All areas on development sites cleared of natural vegetation in the course of construction of off-site improvements shall be replanted with vegetation which when established shall have characteristics of erosion control equal to or exceeding the original vegetation.
   b. New plantings shall be protected with organic cover.
   c. The use of persons or firms having expertise in the practice of vegetation (i.e., landscape architects or nurserymen) shall be employed to supervise the planning and installation of re-vegetation cover.
   d. Vegetation shall be removed only when absolutely necessary (e.g. for the construction of buildings, roads, and filled areas).
   e. Vegetation shall be planted in all disturbed areas within three (3) weeks of the completion of off-site improvements or as soon as weather permits. Such vegetation shall be of a perennial and low combustibility nature and which when established, shall be sufficient to stabilize the soil.
3. Fire Protection:
   a. Spark arresters shall be installed in every fireplace constructed either indoors or outdoors. Screen opening in such arresters shall not be in excess of ¼ square inch in size.
4. Grading, Cuts, and Fills:
   a. Exposed unstable surfaces of an excavation or fill shall not be steeper than one (1) vertical or two (2) horizontal units.
   b. All permanent fill shall be located and controlled so that earth settling, earth slippage, or erosion shall not damage or cover streets, curbs, gutters, sidewalks, or buildings.
   c. All fill and degrees of compaction shall comply with the standards of the Uniform Building Code then in effect.
   d. The maximum vertical height of all fill cuts shall be ten (10’) feet except in circumstances where the City Engineer and the Planning Commission recommend specific changes for approval to the Perry City Council.
   e. All structures except retaining walls or soil stabilization improvements shall have a setback from the crest of the cut or base of the fill a minimum distance equal to the depth of the fill or the height of the cut unless a structurally sound retaining wall is built for the cut or fill of the slope. Retaining walls may be a part of the dwelling unit.
5. Streets and Ways:
   a. Streets, roadways, and probate access ways shall follow as nearly as possible the natural terrain. The following additional standards shall apply:
   b. At least two (2) ingress and egress routes shall be provided for each subdivision or multiple building project. Phased projects can meet this criteria in long range plans.

c. Points of access shall be provided to all developed, partially developed, or undeveloped areas for emergency and firefighting equipment. Driveways located upon each lot extending from a public street shall have a maximum grade of ten (10%) percent and a minimum width of thirty (30') feet unless a greater maximum grade of up to twelve (12%) perce3wnt for a length of greater than one hundred and fifty (150') feet or lesser minimum width is approved by the City Engineer, the City Council, and City Fire Chief and shall be of sufficient width and design to admit and accommodate firefighting equipment.
d. Cul-de-sacs shall not exceed six hundred (600') feet in length from the nearest intersection and shall have a turn-around with a radius of fifty (50') feet. Stub streets that are longer than the width or length of any adjacent single lot or two hundred (200') feet, which is less, shall have a temporary turn-around at the end thereof.
e. Centerline curvatures shall not be less than one hundred (100') feet radius on any curved street pattern.
f. Variations of the street design standard developed to solve special hillside visual and functional problems may be presented to the Planning Commission for consideration. Examples of such variations may be the use of split roadways to avoid deep cuts, modifications of surface drainage treatments, or sidewalk design.
g. In a PRUD, all streets or right-of-ways for vehicular traffic, which have not been dedicated for public use, shall be subject to the following limitations:
    i. The maximum grade of such streets or right-of-ways greater than one hundred and fifty (150') feet in length shall be eight (8%) percent except as hereafter provided.
    ii. The City Engineer and Fire Chief may grant approval for the construction of such streets or right-of-ways greater than one hundred and fifty (150') feet in length and having a grade exceeding ten (10%) percent, but the grade of such streets shall not exceed twelve (12%) percent unless a special condition is recommended by the City Engineer and approved b y the City Council.
    iii. The provisions of this Section shall not apply to streets or right-of-ways already constructed or which have heretofore been granted preliminary approval by the Planning Commission.

6. Architectural Design:
    a. Building proposed for construction in the Perry City Foothill Overlay Zoning District shall be designed to be visually compatible with the natural beauty of the foothills and canyon areas. The use of building materials in colors that will blend harmoniously with the natural setting is encouraged. Such materials as natural woods, brick (earth tones), and stone are considered to be most appropriate.
    b. The Planning commission shall review the design and selected exterior materials and colors for all structures other than single family dwellings. Building permits for such structures shall not be granted until building materials and colors have been approved by the Planning Commission.

7. Bond:
    a. In addition to the provisions requiring posting of a bond as set forth in the Ordinances of Perry City, a corporate surety or cash bond or an escrow agreement held in a bank or savings loan association chartered by the United States Treasury Department or other guarantees will be required by the City Council to guarantee the completion of re-vegetation projects, the stabilization of gradings, cuts, and fills, and construction of such projects shall continue for one (1) year after the completion date of such projects, improvements, and facilities.
8. Exceptions:
    a. Exceptions to the requirements and provisions as outlined in this Section may be approved by the City Council, provided that the developer or owner of such development site can demonstrate to the satisfaction of the City Council that the requested exceptions shall not be detrimental or injurious to: the property or improvements adjacent thereto; the general well-being of the neighborhood; or in violation of the stated purpose of this Chapter.

Chapter 47.08.
REVIEW AND APPRVOVAL PROCEDURE

47.08.010. Approval by Planning Commission for Environment Sensitive Development Area.

47.08.010. Approval by Planning Commission for Environment Sensitive Development Area.

A single family dwelling or individual lot, not included as part of a development parcel (PRUD, Subdivision, etc.), will be allowed in the Environment Sensitive Development Area as approval must first be granted by the Planning Commission as provided in this Section. The application shall contain information, plans, and reports as are required by the Planning Commission. The following regarding applications:

1. Application:
    a. All applications required in this Section shall first be submitted to the Planning Commission for review and recommendation by the Planning Commission. All of the required information necessary for each approval process shall be submitted to the Planning Commission at least fifteen (15) days prior to the Planning Commission meeting at which it is to be considered. All site plans, as required in this Section, shall be drawn to scale of one (1”) inch equals fifty (50’) feet (1”=50’), said site plans shall show topographical contours at two (2’) foot intervals.
    b. In respect to site plans having a scale less than one (1”) inch equals fifty (50’) feet (1”=50’), the site plan shall show topographic contours at five (5’) foot intervals.
2. Applications for Conceptual Approval (Planning Commission):
    a. PRUD Project: All applicants for approval of PRUD Project shall comply with the provisions of Chapter 1.07 of this ordinance except that such application shall

also include topographic contours and an estimate of average slope of the PRUD development site. In addition, conceptual approval must first be granted prior to application for preliminary approval.

b. Subdivisions: All applications for approval of a subdivision shall comply with the provisions of Perry City Subdivision Ordinance. In addition, conceptual approval must first be granted prior to application for preliminary approval. All applications for conceptual approval shall be accompanied by a site plan drawn to scale by an architect, registered land surveyor, engineer, or landscape architect who is licensed to practice in the State of Utah. Said plan shall provide the following information:
    i. Location of the proposed subdivision with identification of abutting streets.
    ii. Topographic contours
    iii. An estimate of the average slope of the proposed subdivision.
    iv. The number of lots.
    v. The location and size of proposed lots.
    vi. Location, width and grade of all proposed streets, and radii of any cul-de-sac.
    vii. Location of existing or proposed schools, churches, and/or parks.

c. Commercial Developments: All applications for commercial developments shall comply with the provisions of Development Regulations and Design Review of the Perry City Municipal Code. Conceptual approval shall be accomplished by a site plan drawn to scale by a professional landscape architect, registered land surveyor, architect, or engineer licensed to practice in the State of Utah. Said plan shall provide the following information:
    i. Location of the proposed commercial site with identification of abutting streets.
    ii. Topographic contours.
    iii. An estimate of the average slope of the proposed commercial site.
    iv. Location, width and grade of all proposed streets, and radii of any cul-de-sac.

d. The Planning Commission shall consider said application for PRUD projects, subdivisions, or commercial developments. If the Planning Commission recommends approval of the conceptual phase of the development, the Planning Commission may attach such conditions as may be deemed necessary to secure the purpose as set forth in this Chapter.

3. Preliminary Approval:
    a. In addition to the information as required for preliminary approval of PRUD projects or commercial developments, Chapter 17 on subdivisions as approved in Perry City Database Ordinances, such additional information as set forth in this subsection may be required by the Planning Commission and or the City Council.
    b. Preliminary approval shall first be granted prior to application for final approval. All reports as submitted herein shall be prepared by persons or firms licensed to

practice their specialty or expertise in the State of Utah. The following regarding preliminary approval:

i. Report of Soil Characteristics: Data regarding the nature, distributions, and strength of soils within the project area. The soil report shall include:
    1. Unified classification of all soils with an estimate of susceptibility to erosion, plasticity index, liquid limit, shrink-swell potential, and general suitability for development.
    2. Estimate of the normal highest elevation of the seasonal high water table.
    3. Flood history and potential, proximity to known flood plain in areas, and drainage channels.

ii. Report of Geologic Conditions: An application shall include the following information:
    1. Definition of any zone deformation with respect to active faults and other mass movements of soil and rock.
    2. Identification of anomalies of the terrain characteristics of the geological materials which would have any potential impact upon the use of the site.
    3. Determination of ground water characteristics.
    4. Written recommendations for construction of proposed improvements to avoid impact of any potential geologic hazards.

iii. Grading and Drainage Report. Preliminary approval shall include a plan for grading and a report on the method by which surface water and natural drainage will be accommodated. The plan shall be prepared by a professional engineer licensed to practice in Utah and shall include the following information:
    1. Indication of existing and proposed contours.
    2. Indication of the present and proposed slope for each graded area.
    3. Location and identification (by species) of existing vegetation and indication of vegetation proposed for removal and re-vegetation proposal.
    4. Existing and proposed drainage patterns. Locations of any drainage channels on the proposed site that have been identified by the State Geologist.
    5. Location and depth of all proposed fills and cuts.
    6. Description of the methods to be employed to achieve stabilization and compaction.
    7. Location and capacities of proposed drainage, structure, and erosion control measures.
    8. Computation of maximum run-off for a ten (10) year storm before and after development.
    9. Location of existing buildings or structures on the site and location of existing buildings and structures on adjacent properties which

are within one hundred (100') feet of the site or which may be affected by any proposed grading or construction.

4. The Planning Commission shall consider said application and shall recommend to the City Council approval or disapproval of the application. Ir the Planning Commission recommends approval of the preliminary phase, the Planning Commission may attach such conditions as may be deemed necessary to secure the purposes as set forth in this Chapter.
5. After receiving recommendations for approval or disapproval by the Planning Commission, the City Council may approve or disapprove, for any reason, the application. If the City Council approves the final phase, they may attach such conditions as may be deemed necessary to secure the purpose as set forth in this Chapter.

Chapter 47.09.
FINAL APPROVAL

47.09.010. Final Approval.

47.09.010. Final Approval.

The following regarding final approval:

1. The final application that shall be filed with the Planning Commission shall be an application for final approval. Such application shall include the applicable information required by the provisions of subdivision ordinance of Perry City, Utah. Application for final approval may only be made after preliminary approval has been granted by the Planning Commission.
2. The Planning Commission shall consider said application and shall recommend to the City Council approval or disapproval, for any reason, of the application. If the Planning Commission recommends approval of the final plan, the Planning Commission may attach such conditions as may be deemed necessary to secure the purposed set forth in this Chapter.

Chapter 47.10.
CONSTUCTION, GRADING, AND CONTOUR MAP

47.10.010. No Construction Before Final Approval.

47.10.010. No Construction Before Final Approval.

There shall be no construction development, or grading upon the development site until final approval has been granted by signatures of the Planning Commission and City Council as provided in this section. Before the construction of single family dwelling units upon lots shall be allowable, a plot plan drawn to scale (at least one (1" inch= ten (10')) or (1"=10') for such lots shall be submitted to the Building Inspector, which plot plan shall show lot lines, existing and proposed contours at two (2') foot intervals, locations or proposed single family dwelling units, walks, driveways, and patio areas.

Legislative History
Ordinance 97-08 Enacted in 1997
Last updated on 12/11/97
Codified into 2008 Perry Municipal Code on 12/11/2008

Title 48, A Land Use Ordinance
WETLANDS AND SENSITIVE SOILS AREAS

Chapter 48.01. WETLANDS AND SENSITIVE SOILS REQUIREMENTS
Chapter 48.11. PENALTIES

Chapter 48.01.
WETLANDS AND/OR SENSITIVE SOILS REQUIREMENTS

48.01.010. Requirements for Delineated Wetland Areas.
48.01.050. Requirements for Non-Delineated Wet and/or Sensitive Soil Areas.

48.01.010. Requirements for Delineated Wetland Areas.

The following are requirements for delineated wetland areas:

1. Areas of Perry City deemed to be Wetland or acknowledged as being wetland by the U.S. Army Corps of Engineers, shall be subject to the requirements set forth by the Corps of Engineers. A soil study may be required and shall be paid for by the owner/developer and any other requirements, as deemed necessary by the City Engineer, a Land Use Authority, or an Appeal Authority, shall be completed prior to the approval of any development.
2. Development or building of any structure or issuance of any building permit in areas deemed to be wetland according to delineation provided by the U.S. Army Corps of Engineers shall be prohibited until a proper permit procedure has been followed and a permit for the proposed development is issued by the U.S. Army Corps of Engineers.
3. A Land Use Authority or Appeal Authority shall not approve any development in violation of the Clean Water Act.

48.01.050. Requirements for Non-Delineated Wet or Sensitive Soil Areas.

The following are requirements for non-delineated wet or sensitive soil areas:

1. A Land Use Authority or Appeal Authority may require soil studies to be done on any property that comes before it for any type of development purposes, if it is apparent that the property has wet or sensitive soil areas within the development. These costs are to be paid for by the owner/developer.
2. If a soil study determines the land could be wetlands, delineation must be arranged for and paid for by the owner/developer. The procedure above for delineated wetland areas will then be followed.

Chapter 48.11.
PENALTIES

48.11.010. Available Penalties.

48.11.010. Available Penalties.

Available penalties are set forth in Chapter 40.04.

Legislative History

Last Major Substantive Changes: April 26, 2007
Removed from "Administration" Section and re-created as a separate title, changed numbering system, technical corrections and updates, and adopted as part of new Municipal Code: 12/11/2008

Title 49, A Land Use Ordinance
AGRICULTURE PROTECTION AREAS

Chapter 49.01. PURPOSE AND INTENT
Chapter 49.02. DEFINITIONS
Chapter 49.03. PROCEDURAL REQUIREMENTS

Chapter 49.01.
PURPOSE AND INTENT

49.01.010. Purpose.
49.01.020. Intent.

49.01.010. Purpose.
The purpose of the Agriculture Protection Ordinance is to establish an Agriculture Protection Area Advisory Board, adopt procedures for filing of and consideration for proposals to create agriculture protection areas, provide for filing fees and to enact other related provisions.

49.01.020. Intent.
The Mayor and Perry City Council as the legislative body of Perry City declare the following as basis for the adoption of the Agriculture Protection Ordinance:

1. The Utah Legislature, by enactment in its 1994 General Session of SB 227, as codified in the Utah Code Annotated Title 17, Chapter 41, provided a procedure for creating Agricultural Protection Areas.
2. The Perry City Council finds that it is in the best interest of the residents of Perry City to make provision for the establishment of Agricultural Protection Areas as required under the Utah Code, and to create acreage limitations, fee schedules and other procedures regarding review and consideration of proposals to create Agriculture Protection Areas.

Chapter 49.02.
DEFINITIONS

49.02.010. Agriculture Protection Area.
49.02.020. Advisory Board.
49.02.030. Agriculture Production.
49.02.040. Crops, Livestock, and Livestock Products.
49.02.050. Political Subdivision.
49.02.060. Proposed Sponsors.
49.02.070. State Agency.

49.02.010. Agriculture Protection Area.
A geographic area created under the authority of this ordinance that is granted the specific legal protection afforded by this ordinance.

49.02.020. Advisory Board.
The Agriculture Protection Advisory Board appointed by the Box Elder County Commission.

49.02.030. Agriculture Production.
Commercial production of crops, livestock and livestock products including the processing or retail marketing of any crops or livestock or livestock products when more than fifty percent (50%) of the processed or merchandised products are produced by the farm operator.

49.02.040. Crops, Livestock, and Livestock Products.
The raising of useful plants and animals with reasonable expectation of profit including forages, sod, grains, feed crops, domestic animals, honey bees, poultry, fur-bearing animals, fish, trees, fruit, vegetables, nursery/bedding plants, floral and ornamental stock and the use of land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop-land retirement program with an agency of the state or federal government.

49.02.050. Political Subdivision.
A city, county, school district, or special service district is a political subdivision.

49.02.060. Proposed Sponsors.
The owners of land engaged in agricultural production that are sponsoring the proposal for the creation of an Agriculture Protection Area.

49.02.070. State Agency.
Each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel or other administrative unit of the state is known as a state agency.

Chapter 49.03.
PROCEDURAL REQUIREMENTS

49.03.010. Perry City Planning Commission.
49.03.020. Minimum Size for Agriculture Protection Areas.
49.03.030. Fees for Accepting and Processing Applications for Designation of Agriculture Protection Areas.
49.03.040. Filing Procedure.

49.03.010. Perry City Planning Commission.
The Perry City Planning Commission will perform the duties set forth in Section 17-41-303 of the *Utah Code Annotated*, or any later amendment or enactment of that section.

49.03.020. Minimum Size for Agriculture Protection Areas.
Pursuant to *Utah Code Annotated* Section 17-41-301 (5) or any later amendment or enactment of that section, at least two (2) contiguous acres must be included in each Agriculture Protection Area established with Perry City.

49.03.030. Fees for Accepting and Processing Applications for Designation of Agriculture Protection Areas.
Any person or persons filing an application for a proposal to create an Agriculture Protection Area pursuant to this ordinance and the Utah Code shall pay a fee at the time of filing. The amount of the fee shall be established by resolution of the Perry City Council. In addition, any person or persons filing a proposal for creation of an Agriculture Protection Area shall reimburse Perry City for the publishing of notices, mailing or costs associated with the advertising required under Utah Code or any subsequent amendment or enactment of that statute.

49.03.040. Filing Procedure.
All applications for proposals to create an Agriculture Protection Area within Perry City shall be filed in the office of the Perry City Recorder on a form provided by Perry City for that purpose. The procedure shall follow *Utah Code Annotated* Section 17, Chapter 41 as outlined on the following page. All proposals must accompanied by the filing fee established by the Perry City Council.

Legislative History
Section/paragraph numbers and Clarifications added: November 30, 2006
New numbering system and codified into new municipal code: 12/11/2008

Title 50, A Land Use Ordinance
FLOOD DAMAGE PREVENTION
AND OTHER SPECIAL LAND USE AREAS, INCLUDING INDEX

Chapter 50.01. FLOOD DAMAGE PREVENTION
Chapter 50.21. OTHER SPECIAL LAND USE AREAS INDEX

Chapter 50.01.
FLOOD DAMAGE PREVENTION

Part 1. Statutory Authorization, Findings Of Fact, Purpose, And Methods.
50.01.100. Statutory Authorization.
50.01.110. Findings of Fact.
50.01.120. Statement of Purpose.
50.01.130. Methods of Reducing Flood Losses.

Part 2. Definitions.
50.01.200 to 50.01.295. Various Definitions.

Part 3. General Provisions.
50.01.300. Lands to Which This Ordinance Applies
50.01.310. Basis for Establishing the Areas of Special Flood Hazard.
50.01.320. Establishment of Development Permit.
50.01.330. Compliance.
50.01.340. Abrogation and Greater Restrictions.
50.01.350. Interpretation.
50.01.360. Warning and Disclaimer or Liability.
50.01.370. General Limitations on Construction Activities in Designated Flood Areas.

Part 4. Administration.
50.01.400. Designation of the Floodplain Administrator.
50.01.410. Duties & Responsibilities of the Floodplain Administrator.
50.01.420. Permit Procedures.
50.01.430. Variance Procedures.

Part 5. Provisions for Flood Hazard Reduction.
50.01.500. General Standards.
50.01.510. Specific Standards
50.01.520. Standards for Subdivision Proposals.
50.01.530. Certification.

Part 1. Statutory Authorization, Findings Of Fact, Purpose, And Methods.

50.01.100. Statutory Authorization.

The Legislature of the State of Utah has delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, Perry City, Utah, does ordain as follows:

50.01.110. Findings of Fact.

1. The flood hazard areas of Perry City are subject to periodic inundation, which results in 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.

2. 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 flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

50.01.120. Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize expenditure of public money for costly flood control projects;

3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. Minimize prolonged business interruptions;

5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;

6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and

7. Insure that potential buyers are notified that property is in a flood area.

50.01.130. Methods of Reducing Flood Losses.

1. In order to accomplish its purposes, this ordinance uses the following methods:

2. 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;

3. Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction;

4. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

5. Control filling, grading, dredging and other development, which may increase flood damage;

6. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Part 2. Definitions.

50.01.200. Interpretation of Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

50.01.203. Alluvial Fan Flooding.

Flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

50.01.205. Apex.

A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

50.01.207. Area of Shallow Flooding.

A designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

50.01.210. Area of Special Flood Hazard.

Is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (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, A1-99, VO, V1-30, VE or V.

50.01.212. Base Flood.
The flood having a one percent chance of being equaled or exceeded in any given year.

50.01.215. Basement.
Any area of the building having its floor sub-grade (below ground level) on all sides.

50.01.217. Critical Feature.
An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

50.01.220. Development.
Means any man-made 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.

50.01.222. Elevated Building.

(i) A non-basement building built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and

(ii) Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

50.01.225. 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."

50.01.227. 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.

50.01.230. 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).

50.01.232. Flood or Flooding.
A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.

2. The unusual and rapid accumulation or runoff of surface waters from any source.

50.01.235. Flood Insurance Rate Map (FIRM).
An official map of a community, on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

50.01.237. Flood Insurance Study.
Is the official report provided by Federal Emergency Management Agency (FEMA). The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

50.01.240. Floodplain or Flood-Prone Area.
Any land area susceptible to being inundated by water from any source (see definition of flooding).

50.01.242. 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.

50.01.245. Floodplain Management Regulations.
Zoning 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.

50.01.247. Flood Protection System.
Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

50.01.250. Flood Proofing
Any combination of structural and non-structural 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.

50.01.252. Floodway (Regulatory 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.

50.01.255. 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 ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

50.01.257. Highest Adjacent Grade.
The highest natural elevation of the ground surface
prior to construction next to the proposed walls of a structure.

50.01.260. Historic Structure.

1. That is 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;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

4. Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

a) by an approved state program as determined by the Secretary of the Interior or;

b) directly by the Secretary of the Interior in states without approved programs.

50.01.262. Levee.
A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

50.01.264. Levee System.
A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

50.01.266. Lowest Floor.
The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or 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 National Flood insurance Program regulations.

50.01.268. Manufactured Home.
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. The term "manufactured home" does not include a "recreational vehicle".

50.01.270. Manufactured Home Park or Subdivision.
A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

50.01.272. Mean Sea Level.
For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

50.01.274. New Construction.
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.

50.01.276. New 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 on or after the effective date of floodplain management regulations adopted by a community.

50.01.278. Recreational Vehicle.

1. Which is built on a single chassis;

2. 400 square feet or less when measured at the largest horizontal projections;

3. designed to be self-propelled or permanently towable by a light duty truck; and

4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

50.01.280. Start of Construction.
(for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

50.01.282. Structure.
A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

50.01.285. Substantial Damage.
Damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

50.01.287. Substantial Improvement.
Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent 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, however, include either:

1. 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

2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

50.01.290. Variance.
Is a grant of relief to a person from the requirement of this ordinance when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this ordinance. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

50.01.292. 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) is presumed to be in violation until such time as that documentation is provided.

50.01.295. 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.

Part 3 General Provisions

50.01.300. Lands to Which This Ordinance Applies.
The ordinance shall apply to all areas of special flood hazard within the jurisdiction of Perry City.

50.01.310. Basis for Establishing the Areas of Special Flood Hazard.
The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Wasatch County," with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance. Perry City automatically adopts all effective FEMA Flood Insurance Rate maps and all effective FEMA Flood Insurance Studies.

50.01.320. Establishment of Development Permit.
A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

50.01.330. Compliance.
No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

50.01.340. Abrogation and Greater Restrictions.
This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

50.01.350. Interpretation.
In the interpretation and application of this ordinance, all provisions shall be:

1. considered as minimum requirements;

2. liberally construed in favor of the governing body; and

2. deemed neither to limit nor repeal any other powers granted under State statutes.

50.01.360. Warning and Disclaimer or Liability.
The degree of flood protection required by this ordinance 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 man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made there under.

50.01.370. General Limitations on Construction Activities in Designated Flood Areas.
New construction of any building or structure (other than a flood control building or structure) is prohibited and no permit shall be issued for any development in any area identified as "Zone A" on any current "flood insurance rate map" published by the Federal Emergency Management Agency.

Part 4 Administration.

50.01.400. Designation of the Floodplain Administrator.
The Mayor's designee is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

50.01.410. Duties & Responsibilities of the Floodplain Administrator.
Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.

2. Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

3. Review, approve or deny all applications for development permits required by adoption of this ordinance.

4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Utah National Flood Insurance Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

50.01.420. Permit Procedures.

Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate 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 areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B(2);

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

5. Maintain a record of all such information in accordance with Article 4, Section (B)(1).

Approval or denial of a Development Permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and 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 and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

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 comprehensive plan for that area.

50.01.430. Variance Procedures.

1. The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.

2. The Appeal Board shall 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 ordinance.

3. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

4. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

5. 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 ordinance.

6. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section C(2) of this Article have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

8. Upon consideration of the factors noted above and the intent of this ordinance, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Article 1, Section C).

8. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

9. 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.

10. Prerequisites for granting variances:

    a) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

    b) Variances shall only be issued upon:

        1) showing a good and sufficient cause;

        2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and

        3) 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.

    c) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

11. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

    a) the criteria outlined in Article 4, Section D(1)-(9) are met, and

    b) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Part 5 Provisions for Flood Hazard Reduction.

50.01.500. General Standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

50.01.510. Specific Standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Article 3, Section B, (ii) Article 4, Section B(8), or (iii) Article 5, Section C(3), the following provisions are required:

1. **Residential Construction -** new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Article 4, Section C(1)a., is satisfied.

2. **Nonresidential Construction -** new construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic

loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. **Manufactured Homes -** Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall 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.

50.01.520. Standards for Subdivision Proposals.

1. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Article 1, Sections B, C, and D of this ordinance.

2. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Article 3, Section C; Article 4, Section C; and the provisions of Article 5 of this ordinance.

3. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Article 3, Section B or Article 4, Section B (8) of this ordinance.

4. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

5. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

50.01.530. Certification.

1. It is hereby found and declared by Perry City that severe flooding has occurred in the past within its jurisdiction and will certainly occur within the future; that flooding is likely to result in infliction of serious personal injury or death, and is likely to result in substantial injury or destruction of property within its jurisdiction; in order to effectively comply with minimum standards for coverage under the National Flood Insurance Program; and

in order to effectively remedy the situation described herein, it is necessary that this ordinance become effective immediately.

2. Therefore, an emergency is hereby declared to exist, and this ordinance, being necessary for the immediate preservation of the public peace, health and safety, shall be in full force and effect from and after its passage and approval.

Legislative History

Last Major Substantive Changes: April 26, 2007
Removed from "Administration" Section and re-created as a separate title, changed numbering system, technical corrections and updates, and adopted as part of new Municipal Code: 12/11/2008
Adopted Chapter 50.01 (Flood Damage Prevention): 09/09/2010

Title 51, A Land Use Ordinance
LAND USE AGREEMENTS, INCLUDING
ESCROW AGREEMENTS, CC & R's AND DEVELOPMENT AGREEMENTS

Chapter 51.02. DEVELOPMENT AGREEMENTS

Chapter 51.02.
DEVELOPMENT AGREEMENTS

51.02.050. Optional Process for Development Agreements for Commercial Property (20 or More Acres)

51.02.050. Optional Process for Development Agreements for Commercial Property (20 or More Acres)

Development agreements for commercial property (totaling 20 or more acres), if allowed by the City pursuant to the optional process set forth in PMC Section 52.01.050(2-4), shall be as follows:

1. For a development of commercial property that is at least 20 acres, a development agreement may be entered into between the property owner(s) and the City; and
2. The development agreement may contain, without limitation, vesting of zoning and uses, site plan and subdivision approval and recording processes, aesthetic standards and requirements, a requirement that the development agreement be recorded against the real property, and/or other requirements; and
3. To the extent there is an inconsistency between the applicable land use ordinances, standards, or guidelines (other than this Section and PMC Section 52.01.050) and the development agreement, the development agreement shall prevail.

Legislative History

01/15/2009 Adopted Section 51.02.050.

Title 52, A Land Use Ordinance
SUBDIVISION REGULATIONS, INCLUDING CLUSTER SUBDIVISIONS, FLAG LOTS, AND OTHER SPECIAL EXCEPTIONS

Chapter 52.01. GENERAL SUBDIVISON REGULATIONS

Chapter 52.01.
GENERAL SUBDIVISON REGULATIONS

52.01.040. Recording of Final Plat Required Before Lots May be Sold.
52.01.045. Optional Process for Large Residential Property (10 or More Acres).
52.01.050. Optional Processes for Subdivisions Using Metes and Bounds Descriptions: Small Residential (1 to 3 Lots) and Large Commercial (20 or More Acres).

52.01.040. Recording of Final Plat Required Before Lots May be Sold.

Except as permitted by Perry Municipal Code Section 52.01.050, a final subdivision plat is required for any subdivision of land, as per this Title 52 (Subdivisions) and state law, including Utah Code Sections 10-9a-601 et seq. A final subdivision plat shall be approved if it complies with state law and the applicable land use ordinances, standards, and guidelines. Once the following have occurred, the final subdivision plat may be recorded in the Office of the Box Elder County Recorder:

1. The Final Subdivision Land Use Authority has granted final approval; and
2. All signatures are on the final subdivision plat; and
3. An Engineering Cost Estimate for Subdivision Improvements has been submitted, and an Escrow Agreement has been signed (and an escrow has been established); and
4. All other final requirements and conditions have been fulfilled.

After the final subdivision plat is recorded in the Office of the Box Elder County Recorder, the lots identified in the subdivision may be sold. The provisions set forth in PMC Sections 52.01.045 and 52.01.050 are options available to an applicant(s), and are discretionary for the City to allow.

52.01.045. Optional Process for Large Residential Property (10 or More Acres).

In order to allow for the best long range planning and coordination of municipal services in the community, for a subdivision of property zoned for residential uses that is at least 10 acres, the subdivision approval and recording process shall be the same as set forth in PMC Section 52.01.040 (and elsewhere herein), unless the following optional process (with the following additional provisions) is desired by the applicant(s) and approved by the City:

1. If the Planning Commission has granted preliminary approval of the subdivision, then the applicant(s) has/have an extended time period of 12 months total (after preliminary approval) to obtain final approval of the subdivision (either as a whole or by phases) from the Final Subdivision Land Use Authority; and
2. The Planning Commission may grant (subject to a PMC Section 43.04.110 procedural petition to the City Council, as the Final Subdivision Land Use Authority) up to two additional extensions of six months each, up to a maximum total time period of 24 months to obtain final approval of the subdivision (either as a whole or by phases), if the Planning Commission concludes that substantial progress (defined as any activity such as building permits, construction, additional phases, etc.) has occurred, under the circumstances, regarding the subdivision; and
3. If the referenced deadlines are not met, then the applicant(s) may re-initiate a process towards preliminary approval of the remainder of the subdivision (that has not yet received final approval), but the City shall not impose any new requirements of any new ordinances, standards, or guidelines if substantial progress has occurred; and
4. Each phase of such a subdivision may consist of any two or more contiguous lots; and
5. The Planning Commission may recommend and the City Council, as the Final Subdivision Land Use Authority, may require that Cluster Zoning be utilized as a condition of allowing the optional process described in this Section.

52.01.050. Optional Processes for Subdivisions Using Metes and Bounds Descriptions: Small Residential (1 to 3 Lots) and Large Commercial (20 or More Acres).

The subdivision of any lot or parcel of land by the use of a metes and bounds description shall not be permitted except as described in the following optional processes:

1. A residential (rural road) metes and bounds subdivision containing three (3) or fewer lots not requiring full public improvements may be permitted by the Planning Commission (as the Final Subdivision Land Use Authority), if:
    a. The Planning Commission approves of a rural road agreement, with a finding that no other nearby landowners or interested parties are adversely affected and that the relevant provisions of the land use ordinances, general plan, and transportation master plan are met; and
    b. All of the requirements of Utah Code Sections 10-9a-601 et seq. are met (with a public hearing being required); and
    c. All of the requirements for conceptual, preliminary, and final approval are met, other than (i) City Council approval and (ii) the final plat process; and
    d. All of the requirements for the zone in which the subdivision is located are met; and

e. No proposed adjacent subdivision or future phase of an existing subdivision (which is owned by one or more of the same applicants, or which is owned by one or more of the parents, spouses, siblings, or children of the same applicants, or which was part of the same original parcel) will be considered for a metes and bounds subdivision; or

2. For a subdivision of property zoned for commercial uses that is at least 20 acres, the subdivision approval and recording process may be established in a development agreement entered into between the property owner(s) and the City, as per PMC Section 51.02.050, with the Community Development Department to be the Final Subdivision Land Use Authority for the metes and bounds subdivision process (and with the Department providing information regarding the application and approval process to the Planning Commission and City Council on a regular basis; and with a public hearing being required only if state law requires it); and to the extent there is an inconsistency between the applicable land use ordinances, standards, or guidelines (other than this Section and PMC Section 51.02.050) and the development agreement, the development agreement shall prevail; and

3. If either (i) a residential (rural road) metes and bounds subdivision, or (ii) a 20 or more acre commercial subdivision is permitted and approved by the City pursuant to Sub-Sections 1 or 2 herein, then a Metes and Bounds Subdivision Notice shall be recorded for each new lot within said metes and bounds subdivision, said notice to contain:
   a. The subdivision name; and
   b. The legal description of the lot; and
   c. The date of final approval; and
   d. The intended use(s), pursuant to the Land Use Chart (PMC Title 45, Chapter 20).

   After a Metes and Bounds Subdivision Notice is recorded in the Office of the Box Elder County Recorder, the lot identified in the Notice may be sold; and

4. If a commercial subdivision is approved pursuant to Sub-Section 2 herein, then the following additional requirements exist:
   a. If streets are to be dedicated to the public, a street dedication plat (after a public hearing) shall be approved and recorded before or simultaneously with the Metes and Bounds Subdivision Notice(s) being recorded; and
   b. Within 12 months of a Metes and Bounds Subdivision Notice being recorded in the Office of the Box Elder County Recorder, pursuant to Sub-Section 3 herein, a regular subdivision plat process shall be initiated, resulting in the requirements of PMC Section 52.01.040 (including the recording of the final subdivision plat) being met within 18 months of the Metes and Bounds Subdivision Notice being recorded.

Legislative History
01/15/2009 Adopted Section 51.02.050.

Title 53, A Land Use Ordinance
DESIGN REVIEW PROCEDURE

Chapter 53.01. INTENT AND PURPOSE
Chapter 53.02. APPLICATION
Chapter 53.03. GENERAL PROVISIONS
Chapter 53.04. PROCEDURE FOR APPROVAL
Chapter 53.05. OTHER REQUIREMENTS
Chapter 53.06. APPROVAL BY CITY COUNCIL

Chapter 53.01.
INTENT AND PURPOSE

53.01.010. Intent and Purpose.
53.01.020. Compliance with Municipal Code.

53.01.010. Intent and Purpose.
The intent of the Design Review Procedure is to assure that a detailed design review process is followed for permitted uses in any zone that require special consideration to be harmonious with the goals of the Perry City General Plan.

53.01.020. Compliance with Municipal Code.
Each Design Review application shall be reviewed to assure that all ordinances and policies of Perry City are complied with for the welfare, health and safety of Perry residents and for the protection of adjoining properties.

Chapter 53.02.
APPLICATION

53.02.010. Application.
53.02.020. Compliance with Municipal Code.
53.02.030. No Physical Change to a Site.

53.02.010. Application.
A Design Review Application shall be required for all uses designated by the Perry City Land Use Chart* (Title 50, Perry City Municipal Code) with an asterisk "*" indicating the use is allowed by Design Review or whenever required by the Planning Commission or City Council for protection of the public interest.

53.02.020. Compliance with Municipal Code.
Each application shall be reviewed and evaluated for compliance and must meet all applicable Perry City Ordinances (Ex. Fence, Sign, Parking, Landscape, etc.).

53.02.030. No Physical Change to a Site.
If there is no physical change to the site, building or parking, for example, some home occupations; the Design Review Process will not be necessary, although a Design Review Application will need to be completed and Planning Commission review and approval will be necessary.

Chapter 53.03.
GENERAL PROVISIONS

53.03.010. Compliance with Municipal Code.
53.03.020. Effect on Adjacent Property.
53.03.030. City Council Surety for Completion.

53.03.010. Compliance with Municipal Code.
All development approved with the Design Review process shall comply with the adopted building codes and the ordinances and policies of Perry City.

53.03.020. Effect on Adjacent Property.
The property adjacent to the proposed development shall not be adversely affected. To this end, the Planning Commission shall recommend and the City Council shall require such conditions as are necessary to protect existing permitted uses or potential permitted uses adjoining the proposed development.

53.03.030. City Council Surety for Completion.
The City Council may require the developer to provide a surety of cash bond or other acceptable surety in an amount determined by the City Council guaranteeing completion of the project in accordance with the conditions of the building permit or Design Review Application approval. When completed in accordance with the approved plan, the bond shall be released. If uncompleted at the end of two (2) years from the date of final acceptance, the City Attorney will review the progress and Perry City may proceed to use the bond to meet the conditions required for the approved use.

Chapter 53.04.
PROCEDURE FOR APPROVAL

53.04.010. Obtain Perry City Land Use Ordinances.
53.04.020. Preparation of Site Plan and/or Concept/Preliminary Plan.
53.04.030. Time Limit on Approval.
53.04.040. Public Hearing.
53.04.050. Planning Commission Recommendation.
53.04.060. Preparation and Submittal of Final Site Plan.
53.04.070. Submittal of Final Site Plan to Perry City Staff and Professional Consultants.
53.04.080. Approval of Final Site Plan by Planning Commission.

53.04.010. Obtain Perry City Land Use Ordinances.
Information as to standard zoning and Perry City General Plan requirements is to be secured by the developer. Any person wishing to obtain approval for a permitted use that requires Design Review within Perry City shall secure from the City Recorder or City Office or other authorized representative of the Planning Commission, information pertaining to the City Standards and to the City's ordinances and policies regarding streets, landscape, parks, drainage, zoning, parking, traffic circulation, signs, fences, subdivision of land, and/or other General Plan requirements affecting the proposed development.

53.04.020. Preparation of Site Plan and/or Concept/Preliminary Plan.
The following is required of any site plan or concept/preliminary plan:

1. Seven (7) full size 24" X 36", Sixteen (16) 11" X 17" copies and one electronic PDF copy of the Site Plan or the Concept/Preliminary Plan (or the number of copies required as determined by the City Staff), a plat map showing the location of the development and a Planning Commission Hearing Application with payment of the fee will be required to be received at the City Office fourteen (14) days prior to the Planning Commission Meeting when the application is to be reviewed. The Perry City Staff will review the application and make recommendations to the Planning Commission.
2. The site plan or concept/preliminary plan need not be prepared by a design professional but the more detailed and accurate the information that is provided to the Planning Commission, the more valid the information and direction the developer will receive back and the Design Review Process may proceed in a more timely fashion.
3. Graphic Standards: The Site Plan or Concept/Preliminary Plan shall be large enough scale to show sufficient detail for adequate review. The plan shall show the following:
    a. Scale, north arrow, and dimensions of property.
    b. Location of all dominant existing features such as property lines, structures, hard surfaces, vegetation, utilities, adjacent land uses, drainage, wetlands, etc.
    c. Location of all proposed improvements including structures, sidewalks, streets, parking areas, landscaped areas, utilities, drainage facilities etc.

53.04.030. Time Limit on Approval.
The developer shall have one year following the approval by the Planning Commission of the site plan or concept/preliminary plan to submit the final plan, profile and other required drawings.

53.04.040. Public Hearing.
If the Planning Commission shall deem it to be in the best interest of surrounding property owners and City residents to hold a public hearing, they will so advise the Community Development Department to advertise the hearing and notice of an application for a Design Review will be mailed to property owners, or other written notice given, as required by state law. The public hearing shall be held after public notice in a local newspaper, as per the requirements of state law. This is a courtesy to adjacent

landowners and compliance with this section shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of failure to give notice to all nearby landowners. The applicant is responsible for the costs of mailing or other written notice.

53.04.050. Planning Commission Recommendation.

After the public hearing is held (if deemed necessary), a recommendation of the Planning Commission to table, deny, approve with conditions or approve the site plan or concept/preliminary plan along with any conditions for denial or approval shall be forwarded to the applicant after the meeting. The recommendation should also include any comments from the City Staff, further requirements to be met or changes to be made. If preliminary approval is obtained, the applicant will then submit a final plan including the recommendations. If preliminary approval is not obtained, the applicant may submit another plan fourteen (14) days prior to the next regular meeting for re-consideration.

53.04.060. Preparation and Submittal of Final Site Plan.

The following is required in preparation and submittal of the final site plan:

1. The developer shall prepare and submit eight (8) 11" X 17" copies and five (5) 24" X 36" copies of the final site plan and any other required drawings or information to the City Recorder fourteen (14) days prior to the Planning Commission meeting when the final plan is to be reviewed.
2. The Final Site Plan shall be prepared by a Design Professional or Engineer and shall be of sufficient detail to show all pertinent information.
3. All costs incurred for professional reviews of site plans shall be paid by the developer/applicant.

53.04.070. Submittal of Final Site Plan to Perry City Staff and Professional Consultants.

The final site plan and any required engineering or drawings (an estimate of the costs for installation of improvements may be required) shall be submitted to the Perry City Staff and/or professional consultants as deemed necessary. The City Engineer shall check the final site plan and engineering drawings for completeness and accuracy and if necessary, review the breakdown of improvements and cost estimates submitted to him by the developer/applicant and/or the City Recorder. The purpose of this review is to establish a basis for bonding, escrow or other approved assurance requirements which will guarantee the completion of improvements at any point in the development regardless of the financial condition of the developer. All available recommendations of the City Staff, City Engineer, Fire Marshal, Building Inspector, Health Department or other consultants will be forwarded to the Planning Commission along with the agenda for the meeting in which the final site plan is to be reviewed.

53.04.080. Approval of Final Site Plan by Planning Commission.

After the final site plan and engineering drawings have been approved by the City Engineer and other Professional Consultants, they shall be submitted to the Planning Commission for its verification as to compliance with the Design Review Requirements and Perry City ordinances and policies. If the plan is acceptable, the Planning

Commission shall recommend approval to the City Council. If the plan is not acceptable, the developer shall be notified in writing and the developer shall submit a new plan with the required corrections fourteen (14) days prior to the regular meeting in which the new plan will be reviewed by the Planning Commission.

Chapter 53.05.
OTHER REQUIREMENTS

53.05.010. Requirement for Bond and/or Other Approved Assurance.
53.05.020. Impact Fees.

53.05.010. Requirement for Bond and/or Other Approved Assurance.

If required, the developer shall post a bond, escrow, or other approved assurance that is acceptable with the city; which bond or assurance shall be in an amount equal to the estimated costs submitted and approved by the City Engineer for the improvements plus fifteen percent, guaranteeing that the improvements will be installed according to Perry City Standards and paid for without cost to the city, and the developer shall sign an agreement with the city guaranteeing all improvements for a period of one year after final acceptance by the city (Typically, three (3)years total). Evidence of marketable title shall be obtained by the developer. The performance bond, escrow or other means of assurance and evidence of marketable title will be submitted to the City Recorder by the developer. The City Recorder shall obtain and forward to the City Attorney, the performance bond, evidence of marketable title, and final site plan for review.

53.05.020. Impact Fees.

The City Recorder shall inform the developer of the City Attorney's approval and the developer shall deposit with the City Recorder any impact fees or recording fees that may be applicable.

Chapter 53.06
APPROVAL BY CITY COUNCIL

53.06.010. Final Approval by City Council.
53.06.020. Inspection.
53.06.030. Time Limit of Final Site Plan Approval.
53.06.040. Ongoing Maintenance.

53.06.010. Final Approval by City Council.

A statement of approval from utility companies and assurance of license and insurance of contractors, etc. performing work in dedicated areas shall be required from the developer. After the final site plan Design Review has been approved by the City Engineer, the Planning Commission, and the City Attorney; and the developer has furnished the required performance bond, escrow or other approved means of assurance; and all required assessments have been made; the final plan shall be submitted to the City Council (with or without conditions) for approval, conditional approval or denial. The Council shall have 20 days to act. If the Design Review Use request is denied, the

package along with impact fees and performance bond, etc., shall be returned to the developer with reasons for the denial in writing and directions of how the developer may or may not resubmit the final plan with the required changes for approval.

53.06.020. Inspection.
Following the approval of a Design Review Use request by the City Council, the Building Official or Building Inspector shall sign an application for a building permit. The Building Inspector shall insure that the development is undertaken and completed in compliance with all Perry City standards, ordinances and policies and is constructed in accordance with the approved site plan.

53.06.030. Time Limit of Final Site Plan Approval.
Unless there is substantial construction started on a Design Review development as determined by the City Council under a Design Review Permitted Use approval of the final site plan within one (1) year of such approval, the Design Review Permitted Use approval shall then expire.

53.06.040. Ongoing Maintenance.
Approval of a development allowed by Design Review implies a guarantee of ongoing maintenance and upkeep of buildings, parking areas, landscaped areas, undeveloped areas and/or any other area or structure shown on the approved site plan.

Legislative History
Substantive Revision: April 12, 2007.
New numbering system and codified into new municipal code: May 22, 2008 and December 11, 2008

Title 54, A Land Use Ordinance
STREETS, TREES, PARKWAYS, AND PARKING

Chapter 54.01. **STREETS AND SIDEWALKS**
Chapter 54.02. **TREES AND SHRUBS**
Chapter 54.03. **PARKWAY BETWEEN CURB AND GUTTER**
Chapter 54.04. **WEEDS, GARBAGE, ETC.**
Chapter 54.05. **GENERAL PARKING DESIGN**
Chapter 54.06. **RECREATIONAL VEHICLE PARKING**
Chapter 54.07. **COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**
Chapter 54.08. **PENALTIES, SNOWSTORM PARKING, AND APPLICABILITY TO OTHER ORDINANCES**

Chapter 54.01.
STREETS AND SIDEWALKS

54.01.010. **Applicable State Law.**
54.01.020. **Superintendent of Streets and Sidewalks.**
54.01.030. **Adoption of Minimum Standards for Public Utility and Street Improvements.**

54.01.010. Applicable State Law.
For State law authorizing City to lay out, alter, grade, pave, etc., streets and sidewalks, see *Utah Code Annotated* 10-8-8, 1953. For State law authorizing City to regulate and control sidewalks generally, see *Utah Code Annotated* Sections 18-8-11 and 10-8-23, 1953.

54.01.020. Superintendent of Streets and Sidewalks.
A Perry City employee shall be designated as a Superintendent of Streets and Sidewalks, whose duty it shall be to see that the provisions of this Chapter are faithfully carried out and who shall perform such other and further duties as may be prescribed by ordinance or by City Administration from time to time.

54.01.030. Adoption of Minimum Standards for Public Utility and Street Improvements.
There is hereby adopted by the City Council that certain document entitle “Perry City Public Works Standards and Technical Specifications,” containing certain minimum standards for the construction of streets, culinary water lines, storm sewers, sanitary sewers, street intersections, street designs, details for construction of curb and gutter, sidewalk, driveways from public streets, details for private connections to public sewer and water systems and related matters and bound together with an index, not less than three (3) copies have been and are now filed in the office of the City Recorder.

Chapter 54.02.
TREES AND SHRUBS

54.02.010. Definitions.
54.02.020. City Forester.
54.02.030. Permit Required.
54.02.040. Trees Located Within Public Property.
54.02.050. Interference with City Employees and Willful Injury to Trees.
54.02.060. Penalty.
54.02.070. List of Approved Street Trees for Perry City.

54.02.010. Definitions.

For the purpose of this Section, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The following definitions are:

1. City: City refers to Perry City.
2. City Forester: The City Forester is the Superintendent of City Parks.
3. Person: Any person, firm, partnership, association, corporation, company, or organization of any kind.
4. Shade Tree or Tree: A tree in any public place except where otherwise indicated.
5. Tree Planting Strip: The area between curb or place where curb should be and the property line; or an area inside the property line where an easement is given for the purpose of permitting the planting of shade trees; also designated herein as "parking."

54.02.020. City Forester.

The following applies to the City Forester:

1. City Forester: There is hereby established the office of a City Forester, who shall also be the superintendent of City parks.
2. Duties and Responsibilities: The City Forester shall supervise the execution and enforcement of the provisions of this Section and all other plans, standards, and specifications for the regulation of matters pertaining to shade trees that may be officially adopted by the City Corporation.

54.02.030. Permit Required.

It shall be unlawful to plant, move, remove, spray, trim, or prune out, above or below ground, disturb, alter any tree or shrub on the City parking strips, parks or any public property, or to cause such acts to be done by others, without first obtaining a written permit from the City Forester, who shall cause such permit to be issued if, in his/her judgment, the work is necessary and if such work falls within the authority granted within this section. A permit shall not be required to cultivate and/or irrigate. As a condition to any permit to remove any public tree or shrub within public property, the City Forester or City Council may require that the permittee

plant and maintain one (1) or more trees or shrubs in place of the one removed. Whenever any such tree or shrub has been removed or destroyed pursuant to any such conditional permit, it shall be a misdemeanor for the permittee to fail, refuse, or neglect to plant and maintain another tree or shrub or other trees or shrubs of the type, size at the location specified in the permit, within the time specified by the permit. An additional condition of the placement of any permit is the acceptance of the permittee of responsibility for the repair or replacement of any damage to sprinkling systems or adjacent property caused while pursuing the work under the permit. Any request submitted for approval to permit the removal of a tree for the purpose of installing new driveway access or similar change in the curb and gutter or sidewalk shall be accompanied by a sketch of the proposed change. The sketch shall be made to scale showing all proposed changes and shall include the entire frontage of the lot involved and such frontage of adjacent lots as may be required by the City Forester or City Council. The sketch shall be prepared accurately by a person who, in the opinion of the City Forester is qualified to prepare such a sketch.

54.02.040. Trees Located Within Public Property.

The City shall assume responsibility for relieving the following conditions caused by trees or shrubs on City tree planting strips, public parks, or property:

1. Removal of dead trees or limbs or trees or limbs that, as determined by the City Forester, appear to be a hazard or liable to fall.
2. Removal of trees or limbs from trees or shrubs that have actually fallen across a street, sidewalk, or upon City property.
3. Removal of diseased or dying trees that are beyond reclamation.
4. Removal of trees or roots directly in the way of street widening projects, new curb and gutters, or sidewalk and curb repairs.
5. All pruning of trees and shrubs.

54.02.050. Interference with City Employees and Willful Injury to Trees.

The following regarding interference with City employees and willful injury to trees:

1. No person shall prevent, delay, or interfere with the City Forester or his assistants in the execution or enforcement of this Section; provided, however, that nothing herein shall be construed as an attempt to prevent a public herein on the permit or any remedy legal or equitable in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.
2. No person shall willfully injure or destroy any tree on the City tree planting strips, public parks, or other public property of the City by any means including, but not limited to, the following:
    a. Constructing a concrete, asphalt, brick, or gravel sidewalk or otherwise filling up the ground area around any tree so as to shut off air, light, or water from the roots, except under written authority from the City Council.
    b. Piling building material, equipment, or other substances around any tree so as to cause injury.
    c. Pouring any injurious matter on or around any tree, on the ground around any tree, or on any lawn or sidewalk.

d. Injuring any tree, tree-stake, or guard with any vehicle, animal, or in any other manner causing injury to any tree or lawn on public property.

3. Tree-stakes or guards may be placed around trees by property owners; provided the same are placed near a tree for the purpose of protecting or training such trees.
4. The City Forester shall determine when any tree roots or limbs originating on private property are interfering with the City sidewalks or property and serve notice by mailing to the owners or parties occupying such premises to either remove such tree or trim the roots of any tree in order to protect the City sidewalks from damage.

54.02.060. Penalty.

A violation of any provision of this Chapter shall be punished by fine in any sum not to exceed two hundred and ninety-nine ($299.00) dollars or by imprisonment for a period of no longer than six (6) months or by both such fine and imprisonment.

54.02.070. List of Approved Street Trees for Perry City.

The following is a list of approved trees for Perry City Streets:

1. Common Name	Latin Name
2. Althea (Rose of Sharon)- treeform	Hibiscus syriacus
3. Ash, ‘Golden Desert’	Fraxinus oxycarpa ‘Aureafolia’
4. Ash, European Mountain	Sorbus aucuparia
5. Box Elder, ‘Flamingo’	Acer negundo ‘Flamingo’
6. Cherry, Flowering ‘Kwanzan’	Prunus serrulata ‘Kwanzan’
7. Cherry, Flowering ‘Royal Burgundy’	Prunus serrulata ‘Royal Burgundy’
8. Chokecherry, ‘Schuber’ (Canada Red) –treeform	Prunus virginiana ‘Schubert’
9. Crabapple, ‘Bechtel’ (Klehm’s Improved)	Malus ioensis ‘Bechtel’
10. Crabapple, ‘Indian Magic’	Malus ‘Indian Magic’
11. Crabapple, ‘Snowdrift’	Malus ‘Snowdrift’
12. Crabapple, ‘Spring Snow’	Malus ‘Spring Snow’
13. Goldenchain Tree	Laburnum x watereri ‘Vossi’
14. Goldenchain/ Scotch Broom hybrid	Laburnocytisus adamii
15. Hawthorne- many varieties	Crataegus
16. Hornbeam, Pyramidal European	Carpinus betulus ‘Fastigiata’
17. Lilac, Japanese Tree	Syringa reticulata
18. Maple, Amur- treeform	Acer ginnala
19. Maple, ‘Crimson Sentry’	Acer platanoides ‘Crimson Sentry’
20. Maple, Dwarf Hedge	Acer campestre ‘Compacta’
21. Maple, ‘Pacific Sunset’	Acer truncatum x platanoides ‘Warrenred’
22. Maple, Paperbark	Acer griseum
23. Maple, Tatarian	Acer tatricum
24. Pear, Aristocrat Flowering	Pyrus calleryana ‘Aristocrat’
25. Pear, Chanticleer Flowering	

(Cleveland Select)	Pyrus calleryana 'Chanticleer'
26. Pear, Redspire Flowering	Pyrus calleryana 'Redspire'
27. Plum, Flowering- many varieties	Prunus cerasifera
28. Redbud, Eastern	Cercis Canadensis
29. Serviceberry, 'Autumn Brilliance' -treeform	Amelanchier x grandiflora
30. Viburnum, Nannyberry- treeform	Viburnum lentago
31. Viburnum, 'Pink Dawn'- treeform	Viburnum x bodnantense 'Pink Dawn'

Chapter 54.03.
PARKWAY BETWEEN CURB AND GUTTER

54.03.010. Responsibility of Property Owner.
54.03.020. Permission to Fill With Permanent Material.
54.03.030. Sprinklers/watering in Parking Strip.

54.03.010. Responsibility of Property Owner.
It shall be the responsibility of the property owner to clean, plant, maintain, etc. the City-owned utility strip (parkway) between the curb and gutter and the sidewalk. Grass, small plants, or ground cover may be planted without a permit. Any tree to be planted is by permit only as described in Chapter 54.02.

54.03.020. Permission to Fill With Permanent Material.
Perry City will only allow the parking area to be filled in with permanent or semi-permanent material, i.e., concrete, asphalt, block, etc. with a written agreement and the following conditions:

1. Whatever material is installed is at the cost of the property owner.
2. The placement of concrete requires an expansion joint against either the sidewalk or the curb and gutter with a "cold joint" against the other face.
3. The water meter shall be place flush with the concrete of asphalt-type material fill-in.
4. There shall be a four (4') foot "block out" at fire hydrants, phone pedestals, power poles, and other utility improvements in the planter strip area.
5. If Perry City/ utility companies need to remove the material for utility repairs, etc., it is at the property owner's expense.
6. The park strip area may be excavated at any time by any public utility occupying the area. The restoration of the area is the responsibility of the public utility and/or property owner.
7. All material will be hauled away and disposed of legally at the property owner's expense.
8. Replacement will be entirely up to the property owner.

54.03.030. Sprinklers/watering in Parking Strip.
All sprinkling devices installed or used to water plant material in the parking strip must be designed to keep water off the sidewalk.

Chapter 54.04.
WEEDS, GARBAGE, ETC.

54.04.010. Purpose.
54.04.020. Inspector: Office Created.
54.04.030. Assistant Inspectors: Office Created.
54.04.040. Inspector: General Duties.
54.04.050. Inspector: Duties if Conditions Exist.
54.04.060. Request for a Hearing.
54.04.070. If Administrative Law Judge Upholds Inspector's Decision.
54.04.080. If Administrative Law Judge Overrules or Modifies Inspector's Decision.
54.04.090. Inspector to File Amended Notice and Proof of Service.
54.04.100. Failure to Comply with Notice an Itemized Statement.
54.04.110. Failure to Make Payment.
54.04.120. Collection by Lawsuit.
54.04.130. Applicable State Law.

54.04.010. Purpose.

It is the purpose of this Section to establish a means whereby this municipality may remove, abate, or cause the removal or abatement of injurious and noxious weeds and garbage, refuse of unsightly or deleterious objects or structures pursuant to the powers granted to it by Chapter 11 of Title 10, *Utah Code Annotated,* 1953, as amended and pursuant to its general power to abate nuisances. It is hereby declared that the above listed weeds, objects, and structures shall constitute a nuisance when they create a fire hazard, a source of contamination or pollution of water, air, or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to human habitations and are unsightly or deleterious to their surroundings.

54.04.020. Inspector: Office Created.

The Office of Inspector is hereby created for the purpose of administering the provisions of this Section and the powers delegated to this municipality by such statutes subject to such control and review as the City Council may, from time to time, direct. Until such time as the City Council may otherwise appoint an inspector by resolution, the City policy, in concurrence with the City Council, shall perform the functions of the inspector.

54.04.030. Assistant Inspectors: Office Created.

The City Council may appoint such assistant inspectors and delegate to them such powers and duties as it may, from time to time, determine by resolution. The powers and duties of the assistants shall be the same as those of the Inspector unless otherwise so specified by resolution.

54.04.040. Inspector: General Duties.
The Inspector is hereby authorized and directed to inspect and examine real property situated within the municipality for the purpose of determining whether or not it contains injurious or noxious weeds, garbage, refuse, unsightly or deleterious objects or structures, and for the purpose of determining whether or not the existence of such weeds and/or objects creates a fire hazard or constitutes a source of contamination or other danger to health and safety or otherwise creates nuisances as above declared.

54.04.050. Inspector: Duties if Conditions Exist.
If the Inspector concludes that such conditions exist, in whole or in part, he/she shall:

1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
2. Serve notice in writing upon the owner and occupant of such land, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last-known post office address, as disclosed by the records of the County Assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the Inspector may designate, which shall not be less than ten (10) days from the date of service of such notice.
3. Inform the owner, occupant, or both by means of such notice or any attached document that in the event he/she disagrees with the determination of the Inspector and does not wish to remove such objects or objectionable conditions, he/she may request in writing a hearing before the governing body at a time and place to be set by the governing body. A written application of a hearing shall state the time within which the owner or occupant must conform to the decision of the Inspector.

54.04.060. Request for a Hearing.
In the event the owner or occupant makes such request for a hearing , City Staff shall set the time and place for the Administrative Law Judge to hear such objections and the City Recorder shall notify such owner or occupant, in writing, of the time and place at which he/she may appear and be heard. Such hearings shall not be heard less than five (5) days from the date of service or mailing of such notice. The following regarding the Proof of Service Notice and the Hearing:

1. Proof of Service Notice: One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The Inspector shall make proof of service of such notice under oath and file the same in the office of the City Recorder.
2. Hearing: At the written request of an owner or occupant ordered to remove or abate such weeds, objectionable conditions or objects from his/her real property, the Administrative Law Judge shall conduct an informal hearing (which need not be reported) wherein such owner or occupant may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of such objects or conditions is properly within the purview of this Section. The board shall also permit the presentation of evidence and argument by the Inspector and other interested parties. Thereafter within no more than ten (10) days, the Administrative Law Judge shall render a written decision,

a copy of which shall be mailed to or served upon the owner or occupant by the Inspector.

54.04.070. If Administrative Law Judge Upholds Inspector's Decision.
In the even the decisions of the Administrative Law Judge upholds the determination of the Inspector, the notice originally given by the inspector as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate such objects or conditions and he/she shall have up to ten (10) days from the date of notice of the decision within which to conform thereto.

54.04.080. If Administrative Law Judge Overrules or Modifies Inspector's Decision.
In the event that the decisions of the Administrative Law Judge either overrules or modifies the determination of the inspector, the written decision of the Administrative Law Judge shall apprise him of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of such objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the Administrative Law Judge within ten (10) days after service shall be deemed to be the modified decision of the inspector.

54.04.090. Inspector to File Amended Notice and Proof of Service.
The inspector shall file an amended notice and proof of service of such notice and file the same in the office of the City Recorder.

54.04.100. Failure to Comply with Notice an Itemized Statement.
If any owner or occupant of lands described in such notice or decision shall fail or neglect to conform to the requirements thereof, the inspector may prepare an itemized statement of all expenses incurred in the removal and destruction of such materials. If the Inspector prepares a statement, he/she shall mail a copy thereof to the owner or occupant, or both, demanding payment within twenty (20) days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail addressed to the property owner's or occupant's last-known address.

54.04.110. Failure to Make Payment.
In the event the owner or occupant fails to make payment of the amount set forth in such statement to the Municipal Treasurer within such twenty (20) days, the Inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the City Recorder as provided in this Section.

54.04.120. Collection by Lawsuit.
In the event collection of expenses of destruction and removal are pursued through the courts, the City shall sue for and receive judgment for all such expenses of destruction and removal,

together with reasonable attorney's fees, interest, and court costs and shall execute upon such judgment in the manner provided by law.

54.04.130. Applicable State Law.
For state law authorizing the City to require property owners to remove weeds from property and in front thereof, see *Utah Code Annotated* 10-8-23 and 10-11-1 et seq.

Chapter 54.05.
GENERAL PARKING DESIGN

54.05.010. Intent and Purpose.
54.05.020. Off Street Parking: General Provisions.
54.05.030. Parking Stall Chart: Commercial.
54.05.040. Parking Stall Chart: Residential.
54.05.050. Parking Relationship to Proposed Use Considerations.
54.05.060. Parking Area Functional Considerations.
54.05.070. Parking Layout and Concept Design Considerations.
54.05.080. Visual Impact Design Considerations.

54.05.010. Intent and Purpose.
The intent and purpose of this Chapter is to:

1. Insure functional, visually pleasing, and safe parking areas.
2. Regulate parking of oversized or commercial vehicles in residential areas.
3. Regulate parking of recreational vehicles to eliminate nuisances associated with blocking sight lines or vehicles used as dwellings.
4. Allow for emergency access and maintenance of public streets and right-of-ways.

54.05.020. Off Street Parking: General Provisions.
The following regarding off street parking general provisions:

1. These parking requirements pertain to all buildings, new construction, or existing structures and uses that require the Design Review or Conditional Use approval process in order to obtain a business license or building permit.
2. These parking regulations do not apply to existing buildings or structures damaged by fire, earthquake, or other calamities or acts of God requiring a building permit for repairs or rebuilding.
3. Approval of any parking layout is conditional to ongoing maintenance of the approved concept.
4. All proposed hard surface development areas may be subject to storm water impact fees.
5. Design Review Site Plan requirements shall be followed regarding graphic standards for review and will include detailed drawings of construction techniques, specifications, and grading and drainage patterns.

6. No required parking space for an existing building or which is hereafter provided any building for the purpose of complying with the provisions of this Chapter shall be considered as providing a parking space for any other building.

54.05.030. Parking Stall Chart: Commercial.

The minimum number of off street parking stalls for commercial development shall be as follows: Amount of parking required is one stall per:

Church, Mortuary	6 Seats
Hospital, Nursing Home	patient room
Office, Professional Business	250 s.f. of building
College	3 students
High School	5 students
Other School	8 students
Theater, Auditorium	6 seats
Athletic fields, courts	3,000 s.f. of facility
Stadium	4 seats
Golf Course	10,000 s.f. of course
Restaurant	4 seats
Shopping Center	200 s.f. of buildings
Warehouse-Wholesale	250 s.f. of building
Manufacturing/Industry	250 s.f. of building
Retail	200 s.f. of building
Furniture/ Appliance Sales	250 s.f. of building
Hotel, Motel, Bed & Breakfast	unit/room

54.05.040. Parking Stall Chart: Residential.

The minimum number of off street parking stalls for residential development shall be as follows: Amount of parking required is one stall per:

Single Family Dwelling	2 stalls per residence
Multi-Family Dwelling	2 ½ stalls/unit (ex: 5 parking stalls required for a duplex)
Townhouse, Condominium	2 ½ stalls per unit
Mobile Home Court	2 stalls per unit

54.05.050. Parking Relationship to Proposed Use Considerations.

The following regarding parking relationships to proposed use considerations:

1. Distance between all stalls and all public and private building or use entry points in relationship to potential uses.
2. Physical hardship between parking and use. Not limited to extreme elevation change or limited handicap access.
3. Orientation of and provisions for aisles to minimize pedestrian/vehicle conflicts.
4. Numbers of parking spaces shown in the preceding chart indicate the minimum number of stalls that may be required during the Design Review procedure, additional stalls or

open space or buffer areas may be required due to actual use and potential employee/client numbers.

54.05.060. Parking Area Functional Considerations.

The following regarding functional parking area considerations:

1. Aisle width and directional flow in relationship to stall size and layout angle.
2. Traffic patterns and parking access in relationship to potential conflicts (refer to Utah Highway Department Access Policy if property is fronting Highway 89).
3. Parking areas that utilize Highway 89 for access may be required to meet specific UDOT Standards.
4. Use of adequate turning radii and turn around potential. Emergency vehicle access including fire and loading zones.
5. Associated use integration including but not limited to locations of services and dumpster space requirements.
6. Snow removal and area for piling snow.

54.05.070. Parking Layout and Concept Design Considerations.

The following regarding parking layout and concept design considerations:

1. Use of Preferred Concept: Small scattered-lot parking areas as opposed to large dominating parking lots.
2. Use of Preferred Layout: ninety (90) degree (perpendicular) parking stalls inrelationship to twenty four (24') foot wide two-way aisles.
3. Use of Preferred Stall Size: 9'x19' with painted lines on sides and stops. Consideration will be given to allow twenty (20%) percent of required stalls to be compact size (8'x16') if located in non-critical areas and proper instructional signs are posted.
4. Handicap stalls (12'x19') will be required at no less than one (1) per fifty (50) stalls with a minimum of one (1). Location of handicap stalls will be at the closest proximity to entrances.
5. Other concepts and layouts may be considered if physical characteristics of the site limit the design potential.
6. Parking provided for any building or use to meet the requirements of this Chapter may not be considered as providing parking for any other building or use, although consideration may be given to allow stall number reductions to joint use parking areas if variations in peak use periods exist.

54.05.080. Visual Impact Design Considerations.

The following considerations regarding visual impact design:

1. All proposed parking areas shall have landscaping to minimize potential negative visual impact as required by the Perry City Landscape Policy.
2. Buffer planting areas shall be a minimum of four (4') feet wide at the perimeter of parking areas.
3. Buffer planting areas are required within all parking areas including row ends (four (4') foot minimum width), between rows (six (6') foot minimum width every other row

minimum) and between stalls (four (4') foot minimum widths ever twelve (12) stalls minimum.

Chapter 54.06.
RECREATIONAL VEHICLE PARKING

54.06.010. Definitions.
54.06.020. Regulations.
54.06.030. State of Emergency Exception.

54.06.010. Definitions.

The following definitions within this Chapter:

1. Trailer House: As used in this ordinance, the term shall include any trailer house, trailer coach, motor home, auto home, camp trailer, camper, enclosed trailer, boat trailer, camperette, camp car, or any vehicle that can be used for living or sleeping purposes or conveyance of other vehicles which is equipped with wheels or similar devices for the purpose of transporting the unit from place to place by motor power or by other means.
2. Trailer Park: An area set aside for the commercial use of renting space for the parking of a trailer house or trailer which may or may not provide connections to Perry City utilities.
3. Mobile Home Park: Property or spaces designated and rented or owned for the parking of mobile homes or trailer houses that are permanently installed, connected to Perry City utilities and approved for occupancy by Perry City.

54.06.020. Regulations.

The following regarding regulations within this Chapter:

1. No person shall use a trailer house for sleeping or living purposes or both sleeping and living purposes within Perry City for any period exceeding five (5) days, in a thirty (30) day period, except in a mobile home park or trailer park.
2. Trailer houses used for temporary dwellings for visitors of residents or other vehicles as defined in this ordinance, parked within Perry City, shall be located upon the premises of the owner or person being visited and placed at least fifteen (15') feet from the curb or edge of the street.
3. The removal of the wheels for the setting of a trailer house on posts or footings shall not be considered as removing said trailer house from the regulations affecting trailer houses.
4. It shall be unlawful for any person occupying or using any trailer house within Perry City to use any toilet, sink, lavatory, or similar equipment therein unless and except the same is self-contained or connected to the public sewer or an approved septic tank in accordance with the ordinances of Perry City.
5. There shall be no trailer park, mobile home park, or RV camp established or operated within Perry City unless the same shall have fully complies with all the laws and regulations of the State of Utah and City of Perry pertaining to the establishment and operation of such establishments.

54.06.030. State of Emergency Exception.
The prohibitions provided in this Chapter shall not apply to the parking of any over-sized vehicle or trailer house needed in association with the handling of or providing aid during any state of emergency legally and properly declared to exist within Perry City.

Chapter 54.07.
COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS

54.07.010. Definitions.
54.07.020. Regulation.
54.07.030. Exceptions to the Regulation.

54.07.010. Definitions.
The following definitions as they may apply within this Chapter:

1. Commercial Vehicle: As defined by the Utah Vehicle Code, any vehicle having a gross weight, including load, in excess of five (5) tons. For purposes of this ordinance, the definition shall include the tractor portion of a semi-truck without the load carrying trailer attached or a semi-truck with trailer whether empty or loaded.
2. Direct Route: The most feasible route from the closest unrestricted street consistent with the intent to limit the use of streets in the residential districts of Perry City by commercial vehicles is the direct route.

54.07.020. Regulation.
No person shall operate or park any commercial vehicle on any street within any residential area or residential zoning district of Perry City.

54.07.030. Exceptions to the Regulation.
The following are exceptions to 54.07.020.:

1. Passenger buses under the jurisdiction of the Utah Transit Authority (UTA).
2. Vehicles owned by a public utility while necessarily in use in the construction, installation, or repair of any public utility.
3. School buses carrying children to and from school, while training bus drivers, or while parked during school hours.
4. Motor vehicles designed by the manufacturer for the transportation and collection of garbage, rubbish, or refuse and which are regularly used of such collection and transportation of any person or governmental entity engaged in the business of providing the service of collecting, transporting, and/or disposing of garbage, rubbish, or refuse.
5. Commercial vehicles coming from an unrestricted street having ingress and egress by direct route to and from a restricted street when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or residence located in the restricted area.

6. Commercial vehicles using the direct route for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodel, or construction of any building upon the restricted street for which a building permit has previously been obtained from Perry City.
7. Commercial truck tractors (semi-truck tractors) without trailers using the most direct route and parking at the owner's residence for only the period of time necessary and the express purpose of unloading or loading personal property.

Chapter 54.08.
PENALTIES, SNOWSTORM PARKING, AND APPLICABILITY TO OTHER ORDINANCES

54.08.010. Penalties.
54.08.020. Parking Vehicles on Streets after Snowstorm.
54.08.030. Applicability to Other Ordinances.

54.08.010. Penalties.
Any person convicted of a violation of this ordinance shall be deemed guilty of a Class 'C' Misdemeanor and shall be punishable by a fine of no more than $299.00 or by imprisonment for no more than sixty (60) days or both. Each day of violation shall constitute a separate offense.

54.08.020. Parking Vehicles on Streets after Snowstorm.
It shall be unlawful for any person to park or leave any vehicle unattended for a period of forty eight (48) hours after any freshly fallen snow on the streets of the City. Such period is necessary for the Public Works Department to remove snow from the City streets (see Section 14.28.030(1)).

54.08.030. Applicability to Other Ordinances.
For the applicability of this Chapter to other ordinances, see also Title 14, Vehicles and Traffic.

Legislative History
2/9/06- Last Major Amendments to Parking Regulations
8/2/97- Last Major Amendments to Other Regulations
In 1997, portions of the "Streets and Sidewalks" Ordinance were removed and amended provisions were placed in the Public Works Standards and in the Vehicle and Traffic Ordinance.
12/11/08- New numbering system and codified into 2008 Perry City Municipal Code

Title 55, A Land Use Ordinance
STREETLIGHT REGULATIONS

Chapter 55.01. INTENT AND PURPOSE
Chapter 55.02. GENERAL PROVISIONS
Chapter 55.11. PENALTIES

Chapter 55.01.
INTENT AND PURPOSE

55.01.010. Purpose.
55.01.020. Intent.

55.01.010. Purpose.
Streetlights increase safety, provide security and benefit everyone. New lighting technologies have produced lights that are extremely powerful. These types of lighting could be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy. Higher energy use results in increased costs for everyone. There is a need for a streetlight ordinance that provides for the benefits and reduces the potentially negative effects of streetlights. Appropriately regulated and properly installed streetlights will contribute to the safety and welfare of the residents of Perry City.

55.01.020. Intent.
This ordinance is intended to reduce the problems created by improperly installed and/or undesirable streetlights. It is intended to eliminate problems of glare, minimize light trespass and help reduce the energy and financial costs of streetlights by establishing pole heights and light fixture types that are permitted. Streetlights should be installed with the idea of being a "good neighbor" with attempts to keep unnecessary direct light from shining onto abutting properties.

Chapter 55.02.
GENERAL PROVISIONS

55.02.010. City Engineer to Accept or Reject Proposed Installation Plan.
55.02.020. Most Restrictive Provision Applies.
55.02.030. Installation of Decorative Lighting by Design Review.
55.02.040. Compliance with Public Works Standards Required.

55.02.010. City Engineer to Accept or Reject Proposed Installation Plan.
The Perry City Engineer has the authority to accept or reject the proposed streetlight installation plan submitted by sub-contractors. Sub-contractors must have an approved streetlight plan before beginning work in a proposed subdivision.

55.02.020. Most Restrictive Provision Applies.
Where any provision of federal, state, county or city statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

55.02.030. Installation of Decorative Lighting by Design Review.
Installation of decorative lighting may be approved by design review of the Planning Commission.

55.02.040. Compliance with Public Works Standards Required.
All street lighting design and installation shall comply with Perry City Public Works Standards and Technical Specification.

Chapter 55.11.
PENALTIES

55.11.010. Available Penalties.

55.11.010. Available Penalties.
Available penalties are set forth in Chapter 40.04.

Legislative History
Last major substantive changes: May 26, 2006
Deleted several provisions and placed them in the Public Works Standards: July 26, 2007
Changed numbering system and adopted as part of new Municipal Code: 12/11/2008

Title 56, A Land Use Ordinance
LANDSCAPE REGULATIONS

Chapter 56.01. INTENT AND PURPOSE
Chapter 56.02. PLAN PREPARATION AND STANDARDS FOR REVIEW
Chapter 56.03. MINIMUM LANDSCAPED AREA REQUIREMENTS
Chapter 56.04. PLANT MATERIAL REQUIREMENTS
Chapter 56.05. PLANT MATERIAL SIZE REQUIREMENTS
Chapter 56.06. SPECIFIC LANDSCAPE DESIGN & SITE PLANNING CRITERIA
Chapter 56.07. GENERAL LANDSCAPE DESIGN CONSIDERATIONS
Chapter 56.08. ENFORCEMENT AND INSPECTION

Chapter 56.01.
INTENT AND PURPOSE

56.01.010. Primary Purpose.
56.01.020. Intent.
56.01.030. Reasons for Legislation.
56.01.040. Applicability.

56.01.010. Primary Purpose.
The primary goal of these regulations is to protect existing single-family uses and single-family zones from the potential negative impact from all other potential uses.

56.01.020. Intent.
The main intent of these regulations is to insure all development and growth is safe, functional and visually pleasing.

56.01.030. Reasons for Legislation.
The policy of Perry City is not to dictate the design style of any development, but to encourage creative landscaping concepts that meet basic standards as defined by this document.

56.01.040. Applicability.
These regulations do not apply to single-family dwellings and single-family zones.

Chapter 56.02.
PLAN PREPARATION AND STANDARDS FOR REVIEW

56.02.010. Design Plan and Preparation.
56.02.020. Design Plan Submission.
56.02.030. Landscape and Irrigation Elements.
56.02.040. Planning Commission Requests and Fees.

56.02.010. Design Plan and Preparation.
Landscape and irrigation plans must be prepared by a Licensed or professional Landscape Architect or designer, and approved by the Planning Commission. Plans that do not show sufficient detail or include basic specifications will be rejected.

56.02.020. Design Plan Submission.
Landscape and irrigation plans must be submitted with the general architecture and engineering plans for review before the scheduled Planning Commission meetings.

56.02.030. Landscape and Irrigation Elements.
Landscape and irrigation elements must be guaranteed by the owner for one year after final acceptance by Perry City.

56.02.040. Planning Commission Requests and Fees.
The Planning Commission may at any time request review of plans by a consulting landscape architect. All professional review fees will be paid by the developer.

Chapter 56.03.
MINIMUM REQUIREMENTS

56.03.010. Minimum Landscaped Area Requirements.
56.03.020. Plant Material Requirements.
56.03.030. Plant Material Size Requirement.

56.03.010. Minimum Landscaped Area Requirements.
The criteria for minimum landscaped area requirements are:

1. Multi-family residential*	25% of Site
2. Institutional	20% of Site
3. Commercial Zones NC 1,2,3	15% of Site
4. Commercial 1	10% of Site
5. Interstate Commercial*	10% of Site
6. Planned Commercial*	By Design Review
7. Industrial	5% of Site

***** Placement of landscaping will be by Design Review.

56.03.020. Plant Material Requirements.
The plant material requirements are:
1. Three (3) Trees per 1000 Square Feet of required landscape
2. Six (6) Shrubs per 1000 Square Feet of required landscape

56.03.030. Plant Material Size Requirements.
The plant material size requirements are:
1. Deciduous trees must be 2" caliper minimum size.

2. Evergreen trees must meet six (6’) foot height minimum size.
3. Shrubs must be at minimum 50% 5 Gal., and 50%2 Gal.

Chapter 56.04.
SPECIFIC LANDSCAPE DESIGN AND SITE PLANNING CRITERIA

56.04.010. Landscape Buffer Requirement.
56.04.020. Distance Requirement from Pavement to Street or Parking Area.
56.04.030. Fence Requirement.
56.04.040. Safe Sight Line Requirement.

56.04.010. Landscape Buffer Requirement.
A 25' minimum landscape buffer is required between any multiple family residential structures and any single family zone.

56.04.020. Distance Requirement from Pavement to Street or Parking Area.
A 10' minimum landscape width between edge of pavement of any parking area or access lane and street is required.

56.04.030. Fence Requirement.
A 6' solid masonry or solid vinyl fence (or as determined by Design Review) must be utilized to protect and buffer any single family residential use or zone from any other use. The installation of the fence is the responsibility of the owner/developer who is creating the need for the buffer. (See Fencing Ordinance, Title 57.)

56.04.040. Safe Sight Line Requirement.
Landscape design consideration must not create safe sight line (as defined by Perry City Land Use Ordinances) problems for vehicles or pedestrians at intersecting streets, within parking lots and at drive access points.

Chapter 56.05.
GENERAL LANDSCAPE DESIGN CONSIDERATIONS

56.05.010. Definition.
56.05.020. Storm Water Detention Basins and Special Areas.
56.05.030. City Parkway Strips.
56.05.040. Plant Material for Landscape Design.

56.05.010. Definition.
The term landscape area refers to the areas set aside for lawn, trees, shrubs, perennials, annuals, and ground cover. Recreation amenities including, but not limited to, sports courts, play areas, swimming pools, and gazebos may be allowed as part of the sq. ft. requirement for landscaping.

56.05.020. Storm Water Detention Basins and Special Areas.
Storm water detention basins must be landscaped and may be allowed as part of the sq. ft. required for landscaping by design review. Special hard landscape areas such as courtyards and plazas may be allowed as part of the sq. ft. required for landscaping by design review.

56.05.030. City Parkway Strips.
City parkway strips between street side curb and sidewalks will not be allowed as part of the sq. ft. requirement for landscaping. However, these areas must be landscaped and maintained by the developer/owner.

56.05.040. Plant Material for Landscape Design.
All plant material must be sustainable for all of the specific climatic conditions of the site and plan.

Chapter 56.06.
ENFORCEMENT AND INSPECTION

56.06.010. Certificate of Temporary Occupancy.
56.06.020. Final Inspection Regulation.
56.06.030. Landscape Change Approval.
56.06.040. Landscape Maintenance Review.

56.06.010. Certificate of Temporary Occupancy.
A certificate of temporary occupancy may be issued prior to installation of the approved landscape when seasonal weather conditions exist. A written guarantee of completion deadline and appropriate surety will be required which may include escrow accounts as determined appropriate by the Planning Commission.

56.06.020. Final Inspection Regulation.
A final inspection for regulation compliance must be scheduled by the owner/developer with a representative of Perry City. This will activate the required landscape one-year guarantee period.

56.06.030. Landscape Change Approval.
No landscape element shall be removed or changed by the developer/owner after plan approval.

56.06.040. Landscape Maintenance Review.
Landscaping must be maintained and will be reviewed during the annual business license review.

Legislative History
Last Substantive Review: May 25, 2006
New numbering system and codified into new municipal code: 12/11/2008

Title 57, A Land Use Ordinance
STANDARDS FOR RESIDENTIAL FENCES, POOLS, AND MISCELLANEOUS STRUCTURES

Chapter 57.01. STANDARDS FOR RESIDENTIAL FENCES
Chapter 57.02. STANDARDS FOR RESIDENTIAL SWIMMING POOLS

Chapter 57.01.
STANDARDS FOR RESIDENTIAL FENCES

57.01.010. Front, Side, and Rear Yards.
57.01.020. Corner Lots.
57.01.030. Obstruction to View.
57.01.040. Measurement Where Elevation is Different.
57.01.050. Special Exception for Height Requirements for Residential Fences.

57.01.010. Front, Side, and Rear Yards.
Except as otherwise stated in Sections 57.01.030 and 57.01.040 of this title, no fence, hedge or other similar structure shall be erected in any required front yard of a lot to a height in excess four feet (4’); nor shall any fence or other similar structure be erected in any side or rear yard to a height in excess of six feet (6').

57.01.020. Corner Lots.
No fence, hedge or other similar structure shall be erected to a height in excess of four feet (4') in the rear or side yard of a corner lot, which lies adjacent to:

1. a vacant lot; and/or
2. a driveway or garage access located on an adjoining lot.

57.01.030. Obstruction to View.
In all zones, no obstruction to view in excess of two feet (2’) in height as measured from the top of the curb or edge of the hard street surface, shall be placed on any corner lot within a triangular area formed by the street property lines and a lone connecting them at points forty feet (40') from the intersection of the street lines, or at any other location which would obstruct the vision of street and regulatory signs or oncoming vehicles by automobile drivers, except a reasonable number of trees pruned high enough to permit an unobstructed view of street and regulatory signs or oncoming vehicles by automobile drivers.

57.01.040. Measurement Where Elevation is Different.
Where a fence is erected upon a retaining wall or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, the height of a fence shall be measured from a point halfway between the top of the retaining wall

and the land on the lower side or from the average elevation of the surface of the land on either side of the fence, but nothing herein contained shall be construed to restrict a fence to less than four feet (4') in height measured from the surface of the land on the side having the highest elevation.

57.01.050. <u>Special Exception for Height Requirements for Residential Fences.</u>
A special exception for height requirements for residential fences:

1. Shall be required, for fences surrounding a swimming pool, as per PMC Section 57.02.030(4), or for any other attractive nuisance or other circumstances shown to require greater height for health, safety, security, or for similar reasons, and may not be denied if it is possible to comply with all laws, ordinances, and codes;
2. May be allowed by the land use authority, for fences surrounding a tennis court, or for any other circumstances shown to require greater height to prevent intrusion into the property of adjacent landowners, or for similar reasons, and may be denied if it is determined that:
    a. It is not possible to comply with all laws, ordinances, codes, and other legal requirements;
    b. One or more adjacent landowners is/are opposed to the construction of the fence; or
    c. The fence will not prevent intrusion into the property of adjacent landowners; and
3. Shall take into account the rights of adjacent landowners.

Chapter 57.02.
STANDARDS FOR RESIDENTIAL SWIMMING POOLS

57.02.010. Pool as an Accessory Use.
57.02.020. Location.
57.02.030. Fence and Lights.

57.02.010. Pool as an Accessory Use.
A residential/family swimming pool shall be permitted in the rear of a dwelling as an accessory use provided the requirements of Sections 57.02.020 and 57.02.030 are met.

57.02.020. Location.
The location of such family swimming pool or accessory machinery shall be not less that thirty-five feet (35') from any dwelling on an adjoining lot and not less than ten feet (10') from any interior property line facing on a street shall not be less that the required side yard for and accessory building in that zone.

57.02.030. Fence and Lights.

An outside family pool shall be:

1. Enclosed by a fence structurally adequate to resist wind load in complete conformity with the International Building Code (IBC); and
2. Non-climbable; and
3. Enclosed with a child-proof gate; and
4. No less than six feet (6') in height, and a special exception for height requirements for residential fences shall be required.

Any lights used to illuminate said swimming pool or its accessories shall be so arranged as to reflect or shine the light away from the adjoining premises.

Legislative History

Last Substantive Revision: January 24, 2008
New numbering system and codified into new municipal code: 12/11/2008
Added section 57.01.050 and amended 57.02.030: 09/23 /2010

Title 58, A Land Use Ordinance
SIGN REGULATIONS

Chapter 58.01. PURPOSE AND DEFINITION
Chapter 58.02. GENERAL PROVISIONS
Chapter 58.03. LOCATION
Chapter 58.04. RULES AND REGULATIONS
Chapter 58.05. SIGN TYPES, STANDARDS, AND DESIGN

Chapter 58.01.
PURPOSE AND DEFINITION

58.01.010. Purpose.
58.01.020. Definitions.

58.01.010. Purpose.
These sign regulations are intended to encourage attractive, effective, and adequate signs for businesses and services while promoting the general welfare of the community by creating safer street frontages through the use of controlled signs.

58.01.020. Definitions.
The following definitions are:

1. **Advertising**: Any means by which one directs attention to a use, product, commodity or service.

2. **Balloon Sign**: Hot or cold air balloons, or inflatable, or fan driven fabric which is used specifically for the purpose of advertising, ~~to~~ bringing attention to, or identifying any establishment, or product.

3. **Billboard Sign**: A sign structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished at the property on which said sign is located, e.g. “Billboards” or “outdoor advertising”.

4. **Construction Site**: A site on which a construction permit or building permit has been issued by Perry City.

5. **Detached Sign**: Any sign that is not attached to the building as a flat or projecting sign for the purpose of advertising or directions or identification of a business and is on premise.

6. **Directional Sign**: A sign that communicates traffic to on-site destinations or as off-premise directions to business or property. Directional signs may include text, directional, and other approved symbols.

7. **Electronic Message Display Sign**: A sign which uses changing patterns of light to display public information, commercial messages. (And to be prohibited in residential zones.)

8. **Flat Sign**: A sign which is erected parallel to the outside wall or window of a building and projecting not more than eighteen (18") inches from the wall or window.

9. **Grand Opening Sign:** Shall be defined by a Temporary Sign announcing the opening of a new business or change in ownership. (And shall not be allowed for more than ninety (90) consecutive days at a time. There must be a minimum of 1 year between each display period.

10. **Identification Sign**: A sign identifying places or buildings of non-commercial nature.

11. **Marquee Sign**: A sign placed over the entrance of a building or on a part of the building that projects out above the entrance.

12. **Monument Sign**: A sign placed upon the ground that is supported by a frame or supports placed in or upon the ground.

13. **Nameplate**: A non-electric on premise identification sign giving only the name, address, directions for entry, and \or occupation of an occupant or group or occupants.

14. **On-Premise Sign**: All signs in this ordinance are deemed to be "on premise," meaning located on the property occupied by the business or owner of the sign unless expressly designated as "off premise" as defined herein.

15. **Off-Premise Sign**: Any sign related to a business that is not located on the site/property of that business to which it is related. An off premise advertising sign is equivalent to a billboard sign and must meet requirements of Section 58.05.080.

16. **Political Sign**: A sign which expresses a position conveys a message concerning, or advocates a position on the candidacy of a person, party, or issue on an upcoming ballot.

17. **Property Sign**: A sign related to a single property on which it is located and offering such property for sale or lease.

18. **Roof Sign**: A sign which is erected on or over the roof of a building. A roof sign does not include ground signs that rest on or overlap a roof twelve (12") inches or less.

19. **Temporary Off -Premise Sign**: Any sign related to a business/development that is not located on the site/property of that business to which it is related. If placed on HWY-89 must have recommendation from Planning Commission. Must meet requirements of 58.05.110.

20. **Temporary sign:** Any sign that is not intended to be permanently installed. (Banners, free standing and etc.)

21. **Window Sign**: Any poster, cut out letters, painted text or graphics, or other text or visual presentation affixed to or placed within twelve inches (12") behind a window pane which can be read from the exterior of a building

Chapter 58.02.
GENERAL PROVISIONS

58.02.010. Conformity and Amortization of Signs.
58.02.020. Permit for Signs.
58.02.030. Authorization of Perry City to Remove Signs.
58.02.040. Uniform Building Code Requirements.
58.02.050. UDOT Controls and Regulation.
58.02.060. State and/or Federal Sign Requirements.
58.02.070. Abandoned Signs.
58.02.080. Sign on Public Property.

58.02.010. Conformity and Amortization of Signs.

If a new sign does not conform with the requirements of this Chapter or if the construction, design, manner of use or method of anchoring or supporting any sign makes such sign unsafe, Perry City shall proceed in any manner it deems necessary to cause the removal of the sign or cause the rebuilding of the sign to conform.

58.02.020. Permit for Signs.

A building permit is required for all signs addressed in this ordinance except nameplates and temporary signs under four (4) square feet in size. The Perry City office staff may refer any sign permit application to the Planning Commission for review. All commercial sign permit applications require review by the Planning Commission after recommendation from the Community Development Department

58.02.030. Authorization of Perry City to Remove Signs.

Where immediate action is deemed necessary to protect life, limb, or property and where the owner of a sign fails to remove or repair such sign within a specified time established by notice from Perry City, Perry City shall remove such sign and extend a statement of expenses incurred in such removal to the persons which the sign was erected.

58.02.040. Uniform Building Code Requirements.

All signs must meet the requirements of the UBC (Uniform Building Code).

58.02.050. UDOT Controls and Regulation.

"Utah Outdoor Advertising Controls and Regulation" from the Utah Department of Transportation (UDOT) will be used as the standard guide for areas not covered specifically in this document.

58.02.060. State and/or Federal Sign Requirements.

Any sign on State or Federal property must meet all that agencies requirements in addition to this ordinance.

58.02.070. Abandoned Signs.

If a nonconforming sign is abandoned for more than thirty (30) days or more, use of the sign shall be deemed to be abandoned and the sign, together with any supporting structures, poles and other related equipment, shall be removed. In the event of any conflict between this section and any other provision of this chapter, this Section shall control. A commercial sign attached to, or allocated with, a business operated in a particular building shall be deemed to be abandoned if the business ceases its operation in the building.

58.02.080. Sign on Public Property.

Except where authorized in this Chapter, it shall be unlawful for any person to fasten, attach, paint, or place any sign, handbill poster advertisement or notice of any kind, whether commercial or noncommercial, or to cause the same to be done in or upon any public curb, lamp post, telephone pole, electric light, power pole, hydrant, bridge, tree easement, right of way, sidewalk, street, building or other property of the city. No sign shall be erected or projected over such public properties.

Chapter 58.03.
LOCATION

58.03.010. Horizontal Clearance.
58.03.020. Corner Lot Triangle.
58.03.030. Window Sign Location.
58.03.040. Business and Identification Signs.
58.03.050. Additional Location Restrictions.

58.03.010. Horizontal Clearance.

There shall be a minimum horizontal clearance of ten (10’) feet between the front or side property line of any sign less than ten (10’) feet high and three (3’) feet from any front or side property line if greater than ten (10’) feet high, with the exception of public necessity signs.

58.03.020. Corner Lot Triangle.

No sign shall be located within the established forty (30') foot site triangle on any corner lot. Refer to Section 57.01.030 for requirements.

58.03.030. Window Sign Location.

No sign located in a window shall exceed twenty five (25%) percent of the total area of the window through which they are visible. Window signs shall meet all building codes.

58.03.040. Business and Identification Signs.

Business and identification signs attached to a building may project into a required front or side yard not more than eighteen (18") inches and no less than ten (10’) feet above the ground or sidewalk.

58.03.050. Additional Location Restrictions.

With the exception of directional signs owned by the city or other governmental agencies, no sign shall be erected or placed within any center median or any public street, sidewalk, or bicycle path. The city employees may remove any sign located within these areas.

Chapter 58.04.
RULES AND REGULATIONS

58.04.010. Noise.
58.04.020. Painting, Pasting, and Gluing.
58.04.030. Prohibited Signs.
58.04.040. Lighting.
58.04.050. Sign Maintenance.
58.04.060. Penalty.

58.04.010. Noise.

It shall be unlawful to use any radio, whistle, bell or any other sound or noise making device for advertising purposes or in connection with any sign.

58.04.020. Painting, Pasting, and Gluing.

No sign shall be painted, pasted, or glued directly on any wall or roof. No permanent sign may be affixed directly on any wall or roof by means of any similar adhesive substance. No paper or cloth sign shall be tacked directly on to any wall or roof.

58.04.030. Prohibited Signs.

The following is a list of prohibited signs:

1. Any sign that has intermittent flashing lights.
2. Any sign that blocks safety sight lines for motorists or pedestrians.
3. Signs which are closer than ten (10') feet to a city street or right of way or in locations prohibited by Chapter 58.03.
4. No sign shall be erected or maintained, or be permitted to remain publicly displayed which contains obscene material, or material, which taken as a whole, appeals to prurient interest.
5. Any sign erected over any street or alley except as herein expressly provided as a temporary sign.
6. Off-premises commercial signs.
7. Trailers or motor vehicles having the sole purpose of advertising with any face greater than 100 square feet shall not be parked on or near a commercial site for more than 24 hours (alternatively between dusk and dawn).

8. Any sign emitting sound except menu boards
9. Any Balloon sign
10. Mobile signs cannot be utilized to circumvent the sign ordinance

58.04.040. Lighting.

The following are requirements for lighting of signs:

1. Signs may be illuminated by indirect lighting, floodlights or luminous tubes only. No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposed, or in any manner which constitutes a nuisance.
2. Illuminated and electronic message display signs are prohibited in residential zones.

58.04.050. Sign Maintenance.

The following are requirements for sign maintenance:

1. Signs regulated by this title shall be maintained in good visual appearance and structural conditions at all times and:
   a. Signs "tagged" by malicious painting or marking shall be repaired within seven (7) days;
   b. Signs that are physically damaged in a way that creates any safety concern shall be removed or repaired immediately; and
   c. Signs that are physically damaged but do not present a safety concern shall be repaired within Six (6) months;
2. Signs that are not maintained shall be considered to be abandoned according to Section 58.02.070, and shall be removed by the owner (or signs may be removed by Perry City at the expense of the owner according to Section 58.02.030); and
3. Perry City shall in no way be liable for negligence or failure of the owner (or the person responsible for maintaining any sign).

~~**58.04.050. Sign Maintenance.**~~

~~The following are requirements for sign maintenance:~~

1. ~~Signs regulated by this chapter shall be maintained in good visual appearance and structural conditions at all times.~~
2. ~~Perry City shall in no way be liable for negligence or failure of the owner, or the person responsible for maintaining any sign.~~

58.04.060. Penalty.

Any signs or persons found in violation of this Title 58, Sign Regulations, will be subject to any civil penalties and/or fees as set forward in the applicable fee schedules in Title 84, Fee Schedules for Perry City.

Chapter 58.05.
SIGN TYPES, STANDARDS, AND DESIGN

58.05.020. Business Advertising Signs for A, AL, C, C-1, M/I, NC2, and NC3 Zones.
58.05.030. Shopping Center Signs for C, C-1, NC1 and NC2 Zones.
58.05.040. Directional Signs: On-Premise (Allowed in all zones).
58.05.050. Directional Signs: Off-Premise.
58.05.060. Detached Advertising Signs for A, AL, C, C-1, M/I, NC2, and NC3 Zones.
58.05.070. Electronic Message Display Sign for A, AL, C, C-1, M/I, NC2, and NC3 Zones.
58.05.080. Billboard Signs.
58.05.090. Marquee Signs for C, C-1, NC2, and NC3 Zones.
58.05.110. Temporary Signs.
58.05.120. Construction and Development Signs (Allowed in all Zones).
58.05.130. Political or Campaign Signs (Allowed in all Zones).
58.05.140. Property Signs.
58.05.150. Signs for Residential Uses.
58.05.170. Subdivision Signs.

58.05.020. Business Advertising Signs for A, AL, C, C-1, M/I, NC2, and NC3 Zones

The following requirements for business advertising signs for the aforementioned zones are:

1. Business advertising signs require approval from the Planning Commission.
2. Total square footage of flat or projecting signs that are attached to the building shall not exceed three (3) square feet in combined total area for each linear foot of occupied frontage except the maximum size of any one sign shall not exceed four hundred (400) square feet in area and the total area of all signage shall not exceed six hundred (600) square feet.
3. A roof sign shall not extend more than eight (8') feet above the building and must be included in the overall square footage allowance. The roof sign shall be included in the overall height of the building.

58.05.030. Shopping Center Signs for C, C-1, NC2 and NC3 Zones.

The following are requirements for shopping center signs for the aforementioned zones:

~~1.~~ In a shopping center, the frontage for each separate store shall be based on the width of the front of each business and one sign using Section 58.05.020. shall be used to determine square footage of that sign.

~~2.~~4. One (1) detached sign may be used to designate the name of the shopping center and must comply with the requirements found within Perry Municipal Code, Chapter 58.05.

58.05.040. Directional Signs: On-Premise (Allowed in all Zones).

The following are requirements regarding directional signs that are on-premise signs:

1. Directional Signs that are on-premise are allowed in all zones.

2. The maximum area for any one directional sign shall not exceed five (5) square feet. The Planning Commission may allow an increase in size upon review of the permit and after recommendation from the Community Development Department.

~~2.~~3. Maximum height is four (4') feet unless located on an existing sign pole. If located on an existing pole, the directional sign must adhere to all standards and restrictions for detached pole signs.

~~3.~~4. Must be located at least six (6') feet from any public right-of-way.

58.05.050. Directional Signs: Off-Premise.

The following are requirements regarding directional signs that are off-premise:

1. Directional off-premise signs are allowed in all zones.

2. Permits for off-premise, directional signs are to be reviewed by the Planning Commission and after recommendation from the Community Development Department.

3. Must be consistent design, color, and size throughout the city.

4. Must be no larger than five (5) square feet in size.

5. Only one (1) off premise directional sign allowed for the same business or entity.

6. The Planning Commission may waive the size, design and color requirements for one (1) off-premise sign for a non-profit organization with written consent of the owner of the property where the sign is placed.

58.05.060. Detached Advertising Signs for A, AL, C, C-1, M/I, NC2, and NC3 Zones.

The following are requirements regarding detached advertising signs for the aforementioned zones:

1. These signs can be monument type, mono, or bi-pole design and must adhere to all other requirements in this Chapter.

2. Allowed size of three hundred fifty (350) square feet per face and must have a minimum setback of ten (10') feet from property line or sidewalk, whichever is closer.

3. Maximum height of a detached sign shall be thirty five (35’) feet.

4. Illumination must be confined to the sign face. Illumination is not allowed within seventy five (75’) feet of a residential zone.

5. Only one (1) detached sign per for up to the first five hundred (500) lineal (linear?) feet of site frontage may be allowed on each individual lot or commercial complex unless a corner or double frontage lot/commercial complex is to be developed. Corner lots may choose two (2) detached signs and only one per street. A minimum of 1000 linear feet of site frontage on each individual lot or commercial complex is required for 2 detached signs except as allowed for Corner lots.

6. Permits for more than one (1) detached advertising sign for the same business must be reviewed by the Planning Commission and after recommendation from the Community Development Department.

7. City requirements for detached advertising signs may be waived for signs located in the I-15 corridor (600 feet east and west of Interstate 15). Review of the permit by the Planning Commission is required after recommendation from the Community Development Department. Adherence to all state and federal sign regulations is required.

58.05.070. Electronic Message Display Sign for A, AL, C, C-1, M/I, NC2, and NC3 Zones.

The following are requirements regarding electronic message display signs for the aforementioned zones:

1. Electronic message display signs were formerly known as animated signs.

2. Planning Commission must review the permit and after recommendation from the Community Development Department.

3. No animated sign shall be erected or maintained in, or closer than seventy-five (75) feet from any residential zone.

4. All electronic reader board signage shall meet the requirements of Section 58.05.060 and shall be subtracted from the allowable square foot signage.

5. Signs must not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter)

between dusk and dawn as measured from the sign's face at maximum brightness. (or as an alternative: Light emitted from these signs shall not exceed 3.0 lux at maximum brightness when viewed from a distance of 15 meters.)

6. An electronic message center may not flash or scintillate except to change the displayed wording to different wording.

7. Any display on the electronic message center must remain lighted for at least two (2) seconds.

8. An electronic message center locate within five hundred feet (500') of a residential zoned area, or as otherwise determined by the Planning Commission, may not operate between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. of the following day.

9. Electronic message centers are not allowed off premises.

58.05.080. Billboard Signs.

The following are requirements for billboard signs:

1. Billboard signs are allowed only in the I-15 corridor which is six hundred (600') feet east and west of I-15. No billboards are permitted along HWY-89.

2. Planning Commission must review the permit and after recommendation from the Community Development Department.

3. Signs may be no taller than fifty (50') feet and have no more than eight hundred (800) square feet of surface board per side.

4. Signs must be a minimum five hundred (500') feet from another billboard sign.

58.05.090. Marquee Signs for C, C-1, NC2, and NC3 Zones.

The following regarding marquee signs for the aforementioned zones:

1. Marquee signs may be placed on, attached to, or constructed in a marquee with review of the building permit by the Planning Commission and after recommendation from the Community Development Department.

2. Total allowable square footage shall be determined by Section 58.05.030.

3. The standards as specified in the UBC for Marquees shall govern restrictions in height, projection and clearance.

58.05.100. Name Plates allowed in all Zones.

The following are requirements regarding name plates:

1. A non-electric sign

2. Can only identify name, address, directions to entrance, or occupation of the occupant

~~1.~~3. The maximum size shall be two (2) square feet.

58.05.110. Temporary Signs.

The following are requirements regarding temporary signs:

1. Temporary signs are allowed in all zones.

2. A temporary sign must be on-site and be no taller than four (4') feet or have no more than thirty-two (32) square feet of surface board per side.

3. Occasional recreational activities may have temporary signs which are off-site and of different size but must be approved by the Community Development Department. These signs include any sign, banner, pennant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials that may be with or without frames.

4. Temporary signs may remain in place for the time period during which the use is required but shall not exceed ninety (90) days.

5. Temporary signs that extend over a public street shall maintain a clearance of twenty (20') feet above the street and be approved by the Community Development Department.

6. Grand Opening signs of any kind are allowed as temporary signs for only the period of the opening and as long as they do not restrict sight lines for traffic (Move the ordinance portion of Grand Opening Signs from the definitions to this location).

7. Temporary signs shall be removed within 15 (fifteen) days following the conclusion of the sale or event that is promoted by the sign, except where other laws are more restrictive.

8. Wood boards supporting temporary signs shall be painted or stained, or otherwise treated. When wear or deterioration exposes more that 15% of the bare wood, the boards shall be recoated to cover the damage or the board shall be replaced.

9. Sign boards shall be secured to prevent personal or property damage caused by wing.

10. The total square footage of temporary signs shall not exceed 250 (two hundred and fifty) square feet per lot.

11. Signs attached to sign boards shall be attached in a manner that they are not a source of litter.

12. Boards left in place after the removal of temporary signs must meet the same structural and appearance standards of 58.04.050 and permit standards of 58.02.020.
13. The penalties defined in 58.04.060 shall apply to violation of the requirements for temporary signs.

58.05.120. Construction and Development Signs (Allowed in all Zones).

The following are requirements regarding construction and development signs:

1. Construction and development signs are allowed in all zones.

2. One or more signs not exceeding eight (8) square feet in combined total area for each street frontage of the lot and no closer than ten (10') feet to the property line.

3. No more than two (2) signs of a temporary nature for each approved subdivision under development are allowed. The size shall not exceed thirty-two (32) square feet. One (1) sign directing the public to the development may be allowed off-premise with the approval of the Planning Commission and written consent from the owner of the property where the sign is placed.

4. Signs on corner lots must comply with Section 58.04.040.

5. No construction or development sign shall be erected more than thirty (30) days prior to construction and shall be removed no more than thirty (30) days after completion.

58.05.130. Political or Campaign Signs (Allowed in all Zones).

The following are requirements regarding political or campaign signs:

1. Political and/or campaign signs are allowed in all zones.

2. These signs are permitted in accordance with the following provisions provided that any such sign shall be erected not earlier than sixty (60) days prior to the election, at which time the candidates or measure will be voted upon and shall be removed within fifteen (15) days after such election, campaign or event.

3. In any residential zone, no more than eight (8) square feet of stationary, unlighted, temporary signage on any lot or contiguous parcels of land under one ownership is permitted. No sign shall exceed six (6') feet in height or be allowed to be attached to any residences.

4. In commercial, agricultural, and industrial zones, one or more political signs are permitted on a lot or parcel. The total area of such sign or signs on any lot or parcel shall not exceed sixty-five (65) square feet nor exceed fifteen (15') feet in height.

58.05.140. Property Signs.

The following are requirements regarding property signs:

1. Such signs shall be more than ten (10') feet from the property line and not in excess of eight (8') feet in height.

2. Such signs shall not exceed eight (8) square feet per board side.

3. All property signs must be removed within thirty (30) days of the sale of the property or completion of the project.

58.05.150. Signs for Residential Uses.

The following regarding signs for residential uses:

1. One- and Two-Family Residential signs:

    a. One noncommercial sign, not exceeding one square foot in area, except for political and ideological signs, which shall be governed by Section **58.05.130**.

    b. Temporary signs in accordance with Section **58.05.110**.

    c. Residential uses shall not be permitted to have permanent commercial signs.

2. Signs for apartments and condominium complexes and similar uses in the multi-family districts as follows:

    a. A freestanding sign, not exceeding fifteen (15) square feet in area. Such sign shall not exceed five feet (5') in width or three feet (3') in height. Such sign must be located at least five feet (5') from any property line.

    b. A wall-mounted sign, not exceeding twelve (12) square feet in area. Height of such sign shall not exceed ten feet (10').

3. Permanent subdivision signs for recorded subdivisions, ten (10) or more acres in size, in accordance with the following parameters:

    a. Maximum area of each such sign shall be twenty-four (24) square feet with a maximum height of five feet (5').

    b. Such signs to be monument type; i.e., individually mounted letters on a freestanding wall.

    c. Such signs shall be located in a landscaped area of at least four (4) square feet per each one foot of sign area.

    d. There may be one sign for a single development project of at least ten (10) acres, but less than fifty (50) acres in size. For purposes of this subsection, a development or project shall be deemed to be a single development project, even though it is developed in multiple subdivisions or phases, if:

        i. The entire project is designed for development by a single developer; and

        ii. The entire project is developed under the same name.

    e. There may be two (2) signs for a single development project of at least fifty (50) acres in size. For this purposes of this subsection, a development or project shall be deemed to be a single development project, even though it is developed in multiple subdivisions or phases, if:

        i. The entire project shall be designed for development by a single developer; and

        ii. the entire project is developed under the same name.

58.05.160. Regulations Applicable to All Signs.

The following regulations apply to all signs within this Title:

1. Signs used for schools and churches shall not exceed thirty-two (32) square feet of surface board per side. The signs can be monument or pole style and must meet requirements in Section 58.05.060.

2. Signs used for identifying or advertising home occupations must be attached to the home or structure or be window displayed and not in excess of three (3) square feet in residential zones. Only one (1) sign allowed per dwelling unit.

3. Signs for residential developments such as subdivisions, multifamily dwellings, cluster housing, planned unit developments, mobile home subdivisions, and parks must meet all requirements within this Chapter. These signs cannot exceed thirty- two (32) square feet per surface board side and must be of monuments type. The permit is to be reviewed by the Planning Commission after recommendation from the Community Development Department.

58.05.170. Subdivision Signs.

"Subdivision signs" (defined as signs indicating the name or designation of a subdivision or neighborhood) are not allowed within Perry City limits, except under the following conditions:

1. The subdivision must be a minimum of 5 acres;

2. In addition to satisfying the General Provisions for Signs (Section 58.02), subdivision signs shall also comply with Horizontal Clearance (Section 58.03.010), Corner Triangle Lot (Section 58.020), and the Rules and Regulations of (Section 58.04) for signs;

2. No more than two (2) low profile subdivision signs may be allowed for each entrance to the subdivision;

3. Subdivision signs shall be limited to a maximum of four (4) feet in height above finished grade;

4. Subdivision signs shall be limited to thirty-two (32) square feet per face for each sign;

5. Subdivision signs shall be constructed of materials that are durable;

6. Subdivisions signs shall not have open ponds, or present any other physical hazards that create a condition of being an attractive nuisance;

7. Subdivision signs shall be incorporated into a landscape theme or planter box; and

8. The owner of the property assumes full responsibility for the placement, materials, and

maintenance of each subdivision sign and the property where it is placed or, in the alternative, a Homeowners Association must exist for the subdivision and:

a. The subdivision sign must be placed on jointly owned property or common area of the Homeowners Association;
b. The property must be adjacent to a lot in the subdivision, where the owner is a member of the Homeowners Association;
c. The Homeowners Association must assume full responsibility for the placement, materials, and maintenance of the subdivision sign and the common area grounds upon which the subdivision sign rests, including all associated costs; and

d. If the Homeowner Association is dissolved, or chooses to no longer maintain the subdivision sign, ownership of the common area or areas where subdivision signs are located must be deeded to the owner of the adjacent lot within the subdivision and the new owner must assume all responsibilities of the property and the subdivision sign. The new owner must be willing to accept the ownership and maintenance responsibilities before the Homeowner's Association is dissolved or maintenance of the subdivision sign is terminated. In the absence of an agreement to maintain the subdivision sign, the subdivision sign shall be removed at the expense of the owners in the subdivision, or may be subject to removal by Perry City according to Section 58.02.030.

9. Perry City has no current financial obligations for subdivision signs, nor shall it assume any such obligations in the future.

Legislative History

New numbering system and codification, and added new provisions, into Perry Municipal Code: 8~~9~~/13/2009.

Added Section 58.05.170 and Replaced 58.04.050: 03/11/2010

Title 60, A Land Use Ordinance
CONDITIONAL USE PERMITS

Chapter 60.01. INTENT AND PURPOSE
Chapter 60.02. GENERAL PROVISIONS
Chapter 60.03. PROCESS
Chapter 60.04. STANDARDS FOR REVIEW
Chapter 60.05. CONDITIONS OF USE
Chapter 60.06. REGULATIONS

Chapter 60.01.
INTENT AND PURPOSE

60.01.010. Applicability to Land Use Chart.
60.01.020. Compatible Uses.
60.01.030. Purpose of Conditional Use Permits.

60.01.010. Applicability to Land Use Chart.
These conditional use permit requirements, regulations and restrictions are intended to apply to all uses listed in the Land Use Chart of the Perry Municipal Code, Title 45; Zoning, Including Procedures, Land Use Chart, Area Requirements, and Zoning Map that are designated “C” (Conditional Use).

60.01.020. Compatible Uses.
Although each zone district is an attempt to segregate predominant land uses within identified districts; there will be proposals that are generally compatible in land use with other permitted uses in the zone. If properly and carefully planned, these uses which are different from the predominant use or more intensive than permitted uses in the same zone may become compatible and appropriate for the zone in question. For example, the location and nature of the proposed use, the character of surrounding development, the traffic capacities of adjacent and feeder streets, the environmental factors such as drainage, erosion, and soil stability, all may dictate circumstances where a more intensive use may or may not be appropriate for the zone.

60.01.030. Purpose of Conditional Use Permits.
The Conditional Use Permit procedure is intended to provide greater flexibility in land uses while at the same time, preserving Perry City characteristics and assuring compatibility between the conditional uses, the uses on adjoining properties, and Perry City at large. The Planning Commission will review all proposed conditional uses and may impose conditions of approval to preserve the character of the zone district and to mitigate potential adverse effects of the conditional use. In the rare situation where Perry City and the applicant cannot devise conditions that satisfactorily mitigate the adverse effects of the conditional use, Perry City shall deny the Conditional Use Permit.

Chapter 60.02.
GENERAL PROVISIONS

60.02.010. Required Permit.
60.02.020. Home Occupations.
60.02.030. Revocation.

60.02.010. Required Permit.
A Conditional Use Permit shall be required for all uses listed as conditional uses in the zone regulations, land use chart or elsewhere in Perry City ordinances. No building permit or other permit or license shall be issued for a use requiring a Conditional Use Permit without first being reviewed by the Perry City Planning Commission and approved by the Perry City Council. A Conditional Use Permit is transferable with the title to the underlying property so that an applicant may convey or assign an approved project without losing the approval. The applicant cannot transfer the permit off of the site on which the approval was granted.

60.02.020. Home Occupations.
Conditional Use Permits for Home Occupations (see Title 62) requiring them must be obtained before a dwelling unit may be used for business purposes. The permit shall be granted only when the applicant has applied in writing and demonstrated compliance to all conditions specified for approval.

60.02.030. Revocation.
A Conditional Use Permit may be reviewed, suspended, or revoked without the need for a public hearing upon failure to comply with the conditions imposed for the approval of the permit and the applicant shall be so notified of the revocation by Perry City. The required conditions agreed upon must be continuously implemented to avoid revocation. The permit may be reinstated upon determination by the Special Uses and Appeals Board (after a recommendation from the Planning Commission) that the cause for revocation has been corrected and that the applicant intends to proceed according to the plans approved at the time the permit was originally issued, or as they might have been properly amended during the period of the conditional use. Revocation or reinstatement of a Conditional Use Permit is the responsibility of the Special Uses and Appeals Board (after a recommendation from the Planning Commission).

Chapter 60.03.
PROCESS

60.03.010. Process for Reviewing Permits.
60.03.020. Application and Accompanying Documents.
60.03.030. Notice to Nearby Property Owners.
60.03.040. Pre-Application Conference.
60.03.050. Information to be Included on Application.
60.03.060. Payment of Public Hearing Costs.

60.03.070. Public Hearing Held by Planning Commission.
60.03.080. Approval by Special Uses and Appeals Board.

60.03.010. Process for Reviewing Permits.
The Planning Commission shall review all proposed conditional uses and may set conditions, in addition to the conditions listed below, to preserve the character of the local area, and to mitigate potential adverse effects of the conditional use. Where Perry City and the applicant cannot devise conditions that satisfactorily mitigate the adverse effects of the conditional use, Perry City shall deny the Conditional Use Permit. Perry City shall review all proposed conditional uses according to the following procedure.

60.03.020. Application and Accompanying Documents.
A Conditional Use Permit application shall be made to the Perry City Planning Commission as provided in this Ordinance. Maps, drawings, statements, etc. shall accompany applications for a Conditional Use Permit, or other documents as required by the Perry City Planning Commission.

60.03.030. Notice to Nearby Property Owners.
Notification of the Planning Commission meeting will be mailed to property owners, or other written notice given, as required by state law (and as decided by the Planning Commission). The applicant requesting the Conditional Use Permit is responsible for the costs of this mailing or other written notice.

60.03.040. Pre-Application Conference.
Perry City strongly recommends any person or corporation planning to purchase, operate or build any business requiring a Conditional Use Permit request a pre-application conference prior to purchase of property, building or existing business. An applicant may request a pre-application conference with the Planning Commission to discuss the proposed conditional use and the conditions Perry City might impose. At the pre-application conference, the Planning Commission and applicant shall review the application form, the materials and information needed to complete the form, and the procedures used in reviewing the conditional use.

60.03.050. Information to be Included on Application.
A Conditional Use Permit application, provided by Perry City, shall be completed and submitted to the Perry City Planning Commission. The application shall list all of the required information, written statement requirements, necessary documentation and administrative checklist (standards for review, sensitive lands review, design review, technical review and conditions).

1. The applicant must address the Conditions of Use listed in this Title 60 (Chapter 60.3).
2. A site plan with elevations (as may be necessary), drawn to scale, showing all existing and proposed buildings, dimensions, roads, parking areas, fencing, structures and other information deemed necessary by the Perry City Planning Commission shall accompany the application. Sufficient detail must be provided to ensure the Perry City Planning Commission and Perry City Council are satisfied that the character of the zone district

will be preserved and potential adverse effects of the proposed use are satisfactorily mitigated.

3. The applicant must explain in detail how the conditions that apply will be met and what, if any, impacts there may be on nearby property. If there are conditions that do not apply to the proposed use, the applicant should explain why they do not apply.

60.03.060. Payment of Public Hearing Costs.

Upon receipt of a completed Conditional Use Permit application and payment of all applicable fees, a public hearing will be scheduled and notice (and/or courtesy notice) mailed and/or other written given, as per Section 60.03.030. The Conditional Use Permit applicant will pay cost of mailing any notice, including any courtesy notice.

60.03.070. Public Hearing Held by Planning Commission.

The Planning Commission shall conduct a public hearing on the Conditional Use Permit Application and shall forward a recommendation to the Special Uses and Appeals Board to approve, deny, or modify the permit. The Planning Commission is not required to forward their recommendation to the Special Uses and Appeals Board at the same meeting when the Public Hearing is held. They may delay their recommendation to the Special Uses and Appeals Board if additional time is needed to discuss the request or obtain additional information.

60.03.080. Approval by Special Uses and Appeals Board.

In approving any Conditional Use Permit application, the Special Uses and Appeals Board shall impose regulations and conditions as are necessary to protect the public health, safety, and welfare. Upon Special Uses and Appeals Board approval, building permits may be issued as outlined in other Perry City Ordinances.

Chapter 60.04.
STANDARDS FOR REVIEW

60.04.010. List of Standards.

60.04.010. List of Standards.

The Planning Commission shall not recommend, and the Special Uses And Appeals Board shall not issue, a Conditional Use Permit unless they conclude that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use (and the burden is placed on an applicant for a Conditional Use Permit in the relevant zone to demonstrate compliance with all of the following general standards, as well as any specific standards for the use):

1. The application complies with all applicable provisions and requirements of state and federal law, as well as the Land Use Ordinances, including adequate site plan with elevations, scale, dimensions, facilities, improvements, buffers, fencing, lighting, fire hydrants, etc. as deemed necessary; and

2. The structures associated with the use are compatible with surrounding structures in terms of type, use, scale, mass and circulation; and
3. The proposed use is not detrimental to the health, safety, or welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and
4. The proposed use is consistent with the Perry City General Plan, as amended, and complies with the regulations and ordinances of Perry City; and
5. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets; and
6. Sufficient utility capacity; and
7. Sufficient emergency vehicle access; and
8. Location and design of (as well as compliance with) off-street parking standards; and
9. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses; and
10. The effects of any differences in use or scale have been mitigated through careful planning and establishment of appropriate conditions; and
11. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site; including compatibility with buildings on adjoining lots and to the street; and
12. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and
13. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential; and
14. The proposed use is necessary or desirable and shall contribute to the general well being of the community.

Chapter 60.05.
CONDITIONS OF USE

60.05.010. Planning Commission to Address Specific Conditions Listed in this Chapter.
60.05.020. Parcel Size.
60.05.030. Location of the Parcel.
60.05.040. Traffic Considerations.
60.05.050. Utility Capacity.
60.05.060. Emergency Vehicle Access.
60.05.070. Location of Off-Street Parking.
60.05.080. Parking for Residential Use.
60.05.090. Joint Parking Facilities.
60.05.100. Use of Parking Spaces.
60.05.110. Marking of Spaces.
60.05.120. Parking Space Design Standards.
60.05.130. Surfacing.
60.05.140. Lighting.
60.05.150. Fencing, Screening, and Landscaping.

60.05.160. Building Design.
60.05.170. Trash Collection.
60.05.180. Signage.
60.05.190. Feed Storage.
60.05.200. Hazardous Waste.
60.05.210. Hazardous Materials.
60.05.220. Noise.
60.05.230. Outdoor Storage.
60.05.240. Outdoor Work.
60.05.250. Above Ground Storage Tanks.
60.05.260. Hours of Operation.

60.05.010. Planning Commission to Address Specific Conditions Listed in this Chapter.
The Planning Commission shall review each of the following topics to determine applicability and set specific conditions for the proposed use. Persons submitting an application for a Conditional Use Permit must address all conditions deemed applicable by the Planning Commission.

60.05.020. Parcel Size.
If the proposed parcel borders residential properties the proposed conditional use parcel must be large enough to provide a twenty-five (25) foot landscaped buffer adjacent to residential properties. The applicant may propose other methods of screening adjacent residential properties that could reduce the twenty-five (25) foot requirement.

60.05.030. Location of the Parcel.
The applicant must show how the proposed use fits in with the use of the adjacent properties.

60.05.040. Traffic Considerations.
The applicant must show the potential traffic impact their proposed business will have on the nearby roads and neighborhood. In addition, the applicant must propose conditions that would reduce or eliminate problems associated with the increased traffic such as, but not limited to, parking, noise, making turns and the capacity of existing streets in the area.

60.05.050. Utility Capacity.
The applicant is responsible for obtaining information on the capacities of the utilities the proposed business will utilize. If the proposed use overtaxes any of the existing utilities the applicant is responsible to fund needed utility upgrades. If future operation of the proposed use results in utility shortfalls, the owner of the property causing the utility shortfall is required to fund needed upgrades.

60.05.060. Emergency Vehicle Access.
Those being granted Conditional Use Permits are required to provide emergency vehicle access as required by the local fire department and the International Fire Code adopted at the time the Conditional Use Permit is issued.

60.05.070. Location of Off-Street Parking.
Each commercial use must provide parking spaces in accordance with Perry Municipal Code, Title 54; Streets, Trees, Parkways, and Parking except that no less than five (5) customer parking spaces will be provided. All required off-street parking spaces open, covered, or enclosed shall be located on the same lot as the conditional use business, except as permitted in Section 60.05.090.

60.05.080. Parking for Residential Use.
Reserved parking, two and one-half spaces (2 ½) for each residential unit shall be provided in addition to any other required parking. Parking for residential use will be illuminated during hours of darkness. This illumination will be shielded so it will not light the sky or cast direct light beyond the property line or onto adjacent streets.

60.05.090. Joint Parking Facilities.
Two or more buildings that are adjacent or on adjacent lots may collectively provide the required off-street parking subject to deed restrictions binding the owners and their heirs, successors and assigns to maintain the required number of spaces available throughout the life of such use; however, the number of parking spaces shall not be less than the sum of the requirements for the various individual uses computed separately.

60.05.100. Use of Parking Spaces.
Parking spaces and/or loading space will not be used for storage of any kind, sale of merchandise or vehicles, any repair, dismantling or servicing of any vehicle, equipment, material or supplies. Perry City may issue limited time permits for occasional special events that would allow the use of parking spaces for the sale of merchandise, i.e. a parking lot sale.

60.05.110. Marking of Spaces.
Parking shall be striped on pavement or designated with some other form of permanent marking.

60.05.120. Parking Space Design Standards.
Parking areas shall comply with Perry Municipal Code, Title 54; Streets, Trees, Parkways, and Parking. Parking spaces using geometric standards other than those specified in Perry City Ordinances may be approved if stamped by a state licensed engineer with expertise in parking facility design subject to a determination by the City Engineer.

60.05.130. Surfacing.
All off-street parking areas and vehicle sales lots shall be paved with asphalt or concrete. Paving will meet current design standards and will be approved by the City Engineer.

60.05.140. Lighting.
External lighting along state highways must be in accordance with UDOT requirements. All external lighting must be shielded so it will not light the sky or cast direct light beyond the property line or onto adjacent streets. General parking lot illumination is permitted only during night business hours. Lighting for security purposes is permitted during hours of darkness.

60.05.150. Fencing, Screening, and Landscaping.
A minimum buffer of twenty-five (25) feet is required between any NC2 or NC3 zone commercial use and adjacent residential property. This buffer must be fully landscaped, watered and maintained to provide a visual screen and attractive appearance from the residential property. A six (6) foot high masonry or commercial quality comparable fence acceptable to the Perry City Planning Commission must be installed on the property line. No buffer is required between commercial uses. The owner of the commercial property is responsible for properly maintaining the landscaped buffer area.

60.05.160. Building Design.
Building physical size is to be approved by design review. Buildings in the NC2 zone will have no more than two stories above ground. The front of the building will face either the adjacent street or the building parking area as determined during the design review. External building finish will be predominately masonry. Vinyl or wood trim is permitted. Building colors will primarily be earth tones. Windows may be tinted but will not have reflecting covering or coating. Buildings on the same lots or adjoining lots will have adequate separation to permit emergency access.

60.05.170. Trash Collection.
Locations for trash collection receptacle will be covered and enclosed. Trash collection areas must be maintained in a neat manner and an active rodent control program must be in place. Masonry or commercial quality vinyl fencing will be used to screen the storage area if it is visible from nearby residential property or the street. If there is residential property within 200 feet, trash pickup is restricted to the hours of 7:00 a.m. to 9:00 p.m.

60.05.180. Signage.
Non-illuminated and internally illuminated signs are permitted. If signs are visible from nearby residential properties they can only be illuminated during hours the business is open for business. Signs must not cast direct light beyond the property line or onto adjacent streets. Sign size and location is determined by the Perry City Sign Ordinance, Title 59.

60.05.190. Feed Storage.
Any business using or storing animal feed must store the feed in rodent proof containers or bins.

60.05.200. Hazardous Waste.
Any business generating or storing hazardous waste must comply with all Federal, State and Local hazardous waste laws. Hazardous waste will be properly containerized and will be stored

indoors or outdoors in covered, fenced and locked areas approved by the local fire department authority. The name and quantity of each hazardous waste material will be provided to the local fire department and Perry City on a quarterly basis.

60.05.210. Hazardous Materials.
Any business generating or storing hazardous materials must comply with all Federal, State and Local hazardous materials laws. Hazardous material will be properly containerized and will be stored indoors or outdoors in covered, fenced and locked areas approved by the local fire department authority. The name and quantity of each hazardous material will be provided to the local fire department and Perry City on a quarterly basis.

60.05.220. Noise.
Noise in excess of 85db, at the source, will not be generated outside of an enclosed building between the hours of 9:00 p.m. and 7:00 a.m. Outdoor public address systems are not permitted.

60.05.230. Outdoor Storage.
Outdoor storage is permitted only in covered, fenced, and locked areas. Outdoor storage must be maintained in a neat manner and an active rodent control program must be in place. Masonry or commercial quality vinyl fencing will be used to screen the storage area if it is visible from nearby residential property or the street.

60.05.240. Outdoor Work.
Offensive odors, vibration, fumes, steam, reflection, airborne dust or dirt must be contained inside an enclosed building.

60.05.250. Above Ground Storage Tanks.
The storage of flammable or combustible liquids in above ground tanks outside of buildings is not permitted. One above-ground bulk storage tank of liquefied petroleum gas, not to exceed one-thousand (1000) gallons, and only used for the purpose of refilling portable tanks, may be permitted if it is no closer than two hundred (200) feet to any residential structure.

60.05.260. Hours of Operation.
Recommended business hours are restricted from 6:00 a.m to 9:00 p.m. if there are adjoining residential properties.

Chapter 60.06.
REGULATIONS

60.06.010. Plat Approval.
60.06.020. Expiration.
60.06.030. Appeals.
60.06.040. Fee.
60.06.050. Expansion of a Conditional Use.
60.06.060. Inspection.

60.06.010. Plat Approval.
When a conditional use requires the recording of a record of survey, planned development, or subdivision plat, the applicant shall take the final plat to the Planning Commission for plat approval. The Planning Commission may forward a recommendation to the Perry City Council at the same time.

60.06.020. Expiration.
Conditional Use Permits shall expire one year from the date of Special Uses and Appeals Board approval, unless substantial construction activity has commenced on the project. The issuance of a building permit is not evidence of substantial construction activity. Demolition permits do not evidence substantial construction activity. Whether construction has commenced or not, the Special Uses and Appeals Board may grant an extension of the Conditional Use Permit when the applicant is able to demonstrate a legitimate need. Extension requests must be submitted in writing to Perry City prior to the expiration of the Conditional Use Permit. If the Conditional Use Permit extension request is not submitted in writing to Perry City prior to its expiration, the existing Conditional Use Permit is no longer valid and the applicant must submit a new Conditional Use Permit Application.

60.06.030. Appeals.
The decision of the Special Uses and Appeals Board is the final decision and is necessary for a Conditional Use Permit to be approved. If the Special Uses and Appeals Board denies a Conditional Use Permit, then this action may be appealed to the Administrative Law Judge within 10 calendar days (see Section 23.04.120). There is no further internal appeal process (the administrative remedies are, at this point, exhausted). An appeal from the Administrative Law Judge's decision may be made to District Court within calendar 30 days, or to the Property Rights Ombudsman's Office, etc., if applicable, as allowed by law (see Sections 23.03.010 and 23.03.020).

60.06.040. Fee.
The appropriate fee, as determined by resolution, shall accompany the application for any Conditional Use Permit.

60.06.050. Expansion of a Conditional Use.
The applicant shall present a Conditional Use Expansion Plan to the Perry City Planning Commission prior to the expansion of any conditional use. A recommendation for expansion shall be forwarded to the Special Uses and Appeals Board. No conditional use may be expanded without the approval of the Special Uses and Appeals Board.

60.06.060. Inspection.
Following the issuance of a Conditional Use Permit for a use which requires a building permit, the Perry City Building Official shall approve an application for a building permit, and shall ensure that development is undertaken and completed in compliance with said conditional use permit and all other applicable codes and ordinances. An occupancy permit shall not be issued until all conditions are complied with.

Legislative History
Amendments added: January 24, 2008
New numbering system and codified into new municipal code: 12/11/2008

Title 61, A Land Use Ordinance
EXCAVATION AND RECLAMATION

Chapter 61.01. GENERAL PURPOSE
Chapter 61.02. GRAVEL PITS
Chapter 61.03. PUBLIC WAY
Chapter 61.04. PRIVATE DEVELOPMENT

Chapter 61.01.
GENERAL PURPOSE

61.01.010. Purpose.
61.01.020. Definitions.
61.01.030. Enforcement.
61.01.040. Severability.

61.01.010. Purpose.

The extraction of construction materials and minerals is essential to provide for the continued demand for rock, gravel, sand, etc. in Box Elder County. It is usually necessary to alter the surface of the earth to extract these minerals and/or raw materials. This shall be done in such a way as to minimize any undesirable effects such as excavation dust, noise, reflection, vibration, light, welding lights, smoke, fumes, steam, odors, etc. Land shall be reclaimed in such a manner as to prevent conditions detrimental to the general safety and welfare of all citizens of Perry City and to provide for the subsequent use of the lands co-affected. Reclamation requirements shall be adapted to the diversity of the topographic, chemical, climatic, biologic, geologic, economic, and social conditions of the area where the excavation takes place. Such procedures shall be required for existing gravel pits, new gravel pits, and/or material excavation sites. It is also the purpose and object of this Ordinance to:

1. Establish reasonable and uniform limitations, safeguards and controls on excavation within Perry, Utah. These provisions are deemed necessary in the public interest to effect practices which will provide protection of the tax base, provide for the economical use of vital materials necessary for our economy and give due consideration to the present and future use of land in the interest of promoting the public health, comfort, safety and general welfare.
2. Provide for the proper construction, installation, compaction and repair and replacement of street excavation and surfacing for pipelines, structures, sidewalks, curbs, gutters, driveways and any public or private improvement across, under, on, and/or along the public way which will result in physical alteration thereof; thus promoting conformity, safety and health of those persons using, benefiting from or traveling the city's public ways.
3. Provide for the proper construction and excavation requirements for site work related to private development which will result in physical alteration of real property; thus promoting conformity, safety and the health and welfare associated

with the use or uses of such property and potential effects on adjacent properties or uses.

61.01.020. Definitions.

The following definitions apply to Title 61:

1. Enforcement Official: Includes the Building Inspector, City Engineer, Public Works Director, Public Works Inspector, City Police and/or their designees.
2. Engineering regulations: Construction specifications and design standards complying with the latest version of the Public Works Standards and Technical Specifications.
3. Excavation: For the purpose of this Ordinance, "excavation" shall mean the removal of clay, soil, granite, flagstone, slate, shale, limestone, sandstone, asphalt, concrete, road base, sand or gravel from the earth by excavating, stripping, leveling or any other process, together with all other types of mining operations where material is removed from the earth except that dredging operations in the bed of existing rivers and streams shall not be covered by this ordinance.
4. Fill: For the purpose of this Ordinance, "fill" (verb) shall mean the act of raising the level or surface of real property beyond the natural or if previously disturbed, the existing condition. As a noun the word “fill” shall mean the material used to fill (verb) real property.
5. Obstruction: Any rubbish, glass, material, wood, metal, earth, structures, or other object, thing or substance which may interfere with or obstruct the free use or view of the public way by travelers, or injure or tend to injure or destroy or render unsightly the surface of a public way, or which may cause or tend to cause such public way to become restricted in its uses or unsafe or dangerous for travelers thereon.
6. Permittee: Any person who has been issued a Conditional Use Permit for mining or gravel pit excavation or a Construction permit for work within the public way or private development and has agreed to fulfill the requirements of this ordinance.
7. Public way: Includes all public right-of-way and easements, public footpaths, walkways and sidewalks, public streets, public roads, public highways, public alleys, and public drainage ways within the incorporated areas of Perry, Utah.
8. Shoulder: The gravel strip of roadway six feet wide adjacent and parallel to the hard surface roadway edge.

61.01.030. Enforcement.

The Enforcement Officials, as defined in 61.01.020 A, are hereby designated and authorized as the officers charged with the enforcement of this Ordinance. It shall be the duty of an enforcement official to inspect or cause to be inspected at regular intervals of not more than three (3) months or as often as necessary all gravel pit excavations and operations. Where it is determined by an enforcement official that excavation is proceeding and is not in compliance with the provisions of this Ordinance, he shall enforce the provisions of this Ordinance and in performance of this duty may enter

actions in the court where necessary, and his failure to do so shall not legalize any violation of such provisions. Any person, firm or corporation who shall violate any of the provisions of this section of the Ordinance shall be guilty of a Class B misdemeanor, and upon conviction shall be punished as provided by the laws of the State of Utah for Class B misdemeanors. In addition, violators of the provisions shall also be subject to a fine of $1,000.00 for each and every day such violation occurs.

61.01.040. Severability.
If any provisions of this ordinance, or the application of such provision to any person or circumstance, shall be held invalid, illegal or unconstitutional, the remainder of this ordinance or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Chapter 61.02.
GRAVEL PITS

61.02.010. Reclamation Objectives.
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61.02.070. Filing Fee for Application for Conditional Use Excavation Permit.
61.02.080. Changes to Conditional Use Excavation Permit.
61.02.090. Special Regulations Applying to New and Existing Excavation Facilities.
61.02.100. Timeline for Implementation for Existing Excavation Facilities.
61.02.110. Provision of Surety Required on New and Existing Excavation Facilities.
61.02.120. Filing of an Annual Progress Report for New and Existing Excavation Facilities.
61.02.130. Transfer to Successor Owner/Operator of the Excavation Operation.
61.02.140. Time Frame within Which Compliance is Required by Existing Excavation Facilities.

61.02.010. Reclamation Objectives.
The following regarding reclamation:

1. The Objective of Excavation Reclamation is to
    a. Return the land, on an approved phase basis, concurrently with the phased operation to a predetermined condition defined by the approved reclamation plan.

b. Minimize or prevent present and future onsite or offsite environmental degradations to the ecologic and hydrologic aspects caused by mining operations, and to meet pertinent state, local and federal regulations regarding air and water quality standards and health and safety criteria.
c. Minimize and/or prevent future hazards to public safety and welfare.

2. Regarding phased excavation and reclamation:
   a. The reclamation or rehabilitation of a material excavation site shall be carried out on an approved phase basis (each phase shall be defined by legal description) with the excavation of the resource. The purpose of phased excavation and reclamation is:
      i. To create a useable land resource and to eliminate waste heaps;
      ii. To prevent shallow, stagnant, small bodies of water, small unusable remnants of land, and erosion of, barren slopes, all of which are historically associated with open pit operations.
   b. Excavation shall be planned so as to progressively develop the proposed and approved final land forms by grading and by stockpiling overburden materials in areas designated for future land forms or in excavations where the material will be spread over the gravel pit floor. Such areas are to be seeded and planted in accordance with the approved phasing plan after grading is completed and within appropriate planting seasons, but in any case the grading and planting plan shall contain a description of the approved phased rehabilitation process throughout the anticipated life of the excavations.
3. Final Reclamation: Final reclamation shall begin upon notification by Perry City on the approved phase basis for any site where operations authorized under a Conditional Use Excavation Permit have been inactive for a period of at least one year, or otherwise terminated. Parked and/or salvaged equipment must all be removed. The final reclamation shall conform to the plan approved (including improved modifications) in the Conditional Use Excavation Permit. All reclamation plans shall conform to the minimum standards and requirements listed below, provided however, that the Special Uses and Appeals Board may require more stringent standards where special hazards exist in order to protect health, safety or general welfare to the public, and to prevent injury to property or improvements.
4. Grading: All slopes, overburden stockpiles, and abandoned soil piles shall be graded to a 2:1 slope or flatter, and smoothed and or contoured so as to control erosion and prevent the creation of potentially dangerous areas in accordance with the direction of the City Engineer.
5. Water-filled Areas: All excavations which create standing water or ponds shall be refilled with inert materials. This requirement shall not apply, however, to any water-filled excavations scheduled to become an integral part of the final reclamation plan as water filled ponds, etc. The rehabilitation of these areas shall be done in such a manner that the groundwater is not polluted as determined through consultation with the County Health Department. Fill material shall be

porous to allow for water dispersion, unless otherwise specified in the reclamation plan.

6. Landscaping: Unless inconsistent with the final proposed use of the reclaimed land, excavated areas and all other disturbed areas shall be replanted and maintained as approved by Perry City with trees, shrubs, grasses or other vegetative ground cover, preferably native to the area, in order to minimize erosion and to restore the land to its natural appearance, or as previously approved by the Special Uses and Appeals Board. Native plants should not include those species that are the host plants for plant diseases, such as choke cherry which is a host for viruses affecting the fruit trees. Plant species shall be named in the reclamation plan to be approved by the Special Uses and Appeals Board.
7. Removal of Buildings and Equipment: As soon as excavation and/or manufacturing has been terminated, as determined by Perry City, all buildings and equipment (including electrical conduits) used in the administration of the operations, shall be removed unless deemed necessary to the approved final use of the reclaimed site.
8. Reclamation Verification. At the conclusion of each phase of excavation operation and reclamation of the excavation site, the owner/operator shall furnish the City Engineer a letter stating all requirements of the excavation on reclamation standards have been met for the phase and that no further excavation or operation will be performed within that phased area. The City Engineer shall present to the Planning Commission a statement verifying the phased permit area has been reclaimed with the requirements of the Conditional Use Excavation Permit reclamation plans previously approved. This statement shall also be based on Perry City's receipt of a signed statement from the owner/operator that all requirements of this ordinance for this phase are fulfilled and completed and that no further excavation shall occur within this phase. The Planning Commission shall then certify to the Special Uses and Appeals Board that all requirements concerning that completed phase have been met.

61.02.020. Conditional Use Excavation Permit Applicable to both New and Existing Excavation Facilities.

Regarding conditional use excavation permits:

1. Neither commercial excavation nor extraction of materials shall be permitted on any property within Perry City Corporate limits unless authorized by a Conditional Use Excavation Permit issued to the owner and/or operator of the property by the Perry City Planning Commission in accordance with the application procedures hereinafter set forth. In addition to delineating the area to which it is applicable, the Conditional Use Excavation Permit shall also make explicit reference to the uses authorized and shall include where applicable specific requirements for a pre-excavation inventory/analysis, an operation plan, plus a final reclamation plan which includes plans for phasing of excavation and for phasing of reclamation of the excavation site. Copies of the required plans shall be presented to the Planning Commission for its review and

recommendation. The Planning Commission shall after its review submit the reviewed plans to the Special Uses and Appeals Board together with its recommendations for any modifications, and recommendations for approval, or disapproval. The reasons for recommendation of modifications or disapproval shall be in writing.

2. The Conditional Use Excavation Permit application of an existing excavation facility operation covered by this ordinance, that qualifies as a non-conforming use under the laws of the State of Utah, will not be denied so long as it complies with the permit application requirements, and the owner/operator complies with the annual progress report requirements, surety requirements, and those other provisions and requirements of this ordinance that reasonably relate to health, safety and welfare concerns.

61.02.030. Location of New Excavation Sites or Operations.

Because of the potential negative impact to the environment and to adjacent landowners and uses, special consideration as to location of any new excavation or excavation operation through the Design Review Process and Public hearing will be required. The Environmental Sensitive Zone is the allowed and logical potential location for any new excavating operation, but the intent of the Environmental Sensitive Zone will dictate specific allowable locations. Potential Excavation or Operation Sites shall not be allowed within any of wellhead protection zones, zones 1, 2, 3 or 4. Potential haul and access roads as well as any associated maintenance and safety issues will be analyzed as a potential impact. The material excavation site shall be separated (phased) into areas with legal descriptions of each phase noted. The owner/operator shall notify the City in writing which phase or phases he intends to excavate. At the time of this notification, he will provide the City the required surety. No excavation shall occur in any phased area until the surety is provided.

61.02.040. Application Requirements for New Excavation Facilities.

The following are application requirements for new excavation facilities:

1. General Information to be Provided:
    a. The name under which the property is to be excavated shall be stipulated and the legal description of the property noted.
    b. The name(s) and address(s) of the property owners/lessees/operators of the property shall be noted.
    c. A history of ownership and uses of the property for the previous ten (10) years.
    d. Ten (10) each copies of the above.
2. Pre-excavation Inventory and Analysis: A pre-excavation inventory and analysis both offsite and on-site shall be performed by the applicant containing the following information:
    a. A regional vicinity analysis describing other land uses and zoning surrounding the site; the possible impacts of the proposed excavation

operation on surrounding land; the methods to be employed to mitigate any potentially negative effects;

b. A description of the regional haulage routes proposed to be employed on public and private roads.

3. Proposed Excavation Site Inventory and Analysis: The applicant shall conduct and furnish Perry City a site inventory and analysis to include:
    a. A topographic map of the area at a scale of one inch equals five hundred feet (1” = 500’) to a maximum contour intervals of twenty five (25) feet;
    b. A cross sectional plan with at least three scaled cross section drawings of the proposed excavation property showing natural existing ground elevation together with the proposed maximum excavated surface areas of property to be excavated. Two of the three cross sections should be through the site areas of the greater proposed materials displacement, and the third cross section should show elevations of the major contributing drainage area. Cross sections shall be keyed to the topographic map and a physical reclamation plan;
    c. A soils survey including a soil profile performed by an approved soils laboratory;
    d. A description of the site hydrology and geology;
    e. A description of the virtual characteristics with particular concern given to the use of natural topography and vegetation to shield excavation site operations from nearby properties and the general public;
    f. Direction of prevailing winds.
4. Excavation Operations Plan: The applicant shall provide an excavation operations plan which describes the following:
    a. Excavation methods to be employed;
    b. Maximum anticipated annual production in cubic yards;
    c. Anticipated period(s) of operation;
    d. An operations development plan on topographic map (to scale of one inch equals five hundred feet (1”500’) of the area at least two hundred (200’) feet beyond the proposed excavation limits showing the following operations:
    e. Stockpiles, milling and processing system;
    f. Type and kinds of machinery and equipment, waste disposal systems;
    g. The water to be used in the operation to include source, consumption, effect of the operation on the source, method of control and disposal and the quality of effluent, if any;
    h. Wind and air movement patterns with a description of techniques to be used to control dust and noise;
    i. Schedule of proposed operations and a plan showing locations of buildings, storage areas, equipment;
    j. The effects of lighting on adjacent properties and as viewed from public roadways;

k. The possible and anticipated unfavorable effects of the operation on the surrounding properties, environment and roadways related to excavation dust, noise, vibration, light, welding lights, smoke, odor, traffic and the specific steps to be taken to mitigate such effects;
l. Any anticipated social or economic effects on the surrounding lands and the steps proposed to be taken to mitigate such effects;

5. Reclamation Plan: The applicant shall provide a reclamation plan, including, but not limited to, the use of maps, imagery and renderings at a scale of one inches equals five hundred (1” = 500’) feet extending two hundred (200’) feet beyond the legal description of the excavation site area with a maximum contour interval of twenty five (25’) feet which includes at least the following:
    a. A phased grading plan drawn and certified by a registered civil engineer or landscape architect indicating the areas to be excavated and the proposed finished grades (a typical phased grading plan is available at the Perry City office for review by the applicant);
    b. A description of the methods and plans to be employed for reclamation of described excavation phase(s) during and after the excavation operation;
    c. A description and drawing of the reclamation landscape plan to include the installation of top soil, planting schedule, specifications for plant applications, plant species to be planted, mulching, and type of irrigation to be used, both for temporary plant establishment and for long term-ongoing irrigation needs (including springs and quantities and sources of water available);
    d. Provide drawing of and describe the hydrology environment of the reclaimed site to include a map illustrating the surface runoff water drainage areas such as lakes, springs, ponds, streams, wells, pipe lines, culverts, ditches, canals, etc.;
    e. A description of significant geologic conditions expected to exist in the final reclaimed site with an explanation of methods used to mitigate any hazards that might exist in the proposed future site use;
    f. A description and the location of all permanent roads, surface runoff detention basins, and other man-made structures which are to remain after reclamation;
    g. A drawing of the reclaimed site showing proposed slopes, vegetation and land uses;
    h. A statement as to proposed maintenance, ownership, and operation of permanent surface water runoff facilities, both during and after operation of the gravel pit.
6. Authorization of Permit: The Conditional Use of Excavation Permit shall include approval signature blocks for the City Engineer, City Planning Commission, City Attorney and the Special Uses and Appeals Board, approving all maps, plans, etc. submitted with the application.

61.02.050. Application Requirements for Existing Excavation Facilities, Expansion, Amendment, and/or Renewal:

The following regarding application requirements for existing excavation facilities:

1. General information requirements are:
    a. The name under which the property is being excavated shall be stipulated and the legal description of the property noted,
    b. The name(s) and address(es) of the property owners/lessees/operators of the property shall be noted,
    c. A history of ownership and uses of the property for the previous ten (10) years,
    d. Ten (10) each copies of the above.
2. Excavation Operations Plan: The applicant shall provide an updated excavation operations plan which describes the following, which are intended to be changed or modified from the previous year's excavation operation plan:
    a. Excavation methods used to be employed ex.(a stable slope of excavation face shall preclude wind and water erosion conducive to the erosion of airborne dust);
    b. Maximum anticipated annual production in cubic yards;
    c. Anticipated period(s) of operation;
    d. An operations development plan on a topographic map (top scale of one inches equals five hundred feet (1" = 500') of the area at least 200 feet beyond the proposed excavation limits showing the following operations:
        i. Stockpiles, milling and processing system;
        ii. Type and kinds of machinery and equipment, waste disposal systems;
        iii. The water to be used in the operation to include the source, consumption, effect of the operation on the source, method of control and disposal of the quality of effluent, if any;
        iv. Wind and air movement patterns with a description of techniques to be used to control dust and noise;
        v. The effects of lighting on adjacent properties and as viewed from public roadways:
        vi. Schedule of proposed operations and plan showing locations of buildings, storage areas, equipment;
        vii. The possible and anticipated unfavorable effects of the operation on the surrounding properties, environment, roadways and the specific steps to be taken to mitigate such effects;
        viii. Any anticipated social or economic effects on the surrounding lands and the steps proposed to be taken to mitigate such effects.
3. Reclamation Plan: The applicant shall provide a reclamation plan indicating how the site will be reclaimed upon completion of the mining activities to allow for the productive and compatible use of the site. The reclamation plan shall include, but not limited to, the use of maps, imagery and renderings at a scale of one inch equals five hundred (1" = 500') feet extending two hundred (200) feet beyond the

legal description of the excavation site area with a maximum contour interval of twenty five (25) feet which includes at least the following:

a. A phased grading plan drawn and certified by a registered civil engineer or landscape architect indicating the areas to be excavated and the proposed finished grades (a typical phased grading plan is available at the Perry City office for review by the applicant);
b. A description of the methods and plans to be employed for reclamation of described excavation phase(s) during and after the excavation operation;
c. A typical site plan of proposed or potential use or uses of the site following reclamation, including the proposed zoning for the site, building locations, roads and streets, topography, parking and landscaping;
d. A description and drawing of the reclamation landscape plan to include the installation of top soil, planting schedule, specifications for plant applications, plant species to be planted, mulching, and type of irrigation to be used both temporary for plant establishment and long term-ongoing irrigation needs (including springs and quantities and sources of water available);
e. Provide drawing of and describe the hydrology environment of the reclaimed site to include a map illustrating the surface runoff water drainage areas such as lakes, springs, ponds, streams, wells, pipe lines, culverts, ditches, canals, etc.;
f. A description of significant geologic conditions expected to exist in the final reclaimed site with an explanation of methods used to mitigate any hazards that might exist in the proposed future site use;
g. A description and the location of all permanent roads, surface runoff detention basins, and other man-made structures which are to remain after reclamation;
h. A drawing of the reclaimed site showing proposed slopes, vegetation and land uses;
i. A statement as to proposed maintenance, ownership, and operation of permanent surface water runoff facilities, both during and after operation of the gravel pit;
j. A financial analysis detailing all the costs of the reclamation plan; and
k. A proposed form of financial security to assure the implementation of the reclamation plan.

4. Authorization of Permit: The Conditional Use of Excavation Permit shall include approval signature blocks for the City Engineer, City Planning Commission, City Attorney and the Special Uses and Appeals Board, approving all maps, plans, etc. submitted with the application.

61.02.060. Planning Commission Review Procedures of Applications.
The following regarding Planning Commission Review applications:

1. Pre-application: The excavator or owner or their representative shall acquire a copy of the Excavation and Reclamation Standards (this ordinance) from the City Recorder.
2. Pre-application Meeting: The excavator or owner or their representative shall meet with the Planning Commission for a pre-application review of the owner's proposed plans for the excavation site. The Planning Commission shall verify the location of the excavation site. (Required for new facilities.)
3. Pre-application Plans: The excavator, owner or their representative shall submit copies of the excavation plans to the Planning Commission at a regularly scheduled Planning Commission meeting. Pre-application plans shall include all the information requested above.
4. Pre-application Review: The chairman of the Planning Commission shall distribute copies of the pre-application plan to the City Engineer, the Perry City Council Representative(s) responsible for water and sewer development, the Perry City Representatives responsible for road development, the Special Uses and Appeals Board, and the Utah Geological and Mineral Survey for review and comment. Recommendations shall be returned to the Planning Commission Chairman. The departments and agencies listed above will be allowed fourteen (14) working days for review. They may request an extension of the review period. The Planning Commission Chairman, with the concurrence of the owner, may approve the requested time extension.
5. Planning Commission Action**:** The Planning Commission shall review the pre-application plan for new excavation facilities and the application plan for existing facilities, together with the recommendations of the departments and agencies listed above at their next regularly scheduled meeting. The Planning Commission may recommend approval as is, approval with modifications, denial subject to revisions, or denial of the pre-application plan. Reasons for denial shall be submitted to the owner in writing.
6. Revised Application Plans: The owner, excavator, or their representative shall then revise the pre-application plans or application plans, if necessary, to comply with the recommendations of the Planning Commission. Copies of the revised plans shall be submitted to the chairman of the Planning Commission within one year following review of action on the plans by the Planning Commission. Copies of the revised plans shall be resubmitted to the departments and agencies previously listed. Recommendations for the revised plans shall be returned to the Planning Commission chairman within twenty-five (25) calendar days after distribution. The departments and agencies listed above may request an extension of the review period. The Planning Commission chair, with the concurrence of the developer, may approve the requested time extension.
7. Planning Commission Action: The Planning Commission shall review the revised pre-application plan or application plan, together with the recommendations of the departments and agencies listed above, at their next regularly scheduled meeting. The Planning Commission shall recommend to the Special Uses and Appeals Board approval as is, approval with conditions, or denial of the revised plan.

Reasons for recommending shall be in writing. Following review of the final plan, the plan shall be forwarded with the recommendations to the Special Uses and Appeals Board for final review and determination.

8. Special Uses and Appeals Board Action: The Special Uses and Appeals Board shall review the final plan presented by the Planning Commission, together with the recommendations of the Planning Commission and consultants, if used. The Special Uses and Appeals Board may call a special public hearing. If a public hearing is called, it shall be advertised in the local newspaper at least fifteen (15) days prior to the meeting. The Special Uses and Appeals Board may approve as is, approve with conditions, or deny the final plan. The approved final plan shall be considered an approved Conditional Use Excavation Permit. The decision of the Special Uses and Appeals Board shall be final.

61.02.070. Filing Fee for Application for Conditional Use Excavation Permit.

The following regarding filing fees for Conditional Use Excavation Permit Application:

1. New Excavation Operations: The Perry City Council shall determine by resolution such filing fee as is reasonably required for City Review of the application and all information provided with it (See Fee Schedule). The filing fee shall be paid to the City Recorder at the time the application is submitted. The applicant shall be required to pay for public notification where appropriate and required by this Ordinance. Professional fees for the review of the application and all information provided with it done by Perry City staff including the City Engineer**,** other professionals and City Attorney will be paid for by the applicant.
2. Existing Excavation Operations: The Perry City Council shall determine by resolution such filing fee as is reasonably required for city review of the application to renew, amend or expand a Conditional Use Excavation Permit and evaluation of appropriate rehabilitation requirements, related surety requirements and other issues involved in the application and approval process (see Fee Schedule). The filing fee shall be paid to the Community Development Department at the time the application is submitted. Professional fees for the review of the application and all information provided with it done by Perry City staff including the City Engineer, other professionals and City Attorney will be paid for by the applicant.

61.02.080. Changes to Conditional Use Excavation Permit.

The following regarding changes to Conditional Use Excavation Permits:

1. Failure to Comply: Should owner/operator fail to Comply with conditions of the Conditional Use Excavation Permit, their representative or individuals or firms employed by the owner/operator, their representative or individuals or firms employed by the owner/operator, or their representative fail to meet the conditions of the Conditional Use Excavation Permit, the holder of said permit shall be required to appear before the Special Uses and Appeals Board at a designated date and hour to show cause why said permit should not be revoked or modified.

2. Hearing: Upon the date set for hearing, the Special Uses and Appeals Board shall hear all changes and other testimony relating to the matter under consideration. The Special Uses and Appeals Board shall then decide to continue the permit, revoke it, or modify it.
3. Modification of the Conditional Use Excavation Permit Plans: Action on Modification of the Natural Resources Conditional Use Excavation Permit plan may be initiated either by the Special Uses and Appeals Board or by the owner/operator where it is merely sought to affect minor revisions in the approved grading plan, schedule of proposed phasing or operation, proposed reuse plan, or landscape plan. The Special Uses and Appeals Board shall determine whether the proposed changes are minor. If the Special Uses and Appeals Board determines the changes are more than minor, full review by the departments and agencies previously noted, shall be conducted. Otherwise, if minor, the Special Uses and Appeals Board may approve, deny, or require additional modification without full review by the departments or agency involved in previous reviews.

61.02.090. Special Regulations Applying to New and Existing Excavation Facilities.

The following special regulations apply to new and existing excavation facilities:

1. Buffer Distance:
    a. All extractive operations, machinery, equipment, and stockpiles (excluding rock crushing) shall be kept at least one hundred (100’) feet horizontal distance from any other property owner’s property line except as may be reduced by the Special Uses and Appeals Board and so noted on the excavation plan, but in no event should the crushing operation be closer than five hundred (500’) feet to the property line. The setback shall apply to the distance of the specific operation from the property line of any adjacent residentially zoned property.
    b. Rock crushing operations shall not be conducted within one thousand (1,000’) feet of the outside boundary of the permitted property, except such rock crushing operations may be conducted within five hundred (500’) feet of the outside boundary of the permitted property if specifically approved as part of the excavation permit, with appropriate conditions consisting of a combination of buffering, berming, screening, landscaping, and other mechanisms to reduce or mitigate potential adverse impacts on neighboring land owners and the City.
2. Existing Crushing Operations: Setback exemption:
    a. All existing crushing operations in effect at the time of adoption of this ordinance shall be exempt from the above proposed setback requirements.
    b. All excavations shall be kept at least one hundred (100’) feet from a public road except where the Special Uses and Appeals Board determines the excavations may be moved closer if it will not endanger the road or users of the road and so noted on the excavation plan.

c. Signing: The outer boundaries of the excavation site shall be continuously posted with signs not more than five hundred (500') feet apart and at each change of direction of said boundary line, stating in letters two (2") inches in height: must read "DANGER KEEP OUT EXCAVATION SITE." Said signs shall be of wood or metal and shall be maintained in legible conditions at all times.
d. Fencing: Areas of excavation with serious or hazardous conditions as determined by the City shall be fenced with a permanent chain link fence, or an approved equivalent thereof, not less than six (6') feet in height, except where in the determination of the Special Uses and Appeals Board other suitable devices may be used.
e. Grading: All slopes, overburden stockpiles, and abandon soil piles shall be graded to a 2:1 slope or flatter, and smoothed so as to control erosion and prevent the creation of potentially dangerous areas. Grading shall include specifications for slope stabilization and shall be done in accordance with the latest approved excavation and reclamation plans, with the concurrence of the City Engineer.
f. Air Quality: All air quality related plans and actions shall be monitored and approved by the State of Utah, Department of Environmental Quality, Division of Air Quality. Compliance shall be in accordance with requirements of the State of Utah, Division of Air Quality, Approval Order (A) for Sand and Gravel Operations, as mandated by the State of Utah. All costs incurred for such monitoring shall be paid for by the owner/operator.
g. Dust Containment: Graded or disturbed surfaces of excavations or fill, and all equipment, materials and roadways at the excavation site shall be dampened or suitably treated, managed or otherwise contained to prevent the deposit of rust on neighboring properties. All materials transported to or from the excavation site shall be adequately covered and otherwise contained during transportation to prevent spillage or the escape of fugitive dust at the site, streets or other properties outside of the excavation site.
h. Hours of Operation: Plant operation, except for the maintenance and repair of vehicles and equipment, shall be confined to the hours between 6:00 a.m. and 7:00 p.m. Monday through Saturday, except for operations as required by public emergency demands may be performed as approved by the Special Uses and Appeals Board. Maintenance and repair of equipment may be performed at all hours provided Noise and Light regulations are complied with. Loading of trucks shall be confined to the hours between 6:00 a.m. and 7:00 p.m. Monday through Saturday. No trucks used in the hauling operations will be allowed into the site before the specified time or permitted to leave the site loaded with material from the site after the specified time.

i. Hours of Operation-Temporary Extension: Perry City Staff shall be empowered to temporarily extend the hours of loading operations upon the submittal and review of sufficient written justification.
j. Hours of Operation- Appeal: Appeal of any decision to temporarily extend such hours of loading operations may be directed to Special Uses and Appeals Board for a final decision.
k. Run-off Water Detention: The operator or owner shall, on determination by the City Engineer, be required to construct run-off water detention facilities to prevent storm water pollution, damage to neighboring property and structures, and for protection of residents below the site. All Federal, State and Local regulations governing storm water control and pollution prevention shall be adhered to, including the provisions of a Phase II National Pollution Discharge Elimination System (NPDES) Storm Water Management Plan.
l. Mitigating Impacts on Public Roads and Highways: In order to mitigate the impact of gravel operations and related activities on public roads and highways, the conditions of an excavation permit may include a requirement to asphalt access roads for a prescribed distance before entering a public road or highway. In addition, all access roads used for gravel operations and related activities shall be periodically swept and cleaned as determined necessary for safety purposes.
m. Lighting Control: All lighting, both temporary and permanent, as well as equipment lighting shall be such that it will comply with “Dark Sky” methods and concepts, shall not detract from or adversely affect adjacent property uses and shall be only sufficient for excavation operations, safety and security. When excavation lighting is used, lighting shall be designed to minimize glare and diffusion onto other properties. When the use is next to a residential zone or use, direct and defused light shall be shielded from the residential zone or use. General parking lot illumination is permitted only during night business hours. All lighting shall comply with the hours of operation with only sufficient lighting necessary for safety and security outside of such hours.
n. Landscaping: Properties containing a use for which a Conditional Use Excavation Permit is required shall be landscaped for purposes of screening such uses from public streets and adjoining properties. Approved vegetative materials shall be planted together with necessary top soil as per the schedule approved in the granting of the Conditional Use Permit and shall be maintained in a healthy growing condition. In addition, any bare soil in the area proposed for excavation which is not being actively excavated by the owner or operator shall be planted with vegetation to reduce dust arising from those areas.
o. On Site Parking: All required employee and visitor on-site parking areas shall be paved with asphalt or concrete. Paving will meet current design standards of the City Engineer. Parking shall be striped on the pavement

or designated with some other form of permanent marking. All parking shall comply with Perry City Parking Regulations.

p. Noise and Vibration Control: All equipment onsite and offsite utilized in the extraction and processing of excavating materials shall be operated and maintained so as to minimize the emanation of noise and vibration from the premises. The operator is responsible to identify haul routes and percussive noise sources that might particularly annoy sensitive receptors and to prevent these sources from becoming a problem.

q. Historic Trails, Monuments, and Landmarks:

3. Definitions and Standards: All terminology used in this provision and not defined below, shall meet applicable American National Standards Institute (ANSI) publications and commonly accepted practices of acoustical measurements.

i. Receptor: An occupied residential dwelling, church, hospital, school, outdoor stage, or structure continuing other noise sensitive activities.

ii. Noise Sensitive Zone: The land enclosed within a fifteen hundred (1500') foot radius circle of any receptor.

iii. Sound Level: The total sound pressure level from all concurrent excavation activities related to the subject project, as measured with a sound level meter using the A-weighing network (ANSI S1.4). The Standard notation is db (A) or da.

iv. Percussive Noise: Short burst(s) of banging or chattering noise including but not limited to blasting, pile driving, and jack hammering.

b. Prohibitions: Excavation work shall not be permitted under the following conditions:

i. Wherever project related excavation activity in a noise sensitive zone would cause the sound level within ten (10') feet of the nearest receptor to exceed: 95 db in daytime (6:00 a.m. to 7:00 p.m.), or 55 db in nighttime (7:00 p.m. to 6:00 a.m.).

ii. No outdoor public address systems shall be permitted.

iii. In a noise sensitive zone on Sundays and legal holidays.

iv. When the Perry City Representative notifies the operator that project related excavation noise or vibration does not meet specifications, that portion of excavation work responsible for the problem shall cease until reduced to the required noise standards.

v. Compliance: The above requirements and all local noise ordinances shall be adhered to, except where the operator has obtained a variance in accordance with local regulations.

vi. Percussive Noise: The operator shall notify the Perry City Representative at least two (2) weeks in advance of any percussive noise activity that is expected to exceed the above requirements, so that the Perry City Representative has sufficient time to coordinate with area residents.

c. Roads: All permanent haul roads within five hundred (500') feet of public streets or land shall be regularly treated (not less than twenty-two (22') feet wide) with oil or other approved chemicals or be asphalt surfaced. All other roadways in use shall be regularly watered or surfaced with a dust palliative and properly maintained during the operation of the gravel pit.
d. Fuel Storage: All fuels and other fluids, lubricates and cleaning solvents or solutions shall be stored and dispensed according to the applicable Federal and State regulations.
e. Overloading: Gravel pit, sand and clay pit owners/operators shall prevent the overloading of trucks and vehicles, and spillage of gravel, rocks or sand upon the public roads and highways in accordance with State Law.
f. Transportation Vehicles: All vehicles transporting excavated product on public roads and highways shall be covered, and otherwise prepared so that they will not disperse fugitive dust and/or mud along the public roads and highways.

61.02.100. Timeline for Implementation for Existing Excavation Facilities.
Within one hundred twenty (120) days after the adoption of this Ordinance, all existing operations shall comply with the provisions set forth herein, provided that in no case shall requirements be imposed which are unreasonable in respect to acceptable standards, as defined by the City, where such conditions exist prior to the enactment of this Ordinance.

61.02.110. Provision of Surety Required on New and Existing Excavation Facilities.
The following regarding provision of surety requirement:

1. Provision for Surety: An adequate surety, approved by the Special Uses and Appeals Board of Perry City, must be provided by the owner/operator of any sand, gravel and clay pits within the city limits of Perry City, in an amount sufficient to secure performance of the rehabilitation of each phase of the site before the Conditional Use Excavation Permit can be approved or issued. Such provision for surety shall be provided for the specific phase of the operation as the "active" phase. At the time the excavation operation is proposed to commence on any subsequent phase, additional surety shall be provided to Perry City for each subsequent phase in the same manner as provided hereafter. As the rehabilitation of any entire phase of excavation operation is approved by Perry City as "complete" under the provisions of this ordinance, Perry City shall release any further claim on the surety placed on that completed phase. The surety for rehabilitation of any uncompleted phase of the excavation operation shall remain impounded in the possession of Perry City.
2. Release of Surety: The liability under surety provisions shall continue until such time as released in part, or in its entirety, by the Special Uses and Appeals Board.
3. Amount of Surety: The Planning Commission of Perry City shall determine the amount of the surety to be provided. In making that determination, the Planning Commission shall hold a public hearing on the matter, and consult with the City

Engineer and City Attorney. It may also consult with independent engineering or reclamation firms that may have helpful experience or expertise, and conduct such other investigation or analysis as it may deem appropriate, in evaluating the nature and extent of the rehabilitation and the potential costs thereof. The Planning Commission shall consider factual information as to the magnitude, type and costs of approved reclamation activities planned for the land affected and the nature, extent, and duration of the operation. The Planning Commission shall fix the form and amount of surety reasonably related thereto, to protect Perry City and insure compliance with the requirements of the Conditional Use excavation Permit; however, the cost amount of the bond shall not exceed one hundred percent (100%) of the cost of rehabilitating the excavation determined by the Planning Commission after it concludes its investigation and analysis set forth above. The Planning Commission may periodically review the amount of the surety required to insure that the amount is adequate to pay for the reclamation required. The amounts determined by the Planning Commission to be approved by the Special Uses and Appeals Board.

4. Form of Surety: The Planning Commission shall determine the form of the surety. In determining the form of the surety to be provided, the Planning Commission may require one, or a combination of the following: corporate surety bond issued by a licensed surety company; certified check; or such other financial guarantee acceptable to the Planning Commission. The nature and form of any surety agreement or other financial guarantee shall be approved by the City Attorney and the Special Uses and Appeals Board.
5. Continuing Liability of the Owner/Operator: If the actual cost of rehabilitation exceeds the surety, the owner/operator shall be liable to Perry City for the difference, together with costs and expenses incurred.
6. Forfeiture of Surety: If the owner/operator fails or refuses to undertake and complete the reclamation, the Special Uses and Appeals Board may, after notice and hearing, declare any surety filed in connection herewith, to be forfeited to the city. In the case of a corporate surety bond, Perry City may commence suit against the owner and his bonding company. The City shall also have the right to file suit against the owner/operator for costs of rehabilitation and reasonable attorney's fees and court costs.

61.02.120. Filing of an Annual Progress Report for New and Existing Excavation Facilities.

At the end of each calendar year (on or before February 15 or each calendar year), the owner/operator conducting mining operations shall file an operations and progress report with the Planning Commission. The report will summarize activities in fulfillment of the requirement for the approved phased excavation and reclamation in confirmation with the reclamation plan previously submitted and approved. The owner/operator shall state in writing to the Planning Commission that he is in full compliance with the approved Conditional Use Excavation Permit. Should it be determined as hereafter noted that he is in compliance, he shall be so notified in writing that he can proceed with his operation for

the next calendar year subject to monitoring noted in this ordinance. Perry City shall then appoint a representative to survey the excavation operation to verify that it is in full compliance, or list those items for which it is not in compliance. The owner/operator shall then be notified in writing, of such non-compliance items and may be granted a specified period of time to bring such items into compliance. Should the owner/operator then fail to bring the operation into compliance within the stipulated time, the Planning Commission shall recommend to the Special Uses and Appeals Board that the Conditional Use Excavation Permit be revoked.

61.02.130. Transfer to Successor Owner/Operator of the Excavation Operation.
Whenever an owner/operator succeeds to the interest of another person by sale, assignment, lease or other means, the Special Uses and Appeals Board will not release the first operator from his responsibilities, conditions, policies and agreements, under his approved plan, including surety, unless and until the successor assumes all of the responsibilities of the former operator, to the satisfaction of the Special Uses and Appeals Board under the approved operations and reclamation plans and the posting of surety. Upon satisfactory assumption of such responsibilities by the successor owner/operator, under conditions approved by the Special Uses and Appeals Board, the responsibility of the total excavation site may then be transferred to the successor. An Assumption Form, available from the City Recorder, shall be issued attesting to these agreements, and a signed copy shall be retained in Perry City files.

61.02.140. Time Frame within Which Compliance is Required by Existing Excavation Facilities.
Within ninety days after the adoption of this ordinance, existing excavation facilities covered by this ordinance shall comply with the requirements and provisions set forth herein. New excavation facilities must comply with all the provisions hereof before they may commence business operations.

Chapter 61.03.
PUBLIC WAY

61.03.010. Public Way Excavations.
61.03.020. Construction Permit Requirement.
61.03.030. Construction Permit Application.
61.03.040. Work without Permit Penalty.
61.03.050. Fees.
61.03.060. Insurance Requirements.
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61.03.090. Manner of Excavation.
61.03.100. Sidewalk and Curb Ramps.
61.03.110. Inspections and Enforcement.
61.03.120. Backfill Requirements.

61.03.130. Restoration of Surface Required.
61.03.140. Failure to Comply.
61.03.150. Collection of Expenses by Lawsuit.
61.03.160. Protection of the Public.

61.03.010. Public Way Excavations.

Excavation and Structures are prohibited when:

1. No public way of any City road shall be dug up or excavated and no approach, road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or other structure or object of any kind or character shall be placed, constructed or maintained within any such public way except as permitted by and in accordance with the regulations of the Public Works Standards and Technical Specifications; or
2. Any person who violates the provisions of this section is guilty of a Class B misdemeanor.

61.03.020. Construction Permit Requirement.

The following apply to construction permits:

1. It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made excavations in or under the surface of any street, alley, right-of-way, public easement or other public place in the City without complying with the provisions of this chapter and obtaining a permit therefore and paying the fee as required in this chapter for any purpose to place, deposit or leave upon any such public way any earth or any excavated material obstructing or tending to interfere with the free use of the public way, unless such person shall first have obtained a Construction Permit from the City Office. Any Public Utility regulated by the state or holding a franchise from the City which, in the pursuit of its calling, has frequent occasion to open or make excavation in the public way may, upon application, receive a Construction Permit from the City to cover such work. Construction Permits shall not be required prior to work in case of emergency, endangering life or property. In such emergency situations the excavation parties shall contact the City staff on the first working day following the excavation and complete and secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for prior permit requirements.
2. Work by utility companies and contractors in constructing facilities in new subdivisions shall be required to obtain a “Construction Permit”, and will be subject to City inspection and compliance with subdivision requirements.
3. All permit requirements as stated in Section 3 of the Public Works Standards and Technical Specifications shall apply to all Construction Permits and shall be strictly adhered to.

61.03.030. Construction Permit Application.

Applications for such permits shall be made to the City staff and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefore, the person, firm or corporation doing the actual excavation work and the name of the person, firm or corporation for whom or by which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws of the city and the state relating to the work to be done. Such application may be made by telephone if there is already on file with the City the following:

1. a signed agreement that the applicant will comply with all ordinances and laws of the City and the state relating to the work to be done, and
2. the required certificate of insurance and completion bond.

As part of the permit application and prior to the issuing of the permit, adequate engineering drawings shall be submitted to the City Engineer which will clearly indicate the extent of work to be done. These drawings should be prepared under the direction of a state licensed engineer and comply with the latest version of the Public Works Standards and Technical Specifications and should show the following information:

1. Plans and profiles where gradient lines are involved.
2. Elevations (assumed or local sea level datum) showing depth of pipelines, and in the case of irrigation and drainage facilities, relationship of existing flow-lines, etc.
3. Scale of drawings.
4. Location of excavation from nearest street intersection and street numbers thereof.
5. Title block.
6. Applicant's name.
7. Name of person preparing the drawings
8. Pipeline sizes and dimensions of structures or as required by the City Engineer.

The following also apply to construction permit applications:

1. Completion Period: The completion time will be specified on the permit by the City staff, and in all events shall be completed within thirty (30) days from the issuance date of the permit. Requests for extension of time, together with reasons therefore, will be submitted to the City Engineer for approval.
2. Assignment of Permits: Permits shall not be transferable or assignable, and work shall not be performed under a permit in any place other than that specified in the permit. Nothing herein contained shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and all other requirements of the ordinance under said permit.

61.03.040. Work without Permit Penalty.

A person found doing work in the public way without having obtained a permit, as provided by Chapter 61.03 of this ordinance, shall be required to pay a penalty fee equal to two times the normal permit fee.

61.03.050. Fees.

The City shall collect, upon issuing a permit, the following fees, for review of the application and site inspection of the work:

1. Excavation:

Hard surfaced	$0.20 per square foot
Shoulder or Gravel Road	$0.10 per square foot

2. Boring, Jacking or tunneling:

Hard surfaced (asphalt or concrete)	$0.10 per linear foot + $10 per excavated pit
Shoulder or Gravel Road	$0.05 per linear foot + $5 per excavated pit

3. Minimum Charge: (includes boring, jacking or tunneling)

Hard Surfaced	$60.00
Shoulder or Gravel Road	$40.00
Other	$20.00

4. Sidewalk, Curb and Gutter, and/or Driveway Approaches:

Curb and Gutter	$0.40 per lineal foot
Sidewalk, Driveway Approaches	$0.10 per square foot
Minimum Charge:	$30.00

5. An extra $150.00 fee will be charged when cutting new asphalt (1 yr old or newer) and the fee will be reduced $50.00 per year for the three years thereafter following initial placement.
6. For in-kind replacement of existing sidewalk, curb and gutter, or driveway approach on one - single family lot, a minimum $30.00 charge shall be applied.
7. Storm Sewer, Drainage & Water Pipelines:
   $0.40 per lineal foot in addition to excavation fees ($30.00 minimum charge)
8. Multiple Utility Excavations:
   Minimum fees shall be in accordance with the above schedule(s), if the distance between multiple excavations does not exceed one block (660 feet) and the excavations are accomplished within the same day. Such multiple excavations shall be considered as a single excavation for fee purposes only. Otherwise they shall be considered as separate excavations and charged accordingly.

61.03.060. Insurance Requirements.

No such permit shall be issued unless and until the applicant therefore has posted with the City Offices a certificate of insurance in a company authorized to issue insurance by the state, evidencing that such applicant has comprehensive general liability and property damage policy that includes contractual liability coverage with minimum limits of Two Hundred Fifty Thousand Dollars ($250,000) for injuries, including accidental death to any one persons in any occurrence; in an amount not less than Five Hundred Thousand Dollars ($500,000) on account of injuries sustained by two or more persons in any one occurrence, and property damage insurance in an amount not less than One Hundred Thousand Dollars ($100,000) for any one occurrence. The insurance policies shall further contain the following provisions:

1. To indemnify, save harmless and defend the City and its officers and employees against any claim or loss, damage or expense, sustained on account of damages to persons or property occurring by reason of an excavation made by the permittee, his subcontractor or agent, whether or not the excavation has been filled or resurfaced and whether or not the surface has been opened to public travel;
2. To indemnify, save harmless and defend the City from any and all liability for the City's own negligence occurring by reason of the opening or excavation. This indemnification agreement covering the City's liability for its own negligence shall not apply to injuries or damages sustained while City employees or contract employees are present at the excavation pouring cement or asphalt therein;
3. To indemnify, hold harmless and defend the City, and its officers and employees against any claim or loss, damage or expense sustained on account of damages occurring by reason of failure to maintain proper barricades and/or lights as required from the time of the opening of the excavation until the excavation is surfaced and opened for travel;
4. Naming the City as an additional insured and providing that thirty (30) days notice shall be given to the City prior to termination of the policy, for any reason. Prior to cancellation of insurance, the permittee shall forthwith close the excavation and complete all worksite restoration work.

A public utility company or property owner performing work adjacent to his residence may be relieved of the obligation of submitting certificates of insurance if such person or company shall submit satisfactory evidence in advance that it is insured, or has adequate assets and provisions for self-insurance. Public utilities may submit annually evidence of insurance coverage in lieu of individual submissions for each permit.

61.03.070. Completion Bond.

No such permit shall be issued unless and until the applicant has posted with the City staff a completion bond, the amount of which is to be approved by the City Engineer. The amount of the bond shall be sufficient to reasonably insure the proper restoration of the ground and the laying of pavement, if any. Should the applicant fail to perform, the expense to the City of restoring the surface of the ground and pavement shall be deducted from the bond and the balance shall be returned to the applicant without interest after the tunnel or excavation is restored. A separate completion bond shall not be required,

however, where the restoration of the ground and the laying of the pavement are specifically granted under the provisions of another bond. The bond shall further guarantee the restoration of the worksite for a period of three (3) years from the completion date of the restoration, reasonable wear and tear excepted.

61.03.080. Application Requirements for Special Districts.

Water conservancy districts, sewage districts, special districts or other entities that under certain circumstances are or may be exempt from bonding provisions, shall make application, as required in this chapter, before proceeding to make excavations in any street, alley or other public place in the county. Such districts or other entities shall comply with all requirements of this chapter pertaining to the restoration of a cut surface to its original condition and shall indemnity the City for any loss, liability or other damage resulting from the making of any excavation, and shall also pay all fees required by Sub-Section 3-1.5 of this ordinance. Where lateral cuts are made by any such district or entity for customer connections to the works of the district or other entity, a fee shall be paid in accordance with Sub-Section 5 of this ordinance, either by such district or entity (if it makes the excavation and/or connection), or by the customer for whom the excavation or cut is made. The districts shall further guarantee the restoration of the worksite for a period of three (3) years from the completion date of the restoration, reasonable wear and tear excepted.

61.03.090. Manner of Excavation.

It is unlawful to make any excavation or tunnel in any way contrary to or at variances with the terms of the permit therefore. Proper bracing shall be maintained to prevent the collapse of adjoining ground. No portion of an excavation below the surface shall extend beyond the opening at the surface. Also:

1. No injury shall be done to any pipes, cables or conduits in the making of such excavation or tunnels. Notice shall be given to the City Engineer and other persons maintaining such pipes, cables or conduits that are or may be endangered or affected by the making of any excavation or tunnel before such pipes, cables or conduits shall be disturbed.
2. No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof.

61.03.100. Sidewalk and Curb Ramps.

If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided that shall be safe for travel and convenient for users.

61.03.110. Inspections and Enforcement.

The following definitions regarding inspections and enforcement:

1. Enforcement Official to Enforce: The Enforcement Officials, as defined below, are hereby designated and authorized as the officers charged with the enforcement of this chapter of the Ordinance.

2. Powers and Duties of an Enforcement Official: It shall be the duty of an enforcement official to inspect or cause to be inspected at regular intervals or as often as necessary all public way excavations. Where it is determined by an enforcement official that excavation is proceeding as identified in the Construction Permit and is not in compliance with the provisions of this Ordinance, he shall enforce the provisions of this Ordinance and in performance of this duty may enter actions in the court where necessary, and his failure to do so shall not legalize any violation of such provisions.
3. Penalties: Any person, firm or Corporation who shall violate any of the provisions of this section of the Ordinance shall be guilty of a Class B misdemeanor, and upon conviction shall be punished as provided by the laws of the State of Utah for Class B misdemeanor. In addition, violators of the provisions shall also be subject to a fine of $1,000.00 for each and every day such violation occurs.
4. General: Inspections will be made to insure that all work done under the permit is performed in a good workmanlike manner. Inspections will be made by the Public Works Inspector, the City Engineer, or his duly authorized representative or the Building Inspector (Enforcement Officials).
5. During Construction: The Public Works Inspector, the City Engineer, or his duly authorized representative or the Building Inspector may make inspections at any time during the construction period. If the work is not progressing satisfactorily for the protection of the City and the people of the City, or if any part of the work is found to be sub-standard and not in accordance with these specifications, then the inspector will notify the person or persons responsible. If corrective action is not taken, the City Engineer shall be authorized to employ a third party contractor to finish the work in a good, workmanlike manner, and any and all costs and expenses for same shall be immediately paid by the applicant to Perry City, or a claim will be made on the applicant's bond, at the City Engineer's option.
6. Final: The applicant and/or his contractor will notify the City Engineer when he has completed his work. He will request a final inspection of the place of excavation. Such final inspection will be made by the Public Works Inspector, the City Engineer, or his duly authorized representative or the Building Inspector.

61.03.120. Backfill Requirements.

Material for backfill under paved areas shall be of a select nature. All large broken concrete, peat, decomposed vegetable matter and similar materials obtained from the excavation shall be removed from the site prior to the beginning of backfilling. All backfill shall be placed in layers or lifts consistent with the nature of the soil involved. Compaction shall be obtained by mechanical rollers, tampers or other improved means. Material used for backfilling shall be properly moistened or watered to the correct moisture content to insure proper compaction. Internal vibrating methods of compacting sand fill, or similar methods of compacting sand or similar granular, free-draining materials will be permitted. No jetting will be allowed. No frozen material shall be used for backfill under paved surfaces. The intent of this provision is to insure that the density dry of the backfill under pavements, sidewalks, curbs or other structures shall be not less

than that of the surrounding unmolested soil. The required percentage of compaction is: ninety (90%) percent on the public way outside of the road and shoulder; ninety-five (95%) percent on the road and shoulder.

61.03.130. Restoration of Surface Required.

Any person making any excavation or tunnel in or under any public street, alley or other public place in the county shall, at his own expense, restore the surface to its same type and depth of pavement as that which is adjoining, including the gravel base material with a three (3") inch minimum compacted asphalt hot plant mix. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. All restoration shall conform to the standards and regulations promulgated by the Public Works Standards and Technical Specifications, and all restorations shall be accomplished within seventy-two hours from the time of the excavation, unless additional time is granted in writing by the City Engineer. If, within the preceding three (3) years, the City has resurfaced the pavement with asphalt, chip seal, or slurry seal, the permittee shall be responsible for resurfacing the entire width of the excavated pavement, from curb to curb. Such resurfacing shall be made with asphalt, chip seal, or slurry seal, as determined by the City Engineer and shall conform to City standards and specification. Also:

1. The City Engineer has authority to suspend operations under excavation permits where, in his judgment, climatic changes would prevent proper restoration of pavement surfaces.
2. Restoration shall be a T-cut, this requires the excavator to restore the road surface a minimum of two (2’) feet on each side of a cut.
3. If a cut is more than one quarter (1/4) of the road surface, the excavator must overlay the entire road surface.
4. If the edge of cut is closer than three (3’) feet to the existing pavement edge or existing gutter lip, the excavator must road surface to the existing pavement edge or existing gutter lip.

61.03.140. Failure to Comply.

If the person doing the actual excavating work or other person for whom the work is being done shall fail to restore the surface to its original condition in accordance with the standards required in this ordinance the director of the public works department may authorize and employ the necessary assistance to restore the surface to its original condition. The public works department shall prepare an itemized statement of all expenses incurred in such restoration and shall mail or hand deliver a copy thereof to the excavator and to the person for whom the work was done and to the bond holder, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when hand delivered or mailed by certified mail, addressed to the last known address of the permittee.

61.03.150. Collection of Expenses by Lawsuit.

In the event collection of the City's expenses must be collected in court, the City may sue and receive judgment for all expenses incurred in the restoration of the property, together

with reasonable attorney s fees, interest and court costs. The City shall execute upon such judgment in the manner provided by law.

61.03.160. Protection of the Public.

The following definitions apply under this ordinance:

1. Signs: Information and warning signs, portable or semi-portable, will be provided at the place of excavation to inform and warn the public. The name of the applicant and/or his contractor shall appear on said signs, together with telephone numbers to permit police patrols, inspectors and others to call responsible individuals in cases of accidents, injuries, mal-function of lights, or similar reasons.
2. Barricades: All barricades, obstructions, and soft shoulder shall be marked in a conspicuous manner.
3. Lights: Adequate warning lights will be used between sunset and sunrise.
4. Detours: Safe and proper detours will be provided and maintained during construction. If detours are necessary notification at least twenty-four (24) hours in advance will be given to the City, who in turn will notify all local agencies using the City Road System. Flagmen: Flagmen will be provided where free flow of traffic is interfered with. On major City roads advance warning signs advising of the presence of flagmen will be posted in both directions. The flagmen will be equipped with plainly visible flags and/or signs with which to signal traffic.
5. Notification of Road Closure: Where it becomes necessary to close a road for any period of time, the applicant and/or his contractor shall notify the City and the City shall notify the City Police, Fire Department, School transportation buses, Postal Department, and other local agencies using the said road. Where feasible, the public shall be notified twenty-four (24) hours in advance of a road to be closed.
6. Maintenance: The place of excavation shall be maintained at all times in such a manner as to cause the least amount of inconvenience to the public.

Chapter 61.04.
PRIVATE DEVELOPMENT

61.04.010. **Private Development Excavations and Fill.**
61.04.020. Exceptions.
61.04.030. Construction Permit Required.
61.04.040. Construction Permit Application.
61.04.050. Work without Permit Penalty.
61.04.060. Manner of Excavation.
61.04.070. Inspections and Enforcement.
61.04.060. Excavation and Grading.
61.04.090. Fees.

61.04.010. Private Development Excavations and Fill.

The following regarding excavation and fill requirements:

1. Miscellaneous Excavation not directly associated with the construction of a structure or building and exceeding four (4') feet in depth or fill exceeding four (4') feet in height or the removal or import of material exceeding one-thousand (1000) cubic yards per acre on privately owned property shall be governed by the requirements of this chapter.
2. Any person who violates the provisions of this chapter is guilty of a Class B misdemeanor.
3. When work associated with private development occurs within the public right-of-way additional compliance with Chapter 3, Section 3-1 of this Ordinance shall be required.

61.04.020. Exceptions.

The following are exceptions to this chapter of the Ordinance:

1. Sod: The provisions of this ordinance shall not apply to the removal of sod.
2. Leveling or excavation for Agricultural Purposes: The provisions of this ordinance shall not apply to the leveling of land or the excavation and placement of lines for agricultural purposes such as drain lines, irrigation lines or other related excavations.
3. Excavations for Buildings: The provisions of this ordinance shall not apply to the removal or import of material to accommodate the construction of a structure or building, which has been issued a valid building permit or its related site work, provided the removal of such material does not involve the commercial disposal of material removed or does not involve work within the public way. Excavation or fill for a future building, which has not been issued a valid building permit, shall not be considered an exception and shall otherwise comply with Section 61.04.

61.04.030. Construction Permit Required.

It shall be unlawful for any person to excavate, fill, import, remove or in any manner break up any real property or to make or cause to be made excavations or fills upon, in or under the surface of any real property without complying with the provisions of this chapter and obtaining a permit therefore and paying the fee as required in this chapter. The provisions of this section are but not limited to:

1. Excavation Permits shall not be required prior to work in case of emergency, endangering life or property. In such emergency situations the excavation parties shall contact the City staff on the first working day following the excavation and complete and secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for prior permit requirements.
2. Work by utility companies and contractors in constructing facilities in new or existing subdivisions shall be required to obtain a "Construction Permit", and will be subject to City inspection and compliance with subdivision requirements.
3. All applicable permit requirements as stated in Section 3 of the Public Works Standards and Technical Specifications shall apply to all Construction Permits as they affect the public right-of-way and shall be strictly adhered to.

61.04.040. Construction Permit Application.

Applications for such permits shall be made to the City staff and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefore, the person, firm or corporation doing the actual excavation work and the name of the person, firm or corporation for whom or by which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws of the city and the state relating to the work to be done. Such application may be made by telephone if there is already on file with the City the following: one (1) signed agreement that the applicant will comply with all ordinances and laws of the City and the state relating to the work to be done. Also:

1. As part of the permit application and prior to the issuing of the permit, adequate drawings shall be submitted to the City Engineer which will clearly indicate the extent of work to be done.
2. These drawings should be prepared to provide sufficient detail to clearly identify the proposed work, location and of a scale which is easily legible.
   Permit Duration and Time Limits:
3. Completion Period: The completion time will be specified on the permit by the City staff, and in all events shall be completed within thirty (30) days from the issuance date of the permit. Requests for extension of time, together with reasons therefore, will be submitted to the City Engineer for approval.
4. Assignment of Permits: Permits shall not be transferable or assignable, and work shall not be performed under a permit in any place other than that specified in the permit. Nothing herein contained shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under

the permit, and for all bonding, insurance and all other requirements of the ordinance under said permit.

61.04.050. Work without Permit Penalty.

A person found doing excavation work on private property without having obtained a permit, as provided by Chapter 61.04 of this ordinance, shall be required to pay a penalty fee equal to two times the normal permit fee.

61.04.060. Manner of Excavation.

It is unlawful to make any excavation or tunnel in any way contrary to or at variances with the terms of the permit therefore. Proper bracing shall be maintained to prevent the collapse of adjoining ground. No portion of an excavation below the surface shall extend beyond the opening at the surface and no injury shall be done to any pipes, cables or conduits in the making of such excavation or tunnels. Notice shall be given to the City Engineer and other persons maintaining such pipes, cables or conduits that are or may be endangered or affected by the making of any excavation or tunnel before such pipes, cables or conduits shall be disturbed.

61.04.070. Inspections and Enforcement.

The following regarding inspections and enforcement:

1. Enforcement Official to Enforce: The Enforcement Officials, as defined below, are hereby designated and authorized as the officers charged with the enforcement of this chapter of the Ordinance.
2. Powers and Duties of an Enforcement Official: It shall be the duty of an enforcement official to inspect or cause to be inspected at regular intervals or as often as necessary all public way excavations. Where it is determined by an enforcement official that excavation is proceeding as identified in the Construction Permit and is not in compliance with the provisions of this Ordinance, he shall enforce the provisions of this Ordinance and in performance of this duty may enter actions in the court where necessary, and his failure to do so shall not legalize any violation of such provisions.
3. Penalties: Any person, firm or Corporation who shall violate any of the provisions of this section of the Ordinance shall be guilty of a Class B misdemeanor, and upon conviction shall be punished as provided by the laws of the State of Utah for Class B misdemeanor. In addition, violators of the provisions shall also be subject to a fine of one-thousand ($1,000.00) dollars for each and every day such violation occurs.
4. General: Inspections will be made to insure that all work done under the permit is performed in a good workmanlike manner. Inspections will be made by the Public Works Inspector, the City Engineer, or his duly authorized representative or the Building Inspector (Enforcement Officials).
5. During Construction: The Public Works Inspector, the City Engineer, or his duly authorized representative or the Building Inspector may enter the private property and make inspections at any time during the construction period.

6. Final: The applicant and/or his contractor will notify the City Engineer when he has completed his work. He will request a final inspection of the place of excavation or fill. Such final inspection will be made by the Public Works Inspector, the City Engineer, or his duly authorized representative or the Building Inspector.

61.04.080. Excavation and Grading.

The following regarding excavation and grading:

1. All grading design and earthwork shall comply with currently adopted International
2. Building Code and its appendices.
3. Fill slopes shall be no steeper than two (2) horizontal to one (1) vertical (2:1), or as determined by a soils engineer. All fills shall be compacted to a minimum of ninety (90%) percent of maximum density.
4. Cut slopes shall be no steeper than two (2) horizontal to one (1) vertical (2:1), or as determined by a soils engineer.
5. An Erosion Control and Slope Stabilization plan must be incorporated into projects to minimize soil erosion and to avoid sedimentation into the City storm sewer system. Utah State requirements pertaining to Storm Water Pollution Prevention measures and permits apply.
6. All public streets shall be maintained free of dust and mud caused by grading or construction operations
7. No grading or excavation may occur or excess material placed upon property other than that for which the excavation and grading permit is issued.
8. Restoration of all disturbed property shall be required. Such restoration shall equal or exceed the type, nature, quality and quantity of improvements which existed prior to such disturbance as determined by the City Engineer.
9. Compaction tests are required on all engineered fills and other locations which will be load bearing. All testing shall comply with the specification of Perry City.
10. All soil testing and compaction testing shall be accomplished by an independent certified lab.
11. All building pads at rough grade shall have a one (1%) percent slope towards the street or designed drainage outlet.
12. Soil Conditions: Buildings or structures shall not be situated on soft or unsuitable soils, as determined by the City Engineer, where there is a high water table, a site subject to flooding as noted on the City's Flood Plain Map, or on uncompacted fill.
13. Groundwater: Test holes shall be dug at locations which represent the development site adequately to determine the depth of the groundwater table. A preliminary soils investigation and groundwater report shall be submitted to the City Engineer. If the City Engineer determines that groundwater is a problem, land drains, including a lateral to each lot for footing or foundation drains, shall be installed to City specifications. All land drains must be tied into approved storm drain facilities.

14. Dust shall be controlled during all phases of construction either by means of water truck or other approved method.
15. The minimum finished slope of any designed grade shall be one (1%) percent for soil, asphalt or gravel and one-half (1/2%) percent for concrete.
16. Stockpiles shall be limited in height to one-half (1/2) the allowable building height for the zone in which the stockpile resides. All necessary measures shall be taken to eliminate fugitive dust generated from the stockpile and adjacent hauling routes.

61.04.090. Fees.

The City shall collect, upon issuing a permit, the following fees, for review of the application and site inspection of the work:

1. Miscellaneous Excavation or Fill: Minimum fees for the agency review and the permit and inspection of all on-site or off-site development related work shall be in accordance with the following schedule:
    a. Import or Export:
    1,000 cubic yards or more: $30.00 + $0.02/cubic yard in excess of 1,000 cubic yards.
    b. Excavation or Fill: Exceeding 4' in depth or height: $30.00 + $0.10/linear foot.
2. Subdivision Improvements or Development site work: Minimum fees for the agency review and the permit and inspection of all on-site or off-site development related work (private or public) shall be in accordance with the following schedule:
    a. Plan review: 1% of the estimated costs of the improvements.
    b. Permit & Inspection: 3% of the estimated costs of the improvements

<u>Legislative History</u>

2/12/04: Changed to permit names to be consistent to Conditional Use Excavation Permit. Changed to be consistent with the Planning Commission review and conditions and setting authority with Special Uses and Appeals Board to give final approval.

3/22/08 Changed No. to Title 61 and incorporated the addition of Public Way Excavations and Private Development Excavation and Fills

12/11/08 Adopted as part of 2008 Perry Municipal Code

Title 62, A Land Use Ordinance
HOME OCCUPATIONS

Chapter 62.01. GENERAL PROVISIONS
Chapter 62.02. ADDITIONAL REQUIREMENTS FOR PARTICULAR OCCUPATIONS
Chapter 62.03. LICENSE AND/OR PERMIT REQUIREMENTS

Chapter 62. 01.
GENERAL PROVISIONS

62.01.010. Intent and Purpose.
62.01.020. Definition of Home Occupation.
62.01.030. Visiting Clientele, as per Municipal Code Section 43.04.100.
62.01.040. Variables to Determine Approval.

62.01.010. Intent and Purpose.
The intent and purpose of this ordinance is to protect the residential environment from any intrusion or disruption that can occur with some home occupations and also to provide for the health, safety, and welfare of Perry City residents.

62.01.020. Definition of Home Occupation.
Home Occupation means every trade, profession, occupation, business, and/or activity engaged in within a residence with the object of economic profit, benefit, or gain, directly or indirectly and carried on by persons residing on the premises.

62.01.030. Visiting Clientele, as per Municipal Code Section 43.04.100.
As per Perry Municipal Code Section 43.04.100(Items 1 and 5B) and Title 60, Conditional Uses, Home Occupations require a Conditional Use Permit with visiting clientele and do not require a Conditional Use Permit if there is no visiting clientele (but usually require a Design Review Process with no visiting clientele).

62.01.040. Variables to Determine Approval.
The following are the criteria that determine home occupation:

1. The Home Occupation is incidental and secondary to the use of the property as a residential dwelling.
2. Any activity which produces increased foot and vehicular traffic, parking, sounds, or noises, lighting, vibration, or anything that is uncommon to the residential character of the surrounding area to such a degree so as to constitute a nuisance to the residents of the immediate neighborhood shall be prohibited.
3. The occupation is limited to not more than two persons who actually reside on the premises.
4. The occupation shall not require interior or exterior alterations and shall retain the general character and appearance of a residential dwelling.
5. The occupation shall not be open to the public at times earlier than 8:00 a.m. nor later than 9:00 p.m. (exceptions to this rule would be Licensed Family Group

Care or Residential Certificate Child Care Providers who may need to be available to accommodate different work schedules of their clients.)

6. An occupation that attracts customers, clients or students to the premises for sales or services shall not be allowed in multi-family dwelling units.
7. In order to guarantee that the Home Occupation, once authorized, will not become a nuisance to the neighbors, the appropriate land use authority may impose other reasonable conditions initially and from time to time, to protect the public health, safety, peace and welfare of the residents of the surrounding residential neighborhood.

Chapter 62.02.
ADDITIONAL REQUIREMENTS FOR PARTICULAR OCCUPATIONS.

62.02.010. Professional Office.
62.02.020. Licensed Family Group Care Provider Definition.
62.02.030. Residential Certificate Child Care Provider Definition.
62.02.040. Preschool and Teaching (Music Lessons, Dance, Instruction, etc.).
62.02.050. Construction and/or Repairs Business.

62.02.010. Professional Office.

No more than six (6) clients per day, one client at a time, or six (6) clients at a time, once per day; or a combination of these. Over six (6) clients per day must meet the requirements of the International Building Code as adopted by Perry City Ordinance.

62.02.020. Licensed Family Group Care Provider Definition.

A child care provider who cares for nine (9) to sixteen (16) children (unrelated to the licensee) for less than twenty four (24) hours per day, with a regularly scheduled, ongoing enrollment, for direct or indirect compensation, in the provider's home, and who meets all standards and requirements of the State of Utah's rules for licensed family child care. A License from the State of Utah and a Conditional Use Permit from Perry City shall be required.

62.02.030. Residential Certificate Child Care Provider Definition.

A child care provider who cares for one (1) to eight (8) children in a provider's home, having a regular schedule, ongoing enrollment, for direct or indirect compensation. A Residential Certificate Child Care Provider may not care for more than eight (8) children including the provider's own children under age four years. The provider may also not care for more than two (2) children under age two years, including the provider's own children under age two years.

62.02.040. Preschool and Teaching (Music Lessons, Dance, Instruction, etc.).

No more than six (6) students or clients per day at a time; or six (6) students or clients at a time, once a day; or a combination of these. Preschools fall under the same regulations as child care providers depending on the number of students. Over six (6) students per

day must meet the requirements of the International Building Code adopted by Perry City Ordinance.

62.02.050. Construction and/or Repairs Business.
No visible storage of supplies or equipment will be allowed. No parking of employee vehicles, Semi Trucks, heavy equipment, or any other disruptive elements will be allowed.

Chapter 62.03.
LICENSE AND/OR PERMIT REQUIREMENTS

62.03.010. Business License.
62.03.020. Other Government Agency Approvals.
62.03.030. Expiration upon Lapse of License or Residency.
62.03.040. Design Review and/or Conditional Use.
62.03.050. Special Exceptions in Non-Residential Zones.
62.03.060. Inspections.

62.03.010. Business License.
All Home Occupations require a yearly Perry City Business License before conducting business.

62.03.020. Other Government Agency Approvals.
The appropriate land use authority may require or recommend that the applicant acquire approval of county, state, or federal agencies or obtain specific inspections for Home Occupations as required by law.

62.03.030. Expiration upon Lapse of License or Residency.
Home Occupation approvals expire upon the lapse of the Perry City Business License and/or required state approval or license or at such time that the applicant is no longer residing at the address for which the approval was granted.

62.03.040. Design Review and/or Conditional Use.
Home Occupations may require a Design Review and/or an approval of a Conditional Use Permit by the appropriate land use authority (see Sections 62.01.030 and 43.04.100, Item (59(b)).

62.03.050. Special Exceptions in Non-Residential Zones.
Special exceptions to these requirements may be recommended by the Planning Commission to the Special Use and Appeals Board for Home Occupations in areas outside of residential zones, with a finding that said special exceptions are consistent with the zone of the area.

62.03.060. Inspections.
The appropriate licensing authority or land use authority can require building inspection and/or fire inspection at the owner's expense as part of the process for issuing a Business License or approving a Conditional Use Permit.

Legislative History
New numbering system and codified into new municipal code: 12/11/2008

Title 63, A Land Use Ordinance
SEXUALLY ORIENTED BUSINESSES

Chapter 63.01. PURPOSE AND INTENT
Chapter 63.02. DEFINITIONS
Chapter 63.03. LICENSES
Chapter 63.04. REGULATIONS AND REQUIREMENTS
Chapter 63.05. LOCATION AND DESIGN OF SEXUALLY ORIENTED BUSINESS
Chapter 63.06. PROHIBITED ACTIVITIES AND VIOLATIONS

Chapter 63.01.
PURPOSE AND INTENT

63.01.010. Purpose of Chapter.
63.01.020. Purpose of Provisions.
63.01.030. Application of Provisions.
63.01.040. Definitions.

63.01.010. Purpose of Chapter.
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 City, regulate the signage of such businesses, control the adverse effects 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.

63.01.020. Purpose of Provisions.
It is the purpose and object of this Chapter that the City establishes reasonable and uniform regulations governing the time, place, and manner of operation of Sexually Oriented Businesses and their employees in the City. This Chapter shall be construed to protect the governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions.

63.01.030. Application of Provisions.
This chapter imposes regulatory standards and license requirements on certain business activities that are characterized as Sexually Oriented Businesses, and employees of those businesses characterized as Sexually Oriented Business employees. Except where the context or specific provisions require, this chapter does not supersede or nullify any other related ordinances, including but not limited to, those codified in the Perry City Municipal Code and Business License Requirement of the Municipal Code.

63.01.040. Definitions.
Terms involving Sexually Oriented Businesses which are not defined in this title shall have the meanings set forth in Chapter 63.02. of this Title.

Chapter 63.02.
DEFINITIONS

63.02.010. Definitions.

63.02.010. Definitions.
For the purpose of this chapter, the following words shall have the following meanings:

1. Adult Bookstore or Adult Video Store: means a commercial establishment which:
    a. Excludes minors from more than five (5%) percent of the retail floor or shelf space of the premises; or
    b. As one of its principal business purposes, offers for sale or rental, for any form of consideration, any one or more of the following:
        i. Books, magazines, periodicals, or other printed matter.
        ii. Photographs, films, motion pictures, video cassettes or video representations.
        iii. Something where the central theme of which depicts or describes "specified sexual activities," or "specified anatomical areas".
        iv. Instruments, devices, or paraphernalia which are designated for use in connection with "specified sexual activities," except for legitimate medically recognized contraceptives.
2. Adult Business: means an adult motion picture theatre, adult bookstore, or adult video store.
3. Adult Motion Picture Theater: means a commercial establishment which:
    a. Excludes minors from the showing of two (2) consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition).
    b. As one of its principal business purposes, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
4. Adult Theater: means a theater, concert hall, auditorium, or similar commercial establishment which:
    a. Holds itself out as such a business.
    b. Excludes minors from the showing of two (2) consecutive exhibitions (repeated performance of the same presentation shall not be considered a consecutive exhibition).

c. As one of its principal business purposes, features persons who appear in live performances in a state of semi-nudity or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

5. Employ: means hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.
6. Escort: means any person who, for pecuniary compensation, dates, socializes, visits, consorts with, or accompanies or offers to date, consort with, socialize, visit or accompany another or others to or about social affairs, entertainment, or places of amusement, or within any place of public or private resort or any business or commercial establishment or any private quarters. Escort shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship have in g a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. Escort shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar acts characterized by appearances in a public place, contracted for by a party other than the duration not longer than one (1) hour.
7. Escort Service: means an individual or entity, who for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.
8. Escort Service Runner: means any third person, not an escort, who for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort, or patron by contacting or meeting with escort services, escorts, or patrons at any location within the city, whether or not such third person is employed by such escort service, escort, patron, or by another business, or is an independent contractor or self-employed.
9. Nudity or Nude: means a state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of seminude.
10. Operator: means the manager or other natural person principally in charge of a Sexually Oriented Business.
11. Out-Call: Out-Call services means services of a type performed by a BOB employee outside of the premises of the licensed BOB, including but not limited to escorts, models, dancers, and other similar employees.
12. Patron: means any person who contracts with or employs any escort services or escort or the customer of any business licenses pursuant to this Chapter.
13. Pecuniary Compensation: means any commission, fee, salary, tip, gratuity, hire, profit, reward, or any other form of consideration.
14. Person: means any person, unincorporated association, corporation, partnership, or other legal entity.
15. Principal Business Purpose: means that a business offers those business activities and/or materials mentioned in the definitions of Sexually Oriented Businesses as a constant and intentional objective of their business, but also seek to promote it as such.

16. Seminude: means a state of dress in which opaque clothing covers no more than the areola of the female breast: and the male or female genitals, pubic region, and anus shall be fully covered by an opaque covering no narrower than four (4”) inches wide in the front and five (5”) inches wide in the back, which shall not taper to less than one (1”) inch wide at the narrowest point.
17. Seminude Dancing Agency: means any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this Chapter for performance or appearance at a business licensed for adult theaters.
18. Seminude Entertainment Business: means any business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a seminude entertainment business if the business holds itself out as such a business.
19. Sexually Oriented Business: means seminude entertainment businesses, sexually oriented out-call services, adult businesses, and seminude dancing agencies as defined by this Chapter.
20. Sexually Oriented Business Employees: means those employees who work on the premises of a Sexually Oriented Business in activi4ties related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees, whether or not hired as employees, agents, or as independent contractors. Employees shall not include individuals whose work is unrelated to, the sexually oriented portion of the business, such as janitors, bookkeepers, and similar employees. Sexually Oriented Business employees shall not include cooks, serving persons, and similar employees, except where they may be managers or supervisors of the business. All persons making out-call meetings under this Chapter, including escorts, models, guards, escort runners, drivers, chauffeurs, and other similar employees, shall be considered Sexually Oriented Business employees.
21. Specified Anatomical Areas: means the human male or female pubic areas or anus with less than a full opaque covering, or the human female breast below a point immediately above the top of the areola, with less than full opaque covering.
22. Specified Sexually Activities: means
    a. Acts of:
        i. Masturbation
        ii. Human sexual intercourse
        iii. Sexual copulation between a person and a beast
        iv. Fellatio
        v. Cunnilingus
        vi. Bestiality
        vii. Pederasty
        viii. Buggery
        ix. Any anal copulation between a human male and another human male, human female, or beast.
    b. Manipulating, caressing, or fondling, by person, of:

i. The genitals of a human
ii. The pubic area of a human
iii. The breast or breasts of a human female.

c. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so closed.

Chapter 63.03.
LICENSES

63.03.010. License Required.
63.03.020. Exemption from License Requirements.
63.03.030. Business Categories: Number of Licenses.
63.03.040. Employee Licenses.
63.03.050. License Application: Disclosure Required.
63.03.060. License Fees.
63.03.070. License Bond.
63.03.080. Premises Location and Name.
63.03.090. Issuance Conditions.
63.03.100. Term of License.
63.03.110. Notice of Change of Information.
63.03.120. Transfer Limitations.
63.03.130. Display.
63.03.140. Statement in Advertisements.
63.03.150. Effect of License Revocation.
63.03.160. Appeal Procedures.

63.03.010. License Required.

It is unlawful for any person to operate a Sexually Oriented Business, as specified herein, without first obtaining a general business license and a Sexually Oriented Business license. The Sexually Oriented Business license shall specify the type of business for which it is obtained.

63.03.020. Exemption from License Requirements.

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

63.03.030. Business Categories: Number of Licenses.

The following regarding licenses:

1. It is unlawful for any business premises to operate or be licensed for more than one category of Sexually Oriented Business, except that a business may have a license for both out-call services and a seminude dancing agency on the same premises.
2. The categories of Sexually Oriented Businesses are:
    a. Out-call services
    b. Adult businesses
    c. Seminude entertainment business
    d. Seminude dancing agency

63.03.040. Employee Licenses.
It is unlawful for any Sexually Oriented Business to employ or for any individual to be employed in the capacity of a Sexually Oriented Business employee, unless that employee first obtains a Sexually Oriented Business employee license.

63.03.050. License Application: Disclosure Required.
Before any applicant may be licensed to operate a Sexually Oriented Business or as a Sexually Oriented Business employee pursuant to this Chapter, the applicant shall submit, on a form to be supplied by the City license authority, the following:

1. The correct legal name of each applicant, corporation, partnership, limited partnership, or entity doing business under an assumed name.
2. If the applicant is a corporation, partnership, or business under an assumed name, the information required below for individual applicants shall be submitted for each partner and each principal of an applicant, and for each officer, director, and any shareholder (corporate or personal) of more than ten (10%) percent of the stock of any applicant. Any holding company, or any entity holding more than ten (10%) percent of an applicant, shall be considered an applicant for purposes of disclosure under this Chapter;
3. All corporations, partnerships, or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign the checks for such corporation, partnership, or non-corporate entity.
4. For all applicants or individuals, the application must also state:
    a. Any other names or aliases used by the individual
    b. The age, date, and place of birth
    c. Height
    d. Weight
    e. Color of hair
    f. Color of eyes
    g. Present business address and telephone number
    h. Present residence and telephone number
    i. Driver’s license or identification number and Social Security Number
5. Acceptable written proof that any individual is at least eighteen (18) years of age.
6. Attached to the form, as provided above, two (2) color photographs of the applicant clearly showing the individual’s face and the individual’s fingerprints on a form provided by the Police Department. For persons not residing in the City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency.
7. For any individual applicant required to obtain a Sexually Oriented Business employee license as an escort or a seminude entertainer, a certificate from the Bear River Health Department or a licensed M.D. stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases.

8. A statement of the business, occupation, or employment history of the applicant for there (3) years immediately preceding the date of the filing of the application.
9. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other County, City, state, or territory, has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or has had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.
10. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests of the applicant, individual, or other entity subject to disclosure under this Chapter, for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a Sexually Oriented Business or employee license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license.
11. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address, and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.
12. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, and any rules, regulations, or employment guidelines under or by which the business intends to operate. This description shall also include:
    a. The hours that the business or service will be open to the public, and the methods of promoting the health and safety of the employees and preventing them from engaging in illegal activity.
    b. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities.

c. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees of services or acts prohibited by this Chapter or other statutes or ordinances.
d. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

13. It is also unlawful to knowingly submit false or materially misleading information on or with a Sexually Oriented Business license application or to fail to disclose or omit information of the purpose of obtaining a Sexually Oriented Business or employee license.

63.03.060. License Fees.

Each applicant for a Sexually Oriented Business or employee license shall be required to pay license fees as asset forth in Perry City Fee Schedule Resolution. An application is not complete until all appropriate fees have been paid.

63.03.070. License Bond.

Each applicant for a Sexually Oriented Business license shall post, with the City's Zoning Administrator, a cash or corporate surety bond payable to Perry City in the amount of $2,000.00. Any fines assessed against the business, officers, or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine, unless an appeal is filed as provided by this Chapter. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to $2,000.00, within fifteen (15) days, of the date of notice of any draw against it.

63.03.080. Premises Location and Name.

The following regarding licensing and premises location and name:

1. It is unlawful to conduct business under a license issued pursuant to this Chapter at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.
2. It is unlawful for any Sexually Oriented Business to do business in the City under any name other than the business name specifies in the application.

63.03.090. Issuance Conditions.

The Zoning Administrator shall approve the issuance of a license to the application within thirty (30) days after receipt of a completed application, unless the official finds one or more of the following:

1. The applicant is under eighteen (18) years of age.
2. The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed on the applicant in relation to a Sexually Oriented Business.

3. The applicant has falsely answered a material question or request for information as authorized by this Chapter.
4. The applicant has violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two (2) years immediately preceding the application; a criminal conviction for a violation of a provision of this Chapter or similar provisions from any jurisdiction, whether or not it is being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation.
5. The premises to be used for the business have been disapproved by the Box Elder County Health Department, the Brigham City Fire Department, the Perry City Police Department, the building official of Perry City, or the Zoning Administrator of Perry City as not being in compliance with applicable laws and ordinances of the City. If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain from the Zoning Administrator of Perry City an extension of time of no more than fifteen (15) days for their review. The total time for the City to approve or deny a license shall not exceed forty-five (45) days from the receipt of a completed application and payment of all fees. Businesses located outside of the boundaries of the City, but requiring a license under this Chapter, may be denied a license pursuant to this Chapter if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location. The following also applies:
    a. Upon receipt of an application, all departments required to review the application shall determine within seven (7) days whether or not the application is incomplete in items needed for processing. Incomplete applications shall immediately be returned to the applicant with a specification of the items that are incomplete.
    b. The time for processing applications specified in this Section shall begin to run from the receipt of a complete application.
    c. The City, pursuant to the revocation procedures, may revoke any license issued pursuant to (3) above provided for herein, if the completed review determines that the license should have been denied.
6. The required license fees have not been paid.
7. All applicable sales and use taxes have not been paid.
8. An applicant for the proposed business is in violation of, or not in compliance with, this Chapter or similar provisions found in statutes or ordinances from any jurisdiction.
9. An applicant has been convicted or pled nolo contendere to a crime:
    a. Involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography, lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy, or solicitation to commit any of the foregoing

offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:

i. Less than two (2) years have elapsed from the date of conviction. If the conviction is of a misdemeanor offences, or less than five (5) years if the convictions are of two or more misdemeanors within the five (5) years; or
ii. Less than five (5) years have elapsed from the date of conviction if the offense is of a felony.

b. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Section.

10. The applicant has not complied with the Perry City Municipal Code, Title 53 (Design Review) of the Perry City Zoning Ordinance.

63.03.100. Term of License.

Sexually Oriented Business and employee licenses issued pursuant to this Chapter shall be valid from the date of issuance through December 31st of each succeeding year. The license fees required by Perry City Fee Schedule Resolution shall not be prorated for any portion of a year but shall be paid in full for whatever portion of the year the license is applied for.

63.03.110. Notice of Change of Information.

Any change in the information required to be submitted under this Chapter for either a Sexually Oriented Business license or Sexually Oriented Business employee license shall be given, in writing, to the Zoning Administrator and the Police Department within fourteen (14) days after such change.

63.03.120. Transfer Limitations.

Sexually Oriented Business licenses, granted under this Chapter, shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership, or other non-corporate entity to transfer any part in excess of ten (10%) percent thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void, and the business shall not operate until a separate new license has been properly issued by the City as provided in this Chapter.

63.03.130. Display.

It is unlawful for any Sexually Oriented Business location within the boundaries of the City to fail to display the license granted pursuant to this Chapter in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this Chapter to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the City, their employee license on their person. If the individual is nude pursuant to Section 60.03.060, such license shall be visibly displayed within the same room in which the employee is appearing. When requested by policy, City licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City.

63.03.140. Statement in Advertisements.
It is unlawful for any advertisement by the Sexually Oriented Business or employee to fail to state that the business or employee is licensed by the City and shall include the City license number.

63.03.150. Effect of License Revocation.
When a license issued pursuant to this Chapter is revoked, the revocation shall continue for one (1) year from its effective date and the licensee shall not be issued a Sexually Oriented Business or employee license for one (1) year from the date of such revocation.

63.03.160. Appeal Procedures.
The denial, suspension, or revocation of any license issued pursuant to this Chapter may be appealed as set forth by Perry City Policy.

Chapter 63.04.
REGULATIONS AND REQUIREMENTS

63.04.010. Out-Call Services: Operation Requirements.
63.04.020. Seminude Dancing Agencies.
63.04.030. Signs.
63.04.040. Obscenity and Lewdness: Statutory Provisions.
63.04.050. Legitimate Artistic Modeling.

63.04.010. Out-Call Services: Operation Requirements.
It is unlawful for any business or employee providing out-call services contracted for in the City to fail to comply with the following requirements:

1. All businesses licensed to provide out-call services pursuant to this Chapter shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this Section for a period not less than one year from the date of provision of services hereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract, and pecuniary compensation paid.
2. All out-call businesses licensed pursuant to this Chapter shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours out-call employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For out-call businesses, the premises of which are licensed within the corporate limits of the City, private rooms or booths where the patrons may

meet with the out-call employee shall be provided at the open office or any other location by the service; not shall patrons meet out-call employees at the business premises.

3. Out-call services shall not advertise in such a manner that would lead a reasonable prudent person to conclude that specified sexual activities would be performed by the out-call employee.
4. All employees of out-call services who provide out-call services within the City shall be licensed in accordance with this Chapter, regardless of the primary location of the business.

63.04.020. Seminude Dancing Agencies.

The following regarding Seminude Dancing Agencies:

1. It is unlawful for any individual or entity to furnish, book, or otherwise engage the services of a professional dancer, model, or performer to appear in a state of semi-nudity for pecuniary compensation in or for any seminude entertainment business or adult theater licensed pursuant to this Chapter, unless such agency is licensed pursuant to this Chapter.
2. It is unlawful for any individual or entity to furnish, book, or otherwise engage or permit any person to perform as a professional dancer, model, or performer in a state of semi-nudity, or nudity pursuant to Chapter 63.04.160, either gratuitously or for compensation, in or for any business licensed pursuant to this Chapter, unless such person is licensed pursuant to this Chapter.

63.04.030. Signs.

Notwithstanding anything contrary contained in the Perry Municipal Code, Section 30, the more restrictive requirements for signs shall prevail. Signs for Sexually Oriented Businesses located in M/I 1 (Manufacturing/ Industrial One) shall be limited as follows:

1. No more than one exterior sign shall be allowed.
2. No sign shall be allowed to exceed eighteen (18) square feet.
3. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
4. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
5. Only flat wall signs and/or awning signs shall be permitted.
6. Painted wall advertising shall not be allowed.
7. 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.

63.04.040. Obscenity and Lewdness: Statutory Provisions.

The following provisions regarding obscenity and lewdness:

1. Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable federal or State statutes prohibiting obscenity.
2. Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of Section 76-9-702 U.C. and 702.5 U.C. "Lewdness." Provided, however, that for the purpose of Sexually Oriented Businesses the definition of "private parts" shall be construed to mean "nudity" as defined in this Chapter.

63.04.050. Legitimate Artistic Modeling.

The following regarding legitimate artistic modeling:

1. The City does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar State protections. The City does intend to prohibit the operation of a Sexually Oriented Business, or prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of Section 30.2.21, a licensed out-call employee may appear in a state of nudity before a customer or patron, providing that a written contract for such appearance was entered into between the customer or patron and the employee and sign at least twenty-four (24) hours before the nude appearance. All of the other applicable provision of this Chapter shall still apply to such nude appearances.
2. In the event of a contract for nude modeling or appearance signed ore than forty-eight (48) hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this Chapter. During such unlicensed nude appearances, it is unlawful to:
    a. Appear nude or seminude in the presence of persons under the age of eighteen (18).
    b. Allow, offer, or agree to any touching of the contracting party or other person by the individual appearing nude.
    c. Allow, offer, or agree to commit prostitution, solicitation of a minor, or committing activities harmful to a minor.
    d. Allow, offer, commit, or agree to any sex act as validly defined by City ordinances or State.
    e. Allow, offer, agree, or permit the party or other person to masturbate in the presence of the individual contracted to appear nude.
    f. Allow, offer, or agree for the individual appearing nude to be within five (5') feet of any other person while performing or while nude or seminude.

Chapter 63.05.
LOCATION AND DESIGN OF SEXUALLY ORIENTED BUSINESS

63.05.010. Location and Zoning Restrictions.
63.05.020. Location of Businesses: Restrictions.
63.05.030. Seminude Entertainment Business: Location Restriction.
63.05.040. Seminude Entertainment Business: Design of Premises.
63.05.050. Adult Business: Design of Premises.

63.05.010. Location and Zoning Restrictions.

It is unlawful for any Sexually Oriented Business to do business at any location within the City not zoned for such a business. Sexually Oriented Businesses licensed as adult businesses or seminude entertainment businesses pursuant to this Chapter shall only be allowed in areas zoned for their use pursuant to Chapter 8 in the Perry City Municipal Code.

63.05.020. Location of Businesses: Restrictions.

The following regarding the location of businesses and restrictions:

1. Sexually Oriented Businesses shall only be permitted in areas zoned M/I 1 (Manufacturing/ Industrial One) under this title, subject to the following additional restrictions:
    a. No Sexually Oriented Business shall be located:
        i. Within 1,000 feet of any public or private school or educational institution, child day care facility, troubled youth residential facility, public or private park or plaza, library, or religious institution.
        ii. Within 600 feet of any residential use or any agricultural or residential zoning boundary.
        iii. Within 600 feet of any other Sexually Oriented Businesses, except out-call services.
        iv. Within 350 feet of any gateway corridor. Gateway corridors include Highway 89, 1100 South Highway 91, 1200 West, and I-15. The distance shall be measured from the right-of-way boundary of improved street or the future right-of-way boundary of unimproved streets.
2. Distance requirements between structures and uses specified in this Section shall be measured I 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 Businesses, or from the right-of-way line of a gateway to the structure of the Sexually Oriented Business.
3. Distance requirements from zoning districts for this Section shall be measured in a straight line, without regard to intervening structures of zoning districts, from the closest zoning boundary of a residential or agricultural district to the Sexually Oriented Business structure.

63.05.030. Seminude Entertainment Business: Location Restriction.
It is unlawful for any business licensed for seminude entertainment to be located within three hundred and thirty (330') feet of a business licensed for the sale or consumption of alcohol.

63.05.040. Seminude Entertainment Business: Design of Premises.
The following regarding premise design for seminude entertainment businesses:

1. It is unlawful for business premises licensed for seminude entertainment to:
    a. Permit a bed, sofa, mattress, or similar item in any room on the premises, except that a sofa may be place in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater where such items are part of a performance and to which the patron has no access.
    b. Allow any door on any room used for the business to be lockable from the inside, except for the door to an office to which patrons shall not be admitted, outside doors, and restroom doors.
    c. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three (3') feet high and six (6") inches wide. The patron or patrons shall remain on one (1) side of the barrier and the employee or employees shall remain on the other side of the barrier.
2. Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three (3') feet, which separation shall be delineated by a physical barrier at least three (3') feet high.

63.05.050. Adult Business: Design of Premises.
The following regarding the design of adult business premises:

1. In addition to the general requirements of disclosure for a Sexually Oriented Business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the proposed location of the licensed business. The design and construction, prior to granting a license or opening for business, shall conform to the following:
    a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
    b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one (1) person being allowed in the restroom per stall, and only one (1) person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.
    c. For businesses which exclude minors from the entire premises, all windows, doors, and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses that exclude minors from less than all of the premises shall be designed and constructed so minors may not see into the area from which they are excluded.

2. It shall be the duty of the licensee and the licensee's employees to insure that the views from the manager's station described in (1) of this Section remain unobstructed by any doors, wall, merchandise, display racks, or any other materials at all times that any patron is present in the premises, and to insure 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.
3. The premises shall at all times be equipped and illuminated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1') foot-candle, measured at floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

Chapter 63.06.
PROHIBITED ACTIVITIES AND VIOLATIONS

63.06.010. Regulations and Unlawful Activities.
63.06.020. Alcohol Prohibited.
63.06.030. Violation: Injunction When.
63.06.040. Violation: License Suspension or Revocation.
63.06.050. Performers: Prohibited Activities.
63.06.060. Patrons: Prohibited Activities.
63.06.070. Violation: Penalty and Responsibility.

63.06.010. Regulations and Unlawful Activities.

It is unlawful for any Sexually Oriented Business or Sexually Oriented Business employee to:

1. Allow persons under the age of eighteen (18) years on the licensed remises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas.
2. Allow, offer, or agree to conduct any out-call business with persons under the age of eighteen (18) years.
3. Allow, offer, or agree to allow any alcohol to be stored, used, or consumed on or in the licensed premises.
4. Allow the outside door to the premises to be locked while any customer is in the premises.
5. Allow, offer, or agree to gamble on the licensed premises.
6. Allow, offer, or agree to any Sexually Oriented Business employee touching or being touched by any patron or customer, except that out-call employees and customers may touch, except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited.
7. Allow, offer, or agree to illegal possession, use, sale, or distribution of controlled substances on the licensed premises.
8. Allow Sexually Oriented Business employees to possess, use, sell, or distribute controlled substances while engaged in the activities of the business.
9. Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor on the licensed premises or, in the event of an out-call employee or business, the out-call employee committing, offering, or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor.
10. Allow, offer, commit, or agree to any specified sexual activity as validly defined by City ordinances or State statute in the presence of any customer or patron.
11. Allow, offer, or agree to any Sexually Oriented Business employee appearing before any customer or patron in a state of nudity.
12. Allow, offer, or agree to allow a patron or customer to masturbate in the presence of the Sexually Oriented Business employee or on the premises of a Sexually Oriented Business.

13. Allow, offer, or agree to commit an act of lewdness as defined in Section 79.9.702 U.C. and 702.5 U.C.

63.06.020. Alcohol Prohibited.

The following regarding alcohol prohibition for this Chapter:

1. It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises.
2. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Sexually Oriented Business.

63.06.030. Violation: Injunction When.

An entity or individual who operates or causes a Sexually Oriented Business to be operated without a valid license, or who employs or is employed as an employee of a Sexually Oriented Business, or who operates such a business or functions as such an employee in violation of the provisions of this Chapter is subject to a suit for injunction in addition to the civil and criminal violations provided herein and any other remedy available at law or in equity.

63.06.040. Violation: License Suspension or Revocation.

The following regarding licensing suspension or revocation:

1. Perry City may issue a notice suspending or revoking a Sexually Oriented Business or employee license granted under this Chapter if a licensee or an employee of the licensee has:
    a. Violated or is not in compliance with this Chapter.
    b. Refused to allow any inspection of the premises of the Sexually Oriented Business specifically authorized by this Chapter or by any other statute or ordinance.
    c. Failed to replenish the cost bond as provided in this Chapter (such a suspension shall extend until the bond has been replenished).
    d. Given materially false or misleading information in obtaining the license.
    e. Knowingly operated the Sexually Oriented Business or worked under the employee license during the period when the business licensee's or employee licensee's license was suspended.
    f. A licensee has committed an offense that would be grounds for denial of a license for which the time period required has not elapsed.
    g. On two (2) or more occasions within a twelve (12) month period, a person or persons committed in or on, or solicited for in or on the licensed premises, or an out-call employee solicited or committed on or off the premises, an offense which would be grounds for denial of a license of which a conviction has been obtained and the person or persons were employees, whether or not licensed, of the Sexually Oriented Business at the time the offenses were committed.
    h. A licensee is delinquent in payment to the City for ad valorem taxes, or sales taxes related to the Sexually Oriented Business.

63.06.050. Performers: Prohibited Activities.

It is unlawful for any professional dancer, model, or performer, while performing in any business licensed pursuant to this Chapter, to:

1. Touch in any manner any other person, except as otherwise provided in this Chapter.
2. Throw any object or clothing off the stage area.
3. Accept any money, drink, or any other object directly from any person.
4. Allow another person to touch such performer, except as otherwise provided in this Chapter, or to place any money or object on the performer or within the costume or person of the performer.
5. Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.

63.06.060. Patrons: Prohibited Activities.

It is unlawful for any person or any patron of any business to touch in any manner any performer, except as otherwise provided in this Chapter; or to place any money or object on or within the costume or person of any performer; or to give or offer to give to any such performer any drinks, money, or object while such performer is performing; except that money may be placed on the stage, which shall not be picked up by the performer except by hand.

63.06.070. Violation: Penalty and Responsibility.

The following regarding penalties and responsibilities within this Chapter:

1. In addition to revocation or suspension of a license, as provided in this Chapter, each violation of this Chapter shall, upon citation by the City Zoning Administrator, require the licensee to pay a civil penalty in the amount of $500.00. Such fines shall be deducted from the cost bond posted pursuant to this Chapter unless paid within ten (10) days of notice of the fine or the final determination after any appeal. In addition to the civil fines provided in this Chapter, the violation of any provision of this Chapter shall be a Class ‘C’ misdemeanor. Each day of a violation shall be considered a separate offense.
2. Every act or omission by an employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the Sexually Oriented Business licensee and/or operator if such act or omission occurs either with the authorization, knowledge, or approval of the licensee’s and/or operator’s negligent failure to supervise the conduct of the employee and the Sexually Oriented Business licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.
3. A Sexually Oriented Business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee’s license shall be revoked, suspended, or renewed.

63.06.080. Nudity: Defenses to Prosecution.

It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:

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 that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

Legislative History

New numbering system and codified into new municipal code: 12/11/2008

Title 65, A Land Use Ordinance
NONCONFORMING APPROVED USES AND NONCOMPLYING STRUCTURES

Chapter 65.01. EXISTING NONCONFORMING USES AND NONCOMPLYING STRUCTURES
Chapter 65.02. ADDITIONS, ENLARGEMENTS, OR MOVING
Chapter 65.03. LAPSE AND/OR CONTINUATION OF USE AND MISCELLANEOUS PROVISIONS

Chapter 65.01.
EXISTING NONCONFORMING USES AND NONCOMPLYING STRUCTURES

65.01.010. Maintenance Permitted.
65.01.020. Repairs and Alterations.
65.01.030. Certificate of Existence.

65.01.010. Maintenance Permitted.
A nonconforming use or noncomplying structure, which was legal at the time, may be maintained and operated as long as there is no change in the use, building, or structure.

65.01.020. Repairs and Alterations.
General repairs and necessary structural alterations for safety purposes shall be allowed to be made to a nonconforming building or noncomplying use.

65.01.030. Certificate of Existence.
The Community Development Department may grant a Certificate of Existence for a nonconforming use and/or a noncomplying structure upon proof of existence and mailing notice (at applicant's expense) to immediately adjacent landowners and posting on the City's website, with a two week waiting period after mailing and posting (thus allowing for mail delivery and the 10-day appeal period as per Sections 43.04.115 and 43.04.120).

Chapter 65.02.
ADDITIONS, ENLARGEMENTS, OR MOVING

65.02.010. Requirements for Amending, Modifying, and/or Enlarging.
65.02.020. Public Hearing and Finding.
65.02.030. Additions or Extensions to Residential Noncomplying Structures.
65.02.040. Alteration Where Parking is Insufficient.
65.02.050. Restoration of Damaged Buildings.
65.02.060. Change of Use.
65.02.070. Expansion of Use Permitted.

65.02.010. Requirements for Amending, Modifying, and/or Enlarging.
A building or structure occupied by a nonconforming use or a building or structure that is noncomplying as to height, area or yard requirements shall not be added to or enlarged in any manner or moved to another location on the lot it occupies except as provided in Sections 65.02.020 and 65.02.030 below.

65.02.020. Public Hearing and Finding.
A permit may be authorized by the Special Uses and Appeals Board (as per Section 43.04.100, item 5C) to enlarge or move a building or structure, as stated above, provided that said board, after holding a public hearing to allow adjacent landowners the right of input concerning a change to a nonconforming use, shall make the following findings:

1. The addition, enlargement of or moving of the building will be in harmony with one or more of the purposes of this ordinance.
2. The proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the nonconforming use or noncomplying structure.

65.02.030. Additions or Extensions to Residential Noncomplying Structures.
Additions or extensions may be made to a residential building which is noncomplying as to height, area, or yard requirements providing such additions conform to all requirements of the zoning district in which it is located and do not increase the number of dwelling units.

65.02.040. Alteration Where Parking is Insufficient.
A building or structure lacking sufficient number of vehicle parking spaces in connection therewith as required by Perry Municipal Code, Title 54; Streets, Trees, Parkways, may be altered or enlarged after a permit has been issued by the Special Uses and Appeals Board (as per Section 43.04.100, item 5C) as previously noted provided additional vehicle parking spaces are supplied to bring the use into compliance with the Perry Municipal Code, Title 54; Streets, Trees, Parkways. Approval for the alteration or enlargement must follow the Design Review process.

65.02.050. Restoration of Damaged Buildings.
A noncomplying building or structure or a building or structure occupied by a nonconforming use that is damaged or destroyed by fire, flood, wind, earthquake or other natural calamity or act of God or public enemy may be restored and the occupancy or use of said building, structure or part thereof, which existed at the time of such damage or destruction, may be continued, resumed, or restored, provided that such restoration is started within a period of one (1) year after destruction and is worked on continually until completion.

65.02.060. Change of Use.
The nonconforming use of a building or structure may not be changed to another nonconforming use but may be changed to a conforming use or as allowed by this Title. If a change to a conforming use is made, the use shall not thereafter be changed back to a nonconforming use.

65.02.070. Expansion of Use Permitted.
A nonconforming use may be extended, with the approval of the Special Uses and Appeals Board (see Section 43.04.100, item (5(C)), to include the entire floor area of an existing building in which such nonconforming use is conducted at the time the use became nonconforming.

Chapter 65.03.
LAPSE AND/OR CONTINUATION OF USE AND MISCELLANEOUS PROVISIONS

65.03.010. One-Year Vacancy.
65.03.020. Continuation of Use.
65.03.030. Occupation within One Year After Use Became Nonconforming.
65.03.040. Nonconforming Use of Land.
65.03.050. Yearly Fluctuation of Inventory.

65.03.010. One-Year Vacancy.
A building or structure or portion thereof occupied by a nonconforming use, that is or hereinafter becomes vacant and/or remains unoccupied by a nonconforming use for a continuous period of one (1) year, shall not thereafter be allowed to resume. Re-occupancy shall be allowed for uses that are conforming to the regulations of the zoning district in which the building or use is located.

65.03.020. Continuation of Use.
The occupancy of a building or structure by a nonconforming use, existing at the time this ordinance became effective, may be continued.

65.03.030. Occupation within One Year After Use Became Nonconforming.
A vacant building or structure may be occupied by a use for which the building or structure was designed and/or intended if occupied within a period of one (1) year after the use became nonconforming.

65.03.040. Nonconforming Use of Land.
The nonconforming use of land, existing at the time this ordinance became effective may be continued, provided no such nonconforming use of land shall be expanded in any way or extended either on the same or adjoining property and provided if such nonconforming

use of land, or any portion thereof, is abandoned and/or changed for a continuous period of one (1) year, any future use of such land shall be required to be in conformity with the requirements of the zoning district where the land is located.

65.03.050. Yearly Fluctuation of Inventory.
Businesses or uses that experience fluctuations of inventory on a periodic or yearly basis for agricultural and/or other purposes will not have these considered as a change of use or cause the use to become nonconforming.

Legislative History
Addition of section/paragraph numbers and clarifications: November 20, 2006
New numbering system and codified into new municipal code: 12/11/2008

Title 67, Indexes of Un-codified Land Use Ordinances
INDEX OF ANNEXATIONS, DISCONNECTIONS, AND BOUNDARY ADJUSTMENTS ORDINANCES

Chapter 67.09. RESOLUTIONS ADOPTED IN 2009
Chapter 67.10. RESOLUTIONS ADOPTED IN 2010

Chapter 67.09.
RESOLUTIONS ADOPTED IN 2009

67.09.010. None.

Chapter 67.10.
RESOLUTIONS ADOPTED IN 2010

67.10.010. None.

Legislative History
First Index Codification: January 13, 2011

Title 68, Indexes of Un-codified Land Use Ordinances
INDEX OF MAPS AND MAP AMENDMENTS ORDINANCES, INCLUDING ZONE CHANGES

Chapter 68.09. RESOLUTIONS ADOPTED IN 2009
Chapter 68.10. RESOLUTIONS ADOPTED IN 2010

Chapter 68.09.
RESOLUTIONS ADOPTED IN 2009

68.09.010. None.

Chapter 68.10.
RESOLUTIONS ADOPTED IN 2010

68.10.010. 10-O, Renumbered as 10-Y (Zone Change request by Neighborhood Nonprofit Housing Corp. From RE1/2 to R1), Approved 12/09/10.

Legislative History
First Index Codification: January 13, 2011

Title 69, Indexes of Un-codified Land Use Ordinances
INDEX OF TEMPORARY LAND USE ORDINANCES

Chapter 69.09. RESOLUTIONS ADOPTED IN 2009
Chapter 69.10. RESOLUTIONS ADOPTED IN 2010

Chapter 69.09.
RESOLUTIONS ADOPTED IN 2009

69.09.010. 09-H (Temporary Land Use Ordinance Regarding Escrow Agreements and Building Permits in Subdivisions), Approved 06/11/09.

Chapter 69.10.
RESOLUTIONS ADOPTED IN 2010

69.10.010. None.

Legislative History
First Index Codification: January 13, 2011

Title 70, Land Use Resolutions, Standards, and Guidelines
INDEX OF VACATED SUBDIVISIONS, STREETS, AND RELATED LAND USE RESOLUTIONS AND ORDINANCES

Chapter 70.09. RESOLUTIONS ADOPTED IN 2009
Chapter 70.10. RESOLUTIONS ADOPTED IN 2010

Chapter 70.09.
RESOLUTIONS ADOPTED IN 2009

70.09.010. None.

Chapter 70.10.
RESOLUTIONS ADOPTED IN 2010

70.10.010. 10-12 (Vacating Lot 2 from Rackham Subdivision), Approved 06/10/10.

Legislative History
First Index Codification: January 13, 2011

Title 71, Land Use Resolutions, Standards, and Guidelines
INDEX OF RE-CODIFICATION, DEVELOPMENT AGREEMENTS, AND MISC. LAND USE RESOLUTIONS

Chapter 71.09. RESOLUTIONS ADOPTED IN 2009
Chapter 71.10. RESOLUTIONS ADOPTED IN 2010

Chapter 71.09.
RESOLUTIONS ADOPTED IN 2009

71.09.010. 08-48 (Approve Upland Square Development Agreement), Approved 01/15/09.
71.09.020. 09-07, Ratifying 08-46 (Re-codification of Municipal Code), Approved 02/12/09.
71.09.030. 09-33 (Re-codification of Municipal Code), Approved 12/10/09.

Chapter 71.10.
RESOLUTIONS ADOPTED IN 2010

71.10.010. 10-03 (Use of City Sewer Lagoon Property for Shooting Range), Approved 03/11/10.

Legislative History
First Index Codification: January 13, 2011

Title 76, Land Use Resolutions, Standards, and Guidelines PUBLIC WORKS STANDARDS AND TECHNICAL SPECIFICATIONS (1ST EDITION)

Chapter 76.01. **INTRODUCTION AND GENERAL IMPROVEMENT STANDARDS**
Chapter 76.02. **DESIGN REQUIREMENTS**
Chapter 76.03. **PERMIT REQUIREMENTS FOR WORK IN THE PUBLIC WAY**
Chapter 76.04. **DRAWINGS**

Chapter 76.01. INTRODUCTION AND GENERAL IMPROVEMENT STANDARDS

76.01.005. **Introduction.**
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76.01.020. **Improvement Plan Submittal Requirements.**
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76.01.040. **Construction Drawings.**
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76.01.062. **Sewer Drawings.**
76.01.063. **Storm Sewer or Subsurface Drainage Drawings.**
76.01.064. **Culinary Water Drawings.**
76.01.065. **Grading and Drainage Plans.**
76.01.066. **Erosion Control and Slope Stabilization Plans.**
76.01.067. **Irrigation Water Drawings.**
76.01.068. **Street Lighting Plans.**
76.01.069. **Traffic Signing, Striping and Traffic Control Plans.**

76.01.071. **Requirements for Separate Sheet of Details.**
76.01.075. **Approval Procedure.**
76.01.080. **Construction Permits.**
76.01.090. **Preconstruction Conference.**
76.01.100. **Inspection.**
76.01.110. **Requests for Inspection.**
76.01.120. **Construction Completion Inspection.**
76.01.130. **Construction Testing.**
76.01.140. **Approval by City Engineer.**

76.01.150. Drawings.
76.01.160. Guarantee of Work.
76.01.170. Development Safety.

76.01.005. Introduction.
The following, introducing this Chapter:

1. This Manual sets forth the standards for the preparation and processing of improvement plans of all related public work projects to be constructed under permit with Perry City, and all documents supplemental to the improvement plans required by the City Engineer for construction of improvements under the jurisdiction of the City Engineer.
2. The preparation of plans and specifications in conformity with these standards will expedite the processing, reviewing and filing of the submitted improvement plans with Perry City and thus shorten the time necessary for plan approval through the City Engineer.
3. Changes, Amendments or Revisions may occur to these standards and specifications. It is the intent of Perry City to be in the mode of constantly improving this document. On a periodic basis proposed changes, revisions or amendments will be reviewed and incorporated as necessary into this document. Vertical bold lines in the right hand margin of each edition will point out significant changes in the text adopted since any preceding edition.
4. Copies of the Perry City Public Works Standards and Technical Specifications and Perry City Standard Plans are available for purchase from Perry City, 3005 South 1200 West, Perry, Utah, during normal working hours. Copies of the Manual of Standard Specifications and the Manual of Standard Plans prepared and recommended by the Utah Chapter of the American Public Works Association are available for purchase from LTAP, Utah State University, Logan, Utah or online @ http://utah.apwa.net.

76.01.010. Scope or Work.
This section defines the general requirements for improvements to be designed and constructed by a subdivider or contractor working on infrastructure in the public way.

1. The improvements shall include all public utilities deemed benefiting such development (i.e.; sanitary sewer, culinary water, storm sewer, irrigation) and grading, erosion control, traffic signing, traffic control and street improvements adjacent to and in front of all lots and along all dedicated streets, alleys or other easements which connect with existing improvements of the same kind or to the boundary of the development or extending to the nearest existing improvements. Design must provide for future extension beyond proposed development and must be compatible with the contour of the ground for proper drainage and for evaluating the future servicing needs of development. All utility lines, conduits and street improvements shall be installed as a minimum to the boundary lines of the development. All corner lots shall require fully dedicated and improved streets on all sides of the lots which have street frontage.
2. When development occurs beyond the reach of available utilities or streets the developer shall be responsible to extend any and all required utilities or streets to service the developer's property. Such utilities or streets shall be constructed of sufficient size and capacity to accommodate all property that has the potential to be served by such utility or street and shall meet the ordinance requirements as to size, width and length. All necessary rights-of-way or easements must also be acquired by the developer for the

benefit of Perry City and at no cost to the City except as covered in other applicable City Ordinances. The developer is encouraged to work with adjacent property owners that may benefit from said utility or roadway improvements for the purpose of mutual participation. The developer however is responsible for all upfront costs associated with the design, acquisition and construction of the offsite improvements. Options may be available to the developer upon request to Perry City in the establishment of a reimbursement district or payback agreement, which may include additional areas that may also derive benefit from the utility or street improvements being installed. Such district(s) shall be accomplished by means of mutual agreement.

76.01.020. Improvement Plan Submittal Requirements.

The following regarding improvement plan submittal requirements:

1. Complete and detailed construction plans and drawings of improvements shall be submitted to the City Engineer for his review following Preliminary plat approval and prior to receiving final plat approval and prior to commencing construction. No construction shall be started until the improvement plans have been checked and approved by the City Engineer and a Construction Permit has been purchased by the Contractor and issued by Perry City for such work. Ownership of any lots within a subdivision may not be exchanged until the plat records. The financial security required at the time of plat recordation shall be for those public improvements conditioned on the development as well as those shown on the approved improvement drawings.
2. The amount of the financial security required at the time of plat recordation may be reduced accordingly by any portion of the public improvements which have been installed, inspected and received final acceptance by Perry City.
3. The improvement plans and designs shall meet the standards defined in the specifications and drawings hereinafter outlined. The following minimum information is required as part of the improvement plans submittal:
    a. Copy of Preliminary Plat and Title Report.
    b. Two sets of the complete improvement plans and final plat.
    c. Drainage Calculations.
    d. Engineer’s estimates of construction quantities and costs.
    e. Survey notes.
    f. Escrow, Bond or other approved Improvement Assurance Agreement.
    g. Easement Agreements.
    h. Master Plan layout plan if development to be constructed in phases.
    i. Soils report and boring logs.
    j. Associated studies (geological or other hazard studies).
    k. Other information or documents as necessary.

76.01.030. Subdivision Plats: Contents.

The following instructions are for the purpose of standardizing the preparation of plat drawings to obtain uniformity in appearance, clarity, size and style. Compliance with the Subdivision Ordinance shall govern should any disparities between these standards and the ordinance.

1. All plats shall be clear and legible and conform to accepted engineering and drafting practice, drawn with ink or plotted on mylar sheets (four (4) mil). Size of plat sheets shall be 24" x 36" with a two (2”) inch border on the left side and one-half (½”) inch border on all other sides. The Scale is one (1”) inch is equal to sixty (60’) feet (1”=60’) or

larger (per Sub Ordinance).

2. The title (subdivision name) of the plat shall appear across the top of the page along with Section, Township and Range information. The boundary of the platted land shall be shown with bearings and distances, and the basis of the Point of Beginning shall be shown and tied to Perry City or Box Elder County Surveyor's Monuments. The plat shall include a narrative describing the intended purpose of the plat and for whom it is being prepared, along with any other pertinent information. The plat shall include certifications of the Perry City Planning Commission Chairman, City Engineer, City Attorney, Fire Marshal, Bear River Health Department (if applicable), and the Perry City Council acceptance and approval signed by the Mayor. The City Engineer's Certificate shall read as follows: "I hereby certify that I have carefully investigated the lines of survey of the foregoing plat and legal description of the land embraced therein and find them to be correct and to agree with the lines and monuments on record in this office." Additionally, the plat shall require a statement certifying that the applicable provisions of the Perry Municipal Code, Title 55, Streetlight Regulations, will be adhered to. A block for Box Elder County recording information shall appear in the bottom right hand corner of the plat sheet. In all other aspects with respect to Surveyors Certification, written legal description, dedications, existing easements, addresses and acknowledgement, etc., the plat shall conform to applicable State Statutes for plat preparation. All owners of record shall be required to sign the plat, and the appropriate notary acknowledgement(s), for an individual, corporation or partnership shall be included. Addresses shall be included on the final plat. These may be incorporated either by table or directly indicated on the specific lot.

76.01.040. Construction Drawings.

The following regarding construction drawings:

1. Complete and detailed construction plans and drawings of all improvements shall be submitted to the City Engineer for review and approval prior to receiving final plat approval and recordation for the subdivision and prior to the issuance of a permit by Perry City. The plans containing the appropriate approval signatures and the current adopted specifications shall be the only valid documents from which the contractor shall construct the permitted improvements. The contractor shall have available at the construction site a copy of the approved plans, specifications and permit and shall make them available to the City's representative upon request.
2. All construction must be in compliance with the approved plans and specifications. Any and all deviations from said approved plans and specifications must be approved in writing by the authorized City personnel prior to the work commencing on the requested plan deviation.

76.01.050. Engineer's Seal Requirement.

Any map, sketch, survey, drawing, document, plat or final plan, specification or report shall bear the seal of a professional engineer and/or surveyor as applicable when filed with Perry City Corporation. This is a State requirement and applies to all documents filed with Perry City including but not limited to: filings related to site plans, concept, preliminary and final plats, improvements plans, specifications or report of a building, structure or improvement. Additionally the signature of the individual named on the seal and the date shall appear across the face of each original seal.

76.01.060. Standards of Construction Drawings.

The following instructions are for the purpose of standardizing the preparation of drawings to obtain uniformity in appearance, clarity, size and style. These plans and designs shall meet the standards defined in the specifications and drawings herein outlined. The minimum information required on drawings for improvements are as follows and as per 76.01.061 through 76.01.071:

1. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting practice, drawn with ink or plotted on mylar sheets (four (4) mil). Size of drawings sheet shall be twenty four by thirty six (24" x 36") inches with a two (2”) inch border on left side and a one-half (½”) inch border on all other sides. An electronic copy of the drawings shall be submitted along with the final mylar being appropriately stamped & signed.
2. In general, the following shall be included on all drawings:
    a. North arrow (plan)
    b. Scales: one (1")inch = forty (40') feet horizontal, one (1")inch = four (4')feet vertical or one (1") inch = twenty (20')feet horizontal, one (1") inch = two (2') feet vertical (other appropriate scales as approved by the City Engineer)
    c. Bench Mark location and elevation (use Perry City/Box Elder County datum) (No assumed elevations will be acceptable)
    d. Stationing and elevations for profiles
    e. Location map
    f. Index map
    g. Title block, located in lower right corner of sheet to include:
        1. Name of City
        2. Project title (subdivision, etc.)
        3. Specific type and location of work
        4. Name, address, phone, etc. of engineer or firm preparing drawings with license number, stamp, and signature.
    h. Signature block (lower right hand corner of page) for approval signature of City Engineer and date. This block shall be contained on each plan sheet.
    i. The extension of all public utilities and street improvements to the boundary of the development.

76.01.061. Curb and Gutter, Drains and Drainage Structures, Sidewalks and Street Surfacing Drawings.

Curb and gutter, drains and drainage structures, sidewalks and street surfacing drawings shall show:

1. Minimum scale: one (1") inch = forty (40') feet horizontal, one (1") inch = four (4') feet vertical.
2. Plan and profile views must be shown for top back of curbs and centerline (Profiles of both top back of curbs and centerline are required only where approved deviations from standard cross section are proposed).
3. On streets with steep cross slopes, profiles for each side of the street may be required to be shown.
4. Where no curb is proposed, profile of edge of pavement must be shown.
5. Existing profile of centerline and at both right-of-ways and labeled accordingly.
6. All existing elevations shall be shown in parentheses - i.e. (ex. elevation).
7. All existing utilities within and adjacent to area proposed for construction must include

actual existing elevations obtained from field survey/pot hole where potential conflicts, cover or clearance requirements may exist.

8. Stationing, top back of curb elevations, centerline elevations, and curve data.
9. Flow direction and type of cross drainage structures at intersections with adequate flow line elevations.
10. Typical cross section for all street sizes and variations.
11. Details at one (1") inch = ten (10') feet or other appropriate scale to adequately provide required information.
12. One hundred (100’) feet minimum of existing plan and profile design when connection to existing improvements.
13. Three hundred (300’) feet minimum of future plan and profile design when roadway is to be extended (must also include three hundred (300’) feet of existing profile along future R/W lines).
14. Benchmark location and elevation (use Perry City /Box Elder County datum).
15. General and Construction notes.
16. Soil Boring Log along centerline.
17. Street survey monuments at locations as required by the City Engineer.

76.01.062. Sewer Drawings.

Sewer Drawings shall show:

1. Minimum scale: one (1") inch = forty (40') feet horizontal, one (1") inch = four (4') feet vertical.
2. Location, material, size, and slope of sewer main and laterals.
3. Stationing of manhole center lines, lateral connections and crossings.
4. Plan and Profile, bearings and lengths of segments when not parallel with centerline of road or easement.
5. Manhole size, location and flow line elevation(s), lid elevations.
6. Type or class of mainline pipe and laterals.
7. Magnetic marker and tracer wire requirements and details.
8. Profile crossings of all other existing or proposed utilities with invert elevation with type and size of utility.
9. All existing utilities within and adjacent to area proposed for construction and must include actual existing elevations obtained from field survey/pot hole where potential conflicts, cover or clearance requirements exist.
10. Details at one (1") inch = ten (10') feet or other appropriate scale to adequately provide required information.
11. Benchmark location and elevation (use Perry City/Box Elder County datum).
12. An overall development plan view of the sewer (Horizontal scale: one (1")inch =two hundred (200')feet) is required when the development involves more than one phase or when the proposed improvements are intended to provide service or benefit to properties other then the proposed development.
13. General and Construction notes.
14. Lateral locations and station for each lot or building served.
15. All buried utility lines shall include an acceptable means of location detection such as detectable metallic tape or wire to allow field location after burial.

76.01.063. Storm Sewer or Subsurface Drainage Drawings.

Storm sewer or subsurface drainage drawings shall show:

1. Minimum scale: one (1") inch =forty (40') feet horizontal, one (1") inch =four (4') feet vertical.
2. Location, material, size, and slope of mains and lateral connections.
3. Location, size and details of inlets, junction boxes, etc.
4. Stationing of manhole center lines, lateral connections and crossings.
5. Manhole size, location and flow line elevation(s), lid elevations.
6. Flow rate (ten (10) year, one (1) hour storm event), HGL and velocity (all indicated in the profile for each pipe section).
7. Type or class of mainline pipe.
8. Magnetic marker and tracer wire requirements and details.
9. Profile crossings of all other existing or proposed utilities with invert elevation with type and size of utility.
10. All existing utilities within and adjacent to area proposed for construction and must include actual existing elevations obtained from field survey/pot hole where potential conflicts, cover or clearance requirements exist.
11. Details at one (1") inch = ten (10') feet or other appropriate scale to adequately provide required information.
12. Benchmark location and elevation (use Perry City/Box Elder County datum).
13. General and Construction notes.
14. All buried utility lines shall include an acceptable means of location detection such as detectable metallic tape or wire to allow field location after burial.

76.01.064. Culinary Water Drawings.

Culinary water drawings shall show:

1. Minimum scale: one (1") inch =forty (40') feet horizontal.
2. Location, material and size of water mains and laterals, valves and hydrants, etc.
3. Minimum cover requirements for mainlines and laterals.
4. Type or class of mainline pipe and laterals.
5. Details at one (1") inch = ten (10') feet or other appropriate scale to adequately provide required information.
6. Magnetic marker and tracer wire requirements and details.
7. Benchmark location and elevation (use Perry City/Box Elder County datum.
8. When development occurs across pressure zones include PRV stations into improvement designs.
9. All existing utilities within and adjacent to area proposed for construction and must include actual existing elevations obtained from field survey/pot hole where potential conflicts, cover or clearance requirements exists.
10. General and Construction notes.
11. All buried utility lines shall include an acceptable means of location detection such as detectable metallic tape or wire to allow field location after burial.

76.01.065. Grading and Drainage Plans.

Grading and drainage plans shall show:

1. Minimum scale: one (1") inch = forty (40') feet horizontal.
2. Plans showing site general layout and drainage patterns with spot elevations or contours

of potential final grades.
3. Existing contours at one foot intervals.
4. Details at one (1") inch = ten (10') feet or other appropriate scale to adequately provide required information.
5. All existing utilities within and adjacent to area proposed for grading and must include actual existing elevations obtained from field survey/pot hole where potential conflicts, cover or clearance requirements exist.
6. Detention facility details as well as inlets, outlets and piping facilities.
7. Calculations to substantiate design (part of submittal but not on plans).
8. Any well sites whether existing or abandoned.
9. Include storm water pollution prevention plans for all projects one acre or larger.
10. General, Grading and Construction notes.

76.01.066. Erosion Control and Slope Stabilization Plans.

Erosion control and slope stabilization plans, along with SWPPP- Storm Water Pollution Prevention Plans (required for projects one (1) acre or larger) shall show:

1. Minimum scale: one (1”) inch = forty (40’) feet horizontal.
2. Plans showing site general layout and drainage patterns and outlets for water entering or exiting construction site.
3. Details at one (1") inch = ten (10') feet or other appropriate scale to adequately provide required information. These may include BMP’s such as; check dams, berms, desilting fences, sand bag and/or hay bale details and others as may be applicable.
4. Desilting basin details as well as inlets, outlets and piping facilities.
5. Calculations to substantiate design (include in submittal but not required to be included on plans).
6. Erosion Control and Slope Stabilization Construction notes.
7. Plan shall include an emergency phone number and name of the developer’s responsible person who will be available 24 hours a day should an emergency situation arise.

76.01.067. Irrigation Water Drawings.

Irrigation water drawings shall show:

1. Minimum scale: one (1”) inch = forty (40’) feet horizontal
2. Location, materials and size of irrigation mains and laterals, valves, etc.
3. Minimum cover requirements for mainlines and laterals
4. Type of mainline pipe and laterals
5. Details at one (1") inch = ten (10') feet or other appropriate scale to adequately provide required information
6. Benchmark location and elevation (use Perry City/Box Elder County datum)
7. Magnetic marker and tracer wire requirements and details
8. When development occurs across pressure zones include PRV stations into improvement designs
9. All existing utilities within and adjacent to area proposed for construction and must include actual existing elevations obtained from field survey/pot hole where potential conflicts, cover or clearance requirements exist
10. General and Construction notes
11. Cleanout and control box locations (non-pressurized systems only)
12. All buried utility lines shall include an acceptable means of location detection

such as detectable metallic tape or wire to allow field location after burial

76.01.068. Street Lighting Plans.

Street lighting plans shall show:

1. All street lighting plans shall be designed and installed according to Perry Municipal Code, Title 55, Streetlight Regulations.
2. All Developers shall provide the following items as part of their concept and/or preliminary plan:
    a. Plans shall indicate the location, the type of illuminating devices, fixtures, lamps, supports, poles, reflectors and other devices.
    b. Descriptions shall include the illuminating devices, fixtures, lamps, supports, poles (including height), reflectors, type of base, and other devices. The description may include, but is not limited to, catalog cuts by manufacturers and drawings.
    c. Photometric data shall include data, such as that furnished by manufacturers, or similar data showing the angle of cut off or light emissions.
3. Subdivision Plat Certification
    a. The final plat shall contain a statement certifying that the applicable provisions of the Perry City Streetlight Regulations Ordinance will be adhered to.
4. Pole, Lamp or Fixture Substitution
    a. Should any outdoor light fixture or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Planning Commission for approval, together with adequate information to assure compliance with the Street Light Ordinance. Approval must be provided prior to substitution.

76.01.069. Traffic Signing, Striping and Traffic Control Plans.

Traffic signing, striping, and traffic control plans shall show:

1. All traffic signing, striping and traffic control plans shall be designed and installed according to (MUTCD) the Manual on Uniform Traffic Control Devices.
2. All traffic signing, striping and traffic control plans shall be submitted to Perry City Engineer for review and approval prior to field installation.

76.01.070. Separate Sheet of Details for Structures.

Each set of plans, as identified above, shall be accompanied by a separate sheet of details for structures which are to be constructed. All structures shall be designed in accordance with the requirements established by Perry City Public Works Standards.

76.01.071. Requirements for Separate Sheet of Details.

Separate drawings of elements of the Perry City Standards or APWA Standards shall not be required to be redrawn and submitted with the construction drawings unless specific deviations from the standards are requested for approval, however, the construction drawings shall refer to the specific items of the Standards that are to be incorporated into the work. The following is to be the structure for the sheet of details:

1. Drawing size: twenty four by thirty six (24" x 36") inches.
2. Scale of each detail.
3. Title block, lower right hand corner (same format on all sheets) including the name of the development, etc.
4. Completely dimensioned and described.
5. Plans stamped, signed and dated by Registered Engineer, Architect, Landscape Architect or Surveyor as applicable.
6. Record Drawings or As-Builts are required on all projects and infrastructure installations or modifications.

76.01.075. Approval Procedure.

The following requirements regarding the approval procedure:

1. After receiving preliminary approval for the subdivision of the land and prior to obtaining a Construction Permit from Perry City for construction of the required improvements, the developer shall submit to the City Engineer three (3) copies of the plat and improvement plans for his review.
2. The plat shall be reviewed and addresses and street names assigned by the Box Elder Surveyor's Office. No subdivision shall be accepted and approved for recording until all conditions of the preliminary approval have been satisfied and acceptable evidence is submitted assuring marketable title for all property within the legally described perimeter of the subdivision.
3. The improvement plans shall be reviewed for conformity with these standards and the conditions of approval. Redlined copies of the plat and improvement plans or written comments shall be returned to the private design engineer for corrections. Any redlines must be returned with the corrected plans in order for the City Engineer to perform the required re-check. After any corrections have been completed, if necessary, the final plat containing the surveyor's and owner's signatures along with the improvement plans may then be submitted on mylar for approval by the City. Additionally, the final plat and improvement plans shall be submitted in electronic form i.e.; computer CD or other acceptable format.
4. Upon approval of the improvement plans on mylar by the City Engineer, the Developer's Engineer shall make four (4) paper copies of the approved plans one (1) reproducible copy on four (4) mil mylar and submit them to the City Engineer. Two (2) sets of the approved paper copies will be retained by the City and one (1) will be issued along with the permit to the Contractor and one (1) set retained by the City Engineer. An approved set and the issued Construction Permit shall be kept available at the construction site. A reproducible copy on four (4) mil mylar and in electronic AutoCAD format of all drawings containing all as-built drawing information shall be submitted to the City Engineer at the time of final inspection and prior to the final escrow release. Such record drawing shall be signed and stamped by PE or PLS (where applicable) with certification that the as-built drawings are true and accurate. No conditional acceptance of improvements by the City or final release of the posted security will occur until such as-built drawing submittal has been received, reviewed and accepted by the City Engineer.

76.01.080. Construction Permits.

The following regarding construction permits:

1. Any Person desiring to perform work of any kind in a Public Way or on City owned property within the City shall make application for a Construction Permit. The decision by the City to issue a Construction Permit shall include, among other factors determined by the City, the following: (see Perry City Subdivision Ordinance)
    a. The capacity of the Public Way to accommodate the facilities or structures proposed to be installed in the Public Way;
    b. The capacity of the Public Way to accommodate multiple utilities, such as electrical, telephone, gas, sewer, water or other conduits or pipes;
    c. The damage or disruption, if any, of public or private facilities, improvements, or landscaping previously existing in the Public Way;
    d. The public interest in minimizing the cost and disruption of construction from numerous excavations in the Public Way;
    e. The status of the Final Subdivision Plat and if it has been approved and recorded with Box Elder County and whether it's recordation would affect any proposed construction activities.
2. No person shall be eligible to apply for or receive a Construction Permit to do work within the Public Ways of the City, save and except the following:
    a. Contractors licensed by the State of Utah to perform the type of work requested and holding current City business license and evidence of an adequate liability bond.
    b. Providers (Utility Companies franchised in the Perry City), provided that all work shall be performed by a contractor licensed by the State of Utah and identified on the permit.
    c. The City acting through its Public Works Department.
    d. No Construction Permit shall be required if the work within the public way is limited to landscaping and irrigation of individual lots or the installation of individual mailboxes.
3. Perry City may deny the issuance of Construction Permits to Applicants, including Providers, who have shown by past performance that in the opinion of the City Engineer they will not consistently conform to the Public Works Standards, Technical Specifications, Design Standards, or the other City requirements.
4. It shall be unlawful for any Person to commence work upon any Public Way until the City Engineer has approved the application and until a Construction Permit has been issued for such work.

76.01.090. Preconstruction Conference.

The following regarding preconstruction conferences:

1. A preconstruction conference shall be held before any excavation or other work is begun in a subdivision or major project. A determination, either during the plan review process or at the time of permit issuance, shall be made as to whether a certain project will or will not require a preconstruction conference. All subdivisions and other projects of significant magnitude and complexity will require a preconstruction meeting. The

meeting will be held at Perry City Public Works Office and will include:

a. City Engineer or his representative;
b. developer;
c. a representative of Perry City Inspection Department;
d. developer's design engineer;
e. all Contractors and Subcontractors involved with installing the subdivision or project improvements;
f. representatives of the affected local utility companies as may be required by Perry City;
g. others as necessary.

2. It will be the responsibility of the developer to schedule the City facilities and to notify all parties required to attend the preconstruction conference. Such facility scheduling can be accomplished by calling (435) 723-6461, Monday through Friday, 8:00 a.m. to 5:00 p.m.
3. The meeting will be conducted the City Engineer or his representative. Items pertaining to the construction and inspection of the subdivision or Project improvements will be discussed. Other items may also be discussed related to project scheduling, materials used, coordination with all affected parties, utility companies or agencies and other important items as may be deemed necessary by the City Engineer. Contractors will not be permitted to proceed with construction unless this meeting takes place and those responsible for all construction activities are in attendance. Following this meeting, if all is in order, the Contractor may be issued a Construction Permit for the work.

76.01.100. Inspection.

All construction work involving the installation or repair of improvements in subdivisions or projects shall be subject to inspection by the City. It shall be the responsibility of the contractor to ensure that inspections take place where and when required as indicated in the specifications, on the permit and as discussed in the preconstruction conference. Certain types of construction may require continuous inspection while others will only require periodic inspections. The type and amount of inspection performed by Perry City shall be at the sole discretion of the Perry City Inspector or City Engineer. The following regarding various inspections:

1. Continuous inspection may be required on the following types of work:
    a. Placement of street surfacing.
    b. Placing of concrete for curb and gutter, sidewalks, and other structures.
    c. Laying of sewer pipe, drainage pipe, water pipe, valves and hydrants.
    d. Testing and backfilling as per approved specifications.
    e. Any connections to Perry City Utilities.
    f. Street grading and gravel base placement and compaction.
2. Periodic inspection may be required on the following types of work:
    a. Street grading and gravel base.
    b. Excavations for curb and gutter, sidewalks.
    c. Excavations for structures.
    d. Trenches for laying pipe.
    e. Forms for curb and gutter, sidewalks and structures.

f. Lot grading and Storm Water Pollution Prevention Plan (SWPPP) implementation.

76.01.110. Requests for Inspection.

The following regarding requests for inspections:

1. On construction requiring continuous or periodic inspection, no work shall start until an inspection request has been made to the City by the person responsible for the construction requiring inspection and the required submittals received and approved by the City. No construction requiring continuous inspection shall be done except in the presence of the City Inspector or by permission of the City Engineer. Requests for inspection on work requiring continuous inspection shall be made at least three (3) working days prior to the commencing of the work. Request shall also be made 24 hours in advance of the starting of work requiring periodic inspection, unless specific approval is given otherwise by the City Engineer or his duly authorized representative.
2. Work done by the Contractor which requires periodic or continuous inspection beyond the normal working hours of Perry City (8:00 a.m. to 5:00 p.m., Monday thru Friday), weekends or City holidays shall require prior arrangements and the payment of current overtime rates incurred by the City Inspector or City Engineer to be paid by the Contractor.

76.01.120. Construction Completion Inspection.

A final inspection shall be made by the City Engineer or his representative after all construction work is completed. Upon completion of said work and upon written request by the Subdivider or Developer or not less than thirty (30) days prior to the release of the bond, escrow, or other assurances, said Final Inspection shall occur. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of fifteen (15) days of the date of the City Engineer's Final Inspection Report defining the faulty or defective work. Should the contractor fail to complete the required work, the City Engineer, at his discretion, may have the defective work completed and bill the contractor, may use the monies in escrow or otherwise held by the City to complete the defective work and/or may withhold future permits from the affected contractor or subcontractor.

76.01.130. Construction Testing.

All in-place density testing shall be performed and paid for by the Subdivider or Developer. The cost of obtaining necessary soil "proctors", asphalt extractions, gradation, "Marshall" asphalt densities, and concrete test cylinders shall be provided by and paid for directly by the Subdivider, Developer, Contractor or Project Manager.

76.01.140. Approval by City Engineer.

All references within these specifications to the "City Engineer" shall be construed to refer to the City Engineer or his duly authorized representative.

76.01.150. Drawings.

All references within these specifications to "The Drawings" shall mean the City approved

construction drawings or the Perry City Public Works Standards and Technical Specifications as is applicable.

76.01.160. Guarantee of Work.

The following regarding guarantees of completed work:

1. The developer shall warrant and guarantee (a retainage of an escrow or other security in the amount as dictated by applicable city ordinances) that the improvements and every part thereof, will remain in good and serviceable condition for a period of twelve (12) months, as dictated by applicable city ordinances, after the date of the City Engineer's Final Inspection Report. Additionally the developer shall make all repairs to and maintain the improvements and every part thereof in good condition during that warrantee period at no cost to the City. It is further agreed and understood that the determination for necessity of repairs and maintenance of the work rests with the City Engineer. His decision upon the matter shall be final and binding upon the Developer, and the guarantee hereby stipulated shall extend to and include, but shall not be limited to, the entire street base and all pipes, joints, valves, backfill and compaction, as well as the working surface, curbs, gutters, sidewalks, and other accessories that are or may be affected by the construction operations; and whenever, in the judgment of the City Engineer, said work shall be in need of repairs, maintenance, or rebuilding, he shall cause a written notice to be served upon the Developer and/or permittee or both, and there upon the responsible party(s) shall undertake and complete such repairs, maintenance, or rebuilding.
2. If the responsible party(s) fails to do so within fifteen (15) days from the date of the service of such notice, the City Engineer shall have such repairs made, and the cost of such repairs shall be paid by the responsible party(s), together with fifteen (15) percent in addition thereto, as and for stipulated damages for such failure on the part of the responsible party(s) to make the repairs. Additionally, the City Engineer may withhold future permits from the affected contractor or subcontractor for failure to comply with City requirements. A final close out inspection shall occur prior to the completion of the twelve (12) month warrantee period to verify compliance with the above stipulated conditions.

76.01.170. Development Safety.

The following regarding development safety:

1. It shall be the responsibility of the developer and/or his development representative to maintain and enforce all federal, state and local safety codes involved with the development.

2. All excavations shall be conducted in a manner resulting in a minimum amount of interference or interruption of street or pedestrian traffic. Inconvenience to residences and businesses fronting on the Public Way shall be minimized. Suitable, adequate and sufficient barricades and/or other structures will be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of the permittee's equipment is removed from the site and the excavation has been backfilled and proper temporary gravel surface is in place, except where backfilling and resurfacing is to be done by the City; in which case the barricades, together with any

necessary lights, flares or torches, must remain in place until the backfill work is actually completed by the City. From sunset to sunrise, all barricades and excavations must be clearly outlined by adequate signal lights, torches, etc. The Police Department and Fire Department shall be notified at least twenty four (24) hours in advance of any planned excavation requiring street closure or traffic detour.

Chapter 76.02.
DESIGN REQUIREMENTS

76.02.010. Street Design.
76.02.014. Street Arrangement.
76.02.015. Blocks.
76.02.016. Lots.
76.02.020. Sanitary Sewer Design.
76.02.030. Storm Sewer Design.
76.02.040. Subsurface Drainage Design
76.02.050. Water System Design.
76.02.060. Grading and Drainage Design
76.02.070. Erosion Control and Slope Stabilization Design
76.02.080. Irrigation Water Design.
76.02.090. Street Lighting Design.
76.02.100. Easements.
76.02.110. Surveying/Staking.

76.02.010. Street Design.

The following regarding street design:

1. The vertical alignment shall be such as to minimize grade breaks along the centerline and curb lines. Allowable grade breaks shall not exceed one (1%) percent for minor streets and zero point five (0.5%) percent for major streets. Eliminate grade breaks in excess of the above criteria by means of a vertical curve of a seventy (70’) feet minimum in length for minor streets and three hundred (300’) feet for major streets. All maximum vertical curve lengths shall be dependent upon three factors: design speed, algebraic differences in grades and a design constant (k).
2. Minimum slope allowed is zero point five (0.5 %) percent.
3. Maximum longitudinal slope along centerline shall be ten (10%) percent on minor and major streets greater than one hundred and fifty (150’) feet in length. However, grades up to twelve (12%) percent are allowable by approval of the City Engineer if justification is submitted and approval recommended by the Fire Marshal for such steeper slope.
4. Intersecting street angles may vary between eighty (80) and one hundred (100) degrees.
5. Roadway structural sections shall be determined by developer’s soil test engineer but in no case shall said section contain less than three (3”) inches of asphalt and eight (8”) inches of aggregate base. A soils investigation shall be submitted that includes:
    a. Soil borings along roadway centerline and other areas as needed
    b. Analysis on the overall bearing capacity of the soil
    c. Recommendation for structural street cross section

   d. Recommendation as to the requirements for land drains to adequately collect groundwater which could adversely affect development as well as the public improvements.
   e. Cut and fill slope requirements
   f. Compaction requirements
6. Curve data is required for all centerline and curb line curves and also for all curb returns within intersections.
7. Minimum centerline radius of one hundred (100') feet is required on all minor streets. No angle points shall be allowed along centerlines except as allowed within intersections.
8. Minimum centerline radius for collector and major arterials shall be as per the design speed but in no case shall be less than a two hundred fifty (250') foot radius.
9. Compound Curves, Broken Back Curves and Spiral Curves are not allowed on any roads.
10. Minimum tangent between curves with a length of twice the right-of-way width is required along the centerline of all public roads.
11. Whenever possible the horizontal alignment should be straight through the intersections, but where horizontal curves cannot be avoided, the following should be observed:
    a. Use a curve of sufficient radius to provide adequate sight distance and minimize the need for super elevation. Under no condition should the curve radius be less than that required for the street classification.
    b. Do not begin or end a curve within an intersection.
    c. Eliminate angle points in excess of two (2) degrees on major or secondary roads by use of a large radius curve.
    d. Angle points up to five (5) degrees are permissible at the intersection of two (2) minor streets.
    e. Curve radii and super elevation should consider the design speed for the given road.
12. Jogs between intersecting centerlines of streets shall not be less than one hundred fifty (150') feet.
13. Top Back of Curb Return Radius = twenty (20') feet for intersections minor to minor or minor to major streets; and Top Back of Curb Return Radius = thirty (30') feet for intersections major to major streets.
14. Street Arrangement: see Section 76.02.014.
15. Blocks: see Section 76.02.015.
16. Lots: see Section 76.02.016.

76.02.014. Street Arrangement.

The following regarding street arrangements:

1. The arrangement of streets in new developments shall be consistent with the General Plan Circulation Guide and the Transportation Master Plan. Such arrangements shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), insofar as such may be deemed necessary for public use by the Perry City Planning Commission. The street arrangement shall not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Planning Commission, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the

boundary of such property. The following regarding streets:

2. Major Streets: Arterial and collector streets shall conform to the width designated on the Transportation Master Plan (TMP) wherever a development falls in an area for which a Transportation Master Plan has been adopted. For areas where the TMP has not been completed at the time the preliminary plan is submitted to the Planning Commission, arterial or collector streets shall be provided as required by the Planning Commission.
3. Collector Streets: Collector streets shall have a minimum width of sixty six (66') feet with eighty (80') feet required for streets that will have greater use as determined by the City Engineer.
4. Minor Streets: Local streets shall have a width of sixty (60') feet. Alternative widths may be used as recommended by the City Engineer to meet site specific topographic restrictions or other requirements.
5. Minor Terminal Streets: As per the Perry City General Plan, Cul-de-Sacs will generally be discouraged except under one or all of the following circumstances:
    a. The development fronts a road that should limit frequent access (such as Highway 89).
    b. The development is adjacent to non-developable slopes or wetlands that would restrict a through-street.
    c. Cul-de-Sacs reduce connectivity by no more than fifteen (15%) percent of a continuous block.
    d. Cul-de-Sacs shall not be longer than four hundred (400') feet from the centerline of the adjoining street to the center radii of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of one hundred (100') feet in diameter at the property line or as allowed by Perry City Standards and as approved by the City Engineer. If surface water drains into the turnaround due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided. Such storm drain systems shall be designed to carry the one hundred (100) year, two (2) hour flood. Should potential drainage from the cul-de-sac exceed the capacity of the installed drainage system or otherwise have the potential to contribute to flooding of the cul-de-sac area, appropriate grading and structure placement shall occur to eliminate any potential flood damage to structures or property. Additional drainage easements may be necessary to allow for and accommodate such drainage and/or improvements.
6. Mail Boxes: Cul-de-Sacs which contain nine (9) or fewer residents will not have rural mail boxes. Mail delivery will be provided by grouping curbside mailboxes or CBUs at a point(s) before and /or after the entrance to the Cul-de-Sacs.
7. Turning Area: Where a street exceeds two hundred (200') lineal feet from the centerline intersections of the closest intersecting street and is designed to remain only temporarily as a dead-end street, an adequate turning area shall be provided as follows:
    a. Where the street dead-ends into a subsequent phase of the same development, a temporary, all weather one hundred (100') foot diameter turnaround and a permanent easement or right-of-way on the subsequent

phase property shall be provided.

b. Where a street dead-ends against property which is not part of a subsequent development phase, either a bubble inside the subdivision as shown in the Standard Drawings or an all weather surfaced, a one hundred (100') foot diameter turnaround along with a permanent easement of right-of-way from the adjacent property owner shall be installed. An additional option may include the paved construction of a hammer head approved by the Fire Marshal.

8. Intersections: The intersection of more than two streets at one point shall not be allowed. Where such occur, round-a-bouts or traffic circles may be appropriate. Streets shall intersect at a ninety (90) degree angle, or as near to a right angle as practicable, but not to exceed ten (10) degree deviation. Street intersections shall be rounded with a radius of twenty (20') feet measured at the back of curbs for minor streets and thirty (30') feet for major streets.
9. Standard Street Sections: All proposed streets, whether public or private, shall conform to the City Street Cross Section Standards as adopted by Perry City.
10. Street Grades: Street grades over a sustained length shall not exceed the following percentages: on major streets, ten (10%) percent; on minor streets, twelve (12%) percent. In no event shall the street grades exceed those indicated, except where the topography makes it impracticable to keep within such grade, and where evidence, which is satisfactory to the City Engineer, is given that a lower grade is not possible. Street grades near intersections shall be designed for adequate stopping and starting by adjusting grades on both sides of the intersection. Grades of all streets shall be a minimum of zero point five (0.5%) percent unless specifically authorized by the City Engineer. The cross slope of the street cross section is defined on the standard drawings. The maximum difference in curb elevations shall not exceed one (1') foot, and then only with the approval of the City Engineer.
11. Alleys: Alleys are discouraged but when allowed shall have a minimum width of twenty (20') feet. Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the Planning Commission.
12. Landings: A landing is defined as the area between the through street roadway and the point at which the side street grade begins to exceed three (3%) percent. The required minimum lengths of the landings are as follows:

Major Street:	two hundred (200') feet
Minor Street:	one hundred (100') feet
Cul-de-sac:	fifty (50') feet

13. Bridges: Design and construction of new bridges, whether essential for the overall circulation plan of the city or required only to serve a development, shall be approved in advance by the City. For bridges identified as essential structures to the City, the City may participate financially, and in the case of a bridge required to serve only a development, the developer shall pay the total cost of construction. The developer shall comply with all the conditions imposed by the City relative to the bridge location, design & construction. All bridge design shall be performed by a professional engineer as per applicable state laws.
14. Extra capacity improvements: All public streets, permanent cul-de-sacs, and public

easements and rights of way within the corporate limits of the City shall be required to be dedicated. The dedication and paving of a half width of a street, is strictly prohibited. Where developments install public improvements which benefit other properties and which exceed the minimum size required of his/her development, the developer may either enter into a payback agreement with Perry City or provide for a protection strip as detailed below. An agreement, approved by the City Attorney, between the developer and Perry City shall be executed. The duration of said agreement shall not exceed five (5) years. The developer has a five (5) year period in which to receive reimbursement from the affected properties. After expiration of the five (5) year period or payment by adjacent property owner of the applicable consideration the agreement shall be considered fulfilled. All property owned by the developer shall be included on both the preliminary and final plan.

15. Protection or holding strips: Where subdivision streets parallel contiguous property of other owners and are being dedicated by the subdivider, he/she may retain protection or holding strips not less than one (1') foot in width between such street and adjacent property, provided that an agreement approved by the City Attorney has been made with the City by the subdivider, contracting to sell to adjacent owners the rights to the one (1') foot or larger protection strip upon payment to the developer by the then owners of the contiguous property, the value of one-half the land in the street at the time of the subdivision or development of such contiguous property when the other side is developed or subdivided, plus ½ cost of improvements at current rates as estimated by the City Engineer. Protection strips may be allowed only at the discretion of the City Council, after recommendation by the Planning Commission, and in accordance with all City ordinances.
16. Street Names and Numbers: Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in the alignment with, the existing or platted street. House numbers shall be assigned in accordance with the house numbering system now in effect in the City and Box Elder County. All new streets shall be numbered if they are in alignment with the grid. Perry City prefers North, South, East & West numbering to help volunteer emergency vehicles find addresses. They shall be named if not in alignment with the grid or are not easily aligned by their curved nature. Before the street is named, the proposed name must be submitted to and approved by the Planning Commission. All Street Names or Numbers and all house numbers shall be assigned by Box Elder County Surveyor's Office.
17. Street Grading and Surfacing: All public streets shall be graded and surfaced in accordance with the standards and specifications of Perry City.
18. Curbs and Gutters: Curbs and gutters shall be installed by the developer through his/her contractor on existing and proposed streets in accordance with all the appropriate specifications of Perry City. Curb and gutter shall be thirty (30") inches wide standard high back style, or standard roll curb if recommended by the City Engineer, and shall be placed on four (4") inches of compacted untreated base course as foundation materials. This provision applies to all developments.
19. Handicap Ramps: Handicap ramps, as per the approved Standard plan and per Federal requirements, shall be constructed where any portion of the curb at a legal pedestrian crossing or marked crosswalk or any portion of the sidewalk in immediate

contact with such curb is removed, except where there is an existing handicap ramp, replacement of such portions removed shall occur. Due to the potential for vehicle loads in handicap ramp areas, all ramps shall be installed using six (6") inch thick concrete and four (4") inches of compacted base.

20. Street Drainage: Street drainage and drainage structures shall be required where necessary in the opinion of the City Engineer.
21. Sidewalks: All new projects require the installation of sidewalks. Unless otherwise approved, sidewalks shall be located according to City Standards with the city tree planting strip located between the curb and the sidewalk. Sidewalks shall be installed according to the specifications of Perry City. Sidewalks shall be a minimum of four (4') feet wide with a minimum of four (4") inches of compacted untreated base course material as foundation materials. In Commercial and mixed use areas the minimum width of the sidewalk shall be five (5') feet to support additional pedestrian use. Depth of sidewalks shall be four (4") inches, except at residential driveways, which shall be six (6") inches (Industrial/Commercial shall be a minimum of eight (8") inches thick) with a minimum of four (4") inches of compacted untreated base course material as foundation materials. When approved by Perry City, sidewalks adjacent to curbs shall provide for sufficient area for pedestrian safety while simultaneously providing areas for snow storage during winter months. These sidewalks shall be a minimum of six (6') feet in width.
22. Driveway Approaches: All driveway approaches shall comply with the Public Works Standards and meet the following specifications:
    a. Ten (10') foot minimum
    b. Thirty five (35') foot maximum (except State Highways)
23. Driveway location: Driveways for all uses except single-family homes shall not be closer than eight (8') feet to an adjacent interior property line and shall be set back, to the edge of said driveway, a minimum of eighty (80') feet from the intersection of two (2) arterial streets and fifty (50') feet from any other street classification intersection.
24. Driveway offsets: All single family residential driveways shall be offset from other driveways by no less than twice the flare width as per standard plans. All others shall have a minimum separation of sixteen (16') feet.
25. Common Driveways: Driveways along the property lines may be installed for common use of both adjacent properties only upon approval by the City Engineer and guaranteed by a recorded access agreement. Such driveway width shall be limited to the maximum allowable individual driveway width. Common driveway width may be extended by up to ten (10') feet for Commercial and Industrial zones.
26. Slopes: All cut and fill slopes shall be at a maximum slope of 2:1 unless otherwise justified by a detailed soils investigation.
27. Street Trees: Street Trees are required along all public and private streets within Perry City. Tree varieties shall be selected from an approved list provided by the City Forester and of a caliper so designated. Street Trees require a planting strip of at least five (5') feet wide. On streets where a five (5') foot width park strip is not provided, street trees shall be planted on the property edge of the sidewalk, a minimum of three feet from the sidewalk, but in no case greater than fifteen (15') feet behind the curb line. On streets where sidewalk is allowed on one side only,

street trees shall be installed on both sides of the street. Spacing shall provide for at least one (1) tree per lot with typical spacing of forty (40') feet on center with appropriate clearance to driveways, fire hydrants, signs, street lights, mailboxes, walkways and street intersections. All Street Trees shall be provided with a pressurized irrigation system and shall be connected to the adjacent lot's water system. Upon completion of the twelve (12) month warrantee period the Street Trees become property of Perry City. The adjacent property owner is required to maintain the trees according to applicable City ordinances.

28. Monuments: Permanent survey monuments shall be accurately set and established at the intersections of centerlines of streets within the development and intersections with centerlines of existing streets and the beginning and ends of curves on centerlines or points of intersections or tangents. The number of monuments may vary or be reduced, if the line of sight allows for such reduction along curves only. All permanent survey monuments shall remain in place, or be reset at the developer's expense when approved by the City Engineer, after curbs and gutter, sidewalks, base and pavement are installed. Monuments shall be of a type specified in City standards, and all development plans shall be tied to a section corner or monument of record, as established by the Box Elder County Surveyor.
29. Electric Power System: The developer shall pay the cost of electric system extensions and street lights, to service the development.
30. Fiber Optic Conduit System: Perry City requires that conduits for the City owned fiber optics lines are installed along all public and private streets. The Developer of any parcel of land or subdivision shall provide and install two (2) stacked conduits at his/her expense. All conduits shall be communication grade, shall be one and one quarter (1 ¼") inches in diameter, orange in color, SDR 11 HDPE pipe or equivalent, meeting ASTM-3035 specifications, unless otherwise specified by the City. "FIBER" shall be permanently marked on all conduits at minimum three (3') foot intervals. At no time shall the pipe be deformed to make any bend. The minimum radius for any sweep in the conduit shall be thirty six (36") inches. The total number of sweeps in any conduit run shall not exceed three hundred sixty (360) degrees. Minimum cover to the top of the upper conduit shall be twenty four (24") inches. The placement of the fiber conduits in street crossings may be co-located with other utilities, unless the regulations of such other utility dictate otherwise.
    a. Tracer Wire and Pull Strings: A twelve (12) gauge solid THHN tracer wire shall be installed along all conduits according to NESC standards. Wire shall be pulled tight along the pipe. This wire shall have two (2') feet of slack stored at each access point for locating purposes. All fiber and main communication conduits shall have a pull string in the conduit securely tied off in each pad or enclosure.
    b. Enclosures for Fiber Optic System: All enclosures shall be level and set according to utilities construction standards. If ground sleeves or pads settle, developer shall be required to re-level to the applicable specifications.
    c. Caution Tape and Stub Markers: All conduits shall have an orange "Caution – Fiber Optic or Communication Cable" tape at least six inches (6") inches wide, four (4) mil thick consistent with APW specs, and one

(1') foot below grade. The end of each stubbed conduit, including service laterals, shall be marked to the surface according to the standard drawings.

d. Labels: An imprinted, plastic label shall be securely taped to the end of each conduit run. The label shall indicate whether the conduit run is fiber. The label shall also include the address of where the run ends.

31. Street Signs: The developer shall be financially responsible for the cost of traffic control signs, street name and other street signs required of his/her development. All Street name signs shall comply with the size, type and format approved by Perry City and shall contain the Street Name, the currently approved Perry City logo and the coordinates of the street within the grid pattern. All signs and traffic control devices shall be designed and installed according to the Manual on Uniform Traffic Control Devices (MUTCD). Signs will be required of the developer but will be installed by the City and shall be paid within thirty (30) days after the billing is received by the Developer. The required signage shall be included in the escrow for improvements of the development and will not be released until either installed by the Developer or until payment of the costs incurred by the City to install the necessary street signs has been made.
32. Pavement Section.
    a. Minor Streets:
    i. Eight (8") inch minimum crushed gravel base course over prepared subgrade.
    ii. Three (3") inch minimum compacted thickness plant mix asphalt surfacing on streets.
    b. Collector Streets:
    i. Ten (10") inch minimum crushed gravel base course over prepared subgrade.
    ii. Four (4") inch minimum compacted thickness plant mix asphalt surfacing on streets.
    c. Major Streets:
    i. Ten (10") inch minimum crushed gravel base course over prepared subgrade.
    ii. Four (4") inch minimum compacted thickness plant mix asphalt surfacing on streets.
    d. Arterial Streets:
    i. Pavement structure will be based on specific design to meet specific conditions.

Note: The developer may be required to submit a pavement design for review on any street. If the developer submits a pavement design all design criteria must be specified, then reviewed and approved by the City Engineer. Traffic volume, axle loadings and percent trucks may vary greatly from location to location.

76.02.015. Blocks.

The following regarding blocks:

1. The maximum length of blocks shall be twelve hundred (1200') feet and the minimum length of blocks shall be five hundred (500') feet.

2. The width of blocks shall be sufficient to allow at least two (2) tiers of lots, or as otherwise approved by the Planning Commission because of design, terrain, or other unusual conditions.
3. Blocks intended for business or industrial uses shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery.
4. In blocks over eight hundred (800') feet in length, the subdivider may be required to dedicate, pave with concrete, and fence with a four (4') foot high chain link fencing, a walkway through the block at approximately the center of the block. Such walkway shall not be less than six (6') feet in clear width, with barriers installed which will prevent the use of these walkways by any motorized vehicle.

76.02.016. Lots.

The following regarding lots:

1. The lot arrangement, design and shape shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and probable future utilities, rights-of-way and other requirements and in conformance with the Subdivision Ordinance. Lots shall not contain peculiarly shaped elongations solely to provide necessary square footage which would be unusable for normal purposes.
2. All lots shown on the development plan must conform to the minimum area and width requirements of the Zoning Ordinance for the zone in which the development is located, unless a variance is granted by the Board of Adjustment.
3. Each lot shall have frontage on a public street dedicated by the development plan or an existing publicly dedicated street, or on a street which has become public by right of use. Interior lots having frontage on two streets shall be prohibited, except where unusual conditions make any other design undesirable. No lot shall face a street and back unto another street except in the specific and unusual circumstances such as the case of lots backing onto limited access or no access roads. Unusual and specific circumstances must have City Council approval.
4. Any buildings constructed on corner lots shall comply with the minimum setback for both streets, as provided in the City Zoning Ordinance.
5. Side lines of lots shall be at approximately right angles to the street line, or radial to the street line. Side lot lines shall intersect lot lines at right angles or radially unless otherwise specifically approved in unusual circumstances by the City Engineer.
6. All lots shown on the subdivision plat must conform to the minimum requirements of the zoning ordinance then in effect, for the zone in which the subdivision is located, and to the minimum requirements of Perry City water supply and sewage disposal ordinances.
7. Corner lots shall have stipulated, additional width, as approved by the Planning Commission, sufficient for maintenance of required building lines on both streets as defined by Perry City Standards.
8. Remnants of lots less than the minimum size required by the zoning after the subdividing of a larger tract shall be added to adjacent lots rather than allowed to remain as unusable parcels. In no event shall the development of land create a lot which does not conform to the Zoning Ordinance requirements of Perry City.
9. Where the land included in a development includes two or more parcels in separate ownership and the lot arrangement is such that a property ownership line divides one or more lots, the land in each lot so divided shall be transferred by deed to either single or

joint ownership before approval of the final plan, and such transfer certified to the Planning Commission by the County Recorder.

10. Lots in subdivisions may be approved if they meet minimum square footage requirements for that zone and if they face and abut a right of use road deemed to have been dedicated and abandoned to the use of public, when it has been continuously used as a public thoroughfare for a period of ten (10) years. A farm access road not used by the general public does not qualify. The houses on these lots shall be set back a minimum of sixty (60') feet from the accepted street center line.
11. Lots deemed by the Planning Commission to be uninhabitable shall not be platted for occupancy, nor for such other uses as may increase danger to health, life or property, but such land within the plat shall be set aside for such uses as shall not produce unsatisfactory conditions.

76.02.020. Sanitary Sewer Design.

The following regarding sanitary sewer design:

1. Sewer manhole spacing shall be four hundred (400') feet maximum.
2. Minimum mainline size shall be eight (8") inch diameter
3. Allowable sanitary sewer pipe material is as follows:
   a. PVC (Poly Vinyl Chloride), SDR 35, color green.
   b. HDPE (High Density Polyethylene).
   c. No concrete pipe will be acceptable except by special approval by the City Engineer.
4. Standard centerline alignment within the public right-of-way shall be ten (10') feet west or ten (10') feet south of centerline.
5. Minimum depth of mainline shall provide for seven (7') feet of cover to finished grade.
6. Horizontal clearance to any culinary water line shall be at least ten (10') feet.
7. Vertical clearance shall be per the current applicable code, but in no case shall new construction cause a vertical or horizontal clearance between other utilities of less than eighteen (18") inches. Closer tolerances require reinforcement concrete cradle or other acceptable separation. Reinforcement shall be as per the current specifications.
8. Minimum grades required to provide a minimum velocity of two (2') feet per second (fps) are as follows:
   a. Eight (8") inch diameter: 0.40 percent
   b. Ten (10") inch diameter: 0.32 percent
   c. Twelve (12") inch diameter: 0.24 percent
   d. Fifteen (15") inch diameter: 0.16 percent
9. Where sewers are anticipated to flow less than one-half full, consideration must be given to increasing the slope of sewer to provide two (2') feet per second velocity in the pipe for the anticipated flow.
10. No lateral shall be allowed to be constructed so as to enter a manhole directly.
11. Sewer laterals shall be constructed of PVC, SDR 35, pipe color - green.
12. All Condominium units shall be provided with separate and individual service lines for each unit.
13. Sewer taps into existing eight (8) inch diameter sanitary sewer pipes shall not be greater than four (4") inches. When a six (6") inch connection is required, a wye must be installed by the contractor and inspected by Perry City.
14. Drop manholes shall be allowed to be constructed only upon special approval of the City

Engineer.

15. Sewage Collection: The developer shall connect to the sanitary sewer and provide adequate individual lateral lines to the property line of each lot. All sewers intended for public use shall connect directly to the public sewer and shall not be allowed connection to any private sewer system. Such sewer connections and sewer systems shall comply with the regulations and specifications approved by the City. All sewer lines within the public right-of-way or public easements shall be a minimum of eight (8") inches in diameter, and one (1) four (4") inch diameter line shall be installed for each residential unit, and six (6") inch minimum diameter lines shall be installed for multi-family, industrial and commercial developments. All sewer lines must be extended across the entire frontage of all existing streets and to the boundary of the development on all existing or proposed city streets unless such evidence can be provided to the satisfaction of the City Engineer that such extension would not be practicable.
16. Sewer laterals shall be installed at a one (1%) percent slope from mainline to building unless otherwise approved and generally located on the lower 1/4 of the lot frontage. Joint trench with the water service (if approved by City Engineer) shall maintain a minimum of one (1') foot clearance with stepped trench, water above sewer, and only when approved by the City Engineer. Sewer lateral material shall be PVC and shall be clearly marked in order to avoid confusion with other drainage systems. Location of service laterals shall be clearly marked on the face of the adjacent curb.
17. Easements: Should easements be necessary for the installation and maintenance of public sewer systems such easements shall be a minimum of twenty (20') feet in width with the sewer line centered within the easement. No buildings, utilities or structures shall be erected or constructed within such easements as to interfere with the activities necessary to properly access and maintain or replace such lines or sewer structures.
18. Should the installation of a sanitary sewer system require easements to Perry City, the developer of such system shall convey such easements by deed to Perry City.
19. A manhole must be constructed upstream along the public mainlines of any lateral connection (No cleanouts allowed). If no lateral connection is made or anticipated to be made to the mainline above a manhole the terminus of the line may be properly plugged and location noted on the as-built plans.
20. The maximum size pipe that can be used within a forty eight (48") inch manhole is twelve (12") inch, inside diameter. A sixty (60") inch manhole or concrete vault is required for larger pipes. All other utilities crossing the sewer main shall do so at as close to a right angle as possible.
21. Perpendicular or skewed crossings between other utilities and sewer mains shall have clearance of at least eighteen (18") inches. Closer tolerances require a reinforcement concrete cradle in combination with no mechanical joints of either utility within ten (10') feet horizontally of the crossing or additional separation is required. Reinforcement shall be as per the current specifications.
22. Cover over utilities and between rail road tracks or roadways shall be sufficient to adequately protect such utilities from potential loading of track or roadway either during construction or final finished surface. Should cover be insufficient to adequately protect utility, encasement or casings shall be provided to protect the affected utility.
23. Sewer manholes shall be four (4') feet in diameter for in-line manholes where grade changes occur. Five (5') foot diameter manholes are required when deflection angle is

greater than or equal to forty five (45) degrees, when the manhole is a junction manhole of three (3) or more lines, for sewers whose inside diameter is twelve (12") inches or greater, or when the cover above invert elevations is fourteen (14') feet or greater. All manholes shall be constructed with steps for maintenance access.

24. The maximum size pipe that can be used in a forty eight (48") inch manhole is twenty four (24") inch PVC or twenty one (21") inch concrete. A sixty (60") inch manhole or concrete vault is required for larger pipes.
25. All sanitary sewer installation shall comply with the City's Sanitary Sewer Master Plan.

76.02.030. Storm Sewer Design.

The following regarding storm sewer design:

1. Storm Sewer piping systems shall be designed for a ten (10) year frequency, two (2) hour duration storm event, and equivalent to approximately one point thirty two (1.32") inches of precipitation in two (2) hours. The exception to this rule is for drainage into a cul-de-sac or other similar "sump" conditions, which shall be designed for a one hundred (100) year, two (2) hour duration storm event.
2. Regional Storm Water Detention facilities shall be designed for the ten (10) year frequency storm, two (2) hour duration.
3. Private developments or subdivisions, whose detention basins are independent of the City's Regional facilities, shall be designed for the fifty (50) year frequency, two (2) hour duration storm event.
4. Should private developments or subdivisions be allowed to construct a storm water "retention" basin, such basins shall be designed for the one hundred (100) year frequency storm event.
5. All storm water detention or retention basins must be landscaped. Such landscaping shall also be irrigated by a pressurized secondary system.
6. Storm precipitation frequency estimates shall use the NOAA data for the station located in Perry, UT, Latitude 41.457 North, and Longitude 112.001 West.
7. Allowable storm sewer pipe materials are as follows:
   a) Concrete (reinforced or non reinforced)
   b) HDPE (High Density Polyethylene)
   c) PVC (Poly Vinyl Chloride)
   d) Aluminized Steel
   e) Other material as approved by the City Engineer
8. Storm Sewer manhole spacing shall be four hundred (400') feet maximum.
9. Pipe size shall be determined by required capacity but in no instance shall the minimum mainline size be less than twelve (12") inches in diameter, color white.
10. All storm sewer taps, either public or private, into existing storm sewer piping shall be limited to four (4") inches and six (6") inches and shall be constructed by the contractor and inspected by Perry City. All connections greater than six (6") inches shall require either a cleanout or a storm drain manhole to be constructed.
11. Storm Sewer manholes shall be four (4') foot diameter for in-line manholes where grade changes occur. Five (5') foot diameter manholes are required when deflection angle is greater than or equal to forty five (45) degrees, when the manhole is a junction manhole of three (3) or more lines, for sewers whose inside diameter is twelve (12") inches or greater, or when the cover above invert elevations is fourteen (14') feet or greater. All

manholes shall be constructed with steps for maintenance access.

12. The maximum size pipe that can be used within a forty eight (48”) inch manhole is twelve (12”) inch, inside diameter. A sixty (60”) inch manhole or concrete vault is required for larger pipes.
13. Detention facilities are required for all development and shall be sized to detain the additional storm water generated due to development of the property beyond the undeveloped condition. Detention basins shall be either on a separate lot which complies with Perry City Zoning Ordinance or when approved by the City Engineer, within an easement dedicated to Perry City which is part of a legal lot. In addition, a means to safely convey storm water flows exceeding the ten (10) year event to beyond the limits of the detention basin and into an approved public system shall be provided with all detention basins.
14. Retention basins are discouraged, but if approved for use by the City Council such retention basins shall be designed to store the volume of the one hundred (100) year storm event. Such retention basins shall be designed with a means to adequately drain such basin within a twenty (24) hour time period following the end of any particular storm event. In addition, a means to safely convey storm water flows exceeding the one hundred (100) year event to beyond the limits of the retention basin and into an approved public system shall be provided with all retention basins.
15. Detention facilities shall have a metered outlet equivalent to or less than the natural undeveloped flow. An optional method is to assume 0.2 cfs/acre as an outlet flow. (The previous assumption may provide a higher or lower than required detention amount for developments dependent upon soil type and slope of the natural ground).
16. Detention facilities may be any combination of the following:
    a. Above ground: detention ponds (private or public)
    b. Above ground: temporary ponding within parking lots (private)
    c. Below ground: beneath parking lots or private streets (private)
    d. Below ground: beneath public streets (public).
17. Detention basins shall be designed to provide the following:
    a. Side slopes of 3:1 maximum.
    b. A one (1’) foot minimum of freeboard above controlled emergency overflow.
    c. All weather vehicular maintenance access to and around the basin with a minimum ten (10’) foot width.
    d. Vehicular access into basin for maintenance purposes shall be constructed of concrete with a maximum slope of 10:1 as determined by the City Engineer.
    e. Vehicular access to the inlet and outlet structures shall be constructed for all weather travel.
    f. Controlled emergency overflow structure and a safety route to an approved outlet.
    g. If the basin is to be part of the landscaping, it must have a pressurized irrigation system and be planted with grass seed or sod. If the basin is not to be part of the landscaping, it must be planted with grass seed (recommended by Perry City) and watered until it is established. All pressurized irrigation systems must include electric controllers.
    h. Cross slope within basin shall provide adequate drainage. Under no circumstances shall the slope be less than one (1%) percent across any portion of the basin.
    i. All detention lots or easements shall be properly surveyed and corners permanently

marked prior to acceptance of improvements.

18. Buried stumps designed as part of the development's detention systems shall only be allowed when approved by the City Engineer and only when no available outlet exists and the soil conditions are such that will adequately permit the water to infiltrate properly.
19. Buried sumps can be used in soils which are "loose" enough to allow water to seep away, and where the water table is deep enough to make such construction functional. The simplest sumps are merely large holes in the ground which are filled with washed gravel. More elaborate sumps consist of a lined hole (the lining is generally pipe or manhole sections, or a box-type structure with perforations) with a bed of gravel at the bottom and sides. A grating or perforated manhole lid may be placed at the top of the sump and allow water to drop in, or runoff may be piped from remote inlet boxes. If two (2) or more sumps are used, they must all be interconnected by a (4") four-inch-or-larger pipe, placed near the tops of the sumps, so that all sumps will fill before any overflow occurs.
20. The capacity of sumps can only include the void area in calculating the required storage volume available. Percolation tests submitted by the developer must demonstrate that sumps can adequately dissipate the generated storm runoff in a reasonable time period.
21. Storm water design and construction methods must adequately address potential problems which may arise during construction or by design so as not to pollute, erode, deposit sediment or cause any other degradation to existing natural condition.
22. All storm water installation shall comply with the City's Storm Water Master Plan.
23. Should the installation of a storm water system require easements to Perry City, the developer of such system shall convey such easements by deed to Perry City.
24. Vertical clearance shall be per the current applicable code, but in no case shall new construction cause a vertical or horizontal clearance between other utilities of less than eighteen (18") inches. Closer tolerances require reinforcement concrete cradle or other acceptable separation. Reinforcement shall be as per the current specifications.
25. Cover over utilities and between rail road tracks or roadways shall be sufficient to adequately protect such utilities from potential loading of track or roadway either during construction or final finished surface. Should cover be insufficient to adequately protect utility, encasement or casings shall be provided to protect affected utility.
26. All runoff is required to be detained in a public or private detention facility prior to outlet into any major water course. Private facilities may be allowed but only upon approval of the City Engineer. The developments required to provide such detention facilities include all those with a total land area in excess of thirty thousand (30,000 sq ft) square feet, plus any others of lesser area which would produce runoff, as determined by the City Engineer, to possibly cause flooding problems or add to already existing flooding problems.
27. All detention or retention facilities must be designed to accommodate an emergency overflow that safely conveys flood waters to a nearby street or other acceptable facility.
28. The use of pumps to drain detention facilities generally will not be allowed due to excessive and continual maintenance costs.
29. Easements: Should easements be necessary for the installation and maintenance of public storm sewer systems such easements shall be a minimum of twenty (20') feet in width with the storm sewer line centered within the easement. No buildings, utilities or structures shall be erected or constructed within such easements as to interfere with the

activities necessary to properly access and maintain or replace such lines or storm sewer structures.

76.02.040. Subsurface Drainage Design

The following regarding subsurface drainage design:

1. Subsurface drainage systems shall be of adequate capacity to intercept and convey the drainage so as not to detrimentally affect adjacent properties or public infrastructure.
2. Subsurface drainage manhole spacing shall be four hundred (400') feet maximum.
3. Mainline pipe size shall be determined by required capacity but in no instance shall the minimum mainline size be less than twelve (12") inches in diameter, pipe color: white.
4. Subsurface drainage manholes shall be four (4') feet in diameter for in-line manholes where grade changes occur. Five (5') foot diameter manholes are required when deflection angle is greater than or equal to forty five (45) degrees, when the manhole is a junction manhole of three or more lines, for sewers whose inside diameter is twelve (12") inches or greater, or when the cover above invert elevations is fourteen (14') feet or greater. All manholes shall be constructed with steps for maintenance access.
5. Connection to sumps as part of the development's subsurface drainage system shall only be allowed when approved by the City Engineer and only when no available outlet exists and the soil conditions are such that will adequately permit the water to infiltrate properly.
6. Subsurface drainage design and construction methods must adequately address potential problems which may arise during construction or by design so as not to pollute, erode, deposit sediment or cause any other degradation to any existing natural condition.
7. All subsurface drainage installation shall comply with the City's Specifications.
8. Should the installation of a subsurface drainage system require easements to Perry City, the developer of such system shall convey such easements by deed to Perry City.
9. Vertical clearance shall be per the current applicable code, but in no case shall new construction cause a vertical or horizontal clearance between other utilities of less than eighteen (18") inches. Closer tolerances require reinforcement concrete cradle or other acceptable separation. Reinforcement shall be as per the current specifications.
10. Cover over utilities and between rail road tracks or roadways shall be sufficient to adequately protect such utilities from potential loading of track or roadway either during construction or final finished surface. Should cover be insufficient to adequately protect utility, encasement or casings shall be provided to protect affected utility.
11. Subsurface drainage lateral pipe material shall be high density polyethylene and shall be clearly marked with identifiable tape or other approved method in order to avoid confusion with other drainage systems. Connections to the mainline shall be accomplished via adapters provided by the manufacturer. Location of subsurface drainage laterals shall be clearly marked on the face of the adjacent curb.
12. Easements: Should easements be necessary for the installation and maintenance of public storm sewer systems such easements shall be a minimum of ten (10') feet in width with the subsurface drainage line centered within the easement. No buildings, utilities or structures shall be erected or constructed within such easements as to interfere with the activities necessary to properly access and maintain or replace such lines or storm sewers.

76.02.050. Water System Design.

The following regarding water system design:

1. Standard centerline alignment within the public right-of-way shall be ten (10') feet north or ten (10') feet east of centerline.
2. All culinary water systems shall be constructed of ductile iron, PVC (C900), pipe color - blue or other approved alternative pipe.
3. Valves shall be located in all intersections and shall equal number of legs and shall be aligned with the intersecting right-of-way lines.
4. Fire Hydrant spacing shall not exceed three hundred (300') feet in areas of multi-family dwellings, and in commercial and industrial use areas. In widely spaced single family dwelling use areas hydrant spacing shall not exceed five hundred (500') feet.
5. Minimum mainline diameter shall be eight (8") inches except for short dead end systems that do not provide service to fire hydrants. Such dead end systems shall have a minimum size of six (6") inch diameter. System demand requirements will dictate actual size requirements.
6. Service line shall be constructed of either type K copper pipe or Poly pipe, SDR 11, PE3408. Minimum size shall be three-quarter (3/4") inch diameter for residential connections. All taps will be completed by the Contractor. Location of water service shall generally be located ten (10') to fifteen (15') feet from either property line of the lot served. No meter box shall be allowed in any driveway, driveway flare or sidewalk. Joint trench with the sewer lateral (if approved) shall maintain a minimum of one (1') foot clearance with stepped trench, water above sewer, and only when approved by the City Engineer. Location of service line shall be clearly marked on the face of the adjacent curb.
7. All Condominium units shall be provided with separate and individual service lines and meters for each unit.
8. Minimum cover required shall be forty two (42") inches.
9. Minimum pressure allowed to each individual service shall not drop below that required by the State of Utah, Division of Water Quality.
10. Should the installation of a water system require easements to Perry City, the developer of such system shall convey such easements by deed to Perry City.
11. All other utilities crossing the water main shall do so at as close to a right angle as possible.
12. Perpendicular or skewed crossings between other utilities and water mains shall have clearance of at least eighteen (18") inches. Closer tolerances require a reinforcement concrete cradle in combination with no mechanical joints of either utility within ten (10') feet horizontally of the crossing or additional separation. Reinforcement shall be as per the current specifications.
13. Horizontal clearance to any sanitary water line shall be at least ten (10') feet.
14. Vertical clearance shall be per the current applicable code, but in no case shall new construction cause a vertical or horizontal clearance between other utilities of less than eighteen (18") inches. Closer tolerances require reinforcement concrete cradle or other acceptable separation. Reinforcement shall be as per the current specifications.
15. Cover over utilities and between rail road tracks or roadways shall be sufficient to adequately protect such utilities from potential loading of track or roadway either during construction or final finished surface. Should cover be insufficient to adequately protect

utility, encasement or casings shall be provided to protect affected utility.

16. A blow-off valve is required on the culinary system in cul-de-sac's and in temporary dead-end streets. The installation in cul-de-sacs shall be permanent and shall come off the end of the culinary water line. On temporary dead-ended streets the connection shall be made using a main size by three-inch MJ tee. The blow-off valve shall be a Mueller 2 1/8 inch flush type hydrant # A-412.
17. Easements - Should easements be necessary for the installation and maintenance of public culinary water systems such easements shall be a minimum of twenty (20') feet in width with the water line centered within the easement. No buildings, utilities or structures shall be erected or constructed within such easements as to interfere with the activities necessary to properly access and maintain or replace such lines or water structures.

76.02.060. Grading and Drainage Design

The following regarding grading and drainage design:

1. All grading design and earthwork shall comply with currently adopted International Building Code and its appendices.
2. Fill slopes shall be no steeper than two (2) horizontal to one (1) vertical (2:1), or as determined by a soils engineer. All fills shall be compacted to a minimum of ninety (90%) percent of maximum density.
3. Cut slopes shall be no steeper than two (2) horizontal to one (1) vertical (2:1), or as determined by a soils engineer.
4. An Erosion Control and Slope Stabilization plan must be incorporated into projects to minimize soil erosion and to avoid sedimentation into the City storm sewer system.
5. All public streets shall be maintained free of dust and mud caused by grading or construction operations.
6. Compaction tests are required on all engineered fills and other locations which will be load bearing. All testing shall comply with the specification of Perry City.
7. All soil testing and compaction testing shall be accomplished by an independent certified lab.
8. All building pads at rough grade shall have a one (1%) percent slope towards the street or designed drainage outlet.
9. Soil Conditions: Buildings or structures shall not be situated on soft or unsuitable soils, as determined by the City Engineer, where there is a high water table, a site subject to flooding as noted on the City's Flood Plain Map, or on uncompacted fill.
10. Groundwater: Test holes shall be dug at locations which represent the development site adequately to determine the depth of the groundwater table. A preliminary soils investigation and groundwater report shall be submitted to the City Engineer. If the City Engineer determines that groundwater is a problem, land drains, including a lateral to each lot for footing or foundation drains, shall be installed to City specifications. All land drains must be tied into approved storm drain facilities.
11. Dust shall be controlled during all phases of construction either by means of water truck or other approved method.
12. The minimum finished slope of any designed grade shall be one (1%) percent for soil, asphalt or gravel and zero point five (0.5%) percent for concrete.

76.02.070. Erosion Control and Slope Stabilization Design

The following regarding erosion control and slope stabilizations design:

1. An Erosion Control and Slope Stabilization plan must be incorporated into projects minimize soil erosion and to avoid sedimentation into the City storm sewer system, onto adjacent properties or into natural drainage courses.
2. All grading and earthwork shall comply with the currently adopted International Building Code and its appendices.
3. Erosion control devices shall consist of one or more of the following: Check dams, sand bags, straw bales, desilting basins, silt fences, berms, dikes, contour grading or other approved devices.
4. Erosion control devices will be modified as needed as the project progresses, and plans of these changes submitted for approval as required.
5. All public streets and storm drain facilities shall be maintained free of mud and debris caused by grading or construction operations.
6. Graded areas adjacent to fill slopes located at the site perimeter must drain away from the top of slope at the conclusion of each working day.
7. All loose soil and debris which may create a potential hazard to offsite property shall be fully protected onsite to prevent any damage or removed from the site as directed by the City Inspector.
8. Desilting basins or excavated pits are required prior to discharge into any private or public street, into any City, State or County storm sewer system, onto adjacent properties or into natural drainage courses.
9. Desilting basins may not be removed or made inoperable without the approval of the City Inspector.
10. All silt and debris shall be removed from all devices within twenty four (24) hours after each storm event.
11. All utilities must be protected to prevent damage due to erosion. Should damage occur, it shall be the responsibility of the developer to repair such damage at no cost to such utility and within a reasonable period.
12. Erosion control devices shown on the approved plan may be removed when approved by the City Inspector if the grading operation has progressed to the point where they are no longer required.

76.02.080. Irrigation Water Design.

The following regarding irrigation water design:

1. No new gravity flow irrigation ditches shall be permitted within the boundary of a development. All necessary irrigation ditches, whether used for the purpose of transporting irrigation or waste flow water, must be replaced with a pipe culvert. The developer must provide for the rights of all irrigation users both upstream and downstream of the proposed development.
2. All developments are required to install secondary water for the purposes of pressurized irrigation for landscaping. All secondary water systems shall be accompanied by adequate water rights or water shares which shall be transferred to the appropriate secondary water provider as a condition of development. Only under rare circumstances and then only when approval is granted by Perry City, shall culinary water be used for irrigation or secondary water purposes.

3. All design and construction must comply with the requirements and standards of the Irrigation Utility.
4. Irrigation pipe shall be class 200 PVC, pipe color - purple.
5. Minimum cover required shall be thirty (30”) inches.
6. Should the installation of an irrigation system require easements to Perry City, the developer of such system shall convey such easements by deed to Perry City.
7. Existing irrigation ditches or canals, of significant flow, must either be piped or fenced on both sides when adjacent to or contained within property to be developed.
8. Vertical clearance shall be per the current applicable code, but in no case shall new construction cause a vertical or horizontal clearance between other utilities of less than eighteen (18”) inches. Closer tolerances require reinforcement concrete cradle or other acceptable separation. Reinforcement shall be as per the current specifications.
9. Cover over utilities and between rail road tracks or roadways shall be sufficient to adequately protect such utilities from potential loading of track or roadway either during construction or final finished surface. Should cover be insufficient to adequately protect utility, encasement or casings shall be provided to protect affected utility.

76.02.090. Street Lighting Design.

The following regarding street lighting design:

1. Streetlights will be installed at each street intersection, every three hundred (300’) to five hundred (500’) feet along streets according to design review recommendations (for blocks longer than six hundred (600’) feet, one (1) light is required mid-block) and in each cul-de-sac according to design review. The Perry City Engineer may adjust the developer’s proposed locations or require additional streetlights be installed if deemed necessary.
2. All Street Lights and Poles shall be of the type and make of those which can be serviced and supported by Rocky Mountain Power.
3. Streetlight poles will be the minimum height required to ensure the intersection or roadway is illuminated without light intrusion into neighboring homes.
4. Streetlight pole height may be based on the manufacturer’s photometric data and will be between twenty (20’) and thirty (30’) feet.
5. Streetlight mast arm shall be eight (8’) feet in length.
6. Streetlight fixtures shall be a cobrahead.
7. Streetlight lamps will be either Metal Halide or High Pressure Sodium.
8. Streetlight fixtures will be fully-shielded or have a flat lens so that no light rays are emitted by the installed fixture at angles above the horizontal plane. Along Highway 89, light lenses may extend below the fixture.
9. Poles will be made of aluminum or steel (with corrosion resistant coating such as powder coat, baked on epoxy or galvanized) and will be round in cross section.
10. The developer will install the streetlight pole and light fixture according to the manufacturer’s recommendations and is responsible to ensure that the streetlight properly operates and is properly adjusted to light the intersection or roadway.
11. The pole mounting bolts will be enclosed by collars or by design of the pole base.
12. The developer will install all wiring in plastic electrical conduit from the streetlight through a developer provided junction box or pedestal to the nearest Rocky Mountain Power transformer or secondary box. Rocky Mountain Power will make the electrical

connection at the Rocky Mountain Power transformer or secondary box (See the Rocky Mountain Power streetlight point-of-disconnect diagram (Section 76.04.120)).

13. The developer will provide the City with a fee equal to the current cost of two (2) spare lamps and one (1) spare ballast, for each group of five or less installed streetlights.
14. When coordinating Street Light installations with Rocky Mountain Power, Electric Schedule twelve (12) shall be used and all lights shall be scheduled for "Full Maintenance", except as noted below for decorative lighting. The developer shall be financially responsible for the initial cost of the streetlight, pole and its installation.
15. Each streetlight must have a photo cell.
16. Installation of decorative lighting may be approved by design review and approval may be subject to the following criteria:
    a. Long term maintenance and power costs of the proposed decorative light fixture and pole and the developer's proposed participation towards such increased maintenance and power costs. The developer shall be financially responsible for the initial cost of the decorative streetlight, pole and its installation.
    b. Pole height and light spacing in order to achieve similar roadway and intersection illumination criteria as the standard lights and pole heights require.
    c. Decorative Street Light installations with Rocky Mountain Power if approved shall use Electric Schedule thirteen (13) and shall be scheduled for "Full Maintenance."
    d. Compatibility with adjacent neighborhood lighting.
    e. Should any outdoor light fixture or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the City Engineer for approval, together with adequate information to assure compliance with these standards. Approval must be provided prior to substitution.

76.02.100. Easements.

The following regarding easements:

1. Easements for culinary water, sewer, power, irrigation water, storm water drainage, wetlands and/or other utilities or purposes shall be provided by the developer and designated on the improvement plans and dedicated on the final plat or dedicated by separate document as required to accommodate the utility systems in the development. Where natural drainage channels, interceptor systems, or flood hazard or sensitive area overlay zones cross the development, the developer must obtain the necessary permits to modify such drainage facilities, and designate the channels, systems, or flood hazard zones, and any associated restrictions, on the plat as well as provide the necessary easement dedication.
2. Easements and area descriptions shall be of sufficient width to completely identify and provide for access and maintenance of the utility or identified restricted area.
3. Easements to be dedicated to Perry City which are not shown and described on the dedication plat shall be submitted to the City Engineer. Said easements shall include, by attachment, a drawing of the easement being dedicated and complete legal description of the easement.
4. Under no circumstance shall permits be issued or construction allowed without the proper easements in place to accomplish the work.
5. Should easements become necessary to cross abutting private property to permit drainage

or utility access of the development, it shall be the responsibility of the developer to acquire such easements at no cost to the City and dedicate them to the City as applicable.

76.02.110. Surveying/Staking.

The following regarding surveying and staking:

1. Survey stakes shall be placed at both front and back lot corners to completely identify the lot boundaries on the ground.
2. Hubs set for the construction of inlet boxes, manholes or other structures shall include a minimum of at least two hubs to adequately locate and align structure.
3. Back lot corners shall be marked with a metal pipe or rod driven into the ground, and projected front lot corners shall be identified with permanent plugs in the sidewalk or back of the curb.
4. In order to properly place structures on a subdivided lot all lot corners must be in place prior to the issuance of building permits.
5. It shall be the responsibility of the lot owner to ensure that all lot corners are in place prior to the final inspection. The City is not responsible to replace survey stakes or markers.
6. Care must be taken to not disturb, remove, or alter any existing survey monuments found, recorded, or otherwise encountered during the development of property.
7. New city street survey monuments are required in all new developments and shall include all centerline intersections, PI's and/or PC's, PT's.
8. All monumentation must be installed by the developer as required of the subdivision or as removed or disturbed during construction.
9. All monuments must be punched and the LS license number stamped into the monument prior to final acceptance.

Chapter 76.03.
PERMIT REQUIREMENTS FOR WORK IN THE PUBLIC WAY

76.03.010. Purpose and Intent.
76.03.020. Permit Policies.
76.03.021. Required License with State of Utah and Exception.
76.03.022. Required Business License for Work in Perry City.
76.03.023. Policy for Determining when "Permit Waivers" can be Granted.
76.03.024. Policy for Issuing No Fee Permits.
76.03.025. Policy for Revoking Construction Permits, Permit Waivers, and No Fee Permits.
76.03.026. Policy for Completion of Work by City: Liability for Costs.
76.03.027. Policy for Extending Permit Construction Time Limits.
76.03.028. Policy for Permit Exemption.
76.03.030. General Conditions.
76.03.031. Utility Drawing Requirements.
76.03.032. Construction Permit and Approved Plans.
76.03.033. Emergency Work.
76.03.034. Private Access.
76.03.035. Street Excavation in Winter.
76.03.036. Existing Utilities.

76.03.010. Purpose and Intent.

The purpose of this section is to describe Perry City's Department of Public Work's policies for issuing Construction Permits and to control any excavation and construction operations in the public ways of Perry City. All contractors and utility companies proposing to construct, repair or replace any facility within the public way, shall contact the Perry City Department of Public Works and complete all Construction Permit requirements prior to commencing any proposed work as outline in this section. Work by utility companies and contractors in constructing facilities in new subdivisions shall be required to obtain a "Construction Permit", and will be subject to City inspection and compliance with subdivision requirements.

76.03.020. Permit Policies.

The following regarding permit policies:

1. It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any street or to make or cause to be made excavations in or under the surface of any street, alley, right-of-way or public easement for any purpose to place, deposit or leave upon any such public way any earth or any excavated material obstructing or tending to interfere with the free use of the public way, unless such person shall first have obtained a Construction Permit from the City Office. Any Public Utility regulated by the state or holding a franchise from the City which, in the pursuit of its calling, has frequent occasion to open or make excavation in the public way may, upon application, receive a Construction Permit form the City to cover such work. Permit fees

shall accompany all applications. Construction Permits shall not be required prior to work in case of emergency, endangering life or property, providing the City is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency (other policies are set forth in Sections 76.03.021. through 76.03.028.).

76.03.021. Required License with State of Utah and Exception.

The following regarding licensing and exceptions:

1. Permittee must be licensed with the State of Utah: It is the policy of Perry City that contractors desiring to perform work in the City's public way shall be properly licensed for such work within the State of Utah.
2. Exception: A license shall not be required by the City when the permittee is:
    a. A public utility company doing its own work (Subcontractors must also have the appropriate license(s)).

76.03.022. Required Business License for Work in Perry City.

Permittee must have a business license for performing work in Perry City: All persons making application for a Construction Permit must provide evidence of a Perry City Business License and also of an adequate liability bond in force from utility companies franchised in Perry City.

76.03.023. Policy for Determining when "Permit Waivers" can be Granted.

Working within the public way without a Construction Permit is a violation of this Policy unless the permit is waived by the Public Works Department. Waivers can be granted by the Public Works Department when any of the following conditions occur:

1. When routine maintenance work which is being done by City, State and/or utility personnel and the work does not involve excavations in the City's public way, i.e., crack sealing, street resurfacing and repair, snow plowing, sanding, sweeping, garbage collection, storm drain cleaning, leaves pickup, above grade work, etc.
2. When a permittee allows other contractors or utility companies to perform work in the permitted trench limits.
3. When utilities must be relocated or adjusted in conjunction with a City Public Works Department sponsored project provided the utility work is being accomplished within on week of the time the City or its contractor is scheduled to begin construction at that location and provided the work is coordinated and approved by the City's Public Works Department.

76.03.024. Policy for Issuing No Fee Permits.

The Public Works Department reserves the right to issue "no fee permits" for work in the public way when the following conditions are met:

1. When abutting property owners are repairing or replacing in kind any existing public facilities such as drive approaches, curb, gutter or sidewalk, or any combination thereof.
2. When utility companies are doing excavation work and such work is required in conjunction with a City Public Works Department project and the work is required to be accomplished prior to the execution of the Public Works Department contract.
3. When the City Public Works Department is repairing or maintaining public way facilities such as curbs, gutters, cross drains, storm drains, traffic facilities, driveway, sidewalk,

etc, and such work requires excavation.

4. When utility frames and lids in paved or unpaved surfaces are raised or lowered providing the work does not disturb the underlying road base material in the case of paved surfaces.

76.03.025. Policy for Revoking Construction Permits, Permit Waivers, and No Fee Permits.

Construction Permits, Permit Waivers, and No Fee Permits will be revoked by the Public Works Department if the work is defective or requires action or supplemental inspection by the Public Works Department. Also the City may refuse to issue a Construction Permit for failure of the permittee, or applicant, to abide by the terms and conditions of this article and any conditions of the specific permit. In the revocation proceedings, the Public Works Department shall serve written notice which defines the problems encountered and the time period (at least one business day) which the permittee has to correct the problem. If the work is not satisfactorily completed within the time specified, the "Construction Permits", "Permit Waiver," or the "No Fee Permit" shall be revoked. The permittee will be required to secure a Fee Permit before proceeding to complete the work.

76.03.026. Policy for Completion of Work by City: Liability for Costs.

If the work is unduly delayed by the permittee, or if the public interests so demand, the Public Works Department shall have authority to complete the permit work. Such work shall be considered "unduly delayed" if no progress on the work can be shown can be shown over a period consisting of ten (10) consecutive business days. The Public Works Department shall then have the option to do the work or have such work contracted for only after written notice has been given to the permittee and the permittee fails to respond to the Public Works Department's request. Such combined notice and response period shall not exceed ten (10) consecutive business days. The actual cost of such work incurred by the City including a fifteen (15%) percent overhead charge shall be paid by the permittee.

76.03.027. Policy for Extending Permit Construction Time Limits.

Subject to the Public Works Department's approval, Construction Permits that expire may be extended by paying a $10.00 permit extension fee. The length of the extension shall be subject to the approval of the Public Works Department.

76.03.028. Policy for Permit Exemption.

No Construction Permit shall be required if the work within the public way is limited to landscaping and irrigation of individual lots or the installation of individual mailboxes.

76.03.030. General Conditions.

General Conditions are as set forth in Sections 76.03.031. through 76.03.036.

76.03.031. Utility Drawing Requirements.

Whenever the work involves the extension, placement or the relocation of a utility, public infrastructure or other facility, four (4) copies of the drawings shall be provided for the Public Works Department which details the location and type of the proposed facility. The four (4) copies shall be distributed to each of the following:

1. Public Works Inspection.
2. Contractor (permittee).
3. Perry City files.
4. City Engineer files.

Work involving routine maintenance of existing facilities or placement of utility laterals does not require a drawing.

76.03.032. Construction Permit and Approved Plans.

When the work is in progress, the permittee shall have a copy of the Construction Permit and a set of the approved plans at the work site.

76.03.033. Emergency Work.

The following regarding emergency work:

1. Maintenance of pipelines or facilities in the public way may proceed without a permit when emergency circumstances demand the work be done immediately provided a permit could not reasonably and practicably have been obtained beforehand.
2. In the event that emergency work is commenced on or within any public way of the City, the Public Works Department shall be notified within one-half hour when the work commences or as soon as possible from the time the work is commenced. If emergency work is commenced during off business hours, the Pubic Works Department will be notified within one (1) hour of the start of work on the first regular business day on which the City offices are open after such work commences, and, at the discretion of the Public Works Department, a permit may be issued which shall be retroactive to the date when the work was begun. Before commencing and while conducting emergency work, all necessary safety precautions for the protection of the public and the direction and control of traffic shall be taken. None of the provisions of these regulations are waived for emergency situations except for the prior permit requirement.

76.03.034. Private Access.

Temporary, all weather roadways, driveways, walks, and right-of-ways for vehicles and pedestrians shall be constructed and continuously maintained where required.

76.03.035. Street Excavation in Winter.

Excavation of City streets during the winter months (herein defined as November 15 to April 1) will be allowed only if the work is a new service connection, required maintenance or emergency, or otherwise approved by the Public Works Department. Permanent patching of City streets excavated in the winter may be delayed until April 1, provided the permittee provides and maintains a temporary untreated base course surface until such time as the permanent surfacing is accomplished. This provision applies regardless of whether the permittee of City crews are performing the resurfacing.

76.03.036. Existing Utilities.

The contractor shall use extreme caution to avoid a conflict, contact or damage to existing utilities, such as power lines, sewer lines, storm drains, street lights, telephone line, television lines, water lines, gas lines, poles or other appurtenances during the course of construction of this project. Any such conflict, contact or damage shall be immediately communicated to the Public

Works Department and the affected utility.

Chapter 76.04.
DRAWINGS

76.04.005. Drawings.
See attached drawings at end of this Chapter for Sections 76.04.010 through 76.04.120.

76.04.010. Urban Street General Utility Locations.

76.04.020. Valve Box Concrete Collar.

76.04.030. Double Irrigation Service and Drain Valve Details.

76.04.040. Typical Fire Hydrant and Water Service Connection Details.

76.04.050. Air Release and Blowoff Details.

76.04.060. Standard Street Sections.

76.04.070. Pressure Irrigation Typical Service Connection Detail.

76.04.080. Cul-de-Sac And Curb Ramp Detail.

76.04.090. Single and Double Catch Basin Details.

76.04.100. Catch Basin Details.

76.04.110. Mid Block Cross Walk Detail.

76.04.120. Streetlight Point-of-Disconnect Diagram.

Legislative History
Original Public Standards Ordinance originally adopted: 5/13/86 by RES 86-01.
Last Substantive Revision- July 26, 2007
New codification and numbering system added: 12/11/2008

Title 80, General Resolutions
CITY COUNCIL RULES OF PROCEDURE

Chapter 80.01. **INTENT; ROBERT'S RULES; ETHICS**
Chapter 80.02. **CITY COUNCIL AGENDAS**
Chapter 80.03. **CITY COUNCIL STAFF AND MINUTES**
Chapter 80.04. **SERGEANT-AT-ARMS; DISORDERLY CONDUCT**
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Chapter 80.06. **ATTENDANCE BY LAND USE APPLICANTS AND BY FINANCIAL APPEAL APPLICANTS**
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Chapter 80.08. **CITY COUNCIL VOTES**
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Chapter 80.10. **ADJOURNING MEETINGS; "2/3 VOTES"; SPECIAL RULES**
Chapter 80.11. **PROCEDURES FOR FILLING VACANCIES FOR CITY COUNCIL MEMBERS AND MAYOR**

Appendix 80A **UTAH CODE CHAPTERS 10-3 AND 67-16 (MUNICIPAL GOVERNMENT AND ETHICS)**
Appendix 80B **UTAH CODE SECTION 10-8-2 (APPROPRIATIONS)**
Appendix 80C **UTAH CODE CHAPTER 52-4 (OPEN MEETINGS ACT)**
Appendix 80D **UTAH CODE SECTIONS IDENTIFIED IN CHAPTER 80.11**

Chapter 80.01.
INTENT; ROBERT'S RULES; ETHICS
Resolutions 05-01 and 08-36

80.01.010. **Statement of Intent.**
80.01.020. **Robert's Rules of Order and Prior Precedents.**
80.01.030. **The Mayor is a Member of and the Chair of the Governing Body.**
80.01.040. **Ethical Rules.**

80.01.010. Statement of Intent.

Because the Perry City Council holds regular meetings, as prescribed by law, and must give consideration to items of City business in a timely manner, and because the Perry City Council wants to conduct business in an efficient and responsible manner, the Perry City Council approves and adopts the following policies and procedures for conducting its public City Council meetings, as per Utah Code Section 10-3-606, which allows "the

governing body of each municipality [to] establish its own rules of procedures for the proper conduct of its meetings."

80.01.020. Robert's Rules of Order and Prior Precedents.
Robert's Rules of Order (and precedents from prior meetings) shall govern any situation not specifically covered by state or local law or by these rules.

80.01.030. The Mayor is a Member of and the Chair of the Governing Body.
As per Utah Code Section 10-3-101(1)(a)(ii), the Mayor is a (usually non-voting) member of the six-member governing body (consisting of the Mayor and the five (5) *voting* City Council members). As per Utah Code Section 10-3-403, "the Mayor shall be the chairman [Chair] and preside at meetings of the governing body. In the absence of the Mayor or because of his inability or refusal to act, the governing body may elect a member of the governing body to preside over the meeting as Mayor Pro Tempore. . . ."

80.01.040. Ethical Rules.
The members of the governing body shall abide by the provisions of the Municipal Officers' and Employees' Ethics Act, as codified in Utah Code Section 10-3-1301 et seq. and 67-16-101 et seq.

Chapter 80.02.
CITY COUNCIL AGENDAS
Resolutions 05-01, 06-02, and 06-16

80.02.010. Placement of *(Any Types of) Items* on an Agenda by the Mayor and City Council Members.
80.02.020. Placement of *Land Use Issues* on a City Council Agenda.
80.02.030. Time Limit for *New Agenda Items;* Distribution of Information.
80.02.040. Each Agenda Item Clearly Stated; *General Agenda Rules.*
80.02.050. *Starting* a Meeting.

80.02.010. Placement of *(Any Types of) Items* on an Agenda by the Mayor and City Council Members.
The City Recorder (or another official designated by the Mayor to place items on the agenda) shall place any item on the agenda as legally requested by:

1. A motion of the City Council in a meeting; or
2. A City Council member(s); or
3. The Mayor; or
4. Other individuals or groups desiring to place an item on the agenda, who are sponsored by a City Council member(s) and/or by the Mayor.

The Mayor shall approve of each City Council agenda, but the Mayor may not remove from the agenda any item legally placed thereon by a City Council member(s) without the

written approval of all of said member(s). An item shall not be placed on an agenda until all other legal requirements have been met (if any). If applicable, ample time (before the date of the City Council meeting) should be allowed to provide for adequate notice to affected parties, etc.

80.02.020. Placement of *Land Use Issues* on a City Council Agenda.

The following rules shall apply regarding the placement of land use issues on the agenda:

1. The City Recorder (or another official designated by the Mayor to place items on the agenda) shall place all recommendations from the Planning Commission (regarding land use applications, land use ordinances, other land use issues, etc.) on the next available City Council Meeting agenda that is at least two (2) weeks after the Planning Commission Meeting in which the recommendations were made (in order to allow for ample time for the preparation of Planning Commission minutes and for the inclusion of those Planning Commission minutes, staff reports, documentation from applicant(s), and other information in the packet provided in advance to members of the governing body); and
2. If the Mayor directs that an item be placed on the agenda before the two (2) weeks have elapsed, the City Council shall first vote (by a 2/3 vote) to waive the two (2) week rule before discussing the issue. See Perry Municipal Code ("PMC") Section 80.10.030(2); and
3. The governing body shall carefully review all information provided regarding land use issues and, if overruling or amending a Planning Commission or other land use authority recommendation, it is advisable that the reason(s) be stated.

80.02.030. Time Limit for *New Agenda Items;* Distribution of Information.

Agenda items must be submitted no later than 5:00 p.m. on the Thursday immediately preceding the City Council meeting. Agendas (and information packets) will be prepared and distributed to the members of the governing body by the Monday immediately preceding a City Council Meeting. The Mayor may approve an amended agenda if:

1. Emergency/urgent items are submitted 24 hours or more prior to the meeting; and
2. Other legal requirements, including noticing requirements, can be met.

80.02.040. Each Agenda Item Clearly Stated; *General Agenda Rules.*

Each item shall be described with clarity to properly apprize the governing body and public regarding the subject matter of the item; and the following rules shall apply:

1. Each agenda item may vary, depending on length of the discussion, cancellation of scheduled items, or agenda alteration (see PMC Section 80.10.50); and
2. Numbers and/or times are estimates of when agenda items will be discussed; and
3. Each agenda item shall be a discussion and/or action item, unless otherwise indicated; and
4. No action by the governing body may be taken on an item if said item is not specifically on the agenda.

80.02.050. *Starting* a Meeting.
The meeting shall start at the time posted, if a quorum is present, and shall begin with the Opening Ceremony (which may include the Pledge of Allegiance, an invocation, and/or other ceremony, as per PMC Chapter 80.05).

Chapter 80.03.
CITY COUNCIL STAFF AND MINUTES
Resolution 08-03

80.03.010. Attendance by Council Staff at Meetings.
80.03.020. Taking of Minutes.
80.03.030. Maintaining a Record of the Proceedings.
80.03.040. Notification of Staff by Members of the Governing Body Regarding Procedural Issues.
80.03.050. Procedural and Advisory Role of the City Attorney.
80.03.060. Votes to Approve Minutes.

80.03.010. Attendance by Council Staff at Meetings.
The City Council Staff shall consist primarily of five positions of responsibility, each of which (or an assigned deputy or assistant for each position) shall, as much as is practicable, attend each regular City Council Meeting:

1. The City Administrator (who shall serve as Chief of Staff for the City Council Staff); and
2. The City Recorder (who shall serve as Deputy Chief of Staff for the City Council Staff) and/or any Deputy City Recorder(s); and
3. A Minutes Clerk(s), serving under the direction of the City Recorder; and
4. The City Attorney and/or any Acting or Assistant City Attorney(s); and
5. The Sergeant-at-Arms, as per PMC Section 80.04.010.

A single individual may fulfill more than one position at a given meeting. Other employees, independent contractors, engineers, financial consultants, experts, etc., may serve as part of the City Council Staff and/or attend meetings as needed.

80.03.020. Taking of Minutes.
A Minutes Clerk(s) shall be recommended by the City Recorder (and approved by the Mayor and City Administrator). The Minutes Clerk(s), serving under the direction of the City Recorder, shall attend all City Council Meetings, and shall assist the City Recorder by taking minutes. The Minutes Clerk(s) shall be "Deputy City Recorder(s)" with regards to taking minutes and assisting in keeping "the record of the proceedings of the governing body," as per Utah Code Section 10-6-137. The City Recorder may choose to personally take minutes (instead of a Deputy City Recorder or Minutes Clerk) and may make modifications to the recommended minutes before they are presented to the governing body for approval.

80.03.030. Maintaining a Record of the Proceedings.
These rules shall not be construed to affect the City Recorder's right and final responsibility to review each set of recommended minutes and to keep and maintain "the [accurate] record of the proceedings of the governing body," as per Utah Code Section 10-6-137, as well as other City records.

80.03.040. Notification of Staff by Members of the Governing Body Regarding Procedural Issues.
Each member of the governing body shall notify and inform the City Administrator (as Chief of Council Staff), the City Recorder (as Deputy Chief of Council Staff), and the City Attorney (as procedural and legal advisor) regarding any correspondence, e-mail, telephone call, or other communication from any individual alleging that there is a procedural problem or any issue of unconstitutionality, illegality, irregularity, etc., in any adoption, interpretation, or implementation of rules or other action taken by the governing body or by any City official.

80.03.050. Procedural and Advisory Role of the City Attorney.
The City Attorney (or Assistant City Attorney), as parliamentarian, shall interpret the City Council Rules of Procedure and shall provide guidance as to how they are to be applied, subject to being overruled by the Mayor. The City Attorney (or Assistant City Attorney) shall also render legal opinions as required, and shall draft, assist in drafting, or review the drafts of all ordinances, resolutions, contracts, and other official documents, applications, etc., to be acted upon by the governing body, and shall be entitled to render a legal opinion with regards to each document or other item. Legal opinions need not be limited to just a statement of the law and application of the law.

80.03.060. Votes to Approve Minutes.
Each set of recommended City Council minutes shall be timely reviewed and approved by the City Council (with or without changes). If changes to the recommended minutes are discussed, said changes shall be automatically made, unless the motion approving of the minutes specifically states otherwise. A City Council member has the option to cast an affirmative vote, a negative vote, or an abstention if said City Council member was not present at a meeting for which minutes are being considered. An abstention on minutes or on a simple procedural or scheduling item shall count as a negative vote (for purposes of determining a tie vote). See PMC Section 80.08.020 for additional rules regarding abstaining votes (abstentions).
Example: In the event of a 2 affirmative, 1 negative, 1 abstention vote regarding minutes, the vote shall count as a 2 affirmative, 2 negative tie vote; and "the Mayor (if present) shall cast the deciding vote," pursuant to PMC Section 80.08.030.

Chapter 80.04.
SERGEANT-AT-ARMS; DISORDERLY CONDUCT
Resolutions 05-01 and 06-16

80.04.010. Appointment of Sergeant-at-Arms.
80.04.020. Removal of Disorderly Individual(s) by the Sergeant-at-Arms.

80.04.010. Appointment of Sergeant-at-Arms.
The Perry City Chief of Police shall be the Sergeant-at-Arms or, in the alternative, the highest ranking member of the Perry City Police Department present shall act in this capacity or, in the alternative, any other individual present shall act in this capacity, at the discretion of the Mayor (or Mayor Pro Tem).

80.04.020. Removal of Disorderly Individual(s) by the Sergeant-at-Arms.
As per Utah Code Sections 10-3-607 and 10-3-608, the governing body, on a 2/3 vote, may have disorderly or unruly member(s) of the governing body or public in attendance:

1. Fined up to $100.00; and/or
2. Expelled from the meeting by the Sergeant-at-Arms.

Chapter 80.05.
OPENING CEREMONIES (FOR CITY COUNCIL AND OTHER CITY COMMITTEES/ORGANIZATIONS)
Policy 04-02 and Resolution 08-36

80.05.010. Non-Discriminatory Participation.
80.05.020. Procedure to Participate.
80.05.030. Short and Appropriate Ceremony.
80.05.040. Types of Ceremonies.
80.05.050. Mayor/Chair May Ask for Participation.
80.05.060. Prohibiting Participation.

80.05.010. Non-Discriminatory Participation.
Participation in opening ceremonies for City Council meetings, Planning Commission meetings, and other City meetings shall be open to all on a non-discriminatory basis, with scheduling preference given to Perry City residents.

80.05.020. Procedure to Participate.
Individuals desiring to participate in the opening ceremony for a City Council, a Planning Commission, or other type of City meeting should write a letter to the Mayor (or Chair of the meeting) at least two weeks in advance of when they desire to so participate, giving at least one alternate date for participation. The letter should indicate the person(s)' name(s), address(es), telephone number(s), and other contact information, as well as a brief description of the proposed opening ceremony. The Mayor, Chair, or designated

agent, shall have the authority to schedule opening ceremonies for City Council, Planning Commission, and other City meetings. The content of the proposed opening ceremony shall not serve as the basis for denying the right to present an opening ceremony, unless such content violates any applicable law, ordinance, regulation, statute, etc.

80.05.030. Short and Appropriate Ceremony.
The opening ceremony may include one or two types of ceremonies (see PMC Section 80.05.040), with each ceremony involving either an individual or a group. Each part of the opening ceremony should be short (no more than three (3) minutes) and should not be specifically related to any item on the agenda or a specific City or political issue. It is intended that the tone of the opening ceremony be positive, encouraging, uplifting, and non-confrontational. The opening ceremony is not the appropriate place to hear public input on a particular City issue, as such input shall be scheduled as a regular agenda item.

80.05.040. Types of Ceremonies.
The ceremony may include any comments (including prayers and completely non-religious secular comments) that are appropriate for public gatherings. The opening ceremony may include one or two types of ceremonies, as follows:

1. Patriotic in nature (such as the Pledge of Allegiance), and/or
2. Religious in nature (such as a prayer, invocation, reverence statement, or moment of silence), and/or
3. Non-religious in nature (including such things as a thought, a poem, or a reading).

80.05.050. Mayor/Chair May Ask for Participation.
In the event no specific opening ceremony is scheduled or prepared for a meeting, the Mayor (for City Council meetings) or the Chair or other individual presiding (for Planning Commission meetings and for other meetings) may ask for individuals present at the meeting to participate, as appropriate, in conducting/performing an opening ceremony conforming to this policy.

80.05.060. Prohibiting Participation.
Individuals or groups who are deliberately offensive or disorderly, and/or who otherwise violate this policy, may be prohibited from participating in future opening ceremonies of the City Council, Planning Commission, and other City meetings.

Chapter 80.06.
ATTENDANCE BY LAND USE APPLICANTS AND BY FINANCIAL APPEAL APPLICANTS
Resolutions 07-28 and 08-36

80.06.005. Rules of Procedure in Title 43 Incorporated by Reference.

80.06.010. Attendance Required by Each Applicant (or a Representative) as a

Condition of Consideration or Approval for Land Use Applications.
80.06.020. Attendance Required by Each Applicant (or a Representative) as a Condition of Consideration for Financial Appeal Applications.
80.06.030. All Appropriations Authorized by the Budget or Special Procedures.

80.06.005. Rules of Procedure in Title 43 Incorporated by Reference.

The Rules of Procedure set forth in Title 43 of the Perry Municipal Code (applying to the City Council in its role as a land use authority) are incorporated herein by reference.

80.06.010. Attendance Required by Each Applicant (or a Representative) as a Condition of Consideration or Approval for Land Use Applications.

No consideration will be given and no action will be taken with regards to any land use application(s) or appeal(s) on a City Council agenda unless the applicant (or a representative of the applicant) is present at the time and place designated on the City Council agenda; and

1. The Mayor or Mayor Pro Tem shall declare such agenda item(s) automatically tabled if an applicant/representative is not present by the time that the land use applications/appeals portion of the City Council agenda is completed; and
2. The City Council may vote to deny an application/appeal if the applicant/representative fails to attend a second meeting; and
3. A representative of the applicant may not be a Perry City employee or a member of a land use authority or Appeal Authority of Perry City.

80.06.020. Attendance Required by Each Applicant (or a Representative) as a Condition of Consideration for Financial Appeal Applications.

No consideration will be given and no action will be taken with regards to any financial appeal application(s) on a City Council agenda unless the applicant (or a representative of the applicant) is present at the time and place designated on the City Council agenda; and

1. The application must be in writing; and
2. The Mayor or Mayor Pro Tem shall declare such agenda item(s) automatically tabled if an applicant or representative is not present by the time that the financial portion of the City Council agenda is completed; and
3. A financial appeal application(s) is defined as any application requesting that the City Council appropriate or donate any money, waive or reduce a fee, adjust payments, reimburse for expenses, or make a financial decision, etc.; and
4. The City Council may vote to deny a financial appeal if the applicant/ representative fails to attend a second meeting; and
5. A representative of the applicant may not be a Perry City employee/official or a member of the governing body of Perry City.

80.06.030. All Appropriations Authorized by the Budget or Special Procedures.
As with all appropriations, financial appeal application(s) (including all donations, waivers or reductions of fees, payment adjustments, reimbursement of expenses, and other financial decisions and appropriations approved by the City Council) shall conform to state and local law, including the City's ordinances and resolutions, as well as to Utah Code Section 10-8-2, which requires that all appropriations be authorized by either:

1. The budget; or
2. The special procedures set forth in Utah Code Section 10-8-2, including a study, public hearing, etc.

Chapter 80.07.
RULES GOVERNING PUBLIC INPUT
Resolutions 05-01 and 08-16, and Past Agendas

80.07.010. Chair to Recognize Speakers.
80.07.020. One Individual Speaks at a Time.
80.07.030. Time Limit to Speak.
80.07.040. Limit Redundant Comments.
80.07.050. Motion to Limit (or End) Discussion.
80.07.060. Public Hearing and Public Comments Rules.

80.07.010. Chair to Recognize Speakers.
No one speaks until recognized by the Chair (Mayor or Mayor Pro Tem). See PMC Section 80.01.030.

80.07.020. One Individual Speaks at a Time.
Only one person speaks at a time. The members of the audience will not interrupt or attempt to ask or answer questions until the Mayor (or Mayor Pro Tem) recognizes them.

80.07.030. Time Limit to Speak.
Once recognized by the Mayor (or Mayor Pro Tem), the speaker may speak for or against the motion/proposal for three (3) minutes (more for complex issues, if allowed by the Mayor/ Mayor Pro Tem). The Mayor (or Mayor Pro Tem) will recognize no person more than two (2) times, in order to give more people the opportunity to address the issue.

80.07.040. Limit Redundant Comments.
The Mayor (or Mayor Pro Tem) will attempt to limit redundant comments and moderate the discussion.

80.07.050. Motion to Limit (or End) Discussion.
In the event public discussion of any agenda item becomes too lengthy, the Mayor or any member of the governing body may call for a vote on the pending matter or make a

motion to limit (or end) time for discussion. Upon receiving a second to the motion to limit (or end) time for discussion, reasonable time limits (or an end) may be imposed upon the public discussion by a majority vote of the Council (minimum of three "affirmative" votes required, as per PMC Section 80.08.005).

80.07.060. Public Hearing and Public Comments Rules.
The following are rules regarding public hearings and public comments, which may be posted on the agenda in a manner similar to the following:

1. Please speak only once (maximum of three (3) minutes) per agenda item; and
2. Please speak in a courteous and professional manner; and
3. Do not speak to specific member(s) of the City Council, staff, or public (please speak to the Mayor or to the Council as a Group); and
4. Please present possible solutions for all problems identified; and
5. No decision may be made during this meeting if the item is not specifically on the agenda (and with action on public hearings to potentially be taken later in the meeting and/or at a subsequent meeting).

Chapter 80.08.
CITY COUNCIL VOTES
Resolutions 05-01, 06-16, 08-36, and 08-46

80.08.005. Quorum; Three Votes Required for Any Action.
80.08.010. Procedure from Calling Agenda Item to Time of Vote.
80.08.015. Roll Call Votes; Resolutions and Ordinances to be in Writing.
80.08.020. City Council Abstaining Votes: For Various Types of Issues.
80.08.025. Automatic Negative Vote If Present (But Not in Seat).
80.08.030. Special Rule for Breaking a 2 Affirmative, 2 Negative Tie Vote, Including the Mayor Casting a Deciding Vote or an Abstaining Vote.
80.08.040. Reconsideration of an Open-Ended, Failed Vote.
80.08.050. Open-Ended, Failed Vote Becomes a Final Vote If Not Timely Reconsidered.
80.08.060. Final Vote: Limited Reconsideration after the Meeting is Over.
80.08.070. Retention of Recommendations of Staff and Planning Commission.

80.08.005. Quorum; Three Votes Required for Any Action.
As per Utah Code Section 10-3-504(1)(a), a "quorum" is three (3) or more *voting* City Council members (the Mayor and two (2) *voting* City Council members do *not* constitute a "quorum"). As per Utah Code Section 10-3-507(1)(a)(i), and regardless of the number of City Council members present, three (3) affirmative votes are required for the City Council to pass or approve of any ordinance, resolution, or motion, or to take any other action on any issue.

80.08.010. Procedure from Calling Agenda Item to Time of Vote.
The following procedures shall be observed for regular City Council agenda items, as well as for ordinances and resolutions:

1. The Mayor (or Mayor Pro Tem) shall read the agenda item and shall have City Council Member(s), staff, or others make any necessary presentations; and
2. If a motion and second are required and made on the item, the process shall proceed; otherwise, further action on the item is not required (in accordance with Robert's Rules of Order and rules established in this PMC Title 80); and
3. The Chair of the meeting (Mayor or Mayor Pro Tem) *may **not** make* a motion, but *may entertain* (request) a motion or *second* a motion.
4. Following a motion and second, the City Council may further discuss the motion; and
5. After discussion by the City Council, the Mayor (or Mayor Pro Tem) may allow public comment, by invitation only, to discuss the item, and the City Council may then further discuss the item; and
6. Once discussion is completed (or a motion to limit or end discussion is made, as per PMC Section 80.07.050), the Mayor (or Mayor Pro Tem) shall call for a vote on the motion.

80.08.015. Roll Call Votes; Resolutions and Ordinances to be in Writing.
As per Utah Code Section 10-3-506:

1. Votes on "all ordinances, resolutions, and any action which would create a liability against the municipality and in any other case at the request of any member of the governing body. . ." or as otherwise required by law, shall be by *roll call vote*, with each "affirmative" or "negative" vote for each City Council member to be recorded; and
2. "Every resolution or ordinance shall be in writing before the vote is taken."

80.08.020. City Council Abstaining Votes: For Various Types of Issues.
City Council members may abstain or refuse to vote, referred to herein collectively as "abstain(s)(ing)," "abstention(s)," or "abstaining vote(s)." The following shall apply as to abstaining votes in City Council meetings:

1. **Vote on Minutes/Procedural Item(s).** As per PMC Section 80.03.060, "[a]n abstention on minutes or on a simple procedural or scheduling item shall count as a negative vote (for purposes of determining a tie vote)."
   Example: In the event of a 2 affirmative, 1 negative, 1 abstention vote regarding minutes, the vote shall count as a 2 affirmative, 2 negative tie vote; and "the Mayor (if present) shall cast the deciding vote," pursuant to PMC Section 80.08.030.
2. **Special 2/3 Vote.** As per PMC Section 80.10.040, "abstaining vote(s) does/do not count towards the calculation of [a special] 2/3 vote."
   Example: With five (5) City Council members present, and with three (3) voting affirmative, one (1) voting negative, and one (1) abstaining (on a motion requiring

a 2/3 minimum vote), the vote would pass 3 affirmative/1 negative (75% to 25%, which exceeds the 66 2/3% minimum required).

3. **Vote on Other Issues.** In the event of a vote on any motion, resolution, ordinance, or other issue (referred to herein collectively as "vote") besides a vote as per Sub-Sections 1 or 2 herein, which results in one (1) or more City Council members abstaining, each abstention shall not count as an affirmative vote or as a negative vote, as long as a conflict of interest, personal bias, or other ethical disclosure (does not have to be specific) is declared before or at the time of the vote; otherwise, the abstention shall count as a negative vote.
   Example: In the event of a 2 affirmative, 1 negative, and 1 abstention (with an ethical disclosure, not overruled by the Mayor) vote on a non-procedural (and non-2/3 vote) item, the vote shall *not* be counted as a tie vote; but rather, shall be an "open-ended, failed vote," due to a lack of the minimum three (3) affirmative votes or three (3) negative votes required for a "final vote," pursuant to Utah Code Section 10-3-507.
4. **Invalid Abstention(s).** If the Mayor (or Mayor Pro Tem) declares an abstention (with ethical disclosure, as per Sub-Section 3) to be invalid, the abstention shall count as a negative vote.
   Example: In the event of a 2 affirmative, 1 negative, and 2 abstentions vote (with ethical disclosures, but with the Mayor declaring one abstention to be invalid), the vote shall count as a 2 affirmative, 2 negative tie vote; and "the Mayor (if present) shall cast the deciding vote," pursuant to PMC Section 80.08.030.

80.08.025. Automatic Negative Vote If Present (But Not in Seat).
In the event that a member of the governing body is present, but not in his or her seat when a vote is taken, his or her vote shall be recorded as a negative vote (including for purposes of determining a tie vote).

80.08.030. Special Rule for Breaking a 2 Affirmative, 2 Negative Tie Vote, Including the Mayor Casting a Deciding Vote or an Abstaining Vote.
In the event of a 2 affirmative, 2 negative tie vote, the Mayor (if present) shall cast the deciding vote. If the Mayor is present and abstains (as defined herein) from casting the deciding vote, this abstention shall count as a negative vote, thus being a final, failed 2 affirmative, 3 negative vote. See Utah Code Section 10-3-1(1)(a)(ii).
Example: In the event of a 2 affirmative, 1 negative, and 1 abstention vote (with an ethical disclosure, not overruled by the Mayor) on a non-procedural (and non-2/3 vote) item, the vote shall *not* be counted as a tie vote; but rather, shall be an "open-ended, failed vote," due to a lack of the minimum three (3) affirmative votes or three (3) negative votes required for a "final vote," pursuant to Utah Code Section 10-3-507.
Example: In the event of a 2 affirmative, 1 negative, and 1 abstention vote (with ethical disclosure, but with the Mayor declaring the abstention to be invalid), the vote shall count as a 2 affirmative, 2 negative tie vote; and "the Mayor (if present) shall cast the deciding vote," pursuant to PMC Section 80.08.020(4).

80.08.040. Reconsideration of an Open-Ended, Failed Vote.
In the event of a vote which does not receive three (3) affirmative votes or three (3) negative votes (referred to herein collectively as an "open-ended, failed vote"), the vote may only be reconsidered in a "timely fashion," defined as follows:

1. At the same meeting and/or at a City Council meeting within 36 days of said meeting, or if approved by a motion of the City Council within said 36 days to be placed on another meeting agenda (within 36 days of said motion); and if
2. The issue is properly placed on the agenda for said meeting; and if
3. All other legal requirements are met, including Utah Code Section 10-3-508, which requires that "the number of members of the governing body present. . . is equal to or greater than the number of members present at the [prior] meeting. . ."

80.08.050. Open-Ended, Failed Vote Becomes a Final Vote If Not Timely Reconsidered.
If an open-ended, failed vote is not reconsidered and voted on with a "final, approved vote" in a "timely fashion," it shall be deemed a final, failed vote (and shall *not* be reconsidered at any subsequent City Council meeting, except as per PMC Section 80.08.060).

80.08.060. Final Vote: Limited Reconsideration after the Meeting is Over.
In the event of a vote which receives three (3) affirmative votes ("final, approved vote") or three (3) negative votes ("final, failed vote"), the vote shall be deemed a "final vote" at the conclusion of the meeting and shall thus not be reconsidered, unless the City Council votes to reconsider at a subsequent meeting, with a finding that:

1. The prior vote was illegal or in violation of a contract or other legal obligation, or the new vote is required by law, or a land use authority and/or applicant(s) recommend reconsideration of a land use issue (and the applicant(s) are *not* opposed to reconsideration); and
2. The issue is properly placed on the agenda for said meeting; and
3. No excessive expenditures of time, money, and/or other resources have been made in reliance upon the prior vote; and
4. All other legal requirements are met, including Utah Code Section 10-3-508, which requires that "the number of members of the governing body present. . . is equal to or greater than the number of members present at the [prior] meeting. . ."

80.08.070. Retention of Recommendations of Staff and Planning Commission.
All written recommendations (regarding land use or non-land use issues) of the City Staff, the Planning Commission, and/or other land use authorities or City officials that are not specifically excluded or overruled by a City Council vote shall be deemed accepted and part of said vote.

Chapter 80.09.
OPEN MEETINGS ACT; CLOSED MEETINGS; ELECTRONIC MEETINGS
Resolution 08-36

80.09.010. Open/Public Meetings Act; Time of Regular City Council Meetings.
80.09.015. Special/Emergency City Council Meetings, Work Sessions, Etc.
80.09.020. Closed Meetings (Executive Sessions).
80.09.030. Electronic Meeting: Any City Council Meeting (Not Other Meetings).
80.09.040. Electronic Meeting: Request by a Governing Body Member to the Mayor to Participate Electronically.
80.09.050. Electronic Meeting: Notice to Public and Governing Body Members.
80.09.060. Electronic Meeting: City Council Chambers are "Anchor" Location.
80.09.070. Electronic Meeting: Minimum Participation at the "Anchor" and "Remote" Locations.
80.09.080. Electronic Meeting: "Chairing" Meeting at the Anchor Location.
80.09.090. Electronic Meeting: Limits on Participation by Telephone/Electronic Conferencing at "Remote" Locations.

80.09.010. Open/Public Meetings Act; Time of Regular City Council Meetings.
Meetings of the governing body (Mayor and City Council) are open to the public (unless closed pursuant to PMC Section 80.09.020 herein and Utah Code Sections 52-4-204 through 52-4-206) and "regular" meetings (listed on the annual meeting schedule) shall be held at least once per month, unless a meeting is cancelled due to a holiday, lack of business, etc. The City Council may hold its "regular" meetings on second and fourth Thursdays, starting at 7:00 p.m. (with possible work sessions before 7:00 p.m.), or at any other time, as needed. All meetings shall follow the requirements of the Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended.

80.09.015. Special/Emergency City Council Meetings, Work Sessions, Etc.
As per Utah Code Section 52-4-202, special/emergency meetings (meetings other than regularly scheduled meetings) may be called by the Mayor or by two (2) of the *voting* members of the City Council at any time, provided that at least twenty-four (24) hours notice has been given to each member of the governing body and to the Box Elder News-Journal (and/or other local newsletter) before a special/ emergency meeting is held. In addition to the regular meetings and special/emergency meetings, the City Council may schedule field trips, work sessions, and executive sessions, etc. (may or may not be part of a "regular" meeting), as allowed by law. Minutes shall be kept for all meetings, as per PMC Chapter 80.03 (herein) and as per Utah Code Section 52-4-203.

80.09.020. Closed Meetings (Executive Sessions).
A closed meeting (executive session) requires a special "2/3 vote" of the quorum present, as further clarified by PMC Section 80.10.040 and by Utah Code Sections 52-4-204 through 52-4-206. The meeting need not specifically appear on the agenda, but the

specific reason for the closed meeting should be clearly stated in the motion calling for the closed meeting (for example, to discuss the character, competency, or health of an individual(s); to discuss litigation; to discuss real estate transactions; to discuss security issues; etc.). All of the other relevant requirements of the Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended, should also be complied with in this regard.

80.09.030. Electronic Meeting: Any City Council Meeting (Not Other Meetings).
Utah Code Section 52-4-202 sets forth the requirements for electronic meetings. Electronic meetings may only be held by the governing body (not by the Planning Commission or by any other committee or board of the City, etc.). Any City Council Meeting (regular, special, emergency, work session, etc., but not a closed meeting) may be held by using telephone conferencing (or other electronic means) to allow one or more members of the governing body to be present at a meeting and to participate, vote, provide a quorum, etc., provided such meeting is called in conformance with:

1. The Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended; and
2. The following special rule: If part of a City Council meeting is a closed meeting, then that portion of the meeting shall not have electronic connection to or participation from a "remote" location (a location connected by telephone/ electronic conferencing to the main "anchor" location), other than participation to call for or to adjourn the closed meeting (would require a quorum of three (3) *voting* City Council members to be present at the anchor location, to maintain a quorum for the closed meeting); and
3. The other procedures set forth in this PMC Chapter 80.09.

80.09.040. Electronic Meeting: Request by a Governing Body Member to the Mayor to Participate Electronically.
A request to participate in a meeting electronically (includes by telephone or by other technological means), thereby making a given meeting "an electronic meeting," as defined in Title 52, Chapter 4 of the *Utah Code Annotated*, especially in Section 52-4-203, may be made by any member of the governing body to the Mayor (or to the Mayor Pro Tem in the Mayor's absence) and, in order to be approved, the request shall be:

1. Made at least 48 hours prior to the meeting, to allow for: (a) notice to be given to the governing body; and (b) arrangements to be made for the electronic meeting (meeting with one or more members of the governing body participating electronically); and
2. Due to an emergency situation or special condition that prohibits attendance; and
3. Approved by the Mayor (in the Mayor's sole discretion).

80.09.050. Electronic Meeting: Notice to Public and Governing Body Members.
To call an electronic meeting, and in order to allow the governing body to participate and be counted as present and as part of a quorum, etc., public notice of such meeting shall

comply with the Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended, especially Utah Code Section 52-4-207(3)(b), and shall be given at least 24 hours before the meeting by:

1. Providing written or electronic notice to: (a) the Utah Public Notice Website; (b) the Box Elder News-Journal (and/or other local newsletter); (c) the local Box Elder News-Journal (and/or other local newsletter) correspondent; and (d) the members of the governing body and staff (including a description of how the members of the governing body will be connected to the electronic meeting); and
2. Posting written notice at the anchor location; and
3. Complying with Utah Code Section 52-4-202.

80.09.060. Electronic Meeting: City Council Chambers are "Anchor" Location.
The Perry City Council Chambers, where the governing body would normally meet if the meeting was not an electronic meeting, currently located at 3005 South 1200 West in Perry, Utah, shall be the "anchor" location for all electronic meetings (an electronic meeting may not be held at another location). Perry City (and its governing body) finds that such chambers provide adequate space and facilities so that interested persons and the public may attend and monitor the open portions of the meeting (and participate, if there is a public hearing and/or public comments period, etc.), whether such public meeting has a scheduled public hearing and/or public comments period or otherwise.

80.09.070. Electronic Meeting: Minimum Participation at the "Anchor" and "Remote" Locations.
For an electronic meeting to be held, at least two members of the governing body must be present at the "anchor" location (and at least one member of the governing body must be present at each "remote" location).

80.09.080. Electronic Meeting: "Chairing" Meeting at the Anchor Location.
For an electronic meeting to be held, one of the members of the governing body present at the anchor location shall be designated as the Chair (Mayor or Mayor Pro Tem). The Mayor may thus participate, break a tie vote, etc. from a remote location, but may not "chair" a meeting from a "remote" location.

80.09.090. Electronic Meeting: Limits on Participation by Telephone/Electronic Conferencing at "Remote" Locations.
The following limits on electronic meetings shall apply:

1. Electronic meetings may only be held by the governing body (not by the Planning Commission or by any other committee or board of the City, etc.); and
2. Due to the limited availability of equipment and other logistical considerations, there will be a limit of two (2) telephone conferencing connections (and/or other electronic connections) at any given meeting, thus allowing for one anchor location and up to two (2) "remote" locations for a given meeting; and

3. One or more member(s) of the governing body may participate from the same remote location (and City staff may participate from any remote location where at least one member of the governing body is present); and
4. No member of the governing body may attend more than three (3) meetings per year electronically; and
5. The public has no right to be physically present at a "remote" location, and shall not participate at a "remote" location (in a public hearing, etc.).

Chapter 80.10.
ADJOURNING MEETINGS; "2/3 VOTES"; SPECIAL RULES
Resolutions 05-01, 08-36, and 08-45

80.10.010. Adjournment by 10:00 p.m.
80.10.020. Suspend Any Rule by a "2/3 Vote."
80.10.030. Actions Requiring a "2/3 Vote."
80.10.040. Abstentions do not Count Toward the Calculation of any "2/3 Vote."
80.10.050. "Agenda Alteration."
80.10.060. Alternative Appeal Authority for the City Council: Administrative Law Judge.

80.10.010. Adjournment by 10:00 p.m.
Meetings are to adjourn at or before 10:00 p.m., but no motion or special vote is required to extend the meeting time if the meeting can be concluded at or before 10:10 p.m.

80.10.020. Suspend Any Rule by a "2/3 Vote."
Unless not allowed by law, the governing body may suspend any of the above rules (including to extend the time to adjourn) at any time during a meeting by a 2/3 vote of the Council. It is advisable that a reason(s) for suspending any rule be stated in the motion.

80.10.030. Actions Requiring a "2/3 Vote."
The following require a special "2/3 vote" of the quorum present, as further clarified by PMC Section 80.10.040:

1. Suspending rules (including extending time to adjourn), as per PMC Section 80.10.020 herein; and
2. Waiving the two (2) week rule for a land use issue [PMC Section 80.02.020(2)]; and
3. Removal of disorderly persons, as per PMC Section 80.04.020 (and Utah Code Sections 10-3-607 and 10-3-608); and
4. Calling for a closed meeting (executive session), as per PMC Section 80.09.020 (and Utah Code Section 52-4-204); and
5. As otherwise required by state or local law or by the Perry Municipal Code.

80.10.040. Abstentions do not Count Toward the Calculation of any "2/3 Vote."
In the event of an abstaining vote(s) on any motion requiring a 2/3 minimum vote, said abstaining vote(s) does/do not count towards the calculation of the 2/3 vote [see also PMC Section 80.08.020(2)].
Example: With five (5) City Council members present, and with three (3) voting affirmative, one (1) voting negative, and one (1) abstaining (on a motion requiring a 2/3 minimum vote), the vote would pass 3 affirmative/1 negative (75% to 25%, which exceeds the 66 2/3% minimum required).

80.10.050. "Agenda Alteration."
As per PMC Section 80.02.040(1), "[e]ach agenda item may vary, depending on the length of the discussion, cancellation of scheduled items, or agenda alteration." The governing body may spend additional time on items, cancel scheduled items, "table" items, etc., as desired. In the interest of economy of time, as a courtesy to applicants and residents, or as otherwise determined by the Mayor (or Mayor Pro Tem), the Mayor (or Mayor Pro Tem) may ask for unanimous consent for "agenda alteration" as follows: to move an item(s) (that is/are on the agenda) to another part of the agenda (either forward or backward). If no City Council member immediately declares opposition, then the agenda is altered as stated by the Mayor. "Agenda alteration" may also occur by a motion from a Council member, which is approved by at least three (3) affirmative votes, as per regular rules. As per PMC Section 80.02.040(4), "[n]o action by the governing body may be taken on an item if said item is not specifically on the agenda [but the item may be discussed, if allowed by state law]."

80.10.060. Alternative Appeal Authority for the City Council: Administrative Law Judge.
Unless otherwise specifically identified in the Perry Municipal Code, if the City Council (governing body):

1. Is identified in the Perry Municipal Code as the Appeal Authority for a land use issue, personnel policy issue (including disciplinary action), financial issue (including pursuant to PMC Section 80.06.020 herein), or any other type of issue; and
2. Is not able to act as the Appeal Authority for said issue, due to conflicts of interest, due process concerns, lack of availability, etc.; and
3. Does not identify a different alternative Appeal Authority for said issue;

Then the Administrative Law Judge (as identified in PMC Sections 43.02.240 and 43.02.250) shall act as the substitute or alternative Appeal Authority for said issue.

Chapter 80.11.
PROCEDURES FOR FILLING VACANCIES FOR CITY COUNCIL MEMBERS AND MAYOR
Resolution 09-38

80.11.005. General Statutory Authority.
80.11.010. Filling an Elected Office Vacancy of More than Two Years.
80.11.020. Filling an Elected Office Vacancy of Less than Two Years.
80.11.030. Public Notice for Making an Interim Appointment for an Elected Office.
80.10.040. Submission of Applications (to Fill Vacancies); and Verification of Qualifications.
80.11.050. Procedures for Making an Interim Appointment for City Council Member (by Secret Ballot); and Resolution of Tie Votes by the Mayor.
80.11.060. Procedures for Making an Interim Appointment for Mayor (by Secret Ballot).
80.11.070. Random Resolution of Tie Votes by the City Recorder.
80.11.080. Required City Council Action, After a Vacancy Exists for 30 Days.
80.11.090. Oath of Office for Newly Appointed City Council Member or Mayor.
80.11.100. Procedures for Simultaneously Making Multiple Interim Appointments to Fill Elected Office Vacancies.

80.11.005. General Statutory Authority.
The City shall comply with Utah Code Section 20A-1-510 and other applicable provisions.

80.11.010. Filling an Elected Office Vacancy of More than Two Years.
A vacancy in the office of City Council member or Mayor shall be filled by an interim appointment pursuant to this Chapter, particularly PMC Section 80.11.050 (for City Council member) or PMC Section 80.11.060 (for Mayor), followed by an election to fill a two-year term, if:

4. The vacancy occurs (or a letter of resignation is received: by the Mayor from a City Council member; or by the City Recorder from the Mayor) at least 14 days before the deadline for filing for election in an odd-numbered year; and
5. Two years of the vacated term will remain after the first Monday of January following the next municipal election.

80.11.020. Filling an Elected Office Vacancy of Less than Two Years.
If a vacancy in the office of City Council member or Mayor does not meet the time requirements of PMC Section 80.11.010, then the vacancy shall be filled by an interim appointment for the remainder of the term of office pursuant to this Chapter, particularly PMC Section 80.11.050 (for City Council member) or PMC Section 80.11.060 (for Mayor).

80.11.030. Public Notice for Making an Interim Appointment for an Elected Office.

After a vacancy occurs in the office of City Council member or Mayor, whether by resignation (there is no vacancy until the effective date of the resignation has occurred), death, moving out of City limits, removal from office, lack of candidates running for election, etc., the City Recorder shall immediately give public notice in the next available issue of the Box Elder News-Journal of the vacancy, with a second identical public notice at least two weeks before the City Council meets to fill the vacancy, and with said public notices to identify:

1. That the City Recorder is the person to whom an "applicant" (a person interested in being appointed to fill the vacancy) may submit an application; and
2. The deadline for submitting an application (which includes a signed "qualifications statement"); and
3. The date, time, and place of the meeting in which the vacancy will be filled (which shall be the earliest regular City Council meeting, or at a special meeting before then, which complies with this Chapter).

80.10.040. Submission of Applications (to Fill Vacancies); and Verification of Qualifications.

Applications (to fill elected vacancies) may be submitted by qualified applicants, as follows:

1. To the City Recorder (no filing fee required); and
2. By the deadline, which is by 12:00 Noon seven calendar days before the City Council meets to fill the vacancy (on the same day of the week); and
3. With a signed "qualifications statement," which certifies that the individual meets all of the statutory qualifications, including the qualifications identified in Utah Code Sections 10-3-301, 20A-1-510, and 20A-9-203 (which includes residency requirements, registered voter status, and lack of holding multiple offices, etc.), with the City Recorder to verify said qualifications; and
4. With optional additional information, including a resume, list of relevant experience, etc.

80.11.050. Procedures for Making an Interim Appointment for City Council Member (by Secret Ballot); and Resolution of Tie Votes by the Mayor.

For the meeting in which the City Council acts to fill a vacancy in the office of City Council member:

1. **Basic Process.** Only applicants who qualify by meeting the requirements of PMC Section 80.10.040 shall be considered by the City Council (an individual who has not submitted an application may not be considered). An applicant is not required (but is encouraged) to attend, and shall be allowed three minutes (in random order) during the interim appointment portion (sometime after any public comments portion) of the agenda to state his/her qualifications. City Council members are automatically compelled to attend the meeting, as per Utah Code

Section 10-3-505. During the meeting, voting (for each ballot) shall be by secret ballot (with the City Recorder to read aloud and record each anonymous vote, after all of the votes have been cast), with up to three ballots, as per Sub-Sections 2 through 4 (starting with the ballot applicable to the number of qualified applicants), as per Article IV, Section 8 of the Utah Constitution; and

2. **"First Ballot."** When there are four or more qualified applicants, each City Council member may cast votes for up to three applicants: three votes for a first choice applicant, two votes for a second choice applicant, and one vote for a third choice applicant; with the three applicants receiving the highest number of votes advancing to the "Second Ballot," unless one applicant receives all of the first choice votes cast (in which case said applicant shall be declared as appointed); and
3. **"Second Ballot."** When there are three qualified applicants, each City Council member may cast votes for up to two applicants: two votes for a first choice applicant, and one vote for a second choice applicant; with the two applicants receiving the highest number of votes advancing to the "Third Ballot," unless one applicant receives all of the first choice votes cast (in which case said applicant shall be declared as appointed); and
4. **"Third Ballot."** When there are two qualified applicants, each City Council member may cast only one vote for a first choice applicant, with the applicant receiving the highest number of votes being appointed to fill the vacancy; and
5. **Only One Applicant.** When there is only one qualified applicant (per vacancy), the City Council shall declare said applicant(s) as being appointed to fill the vacancy(ies); and
6. **Prohibited Actions.** With regards to any ballot, a City Council member (or the Mayor) may not:
   (a) Interview any applicant(s) in a private or closed (executive) session; or
   (b) Request a procedure or cast a vote(s) which is/are contrary to the provisions of this Chapter; or
   (c) Cast any vote(s) if he/she is not present (or if he/she has resigned); or
   (d) Cast first choice and second choice vote(s), or second choice and third choice vote(s), etc., for the same applicant on the same ballot; or
   (e) Change his/her vote(s) once cast, or make a motion to reconsider or to change any vote(s) after they have been cast; or
   (f) Participate in the process or cast a vote(s) regarding his/her own replacement; and
7. **Specially Allowed Actions.** With regards to any ballot, a City Council member may: (a) Choose to not cast some or all of his/her vote(s) and/or randomly cast some or all of his/her vote(s), as per PMC Section 80.11.070; or
   (b) Act as part of a majority of City Council members, regardless of the number, to fill any vacancy(ies) in the City Council (including the office of Mayor, who is a member of the City Council), as per Utah Code Sections 20A-1-510 and 10-3b-303; or

(c) Ask one question in the open meeting, to be answered by each applicant present, in random order (in one minute or less each), before any ballot; and

8. **Resolution of Tie Votes.** Although otherwise unable to cast a vote(s), in the event of a tie vote during any ballot, the Mayor may cast the deciding vote(s) to break the tie [as allowed by Utah Code Section 10-3b-302(1)(b)(i)], thus determining which tying applicant(s) shall advance to the next ballot (or which applicant shall be appointed to fill the vacancy, if the tie occurs during the Third Ballot). If the Mayor is not present or does not choose to break the tie, then the tie shall be resolved as per PMC Section 80.11.070.

80.11.060. Procedures for Making an Interim Appointment for Mayor (by Secret Ballot).

For the meeting in which the City Council acts to fill a vacancy in the office of Mayor:

1. **Use City Council Member Appointment Procedures; Resolution of Tie Votes.** The appointment procedures in PMC Section 80.11.050 (Sub-Sections 1-7) shall be followed, with any tie vote during any ballot to be resolved as per PMC Section 80.11.070; and
2. **An Applicant May Not Participate in the Process.** Other than participating as an applicant, a City Council member may not participate in any part of the process to fill a Mayor vacancy if such member is an applicant to fill said vacancy; and
3. **A New Process is Required for a Resulting City Council Member Vacancy.** If a City Council member is appointed pursuant to this Section (to fill a vacancy in the office of Mayor), a new interim appointment process (with a new set of public notices and applications, etc.) shall be commenced, pursuant to this Chapter, to fill the resulting City Council member vacancy (said vacancy shall not be filled at the same time).

80.11.070. Random Resolution of Tie Votes by the City Recorder.

In the event of: (a) a tie vote during any ballot (for the office of City Council member or Mayor), which is not otherwise resolved herein; or (b) a City Council member choosing to randomly cast some or all of his/her vote(s); then the tie shall be randomly broken (or the vote(s) shall be randomly cast) by the City Recorder, in the presence of the City Council and the public, as follows:

1. **Breaking a Tie Between Two Applicants.** The City Recorder shall flip a coin so that it lands on the floor, with “heads” facing up indicating that the applicant with the last name which is first in alphabetical order has “prevailed” (advanced to the next ballot or appointed to fill the vacancy; or vote cast for), and with “tails” facing up indicating that the applicant with the last name which is last in alphabetical order has prevailed; and
2. **Breaking a Tie Between Three or More Applicants.** With the assistance of the City Attorney, the City Recorder shall devise, explain, and use a die/dice method

or some other equitable, random method of determining the applicant(s) who shall prevail; and

3. **Substitute.** In the absence of the City Recorder or City Attorney, a Deputy City Recorder or Assistant City Attorney may fulfill the responsibilities identified in this Chapter.

80.11.080. Required City Council Action, After a Vacancy Exists for 30 Days.
If, for any reason, the City Council does not complete the process to fill a vacancy in the office of City Council member or Mayor within 30 days after the vacancy occurs, the City Council shall immediately vote (at the next regular City Council meeting after the initial meeting to fill the vacancy(ies), or at a special meeting before then), as per Utah Code Section 20A-1-510(1)(c):

1. **"Special Ballot."** The two applicants having previously received the highest number of votes from the City Council shall appear before the City Council, which shall vote again; with the Mayor not being allowed to cast a deciding vote; and with any tie for the second highest number of votes to first be randomly broken as per PMC Section 80.11.070; and
2. **Lack of Majority Vote.** If neither applicant receives a majority vote from the City Council at that time, the vacancy shall be randomly filled by the City Recorder, in the presence of the City Council and the public, as per PMC Section 80.11.070(1).

80.11.090. Oath of Office for Newly Appointed City Council Member or Mayor.
At the end of the meeting in which the City Council completes the action to fill the vacancy in the office of City Council member or Mayor (or as soon thereafter as is possible), the applicant appointed shall take the Oath of Office (shall be "sworn in") for said office.

80.11.100. Procedures for Simultaneously Making Multiple Interim Appointments to Fill Elected Office Vacancies.
The following additional procedures shall apply when making multiple interim appointments to simultaneously fill multiple vacancies in the office of City Council member and/or Mayor:

1. **Same Notice.** If possible, all vacancies shall be identified in the same public notice; and
2. **Inability to Simultaneously Apply for Multiple Offices.** If vacancies simultaneously exist: (a) in the office of (one or more) City Council member(s); and (b) in the office of Mayor; then an applicant may apply for only one (not both) offices; and
3. **Order of Priority for Filling Multiple Offices.** If vacancies simultaneously exist: (a) in the office of (one or more) City Council member(s); and (b) in the office of Mayor; then the vacancy for Mayor shall first be resolved, with the newly appointed Mayor to immediately take the Oath of Office before proceeding

with filling any vacancy(ies) in the office of City Council member(s); but this does not apply to a City Council member vacancy resulting from a City Council member being appointed to fill a vacancy in the office of Mayor, which requires a new process (with a new set of public notices and applications, etc.) to be commenced, as per PMC Section 80.11.060(3).

4. **Simultaneously Filling Multiple City Council Member Vacancies.** If two vacancies simultaneously exist in the office of City Council member, said vacancies shall be simultaneously voted upon according to the procedures identified in PMC Section 80.11.050; with the two applicants receiving the highest number of votes during the Second Ballot being appointed to fill the vacancies; or with the City Council declaring one or both applicant(s) as being appointed to fill the vacancy(ies) when there is/are only one or two qualified applicant(s). Similar procedures shall be followed if there are three or more City Council member vacancies at the same time.

Legislative History

-Policy 04-02 adopted on 8/12/04 established a policy for opening ceremonies for City meetings.
-Resolution 05-01 superseded Resolution 00-06 and updated the existing City Council Rules: approved 01/27/05.
-Resolution 06-02 added the “3 week rule” for land use issues to be considered: approved 02/9/06.
-Resolution 06-16 added some additional City Council Rules regarding placement of items on the agenda and City Council Votes: approved 12/14/06.
-Resolution 07-28 required attendance by land use applicants at City Council Meetings: approved 10/11/07.
-Resolution 08-03 added rules regarding Minutes and City Council Staff: approved 01/24/08.
-Resolution 08-16 codified all existing City Council Rules of Procedure with new section numbers (all codified within PMC Title 80) and with minor technical corrections (repealing rule 4 and amending a few words of rules 1 and 5(E)(3) of Resolution 05-01 and adding PMC Section 80.07.060, other minor revisions to existing rules, etc.): approved 05/22/08.
Resolution 08-36 added PMC Chapter 80.09 and PMC Sections 80.01.020, 80.01.030, 80.01.040, 80.03.060, 80.06.005, 80.06.020, 80.06.030, 80.08.005, 80.08.015, 80.08.025, 80.10.030, 80.10.040, and 80.10.050; and added or changed a few words to PMC Chapter 80.02 (including the 3 week rule changed to a 2 week rule) and Sections 80.07.050, 80.07.060, 80.08.010, etc., and with other minor technical corrections: approved 09/25/08.
-Resolution 08-45 added Section 80.10.060, regarding the Administrative Law Judge as the substitute or alternative Appeal Authority for the City Council: approved 11/05/08.

-Resolution 08-46 added Sub-Section 80.08.010(3), modified a few words in PMC Section 80.08.025, and clarified a few words in PMC Section 80.03.060 to comply with the recent changes to PMC Section 43.04.125; and corrected typographical errors, added other clarifying language, and added page numbers and formatting for final version of 2008 Perry Municipal Code: approved 12/11/08.
-Resolution 09-38 added Chapter 80.11, regarding procedures for filling vacancies for City Council members and Mayor: approved 12/10/09.

Appendix 80A UTAH CODE CHAPTERS 10-3 AND 67-16 (MUNICIPAL GOVERNMENT AND ETHICS)

Appendix 80B UTAH CODE SECTION 10-8-2 (APPROPRIATIONS)

Appendix 80C UTAH CODE CHAPTER 52-4 (OPEN MEETINGS ACT)

Appendix 80D UTAH CODE SECTIONS IDENTIFIED IN CHAPTER 80.11

Title 81, General Resolutions
INDEX OF APPROVED AGREEMENTS AND CONTRACTS

Chapter 81.09. RESOLUTIONS ADOPTED IN 2009
Chapter 81.10. RESOLUTIONS ADOPTED IN 2010

Chapter 81.09.
RESOLUTIONS ADOPTED IN 2009

81.09.010. 08-47 (Agreement with Brigham City 450 W and Hwy 89), Approved 01/15/09.
81.09.020. 09-11 (Inter-local Agreement with Willard Fire/EMS), Approved 04/23/09.
81.09.030. 09-15 (Contract for Animal Services with Brigham City), Approved 05/28/09.
81.09.040. 09-16 (Police of Chief to Sign Inter-local Agreement with Box Elder Strike Force), Approved 06/11/09.
81.09.050. 09-17 (Contract for Fire Protection with Brigham City July 1, 2009 thru June 30, 2010), Approved 06/25/09.
81.09.060. 09-20 (Contract for Engineering Firm to Provide Services for 2 Years), Approved 08/13/09.
81.09.070. 09-34 (Agreement to Utah Communication Network (800 MHz)), Approved 11/19/09.

Chapter 81.10.
RESOLUTIONS ADOPTED IN 2010

81.10.010. 10-06 (Mayor Sign Contract with Comcast), Approved 03/25/10.
81.10.020. 10-08 (Mayor Sign Contract for Fire Protection with Brigham City), Approved 04/22/10.
81.10.030. 10-09 (Contract with Sunrise), Approved 04/22/10.
81.10.033. 10-10 (Inter-local Agreement to Form the Utah Infrastructure Agency), REJECTED 06/24/10.
81.10.036. 10-13 (Communication Service contract With the Utah Infrastructure Agency), REJECTED 06/24/10.
81.10.040. 10-14 (City Administrator Contract), Approved 08/26/10.
81.10.050. 10-18 (Inter-local Storm Water Service Agreement with Brigham City), Approved 04/22/10.

Legislative History
First Index Codification: January 13, 2011

Revised: 01/13/2011

Title 82, General Resolutions
INDEX OF PROCLAMATIONS, BALLOT ISSUES, STATEMENTS OF SUPPORT APPOINTMENTS, AND AWARDS

Chapter 82.09. RESOLUTIONS ADOPTED IN 2009
Chapter 82.10. RESOLUTIONS ADOPTED IN 2010

Chapter 82.09.
RESOLUTIONS ADOPTED IN 2009

82.09.010. 09-13 (Municipal Clerk Week May 3rd thru May 9th), Approved 04/23/09.
82.09.020. 09-14 (National Police Week May 10th thru 16th), Approved 05/14/09.
82.09.030. 09-35 (Award expressing appreciation to Taylor North), Approved 12/10/09.

Chapter 82.10.
RESOLUTIONS ADOPTED IN 2010

82.10.010. 10-05 (100 Years of Scouting), Approved 05/27/10.
82.10.020. 10-07 (Municipal Clerks Week), Approved 04/22/10.
82.10.030. Motion, Agenda Item 6-B (Adopt a Proclamation Promoting a Child-Safe Community Standard), Approved 12/09/10.

Legislative History
First Index Codification: January 13, 2011

Title 83, General Resolutions
JOB DESCRIPTIONS AND OTHER PERSONNEL RESOLUTIONS

Chapter 83.01. ADMINISTRATIVE SERVICES DEPARTMENT
Chapter 83.02. RECORDER'S OFFICE
Chapter 83.03. PUBLIC WORKS & MAINTENANCE DEPARTMENT
Chapter 83.04. COMMUNITY DEVELOPMENT DEPARTMENT
Chapter 83.05. POLICE DEPARTMENT
Chapter 83.06. EMERGENCY SERVICES DEPARTMENT (Reserved)
Chapter 83.08. INDEX CHAPTER OF PERSONNEL RESOLUTIONS (Reserved)
Chapter 83.11. ADMINISTRATIVE POLICY: MOBILE/CELL PHONES
Chapter 83.12. PERRY CITY VEHICLE POLICY
Chapter 83.13. CAPITALIZATION POLICY
Chapter 83.14. EMPLOYEE DRESS CODE

Chapter 83.01.
ADMINISTRATIVE SERVICES DEPARTMENT

83.01.010. City Administrator/City Attorney.

83.01.010. City Administrator/City Attorney.

The following information regarding the City Administrator:

1. Position Title: City Administrator/ City Attorney — Reports To: Mayor and City Council
   Department: Administrative Services — Date Prepared: 10/07
   FLSA Status: Exempt
2. Purpose of Position: The City Administrator/City Attorney is responsible for coordinating all the day to day affairs of the city and supervising all department heads. The City Administrator/City Attorney also handles or supervises all legal services and special projects.
3. Essential Duties and Responsibilities:
   a. Serve as director of the Administrative Services Department, upon the creation of such department, and supervise other department heads or directors;
   b. Administer and exercise supervisory control of all departments, offices, divisions or bureaus of the City, and all subordinate officers and employees of the City;
   c. Manage the day-today operations of the City as directed by the Mayor and Council;
   d. Investigate, examine, or inquire into the affairs or operations of any department, office, division, or commission of the City as needed or authorized by the Mayor and Council;
   e. Consult with the Mayor and give recommendations for hiring, disciplining or termination of any City employee, or appointed officer;
   f. Conduct performance evaluations, recommend pay increases and bonuses for City employees, and initiate pay adjustments as prescribed by ordinance or policy;

g. If a licensed attorney, fill the role of City Attorney for all civil law issues (including reviewing and/or drafting contracts, agreements, ordinances, resolutions, etc., and supervising any prosecuting attorney, special litigation attorney, etc.);
h. Direct the formulation, administration, and enforcement of all laws, the municipal code, and other ordinances;
i. Assist in the issuance of administrative rules and general administrative procedures;
j. Execute the policies affecting administration that are adopted by the Mayor and Council;
k. Assist in the preparation of the annual budget;
l. Have authority to sign checks and financial instruments on behalf of (substituting for) the Mayor for routine and Council-approved payments, including payroll, bills, invoices and other financial obligations (with the City Treasurer or Deputy Treasurer also signing);
m. Exercise general supervision over all public buildings, parks and other public property under the control and jurisdiction of the City, and ensure proper operation and maintenance of all City offices and facilities;
n. Attend Council meetings as necessary, and act as parliamentarian (as needed);
o. Employ consultants and professional counsel to aid administration as authorized by the Mayor and Council;
p. Examine performance requirements, delivery schedules, and estimates of costs of various contracts involving the City, to ensure completeness and accuracy;
q. Prepare or supervise the preparation of bids, specifications, progress reports and other items that may be required in connection with existing or proposed contracts;
r. Review bids and proposals from other agencies for conformity to contract requirements and help determine acceptable bids and proposals;
s. Assist in negotiating various contracts;
t. Administer contracts for services or otherwise for the City;
u. Coordinate scheduling for implementation and fulfillment of contracts and may act as liaison between City and contract provider;
v. Assist in affairs relating to other entities, agencies, governments, or municipalities as directed by the Mayor and Council;
w. Public relations and media affairs by preparing and issuing communications or news releases and by directing media operation operated by the municipality;
x. Oversee a proper and effective relationship with the local justice court, as directed by the Mayor and Council;
y. Perform such other duties as may be delegated or assigned to the City Administrator.

4. Knowledge and experience: Masters Degree in Political Science, Public Administration, or similar degree required. Law Degree (Juris Doctorate) for legal responsibilities is also required. Must have experience working for other municipalities. Must be able to apply concepts of basic algebra and geometry for preparing and reviewing reports. Must be familiar with most standard office machines and to access computer and obtain information. Must have training in land use and parliamentary procedures. Must have the ability to read, analyze and interpret complex documents. Must be able to write articles, speeches, presentations, and reports for top management, public groups and/or City Council.

5. Communication skills: Must be able to communicate with co-workers, community, and City Council over the phone and in person to manage all day to day operations. Must be able to give presentations and conduct meetings to both large and small groups.
6. Physical Requirements and work environment: While performing the duties of this position, the employee is frequently required to sit, use hands to finger, handle, or feel tools on controls such as when working with the computer, and to talk and hear when managing day to day affairs of the city communicating with employees, Mayor, and City Council. This position may occasionally require lifting or moving up to 10 pounds; to stand and walk in the office and in diverse weather conditions to check on development in the community. Must have close vision ability for spending extended periods of time on the computer and to see color for developing presentations.
7. Supervisory/ Management Skills: Responsible for supervising all City Departments. There are 4 departments and 20 employees that report to subordinate supervisors. This position is also responsible for the supervision of City Prosecuting Attorney and any independent contractors.
8. Attendance and Punctuality: Regular attendance to handle day to day affairs of the City is required. It is essential to attend commission and city council meetings or notify someone to go in their place.

Chapter 83.02.
RECORDER'S OFFICE

83.02.010. City Recorder/Admin Police Secretary/Office Manager.
83.02.020. Chief Deputy Recorder/ Finance.
83.02.030. City Treasurer/ Payroll Clerk.
83.02.040. Human Resources Generalist.
83.02.050. Records & Community Service Clerk

83.02.010. City Recorder/Admin Police Secretary/Office Manager.

The following regarding the city recorder, administrative police secretary, and/or office manager:

1. Division: Administration Reports to: City Administrator & Mayor
   Department: Recorder's Office Date Prepared: October 2007
   FLSA: Non-Exempt Grade:
2. Purpose: Manages a variety of professional administrative and managerial duties related to planning, directing, organizing, and controlling the functions of the finance area.
3. Essential Duties and Responsibilities:
   a. Office:
      i. Support City Recorder as assigned
      ii. Receive Government Records and Access Management Act requests
      iii. General office duties of typing, phones, correspondence, faxing, copying, customer service and other office duties as assigned
   b. Fleet Management:
      i. Maintain vehicle files and titles
      ii. Track purchases and payments regarding all vehicles;

iii. Track registrations, inspections, schedule maintenance for all vehicles, and maintain insurance for vehicles
iv. Assign and track gas/fuel cards and purchases

c. Financial Management:
i. Manages the day-to-day operations of city finance area.
ii. Oversee City data and information processing, payroll, accounts payable, utility billing, utility collections and records retention.
iii. Oversees and manages city cash management and investment program
iv. Monthly reconciliation and audit of books and bank reconciliation
v. Check invoices for accuracy – assign account numbers
vi. Plans, organizes and supervises the process for receiving and disbursing City finances as well as maintaining complete and accurate records of all financial transactions.
vii. Creates accounts and sub-accounts as needed to monitor fund allocations and disbursements.
viii. Monitors and reviews fund balances. Monitors and determines city financial needs and identifies idle funds follows established statutory guidelines for the investment of idle funds to achieve maximum usage of public taxes and other revenue collections and coordinates investment actions with City Treasurer.
ix. Provides the City Administrator, Mayor and City Council with information and recommendations for efficient fiscal administration, recommends rules, regulations, policies and procedures, and implements the same upon approval.
x. Assures City fiscal activities conform to statutory and generally accepted accounting principles
xi. Monitors revenues and expenditures and apprises management of revenue shortfalls, expenditure overruns and non-compliance situations.
xii. Performs internal audit to control and manage city-wide accounting, financial reporting and budgeting
xiii. Coordinates annual external audit
xiv. Directs and coordinates year-end reports, closing functions and prepares annual financial report and historical reports
xv. Posts fund transfers auditor entries and adjusting journal entries
xvi. Performs administrative and supervisory duties related to planning, directing, organizing, and controlling the documentation and recoding of city records, assures record retention and access practices comply with established state and federal law.

4. Budgets:
   a. Prepares implements and manages department budget.
   b. Prepares citywide budget.
   c. Coordinates the budget development process with various city department heads, forecasting revenues and expenditures
5. Risk Management:
   a. Serves as member of City claims/risk management committee to assist with review of claims made and asses City responsibility and make recommendation for

resolution. Assist evaluation of risk potential and make recommendations for safety programs.

6. Knowledge and experience:
   a. Bachelor Degree in accounting, finance, business administration or related field preferred.
   b. Must have two years of experience as a financial clerk, financial director or related duties.
   c. Must have thorough knowledge of generally accepted accounting principles (GAAP) and the Governmental accounting standard Board Pronouncements (GASB).
   d. Must be able to type 40 words per minute.
   e. Must be computer literate and familiar with most office software.
   f. Must be able to communicate verbally and in writing.
   g. Supervisory experience preferred.
   h. Must have knowledge of the following:
      i. Municipal organizations and department operations including applicable laws and regulations
      ii. Internal control principles and methods of application
      iii. The Uniform Municipal Fiscal Procedures Act
      iv. Budgeting, accounting and related statistical procedures
      v. Various revenue sources available to local governments including state and federal sources
      vi. Local investment options and opportunities
      vii. Computer accounting applications and various software financial programs
      viii. Business and technical writing.
   i. Must have considerable knowledge of principles of management, supervision and employee motivation.
   j. Must have ability to analyze a variety of financial problems and make recommendations.
   k. Must be able to produce or compose formal documents, reports and records and communicate effectively verbally and in writing.
   l. Must be bondable.
7. Interpersonal and Communication Skills: Must be able communicate with co-workers, subordinates, City Council members, city claims/risk management, city treasurer and others to manage city maintenance. Must be able to read and write reports and other business correspondence.
8. Physical Requirements and work environment: This position performs in a typical office setting with appropriate climate controls. Tasks require variety of physical activities, involving occasional muscular strain related to walking, standing, stooping, and sitting, reaching, talking, hearing and seeing. Mental application utilizes memory for details, verbal instructions, emotional stability and discriminating thinking.
9. Attendance and punctuality: Regular and predictable attendance and proper notification/communication in the event of absence.
10. Supervisory/Management Skills: This position will assist in the management of office staff. Management skills and experience are essential to this position.

83.02.020. Chief Deputy Recorder/ Finance.

The following regarding the Chief Deputy Recorder/ Finance:

1. Division: Administration Reports to: City Recorder & Mayor
   Department: Recorder's Office Date Prepared: 10/07
   FLSA: Non-Exempt Grade:
2. Purpose: Manages a variety of professional administrative and managerial duties related to planning, directing, organizing, and controlling the functions of the finance area.
3. Essential Duties and Responsibilities:
   a. Office:
      i. Support City Recorder as assigned.
      ii. Receive Government Records and Access Management Act requests.
      iii. General office duties of typing, phones, correspondence, faxing, copying, customer service and other duties assigned.
   b. Fleet Management:
      i. Maintain vehicle files and titles.
      ii. Track purchases and payments regarding all vehicles.
      iii. Track registrations, inspections, schedule maintenance for all vehicles and maintain insurance for vehicles.
      iv. Assign and track gas/fuel cards and purchases.
4. Financial Management:
   a. Manages the day-to-day operations of city finance area.
   b. Oversee City data and information processing, payroll, accounts payable, utility billing, utility collections and records retention.
   c. Oversees and manages city cash management and investment program.
   d. Monthly reconciliation and audit of books and bank reconciliation.
   e. Check invoices for accuracy and assigns account numbers.
   f. Plans, organizes and supervises the process for receiving and disbursing City finances as well as maintaining complete and accurate records of all financial transactions.
   g. Creates accounts and sub-accounts as needed to monitor fund allocations and disbursements.
   h. Monitors and reviews fund balances. Monitors and determines city financial needs and identifies idle funds follows established statutory guidelines for the investment of idle funds to achieve maximum usage of public taxes and other revenue collections and coordinates investment actions with City Treasurer.
   i. Provides the City Administrator, Mayor and City Council with information and recommendations for efficient fiscal administration, recommends rules, regulations, policies and procedures, and implements the same upon approval.
   j. Assures City fiscal activities conform to statutory and generally accepted accounting principles.
   k. Monitors revenues and expenditures and apprises management of revenue shortfalls, expenditure overruns and non-compliance situations.
   l. Performs internal audit to control and manage city-wide accounting, financial reporting and budgeting.
   m. Coordinates annual external audit.
   n. Directs and coordinates year-end reports, closing functions and prepares annual financial report and historical reports.

   o. Posts fund transfers auditor entries and adjusting journal entries.
   p. Performs administrative and supervisory duties related to planning, directing, organizing, and controlling the documentation and recoding of city records, assures record retention and access practices comply with established state and federal law.
5. Budgets:
   a. Prepares implements and manages department budget.
   b. Prepares citywide budget.
   c. Coordinates the budget development process with various city department heads, forecasting revenues and expenditures
6. Risk Management:
   a. Serves as member of City claims/risk management committee to assist with review of claims made and asses City responsibility and make recommendation for resolution. Assist evaluation of risk potential and make recommendations for safety programs.
7. Knowledge and experience:
   a. Bachelor Degree in accounting, finance, business administration or related field preferred.
   b. Must have two (2) years of experience as a financial clerk, financial director or related duties.
   c. Must have thorough knowledge of generally accepted accounting principles (GAAP) and the Governmental Accounting Standard Board Pronouncements (GASB).
   d. Must be able to type 40 words per minute.
   e. Must be computer literate and familiar with most office software.
   f. Must be able to communicate verbally and in writing.
   g. Supervisory experience preferred.
8. Must have knowledge of the following:
   a. Municipal organizations and department operations including applicable laws and regulations.
   b. Internal control principles and methods of application.
   c. The Uniform Municipal Fiscal Procedures Act.
   d. Budgeting, accounting and related statistical procedures.
   e. Various revenue sources available to local governments including state and federal sources.
   f. Local investment options and opportunities.
   g. Computer accounting applications and various software financial programs.
   h. Business and technical writing.
   i. Considerable knowledge of principles of management, supervision, and employee motivation.
   j. Ability to analyze a variety of financial problems and make recommendations.
   k. Be bondable.
9. Interpersonal and Communication Skills: Must be able to communicate with co-workers, subordinates, City Council members, city claims/risk management, city treasurer and others to manage city maintenance. Must be able to read and write reports and other business correspondence.
10. Physical Requirements and work environment: This position performs in a typical office setting with appropriate climate controls. Tasks require variety of physical activities, involving occasional muscular strain related to walking, standing, stooping, and sitting,

reaching, talking, hearing and seeing. Mental application utilizes memory for details, verbal instructions, emotional stability and discriminating thinking.

11. Attendance and punctuality: Regular and predictable attendance and proper notification/communication in the event of absence.
12. Supervisory/Management Skills: This position will assist in the management of office staff. Management skills and experience are essential to this position.

83.02.030. City Treasurer/ Payroll Clerk.

The following applies to the City Treasurer/ Payroll Clerk:

1. Division: City Treasurer — Reports to: City Recorder
   Department: Recorder's Office — Date Prepared: October 2007
   FLSA: Non-Exempt — Grade:
2. Purpose: This position is primarily responsible for handling all payroll functions, purchase orders, and transferring City funds.
3. Essential Duties and Responsibilities:
   a. Handle Treasurer duties: Prepare Daily Bank Deposits-reconcile amounts with cash receipting, petty cash, prepare manual checks-verify receipts, collections-small claims court filings, maintain list of utility deposits/refunds, handle purchase orders, print and file payment/receipt register, update general ledger for cash receipting
   b. Payroll and Employee Benefits: Post time card hours and print payroll checks, track accrued and used sick/vacation time, maintain personnel files, keep employee payroll master sheet, maintain and provide all employment taxes and benefit (retirement, health, dental, disability) forms, generate employment security reports, and manage workers compensation billing.
   c. City Mailings: Stuffing labels, sort utility statements, copy newsletter for distribution with statements, coordination of advertising inserts, certified letters for notices (public hearings, zone changes, subdivisions, board of adjustment, design reviews, etc.)
   d. Back Flows: Prepare and mail certified notifications, keep current testing report, keep current list of back-flows - fill out installation form & file
   e. Office and Misc: Typing, Phones, Correspondence, Customer Service, Prepare files of new residents - update card file of addresses, add new resident names to maps and address list, maintain City Insurance file, maintain tax exempt forms for vendors
4. Knowledge and experience:
   a. Must have a high school diploma or GED
   b. Must have 1-3 months of payroll and finance experience.
   c. Must have interpersonal skills and experience working with the public.
   d. Must have basic math skills to handle cash receipts, payroll and other financials.
   e. Must be able to type or take shorthand and speed is required.
   f. Must be computer literate and familiar with most office equipment.
5. Interpersonal and Communication Skills: Must be able communicate with employees and Citizens through letters, email, and phone. Must be able to read and write letters, purchase orders, and signature.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is in an office setting and will be required to occasionally stoop, kneel, crouch, or crawl while handling some office responsibilities. The employee is

frequently required to sit, use hands to finger, handle, or feel tools and controls such as when working with the computer; reach with hands and arms while filing; and communicate via phone and in person to customers, developers, and vendors. Must have close vision ability for filing and spending extended periods of time on the computer.

7. Attendance and Punctuality: Regular and predictable attendance and proper notification/communication in the event of absence or tardiness are essential functions of this position.
8. Supervisory/Management Skills: This position does not have any supervisory responsibilities.

83.02.040. Human Resources Generalist.

The following applies to the Human Resources Generalist:

1. Division: Administration Reports To: Mayor/ City Council
   Department: Administrative Services Date Prepared: 10/07
   FLSA Status: Exempt Grade:
2. Purpose of Position: Oversees and administers all areas of Human Resource for Perry City.
3. Essential Duties and Responsibilities:
   a. Recommends and implements guidelines and practices to enhance efficiency and effectiveness of human resource management programs, i.e., recruitment, selection, compensation, classification, performance management, orientation, incentive systems and employee relations.
   b. Advises supervisory/managerial staff of State and Federal laws, regulations and guidelines.
   c. Maintains and updates EEO and Affirmative action plan.
   d. Oversees administrations of workers compensation program.
   e. Conducts job analysis.
   f. Monitors short-term disability, long-term disability and FMLA request, notifications and leave used.
   g. Manages confidential personnel files.
4. Knowledge and experience:
   a. Bachelor's Degree in Human Resources, Organizational behavior or similar degree preferred.
   b. Must have 3-5 years of full-time related experience (required).
   c. PHR, SPHR certifications preferred.
   d. Must be able to write job descriptions, presentations, and reports for top management, public groups and/or City Council.
   e. Must have considerable knowledge of human resource management theory, development, methods and practices.
   f. Must be familiar with the legal environment related to human resource management; benefits, retirement, and compensation laws and guidelines.
5. Communication Skills: Must be able to communicate with administration, professional leadership, and give direction for organization. Must be able to give presentations, trainings, and conduct meetings to both large and small groups. Conducts periodic review and update of policy manuals; prepares and publishes policy changes and educate

supervisors and employees on changes. Must be able to negotiate with benefit providers and make recommendations on plan modifications and enhancements.

6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is in an office setting and will be required to occasionally stoop, kneel, crouch, or crawl while handling some office responsibilities. The employee is frequently required to sit, use hands to finger, handle or feel tools and controls such as when working with the computer; reach with hands and arms while filing; and communicate via phone and in person to customers, developers, and vendors. Must have close vision ability for filing and spending extended periods of time on the computer. This position may occasionally require travel to various locations to meet with supervisors/managers.
7. Supervisory/ Management Skills: Responsible for supervising all city departments in human resource services and activities.
8. Attendance and Punctuality: Regular attendance to handle day to day affairs of the city is required. It is essential to attend commission and City Council meetings when assigned or notify someone to go in their place.

83.02.050. Records & Community Service Clerk

The following regarding the Records & Community Service Clerk:

1. Division: Administrator Reports to: City Recorder
   Department: Recorder's Office Date Prepared: 10/07
   FLSA: Non-Exempt Grade:
2. Purpose: Performs day to day operations of complex clerical duties as needed to expedite the administrative processes and procedures relating to writing, documenting, maintaining, controlling, and filing, records (police and non-police records as assigned by office manager and/or administration secretary), reports, case files, statistics and other city information.
3. Essential Duties and Responsibilities: The essential duties and responsibilities are:
   a. Performs as certified operator of state (BCI) and national computer systems; receives and transmits teletypes through the National Law Enforcement Teletype System; initiates inquiries of the Utah driver's license and motor vehicle files and relays to appropriate personnel; verifies NCIC hits to assure accuracy; enters, modifies, clears, conceals and inquires on wanted and missing persons, stolen and recovered property and vehicles; utilizes Utah criminal history files; follows rules, regulations and guidelines pertaining to the access and dissemination of related files.
   b. Provides information and referral as necessary in response to questions or complaints from the public or other agencies and routes them to the appropriate department member. Routes specific requests or complaints to the appropriate department member. A safeguard police records and ensures that any information is disseminated in accordance with Government Records and Access Management Act requests and departmental policies.
   c. Operates personal computer terminal as needed to enter and maintain an accurate, comprehensive and up-to-date data base of incidents and reports; updates and maintains related index files such as property, impounds and family fights; updates dispositions on each case and enters changes into computer information base.

d. Initiates reports on minor criminal and non-criminal incidents through contact with citizens by phone or in the person; conducts interrogation to assess nature, location and priority of requests for service; determines the preliminary classification and appropriate course of action according to established policies and procedures.
e. Monitors radio and telephones for police department.
f. Operates various equipment including city telephone system, paging system, FAX, computers, printers, copy machine and document shredder.
g. If female, performs as a matron by searching female prisoners; controls entry of persons into the police department; conducts preliminary background investigations and computerized searches via state computer system (NCIC, UCCH, etc.), in-house arrest records, ets., and supply authorized individuals with results as per GRAMMA and department policies.
h. Takes fingerprints as ordered by the court, or as requested by citizens, maintains list of responsible parties for local businesses and updates printed list as needed.
i. Locates police reports and makes copies for the officers, public, attorneys and insurance companies; performs various records tracking activities as needed to obtain driver's license information, vehicle registration, Utah Criminal History, NCIC (Interstate Identification Index), out of state vehicle registration, driver's license information, NCIC wanted persons, stolen autos and property checks.
j. Enters juvenile and adult arrest and citation information; identifies nature of crimes by established categories and classifications; monitors files to assure proper NIBRS classification; assures the proper dissemination of documents at various stages of the legal system process; expedites delivery as needed, including internal departmental dissemination; prepares report files for court appearances.
k. Prints briefing logs for on-coming shifts; issues incident and case numbers; maintains the standard logs, performs manual logging as needed.
l. May perform computer entry of criminal and non-criminal reports submitted by officers; checks and updates records; monitors in-house computer; generates statistical summaries for calls and services for staff and other agencies.
m. Assist and substitute for the receptionist/front desk answering phone calls and helping customers, scheduling parks and buildings, and informing police of relevant events.
n. Perform other related duties as required by office manager and/or administration secretary.

4. Knowledge and experience: The following are requirements regarding knowledge and experience:
   a. Must have a high school diploma or equivalent and training or experience in general office practices and procedures and have successfully completed BCI Proficiency Certification.
   b. Must be computer literate and familiar with standard office software applications and equipment (ie., Microsoft Office Products, copier, fax, shredder, etc.)
   c. Must have record keeping experience with police records and all other office record keeping and filing.
   d. Must be able to communicate effectively verbally and in writing with co-workers, supervisors, and the public using proper telephone etiquette, grammar, and spelling.

e. Ability to exercise initiative, independent judgment and to act resourcefully under varying conditions.
f. Must be able to type 40 wpm
g. Familiar with NIBRS codes
h. Must be able to maintain strict confidentiality related to sensitive administrative and legal information.
i. Must be able to work under time pressures and work deadlines.
j. Must have a valid Utah Drivers License.

5. Interpersonal and Communication Skills: Must be able to communicate with co-workers, subordinates, city council, policy department, and general public. Must be able to read and write letters, reports, and other business correspondence.
6. Physical Requirements and work environment: While performing the duties of this position, the employee is occasionally required to stoop, kneel, crouch, or crawl while filing or handling other office responsibilities; may require lifting up to 10 pounds. The employee is frequently required to sit, use hands to finger, handle, or feel tools and controls such as when working with the computer; reach with hands and arms while filing; and must be able to talk and hear to communicate via phone and in person to co-workers, supervisors, and the public. Must have close vision ability for filing and spending extended periods of time on the computer. Mental application utilizes memory for details, verbal instructions, emotional stability and discriminating thinking.
7. Attendance and punctuality: Regular and predictable attendance and proper notification/communication in the event of absence or tardiness are essential requirements of this position.
8. Supervisory/Management Skills: This position does not have any supervisory responsibilities.

Chapter 83.03.
PUBLIC WORKS AND MAINTENANCE DEPARTMENTS

83.03.010. Public Works Director.
83.03.030. Maintenance Worker III.
83.03.040. Maintenance Worker II.
83.03.050. Maintenance Worker I
83.03.120. Parks Worker Part-Time.
83.03.100. Parks Superintendent.
83.03.110. Parks Worker Full-Time.

83.03.010. Public Works Director.

The following regarding the Public Works Director:

1. Division: Streets and Utility — Reports to: City Administrator
   Dept: Public Works and Maintenance — Date Prepared: 10/07
   FLSA: Non-Exempt — Grade:
2. Purpose: To operate and maintain Perry City water, sewer, and streets and to maintain compliance with the rules and regulations of the state of Utah. This position is also

responsible for supervising all employees who work in the maintenance department of Perry City.

3. Essential Duties and Responsibilities:
   a. Supervise all Public Works and Maintenance employees
   b. Manage all areas of the department to ensure that projects are completed and city water and roads are working properly
   c. Maintain city drinking water: maintain adequate storage levels, proper chlorine residuals, manage water facilities
   d. Read water meters
   e. Ensure sewer lines and stations are operating and all lines are clear. Direct all routine cleaning of sewer lines
   f. Sample water and sewage required by state
   g. Outline bid requirements for all streets
   h. Supervise road repair/maintenance and snow removal
   i. Purchase equipment
4. Knowledge and experience:
   a. Must have an Associate's Degree or technical training in Building/City Maintenance with 6 months to a year of experience in property maintenance
   b. Must have communication skills to coordinate city maintenance
   c. Must have basic math skills (algebra and geometry) to calculate capacities of reservoirs, pipes, flow rates, horse power, and other related math calculations
   d. Must have CDL drivers' license
   e. Must have a Utah State water and sewer certification
   f. Ability to operate equipment and/or tools used for building maintenance
   g. Must have management experience/skills to supervise all public works employees
   h. Must have problem solving skills and deal with a variety of situations where there is limited standardization
   i. Must be computer literate to write reports
5. Interpersonal and Communication Skills: Must be able communicate with co-workers, subordinates, technicians, contractors, engineers, City Council members, and others to manage city maintenance. Must be able to read and write reports and other business correspondence.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is in a variety of settings and may be subject to diverse weather conditions, work near moving mechanical parts, possible exposure to fumes or chemicals, and extreme heat. The employee is often required to lift up to 50 pounds, sit, use hands to finger coordination, handle, or feel tools and controls such as when working with tools; reach with the hands and arms, climb/balance, stoop, kneel, crouch, or crawl, talk and hear, while working on maintenance projects. The specific vision abilities required by the job include close, distance, color, peripheral, depth, and the ability to focus to accurately accomplish duties such as drive equipment, reading meters, reading chlorine flow rates, and other day to day duties.
7. Attendance and Punctuality: Regular and predictable attendance and proper notification/communication in the event of absence.

8. Supervisory/Management Skills: This position has direct supervision of 4 public works employees and also supervises the public works supervisor who manages 3 employees. Management skills and experience is essential to this position.

83.03.030. Maintenance Worker III.

The following regarding Maintenance Worker III:

1. Division: Streets and Utility Reports to: Public Works and Maintenance Director
   Department: Public Works and Maintenance
   FLSA: Non-Exempt Grade:
2. Purpose: Manages and maintains Perry City water supply, streets/roads, buildings, and equipment. Also repairs, operates, installs, and maintains Perry City water, sewer and streets. Maintains compliance with the rules and regulations of the State of Utah.
3. Essential Duties and Responsibilities:
   a. Maintain Roads: snow removal, grade, and repair roads
   b. Drive trucks, snow plow, and operate equipment to maintain city roads.
   c. Home Services
   d. Shop Mechanic: repair and maintain city vehicles, tools, and equipment (trucks, mowers, graders, etc.)
   e. Manage all equipment operations
   f. Handle emergency repair work of city roads, sewer and water
   g. General labor (spray weeds, shovel, etc.)
   h. Install and repair water main
   i. Inspection of all water works to ensure that they comply with state codes
   j. Maintains city offices and buildings, plumbing and electrical
   k. Project management responsibilities of road and water projects
4. Knowledge and Experience:
   a. Must have an Associate's Degree or technical training in Building/City Maintenance, with 6 months to a year of training or experience in property maintenance.
   b. Must have communication skills to coordinate city maintenance.
   c. Must have basic math skills (algebra and geometry) to calculate capacities of reservoirs, pipes, flow rates, horse power and other related math calculations.
   d. Must have CDL drivers' license.
   e. Must have a Utah State water and sewer certification.
   f. Ability to operate equipment and/or tools used for building maintenance.
   g. Must have management experience/skills to supervise all Public Works employees.
   h. Must have problem solving skills and the ability to deal with a variety of situations where there is limited standardization.
   i. Must be computer literate to write reports.
5. Interpersonal and Communication Skills: Must be able communicate with co-workers, and supervisor to coordinate city maintenance efforts. Must be able to read and write for tracking equipments and parts.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is frequently subject to outdoor weather conditions while handling repair work and will be required to sit, use hands to finger coordination, handle, or feel

tools and controls such as when working with various tools; reach with the hands and arms, climb/balance, stoop, kneel, crouch, or crawl, talk hear, while working on maintenance projects. Employee may occasionally be required to lift up to 25 pounds and may encounter chemicals, electric shock, and loud equipment. The specific vision abilities required by the job include close and distance, to repair equipment and read meters.

7. Attendance and Punctuality: Regular and predictable attendance and give proper notification/communication in the event of absence or tardiness are essential functions of this position.
8. Supervisory/Management Skills: This position manages city road/street projects and may be required to supervise employees assigned to help complete these projects.

83.03.040. Maintenance Worker II.

The following regarding Maintenance Worker II:

1. Division: Streets and Utility Department: Public Works and Maintenance
   Reports to: Public Works and Maintenance Director
   FLSA: Non-Exempt Grade:
2. Purpose: To operate and maintains Perry City water supply, streets/roads, buildings, and equipment. Also repairs, operates, installs, and maintains Perry City water, sewer and streets. Maintain compliance with the rules and regulations of the State of Utah.
3. Essential Duties and Responsibilities:
   a. Maintain Roads: snow removal, grade, and repair roads
   b. Drive trucks, snow plow, and operate equipment to maintain city roads.
   c. Home Services
   d. Shop Mechanic: repair and maintain city vehicles, tools, and equipment (trucks, mowers, graders, etc.)
   e. Manage all equipment operations
   f. Handle emergency repair work of city roads, sewer and water
   g. General labor (spray weeds, shovel, etc.)
   h. Install and repair water main
   i. Inspection of all water works to ensure that they comply with state codes
   j. Maintains city offices and buildings, plumbing and electrical
   k. Other duties as directed
4. Knowledge and Experience:
   a. Must have an Associate's Degree or technical training and six months to a year of experience in equipment operation and/or Building and City Maintenance.
   b. Must have communication skills to coordinate city maintenance with co-workers.
   c. Must have some basic math skills.
   d. Must CDL drivers' license.
   e. Ability to operate equipment and/or tools used for building and street maintenance. Must have experience operating a back hoe and driving large trucks.
   f. Must have ability to problem solve and manage projects.
   g. Must have a Utah State water certification.
   h. Must have problem solving skills and the ability to deal with a variety of situations where there is limited standardization.

   i. Must be computer literate to write reports.
5. Interpersonal and Communication Skills: Must be able communicate with co-workers, and supervisor to coordinate city maintenance efforts. Must be able to read and write for tracking equipments and parts.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is frequently subject to outdoor weather conditions while handling repair work and will be required to sit, use hands to finger coordination, handle, or feel tools and controls such as when working with various tools; reach with the hands and arms, climb/balance, stoop, kneel, crouch, or crawl, talk hear, while working on maintenance projects. Employee may occasionally be required to lift up to 25 pounds and may encounter chemicals and electric shock and loud equipment. The specific vision abilities required by the job include close and distance, to repair equipment and read meters.
7. Attendance and Punctuality: Regular and predictable attendance and give proper notification/communication in the event of absence or tardiness are essential functions of this position.
8. Supervisory/Management Skills: This position may occasionally manage minor city road/street projects.

83.03.050. Maintenance Worker I

The following regarding Maintenance Worker I:

1. Division: Streets and Utility Department: Public Works and Maintenance

   Reports to: Public Works and Maintenance Director
   FLSA: Non-Exempt Grade:
2. Purpose: To operate and maintains Perry City water supply, streets/roads, buildings, and equipment. Also repairs, operates, installs, and maintains Perry City water, sewer and streets. Maintain compliance with the rules and regulations of the State of Utah.
3. Essential Duties and Responsibilities:
   a. Maintain Roads: snow removal, grade, and repair roads
   b. Drive trucks, snow plow, and operate equipment to maintain city roads
   c. Home Services
   d. Shop Mechanic: repair and maintain city vehicles, tools, and equipment (trucks, mowers, graders, etc.)
   e. Manage all equipment operations
   f. Handle emergency repair work of city roads, sewer and water
   g. General labor (spray weeds, shovel, etc.)
   h. Install and repair water main
   i. Inspection of all water works to ensure that they comply with state codes
   j. Maintains city offices and buildings, plumbing and electrical
   k. Other duties as directed
4. Knowledge and Experience:
   a. Must have a high school diploma/GED and one to three months of training/experience in maintenance.
   b. Must have communication skills to coordinate city maintenance with co-workers.
   c. Must have some basic math skills.

   d. Must CDL drivers' license.
   e. Ability to operate equipment and/or tools used for building and street maintenance.
   f. Must have ability to apply commonsense understanding to carry out instructions.
5. Interpersonal and Communication Skills: Must be able communicate with co-workers, and supervisor to coordinate city maintenance efforts. Must be able to read and write for tracking equipments and parts.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is frequently subject to outdoor weather conditions while handling repair work and will be required to sit, use hands to finger coordination, handle, or feel tools and controls such as when working with various tools; reach with the hands and arms, climb/balance, stoop, kneel, crouch, or crawl, talk hear, while working on maintenance projects. Employee may occasionally be required to lift up to 25 pounds and may encounter chemicals and electric shock and loud equipment. The specific vision abilities required by the job include close and distance, to repair equipment and read meters.
7. Attendance and Punctuality: Regular and predictable attendance and give proper notification/communication in the event of absence or tardiness are essential functions of this position.
8. Supervisory/Management Skills: This position has no supervisory responsibilities.

83.03.120. Parks Worker Part-Time.

The following regarding the Parks Worker Part-Time position:

1. Division: Parks and Recreation — Reports to: Parks Superintendent
   Dept: Public Works and Maintenance — Date Prepared: 10/07
   FLSA: Non-Exempt — Grade:
2. Purpose: To maintain City Parks and assigned grounds in neat and orderly fashion by using powered landscaping or snow removal equipment as needed.
3. Essential Duties and Responsibilities:
   a. Mow Lawns
   b. Fix Sprinklers
   c. Fertilize grounds
   d. Daily maintenance of City parks
4. Knowledge and Experience:
   a. Must have high school diploma/GED and one to three months of experience in parks/grounds maintenance.
   b. Must have communication skills to work with co-workers and supervisor.
   c. Must have basic math skills to calculate square footage for landscaping material and to be able to make accurate measurements.
   d. Must have a Class D drivers' license.
   e. Ability to operate equipment and/or tools used for parks maintenance (lawn mower, sprayers, sprinklers, ext.)
   f. Ability to follow instructions and accomplish assigned tasks.
5. Interpersonal and Communication Skills: Must be able communicate with co-workers and supervisor to accomplish daily assignments. Must be able to read and write labels, safety instructions on chemicals and tools, and write reservation lists for park use.

6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is frequently subject to outdoor weather conditions and will be required to lift 10 pounds, sit, use hands to finger coordination, handle, or feel tools and controls such as when working with various tools; reach with the hands and arms, climb/balance, stoop, kneel, crouch, or crawl, talk, hear, while working on parks maintenance and development. This position may occasionally be required to lift up to 50 pounds and may encounter chemicals, vibration, loud equipment noise, humid conditions, working near moving machines, and airborne particles while working on landscaping equipment. The specific vision abilities required by the job include close, distance, peripheral, depth perception, and the ability to focus while working with landscaping equipment and tools in various environments.
7. Attendance and Punctuality: Regular and predictable attendance and give proper notification/communication in the event of absence or tardiness is an essential function of this position. Work schedule will be determined by supervisor to meet the needs of the parks department.
8. Supervisory/Management Skills: This position does not have any supervisory responsibilities

83.03.100. Parks Superintendent.

The following regarding the Parks Superintendent:

1. Division: Parks and Recreation — Reports to: Public Works and Maintenance Director
   Dept: Public Works and Maintenance — Date Prepared: 10/07
   FLSA: Non-Exempt — Grade:
2. Purpose: Plan, develop, and support goods and objectives of the city parks. Supervise park employees and determine employee training needs. Also participates in park planning and development, prepare reports, and address city/public concerns.
3. Essential Duties and Responsibilities:
   a. Manage day to day operations of the Parks and Recreation department
   b. Supervise all department employees
   c. Plan, organize, and direct parks maintenance
   d. Manage problems as they arise
   e. Maintain department budget
   f. Train employees on proper use/safety of tools, equipment, and hazardous materials (fertilizers, weed spray, etc)
   g. Coordinate all parks and recreation activities
   h. Meet with City Council to coordinate Park planning and development
4. Knowledge and Experience:
   a. Must have an Associate's Degree or technical training and/or four to five years of experience in landscape/horticulture and related equipment operation.
   b. Must have experience supervising and training landscaping employees.
   c. Organizational skills necessary to direct city parks planning and development.
   d. Must have communication skills to direct employees, present information to the city council and coordinate parks planning and development.
   e. Must have basic math skills to calculate parks budget, tools and equipment.
   f. Must have a class A drivers' license.

g. Must be certified in pesticide, turf, and landscape fertilization.
h. Ability to operate equipment and/or tools used for building and street maintenance. Must have experience operating a back hoe and driving large trucks.
i. Must have ability to problem solve and manage projects.
j. Must be computer literate to generate reports, memos, and letters.

5. Interpersonal and Communication Skills: Must be able communicate with subordinates, office employees, public and occasionally the city council to ensure that all aspects of city parks and development are handled properly. Must be able to read and write labels, manuals, reports for maintaining parks budget, and to generate reports of all parks planning and development. This position may be required to present information to supervisors and city council.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is frequently subject to outdoor weather conditions and will be required to sit, use hands to finger coordination, handle, or feel tools and controls such as when working with various tools; reach with the hands and arms, climb/balance, stoop, kneel, crouch, or crawl, talk hear, while working on parks maintenance and development. This position may occasionally be required to lift up to 25 pounds and may encounter chemicals, vibration, and loud equipment noise, humid conditions, working near moving machines, and airborne particles while working on landscaping equipment. The specific vision abilities required by the job include close, distance, peripheral, depth perception, and the ability to focus while working with landscaping equipment and tools in various environments.
7. Attendance and Punctuality: Regular and predictable attendance and give proper notification/communication in the event of absence is expected.
8. Supervisory/Management Skills: This position supervises all parks employees, which consists of a crew of about 3-5 employees.

83.03.110. Parks Worker Full-Time.

The following regarding the Parks Worker Full-Time position:

1. Division: Parks and Recreation — Reports to: Parks Superintendent
   Dept: Public Works and Maintenance — Date Prepared: 10/07
   FLSA: Non-Exempt — Grade:
2. Purpose: To maintain City Parks and assigned grounds in neat and orderly fashion by using powered landscaping or snow removal equipment as needed.
3. Essential Duties and Responsibilities:
   a. Maintain City Parks and other City landscapes: Mow lawns, spray fertilizers and weed killers
   b. Operate multiple equipment/tools to maintain City grounds
   c. Manage park reservations
   d. Assist Parks Superintendent as needed
4. Knowledge and Experience:
   a. Must have one year of college/technical training and three to six months of experience in parks/grounds maintenance.
   b. Must have communication skills to work with co-workers and supervisor.
   c. Must have basic math skills to calculate square footage for landscaping material and to be able to make accurate measurements.

   d. Must have a class A CDL w/tanker drivers' license.
   e. Ability to operate equipment and/or tools used for parks maintenance (lawn mower, sprayers, sprinklers, ext.)
   f. Computer literate
5. Interpersonal and Communication Skills: Must be able communicate with co-workers and supervisor to accomplish daily assignments. Must be able to read and write labels, safety instructions on chemicals and tools, and write reservation lists for park use.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is frequently subject to outdoor weather conditions and will be required to sit, use hands to finger coordination, handle, or feel tools and controls such as when working with various tools; reach with the hands and arms, climb/balance, stoop, kneel, crouch, or crawl, talk hear, while working on parks maintenance and development. This position may occasionally be required to lift up to 50 pounds and may encounter chemicals, vibration, loud equipment noise, humid conditions, working near moving machines, and airborne particles while working on landscaping equipment. The specific vision abilities required by the job include close, distance, peripheral, depth perception, and the ability to focus while working with landscaping equipment and tools in various environments.
7. Attendance and Punctuality: Regular and predictable attendance and give proper notification/communication in the event of absence or tardiness is an essential function of this position. Work week is typically 5 days a week and 40 hours a week, may be required to work some Saturdays.
8. Supervisory/Management Skills: This position may occasionally assist Parks director in supervising part time parks employees.

Chapter 83.04.
COMMUNITY DEVELOPMENT DEPARTMENT

83.04.010. Building Official/Community Development Director.
83.04.030. Public Works Inspection.
83.04.100. City Planner I.
83.04.110. City Planner II.

83.04.010. Building Official/Community Development Director.

The following regarding the Community Development Director:

1. Division: Administration — Reports to: City Administrator
   Department: Community Development — Date Prepared: October 2007
   FLSA: Non-Exempt — Grade:
2. Purpose: Manage all City planning and development and perform all building permit duties.
3. Essential Duties and Responsibilities:
   a. Perform, document and verify on-site inspections of new and existing structures for compliance with adopted codes, ordinances, structural quality, and safety standards
   b. Respond to property maintenance complaints by researching and inspecting the nature of the complaint, evaluating the complaint and taking appropriate action based upon adopted codes, city ordinances and state laws
   c. Meet with architects, engineers, design professionals, and contractors regarding proposed construction projects and provide assistance with code interpretation/compliance questions
   d. Conduct change of occupancy and use inspections on existing commercial structures to evaluate for code compliance and life safety features
   e. Utilize various computer software programs such as spreadsheets, data bases, and word processing for issuing permits, writing correspondence, and tracking correction notices
   f. Maintain all records, files and reports pertinent to the building department
   g. Provide general information to the public by answering questions, obtaining services and directing to appropriate city staff or agencies
   h. Oversee the installation of water, sewer lines, curb and gutter, road base and asphalt. Verify that they meet city and state guidelines through the cores of construction release of escrow moneys
   i. Maintain ICC Residential & Commercial inspection certifications required by the State of Utah
   j. Manage all city development and planning
   k. Calculate fees for building permits
   l. Coordinate development with all contractors
4. Knowledge and Experience:
   a. Must have a Bachelor's Degree in Civil Engineering or related field
   b. 1 to 2 years experience working with city planning from start to finish and working with city councils
   c. Must have current state certified license for inspections of: plumbing, electrical, mechanical, building, residential, commercial

   d. Must have strong mathematical skills to calculate all building permit fees and impact fees, escrow releases, and review engineer's calculations
   e. Must have a CDL drivers license
   f. Must have ability to apply principles of logic or scientific thinking to a wide range of intellectual and practical problems
5. Interpersonal and Communication Skills: Must be able to read and interpret complex data, engineer's notes, subdivision files, and all other city planning materials.Must be able to write reports, letters to contractors and citizens, and answer questions about all Perry City planning and zoning. Must be able to communicate with co-workers, developers, contractors and citizens. Must have ability to give presentations to the planning commission and the city council.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is frequently required to lift or move up to 50 pounds; stoop, kneel, crouch, or crawl, stand, walk, sit, use hands to fingers, reach with hands and arms, climb or balance. The employee must be able to talk and hear citizens, contractor, and staff. The specific vision abilities required by the job include close, distance, color, peripheral, and depth perception. This job requires the ability to encounter varied environmental conditions while out on job sites for city planning and inspection such as: extreme hot or cold due to outdoor weather conditions, work in high precarious places, fumes or airborne particles, risk of shock, and loud noises from construction.
7. Attendance and punctuality: Regular and predictable attendance and proper notification/communication in the event of absence or tardiness are essential functions of this position.
8. Supervisory/Management Skills: This position does not supervise any employees.

83.04.030. Public Works Inspection.

The following regarding the Public Works Inspector:

1. Division: Streets and Utility — Reports to: City Administrator
   Department: Community Development — Date Prepared: 10/07
   FLSA: Non-Exempt — Grade:
2. Purpose: To assist in operation and maintenance of Perry City water, sewer, and streets. Track the construction of subdivisions from start to finish, making sure correct installation according to engineers plans and specifications. Manage payments for completed work.
3. Essential Duties and Responsibilities:
   a. Perform inspections for compliance with plan and specification requirements
   b. Makes inspections to ensure compliance with building codes and to assure that plans are being followed as approved
   c. Inspects existing buildings for structural safety; inspects existing areas and plans of new construction for compliance when applicable; makes inspections and issues notices of code and regulation violations
   d. Keep daily record of work performed
   e. Perform quantity calculations and accounting
   f. Initiates progress and final payments
   g. Primary contact for plans, changes, reports and directions of projects

   h. Communicate with contractors, operators and installers on progress, changes and timeline for completion of jobs
4. Knowledge and Experience:
   a. Must have an Associate's Degree or technical training in mechanical, plumbing or related inspection course
   b. Must have 6 months to a year of experience in property maintenance
   c. Must have considerable knowledge of the methods, materials and equipment used in public works construction
   d. Good ability to work effectively with contractors in enforcing contract provisions to read, interpret and work from engineering plans and specifications
   e. Must have ability to calculate figures and amounts such as discounts, interest, commission, proportions, percentages, area, circumference, and volume
   f. Must have basic math skills (algebra and geometry) to calculate capacities of reservoirs, pipes, flow rates, horse power, and other related math calculations
   g. Must have valid drivers' license
   h. Must have a Utah State plumbing and mechanical certification
   i. Must have ability to read and interpret documents, such as safety rules, operating and maintenance instructions, and procedure manuals
   j. Must have ability to write progress reports
   k. Must have ability to speak effectively before groups of customers, councilmen, office manager or employees of the organization
   l. Must have ability to operate equipment and/or tools used for building maintenance
   m. Must have problem solving skills and be able to make decision to stop work in installed improperly
5. Interpersonal and Communication Skills: Must be able to communicate with contractors, operators, and installers on progress, changes, and timelines for completion of jobs. Must be able to write progress and completion reports. Must also be able to clearly explain, in writing, any problems that prohibit work during the duration of the job. Must be able to present information in front of individuals and groups.
6. Physical Requirements and Work Environment: While performing the duties of this position, the employee is in a variety of settings and may be subject to diverse weather conditions, work near moving mechanical parts, possible exposure to fumes or chemicals, and extreme heat. The employee is often required to lift up to 50 pounds, sit, use hands to finger coordination, handle, or feel tools and controls such as when working with tools; reach with the hands and arms, climb/balance, stoop, kneel, crouch, or crawl, talk and hear, while working on maintenance projects. The specific vision abilities required by the job include close, distance, color, peripheral, depth, and the ability to focus to accurately accomplish duties such as drive equipment, reading meters, reading chlorine flow rates, and other day to day duties.
7. Attendance and Punctuality: Regular and predictable attendance and proper notification/communication in the event of absence.
8. Supervisory/Management Skills: Assist in the training of new personnel or other inspectors, as assigned.

83.04.100. City Planner I.

The following regarding the City Planner I position:

City Planner I

Division: Administration
Department: Community Development
FLSA: Non-Exempt
Reports to: Comm. Dev. Director
Date Prepared: September 2008
Grade: IV

Purpose: Performs a variety of professional and administrative duties related to city planning, zoning, and research.

Essential Duties and Responsibilities:

- **Office:**
  - Phones, typing, faxing, copying, customer service, notarizing for customers, business cards, maintain office equipment and other duties as assigned
- **Economic Development:**
  - Provide staff support for economic development, coordinate with county and other cities regarding economic development, etc.
- **Community Development:**
  - Take Calls on planning & zoning questions - forward action on zoning enforcement issues to inspectors
  - Attend planning meetings and trainings; U. S. Census representative
  - Update general plan and land use ordinances in Municipal Code binders
  - Contact for information or concerns regarding land use public hearings
  - Research zoning and development issues
  - Maintain all development files
  - Obtain signatures for plats and notarize – Record plats and other documents at Box Elder County offices
  - Maintain index of approvals and recording dates
  - Maintain developer card file of current addresses & Phone numbers
  - Set up pre-construction meetings and other special meetings with developers and City officials, etc.
  - Keep current index of maps (send to utilities); Number and file maps, keep plat map book current, obtain Mylar's for file after recording
  - Maintain address maps and address book - consult County for addressing; update general plan zoning maps w/ City Engineer
- **Joint Planning Advisory Board and Regional Meetings:**
  - Schedule and attend meetings; prepare room for each meeting
  - Arrange for Minutes Clerk (if necessary) and notify Board members
  - Coordinate with Brigham City and other entities, including attending regional planners meetings (with other city/county planners)
  - Attend regional transportation planning meetings

- **Planning Commission and Special Uses Board:**
  - Schedule meetings and coordinate with the Chair of each Commission or Board
  - Prepare room for each meeting
  - Attend (as Staff Planner) the Commission, Board, and City Council meetings (just business license and land use portions of Council agenda)
  - Prepare and post agendas - fax or e-mail to newspaper and to State website

- Prepare and deliver information packets to members, City Engineer and City Officials (including business licenses and land use portions of the City Council packet)
- Work with Minutes Clerk to edit and prepare minutes. Independently prepare minutes in the absence of Minutes Clerk.
- Meet and/or take calls with applicants/developers- explain procedures, permits, etc., and remind regarding meeting times
- Coordinate with City Engineer and City Officials regarding development reviews
- Fax or e-mail public notices to newspaper
- Explain developments, agenda items, projection of maps, etc. during meetings
- Prepare written recommendations from staff and the Planning Commission to the City Council and to the Special Uses Board
- Set up Training for commission and board
- Draft and Mail necessary correspondence

- **Records Management:**
  - Filing of all paperwork (other than for residents)
  - Organization of files - make new files - keep file index current
  - Maintain newspaper article books (unless someone else is assigned)
  - Update and maintain land use and business license forms

- **Business licensing:**
  - Take calls and meet with applicants, explain procedures
  - Maintain Current List of businesses
  - Send out renewal forms - update and maintain forms
  - Prepare licenses - add to Council agenda or other agendas - mail after approval
  - Correspondence - maintain application files

Knowledge and experience:

1. Must have a high school diploma or GED
2. Must have interpersonal skills and experience working with the public
3. Must be able to type 45 WPM and/or take shorthand.
4. Must be computer literate and familiar with most office equipment
5. Must have working knowledge of Power Point
6. Must have Business License Certification*
7. Must be a Notary Public*
8. Must have 12 months of City Planning or related experience
9. Must have completed Citizen Planner Course once (or equivalent) and must have attended 20 hours of other related training*

Interpersonal and Communication Skills:

Must be able to communicate in person and on the telephone with co-workers, City Council members, and the public to ensure duties of the city planning are handled. Must be able to read and write reports, prepare licenses and other business correspondence.

Physical Requirements and Work Environment:

While performing the duties of this position, the employee is in an office setting and will be required to occasionally stoop, kneel, crouch, or crawl while handling some office responsibilities. The employee is frequently required to sit, use hands or fingers to handle or feel

tools and controls such as when working with the computer; reach with hands and arms while filing; and communicate via phone and in person to customers, developers, and vendors. Must have close vision ability for filing and spending extended periods of time on the computer.

Attendance and punctuality:
Must have regular and predictable attendance and proper notification/communication in the event of absence.

Supervisory/Management Skills:
This position does not directly supervise any other positions, but if an intern or temporary or part-time planner is hired, this position may have minimal supervisory responsibilities.

83.04.110. City Planner II.
The following regarding the City Planner II position:

City Planner II

Division: Administration
Department: Community Development
FLSA: Non-Exempt
Reports to: Comm. Dev. Director
Date Prepared: September 2008
Grade: IV

Purpose: Performs a variety of professional and administrative duties related to city planning, zoning, and research.

Essential Duties and Responsibilities:

- **Office:**
  - Phones, typing, faxing, copying, customer service, notarizing for customers, business cards, maintain office equipment and other duties as assigned
- **Economic Development:**
  - Provide staff support for economic development, coordinate with county and other cities regarding economic development, etc.
- **Community Development:**
  - Take Calls on planning & zoning questions - forward action on zoning enforcement issues to inspectors
  - Attend planning meetings and trainings; U. S. Census representative
  - Update general plan and land use ordinances in Municipal Code binders
  - Contact for information or concerns regarding land use public hearings
  - Research zoning and development issues
  - Maintain all development files
  - Obtain signatures for plats and notarize – Record plats and other documents at Box Elder County offices
  - Maintain index of approvals and recording dates
  - Maintain developer card file of current addresses & Phone numbers
  - Set up pre-construction meetings and other special meetings with developers and City officials, etc.
  - Keep current index of maps (send to utilities); Number and file maps, keep plat map book current, obtain Mylar's for file after recording

- Maintain address maps and address book - consult County for addressing; update general plan zoning maps w/ City Engineer

- **Joint Planning Advisory Board and Regional Meetings:**
  - Schedule and attend meetings; prepare room for each meeting
  - Arrange for Minutes Clerk (if necessary) and notify Board members
  - Coordinate with Brigham City and other entities, including attending regional planners meetings (with other city/county planners)
  - Attend regional transportation planning meetings

- **Planning Commission and Special Uses Board:**
  - Schedule meetings and coordinate with the Chair of each Commission or Board
  - Prepare room for each meeting
  - Attend (as Staff Planner) the Commission, Board, and City Council meetings (just business license and land use portions of Council agenda)
  - Prepare and post agendas - fax or e-mail to newspaper and to State website
  - Prepare and deliver information packets to members, City Engineer and City Officials (including business licenses and land use portions of the City Council packet)
  - Work with Minutes Clerk to edit and prepare minutes. Independently prepare minutes in the absence of Minutes Clerk.
  - Meet and/or take calls with applicants/developers- explain procedures, permits, etc., and remind regarding meeting times
  - Coordinate with City Engineer and City Officials regarding development reviews
  - Fax or e-mail public notices to newspaper
  - Explain developments, agenda items, projection of maps, etc. during meetings
  - Prepare written recommendations from staff and the Planning Commission to the City Council and to the Special Uses Board
  - Set up Training for commission and board
  - Draft and Mail necessary correspondence

- **Records Management:**
  - Filing of all paperwork (other than for residents)
  - Organization of files - make new files - keep file index current
  - Maintain newspaper article books (unless someone else is assigned)
  - Update and maintain land use and business license forms

- **Business licensing:**
  - Take calls and meet with applicants, explain procedures
  - Maintain Current List of businesses
  - Send out renewal forms - update and maintain forms
  - Prepare licenses - add to Council agenda or other agendas - mail after approval
  - Correspondence - maintain application files

<u>Knowledge and experience:</u>

10. Must have a high school diploma or GED
11. Must have interpersonal skills and experience working with the public
12. Must be able to type 45 WPM and/or take shorthand.
13. Must be computer literate and familiar with most office equipment
14. Must have Business License Certification*

15. Must be a Notary Public*
16. Must have 4-5 years of City Planning experience
17. Must have completed Citizen Planner course twice (or equivalent) and must have attended 40 hours of other related training*
18. Must have completed Perry City Professional Planner Course (modules 1-6) or equivalent degree in related field showing competency in modules 1-6.
19. Must have proficient knowledge of Microsoft PowerPoint and the ability to deliver all verbal presentations at Planning Commission and Land Use meetings
20. Satisfactory past performance of duties

*An AICP Certification may be substituted for items 6 through 9

Interpersonal and Communication Skills:
Must be able to communicate in person and on the telephone with co-workers, City Council members, and the public to ensure duties of the city planning are handled. Must be able to read and write reports, prepare licenses and other business correspondence.

Physical Requirements and Work Environment:
While performing the duties of this position, the employee is in an office setting and will be required to occasionally stoop, kneel, crouch, or crawl while handling some office responsibilities. The employee is frequently required to sit, use hands or fingers to handle or feel tools and controls such as when working with the computer; reach with hands and arms while filing; and communicate via phone and in person to customers, developers, and vendors. Must have close vision ability for filing and spending extended periods of time on the computer.

Attendance and punctuality:
Must have regular and predictable attendance and proper notification/communication in the event of absence.

Supervisory/Management Skills:
This position does not directly supervise any other positions, but if an intern or temporary or part-time planner is hired, this position may have minimal supervisory responsibilities.

Chapter 83.05.
POLICE DEPARTMENT

83.05.010. Chief of Police.
83.05.020. Lieutenant
83.05.030. Patrol Sergeant.
83.05.040. Police Officer III/Detective
83.05.050. Police Officer II/Patrol Officer.
83.05.060. Police Officer I.
83.05.070. Animal Control Officer.

83.05.010. Chief of Police.
The following regarding the Chief of Police:

1. Division: Administration Reports to: Mayor
   Department: Police Date Prepared: 10/07

FLSA: Exempt

2. Purpose: Performs professional, administrative, and managerial duties related to planning, organizing, directing, and coordinating the enforcement of federal, state, and local laws as needed to preserve the peace and protect citizen rights and property.
3. Essential Functions:
    a. Patrols all areas of Perry City in patrol vehicles. Responds to assist, secure crime scenes for evidence searches, makes preliminary investigations, and interrogates complaints, witnesses, and suspects.
    b. Controls traffic, enforces traffic laws and ordinances, assists traffic, and issues traffic citations.
    c. Establishes department policies and procedures to implement executive and legislative directives from the mayor and city council; develops organizational structures including lines of authority, responsibility, and communication in order to carry out the policies and goals for city law enforcement; revises organizational structure as required.
    d. Directs the supervision of department personnel; assures adequate shift scheduling; reviews letters of recommendation or reprimand; disciplines as necessary; directs the maintenance of department personnel records; establishes policies for hiring and firing; conducts interviews; evaluates employee performance.
    e. Plans law enforcement programs and implements strategies in order to better carry out policies and goals; reviews department performance and effectiveness and formulates action to upgrade department efficiency and capability as needed; searches funding alternatives and writes applications for grants.
    f. Directs the preparation and administration of department budgets; reviews and/or approves all purchase orders and requisition forms; orders equipment, supplies, and large budget expenditures; verifies costs incurred by the department; reviews all time sheets and requests for overtime; insures payrolls are submitted promptly and accurately.
    g. Supervises personnel functions of the department; hires, fires, promotes, demotes, transfers, evaluates, and otherwise disciplines department personnel; handles grievances and disciplinary matters related to work assignments, interpersonal relationships, officer conduct, and general behavior; evaluates and assures delivery of necessary training needed by the department.
    h. Prepares and submits periodic reports to mayor and city council and Federal and State officials regarding department activity; prepares a variety of other reports as appropriate; assists in developing and making recommendations for traffic planning for installation of traffic control devices.
    i. Meets with elected and/or appointed officials, other law enforcement agencies, community and business representatives, and the public in all aspects of city law enforcement activities; assumes responsibility for department public relations.
    j. Attends various state and local task force, interagency, legal-update, and other meetings to maintain an effective networking system and provides coordination within the law enforcement agencies and other departments; coordinates and conducts departmental meetings; attends conferences and meetings to keep abreast of current trends in law enforcement.

k. Participates in, directs, and coordinates emergency actions, criminal investigations, traffic enforcement, and other enforcement activities as required; supervises and monitors the maintenance of the police record keeping system; monitors reports.
l. Directs maintenance and safekeeping of physical evidence, stolen property, abandoned property, and other items falling under custody of Perry City police department; controls and oversees city equipment and property assigned to the police department.
m. Performs other related duties as required.

4. Knowledge and Experience:
   a. Must have a Masters degree in criminology, political science, or related field and/or four to ten years of training or experience in a police department or related field.
   b. Thorough knowledge of law enforcement principles, methods, and techniques; legal and political environment associated with police administration; federal, state, county, and city ordinances; principles of law enforcement administration; investigative procedures and practices; legal liabilities associated with arrest and law enforcement; court room procedures and laws of evidence; principles of effective supervision and employee motivation, interpersonal communication skills, and public relations; budgetary practices and procedures and fiscal management; local geography, road systems, and boundaries; standard first-aid administration.
   c. Working knowledge of English, grammar and technical writing skills.
   d. Some knowledge of principles of psychology and sociology.
   e. Ability to work with mathematical concepts for budgeting, speed enforcement, automobile accident reconstruction, and other law enforcement duties.
   f. Proficiency in the proper use and care of firearms; familiar with the operation of other special police equipment; able to manage sensitive law enforcement issues and interdepartmental conflicts; experience in emergency response driving.
   g. Ability to administer and supervise city-wide comprehensive law enforcement program; exercise sound judgment in evaluating situations and in making decisions in emergency situations; assure compliance with and follow safety practices and procedures common to law enforcement work; operate a personal computer and various programs, such as Microsoft Word, Excel, etc.; communicate effectively, both verbally and in writing; establish and maintain effective working relationships with elected and appointed officials, other law enforcement agencies, service and community organizations, private businesses, and the public.
   h. Must possess a valid Utah driver's license.
   i. Must be Utah P.O.S.T. certified and must maintain certification by attending a minimum of 40 hours of specialized training each year.
5. Interpersonal and Communication Skills: Must have ability:
   a. to read, analyze, and interpret complex documents.
   b. to respond effectively to the most sensitive inquiries or complaints.
   c. to write speeches or articles using original or innovative techniques or style.
   d. to make effective persuasive speeches and presentations on controversial or complex topics to top management, public groups, and the city council.
6. Physical Requirements and Work Environment: Tasks generally performed in a comfortable office setting. Talking, hearing, and seeing are required to perform daily functions. May occasionally be exposed to hazards common to law enforcement. Mental

application utilizes memory for details, emotional stability, discriminating thinking, and creative problem solving. Frequent travel required in course of performing portions of job functions. Must also have the ability to lift more than 100 pounds, stand for long periods of time, walk, sit, use hands & fingers, handle or feel, reach with hands and arms, climb or balance, stoop, kneel, crouch or crawl, talk and hear, taste and smell. Must have the ability to work in all outdoor weather conditions, work near moving mechanical parts, and work in high precarious places. Must be able to work in conditions where fumes or airborne particles, toxic or caustic chemicals may be present. Specific vision requirements include: close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus to handle traffic violation and criminal activity.

7. Supervision Received: Works under the broad policy guidance and direction of the Mayor.
8. Supervisory/Management Skills: Provides general supervision to all police department personnel directly or through subordinate supervisors.

83.05.020. Lieutenant

The following regarding the position of Lieutenant (Notice: this position is open to qualified internal candidates only):

1. Division: Administration Reports to: Chief of Police
   Department: Police Date Prepared: 10/07
   FLSA: Non-Exempt Grade:
2. Purpose: Exercises general supervision over specialized activities within the department such as traffic, patrol, and detective divisions. Receives and investigates citizen complaints against police officers. Participates in personnel actions such as recruitment, selection, promotion, transfer, and discipline. Determines the need for new equipment and supplies. Assists the Chief of Police in preparing the department budget. Reviews offense reports and screens information for news releases. Represents the police departments at public meetings on specials topics of interest or on law enforcement in general. Provides assistance to the patrol division by being available for calls or backup when other officers need assistance.
3. Essential Functions:
   a. Assists Chief of Police in department budget preparation by projecting anticipated purchases and project costs related to personnel needs, training, and technical equipment; monitors compliance with established budgets and fiscal guidelines; acts as department procurement officer; prepares bid specifications for various department purchases; searches funding alternatives and writes applications for grants; administers grant programs under the direction of the Chief of Police.
   b. Assists Chief of Police in personnel matters such as recruitment, selection, promotion, transfers, and disciplinary actions; coordinates oral review boards; conducts performance evaluations on positions reporting directly to the Lieutenant; oversees quality of overall departmental performance management functions.
   c. Monitors departmental compliance with established standard operating procedures; assists in the development and implementation of quality control guidelines; makes recommendations for changes in policies and procedures and implements changes upon approval; serves as department internal affairs investigator; processes and resolves all charges and allegations brought against department personnel.

d. Writes general orders and interdepartmental communications as needed and as directed by the Chief of Police; oversees, performs, or delegates the preparation of departmental duty roster and verifies that shifts have been properly filled.
e. Directs day-to-day administrative operations and clerical maintenance functions; reviews reports for technical accuracy and quality; may assist to assure proper documentation of all departmental training activities and requirements as needed to maintain certifications.
f. Oversees all department electronics and computer specialist and system administrator; performs technical functions related to setting up, monitoring, and operating departmental computer operations; sets up Local Area Networks; installs software; monitors effective and efficient operation of department computerized data base system to assure integrity of complex law enforcement records.
g. Performs as departmental training officer; coordinates attendance in required courses necessary to achieve or maintain POST certifications; develops in-house training curriculum; maintains records of training completed by personnel; oversees department FTO program for new hire.
h. Acts as press release officer; screens, and reviews all police reports and communications to assure compliance with department policy decisions and protocol.
i. Operations: Responds to all major incidents; commands department special response team; may manage an investigative case load of major felony crimes; handles rape and homicide cases; follows-up and insures completion of all cases; assures timely delivery of case documents to county attorney or courts; conducts research and pursues clues, makes telephone calls, tracks criminal histories, secures existing information on suspects, etc.; apprehends and arrests suspects.
j. As needed and in the absence of the Police Sergeant, exercises close supervision over patrol units and investigation personnel; monitors work in divisions such as daily incidents, arrests, and bookings to ensure compliance with established procedures; reviews reports and booking records; provides back-up to patrol division as necessary; receives and investigates citizen complaints against police officers; supervises and participates in major criminal investigations as necessary.
k. Community Policing: plans, organizes, and coordinates various programs for special target populations of the community as needed to address needs, concerns, and issues pertaining to crime prevention and public relations; performs specialty resource functions by administrative assignment; enforces all applicable city, state, and federal laws by apprehending, citing, and arresting violators on or off school property.
l. Develops program(s) unique to elementary, junior high and high schools; programs focus on safety, drug awareness, alcohol (DUI), gang activity, truancy, violence, theft, vandalism, trespassing, traffic, etc.; conducts lectures, workshops, classes, or gives presentations related to criminal activity within the schools to assist school officials; educates participants and youth regarding law enforcement practices.
m. May participate as a member of special task forces or cooperative agency programs related to gang activity and other high profile situations and concerns; may serve on school community council; performs duties and services mutually agreed upon by police department and school administration.

n. Organizes and establishes neighborhood watch areas; conducts community watch meetings with concerned citizens upon request; educates public regarding effective action through organized community efforts; performs departmental public relations functions; delivers public speeches at community gatherings, church meetings, civic meetings, schools, etc.; supervises and coordinates the activities of the volunteer organizations assisting the police department such as emergency preparedness, citizens emergency response teams, neighborhood watch, etc.; performs related duties as required.

4. Knowledge and Experience:
   a. Must have a bachelor's degree in political science, criminology or related field, or the equivalent combination of education and experience.
   b. Eight (8) years of progressively responsible law enforcement experience, two of which must have been as a Sergeant, or an equivalent combination of education and experience.
   c. Must have thorough knowledge of Perry City and its street systems; applicable Federal, State, County, and city laws and ordinances and departmental rules and regulations; modern law enforcement principles, procedures, techniques, and equipment; legal and political environment associated with police administration; federal, state, county, and city ordinances; principles of law enforcement administration; investigative procedures and practices; legal liabilities associated with arrest and law enforcement; court room procedures and laws of evidence; principles of effective supervision and employee motivation, interpersonal communication skills, and public relations; budgetary practices and procedures and fiscal management; local geography, road systems, and boundaries; standard first-aid administration.
   d. Working knowledge of English, grammar and technical writing skills.
   e. Some knowledge of principles of psychology and sociology.
   f. Ability to work with mathematical concepts for budgeting, speed enforcement, automobile accident reconstruction, and other law enforcement duties.
   g. Skilled in the use of firearms and familiar with the operation of other special police equipment; basic CPR, First Aid, and emergency response driving.
   h. Ability to react effectively in emergency and stress situations; ability to exhibit imagination, initiative, and problem solving capability in coping with a variety of law enforcement situations; ability to follow standard safety practices and procedures common to law enforcement work; ability to perform work requiring good physical condition; operate a personal computer and various programs, such as Microsoft Word, Excel, etc.; communicate effectively, verbally and in writing; ability to establish and maintain effective working relationships with employees, other agencies, and the public.
   i. Must be POST certified and must maintain certification by attending a minimum of 40 hours of specialized training each year.
   j. Must possess a valid Utah Driver's License.
   k. Must be a POST certified first-line supervisor. Must be mid-management POST certified.
   l. Must complete all promotional requirements.

5. Interpersonal and Communication Skills: Must have the ability to:
   a. read, analyze, and interpret difficult documents and reports.
   b. respond effectively to the most sensitive inquiries or complaints.
   c. communicate effectively to co-workers, subordinates, and the public.
6. Physical Requirements and Work Environment: Tasks require a variety of physical activities involving muscular strain such as walking, standing, stooping, sitting, reaching, talking, hearing, kneeling, crouching, or crawling. Must also be able to talk, hear, taste, and smell. May occasionally be exposed to hazards common to law enforcement. Must have the ability to work in all outdoor weather conditions, work near moving mechanical parts, and work in high precarious places. Must be able to work in conditions where fumes or airborne particles, toxic, or caustic chemicals may be present. Specific vision requirements include: close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus to handle traffic violations and criminal activity. Mental application utilizes memory for details, emotional stability, perceptive thinking, and creative problem solving. Frequent travel required in course of performing portions of job functions. Must be able to wear body armor, as it is required to be worn when any officer is on duty and in uniform.
7. Supervision Received: Works under the broad policy guidance and direction of the Chief of Police. Assumes departmental responsibility in the absence of Chief of Police.
8. Supervisory/Management Skills: Provides general supervision to all department personnel, directly or through Sergeants and Shift Supervisors.

83.05.030. Patrol Sergeant.

The following regarding the Patrol Sergeant:

1. Division: Operations — Reports to: Lieutenant
   Department: Police — Date Prepared: 10/07
   FLSA: Non-Exempt — Grade:
2. Purpose: Performs a variety of technical professional and first-line supervisory law enforcement duties related to the organizing and coordinating the investigation, traffic, patrol and/or communications functions of the city police department. Performs day-to-day quality assurance in serving and protecting the citizens of Perry City.
3. Essential Functions:
   a. Administration:
      i. Exercises supervision over lower ranking officers and other department personnel assigned; coordinates activities and assists in the performance of their duties; observes and evaluates work performed by subordinate officers; ensures compliance with established policies and procedures; provides policy interpretations and judgments to subordinate officers and other department personnel; delivers and implements managerial directives and communicates subordinate concerns to management; follows up on complaints involving shift officers or other department personnel; reports any insubordination or misconduct to commanding officer.
      ii. Prepares duty roster and schedules for assigned officers by organizing shift changes, schedules and special days off; assists in the development of division budget(s); reviews previous expenditures, analyzes equipment and personnel needs and makes recommendations.

iii. Serves as a department specialist, trainer, and/or supervisor in various technical aspects of law enforcement, such as fire arms, special response team, special training (domestic violence, chemical munitions, etc.), vehicle maintenance, COPPS, FTO & Crime Free program, etc.

b. Investigations:

i. Supervises investigation, technical services, evidence and community relations functions; performs as a lead investigator; directs or performs criminal investigations; assigns cases for investigation; monitors case progress and approves final disposition; develops and maintains intelligence information; conducts in-depth investigations of criminal activities; processes scene of crime; finds, identifies, marks and preserves evidence; questions witnesses and victims; prepares all necessary reports; serves as evidence custodian.

ii. Supervises follow-up investigations on all major felony crimes; handles rape and homicide cases; works closely with Police Chief or Lieutenant in solving difficult cases; investigates, follows-up and insures completion of all cases; conducts research and pursues clues, makes telephone calls, tracks criminal histories, secures existing data information on suspects. etc.; performs surveillance; obtains search warrants; works closely with City and County attorney concerning legalities involved in certain cases, arrests.

iii. Prepares facts, information, evidence and statements for court proceedings; secures witnesses and testimonies; prepares visual diagrams of the scene of crime as deemed necessary; assists attorneys in the preparation of court cases, extraditions; testifies in court when necessary.

c. Patrol/Traffic:

i. Acts as shift/field supervisor; patrols city to prevent and suppress crime and enforce federal and state laws and city ordinances; apprehends criminals in the act of or after the act of a crime; provides public assistance to residents; patrols certain areas to detect violations of the law; serves warrants, summons and subpoenas; makes arrests and transports offenders to jail; attends court and gives testimony.

ii. Answers and investigates business/bank complaints of theft, forgery, scams, bounced checks, embezzlements, bad credit and white collar crimes; alerts businesses and community of check forgeries, and

iii. short change artists; reviews all reports and citations generated during assigned shifts; monitors reports and logs for the patrol division of such things as cases handled, miles driven, gas used and property recovered; compiles monthly reports on the above.

iv. Responds to calls for assistance, secures crime scenes for evidence searches; makes investigation and interrogates complainants, witnesses and suspects; controls traffic and enforces traffic laws and ordinances; directs traffic, assists motorists, issues citations and arrests for D.U.I's, moving violation and investigates accidents involving motor vehicles; prepares and submits accident, offense, arrests and other forms and reports as necessary.

d. Community Policing:

i. Implements and supervises various programs for special target populations of the community as needed to address needs, concerns, and issues pertaining to crime

prevention and public relations; performs specialty and school resource functions by administrative assignment; enforces all applicable city, state, and federal laws by apprehending, citing, and arresting violators on or off school property.

ii. Implements and coordinates program(s) unique to elementary, Junior High and High schools; focus on safety, drug awareness, alcohol (DUI), gang activity, truancy, violence, theft, vandalism, trespassing, traffic, etc.; conducts lectures, workshops, classes or gives presentations related to criminal activity within the schools to assist school officials; educates participants and youth.

iii. May participate and supervise as member of special task forces or cooperative agency programs related to gang activity and other high profile situations and concerns; may serve on school community council; performs duties and services mutually agreed upon by police department and school administration.

iv. Organizes and establishes neighborhood watch areas; conducts community watch meetings with concerned citizens upon request; educates public regarding effective action through organized community efforts; performs departmental public relations functions; delivers public speeches at community gatherings, church meetings, civic meetings, schools, etc.; supervises and coordinates the activities of the volunteer organizations assisting the police department such as emergency preparedness, citizens emergency response teams, neighborhood watch, etc.

4. Knowledge and Skills:
   a. Graduation from high school; plus, two (2) years of specialized training in formal supervisory methods provided through in-service, professional workshops or UTAH P.O.S.T. certifications; AND Six (6) years of progressively responsible law enforcement experience as a municipal, county, or state officer OR An equivalent combination of education and experience.
   b. Considerable knowledge of Perry City and its street systems; modern law enforcement principles, procedures, techniques and equipment; applicable Federal, State, County, and City laws and ordinances and departmental rules and regulations.
   c. Working knowledge of hazardous waste classifications and emergency procedures related to control, containment and confinement; principles of supervision; federal, state, county and city ordinances; principles of law enforcement administration; investigative procedures and practices; legal liabilities associated with arrest and law enforcement; court room procedures and laws of evidence.
   d. Skill in the use of firearms, the operation of police vehicles and other specialized equipment including breathalyzers, radar units, police batons and restraining devices; basic CPR, First Aid and emergency response driving.
   e. Ability to work with mathematical concepts for budgeting, speed enforcement, automobile accident reconstruction and other law enforcement duties.
   f. Ability to react effectively in emergency and stress situations; ability to exhibit imagination, initiative and problem-solving capability in coping with a variety of law enforcement situations; ability to follow standard safety practices and procedures common to law enforcement work; perform work requiring good physical condition; operate a personal computer and various programs, such as Microsoft Word, Excel,

etc.; communicate effectively, verbally and in writing; establish and maintain effective working relationships with employees, other agencies and the public.

g. Must be UTAH P.O.S.T. certified and must maintain certification by attending a minimum of 40 hours of specialized training each year. Must have completed P.O.S.T supervisory training.
h. Must maintain firearm proficiency.
i. Must possess a valid Utah State driver's license.
j. Must complete UTAH P.O.S.T. Mid-Management training within 18 months of promotion.
k. Body armor must be worn when any officer is on duty and in uniform.
l. Must annually pass physical fitness test established by Police Department policy.

5. Interpersonal and Communication Skills: Must maintain ability to:
   a. Read, analyze, and interpret the most legal documents and police reports.
   b. respond effectively to the most sensitive inquiries or complaints.
   c. communicate effectively to co-workers, subordinates, and the public.
6. Physical Requirements and work environment: Tasks require a variety of physical activities involving muscular strain such as walking, standing, stooping, sitting, reaching, talking, hearing, kneel, crouch, or crawl, talk and hear, taste and smell. May occasionally be exposed to hazards common to law enforcement. Must have the ability to work in all outdoor weather conditions, work near moving mechanical parts, and work in high precarious places. Must be able to work in conditions where fumes or airborne particles, toxic or caustic chemicals may be present. Specific vision requirements include: close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus to handle traffic violation and criminal activity. Mental application utilizes memory for details, emotional stability and perceptive thinking and creative problem solving. Frequent travel required in course of performing portions of job functions. Must be able to wear body armor, as it is required to be worn when any officer is on duty and in uniform.
7. Supervision Received: Works under the general supervision of the Police Chief or Lieutenant.
8. Supervisory/Management Skills: Provides close to general supervision to assigned shift officers & communications personnel. In the absence of the Lieutenant and Police Chief, may be assigned to serve as department supervisor. Directs day-to-day shift activities and supervises high risk situations.

83.05.040. Police Officer III/Detective

The following regarding the position of Police Officer III/Detective:

1. Division: Detective — Reports to: Lieutenant
   Department: Police — Date Prepared: 10/07
   FLSA: Non-Exempt — Grade:
2. Purpose: To conduct investigations, either to prevent criminal activity or to discover the identity of someone who has committed a crime. Assignments may include working as a member of a investigative team or working in an undercover capacity.
3. Essential Functions:
   a. Patrol/Traffic:

i. Patrols all areas of Perry City in police vehicles, on bicycle, or on foot, including the city streets and alleys, checking for unlocked doors, windows and building security; makes business location and residential house checks for possible illegal activities.
ii. Responds to calls for assistance, secures crime scenes for evidence searches; makes preliminary investigation and interrogates complainants, witnesses and suspects; completes complaint questionnaires; performs case follow-up and assists with investigation activities as assigned; makes arrests.
iii. Controls traffic and enforces traffic laws and ordinances; directs traffic, assists motorists, issues citations and warnings for traffic violations, D.U.I's, and investigates accidents involving motor vehicles; prepares and submits accident, offense, arrests and other forms and reports as necessary.
iv. Serves processes, notices, summons and subpoenas and keeps records of dispositions; escorts prisoners to and from county jail or from one location to another; subdues unruly prisoners when necessary.
v. Completes comprehensive reports of daily activities and enforcement actions; Prepares for court cases and testifies in court when required.
vi. Cleans and maintains assigned fire arms and vehicles and other special equipment.
vii. Performs ongoing public relations to enhance the image of the department within the community.

b. Community Policing/School Resource/Crime Prevention:
i. Performs in various programs for community as needed to address needs, concerns, and issues pertaining to crime prevention and public relations; performs specialty resource functions by administrative assignment; enforces all applicable city, state, and federal laws by apprehending, citing, and arresting violators on or off school property.
ii. Presents program(s) unique to elementary, focus on safety, drug awareness, alcohol (DUI), gang activity, truancy, violence, theft, vandalism, trespassing, traffic, etc.; conducts lectures, workshops, classes or gives presentations related to criminal activity within the schools to assist school officials; educates participants and youth regarding law enforcement practices ; demonstrates specialized equipment explains efficiency and effectiveness of the same.
iii. May participate as member of special task forces or cooperative agency programs related to gang activity and other high profile situations and concerns; may serve on school community council; performs duties and services mutually agreed upon by police department and school administration; organizes and establishes neighborhood watch areas; conducts community watch meetings with concerned citizens upon request; educates public regarding effective action through organized community efforts; may serve as the D.A.R.E. Officer.

4. Knowledge and Experience:
a. Must have a high school diploma or GED.
b. Successful completion of Police Officers Standards and Training Academy (POST), and 13 week field training and/or an equivalent combination of education and experience.

c. Associate degree in political science, public administration or similar field preferred.
d. Some knowledge of:
   i. Modern law enforcement principles, procedures, techniques and equipment.
   ii. Applicable Federal, State, County, and city laws and ordinances and departmental rules and regulations.
   iii. Hazardous waste classifications and emergency procedures related to control, containment and confinement; investigative procedures and practices.
   iv. Legal liabilities associated with arrest and law enforcement.
   v. Court room procedures and laws of evidence.
e. Skill in the use of firearms, the operation of police vehicles and other specialized equipment including intoxilyzers Aid and emergency response driving.
f. Ability to react effectively in emergency, life and death, and stress situations; exhibit imagination, initiative and problem-solving capability in coping with a variety of law enforcement situations; follow standard safety practices and procedures common to law enforcement work; perform work requiring good physical condition; communicate effectively, verbally and in writing; establish and maintain effective working relationships with employees, other agencies and the public.
g. POST certifiable law enforcement officer.
h. Must be clear of a prior criminal record.
i. Must possess a valid Utah State Driver's License and good driving record.
j. Must maintain firearm proficiency.
k. Must maintain law enforcement certification by completing annual training requirements (40 hrs.).
l. Body armor must be worn when any officer is on duty and in uniform.
m. Must successfully pass pre-employment physical fitness test upon conditional offer of employment.
n. Must annually pass physical fitness test established by Police Department policy.
o. Good oral and written communication skills to present testimony accurately and clearly and to prepare reports on investigations.
p. Good persuasive and interrogation skills to conduct effective interviews with suspects and witnesses.
q. Ability to operate calmly in stressful situations.
r. Ability to operate computer and various types of surveillance equipment.

5. Interpersonal and Communication Skills: Must maintain the ability to:
   a. Read, analyze, and interpret the most documents and reports.
   b. respond effectively to the most sensitive inquiries or complaints.
   c. communicate effectively to co-workers, subordinates, and the public.
6. Physical Requirements and Work Environment: Functions of the position generally performed in a controlled environment, but subject to all seasonal and weather extremes. Tasks require a variety of physical activities involving muscular strain such as walking, standing, stooping, sitting, reaching, talking, hearing, kneel, crouch, or crawl, talk and hear, taste and smell. Constant travel. Many functions of the work pose high degree of hazard uncertainty. Physical readiness essential to effective job performance. Various levels of mental application required, i.e. memory for details, emotional stability,

discriminating thinking, creative problem solving. Continuous use of motor skills. Specific vision requirements include: close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus to handle traffic violation and criminal activity.

7. Supervision Received: Works under the general supervision of a Sergeant, Corporal or assigned FTO/OIC.
8. Supervisory/Management Skills: This position has no direct supervision.

83.05.050. Police Officer II/Patrol Officer.

The following regarding the Police Officer II/Patrol Officer position:

1. Division: Patrol — Reports to: Patrol Sergeant
   Department: Police — Date Prepared: 10/07
   FLSA: Non-Exempt — Grade:
2. Purpose: Performs a variety of working level technical law enforcement duties related to enforcing the laws, maintaining the peace, and protecting the citizens of Perry City. Performs in investigations, K-9, community policing and patrol units as may be assigned.
3. Essential Functions:
   a. Investigation:
      i. Conducts criminal investigations; processes scene of crime; finds, identifies, marks and preserves evidence; takes photos, sketches scene, lifts latent finger prints; interviews and interrogates witnesses, victims and suspects; prepares all necessary reports.
      ii. Manages investigative case load of major felony crimes; handles rape and homicide cases; works closely with supervisor(s) in solving difficult cases; follows-up and insures completion of all cases; conducts research and pursues clues, makes telephone calls, tracks criminal histories, secures existing information on suspects, etc.; apprehends and arrests suspects.
      iii. Answers business/bank complaints of theft, forgery, scams, bounced checks, embezzlements, bad credit and white collar crimes; alerts businesses and community of check forgeries, and short change artists; performs surveillance; obtains search warrants; works closely with City and County attorney concerning legalities involved in certain cases and arrests.
      iv. Prepares facts, information, evidence and statements for court proceedings; secures witnesses and testimonies; prepares visual diagrams of the scene of crime as deemed necessary; performs extraditions; testifies in court when necessary.
      v. Develops informative contacts and participates in covert operations; investigates and apprehends persons suspected of illegal sale, purchase or use of narcotics; may examine prescriptions and pharmacy's and physician's records to ascertain legality of sale and distribution of narcotics; conducts presumptive tests on drugs using various chemicals and acids; arrests narcotic offenders; obtains statements for prosecution of offenders and appears in court as witness.
   b. Patrol/Traffic:
      i. Patrols all areas of Perry City in police vehicles, on bicycle, or on foot, including the city streets and alleys, checking for unlocked doors, windows

and building security; makes business location and residential house checks for possible illegal activities.

ii. Responds to calls for assistance, secures crime scenes for evidence searches; makes preliminary investigation and interrogates complainants, witnesses and suspects; completes complaint questionnaires; performs case follow-up and assists with investigation activities as assigned; makes arrests; controls traffic and enforces traffic laws and ordinances; directs traffic, assists motorists, issues citations and warnings for moving violations, D.U.I's, and investigates accidents involving motor vehicles; prepares and submits accident, offense, arrests and other forms and reports as necessary.

iii. Serves processes, notices, summons and subpoenas and keeps records of dispositions; escorts prisoners to and from county jail or from one location to another; subdues unruly prisoners when necessary.

iv. Completes comprehensive reports of daily activities and enforcement actions; Prepares for court cases and testifies in court when required.

v. Cleans and maintains assigned fire arms and vehicles and other special equipment.

c. Community Policing/School Resource/Crime Prevention:

i. performs in various programs for community as needed to address needs, concerns, and issues pertaining to crime prevention and public relations; performs specialty resource functions by administrative assignment; enforces all applicable city, state, and federal laws by apprehending, citing, and arresting violators on or off school property.

ii. Implements program(s) unique to elementary, focus on safety, drug awareness, alcohol (DUI), gang activity, truancy, violence, theft, vandalism, trespassing, traffic, etc.; conducts lectures, workshops, classes or gives presentations related to criminal activity within the schools to assist school officials; educates participants and youth regarding law enforcement practices ; demonstrates specialized equipment explains efficiency and effectiveness of the same.

iii. May participate as member of special task forces or cooperative agency programs related to gang activity and other high profile situations and concerns; may serve on school community council; performs duties and services mutually agreed upon by police department and school administration; organizes and establishes neighborhood watch areas; conducts community watch meetings with concerned citizens upon request; educates public regarding effective action through organized community efforts; may serve as the D.A.R.E. Officer.

iv. Performs ongoing public relations to enhance the image of the department within the community.

v. Performs related duties as required.

4. Knowledge and Experience:

a. Must have a high school diploma or GED, Successful completion of Police Officers Standards and Training Academy (POST), and one year of specialized training provide through Utah P.O.S.T., college or special workshops and seminars.

b. Must have two years of experience as a patrol officer and/or and equivalent combination of education and experience.
c. Working knowledge of Perry City and its street systems; modern law enforcement principles, procedures, techniques and equipment; applicable Federal, State, County, and City laws and ordinances and departmental rules and regulations; crime scene processing methods and procedures.
d. Some knowledge of hazardous waste classifications and emergency procedures related to control, containment and confinement; principles of law enforcement administration; investigative procedures and practices; legal liabilities associated with arrest and law enforcement; court room procedures and laws of evidence.
e. Skill in the use of firearms, the operation of police vehicles and other specialized equipment including breathalyzers, radar units, police batons and restraining devices; basic CPR, First Aid and emergency response driving.
f. Ability to react effectively in emergency and stress situations; ability to exhibit imagination, initiative and problem-solving capability in coping with a variety of law enforcement situations; operate a personal computer and various programs, such as Microsoft Word, Excel, etc.; follow standard safety practices and procedures common to law enforcement work; perform work requiring good physical condition; communicate effectively, verbally and in writing; establish and maintain effective working relationships with employees, other agencies and the public.
g. Must be clear of a prior criminal record.
h. Must possess a valid Utah State Driver's License.
i. Must maintain firearm proficiency.
j. Must maintain law enforcement certification by completing annual training requirements(40 hrs.). Certifications in various advanced areas of law enforcement may be required; including, weapons, pepper spray, intoxilyzer, tazer, radar, lazar, field sobriety testing, 1st responder, CPR, EVO's, arrest control, child abuse, victim perpetrator, interviewing and interrogation, crime scene investigation.
k. Body armor must be worn when any officer is on duty and in uniform.
l. Must annually pass physical fitness test established by Police Department policy.

5. Interpersonal and Communication Skills: Must maintain the ability to:
   a. read, analyze, and interpret the most documents and reports.
   b. respond effectively to the most sensitive inquiries or complaints.
   c. communicate effectively to co-workers, subordinates, and the public.
6. Physical Requirements and Work Environment: Functions of the position generally performed in a controlled environment, but subject to all seasonal and weather extremes. Tasks require a variety of physical activities involving muscular strain such as walking, standing, stooping, sitting, reaching, talking, hearing, kneel, crouch, or crawl, talk and hear, taste and smell. Ability to be in constant travel. Many functions of the work pose high degree of hazard uncertainty. Physical readiness essential to effective job performance. Various levels of mental application required, i.e. memory for details, emotional stability, discriminating thinking, creative problem solving. Must have continuous use of motor skills. Specific vision requirements include: close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus to handle traffic violation and criminal activity.

7. Supervision Received: Works under the general supervision of the Lieutenant or Sergeant.
8. Supervisory/Management Skills: May provide close or general supervision of less experienced officers while they are in training or on a case-by-case basis. Functions as the Officer in Charge (OIC) in the absence of a higher ranking officer or by assignment.

83.05.060. Police Officer I.

The following regarding the position of Police Officer I:

1. Division: Patrol Reports to: Patrol Sergeant
   Department: Police Date Prepared: 10/07
   FLSA: Non-Exempt Grade:
2. Purpose: Performs a variety of entry level law enforcement duties while in training. Responds to life and property threatening calls such as robbery, burglary, family disturbance, theft vandalism, arson, riot, etc. Conducts investigation and follow-up investigation on scene and suspects; makes arrests of offenders. Writes crime case reports, arrest reports, complaint reports, etc. Appears and testifies in court. Performs traffic enforcement and routine patrol. Operates the breathalyzer and radar equipment. Conducts security checks of business and residential establishments. Issues tickets to traffic violators.
3. Essential Functions:
   a. Patrol/Traffic:
      i. Patrols all areas of Perry City in police vehicle, on bicycle, or on foot, including the city streets and alleys, checking for unlocked doors, windows, and building security; makes business location and residential house checks for possible illegal activities.
      ii. Responds to calls for assistance, secures crime scenes for evidence searches; makes preliminary investigation and interrogates complainants, witnesses, and suspects; completes complaint questionnaires; performs case follow-up and assists with investigation activities as assigned; makes arrests.
      iii. Controls traffic and enforces traffic laws and ordinances; directs traffic, assists motorists, issues citations and warnings for traffic violations, issues D.U.I's, and investigates accidents involving motor vehicles; prepares and submits accident, offense, arrests, and other forms and reports as necessary.
      iv. Serves processes, notices, summons and subpoenas, and keeps records of dispositions; escorts prisoners to and from county jail or from one location to another; subdues unruly prisoners when necessary.
      v. Completes comprehensive reports of daily activities and enforcement actions; prepares for court cases and testifies in court when required.
      vi. Cleans and maintains assigned fire arms and vehicles and other special equipment.
      vii. Performs ongoing public relations to enhance the image of the department within the community.
   b. Community Policing/School Resource/Crime Prevention:
      i. Performs in various programs for community as needed to address needs, concerns, and issues pertaining to crime prevention and public relations; performs specialty resource functions by administrative assignment; enforces

all applicable city, state, and federal laws by apprehending, citing, and arresting violators on or off school property.

ii. Presents program(s) unique to Elementary School, focused on safety, drug awareness, alcohol (DUI), gang activity, truancy, violence, theft, vandalism, trespassing, traffic, etc.; conducts lectures, workshops, classes, or gives presentations related to criminal activity within the schools to assist school officials; educates participants and youth regarding law enforcement practices; demonstrates specialized equipment; explains efficiency and effectiveness of specialized equipment.

iii. May participate as member of special task forces or cooperative agency programs related to gang activity and other high profile situations and concerns; may serve on school community council; performs duties and services mutually agreed upon by police department and school administration; organizes and establishes neighborhood watch areas; conducts community watch meetings with concerned citizens upon request; educates public regarding effective action through organized community efforts; may serve as the D.A.R.E. Officer.

4. Knowledge and Experience:
   a. Must have a high school diploma or GED, successful completion of Police Officers Standards Entrance Exam or Training Academy (P.O.S.T.), and 13 week field training and/or an equivalent combination of education and experience.
   b. Some knowledge of modern law enforcement principles, procedures, techniques, and equipment; applicable Federal, State, County, and City laws and ordinances and departmental rules and regulations; hazardous waste classifications and emergency procedures related to control, containment, and confinement; investigative procedures and practices; legal liabilities associated with arrest and law enforcement; court room procedures and laws of evidence.
   c. Skill in the use of firearms, the operation of police vehicles, and other specialized equipment including intoxilyzers, radar units, police batons, and restraining devices; basic CPR, First Aid, and emergency response driving.
   d. Ability to react effectively in emergency, life and death, and stress situations; exhibit imagination, initiative, and problem-solving capability in coping with a variety of law enforcement situations; follow standard safety practices and procedures common to law enforcement work; perform work requiring good physical condition; communicate effectively, verbally and in writing; establish and maintain effective working relationships with employees, other agencies, and the public.
   e. POST certifiable law enforcement officer.
   f. Must be clear of a prior criminal record.
   g. Must possess a valid Utah State Driver's License.
   h. Must maintain firearm proficiency.
   i. Must maintain law enforcement certification by completing annual training requirements (40 hrs.).
   j. Body armor must be worn when any officer is on duty and in uniform.
   k. Must successfully pass pre-employment physical fitness test, upon conditional offer of employment.
   l. Must annually pass physical fitness test established by Police Department policy.

5. Interpersonal and Communication Skills: Must maintain the ability to:
   a. read, analyze, and interpret documents and reports.
   b. respond effectively to the most sensitive inquiries or complaints.
   c. communicate effectively to co-workers, subordinates, and the public.
6. Physical Requirements and Work Environment: Functions of the position generally performed in a controlled environment, but subject to all seasonal and weather extremes. Tasks require a variety of physical activities involving muscular strain such as walking, standing, stooping, sitting, reaching, talking, hearing, kneeling, crouching or crawling, talking and hearing, tasting and smelling. Constant travel. Many functions of the work pose a high degree of hazard uncertainty. Physical readiness is essential to effective job performance. Various levels of mental application is required, i.e. memory for details, emotional stability, discriminating thinking, and creative problem solving. Continuous use of motor skills. Specific vision requirements include: close vision, distance vision, color vision, peripheral vision, depth perception, and ability to adjust focus to handle traffic violation and criminal activity.
7. Supervision Received: Works under the general supervision of a Sergeant, Corporal, or assigned FTO/OIC.
8. Supervisory/Management Skills: This position has no direct supervision.

83.05.070. Animal Control Officer.

The following regarding the position of animal control officer:

1. Division: Animal Control Officer — Date Prepared: 10/07
   Reports to: Lieutenant — FLSA: Non-Exempt
   Department: Police — Grade: IV
2. Purpose: Performs a variety of working level, surveillance, and apprehension duties related to the enforcement of local animal control laws and ordinances.
3. Essential Functions:
   a. Patrols City; observes for unlicensed dogs and apprehends the same; utilizes specialized equipment such as “catch-all poles”, tranquilizer guns, and serums; picks up strays and delivers to shelter compound; administers euthanasia as required; removes dead or injured animals from city streets; investigates animal abuse or cruelty complaints; issues citations for violation of various ordinances; gives testimony in court as required.
   b. Assists to develop division operating budget and makes recommendations related to funding priorities; implements approved budgets and monitors expenditures to assure compliance with established fiscal limitations; develops revenue programs, recommends levels and types of fees and fines.
   c. Investigates citizen complaints concerning ordinance violations through field investigations; investigates complaints related to public treatment of animals; takes corrective action as needed; initiates sanctions and related legal options for the enforcement of city ordinances.
   d. Maintains and monitors all records of the division as needed to document impounding of animals and collection of fees, fines, etc.; assures proper reimbursement for services, time and materials; prepares annual report describing animal control operations.

e. Prepares recommendations for animal control ordinances; reviews existing legal guidelines for animal control and implements changes as required.
f. Delivers public education programs as needed to inform public of local ordinances and problems; attends meetings at local schools to educate children regarding animal control ordinances.
g. Assures welfare and care of animals within the shelter, meets established standards during all shelter operations; feeds and waters, uses high pressure wash equipment as needed to hose out pens, applies approved cleaning agents as needed to clean kennel, isolation area and cattery, mops floors; disinfects kennel areas in accordance with proper disease control requirements; administers euthanasia as required.
h. Cleans office area and facility environs.
i. Performs as animal control clerk; redeems, impounds and adopts animals by collecting and receipting the required fees, including dog license fees; maintains records of the same.
j. Assesses the condition of ill or injured animals; administers euthanasia as required.
k. Issues animal licenses; cites owners of loose/unlicensed dogs if known; participates in dog licensing clinics; determines and collects license fees; keeps records and files of redemption, sales, licenses, etc.; delivers money to shelter administrator.
l. Responds to citizen complaints; answers questions and inqui9ries via phone and radio.
m. Performs related duties as required.

4. Knowledge and Experience:
   a. Education and Experience: Graduation from high school plus sufficient training to demonstrate an aptitude and ability to perform above and related duties; AND one (1) year of general work experience preferably in a field related to above duties; or an equivalent combination of education and experience.
   b. Working knowledge of accepted animal control practices and procedures related to apprehension, containment, euthanasia, and related functions; animal handling methods; administrative practices, budget administration and development; federal, state, and local regulations governing animal control programs; public relations principles, methods, practices, and procedures; interpersonal communication methods.
   c. Some knowledge of computerized management information system; personal computer and various applications for work processing, data management and spreadsheet operations; the political realities and complexities of local government and the interrelationships of various statutory offices.
   d. Skill in record keeping and report writing; skill in the use of specialized animal control equipment; skill in the use and application of tranquilizers and lethal drugs.
   e. Ability to deal effectively with stress related to public safety employment and animal control; maintain accurate records; be firm and courteous with the public; develop effective working relationships with supervisors, fellow employees and the public; use discretion and good judgment; follow written and verbal instruction; operate a two-way radio; understand common radio code; learn quickly the laws, ordinances, and regulations governing animal control; work in an environment where exposure to all weather conditions would be expected in the performance of the job; perform

moderate amounts of physical labor; communicate effectively, verbally and in writing.

f. Preference may be given for certification through the National Animal Control Association and Utah Humane Society in the use an application of various animal control equipment.
g. Must possess a valid State of Utah Driver's License.
h. Must be willing to work "on-call" on a 24-hour basis.

5. Physical Requirements and Work Environment:
   a. Tasks require a variety of physical activities periodically involving muscular strain related to walking, standing, stooping, sitting, pulling, and reaching. Essential functions require talking, hearing, and seeing. Mental application utilizes memory for details, emotional stability, and discriminating thinking and problem solving. Elements of the job pose various degrees of hazard uncertainty common to animal control and animal impoundment. Common eye, hand, finger dexterity required to perform essential functions.
6. Supervision Received:
   a. Works under general supervision from the assigned ranking police officer.
7. Supervisory/Management Skills:
   a. This position has no direct supervision.

Chapter 83.06.
EMERGENCY SERVICES DEPARTMENT
(Reserved)

Chapter 83.08.
INDEX CHAPTER OF PERSONNEL RESOLUTIONS
(Reserved)

The index chapter of personnel resolutions shall be placed in this chapter.

Chapter 83.11.
ADMINISTRATIVE POLICY:
MOBILE/CELL PHONES

83.11.010. Perry City Cell Phones.
83.11.020. Perry City Contributions for Others with Cell Phones.

83.11.010. Perry City Cell Phones.

The following regarding Perry City cellular phones:

1. Perry City will purchase one (1) mobile/cell phone and pay base fee each month for:
    a. Maintenance Supervisor.
    b. Maintenance Crew (full-time).
    c. Mayor.
    d. Recorder/Manager.
    e. Police Chief.
    f. Police Officers (full-time).
    g. Parks Supervisor.
    h. Animal Control.
2. The City will pay for one (1) battery per year if needed. Additional batteries, up-grade, replacement of phone due to carelessness, and accessories will be paid by employee. Any fees over the base fee are to be paid by the employee. All costs/fees due to the City will be deducted from the employee's next check.

83.11.020. Perry City Contributions for Others with Cell Phones.

The following regarding Perry City contributions for others with cell phones:

1. Perry City will pay half the cost (50%) for one (1) mobile/cell phone and pay half (50%) of the base fee ($50.00 maximum) each month for:
    a. Office Clerks (full-time).
    b. Maintenance Crew (permanent part-time, if needed).
2. The City will pay half (50%) for one (1) battery per year if needed. Additional bastteries, up-grades, replacement of phone due to carelessness, and accessories will be paid by employee. Any fees over half (50%) of the base fee is to be paid by employee. All costs/fees due to the City will be deducted from the employee's next check.

3. Any employee, Council Member, or board member can purchase a phone or more than one phone, on the City account, when they pay for the phone and the monthly fee each month, entirely.

Chapter 83.12.
PERRY CITY VEHICLE POLICY

83.12.010. Operation of Department Vehicles.
83.12.020. Operation and Occupancy of Vehicle by Unauthorized Person.
83.12.030. Use of Department Vehicle to Move Another.
83.12.040. Unauthorized Use of Department Property or Facilities.
83.12.050. Drivers Must be Licensed.
83.12.060. Travel Outside Jurisdiction.
83.12.070. Fuel and Service Receipts.
83.12.080. Misappropriation or Property.
83.12.090. Penalties.

83.12.010. Operation of Department Vehicles.
When driving a Perry City vehicle, members/employees shall not violate the traffic laws and exercise prudence and sound judgment. A member/employee will operate a department vehicle at all times in such a manner as to avoid injury to persons or damage to property.

83.12.020. Operation and Occupancy of Vehicle by Unauthorized Person.
No member/employee of the department shall allow, at any time, an unauthorized person to operate a Perry City vehicle or have in his possession the keys to such a vehicle. Members/employees shall not permit, other than authorized employees of the department, to ride in Perry City vehicles. There may be a rare occasion where a person, or persons, is/are required to be conveyed in the performance of duty. However, such occasion must be authorized by a supervisor.

83.12.030. Use of Department Vehicle to Move Another.
Except in extraordinary situations, no member/employee will use a department vehicle to push or pull another vehicle unless the department vehicle is specifically equipped for this purpose.

83.12.040. Unauthorized Use of Department Property or Facilities.
No member/employee of the department shall use Perry City vehicles or property for personal, social, or unofficial purposes.

83.12.050. Drivers Must be Licensed.
Each driver must provide Perry City with a copy of a current Utah Driver’s License to keep on file.

83.12.060. Travel Outside Jurisdiction.
Travel outside of jurisdiction must have supervisor authorization.

83.12.070. Fuel and Service Receipts.
Copies of receipts for service and all fuel charged on fleet cards must be signed and submitted to the City by the end of the next business day.

83.12.080. Misappropriation or Property.
Members shall not appropriate for their own use any vehicle, fuel, supplies, equipment, or other Perry City property without proper authorization.

83.12.090. Penalties.
Violation of these rules may result in immediate suspension and could lead to termination.

Chapter 83.13.
CAPITALIZATION POLICY

83.13.010. Purpose.
83.13.020. Property Worth More than $2,500.
83.13.030. Property Worth Less than $2,500.
83.13.040. Determination of Non-expendable Property.

83.13.010. Purpose.
The Perry City Council adopts the following capitalization policy for the purpose of determining, distinguishing, and recording materials and non-expendable equipment and severable property purchased or acquired in connection with the development, management, and maintenance of public government owned and/or operated property by Perry City.

83.13.020. Property Worth More than $2,500.
If the initial cost of a piece of equipment and/or other personal property is two thousand five hundred ($2,500.00) dollars or more and the anticipated life or useful value of said equipment or property is more than one (1) year, the same shall be capitalized and recorded as non-expendable equipment and charged as a capital expenditure.

83.13.030. Property Worth Less than $2,500.
If the initial cost of a piece of equipment and/or personal property is less than two thousand five hundred ($2,500.00) dollars or its useful life is less than one (1) year regardless of cost, the same shall be treated and recorded as materials or inventory and charged to maintenance, administration, or service expense.

83.13.040. Determination of Non-expendable Property.
The City Manager/City Recorder or other designee by the Mayor is authorized and directed to determine whether each pie e of equipment or other personal property that is acquired by Perry City in connection with the development, management, and maintenance of the properties owned or operated by Perry City, shall be classified as material or non-expendable, as defined in the preceding sections. The City Manager/City Recorder or other designee by the Mayor is further directed to ensure that the determination is documented in the appropriate records of Perry City and retained for the information and guidance of its personnel and for audit purposes.

Chapter 83.14.
EMPLOYEE DRESS CODE
(See attached document)

Legislative History

New Ordinance passed and approved: 3/27/08.
Job Descriptions for Sections 83.04.100 (City Planner I) and 83.04.110 (City Planner II) approved: 11/13/08.
Employee Dress Code (Chapter 83.14) approved: 9/25/08.
New numbering system and codification into Perry Municipal Code: 12/11/08

Perry City Dress Code

For Elected & Appointed Officials

Dress Code

What to Wear During City Meetings

- **Shirts**
  - Perry City Dress Shirts
  - Polos
  - Other Dress Shirts / Blouses
  - Henley's
  - Turtlenecks
  - Blazers / Sport coats
  - Sweaters
  - Ties (optional)
- **Dresses and Skirts** (no more than 2” from knee)
- **Suits**
- **Pants**
  - Dress Pants
  - Khakis or Corduroys
  - Jeans (clean and in good condition)
  - Dress Capri's (no Levi or Khaki material)
- **Shoes**
  - Dress Shoes
  - Dress Sandals
  - Dress Boots

Dress Code

What Not to Wear

- Halter Tops
- Tank Tops
- Strapless
- Midriffs
- T-Shirts
- Shorts
- Sweat Pants
- Clothing that is revealing
- Clothes that are dirty or in bad condition
- Leggings
- Short Skirts
- Gym Clothing
- Beach wear
- Beach shoes
- Slippers
- Sunglasses
- Hats
- Pajamas or Scrubs
- **If in doubt don't wear it**

Personal Hygiene

- Officials are expected to present a clean and neat appearance.
- Appropriate grooming and hygiene is required.
- Offensive body odor or perfumes is prohibited.

Office Staff Dress Code

Perry City 2008

Office Staff Dress Code

What to Wear
(Monday – Thursday)

- **Corporate Casual Tops**
  - Polos
  - Dress Shirts / Blouses
  - Henley's
  - Turtlenecks
  - Blazers / Sport coats
  - Sweaters
  - Sleeveless (cover to the end of shoulder)
- **Dresses and Skirts** (no more than 2" from knee)
- ***Tattoos Must Be Covered**

- **Pants**
  - Jeans (clean and in good condition)
  - Khakis or Corduroys
  - Dress Pants
  - Capri's
  - Gauchos
  - Dress Shorts / Skorts
- **Shoes**
  - Dress Shoes
  - Tennis Shoes (clean and in good condition)
  - Sandals
  - Dress Boots

Office Staff Dress Code

What to Wear

(Casual Friday)

- All Attire listed Monday – Thursday
- T-Shirts (No suggestive pictures or statements)
- Sweat Shirts (No suggestive pictures or statements)
- Perry City Logo Shirts

Office Staff Dress Code

What Not to Wear

- Halter Tops
- Tank Tops
- Strapless
- Midriffs
- T-Shirts with suggestive pictures or statements
- Casual Shorts
- Short Shorts
- Sweat Pants
- Leggings
- Clothing that is revealing
- Short Skirts
- Gym Clothing
- Beach wear
- Beach shoes
- Slippers
- Sunglasses
- Hats
- Pajamas or Scrubs
- Observable lack of under garments or exposed under garments
- **If in doubt don't wear it**

VIP Dress

Reasons for VIP Dress

- Meetings
  - Council
  - Planning
  - Associations
  - City Business
- Any time you are representing Perry City

What to Wear

- Suits
- Dresses
- Skirts (of proper length)
- Blouses
- Perry City Dress Shirts
- Turtlenecks
- Sweaters
- Blazers / Sport coats
- Slacks
- Khaki Pants or corduroys
- Dress Capri (no Levi or Khaki materials)
- Dress Shoes
- Dress Sandals

Personal Hygiene

- Employees are expected to present a clean and neat appearance.
- Appropriate grooming and hygiene is required.
- Offensive body odor or perfumes is prohibited.

Dress Code Violations

- Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.
- Consult your supervisor or department head if you questions as to what constitutes appropriate attire.

Public Works & Inspection Dress Code

Perry City 2008

Public Works & Inspection Dress Code

What to Wear:

- Long Pants
- Perry City shirts*
- Polos
- Button down shirts
- Flannel shirts
- Perry City Hats*
- Ball caps (No suggestive pictures or statements)
- Sweat Shirts (No suggestive pictures or statements)
- T-Shirts (No suggestive pictures or statements)
- Closed toe shoes – work boots, tennis, or athletic shoes
- Safety equipment when appropriate (hard hats, safety glasses, reflective vests, steel toe shoes, etc.)

*preferred attire

Public Works & Inspection Dress Code

Not Acceptable:

- Tank Tops
- Going shirtless
- Revealing clothing
- Clothing with rips or tears
- Shoes with open toe or open heel
- Shoes with holes
- Pants worn below the waistline
- Clothing with suggestive or offensive comments or pictures
- Observable lack of garments or exposed garments

Personal Hygiene

- Employees are expected to present a clean and neat appearance.
- Appropriate grooming and hygiene is required.
- Hair must be kept a natural color and non-disruptive style.
- Offensive body odor or perfumes is prohibited.

Dress Code Violations

- Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work.
- Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

Title 84, General Resolutions
FEE SCHEDULES

Chapter 84.01. **ADMINISTRATION FEES**
Chapter 84.03. **BUILDING FEES AND IMPACT FEES**
Chapter 84.05. **MONTHLY UTILITY FEES**
Chapter 84.07. **ANNUAL BUSINESS LICENSE FEES**
Chapter 84.09. **LAND USE APPLICATION FEES**
Chapter 84.11. **EXCAVATION PERMIT FEES**
Chapter 84.13. **PARK AND BUILDING USE FEES**
Chapter 84.15. **PARKING CITATIONS AND OTHER CIVIL PENALTIES**
Chapter 84.17. **POLICE REPORTS AND ANIMAL CONTROL FEES**

Chapter 84.01.
ADMINISTRATION FEES

84.01.010. Municipal Code
Printed copy (all three main volumes, A to C) $75.00
Printed copy (per volume) $25.00
Printed copy: Public Works Standards Book (Title 76 of Vol. A) $15.00
Digital copy (per CD or DVD, all three volumes).....$8.00

84.01.020. Copies: Including documents, maps, etc.
Black & White 8.5” X 11 or 11” X 14” per page $0.25
Color Copies 8.5” X 11 or 11” X 14” per page $0.75
Black & White 11” X 17”.....$0.50
Color 11” X 17” $1.50
Larger Sizes available by request.

84.01.030. Return Check Fee $30.00

84.01.040. Accounts Receivable Re-billing Fee $2.00

84.01.050. Administration Re-billing Fee (for utility billings).....$2.00

84.01.060. Certified Copy $5.00

84.01.070. Notarize a Document
Non-residents (per document).....$5.00
Residents (one document per resident per day) .....No Charge

84.01.080. Copies of digital data (CD or DVD) .....$8.00+
Plus cost of staff time for research (after first 15 minutes)

84.01.090. Facsimiles:
First Page, Local Number $1.00
Each Additional Page, Local Number $0.50
First Page, Long Distance.....$2.00
Each Additional Page, Long Distance $1.00

84.01.100. Research, Compilation, editing, etc:

First 15 minutes.....No Charge
Additional Time Per Hour $15.00

84.01.110. Audit:

First Copy.....No Charge
Each Additional Copy.....$10.00

84.01.120. Budget:

First Copy.....No Charge
Each Additional Copy.....$10.00

Chapter 84.03.
BUILDING FEES AND IMPACT FEES

84.03.010. Culinary Water Fees:

Construction Water Use.....$50.00
Water Impact Fee ¾" $2,292.00
Water Impact Fee 1" $3,667.00
Water Impact Fee 1.5" $4,583.00
Water Impact Fee 2" $9,167.00
Water Impact Fee 3" $32,084.00
Water Impact Fee 4" $55,000.00
Water Impact Fee 6" $114,584.00
Water Impact Fee 8" $165,001.00
Water Connection Fee: ¾" Meter $350.00
Water Connection Fee: 1" Meter $440.00
Water Connection Fee: Meters larger than 1"= Cost of Meter plus ..$150.00+

84.03.020. Sanitary Sewer Fees:

Single Family Residential.....$5,250.00
Multi-Family Per Dwelling Unit.....$5,250.00
All Commercial Per ERU (Equivalent Residential Unit) $5,250.00
Sewer Connection Fee $50.00

84.03.030. Storm Water Fees, Per ERU (Equivalent Residential Unit).....$4,251.87
Medium Density Residential, incl. ¼ acre (0.42 Multiplier).....$1783.82
Mixed Use Residential (0.46 Multiplier).....$1967.59
Low Density Residential, incl. 1/3 acre (0.74 Multiplier) $3148.15
Rural Residential, incl. ½ acre w/ animal rights (1.11 Multiplier) $4722.22
Residential, incl. ½ acre without animal rights (1.25 Multiplier).....$5312.50
Agricultural, incl. 1 acre and larger (1.25 Multiplier) $5312.50
Commercial, Manuf./Industrial, Civic, Institutional (Per ERU).....$4,251.87

84.03.040. Park Impact Fees:

Single Family Residential $2,000.00
Multi-Family Residential Per Dwelling Unit.....$1,981.37

84.03.050. Fire Impact Fees:

Single Family Residential $166.42
Multi-Family Residential Per Dwelling Unit.....$166.42
Commercial Building Per 1000 Sq. Ft. $102.42

84.03.060. Police Impact Fees:

Single Family Residential $48.36
Multi-Family Residential Per Dwelling Unit.....$48.36
Commercial Building Per 1000 Sq. Ft. $102.41

84.03.070. Temporary Power Inspection Fee $55.55

84.03.080. Minimum Building Fee (includes 1% State Fee).....$55.55

84.03.090. Plan Check Fees:

Residential (50% of Permit Fee).....50%
Commercial (65% of Permit Fee) 65%

84.03.100. State Fee (1% of Permit Fee) 1%

84.03.110. Deposit For Off-Site Improvements (Concrete work, etc.) $500.00

84.03.120. Storm Water Connection Permit.....$30.00

84.03.130. Storm Water Construction Activity Permit $30.00

84.03.140. Excavation Permit/Road Cut Fee (See PMC Chapter 84.11) .....Varies

Chapter 84.05.
MONTHLY UTILITY FEES

84.05.010. Solid Waste (Garbage):

1st garbage can.....**$10.50**
Each extra garbage can $10.00
Garbage can replacement.....$10.00

84.05.020. Culinary Water:

Deposit for account activation ($100 water and $100 sewer).....$200.00
Waived for residents of three years or more

Single Family Residence.....**$15.00**
Up to 10,000 gallons of water
Up to 15,000 gallons of water if secondary water is not available
Multi-Family Residence, Per Dwelling Unit $15.00
Up to 10,000 gallons of water
Up to 15,000 gallons of water if secondary water is not available
Each additional 1,000 gallons.....$0.95

Water usage by contractor during construction of new residence $50.00
Water usage by contractor during other construction
First 100,000 gallons of water $4.00/1000g
After first 100,000 gallons of water $3.00/1000g

Damaged Meter Ring/Cover replacement $60.00
Reconnection charge, if water is disconnected for non-payment $50.00

84.05.030. Storm Water (Single Family & Multi-Family Residential) **$4.00**

84.05.040. Sanitary Sewer:

Single Family Residential.....**$41.50**
Multi-Family Residential, per ERU.....$41.50
Commercial, per ERU.....$41.50

Chapter 84.07.
ANNUAL BUSINESS LICENSE FEES

84.07.010. Home Business.....$30.00
Conditional Use Permit also required for visiting clientele (See PMC Section 84.09.200).

84.07.020. Professional Services / Contractor $34.00
84.07.030. Wholesale / Retail Business.....$30.00
84.07.040. Big Box Stores $5,000.00
84.07.050. Construction $125.00
84.07.060. Automotive.....$34.00
84.07.070. Gas Station/Convenience Store.....$125.00
84.07.080. Food Sales/Fruit Stands.....$125.00
84.07.090. Large Scale Construction $2,359.00
84.07.100. Live Performance.....$125.00
84.07.110. Movie Theater $125.00
84.07.120. Public Lodging $34.00
84.07.130. Rental (Plus $10.00 Per Unit) .....$41.00+
84.07.140. Storage Units $125.00
84.07.150. Truck Stop $2,608.00
84.07.160. Restaurant $125.00
84.07.170. Animal Kennel.....$50.00

84.07.200. Amusement Machines.....$30.00 each
84.07.210. Vending Machines.....$5.00 each

84.07.300. Temporary $34.00

84.07.400. Class A Beer License.....$225.00
84.07.410. Class B Beer License (if allowed by Title 5, bus. license ordinance) ...$475.00

84.07.500. Public Exhibition.....$30.00 per day
84.07.510. Solicitors (ID required for all participants).....$38.00/person

84.07.600. Late Fees .....+50% penalty
A 50% penalty (late fee) shall be added to all business license renewals received by the City after February 16th, as per PMC Section 05.30.060. There shall be no proration of fees for a new business license for a partial year.

Chapter 84.09.
LAND USE APPLICATION FEES

84.09.010. Municipal Code

Printed copy of General Plan & Land Use Ordinances (Vol. B).....$20.00
Digital copy (CD or DVD, Volume B and/or other volumes).....$8.00/disk

84.09.020. Zoning Map Amendment $400.00

84.09.030. Annexation.....$800.00

84.09.100. Easement Review $100.00

84.09.110. Subdivision and Site Plan (Design Review) Fees, Including Amendments*:

* [Amendment Fees may be reduced by the Council, based upon Circumstances.]

Concept Only Review (without City Engineer review), if desired....$50.00
Concept through Preliminary Approval (in addition to any Concept Only Rev.):
Residential Subdivision: $100 plus $50 per lot.
Commercial Subdivision: $500 plus $50 per lot.
Site Plan/Other Non-Subdiv.: $100 plus $200 per acre (or portion thereof).
Additional Fees through Final Approval:
Residential Subdivision: $300 plus $125 per lot.
Commercial Subdivision: $500 plus $125 per lot.
Site Plan/Other Non-Subdiv.: $300 plus $500 per acre (or portion thereof).
Additional Fees through Construction:
Residential or Commercial Subdivision: $1500 plus $250 per lot.
Site Plan/Other Non-Subdiv.: $1500 plus $1000/acre (or portion thereof).
Additional Parks and Open Space Purchase Fees (for Subdiv.).....2% appraisal
The Regular 2% Cash Purchase Fee (or the Optional 2% Land Donation Fee), for all Subdivisions, except for "Metes and Bounds" (and other 1 to 3 lot) Residential Subdivisions, as per PMC Section 12.05.030, to be paid before the plat is recorded.

"Metes and Bounds" Residential Subdivision (1 to 3 lots).....$400.00/lot

84.09.120. Vacate Fees:

Vacate a Street, Alley, Right-of-way, etc. $300.00
Vacate a Subdivision (plus $100 per lot).....$200.00+

84.09.130. Limited Review Fees:

Sign Permit (plus building permit fee).....$50.00+
Residential Site Plan not in a Subdiv. (plus bldg. permit fee, etc.) ...$200.00+

84.09.200. Conditional Use Permits:

Home Businesses Permits (with visiting clientele).....$100.00
(One time $70 CUP fee, plus $30 annual business license fee, as per PMC Section 84.07.010)
Excavation Permit.....$250.00
(plus any applicable excavation fees, as per PMC Chapter 84.11)
Other (non-excavation) Permits.....$250.00
(plus any applicable business license fee, as per PMC Chapter 84.07)

84.09.210. Other Special Use Permit Fees:

Certificate of Existence for a Non-Conforming Use/Structure.....$50.00
Other Non-Conforming Use/Structure Application.....$150.00
Zoning/Boundary Policy Application.....$150.00
Lot Line Adjustment.....$400.00
Flag Lot or Other Special Exception or Special Use Application $150.00

84.09.300. Land Use Appeals (All types).....$50.00

Chapter 84.11.
EXCAVATION PERMIT FEES*

84.11.010. Excavation:

Hard Surface per sq. ft. $0.20
Shoulder or Gravel Road per sq. ft. $0.10

84.11.020. Boring, Jacking or Tunneling:

Hard Surface (asphalt/concrete): $10/excavated pit + per linear ft. ..$0.10
Shoulder or Gravel Road: $5/excavated pit + per linear ft. $0.05

84.11.030. Minimum Charge for Excavation (includes boring, jacking or tunneling):

Hard Surface $60.00
Shoulder or Gravel Road $40.00
Other $20.00

84.11.040. Installation of New Sidewalk, Curb and Gutter, and/or Driveway Approaches:

Curb & Gutter per lineal foot.....$0.40
Sidewalk, Driveway Approaches per sq. ft.....$0.10
Minimum Charge.....$30.00

84.11.050. "In Kind" Replacement of Existing Sidewalk, Curb and Gutter, and/or Driveway Approaches (for Single Family Lots):

Minimum Charge.....$30.00

84.11.060. Additional Fee for Cutting New Asphalt.

1 yr. old or newer $150.00
1 yr. old to 2 yrs. old $100.00
2 yrs. old to 3 yrs. old $50.00

84.11.070. Additional Fee for Storm Sewer, Drainage & Water Pipelines:

Regular excavation fees, plus per lineal foot of pipeline.....$0.40
Minimum Charge $30.00

84.11.100. Fees for Multiple Excavations:

Multiple excavations shall be considered as a single excavation (for fee purposes) and shall be in accordance with the schedule(s) above if: (1) the distance between multiple excavations does not exceed one standard block (660 feet); and (2) the multiple excavations are accomplished within the same day. Otherwise, they shall be considered as separate excavations (for fee purposes).

84.11.200. Miscellaneous Excavation or Fill:

Minimum fees for the agency review and the permit and inspection of all on-site or off-site development related work shall be in accordance with the flowing schedule:

Import or Export: 1,000 cubic yards or more .....$30.00 plus
Per cubic yard in excess of 1,000 cubic yards $0.02
Trench excavation or Fill: Exceeding 4' in depth or height .....$30.00 plus
Per linear foot of trench $0.10

*Plus any applicable excavation fees, as per PMC Section 84.09.200.

Chapter 84.13.
PARK AND BUILDING USE FEES

84.13.010. Deposit (for all events, unless waived; refundable if clean and no damage).....$50.00

84.13.020. Residents (for up to 5 hours + $5.00 for each additional hour) .....$25.00+*

84.13.030. Non-Residents (for up to 5 hours + $7.00 for each additional hour).....$35.00*

84.13.040. Non-Profit Organization, Including Large Events (for up to 5 hours + $7.00 for each additional hour; with deposit waived; preference to residents).....$35.00**

84.13.050. Season Rates (for residents only).....$1.00/hour*

84.13.060. Community Party (block party) up to 16 weeks on a weekly basis .....No Charge**

The event (or series of events) must be sponsored by a current Perry City elected official.
All residents are welcome. All events are on a Monday, Tuesday, Wednesday, or Thursday.
Only one set of "no cost" community parties may be scheduled at each park each year. Deposit waived.

84.13.065. Mayor/Council/Employee Event Rate.....No Charge**

No cost for one event per year (up to 5 hours reserved) per current Perry City elected official or employee, and then at the regular residential rate thereafter. A "Community Party" (sponsored by a current Perry City elected official) counts as this one event per year.

84.13.070. City-wide Event Rate.....No Charge**

No cost to schedule the parks or buildings for City-wide, City-sponsored events, such as the Fourth of July celebration. All officially noticed City meetings shall have priority use of City buildings.

84.13.080. Responsibility for "Cleanup"

All individuals and groups are responsible to clean up after their events and activities. Refundable deposits may be kept by the City to pay for damage and/or cleanup. Perry City reserves the prerogative to not allow a certain individual or group to reserve any park or building after excessive damage and/or necessary cleanup.

* Plus a $50.00 deposit.
** No deposit.

Chapter 84.15.
PARKING CITATIONS AND OTHER CIVIL PENALTIES

84.15.020. Storm Water Drainage:

Notice of Violation Issued, 1st Day, 24-hour remediation.....**No Charge**
2nd Day $100.00
3rd Day.....$200.00
Each Subsequent Day $200.00

84.15.100. Overtime Parking (Posted or Metered) Violation:

If paid within 14 calendar days.....**$10.00**
If paid after 14 calendar days, but within 30 calendar days.....$40.00
If paid after 30 calendar days.....$70.00

84.15.200. Disabled Parking Violation:

If paid within 14 calendar days.....**$100.00**
If paid after 14 calendar days, but within 30 calendar days.....$130.00
If paid after 30 calendar days.....$160.00

84.15.300. Expired or Improper Registration* Violation:

* [Reduced $20.00 upon proof of registration.]
If paid within 14 calendar days.....**$40 (*$20)**
If paid after 14 calendar days, but within 30 calendar days.....$70 (*$50)
If paid after 30 calendar days.....$100 (*$80)

84.15.400. Restricted Parking Violations:

If paid within 14 calendar days.....**$30.00**
If paid after 14 calendar days, but within 30 calendar days.....$60.00
If paid after 30 calendar days.....$90.00

84.15.500. All other Parking Violations:

If paid within 14 calendar days.....**$20.00**
If paid after 14 calendar days, but within 30 calendar days.....$50.00
If paid after 30 calendar days.....$80.00

Chapter 84.17.
POLICE REPORTS AND ANIMAL CONTROL FEES

84.17.100. Municipal Code:

Printed copy of Police Code (Vol. C) and Animal Con. (Title 6) $25.00
Digital copy (CD or DVD, Volume C and/or other volumes).....$8.00/disk

84.17.200. Administration, Including Copies of Reports:

Missionary Clearance Letter.....$1.00
Fingerprint, Residential.....Not Available
Fingerprint, Non-Residential .....Not Available
Incident Report (no pictures) $20.00
Incident Report (with pictures) $30.00

84.17.300. Animal Control Fines:

Restraint-First Offense.....$70.00
Restraint-Second Offense $100.00
Restraint-Third Offense $200.00
Restraint-Fourth Offense $1000.00
Expired Dog License.....$65.00
Licensed Dog Not Wearing License (after one warning) $40.00
Animal Impound Fees charged by animal shelter will be passed on to the animal owner.
Animal Kennel: license required for each dog, plus ann. Bus. Lic. fee (PMC Section 84.07.170); and only allowed in certain zones (PMC Chapter 45.20 – Land Use Chart, page 1).

84.17.400. Annual Animal Licenses:

Dog, Unneutered or Unspayed.....$20.00
Dog, Neutered or Spayed.....$8.00
Duplicate or Replacement License $3.00
Additional Dog License Late Fee After January 31st.....$10.00
As per PMC Section 06.03.080, there is no proration of fees for a new license for a partial year.
Fees are waived for puppies being trained for guide schools or police service dogs.

Legislative History

-Resolution 08-08 added Chapter 84.13 (Use of City Parks and Buildings): approved 3/13/08.
-Resolution 10-02 codified all existing resolutions, with changes/additions: approved 2/25/10.
-Resolution 10-17 amended Sections 84.05.010 and 84.05.040: 08/26/2010
-Resolution 10-19 amended Sections 84.03.01010 and 84.03.030: 10/28/2010

Title 85, General Resolutions
INDEX OF RE-CODIFICATION, REPORTS, STUDIES, OTHER ADMINISTRATIVE POLICIES, AND MISC. RESOLUTIONS

Chapter 85.09. RESOLUTIONS ADOPTED IN 2009
Chapter 85.10. RESOLUTIONS ADOPTED IN 2010

Chapter 85.09.
RESOLUTIONS ADOPTED IN 2009

85.09.010. 09-07, Ratifying 08-46 (Re-codification of Municipal Code), Approved 02/12/09.
85.09.020. 09-22 (Mayor Sign State of Utah Wastewater Report 2008), Approved 09/24/09.
85.09.030. 09-33 (Re-codification of Municipal Code), Approved 12/10/09.

Chapter 85.10.
RESOLUTIONS ADOPTED IN 2010

85.10.010. None (See 72.11.10).

Legislative History
First Index Codification: January 13, 2011

Title 98, City Volunteers, Committees, and Affiliated Organizations Resolutions
FIRE, MEDICAL, AND EMERGENCY SERVICES VOLUNTEERS AND ORGANIZATIONS

Chapter 98.01. **LEGISLATIVE INTENT OF THIS TITLE [RESERVED]**
Chapter 98.02. **[RESERVED]**
Chapter 98.03. **BYLAWS: PERRY CITY COMMUNITY EMERGENCY RESPONSE TEAM ASSOCIATION (CERT)**
Chapter 98.04. **BYLAWS: PERRY CITY FIRST RESPONDER ASSOCIATION**

Chapter 98.03.
BYLAWS: PERRY CITY COMMUNITY EMERGENCY RESPONSE TEAM ASSOCIATION (CERT)

Part 1. General Provisions Regarding CERT Association.
98.03.110. Name of the Association.
98.03.120. Purpose and Objectives of the Association.

Part 2. Meetings and Rules of Procedure.
98.03.210. Location of the CERT Association.
98.03.220. Association Meeting Dates and Times; Public Comments; Meeting Notice.
98.03.230. Board/Committee Meeting Dates and Times; Public Comments; Meeting Notice.
98.03.240. Agendas for Meetings.
98.03.250. Motions, Voting, and Similar Procedures for Meetings.
98.03.260. Robert's Rules of Order and Prior Precedents; Interpreting Rules; City Attorney.
98.03.270. Rules of Conduct and Ethics.

Part 3. Membership and Government of the Association.
98.03.310. Membership in the Association.
98.03.320. Government of the Association: General Provisions.

Part 4. Board of Directors, Committees, and Elections.
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98.03.570. Responsibilities of the Radio Communications Director.
98.03.580. Responsibilities of the Phone Tree Director.
98.03.590. Responsibilities of the Equipment Director.

Part 6. Adoption, Amendment, or Dissolution of the Bylaws (and of the CERT Association).

98.03.600. Adoption of the Original Bylaws.
98.03.610. Amendment of the Bylaws.
98.03.620. Dissolution of the Bylaws (and of the CERT Association).

Part 1. General Provisions Regarding CERT Association.

98.03.110. Name of the Association.

The following terms are defined regarding the official name of the Association:

1. The official name of this organization or Association is the "Perry City CERT Association," formed April 8, 2008 (and sometimes referred to herein as "Association"); and
2. "CERT," as used in the name of this Association, stands for "Community Emergency Response Team."

98.03.120. Purpose and Objectives of the Association.

The following is/are the purpose and objectives of the Association:

1. To assist Federal, State, County, and City Emergency Services in any and all emergencies and to assist the general public in such emergencies (as trained); and
2. To train, educate, and inform the public regarding emergency preparedness.

Part 2. Meetings and Rules of Procedure.

98.03.210. Location of the CERT Association.

The office and principle place of business of the Association, and regular and special meetings of the Association shall be at the Perry City Offices, currently located at 3005 South 1200 West, Perry, Utah.

98.03.220. Association Meeting Dates and Times; Public Comments; Meeting Notice.

The following rules apply regarding meeting dates and times, public comments, and meeting notice requirements for Association meetings:

1. The Association's regular meeting dates and times shall normally be on the second Tuesday of each month at 1900 hours (7:00 p.m.), but special meetings, deemed necessary to facilitate business, may be scheduled (at any other designated time) by a vote of the Association at a meeting, or by three members of the Executive Committee; and
2. Meetings are subject to the Open and Public Meetings Act, Title 52, Chapter 4 of the *Utah Code Annotated*, 1953, as amended; and
3. Any member of the public may, at any public meeting, be given the opportunity to present comments, problems, proposals, or objections to the Association (during public hearings, public comments periods, or as called upon by the Chair or Acting Chair); and
4. Notice of meetings shall be conducted and such notice given as required by the Utah Open and Public Meeting Act, Utah Code Annotated Sections 52-4-6 (1953, as amended). Notice shall be provided to all members of the Association and ex officio

members of Association, by telephone or e-mail at their home or business at least twenty-four (24) hours before the time of calling such a meeting; and providing further that notice of any meeting shall be considered properly given, regardless of time or manner of notice, if the member who was given notice is present at the meeting; and

5. Conduct of the business of this Association shall be vested in the Board of Directors, to be carried out in accordance with the mandate of the Association members; and
6. A quorum at an Association meeting is a minimum of four (4) regular, voting Association members; and
7. A minimum of three (3) affirmative votes are required to approve any issue.

98.03.230. Board/Committee Meeting Dates and Times; Public Comments; Meeting Notice.

The following rules apply regarding meeting dates and times, public comments, and meeting notice requirements for Board of Directors, Executive Committee, or Regular Committee meetings:

1. The rules in Perry Municipal Code Section 98.03.220 apply to Board of Directors, Executive Committee, or Regular Committee meetings, with said meetings to normally be held on the second Tuesday of each month at 1800 hours (6:00 p.m.), or at any other time designated by the Association Chair or by a Committee Director; and
2. A quorum at a Board of Directors or Committee meeting is a minimum of two (2) regular, voting Board or Committee members; and
3. A minimum of two (2) affirmative votes are required to approve any issue.

98.03.240. Agendas for Meetings.

Agenda items for consideration of the Association may appear on the agenda (preferably on the monthly consolidated agenda for volunteer Committees/organizations) of any Association meeting at the request of any member, including (but not limited to) the following types of agenda items:

1. Call to Order, and/or
2. Opening Ceremony (optional, as per Perry Municipal Code Chapter 80.05), and/or
3. Taking of the Roll, and/or
4. Minutes approved for the previous month(s)' meeting(s), and/or
5. Financial Reports and Approvals, and/or
6. Reports of Committees, including Reports on Training, and/or
7. Unfinished Business, and/or
8. New Business, and/or
9. Nomination and Election of Officers, and/or
10. Review of Association Activities, and/or
11. Miscellaneous Issues, and/or
12. Motion to Adjourn.

98.03.250. Motions, Voting, and Similar Procedures for Meetings.

The following rules apply to motions, voting, and procedures in meetings:

1. The Chair shall not be allowed to make or second any motions, but may request that a motion be considered; and
2. Each member of the Association (or Board or Committee) present, other than any ex officio members, shall have one vote when voting is required, except the Chair, who shall not be allowed to vote, other than:
    a. During an election for the position of Chair; and
    b. In the event that the vote is tied, in which case the Chair may vote to "break" the tie (even if he/she already voted, in an election for the position of Chair); and
3. A member may *not* be represented by proxy; and
4. Abstaining votes shall not count toward the calculation of any vote.
   Example: Fifteen (15) members are voting on an issue at an Association meeting. Seven (7) members cast affirmative votes, six (6) members cast negative votes, and two (2) members abstain. The issue is approved, since seven (7) is a majority of the thirteen (13) votes cast.

98.03.260. Robert's Rules of Order and Prior Precedents; Interpreting Rules; City Attorney.

The following special procedural rules shall apply:

1. Robert's Rules of Order, applicable City Council Rules of Procedure (Perry Municipal Code, Title 80), and precedents from prior meetings shall govern any situation not specifically covered by state or local law or by these rules; and
2. The City Attorney (or Assistant City Attorney), as parliamentarian (whether or not present in the meeting), shall interpret any rules of procedure, subject to being overruled by an appeal to the Administrative Law Judge; and
3. The City Attorney (or Assistant City Attorney) shall render legal opinions as required, and shall draft, assist in drafting, or review all Bylaws, contracts, and other official documents.

98.03.270. Rules of Conduct and Ethics.

The following rules of conduct and ethics shall apply:

1. As an Association formed to assist and train the general public, and to serve Federal, State, County, and City Emergency Services, the members of this Association shall so conduct themselves in a professional manner, and shall not discredit this or any other association, organization, or governmental entity intentionally; and
2. Each potential member (applicant) of the Association shall have a background check run on him/her; and
3. The members of the Association shall abide by the provisions of the Municipal Officers' and Employees' Ethics Act, as codified in Utah Code Section 10-3-1301 et seq.

<u>Part 3. Membership and Government of the Association.</u>

98.03.310. Membership in the Association.

Membership in the Association shall remain open to all those who have satisfactorily completed any CERT course, have passed a back ground check, and are willing to serve their community in

the CERT program on a volunteer basis. Applicants and members shall be subject to any provisions of state law or the Perry Municipal Code (including Title 3, Personnel Policy) that apply to volunteers.

98.03.320. Government of the Association: General Provisions.

The following rules shall apply regarding government of the Association:

1. The government shall be by the Association members through the medium of voting and placing business on the agenda by the use of motions in regular or special meetings; and
2. Questions or issues voted upon by the Association shall be determined by a majority vote of members present and voting (not abstaining) at a meeting.

Part 4. Board of Directors, Committees, and Elections.

98.03.410. Board of Directors: General Provisions.

The CERT Board of Directors shall be constituted as follows:

1. The Board of Directors shall be established to direct activities of the CERT program in Perry City, to control its finances, and to maintain trained members; and
2. The Board of Directors shall consist of the following:
    a. Advisor, and
    b. Chair, and
    c. Assistant Chair, and
    d. Secretary, and
    e. Treasurer, and
    f. Regular Committee Director over Fundraising, and
    g. Regular Committee Director over Training, and
    h. Regular Committee Director over Equipment, and
    i. Regular Committee Director over Phone Tree, and
    j. Regular Committee Director over Radio Communications.

98.03.420. Executive Committee (Including Financial Responsibilities); Regular Committees.

The Executive Committee and Regular Committees shall be constituted as follows:

1. The Executive Committee shall consist of the Chair, Assistant Chair, Secretary, Treasurer, and Advisor; and
2. The Executive Committee is empowered to appropriate and spend money (up to a maximum of $100.00) for the Association; and any amount over $100.00 shall be subject to:
    a. Approval by a majority vote of those members present at an Association meeting; and
    b. The purchase order process and other Perry City financial procedures, including coordinating with the City Treasurer and the Deputy Recorder for Finance; and
3. Other Committees (called “Regular Committees”) include:
    a. Fundraising, and
    b. Training, and

   c. Equipment, and
   d. Phone Tree, and
   e. Radio Communications; and
4. The Board of Directors, in its meetings, shall approve of members to serve on Regular Committees.

98.03.430. Election of Members of the Board (Directors or Officers).

The following rules apply regarding the election of Directors (also known as Officers):

1. Elections for the Association's Board of Directors, with the exception of the Advisor, shall be on a two year basis, scheduled during the regular meeting in April (even-numbered years); and
2. Voting for these positions shall be by a majority of the members present at the meeting, and if no candidate receives a majority vote for a given position, then the candidate with the least votes is eliminated, and another vote is taken with the remaining candidates; and
3. Before an elected officer may begin acting in his/her position, said officer shall be ratified by an appointment by the Mayor and by an approving motion by the City Council; and
4. Each officer shall assume his/her duties after approval by the Mayor and City Council; and
5. If an officer resigns his/her position during the elected term (or if an officer is not approved by the Mayor or City Council) then, at the next regular Association meeting, nominations shall be made for a replacement officer and a vote shall be taken; and
6. A majority vote of the members present is needed for the person to serve in the position until the next election; and
7. The Mayor and City Council must approve the replacement officer change in the same manner as a regular officer change; and
8. If an officer (regular or replacement) is not appointed by the Mayor or not approved by the City Council, another individual shall be elected.

<u>Part 5. Responsibilities of Each Member of the Board (Directors or Officers).</u>

98.03.500. Responsibilities of the Advisor.

The Advisor is the Perry City Council member assigned to Emergency Preparedness, and has the following primary responsibilities:

1. To act as an advisor to the Perry City CERT Association and its Board of Directors, Executive Committee, and other Committees; and
2. To hold rights as a voting member of the Association and its Board of Directors, Executive Committee, and other Committees; and
3. To be a liaison between Perry City and this CERT Association.

98.03.510. Responsibilities of the Chair.

The Chair has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors, Executive Committee, and other Committees; and

2. To act as the Chair and conduct meetings for the CERT Association and its Board of Directors and Executive Committee; and
3. To coordinate all activities regarding Association Committees; and
4. To work closely with the Federal, State, County, and City Emergency Services/CERT directors and to attend their monthly planning meeting(s) when possible.

98.03.520. Responsibilities of the Assistant Chair.

The Assistant Chair has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors, Executive Committee, and other Committees; and
2. To assist and substitute for the Chair in his/her responsibilities, including (in the absence of the Chair) to act as the Chair and conduct meetings for the CERT Association and its Board of Directors and Executive Committee; and
3. To act in behalf of and as a substitute for any Regular Committee Director in his/her absence to ensure a consistent continuity of the Association; and
4. To work closely with the Federal, State, County, and City Emergency Services/CERT directors and to attend their monthly planning meeting(s) when possible.

98.03.530. Responsibilities of the Secretary.

The Secretary has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors, Executive Committee, and other Committees; and
2. In the absence of the Chair and Assistant Chair, to act as the Chair and conduct meetings for the CERT Association and its Board of Directors and Executive Committee; and
3. To keep or cause to be kept a records of all meetings, including all minutes or records required by law; and
4. To maintain the membership records for the Association, and all related subsidiary records; and
5. To cause that all public notices be given as required by law or these Bylaws; and
6. To be the custodian of the records (according to State and City policies, under the direction of the City Recorder); and
7. To ensure that the books, reports, statements, certificates and other documents and records are properly kept and filed; and
8. Under direction of the Board of Directors, to cause to be prepared an annual report for the Association, as well as other reports requested by the Board of Directors; and
9. To perform all duties incident to the office of Secretary and such other duties as are given by these Bylaws or as are assigned by the Board of Directors or by the Chair.

98.03.540. Responsibilities of the Treasurer.

The Treasurer has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors, Executive Committee, and other Committees; and

2. In the absence of the Chair, Assistant Chair, and Secretary, to act as the Chair and conduct meetings for the CERT Association and its Board of Directors and Executive Committee; and
3. To be responsible for all Perry City CERT Association funds and maintain an accurate record of those funds; and
4. To disburse all funds as directed by the Association and by the Executive Committee; and
5. To be subject to an audit of all financial records annually, and as necessary upon request of the Board of Directors; and
6. To maintain a CERT Association budget.

98.03.550. Responsibilities of the Fundraising Director.

The Fundraising Director has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors; and
2. To hold rights as the Director (Committee Chair) and as a voting member of the Fundraising Committee; and
3. To direct any and all fund raising activities (such as drives and solicitations).

98.03.560. Responsibilities of the Training Director.

The Training Director has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors; and
2. To hold rights as the Director (Committee Chair) and as a voting member of the Training Committee; and
3. To coordinate CERT trained instructors for City CERT training courses; and
4. To maintain a list of instructors, materials, and other resources for training; and
5. To coordinate the CERT Train the Trainer Course for Perry City; and
6. To be directly responsible for the procurement of all Association supplies and training aids; and
7. To maintain an accurate record of all supplies purchased and on hand and those expended; and
8. To keep all training aids in good condition and record all transactions of loans of these materials and to see to their return in good condition; and
9. To be directly responsible for the planning of and follow-up of CERT In-service Training; and
10. To provide extended training exercises, as needed.

98.03.570. Responsibilities of the Radio Communications Director.

The Radio Communications Director has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors; and
2. To hold rights as the Director (Committee Chair) and as a voting member of the Radio Communications Committee; and
3. To be responsible for being a resource for all Perry CERT communications with ham and handheld radios; and

4. To provide necessary training in radio communications to ensure that no radio communication breakdowns occur with trained personnel in an emergency; and
5. To maintain records of radio communications resources in Perry City; and
6. To make Association members aware of local emergency frequencies.

98.03.580. Responsibilities of the Phone Tree Director.

The Phone Tree Director has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors; and
2. To hold rights as the Director (Committee Chair) and as a voting member of the Phone Tree Committee; and
3. To maintain a phone tree to notify Association members of events; and
4. To oversee the "Telly Yapper system" as an alternative notification; and
5. To set up Perry City CERT on Box Elder County's "City Watch" phone system.

98.03.590. Responsibilities of the Equipment Director.

The Equipment Director has the following primary responsibilities:

1. To hold rights as a voting member of the Association and its Board of Directors; and
2. To hold rights as the Director (Committee Chair) and as a voting member of the Equipment Committee; and
3. To maintain a database of all equipment held by the Association; and
4. To know where the equipment is and in what condition; and
5. To maintain all equipment of the Association; and
6. To purchase new or addition equipment as directed by the Association; and
7. To make an annual report to the Association listing equipment currently owned, as well as budgeted equipment and needed equipment.

Part 6. Adoption, Amendment, or Dissolution of the Bylaws (and of the CERT Association).

98.03.600. Adoption of the Original Bylaws.

The original CERT Association Bylaws (codified in Perry Municipal Code Chapter 98.03) were recommended for approval by a majority vote by the members of this Association present at a regular meeting and were approved and adopted (with some changes) by a resolution of the Perry City Council at the October 9, 2008 Council meeting.

98.03.610. Amendment of the Bylaws.

When these Bylaws are recommended by (a) the CERT Association or (b) the City Council to be changed or added to in any way, the recommended changes or additions shall not be valid until:

1. A majority vote on those changes or additions is made by the members of this Association present at a regular meeting (unless the City Council is initiating the changes or additions, in which case notice of the relevant City Council meeting shall be given to each of the members of the Executive Committee); and
2. A resolution of the Perry City Council is approved (with or without additional changes) at one of its meetings.

98.03.620. Dissolution of the Bylaws (and of the CERT Association).

When these Bylaws (and the CERT Association) are recommended by (a) the CERT Association or

(b) the City Council to be dissolved, the dissolution shall not be valid until:

1. A majority vote on the proposed dissolution is made by the members of this Association present at a regular meeting (unless the City Council is initiating the proposed dissolution, in which case notice of the relevant City Council meeting shall be given to each of the members of the Executive Committee); and
2. A resolution of the Perry City Council is approved (with or without changes) at one of its meetings; and
3. With said resolution to set forth the distribution of all remaining equipment and other assets of the Association to the appropriate City department or other organization (in accordance with all relevant state and local laws and policies).

Chapter 98.04
BYLAWS: PERRY CITY FIRST RESPONDER UNIT

Part 1. Membership Requirements.
Part 2. Unit Officers' Responsibilities.
Part 3. Members' Responsibilities, Including Demeanor and Membership Guidelines.
Part 4. Unit Meetings, Including Order of Business and Elections.
Part 5. Equipment.
Part 6. Response.
Part 7. Finances.
Part 8. Membership Status (Compliance, Disciplinary Action, Reinstatement, Etc.).
Part 9. Correspondence; and Amendment or Dissolution of the Bylaws (and of the Perry City First Responder Unit).

Part 1. Membership Requirements.

98.04.110. Each member must be a resident of Perry City, or be able to respond to the Unit vehicle within five minutes of being dispatched.

98.04.120. Minimum age requirement is eighteen years of age.

98.04.130. Each Unit member will be required to have a valid Utah Drivers License.

98.04.140. Each membership obtained shall be by application submitted to the EMS Chief or Assistant EMS Chief. Each applicant who: (a) meets the minimum requirements established by the Unit Officers; and (b) receives a majority of the votes cast by the Unit Officers; shall be declared a probationary member of the Unit.

98.04.150. Each new member will undergo a six-month probationary period during which time they *will not* drive any Unit vehicles in an emergency situation.

98.04.160. Maximum membership of the Perry City First Responder Unit will not exceed twenty-five members (or as otherwise set forth by the Mayor and City Council).

98.04.170. Background checks will be done on *all* new members. If convictions are found, other than minor traffic violations, a meeting will be held by the Unit Officers to determine the status of the new member. The applicant is invited to attend said meeting.

98.04.180. Any Unit member who is convicted of a criminal offense, other than minor traffic violations, after the initial background check, needs to notify the EMS Chief or Assistant EMS Chief as soon as possible.

98.04.190. The Mayor and City Council must be notified regarding all new Unit memberships.

98.04.195. Any member who completes any EMT training or other training for which the City expends money, shall sign a contract (before the training) agreeing to reimburse the City for these expenses if the member fails to retain active Unit membership for a period of at least two years.

Part 2. Unit Officers' Responsibilities.

98.04.210 The **EMS Chief** shall have the responsibility to oversee all aspects of the First Responder Unit. He/she shall handle all personnel problems with the Unit and shall work closely with Box Elder County EMS Officials to ensure the Unit meets all requirements and guidelines. He/she shall work closely with the City Council member assigned to the First Responders (City Council Representative) and shall attend City Council and Box Elder County meetings as required or asked.

98.04.220. The **Assistant EMS Chief** shall have the primary responsibility over equipment and supplies, which includes making sure bags are restocked and supply orders are processed with the assistance of the Unit Treasurer. He/she assists with training, grants, and anything else outlined in the Bylaws or assigned by the EMS Chief.

98.04.230. The **Treasurer** has the responsibility over all finances for the Unit, which includes the writing of grant applications. He/she shall keep accurate, detailed financial reports of the Unit and order supplies with the assistance of the Assistant EMS Chief and in accordance with Perry City Purchase Order Policies.

98.04.240. The **Secretary** has the responsibility to keep accurate minutes of meetings, provide agendas, contact members regarding upcoming meetings, and keep current membership lists updated and available to all members. They assist the other Unit Officers as directed and/or delegated.

98.04.250. The **Training Director** has the primary responsibility over certification of Unit members and reports of dispatched calls. He/she makes sure the proper reports are filled out to submit to the state and local EMS departments as directed by Box Elder County. He/she coordinates ongoing monthly Continuing Medical Education (CME) training with both Willard City Fire Department and Brigham City Fire and Ambulance Departments for the Unit members. He/she maintains a CME report of hours for submission to Box Elder County and/or the State of Utah. He/she assists the EMS Chief and Assistant EMS Chief as directed and/or delegated. He/she also verifies compliance with the certifications (and other responsibilities) required of Unit members identified in Sections 98.04.310, 98.04.315, and 98.04.320, etc.

98.04.260. The **term of office** for each of the above-mentioned offices shall be for one year.

Part 3. Members' Responsibilities, Including Demeanor and Membership Guidelines.

98.04.310. Prompt obedience must be given to all orders from Unit Officers while on an incident call; disputes and arguments not being allowed. If a member considers himself or herself aggrieved, he or she may present his or her case at the next Business Meeting, where it will be examined and fairly decided by a majority of the active membership present.

98.04.315. All Unit members will be responsible to maintain certification, which they obtain, and report their dates of certification and expiration and any other training received outside of the Unit to the Training Director.

98.04.320. All Unit members will be responsible to make themselves familiar with and follow any Standard Operating Procedures (SOP) adopted by the Unit. SOP's will be maintained at the City Offices and with the EMS Chief. The Mayor, the City Council Representative, and the Police Chief shall be notified regarding all SOP's.

98.04.325. All complaints must be in writing and turned in to the EMS Chief or the Assistant EMS Chief in order to be handled correctly.

98.04.330. All Unit memberships shall be approved according to the provisions of Section 98.04.140.

98.04.335. Discussions at Unit meetings that concern review of incident call situations are subject to patient confidentiality as outlined in federal HIPPA laws, and medical code of ethics.

98.04.340. There shall be no smoking, spitting/chewing of tobacco, or consuming of alcohol in, around, while responding to or returning from an emergency incident call while in the Unit vehicle. This will be grounds for suspension or dismissal.

98.04.345. Alcohol and/or illegal drugs are not allowed to be in a Unit member's system when responding to or while on any emergency incident call.

98.04.350. Any Unit member suspected of being intoxicated or impaired under any circumstance may be requested (by the Mayor, City Council Representative, EMS Chief, or Assistant EMS Chief) to take a blood or urine drug test. If he/she refuses, he/she may be dismissed from the Unit. Also, the member may be suspended from responding to any emergency incident call until the results are back.

98.04.355. *Any* damage to equipment and/or vehicle beyond reasonable wear and tear caused by a Unit member will also require a blood or urine test as soon as the incident can be cleared. A Unit Officer or other member of the Unit requested by a Unit Officer will accompany that individual to the hospital to have a urine or blood test. This must be done on any accident to vehicles or any incident that may cause injury to another or self.

98.04.360. All Unit members need to become familiar with, understand, and abide by all applicable Perry City Codes and Policies (ADA, Drugs, Sexual Harassment, etc.).

98.04.365. Any Unit member who is dismissed, resigns, or for any other reason, leaves the Unit must return all items belonging to the Unit in good condition including Formal Uniforms.

Part 4. Unit Meetings, Including Order of Business and Elections.

98.04.410. The regular meetings of the Unit shall be held as set by the Unit, with a minimum of two per month: one for Continuing Medical Education (CME), and one for general membership information and decisions.

98.04.415. All members must be present for roll call at the one Medical Training Meeting and the one Business Meeting per month to considered "active" with voter privileges. *If a time conflict arises, a member shall contact any Unit Officer to be excused from the meeting(s).*

98.04.420. If a member does not maintain "active" status with the Unit, the Unit Officers shall meet with the member to determine the member's status with the Unit.

98.04.425. Agenda Order of Business Meeting:

1. Taking of the Roll
2. Minutes approval for the previous month's General Meeting
3. Reports of Committees
4. Unfinished Business
5. New Business (and/or Training)
6. Report on Drills
7. Nomination of Officers
8. Election of Officers
9. Review of Calls

98.04.430. Business Meetings will be held to one hour in length (as much as possible). Only items on the agenda will be discussed, or decisions made in relationship to them. Items needing to be addressed that are not on the agenda will be placed on the next month's meeting agenda. Agenda items must be to the Unit Secretary by 5:00 P.M. on the Friday before the Business Meeting.

98.04.435. The annual election of Unit Officers shall be held on the evening of the Business Meeting in the month of June. All Unit Officers will be by nomination and elected by closed vote by a majority of the active members present.

98.04.440. Nominations for all positions (cannot nominate yourself) must be seconded by someone (other than self). In the event of no one accepting nominations for any one position, a primary vote for the position will take place between all Unit members. The election process will go as follows:

1. Primary voting for Chief (if needed)
2. Final vote for Chief
3. Primary vote for Assistant Chief (if needed)
4. Final vote for Assistant Chief
5. Primary Vote for Secretary (if needed)
6. Final vote for Secretary
7. Primary Vote for Training Director (if needed)
8. Final vote for Training Director
9. Primary vote for Treasurer (if needed)
10. Final vote for Treasurer

Primary votes are only needed if three or more people are nominated for a position. Final votes are always required if two or more people are nominated for a position (even when one person receives a majority of the votes in the primary).

98.04.445. It shall be the duty of the EMS Chief to report to the Mayor and City Council the names of the new Unit Officers elected at the Business Meeting.

98.04.450. The Unit Officers shall assume their duties the evening of the election.

98.04.455. In the event a Unit Officer resigns from his/her position during the elected term, nominations will be made for a replacement officer at the next Business Meeting. Within seven days after the Business Meeting, the remaining elected officers will meet and vote based upon nominations by the Unit members. A majority vote (of the remaining elected officers) is needed for the person to serve in the position until the next election. A tie shall be broken by the City Council Representative. The EMS Chief shall report to the Mayor and City Council the names of any replacement officers.

Part 5. Equipment.

98.04.510. Any misuse or abuse of equipment will be subject to suspension, dismissal, and/or prosecution by law.

98.04.520. Upon return to the station following an incident call, it will be the responsibility of the response team called out to be sure all equipment and supplies are restocked, in good condition, and ready for the next call. Fill out Standard Operation Procedures/Checklist.

Part 6. Response.

98.04.610. A minimum and maximum number of people on the Unit vehicle responding to an incident call shall be:

Minimum: One person if the following apply:

1. (1 person) if in direct contact with another member en-route or on scene.
2. At least one person is an EMT.
3. It has been five minutes since the page and no one else has responded to the station.

Otherwise there will be at least 2 personnel on the Unit and at least one will be an EMT.

Maximum: Five (5) Personnel

These requirements are only subject to change by the EMS Chief if or when necessary.

98.04.620. Any member responding to any and *all* incident calls must be wearing a shirt, pants, and close toed shoes. Each member needs to be, in some way, easily and readily identified as medical personnel. Unit members shall be responsible for their own personal safety in the event of a significant exposure.

98.04.630. No Unit member shall respond to an incident call in his or her personal vehicle unless:

1. The scene is within direct route to the Unit vehicle.
2. They are in close proximity to the incident and responding to the Unit Vehicle will cause delay in medical aid being administered.
3. If and when doing so, Unit members will be responsible for their own safety.

98.04.640. Unit members responding to an incident call must abide by *all* state and local traffic laws and city ordinances.

98.04.650. Any Unit member responding to the station for an incident call and arrives after the Unit vehicle has left shall write their name down at the station so that it can be recorded in the incident log, and briefly monitor the radio traffic to see if additional assistance is needed at the incident scene. If additional assistance is requested, the response team on scene will notify the station via radio with information and directions. If no additional assistance is requested, the Unit member(s) at the station will secure the building and return to their home or job.

98.04.660. Unit members not on an incident call will avoid driving to or near the scene, if possible, to avoid congesting the area for other emergency vehicles that may be responding to, or assisting at, the scene.

98.04.670. During any incident call, no member shall be allowed to leave the scene unless authorized by the Incident Commander for the Unit.

Part 7. Finances.

98.04.710. Donations and specific grants received for Perry City First Responder Unit expenditures not spent during the fiscal budget year will be carried over to subsequent years until spent for the specific purpose identified or applied for. Revenue from fundraisers by the First Responder Unit for specific equipment, training, or supplies not spent during the fiscal budget will also be carried over to subsequent years until spent for the specific purpose identified.

98.04.720. The approvals listed below are to be obtained *prior to* financial transactions:

1. Less than $100.00: EMS Chief approval.
2. Between $100.00 and $1,999.99: (1) EMS Chief (or Assistant Chief) approval; and (2) City Council Representative (or Police Chief) approval, with a purchase order.
3. Over $2,000.00: (1) EMS Chief (or Assistant Chief) approval; and (2) City Council warrant approval.

98.04.730. Any purchases for items over $100.00, which are not budgeted or identified in some way for use during the current fiscal budget year, will follow Section 98.04.720, as stated above.

98.04.740. Any purchases made without prior approval will result in the purchaser being held responsible for the cost; and not the Unit or Perry City.

Part 8. Membership Status (Compliance, Disciplinary Action, Reinstatement, Etc.).

98.04.810. Any member not complying with these Bylaws shall be subject to disciplinary action which may include the following:

1. Verbal Reprimand
2. Written Reprimand
3. Suspension

4. Dismissal
5. Prosecution

98.04.820. Any Unit member, who, by his or her actions, fails to live up to the spirit and the letter of the Bylaws, may be suspended or dismissed from the Unit by the EMS Chief or by a majority vote of the members. In the absence of the EMS Chief, the Assistant EMS Chief may suspend a member pending review by the EMS Chief. The EMS Chief shall have one week for said review.

98.04.830. Any member of the Unit facing suspension or dismissal will receive written notice of such action and notification of a meeting (at least five days in advance of the meeting) to determine if such action will continue.

98.04.840. The EMS Chief shall provide a written report and recommendation to the Disciplinary Hearing Board (the "Board"). The Board, shall consist of: (1) the EMS Training Director (or another member appointed by the EMS Chief, if the Training Director is disqualified or otherwise unable to attend, (2) the Mayor (or another person appointed by the Mayor), and (3) the City Council Representative over the Unit (or another person appointed by the Council). The Board will have a meeting with the member of the Unit facing suspension or dismissal to determine if such disciplinary action taken was warranted. If a member is dismissed from the Unit, a report will be presented to the City Council detailing the reason for such dismissal.

98.04.850. If a Unit member is suspended, the Disciplinary Hearing Board shall determine the time length for such suspension.

98.04.860. Any Unit member that is suspended more than two times in a twelve month period will be dismissed from the Unit.

98.04.870. The Unit Officers, upon receiving a written request, may grant a leave of absence to any member of the Unit. The leave of absence must contain the time frame for which the Unit member requests the leave. If a Unit member does not return within the time frame specified in the written request, they may be dismissed from the Unit.

98.04.880. Any member of the Unit who has been dismissed may be reinstated by a two-thirds vote of the Unit Officers present and voting (using a closed ballot process, with at least three votes in favor), with notification to be given to the Mayor and City Council. If a member has been dismissed for disciplinary reasons, said member also needs approval from the Disciplinary Hearing Board (using a closed ballot process).

Part 9. Correspondence; and Amendment or Dissolution of the Bylaws (and of the Perry City First Responder Unit).

98.04.910. **Correspondence.** All mail shall be addressed to the Perry City First Responder Unit c/o Perry City Offices. A First Responder Unit mail basket will be provided at the City Offices.

98.04.920. Adoption of the Updated 2009 Bylaws. The updated 2009 Unit Bylaws (codified in this Perry Municipal Code Chapter 98.04) were recommended for approval by a two-thirds majority vote by the members of the Unit present at a regular meeting and were approved and adopted (with some changes) by a resolution of the Perry City Council at the November 5, 2009 Council meeting.

98.04.930. Amendment of the Bylaws. Bylaws issues will be listed under "New Business" in the Business Meeting Agenda. When these Bylaws are recommended by (a) the First Responder Unit or (b) the City Council to be changed or added to in any way, the recommended changes or additions shall not be valid until:

1. A two-thirds majority vote to recommend changes or additions is made by the active members of the Unit present at a regular Business Meeting (unless the City Council is initiating the changes or additions, in which case notice of the relevant City Council meeting shall be given to each Unit Officer); and
2. A resolution of the Perry City Council is approved (with or without additional changes) at one of its meetings.

98.04.940. Dissolution of the Bylaws (and of the Perry City First Responder Unit). When these Bylaws (and the Unit) are recommended by (a) the Unit or (b) the City Council to be dissolved, the dissolution shall not be valid until:

1. A two-thirds majority vote on the proposed dissolution is made by the members of the Unit present at a regular meeting (unless the City Council is initiating the proposed dissolution, in which case notice of the relevant City Council meeting shall be given to each Unit Officer); and
2. A resolution of the Perry City Council is approved (with or without changes) at one of its meetings; and
3. With said resolution to set forth the distribution of all remaining equipment and other assets of the Unit to the appropriate City department or other organization (in accordance with all relevant state and local laws and policies).

Legislative History

Resolution 08-41 approved and adopted (with changes from the version initially recommended by the CERT Association) Chapter 98.03, the original Bylaws for the Perry CERT Association, on 10/09/08.
12/11/08 - New numbering system and codified into 2008 Perry City Municipal Code.
Resolution 09-31 approved and adopted (with changes from the version initially recommended by the First Responder Unit on March 2, 2009) Chapter 98.04, the updated 2009 Bylaws for the Perry City First Responder Unit, on 11/05/09.
01/13/11 - Codified into 2010 Perry City Municipal Code.

PERRY CITY - WASTEWATER CAPITAL FACILITIES PLAN SUPPLEMENTARY INFORMATION

JUNE 2009

SUNRISE ENGINEERING

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1.0 SUPPLEMENTARY INFORMATION

1.1 INTRODUCTION

The Perry City Council has requested that supplementary information be provided to address any modifications in the *Perry City – Wastewater Capital Facilities Plan, March 2007.* This report does not replace in kind any portion of the original document but provides additional exhibits and tables on the computations used to design the Perry City Wastewater Interceptor Line 2008.

1.2 BACKGROUND

After Sunrise Engineering completed 60 percent of the original design in the Fall of 2007, Perry City requested that the collection upgrades as described in Section 3.8 of the previously mentioned report be re-evaluated and extended north along the highway from 2700 South following the edge of Udot Row around the rest stop and north to 2250 South (Davis Lane). Once at 2250 South the alignment would proceed east to approximately 800 West to connect to the existing 10-inch main line. This modification increased the estimated 16,600 lineal feet of sewer pipe (trunk line and collection upgrades) to nearly 21,900 lineal feet. Sunrise Engineering agreed to complete this additional design at no additional cost for the city and the City pledged to make-up the estimated $475,000 construction cost increase if required. See Figure 1.1 for the modified alignment construction cost estimate.

FIGURE 1.1 CONSTRUCTION COST ESTIMATE

SUNRISE ENGINEERING, INC.
CONSULTING ENGINEERS AND SURVEYORS

Opinion of Probable Costs

SUNRISE ENGINEERING

Project: Perry City Wastewater Capital Facilities Plan 30" Trunk Line from Perry to Willard (Modified Alignment)

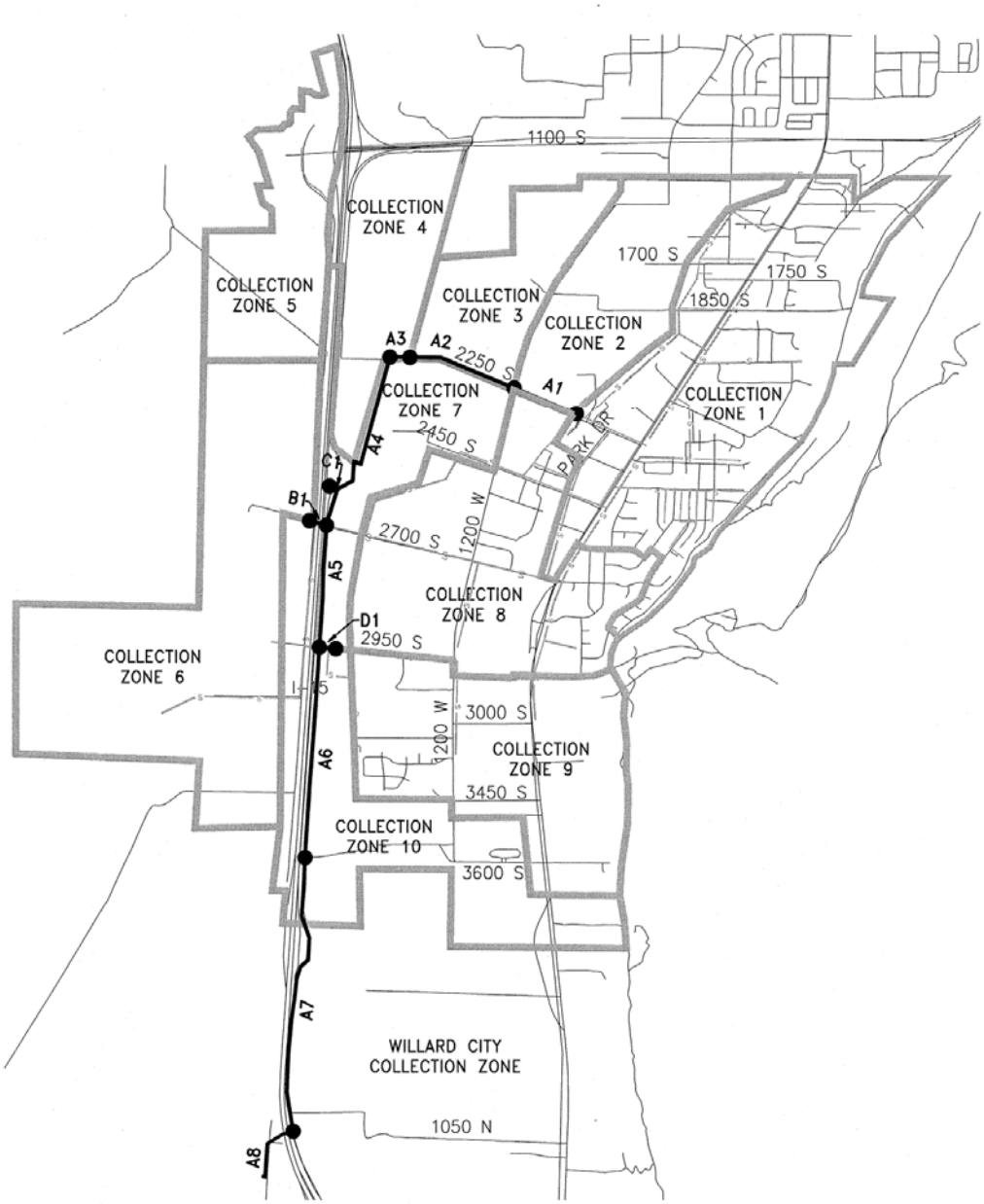
Project No: 2759
Date: 16-Jan-08
By: SLA

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	$ 118,000.00	$ 118,000
2	Sub surface Investigation	60	Hrs	$ 200.00	$ 12,000
3	Traffic Control	1	L.S.	$ 25,000.00	$ 25,000
4	30" Gravity Sewer Pipe (RCP)	14,100	Ln. Ft.	$ 60.00	$ 846,000
5	21" Gravity Sewer Pipe (RCP)	3,800	Ln. Ft.	$ 48.00	$ 182,400
6	15" Gravity Sewer Pipe (PVC SDR 35ASTM)	5,100	Ln. Ft.	$ 42.00	$ 214,200
7	Pumping Wet Trench Conditions	23,000	Ln. Ft.	$ 8.00	$ 184,000
8	48" Manhholes	58	Each	$ 3,000.00	$ 174,000
9	Clay Cut-Off Walls	58	Each	$ 250.00	$ 14,500
10	Geotechnical Fabric	16,800	Sq. Yds	$ 1.50	$ 25,200
11	Imported Pipe Bedding	10,900	Cu. Yds.	$ 20.00	$ 218,000
12	Imported Pit Run Borrow	5,900	Cu. Yds.	$ 15.00	$ 88,500
13	Untreated Base Course	9,500	Cu. Yds.	$ 22.00	$ 209,000
14	Property Restoration	52,600	Sq. Yds	$ 1.00	$ 52,600
15	Soil Proctor and Compaction Testing	1	L.S.	$ 20,000.00	$ 20,000
16	42" Jack and Bore	200	LF	$ 350.00	$ 70,000
17	21" Jack and Bore	100	LF	$ 175.00	$ 17,500
18	Deep Excavation	6,500	LF	$ 30.00	$ 195,000
	CONSTRUCTION SUBTOTAL				**$ 2,665,900**
19	Contingency (15%)	1	L.S.	$ 399,900	$ 399,900
	CONSTRUCTION TOTAL				**$ 3,065,800**
PROFESSIONAL SERVICES & MISC. PROJECT COSTS					
20	Engineering Design	1	L.S.	$ 196,000	$ 196,000
21	Construction Management	1	L.S.	$ 261,000	$ 261,000
22	Additional Engineering Services	1	L.S.	$ 53,000	$ 53,000
23	Attorney Fees (Bonds, Legal, Misc.)	1	L.S.	$ 53,000	$ 53,000
24	Aerial Photography GIS Mapping & Yearly Maintenance	1	L.S.	$ 200,000	$ 200,000
25	Easements	1	L.S.	$ 71,000	$ 71,000
26	Crop Loss	1	L.S.	$ 65,000	$ 65,000
27	DWQ Administration	1	L.S.	$ 19,700	$ 19,700
28	Inflation Increase	1	L.S.	$ 79,000	$ 79,000
29					**$ 4,063,500**

1.3 DESIGN

In early Spring 2008, Sunrise Engineering reviewed the current City zoning for the purpose of final detailed design of the interceptor lines. The detailed analysis created 59 subsections of the town with applicable zoning regulations these subsections were generalized into 10 collection zones with known discharge points along the interceptor line. Figure 1.2, Design Criteria Map, has been included with this report.

FIGURE 1.2 DESIGN CRITERIA MAP



The existing and build out populations for each collection zone were gathered from current landuse and zoning (See Table 1.1)

TABLE 1.1 COLLECTION ZONE POPULATIONS

ZONE	EXISTING CAPITA	BUILD OUT CAPITA
1	2,297	6,569
2	209	1,915
3	0	1,158
4	0	1,452
5	193	2,428
6	0	4,166
7	32	1,426
8	1,531	3,543
9	432	3,028
10	75	3,371
WILLARD CITY	1,981	12,322
TOTALS	6,750	41,378

The population for each collection zone was then converted into a peak flow rate by using Equation 1.1, Interceptor Design Flow. Interceptor lines are sized to have a peaking factor of 2.5 times the average day discharge.

$$\frac{CAPITA * \frac{100 GALLONS}{CAPITA * DAY} * 2.5(PF)}{\frac{1440 MIN}{DAY}} \equiv FLOWRATE(GPM) \qquad \text{EQN. 1.1}$$

TABLE 1.2 COLLECTION ZONE PEAK FLOW

ZONE	EXISTING FLOW (GPM)	BUILD OUT FLOW (GPM)
1	432	1,140
2	36	332
3	0	201
4	0	252
5	34	423
6	0	724
7	6	248
8	266	615
9	75	526
10	13	585
WILLARD CITY	344	2,139
TOTALS	1,206	7,185

Once the anticipated peak flow rates were calculated the interceptor line was designed by segment starting from collection zone 1 through the inflow at Willard City to the discharge at the Regional Wastewater Treatment Plant (See Figure 1.3). Collection Zones 4, 5 and 6 have been modeled as pressure zones. The build out flow tabulation of each line segment as identified on Figure 1.3 has been included in Table 1.3, Interceptor Line Build Out Flow.

FIGURE 1.3 COLLECTION LINE SEGMENTS

INTERCEPTOR LINE SEGMENTS

A1 = ZONE 1
A2 = ZONES 1 & 2
A3 = ZONE 1–3
A4 = ZONES 1–4 & 7
A5 = ZONES 1–5 & 7–8
A6 = ZONES 1–9
A7 = ZONES 1–10
A8 = ZONES 1–10 AND WILLARD CITY
B1 = ZONE 5
D1 = ZONE 9

TABLE 1.3 INTERCEPTOR LINE BUILD OUT FLOW

INTERCEPTOR SEGMENT	EXISTING FLOW (GPM)	BUILD OUT FLOW (GPM)
A1	238	801
A2	274	1,133
A3	274	1,334
A4	280	1,834
A5	775	3,212
A6	850	4,462
A7	863	5,038
A8	1206	7,185
B1	34	423
D1	75	526

Pipe sizes were calculated from these peak build out flow projections by using Manning's Equation. The available grade for each segment was the critical element on pipe diameter sizing. In the sizing of each pipe segment the percent full or allowable depth at peak discharge was designed to not exceed a value of 75 percent. See the following Table 1.4, Interceptor Line Sizing, for the design calculations.

TABLE 1.4 INTERCEPTOR LINE SIZING

INTERCEPTOR SEGMENT	DIAMETER PIPE (IN)	MIN DESIGN SLOPE	DESIGN PERCENT FLOWING FULL	DESIGN CAPACITY (GPM)
A1	15	0.62%	50%	1,140
A2	15	1.03%	50%	1,472
A3	18	0.50%	50%	1,673
A4	21	0.12%	75%	2,173
A5	24	0.12%	75%	3,211
A6	30	0.070%	75%	4462
A7	30	0.090%	75%	5038
A8	36	0.069%	75%	7,185
B1	10	PRESS.	100%	500
C1	8	0.33%	48%	148
D1	15	0.14%	50%	526

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ENGINEERING

PERRY CITY - WASTEWATER CAPITAL FACILITIES PLAN

JUNE - 2007

PERRY CITY WASTEWATER CAPITAL FACILITIES PLAN

JUNE 2007

MAYOR ..... Jerry Nelson
COUNCILMEMBER ..... Bruce Howard
COUNCILMEMBER ..... Tom Peterson
COUNCILMEMBER ..... Todd Christensen
COUNCILMEMBER ..... Jon Rackham
COUNCILMEMBER ..... Marci Satterthwaite

REGISTERED PROFESSIONAL ENGINEER
5048199-2202
STEVEN M.
HANSEN
STATE OF UTAH

6/12/07

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Steven M. Hansen, P.E.
State of Utah No. 5048199-2202
June 2007

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I. DEQ ANALYSIS OF PERRY CITY LAGOON SYSTEM

1.0 EXISTING AND FUTURE CONDITIONS

1.1 PROJECT NEED AND PLANNING AREA IDENTIFICATION

Perry City is a rural community located in Box Elder County, Utah. Perry City is bordered by Brigham City to the north and Willard City to the south. An Area Map of the City is shown in Exhibit 1.1, and a Location Map of the area is shown in Exhibit 1.2. Both exhibits are found in Appendix D. Perry currently has an estimated population of 4,100 people.

The Perry City Council has voted to investigate their wastewater treatment options. The City currently operates a discharging lagoon treatment facility and a gravity collection system. Both components of the existing system will be analyzed to determine the best options for the next 20-years. As part of this capital facility plan, a Phase 1 environmental review will be conducted identifying any potential environmental issues that would restrict the progress of a potential project. The purpose of conducting the environmental report is to position the City in a favorable position for State or Federal funding.

The primary need for this project is because the existing lagoon treatment system is organically overloaded. One calculation provided to Perry City by the Utah Division of Water Quality during the fall of 2006 indicated the existing treatment facility was organically overloaded by 157%. The report and calculations are shown in Appendix I. Perry City is currently experiencing double digit growth. The City Council understands they must provide additional or new treatment methods for the community.

This Capital Facilities Plan examines feasibility to construct and operate the collection and treatment facility under current conditions and regulations. The plan will examine cost-effective methods of upgrading the wastewater collection and treatment services to Perry City. The main focus of the collection system will be the interceptor lines. Treatment options will include status quo, pumping the wastewater to Brigham City, expanding the existing lagoon system, expanding the existing system and adding aeration, building a mechanical treatment plant, and building a mechanical treatment plant with Willard City. The above mentioned options will be compared to find a cost-effective solution.

1.2 EXISTING ENVIRONMENT OF THE PLANNING AREA

1.2.1 CLIMATE

The climate in Perry City is influenced by its location along the benches of the Wasatch Mountains. It can be characterized as moderate precipitation with winters that can be cold, but are not severe, and warm dry summers. The closest weather station to Perry is located in Brigham City, Utah. Climate data can be viewed from that weather station in Table 1.1.

TABLE 1.1 TEMPERATURE, PRECIPITATION, AND EVAPORATION DATA

	Extreme High Daily Maximum Temp. (°F)	Extreme Low Minimum Temp. (°F)	Average Month Temp. (°F)	Total Precipitation (Inches)	Snow Fall (Inches)	Monthly Average Snow Depth (Inches)	Evapo-transpiration (Inches)
Jan	48	-1	26	2	11	5	0.74
Feb	55	2	32	2	7	5	1.19
Mar	67	17	41	2	5	2	2.45
Apr	77	25	49	2	2		3.88
May	86	31	57	2			5.64
Jun	94	38	66	2			7.10
Jul	98	46	74	2			8.20
Aug	96	44	72	1			7.13
Sep	91	33	63	2			4.76
Oct	79	24	51	2	2		2.80
Nov	63	12	38	2	5	2	1.18
Dec	52	3	28	1	12	3	0.70

The annual precipitation is normally 16 inches in the valley. Average snowfall from the months of December through February is 10 inches per month. Of the 10 inches, 4 inches usually remains to cover the valley floor. The frost-free, or growing, season ordinarily lasts about 147 days from May through October. Estimated annual evaporation is approximately 43 inches.

1.2.2 PHYSIOGRAPHY AND TOPOGRAPHY

Perry City was originally known as "Three Mile Creek" and is located in Box Elder County along U.S. Hwy 89. Perry is nestled between Brigham City and Willard and bordered on the east by the majestic Wasatch Mountains and on the west by the shoreline of the Bear River Migratory Bird Refuge. The surface gradient along the bench slopes about 4%, east to west, throughout the main developed portions of the community. A U.S. Geological Survey (USGS) 7.5 Minute Series Quadrangle Map illustrating the physiography and topography area in and around Perry City can be viewed in Exhibit 1.3 in Appendix D.

1.2.3 GEOLOGIC CHARACTERISTICS

According to the Geologic Map of the Northern Wasatch Front, Utah (Davis, 1985), the Perry City area is underlain mainly by the Provo Formation and Younger Lake Bottom Sediments (Qlb) consisting of clay, silts and sands, and the Provo Formation and Younger Shore Facies (Qpsf) consisting of chiefly sand and gravel in beach deposits, bars, spits and deltas. The Wasatch Fault line cuts through the eastern area of Perry City. Bedrocks are exposed east of the fault and valley-fills are deposited west of the fault. The Wasatch fault zone is the boundary between the steep, bedrock-cored Wasatch mountain front and a large asymmetric graben with thick valley-fill deposits to the west.

1.2.4 EARTHQUAKE HAZARDS

According to Hecker (1993), Holocene to late Pleistocene (0-30,000 yrs) faults cut through the Perry area. There is a potential for surface rupture to occur closely following the trace of the Wastach Fault along the range front in the eastern area of Perry City. Exhibit 1.4 in Appendix D illustrates the faults in the area.

Ground shaking due to earthquake, either surface-rupturing events or an earthquake with no surface rupture, may pose a significant risk in the area. The peak ground acceleration (PGA) based on a 10 percent probability of exceedance within a 50-year return period is 0.24g.

1.2.5 SOILS AND LAND USE PATTERNS

According to the U.S. Department of Agriculture Soil Conservation Service (USDA-SCS), the predominant soils west of U.S. 89 are classified as loams. These loams include Rosh Spring Silt Loam (Ru), Dagor Loam (DA), and Draper Loam (DRA). These loams range from a dark grayish-brown loam about 21 inches with under-lying layers, a light brownish-gray loam extending 60 inches to a dark gray, and gray silt loan about 20 inches thick with under-laying layer being a light gray silt loam extending 60 inches.

The soils east of U.S. 89-91 are predominantly Wasatch Gravel Sandy Loam (WcC) and Kilburn gravelly stone. The Wasatch Gravel Sandy loam is a soil on the alluvial fans at the base of the mountains with 3 to 10 percent slopes. They are formed in alluvium derived from quartzite, gneiss and schist. A representative profile, the surface layer is grayish-brown and brown gravelly sandy loam about 11 inches thick. The underlying layer extends to a depth of 60 inches or more and is brown very gravelly loamy sand, gravelly sand, cobbly sandy loam, and contents of gravel, cobblestones and some stones. The Kilburn gravelly surface layer is very dark gray-brown and brown gravelly loam. Subsoil is brown gravelly loam to very gravelly sandy loam.

Exhibit 1.5 in Appendix D illustrates the USDA-SCS soil survey map of the area. Descriptions of the soil types identified in the survey that are found within the Perry area are shown in Table 1.2. A complete soil legend can be found in Appendix A.

TABLE 1.2 SOIL TYPES DATA

Map Symbol	Mapping Unit	Section 1.01 Description
1)	Airport silt loam	The surface layers range from 8 to 14 inches in thickness and is moderately to strongly alkaline. Runoff is slow and hazard of erosion is slight.
Ap	Airport silt loam, sandy substratum	The surface layers range from 0 to 8 inches thick. They are grayish brown silt loam and strong alkaline soil.
Cy	Cudahy silt loam	The surface is a Gray silt loam this soil can extend down to 60 inches. It is strongly calcareous and moderately alkaline.
DaB	Dagor loam, 3-6% slopes	Surface layer is dark grayish brown loam about 21 inches thick. The under-lying layers, extend to a depth of 60 inchesare light brownish-gray loam. The surface layer is mild alkaline and non calcareous to slightly calcareous.
DrA	Draper Loam, 0-3% slopes	Surface layer is dark grayish brown loam about 26 inches thick. The under-lying layers are a light brownish-gray loam extends to a depth of 60 inches. These soils are a moderate alkaline and slightly calcareous.
Gh	Gooch silt loam	This soil is in on low lake terraces and lake plains. Slopes are 0 to 1 percent. Runoff is slow and the hazard of erosion is slight.
Gp	Gravel pits	Open excavations where gravel, sand and cobble have been removed.
JaA	James Canyon loam, 0-3% slopes	The surface layer is very dark gray and dark gray loam about 35inches thick. The under-lying layers, extending to a depth of 60 inches are gray gravelly loam and gravelly sandy loam. The soils are neutral throughout.
KnC	Kilburn gravelly sandy loam, 3-6% slopes	Surface layer is dark grayish-brown and brown gravelly loam about 14inches thick. Subsoil is brown gravelly loam about 8 inches thick The substratum is brown and very gravelly sandy loam and brown very gravelly loam sand that extends to a depth of more than 60 inches. The surface layer is neutral and the substratum is mildly alkaline.
KnD	Kilburn gravelly sand loam, 3-6%slopes	Grayish brown gravely sand loan with 20 % gravel. Hazard of erosion moderate
KnE	Kilburn gravelly sand loam, 10-20%slopes	Grayish brown gravely sand loan with 20 % gravel. Hazard of erosion moderate

TABLE 1.2 CONTINUED

KnF	Kilburn gravelly sand loam, 20-30%slopes	Grayish brown gravely sand loan with 20 % gravel. Hazard of erosion moderate
KnG	Kilburn gravelly sand loam, 30-60%slopes	Grayish brown gravely sand loan with 20 % gravel. Hazard of erosion high
KoB	Kilburn gravelly sand loam, 1-3%slopes	Grayish brown gravely sand loan with 20 % gravel. Hazard of erosion slight
Lt	Logan silty clay loam 0 – 3% slope	This ar a drak gray silt loam soil. Runoff is slow and erosion is none to slight. This soil is free from harmful salts and alkali.
PbA	Parleys loam 0 – 3% slope	Grayish brown silt loam soil and is mildly alkaline.
PIA	Parley silt clay loam, 0-3% slopes	This soil is brown in color mildly to moderately alkaline
Pr	Payson silt loam 0 – 1% slope	This soil is a light brownish gray and mild to stong alkaline.Runoff is slow and erosion is none to slight.
Ru	Roshe Springs silt loam	The surface layer is dark gray and gray silt loam about 20 inches thick. The under laying layer is light gray silt loam that extends to a depth of 60 inches or more. The soils are moderately alkaline throughout, and below a depth of 10 inches, they are very strong calcareous.
TmA	Timpanogos loam 0 – 3% slope	This soil is grayish brown silt loam mildly alkaline. Runoff is slow and erosion is none to slight.
TmB	Timpanogos loam 3-6% slope	This soil is grayish brown silt loam mildly alkaline. Runoff is slow and erosion is none to slight.
Wo	Woods Cross silty clay loam	The surface layer is a dark-gray silty clay loam about 24 inches thick. The under laying layer extends to a depth of 60 inches. It is light brownish gray and a light-gray silty clay loam. These soils are mildly alkaline throughout.

As viewed in Exhibit 1.5 in Appendix D, the closer to I-15 excavation occurs, the higher chance of encountering groundwater occurs.

1.2.6 ENVIRONMENTALLY SIGNIFICANT AGRICULTURAL LANDS

The Perry area is known for its agriculture, especially the production of fruits and vegetables. Colorful roadside fruit stands grace Highway 89 in Perry and neighboring communities. Many buyers travel far to purchase the best fruit in the west along northern Utah's "Fruit way".

Regarding potential important farmland in the project area, the U.S. Department of Agriculture Natural Resources Conservation Services (USDA-NRCS) was consulted.

According to USDA-NRCS, there is a small amount of farm land in the project area. These lands are identified by soil type on Exhibit 1.5 in Appendix D. The soil types of concern are Lt, Ru, Wo, DaB, KnC, KoB, PbA, PIA, TmA, and TmB. In reviewing the alternatives presented in this study, the majority of the pipelines are located in roadways. It is anticipated that pipeline routes in this project will temporarily disturb less than 1.0 acres of prime farm land.

1.2.7 WETLAND SOIL TYPES

Exhibit 1.6 in Appendix D illustrates the wetlands in the Perry area as delineated by the National Wetlands Inventory (NWI) conducted by the U.S. Fish and Wildlife Service (USFWS). Discussions have been made with the Corps of Engineers concerning the wetlands in and around Perry and Willard. Per our conversations with the US Army Corp. of Engineers, Exhibit 1.6 will serve as a guide in assessing where wetlands are located. In the event that improvements are constructed near the identified wetlands or proper delineations will be made and 404 US Army Corps of Engineers permit will be obtained during the design process. The 404 permit allows for utility crossings of wetlands.

1.2.8 GROUNDWATER BASINS AND RECHARGE

The limits of the groundwater basin that includes the Perry area are displayed in Exhibit 1.7 in Appendix D. Perry is located in the East Shore area. Clark and others (1990) defined the East Shore aquifer system as consisting of saturated alluvial deposits between the Wasatch Range and the Great Salt Lake, including multiple confined aquifers and a deep unconfined aquifer along the mountain front. The shallow water-table zone in the topographically low portions of the area is part of the overall groundwater system of the East Shore area, but is not considered as part of the principal aquifer, as defined by Anderson and others (1994). The consolidated rocks in the mountains also contain water, but they are only considered as a source of recharge to the East Shore aquifer system. Groundwater in the Perry area generally moves through the principal aquifer from east to west toward the Great Salt Lake, where it discharges by upward leakage to the shallow unconfined aquifer and as diffuse seepage to the Great Salt Lake (Clark and others, 1990).

Recharge to the groundwater system in the Perry area is from infiltration of precipitation, unconsumed irrigation water, and seepage from canals and streams. Recharge also occurs from subsurface inflow from adjacent consolidated bedrocks in the Wasatch Range.

Anderson and others (1994) divided the recharge areas into two categories: 1) Primary recharge area and 2) Secondary recharge area. Category 1 is an area where the basin-fill deposit is between the land surface and the water table and consists of sediments that contain no confining layers thicker than 20 feet. Consolidated rocks adjacent to alluvial deposits are considered as part of the primary recharge area. Category 2 is an area where a confining layer is present between the land surface and the principal aquifer. When a shallow water-table aquifer is present above the first confining layer, the direction of groundwater movement between the shallow unconfined aquifer and the principal aquifer generally is downward. Exhibit 1.7 in Appendix D displays the primary and secondary

recharge areas. The discharge area is an area where the vertical direction of groundwater movement is upward from the principal aquifer to the shallow water-table aquifer. Discharge areas generally occur in the topographically lowest parts of the valleys.

Exhibit 1.7 in Appendix D indicates that the recharge zones in the East Shore area are generally adjacent to and generally coincide with the topographic break in slope between a mountain and a valley. The primary recharge area includes area of consolidated rock outcrop bounding the valley and a narrow band of alluvial deposits along the mountain front. The majority of the project area is located within the primary recharge area with the rest located in the discharge area. The secondary recharge area is absent in the Perry area.

The physical conditions prevailing in the Perry area coincide with described groundwater recharge conditions. Groundwater contained in the consolidated rocks in the Wasatch Range is the primary recharge source. Threemile Creek runs through the project area and the Ogden Brigham Canal runs through the eastern edge of the project area.

1.2.9 LAND USE ZONING

A current zoning map for Perry City is included in Exhibit 1.8 in Appendix D. Currently, there are seven (18) zones defined in Perry City. These zones consist of two commercial zones, five residential zones ranging from rural ½ acre zones to Medium High Density Residential, three mixed use zones, two manufacturing zones, one agricultural zone, one civic zone, one environmentally sensitive zone, an institutional zone, neighborhood park zones, and a sewage lagoon zone. The commercially zoned areas are generally located along highway 89 and other main roads and highways through the City. Most of the mixed use zones are grouped at the northern end of the city limits. The agriculture zone is located on the west side of the city, primarily west of Interstate 15.

1.2.10 UNDERGROUND WATER QUALITY

The available groundwater quality information is generally presented using total dissolved solids (TDS). According to Anderson and others (1994), the TDS concentration in the groundwater in the Perry area is below 500 milligrams per liter (mg/l), indicating that the quality of water is generally good with respect to TDS.

In 1989, water samples were collected from two wells located in the discharge zone in the Perry and Willard area by the USGS (Anderson and others, 1994). These two wells were used for industrial and commercial uses, respectively. The water samples were collected for laboratory analysis of physical parameters (e.g., pH, specific conductance), inorganic contaminants and radionuclide. Only TDS was found to have a high concentration of 524 mg/L in one of the two samples, compared to the Utah Secondary Drinking Water Standard of 500 mg/L for TDS.

Pesticides and organic contaminants were not analyzed in the USGS study because of high price. It is likely that the local water systems sampled their drinking water sources over the past years. However, the quality data has not been gathered or systematically evaluated.

1.2.11 SURFACE WATER & FLOODING

There are two flood zones located in the Perry city boundaries. The first zone runs parallel to three mile creek in the southeast corner of the City boundaries. The second flood plain stems from two springs near the center of the City. This flood plain starts just north of the Center Street and Perry Boulevard intersection and extends to the first spring located in the middle of the block bounded by Center Street on the south and Davis Street on the North. It then continues to the second spring located just north of Davis Street approximately halfway between Perry Boulevard and Highway 89. From the second spring the flood plain extends west were it connects with the flood plain of the Great Salt Lake. The Great Salt Lake is another area that has to be considered in the design. Exact location of these flood plains is found on Exhibit 1.9A and 1.9B in Appendix D.

1.3 PROJECT PRIORITY RATING

The Utah Department of Environmental Quality (DEQ) maintains a priority ranking system to determine those wastewater projects within the State where the limited funds available to assist in construction are most urgently needed. Perry City is currently ranked 4th out of 18 projects on the wastewater treatment project priority list.

1.4 WATER QUALITY REPORT (305(b))

There are no impacted waterways listed in the 2002 Utah Water Quality Assessment Report to Congress (305(b) that are in the project boundary or that will be effected by a proposed project.

1.5 EXISTING WASTEWATER SYSTEM AND FLOWS

Perry City currently operates a gravity flow wastewater collection system. This system collects the wastewater and conveys it to a discharging lagoon treatment system. The treatment system was first installed in 1973 as a five-cell total containment lagoon system. In 1981, two more cells were added to increase the capacity. In 1985, the dikes were raised, chlorination was added, and a discharge permit was issued. Since then, Perry's wastewater treatment system has operated to date without any significant upgrades.

A lagoon type system works by using natural processes to dispose of the contamination. These processes involve sunlight, air, water current, and the natural processes of algae and bacteria. Oxygen is supplied by both direct contact of the water with air, and through the natural life processes of the algae. The aerobic bacteria use this available oxygen to decompose organic solids. The pond bottom and lower levels of the lagoons sustain anaerobic bacteria that digest the pollutants which have settled out. The various lagoons are used to detain the water long enough for these processes to take place.

In the fall of 2006, the Utah Department of Water Quality conducted a review of the existing treatment facility and provided some engineering to the City of Perry. The report made the

following conclusions and recommendations. The report is shown in Appendix I.

- Facility has excess hydraulic capacity (70% of design)
- Facility is organically overloaded (157% of design)
- Pond 1 appears to be full of sludge (1-2 ft^{3} per capita per year)
- Perry City should conduct a sludge profile of their system
- Perry City should try to reduce the TSS (algae) in the effluent
- Perry City needs to increase their organic capacity NOW! Or find another method of disposal

Currently, the biosolids that exist in Perry's wastewater system are collecting in the primary lagoon of the lagoon system. There is no current disposal or handling system in place. Intermittent pumping of sludge from the primary lagoon has been performed historically to dispose of the biosolids. The build-up of sludge in the lagoons is an item of concern for the DEQ, as noted in the water quality review of their lagoon system.

For several years, Perry City has considered the possibility of expanding the primary cell to the east to assist with the organic overloading problem. The main problem with this expansion has been the need to mitigate wetlands and obtain a 404 permit from the Army Corp of Engineers. During the fall of 2006, the Perry City obtained a permit from the Corp of Engineers to expand the primary cell by approximately 100%. Expanding the primary cell will be one of the alternatives evaluated in this study.

There is a measuring flume immediately upstream of the lagoons. Currently, data from this measuring devise is not available. Thus, in the absence of actual historical flow data, an estimate of expected flows is required for planning purposes. The DEQ "Administrative Rules for Design Requirements for Wastewater Collection, Treatment, and Disposal Systems" regulation R 317-3.2.2 states "design average flow should be estimated at not less than 100 gallons per capita per day." Since the predominantly residential nature of Perry does not suggest that a larger than normal wastewater flow should be expected, the required minimum of 100 gallons per capita per day (gpcd) will be used throughout this Facility Plan. According to the 2000 census data within Box Elder Co. there are 3.22 people per household. Thus, on average each household generates 322 gallons per day of wastewater. Based on the study performed by the DEQ, the average influent concentration of BOD is currently 165 mg/L, and for TSS is 110 mg/L. For the purpose of this facility plan, and without having measured flows to the system, the influent wastewater will be expected to have the following characteristics.

Expected Influent Wastewater Characteristics

Biochemical Oxygen Demand (BOD)	200 mg/l
Total Suspended Solids (TSS)	200 mg/l.
Ammonia (NH_3)	30 mg/l
pH	6.5

1.6 EFFLUENT LIMITATIONS

Treatment alternatives that discharge to any surface stream or water body must do so within the parameters of the discharge permit. Effluent limitations would be based on the State of Utah Secondary Discharge Standards developed by the State that ultimately indicate the level of treatment required prior to discharge in the receiving water.

State Code requires wastewater to be treated to a level that the point discharge does not degrade the receiving stream water for current beneficial use. Furthermore, treatment must at least occur to the degree that wastewater meets secondary effluent standards.

Perry City currently discharges from the lagoon system into The Bear River National Wildlife Refuge, located immediately west of the lagoons. A copy of Perry's discharge permit was obtained from the State of Utah. It is anticipated that any treatment alternative requiring a discharge permit that would discharge in the Bear River National Wildlife Refuge, at a minimum will require meeting those parameters set forth in the current permit. These parameters can be viewed below in Table 1.3. A copy of the permit can also be found in Appendix B.

TABLE 1.3- PERRY, UTAH DISCHARGE PERMIT REQUIREMENTS

	30 Day	7 Day	Daily Min	Daily Max	Measurement Frequency	Sample Type
Flow, MGD	N.A.	N.A.	N.A.	N.A.	Weekly	Instant.
BOD, mg/l	25	35	N.A.	N.A.	Monthly	Grab
TSS, mg/l	25	35	N.A.	N.A.	Monthly	Grab
Fecal Coliforms, No./100 ml	200	250	N.A.	N.A.	Monthly	Grab
Total Coliforms, No./100 ml	2000	2500	N.A.	N.A.	Monthly	Grab
TRC, mg/l	N.A.	N.A.	N.A.	0.02	Daily	Grab
Ammonia, (as N) mg/l						
Winter (Dec-Feb)	1.43	N.A.	N.A.	6.2	Monthly	Grab
Summer (Jun-Aug)	0.83	N.A.	N.A.	3.6	Monthly	Grab
Fall (Sept-Nov)	1.06	N.A.	N.A.	4.6	Monthly	Grab
Spring (Mar-May)	1.06	N.A.	N.A.	4.6	Monthly	Grab

In addition to the requirements above, Perry's permit also outlines the need for the pH of the effluent to be between 6.5 standard units and 9.0 standard units in any sample. PH shall be monitored monthly by a grab sample.

Discharge permit limits could be reduced if Perry could convey the effluent wastewater to the south past the Bear River National Wildlife Refuge so the effluent would be discharged directly into the Great Salt Lake. There is a portion of the Great Salt Lake between the Bear River National Wildlife Refuge and Willard Bay just west of Perry City's current southern boundary. Currently, the Great Salt Lake discharge limits would require the effluent limits of BOD and TSS to be 25 mg/l. There would be no ammonia limit placed on the permit.

1.7 INFILTRATION AND INFLOW (I/I)

"Infiltration" is water other than wastewater that enters the wastewater system from the ground through such means as defective pipe joints, leaky service connections and leaky manhole joints. Infiltration is most prevalent in high groundwater conditions. "Inflow" is water other than wastewater that enters the sewer system through cross connections with storm drains, catch basins, roof drains, yard drains, etc. Inflow can also occur through manhole covers. It is a requirement to demonstrate that the collection system and treatment works are not, and will not be, subject to infiltration and inflow. It is in Perry City's best interest to continue to eliminate I/I.

1.8 FUTURE CONDITIONS

The alternatives evaluated for treatment are analyzed and cost effectiveness is based on a 20 year planning period. If unexpected growth occurs by the end of the planning period, additional treatment capacity may require enlargement and expansion. If the community experiences sufficient growth to reach the projected wastewater effluent capacity in 20 years or less, the additional income to the system created by such growth will provide additional funds to assist in the expansion of any collection or treatment facilities.

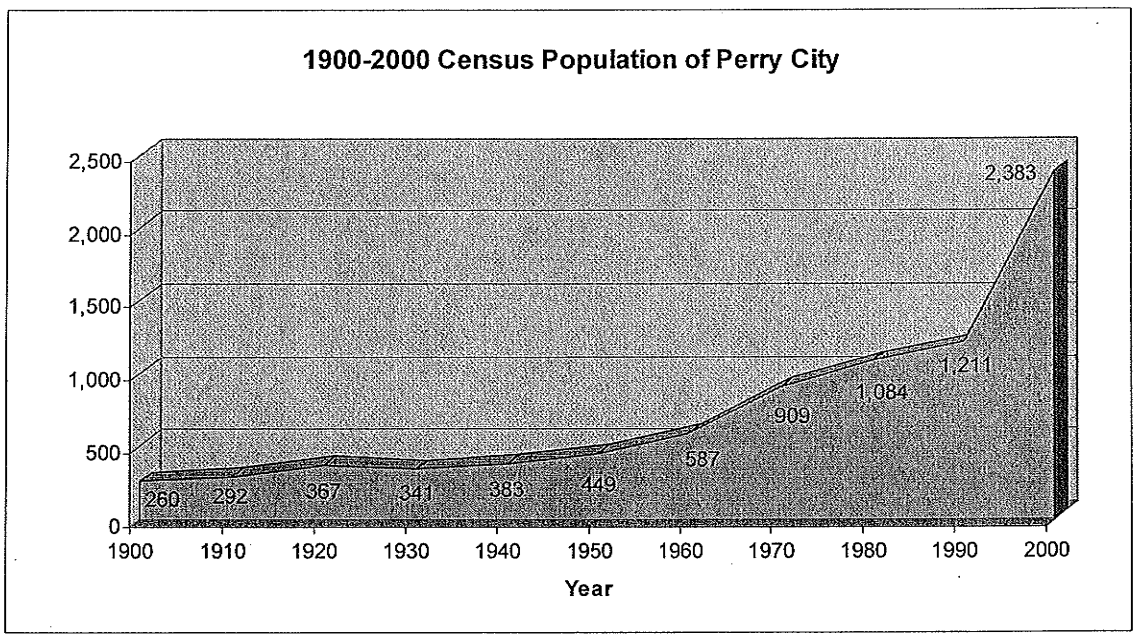
1.8.1 POPULATION AND LAND USE PROJECTIONS

An essential element of a Wastewater Facilities Plan is projecting the planning area population growth rate to establish estimated future demands on a proposed wastewater facility. With this in mind, Table 1.4 below shows the historic growth rate within the City and provides an idea of how the community has developed from 1900 through 2000. The information found in Table 1.4 and Chart 1.0 is taken from the US Census.

TABLE 1.4 PERRY CITY HISTORICAL POPULATION DATA

Year	Population	Annual Average Rate of Change (AARC)
1900	260	
1910	292	1.17%
1920	367	2.31%
1930	341	-0.73%
1940	383	1.17%
1950	449	1.60%
1960	587	2.72%
1970	909	4.47%
1980	1,084	1.78%
1990	1,211	1.11%
2000	2,383	7.00%

CHART 1.0 PERRY CITY HISTORICAL POPULATION DATA



While this study was being conducted Perry City has been busy planning and updating other areas within the City. Part of this update was to look at historical growth and land use data and project how the City may grow in the future. The following data was taken from estimates provided to the City by JUB Engineering. Within the current City limits there are a total of 1,765 total acres zoned residential and 775 acres zoned commercial. It was

determined that a build-out capacity of 5,709 residential homes could be built within the available 1,765 residential acres. Likewise there could be a total build-out of 2,051 equivalent residential units (ERCs) built within the 775 commercial acres. These calculations assume that growth and building density continue as historically planned and as the current zoning allows. From this data growth projections were estimated through build-out. A summary of this data can be reviewed in Table 1.5 below.

TABLE 1.5 PROJECTED GROWTH DATA BY LAND USE & WATER USAGE

Year	Residential ERCs	Commercial ERCs	Total ERCs	Population	% Build-out
2006	1,237	244	1,481	3,983	22%
2010	1,811	414	2,225	5,832	32%
2015	2,722	729	3,451	8,766	48%
2020	3,729	1,129	4,858	12,006	65%
2025	4,669	1,546	6,215	15,033	82%
2030	5,359	1,876	7,236	17,257	94%
2035	5,709	2,051	7,760	18,383	100%

As one reviews the information in Table 1.5, it is important to remember that this is a projection based on land use and water system connections and not a representation of the wastewater department. There are small differences in the number of residential and commercial connections served by the wastewater department than is reflected in Table 1.5.

According to Perry's Wastewater Department records, there are 1,207 residential and 30 commercial connections to the wastewater system. To the wastewater system, 20 of the 30 commercial connections operate just like 20 residential connections. However, the other 10 commercial connections operate larger than 10 residential connections. To determine how many more ERCs the 10 larger commercial connection represent, an analysis of the water usage data was conducted. Table 1.6 summarizes the findings. It was determined that a typical resident produces 10,000 gallons of wastewater per month.

TABLE 1.6 LARGE COMMERCIAL USER DATA

	Indoor Water Usage Per Month	ERCs
KOA	35,000	3.5
The Lodge	17,000	1.7
Center St. Grill	22,000	2.2
Wal Mart	166,000	16.6
Cinema	18,000	1.8
Animal Clinic	30,000	3.0
Heritage Theater	21,000	2.1
Calls Drive Inn	20,000	2.0
Point Perry	20,000	2.0
Maddox Ranch House	150,000	15.0
Total		49.9 or 50

In summary, the 10 commercial connections really represent 50 ERCs to the wastewater system. The total number of ERCs represented by the commercial connections is 70. Thus, the entire wastewater system is presently serving 1,277 ERCs. Applying the growth trends established in Table 1.5 to the present will provide planning period projections for this capital facility plan. A summary of the 20-year planning period projection along with the build-out projection are found in Table 1.7.

TABLE 1.7 WASEWATER SYSTEM ERC PROJECTIONS

Year	Residential ERCs	Commercial ERCs	Total ERCs
2006	1,207	70	1,277
2010	1,767	102	1870
2015	2,656	154	2810
2020	3,638	211	3849
2025	4,555	264	4819
2027	4880	283	5163

1.8.2 FORECASTS OF FLOWS

Based on 1,277 ERCs, 3.22 people per ERC, and 100 gallons per capita per day of wastewater generated, the calculated flow at the existing lagoons is estimated to be 411,194 gallons per day or 0.41 MGD. The treatment plant design flow at the end of the 20-year planning period is based on 5,206 ERCs. This calculates to a projected flow in 2027 of 1,676,332 gallons per day or 1.67 MGD. The peak factor that will be used for the design of treatment facilities will be 2.0. Thus, any alternative with a treatment facility will be required to be designed for a peak flow of 3.34 MGD peak.

1.8.3 FLOW REDUCTION

None of the present discharges from residences or businesses in Perry are thought to be of such high volume or type of connection as to warrant flow reduction measures.

REFERENCE LIST

Anderson, P.B., D.D. Susong, S.R. Wold, V.M. Heilweil and R.L. Baskin, 1994. Hydrogeology of Recharge Areas and Water Quality of the Principal Aquifers along the Wasatch Front and Adjacent Areas, Utah. U.S. Geological Survey Water-Resources Investigations Report 93-4221. Prepared in Cooperation with the Utah Division of Water Quality

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U.S. Department of Agriculture Soil Conservation Service. 1987. Hydric Soils of the United States.

U.S. Geological Survey. 1986. 7.5 Minute Series Topographic Quadrangle Map for Logan, Utah.

Utah Division of Water Quality. 1997. Standards of Quality of Waters of the State. R317-2, Utah Administrative Code.

2.0 ENVIRONMENTAL REVIEW

2.1 ENVIRONMENTAL INFORMATION

Under the National Environmental Policy Act (NEPA), an Environmental Impact Statement (EIS) must be prepared if it appears that the proposed Wastewater Treatment Facility would have a significant adverse impact on the quality of human health and the environment. Preparation of an EIS is not required if a "categorical exclusion" from 40 CFR Part 6 is granted by EPA, or if a "Finding of No Significant Impact" (FONSI) is granted by the EPA.

Perry City's proposed project does not qualify for a "categorical exclusion". Therefore, an "Environmental Information Package" (EIP) must be prepared as an integral part of the Facilities Plan. The Utah Department of Environmental Quality and the EPA use the EIP to determine if an EIS must be prepared. After a review of information provided in the EIP, if no significant impact is present, an FONSI will be granted and an EIS will not be required.

Information from the EIP is used in evaluation of potential environmental impacts, both beneficial and adverse, of alternative wastewater collection and treatment systems. The EIP for the Perry Wastewater Collection and Treatment Facilities Project is comprised of the remaining paragraphs of this Section and Section 4.5. This section reviews environmental issues and conditions in general within the planning area. Specific environmental impacts and assessments for each wastewater collection and treatment alternative are found in Section 4.5, "Environmental Evaluation".

Environmental help and information has been sought from all appropriate State and Federal agencies regarding the planning process. Copies of all correspondence to and from each environmental agency are included in Appendix C.

2.2 HISTORICAL AND ARCHAEOLOGICAL SITES

A letter was sent to the Utah State Historical Society requesting comments concerning any historical or archaeological sites, or concern within the study area. The response letter, dated December 12, 2006, enclosed in Appendix C, outlined a potential to encounter buried archaeological sites within the project area. Due to this potential, it was required to have an archaeological consultant conduct a cultural resource inventory of the project area. Bighorn Archaeological Consultants was hired to perform this survey. The following summarizes the conclusions of Bighorn Archaeological Consultants survey. A complete copy of the study is found in Appendix G.

> *Examination of the proposed project revealed no new cultural resources sites. However, one previously recorded archaeological site (42BO822) was updated. This site is part of the Union Pacific Railroad that was constructed in 1869 and is on the National Register of Historic Places. Although the site is within the project corridor, the railroad will not be disturbed as construction plans are to bore the site.*

In the event that any prehistoric, historic, or paleontological materials are discovered during the construction process, work should cease in the area and appropriate contracts made to document the finds. Moreover, if current construction plans are followed, Bighorn recommends a determination of ***No Historical Properties Affected*** *for the project.*

It is anticipated that any proposed project will not affect historical properties. For any project that may result from this project, specifications will be written in the contract documents that will require the contractor to halt work if any archaeological artifact is encountered in the field. Proper authorities will then be called to the project site to evaluate the findings.

2.3 FLOODPLAINS AND WETLANDS

2.3.1 FLOODPLAINS

Floodplain Maps are provided as Exhibits 1.9A and 1.9B. One of the floodplains primarily follows from Threemile Creek and extends from the bank of the Creek 50-150± feet in both directions. Also a flood plain extends from two springs near the center of the City. This flood plain starts just north of the Center Street and Perry Boulevard intersection and extends to the first spring located in the middle of the block bounded by Center Street on the south and Davis Street on the North. It then continues to the second spring located just north of Davis Street approximately halfway between Perry Boulevard and Highway 89. From the second spring the flood plain extends west were it connects with the flood plain of the Great Salt Lake. The Great Salt Lake is another area that has to be considered in the design. Exact location of these flood plains is found on Exhibit 1.9A-B in Appendix D.

As can be seen on the floodplain maps, all the proposed collection lines and treatment sites are located outside the floodplain. The selected wastewater system alternative will be designed and constructed to minimize any impacts from a 100 year flood. Exposed project components will be protected by channels, dikes or riprap where necessary and the compacted earth cover will provide protection for underground components.

2.3.2 WETLANDS

Within the study area, there are areas classified as wetlands. Discussions with the NRCS office indicated there are soil types within the study area that could have wetlands within them. These soil types are classified as Draper loam (DrA), James Canyon loam (JaA), Parleys loam (PbA), Parleys silty clay loam (PIA), Timpanogos loam (TmA), Timponogos loam (TmB). These soils are associated with wetlands, and mitigation would likely be required if the pump station were located on these soils where the groundwater table is high. The planners will avoid areas with these soil types for locating a pump station and collection lines if at all possible. In the event that some areas of the project fall within wetland areas the permitting process set by the Corp of Engineers will be strictly followed to help mitigate the impact. A copy of the response letter from the Army Corp of Engineers can be found in Appendix C.

Real estate near the sewer mains may develop more rapidly due to the availability of the sewer improvements. As each property develops, the individual developers will be required to receive permits from the Army Corps of Engineers before any changes of the wetlands status of these lands may be realized. The installation of sewer improvements will not eliminate the due process for protecting wetlands found in Perry City.

2.4 AGRICULTURAL LANDS

Regarding potential important farmland in the project area, the U.S. Department of Agriculture Natural Resources Conservation Services (USDA-NRCS) was consulted. The response from the USDA-NRCS is attached in Appendix C. According to USDA-NRCS, there is a small amount of farm land in the project area. These lands are identified by soil type on Exhibit 1.5 in Appendix D. The soil types of concern are Lt, Ru. Wo, DaB, KuG, KoB, PbA, PlA, TmA, TmB, and TmA. It is estimated that less than ten acres will be affected by the construction of the wastewater collection system. In these areas, the contractor will be required to remove the top soil and set it aside, then place it back to preserve the topsoil. These impacts will be temporary. There will be no long-term impacts because the sewer lines will be buried at least five (5) feet deep and the area will be restored back to its prior condition.

Construction of wastewater collection facilities will not affect the continued use of nearby and adjoining land parcels for traditional agriculture. However, if an adjoining landowner proposed to change his/her land to another type of use; there may be a perceived effect because of the proximity to the collection facility.

The wastewater collection facilities will not affect the continued use of nearby and adjoining land for traditional agriculture.

2.5 WILD AND SCENIC RIVERS

Currently, there are no rivers in the project impact area, which are included in the National Wild and Scenic Rivers System.

2.6 FISH AND WILDLIFE PROTECTION

A letter was sent to the Utah Division of Wildlife Resources (DWR), requesting their input or concurrence regarding the potential impacts that the proposed wastewater treatment facilities may have on aquatic and terrestrial wildlife. The Division of Wildlife Resources performed a search from the existing data known to the Utah Natural Heritage Program. The search results indicate that there are no occurrence records for any State or Federally-listed species in the immediate area of the project. However, there are occurrence records for several rare species near the project area. The response from the DWR and search results is attached in Appendix C.

It is believed that the proposed project will not impact any aquatic and terrestrial wildlife.

2.7 ENDANGERED SPECIES PROTECTION

An inquiry was directed to the U.S. Fish and Wildlife Service (USFWS) regarding impact on fish and wildlife and threatened and endangered species (T&E). No response was received from the USFWS. However, information on the T&E species of the area has been gathered from government agencies and other projects in the community. Table 2.1 is a list of species that may occur in the area of influence of the project can be viewed below.

TABLE 2.1 SPECIES THAT MAY OCCUR IN PROJECT AREA

Common Name	Scientific Name	Status
Ute Ladies'-tresses	Spiranthes diluvialis	Threatened
Ogden Rocky Mountainsnail	Oreohelix peripherica wasatchensis	Candidate
June Sucher	Chasmistes liorus	Endangered
Bald Eagle	Haliaeetus leucocephalus	Threatened
Western Yellow-billed Cuckoo	Coccyzus americanus occidentalis	Candidate

USFWS policy requires that a consultant review the proposed action and a determination be made if the action will affect any listed species or their critical habitat. Once the determination has been made, the determination should be submitted to the Federal agency for review. If it is determined by the Federal agency, with the written concurrence of the Service, that the action is not likely to adversely affect listed species or critical habitat, the consultation process is complete, and no further action is necessary." However, if the Federal agency does not concur with the determination further studies will be required and/or a different course of action should be taken.

After reviewing the listed species, conducting field investigations, and reviewing the proposed alternative, it has been determined that the endangered species will not be negatively influenced by this project. All areas of the project will be constructed in previously disturbed areas. These areas have been disturbed by previously constructed roadways, utilities, and agriculture activities. It is not anticipated that any large trees will be cut down, which may impact the potential rapture nesting or roosting habits of raptures. Best management practices will be put into place to alleviate any potential storm water pollution to receiving streams or bodies of water.

2.8 AIR QUALITY

The e-mail letter (Appendix C) dated March 28, 2005, issued by the Utah Division of Air Quality, indicated that an approval order would not be required for this wastewater project. It is noted in the letter that fugitive dust will occur during this type of construction. The contractor will be required to take measures to minimize fugitive dust through watering, and/or chemical stabilization, vegetative or synthetic cover and windbreaks.

It must be noted that air quality will be very slightly degraded during the construction of the project by exhaust from equipment. Very little dust is expected due to controls that will be required in the

construction specifications. Operation of the facility will not significantly affect air quality.

2.9 WATER QUALITY AND QUANTITY

Any alternative treatment process that involves surface discharge will treat water to the extent required by State and Federal Code prior to discharge. See Section 1.6 "Effluent Limitations" for the level of treatment required under the Utah Secondary Treatment Standards. Each alternative treatment process will treat water to the extent that is required by State and Federal Code prior to discharging to a stream or body of water. Surface waters should not be significantly impacted by erosion, either during or after project construction.

2.10 DIRECT AND INDIRECT IMPACTS

The proposed wastewater collection and treatment facilities are not expected to have detrimental environmental impacts.

Any wetlands disturbed where pipelines cross will be restored to their pre-construction condition. In addition, measures will be taken to ensure that wetlands, or high water table areas, are not drained as a result of pipeline installation through installation of clay cutoff walls along the pipeline. Secondary impacts should be mitigated by the development and wetland requirements that must be met for each property to develop.

Some dust will be generated during construction, which may slightly diminish the air quality temporarily. Proper construction management will limit the amount of dust generated through strict enforcement of the construction specifications, which require dust abatement.

There will be minor disruptions of traffic, which will occur during construction. These disruptions are temporary. The Contractor will be required to repair all roads and leave trenches in a smooth and clean finished condition.

Wildlife species will not be significantly impacted either positively or negatively by the project.

Real estate near the sewer mains may develop more rapidly due to the availability of the sewer improvements. As each property develops, the individual developers will be required to receive permits from the Army Corps of Engineers before any changes of the wetlands status of these lands may be realized. The installation of sewer improvements will not eliminate the due process for protecting wetlands or other environmentally sensitive lands found in Perry.

The City has limited control over development pressures for those landowners that desire to develop. Currently, many landowners are selling farmland without a community sewer system. For the most part, the City Council understands the benefit of operating a community wastewater system.

2.11 MITIGATING ADVERSE IMPACTS

It is anticipated that there will be no long-term adverse impacts. No mitigation measures are planned.

2.12 DETERMINING NEED FOR AN EIS

The DWQ is responsible to determine, based on environmental information contained in this Facilities Plan, whether or not an EIS is required in connection with this project. The DWQ must prepare an EIS when any significant environmental impact is present.

Considering the minimal environmental impacts expected, it is the opinion of Sunrise Engineering that a finding of no significant impact (FONSI) would be appropriate. No significant impacts to the environment will be realized from construction and operation of the project. Although there are historic sites within Perry, construction of the sewer system will not impact these facilities. No known archaeological resources, important agricultural land, or endangered species are present in the project area. Erosion will be controlled. Water quality during construction of the project will not be degraded and will be improved after construction, due to elimination of groundwater contamination from raw wastewater. No displacement of households or businesses will occur as a result of the project. Visual impacts will be negligible. Noise and air quality will remain unchanged.

Development will remain the same with or without this project. Vacant land already specified as wetlands will not have easy access to collection lines and should not receive much additional pressure to develop as a result of this wastewater project. The installation of an updated or new wastewater treatment system will enhance the water quality by eliminating the overloading of the existing lagoon.

3.0 DEVELOPMENT & SCREENING OF ALTERNATIVES

The primary objective of this section is to identify a multitude of alternatives for treatment of Perry City wastewater and screen the alternatives into a few, which are most feasible on a general basis. The first sub-section will identify the general types of treatment available. The subsequent sub-sections will provide an in depth description of each alternative and screen the alternatives that are not feasible or practical. This screening process will reduce detail analyses to only those alternatives which appear to be practical for the size and type of system that would meet the City's needs.

Each alternative that passes this general screening process must, if implemented, meet effluent limitations established by EPA and the Utah DEQ. The systems must also be affordable, expandable to accommodate future growth, politically acceptable, and must meet environmental and other non-monetary criteria to warrant further evaluation in Section 4.

3.1 DEVELOPMENT OF TREATMENT ALTERNATIVES

Several types of wastewater treatment are available for consideration. These treatment alternatives are broadly defined and can contain numerous specific treatment processes. Several alternatives that are applicable to this study are listed as follows:

General Treatment Alternatives Considered:

1. Status Quo
2. Expansion and Optimization of Existing Lagoons
3. Regionalization with Brigham City
4. Build Mechanical Treatment Plant
5. Join with Willard to Build Mechanical Treatment Plant

3.2 TAKE NO ACTION AT THIS TIME (STATUS QUO)

This is a short term option. The current system has been operating since 1985. As previously noted, the present system is unable to treat current wastewater flows. The treatment system is 157% organically overloaded. Another direction must be taken before the current capacity is lost, which is estimated to be five years. To keep the current system costs nothing but time. Delaying any action at the moment will allow less time to resolve the problem in the future. Additionally, construction costs are escalating and a future project will be more costly. However, for the present time, there are no new maintenance costs for this option, or changes in rates.

3.3 EXPANSION AND OPTIMIZATION OF EXISTING LAGOONS

The existing treatment method in Perry City is by discharging lagoons, which treat wastewater much like total containment lagoons. A discharging lagoon system consists of a minimum of three ponds, sized to ensure that wastewater flowing into the ponds has a minimum detention time of 120

days. The treated effluent, or water that has flowed through the lagoons and undergone the required detention time, then flows out of the last pond and is discharged to a ditch or stream.

Perry operates a seven cell discharging lagoon system. As was mentioned previously, the existing discharging treatment lagoons are currently organically overloading by 157%. In order to eliminate this overloading, the first cell of the treatment lagoons must be expanded. Adding aeration would help optimize treatment in the lagoon system.

3.3.1 EXPAND FIRST CELL

In order to expand the current lagoons, the land required must be obtained, and the proper permitting must take place. Due to the wetlands surrounding the lagoons, a 404 permit must be granted from the Army Corps of Engineers. Perry City has been working with the Army Corps of Engineers for several years and has obtained a permit to expand their lagoon system. The expansion permit from the Army Corps of Engineers authorizes expansion directly east of the first cell. The size of the expansion is approximately the same size of the primary cell. This expansion will alleviate the current overloading of the lagoons and provide a viable treatment alternative for the short term. The added volume and surface area will provide the right conditions to allow the natural treatment processes to take place. The treatment system would be able to remove the pollutants until the growth of Perry is such that the wastewater produced will again be too much to allow the full natural treatment processes the time and space necessary for the disposal of pollutants. At Perry's current growth trends, the expansion would work for less than five years. Preliminary probable cost opinions estimate the expansion would cost $2,155,000.

The problems associated with this treatment method are twofold. First, long term considerations indicate that in a few years the expanded lagoons will once again be operating to capacity and will begin overloading. At that time, obtaining further expansion permits from the Army Corps of Engineers is not likely, thus leaving the City of Perry in a similar situation to which they are currently in.

Second, due to cold temperatures during the winter months, the lagoons are unable to meet the ammonia requirements required by the Utah DEQ. The nitrifying bacteria responsible for oxidizing ammonia tend to go dormant in cold temperatures. This is a well known fact with lagoon treatment systems. Dr. Michael Richard presented a technical report at the 1995 Rocky Mountain American Waterworks Association / Water Environment Association Annual Conference. The following was taken from his work and illustrates the problems with meeting ammonia requirements during cold temperature periods:

A coming problem in the Rocky Mountain region is the requirement for ammonia removal during municipal wastewater treatment. Many small communities in the Rocky Mountain region that use aerated lagoons are getting effluent ammonia limits in their renewed NPDES permits. A major problem exists in that aerated lagoons in the Rocky Mountain region have to operate at a low winter time temperature where ammonia removal by nitrification is minimal or ceases. This makes meeting low effluent ammonia standards almost impossible for these systems. A great need exists to find a way for the continued use

of small community aerated lagoons to meet effluent ammonia limits in the cold time of the year.

Concerns about cold temperature nitrification usually arise when water temperature in the biological treatment system drop to 5 degrees Celsius (41° F) or below. At this temperature the nitrifying bacteria responsible for oxidizing ammonia tend to go dormant. If this happens, it usually means effluent violations for those plants with ammonia limits.

Throughout the industry, several studies have been conducted to evaluate different techniques to increase ammonia removal in lagoon and aerated lagoon system during cold times of the year. Unfortunately, these techniques are not recognized as solutions to reducing ammonia limits in lagoon type systems at this time.

Because of the above mentioned difficulties, particularly the inability of this treatment method to reach required ammonia levels and the projected five year treatment life, this alternative will not be considered in further detail in Chapter 4.

3.3.2 EXPAND FIRST CELL AND ADD AERATION

Adding aeration to the treatment process increases the organic capacity of the system. The aeration process adds oxygen to the wastewater, providing the aerobic bacteria the necessary conditions for proper disposal of the organic material. Aeration essentially adds to the productivity of the lagoon system without increasing the amount of land the treatment plant occupies. However, in order for aeration to function properly, the depth of the cells must be increased from 4.5 feet to 12 feet. Adding aeration to the treatment process at the same time as expanding the first cell will further increase the organic capacity, extending the life of the system beyond that of merely expanding the cell. With an increased organic capacity, the lagoon system will again function normally until the total wastewater that needs to be treated will be more than the plant can handle. Preliminary probable cost opinions estimate the capital costs for these improvements to be $7,620,000.

The difficulties associated with this alternative are very similar to those outlined in the previous section. These include meeting the demand for future flow, obtaining permits from the Army Corp of Engineers for future expansion, and meeting the ammonia levels required by the Utah DEQ. Due to cold temperatures in the winter months, the aerated lagoons would still suffer delinquent ammonia levels, and thus will not be considered in further detail in Section 4.

On October 12, 2006 Sunrise met with Mayor Nelson, Councilmember Bruce Howard, and Duncan Murray to discuss treatment options. Different options for treatment were discussed. The discussion included the results of a preliminary analysis of constructing additional lagoons both with and without aeration. The results of that meeting were that Perry City did not want to invest money in more lagoons or technology that did not treat ammonia, and also that they did not want to user their resources for what is basically a short

term solution for their current situation. Based on this meeting and the preliminary development of the aerated lagoon option, it was determined that further investigation and calculations of these alternatives was not warranted.

3.4 REGIONALIZATION WITH BRIGHAM CITY

Brigham City currently treats its own wastewater in a mechanical treatment plant located in the northwest corner of the community. The system used there has the capacity to treat 4.0 MGD of wastewater. Currently, Brigham City is treating less than 2.0 MGD. In order for Perry City to regionalize with Brigham City, Perry City would need to construct a lift station and force main to convey the wastewater to Brigham City's 27" trunk line. The trunk line runs on the west side of Brigham City and flows north to the treatment plant. This is an option that can be used to replace the currently overtaxed lagoon system that Perry City is using now.
This alternative is a viable treatment option for the City of Perry. By regionalizing treatment of their wastewater with Brigham City, Perry City is able to take advantage of the benefits associated with using existing facilities for treatment. The downside of this alternative includes the monetary costs associated with the new system infrastructure required and the fees associated with regionalization. Further analysis of this option is included in Section 4 of this study.

3.5 BUILD A MECHANICAL PLANT

This option requires a mechanical plant to be built by Perry City to take the place of the current lagoon system. The plant would use less acreage, and would be designed to be attractive and easy to maintain. It is anticipated that the plant would be located immediately east of the existing lagoon system. This would allow for minimal improvements to the collection system.

Several mechanical treatment plant options exist for Perry City. The different types of mechanical plant are as follows:

1. STM- Aerotor Plant
2. Sequencing Batch Reactors Plant – SBR Plant
3. Membrane Bioreactor Technology – MBR Plant

Each of these mechanical plant options are capable of meeting the discharge requirements outlined in Perry's permit. Typically, an MBR plant is capable of producing the highest quality of water with the fewest treatment steps. Water quality from an MBR plant is able to meet State requirements for reuse water. This means the water is of a quality that it can be used for irrigation of lawns and gardens. SBR and STM- Aerotor plants can achieve a quality of water ready for reuse with an additional polishing process. The initial cost of a MBR plant is 1.5 to 2 times more expensive to purchase and operate than a SBR or STM- Aerotor plant. For this report, achieving reuse quality water is not a priority at this time. However, any mechanical plant considered will need to have additional treatment in the future to achieve reuse quality.

This alternative is a viable treatment option for the City of Perry. By constructing their own

mechanical treatment plant, Perry City can effectively treat their wastewater to meet the effluent requirements of the EPA and Utah DEQ. The downside of this alternative includes the monetary costs associated with the new mechanical plant, and disposal of the biosolids produced by the plant. Further analysis of this option is included in Section 4 of this study. However, detailed analysis will be limited to STM-Aerotor Plant and SBR Plants due to the higher costs associated with a MBR plant.

3.6 JOIN WITH WILLARD CITY AND BUILD A MECHANICAL PLANT

Willard City is currently designing a new collection system and pump station to convey their wastewater to Brigham City. The force main from the pump station would need to be constructed through the entire north-south city limits of Perry. Due to Willard City's project and the current timing, there is an opportunity for Willard City and Perry City to join together and build a treatment plant together. Therefore, this alternative includes regionalization with the City of Willard to construct a new mechanical plant. According to preliminary discussions with the State of Utah, if the plant was located where the discharge from the plant could flow to the Great Salt Lake instead of the Bear River National Bird Refuge, there would be no ammonia requirement on the permit.

This alternative has all the benefits of the previous alternative, yet has a lower construction cost because of the shared use with Willard. It uses less acreage, is relatively inexpensive to expand, and has consistent results which also exceed the current standards. A location for a treatment plant on the Perry/Willard City boundary line is anticipated. Additional costs would be incurred to provide a trunk line from the existing piping to the treatment plant. Joining with Willard provides the benefits of economies of scale and allows both cities to meet the current treatment requirements of the Utah DEQ without having to deal with fees and politics associated with regionalization with Brigham City.

3.7 TREATMENT OF INDUSTRIAL AND FEDERAL FACILITIES' WASTES

There are no present industrial facilities or federal facilities in Perry City. It is possible that industrial development will occur in the future. If it does, the City must evaluate the pretreatment requirements for each industry on a case-by-case basis, to prevent an industry from imposing an overwhelming hydraulic or biologic load on the existing wastewater facilities.

3.8 PERRY CITY COLLECTION REQUIREMENTS

Regardless of the alternative chosen for treatment, the collection system is in need of some upgrades to meet the growth of the community. The problem areas of the collection system are the trunk lines. After modeling future flows in the existing lines, several segments have been identified to be enlarged. Currently, a 10" inch line extends from 1200 West and Center westward for approximately 1000 feet along Center St. then jogs to the south through a field to approximately 2700 South and I-15. At this point the line crosses under I-15 where it flows south and then west to the lagoons. This line will need to be replaced by a 30" inch line which will be placed in the

proximity of the existing line. With regards to the building a treatment plant with Willard City near the Perry/Willard city boundary, the 30" line would need to extend to the treatment plant. The frontage road along the west side of the freeway is the best alignment for this line.

In Section 4.0 each viable option outlined will include the collection system costs associated with that particular alternative.

3.9 FUTURE NORTHWEST COLLECTION REQUIREMENTS

The northwest area of Perry City has potential for substantial growth. Installation of future collection lines in this area is inevitable and will be required. The treatment facilities for the alternatives evaluated in this facilities plan will have to be designed to handle the future waste projected from this area. The projected flow for the treatment alternatives includes these areas. Exhibit 1.8 shows the current zoning map for Perry City. Based on the current zoning and using equivalent ERC flows from the city engineer for different zone types, wastewater flows for the northwest area were projected and future trunk line and interceptor line sizes were determined. Exhibits 4.1 through 4.6 show approximate projected locations of the future collection system.

Based on the current zoning, a 14" gravity interceptor line will be required along Perry St. (1200 West) from about 1500 South to Davis St. (2250 South), where it will connect with a 16" interceptor that flows west along Davis St. to the east side of I-15. From that point it becomes a 18" trunk line which flows to the south and connects with the new upgraded trunk line at the west end of 2700 South. Also, an 8" main line will be required eventually on the east side of I-15 from the I-15/Highway 91 intersection to Davis St (2250 South).

The opinion of probable cost for the northwest future collection area is included in Exhibit 4.13. The costs of these improvements will not be included in the capital costs of the alternatives because they are not required at the present time and the costs will not be included in the funding package from the state. The costs for these future collection trunk lines and interceptors will be paid for by impact fees. These costs are detailed in the impact fee section of this facility plan.

4.0 EVALUATION OF VIABLE ALTERNATIVES AND PLAN ADOPTION

This section contains further evaluation of the viable treatment alternatives involved in this study. The evaluation includes economic and non-economic analysis for the relevant factors involved. Based on these analyses, selection of the best overall wastewater treatment facility alternative is made in Section 5.0. The selected alternative must be politically acceptable, environmentally sound, and economically justified when it is compared to the other alternatives.

In Section 3, many alternatives for wastewater treatment were evaluated and screened. The screening of alternatives resulted in four viable alternatives being selected for further analysis. These principal alternatives are listed below and are capable of meeting Federal, State, and Local criteria for the proposed project:

Alternative # 1- Regionalization with Brigham City
Alternative # 2- Build STM Aerotor Mechanical Treatment Plant
Alternative # 3- Build Sequencing Batch Reactor (SBR) Mechanical Treatment Plant
Alternative # 4- Join with Willard to Build STM Aerotor Mechanical Treatment Plant

DEMONSTRATION OF FINANCIAL CAPABILITY

Perry City has the legal authority to own and operate water, sewer, power, and other utility systems. At present, the City operates a culinary water system, sewer system, parks, roads, and other services. The City, therefore, has demonstrated managerial and financial capability to operate these services and systems. The existing maintenance personnel will manage operation of the alternative chosen with minimal additional training. In the event that further assistance is needed or the mechanical treatment plant alternative is selected, more personnel may need to be hired. Billing procedures are already established, and a managerial staff is already in place.

4.1 ALTERNATIVE #1- REGIONALIZATION WITH BRIGHAM CITY

For Perry to regionalize with Brigham City, Perry City would need to construct a lift station and force main to convey the wastewater to Brigham City. A map showing the general location of the lift station and the force main to Brigham City collection system is shown in Exhibit 4.1 in Appendix D. The preliminary design of the force main is a 16" PVC C-900 pipe. Build-out calculations indicate the peak design flows will reach 3500 gallons per minute in the trunk and force main.

Brigham City has additional capacity in their mechanical plant. The plant was designed to be a 4.0 MGD plant. Brigham City is treating approximately 1.6 million gallons per day. Discussions with Brigham City concerning pumping to their facility have been favorable. However, discussions concerning buying a portion of the capacity from Brigham City and jointly operating the facility has not been well received. Brigham City prefers that Perry pay approximately $2.14 per 1000 gallons of waste treated. This equates to approximately $13.84 per ERC for treatment, operations, and

maintenance costs. In addition to the treatment charge, Brigham City desires to recoup their investment in their treatment plant.

A treatment availability charge (TAC) is the means by which Brigham City will recoup their investment. This charge is a monthly fee per ERC that never goes away. The calculated TAC is $6.06 per ERC. In summary, monthly fees totaling $19.91 per ERC would need to be paid to cover the cost Brigham City would charge to treat Perry City's wastewater.

Benefits for pumping to Brigham City include no additional personnel to operate the plant, no treatment facility to operate or maintain, and not having to meet changing discharge requirements. The downside of pumping to Brigham City include the loss of control of operating a plant, paying the TAC forever, a lift station, not owning capacity into the facility, and operation and maintenance costs associated with a lift station..

4.2 ALTERNATIVE #2- BUILD STM AEROTOR MECHANICAL PLANT

This alternative involves construction of a new STM-Aerotor mechanical treatment plant owned and operated by Perry City. This plant would be designed to receive an average flow of 2.0 MGD with a peak factor of 2.0 resulting in a peak flow of 4.0 MGD. The facility would have a design life of 20 years. Preliminary analysis of the study area indicates that the most likely location for the treatment plant would be in the vicinity of the existing lagoons, or even on the land that was recently permitted for the lagoon expansion. This location is shown in Exhibit 4.2 found in Appendix D. Based on wastewater characteristics, projected effluent requirements, and site location, a STM-Aerotor plant is a good treatment alternative for Perry City. This type of plant would allow for convenient and inexpensive modular expansions. Using this type of mechanical plant, the wastewater is treated in a controlled environment with results which are very consistent and well within the allowed parameters of the current discharge permit. Water quality produced by this plant would be less than the current permit limitations of 25 mg/l BOD and TSS. Ammonia would also be removed in the process to an expected level of 1 mg/l.

The flow of the wastewater through the plant is described as follows and is shown in Exhibit 4.3 found in Appendix D. The wastewater flows through the headwork first, where material harmful to the process and equipment is screened and removed. The next step is the STM-Aerotor, which is where the biological treatment takes place. The flow next enters the clarifier, followed by disinfection. Afterwards, the effluent would be discharged into the wetlands of the Great Salt Lake.

The headwork consists of a screen, and grit removal. The screening process removes larger deleterious materials for compaction, and then placed in a container lined with a plastic bag. Grit is small, coarse particles of sand gravel, eggshells, or other minute pieces of mineral matter which are also placed in a plastic bag-lined container. The screened material will be sent to the local landfill.

Biological treatment occurs in two parallel tanks where the environmental conditions are controlled to produce an active population of bacteria. The bacteria use the oxygen in the water to feed on the

pollutants. The wastewater is detained in these tanks for 8 to 12 hours. Oxygen is provided by slowly rotating tubes that fill with air when above the water, and while below, continuously release that air in fine bubbles. This is a patented process called STM Aerotor that uniquely combines the activated sludge process with that of fixed film. Activated sludge organisms will remove the bulk of the pollutants in the wastewater and nitrify the ammonia. The fixed film organisms produce excellent sludge-settling characteristics for the next step.

The effluent from those tanks, which consists of treated wastewater and bacteria flocculent, flows into the clarifier. In this tank, the sludge and bacteria flocculent settle to the bottom, and the treated water flows out through the top, over a weir. The water then passes through the UV disinfection, and out of the plant as effluent.

Part of the sludge and flocculent which settles out in the clarifier is returned to the STM Aerotor tanks to help maintain a heavy inventory of bacteria (Return Activated Sludge or RAS). The remainder of the sludge (Waste Activated Sludge or WAS) is pumped to the aerobic digesters, where it undergoes about 30 days of further biological treatment before it is pumped to the sludge dewatering press. This press will remove water from the sludge, changing the amount of solids from 1 or 2% to about 20%. The dewatering system of this alternative will be a Huber screw-press. The dewatered sludge will be thickened enough that it can then be handled and shipped to a landfill for final disposal.

Reuse of treated effluent for irrigation is a potential benefit from a mechanical wastewater treatment plant. But final filtration must be added to the processes for the water to reach Type I reuse quality. Type I is defined by the State of Utah as reclaimed water that is suitable for reuse where human contact is possible such as public parks and golf courses. Also, a reuse pump station and pressure piping would be required to pump the water to its point of use. The amount of water that would be available for reuse would be determined by the State Engineer's evaluation of the consumptive use of the underlying water right. This would be determined after a reuse application is filed with the state engineer. Costs for reuse are not part of this analysis.

The by-product of treated water at this type of plant is the biosolids. Biosolids may be used for composting and sold as fertilizer for lawns and gardens. This would require additional treatment in order for them to reach a treated level of Class A. This would add an additional cost to the plant which would decrease the economic feasibility of this alternative. Due to the relatively small amount of biosolids that would be generated, it appears that final disposal of biosolids in a landfill is the most cost-effective method at present. State rule R315-315-5 allows for "*...water treatment plant sludge, digested waste water treatment plant sludge, or septage containing no free liquids to be placed at or near the bottom of the landfill working face and covered with other solid waste or other suitable cover material.*"

4.3 ALTERNATIVE #3- BUILD SBR MECHANICAL PLANT

A Sequencing Batch Reactor Plant consists of sequencing batch reactors (SBRs) used for biological treatment of the wastewater. The probable location of an SBR plant would be the same as for the STM Aerotor plant near the existing lagoons and is shown on Exhibit 4.4 in Appendix D. Using

this type of mechanical plant, the wastewater is treated in a controlled environment with results which are very consistent and well within the allowed parameters of the current discharge permit. Water quality produced by this plant is similar to the STM Aerotor plant which would meet the 25 mg/L BOD and TSS limitations found in the permit. Ammonia would also be removed in the process to an expected level of 1 mg/l or less.

The flow of the wastewater through the plant is described as follows and is shown in Exhibit 4.5 found in Appendix D. The wastewater would flow through the headwork first, where material harmful to the process and equipment is screened and removed. The headworks for the SBR treatment plant are the same as the STM Aerotor plant. The primary purpose is to remove the material harmful to the process and equipment. The parts and processes of the headworks would be as described in the section above for the STM Aerotor plant.

After passing the headworks, the wastewater would flow to the sequencing batch reactors which are concrete tanks that utilize two tanks for continuous flow. One tank receives flow while the other completes its treatment cycle. Treatment in the sequencing batch reactors occurs in the following operational steps: fill, react, settle, decant/sludge waste, and idle.

During the fill operation, wastewater enters the SBR reactor. Initially, a complete mix of the contents occurs without the use of aeration, which assists in control of filamentous organisms, and is essential for systems requiring phosphorus removal. Eventually, during the filling process, aeration using mechanical blowers is introduced to promote biological reactions with the influent wastewater, promoting nitrification and de-nitrification.

During the react period, the wastewater flow is stopped while the mixing and aeration continue. During this process, nitrification and de-nitrification continues. In this process, the biomass existent in the reactors consumes the substrate under controlled environmental conditions.

When the mixing and aeration cease, the settling process begins. During this process the solids are allowed to separate from the liquid under calm conditions, resulting in a treated wastewater that can be discharged as effluent.

Following settling, the decanting/sludge waste process begins in which the treated wastewater is discharged to the disinfection process and a small amount of the sludge waste is removed as waste activated sludge (WAS). The remaining sludge stays in the reactor and is immediately ready to receive the next batch of raw wastewater. After removal, the waste activated sludge is pumped to the aerobic digesters, where it undergoes about 30 days of further biological treatment before it is pumped to the sludge dewatering press. This press will remove water from the sludge, changing the amount of solids from 1 or 2% to about 20%. This is thickened enough that it can then be handled by conveyors and shipped to a landfill for final disposal.

The idle period is used in a multi reactor system to provide time for one reactor to complete its fill phase before switching to another unit. Because idle is not a necessary phase, it is sometimes omitted.

Disposal of the dewatered sludge is as described for the STM Aerotor plant, which is by disposal in

the county landfill. Eventually, additional treatment operations can be added to the system to produce a Class A sludge that would qualify for reuse. This additional treatment is not included in the cost estimates for this study and would have to be funded later.
The advantage to an SBR mechanical plant is that all of the treatment processes occur in the same tank, thus reducing the size of the footprint required for treatment. A disadvantage to this is that it requires more power and mechanical parts which results in higher operations and maintenance costs.

4.4 ALTERNATIVE #4- JOIN WITH WILLARD TO BUILD STM AEROTOR PLANT

This alternative includes building a new STM Aerotor treatment plant and combining ownership and funding of the plant with Willard City. This plant would be designed to receive an average flow of 2.0 MGD with a peak factor of 2.0 resulting in a peak flow of 4.0 MGD. The facility would have a design life of 20 years. The location of all the needed improvements is shown in Exhibit 4.6 in Appendix D. A gravity trunk line is required to convey the wastewater to the plant. Preliminary design of this trunk line indicates that it should be a 30" line for a build-out design period. The projected peak flow is approximately 3500 gallons per minute. The specific details of the processes and requirements for a STM Aerotor treatment plant are as described in Section 4.2.

A casual observer may conclude that by joining with Willard, Willard will financially benefit or lower their monthly treatment fees. This conclusion is incorrect because Willard City has already obtained funding for their project and the State has set their monthly user rate at $42.31. Of the $42.31, $19.91 is designated to Brigham City for treatment (See Section 3 for discussion of the $19.91 cost). By joining with Perry, the $19.91 will not go to Brigham City, but will be available for use in the new treatment plant capital and O & M costs. If this alternative is chosen, Willard City's monthly user rate will remain at $42.31. The benefits to Willard City are non-monetary in that they would have ownership and representation in the new treatment facility.

4.5 ECONOMIC / MONETARY EVALUATION

The focus of this sub-section is to define all of the economic and monetary costs associated with each alternative and evaluate the cost-effectiveness of each alternative. The costs associated with the alternatives include capital costs, operation and maintenance costs, existing costs, and sunk costs. Final evaluation of cost-effectiveness is shown by individual cost to each equivalent residential Unit (cost/ERC).

A cash flow model will be used to analyze the monetary costs of each alternative. The cash flow model is an extremely powerful tool. The cash flow model is a dynamic tool allowing the analyzer to play "what if" scenarios with either revenues, expenditures, or both. The purpose of the cash flow model is to link the individual users/equivalent residential users (ERCs) and the revenues generated by them with the expenditures of constructing and maintaining a wastewater system. The model projects all the revenues and expenditures year by year of a given alternative for a given period of time (20-years). By using the model, one can determine of if the wastewater utility is generating enough revenues to cover the expenditures. The revenues included in the analysis

include monthly use rates, hook-up fees, impact fees, treatment fees and other pertinent fees. Projected expenditures that are included in the analysis are the debt payments for the initial cost of the project, personnel cost to do billings and maintenance of the system, equipment repair and replacement costs, and any utility costs, like electrical power, associated with the alternative. The results of the cash flow model can be viewed in Appendix E. Any operation and maintenance information need for a particular alternative can be gathered from the cash flow models.

4.5.1 EVALUATION OF CAPITAL COSTS

Capital costs are estimated for this study using an opinion of probable cost. The opinion of probable cost used in this study is based on current prevailing market prices for all aspects of a project and includes capital costs, professional costs, such as: engineering design, construction management, attorney fees, DWQ administration, etc., and miscellaneous costs, such as: land acquisition costs, and inflation costs. The estimates are determined from an evaluation of scope and difficulty of work, recent bid prices of similar work in the area, quotations from vendors and contractors, and from engineering judgment. Since the planner does not control the economic conditions that affect construction costs, the estimates are not a guarantee of actual cost. Estimates therefore represent anticipated initial project costs and indicate the cost range that Perry City should expect for the initial project.

The engineer's opinion of probable cost for the improvement projects associated with the principal alternatives is summarized below in Table 4.1. These cost opinions include the project costs and do not reflect who will fund what portion of each. The future collection system in the northwest is not included in this table because it will not be part of the initial funding package from the state. It is assumed that the new collection lines required in the northwest area of the city will be paid for by impact fees.

TABLE 4.1 SUMMARY OF OPINION OF PROBABLE CAPITAL COSTS

Improvement	Exhibit	Alt. # 1 Brigham City Treat Wastewater	Alt. # 2 STM Aerotor Plant	Alt. #3 SBR Treatment Plant	Alt. #4 Join with Willard STM Aerotor Plant
Collection System Upgrades	4.7	$1,500,000	$1,500,000	$1,500,000	$1,500,000
30" Trunk Line (100% Perry City)	4.8	-	-	-	$2,100,000
Lift Station and Force Main to Brigham City	4.9	$2,832,000	-	-	-
STM Aerotor Treatment Plant	4.10	-	$12,000,000	-	-
SBR Treatment Plant	4.11	-	-	$13,300,000	-
Join with Willard STM Aerotor Treatment Plant (2/3 cost to Perry)	4.12	-	-	-	$8,000,000
Total		$4,332,000	$13,500,000	$14,800,000	$11,600,000

Engineers' opinion of probable costs for the improvement projects associated with the alternatives represented above are shown in Exhibits 4.7-4.12 found in Appendix F.

4.5.2 OPERATION AND MAINTENANCE COSTS

Operation and maintenance costs for each alternative include multiple monthly or annual costs that vary each year depending on the alternative and operation parameters of the system. Specific detailed projected operation and maintenance costs are included in the cash flow models that are shown in Appendix E. The model includes these costs to determine end user rates and cost-effectiveness of each alternative.

For Alternative #1, the operation and maintenance costs that are included in the model are personnel, vehicle, lift station electrical charges, miscellaneous parts and supplies, lab work, and new equipment costs. Alternatives #2 and #3 are similar to each other in that they include a mechanical treatment plant. The operation and maintenance costs included in the model for these alternatives are personnel, vehicle, treatment plant electrical charges, miscellaneous parts and supplies, lab work, new equipment costs, and disposal of the treatment plant biosolids.

It is anticipated that for Alternative #1 Perry City will incur any cost escalations resulting from increased energy use at the Brigham City Plant. They are also responsible for the energy costs that would be associated with the new lift station and force main. Energy costs associated with Alternative #2 & #3 will be higher than Alternative #1 due to the difference to operate a treatment facility over a lift station. The actual dollar costs of energy use are included as a component of operation and maintenance costs in the examination of each alternative in the Cash Flow Analysis of each alternative.

Of extreme importance when considering operation and maintenance costs of a treatment plant is to take into consideration the amount of sludge (biosolids) that will be produced and how it will be disposed of. As was defined in the previous section, sludge will be disposed of by transporting them to the Box Elder County Landfill. The disposal costs associated with each alternative are shown in the Cash Flow Analysis models in Appendix E.

4.5.3 EXISTING COSTS

Existing costs that are included in the evaluation include the costs associated with the current wastewater budget for the City of Perry. Perry is currently paying on a bond issued Jan 1, 1972, which will retire in 2009. The specific costs are shown in detail for each alternative in the Cash Flow Analysis model. Existing costs may also include costs for any bonds or other payments that the city is currently paying. These costs are shown in the Cash Flow Analysis model for each alternative. They are located under the existing O & M and debt service figures.

4.5.4 SUNK COSTS

Perry City currently owns the collection system and discharge lagoon treatment system that

they are currently using to treat their wastewater. For all of the primary alternatives being evaluated, the existing collection system will continue to be used, but will require upgrades as discussed in Section 3.2. Also, for all of the primary alternatives being evaluated, the existing discharging lagoon treatment system will have to be abandoned. The abandonment of the lagoon system will be a sunk cost that will be realized by the City. The cost incurred will be equal for all four alternatives, thus this cost is not included as part of the analysis.

4.5.5 TOTAL MONETARY COST

The total monetary evaluation of alternatives will be calculated by using net present value (NPV). The NPV technique of analysis will provide an "apples to apples" dollar comparison of alternatives. Net present value is the sum, if invested now at a given interest rate, that will provide exactly the funds required to make all future payments during the fixed 20 year planning period. The NPV financial formula takes into account the initial purchase value plus the operation and maintenance costs minus the salvage value at the end of the 20 year planning period. For this study, the salvage value for all improvements is assumed to have the same life expectancy and depreciation rate. Thus, the salvage value of each improvement does not affect the net present value formula and is not included in the net present value calculation. A comparison of the net present worth of each alternative will indicate which alternative is the most cost effective. A summary of these net preset value comparisons is found below in Table 4.2. Appendix F shows the spreadsheets used to calculate the NPV for each alternative.

Each alternative was evaluated using the same terms for cost comparison, which resulted in comparable net present worth values. The planning period is 20 years counted from the expected year of completion of facilities (2009). The inflation rate for the calculations was assumed as 3%, and the discount rate used for net present value as 6.5 %.

TABLE 4.2 SUMMARY OF NET PRESENT VALUE

Alternative	Net Present Value
Alternative #1 – Regionalization to Brigham City's Mechanical Treatment Plant	$14,626,000
Alternative #2 – Mechanical Treatment Plant with STM Aerotor	$15,900,000
Alternative #3 – Build SBR Mechanical Treatment Plant	$18,931,000
Alternative #4 – Join with Willard to Build a STM Aerotor Treatment Plant	$13,577,000

4.5.6 END USER MONTLY RATE ANALYSIS

The monetary cost for each of the alternatives can also be represented by the end user monthly rate charged to each equivalent residential connection (ERC). Comparing end user monthly rates evaluates the cost-effectiveness of the alternatives and the "price" the user

will have to pay for each. When combined with the non-economic factors, end user monthly rate is a principal factor in determining the best alternative. The end user monthly rate for each of the alternatives is shown in Table 4.3 below. Specific details associated with end user rate can be found in the Cash Flow Analysis models for each alternative in Appendix E.

TABLE 4.3 PROJECTED END USER RATE (2008)

Expense Category	Alt. # 1 Brigham City Treat Wastewater	Alt. # 2 STM Aerotor in Perry City	Alt. #3 SBR Plant in Perry City	Alt. #4 STM Aerotor in Willard
Brigham City O & M and TAC	$19.91	-	-	-
New Debt Service, O & M	$10.50	$37.19	$44.56	$27.00
Existing Debt Service, O & M	$11.00	$11.00	$11.00	$11.00
TOTAL	**$41.41**	**$48.19**	**$55.56**	**$38.00**

Note: Actual funding scenario may change these rates.

4.5.7 IMPACT FEE ANALYSIS

The treatment alternatives discussed in this study are designed for a 20 year growth period and for future expansion after that. Thus, the improvements that will be made to the Perry City wastewater system need to have the capacity to handle future waist. It is unreasonable to make current residents pay for the cost that is due to future growth. For this reason, the City will impose impact fees on new users of the Perry wastewater system. These impact fees are based off of the percentage of the new improvements that the new users will be responsible for.

Table 4.4 shows the required improvements associated with all of the alternatives, the percent due to new growth, the total capital improvement cost to new users, the annual payment to new users, the total cost for payments over the next 20 years, and the impact fee associated with each capital improvement. The new growth capital improvement cost (CIP) is the capital improvement cost multiplied by the percent due to new growth. The actual annual payment is calculated from the new growth CIP, using an interest rate of 3.5% for a term of 20 years. The new growth final cost is the annual payment multiplied by the payment period of 20 years. The impact fee is calculated by taking the new final cost and dividing it by the number of projected new connections.

The costs associated with the collection system upgrades, the trunk line from Perry to Willard, and the Lift Station and Force Main are due to new growth and will be covered 100% by the impact fees on new growth. The portions of the treatment plants that are due to new users are based off of plant capacity remaining after the existing flows are taken into account.

TABLE 4.4 IMPACT FEES PER IMPROVEMENT

Improvement	% Due to New Growth	CIP Cost	New Growth CIP Cost	Actual Annual Payment	New Growth Final Cost	**Impact Fee**
Collection System Upgrades	100%	$1,500,000	$1,500,000	$105,542	$2,111,000	**$600**
30" Trunk Line (100% Perry City)	100%	$2,100,000	$2,100,000	$147,760	$2,995,000	**$800**
Lift Station and Force Main to Brigham City	100%	$2,832,000	$2,832,000	$199,263	$3,986,000	**$1,100**
STM Aerotor Treatment Plant	79%	$12,000,000	$9,534,000	$670,823	$13,417,000	**$3,600**
SBR Treatment Plant	79%	$13,302,000	$10568,000	$743,600	$14,873,000	**$4,000**
Join with Willard STM Aerotor Treatment Plant (2/3 cost to Perry)	73%	$8,000,000	$5,850,000	$411,682	$8,234,000	**$2,200**
Future N.W. Collection System	100%	$2,710,000	$2,710,000	$190,608	$3,812,000	**$1,000**

To determine the total impact fee for each alternative it is necessary to add the impact fees associated with each specific improvement. This is done in Table 4.5 which is the total impact fee that will be required for each alternative.

TABLE 4.5 IMPACT FEES PER ALTERNATIVE

Improvement	Alt. # 1 Brigham City Treat Wastewater	Alt. # 2 STM Aerotor in Perry City	Alt. #3 SBR Plant in Perry City	Alt. #4 STM Aerotor in Willard
Collection System Upgrades	$600	$600	$600	$600
30" Trunk Line (100% Perry City)				$800
Lift Station and Force Main to Brigham City	$1,100			
STM Aerotor Treatment Plant		$3,600		
SBR Treatment Plant			$4,000	
Join with Willard STM Aerotor Treatment Plant				$2,200
Future N.W. Collection System	$1,000	$1,000	$1,000	$1,000
Total Impact Fee	**$2,700**	**$5,200**	**$5,600**	**$4,600**

4.5.8 SUMMARY OF ECONOMIC EVALUATION

The NPV evaluation determined that Alternative #4 is the least expensive option available. In addition, Alternative #4 returns the lowest monthly user rate to the existing users and allows future growth to pay their portion through impact fees.

4.6 NON-MONETARY EVALUATION

In evaluating the treatment alternatives for Perry City, it is important to consider all non-monetary factors involved. Non-monetary evaluation combined with the monetary evaluation will help determine the best all around treatment alternative. Non-monetary factors/parameters vary greatly depending on project and location. For this study the non-monetary evaluation includes an environmental evaluation and an evaluation of other miscellaneous factors. The other factors include: reserve capacity, reliability, implementability, recreation factors, expandability, service area factors, location and management, and city development factors.

4.6.1 ENVIRONMENTAL EVALUATION

The four treatment alternatives were weighed for a comparison of environmental impact. The treatment alternatives were ranked between 1 and 10 with 1 being the least desirable and 10 being essentially no environmental impact to that particular aspect of environmental sensitivity.

TABLE 4.6 TREATMENT ALTERNATIVES

ALTERNATIVE	Alt. # 1 Brigham City Treat Wastewater	Alt. # 2 STM Aerotor in Perry City	Alt. #3 SBR Plant in Perry City	Alt. #4 STM Aerotor in Willard
Historical and Archeological Sites	9	9	9	9
Floodplains	9	9	9	9
Wetlands	6	6	6	6
Agricultural Lands	6	7	7	7
Wild and Scenic Rivers	10	10	10	10
Fish and Wildlife Protection	8	8	8	8
Air Quality	9	9	9	9
Surface Water Quality	9	9	9	9
Groundwater Quality	8	8	8	8
Indirect Impacts	8	8	8	8
TOTAL	**82**	**83**	**83**	**83**

The conclusion of the environmental review suggests that there is not a clear Alternative that is better than any other. Each alternative will not greatly impact the environment.

4.6.2 EVALUATION OF MISCELLANEOUS FACTORS

This section defines the other miscellaneous factors that need to be considered for the evaluation of the treatment alternatives. The other factors include: reserve capacity, reliability, implementability, recreation factors, expandability, service area factors, location and management, and city development factors.

RESERVE CAPACITY

Each alternative that is evaluated in detail includes reserve capacity, which is the treatment capability beyond the needs of the population at the present time. The design life and planning period is 20 years for treatment alternatives and at least 50 years for the collection system. The Administrative Rules for *Design Requirements for Wastewater Collection, Treatment and Disposal Systems (R317-3 Utah Administrative Code)* states that "sewers should be designed for the ultimate tributary population or 50 year planning period whichever requires a larger capacity." The collection system may be oversized due to minimum pipe size requirements dictated by Utah State Code, which dramatically increases hydraulic capacity. The projected treatment facilities are sized only for the projected 20 year growth. However, methods and sites for enlargement and expansion have been identified, and possible future expansion needs have been considered in doing the preliminary design.

RELIABILITY

Reliability is the ability of the treatment facility to meet and maintain effluent limitations set by the EPA and Utah DEQ for Perry City. The selected plan must be able to consistently meet this requirement through the 20 year planning period. In the case of Alternatives 1, Brigham City would be required to maintain the effluent limitations, and each entity has a record of accomplishment for being able to meet their requirements.

When examining the possibility of a new plant for the treatment of wastewater for Perry, only proven technologies have been examined. This will assure that all of the treatment alternatives can provide an acceptable degree of reliability in order to meet the final effluent requirements.

Alternative #1 requires a lift station, which is not used for reliability comparisons. However, the reliability of a lift station is critical, and it will be equipped with a redundant on-site backup generator, which will switch on in the event of a power outage. The pump system will also be redundant in that a minimum of three (3) pumps will be installed, to operate with one or two pumps operating on-line and the other on standby/backup.

IMPLEMENTABILITY

Implementability refers to plan acceptability for all jurisdictions involved, and the ability of the projected project to actually happen. In other words, is the Alternative accepted politically by the City and Citizens? It also refers to the equitable features of the plan and any financial constraints. All short-listed alternatives are viable as treatment alternatives. The final test of viability is user cost, whether citizens perceive that they can afford the monthly rate, and minimizing non-monetary costs.

RECREATIONAL OPPORTUNITIES

This project will have no impact or new benefit to recreational opportunities to the area.

EXPANDIBILITY

Alternatives 2, 3, and 4 are expandable. The mechanical treatment plants will be designed such additional treatment capacity (equipment) can be incorporated in parallel with the current equipment. The alternative of contracting with Brigham City is expandable as Brigham City expands, but Perry will have minimal control over how that expansion will occur. Perry will be required to participate financially in any expansion costs.

The collection system upgrades are anticipated to meet build-out conditions or a projected capacity of approximately 3500 gallons per minute.

SERVICE AREA FACTORS

Each of the short-listed alternatives is capable of providing wastewater collection and treatment service to the required Perry City Service Area. The service area will include all of the land within the City limits. Further engineering evaluation will have to be performed to determine if areas currently out of the city limits will be able to connect on to the system, and whether they will have to pay a treatment fee.

LOCATION AND MANAGEMENT

Perry City will be responsible to maintain their collection system and the gravity interceptors to the lift station, trunk line, or treatment plant. The lift station, and the forced main, will be maintained by the City staff. Additional staff, or some training, may be needed after the collection and treatment system is placed in service.

In the event that the City's wastewater treatment is contracted to Brigham City, then Brigham City would manage the treatment facility and Perry would have limited input regarding the management of the treatment facilities. Operation and maintenance of a new treatment facility would be the responsibility of Perry City for Alternative #2, in which they would be the sole owner. Their responsibility would include hiring additional staff as needed, training for treatment plant operators, and disposal of biosolids in an effective and environmentally adequate manner. For Alternative #3, Perry and Willard would each own a portion of the plant and would have joint responsibility and input regarding the management and treatment of the treatment facilities. It is anticipated that a treatment district would be formed to manage the plant in Alternative #4.

CITY DEVELOPMENT

For each alternative, an impact fee was estimated that would be charged to new users of the collection and treatment systems. These monetary costs are included in the Cash Flow Analysis models and are taken into consideration in the monetary evaluation of the alternatives.

For the non-monetary evaluation, all of the short-listed alternatives are equal as far as proper handling of municipal wastewater is concerned and in that they will be designed for future

growth and development. Development in the proximity of a treatment plant is not favorable due to the various odors emitted. This is still not a big factor as the locations chosen for the treatment plant are in areas that are not desirable for residential development.

4.7 SELECTION OF ALTERNATIVES

Selection of the alternatives will be made based on evaluation of all of the monetary and non-monetary factors. This is done in Table 4.5 using a numeric evaluation method to rate each method in each category.

TABLE 4.7 EVALUATION OF ALTERNATIVES

Alternative	Alt. # 1 Brigham City Treat Wastewater	Alt. # 2 STM Aerotor in Perry City	Alt. #3 SBR Plant in Perry City	Alt. #4 STM Aerotor with Willard
Monetary considerations (NPV)	7	5	4	8
Environmental Evaluation	8	8	8	8
Reserve Capacity	6	8	8	8
Reliability	9	9	9	9
Implementability	2	6	6	8
Expandability	9	9	9	9
Service Area Factors	9	9	9	9
Location and Management	8	8	8	8
City Development	8	8	8	8
TOTAL	**66**	**70**	**69**	**75**

An examination of the preceding factors reveals that Alternative #4 received a higher grade when ranked according to the above criteria.

4.8 VIEWS OF THE PUBLIC AND CONCERNED INTEREST GROUPS

4.1.1 PUBLIC PARTICIPATION

Open discussion and citizen involvement is required in preparation of any facility plan. Public meetings also help develop plans reflecting area needs and values. Design plans can be provided at less cost and a politically acceptable project may result from implementation of suggestions from local residents. In preparation of this updated Facilities Plan, two (2) public meetings will be held.

4.1.2 RESPONSIVENESS SUMMARY

To be completed after public hearings.

5.0 SELECTED PLAN, DESCRIPTION, AND IMPLEMENTATION

5.1 JUSTIFICATION AND DESCRIPTION OF SELECTED PLAN

At the conclusion of Section 4, Alternative #4 – Join with Willard City and Build a STM – Aerotor Plant was selected as the best alternative for Perry City. The selection was based both on monetary and non-monetary factors. The following describes the selected plan:

ALTERNATIVE #4 – Join with Willard and Build a STM-Aerotor Plant

1. Upgrade trunk lines of collection system (Build-out flow ± 3,500 gpm)
2. Construct 30" trunk line to treatment plant
3. Build 2.0 MGD STM-Aerotor Plant with Willard discharge to Great Salt Lake

The treatment plant will be located near the Perry City south boundary on the west side of I-15. With the plant at this location, the majority of both Perry and Willard City's wastewater will flow by gravity to the treatment plant. Discharge from the treatment plant would be directly to the Great Salt Lake. Current discharge parameters require wastewater to be treated to BOD and TSS levels of 25 mg/l and there are no requirements on ammonia, nitrates, and phosphorous.

Trunk lines will be sized to meet a build-out capacity of approximately 3,500 gallons per minute. This is based on the State of Utah peak design requirements for trunk and interceptor lines of 250 gallon per capita per day.

5.2 DESIGN OF SELECTED PLAN

Preliminary design of the selected plan has been completed. All design and construction of the collection and treatment systems will be in accordance with the *Administrative Rules for Design Requirements for Wastewater Collection, Treatment and Disposal Systems (R317-3 Utah Administrative code).*

The following is a schedule of implementation for the selected plan:

TABLE 5.1 SCHEDULE OF IMPLEMENTATION

03/08/07	Deliver Facility Plan Draft to Perry City and Utah DWQ
03/22/07	1st Public Meeting
04/08/07	Receive Comments on Draft Facilities Plan from DWQ
04/18/07	Introduce Project to DWQ Board
04/19/07	2nd Public Meeting
04/18/07	Funding Commitments Secured from DWQ Board
05/31/07	Submit Final Revisions of Facilities Plan to the DWQ
06/14/07	Final Public Hearing
06/14/07	Engineering Design Contract Signed, Begin Detail Design
06/20/07	Final Approval of Facilities Plan by DWQ, Pending EPA Concurrence
06/30/07	EPA Approval of Facility Plan and FONSI.
10/15/07	Engineers Submit Plans and Specifications for Review to DWQ
11/01/07	Advertise for Bids
12/15/07	Open Bids, Award Contract
03/01/08	Begin Construction
03/01/09	Final Inspection, Begin Using System

5.3 COST ESTIMATES FOR SELECTED PLAN

Exhibit 4.12 found in Appendix F contains a cost estimate of the selected plan including collection, treatment, engineering and other costs necessary to realize the plan.

The current guidelines of the Water Quality Board for the target yearly user fees for wastewater is 1.4% of the median adjusted gross income (MAGI). The most recently available MAGI for Perry City is from 2004 and equals $47,910; this gives a target yearly fee of $670.68 and a monthly user fee of $55.89 per month per equivalent residential connection. Due to the fact that the estimated user rates for all of the alternatives are below $55.89, Perry will not qualify for grant dollars with the DWQ. It is anticipated that interest rates in the neighborhood of 3.5% will be attainable.

CAPITOL FINANCING PLAN

The Capitol Financing Plan for the selected alternative must estimate projected costs and demonstrate that the proposed funding mechanisms are able to provide adequate funding to complete the project. Appendix D shows the estimated project costs and the proposed funding package to provide for those costs. The project is estimated to require $11,600,000 dollars to complete. The participation of Water Quality loans is projected to provide for these costs.

To assure that Perry City can continue to operate a viable wastewater utility for the next 20-years, a 20 year Cash Flow projection for the system has been provided in Appendix E. This spreadsheet demonstrates that while charging the projected sewer rates, the City will be able to meet the obligations of all loan payments while maintaining the system and providing for other incidental costs.

5.4 ENERGY REQUIREMENTS OF SELECTED PLAN

The selected plan is designed to conserve where possible. One of the major benefits of the STM-Aerotor plant is the fact that it uses minimal energy resources during the treatment process. All proposed trunk lines will be gravity. The energy requirements for this system will be met by Perry and Willard City. Energy will also be used in constructing the system in the form of fuel for equipment, but energy consumption for construction equipment ends when construction is completed.

5.5 ENVIRONMENTAL IMPACTS OF SELECTED PLAN

An environmental information package is included in this plan in Section 2. No significant detrimental environmental impacts are associated with this project. However, the lagoons will have to be decommissioned and a 404 permit for a portion of the interceptor and force main line through some wetlands will be required from the U.S. Army Corp. of Engineers as described in Section 2.

5.5.1 DECOMMISSIONING OF LAGOONS

In presenting a funding plan to the state, it was implied that Perry understands the importance and environmental significance of totally abandoning their existing lagoon system. After the treatment plant construction is completed and is effectively treating wastewater, the DWQ will require that the lagoons be decommissioned. The state has two requirements for decommissioning of the lagoons. First, Perry will be required to stop sending wastewater to the lagoon system. Second, the remaining biosolids will have to be removed.

Perry City has agreed to comply with the decommissioning requirements of the state and has also indicated the desire to reclaim the lands where they are currently located. The process is as follows:

1- Stop the flow of all wastewater to the lagoons
2- Discharge as much existing water from the lagoons as possible meeting the discharge requirements
3- Decant the lagoons as much as possible
4- Let the remaining biosolids dry up for a period of one to three years, depending on weather conditions
5- Remove the remaining biosolids. The biosolids will be given or sold to farmers for fertilizing applications or will be hauled to the county solid waste dump.
6- Remove the dyke walls and restore the property to wetlands. It is anticipated that a possible reclamation could act as a wetlands bank for the City. Developments that are planning projects in wet land areas may help with reclamation to tap into the wetland bank.

The proposed reclamation plan will allow the City of Perry to decommission their lagoons for little or no cost. At a minimum, Perry City will comply with decommissioning

requirements from the state DEQ.

UNAVOIDABLE ADVERSE IMPACTS

This project will not have unavoidable adverse impacts.

IRRETRIEVABLE RESOURCE COMMITMENT

The rights-of-way for the pipelines can be considered irretrievable resource commitments. Since the pipeline will be aligned along fence lines and existing road rights-of-way as far as possible, this impact will be negligible. Where collector or interceptor piping crosses farmland, it will be deep enough that farming operations can continue unaffected. No other significant effects in this area are anticipated by this project.

5.6 ARRANGEMENTS FOR IMPLEMENTATION

5.6.1 FUNDING AGENCIES

The proposed project can only happen with cooperation and assistance among various agencies. The project is greatly enhanced if low interest loans are received from the Utah Water Quality Board.

Utah Water Quality Board (UWQB)
US Department of Agriculture/Rural Development

It is anticipated the Division of Water Quality (DWQ) will fund the design and construction of the proposed project.

5.6.2 ELECTIONS

The portion of the financing plan that is a loan can be either a voted or non-voted revenue bond. In either case, services from a bond attorney will be acquired to meet the bonding requirements after funding commitments are complete. If the City selects a voted bond, the election will take place before detail design begins or loan closing takes place.

5.6.3 SEWER USE ORDINANCE, USER CHARGE SYSTEM, AND IMPACT FEES

Perry City has a sewer use ordinance and a user charge system in place. Increases to the user charge system will need to be completed. Average monthly user fees should be increased to $38 per month and impact fees should be raised to $3,800 per ERC.

5.6.4 OTHER PERMITS AND REQUIREMENTS

The U.S. Army Corps of Engineers (ACE) has jurisdiction over protection of wetlands. The project is expected to impact some wetlands for the trunk lines and a "404" Permit from the ACE will be required. Since it appears that the chosen alternative will require that a pipeline pass through wetlands, a permit will be required. It is anticipated that there will not be problems obtaining this permit from the ACE for the project. (See Section 2.3).

The DWQ is the responsible agency charged with determining that a wastewater project is ready for construction and will issue the actual construction permit to build the project. The City must also apply for and obtain any other local permits required for implementation of this project, for example, UDOT and the railroad.

5.6.5 TREATMENT SPECIAL SERVICE DISTRICT

The implementation of this plan will require Perry and Willard to work together to form a treatment special service district. It is proposed that representation for the district be given in the amount or percentage of the plant paid for by that corresponding community. This study suggests that Perry would have 2/3 say and Willard City 1/3 say in the affairs of the plant. As the communities grow, operation and maintenance costs would be split to the corresponding number of ERCs served by each community.

5.6.6 CIVIL RIGHTS COMPLIANCE

Perry City complies with the requirements in the Civil Rights Act of 1964. Required certification will be obtained for EPA EEO compliance, fair labor compliance, and all other applicable regulations as required.

5.6.7 OPERATION AND MAINTENANCE (O&M) REQUIREMENTS

Operation and Maintenance costs have been included in the cost effectiveness analysis. The O&M costs along with debt service constitute the basis for required user fees. These expenses should be monitored each year and adjustments in the user fees made accordingly.

Operation and Maintenance of the treatment plant will be dealt with more thoroughly as the project progresses. A detailed plan of operation which includes O&M requirements is part of the Project. During construction of the project, a Plan of Operation and an Operation and Maintenance Manual will be completed with detailed instructions for operators of the facilities.

5.6.8 PRE-TREATMENT PROGRAM

It is recommended that Perry develop a general basis for a pretreatment program now for inclusion in the Sewer Use Ordinance. This will ensure that when the appropriate pretreatment program is needed, only site specific requirements must be added. The purpose of a pretreatment program is to prevent the introduction into the treatment facilities

of pollutants that interfere with the proper operation of the treatment processes. The costs of pretreatment of wastewater will be the responsibility of business owner or developer.

5.7 LAND ACQUISITION

The implementation of Alternative 4, (Join with Willard City and Build a STM-Aerotor Treatment Plant), will require purchase of the site for the treatment plant, rights-of way for the 30" trunk line along I-15 that are not in existing streets. All other improvements needed for the project will be constructed in right-of-ways or easements publicly owned.

APPENDIX A

Soil Legend

SOIL LEGEND

The first letter, always a capital, is the initial one of the soil name. The second letter is a capital if the mapping unit is one of the low intensity survey *; otherwise it is a small letter. The third letter, always a capital A, B, C, D, E, F, or G, shows the slope. Most symbols without a slope letter are those of nearly level soils, but some are for land types that have a considerable range of slope. The final number, 2 or 3, in a symbol shows that the soil is eroded or severely eroded.

SYMBOL High Intensity	SYMBOL Low Intensity	NAME
-	ABE	Abela gravelly loam, 10 to 20 percent slopes
-	AEE	Abela stony loam, 6 to 20 percent slopes
-	AGG	Agassiz-Picayune association, very steep
Ao	-	Airport silt loam
Ap	-	Airport silt loam, sandy substratum
Ar	-	Airport silt loam, strongly alkali
ArB	-	Anty fine sandy loam, 1 to 6 percent slopes
ArD	-	Anty fine sandy loam, 6 to 10 percent slopes
-	AV	Arave silty clay loam
-	BCG	Bickmore loam, 50 to 70 percent slopes
BdB	-	Bingham loam, 1 to 6 percent slopes
BeB	-	Bingham gravelly loam, 1 to 6 percent slopes
BeD	-	Bingham gravelly loam, 6 to 10 percent slopes
BgE	-	Blue Star gravelly loam, 6 to 20 percent slopes
BhD	-	Blue Star gravelly loam, gravelly subsoil variant, 6 to 10 percent slopes
-	BLG	Blue Star association, steep
Bp	-	Borrow pits
-	BR	Brom silt loam
-	BSE	Broad cobbly loam, 20 to 30 percent slopes
-	BSG	Broad cobbly loam, 30 to 60 percent slopes
-	BTG	Broad-Manila association, steep
-	BUG	Broad-Middle association, steep
-	BVG	Broad-Smarts association, steep
Co	-	Collett silty clay loam
CwD	-	Collinston-Wheelon silt loams, 6 to 10 percent slopes
Cy	-	Cudahy silt loam
DaB	-	Dagor loam, 3 to 6 percent slopes
DgB	-	DeJarnet gravelly silt loam, 1 to 6 percent slopes
DgD	-	DeJarnet gravelly silt loam, 6 to 10 percent slopes
DrA	-	Draper loam, 0 to 3 percent slopes
-	DU	Drum silt loam
EcA	-	Eccles fine sandy loam, 0 to 1 percent slopes
EcB	-	Eccles fine sandy loam, 1 to 6 percent slopes
EcD	-	Eccles fine sandy loam, 6 to 10 percent slopes
EIB	-	Eccles loamy sand, sandy variant, 1 to 6 percent slopes
-	EMF	Elzinga-Agassiz association, steep
-	ENF	Elzinga-Maughan complex, 25 to 50 percent slopes
-	ETB	Etil loamy sand, 1 to 6 percent slopes
Fd	-	Fielding silt loam
Fe	-	Fielding silt loam, warm
FgB	-	Forsgren silt loam, 1 to 6 percent slopes
FgD	-	Forsgren silt loam, 6 to 10 percent slopes
FgE	-	Forsgren silt loam, 10 to 20 percent slopes
-	FHG	Foxol-Elzinga association, steep
-	FRG	Foxol-Rock outcrop complex, 50 to 70 percent slopes
FsB	-	Francis loamy fine sand, 3 to 6 percent slopes
-	FT	Fresh water marsh
Fu	-	Fridlo silt loam
Fv	-	Fridlo silt loam, moderately alkali
GcD	-	Gemson silty clay loam, 6 to 10 percent slopes
GcE	-	Gemson silty clay loam, 10 to 20 percent slopes
-	GEE	Gemson-Rock land association, moderately steep
Gh	-	Gooch silt loam
-	GLE	Goring-Yeates Hollow association, moderately steep
-	GM	Goring loam, brown subsoil variant
Gp	-	Gravel pits
Gr	-	Greenson silt loam, clay substratum
Gs	-	Greenson silt loam, strongly alkali
-	GU	Gullied land

SYMBOL High Intensity	SYMBOL Low Intensity	NAME
HaA	-	Hansel silt loam, 0 to 1 percent slopes
HaB	-	Hansel silt loam, 1 to 6 percent slopes
HaD	-	Hansel silt loam, 6 to 10 percent slopes
-	HD	Harding silt loam
HeB	-	Hendricks silt loam, 1 to 6 percent slopes
HeD	-	Hendricks silt loam, 6 to 10 percent slopes
HeE	-	Hendricks silt loam, 10 to 20 percent slopes
HkD	-	Hendricks complex, 6 to 10 percent slopes
Ho	-	Honeyville silty clay loam
HpB	-	Hupp gravelly silt loam, 1 to 6 percent slopes
HpD	-	Hupp gravelly silt loam, 6 to 10 percent slopes
HuC	-	Hupp silt loam, 3 to 6 percent slopes
HuD	-	Hupp silt loam, 6 to 10 percent slopes
JaA	-	James Canyon loam, 0 to 3 percent slopes
KaE	-	Kapod stony loam, 6 to 20 percent slopes
KeB	-	Kearns silt loam, 1 to 3 percent slopes
KeC	-	Kearns silt loam, 3 to 6 percent slopes
KeD	-	Kearns silt loam, 6 to 10 percent slopes
KeE	-	Kearns silt loam, 10 to 20 percent slopes
KgD	-	Kearns-Stingal complex, 6 to 10 percent slopes
KhE	-	Kearns silt loam, high lime variant, 10 to 20 percent slopes
KIA	-	Kidman fine sandy loam, 0 to 2 percent slopes
KIB	-	Kidman fine sandy loam, 2 to 4 percent slopes
KmA	-	Kidman loam, 0 to 1 percent slopes
KmB	-	Kidman loam, 1 to 6 percent slopes
KmD	-	Kidman loam, 6 to 10 percent slopes
KmE	-	Kidman loam, 10 to 20 percent slopes
KnC	-	Kilburn gravelly sandy loam, 3 to 6 percent slopes
KnD	-	Kilburn gravelly sandy loam, 6 to 10 percent slopes
KnE	-	Kilburn gravelly sandy loam, 10 to 20 percent slopes
KnF	-	Kilburn gravelly sandy loam, 20 to 30 percent slopes
KnG	-	Kilburn gravelly sandy loam, 30 to 60 percent slopes
KoB	-	Kilburn gravelly loam, 1 to 3 percent slopes
Kr	-	Kirkham silt loam
-	LA	Lakeshore fine sandy loam
Lc	-	Lasil silt loam
Ld	-	Lasil silt loam, moderately alkali
Lr	-	Lasil-Airport silt looms
Ls	-	Lewiston fine sandy loam
Lt	-	Logan silty clay loam
-	LUE	Lucky Star-Elzinga association, steep
Ma	-	Magna silty clay loam
MbC	-	Manila loam, 6 to 10 percent slopes
MbE	-	Manila loam, 10 to 25 percent slopes
-	MCG	Manila loam, 25 to 60 percent slopes
-	MDG	Manila-Smarts association, steep
Me	-	Martini fine sandy loam
-	MFB	Mellor silt loam, 1 to 6 percent slopes
-	MGB	Mellor-Thiokol silt loams, 1 to 6 percent slopes
MhB	-	Mendon silt loam, 1 to 6 percent slopes
MhD	-	Mendon silt loam, 6 to 10 percent slopes
-	MIE	Middle cobbly silt loam, 10 to 30 percent slopes
-	MIG	Middle cobbly silt loam, 30 to 70 percent slopes
-	MJG	Middle-Broad association, steep
-	MKE	Middle-Rock outcrop complex, 10 to 30 percent slopes
-	MKG	Middle-Rock outcrop complex, 30 to 60 percent slopes
MIA	-	Millville silt loam, 0 to 2 percent slopes
MIB	-	Millville silt loam, 2 to 4 percent slopes

SYMBOL High Intensity	SYMBOL Low Intensity	NAME
MmB	-	Millville silt loam, moderately deep water table, 2 to 4 percent slopes
MuE	-	Munk gravelly silt loam, 10 to 20 percent slopes
-	OBE	Obray clay, 10 to 25 percent slopes
-	PAB	Palisade silt loam, 1 to 6 percent slopes
-	PAD	Palisade silt loam, 6 to 10 percent slopes
PbA	-	Parleys loam, 0 to 3 percent slopes
PdA	-	Parleys loam, cool, 0 to 3 percent slopes
PeA	-	Parleys silt loam, 0 to 1 percent slopes
PeB	-	Parleys silt loam, 1 to 6 percent slopes
PeD	-	Parleys silt loam, 6 to 10 percent slopes
PeE	-	Parleys silt loam, 10 to 20 percent slopes
PI	-	Parleys silty clay loam, 0 to 3 percent slopes
PmD	-	Parleys-Munk complex, 6 to 10 percent slopes
PmE	-	Parleys-Munk complex, 10 to 20 percent slopes
PnD	-	Parleys-Pomat silt loams, 6 to 10 percent slopes
-	POE	Pass Canyon-Rock outcrop complex, 6 to 30 percent slopes
Pr	-	Payson silt loam
Ps	-	Peteetneet peat, moderately deep variant
-	PT	Placeritos silt loam
-	PU	Playas
-	PVC	Pogal silt loam, rolling
PwD	-	Pomat silt loam, 6 to 10 percent slopes
PwE	-	Pomat silt loam, 10 to 30 percent slopes
PwG2	-	Pomat silt loam, 30 to 40 percent slopes, eroded
PxE	-	Pomat-Kearns silt loams, 10 to 30 percent slopes
PyE	-	Pomat-Parleys silt loams, 10 to 30 percent slopes
RdA	-	Red Rock silt loam, high rainfall, 0 to 3 percent slopes
ReA	-	Red Rock silt loam, 0 to 1 percent slopes
ReB	-	Red Rock silt loam, 1 to 6 percent slopes
Rf	-	Refuge loam
-	RMG2	Richmond-Middle complex, 30 to 70 percent slopes, eroded
RrE	-	Ridd-Rock outcrop complex, 10 to 30 percent slopes
RrG	-	Ridd-Rock outcrop complex, 30 to 70 percent slopes
-	RS	Rock land
-	RT	Rock outcrop
Ru	-	Roshe Springs silt loam
Rv	-	Rough broken land
-	RWG	Roziee-Rock outcrop complex, 30 to 70 percent slopes
-	SA	Saltair silty clay loam
-	SB	Saltair-Fresh water marsh association
-	SC	Saltair-Logan association
Sd	-	Saltair-Refuge complex
-	SEE	Sandall cobbly silt loam, 10 to 30 percent slopes
-	SEG	Sandall cobbly silt loam, 30 to 60 percent slopes
-	SFG	Sandall-Broad association, steep
-	SGG	Sandall-Promo association, steep
-	SHE	Sandall-Rock outcrop complex, 3 to 30 percent slopes
-	SJG	Sandall-Roziee association, steep
SkE	-	Sanpete gravelly silt loam, 6 to 30 percent slopes
SIB	-	Sanpete gravelly silt loam, high rainfall, 1 to 6 percent slopes
SID	-	Sanpete gravelly silt loam, high rainfall, 6 to 10 percent slopes
SIE	-	Sanpete gravelly silt loam, high rainfall, 10 to 30 percent slopes
SIG	-	Sanpete gravelly silt loam, high rainfall, 30 to 50 percent slopes

SYMBOL High Intensity	SYMBOL Low Intensity	NAME
-	SMB	Saxby-Thiokol complex, 1 to 6 percent slopes
-	SN	Saxby-Very stony land association
SoD	-	Sheeprock gravelly sandy loam, 6 to 10 percent slopes
SpF3	-	Sheeprock gravelly loam, 10 to 40 percent slopes, severely eroded
-	SOG	Smarts loam, 30 to 70 percent slopes
SrE	-	Snowville gravelly silt loam, 6 to 20 percent slopes
SsB	-	Sterling gravelly loam, 1 to 6 percent slopes
SsD	-	Sterling gravelly loam, 6 to 20 percent slopes
SsF	-	Sterling gravelly loam, 20 to 30 percent slopes
SsG	-	Sterling gravelly loam, 30 to 50 percent slopes
SrE	-	Sterling very stony loam, 10 to 30 percent slopes
SvE	-	Sterling-Parleys complex, 6 to 20 percent slopes
SvS	-	Stingal loam, 1 to 6 percent slopes
SvD	-	Stingal loam, 6 to 10 percent slopes
Sw	-	Strokes silt loam
Sx	-	Stony alluvial land
Sy	-	Sunset silt loam
Sz	-	Syracuse fine sandy loam
ThA	-	Thiokol silt loam, 0 to 1 percent slopes
ThB	-	Thiokol silt loam, 1 to 6 percent slopes
ThD	-	Thiokol silt loam, 6 to 10 percent slopes
TkA	-	Thiokol silt loam, low rainfall, 0 to 1 percent slopes
TkB	-	Thiokol silt loam, low rainfall, 1 to 3 percent slopes
TmA	-	Timpanogos loam, 0 to 3 percent slopes
TmB	-	Timpanogos loam, 3 to 6 percent slopes
TnA	-	Timpanogos loam, cool, 0 to 3 percent slopes
ToB	-	Timpanogos silt loam, 1 to 6 percent slopes
ToD	-	Timpanogos silt loam, 6 to 10 percent slopes
-	UF	Uffens silt loam
-	VS	Very stony land
Wa	-	Warm Springs fine sandy loam
WcC	-	Wasatch gravelly sandy loam, 3 to 10 percent slopes
WcE	-	Wasatch gravelly sandy loam, 10 to 25 percent slopes
WdG	-	Wasatch gravelly sandy loam, gravelly subsoil variant, 30 to 70 percent slopes
WeE	-	Wasatch cobbly sandy loam, gravelly subsoil variant, 10 to 20 percent slopes
WhG	-	Wheelon silt loam, 30 to 60 percent slopes
WIG	-	Wheelon gravelly silt loam, shallow variant, 20 to 60 percent slopes
WmE	-	Wheelon-Collinston silt loams, 10 to 30 percent slopes
WnB	-	Windmill gravelly loam, 1 to 6 percent slopes
WnD	-	Windmill gravelly loam, 6 to 10 percent slopes
WnE	-	Windmill gravelly loam, 10 to 20 percent slopes
Wo	-	Woods Cross silty clay loam
Wr	-	Woods Cross silty clay loam, moderately saline
-	YHE	Yeates Hollow cobbly clay loam, 20 to 30 percent slopes
-	YHG	Yeates Hollow cobbly clay loam, 30 to 60 percent slopes
-	YRE	Yeates Hollow-Goring association, steep

* The composition of these units is more variable than that of the others in the survey area but has been controlled well enough to interpret for the expected use of the soils.

APPENDIX B

Discharge Permit

Utah!
Where ideas connect

TRANSMITTAL

STATE OF UTAH

DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
288 NORTH 1460 WEST
P.O. BOX 144870
SALT LAKE CITY, UTAH 84114-4870
Main Phone # (801) 538-6146 Fax # (801) 538-6016

MAIL:		DATE:	
FAX #:	523-0990	FROM:	Mike Herkimer
TO:	Scott Archibald		
PHONE #:		PHONE #:	538-6058

No. of pages including cover sheet: 5	
For your information ✓	
For your action	
Per previous conversation on?	
Per your/our correspondence dated:	

MESSAGE: Any questions please give me a call.

Harry Judd - 538-6057 - TMDL
Brett Mulner 538-6328

Permit No. UT0021148
Minor Municipal

STATE OF UTAH
DIVISION OF WATER QUALITY
DEPARTMENT OF ENVIRONMENTAL QUALITY
SALT LAKE CITY, UTAH

AUTHORIZATION TO DISCHARGE UNDER THE

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM
(UPDES)

In compliance with provisions of the Utah *Water Quality Act, Title 19, Chapter 5, Utah Code Annotated ("UCA") 1953, as amended* (the *"Act"*),

THE CITY OF PERRY, UTAH

is hereby authorized to discharge from its wastewater treatment facility with the outfall located at latitude 41° 27' 04" and longitude 112° 04' 21" to receiving waters named The Bear River National Wildlife Refuge in accordance with the discharge point, effluent limitations, monitoring requirements and other conditions set forth herein.

This permit shall become effective on January 1,2004.

This permit and the authorization to discharge shall expire at midnight December 31, 2008.

Signed this 31st day of December, 2003.

Don Ostler
Executive Secretary
Utah Water Quality Board

13. "*CWA*" means *The Federal Water Pollution Control Act*, as amended, by *The Clean Water Act of 1987*.

14. "Storm water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

B. Description of Discharge Point.
The authorization to discharge provided under this permit is limited to those outfalls specifically designated below as discharge locations. Discharges at any location not authorized under an UPDES permit is a violation of the *Act* and may be subject to penalties under the *Act*. Knowingly discharging from an unauthorized location or failing to report an unauthorized discharge may be subject to criminal penalties as provided under the *Act*.

Outfall Number	Location of Discharge Point:
001	Discharge is to the Bear River National Wildlife Refuge located at latitude 41° 27' 04" and longitude 112° 04' 21".

C. Narrative Standard.
It shall be unlawful, and a violation of this permit, for the permittee to discharge or place any waste or other substance in such a way as will be or may become offensive such as unnatural deposits, floating debris, oil, scum or other nuisances such as color, odor or taste, or cause conditions which produce undesirable aquatic life or which produce objectionable tastes in edible aquatic organisms; or result in concentrations or combinations of substances which produce undesirable physiological responses in desirable resident fish, or other desirable aquatic life, or undesirable human health effects, as determined by bioassay or other tests performed in accordance with standard procedures.

D. Specific Limitations and Self-Monitoring Requirements.

1. Effective immediately and lasting the duration of this permit, the permittee is authorized to discharge from Outfall 001. Such discharges shall be limited and monitored by the permittee as specified below:

Effluent Limitations, a/					Self-monitoring and reporting requirements	
Parameter	**30-day Average**	**7-day Average**	**Daily Minimum**	**Daily Maximum**	**Measurement Frequency**	**Sample Type**
Flow, MGD b/, c/	N.A.	N.A.	N.A.	N.A.	Weekly	Instantaneous
BOD5, mg/L	25	35	N.A.	N.A.	Monthly	Grab
TSS, mg/L	25	35	N.A.	N.A.	Monthly	Grab
Fecal Coliforms, No./100 ml	200	250	N.A.	N.A.	Monthly	Grab
Total Coliforms, No./100 ml	2000	2500	N.A.	N.A.	Monthly	Grab
TRC, mg/L	N.A.	N.A.	N.A.	0.02	Daily	Grab
Ammonia,(as N), mg/L						
Winter (Dec-Feb	1.43	NA	NA	6.2	Monthly	Grab
Summer(Jun-Aug)	0.83	NA	NA	3.6	Monthly	Grab
Fall (Sept-Nov)	1.06	NA	NA	4.6	Monthly	Grab
Spring (Mar-May)	1.06	NA	NA	4.6	Monthly	Grab
DO, mg/L	5.0	N.A.	N.A.	N.A.	Monthly	Grab

The pH of the discharge shall not be less than 6.5 standard units nor greater than 9.0 standard units in any sample and shall be monitored monthly by a grab sample.

Percentage Removal Requirements (Total Suspended Solids (TSS) and Biochemical Oxygen Demand (BOD_5) limitation): In addition to the concentration limitation on TSS and BOD_5 indicated above, the arithmetic mean for the TSS and BOD_5 concentration for effluent samples collected in a period of thirty (30) consecutive days shall not exceed fifteen (15) percent of the arithmetic mean of the concentration for influent samples collected at approximately the same times during the same period (85 percent removal).

a/ See Definitions, *Part I.A*, for definition of terms.

b/ Flow measurements of influent/effluent volume shall be made in such a manner that the permittee can affirmatively demonstrate that representative values are being obtained.

c/ If the rate of discharge is controlled, the rate and duration of discharge shall be reported.

2. Additional Reporting Requirements.

Because the design capacity of this municipal wastewater treatment facility is less than 5 MGD, the permittee will not be required to develop a State-approved industrial pretreatment program at this time. However, in order to determine if development of an industrial pretreatment program is warranted, the permittee shall conduct an **industrial waste survey**, as described in Part III.I.1, and submit it to the Division of Water Quality within **sixty (60) calendar days** of the effective date of this permit.

APPENDIX C

Environmental Letters

Scott Archibald

From: Loveland, Corey B SPK [Corey.B.Loveland@spk01.usace.army.mil]
Sent: Tuesday, February 06, 2007 11:21 AM
To: sarchibald@sunrise-eng.com
Subject: Wastewater treatment facility in Willard proposed locations (UNCLASSIFIED)

Classification: **UNCLASSIFIED**
Caveats: NONE

Scott,

In a letter dated December 4, 2006, you wanted the Corps to look at three proposed alternative locations for the construction of a wastewater treatment facility. The request was to suggest the least damaging alternative to wetlands. At this time we are not able to determine this because we do not have any wetland delineations or sufficient preliminary information to make this determination. As part of the permitting process we require a wetland delineation be done and verified by the Corps. Then, the alternative with the least impacts to wetlands should be chosen within reasonable economical and logistical reasons. We will work with you during this process of a Section 404 permit application to select the least damaging location and footprint of the wastewater treatment facility. If wetland impacts are deemed necessary, we will require the appropriate mitigation to compensate for this loss.

Let me know if you have any questions.

Corey Loveland
U.S. Army Corps of Engineers
Utah Regulatory Office, Project Manager
Office: 801.295.8380 xt 16
Fax: 801.295.8842
533 West 2600 South, Suite 150
Bountiful, UT 84010

Classification: **UNCLASSIFIED**
Caveats: NONE

SUNRISE ENGINEERING

December 4, 2006

Matthew Seddon
Compliance Archaeologist
Division of State History
300 Rio Grande,
Salt Lake City, Utah 84101-1182

RE: Perry / Willard Wastewater Treatment Plant Environmental Assessment

Dear Mr. Seddon,

Sunrise Engineering Inc. is working on an environmental assessment (EA) for a Perry and Willard Cites in Box Elder County, Utah, for a Wastewater Treatment Plant. Perry and Willard plan to construct a wastewater Treatment Plant together and extend their main interceptor sewer lines to this plant. The proposed Treatment Plant will be located west of I-15 and north of Willard Bay State Park. Perry City would be required to install a new sewer interceptor line. This line would parallel I-15 on the west side from their current system to the new treatment facility. They will also need to up size some of their existing sewer lines to the east of I-15. These sewer lines improvements will be installed in the same location or a second line will be installed long side of the existing sewer lines. These lines run through fields, in lanes and in streets within the cities boundaries. Willard City will also need to install a Interceptor line from the east side of I-15 under the Interstate over pass and then go north on the west side of I-15. (See attached map)

The study is looking at three alternative treatment plant locations. Please refer to the enclosed map for these locations. The construction of the proposed wastewater treatment plant and collection system will primarily involve excavation and construction of the treatment plant, excavation of trenches, installation of sewer pipes, and backfilling of the trenches after pipe installation.

Please evaluate the potential impact of the proposed project in any of your jurisdictional requirements if any. We appreciate your help in this matter.

Should you have any questions regarding this request, please contact me at (801) 523-0100 or e-mail me at sarchibald@sunrise-eng.com.

Sincerely,

Scott Archibald, P.E.
Project Engineer

Enclosure(s): Map

12227 SOUTH BUSINESS PARK DR, STE 220 • DRAPER, UTAH 84020 • TEL 801.523.0100 • 888.523.2221 • FAX 801.523.0990 www.sunrise-eng.com

SUNRISE ENGINEERING

December 4, 2006

Mike Domeier
State Soil Scientist
USDA, Soil Conservation Service
125 South State, Room 4402
Salt Lake City, Utah 84138

RE: Perry / Willard Wastewater Treatment Plant Environmental Assessment

Dear Mr. Domeier,

Sunrise Engineering Inc. is working on an environmental assessment (EA) for a Perry and Willard Cites in Box Elder County, Utah, for a Wastewater Treatment Plant. Perry and Willard plan to construct a wastewater Treatment Plant together and extend their main interceptor sewer lines to this plant. The proposed Treatment Plant will be located west of I-15 and north of Willard Bay State Park. Perry City would be required to install a new sewer interceptor line. This line would parallel I-15 on the west side from their current system to the new treatment facility. They will also need to up size some of their existing sewer lines to the east of I-15. These sewer lines improvements will be installed in the same location or a second line will be installed long side of the existing sewer lines. These lines run through fields, in lanes and in streets within the cities boundaries. Willard City will also need to install a Interceptor line from the east side of I-15 under the Interstate over pass and then go north on the west side of I-15. (See attached map)

The study is looking at three alternative treatment plant locations. Please refer to the enclosed map for these locations. The construction of the proposed wastewater treatment plant and collection system will primarily involve excavation and construction of the treatment plant, excavation of trenches, installation of sewer pipes, and backfilling of the trenches after pipe installation.

Please evaluate the potential impact of the proposed project in any of your jurisdictional requirements if any. We appreciate your help in this matter.

Should you have any questions regarding this request, please contact me at (801) 523-0100 or e-mail me at sarchibald@sunrise-eng.com.

Sincerely,

Scott Archibald, P.E.
Project Engineer

Enclosure(s): Map

SUNRISE ENGINEERING

December 4, 2006

Henry R. Maddux
U.S. Fish and Wildlife Service
2360 W. Orton Circle, Suite 50
West Valley City, Utah 84119

RE: Perry / Willard Wastewater Treatment Plant Environmental Assessment

Dear Mr. Maddux,

Sunrise Engineering Inc. is working on an environmental assessment (EA) for a Perry and Willard Cites in Box Elder County, Utah, for a Wastewater Treatment Plant. Perry and Willard plan to construct a wastewater Treatment Plant together and extend their main interceptor sewer lines to this plant. The proposed Treatment Plant will be located west of I-15 and north of Willard Bay State Park. Perry City would be required to install a new sewer interceptor line. This line would parallel I-15 on the west side from their current system to the new treatment facility. They will also need to up size some of their existing sewer lines to the east of I-15. These sewer lines improvements will be installed in the same location or a second line will be installed long side of the existing sewer lines. These lines run through fields, in lanes and in streets within the cities boundaries. Willard City will also need to install a Interceptor line from the east side of I-15 under the Interstate over pass and then go north on the west side of I-15. (See attached map)

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Sincerely,

Scott Archibald, P.E.
Project Engineer

Enclosure(s): Map

SUNRISE
ENGINEERING

December 4, 2006

Nancy Kang
Chief
Corps of Engineers, Utah Regulatory Office
533 West 2600 South, Suite 150
Bountiful, Utah 84010

RE: Perry / Willard Wastewater Treatment Plant Environmental Assessment

Dear Ms. Kang,

Sunrise Engineering Inc. is working on an environmental assessment (EA) for a Perry and Willard Cites in Box Elder County, Utah, for a Wastewater Treatment Plant. Perry and Willard plan to construct a wastewater Treatment Plant together and extend their main interceptor sewer lines to this plant. The proposed Treatment Plant will be located west of I-15 and north of Willard Bay State Park. Perry City would be required to install a new sewer interceptor line. This line would parallel I-15 on the west side from their current system to the new treatment facility. They will also need to up size some of their existing sewer lines to the east of I-15. These sewer lines improvements will be installed in the same location or a second line will be installed long side of the existing sewer lines. These lines run through fields, in lanes and in streets within the cities boundaries. Willard City will also need to install a Interceptor line from the east side of I-15 under the Interstate over pass and then go north on the west side of I-15. (See attached map)

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Should you have any questions regarding this request, please contact me at (801) 523-0100 or e-mail me at sarchibald@sunrise-eng.com.

Sincerely,

Scott Archibald, P.E.
Project Engineer

Enclosure(s): Map

SUNRISE ENGINEERING

December 4, 2006

Jim Karpowitz
Director
Utah Wildlife Resources
1594 West North Temple, Suite 2110
Salt Lake City, Utah 84114-6301

RE: Perry / Willard Wastewater Treatment Plant Environmental Assessment

Dear Mr. Karpowitz,

Sunrise Engineering Inc. is working on an environmental assessment (EA) for a Perry and Willard Cites in Box Elder County, Utah, for a Wastewater Treatment Plant. Perry and Willard plan to construct a wastewater Treatment Plant together and extend their main interceptor sewer lines to this plant. The proposed Treatment Plant will be located west of I-15 and north of Willard Bay State Park. Perry City would be required to install a new sewer interceptor line. This line would parallel I-15 on the west side from their current system to the new treatment facility. They will also need to up size some of their existing sewer lines to the east of I-15. These sewer lines improvements will be installed in the same location or a second line will be installed long side of the existing sewer lines. These lines run through fields, in lanes and in streets within the cities boundaries. Willard City will also need to install a Interceptor line from the east side of I-15 under the Interstate over pass and then go north on the west side of I-15. (See attached map)

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Should you have any questions regarding this request, please contact me at (801) 523-0100 or e-mail me at sarchibald@sunrise-eng.com.

Sincerely,

Scott Archibald, P.E.
Project Engineer

Enclosure(s): Map

12227 SOUTH BUSINESS PARK DR, STE 220 • DRAPER, UTAH 84020 • TEL 801.523.0100 • 888.523.2221 • FAX 801.523.0990 *www.sunrise-eng.com*

SUNRISE
ENGINEERING

December 4, 2006

Robert Clark
Environmental Scientist
Utah Division of Air Quality
P.O. Box 144820,
Salt Lake City, Utah 84114-4820

RE: Perry / Willard Wastewater Treatment Plant Environmental Assessment

Dear Mr. Clark,

Sunrise Engineering Inc. is working on an environmental assessment (EA) for a Perry and Willard Cites in Box Elder County, Utah, for a Wastewater Treatment Plant. Perry and Willard plan to construct a wastewater Treatment Plant together and extend their main interceptor sewer lines to this plant. The proposed Treatment Plant will be located west of I-15 and north of Willard Bay State Park. Perry City would be required to install a new sewer interceptor line. This line would parallel I-15 on the west side from their current system to the new treatment facility. They will also need to up size some of their existing sewer lines to the east of I-15. These sewer lines improvements will be installed in the same location or a second line will be installed long side of the existing sewer lines. These lines run through fields, in lanes and in streets within the cities boundaries. Willard City will also need to install a Interceptor line from the east side of I-15 under the Interstate over pass and then go north on the west side of I-15. (See attached map)

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Sincerely,

Scott Archibald, P.E.
Project Engineer

Enclosure(s): Map

SUNRISE ENGINEERING

December 4, 2006

Dan Carison
Flood Plain Manager
Federal Emergency Management Agency
Federal Center, Bldg. 710, P.O. Box 25267
Denver, Colorado 80225-0267

RE: Perry / Willard Wastewater Treatment Plant Environmental Assessment

Dear Mr. Carison,

Sunrise Engineering Inc. is working on an environmental assessment (EA) for a Perry and Willard Cites in Box Elder County, Utah, for a Wastewater Treatment Plant. Perry and Willard plan to construct a wastewater Treatment Plant together and extend their main interceptor sewer lines to this plant. The proposed Treatment Plant will be located west of I-15 and north of Willard Bay State Park. Perry City would be required to install a new sewer interceptor line. This line would parallel I-15 on the west side from their current system to the new treatment facility. They will also need to up size some of their existing sewer lines to the east of I-15. These sewer lines improvements will be installed in the same location or a second line will be installed long side of the existing sewer lines. These lines run through fields, in lanes and in streets within the cities boundaries. Willard City will also need to install a Interceptor line from the east side of I-15 under the Interstate over pass and then go north on the west side of I-15. (See attached map)

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Sincerely,

Scott Archibald, P.E.
Project Engineer

Enclosure(s): Map

12227 SOUTH BUSINESS PARK DR, STE 220 • DRAPER, UTAH 84020 • TEL 801.523.0100 • 888.523.2221 • FAX 801.523.0990 *www.sunrise-eng.com*

United States Department of the Interior

FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

RECEIVED
MAR 25 2005

In Reply Refer To
FWS/R6
ES/UT
05-0587

March 21, 2004

Scott Archibald, P.E.
Project Engineer
Sunrise Engineering, Inc.
1227 South Business Park Drive Suite 220
Draper, Utah 84020

RE: Willard Wastewater System

Dear Mr. Archibald:

Based on information provided in your letter of March 17, 2005 below is a list of endangered (E), threatened (T), and candidate (C) species that may occur in the area of influence of your proposed action.

Common Name	Scientific Name	Status
Ute Ladies'-tresses	*Spiranthes diluvialis*	T
Ogden Rocky Mountainsnail	*Oreohelix peripherica wasatchensis*	C
June Sucker[8]	*Chasmistes liorus*	E
Bald Eagle[3]	*Haliaeetus leucocephalus*	T
Western Yellow-billed Cuckoo	*Coccyzus americanus occidentalis*	C

[3] Wintering populations (only five known nesting pairs in Utah).
[8] Introduced, refugia population.

The proposed action should be reviewed and a determination made if the action will affect any listed species or their critical habitat. If it is determined by the Federal agency, with the written concurrence of the Service, that the action is not likely to adversely affect listed species or critical habitat, the consultation process is complete, and no further action is necessary.

Formal consultation (50 CFR 402.14) is required if the Federal agency determines that an action is "likely to adversely affect" a listed species or will result in jeopardy or adverse modification of critical habitat (50 CFR 402.02). Federal agencies should also confer with the Service on any action which is likely to jeopardize the continued existence of any proposed species or result in

the destruction or adverse modification of proposed critical habitat (50 CFR 402.10). A written request for formal consultation or conference should be submitted to the Service with a completed biological assessment and any other relevant information (50 CFR 402.12).

Candidate species have no legal protection under the Endangered Species Act (ESA). Candidate species are those species for which we have on file sufficient information to support issuance of a proposed rule to list under the ESA. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing resource managers to alleviate threats and, thereby, possibly remove the need to list species as endangered or threatened. Even if we subsequently list this candidate species, the early notice provided here could result in fewer restrictions on activities by prompting candidate conservation measures to alleviate threats to this species.

Only a Federal agency can enter into formal Endangered Species Act (ESA) section 7 consultation with the Service. A Federal agency may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service of such a designation. The ultimate responsibility for compliance with ESA section 7, however, remains with the Federal agency.

Your attention is also directed to section 7(d) of the ESA, as amended, which underscores the requirement that the Federal agency or the applicant shall not make any irreversible or irretrievable commitment of resources during the consultation period which, in effect, would deny the formulation or implementation of reasonable and prudent alternatives regarding their actions on any endangered or threatened species.

Please note that the peregrine falcon which occurs in all counties of Utah was removed from the federal list of endangered and threatened species per Final Rule of August 25, 1999 (64 FR 46542). Protection is still provided for this species under authority of the Migratory Bird Treaty Act which makes it unlawful to pursue, hunt, take, capture, or kill migratory birds, their parts, nests, or eggs (16 U.S.C. 703-712). When taking of raptors or other migratory birds is determined by the applicant to be the only alternative, application for federal and state permits must be made through the appropriate authorities. For take of raptors; nests occupied by eggs or nestlings; nests still essential to the survival of the juvenile bird; nestlings; or eggs, Migratory Bird Permits pursuant to 50 CFR parts 13 and 21 must be obtained through the Service's Migratory Bird Permit Office in Denver at (303) 236-8171.

We recommend use of the *Utah Field Office Guidelines for Raptor Protection from Human and Land Use Disturbances* which were developed in part to provide consistent application of raptor protection measures statewide and provide full compliance with environmental laws regarding raptor protection. Raptor surveys and mitigation measures are provided in the Raptor Guidelines as recommendations to ensure that proposed projects will avoid adverse impacts to raptors, including the peregrine falcon.

The following is a list of species that may occur within the project area and are managed under Conservation Agreements/Strategies. Conservation Agreements are voluntary cooperative plans among resource agencies that identify threats to a species and implement conservation measures

to proactively conserve and protect species in decline. Threats that warrant a species listing as a sensitive species by state and federal agencies and as threatened or endangered under the ESA should be significantly reduced or eliminated through implementation of the Conservation Agreement. Project plans should be designed to meet the goals and objectives of these Conservation Agreements.

Common Name	Scientific Name
Bonneville Cutthroat Trout	*Oncorhynchus clarki utah*

If we can be of further assistance or if you have any questions, please feel free to contact Marianne Crawford of our office at (801)975-3330 extension 134.

Sincerely,

Henry R. Maddux
Utah Field Supervisor

Scott Archibald

From: Robert Clark [raclark@utah.gov]

Sent: Wednesday, December 06, 2006 9:27 AM

To: sarchibald@sunrise-eng.com

Cc: Dave Mcneill

Subject: Air Quality comments regarding Perry and Willard Citieswastewater treatment project

Thank you for your letter of December 4, 2006 in which you provided the Utah Division of Air Quality an opportunity to comment on the Perry and Willard Cities Wastewater Treatment Plant project.

Based on the information provided in your letter, the proposed project involving the construction of a wastewater treatment plant and the extension of several interceptor sewer lines to this plant, in Box Elder County, is subject to Utah Air Quality Rule R307-205-5, Fugitive Dust, due to fugitive dust that will be generated during the excavation phases of the project. These rules apply to construction activities that disturb an area greater that 1/4 acre in size. A permit, known as an Approval Order, is not required from the Division of Air Quality, but steps need to be taken to minimize fugitive dust, such as, watering and/or chemical stabilization , providing vegetative or synthetic cover and windbreaks. A copy of the rules are found at www.rules.utah.gov/publicat/code/r307/r307.htm.

Robert Clark
Utah Division of Air Quality
801-536-4435

Scott Archibald

From: Grow, Raymond - Murray, UT [raymond.grow@ut.usda.gov]
Sent: Tuesday, February 13, 2007 12:26 PM
To: sarchibald@sunrise-eng.com

Attachments: Perry Prime Map.pdf; Perry Prime Farmland.pdf

Perry Prime Map.pdf (841 KB) Perry Prime Farmland.pdf (37 K...

Hi Scott,

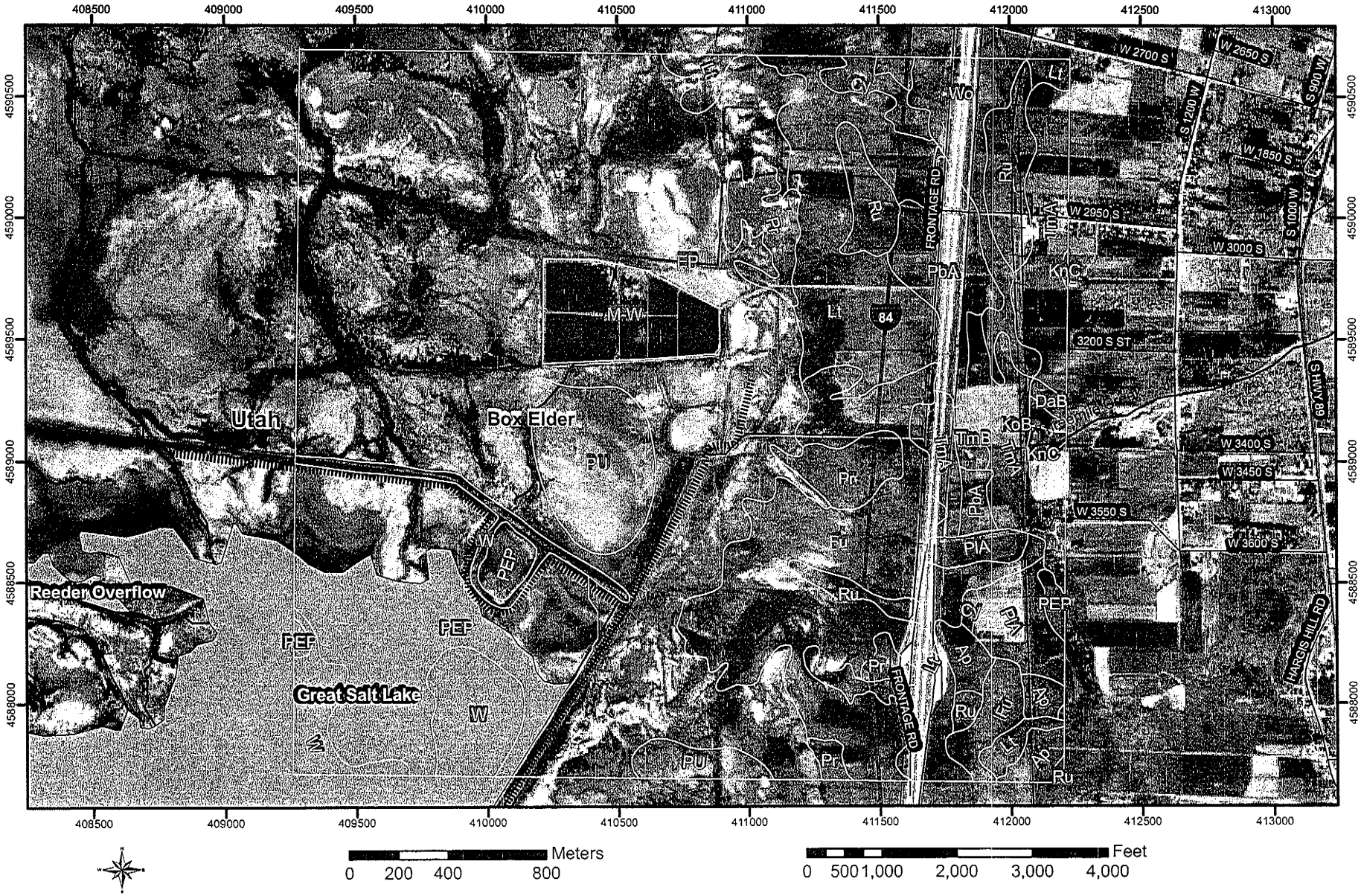
These are attachments for the area around the Perry Treatment ponds.
They show the soils map with map unit symbols and the map unit which are rated as prime.

Let me know if they didn't come through.

Thanks,
Ray

SOIL SURVEY OF BOX ELDER COUNTY, UTAH, EASTERN PART

Perry Treatment site



Perry Treatment site

MAP LEGEND

- Soil Map Units
- Cities
- Detailed Counties
- Detailed States
- Interstate Highways
- Roads
- Rails
- Water
- Hydrography
- Oceans
- Escarpment, bedrock
- Escarpment, non-bedrock
- Gulley
- Levee
- Slope
- Blowout
- Borrow Pit
- Clay Spot
- Depression, closed
- Eroded Spot
- Gravel Pit
- Gravelly Spot
- Gulley
- Lava Flow
- Landfill
- Marsh or Swamp
- Miscellaneous Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Slide or Slip
- Sinkhole
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Perennial Water
- Wet Spot

MAP INFORMATION

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov

Coordinate System: UTM Zone 12

Soil Survey Area: Box Elder County, Utah, Eastern Part
Spatial Version of Data: 2
Soil Map Compilation Scale: 1:20000

Map comprised of aerial images photographed on these dates:
8/17/1993; 9/9/1993

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Prime and other Important Farmlands

Box Elder County, Utah, Eastern Part

Map symbol	Map unit name	Farmland classification
Lt	Logan silty clay loam, 0 to 3 percent slopes	Farmland of statewide importance
Ru	Roshe Springs silt loam, 0 to 3 percent slopes	Farmland of statewide importance
Wo	Woods Cross silty clay loam, 0 to 3 percent slopes	Farmland of statewide importance
DaB	Dagor loam, 3 to 6 percent slopes	Prime farmland if irrigated
KnC	Kilburn gravelly sandy loam, 3 to 6 percent slopes	Prime farmland if irrigated
KoB	Kilburn gravelly loam, 1 to 3 percent slopes	Prime farmland if irrigated
PbA	Parleys loam, 0 to 3 percent slopes	Prime farmland if irrigated
PlA	Parleys silty clay loam, 0 to 3 percent slopes	Prime farmland if irrigated
TmA	Timpanogos loam, 0 to 3 percent slopes	Prime farmland if irrigated
TmB	Timpanogos loam, 3 to 6 percent slopes	Prime farmland if irrigated

Map Unit Legend Summary

Box Elder County, Utah, Eastern Part

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Ap	Fridlo silt loam, sandy substratum, 0 to 1 percent slopes	27.2	1.2
Cy	Cudahy silt loam, 0 to 1 percent slopes	15.9	0.7
DaB	Dagor loam, 3 to 6 percent slopes	3.5	0.2
EP	Eimarsh-Playas-Pintailake complex, 0 to 1 percent slopes	914.1	39.7
Fu	Fridlo silt loam, 0 to 3 percent slopes	227.5	9.9
KnC	Kilburn gravelly sandy loam, 3 to 6 percent slopes	5.3	0.2
KoB	Kilburn gravelly loam, 1 to 3 percent slopes	2.8	0.1
Lt	Logan silty clay loam, 0 to 3 percent slopes	207.2	9.0
M-W	Miscellaneous water	62.4	2.7
PbA	Parleys loam, 0 to 3 percent slopes	61.4	2.7
PEP	Pintailake-Eimarsh-Playas complex, 0 to 1 percent slopes	250.6	10.9
PlA	Parleys silty clay loam, 0 to 3 percent slopes	41.2	1.8
Pr	Payson silt loam, 0 to 1 percent slopes	62.5	2.7
PU	Playas	87.2	3.8
Ru	Roshe Springs silt loam, 0 to 3 percent slopes	63.5	2.8
TmA	Timpanogos loam, 0 to 3 percent slopes	122.6	5.3
TmB	Timpanogos loam, 3 to 6 percent slopes	5.9	0.3
W	Water	87.5	3.8
Wo	Woods Cross silty clay loam, 0 to 3 percent slopes	51.9	2.3

State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Department of Community and Culture

PALMER DePAULIS
Executive Director

State History

PHILIP F. NOTARIANNI
Division Director

December 12, 2006

Scott Archibald
Sunrise Engineering
12227 South Business Park Drive, Suite 220

RE: Perry/Willard Wastewater Treatment Plant Environmental Assessment

In reply, please refer to Case No. 06-2081

Dear Mr. Archibald:

The Utah State Historic Preservation Office received your request for comment on the above referenced project on December 5, 2006. You have requested our input regarding a proposed Environmental Assessment for the project that we understand is being conducted on behalf of a federal or state agency or both. We can provide the following input:

Based on our understanding of the project location and nature, the project appears to have potential to affect cultural resources (c.f. 36CFR800.3(a)). Therefore, we look forward to consultation with the involved agency(ies) or their authorized agents under Section 106 of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations (36CFR800). We will be happy to provide consultation on the project Area of Potential Effects (36CFR800.16(d)), cultural resource identification efforts (36CFR800.4(b)), and eligibility and effects determinations as appropriate (36CFR800.4 and 36CFR800.5), when we receive such consultation requests from the involved agency(ies) or its authorized agents.

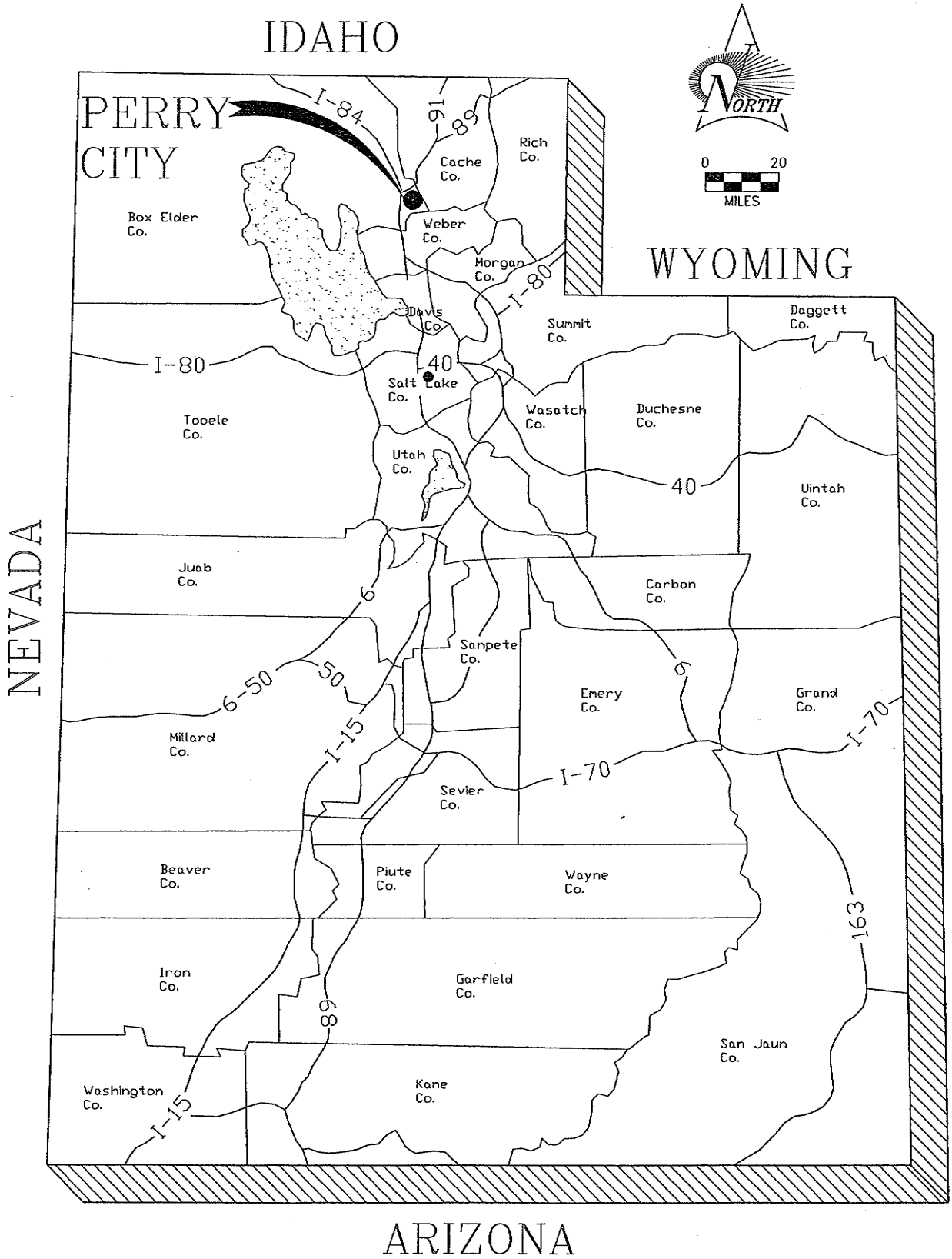
If you have questions, please contact me at (801) 533-3555 or mseddon@utah.gov.

Sincerely,

Matthew T. Seddon, Ph.D., RPA
Deputy State Historic Preservation Officer – Archaeology

APPENDIX D

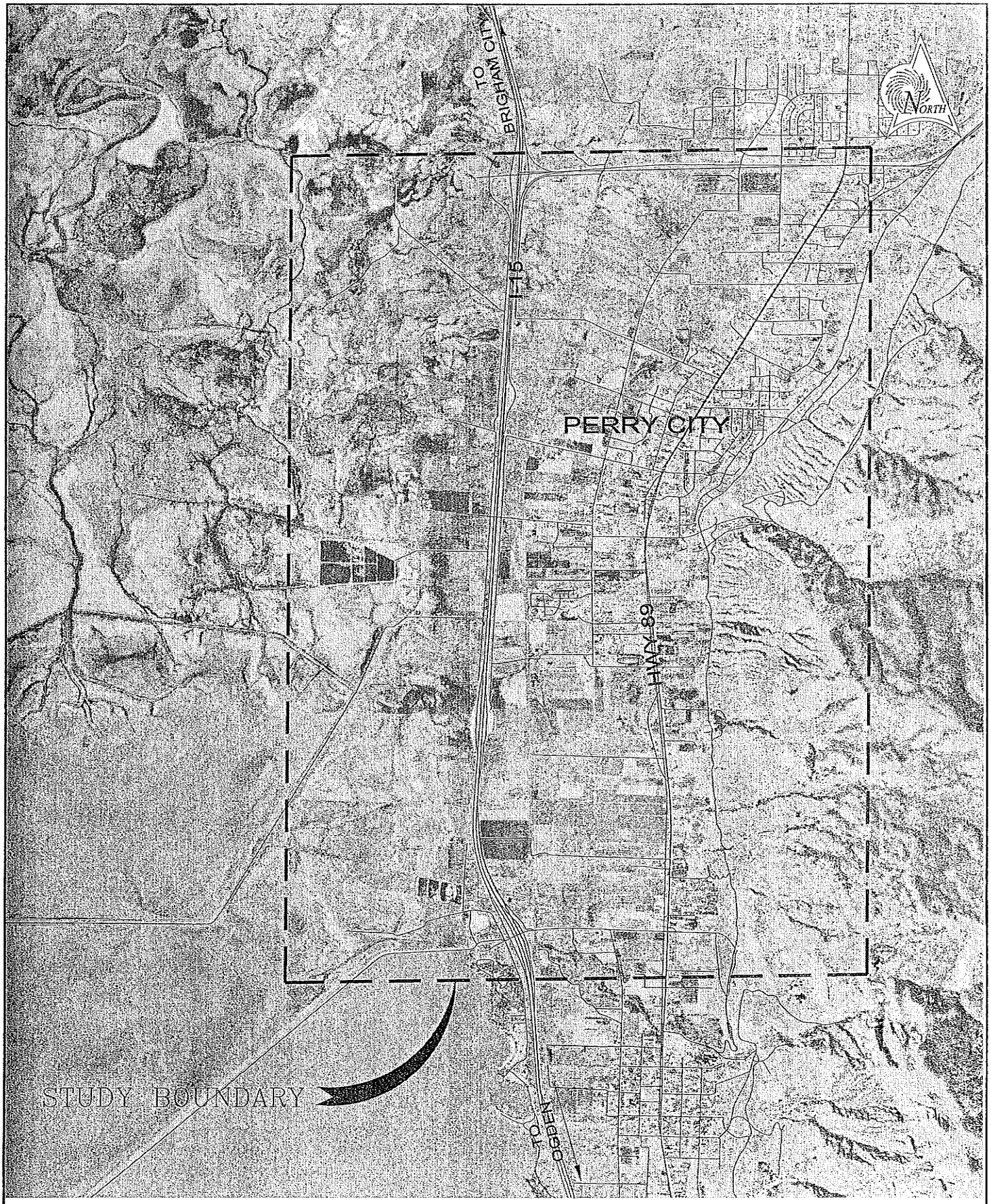
Exhibits and Maps



P:\Perry City\02403 WW Trtmt Study\dwg\Sheets\1.1 AREA MAP.dwg Jun 11, 2007 4:20pm tshoemaker

EXHIBIT 1.1

SUNRISE ENGINEERING
12227 SOUTH BUSINESS PARK, SUITE 220
DRAPER, UTAH 84020
TEL 801.523.0100 · FAX 801.523.0990
www.sunrise-eng.com

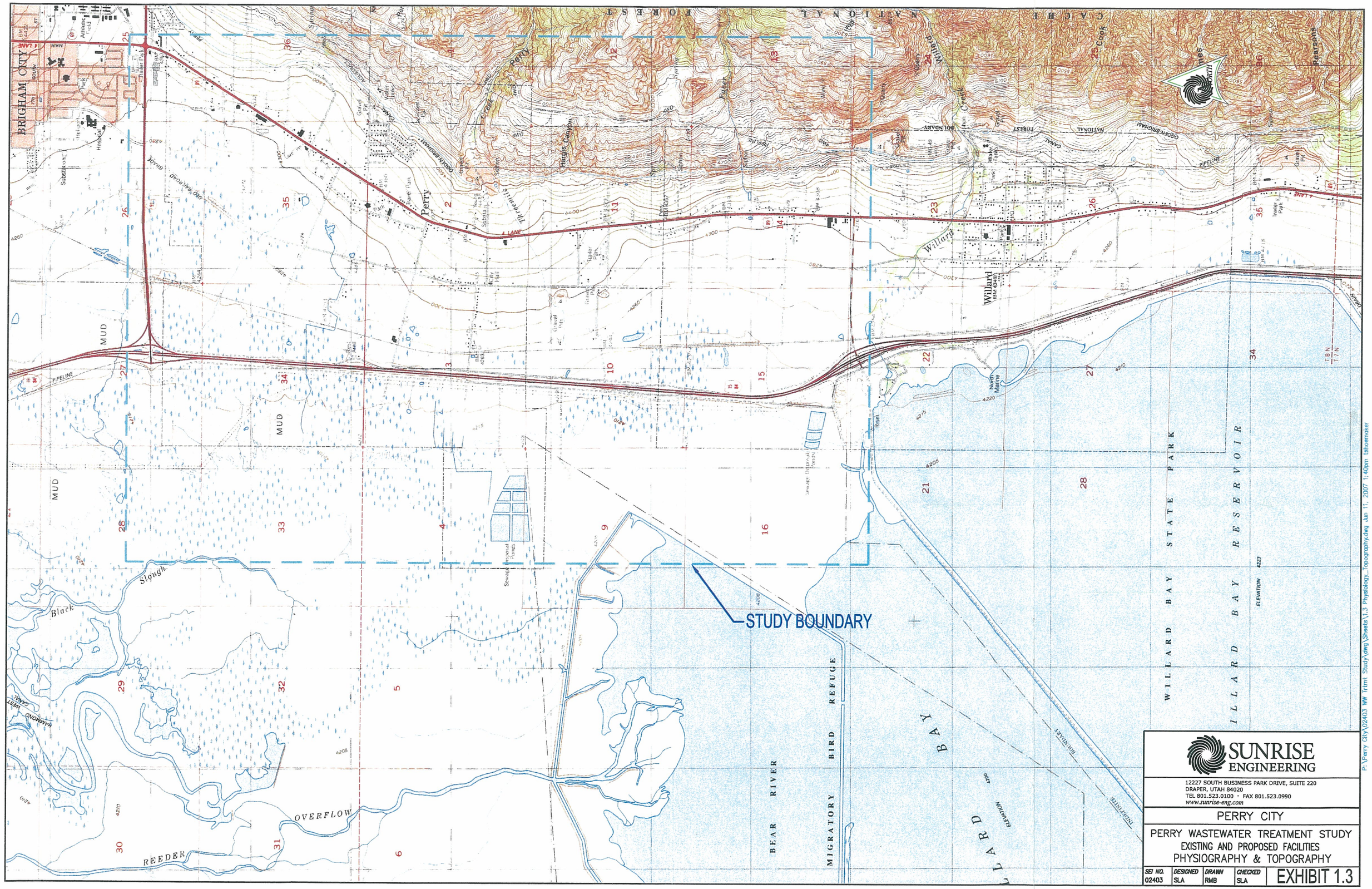


P:\Perry City\02403 WW Trtmt Study\dwg\Sheets\1.2 LOCATION MAP.dwg Jun 11, 2007 1:38pm tshoemaker

SUNRISE ENGINEERING

12227 SOUTH BUSINESS PARK, SUITE 220
DRAPER, UTAH 84020
TEL 801.523.0100 · FAX 801.523.0990
www.sunrise-eng.com

EXHIBIT 1.2



SUNRISE ENGINEERING

12227 SOUTH BUSINESS PARK DRIVE, SUITE 220
DRAPER, UTAH 84020
TEL 801.523.0100 · FAX 801.523.0990
www.sunrise-eng.com

PERRY CITY

PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
PHYSIOGRAPHY & TOPOGRAPHY

SEI NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 1.3

P:\Perry City\02403 WW Trmt Study\dwg\Sheets\1.3 Physiology_Topography.dwg Jun 11, 2007 1:40pm tshoemaker

SUNRISE ENGINEERING

12227 SOUTH BUSINESS PARK DRIVE, SUITE 220
DRAPER, UTAH 84020
TEL 801.523.0100 · FAX 801.523.0990
www.sunrise-eng.com

PERRY CITY

PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
FAULT LOCATIONS

SEI NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 1.4

P:\Perry City\02403 WW Trtmt Study\dwg\Sheets\1.4 Fault.dwg Jun 11, 2007 1:42pm tahoemdler

NOTES:

INFRASTRUCTURE NOTES TURNED OFF FOR CLARITY

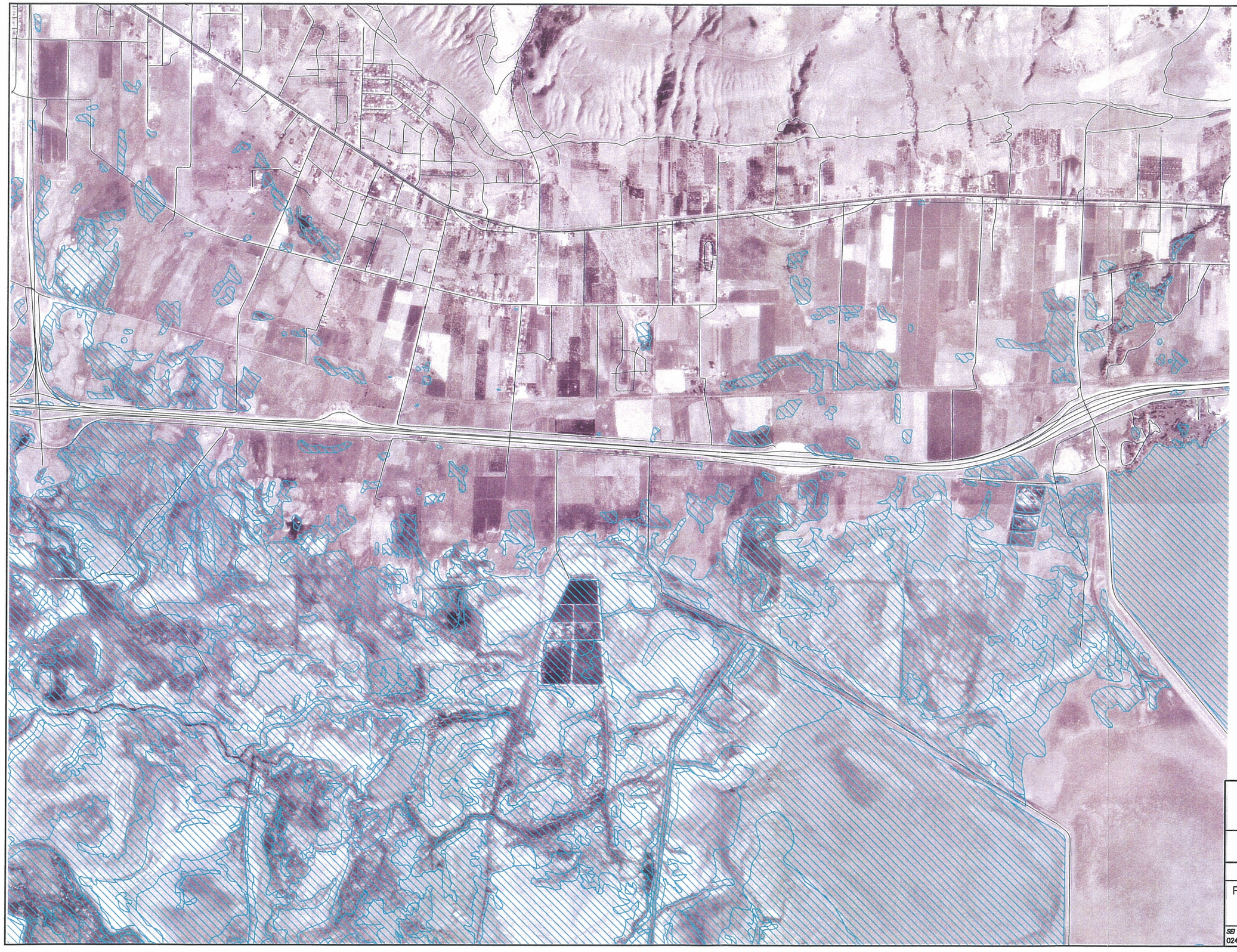
SUNRISE ENGINEERING
12227 SOUTH BUSINESS PARK DRIVE, SUITE 220
DRAPER, UTAH 84020
TEL 801.523.0100 · FAX 801.523.0990
www.sunrise-eng.com

PERRY CITY

PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
SOIL CLASSIFICATIONS

SEI NO.	DESIGNED	DRAWN	CHECKED	EXHIBIT 1.5
02403	SLA	RMB	SLA	

P:\Perry City\02403 WW Trent Study\dwg\Sheets\1.5 Soil Classifications.dwg Jun 11, 2007 1:44pm tshoemaker



NORTH

LEGEND

WETLANDS

NOTES:

WETLAND AREA DELINEATED BY NATIONAL WETLAND INVENTORY CONDUCTED BY THE U.S. FISH & WILDLIFE SERVICE.

SUNRISE ENGINEERING

12227 SOUTH BUSINESS PARK DRIVE, SUITE 220
DRAPER, UTAH 84020
TEL 801.523.0100 · FAX 801.523.0990
www.sunrise-eng.com

PERRY CITY

PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
WETLAND LOCATIONS

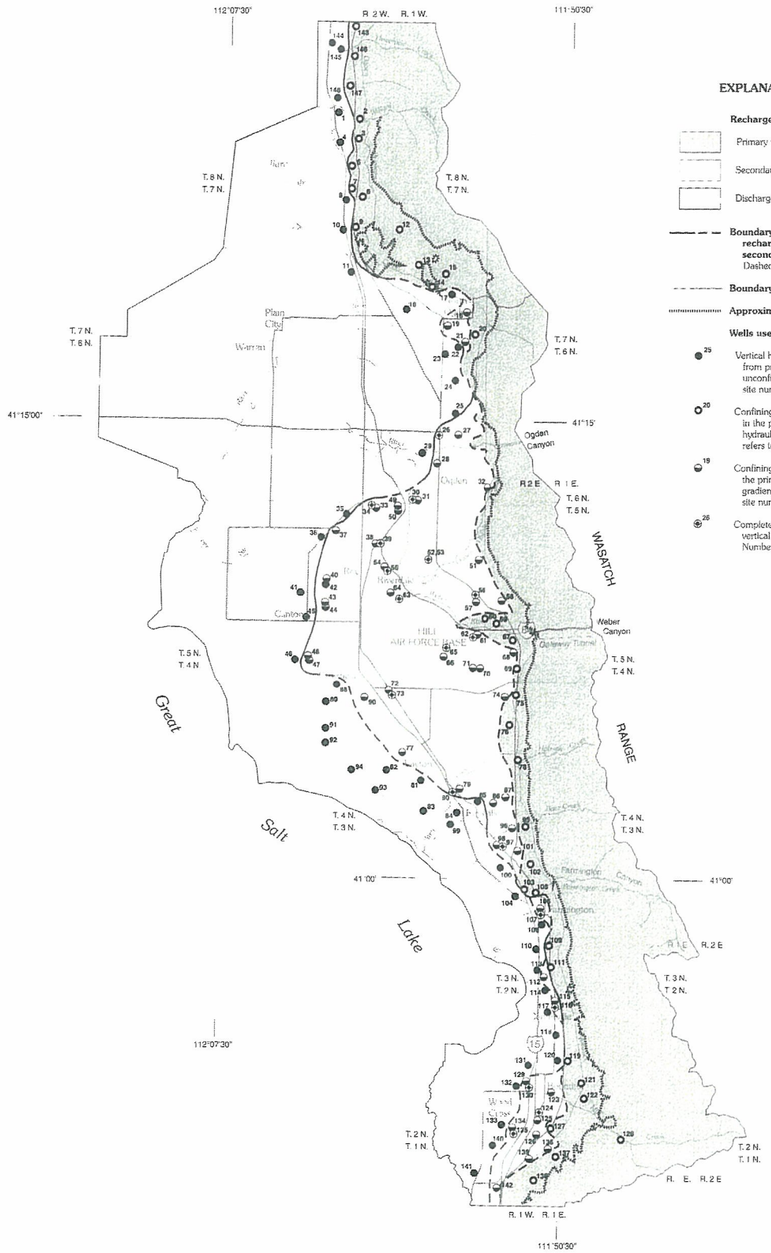
SEI NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 1.6

P:\Perry City\02403 WW Trtmt Study\dwg\Sheets\1.6 Wetlands.dwg Jun 11, 2007 1:46pm tshoemaker

U.S. DEPARTMENT OF THE INTERIOR
U.S. GEOLOGICAL SURVEY

PREPARED IN COOPERATION WITH THE
UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY

WATER-RESOURCES INVESTIGATIONS REPORT 93-4221
Recharge and discharge areas and dissolved-solids concentration, East Shore area—PLATE 3
Anderson P.B., and others, 1994, Hydrogeology of recharge areas and water quality of the principal aquifers along the Wasatch Front and adjacent areas, Utah



Recharge and discharge areas

EXPLANATION

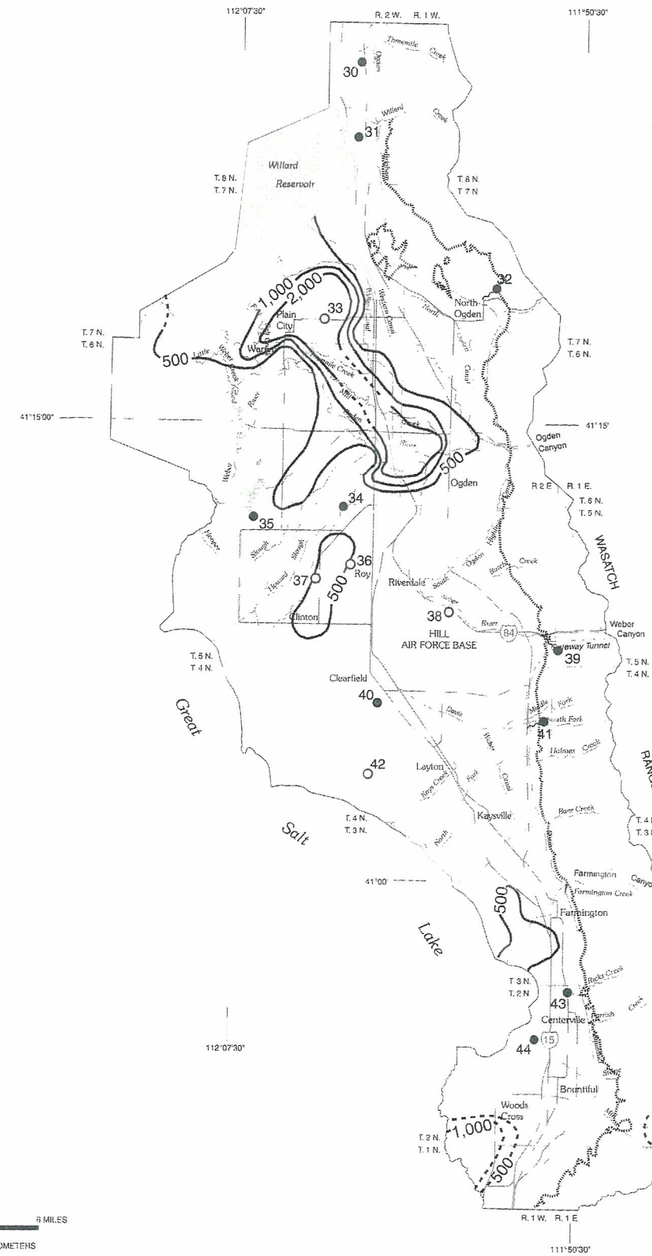
Recharge and discharge areas

- Primary recharge area
- Secondary recharge area
- Discharge area
- **Boundary between primary and secondary recharge area and boundary between secondary recharge and discharge area** — Dashed where approximate
- **Boundary of subarea**
- **Approximate boundary of basin fill**

Wells used to map recharge area

- 29 — Vertical hydraulic gradient is upward from principal aquifer to shallow unconfined aquifer. Number refers to site number in table 9
- 20 — Confining layers not present; completed in the principal aquifer; vertical hydraulic gradient is downward. Number refers to site number in table 9
- 19 — Confining layers present; completed in the principal aquifer; vertical hydraulic gradient is downward. Number refers to site number in table 9
- 26 — Completed in shallow unconfined aquifer; vertical hydraulic gradient is downward. Number refers to site number in table 9

2 0 2 4 6 MILES
2 0 2 4 6 KILOMETERS



Dissolved-solids concentration and water-quality sampling sites

EXPLANATION

- 500 — **Line of equal dissolved-solids concentration** — Dashed where approximate. Interval, in milligrams per liter, is variable. Data from 1940-90
- **Boundary of subarea**
- **Approximate boundary of basin fill**

Water-quality sampling sites

- 31 — Suite A well — number refers to site number in table 9
- 33 — Suite AB well — number refers to site number in table 9
- 32 — Suite A spring — number refers to site number in table 9
- *E* — Water from well or spring exceeds State of Utah water-quality standards (Utah Division of Environmental Health, 1989)

Dissolved-solids data from U.S. Geological Survey and Utah Department of Environmental Quality files

Base from U.S. Geological Survey digital data, 1:100,000, 1978, 1979, 1980
Universal Transverse Mercator projection,
Zone 12

MAP SHOWING RECHARGE AND DISCHARGE AREAS, DISSOLVED-SOLIDS CONCENTRATION, AND WATER-QUALITY SAMPLING SITES FOR THE PRINCIPAL AQUIFER, EAST SHORE AREA, UTAH

By
P.B. Anderson, D.D. Susong, S.R. Wold, V.M. Heilweil, and R.L. Baskin

1994

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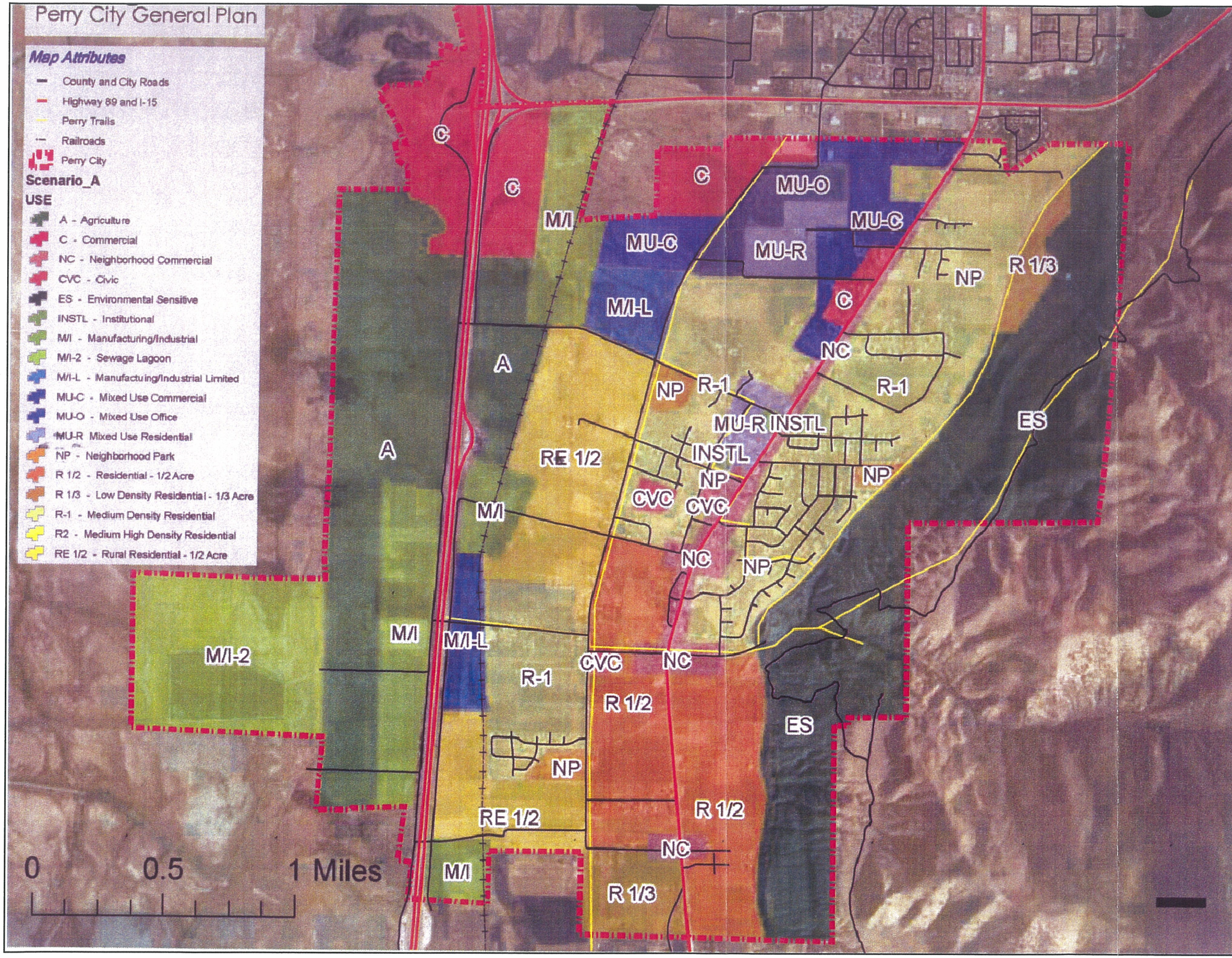
PERRY CITY

PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
GROUNDWATER RESOURCES

SEI NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 1.7

P:\Perry City\02403 WW Trimt Study\dwg\Sheets\1.7 Groundwater Resources.dwg Jun 11, 2007 1:58pm tahoemaker



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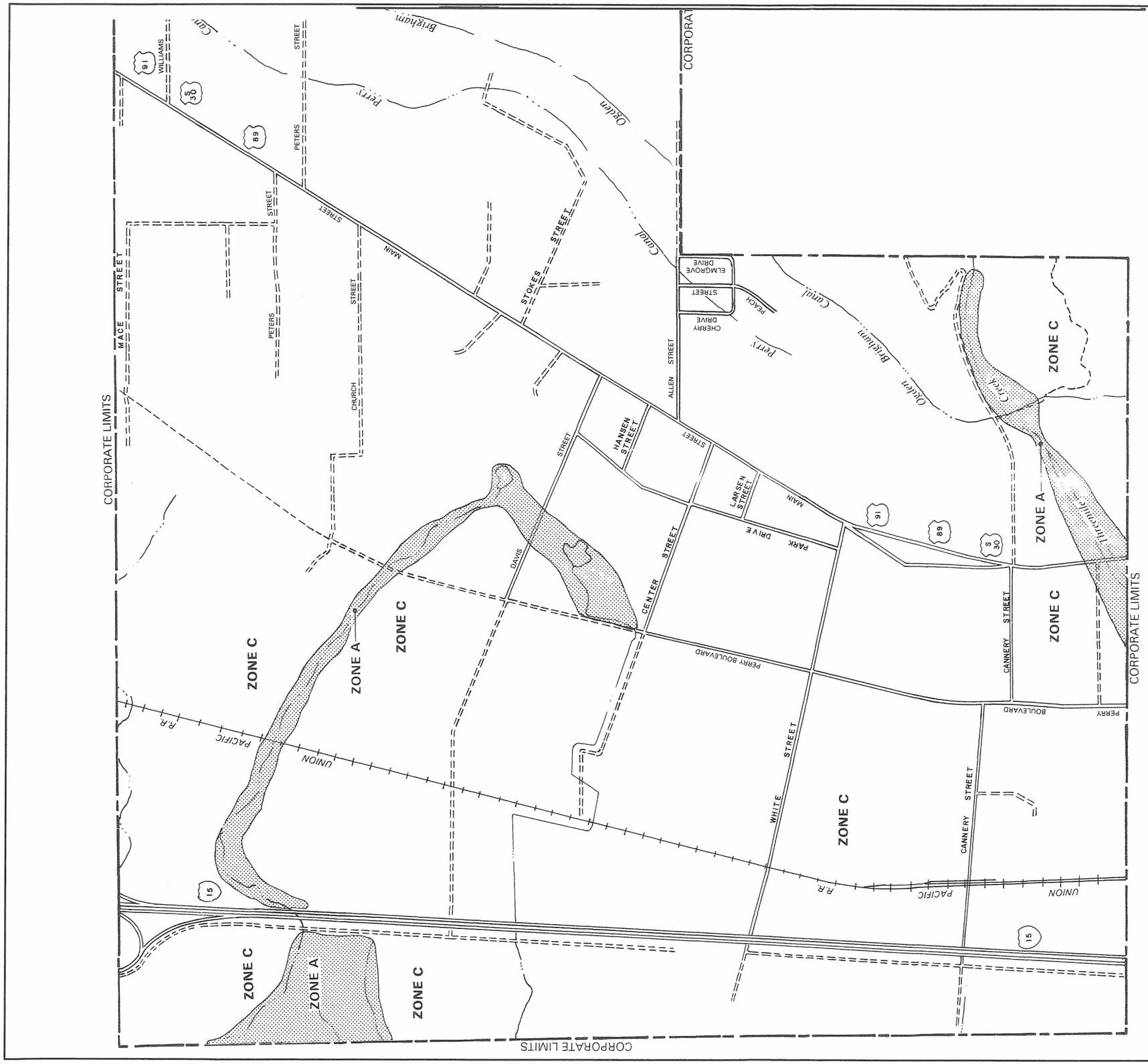
PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
ZONING MAP

SEI NO.	DESIGNED	DRAWN	CHECKED	EXHIBIT 1.8
02403	SLA	RMB	SLA	

P:\Perry City\02403 WW Trent Study\dwg\Sheets\1.8 Zoning Map.dwg Jun 11, 2007 2:20pm tshoemaker



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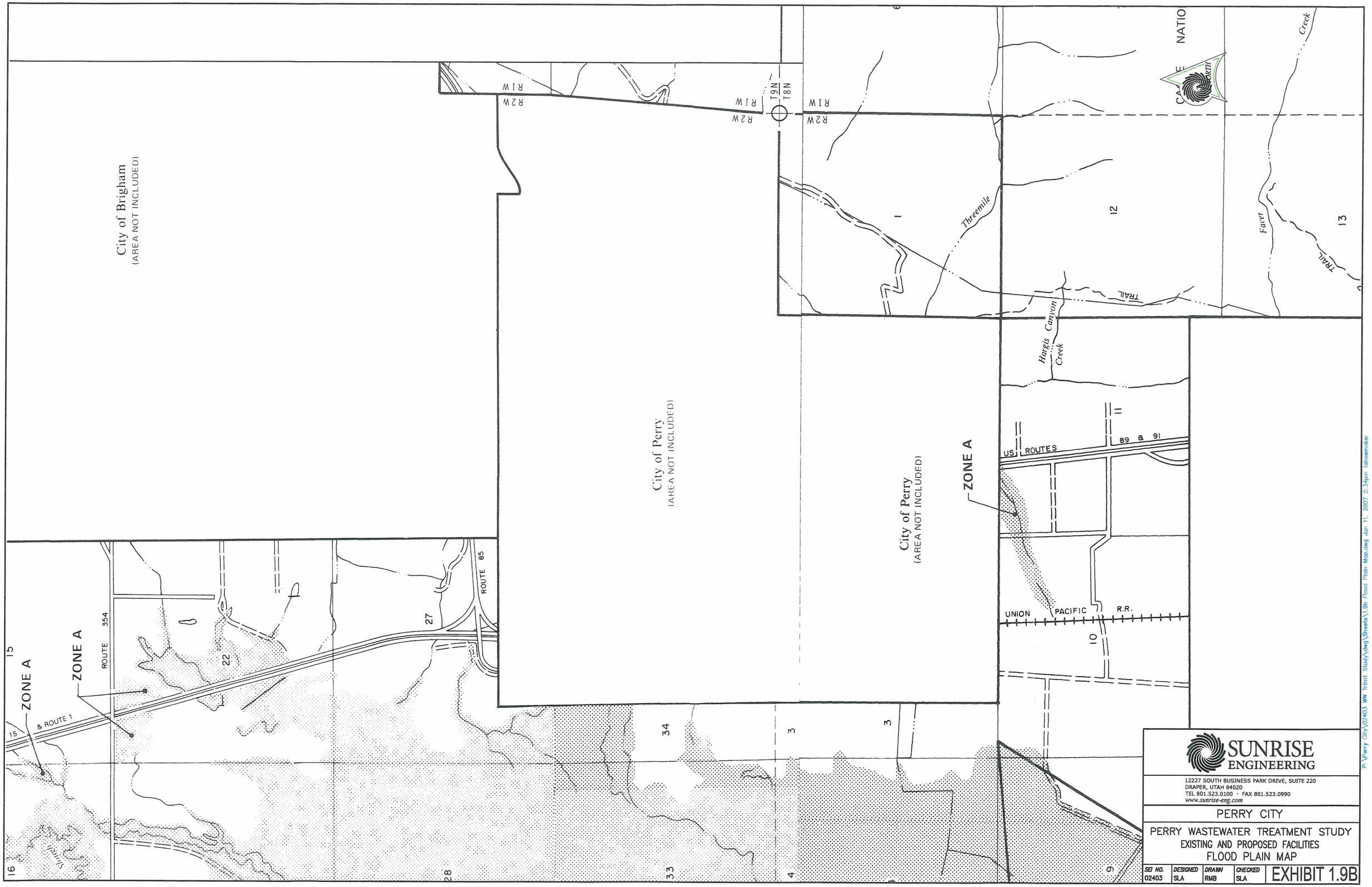
PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
FLOOD PLAIN MAP

SET NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 1.9A

P:\Perry City\02403 WW Trtmt Study\dwg\Sheets\1.9a Flood Plain Map.dwg Jun 11, 2007 3:45pm tahoemdker


City of Brigham
(AREA NOT INCLUDED)
City of Perry
(AREA NOT INCLUDED)
City of Perry
(AREA NOT INCLUDED)
ZONE A
ZONE A
ZONE A
R2W
R1W
T9N
T8N
Threemile
Harris Canyon Creek
Facer Creek
TRAIL
US ROUTES 89 & 91
UNION PACIFIC R.R.
ROUTE 354
ROUTE 85
& ROUTE 1
Willard
1
12
13
10
15
22
27
34
3
16
28
33
4
9
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EXISTING AND PROPOSED FACILITIES
FLOOD PLAIN MAP
SEI NO. 02403
DESIGNED SLA
DRAWN RMB
CHECKED SLA
EXHIBIT 1.9B
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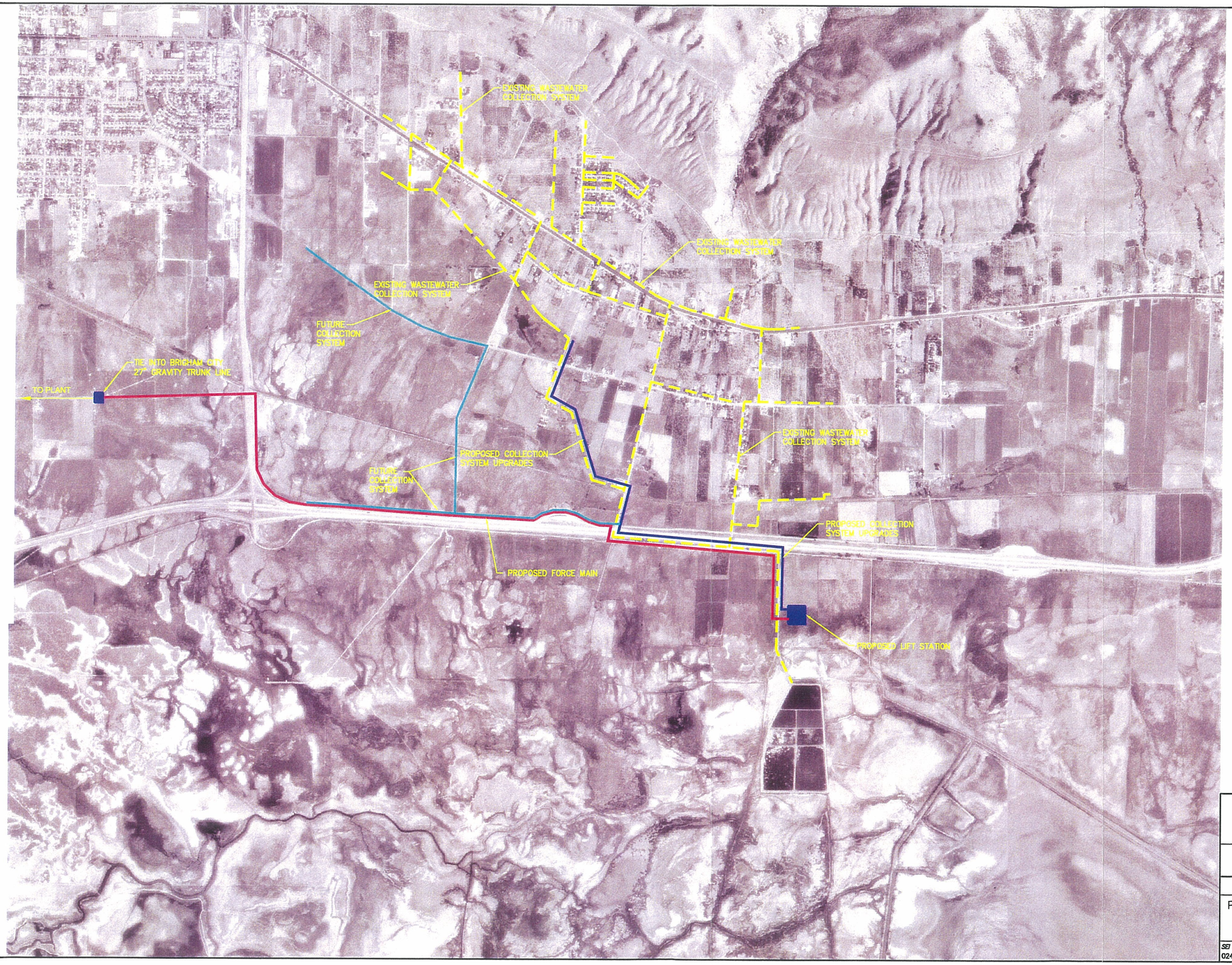

NORTH

LEGEND

EXISTING TRUNK AND INTERCEPTOR LINES

PROPOSED COLLECTION UPGRADES

PROPOSED FORCED MAIN

FUTURE COLLECTION SYSTEM

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PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
REGIONALIZE WITH BRIGHAM CITY

SEI NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 4.1

P:\Perry City\02403 WW Trtmt Study\dwg\Sheets\4.1 AHP.dwg Jun 11, 2007 2:57pm tehoemaker

NORTH

LEGEND

EXISTING TRUNK AND INTERCEPTOR LINES

PROPOSED COLLECTION UPGRADES

FUTURE COLLECTION SYSTEM

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PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
BUILD STM AERATOR MECHANICAL PLANT

SEI NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 4.2

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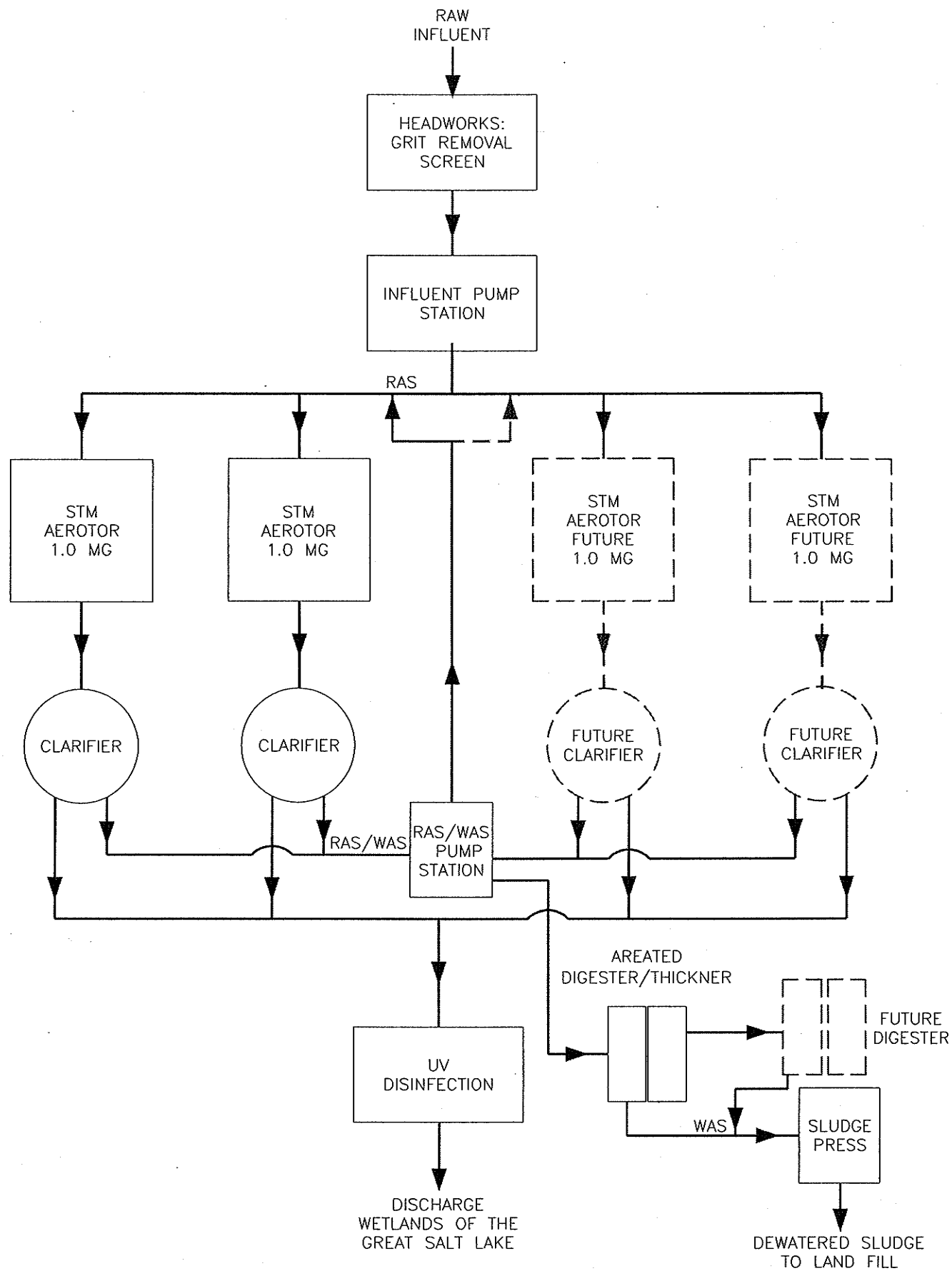

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PERRY CITY/WILLARD CITY TREATMENT

CAPITOL FACILITIES PLAN – 2005
PROCESS FLOW DIAGRAM FOR MECHANICAL TREATMENT PLANT

EXHIBIT 4.3

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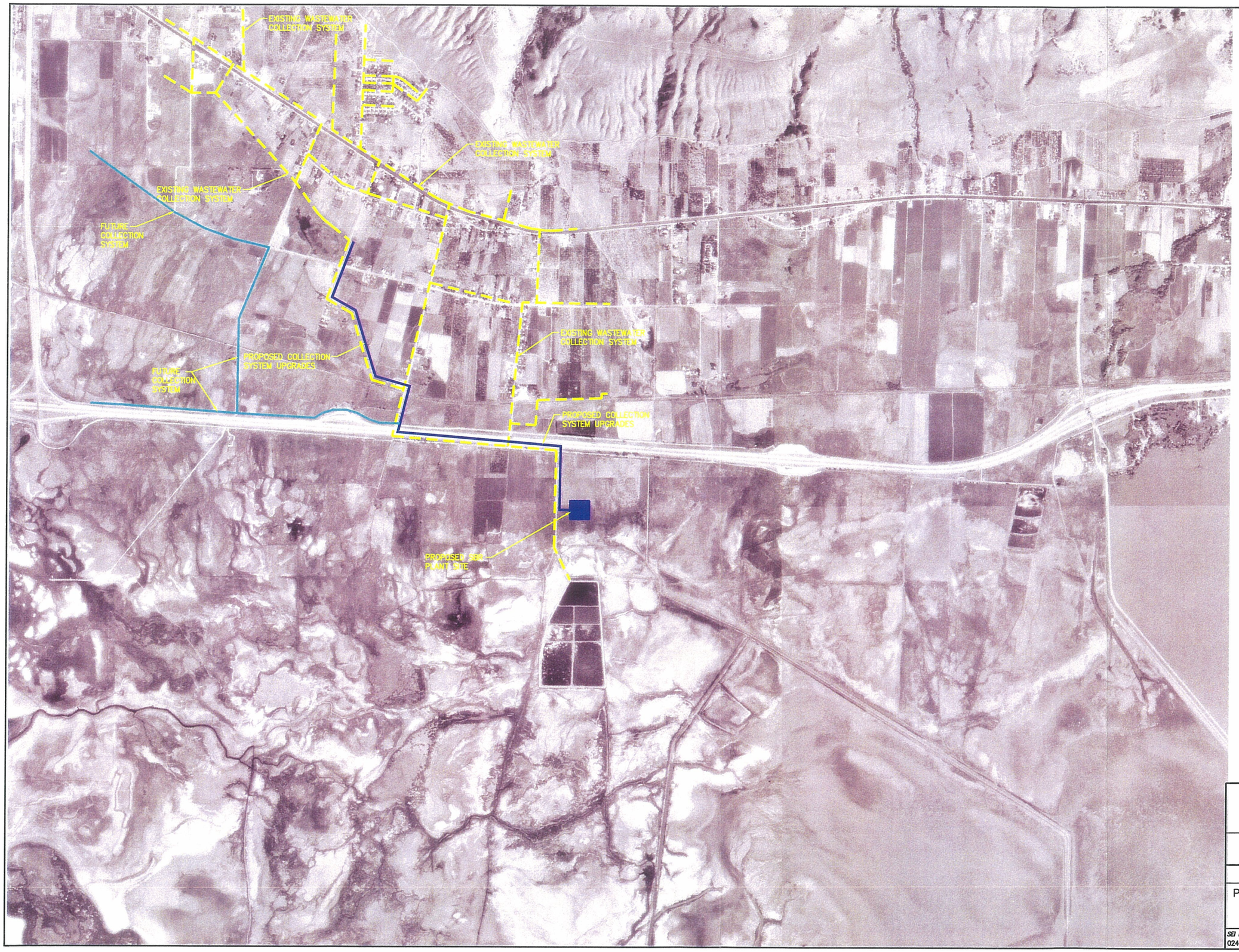

NORTH

LEGEND

EXISTING TRUNK AND INTERCEPTOR LINES

PROPOSED COLLECTION UPGRADES

PFUTURE COLLECTION SYSTEM

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PERRY CITY

PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
BUILD SBR MECHANICAL PLANT

SET NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 4.4

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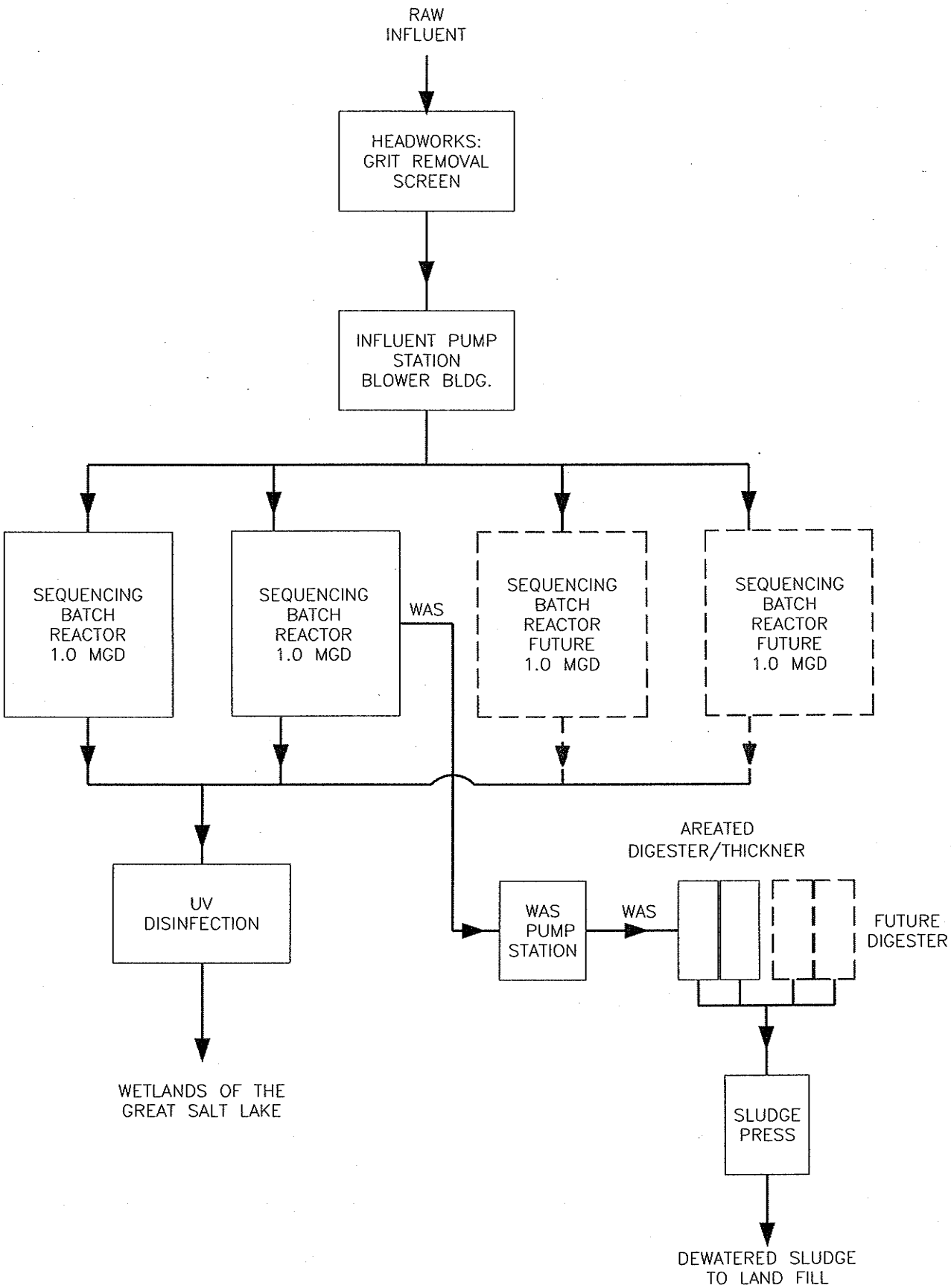

P:\Perry City\02403 WW Trtmt Study\dwg\Sheets\4.5 SBR WWTreat flow.dwg Jun 11, 2007 10:32am tshoemaker

PERRY CITY/WILLARD CITY TREATMENT

CAPITOL FACILITIES PLAN – 2005
PROCESS FLOW DIAGRAM FOR SBR MECHANICAL TREATMENT PLANT

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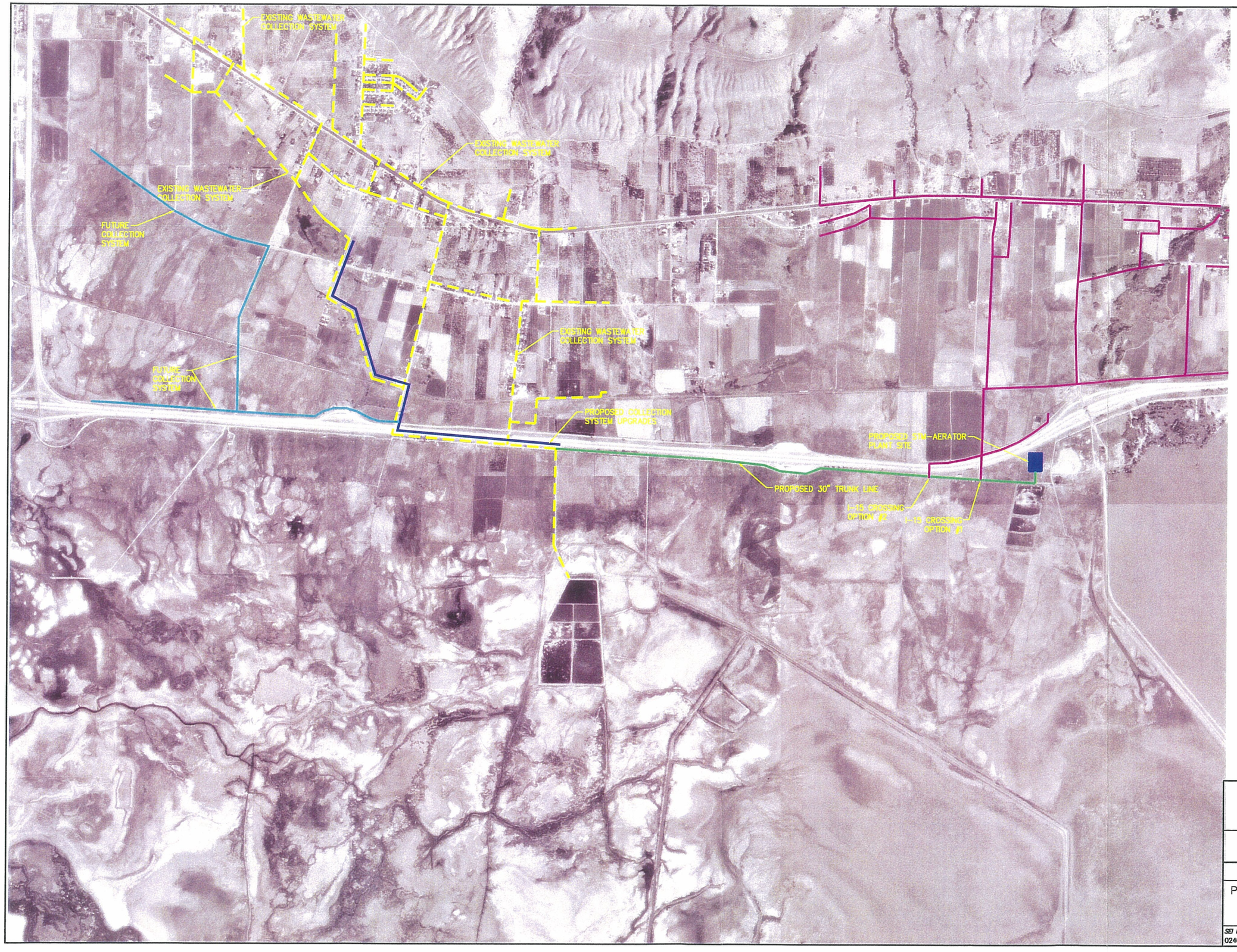
EXHIBIT 4.5



NORTH

LEGEND

- EXISTING TRUNK AND INTERCEPTOR LINES
- PROPOSED COLLECTION UPGRADES
- PROPOSED 30" TRUNK LINE
- FUTURE COLLECTION SYSTEM
- WILLARD CITY PROPOSED COLLECTION SYSTEM

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PERRY CITY

PERRY WASTEWATER TREATMENT STUDY
EXISTING AND PROPOSED FACILITIES
JOIN WITH WILLARD STM AERATOR

SEI NO.	DESIGNED	DRAWN	CHECKED	
02403	SLA	RMB	SLA	EXHIBIT 4.6

P:\Perry City\02403 WW Trtmt Study\dwg\Sheets\4.6 AH#4.dwg Jun 11, 2007 4:33pm tahoemoker

APPENDIX E

Cash Flow Model

PERRY CITY WASTEWATER
Cash Flow Perry City- Regionalization with Brigham City

Perry City Fees	Monthly Rate	Yearly Rate	Connection Fee	Impact Fee
Sewer - Residential ($11.00 Current)	$ 41.40	$ 496.79	$ 25.00	$ 1,700.00
Sewer - Commercial ($11.00 Current)	$ 41.40	$ 496.79	$ 25.00	$ 1,700.00

Poposed Funding Information

	Loan Amount	Years	Rate
DWQ Loan Lift Station & Force Main	$ 2,832,000	20	3.5%
DWQ Loan	$ -	20	3.5%
DWQ Loan Collection Upgrades	$ 1,500,000	20	3.5%
Total Project Cost	$ 4,332,000		

Flowrate per Capita per Day	100	
People per Connection	3.134	Willard
People per Connection	3.22	Perry
Interest Rate on Cash on Hand	2.5%	
Power Inflation Rate	5.0%	
Inflation	3.00%	

	1	2	3	4	5	6	7	8	9	10	11
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Brigham City Treatment Fees				13.84	14.2552	14.682856	15.12334168	15.57704193	16.04435319	16.52568378	17.0214543
				6.07 TAC							
Perry City - Yearly Growth Rate Commercial	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	7.50%	7.50%	7.50%	7.50%
Perry City - Yearly Growth Rate Residential	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	7.50%	7.50%	7.50%	7.50%
Indexed Inflation Multiplier	1.000	1.030	1.061	1.093	1.126	1.159	1.194	1.230	1.267	1.305	1.344
General Information											
Perry City											
Perry City - Sewer Connections- Residential	1062	1207	1328	1460	1607	1767	1944	2138	2299	2471	2656
Perry City - Sewer ERUs- Commercial	69	70	77	85	93	102	113	124	133	143	154
Perry City - New Connections - Residential	145	121	133	146	161	177	194	160	172	185	199
Perry City - New ERUs- Commercial	1	7	8	8	9	10	11	9	10	11	12
Perry City - Total Number of New ERUs	146	128	140	155	170	187	206	170	182	196	211
Perry City - Total Number of ERUs	1277	1405	1545	1700	1870	2057	2262	2432	2614	2810	3021
Flowrates											
Perry City - Wastewater Flowrate - Gallons	411,194 ✓	452,313	497,545	547,299	602,029	662,232	728,455	783,089	841,821	904,958	972,830
Perry City - Wastewater Flowrate - MGD	0.411	0.452	0.498	0.547	0.602	0.662	0.728	0.783	0.842	0.905	0.973
Revenues											
Perry City											
Residential	$ 527,588	$ 599,622	$ 659,584	$ 725,542	$ 798,097	$ 877,906	$ 965,697	$ 1,062,266	$ 1,141,936	$ 1,227,582	$ 1,319,650
Commercial	$ 34,278	$ 34,775	$ 38,253	$ 42,078	$ 46,286	$ 50,914	$ 56,006	$ 61,606	$ 66,227	$ 71,194	$ 76,533
Residential Hook-up Fee	$ 3,625	$ 3,018	$ 3,319	$ 3,651	$ 4,016	$ 4,418	$ 4,860	$ 4,009	$ 4,310	$ 4,633	$ 4,981
Commercial Hook-up Fee	$ 25	$ 175	$ 193	$ 212	$ 233	$ 256	$ 282	$ 233	$ 250	$ 269	$ 289
Residential Impact Fee	$ 246,500	$ 205,190	$ 225,709	$ 248,280	$ 273,108	$ 300,419	$ 330,461	$ 272,630	$ 293,077	$ 315,058	$ 338,687
Commercial Impact Fee	$ 1,700	$ 11,900	$ 13,090	$ 14,399	$ 15,839	$ 17,423	$ 19,165	$ 15,811	$ 16,997	$ 18,272	$ 19,642
Misc., Interest, Equity Investment											
Cash from Savings				$ 119,495							
Total Revenues	$ 813,716	$ 854,679	$ 940,147	$ 1,153,657	$ 1,137,578	$ 1,251,336	$ 1,376,470	$ 1,416,556	$ 1,522,797	$ 1,637,007	$ 1,759,783
Expenses											
Wastewater Budget											
Permanent Employees	$ 35,994	$ 37,074	$ 38,186	$ 39,332	$ 40,512	$ 41,727	$ 42,979	$ 44,268	$ 45,596	$ 46,964	$ 48,373
Temporary Employees	$ 13,859	$ 14,275	$ 14,703	$ 15,144	$ 15,598	$ 16,066	$ 16,548	$ 17,045	$ 17,556	$ 18,083	$ 18,625
Employee Benefits	$ 15,411	$ 15,873	$ 16,350	$ 16,840	$ 17,345	$ 17,866	$ 18,402	$ 18,954	$ 19,522	$ 20,108	$ 20,711
Office Expense	$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299	$ 12,668	$ 13,048	$ 13,439
Equipment Purchases	$ 17,000	$ 17,510	$ 18,035	$ 18,576	$ 19,134	$ 19,708	$ 20,299	$ 20,908	$ 21,535	$ 22,181	$ 22,847
Building Grounds and Maintenance	$ 2,000	$ 2,060	$ 2,122	$ 2,185	$ 2,251	$ 2,319	$ 2,388	$ 2,460	$ 2,534	$ 2,610	$ 2,688
Utilities & Phone	$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628	$ 5,796	$ 5,970	$ 6,149	$ 6,334	$ 6,524	$ 6,720
Misc. Supplies	$ 500	$ 515	$ 530	$ 546	$ 563	$ 580	$ 597	$ 615	$ 633	$ 652	$ 672
Maintenance Contract	$ 15,000	$ 15,450	$ 15,914	$ 16,391	$ 16,883	$ 17,389	$ 17,911	$ 18,448	$ 19,002	$ 19,572	$ 20,159
Professiona & Technical	$ 15,000	$ 15,450	$ 15,914	$ 16,391	$ 16,883	$ 17,389	$ 17,911	$ 18,448	$ 19,002	$ 19,572	$ 20,159
Miscellaneous Service	$ 500	$ 515	$ 530	$ 546	$ 563	$ 580	$ 597	$ 615	$ 633	$ 652	$ 672
Capital Improvement Projects	$ 366,500	$ 50,000	$ 51,500	$ 53,045	$ 54,636	$ 56,275	$ 57,964	$ 59,703	$ 61,494	$ 63,339	$ 65,239
Depreciation Sewer	$ 46,000	$ 47,380	$ 48,801	$ 50,265	$ 51,773	$ 53,327	$ 54,926	$ 56,574	$ 58,271	$ 60,020	$ 61,820
Fleet Expenses	$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299	$ 12,668	$ 13,048	$ 13,439
Lift Station O&M				$ -							
Personnel				$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299
Vehicle				$ 2,500	$ 2,575	$ 2,652	$ 2,732	$ 2,814	$ 2,898	$ 2,985	$ 3,075
Lift Station Electrical				$ 25,000.	$ 26,250	$ 27,563	$ 28,941	$ 30,388	$ 31,907	$ 33,502	$ 35,178
Lift Station Misc. Parts & Supplies				$ 2,500	$ 2,575	$ 2,652	$ 2,732	$ 2,814	$ 2,898	$ 2,985	$ 3,075
Lab Work				$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
New Equipment Purchase				$ 4,000	$ 4,120	$ 4,244	$ 4,371	$ 4,502	$ 4,637	$ 4,776	$ 4,919
Brigham City Treatment Charges											
O&M Charges				$ 282,284	$ 319,828	$ 362,365	$ 410,559	$ 454,592	$ 503,347	$ 557,331	$ 617,105
Treatment Avalibility Charge				$ 123,805	$ 136,186	$ 149,804	$ 164,785	$ 177,144	$ 190,429	$ 204,712	$ 220,065
Subtotal Expenses	$ 552,784	$ 241,852	$ 249,107	$ 706,670	$ 766,112	$ 832,095	$ 906,419	$ 972,292	$ 1,046,157	$ 1,124,603	$ 1,211,277
Debt Service											
Bond 1 Date Issued Jan. 1, 1972	$ 15,156.00	$ 16,082.00	$ 10,933.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
STM Plant	$ -	$ -		$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263
Gravity Line	$ -	$ -		$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Collection System Upgrades	$ -	$ -		$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 15,156	$ 16,082	$ 10,933	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805
Debt Service Reserve Fund			$ 1,093	$ 30,481	$ 30,481	$ 30,481	$ 30,481	$ 30,481	$ 30,481	$ 30,481	$ 30,481
Total Expenses	$ 567,920	$ 257,934	$ 261,134	$ 1,041,965	$ 1,101,397	$ 1,167,381	$ 1,240,706	$ 1,307,577	$ 1,380,442	$ 1,459,888	$ 1,546,562
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Debt Coverage Ratio			63.21	1.47	1.22	1.38	1.55	1.46	1.57	1.68	1.80
Margine after Reserve Set Aside		$ 696,745	$ 679,013	$ 111,702	$ 36,181	$ 83,955	$ 135,766	$ 108,978	$ 142,355	$ 177,119	$ 213,221
Cash On Hand											
Reserve Account											
Debt Service Reserve Fund Account Interest Earned			$ 808	$ 855	$ 1,638	$ 2,441	$ 3,264	$ 4,108	$ 4,973	$ 5,859	$ 6,768
Debt Service Reserve Fund Account	$ 32,300	$ 32,300	$ 34,201	$ 65,536	$ 97,655	$ 130,577	$ 164,322	$ 198,911	$ 234,364	$ 270,703	$ 307,952
Combined Assets											
Growth Restricted & Unrestricted Assets Interest Earned			$ 35,144	$ 52,998	$ 57,116	$ 59,448	$ 63,033	$ 68,003	$ 72,428	$ 77,797	$ 84,170
Growth Restricted & Unrestricted Assets	$ 809,027	$ 1,405,772	$ 2,119,930	$ 2,284,630	$ 2,377,927	$ 2,521,330	$ 2,720,128	$ 2,897,110	$ 3,111,892	$ 3,366,809	$ 3,664,199
Cash from Savings				$ (119,495)							
Total Cash On Hand	$ 809,027	$ 1,438,072	$ 2,164,131	$ 2,230,671	$ 2,475,582	$ 2,651,907	$ 2,884,460	$ 3,096,020	$ 3,346,256	$ 3,637,512	$ 3,972,151

	12	13	14	15	16	17	18	19	20	21	22	23
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Brigham City Treatment Fees	17.53209793	18.05806086	18.59980269	19.15779677	19.73253067	20.32450659	20.93424179	21.56226905	22.20913712	22.87541123	23.56167357	24.26852377
Perry City - Yearly Growth Rate Commercial	7.50%	7.50%	5.00%	5.00%	5.00%	5.00%	5.00%	4.00%	4.00%	4.00%	3.00%	3.00%
Perry City - Yearly Growth Rate Residential	7.50%	7.50%	5.00%	5.00%	5.00%	5.00%	5.00%	4.00%	4.00%	4.00%	3.00%	3.00%
Indexed Inflation Multiplier	1.384	1.426	1.469	1.513	1.558	1.605	1.653	1.702	1.754	1.806	1.860	1.916
General Information												
Perry City												
Perry City - Sewer Connections- Residential	2856	3070	3300	3465	3638	3820	4011	4212	4380	4555	4738	4880
Perry City - Sewer ERUs- Commercial	166	178	191	201	211	222	233	244	254	264	275	283
Perry City - New Connections - Residential	214	230	165	173	182	191	201	168	175	182	142	146
Perry City - New ERUs- Commercial	12	13	10	10	11	11	12	10	10	11	8	8
Perry City - Total Number of New ERUs	227	244	175	183	192	202	212	178	185	193	150	155
Perry City - Total Number of ERUs	3248	3491	3666	3849	4042	4244	4456	4634	4820	5012	5163	5318
Flowrates												
Perry City - Wastewater Flowrate - Gallons	1,045,792	1,124,226	1,180,437	1,239,459	1,301,432	1,366,504	1,434,829	1,492,222	1,551,911	1,613,988	1,662,407	1,712,279
Perry City - Wastewater Flowrate - MGD	1.046	1.124	1.180	1.239	1.301	1.367	1.435	1.492	1.552	1.614	1.662	1.712
Revenues												
Perry City												
Residential	$ 1,418,624	$ 1,525,021	$ 1,639,397	$ 1,721,367	$ 1,807,436	$ 1,897,807	$ 1,992,698	$ 2,092,333	$ 2,176,026	$ 2,263,067	$ 2,353,590	$ 2,424,197
Commercial	$ 82,273	$ 88,444	$ 95,077	$ 99,831	$ 104,822	$ 110,063	$ 115,567	$ 121,345	$ 126,199	$ 131,247	$ 136,497	$ 140,591
Residential Hook-up Fee	$ 5,354	$ 5,756	$ 4,125	$ 4,331	$ 4,548	$ 4,775	$ 5,014	$ 4,212	$ 4,380	$ 4,555	$ 3,553	$ 3,660
Commercial Hook-up Fee	$ 311	$ 334	$ 239	$ 251	$ 264	$ 277	$ 291	$ 244	$ 254	$ 264	$ 206	$ 212
Residential Impact Fee	$ 364,089	$ 391,396	$ 280,500	$ 294,525	$ 309,251	$ 324,714	$ 340,950	$ 286,398	$ 297,854	$ 309,768	$ 241,619	$ 248,867
Commercial Impact Fee	$ 21,115	$ 22,699	$ 16,268	$ 17,081	$ 17,935	$ 18,832	$ 19,773	$ 16,610	$ 17,274	$ 17,965	$ 14,013	$ 14,433
Misc., Interest, Equity Investment												
Cash from Savings												
Total Revenues	$ 1,891,766	$ 2,033,649	$ 2,035,606	$ 2,137,387	$ 2,244,256	$ 2,356,469	$ 2,474,292	$ 2,521,141	$ 2,621,987	$ 2,726,866	$ 2,749,477	$ 2,831,961
Expenses												
Wastewater Budget												
Permanent Employees	$ 49,824	$ 51,319	$ 52,858	$ 54,444	$ 56,077	$ 57,760	$ 59,493	$ 61,277	$ 63,116	$ 65,009	$ 66,959	$ 68,968
Temporary Employees	$ 19,184	$ 19,760	$ 20,352	$ 20,963	$ 21,592	$ 22,240	$ 22,907	$ 23,594	$ 24,302	$ 25,031	$ 25,782	$ 26,555
Employee Benefits	$ 21,332	$ 21,972	$ 22,632	$ 23,311	$ 24,010	$ 24,730	$ 25,472	$ 26,236	$ 27,023	$ 27,834	$ 28,669	$ 29,529
Office Expense	$ 13,842	$ 14,258	$ 14,685	$ 15,126	$ 15,580	$ 16,047	$ 16,528	$ 17,024	$ 17,535	$ 18,061	$ 18,603	$ 19,161
Equipment Purchases	$ 23,532	$ 24,238	$ 24,965	$ 25,714	$ 26,485	$ 27,280	$ 28,098	$ 28,941	$ 29,810	$ 30,704	$ 31,625	$ 32,574
Building Grounds and Maintenance	$ 2,768	$ 2,852	$ 2,937	$ 3,025	$ 3,116	$ 3,209	$ 3,306	$ 3,405	$ 3,507	$ 3,612	$ 3,721	$ 3,832
Utilities & Phone	$ 6,921	$ 7,129	$ 7,343	$ 7,563	$ 7,790	$ 8,024	$ 8,264	$ 8,512	$ 8,768	$ 9,031	$ 9,301	$ 9,581
Misc. Supplies	$ 692	$ 713	$ 734	$ 756	$ 779	$ 802	$ 826	$ 851	$ 877	$ 903	$ 930	$ 958
Maintenance Contract	$ 20,764	$ 21,386	$ 22,028	$ 22,689	$ 23,370	$ 24,071	$ 24,793	$ 25,536	$ 26,303	$ 27,092	$ 27,904	$ 28,742
Professiona & Technical	$ 20,764	$ 21,386	$ 22,028	$ 22,689	$ 23,370	$ 24,071	$ 24,793	$ 25,536	$ 26,303	$ 27,092	$ 27,904	$ 28,742
Miscellaneous Service	$ 692	$ 713	$ 734	$ 756	$ 779	$ 802	$ 826	$ 851	$ 877	$ 903	$ 930	$ 958
Capital Improvement Projects	$ 67,196	$ 69,212	$ 71,288	$ 73,427	$ 75,629	$ 77,898	$ 80,235	$ 82,642	$ 85,122	$ 87,675	$ 90,306	$ 93,015
Depreciation Sewer	$ 63,675	$ 65,585	$ 67,553	$ 69,579	$ 71,667	$ 73,816	$ 76,031	$ 78,312	$ 80,661	$ 83,081	$ 85,574	$ 88,141
Fleet Expenses	$ 13,842	$ 14,258	$ 14,685	$ 15,126	$ 15,580	$ 16,047	$ 16,528	$ 17,024	$ 17,535	$ 18,061	$ 18,603	$ 19,161
Lift Station O&M												
Personnel	$ 12,668	$ 13,048	$ 13,439	$ 13,842	$ 14,258	$ 14,685	$ 15,126	$ 15,580	$ 16,047	$ 16,528	$ 17,024	$ 17,535
Vehicle	$ 3,167	$ 3,262	$ 3,360	$ 3,461	$ 3,564	$ 3,671	$ 3,781	$ 3,895	$ 4,012	$ 4,132	$ 4,256	$ 4,384
Lift Station Electrical	$ 36,936	$ 38,783	$ 40,722	$ 42,758	$ 44,896	$ 47,141	$ 49,498	$ 51,973	$ 54,572	$ 57,300	$ 60,165	$ 63,174
Lift Station Misc. Parts & Supplies	$ 3,167	$ 3,262	$ 3,360	$ 3,461	$ 3,564	$ 3,671	$ 3,781	$ 3,895	$ 4,012	$ 4,132	$ 4,256	$ 4,384
Lab Work	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
New Equipment Purchase	$ 5,067	$ 5,219	$ 5,376	$ 5,537	$ 5,703	$ 5,874	$ 6,050	$ 6,232	$ 6,419	$ 6,611	$ 6,810	$ 7,014
Brigham City Treatment Charges												
O&M Charges	$ 683,289	$ 756,572	$ 818,232	$ 884,918	$ 957,039	$ 1,035,038	$ 1,119,393	$ 1,199,094	$ 1,284,470	$ 1,375,924	$ 1,459,718	$ 1,548,615
Treatment Avalibility Charge	$ 236,570	$ 254,313	$ 267,028	$ 280,380	$ 294,399	$ 309,118	$ 324,574	$ 337,557	$ 351,060	$ 365,102	$ 376,055	$ 387,337
Subtotal Expenses	$ 1,305,893	$ 1,409,238	$ 1,496,340	$ 1,589,526	$ 1,689,246	$ 1,796,997	$ 1,910,307	$ 2,017,971	$ 2,132,327	$ 2,253,819	$ 2,366,096	$ 2,482,358
Debt Service												
Bond 1 Date Issued Jan. 1, 1972	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
STM Plant	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263	$ 199,263
Gravity Line	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Collection System Upgrades	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805	$ 304,805
Debt Service Reserve Fund	30,481											
Total Expenses	$ 1,641,178	$ 1,714,043	$ 1,801,145	$ 1,894,330	$ 1,994,051	$ 2,100,802	$ 2,216,112	$ 2,322,776	$ 2,437,132	$ 2,558,624	$ 2,669,901	$ 2,787,163
	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028
Debt Coverage Ratio	1.92	2.06	1.77	1.80	1.82	1.84	1.85	1.65	1.61	1.56	1.26	
Margine after Reserve Set Aside	$ 260,588	$ 319,606	$ 234,461	$ 243,057	$ 260,205	$ 265,667	$ 269,181	$ 198,366	$ 184,864	$ 168,242	$ 79,676	$ 44,799
Cash On Hand												
Reserve Account												
Debt Service Reserve Fund Account Interest Earned	$ 7,699	$ 8,653	$ 8,870	$ 9,091	$ 9,319	$ 9,552	$ 9,790	$ 10,035	$ 10,286	$ 10,543	$ 10,807	$ 11,077
Debt Service Reserve Fund Account	$ 346,131	$ 354,784	$ 363,654	$ 372,745	$ 382,064	$ 391,615	$ 401,406	$ 411,441	$ 421,727	$ 432,270	$ 443,077	$ 454,154
Combined Assets												
Growth Restricted & Unrestricted Assets Interest Earned	$ 91,605	$ 100,160	$ 110,654	$ 119,282	$ 128,340	$ 137,804	$ 147,641	$ 157,811	$ 166,716	$ 175,505	$ 184,099	$ 190,690
Growth Restricted & Unrestricted Assets	$ 4,006,392	$ 4,426,158	$ 4,771,273	$ 5,133,612	$ 5,512,157	$ 5,905,628	$ 6,312,449	$ 6,668,626	$ 7,020,195	$ 7,363,942	$ 7,627,617	$ 7,863,108
Cash from Savings												
Total Cash On Hand	$ 4,352,523	$ 4,780,942	$ 5,134,927	$ 5,506,357	$ 5,894,221	$ 6,297,243	$ 6,713,855	$ 7,080,066	$ 7,441,922	$ 7,796,212	$ 8,070,693	$ 8,317,259

PERRY CITY WASTEWATER
Cash Flow Perry City- 2.0 MGD STM Aerotor Plant

Perry City Fees	Monthly Rate	Yearly Rate	Connection Fee	Impact Fee
Sewer - Residential ($11.00 Current)	$ 48.19	$ 578.22	$ 25.00	$ 3,900.00
Sewer - Commercial ($11.00 Current)	$ 48.19	$ 578.22	$ 25.00	$ 3,900.00
Current Rates 2006	$ 11.00	$ 132.00	$ 25.00	$ 1,795.00

Poposed Funding Information

	Loan Amount	Years	Rate
DWQ Loan Treatment Plant	$ 12,000,000	20	3.5%
DWQ Loan Grvty Line	$ -	20	3.5%
DWQ Loan Collection Upgrades	$ 1,500,000	20	3.5%
Total Project Cost	$ 13,500,000		

Flowrate per Capita per Day	100	
People per Connection	3.134	Willard
People per Connection	3.22	Perry
Interest Rate on Cash on Hand	2.5%	
Power Inflation Rate	5.0%	
Inflation	3.00%	

	1	2	3	4	5	6	7	8
	2006	2007	2008	2009	2010	2011	2012	2013
Perry City - Yearly Growth Rate Commercial	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	7.50%
Perry City - Yearly Growth Rate Residential	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	7.50%
Indexed Inflation Multiplier	1.000	1.030	1.061	1.093	1.126	1.159	1.194	1.230
General Information								
Perry City								
Perry City - Sewer Connections- Residential	1062	1207	1328	1460	1607	1767	1944	2138
Perry City - Sewer ERUs- Commercial	69	70	77	85	93	102	113	124
Perry City - New Connections - Residential	145	121	133	146	161	177	194	160
Perry City - New ERUs- Commercial	1	7	8	8	9	10	11	9
Perry City - - Total Number of New ERUs	146	128	140	155	170	187	206	170
Perry City - Total Number of ERUs	1277	1405	1545	1700	1870	2057	2262	2432
Flowrates								
Perry City - Wastewater Flowrate - Gallons	411,194	452,313	497,545	547,299	602,029	662,232	728,455	783,089
Perry City - Wastewater Flowrate - MGD	0.411	0.452	0.498	0.547	0.602	0.662	0.728	0.783
Revenues								
Perry City								
Residential	$ 614,071	$ 697,913	$ 767,704	$ 844,475	$ 928,922	$ 1,021,815	$ 1,123,996	$ 1,236,396
Commercial	$ 39,897	$ 40,475	$ 44,523	$ 48,975	$ 53,873	$ 59,260	$ 65,186	$ 71,705
Residential Hook-up Fee	$ 3,625	$ 3,018	$ 3,319	$ 3,651	$ 4,016	$ 4,418	$ 4,860	$ 4,009
Commercial Hook-up Fee	$ 25	$ 175	$ 193	$ 212	$ 233	$ 256	$ 282	$ 233
Residential Impact Fee	$ 565,500	$ 470,730	$ 517,803	$ 569,583	$ 626,542	$ 689,196	$ 758,115	$ 625,445
Commercial Impact Fee	$ 3,900	$ 27,300	$ 30,030	$ 33,033	$ 36,336	$ 39,970	$ 43,967	$ 36,273
Misc., Interest, Equity Investment								
Cash from Savings				$ 119,495				
Total Revenues	$ 1,227,018	$ 1,239,611	$ 1,363,572	$ 1,619,424	$ 1,649,922	$ 1,814,915	$ 1,996,406	$ 1,974,060
Expenses								
Wastewater Budget								
Permanent Employees	$ 35,994	$ 37,074	$ 38,186	$ 39,332	$ 40,512	$ 41,727	$ 42,979	$ 44,268
Temporary Employees	$ 13,859	$ 14,275	$ 14,703	$ 15,144	$ 15,598	$ 16,066	$ 16,548	$ 17,045
Employee Benefits	$ 15,411	$ 15,873	$ 16,350	$ 16,840	$ 17,345	$ 17,866	$ 18,402	$ 18,954
Office Expense	$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299
Equipment Purchases	$ 17,000	$ 17,510	$ 18,035	$ 18,576	$ 19,134	$ 19,708	$ 20,299	$ 20,908
Building Grounds and Maintenance	$ 2,000	$ 2,060	$ 2,122	$ 2,185	$ 2,251	$ 2,319	$ 2,388	$ 2,460
Utilities & Phone	$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628	$ 5,796	$ 5,970	$ 6,149
Misc. Supplies	$ 500	$ 515	$ 530	$ 546	$ 563	$ 580	$ 597	$ 615
Maintenance Contract	$ 15,000	$ 15,450	$ 15,914	$ 16,391	$ 16,883	$ 17,389	$ 17,911	$ 18,448
Professiona & Technical	$ 15,000	$ 15,450	$ 15,914	$ 16,391	$ 16,883	$ 17,389	$ 17,911	$ 18,448
Miscellaneous Service	$ 500	$ 515	$ 530	$ 546	$ 563	$ 580	$ 597	$ 615
Capital Improvement Projects	$ 366,500	$ 50,000	$ 51,500	$ 53,045	$ 54,636	$ 56,275	$ 57,964	$ 59,703
Depreciation Sewer	$ 46,000	$ 47,380	$ 48,801	$ 50,265	$ 51,773	$ 53,327	$ 54,926	$ 56,574
Fleet Expenses	$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299
Treatment Plant O&M (STM Aerotor)				$ -				
Personnel				$ 60,000	$ 61,800	$ 63,654	$ 65,564	$ 67,531
Vehicle				$ 20,000	$ 20,600	$ 21,218	$ 21,855	$ 22,510
Treatment Plant Electrical				$ 66,000	$ 67,980	$ 70,019	$ 72,120	$ 74,284
Treatment Plant Misc. Parts & Supplies				$ 7,000	$ 7,210	$ 7,426	$ 7,649	$ 7,879
Lab Work				$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628
New Equipment Purchase				$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628
Disposal				$ 12,500	$ 12,875	$ 13,261	$ 13,659	$ 14,069
Subtotal Expenses	$ 552,764	$ 241,852	$ 249,107	$ 432,084	$ 446,043	$ 458,394	$ 472,146	$ 486,311
Debt Service								
Bond 1 Date Issued Jan. 1, 1972	$ 15,156.00	$ 16,082.00	$ 10,933.00	$ -	$ -	$ -	$ -	$ -
STM Plant	$ -	$ -	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333
Gravity Line	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Collection System Upgrades	$ -	$ -	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 15,156	$ 16,082	$ 960,808	$ 949,875	$ 949,875	$ 949,875	$ 949,875	$ 949,875
Debt Service Reserve Fund			$ 96,081	$ 94,988	$ 94,988	$ 94,988	$ 94,988	$ 94,988
Total Expenses	$ 567,920	$ 257,934	$ 1,305,996	$ 1,476,943	$ 1,489,906	$ 1,503,257	$ 1,612,009	$ 1,531,173
	2006	2007	2008	2009	2010	2011	2012	2013
Debt Coverage Ratio			1.16	1.25	1.27	1.43	1.60	1.57
Margine after Reserve Set Aside		$ 981,677	$ 57,576	$ 142,481	$ 160,017	$ 311,658	$ 479,397	$ 442,887
Cash On Hand								
Reserve Account								
Debt Service Reserve Fund Account Interest Earned			$ 808	$ 3,230	$ 5,685	$ 8,202	$ 10,782	$ 13,426
Debt Service Reserve Fund Account	$ 32,300	$ 32,300	$ 129,188	$ 227,406	$ 328,078	$ 431,268	$ 537,037	$ 645,450
Combined Assets								
Growth Restricted & Unrestricted Assets Interest Earned			$ 44,768	$ 47,326	$ 52,071	$ 57,374	$ 66,599	$ 80,249
Growth Restricted & Unrestricted Assets	$ 809,027	$ 1,790,704	$ 1,893,048	$ 2,082,855	$ 2,294,943	$ 2,663,975	$ 3,209,972	$ 3,733,108
Cash from Savings				$ (119,495)				
Total Cash On Hand	$ 809,027	$ 1,823,004	$ 2,022,236	$ 2,190,766	$ 2,623,022	$ 3,095,242	$ 3,747,008	$ 4,378,558

	9	10	11	12	13	14	15	16
	2014	2015	2016	2017	2018	2019	2020	2021
Perry City - Yearly Growth Rate Commercial	7.50%	7.50%	7.50%	7.50%	7.50%	5.00%	5.00%	5.00%
Perry City - Yearly Growth Rate Residential	7.50%	7.50%	7.50%	7.50%	7.50%	5.00%	5.00%	5.00%
Indexed Inflation Multiplier	1.267	1.305	1.344	1.384	1.426	1.469	1.513	1.558
General Information								
Perry City								
Perry City - Sewer Connections- Residential	2299	2471	2656	2856	3070	3300	3465	3638
Perry City - Sewer ERUs- Commercial	133	143	154	166	178	191	201	211
Perry City - New Connections - Residential	172	185	199	214	230	165	173	182
Perry City - New ERUs- Commercial	10	11	12	12	13	10	10	11
Perry City - - Total Number of New ERUs	182	196	211	227	244	176	183	192
Perry City - Total Number of ERUs	2614	2810	3021	3248	3491	3666	3849	4042
Flowrates								
Perry City - Wastewater Flowrate - Gallons	841,821	904,958	972,830	1,045,792	1,124,226	1,180,437	1,239,459	1,301,432
Perry City - Wastewater Flowrate - MGD	0.842	0.905	0.973	1.046	1.124	1.180	1.239	1.301
Revenues								
Perry City								
Residential	$ 1,329,125	$ 1,428,810	$ 1,535,971	$ 1,651,168	$ 1,775,006	$ 1,908,131	$ 2,003,538	$ 2,103,715
Commercial	$ 77,083	$ 82,864	$ 89,079	$ 95,760	$ 102,942	$ 110,662	$ 116,195	$ 122,005
Residential Hook-up Fee	$ 4,310	$ 4,633	$ 4,981	$ 5,354	$ 5,756	$ 4,125	$ 4,331	$ 4,548
Commercial Hook-up Fee	$ 250	$ 269	$ 289	$ 311	$ 334	$ 239	$ 251	$ 264
Residential Impact Fee	$ 672,354	$ 722,780	$ 776,989	$ 835,263	$ 897,907	$ 643,500	$ 675,675	$ 709,459
Commercial Impact Fee	$ 38,993	$ 41,918	$ 45,061	$ 48,441	$ 52,074	$ 37,320	$ 39,186	$ 41,145
Misc., Interest, Equity Investment								
Cash from Savings								
Total Revenues	$ 2,122,115	$ 2,281,273	$ 2,452,369	$ 2,636,296	$ 2,834,019	$ 2,703,978	$ 2,839,177	$ 2,981,136
Expenses								
Wastewater Budget								
Permanent Employees	$ 45,596	$ 46,964	$ 48,373	$ 49,824	$ 51,319	$ 52,858	$ 54,444	$ 56,077
Temporary Employees	$ 17,556	$ 18,083	$ 18,625	$ 19,184	$ 19,760	$ 20,352	$ 20,963	$ 21,592
Employee Benefits	$ 19,522	$ 20,108	$ 20,711	$ 21,332	$ 21,972	$ 22,632	$ 23,311	$ 24,010
Office Expense	$ 12,668	$ 13,048	$ 13,439	$ 13,842	$ 14,258	$ 14,685	$ 15,126	$ 15,580
Equipment Purchases	$ 21,535	$ 22,181	$ 22,847	$ 23,532	$ 24,238	$ 24,965	$ 25,714	$ 26,485
Building Grounds and Maintenance	$ 2,534	$ 2,610	$ 2,688	$ 2,768	$ 2,852	$ 2,937	$ 3,025	$ 3,116
Utilities & Phone	$ 6,334	$ 6,524	$ 6,720	$ 6,921	$ 7,129	$ 7,343	$ 7,563	$ 7,790
Misc. Supplies	$ 633	$ 652	$ 672	$ 692	$ 713	$ 734	$ 756	$ 779
Maintenance Contract	$ 19,002	$ 19,572	$ 20,159	$ 20,764	$ 21,386	$ 22,028	$ 22,689	$ 23,370
Professiona & Technical	$ 19,002	$ 19,572	$ 20,159	$ 20,764	$ 21,386	$ 22,028	$ 22,689	$ 23,370
Miscellaneous Service	$ 633	$ 652	$ 672	$ 692	$ 713	$ 734	$ 756	$ 779
Capital Improvement Projects	$ 61,494	$ 63,339	$ 65,239	$ 67,196	$ 69,212	$ 71,288	$ 73,427	$ 75,629
Depreciation Sewer	$ 58,271	$ 60,020	$ 61,820	$ 63,675	$ 65,585	$ 67,553	$ 69,579	$ 71,667
Fleet Expenses	$ 12,668	$ 13,048	$ 13,439	$ 13,842	$ 14,258	$ 14,685	$ 15,126	$ 15,580
Treatment Plant O&M (STM Aerotor)								
Personnel	$ 69,556	$ 71,643	$ 73,792	$ 76,006	$ 78,286	$ 80,635	$ 83,054	$ 85,546
Vehicle	$ 23,185	$ 23,881	$ 24,597	$ 25,335	$ 26,095	$ 26,878	$ 27,685	$ 28,515
Treatment Plant Electrical	$ 76,512	$ 78,807	$ 81,172	$ 83,607	$ 86,115	$ 88,698	$ 91,359.	$ 94,100
Treatment Plant Misc. Parts & Supplies	$ 8,115	$ 8,358	$ 8,609	$ 8,867	$ 9,133	$ 9,407	$ 9,690	$ 9,980
Lab Work	$ 5,796	$ 5,970	$ 6,149	$ 6,334	$ 6,524	$ 6,720	$ 6,921	$ 7,129
New Equipment Purchase	$ 5,796	$ 5,970	$ 6,149	$ 6,334	$ 6,524	$ 6,720	$ 6,921	$ 7,129
Disposal	$ 14,491	$ 14,926	$ 15,373	$ 15,835	$ 16,310	$ 16,799	$ 17,303	$ 17,822
Subtotal Expenses	$ 500,900	$ 515,927	$ 531,405	$ 547,347	$ 563,767	$ 580,680	$ 598,101	$ 616,044
Debt Service								
Bond 1 Date Issued Jan. 1, 1972	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
STM Plant	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333
Gravity Line	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Collection System Upgrades	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 949,875	$ 949,875	$ 949,875	$ 949,875	$ 949,875	$ 949,875	$ 949,875	$ 949,875
Debt Service Reserve Fund	$ 94,988	$ 94,988	$ 94,988	$ 94,988				
Total Expenses	$ 1,545,762	$ 1,560,789	$ 1,576,267	$ 1,592,209	$ 1,513,642	$ 1,530,555	$ 1,547,976	$ 1,565,919
	2014	2015	2016	2017	2018	2019	2020	2021
Debt Coverage Ratio	1.71	1.86	2.02	2.20	2.39	2.24	2.36	2.49
Margine after Reserve Set Aside	$ 576,352	$ 720,484	$ 876,102	$ 1,044,087	$ 1,320,376	$ 1,173,423	$ 1,291,201	$ 1,415,217
Cash On Hand								
Reserve Account								
Debt Service Reserve Fund Account Interest Earned	$ 16,136	$ 18,914	$ 21,762	$ 24,681	$ 27,672	$ 28,364	$ 29,073	$ 29,800
Debt Service Reserve Fund Account	$ 756,574	$ 870,476	$ 987,225	$ 1,106,893	$ 1,134,566	$ 1,162,930	$ 1,192,003	$ 1,221,803
Combined Assets								
Growth Restricted & Unrestricted Assets Interest Earned	$ 93,328	$ 110,070	$ 130,834	$ 156,007	$ 186,009	$ 223,669	$ 258,596	$ 297,341
Growth Restricted & Unrestricted Assets	$ 4,402,788	$ 5,233,341	$ 6,240,277	$ 7,440,371	$ 8,946,756	$ 10,343,848	$ 11,893,645	$ 13,606,203
Cash from Savings								
Total Cash On Hand	$ 5,159,362	$ 6,103,817	$ 7,227,602	$ 8,547,264	$ 10,081,322	$ 11,506,777	$ 13,085,648	$ 14,828,006

	17	18	19	20	21	22	23
	2022	2023	2024	2025	2026	2027	2028
Perry City - Yearly Growth Rate Commercial	5.00%	5.00%	4.00%	4.00%	4.00%	3.00%	3.00%
Perry City - Yearly Growth Rate Residential	5.00%	5.00%	4.00%	4.00%	4.00%	3.00%	3.00%
Indexed Inflation Multiplier	1.605	1.653	1.702	1.754	1.806	1.860	1.916
General Information							
Perry City							
Perry City - Sewer Connections- Residential	3820	4011	4212	4380	4555	4738	4880
Perry City - Sewer ERUs- Commercial	222	233	244	254	264	275	283
Perry City - New Connections - Residential	191	201	168	175	182	142	146
Perry City - New ERUs- Commercial	11	12	10	10	11	8	8
Perry City - - Total Number of New ERUs	202	212	178	185	193	150	156
Perry City - Total Number of ERUs	4244	4456	4634	4820	5012	5163	5318
Flowrates							
Perry City - Wastewater Flowrate - Gallons	1,366,504	1,434,829	1,492,222	1,551,911	1,613,988	1,662,407	1,712,279
Perry City - Wastewater Flowrate - MGD	1.367	1.435	1.492	1.552	1.614	1.662	1.712
Revenues							
Perry City							
Residential	$ 2,208,901	$ 2,319,346	$ 2,435,313	$ 2,532,725	$ 2,634,034	$ 2,739,396	$ 2,821,578
Commercial	$ 128,105	$ 134,511	$ 141,236	$ 146,885	$ 152,761	$ 158,871	$ 163,637
Residential Hook-up Fee	$ 4,775	$ 5,014	$ 4,212	$ 4,380	$ 4,555	$ 3,553	$ 3,660
Commercial Hook-up Fee	$ 277	$ 291	$ 244	$ 254	$ 264	$ 206	$ 212
Residential Impact Fee	$ 744,932	$ 782,179	$ 657,030	$ 683,311	$ 710,644	$ 554,302	$ 570,931
Commercial Impact Fee	$ 43,202	$ 45,362	$ 38,104	$ 39,629	$ 41,214	$ 32,147	$ 33,111
Misc., Interest, Equity Investment							
Cash from Savings							
Total Revenues	$ 3,130,192	$ 3,286,702	$ 3,276,140	$ 3,407,185	$ 3,543,473	$ 3,488,475	$ 3,593,130
Expenses							
Wastewater Budget							
Permanent Employees	$ 57,760	$ 59,493	$ 61,277	$ 63,116	$ 65,009	$ 66,959	$ 68,968
Temporary Employees	$ 22,240	$ 22,907	$ 23,594	$ 24,302	$ 25,031	$ 25,782	$ 26,555
Employee Benefits	$ 24,730	$ 25,472	$ 26,236	$ 27,023	$ 27,834	$ 28,669	$ 29,529
Office Expense	$ 16,047	$ 16,528	$ 17,024	$ 17,535	$ 18,061	$ 18,603	$ 19,161
Equipment Purchases	$ 27,280	$ 28,098	$ 28,941	$ 29,810	$ 30,704	$ 31,625	$ 32,574
Building Grounds and Maintenance	$ 3,209	$ 3,306	$ 3,405	$ 3,507	$ 3,612	$ 3,721	$ 3,832
Utilities & Phone	$ 8,024	$ 8,264	$ 8,512	$ 8,768	$ 9,031	$ 9,301	$ 9,581
Misc. Supplies	$ 802	$ 826	$ 851	$ 877	$ 903	$ 930	$ 958
Maintenance Contract	$ 24,071	$ 24,793	$ 25,536	$ 26,303	$ 27,092	$ 27,904	$ 28,742
Professiona & Technical	$ 24,071	$ 24,793	$ 25,536	$ 26,303	$ 27,092	$ 27,904	$ 28,742
Miscellaneous Service	$ 802	$ 826	$ 851	$ 877	$ 903	$ 930	$ 958
Capital Improvement Projects	$ 77,898	$ 80,235	$ 82,642	$ 85,122	$ 87,675	$ 90,306	$ 93,015
Depreciation Sewer	$ 73,816	$ 76,031	$ 78,312	$ 80,661	$ 83,081	$ 85,574	$ 88,141
Fleet Expenses	$ 16,047	$ 16,528	$ 17,024	$ 17,535	$ 18,061	$ 18,603	$ 19,161
Treatment Plant O&M (STM Aerotor)							
Personnel	$ 88,112	$ 90,755	$ 93,478	$ 96,282	$ 99,171	$ 102,146	$ 105,210
Vehicle	$ 29,371	$ 30,252	$ 31,159	$ 32,094	$ 33,057	$ 34,049	$ 35,070
Treatment Plant Electrical	$ 96,923	$ 99,831	$ 102,826	$ 105,911	$ 109,088	$ 112,361	$ 115,731
Treatment Plant Misc. Parts & Supplies	$ 10,280	$ 10,588	$ 10,906	$ 11,233	$ 11,570	$ 11,917	$ 12,275
Lab Work	$ 7,343	$ 7,563	$ 7,790	$ 8,024	$ 8,264	$ 8,512	$ 8,768
New Equipment Purchase	$ 7,343	$ 7,563	$ 7,790	$ 8,024	$ 8,264	$ 8,512	$ 8,768
Disposal	$ 18,357	$ 18,907	$ 19,475	$ 20,059	$ 20,661	$ 21,280	$ 21,919
Subtotal Expenses	$ 634,525	$ 653,561	$ 673,168	$ 693,363	$ 714,164	$ 735,588	$ 757,656
Debt Service							
Bond 1 Date Issued Jan. 1, 1972	$ -	$ -	$ -	$ -	$ -	$ -	$ -
STM Plant	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333	$ 844,333
Gravity Line	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Collection System Upgrades	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 949,875	$ 949,875	$ 949,875	$ 949,875	$ 949,875	$ 949,875	$ 949,875
Debt Service Reserve Fund							
Total Expenses	$ 1,584,400	$ 1,603,436	$ 1,623,043	$ 1,643,238	$ 1,664,039	$ 1,685,463	$ 1,707,531
	2022	2023	2024	2025	2026	2027	2028
Debt Coverage Ratio	2.63	2.77	2.74	2.86	2.98	2.90	
Margine after Reserve Set Aside	$ 1,545,792	$ 1,683,266	$ 1,653,097	$ 1,763,947	$ 1,879,434	$ 1,803,012	$ 1,885,598
Cash On Hand							
Reserve Account							
Debt Service Reserve Fund Account Interest Earned	$ 30,545	$ 31,309	$ 32,091	$ 32,894	$ 33,716	$ 34,559	$ 35,423
Debt Service Reserve Fund Account	$ 1,252,348	$ 1,283,657	$ 1,315,748	$ 1,348,642	$ 1,382,358	$ 1,416,917	$ 1,452,340
Combined Assets							
Growth Restricted & Unrestricted Assets Interest Earned	$ 340,155	$ 387,304	$ 439,068	$ 491,372	$ 547,755	$ 608,435	$ 668,721
Growth Restricted & Unrestricted Assets	$ 15,492,150	$ 17,562,720	$ 19,654,885	$ 21,910,205	$ 24,337,394	$ 26,748,841	$ 29,303,160
Cash from Savings							
Total Cash On Hand	$ 16,744,499	$ 18,846,377	$ 20,970,634	$ 23,258,847	$ 25,719,752	$ 28,165,758	$ 30,755,500

PERRY CITY WASTEWATER
Cash Flow Perry City- 2.0 MGD SBR Treatment Plant

Perry City Fees	Monthly Rate	Yearly Rate	Connection Fee	Impact Fee
Sewer - Residential ($11.00 Current)	$ 55.56	$ 666.73	$ 25.00	$ 4,600.00
Sewer - Commercial ($11.00 Current)	$ 55.56	$ 666.73	$ 25.00	$ 4,600.00
Current Rates 2006	$ 11.00	$ 132.00	$ 25.00	$ 1,795.00

Poposed Funding Information

	Loan Amount	Years	Rate
DWQ Loan Treatment Plant	$ 13,302,000	20	3.5%
DWQ Loan Grvty Line	$ -	20	3.5%
DWQ Loan Collection Upgrades	$ 1,500,000	20	3.5%
Total Project Cost	$ 14,802,000		

Flowrate per Capita per Day	100	
People per Connection	3.134	Willard
People per Connection	3.22	Perry
Interest Rate on Cash on Hand	2.5%	
Power Inflation Rate	5.0%	
Inflation	3.00%	

	1	2	3	4	5	6	7	8
	2006	2007	2008	2009	2010	2011	2012	2013
Perry City - Yearly Growth Rate Commercial	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	7.50%
Perry City - Yearly Growth Rate Residential	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	7.50%
Indexed Inflation Multiplier	1.000	1.030	1.061	1.093	1.126	1.159	1.194	1.230
General Information								
Perry City								
Perry City - Sewer Connections- Residential	1062	1207	1328	1460	1607	1767	1944	2138
Perry City - Sewer ERUs- Commercial	69	70	77	85	93	102	113	124
Perry City - New Connections - Residential	145	121	133	146	161	177	194	160
Perry City - New ERUs- Commercial	1	7	8	8	9	10	11	9
Perry City - Total Number of New ERUs	146	128	140	155	170	187	206	170
Perry City - Total Number of ERUs	1277	1405	1545	1700	1870	2057	2262	2432
Flowrates								
Perry City - Wastewater Flowrate - Gallons	411,194	452,313	497,545	547,299	602,029	662,232	728,455	783,089
Perry City - Wastewater Flowrate - MGD	0.411	0.452	0.498	0.547	0.602	0.662	0.728	0.783
Revenues								
Perry City								
Residential	$ 708,072	$ 804,749	$ 885,224	$ 973,746	$ 1,071,121	$ 1,178,233	$ 1,296,056	$ 1,425,661
Commercial	$ 46,005	$ 46,671	$ 51,339	$ 56,472	$ 62,120	$ 68,332	$ 75,165	$ 82,681
Residential Hook-up Fee	$ 3,625	$ 3,018	$ 3,319	$ 3,651	$ 4,016	$ 4,418	$ 4,860	$ 4,009
Commercial Hook-up Fee	$ 25	$ 175	$ 193	$ 212	$ 233	$ 256	$ 282	$ 233
Residential Impact Fee	$ 667,000	$ 555,220	$ 610,742	$ 671,816	$ 738,998	$ 812,898	$ 894,187	$ 737,705
Commercial Impact Fee	$ 4,600	$ 32,200	$ 35,420	$ 38,962	$ 42,858	$ 47,144	$ 51,858	$ 42,783
Misc., Interest, Equity Investment								
Cash from Savings				$ 119,495				
Total Revenues	$ 1,429,327	$ 1,442,033	$ 1,586,236	$ 1,864,354	$ 1,919,345	$ 2,111,280	$ 2,322,408	$ 2,293,072
Expenses								
Wastewater Budget								
Permanent Employees	$ 35,994	$ 37,074	$ 38,186	$ 39,332	$ 40,512	$ 41,727	$ 42,979	$ 44,268
Temporary Employees	$ 13,859	$ 14,275	$ 14,703	$ 15,144	$ 15,598	$ 16,066	$ 16,548	$ 17,045
Employee Benefits	$ 15,411	$ 15,873	$ 16,350	$ 16,840	$ 17,345	$ 17,866	$ 18,402	$ 18,954
Office Expense	$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299
Equipment Purchases	$ 17,000	$ 17,510	$ 18,035	$ 18,576	$ 19,134	$ 19,708	$ 20,299	$ 20,908
Building Grounds and Maintenance	$ 2,000	$ 2,060	$ 2,122	$ 2,185	$ 2,251	$ 2,319	$ 2,388	$ 2,460
Utilities & Phone	$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628	$ 5,796	$ 5,970	$ 6,149
Misc. Supplies	$ 500	$ 515	$ 530	$ 546	$ 563	$ 580	$ 597	$ 615
Maintenance Contract	$ 15,000	$ 15,450	$ 15,914	$ 16,391	$ 16,883	$ 17,389	$ 17,911	$ 18,448
Professiona & Technical	$ 15,000	$ 15,450	$ 15,914	$ 16,391	$ 16,883	$ 17,389	$ 17,911	$ 18,448
Miscellaneous Service	$ 500	$ 515	$ 530	$ 546	$ 563	$ 580	$ 597	$ 615
Capital Improvement Projects	$ 366,500	$ 50,000	$ 51,500	$ 53,045	$ 54,636	$ 56,275	$ 57,964	$ 59,703
Depreciation Sewer	$ 46,000	$ 47,380	$ 48,801	$ 50,265	$ 51,773	$ 53,327	$ 54,926	$ 56,574
Fleet Expenses	$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299
Treatment Plant O&M (SBR Plant)				$ -				
Personnel				$ 60,000	$ 61,800	$ 63,654	$ 65,564	$ 67,531
Vehicle				$ 20,000	$ 20,600	$ 21,218	$ 21,855	$ 22,510
Treatment Plant Electrical				$ 198,000	$ 203,940	$ 210,058	$ 216,360	$ 222,851
Treatment Plant Misc. Parts & Supplies				$ 7,000	$ 7,210	$ 7,426	$ 7,649	$ 7,879
Lab Work				$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628
New Equipment Purchase				$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628
Disposal				$ 12,500	$ 12,875	$ 13,261	$ 13,659	$ 14,069
Subtotal Expenses	$ 552,764	$ 241,852	$ 249,107	$ 564,081	$ 581,003	$ 598,433	$ 616,386	$ 634,878
Debt Service								
Bond 1 Date Issued Jan. 1, 1972	$ 15,156.00	$ 16,082.00	$ 10,933.00	$ -	$ -	$ -	$ -	$ -
STM Plant	$ -	$ -	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943
Gravity Line	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Collection System Upgrades	$ -	$ -	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 15,156	$ 16,082	$ 1,052,418	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485
Debt Service Reserve Fund			$ 105,242	$ 104,149	$ 104,149	$ 104,149	$ 104,149	$ 104,149
Total Expenses	$ 567,920	$ 257,934	$ 1,406,767	$ 1,709,714	$ 1,726,637	$ 1,744,067	$ 1,762,020	$ 1,780,511
	2006	2007	2008	2009	2010	2011	2012	2013
Debt Coverage Ratio			1.27	1.25	1.29	1.45	1.64	1.69
Margine after Reserve Set Aside		$ 1,184,099	$ 179,469	$ 154,640	$ 192,709	$ 367,213	$ 560,388	$ 512,561
Cash On Hand								
Reserve Account								
Debt Service Reserve Fund Account Interest Earned			$ 808	$ 3,459	$ 6,149	$ 8,906	$ 11,733	$ 14,630
Debt Service Reserve Fund Account	$ 32,300	$ 32,300	$ 138,349	$ 245,957	$ 356,254	$ 469,309	$ 585,190	$ 703,968
Combined Assets								
Growth Restricted & Unrestricted Assets Interest Earned			$ 49,828	$ 55,561	$ 60,816	$ 67,154	$ 78,013	$ 93,973
Growth Restricted & Unrestricted Assets	$ 809,027	$ 1,993,126	$ 2,222,422	$ 2,432,623	$ 2,686,148	$ 3,120,515	$ 3,758,916	$ 4,365,450
Cash from Savings				$ (119,495)				
Total Cash On Hand	$ 809,027	$ 2,025,426	$ 2,360,772	$ 2,559,085	$ 3,042,402	$ 3,589,823	$ 4,344,106	$ 5,069,418

	9	10	11	12	13	14	15	16
	2014	2015	2016	2017	2018	2019	2020	2021
Perry City - Yearly Growth Rate Commercial	7.50%	7.50%	7.50%	7.50%	7.50%	5.00%	5.00%	5.00%
Perry City - Yearly Growth Rate Residential	7.50%	7.50%	7.50%	7.50%	7.50%	5.00%	5.00%	5.00%
Indexed Inflation Multiplier	1.267	1.305	1.344	1.384	1.426	1.469	1.513	1.558
General Information								
Perry City								
Perry City - Sewer Connections- Residential	2299	2471	2656	2856	3070	3300	3465	3638
Perry City - Sewer ERUs- Commercial	133	143	154	166	178	191	201	211
Perry City - New Connections - Residential	172	185	199	214	230	165	173	182
Perry City - New ERUs- Commercial	10	11	12	12	13	10	10	11
Perry City - Total Number of New ERUs	182	196	211	227	244	175	183	192
Perry City - Total Number of ERUs	2614	2810	3021	3248	3491	3666	3849	4042
Flowrates								
Perry City - Wastewater Flowrate - Gallons	841,821	904,958	972,830	1,045,792	1,124,226	1,180,437	1,239,459	1,301,432
Perry City - Wastewater Flowrate - MGD	0.842	0.905	0.973	1.046	1.124	1.180	1.239	1.301
Revenues								
Perry City								
Residential	$ 1,532,586	$ 1,647,530	$ 1,771,095	$ 1,903,927	$ 2,046,721	$ 2,200,225	$ 2,310,237	$ 2,425,749
Commercial	$ 88,882	$ 95,549	$ 102,715	$ 110,418	$ 118,700	$ 127,602	$ 133,982	$ 140,681
Residential Hook-up Fee	$ 4,310	$ 4,633	$ 4,981	$ 5,354	$ 5,756	$ 4,125	$ 4,331	$ 4,548
Commercial Hook-up Fee	$ 250	$ 269	$ 289	$ 311	$ 334	$ 239	$ 251	$ 264
Residential Impact Fee	$ 793,032	$ 852,510	$ 916,448	$ 985,182	$ 1,059,070	$ 759,000	$ 796,950	$ 836,798
Commercial Impact Fee	$ 45,992	$ 49,441	$ 53,149	$ 57,136	$ 61,421	$ 44,018	$ 46,219	$ 48,530
Misc., Interest, Equity Investment								
Cash from Savings								
Total Revenues	$ 2,465,053	$ 2,649,932	$ 2,848,676	$ 3,062,327	$ 3,292,002	$ 3,135,210	$ 3,291,971	$ 3,456,570
Expenses								
Wastewater Budget								
Permanent Employees	$ 45,596	$ 46,964	$ 48,373	$ 49,824	$ 51,319	$ 52,858	$ 54,444	$ 56,077
Temporary Employees	$ 17,556	$ 18,083	$ 18,625	$ 19,184	$ 19,760	$ 20,352	$ 20,963	$ 21,592
Employee Benefits	$ 19,522	$ 20,108	$ 20,711	$ 21,332	$ 21,972	$ 22,632	$ 23,311	$ 24,010
Office Expense	$ 12,668	$ 13,048	$ 13,439	$ 13,842	$ 14,258	$ 14,685	$ 15,126	$ 15,580
Equipment Purchases	$ 21,535	$ 22,181	$ 22,847	$ 23,532	$ 24,238	$ 24,965	$ 25,714	$ 26,485
Building Grounds and Maintenance	$ 2,534	$ 2,610	$ 2,688	$ 2,768	$ 2,852	$ 2,937	$ 3,025	$ 3,116
Utilities & Phone	$ 6,334	$ 6,524	$ 6,720	$ 6,921	$ 7,129	$ 7,343	$ 7,563	$ 7,790
Misc. Supplies	$ 633	$ 652	$ 672	$ 692	$ 713	$ 734	$ 756	$ 779
Maintenance Contract	$ 19,002	$ 19,572	$ 20,159	$ 20,764	$ 21,386	$ 22,028	$ 22,689	$ 23,370
Professiona & Technical	$ 19,002	$ 19,572	$ 20,159	$ 20,764	$ 21,386	$ 22,028	$ 22,689	$ 23,370
Miscellaneous Service	$ 633	$ 652	$ 672	$ 692	$ 713	$ 734	$ 756	$ 779
Capital Improvement Projects	$ 61,494	$ 63,339	$ 65,239	$ 67,196	$ 69,212	$ 71,288	$ 73,427	$ 75,629
Depreciation Sewer	$ 58,271	$ 60,020	$ 61,820	$ 63,675	$ 65,585	$ 67,553	$ 69,579	$ 71,667
Fleet Expenses	$ 12,668	$ 13,048	$ 13,439	$ 13,842	$ 14,258	$ 14,685	$ 15,126	$ 15,580
Treatment Plant O&M (SBR Plant)								
Personnel	$ 69,556	$ 71,643	$ 73,792	$ 76,006	$ 78,286	$ 80,635	$ 83,054	$ 85,546
Vehicle	$ 23,185	$ 23,881	$ 24,597	$ 25,335	$ 26,095	$ 26,878	$ 27,685	$ 28,515
Treatment Plant Electrical	$ 229,536	$ 236,422	$ 243,515	$ 250,820	$ 258,345	$ 266,095	$ 274,078	$ 282,301
Treatment Plant Misc. Parts & Supplies	$ 8,115	$ 8,358	$ 8,609	$ 8,867	$ 9,133	$ 9,407	$ 9,690	$ 9,980
Lab Work	$ 5,796	$ 5,970	$ 6,149	$ 6,334	$ 6,524	$ 6,720	$ 6,921	$ 7,129
New Equipment Purchase	$ 5,796	$ 5,970	$ 6,149	$ 6,334	$ 6,524	$ 6,720	$ 6,921	$ 7,129
Disposal	$ 14,491	$ 14,926	$ 15,373	$ 15,835	$ 16,310	$ 16,799	$ 17,303	$ 17,822
Subtotal Expenses	$ 653,924	$ 674,542	$ 693,748	$ 714,561	$ 735,997	$ 758,077	$ 780,820	$ 804,244
Debt Service								
Bond 1 Date Issued Jan. 1, 1972	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
STM Plant	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943
Gravity Line	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Collection System Upgrades	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485
Debt Service Reserve Fund	$ 104,149	$ 104,149	$ 104,149	$ 104,149				
Total Expenses	$ 1,799,558	$ 1,819,175	$ 1,839,382	$ 1,860,154	$ 1,777,482	$ 1,799,562	$ 1,822,305	$ 1,846,729
	2014	2015	2016	2017	2018	2019	2020	2021
Debt Coverage Ratio	1.74	1.90	2.07	2.25	2.45	2.28	2.41	2.65
Margine after Reserve Set Aside	$ 665,495	$ 830,756	$ 1,009,295	$ 1,202,133	$ 1,514,519	$ 1,335,648	$ 1,469,666	$ 1,610,840
Cash On Hand								
Reserve Account								
Debt Service Reserve Fund Account Interest Earned	$ 17,599	$ 20,643	$ 23,763	$ 26,960	$ 30,238	$ 30,994	$ 31,769	$ 32,563
Debt Service Reserve Fund Account	$ 825,716	$ 950,507	$ 1,078,419	$ 1,209,528	$ 1,239,766	$ 1,270,760	$ 1,302,529	$ 1,335,092
Combined Assets								
Growth Restricted & Unrestricted Assets Interest Earned	$ 109,136	$ 128,502	$ 152,483	$ 181,528	$ 216,119	$ 259,385	$ 299,261	$ 343,484
Growth Restricted & Unrestricted Assets	$ 5,140,081	$ 6,099,339	$ 7,261,118	$ 8,644,779	$ 10,375,418	$ 11,970,451	$ 13,739,379	$ 15,693,704
Cash from Savings								
Total Cash On Hand	$ 5,965,797	$ 7,049,847	$ 8,339,636	$ 9,864,306	$ 11,615,183	$ 13,241,211	$ 15,041,908	$ 17,028,796

	17	18	19	20	21	22	23
	2022	2023	2024	2025	2026	2027	2028
Perry City - Yearly Growth Rate Commercial	5.00%	5.00%	4.00%	4.00%	4.00%	3.00%	3.00%
Perry City - Yearly Growth Rate Residential	5.00%	5.00%	4.00%	4.00%	4.00%	3.00%	3.00%
Indexed Inflation Multiplier	1.605	1.653	1.702	1.754	1.806	1.860	1.916
General Information							
Perry City							
Perry City - Sewer Connections- Residential	3820	4011	4212	4380	4555	4738	4880
Perry City - Sewer ERUs- Commercial	222	233	244	254	264	275	283
Perry City - New Connections - Residential	191	201	168	175	182	142	146
Perry City - New ERUs- Commercial	11	12	10	10	11	8	8
Perry City - Total Number of New ERUs	202	212	178	185	193	150	155
Perry City - Total Number of ERUs	4244	4456	4634	4820	5012	5163	5318
Flowrates							
Perry City - Wastewater Flowrate - Gallons	1,366,504	1,434,829	1,492,222	1,551,911	1,613,988	1,662,407	1,712,279
Perry City - Wastewater Flowrate - MGD	1.367	1.435	1.492	1.552	1.614	1.662	1.712
Revenues							
Perry City							
Residential	$ 2,547,036	$ 2,674,388	$ 2,808,107	$ 2,920,431	$ 3,037,249	$ 3,158,739	$ 3,253,501
Commercial	$ 147,715	$ 155,101	$ 162,856	$ 169,371	$ 176,145	$ 183,191	$ 188,687
Residential Hook-up Fee	$ 4,775	$ 5,014	$ 4,212	$ 4,380	$ 4,555	$ 3,553	$ 3,660
Commercial Hook-up Fee	$ 277	$ 291	$ 244	$ 254	$ 264	$ 206	$ 212
Residential Impact Fee	$ 878,638	$ 922,570	$ 774,959	$ 805,957	$ 838,195	$ 653,792	$ 673,406
Commercial Impact Fee	$ 50,957	$ 53,504	$ 44,944	$ 46,741	$ 48,611	$ 37,917	$ 39,054
Misc., Interest, Equity Investment							
Cash from Savings							
Total Revenues	$ 3,629,398	$ 3,810,868	$ 3,795,322	$ 3,947,135	$ 4,105,020	$ 4,037,398	$ 4,158,520
Expenses							
Wastewater Budget							
Permanent Employees	$ 57,760	$ 59,493	$ 61,277	$ 63,116	$ 65,009	$ 66,959	$ 68,968
Temporary Employees	$ 22,240	$ 22,907	$ 23,594	$ 24,302	$ 25,031	$ 25,782	$ 26,555
Employee Benefits	$ 24,730	$ 25,472	$ 26,236	$ 27,023	$ 27,834	$ 28,669	$ 29,529
Office Expense	$ 16,047	$ 16,528	$ 17,024	$ 17,535	$ 18,061	$ 18,603	$ 19,161
Equipment Purchases	$ 27,280	$ 28,098	$ 28,941	$ 29,810	$ 30,704	$ 31,625	$ 32,574
Building Grounds and Maintenance	$ 3,209	$ 3,306	$ 3,405	$ 3,507	$ 3,612	$ 3,721	$ 3,832
Utilities & Phone	$ 8,024	$ 8,264	$ 8,512	$ 8,768	$ 9,031	$ 9,301	$ 9,581
Misc. Supplies	$ 802	$ 826	$ 851	$ 877	$ 903	$ 930	$ 958
Maintenance Contract	$ 24,071	$ 24,793	$ 25,536	$ 26,303	$ 27,092	$ 27,904	$ 28,742
Professiona & Technical	$ 24,071	$ 24,793	$ 25,536	$ 26,303	$ 27,092	$ 27,904	$ 28,742
Miscellaneous Service	$ 802	$ 826	$ 851	$ 877	$ 903	$ 930	$ 958
Capital Improvement Projects	$ 77,898	$ 80,235	$ 82,642	$ 85,122	$ 87,675	$ 90,306	$ 93,015
Depreciation Sewer	$ 73,816	$ 76,031	$ 78,312	$ 80,661	$ 83,081	$ 85,574	$ 88,141
Fleet Expenses	$ 16,047	$ 16,528	$ 17,024	$ 17,535	$ 18,061	$ 18,603	$ 19,161
Treatment Plant O&M (SBR Plant)							
Personnel	$ 88,112	$ 90,755	$ 93,478	$ 96,282	$ 99,171	$ 102,146	$ 105,210
Vehicle	$ 29,371	$ 30,252	$ 31,159	$ 32,094	$ 33,057	$ 34,049	$ 35,070
Treatment Plant Electrical	$ 290,770	$ 299,493	$ 308,478	$ 317,732	$ 327,264	$ 337,082	$ 347,194
Treatment Plant Misc. Parts & Supplies	$ 10,280	$ 10,588	$ 10,906	$ 11,233	$ 11,570	$ 11,917	$ 12,275
Lab Work	$ 7,343	$ 7,563	$ 7,790	$ 8,024	$ 8,264	$ 8,512	$ 8,768
New Equipment Purchase	$ 7,343	$ 7,563	$ 7,790	$ 8,024	$ 8,264	$ 8,512	$ 8,768
Disposal	$ 18,357	$ 18,907	$ 19,475	$ 20,059	$ 20,661	$ 21,280	$ 21,919
Subtotal Expenses	$ 828,372	$ 853,223	$ 878,819	$ 905,184	$ 932,339	$ 960,310	$ 989,119
Debt Service							
Bond 1 Date Issued Jan. 1, 1972	$ -	$ -	$ -	$ -	$ -	$ -	$ -
STM Plant	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943	$ 935,943
Gravity Line	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Collection System Upgrades	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,485	$ 1,041,486	$ 1,041,485
Debt Service Reserve Fund							
Total Expenses	$ 1,869,857	$ 1,894,708	$ 1,920,304	$ 1,946,669	$ 1,973,824	$ 2,001,795	$ 2,030,604
	2022	2023	2024	2025	2026	2027	2028
Debt Coverage Ratio	2.69	2.84	2.80	2.92	3.06	2.95	
Margine after Reserve Set Aside	$ 1,759,541	$ 1,916,160	$ 1,875,017	$ 2,000,466	$ 2,131,196	$ 2,035,603	$ 2,127,916
Cash On Hand							
Reserve Account							
Debt Service Reserve Fund Account Interest Earned	$ 33,377	$ 34,212	$ 35,067	$ 35,944	$ 36,842	$ 37,763	$ 38,707
Debt Service Reserve Fund Account	$ 1,368,469	$ 1,402,681	$ 1,437,748	$ 1,473,692	$ 1,510,534	$ 1,548,297	$ 1,587,005
Combined Assets							
Growth Restricted & Unrestricted Assets Interest Earned	$ 392,343	$ 446,140	$ 505,197	$ 564,703	$ 628,832	$ 697,832	$ 766,168
Growth Restricted & Unrestricted Assets	$ 17,845,588	$ 20,207,888	$ 22,588,102	$ 25,153,270	$ 27,913,298	$ 30,646,734	$ 33,540,818
Cash from Savings							
Total Cash On Hand	$ 19,214,057	$ 21,610,569	$ 24,025,850	$ 26,626,962	$ 29,423,832	$ 32,195,031	$ 35,127,823

PERRY CITY WASTEWATER

Cash Flow Perry City- Join with Willard to build 2.0 MGD STM Aerotor Plant

Perry City Fees	Monthly Rate	Yearly Rate	Connection Fee	Impact Fee
Sewer - Residential ($11.00 Current)	$ 38.00	$ 456.00	$ 25.00	$ 4,600.00
Sewer - Commercial ($11.00 Current)	$ 38.00	$ 456.00	$ 25.00	$ 4,600.00

Poposed Funding Information

	Loan Amount	Years	Rate
DWQ Loan Treatment Plant	$ 8,000,000	20	3.5%
DWQ Loan 30" Trunk	$ 2,100,000	20	3.5%
DWQ Loan Collection Upgrades	$ 1,500,000	20	3.5%
Total Project Cost	$ 11,600,000		

Flowrate per Capita per Day	100	
People per Connection	3.134	Willard
People per Connection	3.22	Perry
Interest Rate on Cash on Hand	2.5%	
Power Inflation Rate	5.0%	
Inflation	3.00%	

	1	2	3	4	5	6	7	8	9	10	11	12
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Perry City - Yearly Growth Rate Commercial	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	7.50%	7.50%	7.50%	7.50%	7.50%
Perry City - Yearly Growth Rate Residential	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	10.00%	7.50%	7.50%	7.50%	7.50%	7.50%
Willard City - Yearly Growth Rate Commercial	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Willard City - Yearly Growth Rate Residential	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Indexed Inflation Multiplier	1.000	1.030	1.061	1.093	1.126	1.159	1.194	1.230	1.267	1.305	1.344	1.384
General Information												
Perry City												
Perry City - Sewer Connections- Residential	1062	1207	1328	1460	1607	1767	1944	2138	2299	2471	2656	2856
Perry City - Sewer ERUs- Commercial	69	70	77	85	93	102	113	124	133	143	154	166
Perry City - New Connections - Residential	145	121	133	146	161	177	194	160	172	185	199	214
Perry City - New ERUs- Commercial	1	7	8	8	9	10	11	9	10	11	12	12
Perry City - Total Number of New ERUs	146	128	140	155	170	187	206	170	182	196	211	227
Perry City - Total Number of ERUs	1277	1405	1545	1700	1870	2057	2262	2432	2614	2810	3021	3248
Willard City												
Willard City - Residential Connections	555	583	612	643	675	709	744	781	820	861	904	949
Willard City - Commercial Connections ERUs	77	81	85	89	93	98	103	108	113	119	125	131
Willard City - City - New Connections - Residential		28	29	31	32	34	35	37	39	41	43	45
Willard City - City - New Connections- Commercial		4	4	4	4	5	5	5	5	6	6	6
Willard City - City - Total Number of New Connections	0	32	33	35	36	39	40	42	44	47	49	51
Willard City - City - Total Number of Connections	632	664	697	732	768	807	847	889	933	980	1029	1080
Perry Percentage of ERU's	67%	68%	69%	70%	71%	72%	73%	73%	74%	74%	75%	75%
Flowrates												
Perry City - Wastewater Flowrate - Gallons	411,194	452,313	497,545	547,299	602,029	662,232	728,455	783,089	841,821	904,958	972,830	1,045,792
Perry City - Wastewater Flowrate - MGD	0.411	0.452	0.498	0.547	0.602	0.662	0.728	0.783	0.842	0.905	0.973	1.046
Willard City - Wastewater Flowrate - Gallons	198,059	208,098	218,440	229,409	240,691	252,914	265,450	278,613	292,402	307,132	322,489	338,472
Willard City - Wastewater Flowrate - MGD	0.198	0.208	0.218	0.229	0.241	0.253	0.265	0.279	0.292	0.307	0.322	0.338
Combinded Wastewater Flowrate - Gallons	609,263	660,411	715,985	776,708	842,720	915,146	993,905	1,061,702	1,134,223	1,212,090	1,295,318	1,384,264
Combinded Wastewater Flowrate - MGD	0.609	0.660	0.716	0.777	0.843	0.915	0.994	1.062	1.134	1.212	1.295	1.384
Total Plant O&M												
Personnel				$ 60,000	$ 61,800	$ 63,654	$ 65,564	$ 67,531	$ 69,556	$ 71,643	$ 73,792	$ 76,006
Vehicle				$ 20,000	$ 20,600	$ 21,218	$ 21,855	$ 22,510	$ 23,185	$ 23,881	$ 24,597	$ 25,335
Treatment Plant Electrical				$ 66,000	$ 69,300	$ 72,765	$ 76,403	$ 80,223	$ 84,235	$ 88,446	$ 92,869	$ 97,512
Treatment Plant Misc. Parts & Supplies				$ 7,000	$ 7,210	$ 7,426	$ 7,649	$ 7,879	$ 8,115	$ 8,358	$ 8,609	$ 8,867
Lab Work				$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628	$ 5,796	$ 5,970	$ 6,149	$ 6,334
New Equipment Purchase				$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628	$ 5,796	$ 5,970	$ 6,149	$ 6,334
Disposal				$ 12,500	$ 12,875	$ 13,261	$ 13,659	$ 14,069	$ 14,491	$ 14,926	$ 15,373	$ 15,835
Revenues												
Perry City												
Residential	$ 484,272	$ 550,392	$ 605,431	$ 665,974	$ 732,572	$ 805,829	$ 886,412	$ 975,053	$ 1,048,182	$ 1,126,796	$ 1,211,305	$ 1,302,153
Commercial	$ 31,464	$ 31,920	$ 35,112	$ 38,623	$ 42,486	$ 46,734	$ 51,407	$ 56,548	$ 60,789	$ 65,349	$ 70,250	$ 75,518
Residential Hook-up Fee	$ 3,625	$ 3,018	$ 3,319	$ 3,651	$ 4,016	$ 4,418	$ 4,860	$ 4,009	$ 4,310	$ 4,633	$ 4,981	$ 5,354
Commercial Hook-up Fee	$ 25	$ 175	$ 193	$ 212	$ 233	$ 256	$ 282	$ 233	$ 250	$ 269	$ 289	$ 311
Residential Impact Fee	$. 667,000	$ 555,220	$ 610,742	$ 671,816	$ 738,998	$ 812,898	$ 894,187	$ 737,705	$ 793,032	$ 852,510	$ 916,448	$ 985,182
Commercial Impact Fee	$ 4,600	$ 32,200	$ 35,420	$ 38,962	$ 42,858	$ 47,144	$ 51,858	$ 42,783	$ 45,992	$ 49,441	$ 53,149	$ 57,136
Misc., Interest, Equity Investment												
Cash from Savings				$ 295,000								
Total Revenues	$ 1,190,986	$ 1,172,925	$ 1,290,217	$ 1,714,239	$ 1,561,163	$ 1,717,279	$ 1,889,007	$ 1,816,331	$ 1,952,556	$ 2,098,997	$ 2,266,422	$ 2,425,654
Expenses												
Wastewater Budget												
Permanent Employees	$ 35,894	$ 37,074	$ 38,186	$ 39,332	$ 40,512	$ 41,727	$ 42,979	$ 44,268	$ 45,596	$ 46,964	$ 48,373	$ 49,824
Temporary Employees	$ 13,859	$ 14,275	$ 14,703	$ 15,144	$ 15,598	$ 16,066	$ 16,548	$ 17,045	$ 17,556	$ 18,083	$ 18,625	$ 19,184
Employee Benefits	$ 15,411	$ 15,873	$ 16,350	$ 16,840	$ 17,345	$ 17,866	$ 18,402	$ 18,954	$ 19,522	$ 20,108	$ 20,711	$ 21,332
Office Expense	$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299	$ 12,668	$ 13,048	$ 13,439	$ 13,842
Equipment Purchases	$ 17,000	$ 17,510	$ 18,035	$ 18,576	$ 19,134	$ 19,708	$ 20,299	$ 20,908	$ 21,535	$ 22,181	$ 22,847	$ 23,532
Building Grounds and Maintenance	$ 2,000	$ 2,060	$ 2,122	$ 2,185	$ 2,251	$ 2,319	$ 2,388	$ 2,460	$ 2,534	$ 2,610	$ 2,688	$ 2,768
Utilities & Phone	$ 5,000	$ 5,150	$ 5,305	$ 5,464	$ 5,628	$ 5,796	$ 5,970	$ 6,149	$ 6,334	$ 6,524	$ 6,720	$ 6,921
Misc. Supplies	$ 500	$ 515	$ 530	$ 546	$ 563	$ 580	$ 597	$ 615	$ 633	$ 652	$ 672	$ 692
Maintenance Contract	$ 15,000	$ 15,450	$ 15,914	$ 16,391	$ 16,883	$ 17,389	$ 17,911	$ 18,448	$ 19,002	$ 19,572	$ 20,159	$ 20,764
Professiona & Technical	$ 15,000	$ 15,450	$ 15,914	$ 16,391	$ 16,883	$ 17,380	$ 17,911	$ 18,448	$ 19,002	$ 19,572	$ 20,159	$ 20,764
Miscellaneous Service	$ 500	$ 515	$ 530	$ 546	$ 563	$ 580	$ 597	$ 615	$ 633	$ 652	$ 672	$ 692
Capital Improvement Projects	$ 366,500	$ 50,000	$ 51,500	$ 53,045	$ 54,636	$ 56,275	$ 57,964	$ 59,703	$ 61,494	$ 63,339	$ 65,239	$ 67,196
Depreciation Sewer	$ 46,000	$ 47,380	$ 48,801	$ 50,265	$ 51,773	$ 53,327	$ 54,926	$ 56,574	$ 58,271	$ 60,020	$ 61,820	$ 63,675
Fleet Expenses	$ 10,000	$ 10,300	$ 10,609	$ 10,927	$ 11,255	$ 11,593	$ 11,941	$ 12,299	$ 12,668	$ 13,048	$ 13,439	$ 13,842
Treatment Plant O&M (STM Aerotor)				$ -								
Personnel			$ -	$ 41,938	$ 43,806	$ 45,716	$ 47,703	$ 49,453	$ 51,262	$ 53,120	$ 55,045	$ 57,039
Vehicle			$ -	$ 13,979	$ 14,602	$ 15,239	$ 15,901	$ 16,484	$ 17,087	$ 17,707	$ 18,348	$ 19,013
Treatment Plant Electrical			$ -	$ 46,132	$ 49,122	$ 52,259	$ 55,590	$ 58,748	$ 62,080	$ 65,579	$ 69,274	$ 73,178
Treatment Plant Misc. Parts & Supplies			$ -	$ 4,893	$ 5,111	$ 5,333	$ 5,565	$ 5,770	$ 5,981	$ 6,197	$ 6,422	$ 6,655
Lab Work			$ -	$ 3,495	$ 3,650	$ 3,810	$ 3,975	$ 4,121	$ 4,272	$ 4,427	$ 4,587	$ 4,753
New Equipment Purchase			$ -	$ 3,495	$ 3,650	$ 3,810	$ 3,975	$ 4,121	$ 4,272	$ 4,427	$ 4,587	$ 4,753
Disposal			$ -	$ 8,737	$ 9,126	$ 9,524	$ 9,938	$ 10,303	$ 10,680	$ 11,067	$ 11,468	$ 11,883
Subtotal Expenses	$ 552,764	$ 241,852	$ 249,107	$ 279,251	$ 393,346	$ 407,896	$ 423,022	$ 437,784	$ 453,081	$ 468,894	$ 485,293	$ 502,303
Debt Service												
Bond 1 Date Issued Jan. 1, 1972	$ 15,156.00	$ 16,082.00	$ 10,933.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
STM Plant	$ -	$ -		$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889
30" Trunk	$ -	$ -		$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758
Collection System Upgrades	$ -	$ -		$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 15,156	$ 16,082	$ 10,933	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189
Debt Service Reserve Fund			$ 1,093	$ 81,619	$ 81,619	$ 81,619	$ 81,619	$ 81,619	$ 81,619	$ 81,619	$ 81,619	81,619
Total Expenses	$ 567,920	$ 257,934	$ 261,134	$ 1,177,059	$ 1,291,154	$ 1,305,704	$ 1,320,830	$ 1,335,592	$ 1,350,889	$ 1,366,702	$ 1,383,101	$ 1,400,111
	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Debt Coverage Ratio			95.23	1.64	1.43	1.60	1.80	1.69	1.84	2.00	2.17	2.36
Margins after Reserve Set Aside		$ 914,991	$ 1,029,083	$ 437,180	$ 270,009	$ 411,574	$ 568,177	$ 480,739	$ 601,667	$ 732,296	$ 873,321	$ 1,025,543
Cash On Hand												
Reserve Account												
Debt Service Reserve Fund Account Interest Earned			$ 808	$ 855	$ 2,917	$ 5,030	$ 7,196	$ 9,417	$ 11,693	$ 14,026	$ 16,417	$ 18,868
Debt Service Reserve Fund Account	$ 32,300	$ 32,300	$ 34,201	$ 116,675	$ 201,210	$ 287,860	$ 376,675	$ 467,711	$ 561,022	$ 656,667	$ 754,703	$ 855,189
Combined Assets												
Growth Restricted & Unrestricted Assets Interest Earned			$ 43,100	$ 69,905	$ 82,582	$ 91,397	$ 103,971	$ 120,775	$ 135,813	$ 154,250	$ 176,413	$ 202,657
Growth Restricted & Unrestricted Assets	$ 809,027	$ 1,724,018	$ 2,796,201	$ 3,303,286	$ 3,655,877	$ 4,158,848	$ 4,830,997	$ 5,432,511	$ 6,169,992	$ 7,056,536	$ 8,106,271	$ 9,334,471
Cash from Savings				$ (295,000)								
Total Cash On Hand	$ 809,027	$ 1,756,318	$ 2,830,402	$ 3,124,961	$ 3,857,088	$ 4,446,708	$ 5,207,672	$ 5,900,222	$ 6,731,013	$ 7,713,203	$ 8,860,973	$ 10,189,660

	13	14	15	16	17	18	19	20	21	22	23	24
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Perry City - Yearly Growth Rate Commercial	7.50%	5.00%	5.00%	5.00%	5.00%	5.00%	4.00%	4.00%	4.00%	3.00%	3.00%	2.00%
Perry City - Yearly Growth Rate Residential	7.50%	5.00%	5.00%	5.00%	5.00%	5.00%	4.00%	4.00%	4.00%	3.00%	3.00%	2.00%
Willard City - Yearly Growth Rate Commercial	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Willard City - Yearly Growth Rate Residential	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%	5.00%
Indexed Inflation Multiplier	1.426	1.469	1.513	1.558	1.605	1.653	1.702	1.754	1.806	1.860	1.916	1.974
General Information												
Perry City												
Perry City - Sewer Connections- Residential	3070	3300	3465	3638	3820	4011	4212	4380	4555	4738	4880	5026
Perry City - Sewer ERUs- Commercial	178	191	201	211	222	233	244	254	264	275	283	291
Perry City - New Connections - Residential	230	165	173	182	191	201	168	175	182	142	146	101
Perry City - New ERUs- Commercial	13	10	10	11	11	12	10	10	11	8	8	6
Perry City - Total Number of New ERUs	244	176	183	192	202	212	178	185	193	150	155	106
Perry City - Total Number of ERUs	3491	3666	3849	4042	4244	4456	4634	4820	5012	5163	5318	5424
Willard City												
Willard City - Residential Connections	996	1046	1098	1153	1211	1272	1336	1403	1473	1547	1624	1705
Willard City - Commercial Connections ERUs	138	145	152	160	168	176	185	194	204	214	225	236
Willard City - City - New Connections - Residential	47	50	52	55	58	61	64	67	70	74	77	81
Willard City - City - New Connections- Commercial	7	7	7	8	8	8	9	9	10	10	11	11
Willard City - City - Total Number of New Connections	54	57	59	63	66	69	73	76	80	84	88	92
Willard City - City - Total Number of Connections	1134	1191	1250	1313	1379	1448	1521	1597	1677	1761	1849	1941
Perry Percentage of ERU's	75%	75%	75%	75%	75%	75%	75%	75%	75%	75%	74%	74%
Flowrates												
Perry City - Wastewater Flowrate - Gallons	1,124,226	1,180,437	1,239,459	1,301,432	1,366,504	1,434,829	1,492,222	1,551,911	1,613,988	1,662,407	1,712,279	1,746,525
Perry City - Wastewater Flowrate - MGD	1.124	1.180	1.239	1.301	1.367	1.435	1.492	1.552	1.614	1.662	1.712	1.747
Willard City - Wastewater Flowrate - Gallons	355,396	373,259	391,750	411,494	432,179	453,803	476,681	500,500	525,572	551,897	579,477	608,309
Willard City - Wastewater Flowrate - MGD	0.355	0.373	0.392	0.411	0.432	0.454	0.477	0.500	0.526	0.552	0.579	0.608
Combinded Wastewater Flowrate - Gallons	1,479,622	1,553,697	1,631,209	1,712,926	1,798,682	1,888,632	1,968,904	2,052,411	2,139,559	2,214,305	2,291,756	2,354,834
Combinded Wastewater Flowrate - MGD	1.480	1.554	1.631	1.713	1.799	1.889	1.969	2.052	2.140	2.214	2.292	2.355
Total Plant O&M												
Personnel	$ 78,286	$ 80,635	$ 83,054	$ 85,546	$ 88,112	$ 90,755	$ 93,478	$ 96,282	$ 99,171	$ 102,146	$ 105,210	$ 108,367
Vehicle	$ 26,095	$ 26,878	$ 27,685	$ 28,515	$ 29,371	$ 30,252	$ 31,159	$ 32,094	$ 33,057	$ 34,049	$ 35,070	$ 36,122
Treatment Plant Electrical	$ 102,388	$ 107,507	$ 112,882	$ 118,527	$ 124,453	$ 130,675	$ 137,209	$ 144,070	$ 151,273	$ 158,837	$ 166,779	$ 175,118
Treatment Plant Misc. Parts & Supplies	$ 9,133	$ 9,407	$ 9,690	$ 9,980	$ 10,280	$ 10,588	$ 10,906	$ 11,233	$ 11,570	$ 11,917	$ 12,275	$ 12,643
Lab Work	$ 6,524	$ 6,720	$ 6,921	$ 7,129	$ 7,343	$ 7,563	$ 7,790	$ 8,024	$ 8,264	$ 8,512	$ 8,768	$ 9,031
New Equipment Purchase	$ 6,524	$ 6,720	$ 6,921	$ 7,129	$ 7,343	$ 7,563	$ 7,790	$ 8,024	$ 8,264	$ 8,512	$ 8,768	$ 9,031
Disposal	$ 16,310	$ 16,799	$ 17,303	$ 17,822	$ 18,357	$ 18,907	$ 19,475	$ 20,059	$ 20,661	$ 21,280	$ 21,919	$ 22,576
Revenues												
Perry City												
Residential	$ 1,399,815	$ 1,504,801	$ 1,580,041	$ 1,659,043	$ 1,741,995	$ 1,829,095	$ 1,920,549	$ 1,997,371	$ 2,077,266	$ 2,160,357	$ 2,225,168	$ 2,291,923
Commercial	$ 81,182	$ 87,271	$ 91,635	$ 96,216	$ 101,027	$ 106,078	$ 111,382	$ 115,838	$ 120,471	$ 125,290	$ 129,049	$ 132,920
Residential Hook-up Fee	$ 5,756	$ 4,125	$ 4,331	$ 4,548	$ 4,775	$ 5,014	$ 4,212	$ 4,380	$ 4,555	$ 3,553	$ 3,660	$ 2,513
Commercial Hook-up Fee	$ 334	$ 239	$ 251	$ 264	$ 277	$ 291	$ 244	$ 254	$ 264	$ 206	$ 212	$ 146
Residential Impact Fee	$ 1,059,070	$ 759,000	$ 796,950	$ 836,798	$ 878,638	$ 922,570	$ 774,959	$ 805,957	$ 838,195	$ 653,792	$ 673,406	$ 462,405
Commercial Impact Fee	$ 61,421	$ 44,018	$ 46,219	$ 48,530	$ 50,957	$ 53,504	$ 44,944	$ 46,741	$ 48,611	$ 37,917	$ 39,054	$ 26,817
Misc., Interest, Equity Investment												
Cash from Savings												
Total Revenues	$ 2,607,578	$ 2,399,456	$ 2,519,427	$ 2,645,399	$ 2,777,669	$ 2,916,552	$ 2,856,290	$ 2,970,542	$ 3,089,363	$ 2,981,115	$ 3,070,549	$ 2,916,724
Expenses												
Wastewater Budget												
Permanent Employees	$ 51,319	$ 52,858	$ 54,444	$ 56,077	$ 57,760	$ 59,493	$ 61,277	$ 63,116	$ 65,009	$ 66,959	$ 68,968	$ 71,037
Temporary Employees	$ 19,760	$ 20,352	$ 20,963	$ 21,592	$ 22,240	$ 22,907	$ 23,594	$ 24,302	$ 25,031	$ 25,782	$ 26,555	$ 27,352
Employee Benefits	$ 21,972	$ 22,632	$ 23,311	$ 24,010	$ 24,730	$ 25,472	$ 26,236	$ 27,023	$ 27,834	$ 28,669	$ 29,529	$ 30,415
Office Expense	$ 14,258	$ 14,685	$ 15,126	$ 15,580	$ 16,047	$ 16,528	$ 17,024	$ 17,535	$ 18,061	$ 18,603	$ 19,161	$ 19,736
Equipment Purchases	$ 24,238	$ 24,965	$ 25,714	$ 26,485	$ 27,280	$ 28,098	$ 28,941	$ 29,810	$ 30,704	$ 31,625	$ 32,574	$ 33,551
Building Grounds and Maintenance	$ 2,852	$ 2,937	$ 3,025	$ 3,116	$ 3,209	$ 3,306	$ 3,405	$ 3,507	$ 3,612	$ 3,721	$ 3,832	$ 3,947
Utilities & Phone	$ 7,129	$ 7,343	$ 7,563	$ 7,790	$ 8,024	$ 8,264	$ 8,512	$ 8,768	$ 9,031	$ 9,301	$ 9,581	$ 9,868
Misc. Supplies	$ 713	$ 734	$ 756	$ 779	$ 802	$ 826	$ 851	$ 877	$ 903	$ 930	$ 958	$ 987
Maintenance Contract	$ 21,386	$ 22,028	$ 22,689	$ 23,370	$ 24,071	$ 24,793	$ 25,536	$ 26,303	$ 27,092	$ 27,904	$ 28,742	$ 29,604
Professiona & Technical	$ 21,386	$ 22,028	$ 22,689	$ 23,370	$ 24,071	$ 24,793	$ 25,536	$ 26,303	$ 27,092	$ 27,904	$ 28,742	$ 29,604
Miscellaneous Service	$ 713	$ 734	$ 756	$ 779	$ 802	$ 826	$ 851	$ 877	$ 903	$ 930	$ 958	$ 987
Capital Improvement Projects	$ 69,212	$ 71,288	$ 73,427	$ 75,629	$ 77,898	$ 80,235	$ 82,642	$ 85,122	$ 87,675	$ 90,306	$ 93,015	$ 95,805
Depreciation Sewer	$ 65,585	$ 67,553	$ 69,579	$ 71,667	$ 73,816	$ 76,031	$ 78,312	$ 80,661	$ 83,081	$ 85,574	$ 88,141	$ 90,785
Fleet Expenses	$ 14,258	$ 14,685	$ 15,126	$ 15,580	$ 16,047	$ 16,528	$ 17,024	$ 17,535	$ 18,061	$ 18,603	$ 19,161	$ 19,736
Treatment Plant O&M (STM Aerotor)												
Personnel	$ 59,093	$ 60,862	$ 62,695	$ 64,569	$ 66,502	$ 68,497	$ 70,379	$ 72,319	$ 74,309	$ 76,166	$ 78,066	$ 79,807
Vehicle	$ 19,698	$ 20,287	$ 20,898	$ 21,523	$ 22,167	$ 22,832	$ 23,460	$ 24,106	$ 24,770	$ 25,389	$ 26,022	$ 26,602
Treatment Plant Electrical	$ 77,285	$ 81,145	$ 85,211	$ 89,463	$ 93,931	$ 98,626	$ 103,304	$ 108,213	$ 113,350	$ 118,438	$ 123,750	$ 128,966
Treatment Plant Misc. Parts & Supplies	$ 6,894	$ 7,101	$ 7,314	$ 7,533	$ 7,759	$ 7,991	$ 8,211	$ 8,437	$ 8,669	$ 8,886	$ 9,108	$ 9,311
Lab Work	$ 4,924	$ 5,072	$ 5,225	$ 5,381	$ 5,542	$ 5,708	$ 5,865	$ 6,027	$ 6,192	$ 6,347	$ 6,505	$ 6,651
New Equipment Purchase	$ 4,924	$ 5,072	$ 5,225	$ 5,381	$ 5,542	$ 5,708	$ 5,865	$ 6,027	$ 6,192	$ 6,347	$ 6,505	$ 6,651
Disposal	$ 12,311	$ 12,680	$ 13,061	$ 13,452	$ 13,855	$ 14,270	$ 14,662	$ 15,066	$ 15,481	$ 15,868	$ 16,264	$ 16,627
Subtotal Expenses	$ 519,910	$ 537,041	$ 554,797	$ 573,128	$ 592,095	$ 611,795	$ 631,490	$ 651,932	$ 673,053	$ 694,252	$ 716,136	$ 738,028
Debt Service												
Bond 1 Date Issued Jan. 1, 1972	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
STM Plant	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889	$ 562,889
30" Trunk	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758	$ 147,758
Collection System Upgrades	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542	$ 105,542
	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Subtotal Debt Service Expenses	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189	$ 816,189
Debt Service Reserve Fund												
Total Expenses	$ 1,336,099	$ 1,353,230	$ 1,370,986	$ 1,389,314	$ 1,408,284	$ 1,427,924	$ 1,447,678	$ 1,468,121	$ 1,489,242	$ 1,510,441	$ 1,532,325	$ 1,554,217
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Debt Coverage Ratio	2.66	2.28	2.41	2.54	2.68	2.82	2.73	2.84	2.96	2.80		
Margins after Reserve Set Aside	$ 1,271,479	$ 1,046,226	$ 1,148,442	$ 1,256,084	$ 1,369,385	$ 1,488,629	$ 1,408,611	$ 1,502,421	$ 1,600,122	$ 1,470,674	$ 1,538,224	$ 1,362,507
Cash On Hand												
Reserve Account												
Debt Service Reserve Fund Account Interest Earned	$ 21,380	$ 21,914	$ 22,462	$ 23,024	$ 23,599	$ 24,189	$ 24,794	$ 25,414	$ 26,049	$ 26,700	$ 27,368	$ 28,052
Debt Service Reserve Fund Account	$ 876,569	$ 898,483	$ 920,945	$ 943,969	$ 967,568	$ 991,757	$ 1,016,551	$ 1,041,965	$ 1,068,014	$ 1,094,714	$ 1,122,082	$ 1,150,134
Combined Assets												
Growth Restricted & Unrestricted Assets Interest Earned	$ 233,362	$ 270,983	$ 303,913	$ 340,222	$ 380,130	$ 423,867	$ 471,680	$ 518,687	$ 569,215	$ 623,448	$ 675,801	$ 731,152
Growth Restricted & Unrestricted Assets	$ 10,839,311	$ 12,156,519	$ 13,608,874	$ 15,205,180	$ 16,954,694	$ 18,867,190	$ 20,747,481	$ 22,768,589	$ 24,937,926	$ 27,032,047	$ 29,246,072	$ 31,339,732
Cash from Savings												
Total Cash On Hand	$ 11,715,880	$ 13,055,002	$ 14,529,819	$ 16,149,149	$ 17,922,262	$ 19,858,947	$ 21,764,032	$ 23,810,654	$ 26,005,939	$ 28,126,762	$ 30,368,156	$ 32,489,866

APPENDIX F

Opinion of Probable Cost Exhibits

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

Opinion of Probable Costs

SUNRISE ENGINEERING

Project: Perry City Wastewater
Capital Facilities Plan
Alternative 1-4: Perry Collection System Upgrades

Project No: 2403
Date: 7-Mar-07
By: SLA
Exhibit: 4.7

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	$ 56,000.00	$ 56,000
2	Sub surface Investigation	24	Hrs	$ 200.00	$ 4,800
3	Traffic Control	1	L.S.	$ 10,000.00	$ 10,000
4	60" Manhole (Precast Concrete)	13	Each	$ 3,000.00	$ 39,000
5	30" Gravity Sewer Pipe (PVC SDR 35ASTM)	5,600	Ln. Ft.	$ 60.00	$ 336,000
6	Pumping Wet Trench Conditions	5,600	Ln. Ft.	$ 8.00	$ 44,800
7	Clay Cut-Off Walls	13	Each	$ 250.00	$ 3,250
8	Geotechnical Fabric	3,500	Sq. Yds	$ 1.50	$ 5,250
9	Imported Pipe Bedding	3,800	Cu. Yds.	$ 20.00	$ 76,000
10	Imported Pit Run Borrow	3,500	Cu. Yds.	$ 15.00	$ 52,500
11	Untreated Base Course	600	Cu. Yds.	$ 22.00	$ 13,200
12	Property Restoration	20,000	Sq. Yds	$ 1.00	$ 20,000
13	Soil Proctor and Compaction Testing	1	L.S.	$ 10,000.00	$ 10,000
14	Boring and Jacking Railroad & Highway	300	Ln. Ft.	$ 350.00	$ 105,000
15	**CONSTRUCTION SUBTOTAL**				**$ 775,800**
16	Contingencey (30%)	1	L.S.	$ 233,000	$ 233,000
17	**CONSTRUCTION TOTAL**				**$ 1,008,800**
PROFESSIONAL SERVICES & MISC. PROJECT COSTS					
18	Engineering Design	1	L.S.	$ 76,000	$ 76,000
19	Construction Management	1	L.S.	$ 101,000	$ 101,000
20	Additional Engineering Services	1	L.S.	$ 21,000	$ 21,000
39	Aerial Photography GIS Mapping & Yearly Maintenance	1	L.S.	$ 200,000	$ 200,000
21	Attorney Fees (Bonds, Legal, Misc.)	1	L.S.	$ 21,000	$ 21,000
40	Crop Loss	1	L.S.	$ 25,000	$ 25,000
41	Easements	1	L.S.	$ 11,000	$ 11,000
42	DWQ Administration	1	L.S.	$ 5,200	$ 5,200
43	Inflation Increase	1	L.S.	$ 31,000	$ 31,000
44					**$ 1,500,000**

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

Opinion of Probable Costs

Project:	Perry City Wastewater	Project No:	2403
	Capital Facilities Plan	Date:	7-Mar-07
Alternative 4:	30" Trunk Line from	By:	SLA
	Perry to Willard	Exhibit:	4.8

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	$ 55,000.00	$ 55,000
2	Sub surface Investigation	30	Hrs	$ 200.00	$ 6,000
3	Traffic Control	1	L.S.	$ 15,000.00	$ 15,000
4	30" Gravity Sewer Pipe (PVC SDR 35ASTM)	11,000	Ln. Ft.	$ 60.00	$ 660,000
5	Pumping Wet Trench Conditions	11,000	Ln. Ft.	$ 8.00	$ 88,000
6	48" Manhholes	34	Each	$ 3,000.00	$ 102,000
7	Clay Cut-Off Walls	30	Each	$ 250.00	$ 7,500
8	Geotechnical Fabric	8,000	Sq. Yds	$ 1.50	$ 12,000
9	Imported Pipe Bedding	5,200	Cu. Yds.	$ 20.00	$ 104,000
10	Imported Pit Run Borrow	2,800	Cu. Yds.	$ 15.00	$ 42,000
11	Untreated Base Course	4,500	Cu. Yds.	$ 22.00	$ 99,000
12	Property Restoration	25,000	Sq. Yds	$ 1.00	$ 25,000
13	Soil Proctor and Compaction Testing	1	L.S.	$ 10,000.00	$ 10,000
14	**CONSTRUCTION SUBTOTAL**				**$ 1,225,500**
15	Contingencey (30%)	1	L.S.	$ 368,000	$ 368,000
16	**CONSTRUCTION TOTAL**				**$ 1,593,500**
PROFESSIONAL SERVICES & MISC. PROJECT COSTS					
17	Engineering Design	1	L.S.	$ 120,000	$ 120,000
18	Construction Management	1	L.S.	$ 160,000	$ 160,000
19	Additional Engineering Services	1	L.S.	$ 32,000	$ 32,000
20	Attorney Fees (Bonds, Legal, Misc.)	1	L.S.	$ 32,000	$ 32,000
21	Easements	1	L.S.	$ 60,000	$ 60,000
22	Crop Loss	1	L.S.	$ 40,000	$ 40,000
23	DWQ Administration	1	L.S.	$ 14,500	$ 14,500
24	Inflation Increase	1	L.S.	$ 48,000	$ 48,000
25					**$ 2,100,000**

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

Opinion of Probable Costs

SUNRISE ENGINEERING

Project:	Perry City Wastewater	Project No:	2403
	Capital Facilities Plan	Date:	7-Mar-07
Alternative 1:	Regionalization with Brigham City	By:	SLA
		Exhibit:	4.9

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	$ 75,500.00	$ 75,500
2	Sub surface Investigation	10	Hrs	$ 200.00	$ 2,000
3	Traffic Control	1	L.S.	$ 10,000.00	$ 10,000
	Subtotal				**$ 87,500**
LIFT STATION					
4	Site Earthwork and Excavation	1	L.S.	$ 25,000.00	$ 25,000.00
5	Site Dewatering	1	L.S.	$ 30,000.00	$ 30,000.00
6	Wet Well	1	L.S.	$ 85,000.00	$ 85,000.00
7	Biological Odor Control System	1	L.S.	$ 22,000.00	$ 22,000.00
8	Building and Misc. Equipment, Materials and Supplies	1	L.S.	$ 200,000.00	$ 200,000.00
9	Triplex Pump System (Pumps, Rails, MCC etc.)	1	L.S.	$ 60,000.00	$ 60,000.00
10	Pump Plumbing (Labor, Materials and Supplies)	1	L.S.	$ 55,000.00	$ 55,000.00
11	Electrical Work (Wiring, Conduits Lighting, Equipment etc.)	1	L.S.	$ 60,000.00	$ 60,000.00
12	Standby Generator, Connection, Transfer Switch	1	L.S.	$ 80,500.00	$ 80,500.00
13	Power to Site	2,500	L.S.	$ 25.00	$ 62,500.00
14	**SUBTOTAL**				**$ 680,000.00**
FORCE MAIN					
15	Pumping in Wet Trench Conditions	16,000	Ln. Ft.	$ 10.00	$ 160,000.00
16	16" PVC Pipe and Fittings (150 psi)	16,000	Ln. Ft.	$ 35.00	$ 560,000.00
17	Imported Pipe Bedding (Sand or Drain Gravel)	5,000	Cu. Yds.	$ 10.00	$ 50,000.00
18	Imported Pit Run Borrow	500	Cu. Yds.	$ 8.00	$ 4,000.00
19	Air/Vac Assemblies	4	L.S.	$ 3,500.00	$ 14,000.00
20	Untreated Base Course	300	Cu. Yds.	$ 10.00	$ 3,000.00
21	Bituminous Surface Course	200	Cu. Yds.	$ 80.00	$ 16,000.00
22	Bituminous Pavement Sawing	1000	Ln. Ft.	$ 1.00	$ 1,000.00
23	Line Tie-Ins Beginning and end of the line)	2	Each	$ 3,500.00	$ 7,000.00
24	Boring and Jacking I-15, HWY 89, or Rail Road	250	Ln. Ft.	$ 350.00	$ 87,500.00
25	Soil Proctor and Compaction Testing	1	L.S.	$ 5,000.00	$ 5,000.00
26	**SUBTOTAL**				**$ 907,500.00**
27	**CONSTRUCTION SUBTOTAL**				**$ 1,675,000**
28	Contingencey (30%)	1	L.S.	$ 500,000	$ 500,000
29	**CONSTRUCTION TOTAL**				**$ 2,175,000**
PROFESSIONAL SERVICES & MISC. PROJECT COSTS					
30	Engineering Design	1	L.S.	$ 166,000	$ 166,000
31	Construction Management	1	L.S.	$ 218,000	$ 218,000
32	Additional Engineering Services	1	L.S.	$ 44,000	$ 44,000
33	Attorney Fees (Bonds, Legal, Misc.)	1	L.S.	$ 44,000	$ 44,000
34	Land Acquisition	1	L.S.	$ 100,000	$ 100,000
35	DWQ Administration	1	L.S.	$ 19,000	$ 19,000
36	Inflation Increase	1	L.S.	$ 66,000	$ 66,000
37					**$ 2,832,000**

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

Opinion of Probable Costs

Project:	Perry City Wastewater	Project No:	2403
	Capital Facilities Plan	Date:	7-Mar-07
Alternative 2:	2.0 MGD STM Aerotor	By:	SLA
	Treatment Plant	Exhibit:	4.10

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	$ 419,000	$ 419,000
2	Sub surface Investigation	50	Hrs	$ 200	$ 10,000
3	Traffic Control	1	L.S.	$ 15,000	$ 15,000
	Subtotal				**$ 444,000**
STM AEROTOR TREATMENT					
4	Clearing & Grubbing	1	L.S.	$ 15,000	$ 15,000
5	Excavation	1	L.S.	$ 30,000	$ 30,000
6	Site Dewatering	1	L.S.	$ 60,000	$ 60,000
7	Foundation Work	1	L.S.	$ 150,000	$ 150,000
8	Yard Piping	1	L.S.	$ 125,000	$ 125,000
9	Influent Meter	1	L.S.	$ 30,000	$ 30,000
10	Headworks Grit Chamber & Screen Equipment	1	L.S.	$ 500,000	$ 500,000
11	Lift Station	1	L.S.	$ 850,000	$ 850,000
12	Concrete Basins for STM Aerotors	650	Cu. Yds.	$ 700	$ 455,000
13	STM Aerotor Equipment	2	Each	$ 600,000	$ 1,200,000
14	STM Aerotor Equipment Installation	2	Each	$ 180,000	$ 360,000
15	Concrete Clarifier Basins (2 Basin 50' Dia. Each)	550	Cu. Yds.	$ 700	$ 385,000
16	Clarifier Equipment	1	Each	$ 275,000	$ 275,000
17	Clarifier Equipment Installation	1	Each	$ 125,000	$ 125,000
18	Sludge Containment Basin	300	Cu. Yds.	$ 700	$ 210,000
19	Sludge Mixers and Aeoration Equipment	1	Each	$ 50,000	$ 50,000
20	Dewatering Equipment	1	L.S.	$ 250,000	$ 250,000
21	Dewatering Equipment Installation	1	L.S.	$ 75,000	$ 75,000
22	Disinfection Structure	1	L.S.	$ 200,000	$ 200,000
23	Disinfection Equipment	1	L.S.	$ 200,000	$ 200,000
24	Effluent Meter Facility	1	L.S.	$ 50,000	$ 50,000
25	RAS Meter & Valving	1	L.S.	$ 20,000	$ 20,000
26	WAS Meter & Valving	1	L.S.	$ 20,000	$ 20,000
27	Building (Office, Lab, Electrical, Dewatering etc.)	1	L.S.	$ 600,000	$ 600,000
28	Site Work & Landscaping	1	L.S.	$ 100,000	$ 100,000
29	SCADA Control System	1	L.S.	$ 60,000	$ 60,000
30	Electrical	1	L.S.	$ 200,000	$ 200,000
31	Generator	1	L.S.	$ 200,000	$ 200,000
32	**Subtotal**				**$ 6,795,000**
33	**CONSTRUCTION SUBTOTAL**				**$ 7,239,000**
34	Contingencey (30%)	1	L.S.	$ 2,180,000	$ 2,180,000
35	**CONSTRUCTION TOTAL**				**$ 9,419,000**
PROFESSIONAL SERVICES & MISC. PROJECT COSTS					
36	Engineering Design	1	L.S.	$ 566,000	$ 566,000
37	Construction Management	1	L.S.	$ 1,037,000	$ 1,037,000
38	Additional Engineering Services	1	L.S.	$ 283,000	$ 283,000
39	Attorney Fees (Bonds, Legal, Misc.)	1	L.S.	$ 189,000	$ 189,000
40	Land Acquisition	1	L.S.	$ 100,000	$ 100,000
41	DWQ Administration	1	L.S.	$ 29,000	$ 29,000
42	Inflation Increase	1	L.S.	$ 377,000	$ 377,000
43					**$ 12,000,000**

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

Opinion of Probable Costs

Project: Perry City Wastewater
Capital Facilities Plan

Alternative 3: 2.0 MGD SBR Treatment Plant

Project No: 2403
Date: 7-Mar-07
By: SLA
Exhibit: 4.11

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	$ 421,000	$ 421,000
2	Sub surface Investigation	50	Hrs	$ 200	$ 10,000
3	Traffic Control	1	L.S.	$ 15,000	$ 15,000
	Subtotal				**$ 446,000**
SBR TREATMENT PLANT					
4	Clearing & Grubbing	1	L.S.	$ 15,000	$ 15,000
5	Excavation	1	L.S.	$ 50,000	$ 50,000
6	Site Dewatering	1	L.S.	$ 60,000	$ 60,000
7	Foundation Work	1	L.S.	$ 150,000	$ 150,000
8	Yard Piping	1	L.S.	$ 125,000	$ 125,000
9	Influent Meter	1	L.S.	$ 30,000	$ 30,000
10	Headworks Grit Chamber & Screen Equipment	1	L.S.	$ 500,000	$ 500,000
11	Lift Station	1	L.S.	$ 850,000	$ 850,000
12	Concrete Basins for SBR	1,300	Cu. Yds.	$ 700	$ 910,000
13	SBR Equipment	2	Each	$ 800,000	$ 1,600,000
14	SBR Equipment Installation	2	Each	$ 250,000	$ 500,000
15	Sludge Containment Basin	300	Cu. Yds.	$ 700	$ 210,000
16	Sludge Mixers and Aeoration Equipment	1	Each	$ 50,000	$ 50,000
17	Dewatering Equipment	1	L.S.	$ 350,000	$ 350,000
18	Dewatering Equipment Installation	1	L.S.	$ 75,000	$ 75,000
19	Effluent Equilization Basin (300,000 gal.)	1	Each	$ 400,000	$ 400,000
20	Disinfection Structure	1	L.S.	$ 200,000	$ 200,000
21	Disinfection Equipment	1	L.S.	$ 200,000	$ 200,000
22	Effluent Meter Facility	1	L.S.	$ 50,000	$ 50,000
23	WAS Meter & Valving	1	L.S.	$ 20,000	$ 20,000
24	Building (Office, Lab, Electrical, Dewatering etc.)	1	L.S.	$ 600,000	$ 600,000
25	Site Work & Landscaping	1	L.S.	$ 100,000	$ 100,000
26	SCADA Control System	1	L.S.	$ 60,000	$ 60,000
27	Electrical	1	L.S.	$ 250,000	$ 250,000
28	Generator	1	L.S.	$ 200,000	$ 200,000
29	**Subtotal**				**$ 7,555,000**
30	**CONSTRUCTION SUBTOTAL**				**$ 8,001,000**
31	Contingencey (30%)	1	L.S.	$ 2,410,000	$ 2,410,000
32	**CONSTRUCTION TOTAL**				**$ 10,411,000**
PROFESSIONAL SERVICES & MISC. PROJECT COSTS					
33	Engineering Design	1	L.S.	$ 677,000	$ 677,000
34	Construction Management	1	L.S.	$ 1,146,000	$ 1,146,000
35	Additional Engineering Services	1	L.S.	$ 313,000	$ 313,000
36	Attorney Fees (Bonds, Legal, Misc.)	1	L.S.	$ 209,000	$ 209,000
37	Land Acquisition	1	L.S.	$ 100,000	$ 100,000
38	DWQ Administration	1	L.S.	$ 29,000	$ 29,000
39	Inflation Increase	1	L.S.	$ 417,000	$ 417,000
40					**$ 13,302,000**

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

Opinion of Probable Costs

Project:	Perry City Wastewater	Project No:	2403
	Capital Facilities Plan	Date:	7-Mar-07
Alternative 4:	Join with Willard to Build	By:	SLA
	2.0 MGD STM Aerotor	Exhibit:	4.12
	Treatment Plant		

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	LS	$ 419,000	$ 419,000
2	Sub surface Investigation	50	Hrs	$ 200	$ 10,000
3	Traffic Control	1	L.S.	$ 15,000	$ 15,000
	Subtotal				**$ 444,000**
STM AEROTOR TREATMENT					
4	Clearing & Grubbing	1	L.S.	$ 15,000	$ 15,000
5	Excavation	1	L.S.	$ 30,000	$ 30,000
6	Site Dewatering	1	L.S.	$ 60,000	$ 60,000
7	Foundation Work	1	L.S.	$ 150,000	$ 150,000
8	Yard Piping	1	L.S.	$ 125,000	$ 125,000
9	Influent Meter	1	L.S.	$ 30,000	$ 30,000
10	Headworks Grit Chamber & Screen Equipment	1	L.S.	$ 500,000	$ 500,000
11	Lift Station	1	L.S.	$ 850,000	$ 850,000
12	Concrete Basins for STM Aerotors	650	Cu. Yds.	$ 700	$ 455,000
13	STM Aerotor Equipment	2	Each	$ 600,000	$ 1,200,000
14	STM Aerotor Equipment Installation	2	Each	$ 180,000	$ 360,000
15	Concrete Clarifier Basins (2 Basin 50' Dia. Each)	550	Cu. Yds.	$ 700	$ 385,000
16	Clarifier Equipment	1	Each	$ 275,000	$ 275,000
17	Clarifier Equipment Installation	1	Each	$ 125,000	$ 125,000
18	Sludge Containment Basin	300	Cu. Yds.	$ 700	$ 210,000
19	Sludge Mixers and Aeoration Equipment	1	Each	$ 50,000	$ 50,000
20	Dewatering Equipment	1	L.S.	$ 250,000	$ 250,000
21	Dewatering Equipment Installation	1	L.S.	$ 75,000	$ 75,000
22	Disinfection Structure	1	L.S.	$ 200,000	$ 200,000
23	Disinfection Equipment	1	L.S.	$ 200,000	$ 200,000
24	Effluent Meter Facility	1	L.S.	$ 50,000	$ 50,000
25	RAS Meter & Valving	1	L.S.	$ 20,000	$ 20,000
26	WAS Meter & Valving	1	L.S.	$ 20,000	$ 20,000
27	Building (Office, Lab, Electrical, Dewatering etc.)	1	L.S.	$ 600,000	$ 600,000
28	Site Work & Landscaping	1	L.S.	$ 100,000	$ 100,000
29	SCADA Control System	1	L.S.	$ 60,000	$ 60,000
30	Electrical	1	L.S.	$ 200,000	$ 200,000
31	Generator	1	L.S.	$ 200,000	$ 200,000
32	**Subtotal**				**$ 6,795,000**
33	**CONSTRUCTION SUBTOTAL**				**$ 7,239,000**
34	Contingencey (30%)	1	L.S.	$ 2,180,000	$ 2,180,000
35	**CONSTRUCTION TOTAL**				**$ 9,419,000**
PROFESSIONAL SERVICES & MISC. PROJECT COSTS					
36	Engineering Design	1	L.S.	$ 566,000	$ 566,000
37	Construction Management	1	L.S.	$ 1,037,000	$ 1,037,000
38	Additional Engineering Services	1	L.S.	$ 283,000	$ 283,000
39	Attorney Fees (Bonds, Legal, Misc.)	1	L.S.	$ 189,000	$ 189,000
40	Land Acquisition	1	L.S.	$ 100,000	$ 100,000
41	DWQ Administration	1	L.S.	$ 29,000	$ 29,000
42	Inflation Increase	1	L.S.	$ 377,000	$ 377,000
43					**$ 12,000,000**

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

Opinion of Probable Costs

SUNRISE ENGINEERING

Project:	Perry City	Project No:	1676
	Wastewater Facilities Plan	Date:	6/8/2007
Alternative 2:	Future Collection System	By:	SLA
	Northwest Area	Exhibit:	4.13

ITEM NO.	ITEM	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Mobilization	1	L.S.	$ 102,000.00	$ 102,000.00
2	Pre Construction Photography	1	L.S.	$ 3,500.00	$ 3,500.00
3	Traffic Control	1	L.S.	$ 10,000.00	$ 10,000.00
4	**SUBTOTAL**				**$ 115,500.00**
COLLECTION					
5	8" Gravity Sewer Pipe (PVC SDR 35 ASTM)	3,700	Ln. Ft.	$ 25.00	$ 92,500.00
6	14" Gravity Sewer Pipe (PVC SDR 35 ASTM)	4,400	Ln. Ft.	$ 34.00	$ 149,600.00
7	16" Gravity Sewer Pipe (PVC SDR 35 ASTM)	4,000	Ln. Ft.	$ 38.00	$ 152,000.00
8	18" Gravity Sewer Pipe (PVC SDR 35 ASTM)	3,750	Ln. Ft.	$ 40.00	$ 150,000.00
9	Pumping in Wet Trench Conditions	16,000	Ln. Ft.	$ 8.00	$ 128,000.00
10	48" Manhole (Precast Concrete)	15	Each	$ 2,500.00	$ 37,500.00
11	60" Manhole (Precast Concrete)	35	Each	$ 3,000.00	$ 105,000.00
12	Manhole Drops	5	Each	$ 500.00	$ 2,500.00
13	Clay Cut-Off Wall	10	Each	$ 100.00	$ 1,000.00
14	Geotechnical Fabric	2,000	Sq. Yds.	$ 2.00	$ 4,000.00
15	Imported Pipe Bedding (Sand or Drain Gravel)	6,000	Cu. Yds.	$ 26.00	$ 156,000.00
16	Imported Pit Run Borrow	10,000	Cu. Yds.	$ 28.00	$ 280,000.00
17	Untreated Base Course	3,000	Cu. Yds.	$ 40.00	$ 120,000.00
18	Property Restoration	5,000	Sq. Yds.	$ 1.00	$ 5,000.00
19	Transport Existing Clay on Project Site	200	Cu. Yds.	$ 12.00	$ 2,400.00
20	Soil Proctor and Compaction Testing	1	L.S.	$ 10,000.00	$ 10,000.00
21	Boring and Jacking Railroad & Highway	100	Ln. Ft.	$ 400.00	$ 40,000.00
22	**SUBTOTAL**				**$ 1,440,000.00**
23	**CONSTRUCTION SUBTOTAL**				**$ 1,555,500.00**
24	Construction Contingency (15%)	1	L.S.	$ 470,000.00	**$ 470,000.00**
25	**CONSTRUCTION SUBTOTAL W/CONTINGENCY**				**$ 2,026,000.00**
PROFESSIONAL SERVICES & MISC. PROJECT COSTS					
26	Administrative Services & Pre-Design	1	L.S.	$ 60,780.00	$ 60,780.00
27	Engineering Detailed Design Collection System	1	L.S.	$ 141,820.00	$ 141,820.00
28	Quality Control & Construction Observation	1	L.S.	$ 202,600.00	$ 202,600.00
29	Additional Engineering Services	1	L.S.	$ 150,000.00	$ 150,000.00
30	Crop Loss	200	Tons	$ 80.00	$ 16,000.00
31	Attorney Fees (Legal & Bonding)	1	L.S.	$ 40,520.00	$ 40,520.00
32	DWQ Administration	1	L.S.	$ 10,130.00	$ 10,130.00
33	Inflation Increase	1	L.S.	$ 60,780.00	$ 60,780.00
34	**SUBTOTAL**				**$ 683,000.00**
35	**TOTAL PROJECT COST**				**$ 2,710,000.00**

APPENDIX G

Net Present Value

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

SUNRISE ENGINEERING

Engineers Preliminary Estimate

Alternative 1- Regionalization with Brigham City

Net Present Value

Design Parameters	
Inflation Rate	3.0%
TAC ($/month)	$6.07
Discount Rate	6.5%

Improvement Project	NPV
Lift Station and Force Main Captial Costs	$2,832,000
Collection Upgrades Capital Costs	$1,500,000
Brigham City TAC	$2,406,702
Brigham City O & M	$7,238,199
Lift Station O & M	$648,892
Total	$14,625,792

Year	Total ERC	TAC	TAC PV	Brigham O & M	Brigham O & M	Brigham O & M PV	Lift Station O & M	Lift Station O & M PV
	#	$/year	$	$/month	$/year	$	$/year	$
2007	1405	-	-	-	-	-	-	-
2008	1545	-	-	-	-	-	-	-
2009	1700	123,805	(116,249)	13.84	282,284	(265,055)	44000	(41,315)
2010	1870	136,186	(120,069)	14.26	319,828	(281,979)	45820	(40,398)
2011	2057	149,804	(124,015)	14.68	362,365	(299,983)	47720	(39,505)
2012	2262	164,785	(128,091)	15.12	410,559	(319,137)	49702	(38,635)
2013	2432	177,144	(129,294)	15.58	454,592	(331,798)	51772	(37,788)
2014	2614	190,429	(130,508)	16.04	503,347	(344,961)	53933	(36,962)
2015	2810	204,712	(131,733)	16.53	557,331	(358,646)	56189	(36,158)
2016	3021	220,065	(132,970)	17.02	617,105	(372,874)	58545	(35,375)
2017	3248	236,570	(134,219)	17.53	683,289	(387,666)	61005	(34,611)
2018	3491	254,313	(135,479)	18.06	756,572	(403,045)	63574	(33,867)
2019	3666	267,028	(133,571)	18.60	818,232	(409,290)	66257	(33,142)
2020	3849	280,380	(131,689)	19.16	884,918	(415,631)	69059	(32,436)
2021	4042	294,399	(129,835)	19.73	957,039	(422,070)	71986	(31,747)
2022	4244	309,118	(128,006)	20.32	1,035,038	(428,609)	75043	(31,075)
2023	4456	324,574	(126,203)	20.93	1,119,393	(435,250)	78237	(30,421)
2024	4634	337,557	(123,241)	21.56	1,199,094	(437,784)	81575	(29,783)
2025	4820	351,060	(120,348)	22.21	1,284,470	(440,332)	85061	(29,160)
2026	5012	365,102	(117,523)	22.88	1,375,924	(442,896)	88705	(28,553)
2027	5163	376,055	(113,660)	23.56	1,459,718	(441,191)	92512	(27,961)
Total		4,763,085	$2,406,702		$15,081,099	$7,238,199	$1,240,696	$648,892

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

SUNRISE ENGINEERING

Engineers Preliminary Estimate

Alternative 2- Build 2.0 MGD STM Aerotor Treatment Plant

Net Present Value

Design Parameters	
Inflation Rate	3.0%
Discount Rate	6.5%

Improvement Project	NPV
Collection Upgrades Capital Costs	$1,500,000
2.0 MGD STM Aerotor Plant	$12,000,000
Treatment Yearly O & M Costs	$2,356,783
Total	$15,856,783

Year	Total ERC	Perry Treatment O & M	PV	
	#	$/Year	$	
2007	1405	-	-	
2008	1545	0	0	
2009	1700	175,500	164,789	
2010	1870	180,765	159,373	
2011	2057	186,188	154,136	
2012	2262	191,774	149,070	
2013	2432	197,527	144,171	
2014	2614	203,453	139,433	
2015	2810	209,556	134,851	
2016	3021	215,843	130,419	
2017	3248	222,318	126,133	
2018	3491	228,988	121,988	
2019	3666	235,857	117,979	
2020	3849	242,933	114,101	
2021	4042	250,221	110,352	
2022	4244	257,728	106,725	
2023	4456	265,459	103,218	
2024	4634	273,423	99,826	
2025	4820	281,626	96,545	
2026	5012	290,075	93,372	
2027	5163	298,777	90,304	
	Total	$4,408,010	$2,356,783	

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

SUNRISE ENGINEERING

Engineers Preliminary Estimate

Alternative 3- Build 2.0 MGD SBR Treatment Plant

Net Present Value

Design Parameters	
Inflation Rate	3.0%
Discount Rate	6.5%

Improvement Project	NPV
Collection Upgrades Capital Costs	$1,500,000
2.0 MGD SBR Plant	$13,302,000
Treatment Yearly O & M Costs	$4,129,405
Total	$18,931,405

Year	Total ERC	Perry Treatment O & M	PV	
	#	$/Year	$	
2007	1405	-	-	
2008	1545	-	-	
2009	1700	307,500	288,732	
2010	1870	316,725	279,244	
2011	2057	326,227	270,067	
2012	2262	336,014	261,191	
2013	2432	346,094	252,607	
2014	2614	356,477	244,306	
2015	2810	367,171	236,277	
2016	3021	378,186	228,512	
2017	3248	389,532	221,002	
2018	3491	401,218	213,739	
2019	3666	413,254	206,715	
2020	3849	425,652	199,921	
2021	4042	438,421	193,351	
2022	4244	451,574	186,997	
2023	4456	465,121	180,852	
2024	4634	479,075	174,908	
2025	4820	493,447	169,160	
2026	5012	508,251	163,601	
2027	5163	523,498	158,224	
	Total	$7,723,437	$4,129,405	

SUNRISE ENGINEERING, INC.

CONSULTING ENGINEERS AND SURVEYORS

Engineers Preliminary Estimate

Alternative 4- Join with Willard and Build STM Aerotor Treatment Plant

Net Present Value

Design Parameters	
Inflation Rate	3.0%
Discount Rate	6.5%

Improvement Project		NPV
Collection Upgrades Capital Costs		$8,000,000
30" Trunk Line		$2,100,000
STM Aerotor		$1,500,000
Treatment Yearly O & M Costs		$1,976,951
	Total	$13,576,951

Year	Total ERC	Perry Treatment O & M	Perry O & M PV	
	#	$/Year	$	
2007	1405	-	-	
2008	1545	-	-	
2009	1700	122,670	122,670	
2010	1870	129,068	121,190	
2011	2057	135,690	119,632	
2012	2262	142,649	118,092	
2013	2432	149,000	115,821	
2014	2614	155,633	113,594	
2015	2810	162,523	111,383	
2016	3021	169,731	109,223	
2017	3248	177,274	107,114	
2018	3491	185,130	105,034	
2019	3666	192,218	102,399	
2020	3849	199,629	99,857	
2021	4042	207,303	97,366	
2022	4244	215,298	94,950	
2023	4456	223,633	92,607	
2024	4634	231,746	90,109	
2025	4820	240,195	87,694	
2026	5012	248,964	85,348	
2027	5163	257,441	82,868	
		Total	$1,976,951	

APPENDIX H

Bighorn Archaeological Consultants Report

Department of Community and Culture
PALMER DePAULIS
Executive Director

State History
PHILIP F. NOTARIANNI
Division Director

State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

February 7, 2007

Shelly Quick
Environmental Scientist
Division of Water Quality
288 North 1460 West
Salt Lake City, UT 84114-4870

RE: Willard and Perry Wastewater Project

In reply, please refer to Case No. 06-2081

Dear Ms. Quick:

The Utah State Historic Preservation Office received your request for comment on the above referenced project on February 7, 2007. We understand that you are working on behalf of a federal agency in this case.

We **concur** with your determination of **No Historic Properties Affected** for this project.

This letter serves as our comment on the determinations you have made on behalf of a federal agency, within the consultation process specified in §36CFR800.4. Additionally, Utah Code 9-8-404(1)(a) denotes that your agency is responsible for all final decisions regarding cultural resources for this undertaking. Our comments here are provided as specified in U.C.A. 9-8-404(3)(a)(i). If you have questions, please contact me at (801) 533-3555 or mseddon@utah.gov.

Sincerely,

Matthew T. Seddon, Ph.D., RPA
Deputy State Historic Preservation Officer – Archaeology

cc: Bighorn Archaeological Consultants, 1791 North 280 West, Orem, UT 84057

COVER PAGE
Must Accompany All Project Reports
Submitted to Utah SHPO

Project Name: A Cultural Resource Inventory for the Willard and Perry, Utah Wastewater Project, Box Elder County, Utah **State Proj. No.:** U06-HO-1801p,s

Report Date: January 2007 **County(ies):** Box Elder

Principal Investigator: Jon Baxter

Field Supervisor(s): Jon Baxter

Records search completed at what office(s)? Utah Division of State History

Record search date(s): 12/22/06

Area Surveyed – Intensive *(≤15 m intervals)*: 9.25 **acres** **Recon/Intuitive** *(>15 m intervals)*: _____ **acres**

7.5' Series USGS Map Reference(s): Willard

SITES REPORTED	COUNT / SMITHSONIAN SITE NUMBERS
Archaeological Sites	1
Revisits (no inventory form update)	0
Updates (updated IMACS site inventory form attached)	1 42BO822
New recordings (IMACS site inventory form attached)	0
Total Count of Archaeological Sites	1
Historic Structures (USHS 106 site info form attached)	0
Total National Register Eligible Sites	1

Checklist of Required Items, attached

1. X Copy of the final report
2. X Copy of 7.5' Series USGS map with surveyed/excavated area clearly identified
3. X Completed IMACS site inventory updated forms
   - __ Parts A and B or C
   - __ IMACS Encoding Form
   - __ Site Sketch Map
   - __ Photographs
   - __ Copy of the appropriate 7.5' Series USGS map with site location marked and Smithsonian site number clearly labeled
4. X Completed "Cover Page" accompanying final report and survey materials

For UDSH office use only

BIGHORN ARCHAEOLOGICAL CONSULTANTS, LLC
1791 NORTH 280 WEST
OREM, UTAH 84057
(801) 368-8091

Report Number 06-69

A Cultural Resource Inventory for the Willard and Perry, Utah Wastewater Project, Box Elder County, Utah

by

Jon R. Baxter

for

Sunrise Engineering
12227 South Business Park Drive, Suite 200
Draper, Utah 84020

Utah SHPO Project Authorization No.: U06-HO-1801p,s

January 2007

Abstract

At the request of Sunrise Engineering, Bighorn Archaeological Consultants, LLC, has completed a cultural resource inventory for the Willard and Perry, Utah waterline project, Box Elder County, Utah. The file search for the project revealed three previously recorded projects and one previously recorded archaeological site within ½ mile of the area of potential effect. The previously recorded site (42BO822) is the Historic Union Pacific Railroad grade that is listed on the National Register of Historic Places. Field inventory results included no new documented archaeological sites, however, site 42BO822 was updated. Although the historic site is on the National Register of Historic Places, the railroad will be bored and not disturbed during wastewater line construction.

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Project Description 1
Previous Research 1
Class I Results 1
Paleontological File Search 2
Inventory Methods 2
Inventory Results 3
Summary and Project Recommendations 3
References 4

Appendix A– Project Location Maps
Appendix B – Paleontological Results
Appendix C – Site Location Map

List of Tables

Table 1. Previous Cultural Resource Surveys within ½ Mile of the APE 2
Table 2. Previous Recorded Cultural Resource Sites within ½ Mile of the APE 2

Introduction

Bighorn Archaeological Consultants, LLC (Bighorn) has completed a cultural resource inventory for Willard and Perry, Utah waterline project located within Box Elder County, Utah. The project was undertaken at the request of Sunrise Engineering, Inc. in Draper, Utah. The field inventory was completed on 22 December 2006 by Jon R. Baxter under Utah State Project Authorization No: U06-HO-1801p,s.

Project Description

The proposed construction for the new wastewater line and treatment plant is located near Willard, Utah (Appendix A). Specifically, the project is located on the Willard 1992 7.5' Quadrangle Map.

The cities of Willard and Perry are studying the potential to join together and construct a joint wastewater treatment facility. The treatment facility location has been located west of the I-15 just north of the Willard City exit. The treatment plat site will need to be approximately five acres in size. Willard City is in the process of designing and constructing a wastewater collection system to convey their waste by gravity to the proposed wastewater treatment site.

Wastewater from Perry City is currently being collected and treated by a lagoon treatment system. The lagoon system is overgrown and does not meet their current needs. Thus, the proposed plan is for Perry City to convey their wastewater by gravity through a 30" interceptor line. This line would be located directly west of I-15 in the frontage road. The new interceptor line would divert the wastewater to the proposed treatment plant instead of the lagoons. The line is approximately 17,340 feet (3.2 miles) in length. In addition, 5,600 feet (1.06 miles) of existing wastewater lines need to be upgraded to a 30" line in order to handle future flows.

Previous Research

Bighorn conducted a Class I file search for reported projects and previously recorded cultural sites at the Utah Division of State History in Salt Lake City, Utah on 22 December 2006. This search revealed three cultural resource inventories and one previously recorded site near (½ mile) of the Area of Potential Effect (APE). The following descriptions detail the results for the file search.

Class I Results

The following table (Table 1) details the results of archaeological projects previously conducted within ½ mile of the proposed project area.

Table 1. Previous Cultural Resource Surveys within ½ Mile of the APE

State Proj. No. or Agency No.	Author(s)/Agency	Date	Title
U85-BC-483s	Lane Richens and Byron Loosle/BYU/OPA	August 1985	An Archaeological Survey of a Transmission Line Near Willard Bay, Box Elder County, Utah
U92-BC-0043w	Shane Baker, Scott Billat, Lane Richens, and Richard Talbot/BYU/OPA	March 1992	An Archaeological Survey of Bureau of Reclamation Lands around Willard Bay Reservoir, Northern Utah
U96-NR-131b,p,s	Renee Barlow, Nancy Sharp, Lorelea Hudson, Gary Bowyer, and Christian Miss/Northwest Archaeological Associates	May 1996	Cultural Resources Inventory Survey for the Proposed Worldcom Seattle to Salt Lake Fiber Optic Line

One previously recorded site is located near (½ mile) of the APE. This site is listed in Table 2.

Table 2. Previously Recorded Cultural Resource Site within ½ Mile of the APE

Site Number	Site Type	Eligibility	Within APE	Year Recorded
42BO822	Historic Union Pacific Railroad	Significant	Yes	1996

Site 42BO822 is the historic Union Pacific Railroad that is that is on the National Register of Historic Places (NRHP).

Paleontological File Search

A paleontological file search was completed with the Utah Geological Survey (UGS) on 02 January 2007 by Martha Hayden. Results of this search are attached as Appendix B. They indicate that surficial deposits exposed along the project right-of-way consist of Quaternary and recent alluvial deposits that have a low potential for yielding significant fossil localities. Unless fossils are discovered as a result of construction activities, this project should have no impact on paleontological resources.

Inventory Methods

The corridor inventoried for the proposed wastewater line is approximately 22,940 ft. (6,992 meters) long, and 50 ft. (15 meters) wide, covering an area of about 26.33 acres. Furthermore, five additional acres were also inventoried for a wastewater treatment area. The inventory for the wastewater line corridor was completed by walking a single 15-m wide pedestrian transect along the entire length of the corridor. The second, five acre portion of the water treatment area was completed by walking multiple, parallel 15 meter wide transects over the entire area. Both inventoried areas have been heavily disturbed due to recreational traffic use in the area.

Archaeological sites were defined as more than five artifacts within a five square meter area, an isolated cultural feature, or a combination of feature(s) and artifacts. An isolated

find was considered to be an artifact found further than 30 meters from the nearest recorded site or less than five artifacts found together. All sites were evaluated against the criteria set forth by the National Register of Historic Places.

A newly recorded site or isolated find is plotted on a 7.5 minute USGS topographic map using data obtained from a Trimble GeoXT global positioning system (GPS). All GPS data will be submitted to the appropriate agencies to incorporate into their databases.

Inventory Results

During the cultural resource inventory, one previously recorded cultural site (42BO822) was updated (Appendix C). This site is described in the following section.

Previously Recorded Cultural Site

42BO822

Site 42BO822 was originally recorded by Northwest Archaeological Consultants in 1996 and updated in 2000 by as the Union Pacific Railroad. Although the line is currently owned by the Union Pacific, the construction of these grades can be traced to other railroad companies and to different periods of time. The early companies include the Oregon Short Line, the Utah Northern, the Utah Central, and the Malad Valley Railroad. Over the years, beginning in 1869, these companies were leased, merged, or purchased until they became part of the Union Pacific Railroad Company system.

In December 2006, Bighorn Archaeology recorded another small portion of the Union Pacific Railroad. This section of the railroad is located along 2700 South in Perry, Utah and is approximately 60 ft. (18 meters) long and 10 ft. (3 meters) wide. A concrete culvert that runs underneath the railroad and runs east to west is functional today but no historic irrigation control artifacts were observed in association with this culvert. This site is listed on the National Register of Historic Places.

Summary and Project Recommendations

Examination of the proposed project revealed no new cultural resource sites. However, one previously recorded archaeological site (42BO822) was updated. This site is part of the Union Pacific Railroad that was constructed in 1869 and is on the National Register of Historic Places. Although the site is within the project corridor, the railroad will not be disturbed as construction plans are to bore the site.

In the event that any prehistoric, historic, or paleontological materials are discovered during the construction process, work should cease in the area and appropriate contacts made to document the finds. Moreover, if current construction plans are followed, Bighorn recommends a determination of **No Historic Properties Affected** for the project.

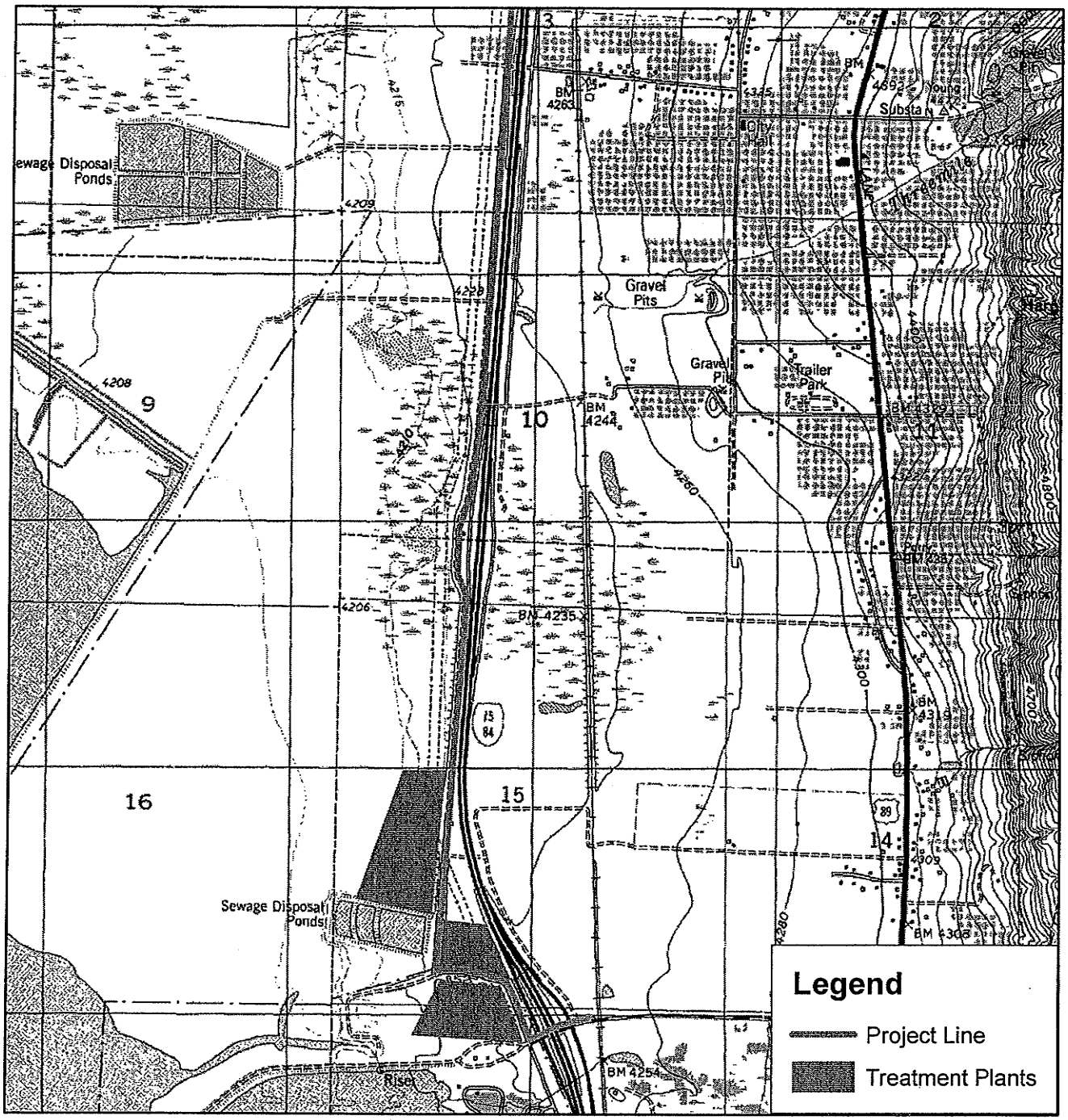
References

Baker, Shane, Scott E. Billat, Lane D. Richens, and Richard K. Talbot
1992 *An Archaeological Survey of Bureau of Reclamation Lands Around Willard Bay Reservoir, Northern Utah.* Brigham Young University, Museum of Peoples and Cultures Technical Series No. 92-2. Provo, Utah.

Barlow, Renee K., Nancy D. Sharp, Lorelea Hudson, Gary Bowyer, and Christian Miss
1996 *Cultural Resources Inventory Survey for the Proposed Worldcom Seattle to Salt Lake City Fiber Optic Line Part 1.* Northwest Archaeological Associates, Inc. Seattle, WA.

Richens, Lane D. and Byron Loosle
1985 *An Archaeological Survey of a Transmission Line Near Willard Bay, Box Elder County, Utah.* Brigham Young University, Museum of Peoples and Cultures Technical Series No. 85-83. Provo, Utah.

Appendix A
Project Location Maps



UTM
12 North
NAD 1983 (CONUS)

N
W
E
S

1:24,000

Meters
0
1,000

Project Location Map 1. USGS 7.5' Series
Quadrangle: Willard, Utah 1992 T 8N, R 2W

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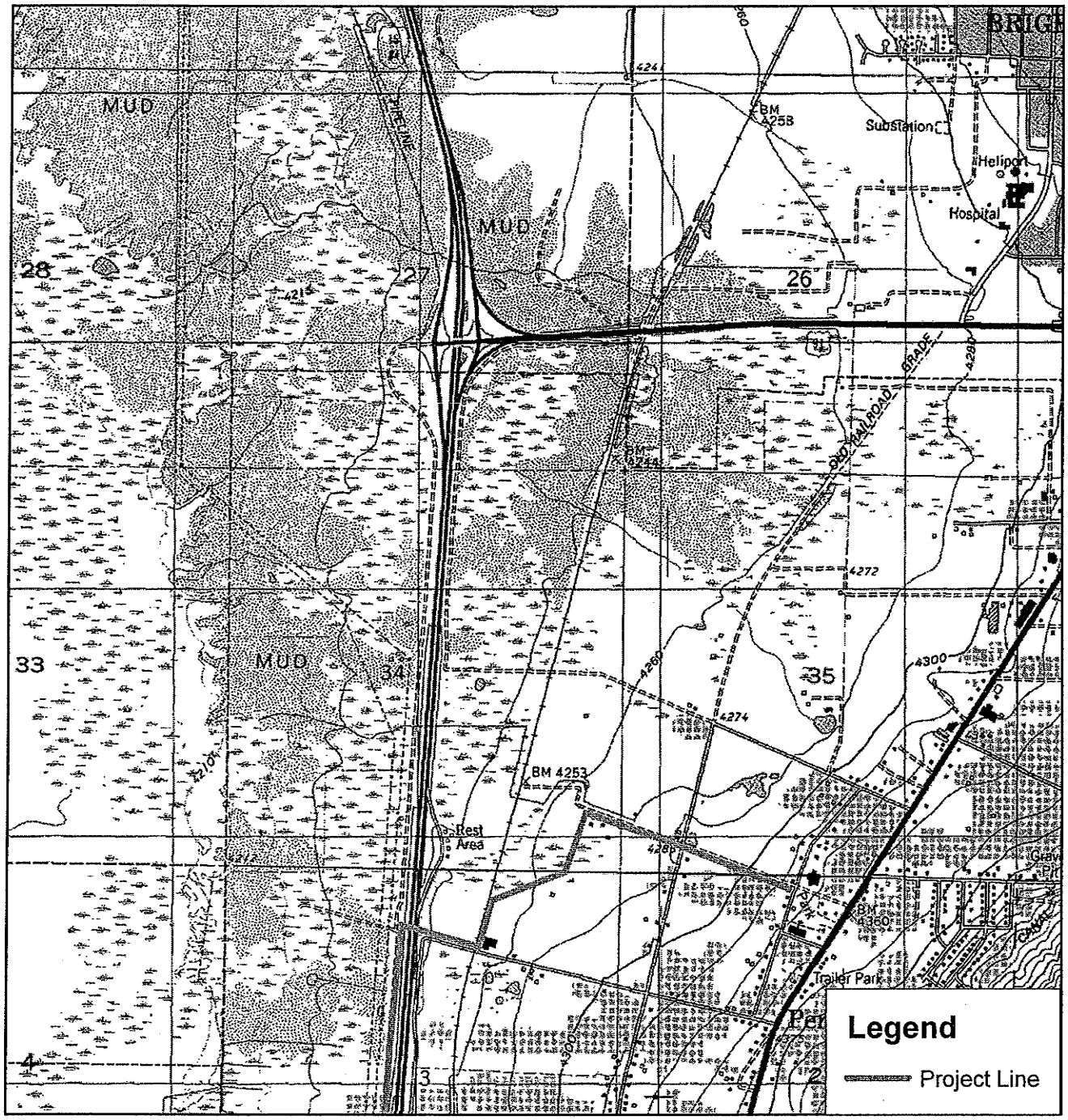
CONSULTANTS, LLC



1:24,000

UTM
12 North
NAD 1983 (CONUS)

N
W
E
S

Meters
0
1,000

Project Location Map 2. USGS 7.5' Series
Quadrangle: Willard, Utah 1992 T 8/9N, R 2W

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Appendix B
Paleontological Results

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

State of Utah

Department of Natural Resources

MICHAEL R. STYLER
Executive Director

Utah Geological Survey

RICHARD G. ALLIS, PH.D.
State Geologist/ Division Director

January 2, 2007

Jon Baxter
Bighorn Archaeological Consultants
1791 North 280 West
Orem UT 84057

RE: Paleontological File Search and Recommendations for the Installation of a Waterline near Willard and Perry, Box Elder County, Utah
U.C.A. 63-73-19 (Paleontological) Compliance; Request for Confirmation of Literature Search according to the UDOT/UGS Memorandum of Understanding.

Dear Jon:

I have conducted a paleontological file search for the Waterline Installation Project near Willard and Perry in response to your letter of December 29, 2006. This project qualifies for treatment under the UDOT/UGS executed Memorandum of Understanding.

There are no paleontological localities recorded in our files for this project area. Surficial deposits exposed along the project right-of-way consist of Quaternary and Recent alluvial deposits that have a low potential for yielding significant fossil localities. Unless fossils are discovered as a result of construction activities, this project should have no impact on paleontological resources.

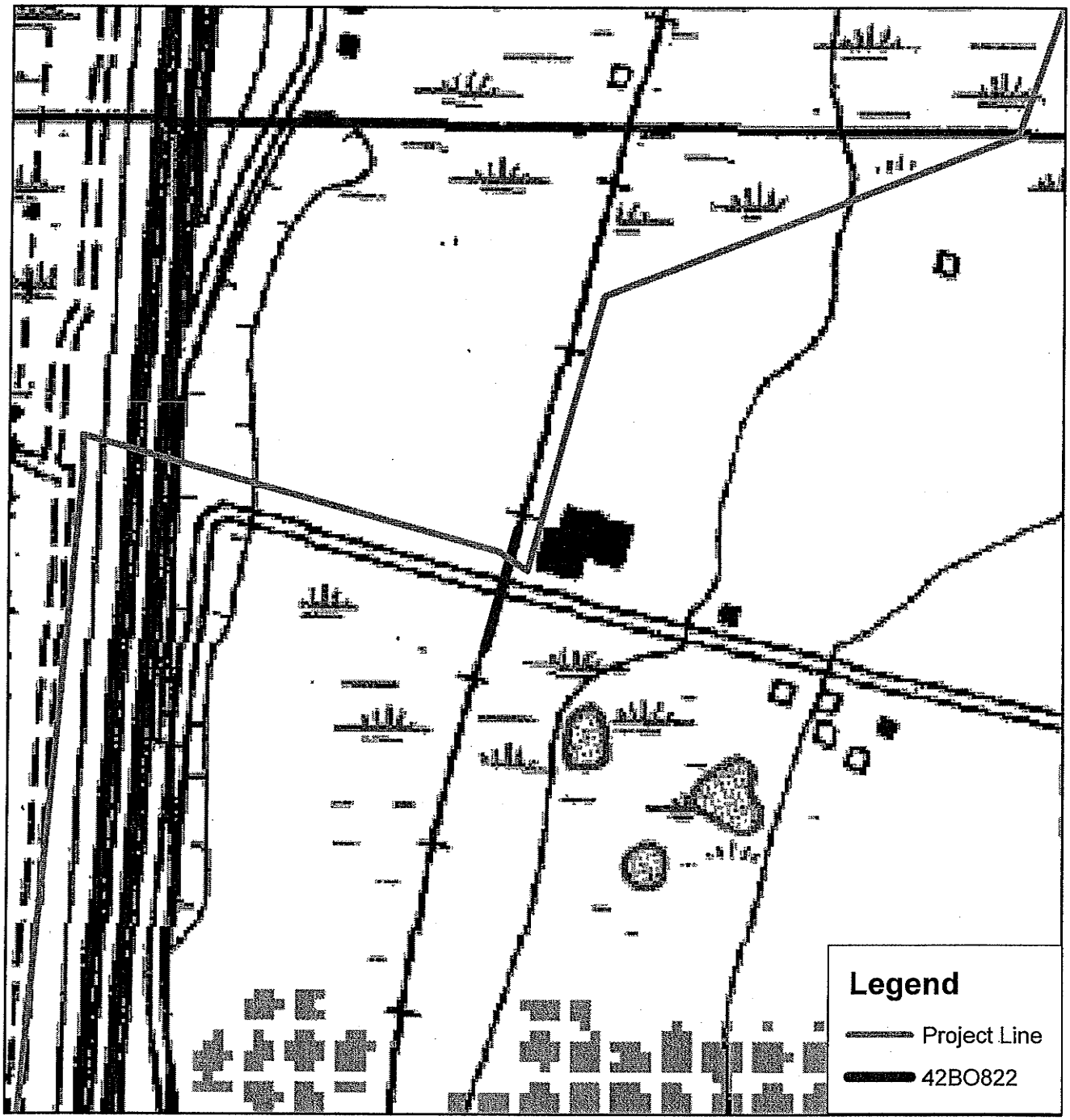
If you have any questions, please call me at (801) 537-3311.

Sincerely,

Martha Hayden
Paleontological Assistant

1594 West North Temple, Suite 3110, PO Box 146100, Salt Lake City, UT 84114-6100
telephone (801) 537-3300 • facsimile (801) 537-3400 • *geology.utah.gov*

Appendix C
Site Location Map



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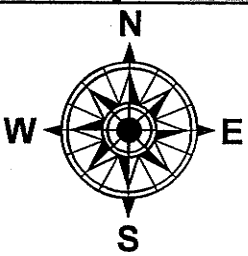
12 North
NAD 1983 (CONUS)



Meters
0 100

Site Location Map. USGS 7.5' Series
Quadrangle: Willard, Utah 1992 T 8N, R 2W, Sec 3

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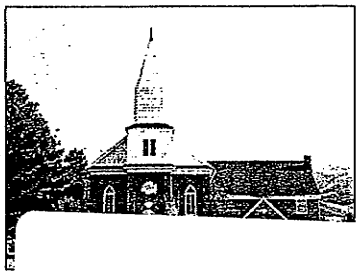
APPENDIX I

DEQ Analysis
Of
Lagoon System

Perry City



Pre

o 197

o 198

o 199

an

ng

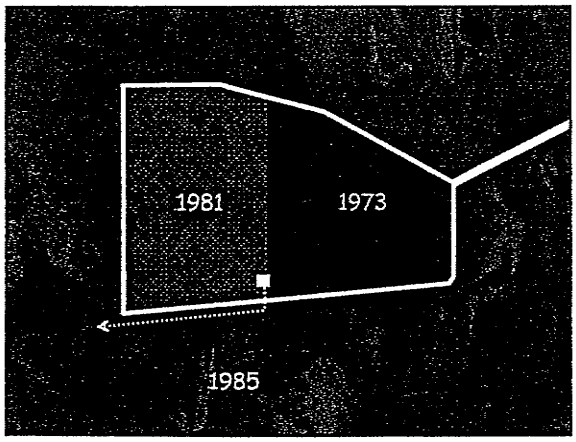
Utah Department of Health

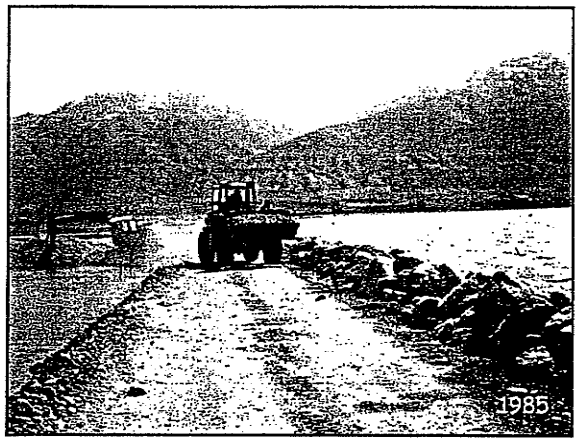
VISITOR

Name: Cliff

Destination: Wyo

JUNE 06, 2006

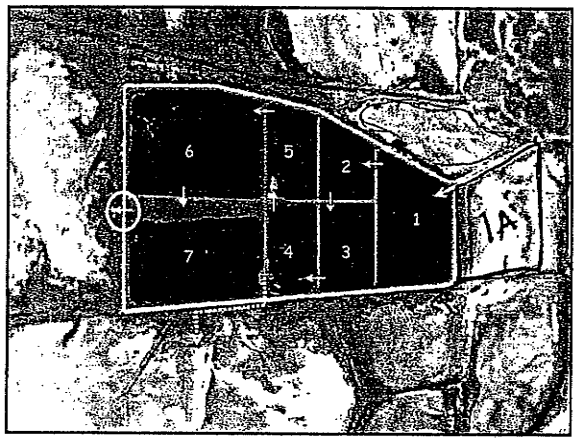


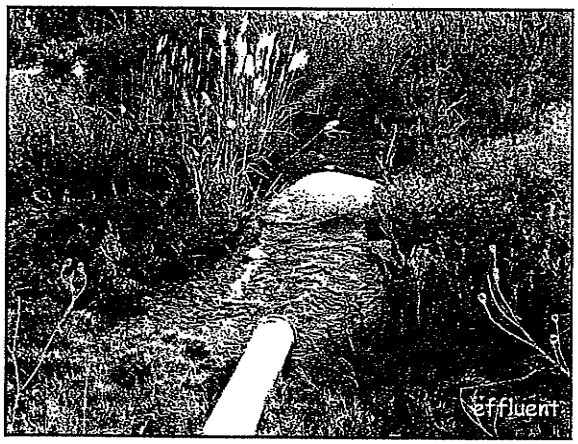


Evaluated

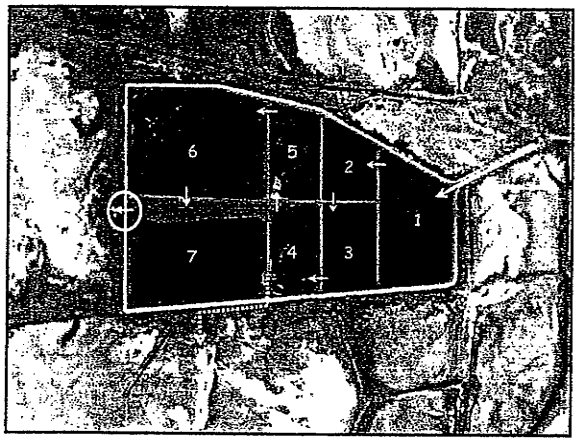
- Current Operation
- Current Treatment Capacities
- Current Loadings

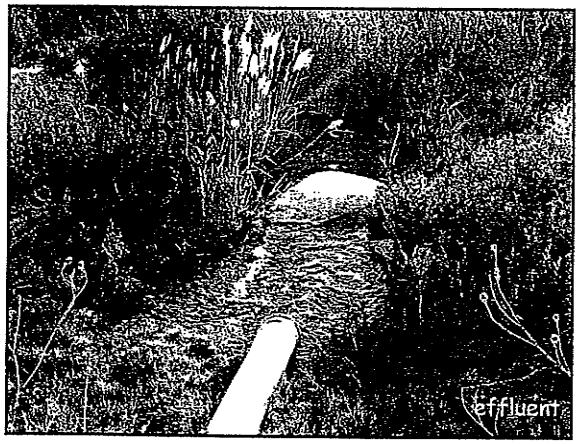
Current Operation





Current Operation





Current Treatment Capacities

Two Types

Hydraulic Capacity

Organic Capacity

Hydraulic Capacity

4.5 ft depth

Current Capacities

Pond 1 - 11.96 MG ← ≈ 9 Acre

Pond 2 - 4.82 MG

Pond 3 - 6.13 MG

Pond 4 - 5.93 MG

Pond 5 - 6.03 MG

Pond 6 - 14.69 MG

Pond 7 - 14.47 MG

Total - 64.03 MG

8,559,530

1,902,117

43 Acres Total

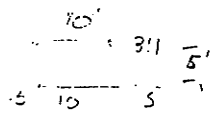
52 Acres Proposed

Good until 2031 population.

Perimeter = 2,500'

A = ½ 5(40+10) = 125 SF

V = (125 · 2,500)/27 = 11,574 CY



Current Capacities

Utah Design Standards - Facultative Lagoons

120 days minimum detention time
with disinfection

Or

150 days minimum detention time
without disinfection

Current Capacities

Using
120 days minimum detention time

$$Q = \left(\frac{\text{volume}}{\text{time}}\right)$$

$$Q = \left(\frac{64.03\,MG}{120\,days}\right)$$

Q = 0.534 MGD

Current Capacities

Using
150 days minimum detention time

$$Q = \left(\frac{\text{volume}}{\text{time}}\right)$$

$$Q = \left(\frac{64.03\,MG}{150\,days}\right)$$

Q = 0.427 MGD

Organic Capacity

Current Capacities

Utah Design Standards - Facultative Lagoons

BOD_5 loading ranging from
15 to 35 pounds per acre per day

Current Capacities

Using
35 pounds per acre per day

$$\text{Loading} = \left(\frac{\frac{\text{pounds}}{\text{day}}}{\text{acre}}\right)(\text{acres})$$

$$\text{Loading} = \left(35\,\frac{\frac{\text{pounds}}{\text{day}}}{\text{acre}}\right)(9.0\,\text{acres})$$

$$\text{Loading} = 315\,\frac{\text{pounds}}{\text{day}}$$

Current Loadings

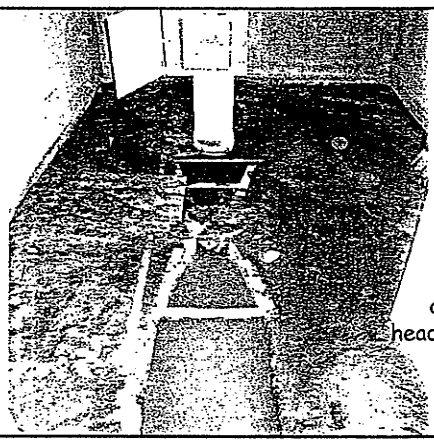
Two Types

Hydraulic Loading

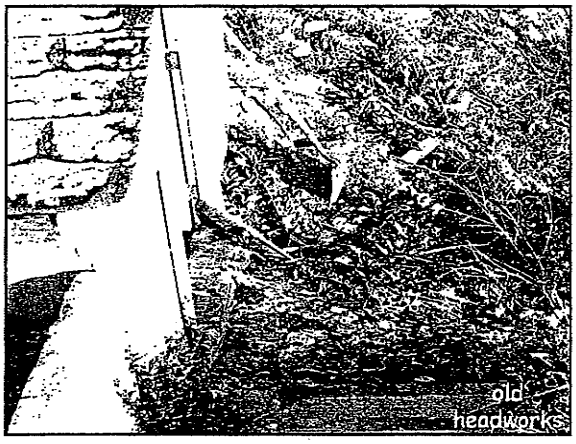
Organic Loading

Hydraulic Loading

- Unfortunately no recorded influent data
- Using population estimate of 2,916 at 100 gallons per day (291,600 gpd)
- Using a flow of 300,000 gpd
- Facility is at approximately 56.2% of design with disinfection
- *Facility is at approximately 70.3% of design without disinfection*



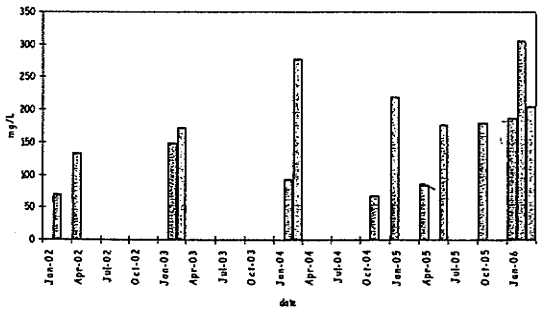
old headworks



Organic Concentration

- Period of record - January 2002 to present
- 14 data points
- Average concentration - 166 mg/L *(low)*
- Standard deviation - 73 mg/L

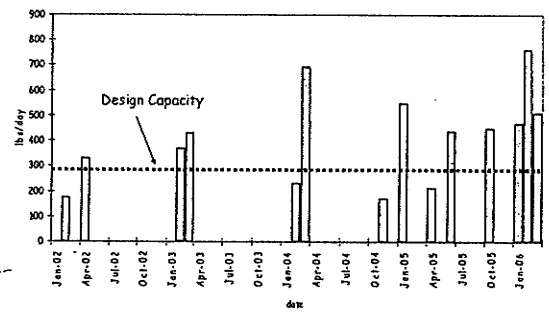
Influent BOD_5 Concentration



Organic Loading

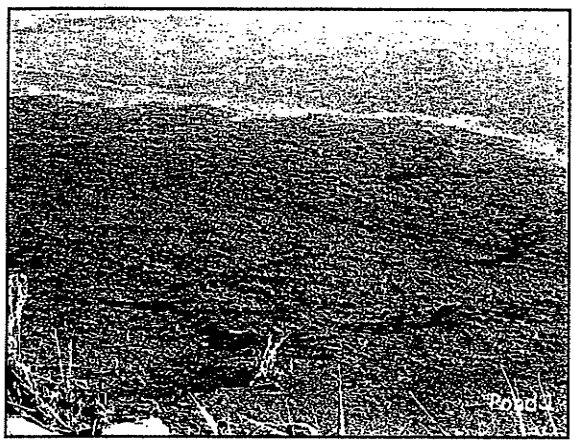
- Period of record - January 2002 to present
- 14 data points
- Average load - 415 lbs/day *(low for pop.)*
- Standard deviation - 183 lbs/day
- *Facility is at approximately 131.7% of design*

Influent BOD_5 Load



Organic Loading

- Alternative method
- Population based - 2,916
- 0.17 pounds per person
- Average load - 496 lbs/day
- *Facility is at approximately 157.4% of design*



Current Performance

Three Parameters

BOD_5

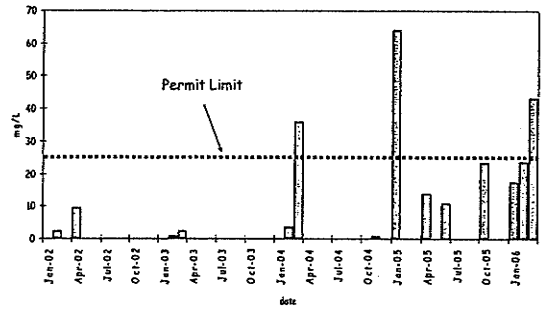
TSS

TSS/BOD_5 Ratios

BOD_5

- 14 data points
- Average concentration - 18.0 mg/L
- Standard deviation - 18.7 mg/L
- Data shows a 90.5% removal rate
- 3 data points above 25 mg/L

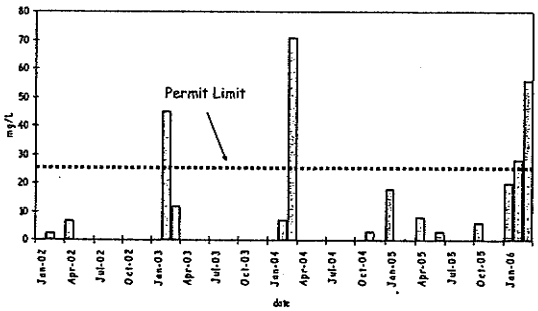
Effluent BOD_5 Concentration



TSS

- 14 data points
- Average concentration - 20.4 mg/L
- Standard deviation - 21.9 mg/L
- Data shows a 81.5% removal rate
- 4 data points above 25 mg/L

Effluent TSS Concentration



Conclusions and Recommendations

- Facility has excess hydraulic capacity *(4,270 - 5,340 people)*
- Facility is organically overloaded ! *(1,850 people)*
- Pond 1 appears to be full of sludge 1-2 ft^3 per capita per year

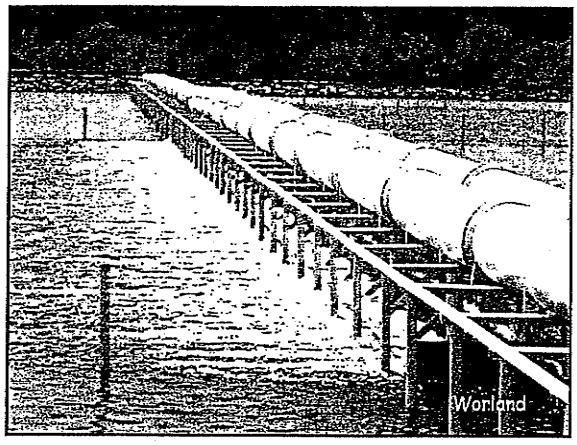
Conclusions and Recommendations

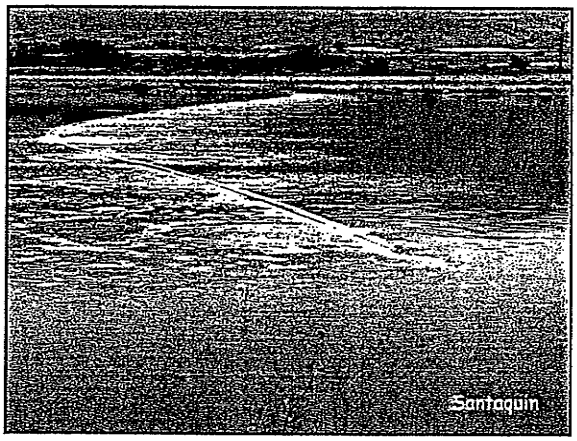
- Perry City should conduct a sludge profile of their system
- Perry City should try to reduce the TSS (algae) in the effluent *(barley straw)*
- Perry City needs to increase their organic capacity NOW! Or find another method of disposal

Aerated Lagoons

diffused aeration

Lagoon Systems





BIO: LAC

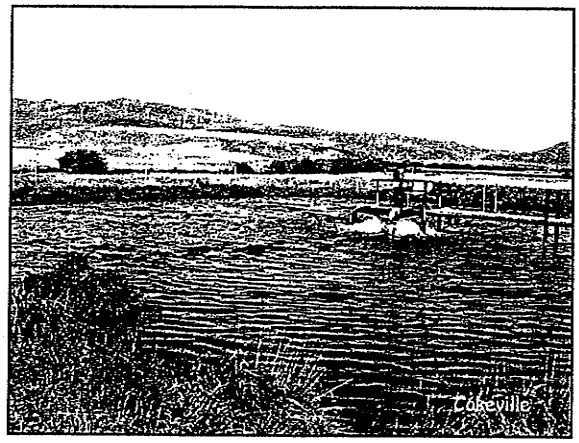
Parkson

M

Aerated Lagoons

mechanical aeration

Lagoon Systems


Cokeville

Salem

SUNRISE
ENGINEERING

www.sunrise-eng.com