

SUPPLEMENTARY REGULATIONS

The regulations set forth in this chapter qualify or supplement, as the case may be, the Bear River City Land Management and Development Code and Regulations appearing elsewhere in this Code.

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3.1 Purpose

The regulations set forth in this chapter qualify or supplement, as the case may be, the regulations appearing elsewhere in this Code.

3.2 Substandard Lots

No new lots may be platted or created by deed which do not comply with the minimum lot size requirements established for that zone.

3.3 Reduced Site Requirements

Any lot under separate ownership of record prior to the adoption of the original Bear River City Development Code of 1979, which has dimensions which would prevent building because of the front yard, rear yard, and side yard set back required by the zone in which it is located, and any lot which has been approved by the Town prior to the effective date of this Code which would prevent building because of the front yard, rear yard, and side yard set backs required by the zone in which it is located, shall be deemed to comply with the requirements of the zone in which it is located. The standards of the Uniform Building Code for development or construction on or near lot lines must still be met.

This section is not intended to conflict with Subsection 3.8 nor shall it be interpreted as taking precedence over the requirements of Subsection 3.8.

3.4 Lot Standards

Except as may otherwise be provided in this Code, no building permit shall be issued for a lot unless such lot shall have area, width, and depth as required by the regulations for the zone in which the lot is located, and the lot has frontage on a street shown as a Town street on the streets master plan, land use map or official zoning maps.

3.5 Sale or Lease of Required Space

No space needed to meet the width, yard area, coverage, parking, or other requirements of this Code for lot or building may be sold or leased away from such lot or building.

3.6 Sale of Lots Below Minimum Space Requirements

No parcel of land which has less than the minimum width and area requirements

for the district in which it is located may be created from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

3.7 Fences, Walls, Hedges, Shrubs, Berms, or Unroofed Landscaping Appurtenances

3.7.1 Fences, Walls, Hedges, and/or Shrubs hereafter referred to as fence.

Fence height shall be measured from natural grade to the highest point of the fence. Measurement shall be taken within two feet of the fence on either side.

If the natural grade is undulating along the fence line and the property owner _____ desires a straight line-of-sight on the top of the fence, the fence height may be _____ measured from the highest point of natural grade for a rear yard or interior side _____ yard fence. A front yard or corner lot street side yard fence shall be measured from _____ the lowest point of natural grade if a straight line-of-sight is desired.

Front Yard

Maximum height allowed - four feet, no building permit required.

Rear Yard or Interior Side Yard

Maximum height allowed - eight feet with building permit approval and providing aesthetic appearance and nearby community transportation safety considerations are not compromised.

Six foot or less allowed, no building permit required.

Corner Lot - Street Side Yard

Maximum height allowed - four feet, no building permit required.

3.7.2 Berms or unroofed landscaping appurtenances

Berms or unroofed landscaping appurtenances may be located on the property line, or adjacent to the sidewalk, or in the yard between the building setback line and the property line or sidewalk, provided that the maximum height above natural _____ grade does not exceed the height requirement for a fence in the same location as _____ described in 3.7.1

3.8 Clear View of Intersecting Streets

In all zones, no obstruction to public or private street views in excess of two feet in height above road grade shall be placed on any corner lot within a triangular area formed by the streets at property line and a line connecting them at points 25 feet from the intersection of the street right-of-way lines, except a reasonable

number of trees pruned high enough to permit automobile drivers an unobstructed view.

3.9 Public Utility Structures

Public utility structures may be permitted on less than the required size lots in any district as approved by the Planning Commission. (Amendment #3, Ordinance No. 2007-07-06)

3.10 Zero Side Yard Requirements

Zero side yards are not permitted in any zone.

3.11 Home Occupations

A home occupation in a residential zone is a lawful and permitted use if it complies with the definitions and guidelines outlined in this section, if it does not meet these guidelines, it shall be a conditional use.

The Home Occupation must be conducted and carried on entirely within a dwelling by persons residing in the dwelling or by those persons at sites away from the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation shall not include the sale of goods or merchandise directly from the home, except those which are produced on the premises and shall not involve the use of any yard space or activity outside of the buildings not normally associated with residential use.

The use of mechanical equipment shall be limited to small tools whose use shall not generate noise, smoke, or odors perceptible beyond the premises of the dwelling. Home occupations would not allow a resident, professional or otherwise, to use the dwelling for his general practice when that practice is normally associated with some other zoning district. Home occupation will, however, allow the use of the dwelling by a physician, dentist, lawyer, clergyman, engineer or the like for consultation or emergency treatment. Consultation shall include the use of a dwelling to receive mail and maintain a telephone, fax or automatic answering device and computer related to the home occupation, but shall not allow frequent or constant visitation to the residence by clients to transact business. Tele-commuting in a home satellite office, away from a main office is permitted.

Home occupation shall include the care of six or fewer children including members of the family residing in the dwelling or as prescribed by State codes or regulations. In all cases, there shall be no advertising of said home occupation by window displays or signs, and no one outside of the immediate family may be employed within the home. In the event covenants applicable to the property preclude this use, the covenants shall control. A home occupation as described by this section would be a permitted use in any residential zone and would

require compliance with Town business licensing regulation in effect at the time of use. If signed written complaints are received by the Town Council from adjoining residences, the Town Council will, within 45 days, determine if the complaint is significant or not. If significant, a conditional use permit may be required for said occupation.

All home occupations outside of the guidelines of the permitted use as described in this section shall be conditional uses, and must be applied for as such. Agricultural business that comply with this code are permitted uses.

3.12 Side Yard Exceptions

The area of a required side yard shall be open and unobstructed except for the following and similar uses:

- (a) The ordinary projections of window sills, belt courses, cornices, and other ornamental features to the extent of not more than twelve inches.
- (b) The projection of an eave not more than two feet.
- (c) The projection of a step not over two feet.
- (d) Awnings projecting over doorways and windows not more than three feet.
- (e) A bay window or chimney not over ten feet long projecting not more than two feet, providing such extension maintains the minimum side yard allowable for the smallest side yard in that district.
- (f) A light or window well not over two feet in width.
- (g) Walls or fences built in conformance with current requirements.
(Amendment #9, Ordinance No. 2011-11-03)
- (h) A driveway leading to a properly located garage or parking area; however, a side yard cannot be used for a parking area except as hereinafter provided, nor for storage, nor can it be hard surfaced in such a way as to make possible the parking of automobiles or other vehicles unless it is a driveway that leads to a garage or a properly located parking area in the rear yard.
- (i) A detached garage may be located in a side yard provided said garage meets the requirements specified for the district in which it is located, and the requirements of the Building and Fire Codes for buildings in close proximity to the lot lines.
- (j) Hot tubs, decks or similar uses at ground level shall be allowed in a side yard provided they are located at least ten feet from a dwelling on an adjoining lot or five feet from property line.

3.13 Rear Yard Exceptions

The area of a required rear yard shall be open and unobstructed except for the following which are permitted:

- (a) A bay window or chimney not over ten feet long projecting not more than two feet.
- (b) Window wells extending not more than four feet.
- (c) The projection of an eave or cornice not more than two feet.
- (d) Private swimming pools, tennis courts, and similar uses shall be allowed in a rear yard provided they are located at least 30 feet from any dwelling on an adjoining lot and at least ten feet from any property line.
- (e) Garages and other accessory buildings as hereinafter provided. Such structures shall not cover over 50% of the rear yard area.
- (f) Hard surfaced parking areas subject to the same location requirements of a garage.
- (g) Underground bomb or fallout shelters for emergency use only provided they are constructed at least four feet from any property line and also that they conform to all requirements established by the Civil Defense Agency for approved shelters.
- (h) Air conditioners.
- (i) Walls or fences built in conformance with current requirements.
(Amendment #9, Ordinance No. 2011-11-03)
- (j) Hot tubs or similar uses shall be allowed in a rear yard provided they are located at least ten feet from a dwelling on an adjoining lot or five feet from the property line.

3.14 Front Yard Exceptions

The area of a required front yard shall be open and unobstructed except for the following which are permitted:

- (a) A fence or wall not more than four feet in height; no fence more than two feet in height shall be allowed within 25 feet of the intersection on any corner lot.
- (b) Uncovered steps leading to the main building; provided, however, that they are not more than four feet in height and do not cause any danger or hazard to traffic by obstructing the view of the street or intersection. Any portion of any steps, covered or uncovered, that are more than four feet above grade must maintain the required setback line.
- (c) Eaves or cornices projecting not more than two feet.

- (d) A driveway leading to a properly located garage or parking area; provided, however, no portion of a front yard as required in this Code except for those approved driveways, shall be hard surfaced or graveled so as to encourage or make possible the parking of automobiles, nor shall the Town allow any curb cuts or approve any driveways except for entrance and exit driveways leading to properly located parking areas.
- (e) Circular driveways shall be permitted in required front yard areas of single-family dwellings leading to and from a properly located garage or carport on the property subject to the following conditions:
 - (1) Such drives shall be hard surfaced.
 - (2) Such drives shall not be over 16 feet in width.
 - (3) There shall be an area in landscaping at least 15 feet in depth from the front property line to the inside radius of the drive.
 - (4) Driveway areas are not to be used for the parking or storage of any trailer, camper, motor home, boat, or other equipment at any time, nor is the area to be used for permanent parking of any vehicle.
 - (5) Passenger automobiles may be parked on driveways serving private residences, provided the automobile is parked completely on private property.

3.15 Height Provisions

The total height of the building shall be measured as the vertical distance from the natural grade, as defined in this Code, to the highest point of a flat roof or the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and the ridge of a hip or gable roof. In no case shall a mansard roof or the parapet wall of a flat roof extend more than 13 inches above the maximum height limitation in the zone. Roofs not fitting clearly any of the above three classifications shall be classified by the Zoning Administrator in accordance with the roof it most clearly resembles. Roofs which drain to the center shall be considered as flat or mansard depending on their configuration. To allow for roof pitches and provide usable space within the structure, the following exceptions apply:

- (a) The ridge of a gable, hip, gambrel, or similarly pitched roof may extend up to five feet above the specified maximum height limit for the zone.
- (b) Chimneys, flues, vents, or similar structures may extend up to ten feet above the specified maximum height limit for the zone.
- (c) Water towers and mechanical equipment may extend up to five feet above the specified maximum height limit.

- (d) Church spires, bell towers, and like architectural features, may extend over the specified maximum height limit, but shall not contain any habitable spaces above the maximum zone height stated. These features must be approved as a conditional use in the appropriate district.
- (e) Antennas shall not extend above 100 feet.

3.16 Secondary Living Quarters and Accessory Apartments within Residential Dwellings

Any request for single secondary living quarters, as defined in chapter two of this code, such as basement, attic, or garage apartments within residential dwellings must be reviewed and approved by the Zoning Administrator. The limit is one secondary living quarter per lot/dwelling. Secondary Living Quarters within residential dwellings are permitted uses in all zones, however, the following criteria must be established prior to Building Permit issuance or the use shall become conditional:

3.16.1 Size

The maximum size for secondary living quarters shall be 1000 square feet. This amount shall be included in the total building square footage calculations for all structures.

3.16.2 Parking

One on-site parking space shall be provided in addition to the underlying parking requirements for the zone.

3.16.3 Single Utility Meters

The main dwelling and the secondary quarters shall be on the same utility meters.

3.16.4 Building and Fire Code

The structure and/or improvements must meet Uniform Building Code regulations as well as any Fire Codes in effect.

3.16.5 Kitchens

Secondary living quarters shall not contain full kitchens, as defined by this code.

3.16.6 Access

The secondary quarters shall be designed to have direct Access into the main dwelling.

3.16.7 No Separate Leases

The secondary quarters shall not be rented or leased separately from the main dwelling. Nightly rentals and other seasonal rentals are prohibited. Secondary living quarters are for the use of the owner of the main dwelling, for guests, household help, relatives, and other similar persons.

3.17 Completion of On and Off Site Improvement Work Prior to the Approval of Plats or Issuance of Certificates of Occupancy

3.17.1 Policy

3.17.1.1 Security Required

In order to protect the Town from the financial burdens resulting from damage to or increased maintenance costs for Town facilities and Infrastructure that may occur as a result of incomplete or inadequate site improvements on private construction projects or off-site improvements performed by the developer as required by the Town and as required through the Infrastructure Impact review analysis process as defined in chapter 1, it is the policy of the Town to require that developers either complete all required on or off-site improvements prior to occupancy, or if that is not possible, that adequate financial security for that completion, together with a right of entry to the property to complete that work be granted to the Town. It is specifically the intention of the Town to require that storm drainage work, paving, curb and gutter, water and sewer facilities, soil retention structure, and landscaping as needed to control erosion be completed according to standards adopted by the Town, so that residents and taxpayers at large are not required to pay the costs of damage repair or disproportionately increased maintenance for any of these facilities.

No plat will be approved, where required, and no certificate of occupancy granted unless and until adequate financial security is posted in accordance with this section.

3.17.1.2 No Third Party Beneficiaries Intended

It is the intention of the Town that this financial security given by the developer be limited to a contract between the Town and the developer for the express purpose of providing for the protection of Town facilities and elimination of conditions which could become public nuisances. It is not intended that this security be available for payment of subcontractors or material suppliers in the nature of a surety bond, or that the security provided become available to the purchasers of property to correct construction flaws or defects which are the fault

of the developer. In no event will the funds be used for purposes other than those stated in this section and the time and manner of the expenditure, and prioritization of work performed shall rest in the sole discretion of the Town.

3.17.2 Construction According to Approved Plans

All construction shall be completed according to the approved plans and specifications on which the building permits were issued. The approved plans shall also include the site improvements shown on the site plan. For purposes of this Code, the term "site improvements" shall include all roads, sidewalks, curbs, gutters, drains, drainage works, grades, walls, landscaping, planting, paving, utility lines and related facilities, paths and trails, and similar improvements as shown on the set of plans on which the final approval and building permits are based. "Off-site Improvements" shall refer to all facilities as defined in "site improvements" above but off of the development parcel(s) and required by the infrastructure impact review studies. These improvements will be constructed at the same time as the building development that required the improvements and will be constructed to Town standards and approved, inspected and constructed under the authority of the Zoning Administrator. These two types of improvements may be referred to collectively as "Improvements". Deviations from the approved plans must be approved in advance by the Town or its staff.

3.17.3 Security for Completion

No certificate of occupancy will be issued, nor any plat approved when plats are required by this Code, unless the building and all required on and off site improvements are completed, or the developer has provided adequate security to guarantee timely completion of the improvements. When all of the improvements and the building cannot be completed simultaneously due to weather conditions or other factors beyond the control of the developer (excluding financial inability to complete the project) the Town may grant plat approval for recording and/or issue certificates of occupancy for the project, provided the following conditions are met:

- (a) The building or buildings, or portions thereof, on the property to be platted or occupied have been constructed in accordance with the approved plans for those buildings, and are in full compliance with applicable building and fire codes, and are completed to the extent that only exterior site improvement work remains unfinished; and,
- (b) The Zoning Administrator determines that occupancy of the buildings, or portions thereof, prior to completion of required site improvements is safe and that access for emergency vehicles is adequate with the site improvements unfinished; and,
- (c) The developer posts adequate security for the benefit of the Town to insure completion of the site improvements in full compliance with the approved plans within one year from the date of plat approval (if required) or issuance of the certificate of occupancy, whichever occurs first.

3.17.4 Amount of Security

The amount of the security to be posted by the developer shall be determined by the appropriate town officials and/or Town Engineer, and shall be equal to 125%

of the amount reasonably estimated by the Town as being necessary to complete remaining on and off site improvements as shown on the approved plans. In the event that the developer disputes the cost estimate of the Town, the developer may prove a lower construction cost by providing binding contracts between the developer and contractor or subcontractor appropriate to perform the required work at a stated, fixed price. These contracts must be supported by a 100% performance bond, insuring performance by the subcontractor or contractor. Bid proposals are not satisfactory for this purpose. If the contracts submitted are acceptable in form, the amount of security required shall be 125% of the total contract price of all such contracts submitted, plus the estimated reasonable cost of performing any work not covered by the contracts. Specifications in such contracts shall be sufficiently clear to identify the work called for under the contract.

3.17.5 Terms of Security

The terms of any security arrangement offered to the Town shall state a date certain by which the developer agrees to have on and/or off site improvement work completed in accordance with the plans, and further provide that in the event that the developer has not completed required site improvement work by that date, the Town may at its option and on its schedule, draw on the escrow funds, or credit established, or such other security device by its own act, and shall not be required to obtain consent of developer to withdraw funds for completion of the work shown on approved plans. The Town's actual costs in administering the completion of work in the event of a default by the developer shall be reimbursed from the escrow or other security arrangements in an acceptable and timely manner.

3.17.6 Form of Security

Security arrangements offered in lieu of simultaneous completion of buildings and site improvements shall be in an amount fixed under the terms of Section 3.17.4, and shall be in one or more of the following forms as approved by the Town Attorney:

- (a) An irrevocable letter of credit from a bank authorized to do business in the State of Utah, naming Bear River City Town Municipal Corporation as the payee of funds drawn against that letter of credit and guaranteeing the availability of funds for one year, or,
- (b) A deposit of cash with a third party escrow, or,
- (c) An agreement with the construction lender providing that the lender will withhold funds in the construction loan in an amount equal to the amount calculated in Section 3.17.4, above, and will disburse those funds only with the written consent of the Town, and only for the completion of any required improvements. As improvement work is completed, the Town will consent to the disbursement of the funds set aside by the lender.
- (d) Some combination of the above approved by the Town.

3.17.7 Retinae

The amount in excess of the actual construction costs, but in no event more than 25% of the actual construction cost, shall be held for a period of one year following final inspection and approval of the required on and/or off site improvement work by the Town. No retinae shall be held for landscaping improvements once the installation of the required materials has been approved by the Town. The retinae amount may be provided in any of the ways described in Section 3.17.6. If the developer fails to provide new security instruments within 30 days from the expiration of the security instruments provided for the initial construction under Section 3.17.6, the Town shall make a demand or draw on that security to the extent of the required retinae amount, and hold the proceeds in cash until and unless other adequate security, as provided in this Code, is posted by the developer. Retinae will be used to replace or repair any site improvements which fail or appear to be defective during the one year retinae period. The corrective work may be done by the Town or the developer. At the completion of that work, the retinae, or so much of it as remains, shall be released. Retinae amounts may be drawn and applied to any outstanding fees owed by the developer to the Town, provided that such fees are imposed by ordinance and the amount of the fees is not to be contested by the developer.

3.17.8 Modification of Plans

A developer may, at its option, request modifications to plans covering on and/or off site improvement work by submitting revised plans to the Town for review and action. Until the revised plans have received approval by the Town, the developer shall be required to offer security for the performance of the improvement work as shown on the last set of plans to have received Town approval. Upon acceptance of revised plans by the Town, the Town shall release any cash, credit or other security held, which is in excess of 125% of the completion cost (estimated) of work shown on the most recently revised plan. If the modification of the plans increases the cost of required improvements, additional security must be provided by the developer to cover the increased costs.

3.17.9 Payment of Interest

Any interest accruing on escrow funds shall, unless expended for completion of site improvements required, inure to the benefit of the developer upon release and not to the Town, and the Town shall not be required to pay interest to the developer on any funds escrowed for this purpose.

3.17.10 Detailed Improvement Plans and Specifications

Detailed on and/or off site improvement plans and specifications shall be presented, showing the location, design and nature of all streets, drainage works, utility pipelines, storage tanks, pumping systems and related facilities, grade changes, retaining walls and landscaping, together with any trails, paths, or walkways that may be included or required under these or other provisions of the Land Management and Development Code. All plans and supporting documentation must be approved by the Town and/or its Engineer before commencement of any work by the Developer. The Developer is responsible for all plan review fees that must be incurred by the Town or its consultants.

3.17.11 Single-Family Homes

This provision shall apply to all construction in Bear River City, including single-family homes, if improvements are required in the impact analysis. The amount of security required for single-family homes shall be the reasonably estimated

cost to complete construction of any improvements and drainage works on a labor and materials basis, and the estimated cost to complete required landscaping (to the extent necessary to hold the soil in place and prevent erosion) on the basis of materials only.

3.17.12 Phased Projects and Concurrency

On and/or off-site improvements applicable to each phase of a phased project or development shall be completed concurrently with the first phase of the project and appropriate securities shall be put in place to insure that the total infrastructure is completed along with the first phase. Phasing of improvements may be allowed only under special circumstances as outlined by the appropriate town officials and/or technical review committee and approved by the Town Council. If phasing is allowed, adequate security for completion of each phase must be provided to insure that each phase of infrastructure is constructed and either platted or occupied.

3.18 Regulation of the Placement of Satellite Receiving Antennas

3.18.1 Purpose

To ensure that satellite receiving stations do not have an adverse impact on aesthetic values and public safety in residential, commercial and industrial areas, installation of these devices is governed by the following regulations. The intent of these requirements is to locate such antennae and equipment where they are least visible from public streets and public areas and, to the extent possible, provide screening from adjacent property owners. Digital satellite dishes of less than or equal to 36 inches in diameter are exempt from this section.

3.18.2 Permit Required

The installation of satellite receiving stations, unless otherwise provided in this ordinance, shall be deemed a permitted use. It shall be unlawful to install any satellite receiving station without first having obtained a building permit from the Town. Plans of such satellite receiving station shall be submitted with each application for a building permit, which shall include a site plan indicating the height, color, location, setbacks, foundation detail, landscaping, and screening and such plan shall be subject to approval by the Zoning Administrator.

3.18.3 Installation Standards

The following standards apply to the installation of a satellite receiving station.

3.18.3.1 Height

Ground-mounted receiving stations shall be limited to a maximum height of fifteen (15) feet above grade. Height of the receiving station shall be measured from the highest point of the apparatus to the finished grade beneath the apparatus, with the apparatus set in its operating position. Finished grade may not be raised to form mounds or berms to accommodate increased heights for receiving stations.

3.18.3.2 Setbacks

Satellite receiving stations installed on the ground must maintain all normal building setbacks applicable to the zone in which the station is located. If setbacks are not specified for the development, setbacks for the underlying zone must be met. The Zoning Administrator may vary setback requirements if the most effective screening can be achieved by placing the station within one of the required setbacks.

3.18.3.3 Location

All ground based receiving stations shall be located behind the front facade of the main building on the site. Stations may be allowed in the front yard area if it can be shown that no other reasonable locations are available and that site specific conditions including steep grades, dense vegetation, or other natural features which serve to screen the receiving station exist on the site. A satellite receiving station may be located in the front yard area only upon written approval by the Zoning Administrator.

3.18.3.4 Screening

Each satellite receiving station mounted on the ground shall be screened from ground view from public streets, rights-of-way, and parks where practical through the addition of non-vegetative features and/or landscaping as shall be approved by the Planning Commission. Screening may also be required for adjacent property owners. As a guideline; screening shall consist of a combination of design elements involving a variety of sizes, shapes and textures that harmonize with the elements and characteristics of the property. When initially installed, screening shall include at least three (3) tall shrubs or trees the height of which is at least equal to the height of the satellite receiving station, and low level screening to protect the reception window such that the structural base is not visible from beyond the boundaries of the site.

3.18.3.5 Materials and Color

All installations shall employ materials and colors that blend with the surroundings. All receiving stations shall be a dark neutral color and satellite dish antennas shall be of a wire mesh material. Variations may be reviewed by the Zoning Administrator. Highly reflective materials shall not be permitted.

3.18.3.6 Roof or Wall-mounted

Roof or wall-mounted satellite receiving stations will be approved only if they do not extend above the ridge line of the roof or wall to which they are attached, are not located on the portion of the roof or wall fronting on any public street, and maintain normal setbacks. Satellite receiving stations on flat roofs may be approved if they are screened by the addition of architectural features which integrate with the characteristics of the structure and are not located on the portion of the roof fronting on any public street. The receiving station and screening shall not exceed the maximum height limit for the zone, except as allowed by this Code for architectural details such as chimneys, vents, or similar structures.

3.18.3.7 Cables to be Underground

All wires and/or cables necessary for the operation of the receiving station shall be placed underground rather than installed overhead. Wires or cables attached flush with the surface of a building or the structure of the receiving station are the only exceptions.

3.18.4 Subdivision Covenants

Many subdivision covenants may address the location of satellite receiving stations within the lots of a subdivision. The Town is not a party to those covenants, and no permit from the Town shall have the effect of overriding or amending those covenants which might be more restrictive than this ordinance. Applicants for permits for the installation of satellite receiving stations are advised to determine what private land use restrictions apply to their site before applying for the permit from the Town. If the proposed installation is within the common area of a planned unit development, and the application submitted is not in the name of the Owner's Association or Management Committee, the applicant shall provide a letter from the Owner's Association or Management Committee indicating consent to the location of the satellite receiving station within the common area has been granted as a part of the permit application filed with the Town.

3.19 Setback Requirements for Unusual Lot Configurations

All lots shall have a front, two side and a rear setback with the following exceptions and clarification's:

- (a) Development on corner lots shall have two front setbacks. The rear yard will be the side of the property opposite the driveway access from the street. If it is not clear which boundary should border the rear yard, the owner or developer may specify which is the rear yard.
- (b) Lots with more than four sides shall have a side yard on either side of the front yard. The third side yard and rear yard may be specified by the developer or owner.
- (c) Lots with three sides will have a front setback, side setback and rear setback. In those cases where one side is clearly opposite the front, the rear setback must be opposite the driveway. If it is not clear where side and rear setbacks should be, the developer or owner may choose which is side and which is rear.
- (d) On those lots which border a street on both the back and front, both sides must have a front setback.
- (e) Any lots which are not specified in this section shall have setbacks determined by the Zoning Administrator.

3.20 Sensitive Lands Review

Any project falling within the Sensitive Lands Overlay Zone or containing lands designated as sensitive by the Zoning Administrator and Planning Commission may be subject to additional requirements and regulations as outlined in the Sensitive Lands Regulations of Chapter 9 of this code.

3.21 Bed and Breakfast Inns

A Bed and Breakfast Inn is a conditional use and when allowed as a conditional use, shall be approved only in compliance with this code and the following:

- (a) The lot shall have at least thirty-five (35) feet of frontage on a dedicated street: except that twenty (20) feet is acceptable on panhandle lots.
- (b) One (1) off-street parking space shall be provided per employee plus one (1) space per guest room. On-street parking may be used to satisfy this requirement at the rate of one (1) space per thirty (30) feet of lot frontage on a dedicated street.
- (c) Meals may be served to residents, employees, overnight lodgers, and guests of overnight lodgers only. No cooking facilities shall be allowed in guest rooms.
- (d) Such use shall conform to all applicable health, safety, and building codes and must be capable of such use without structural or site alteration which changes the residential character of the structure and yards.
- (e) No alcoholic beverages shall be sold on the premises.
- (f) No receptions, banquets, or catering shall be permitted other than for registered lodgers.
- (g) Any commercial use shall be incidental to the Bed and Breakfast use, i.e., gift shop, etc. and shall be limited to 5% of the total square foot area of the main floor of the building.
- (h) The dwelling must be at least fifty (50) years old or receive Planning Commission approval on a finding that because of its existing or proposed prominent spatial location, contrasts of setting, or scale, it is or would be an easily identifiable visual feature of its neighborhood or the agricultural and rural setting of the Town, or contributes to the distinctive quality or identity of the Town.
- (i) One identification sign not exceeding the area requirements for the respective zone in which the inn is located may be placed on an ornamental masonry wall, monument or structure that is unobtrusive and blends in well with the surrounding character of the neighborhood or building design. The free-standing sign shall not be higher than five (5) feet unless the sign is located adjacent to an arterial road, in which case the height of the sign shall not exceed ten (10) feet. If illuminated, only hooded spot lighting is allowed, thus prohibiting back-lighted signs. In any case the sign must be approved by the Planning Commission prior to

its construction.

- (j) No long-term rental of rooms shall be permitted. The maximum stay for lodgers shall be seven (7) days.
- (k) A Town business license shall be obtained as a condition of approval.
- (l) Supervision by an on-site manager or owner shall be required on a 24-hour per day basis.
- (m) Care shall be taken to insure that no exterior lighting shines directly into adjoining properties.

3.22 Day Care Services (Including Preschools)

- (a) **Family Day Care** services as defined in chapter 2 of this code, require a business license. The provider is limited to six children. The provider must reside in the residence where services are provided. The provider must receive a license from the State of Utah within sixty (60) days after approval by the Town.
- (b) **Family Group Day Care** services as defined in chapter 2 of this code requires a Conditional Use Permit. The provider is limited to 12 children. The provider must reside in the residence where services are provided. The subject residence must conform to the Uniform Building Code prior to operating the facility. The provider must receive a license from the State of Utah within sixty (60) days after approval by the Town.
- (c) **Preschools** as defined in chapter 2 of this code do not require a Conditional Use Permit, unless signed written complaints are received by the Town Council from adjoining residents. If complaints are received, the Town Council will, within 45 days, determine if the complaint is significant or not. If significant, the Town may then require a Conditional Use Permit.
All Preschools must comply with the Uniform Building Code, state statutes and receive a license if required by the Town.

3.23 Temporary Uses

3.23.1 Purpose and Objectives

The following regulations are provided to accommodate those uses of land or buildings which are temporary in nature and are not, therefore listed as regular permitted or conditional uses in any zone of the Town. The character of these uses is such that proper conditions are required to protect adjacent properties and the general health, safety, and welfare of the citizens of Bear River City . Any building or structure which does not meet the requirements of this Chapter shall be treated as a permanent land use and shall conform to all required standards of the building, health, fire, zoning, and other similar codes.

3.23.2 Uses Allowed:

- (a) Uses allowed on a temporary basis in accordance with provisions of this

Chapter may include, but are not limited to, the following: carnivals, circuses, fireworks stands, fireworks displays, Christmas tree lots, promotional displays, tents for religious services, revivals, retreats, political rallies, or campaign headquarters. Uses shall be allowed for not more than forty five (45) days duration and shall not be allowed in the Sensitive Lands Overlay zones.

- (b) A temporary use permit shall not be required for a garage sale, provided that the garage sale shall not operate for more than a total of five (5) days in any calendar year, and shall be conducted by bona fide residents of Bear River City. Goods for sale shall consist of personal belongings of the residents. Goods offered for sale shall not be placed over a public sidewalk or in a public right-of-way.

3.23.3 Prior Approval Required

Prior to the establishment of any of the above uses, or any qualifying temporary use, (except fireworks stands or fireworks displays, permits for which shall be administered by the Fire Department), a temporary use permit must be obtained from the Town Council with any conditions specified on the permit as required by the Town. A temporary use permit shall not be construed as a conditional use permit and therefore is not required to meet the notification requirements of this code, however, the application procedure is similar to a conditional use permit in that specific conditions may be required of the applicant and compliance to the conditions and the Uniform Building code, if applicable shall become necessary to the granting, continuance or administration of the permit. Any application for such permit shall meet any necessary requirements of this code and this section and shall be made by the property owner or his/her authorized agent. The granting of said permit shall require the following findings:

- (a) That the conduct of the requested use will not have any detrimental effects on adjacent properties and will be in general harmony with surrounding uses.
- (b) That the requested use will not create excessive traffic or parking hazards on adjacent streets and that traffic control, if necessary, shall be provided at the expense of the applicant.
- (c) That the applicant shall have sufficient liability insurance for the requested use or event.

3.23.4 Standards and Requirements

A temporary use established under the provisions of this Chapter shall conform to the following standards and requirements:

- (a) Any structure requiring sanitary facilities by building, fire, health, or other similar codes shall be located on the same lot as a host structure unless independent water and sewer service is provided to the temporary structure. Where such codes require sanitary facilities, they may be provided by a host structure provided that there is:
 - (1) no indoor seating of patrons;
 - (2) written evidence that a host structure will provide permanent sanitary

facilities for any employees and that such facilities are conveniently located not more than three hundred (300) feet from the structure and will be accessible during all periods of operation of the use;

(3) written evidence from the Town or County Health Department that all food will be prepared and delivered from an approved commissary and that all waste resulting from the operation of the use will be properly disposed.

- (b) The minimum required parking shall be two (2) spaces except that a reasonable number of additional parking places may be required. Such parking shall not have the effect of decreasing any existing parking that is required for any other use existing on the site. All parking shall meet the standards for off-street parking as specified in this chapter except that required parking may be provided on a gravel rather than a concrete or asphalt cement surface.
- (c) The layout of the proposed use shall be compatible with the access, parking, circulation, and other significant elements of any other uses or structures existing on the site.
- (d) All structures shall be securely anchored to the ground at not less than four (4) points as directed by the Zoning Administrator or Town Engineer.
- (e) The right to occupy the site shall be secured by a written agreement with the owner of the parcel and the owner of any host structures. Said agreement shall address the question of use of restroom facilities by employees, responsibility for maintenance, and restoration of the site upon termination of the use. A copy of the proposed agreement shall be part of the application.
- (f) Approval for each temporary use permit shall bear an expiration date based upon the nature of the use. In no case shall approval be given for a period exceeding forty five (45) days. Garage sales need not obtain a Temporary Use permit, but shall not operate the sale for a period exceeding five (5) days in any calendar year, and shall be conducted by bona fide residents of Bear River City. Goods for sale shall consist of household type items used by residents of the premises. If any temporary structure becomes vacant prior to the expiration of the permit, it shall be removed within fifteen (15) days of the vacancy.
- (g) The landowner of the parcel shall provide a cash bond for the restoration of the site of said use to its original condition, including cleanup, replacement of facilities, and removal of any structures according to the following schedule:
 - (1) Circus, carnival, or related uses: \$1000
 - (2) All other temporary uses: \$ 300
- (h) A Utah State temporary sales tax permit must be obtained.

3.23.5 Action on Application

A use meeting the requirements stated above shall be approved and a use not meeting the requirements stated above shall be denied, or may be approved with

appropriate conditions to assure that the use will be compatible with and will not pose any detriment to persons or property. Said conditions may include a limitation upon hours or operation and/or a time limitation which is less than the maximum established by this section.

3.23.6 Revocation of Permit

A permit may be revoked in the event of a violation of any of the provisions of this section or the conditions set forth in the temporary use permit.

3.23.7 Business License Required

A temporary use permit is not a business license and the granting of said permit shall not relieve the permittee of any other license requirement of the Town or any other public agency.

3.23.8 Fees

In order to offset a portion of the costs incurred by the Town in processing temporary use permits, a fee may be charged as established by the Town in its fee and/or rate resolutions as may be applicable at the time.

3.23.9 Christmas Tree Sales; Permit

(a) It shall be unlawful for any person to sell or offer for sale in the Town, any cut fir, evergreen, or Christmas tree, without a permit, except when the permit requirement is specifically waived by the Planning Commission.

(b) A permit to sell cut fir, evergreen, or Christmas trees shall be obtained as otherwise described in this section. The permit required by this section shall allow tree sales for a period of forty five (45) days ending December 25 of the year in which the permit is issued. The fee charged for the permit described in this section shall be in lieu of a business license fee. Provided, however, that no fee shall be charged for the permit required by this section if:

(1) the applicant possesses a business license for which the applicable fee, if any, has been paid, and,

(2) the applicant complies with the provisions of this section except for the payment of a permit fee, and,

(3) the applicant provides documentation showing that the trees to be sold have been lawfully cut, and are owned by the applicant, and

(4) a Utah state temporary sales tax permit is obtained.

3.23.10 Town Celebrations or Events

Any Town sponsored celebrations or special events of a temporary nature, including but not limited to the annual Twenty Fourth of July Celebration and Rodeo is exempt from the requirements of obtaining a temporary use permit as described by this section.

3.24 Off-Street Parking

3.24.1 General Requirements

There shall be provided and maintained, at the time of erection of any main building or structure, off-street parking space with adequate provisions for ingress and egress by standard sized vehicles as hereinafter set forth. Such parking space shall be located on the same lot as the building it is to serve. One or more off-street parking spaces shall be required for all internal accessory dwellings.

3.24.2 Remodeling or Enlargement of Buildings

Whenever existing buildings are enlarged or increased in capacity, or a change in use occurs, additional off-street parking spaces shall be provided which will meet the requirements applying to such enlargement or change in use.

3.24.3 Quantity of Parking Spaces

The number of parking spaces for uses not specified herein shall be determined by the Planning Commission being guided where appropriate by the regulations set forth herein and Table 3.24.1 for uses of buildings which are similar to the use or building under consideration .

3.24.4 Setback Exclusions and Conflicts

In a residential zone, no part of any private or public parking lot shall be located in a set back adjacent to a street except under the following circumstances:

- (a) A parking lot may be approved in any portion of a front setback area provided there is a minimum of ten feet (10') of landscaping adjacent to the street, there is a total of at least thirty feet (30') of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.
- (b) A parking lot may be approved in the area of a side setback facing a street provided there is a minimum of ten feet (10') of landscaping adjacent to the street, there is a total of twenty feet (20') of landscaping between the street and the building, and the landscaping plan is approved by the Planning Commission.
- (c) In cases where there is a unique lot configuration, or an existing structure that the applicant is remodeling or when it is necessary to change the parking requirements, the Board of Adjustment may, upon appeal of the applicant, consider lowering the landscaping requirements immediately adjacent to an arterial street providing such variance does not create increased unreasonable hazards to the health, safety, and general welfare of the residents in the area.

3.24.5 Landscaping

In reviewing the landscape plans, the Planning Commission shall consider the location, number, size, and type of plants, the method of irrigation to be used and other similar factors.

3.24.6 Conversion of Parking to Other Uses

Space allocated to comply with these regulations shall not be used later for additional structures or uses unless other space so complying is provided.

3.24.7 Area of Spaces

For the purpose of this Chapter, a space of not less than ten feet (10') by twenty feet (20') of lot area with access to public streets by standard-sized automobiles shall be deemed to be parking space for one vehicle.

3.24.8 Mixed or Combined Parking Uses

In the case of mixed uses on the same site the amount of off-street parking spaces required shall be the sum of the parking required under this ordinance for the principal use together with a reasonable amount for all accessory uses. Said reasonable amount shall be determined in light of the uses, location and circumstances of the building or structure and in consideration of the provisions of this ordinance.

3.24.9 Parking Surfaces

All required parking areas shall be surfaced with gravel, concrete or bituminous asphalt as approved as to specifications by the Town Engineer.

3.24.10 Specific Requirements by Use

Minimum on-site and off-street parking spaces for individual or similar uses shall be provided for in accordance with table 3.24.1 as follows and as interpreted by the Planning Commission for uses not specific to those listed in the following table. Note that SLU means Standard Land Use codes, and corresponding codes may be found in appendix A at the end of this Code:

Table 3.24.1 Parking Requirements per Use

SLU Code	Category	Number of Spaces Required	Per Unit Description
1100	Household Units	2	per each unit
1500	Bed & Breakfast Inns	1	per unit and per employee
2000	Manufacturing Plants	1	per employee at highest employment shift
3000	Manufacturing Plants	1	per employee at highest employment shift
4212	Bus passenger terminals	1	per 200 square feet of building area
4700	Communications	1.5	per employee at highest employment shift
4813	Electricity Regulating sta.	1	per employee at highest employment shift
4832	Water treatment plant	1	per employee at highest employment shift
4841	Sewage treatment plant	1	per employee at highest employment shift
5100	Wholesale	1	per employee at highest employment shift, or per 2000 square feet of floor space, whichever is greater
5200	Build. materials, hardware,	3	per 1000 square feet of floor area

5300	General merchandise	5	per 1000 square feet of floor area
5400	Food - retail	5.5	per 1000 square feet of floor area
5500	Automotive	5	base, plus 1 per employee
5600	Apparel and access.	5	per 1000 square feet of floor area
5700	Furniture and home furnishings, equip.	1	per 600 square feet of floor area
5800	Eating and Drinking places	1	per (2) employees, plus one (1) per (4) seats
5900	Other retail	5	per 1000 square feet of floor area
6100	Finance, insurance & real estate	1	per 250 square feet of floor area
6210	Laundry and dry cleaning	1.5	per employee plus 3 additional
6220	Photographic services	1	per 200 square feet of floor area
6230	Beauty and Barber	2	per employee at highest employment shift
6240	Funeral parlors	12	per 250 square feet of floor area
6250	Apparel repairs	1	per 200 square feet of floor area
6300	Business services	1	per 200 square feet of floor area
6370	Warehouse and storage	1	per 1000 square feet of floor area
6400	Repair	1	per 250 square feet of floor area, except SLU 6411
6411	Repair, Auto	6	per 1000 square feet of floor area
6500	Professional	1	per 300 sq. feet of floor area
6600	Contract construction	1	per employee at highest employment shift
6700	Government offices	1	per 250 square feet of floor area
6800	Educational: nurse./day care	1	per employee
	Grades K-8	2	per teaching station
	Grades 9-12	3	per teaching station
	Colleges & trade schools	15	per teaching station
6911	Churches, temples, etc.	1	per (4) seats or (4) person seating capacity
7100-7900	Cultural, amusement and recreation	1	per (3.5) seats or (3.5) person seating capacity, based on a maximum use of all facilities at the same time.

3.25 Signs and Outdoor Advertising

3.25.1 General Requirements

Effective Date 9/9/2021
Code

Bear River City Land Management and Development

The following general requirements shall apply to all signs and outdoor advertising structures which may be erected or maintained within the Town of Bear River City .

3.25.1.1 Sign Approval

Except as otherwise provided, it shall be unlawful and a Class B Misdemeanor to erect or maintain any sign or outdoor advertising structure in the Town of Bear River City without first obtaining the recommendation of the Planning Commission and the approval of the Town Council for said sign or advertising structure, the giving of which shall be based upon the provisions of this section. Said approval shall not be required for temporary non-electrical wall and non-electrical freestanding signs of less than thirty-two (32) square feet in area. (Examples of signs not requiring planning commission approval are real estate "for sale" signs and election campaign signs.)

3.25.1.2 Permits

The approval of the Town Council shall be evidenced by a permit issued by the Zoning Administrator. All signs shall be constructed and all permits shall be issued in accordance with the provisions of the Uniform Building Code. All standards in this section are minimum standards, greater restrictions or limitations may be imposed by the Planning Commission. Permits for off-premise non-conforming signs shall be renewed on an annual basis. Applications for permits, or for the renewal of permits, shall require the applicant to disclose the owner of the sign and the owner of the property on which the sign is or will be located, all relevant dates in regard to expiration of any lease or lease option, the date and cost of construction of the sign, the date and cost of any modification of the sign, the fair market value as appraised for property tax purposes, the date the sign will be depreciated for federal income tax purposes, the cost of operating the sign, and any other information reasonably required by the planning commission. A permit may be revoked and a sign removed pursuant to Section 3.25.1.7 if the applicant for a permit makes a false or misleading statement in the permit application or renewal.

3.25.1.3 Animated Signs

Flashing or rotating signs may be allowed in commercial ©) zones with appropriate conditions. Flashing shall be limited to sequential, chasing, or subdued color change. No intense strobe-type flashing will be permitted. Rotation shall be limited to eight (8) revolutions per minute; provided, however, that the lights described above may not be used within five hundred (500) feet of a residential structure.

3.25.1.4 Sound or Emissions

No sign shall be designed for the purpose of emitting sound, smoke, or steam.

3.25.1.5 Canopy Signs

Signs painted on or affixed to canopies which are part of the building shall be considered part of the total allowed area of wall signs for the walls from which the canopy projects. Signs painted on or affixed to canopies which are freestanding shall be considered part of the total allowable area of freestanding signs for that use. Signs suspended under canopies (marquees) which project over public rights-of-way shall be limited to six (6) square feet..

3.25.1.6 Violations

It is unlawful to erect or maintain a sign contrary to the provisions of this section. If a sign is erected or maintained in violation of this section the planning commission may do the following:

- (a) order the defect corrected within a fixed period of time, not exceeding thirty (30) days, if correction of the defect will bring the subject sign into compliance with the provisions of this section; but,
- (b) if correction of the defect will result in a violation of the provisions of this section, order that the subject sign be removed by, and at the expense of the owner of the sign, within a fixed period of time not exceeding thirty (30) days.

If the owner of the sign contests the order of the Town Council, the remedy shall be an appeal to the Board of Adjustment, which appeal shall be taken in the time and manner otherwise provided in this code for appeals to the Board of Adjustment. If the owner of the sign fails or refuses to remove the subject sign at the order of the Planning Commission, the Town may remove the sign at any time after the owner thereof exhausts his or her administrative remedies in relation thereto, unless otherwise ordered by a court of law. Removal by the Town shall be at the expense of the owner, and the Town may obtain judgment against the owner in an amount equal thereto, together with reasonable attorneys fees and costs.

3.25.2 Signs on Premises

Except as provided within the provisions of respective zoning districts, and unless otherwise expressly provided in this section, no sign shall be permitted which is not used exclusively to advertise the ownership, sale, or lease of property upon which said sign is placed, or to advertise a business conducted, services rendered, goods produced or sold upon such premises, or to advertise or identify any other lawful activity conducted upon such premises.

3.25.3 Exceptions

This Chapter shall have no application to signs used exclusively for:

- (a) The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice.
- (b) Directional, warning, or information signs of a public or semi-public nature, directed and maintained by an official body or public utility.
- (c) Barber poles not to exceed six (6) feet in height located on private Bear River City Land Management and Development

property and bearing no advertising copy or message.

- (d) Any sign of a non-commercial nature when used to protect the health, safety, or welfare of the general public.
- (e) Any official flag, pennant, or insignia of any nation, state, city, town, or other political unit.
- (f) Time and temperature signs and elements of commercial signs which convey only time, temperature, or weather conditions.

3.25.4 Location Standards

All signs and outdoor advertising structures shall comply with the following location requirements:

- (a) **Fire Escapes.** No sign shall be erected in such a manner that any portion of the sign or its support will interfere with the use of any fire escape, exit, or standpipe, or obstruct any required stairway, door, ventilator, or window.
- (b) **Traffic.** No freestanding or projecting sign shall be erected at any intersection improved for vehicular traffic within a triangular area formed by the property lines and their projections and a line connecting them at points twenty-five (25) feet from the intersections of the projecting property lines; unless same in its entirety is less than three (3) feet, or more than eight (8) feet above the curb grade, no part of its means or support has a single or joined horizontal dimension exceeding twelve (12) inches, or said sign is within an area in which a building or structure is permitted by the provisions of the respective zone.
- (c) **Utility Lines.** No sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the State of Utah or rules and regulations duly promulgated by agencies thereof.
- (d) **Clearance.** No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than ten (10) feet.

3.25.5 Special Purpose Signs

In addition to any other permitted sign(s), signs for special purposes set forth in this Sub-Section shall be permitted as provided herein.

- (a) **For Sale, Rent, or Lease Signs.** In all zoning districts, signs may be erected to advertise the sale, rent, or lease of property upon which said signs are placed. Said signs shall be limited to one (1) sign per street face, unless otherwise provided by the zoning provisions, and shall not exceed an area of six (6) square feet in residential zones or thirty-two (32) square feet in non-residential zoning districts. Said signs shall be exempt from project plan approval.
- (b) **Directory Signs.** In all districts where group occupancies in office buildings, commercial buildings, or industrial buildings are permitted,

directory signs may be erected displaying the names of occupants of a building who are engaged in a particular profession, business, or industrial pursuit. Said sign shall be situated at least two (2) feet inside the property line and shall not exceed ten (10) feet in height. Said sign shall not exceed an area of fifty (50) square feet and shall not be placed within a clear-vision area of a corner lot as set forth in this Section.

- (c) **Construction Project Signs.** Signs may be erected in conjunction with construction projects and used for the purpose of publicizing the future occupants of the building; architects, engineers, and construction organizations participating in the project; and such other information as may be approved by the Planning Commission. In residential districts no such sign shall exceed thirty-two (32) square feet in area. In other districts, no such sign shall exceed an area of sixty-four (64) square feet, and no freestanding sign shall exceed twelve (12) feet in height. All such signs shall be removed before a final inspection is granted by the Building Inspector or an occupancy permit is issued.
- (d) **On/Off-Site Directional Signs.** Directional signs may be erected for the purpose of facilitating or controlling the efficient or safe movement of pedestrians or vehicles on or into private property and shall be located on the properties to which they pertain. No such sign shall exceed six (6) square feet.
- (e) **Open-House Signs.** Open-house signs advertising real estate open for inspection for a prospective sale may be placed on private property in all districts with the consent of the owner, lessee, or occupant. Such signs may state the name of the person or firm sponsoring the open-house. Such signs shall not exceed six (6) square feet.
- (f) **Church and Quasi-Public Organizations Identification Signs.** In all districts, a church or quasi-public organization may erect one (1) wall sign on the premises to identify the name of the organization and announce activities thereof. Said wall sign shall not exceed an area of twenty-five (25) square feet, and may be mounted upon a freestanding, ornamental masonry, wood or stone wall.
- (g) **Bus Bench Signs.** In all zones, one (1) bus bench sign may be installed at each bona fide stop along a public transit route provided the owners of said benches are authorized to operate in Bear River City and advertising on said benches does not exceed an area of twenty (20) square feet each.
- (h) **Development Promotional and Directional Signs.** One (1) development promotional sign may be placed on the premises of each subdivision project having four (4) or more lots or approved dwelling units. Said promotional sign may have an area of thirty-two (32) square feet. A second development promotional sign may be placed on the premises of each subdivision or planned development project having two (2) or more separate, major points of access and having fifty (50) or more lots or approved dwelling units. Said promotional sign may have an area of thirty-two (32) square feet. In addition, two (2) directional signs may be located off-site to contain only the name and direction of any subdivision

development. Said signs may have a maximum area of twelve (12) square feet each and shall not be located in the right-of-way of any public street. All of the above signs shall be removed not later than thirty (30) days following the sale of all lots or dwelling units in said development, and before a final inspection is granted by the Building Inspector.

- (i) **Name Plates.** One (1) name plate or marker shall be allowed for each dwelling to indicate only the occupant's name. Said name plate shall not exceed two (2) square feet in area, and shall not contain an occupational designation.

3.25.6 Classification of Signs

Every sign erected or proposed to be erected within the Town of Bear River City shall be classified by the Planning Commission in accordance with the definitions of signs contained in this Chapter. Any sign which does not clearly fall within one (1) of the classifications shall be placed in the classification which the sign, in view of its design, location, and purpose, most clearly approximates in the opinion of said Planning Commission.

3.25.7 Signs Permitted - Residential Zones

No sign shall be erected in any residential zone except as provided within the provisions of the respective zoning districts as established in this Code, except that certain special purpose signs may be erected in all zones in compliance with the provisions of Sub-Section 3.25.5 of this Section.

3.25.8 Signs Permitted in Commercial Zones

For each place of business or occupancy within a commercial zone, the following types of signs shall be permitted in conformance with the standards set forth:

- (a) **Freestanding Signs Under Five (5) Feet in Height.** Appurtenant freestanding signs five (5) feet or less in height shall meet the following requirements:
 - (1) **Areas:** The maximum area shall be 25 square feet.
 - (2) **Number:** There may be one (1) such sign for each frontage of the property, plus one (1) additional sign for each one hundred (100) foot increment of said frontage in excess of two hundred (200) feet. Said signs shall be placed no closer than fifty (50) feet apart. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage shall be deemed to be that of the entire commonly used parcel of property and not the frontage of the individual business or occupancies.
- (b) **Freestanding Signs Over Five (5) Feet in Height.** Appurtenant, freestanding signs over five (5) feet in height shall comply with the following provisions:
 - (1) **Area:** The maximum area shall be 35 square feet.
 - (2) **Number:** There may be one (1) such sign on each street frontage and one (1) additional sign for any portion of each such frontage in excess of three hundred (300) feet.

- (3) **Height:** No such sign shall exceed fifteen (15) feet in height.
- (4) **Projection:** No such sign shall project over a property line, nor more than five (5) feet into any required front yard.
- (c) **Wall Signs and Painted Wall Signs.** Except as otherwise provided in this section, every wall sign and painted wall sign in a commercial zone shall comply with the following requirements:
 - (1) **Area:** The maximum area shall be 35 square feet.
 - (2) **Number:** There may be two (2) such signs for each building face, but in no case shall a total wall sign area for each face exceed 35 square feet. No building shall be deemed to have more than four (4) building faces.
 - (3) **Height:** No part of any such sign shall extend above the top level of the wall upon, or in front of, which it is situated.
 - (4) **Projection:** No such sign, including any light box or structural part, shall project more than eighteen (18) inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.
- (d) **Roof Signs.** Roof signs in commercial zones shall comply with the following requirements:
 - (1) **Area:** The area of a roof sign shall be included in the total area of all signs permitted by (c) above.
 - (2) **Number:** There shall be no more than one (1) such sign for the roof of each business establishment.
 - (3) **Height:** No part of any such sign shall extend more than five (5) feet above the highest point of the roof.
 - (4) **Projection:** No part of any such sign shall project beyond the front line of the building.
 - (5) **Support:** No roof sign shall be erected in such a manner that there is any visual support.
 - (6) **Animation:** No part of any such sign shall have any animation.

3.25.9 Signs Permitted in the Light Manufacturing/Industrial Zones

Signs permitted in industrial zones shall include freestanding signs under five (5) feet, and wall signs and painted wall signs, all in conformance with the following provisions:

- (a) **Freestanding Signs Under Five (5) Feet in Height.** Freestanding signs under five (5) feet in height may be permitted in any industrial zone in

conformance with the following:

- (1) **Area:** The maximum area shall be 25 square feet.
 - (2) **Number:** There may be one (1) such sign for each parcel of land in the industrial zone.
 - (3) **Height:** The maximum height of such sign shall be five (5) feet.
- (b) **Wall Signs and Painted Wall Signs.** Wall signs and painted wall signs may be created in any industrial zone as follows:
- (1) **Area:** The maximum area shall be 35 square feet.
 - (2) **Number:** There shall be one (1) such sign only on each face of the building which fronts upon a public street.
 - (3) **Height:** No part of any such sign shall project above the wall or building face upon which it is mounted or painted.
 - (4) **Projection:** No such sign, including any light box or structural part, shall project more than eighteen (18) inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

3.25.10 Signs Permitted in other Zones

For those zoning districts which do not have sign regulations as a part of the zone provisions, and for those which are not readily placed into classifications referred to in preceding sections, the Planning Commission shall classify said zones as either: residential, commercial, or light industrial/manufacturing zones depending upon the similarity of the characteristics and permitted uses of said zone to those already classified. When such a classification has been made by the Planning Commission, the sign provisions applying to the respective classification shall apply to said zones.

3.25.11 Off-Premise Advertising Structures

3.25.11.1 Prohibition of New Off-Premise Signs

Except for off-premise public information and logo signs meeting the size, shape, color, and other requirements described below in sub-paragraph 3.25.11.2, no permits shall be issued for the construction of off premise signs or outdoor advertising structures. All lawfully existing off-premise signs and outdoor advertising structures are nonconforming uses in all zones of the Town.

3.25.11.2 Public Information and Logo Signs

Off-premise public information signs are permitted pursuant to this section for the purpose of directing the traveling public to points of interest, historical sites, and other locations of interest, approved as such by the planning commission. Specifications for off-premise information signs are set forth in the Manual of Uniform Traffic Control Devices as

adopted by the Town and all such signs shall comply with these specifications. Off-premise "logo" signs are permitted under this section for the purpose of directing the traveling and general public to business establishments which provide lodging, food, camping, gas, or other services. Identified by the State of Utah Department of Transportation as the "Logo Sign Program," these signs shall comply with the following regulations:

(a) Logo Sign Program. In constructing and maintaining a logo sign program of signs, the owner and installation contractor shall comply with and adhere to all applicable state and federal laws and regulations, and to UDOT Policy and Procedure. All signs that will be placed within the Town, must be approved by the Town planning commission prior to installation.

(b) Logo Structures. All logo structures shall conform to specifications as shown in the Utah Department of Transportation approved drawings or must be approved by the Planning Commission. Directional signs shall not exceed 42" x 48" in size, and accommodate no more than two businesses .

(c) Placement. Placement of logo signs within the Town of Bear River City shall follow the guidelines outlined in any applicable contracts with the State of Utah, department of transportation. Contractors shall obtain the necessary approval and permits from the Town.

(d) Height. No sign shall exceed 12 feet from ground level.

(e) Offset. In general, the offset (location) of the sign shall be setback equal to existing signage in the right of way. If no other signage exists, offsets shall be no less than 8 feet. All locations must be reviewed and approved by the Town for traffic safety.

(f) Design. Business logo sign design shall consist of the business name, trademark, or symbol, provided it does not resemble any traffic sign, symbol, or device. The business symbol, name, etc. must be consistent on all business signs for that business. Business logos will contain no supplemental advertising and be uniform in size. The size of the logo plates shall be 18" x 24".

(g) Number. There may not be more than one directional sign per type, (camping, gas, lodging, food, etc.) per each location.

(h) Removal. If any business which is participating in logo sign program closes, the logo for said business must be removed within 15 days from closure of said business. If said sign(s) are declared to be a traffic hazard, they must be removed as determined by the Town Engineer or Appropriate Town Official . Failure to remove the sign within the fifteen (15) day period shall be unlawful, the sign shall be a nuisance, and the sign thereafter may be removed by the Town and the expense of removal charged to the owner.

3.25.11.3 Acquisition of Interests

Bear River City may acquire title to off-premise non-conforming signs or outdoor advertising structures by gift, purchase agreement, exchange, or eminent domain, and shall have the right to amortize off-premise non-conforming signs as permitted by state or federal law.

3.25.12 Non-conforming Signs

(a) On-premise signs. All on-premise or appurtenant signs which have been made non-conforming by the adoption of provisions contained within this code shall be subject to the following regulations:

(1) **Unsafe Signs:** Any sign or portion thereof declared unsafe by a proper public authority must be restored to a safe condition or removed within thirty (30) days of mailing or otherwise given notice of the unsafe condition.

(2) **Alterations:** A non-conforming sign shall not be reconstructed, raised, moved, placed, extended, or enlarged unless said sign is changed so as to conform to all provisions of this Code. Alterations shall also mean that changing of the text or message that the sign is conveying from one (1) use of the premise to another use of the premise and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy on off-premise advertising signs, theater signs, outdoor billboards or other similar signs which are designed to accommodate changeable copy.

(3) **Restoration:** Non-conforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than sixty (60) percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this Code or shall be removed.

(b) **Off-premise signs.** All off-premise signs which are made non-conforming uses by the provisions of this Code shall be subject to the following:

(1) **Unsafe Signs:** Any sign or portion thereof found or declared unsafe in a manner provided by law, which may be repaired without violating (b) below, must be restored to a safe condition within thirty (30) days after the owner is given notice of the unsafe condition. Any sign not repaired as required and permitted by this subsection is unlawfully maintained and subject to the provisions of this section.

(2) **Alterations:** All off-premise signs and their supporting structures shall be kept in good appearance and condition with normal maintenance and repair (example: painting), but it shall be unlawful to reconstruct, raise, move, place, extend, or enlarge such signs or the structure supporting such signs. Any sign altered contrary to the provisions of this subsection is unlawfully maintained and subject to the provisions of this section.

(3) **Deterioration and Abandonment:** A non-conforming off-premise sign or sign structure that ceases to be used for sign purposes for a period of one year shall be deemed abandoned on the ground that the non-conforming use has been abandoned, the non-conforming use has substantially changed, and/or such other grounds as may be appropriate. Any sign or sign structure which is abandoned or in an unreasonable state of repair is unlawfully maintained and subject to immediate revocation of its permit and removal pursuant to the provisions of this Code.

(4) **Termination of Non-conforming Signs.** Except where preempted by federal law, a sign permit for an existing off-premise non-conforming sign shall terminate and the sign shall be removed pursuant to the provisions of this Code on the date the owner of the sign has been able to recover or amortize the fair market value of the sign pursuant to State law. Using relevant information including but not limited to, information provided by the sign owner in the sign permit application, relevant aesthetic and traffic engineering information, and amortization periods used by other jurisdictions, the Town may establish an amortization period and condemnation value for each non-conforming sign as of March 5, 1998, that balances the harm to the owner against the public good, without imposing an undue burden upon the owner. The amortization value may not be less than the condemnation value, but no more, and shall take into consideration the cost of operation to the owner over the amortization period. A sign maintained after expiration of the related permit, as described in this subsection, is unlawfully maintained and subject to revocation of its permit and removal.

3.25.13 Definitions Pertaining to Signs

The following words and phrases, whenever used in this code, shall be construed as defined in this Section.

- (a) **A-Frame Sign.** Any sign or structure composed of two (2) sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section through the faces.
- (b) **Animated Sign.** Any sign which is designed and constructed to give its message through movement or semblance of movement created through a sequence of progressive changes of parts, lights, or degree of lighting.
- (c) **Appurtenant Sign.** See On-Premise Sign.
- (d) **Building Face.** The visible outer surface of a main exterior wall of a building. The area of the face of the building shall be the total area of such surface including the area of doors and windows which open into surface.
- (e) **Canopy.** See Marquee.
- (f) **Erect.** To build, construct, place, relocate, enlarge, substantially alter, attach, suspend, paint, post, or display. Normal maintenance, including refinishing, is not included in this definition provided the sign copy is not changed or altered.

- (g) **Freestanding Sign.** Any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one (1) or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports passing through any portion of the roof of a building or structure, shall be considered to be a roof sign.
- (h) **Frontage.** The length of the sides along the street or any other principal public thoroughfare, but not including such length along an alley, water course, railroad, street, or thoroughfare with no permitted access.
- (i) **Marquee.** A marquee shall mean and include any roofed structure attached to and supported by a building, and projecting over public property.
- (j) **Movable, Freestanding Sign.** Any sign not affixed to or erected into the ground.
- (k) **Nonappurtenant Sign.** See Off-Premise Sign.
- (l) **Off-Premise Sign or Nonappurtenant Sign.** Any sign which advertises products, services or business establishments which are not located conducted, manufactured, or sold upon the same premises upon which the sign is erected.
- (m) **On-Premise Sign or Appurtenant Sign.** Any sign which advertises products, services, or business establishments which are located, conducted, manufactured, or sold upon the same premises upon which the sign is erected.
- (n) **Outdoor Advertising Structure.** A structure erected and maintained for outdoor advertising purposes upon which a poster, bill, printing, or painting may be placed to advertise products, goods, services, or business establishments those located, conducted, manufactured, or sold upon the premises on which the structure is erected.
- (o) **Projecting Sign.** Any sign attached to a building or structural wall and extending horizontally outward from such wall more than eighteen (18) inches.
- (p) **Property.** Land or real estate, with or without structures; not goods or services.
- (q) **Residential Zone or District.** Any zone which is designated by the prefix "R" in this Code.
- (r) **Roof Sign.** Any sign which is erected upon or over the roof or over a parapet of any building or structure.
- (s) **Sign.** Any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names, or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business, or service, whether

placed on the ground, rocks, trees, stumps, or other natural objects, or on a building, wall, roof, frame, support, fence, or other manmade structure, which are visible from any public street, public highway, or public road right-of-way. For the purpose of this Code, the word "sign" does not include the flag, pennant, or insignia of any nation, state, city, town, or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

- (t) **Sign Area.** Sign area shall mean the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one (1) side of a back-to-back or double-face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle, or circle large enough to frame the display.
- (u) **Time and Temperature Device.** Any mechanism that displays the time and/or temperature, but does not display any commercial advertising or identification.
- (v) **Wall Sign.** Any sign posted or painted upon, suspended from, or otherwise affixed to a wall, fascia, canopy, or marquee in an essentially vertical position or with exposed face of the sign in a place approximately parallel with the wall or fascia upon which it is attached.
- (w) **Wind Sign.** Any propeller, whirligig, or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of wind. This definition shall not include pennants, flags, or banners.

3.26 Design Review

The intent of these standards is to identify a range of design options which will encourage development compatible with the existing character of Bear River City and which will discourage introduction of incompatible features. If the Planning Commission wishes, they may recommend to the Town Council that a design review committee be formed to assist the Planning Commission in the administering of the section.

3.26.1 Design Review Committee

In accordance with the duties and powers of the Planning Commission outlined in Chapter 4, the Planning Commission may recommend persons to serve on a Design Review Committee when one is needed to help implement this section. Those recommended shall be representative of the following groups: the Planning Commission, the Staff, design professionals, development community, and property owners from the affected district. Members of the committee shall be appointed by the Mayor with the advice and consent of the Town Council. The

Design Review Committee shall organize by-laws or administrative procedures and operate under the authority of this section. The committee may adopt design standards as appropriate that meet those guidelines or enhance upon those listed below. The committee shall meet at such times and places and as often as they or the Planning Commission shall deem necessary to review the applications.

The administrative procedures adopted shall apply to all requests for a Certificate of Appropriateness. For purposes of these procedures, the Design Review Committee shall be considered staff to the Planning Commission. Unless the Planning Commission shall otherwise direct, an applicant for a Certificate of appropriateness may in writing consent to the Committee's recommendation and waive further design action(s) by the Planning Commission. If the applicant waives further action by the Planning Commission, the Committee recommendation shall be considered approved by the Planning Commission. The recommendation will then go to the Town Council for a decision on issuing a Certificate of Appropriateness. Any appeal from the Committee's decision shall be reviewed by the full Planning Commission. The decision of the Commission will then be recommended to the Town Council. The decision of the Town Council may be appealed to the Appeal Authority and the courts.

3.26.2 Types of Certificates of Appropriateness

The Planning Commission and its design review committee will be reviewing five different kinds of "construction" activity that need certificates of appropriateness, and each kind will need a slightly different application of the guidelines below and additional standards as may be adopted:

- (a) For the construction of new buildings and parts of buildings, the focus of the guidelines is on the compatibility of new construction with the existing character of the district without dictating style or taste.
- (b) For reconstruction, remodeling, and repair of existing structures, the guidelines seek to guide and encourage rehabilitation in line with the original character of the structure.
- (c) For relocation of buildings to sites within the district, the guidelines seek to insure that buildings moved to sites within the district are compatible with the surrounding buildings and are suitably situated on the lot.
- (d) For the demolition or removal of all or parts of existing buildings, the focus of the guidelines is to find feasible alternatives to the demolition, or at least compatible replacement.
- (e) For sign permits, the guidelines seek to insure that the sign is designed as an integral architectural element of the building and site to which it relates, and is compatible with the overall character of the district.

3.26.3 Harmony of Design Guidelines

- (a) To preserve the design character of the existing development, to protect the rural, country side visual pattern of the community, and to promote harmony in the visual relationships and transitions between new and older buildings, new buildings should be made sympathetic to scale,

form, and proportion of existing development. This can be done by repeating building lines and surface treatment and by requiring some uniformity of detail, scale, proportion, textures, materials, color, and building form.

- (b) The use of unusual shapes, color, and other characteristics that cause new buildings to call excessive attention to themselves and create a jarring disharmony shall be avoided, or reserved for structures of broad public significance.
- (c) The height and bulk of new buildings shall be related to the prevailing scale of development to avoid overwhelming or dominating existing development.
- (d) Building additions should be designed to reflect existing buildings in scale, materials, and color. Facade renovations should include as few different materials as possible.
- (e) The architectural style of new or redeveloped structures shall be compatible with the predominant architectural themes of the district. Contemporary design for new buildings in old neighborhoods and additions to existing buildings or landscaping should be discouraged if such design is not compatible with the size, scale, color, material, and character of the neighborhood, building, or its environment. Rural, or agricultural type living designs should be implemented when ever possible.
- (f) Adjacent buildings of different architectural styles shall be made compatible by such means as materials, rhythm, color, repetition of certain plant varieties, screens, sight breaks, etc.
- (g) The construction of additions to existing buildings should be generally discouraged in yards adjoining public streets and should instead be confined to side and rear yards which are generally out of public view.
- (h) To preserve the continuity prevailing along each block face, the orientation of the building's principal facade shall complement that of the majority of buildings in the same block face. (Either parallel or perpendicular to the street)
- (i) The open expanse of front lawns or meadows/open spaces and the quantities of planting within them of new or redeveloped structures shall be comparable to that of existing structures.

3.26.4 Building Details

- (a) Rehabilitation work should not destroy the distinguishing qualities or character of the property and its environment. The removal or alteration of architectural features should be held to the minimum, consistent with

the proposed use.

- (b) Distinctive stylistic features or examples of skilled craftsmanship which characterize older structures and often predate the mass production of building materials, should be treated and/or preserved with sensitivity .
- (c) Wherever possible, new additions or alterations to buildings should be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original building would be unimpaired.

3.26.5 Signs

Signs should complement the architectural style and scale of the building and should be designed as an integral architectural element of the building and site to which it principally relates. As an architectural element, the sign should reflect the period of architecture and be in harmony with building character and use. It must not interfere with architectural lines and details. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention. The number of graphic elements on a sign shall be held to the minimum needed to convey the signs major message and shall be in proportion to the area of the sign face.

3.26.6 Demolition

Except for building condemnation proceedings for health and safety reasons, no demolition permit will be issued until plans have been submitted, reviewed, and approved for a replacement structure or appropriate landscaping. This is to assure that vacant lots are not created in the district, and to make sure the new structure is compatible with its surroundings.

3.27 Technical Review

The Bear River City Town Council and the Bear River City Planning Commission, which advises the Council on zoning matters, have determined that the various aspects of the Permitted and Conditional Review process, as well as the infrastructure review and environmental impact review process of sensitive lands require certain expertise in dealing with special or unique technical situations. These situations may be better dealt with through the formation of a technical review committee made up of experts in the field to review the permit and make recommendations to the Planning Commission and/or Town Council regarding conditions of approval. The members shall be appointed by the Planning Commission, with input of the Town Council when necessary and the members shall act as staff to the Planning Commission.

The Committee may review a project as directed by the planning commission and submit a certificate of review with findings and/or concerns to the Planning Commission prior to their adoption of conditions to the permit. Any appeal from the Committee's decision shall be reviewed by the Planning Commission. If necessary, the decision of the Commission may then be appealed to the Appeal Authority, and ultimately to the courts.

This Committee may be formed on a case by case basis as the need may arise and may consist of the same members or additional and replacement members as necessary. The Committee may adopt administrative procedures as appropriate and the Committee derives its authority to meet and act under this

3.28 Right to Farm Provisions

Since Bear River City is an agricultural community and because the Town Council places such a high value on the protection and preservation of agricultural land uses, the Town has adopted the following right to farm provisions of this code.

All Subdivisions that: (a) border an agricultural area, or (b) contain within them an agricultural or irrigation right-of-way or easement, or (c) will contain an agricultural open space or preservation, shall have additional requirements imposed upon the developer in the form of an analysis to be reviewed and implemented as part of the conditional use process or subdivision process. This impact analysis shall be used to determine the impact(s) on associated farming and/or livestock operations affected by the development, and implement remediation and protection designs in the development to alleviate conflicts with the affected agricultural operations.

The developer is responsible for the performance of the analysis with the input and review by the Town. The Planning Commission and developer shall use the following review guidelines or issues in determining the impact on farming operations of the development, and will apply appropriate conditions during the approval process to insure that the farm or ranch affected is assured a right to farm without undue burden of residential or commercial growth and complaints by neighbors. All rights to farm are preserved to the best ability of the Town, taking into consideration practical land use applications and private property rights and concerns.

The following factors shall be used as guidelines or issues in the preparation and review of the agricultural impact analysis. Impact solutions may be developed as permit conditions and restrictive covenants or agreements:

- (a) Protection of irrigation access and maintenance of ditches and canals.
- (b) Safety and protection of the public from ditches, canals, ponds and drainage systems.
- (c) Livestock movement corridor protections and safety concerns.
- (d) Fencing safety (i.e. electrical, barb wire) and design.
- (e) Private property protection issues.
- (f) Hunting protection, access and livestock safety concerns.
- (g) Protection of farm equipment ingress and egress.
- (h) Erosion and soil protection and conservation concerns.
- (i) Drainage of the subdivision and designs to minimize the discharge or impact on agricultural lands and soils.

- (j) Noxious weeds, pests and pet (dog) controls in the subdivision.
- (k) Provisions, acknowledgments and understandings by new property owners (including hold harmless agreements if necessary) that farm work hours run late and begin early and that farm operations may contribute to noises and odors objectionable to some subdivision residents.
- (l) Screening provisions and landscaping designs to reduce noise or visual impacts on surrounding or conflicting land uses.
- (m) Any other provisions or concerns that the Planning Commission deems necessary to protect the rights to farm on adjoining or appurtenant properties.

3.29 Field Drains

Field Drains have been used to lower the water table and improve farmland productivity in the Bear River City area for many years. The Bear River City Council feels it is vital to the health, safety and welfare of its residents to protect these field drains.

(a) Any contractor, homeowner, developer, etc. who encounters and/or damages a field drain during excavation or construction shall restore the damaged portion of the field drain to proper working condition and properly bed and backfill it to protect from settlement and damage at the contractor, homeowner, or developer's expense.

(b) A field drain may be rerouted as long as:

- (1) it is necessary to reroute the field drain;
- (2) the new location of the field drain is reasonable and does not affect the utility of the field drain or impact the field drain owner's use of the field drain;
- (3) the contractor, homeowner, or developer has first made reasonable attempts to negotiate with the owner of the field drain to obtain consent for rerouting the field drain;
- (4) the contractor, homeowner, or developer pays all of the costs of relocating the field drain; and
- (5) the proper size pipe and grade are followed.

(c) High quality perforated drain pipe shall be used to reroute or replace any damaged portion of a field drain. The quality of pipe must be able to withstand weight and time and must be properly bedded and backfilled to protect from settlement and damage, with no bellies or sags. The diameter of pipe shall be of adequate size to match existing field drain flow.

(d) A restored, repaired or rerouted field drain shall be inspected by the City Engineer..

3.30 Sanitary Sewer Provisions

3.30.1 Definitions

Except as otherwise designated, the terms in this ordinance shall bear their commonly understood

meanings. The following terms, unless the context specifically indicates otherwise, shall have the meanings hereinafter designated:

3.30.1.1 Certified Operator means the wastewater operator, holding all certifications required by the state and necessary to operate a municipal sewer system, appointed or hired by the City to operate the municipal sewer system, pursuant to 3.30.2.1.

3.30.1.2 City means Bear River City, Utah.

3.30.1.3 Contractor means appropriately licensed and classified contractor by the State of Utah Department of Commerce Division of Occupational and Professional Licensing.

3.30.1.4 City's Authorized Agent or "CAA" means the person, appointed by the Mayor and confirmed by the City Council, pursuant to 3.30.2.1, charged with the immediate care, supervision, and control of the municipal sewer system.

3.30.1.5 Dwelling Unit means one or more rooms arranged for the use of one or more individuals as a single housekeeping unit with cooking, living, sanitary and sleeping facilities.

3.30.1.6 Hazardous Material means flammable or inflammable gas, gasoline, oil or petroleum by-products, or any other material which, by chemical reaction with water or sewage, or because of its quantity, concentration, or physical, chemical, or infectious characteristics, may be or become dangerous to health, life, or property.

3.30.1.7 Hearing Officer means a person appointed by the Mayor with the advice and consent of the council to hear and decide matters which are assigned to the hearing officer in this ordinance. The appointment may be for a specified term of not more than two years or a hearing officer may be appointed as needed from time to time to hear a specific matter.

3.30.1.8 Inspector means CAA or authorized person or firm assigned by the City to act in their behalf.

3.30.1.9 Main or Main Line means a principal pipeline in the municipal sewer system to which other sewer system lines may be connected.

3.30.1.10 Municipal Sewer System means the sanitary sewer system of trunk and lateral lines, pipelines or conduits, gravity and force mains, pumps, pumping stations, lift stations, and all other devices and appliances appurtenant thereto, owned and operated by the City for collecting, conducting, conveying, or treating wastewater.

3.30.1.11 OSHA means Occupational Safety and Health Administration

3.30.1.12 Owner means, as applicable, the owner of real property within Bear River City, or the owners' agent, or any other party responsible for such property

3.30.1.13 Runoff Water means rain water or other forms of precipitation, ground water, basement or surface water, or the contents of any spring, flowing well, creek, ditch, or other watercourse.

3.30.1.14 Single Family Dwelling means a building arranged or designed to be occupied by only one family; a structure having only one dwelling unit.

3.30.1.15 Structure means anything constructed, the use of which requires fixed location on or in the ground, or attached to something having a fixed location upon the ground and which imposes

an impervious material on or above the ground; structure includes "building". All structures must maintain the minimum set-backs for the district in which they are located, both above and below the ground.

3.30.2 Administration

The entire municipal sewer system shall be under the administration of the Mayor.

3.30.2.1 Supervision and Operation The Mayor shall appoint one City Authorized Agent (the CAA) who shall be charged with the immediate care, supervision, and control of the municipal sewer system. The Mayors' appointment must be confirmed by the City Council. The CAA shall ensure that a certified wastewater operator (certified operator), holding all certifications required by the state, shall operate the municipal sewer system. If the CAA has been properly certified, he or she may serve as the certified operator. The Mayor, the CAA, and the Certified Operator shall enforce this ordinance.

3.30.2.2 Capital Improvement, Assessment, Maintenance, and Operation Management Plan: The Mayor, the CAA, and the certified operator shall develop and may annually review and, if necessary, amend, Capital Improvement, Assessment, Maintenance, and Operation Management Plans

3.30.3 Unauthorized Interference with municipal sewer system is prohibited.

3.30.3.1 Alteration of municipal sewer system It shall be unlawful for any unauthorized person to work on, add to, remove, or otherwise alter the municipal sewer system or any part, portion, appurtenance, or subsystem thereof.

3.30.3.2 Injuring sewer appliance or appurtenance It shall be unlawful for any person to willfully or recklessly injure, break, or tamper with the municipal sewer system, any sewer appliance or appurtenance, or any part or portion thereof.

3.30.3.3 Opening A Manhole It shall be unlawful for any person not authorized by the Mayor, CAA or Certified Operator to open any sewer manhole.

3.30.4 Prohibited Substances

3.30.4.1 Runoff Water, Steam Exhaust, and Blow-off It shall be unlawful for any person to connect with the Municipal sewer system any drain or pipe which discharges runoff water or steam exhaust or blow-off. The overflow from blow-off boilers or heating plants shall not be permitted to enter a sewer at a temperature above one hundred and twenty (120) degrees Fahrenheit.

3.30.4.2 Hazardous Materials It shall be unlawful for any person or persons to discharge into the sewer any hazardous material. Oil separators installed in any buildings where volatile fluids are used must not be connected directly with the sewer.

3.30.4.3 Obstructive Materials No person or persons shall permit any substance to enter the sewer system that may obstruct the sewer line, such as garbage, refuse or other similar matter.

3.30.4.4 State and federal prohibitions It shall be unlawful to discharge into the municipal sewer system any substance in violation of state or federal law, rule, or regulation, or which would cause the City to be out of compliance with any permit held by the City under state or federal law, rule, or regulation.

3.30.5 Settling Tanks The discharge of the contents of waste pipes from water filters, gas engines, soda water fountains, air compressors, vacuum or dry cleaners, garages, stores or warehouses containing

flammable 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 the municipal sewer system, unless such contents are discharged into a properly trapped and vented settling tank. Any such tank shall comply with state and local regulations, and shall be at all times subject to inspection and condemnation.

3.30.6 Application For and Granting of a Permit for Sewer Connection 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 a permit. An application for a sewer connection permit must be made in writing on a form provided by the City, by the owner of the premises for which the connection is sought. The sewer connection permit must be accompanied by plans showing the size, location, length, and cleanouts of the planned or existing sewer line or lines, from the existing or planned building to the property line. The City Authorized Agent (CAA) may approve or alter the proposed connection be located in a different place before signing the plan. Only the CAA or the certified operator may designate where a connection may be made to a sewer main line; however the connection obligates the following of City Standards and Sewer Ordinances. A sewer connection plan can be drawn on a standard size sheet or sheets of paper, hand drawn by the applicant or the installing contractor.

Upon issuance of a building permit and sewer-connection permit, the signed permit and the plans of the proposed sewer connection shall be submitted to the City Recorder for recording. The City Recorder shall record the documents upon payment of all applicable fees. The Property owner or developer will be responsible for the installation of sewer service laterals and or appropriate sewer line from the City main sewer line to the applicants' sewer line in accordance with City standards. All work shall be completed by a State Licensed Contractor.

3.30.7 Connections to the Sewer

3.30.7.1 Connection Required The owners of all dwellings, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley, easement or right of way in which there is now located or may in the future be located a public sanitary sewer of the City, or within three hundred feet (300') of a main sewer line, is hereby required, at the owner's expense, to install suitable sewer facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this ordinance, within one hundred eighty (180) days after the date of official written notice to do so; provided, that said sewer is within three hundred feet (300') of the owner's property line.

Unless provision is expressly made for the ownership and maintenance of sewer lines by means of a written agreement, all sewer mains shall be deemed to be the property of the city of Bear River and subject to its absolute control and supervision even though actual installation may have been performed by a developer or property owner. Ownership and maintenance of all connecting lines or laterals running from the main line to the point of connection at the facility served by such connecting line or lateral shall be the responsibility of the property owner.

The City may not permit connections to the public sanitary sewer of the City from properties not within City limits. Property may be annexed into the City, at the owner's discretion for the purpose of receiving sewer service from the City.

3.30.7.2 Properties When a sewer line comes within 300 feet of a property lot line, home or commercial building within the City, the existing owner must hook up to the City sewer system.

3.30.7.2.1 The owners of property will be notified by the city once they are required to hook up to the City sewer system.

3.30.7.2.2 After the 180 days' notice the property owners or the residents shall be charged the adopted monthly sewer-connection fees whether or not the required connection has been made.

3.30.7.2.3 It shall thereafter be unlawful for any such building to remain unconnected to the municipal sewer system or to maintain usage of, or permit the use of any pre-existing privy vault, septic tank, or cesspool in connection with such building.

3.30.7.2.4 When an extension of a City sewer line forces an existing house, business or other structure to connect to the City sewer system and this causes a verifiable hardship to the property owner, the City may develop a sewer payment plan with the owner for the payment of the fees and hookup costs.

3.30.7.2.4.1 A property owner seeking a verifiable hardship shall make application to the Bear River City hearing officer, as defined in 3.30.1.7, and pay the appropriate fee.

3.30.7.2.4.2 The burden of proving a verifiable hardship falls on the property owner.

3.30.7.2.4.3 If it is determined by the City Hearing Officer that a verifiable hardship exists, the City Hearing Officer will review the circumstances of a given situation and provide for a suitable repayment agreement and recommendation to the City Council for final approval prior to execution by the City and property owner.

3.30.7.2.5 If the City elects to enter into an agreement under this Section, such agreement shall require the property owner to repay cost of the total cost of the connection in full, by a date no later than 10 years from the official written notice provided by the City under 3.30.7. The City may, at its election, charge interest at a rate equal to that received on Sewer Funds. Nothing in this Section shall be construed as enabling the City to waive the property owner's responsibility to pay the cost of the connection.

3.30.7.2.6 A financial repayment agreement entered into under 3.30.7 shall run with the land and obligate the property owner and subsequent owners. The City shall record notice of such agreement against the real property in the office of the Box Elder County Recorder.

3.30.7.3 New Development Except as provided in 3.30.7.8, all new developments designed for human occupancy, employment, recreation or other purposes must be connected to the municipal sewer system in accordance with the Bear River City Land Management and Development Code and/or Subdivision Ordinance.

3.30.7.3.1 Subdivisions If any original property line of a proposed subdivision is within 300 feet of a municipal sewer line all lots in the subsequent subdivision shall be required to connect to the Bear River City Sewer System. The applicant shall pay all connection costs associated with connecting each subdivided lot to the Bear River City Sanitary Sewer system.

3.30.7.3.2 Old Building Sewers Old building sewer connections may be used in connection with a new building only when they are: 1) an active account; 2) current on monthly charges; 3) the city engineer has reviewed and approved a submission from a licensed contractor including a written report and a video of the entire length of the old building sewer connection requested to be

used in connection with a new; and 4) found to meet all requirements of this ordinance and any other state or local regulations.

3.30.7.4 Sewer Main Line Extension The extension of sewer main line or other sewer line within the city street right-of-way requires an excavation permit.

The owner of property within Bear River City making a sewer connection but not served by an adjacent or contiguous sewer line, in addition to paying all current fees, shall pay for the construction and installation of a sewer main line extension with appurtenant manholes, including necessary hardware and fixtures, and in accordance with this section and the Impact Fee ordinance.

Where growth may occur beyond property to which a main line is to be extended, the main line shall be extended a minimum of the length of the frontage required by the City Land Management and Development Code. With lots longer than the required frontage, the main line must extend the full length of the required frontage and twenty feet past the point of the service connection to the main line, where a clean out will be required. If a manhole, per the municipal sewer system design, occurs less than twenty feet past the connection, the line extension may terminate at the manhole. Where no growth can occur beyond a property to which a main line is to be extended, the main sewer line to such property may stop at the point of service connection with a manhole at the end of the line. Service lines to the property shall be installed at the same time as the main line.

3.30.7.5 Sewer Main Line Extension Fees Any applicant for, or party required to seek, a main line extension of the municipal sewer system shall pay to Bear River City all applicable fees including, in addition to the established sewer-connection permit and construction fees, an amount equal to the estimated expense of running a new main line from an appropriate, existing main line (including necessary hardware and fixtures), to the point required by 3.30.7.4, above. A copy of the engineers' estimate, or contractors bid shall be given to the applicant or owner (and/or the occupant, if necessary). Upon receipt of all applicable fees, Bear River City shall cause a municipal sewer system main line to be constructed from the point of joinder with an appropriate, existing main to the point of termination on the public street. If the estimated expense exceeds the actual expense, Bear River City shall refund the excess to the applicant or owner (and/or the occupant, if necessary). If the estimated expense is not sufficient to pay the actual costs, then the applicant or owner (and/or the occupant, if necessary) shall pay Bear River City the difference in full prior to a connection actually being made to the newly constructed main line.

Where an applicant or owner (and/or the occupant, if necessary), or a developer desires to undertake the installation of a municipal sewer system main line extension as contemplated in this 3.30.7.5, the City and such party shall enter into a written agreement providing, in detail: (1) terms of construction per City standards, (2) applicable fees covering both the main line and connections to the property lines, and (3) guarantees covering work to be done.

3.30.7.6 Shared Main Line Extension Costs If more than one property should be required to connect to the municipal sewer system because of main line extensions that bring them within three hundred feet of a main line, costs will be apportioned, per connection, for the main line extension. The City shall determine the proportions to be paid by each property owner (and/or the occupant, if necessary).

When the possibility exists that other connections might be made to a main line

extension, the City and the applicant or owner (and/or the occupant, if necessary), or developer may enter into a written Pioneering Agreement providing in detail the terms under which a proportionate share of the cost of such a main line extension, not to exceed 70% thereof, may be reimbursed to the applicant or developer from fees collected on other connections to such extended main line, provided such qualifying development occurs within 10 years of the effective date of the Pioneering Agreement and that such funds are actually received by the City by other connections to such extended main line.

3.30.7.7 Connections Lower Than Sewer Elevation The flow line elevation of all sewer lines connecting to the City main sewer line must be higher than the flow elevation of the City main line. Where a new sewer line that would exit an applicants' property would be too low to connect to the City main sewer line, the applicant shall install a system that will pump the sewage into the City main sewer line. This system must be designed and verified by a certified engineer.

Where the property upon which single or multiple developments are contemplated is too low to make a connection to an existing City main sewer line or the City main sewer line cannot be extended because of elevation, the developer, at the developers' expense, shall, following City approval of the contemplated development, install a sewer system, designed by a certified engineer, that will allow sewer discharge from these properties to empty into an existing City main sewer line. This system may include holding tanks and lift stations on private property or on City main line extensions. Any main line extension or appurtenance constructed on City property, after acceptance by the City engineer, shall be dedicated to the City, and the City will be responsible for the operation and maintenance thereof.

No system permitted by this section may connect to a City main sewer line unless it has been inspected, tested and approved in writing by the City engineer (at the applicants' expense).

Section 3.30.7.7 shall not apply to residences or residential developments existing as of the effective date of this ordinance.

3.30.7.8 Deferments An applicant or owner may petition the (CAA) for a deferment of the requirement to connect to the municipal sewer system. A survey made by a qualified engineer shall accompany the written petition from the applicant or owner and must show, among other things, the distance from the main sewer line to the owner's property line. The deferment petition and the survey must accompany a building permit application, where applicable, and must be approved in writing by the CAA before the building permit can be given. No deferment may be granted for a period of longer than ten (10) years.

Once a deferment petition has been approved a Development Agreement shall be entered into stating: (1) Plumbing shall be installed in the new building and to the property line for future connection to the public sewer system; and (2). The property owner understands all sewer connection fees and impact fees will be paid by the owner.

The Development Agreement shall be signed and notarized by the property owner(s) and the City shall have the agreement recorded on the property at the Box Elder County Recorder's Office so future owners will be aware of the required connection to the sewer when it becomes available.

3.30.7.8.1 Permit Where a public sanitary sewer is not available or required for a property, such property shall be connected to a private wastewater disposal system. Before commencement

of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the Bear River Health Department. The property owner or applicant shall include a copy of the permit for the private wastewater disposal system in its building permit application as required under this Section.

3.30.7.8.2 Compliance Inspection The City shall grant permission to use the private wastewater system when installation is completed in compliance with the approved plans, all state and local codes and laws, and has passed inspection by the Bear River Health Department.

3.30.7.8.3 Maintenance When a public sewer is not available, the owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the City.

3.30.7.8.4 Additional Requirements No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Utah State Department of Environmental Quality or other applicable state or local entity.

3.30.7.8.5 Time Limit for Connection to Public System At such time as a public sewer becomes available to a property served by a private wastewater disposal system a direct connection shall be made to the public sewer within one hundred eighty (180) days of written official notice from the City, in compliance with this ordinance and the private wastewater disposal system shall be disconnected, safely abandoned and made inoperable in compliance with applicable laws and regulations.

3.30.8 Inspection of Wastewater Plumbing in Buildings All wastewater plumbing in a house or other building, whether residential, commercial, or industrial, may be inspected by the City upon reasonable notice. Where there is found a violation of this ordinance, the City shall give notice of the location and violation in writing to the owner or the occupant. The owner shall thereupon have 90 days to rectify the violation. After 90 days, should the violation remain unrectified, the City shall have the right to disconnect service.

The CAA or other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing, in accordance with the provisions of this ordinance.

3.30.9 Distance of Other Lines from the Sewer Lines The separation distance of sewer lines from all other lines shall be in accordance with current Utah Division of Drinking Water rules as well as all federal, state, and local building codes. Sewer lines five feet out from a building to the property line shall maintain at least the same separation as required within the first five feet from the building. Where a sewer line must cross a drinking water line, the crossing shall be as close as practical to the perpendicular. The sewer and culinary waterlines shall have at least eighteen inches of vertical separation.

3.30.10 Pipe and fitting requirements No private drain may be connected to the municipal sewer system except upon full compliance with the provisions of this ordinance. The internal diameter of all drain pipes shall not be less than four inches. All pipes and fittings must be rated for use in a sewer line according to current federal, state, and local laws and codes. All fittings must be installed so as to not obstruct flow within the municipal sewer system or any part thereof. All pipes shall be laid on a firm bed and on a uniform grade not less than 1.68 feet per one hundred feet for four inch pipe and not less than 0.8 feet per one hundred feet for six inch pipe. The applicant (or the owner, under 3.30.7 hereof) must have any variation from these grades approved by a certified engineer (at his or her own expense) and accepted by the city engineer.

3.30.11 Permits and Manner of making excavations An excavation permit shall be obtained from the City Recorder prior to any excavation on City property. All work on the City sewer system shall be subject to State laws. Work not accomplished by City employees necessitates appropriately licensed Contractors. (Contractors hired by the City will be issued applicable permits at no cost). All necessary precautions shall

be taken to keep both excavated trench and sewer lines free from surface or ground water during excavation and installation.

Contractors shall be responsible for keeping trenches dewatered. No water shall be allowed to enter sewer lines at any time during excavation or installation. All related work including trenching will follow OSHA safety standard. Blue Stakes of Utah and other known utility owners shall be notified in accords with State Laws and all utility lines including gas and water pipes and other conduits encountered shall be supported and protected. The permitted will be responsible for damages in accords with State Laws. If the sewer trenches pass through any cesspool or other pit, sewer lines laid therein shall be adequately supported. No paved street or other improved surface shall be disturbed by anyone, other than a City employee or contractor hired by the City for the purpose, until a deposit shall have been made with the City Recorder to cover the cost of repairing the same. All excavated portions of the street shall be restored to a condition equal to or better than before the excavation.

3.30.12 Trench Excavation and Backfill This section covers the requirements for trenching and backfilling for underground pipelines. Unless otherwise shown or ordered, pipe shall be laid in an open trench. All incidental clearing, preliminary grading, structure removal, and benching shall be considered a part of the trenching operation. Excavation of trenches for pipe lines shall include the excavation of all materials, of whatever nature, except pavement, coming within the designated lines of the trenches, as hereinafter described. It shall include the excavation of all materials required for the construction of manholes, flush tanks, clean-out boxes, meters, pressure regulators and other appurtenances as shown on the drawings or directed by the engineer. It shall include all excavation required for the removal or lowering of existing pipe lines or appurtenances and shall include all necessary clearing and grubbing, all necessary draining, pumping, timbering, sheeting and subsequent removal of these materials as directed by the inspector. It shall include the disposal of all material excavated and the backfilling of the trenches and appurtenant structures as hereinafter provided. No tunneling will be permitted unless permission is given in writing by the Inspector.

3.30.12.1 Barricades Barriers shall be placed at each end of all excavations, and at such places as may be necessary along excavations, to warn all pedestrians and vehicular traffic of such excavations. Lights shall also be placed along excavations from one hour before sunset each day to one hour after sunrise of the next day; including weekend and holidays, until such excavations are entirely refilled, compacted, and surfaced or final graded. All excavations shall be barricaded in such a manner as to prevent persons from walking into, falling into, or otherwise entering those excavations.

3.30.12.2 Blasting Blasting will not be allowed except by permission from the city Representative/Engineer. The Developer/Contractor shall comply with all laws, regulations, ordinances, and safety codes relative to the handling, storage, and use of explosives. The Developer/Contractor shall be fully responsible for all damage to life and property attributable to its blasting operations. Excessive blasting or overshooting will not be permitted. The Developer/Contractor shall remove any material outside the authorized cross section, which may be shattered or loosened by blasting.

3.30.12.3 Sheeting, Bracing and Shoring of Excavations Excavations shall be sheeted, braced, and shored as required to support the walls of the excavations. These measures shall be taken to protect the workers, the work in progress, existing utilities, structures, and improvements, from damage due to sliding and settling of trench walls. All such sheeting, bracing, and shoring shall comply with the regulations of the Utah State Industrial Commission, the United States Occupational Safety and Health Administration (OSHA), and accident prevention and safety provisions of the Contract. The Developer/Contractor shall be fully responsible for the adequacy of methods and materials used in trench sheeting, bracing, shoring, and other systems provided to protect workers. Injury to or death of workers resulting from inadequate trench safety measures

shall be the full and complete responsibility of the Developer/Contractor. All damages resulting from lack of adequate sheeting, bracing and shoring shall be the responsibility of the Developer/Contractor, and the Developer/Contractor shall affect all necessary repairs or reconstruction at its own expense resulting from such damage. Sheeting or shoring that does not extend below the centerline of the pipe may be removed at

the discretion and responsibility of the Developer/Contractor after the pipe embedment has been placed and compacted to a level twelve inches (12") above the top of the pipe. Following removal of the sheeting or bracing, the trench shall be immediately backfilled and compacted or consolidated.

3.30.12.4 Control of Groundwater All trenches shall be kept free from water during excavation, fine grading, pipe laying and jointing, and pipe embedment operations. Where the trench bottom is mucky or otherwise unstable because of the presence of groundwater, and in all cases where the static groundwater is above the bottom of any trench or bell hole excavation, such groundwater shall be lowered to the extent necessary to keep the trench free from water and the trench bottom stable when the work within the trench is in progress. The discharge from excavation dewatering shall be conducted to natural drainage channels, gutters, drains, or storm sewers. Measures should be taken to not discharge silts and fines or any other pollutant into the storm drain system. No sanitary sewer shall be used for disposal of trench water. Surface water shall be prevented from entering trenches.

3.30.12.5 Trench Excavation Excavation for pipelines shall be located as shown on the Drawings or as staked in the field. Trenches shall be excavated to the depths and widths required accommodating the construction of the pipelines, as follows:

3.30.12.5.1 Utility Protection All water, gas, sewer or other pipes encountered in excavating for the trench or appurtenances shall be supported and protected from injury in a manner satisfactory to the inspector.

3.30.12.5.2 Normal Excavation Except in ledge-rock, cobbles, stones, or water-saturated earth, mechanical excavation of trenches shall not extend below the bottom of the pipe after placement in its final position. All additional excavation necessary for preparation of the trench bottom shall be made manually.

3.30.12.5.3 Authorized Over Excavation Where ledge-rock, cobble rock, stones or other material render the trench material unsuitable for pipe bedding, as determined by the city Representative/Engineer, bedding material shall be imported and placed. The trench shall be excavated to a minimum of four-inches (4") below the bottom of the pipe after placement in its final position. Where unstable material is encountered in the excavation, foundation material may be required, as determined by the city Representative/Engineer. In such cases, a minimum of eight inches (8") below the bottom of the pipe after placement in its final position shall be removed. Over excavation not ordered, specified, or shown shall be considered to be unauthorized excavation. Excavation in Rock and Hard Pan. If the bottom of the trench for any pipeline is in rock or in material too hard to permit the bed to be properly formed for the pipes, the excavation shall be made not less than 4 inches below the established subgrade, and the bottom of the trench shall be brought to subgrade with approved material compacted into place as ordered by the Inspector. The subgrade for all pipeline trenches is hereby defined to be the bottom of the trench at the elevation of the outside bottom of the pipe. Excavation Other than Rock. Where the bottom of the trench is composed of material

other than rock, care shall be exercised to prevent any disturbance of the material beyond the prescribed lines, and if any material is so disturbed, it shall be tamped back into place in a manner satisfactory to the Inspector. Undesirable Material. If any undesirable material is encountered in the bottom of the trench, the contractor shall make such additional excavation as the inspector may direct, and shall replace it with gravel of a quality that will pack, and said gravel shall be tamped into place in 4-inch layers to the satisfaction of the Inspector.

3.30.12.5.4 Unauthorized Over Excavation Any excavation carried below the elevation required to install the pipe as specified in these Specifications, or directed by the city Representative/Engineer, shall be considered to be unauthorized. Such excavation shall be backfilled in accordance with these Specifications, all at the Developer/Contractor's expense.

3.30.12.5.5 Trench Width The trench shall be excavated such that the pipe is always centered in the trench. The minimum clear trench width at the horizontal diameter of the pipe must not be less than the outside diameter of the pipe plus twelve inches (12"). Trench width for pipeline structures, valves, or other accessories shall be sufficient to leave at least twelve inches (12") clear between their outer surfaces and the trench. Backfill with earth under structures or valves will not be permitted. Any unauthorized excess excavation below the elevation indicated for foundation of any structures shall be backfilled in accordance with this Specification regarding Trench Backfill, at the Developer/Contractor's expense. The sides of the trench shall be vertical and the depth of the trench shall be measured from the existing ground surface to the subgrade of the trench, provided that on paved streets the depth shall be measured from the bottom of the pavement to the subgrade of the trench. Additional excavation required for manholes, vaults, cleanout boxes, meter boxes, valve boxes, pressure regulators and other appurtenances shall be made as described in these Specifications; provided, however, that the measurement of additional excavation shall include only such additional material as is required beyond the designated lines of the trench.

3.30.12.5.6 Fine Grading the Trench Bottom The bottom of the trench shall be accurately graded and prepared to provide uniform bearing and support on undisturbed soil or compacted granular bedding at every point along the entire length of the pipe. Bell holes shall be hand excavated after the trench bottom has been fine graded. Bell holes shall be only large enough to permit making the joints and to assure that any portion of the joint or bell does not support the pipe.

3.30.12.5.7 Trenches in Embankments Before laying pipes that are to be in fill or embankment areas, the embankment shall first be placed and compacted to the specified density to a depth of not less than two feet (2') above the top of the proposed pipe. After placing and compacting the embankment, the trench for the pipe or conduit shall be excavated through the fill and fine graded and the pipe installed as specified.

3.30.12.5.8 Placement of Excavated Material All excess material shall be hauled away from the construction site and disposed of in an area obtained by the Developer/Contractor and approved by the city Representative/Engineer. The Developer/Contractor shall be responsible for all rights-of-way, easements, and access associated with the disposal of excess excavated material. It shall further be responsible to obtain permission from the property owner or person controlling the property where the Developer/Contractor plans to dispose of excavated material. No compensation will be made to the Developer/Contractor for disposal of excess excavated material. Non-excess excavated material shall be piled in a manner that will not endanger the work and

will avoid obstructing sidewalks and driveways. Gutters and irrigation ditches shall be kept clear or other satisfactory provisions shall be made for street drainage and continuity of irrigation. Grading of the area surrounding the trenches, including excavated materials, shall be performed as necessary to prevent surface water from flowing into trenches, or other excavations. Control of groundwater shall be as specified in these specifications regarding Control of Groundwater.

3.30.12.6 Trench Backfill Trench backfill for piping consists of four zones: foundation, bedding, initial backfill, and final backfill. "Pipe embedment" is a commonly used term that refers to the region including the bedding and initial backfill zones, or any region within one foot (1') of any pipe, pipeline structure, or accessory. The foundation is defined as the region between eight inches (8") and four inches (4") below the bottom of the pipe. The bedding is defined as the region between four inches (4") below the bottom of the pipe and the bottom of the pipe. The initial backfill is defined as the region between the bottom of the pipe and twelve inches (12") above the top of the pipe. The final backfill is defined as the region further than twelve inches (12") above the pipe. The city Representative/Engineer shall determine the suitability of excavated materials for use as foundation, bedding, initial backfill, and final backfill. When the native excavated materials are not satisfactory for foundation, bedding, or backfill, the Developer/Contractor shall provide imported granular material. All fill materials shall be compacted as specified in this section. All backfill operations shall be completed within ten (10) calendar days from the starting of excavation. Unless otherwise approved by the Engineer, all backfill material shall be free from cinders, ashes, refuse, organic and frozen material, boulders, stones, or other material that, in the opinion of the City Engineer, is unsuitable. Backfill material under, around, and to one foot over the pipe shall consist of select earth, sand or fine gravel, free from clods, lumps or stones larger than 1 ½ inches to their maximum dimensions. This shall be limited to 1" maximum around PVC, ABS or polyethylene lines. In wet or unstable conditions, material in this zone shall be free draining, non-plastic material. Backfill under and around the pipe to the centerline shall be placed in maximum layers of 6 inches. Bell holes of ample dimensions shall be dug in the bottom of the trench for each pipe. Uniform bearing for each pipe barrel shall be provided for the full length of each pipe. Backfill from the centerline to one-foot above the pipe shall be placed and compacted in maximum layers of 6 inches. Backfilling under improved areas (such as paved streets) shall be placed and compacted in 6 inch layers. All layers through improved areas will be compacted to not less than ninety-six (96%) of the maximum Standard Proctor Density (T-99). Only in the zone from one-foot above the pipe to finished subgrade under unimproved areas will the use of wheel compaction be allowed. Adequate testing by the contractor shall be required to satisfy compaction requirements. Impervious backfill shall be required at irrigation canal crossings or other waterway interferences.

3.30.12.6.1 Imported Granular Material Imported granular material for foundation, bedding, and backfill shall be cleaned crushed rock or gravel, free from sod, vegetation, and other organic or deleterious material. Slag will not be allowed in the pipe embedment. Imported granular material shall conform to the following gradation specifications:

3.30.12.6.1.1 Foundation Material One hundred percent (100%) less than two inch (2") and maximum of five percent (5%) less than one half inch (½").

3.30.12.6.1 .2 Embedment & Initial Backfill Material Ductile-iron pipe - One hundred percent (100%) less than one and a half inch (1-1/2") and maximum of five percent (5%) passing a No. 200 sieve. PVC or polyethylene pipe - One hundred percent (100%) less than one inch (1") and maximum five percent (5%) passing a No. 200 sieve. Concrete pipe - One hundred percent (100%) less than

one and a half inch (1-1/2") and maximum of five percent (5%) passing a No. 200 sieve.

3.30.12.6.1.3 Final Backfill Material One hundred percent (100%) less than four-inch (4"), maximum of fifty percent (50%) passing a No. 10 sieve, maximum of thirty percent (30%) passing a No. 40 sieve, and maximum of fifteen percent (15%) passing a No. 200 sieve.

3.30.12.6.2 Foundation Placement: When over excavation is authorized by the city Representative/Engineer, foundation material shall be placed in the foundation zone and below. The foundation material shall be placed so that the trench can be properly fine graded as specified. The foundation material shall be deposited over the entire trench width and compacted in layers. The layers shall have a maximum un-compacted thickness of six inches (6"). The material shall then be fine graded in accordance with the specification for Fine grading herein.

3.30.12.6.3 Pipe Embedment Native embedment material shall conform to the general requirements Specified herein for imported granular material, and may include excavated materials consisting of loose earth, sand, or gravel having no material larger than two inches (2") in any dimension. For PVC pipe, the material must be no greater than one inch (1") in any dimension. If the excavated materials are not satisfactory, the specified imported granular material shall be used for pipe embedment.

3.30.12.6.3.1 Bedding The bedding material shall be deposited over the entire trench width to a compacted thickness of no less than four inches (4"). The material shall have a maximum un-compacted thickness of six inches (6").

3.30.12.6.3.2 Initial Backfill After the pipe is in place, initial backfill material shall be placed at any point below the midpoint of the pipe simultaneously and uniformly on both sides of the pipe in un-compacted layers not to exceed ten inches (10") or one-half the diameter of the pipe, whichever is less. Initial backfill material shall be placed with care to prevent displacement of or damage to the pipe during the embedment process. Initial backfill material shall be scattered alongside the pipe and not dropped into the trench in compact masses. That section of the pipe zone from the midpoint of the pipe to twelve inches (12") above the top of the pipe shall then be filled with initial backfill materials and compacted.

3.30.12.6.4 Final Backfill Final backfill shall be from twelve inches (12") above the top of the pipe to the level shown on the Drawings. Excavated materials consisting of fines, sand, and gravel shall be used for final backfill. No oil cake, bituminous pavement, concrete, rock, or other lumpy material shall be used in the final backfill unless these materials are scattered and do not exceed six inches (6") in any dimension. Perishable or spongy material shall not be used in final backfilling.

3.30.12.6.5 Compaction Backfill shall be compacted by means of sheep-foot rollers, pneumatic tire rollers, vibrating rollers, or mechanical tampers. The Contractor shall be required to provide evidence of proper compaction in the form of test results from an outside agency.

Under pavements, shoulders or other surface improvements the in-place density shall be a minimum of ninety-six percent (96%) of laboratory standard the maximum dry density as determined by AASHTO T-99. In shoulders and other areas the in-place density shall be a

minimum of ninety percent (90%) of the maximum dry density as determined by AASHTO T-99.

Fill material shall be placed at moisture content within 2% of optimum and uncompacted lift thickness such that after compaction the required relative densities will be produced. In no event will the material be placed in lifts that, prior to compaction, exceed six inches (6") for foundation and embedment and twelve inches (12") for final backfill.

If the required relative density is not attained, test sections will be required to determine any adjustments in compaction equipment, thickness of layers, moisture content and compactive effort necessary to attain the specified minimum relative density.

Approval of equipment, thickness of layers, moisture content, and compaction effort shall not be deemed to relieve the Developer/Contractor of the responsibility for attaining the specified minimum relative densities. The Developer/Contractor, in planning its work, shall allow sufficient time to perform the work connected with test sections and to permit the city Representative/Engineer to make tests for relative densities.

3.30.12.7 Trench Crossings Streets and Driveways At road crossings or where existing driveways occur on a road, the Developer/Contractor shall make provisions for trench crossings either by means of backfill or temporary bridges. Temporary Bridging. The contractor shall construct suitable bridging over the trench at all street intersections and at driveways to property abutting the line of the work and at such other points as may be required. The bridging shall be of sufficient strength to carry the loads required. For public vehicle crossings it shall meet or exceed H-20 rating as defined in Department of Transportation standards.

3.30.12.8 Trench in Easements Any disturbance to property caused by the Developer/Contractor's activity within easements shall be restored at the Developer/Contractors expense to the satisfaction of the owner of the property as reasonably possible. If necessary, shrubs, fences, sod, or other objects shall be carefully removed and replace.

After the sod is removed, if excavation is necessary, the topsoil shall be removed to a depth of twelve inches (12"), or the actual depth of the topsoil, whichever is less? The topsoil shall be stored separately from and shall not be mixed with other excavated material.

Following completion of the backfilling and the compaction of the trench, the Developer/Contractor shall replace topsoil, lawn sod, shrubs, fences, and other items that may have been removed from within the easement area and shall clean up and remove any rocks, dirt or any other debris that remain from the construction work.

3.30.12.9 Restoration of construction site All areas disturbed by excavation and backfilling construction shall be restored to original condition, or better, at the Contractor's expense. During the progress of the Work, the Developer/Contractor shall clean up all construction debris, excess excavation, and excess materials, and shall restore all fences, irrigation structures, ditches, culverts, and similar items. The Developer/Contractor shall stockpile the excavated trench material so as to do the least damage to adjacent grassed areas, or fences, regardless of whether these are on private property or public rights-of-way. All excavated materials shall be removed from grassed and planted areas and these surfaces shall be left in a condition equivalent to their original surface and free from all rocks, gravel, boulders, or other foreign materials.

3.30.12.10 Developer/contractor's responsibility The Developer/Contractor will be responsible to see that the backfilling and compaction are properly and adequately done. Settlement of

trenches within a period of one (1) year after final acceptance of the project shall be considered incontrovertible evidence of inadequate compaction, and the Developer/Contractor shall be responsible for correcting the condition in accordance with the provisions of these Specifications. This includes the replacement of sidewalk, curb and gutter, and other surface improvements. All subsequent settling of backfill areas will become the sole responsibility of the contractor for a period of not less than one year following the final approval of the entire project.

3.30.13 Tests Prior to acceptance by the City, the Contractor shall conduct and successfully pass materials, compaction and pipe testing. Soil materials, proctors, and compaction testing shall be conducted by an independent City approved testing laboratory that shall provide in-place density test at various depths throughout the trench backfill. In place density tests shall be taken every 200 feet of trench and at least 2 at each service lateral trenches, other independent section, manholes and structures as directed by the CAA. Copies of all gradations, proctors and in place density tests shall be delivered to the CAA and/or project Engineer (as applicable). At no cost to the City any portion of trench backfill which does not meet minimum compaction requirements of this section shall be removed, recompacted and retested until passing tests are obtained.

Pipe testing could consist of any or all of the following as directed by the CAA; mandrel test, a pipe system air test and a TV pipe inspection in the presence of the City Engineer or Representative. When directed by the City CAA, the contractor can conduct an infiltration test when and where the ground water table is at least six (6) inches above the new pipeline. The cost of all pipe testing shall be borne by the contractor, developer or project owner. Tests shall be performed as follows:

3.30.13.1 Infiltration Test The Contractor shall furnish labor, equipment and materials, including pumps, and shall assist the city Representative in making infiltration tests of the completed sewer before it can be placed into service. The Contractor shall furnish and install the measuring weirs or other measuring devices. The length of line to be tested at any time shall be subject to the approval of the City Engineer. The maximum allowable infiltration shall not exceed 150 gallons per inch diameter per mile per 24 hours for all installed pipe. If the quantity of infiltration is in excess of the maximum allowable, the leaking joints shall be repaired to the satisfaction of the City Engineer at the expense of the Contractor

3.30.13.2 Air Testing The Contractor or his representative (a qualified firm or individual agreed upon by the City Engineer and the Contractor) shall furnish labor, equipment, and materials, including pumps and compressors, and shall perform, in the presence of the City Representative, air tests of the completed pipe before it can be placed in service. Each section of sanitary sewer pipeline between manholes shall be tested after all the service laterals (and plugs) have been installed. Each test section shall be pressurized to 4.0 psi. For the purpose of stabilizing the air pressure in each test section, the 4.0 psi pressure shall be maintained for a two-minute period. Each test section shall then be re-pressurized to 4.0 psi for a period of four minutes. The test section shall be accepted if, after four minutes, the pressure gauge indicates 3.5 psi or greater. Failure of the Contractor's testing equipment to properly function shall render the test unacceptable. All faulty sections of pipeline shall be repaired and retested until the minimum air testing requirements have been met.

3.30.13.3 Television Testing The Contractor or his representative (a qualified firm or individual agreed upon by the City Engineer and the Contractor) shall furnish labor, equipment, and materials, including camera and video tapes, and shall perform, in the presence of a city Representative, an internal television test of the completed pipe before it can be placed in service. The contractor shall supply the City with a copy of the video tape. The television test shall be subject to the City Engineer's approval. Any defects in the pipe or the pipe installation noted on the internal TV inspection shall be corrected by the contractor and the repaired section shall be TV inspected after the repair to verify that the defective section has been corrected.

3.30.14 Single Family Dwellings Every single-family dwelling shall have a separate connection to a municipal sewer system line. Auxiliary buildings on the same lot with a single-family residence may share the connection to the main line but must be connected before reaching the property line. If at any time an auxiliary building is converted into a residence for human occupancy, it shall have its own connection to the municipal sewer system main line. Such a connection shall be treated as a new application, and all relevant fees will apply.

3.30.15 Multiple-family Dwellings Multiple-family dwellings may have one connection to a municipal sewer system main line. The size of the line from the building must meet the requirements for the number of units in the dwelling as approved by a certified engineer (at the expense of the applicant or owner). If the line required is larger than four inches, the cost to the applicant (or owner) for its installation from the property line to the main line will be the actual cost of the construction, but no lower than the average cost to install a four inch sewer line.

Each apartment or dwelling unit including internal accessory dwelling units shall be considered a separate connection; therefore, each unit owner shall pay all fees, including the monthly sewer bill, as if each unit were a single family dwelling.

3.30.16 Inspection of Connections Between Building and Main Line The inspection of sewer connections between main lines and five feet out from buildings or facilities shall be under the direction of the CAA or certified operator. They shall be notified at least twenty four hours in advance, by the contractor doing the work, that the connection is complete and ready for inspection. The entire sewer connection shall be fully exposed as applicable to safety issues. When not backfilling is a safety or work protection issue photos and/or videos will be required to be taken by the contractor and given to the City for quality and workmanship verification.

If drainage problems exist or arise in lines not inspected, the contractor shall assume all responsibility and shall correct any such problems related to its work. No such line shall be recovered without inspection by the CAA or the certified operator upon proper notification.

Any installation and connection, or any portion thereof, not done in accordance with this ordinance and the instructions of the CAA or certified operator shall be rectified promptly. In the event an inspector finds such installation or connections incomplete, or if changes make another inspection necessary, a charge shall be imposed for each additional visit. The fee for additional visits (to be set by the City Council) will be charged to the applicant (or owner) on any work done by his or her contractor, if the contractor is at fault.

Following the inspection of the sewer line the CAA is required to submit a document with a diagram and description to the City Recorder with the location of the sewer line, clean-outs, and connection to the main.

Work done without notice to the City Office, or without inspection, shall be treated as defective work and shall be condemned and uncovered at the expense of the contractor.

3.30.17 Use of Licensed Contractors' Name No Licensed Contractor shall allow its name to be used by any other person or party, directly or indirectly, either for the purpose of obtaining a sewer-connection permit or to do any work related to sewer connection under its license without the contractor taking full responsibility.

3.30.18 Annexation All buildings, whether residential, commercial, or industrial, on property annexed into Bear River City shall comply with this ordinance.

3.30.19 Payment of Reimbursement Fees Whenever a main line extension has been installed and paid for by an applicant or applicants for sewer service, or by an owner required to pay for a main line extension under

3.30.7.1 et seq., thereafter, for a period of ten (10) years, any other applicant for a sewer connection along that main line extension shall pay to Bear River City the appropriate fees plus a main line extension fee in the amount established in section 3.30.7.5. After collecting these fees, Bear River City shall pay over each such main line extension fee to the applicant(s) or owner(s) (proportionately based upon extension costs) who paid for the main line extension until such time as said applicant(s) or owner(s) have received 70% of the actual expense of the main line extension.

3.30.20 Payment of Fees Before Work Starts All municipal sewer system fees, including sewer impact fees, connection fees, line extension fees, and monthly user fees, owed by an applicant (or owner under 3.30.7.1 hereof) shall be entirely paid before a permit or sewer application may issue and contemplated work may begin. These fees shall be collected by the City Recorder.

3.30.21 Fees and Rates The schedule of rates and fees for residential, commercial, and industrial users of the sewer system shall be set by the City Council. Rates and fees may be revised from time to time as determined by the City Council.

3.30.21.1 Line Installation Expenses In addition to any service connection fees herein above 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.

3.30.21.2 Responsibility for Payment Irrespective of the occupant, user, tenant, cotenant, permissive user, or any other person, firm partnership, corporation or entity being in possession of the premises to which a sewer connection is supplied or service made available, the owner of the premises according to the records of the Box Elder County Recorder shall be legally responsible for the payment of all charges, fees, assessments and any other payment or obligation or liability of a user.

3.30.22 Delinquent Sewer Bills All bills for sewer service shall be rendered monthly at the established rates to each owner or tenant of property connected to, and to any other user of, the sewer system.

In the event a bill for sewer service, or any part thereof, is not paid in full within 30 days after the date the bill is rendered, a collection fee, as set by the City Council, shall be added to the delinquent sewer-service charge. Bear River City may immediately take steps to reduce such billing, including the collection charge, to judgment against the owner of the premises served, or at the option of the City, against other persons, including the tenants, occupants, or users of such premises. In the event judgment is obtained against an owner, the same shall become a lien upon the premises for which payment hereunder is delinquent. In addition to the foregoing, the City may terminate or interrupt sewer service for nonpayment.

3.30.23 Property Outside City Limits The City may not authorize new connections to the sanitary sewer system of the City from properties outside the territorial limits of the City. The City recommends property owners consider annexation of developed property into the City as a means to obtain public sanitary sewer service.

3.30.24 Penalties Any person, firm, partnership, company, or corporation, or the principals or agents thereof, violating or causing the violation of this Code shall be guilty of a Class "B" misdemeanor and punished upon conviction by fine, community service, and/or imprisonment.

The City may bring an action to enjoin the continuation of any violation.

Owners of property within, and private citizens residing in, Bear River City may file actions to enjoin the continuation of any violation affecting their interests, provided that, before filing such an action, the plaintiff shall give notice thereof to the City Recorder

3.30. 25 Repeal of and Conflict with Other Laws and Ordinances This ordinance 3.30 replaces all prior Bear River City sewer ordinances including numbers 71, 99-A, 200 (80-5), 2005-11-07, 2011-12-04, 2016-11-03, and 2020-08-07.

The provisions of this ordinance are in addition to all other City ordinances, the laws of the State of Utah, and the laws of the United States. Whenever a conflict exists, the more restrictive provision shall apply to the extent allowed by law.