

Tabiona Town Municipal Code

An ordinance pertaining to the administration of the City. To protect the health, safety and welfare of Town residents and providing for, but not limited to regulations, penalties for violation, and repealing of previous ordinances pertaining to and in conflict with this ordinance. Be it ordained by the Town Council of Tabiona Town, Utah that this document shall be known as the Municipal Code of the Town of Tabiona and will be used for the administration of the Town.

Table of Contents

Title 1 - GENERAL PROVISIONS	10
Article I - Enacting, Repealing, and Violation	10
1.1.1 Repeal of Existing Ordinances	10
1.1.2 Effect of Repealing Ordinance	10
1.1.3 Enacting Clause	10
1.1.4 Liability of Employers and Agents to Penalty for Violation of Ordinances	10
1.1.5 Penalty for Violation of Ordinance	10
Title 2 - MUNICIPAL GOVERNMENT	11
Article I - Town Council	11
2.1.1 Town Council Meetings	11
2.1.2 Quorum Necessary	11
2.1.3 Power to Compel Attendance	11
2.1.4 Disciplinary Powers	11
2.1.5 May Create Rules	12
2.1.6 Voting, Passage of Ordinances	12
2.1.7 Reconsideration	12
2.1.8 Taking Office	12
Article II - Public Meetings, Executive Sessions, Records Publication and Procedure	12
2.2.1 Public Meetings and Official Business	12
2.2.2 Open and Public Meeting Requirements	12
2.2.3 Notice For Each Meeting	13



Tabiona Town Municipal Code

2.2.4 Emergency Meetings	13
2.2.5 Special Meetings	13
2.2.6 Closed Meetings, (Executive Sessions)	13
2.2.7 Minutes - Open Meetings	14
2.2.8 Minutes - Closed Meetings	14
2.2.9 Minutes - Notice	14
Article III - Membership, Vacancies, Voting	14
2.3.1 Eligibility and Qualifications	14
2.3.2 Bonds	14
2.3.3 Compensation	15
2.3.4 Oaths	15
2.3.5 Failure To Qualify For Office	15
2.3.6 Vacancies	15
2.3.7 Resignations	15
Article IV - Mayor	16
2.4.1 Mayor	16
2.4.2 Duties of Mayor	16
2.4.3 Additional Assignments	16
Article V - Purchasing, Procurement, Employment, and Records Policy	17
2.5.1 Purchasing Policy	17
2.5.2 Authorization to Requisition Materials, Supplies or Services	17
2.5.3 Signature Policy	17
2.5.4 Procurement Policy	17
2.5.5 Conflict of Interest Policy	18
2.5.6 Nepotism Policy	18
2.5.7 GRAMA Policy	18
Title 3 - LOCAL SALES AND USE TAX	19
Article I - Purpose and Taxes	19
3.1.1 Authority	19
3.1.2 Effective Date	19
3.1.3 Sales Tax	19
3.1.4 Use Tax	20
Article II - Contract with State Tax Town Council and Other Provisions	21



3.2.1 Contract with State Tax Town Council	21
3.2.2 Penalties	21
3.2.3 Severability	21
Title 4 - BUSINESS LICENSING	21
Article I - General Provisions	21
4.1.1 Business License Required	21
4.1.2 Applications and Transferability	22
4.1.3 License Term and Penalties	22
Article II - Categories for Licenses	22
4.2.1 Small Scale, Wholesale, and Retail Sale	22
4.2.2 Motels, Hotels, and Mobile Home Parks	22
4.2.3 Recreational Vehicle Courts	23
4.2.4 Alcohol Licenses	23
4.2.5 Other Businesses	23
Article III - Supplementary Provisions	23
4.3.1 Violation	23
4.3.2 Severability	23
4.3.3 Changing of Fees	23
Title 5 - SAFETY, OFFENSES, and STREETS	24
Article I - Offenses and Safety	24
5.1.1 Public Offenses and Jurisdiction	24
5.1.2 Public Safety and Jurisdiction	24
5.1.3 Public Health and Jurisdiction	24
Article II - Sidewalks and Streets	24
5.2.1 Obstruction of Sidewalks	24
5.2.2 Water Not to be Discharged on Sidewalks	24
5.2.3 Receiving Goods	25
5.2.4 Driving or Riding on Sidewalk	25
5.2.5 Street Excavations	25
5.2.6 Failure to Replace Street	25
5.2.7 Excavations Must Be Guarded with Barricades and Lights	25
5.2.8 Depositing Material on Streets Prohibited	25
5.2.9 Unlawful to Conduct Business on Street	26



5.2.10 Traffic and Parking Regulations	26
Title 6 - BUILDINGS and STRUCTURES	26
Article I - Building Authority	26
6.1.1 Permits	26
6.1.2 Building Authority with Jurisdiction	26
Article II - State Construction and Fire Codes	27
6.2.1 Adoptions of State Construction and Fire Codes	27
6.2.2 Location of State Construction and Fire Codes	27
6.2.3 Electrical Code	27
6.2.4 Copies of the Adopted Code	27
Title 7 - NUISANCES	27
Article I - General Provisions	27
7.1.1 Nuisances Defined	27
7.1.2 Disorderly Houses	27
7.1.3 Contribution to Nuisance	28
Article II - Types of Nuisance and Abatement	28
7.2.1 Author of Nuisance Defined	28
7.2.2 Abatement and Jurisdiction	29
Title 8 - MANUFACTURED HOME and TRAVEL TRAILERS	29
Article I - Manufactured Homes and Travel Trailers Prohibited - Exceptions	29
8.1.1 Prohibitions	29
8.1.2 Exceptions	29
8.1.3 Penalty	30
Title 9 - OFF HIGHWAY VEHICLES (OHV)	30
Article I - General Provisions	30
9.1.1 Definitions	30
9.1.2 Penalty	31
Article II - OHV Regulations	31
9.2.1 Specific Regulations For Operation of OHVs Within Town Boundaries	31
Be 9.2.2 Designation of Off-Highway Vehicle Routes	31
Title 10 - ANIMAL CONTROL	32
Article I - General Provisions	32
10.1.1 Definitions	32



Tabiona Town Municipal Code

10.1.2 Penalties	32
Article II - Animal Regulations	32
10.2.1 Dogs Running at Large	32
10.2.2 Dangerous Dogs	33
10.2.3 Owner Liability	33
10.2.4 Defenses	33
10.2.5 Interference with Officer	33
10.2.6 Disposition of Unclaimed Dogs	33
10.2.7 Strays	34
10.2.8 Cruelty to Animals	34
10.2.9 Abandoning Animals	34
10.2.10 Disposal of Animals	34
10.2.11 Nuisance Animals	34
10.2.12 Defecation and Urination	34
10.2.13 Threatening Passers-by	35
10.2.14 Dogs in Prohibited Areas	35
10.2.15 Female Dogs in Heat/Season Running At Large	35
Article III - Reporting and Rabies	35
10.3.1 Report of Bites	35
10.3.2 Report of Suspected Rabid Animals	35
10.3.3 Isolation of Biting or Suspected Rabid Animals	35
10.3.4 Release	36
10.3.5 Examination of Head	36
10.3.6 Animals Possibly Exposed to Rabies	36
10.3.7 Rabies Tag	36
Title 11 - SUBDIVISIONS	36
Article I - General Provisions	36
11.1.1 Land Shall Be Subdivided Before Recording	36
11.1.2 Definition of Subdivision	37
Article II - Preliminary Plats	37
11.2.1 Preliminary Plat Requirements	37
11.2.2 Additional Requirements	38
Article III - Final Plats	38



11.3.1 Final Plat Requirements	38
11.3.2 Additional Requirements	39
Article IV - Supplementary Regulations	39
11.4.1 Amended Plats	39
11.4.2 Permit Denial, Filing Unapproved Plat Prohibited	39
11.4.3 Minimum Requirements	40
Article V - Streets and Lots	40
11.5.1 Streets, Requirements, Residential Subdivision Only in Residential Districts	40
11.5.2 Dead End Streets	41
11.5.3 Administrative Official's Responsibilities	41
11.5.4 Lot Requirements	41
Title 12 - TOWN CEMETERY	42
Article I - General Provisions	42
12.1.1 Permits	42
12.1.2 Sales of Lots	42
12.1.3 Clerk Shall Keep Records	42
12.1.4 Cemetery Fees	42
Article II - Rules and Regulations	42
12.2.1 Title, permit. Disinterment.	42
12.2.2 Injury to Cemetery Property Prohibited	43
12.2.3 Burials Must Be in Cemetery	43
12.2.4 Plats of Cemeteries to be Recorded	43
12.2.5 Certificates of Burial Rights to Be Furnished	43
12.2.6 Rules and Regulations, Town Council	43
12.2.7 Burial of Poor or Needy Persons	43
12.2.8 Driving Cars or Other Vehicles	43
Title 13 - RIGHT OF WAY ENFORCEMENT	44
Article I - Permits and Fees	44
13.1.1 Permit Required	44
13.1.2 Bonds	44
13.1.3 Fines	44
Title 14 - WATER and SEWER	44
Article I - Water and Sewer Department and System	44



Tabiona Town Municipal Code

14.1.1 General Provisions	44
14.1.2 Superintendent	44
14.1.3 Duties of the Superintendent	45
14.1.4 Application for Water and Sewer Service	45
14.1.5 Non-Owner Applicants	45
14.1.6 Agreement of Owner	45
Article II - Fees, Payment, Billing	45
14.2.1 Rates and Connection Fees	45
14.2.2 Council of Equalization, Rates, and Rebates	46
14.2.3 Use Without Payment Prohibited	46
14.2.4 Billing - Delinquency	46
14.2.5 All Fees and Charges as Lien Against Real Property, Collection, Enforcement, and Discontinuation of Service	46
Article III - Rules and Regulations	47
14.3.1 Turning on Water after Being Turned Off-Prohibited	47
14.3.2 Separate Connections	47
14.3.3 Unauthorized Users	47
14.3.4 Pipes to be Kept in Good Repair	48
14.3.5 Quality of Materials and Installation	48
14.3.6 Waste Prohibited	48
14.3.7 Department to Have Free Access	48
14.3.8 Non-Liability for Damages	48
14.3.9 Water Not Supplied for Motors, Syphons, etc	48
14.3.10 Sprinklers	49
14.3.11 Curtailment	49
14.3.12 Water Meters	49
14.3.13 Use of Town Sewer and Water System Mandatory	49
14.3.14 Qualified Plumbing Necessary	50
Article IV - Permitting	50
14.4.1 Permits for Installations	50
14.4.2 Applications for Installation Permit	50
14.4.3 When Permits Shall Not be Issued	51
14.4.4 Revocation of Permits	51



14.4.5 Extension of Water or Sewer Mains Within the Town	51
Article V - Extensions and Associated Costs	51
14.5.1 Costs of Extensions Determined	51
14.5.2 Amount of Cost to be Deposited with Town Clerk	51
14.5.3 Return of Any Money	51
14.5.4 Ownership of Extension	52
14.5.5 Supply of Water or Sewer Services to Persons Outside Town Limits	52
14.5.6 Extensions May be Master-Metered	52
14.5.7 Cost of Extensions to be Determined by Water and Sewer Superintendent	53
Article VI - Contaminations, Sewer, and Penalties	53
14.6.1 Inflammables	53
14.6.2 Obstructive Material	53
14.6.3 Drainage Waters, Toxic Pollutants and Destructive Materials	53
14.6.4 Regulations	54
14.6.5 Ownership of Connecting Lines	54
14.6.6 Sewer Manhole Access	54
14.6.7 Destruction - Contaminating Materials	54
14.6.8 Penalty	55
Article VII - Water Supply Protection; Cross Connections	55
14.7.1 Water Supply Protection	55
14.7.2 Duty to Inspect	55
14.7.3 New Construction	55
14.7.4 Installation Required	56
14.7.5 Existing Equipment	56
14.7.6 Repair and Maintenance of Equipment	56
14.7.7 Access for Inspection	56
14.7.8 Certified Backflow Technician	56
14.7.9 Records	57
14.7.10 Violations	57
Title 15 - LAND USE and ZONING	58
ARTICLE 1 - GENERAL PROVISIONS	58
15.1.1 PURPOSE	58
15.1.2 DECLARATION	58



15.1.3 REPEAL OF PREVIOUS ORDINANCES	59
15.1.4 DEFINITIONS	59
15.1.5 SEVERABILITY	63
15.1.6 AMENDMENTS	63
ARTICLE II - ADMINISTRATION	63
15.2.1 PLANNING COMMISSION	63
15.2.2 APPEAL AUTHORITY AND PROCESS	64
15.2.3 DEVELOPMENT APPLICATION PROCESS	65
15.2.4 NOTICE	66
15.2.5 PERMIT REQUIRED	66
15.2.6 CONTENT OF DEVELOPMENT APPLICATIONS	67
15.2.7 APPLICATION FEES	70
15.2.8 POWERS AND DUTIES OF ENFORCEMENT OFFICER	71
15.2.9 VIOLATIONS	71
ARTICLE III - ZONING REGULATIONS	72
15.3.1 ESTABLISHMENT OF ZONES	72
15.3.2 LOCATION OF ZONES	72
15.3.3 BOUNDARIES OF ZONES	72
15.3.4 ZONES AND REGULATIONS WITHIN ZONES	73
15.3.5 RA-2 RESIDENTIAL - AGRICULTURAL ZONE	73
15.3.6 RA-1 RESIDENTIAL - AGRICULTURE ZONE	74
15.3.7 R-8 RESIDENTIAL ZONE	74
15.3.8 C-2 COMMERCIAL ZONE	75
15.3.9 I-1 INDUSTRIAL ZONE	76
ARTICLE IV - DEVELOPMENT REGULATIONS	76
15.4.1 MEASURING OF SETBACKS	77
15.4.2 LOT SIZE, SETBACKS, AND HEIGHT REQUIREMENTS	78
15.4.3 HOME OCCUPATION REGULATIONS	79
15.4.4 PARKING REQUIREMENTS	80
15.4.5 SUPPLEMENTARY REGULATIONS	81
15.4.6 NONCONFORMING USES	84
15.4.7 SEXUALLY ORIENTED BUSINESSES	84
15.4.8 UTILITY CONNECTIONS	85



Tabiona Town Municipal Code

15.4.9 GOVERNMENT BUILDINGS AND PUBLIC FACILITIES	85
15.4.10 CELL SERVICE TOWERS	86
15.4.11 PLANNED UNIT DEVELOPMENTS	86
15.4.12 FENCES AND SIGHT RESTRICTIVE OBJECTS	86



Title 1 - GENERAL PROVISIONS

Article I - Enacting, Repealing, and Violation

1.1.1 Repeal of Existing Ordinances

The ordinances contained in this chapter and the chapters following shall be known as the "Ordinances of the Town of Tabiona, Utah," and so far as their provisions are the same in effect as those of previously existing ordinances, they shall be construed as continuations; but subject to the above limitations and the provisions of the next section, all ordinances and resolutions of the Town of Tabiona in force (except such as are of a private, local or temporary nature, including franchises, grants, dedications, bond issues and special levies for local assessments), are repealed.

1.1.2 Effect of Repealing Ordinance

The revised ordinances shall not affect any right which has accrued, any duty imposed, any penalty incurred, or any action or proceeding commenced under or by virtue of the ordinance repealed or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinances thereby have the effect of reviving any ordinance repealed or superseded.

1.1.3 Enacting Clause

The enacting style of all ordinances of Tabiona Town shall be "be it ordained by the Town Council of Tabiona Town, Utah."

1.1.4 Liability of Employers and Agents to Penalty for Violation of Ordinances

When the provisions of an ordinance prohibit the Town Council or omission of an act, not only the person actually doing the prohibited thing or omitting the direct act, but also the employer and all other persons concerned or aiding or abetting shall be guilty of the offense described and liable to the penalty prescribed for the offense.

1.1.5 Penalty for Violation of Ordinance

Whenever no other penalty is prescribed any person convicted of violating any provision of any ordinance included in these ordinances enacted shall be guilty of a class B misdemeanor and upon conviction shall be punished by a fine in any sum not exceeding one thousand dollars (\$1000.00), or by imprisonment in the County Jail for a period of not longer than six (6) months or by both fine and imprisonment for each offense.



Title 2 - MUNICIPAL GOVERNMENT

Article I - Town Council

2.1.1 Town Council Meetings

Regular meetings of the council of the Town of Tabiona must be prescribed by ordinance which must state the time and place of the meeting. Meetings must be held at least once each month.

Special meetings may be ordered by the mayor or any two members of the Town Council. The order must be made part of the minutes of the special meeting. The order must be made and served on the members that did not sign the order at least three hours before the meeting by the clerk, at the residence of the members. Personal appearance waives the notice required. If all members appear at a special meeting, the written notice requirement is waived.

The governing body shall conduct regular meetings which shall be held on the second Tuesday of each month at:

Tabiona Town Hall
Tabiona, Utah

These meetings shall begin promptly at 6:00pm during Mountain Standard Time and Daylight Savings Time. If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the day next following that is not a legal holiday.

2.1.2 Quorum Necessary

Except to adjourn, a quorum is necessary to conduct business at any meeting of the Town Council. A quorum is at least three of the members of the governing body.

2.1.3 Power to Compel Attendance

The governing body of the Town of Tabiona may compel the attendance of any member and provide penalties at deemed necessary to enforce attendance. The governing body may impose a fine on an absent member and may direct the law enforcing agency of the Town of Tabiona to bring the absent member to the meeting. Under no circumstances should the agency break into a residence or private establishment to take an absent member to the meeting. If a member continually refuses to attend, a fine for each meeting missed may be imposed.

2.1.4 Disciplinary Powers

The Town Council may punish its members for disorderly conduct and with the concurrence of two-thirds of the members of the council, expel a member for cause, but no member shall be removed for cause unless furnished with a copy of the charges against him and afforded an opportunity of being heard in his own defense.



2.1.5 May Create Rules

The Town Council may, from time to time, make such rules for the government of its proceedings as may be deemed necessary and proper.

2.1.6 Voting, Passage of Ordinances

The Town of Tabiona shall require a roll-call vote on all ordinances, resolutions or any action creating a liability against the Town. The Town Clerk shall record the "yeas" and "nays" and record them on the journal of the proceedings. The names of all those voting "yea" and those voting "nay" shall be included in the journal.

Ordinances and resolutions must be in writing before the vote is taken. An ordinance written in shorthand, longhand or typewritten fully complies with this law. An outline, summary or partial writing does not. An actual majority of the total membership of the governing body is required to pass an ordinance resolution or any action of the governing body. The minimum vote for the Town of Tabiona shall be a vote of three members.

2.1.7 Reconsideration

Matters passed by the governing body may not be reconsidered by any lesser body or number of members than the amount of who originally considered the issue.

2.1.8 Taking Office

The Town Council shall take office on the first Monday of January after their election.

Article II - Public Meetings, Executive Sessions, Records Publication and Procedure

2.2.1 Public Meetings and Official Business

The Town of Tabiona shall conduct their official business in open and public sessions unless specifically conducted as exceptions to the open and public meetings law (UCA 52-4).

2.2.2 Open and Public Meeting Requirements

It shall be required that annual notice be given of the date, time and place of regular meetings of the Town Council. Such notice may be posted at the Town Hall, the Post Office or other public place. Notice will also be provided on the State of Utah Public Meeting Notice website.



2.2.3 Notice For Each Meeting

Public notice shall be given of each meeting (including special or regular meetings) and the news media notified. Public notice includes, but is not limited to, at least 24 hours public notice of the agenda, date, time and place of each meeting. Public notice shall be provided by the following:

- A. Posting written notice at the principal office (Town Hall) or, if no such office exists, at the building where the meeting is to be held.
- B. Providing notice to at least one newspaper of general circulation within the Town of Tabiona or to a local media correspondent.
- C. The news media notified may or may not elect to publish any such meeting notices given.

2.2.4 Emergency Meetings

An emergency meeting may be called when there is a matter of "an emergency or urgent nature." At such times formal requirements for notice are able to be waived, but the "best notice practicable" must be given both members of the Town Council, the mayor and the news media. Written notice left at the office or called in to the correspondent should be given when able. The person or persons calling the emergency meet-ing should attempt to notify all of the members of the governing body. "Emergency" meetings cannot be used to justify avoiding the notice requirements of the open and public meetings law.

2.2.5 Special Meetings

The mayor or any two members of the governing body may order a special meeting. The order must be signed by the mayor and two members of the governing body and served by the towns' Clerk on each member of the governing body at least three hours prior to the meeting by leaving copies of the order at the member's home. Personal appear-ance by a member waives the personal service. Therefore, if all members appear at the specially called meeting, personal service is not necessary.

The agenda for the special meeting is to be posted in the same manner as a regular meeting and the "news media" is to be notified in advance of the special meeting by written order or telephone call. If the special meeting is not to be held for at least two days from the date the order is signed, then mailed notice to the "news media" shall be acceptable.

2.2.6 Closed Meetings, (Executive Sessions)

Closed meetings shall only be held if the purpose of the closed meeting appears on an agenda. The closed meeting is subject to the Town of Tabionas' Agenda Ordinance. A two-thirds majority vote is re-quired to close a meeting and the vote must show on the minutes of the meeting. Closed meetings may be held for the following purposes only:

- A. discussion of a person;
- B. labor negotiations or purchase of real property; or
- C. criminal proceedings or allegations.



2.2.7 Minutes - Open Meetings

All public meetings shall be re-corded by written minutes. Written minutes for every meeting must include:

- A. The date, time and place of the meeting;
- B. The names of members present and absent;
- C. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
- D. The names of all citizens who appeared and the substance in brief of their testimony;
- E. Any other information that any member requests be entered in the minutes.

2.2.8 Minutes - Closed Meetings

Minutes of any closed meeting shall show:

- A. The date, time and place of the meeting;
- B. The names of members present and absent;
- C. The names of all others present except where such a disclosure would infringe on the confidence necessary to fulfill the original purpose of closing the meeting.

2.2.9 Minutes - Notice

The minutes of any meeting--emergency, special or regular--shall state that notice to the members of the governing body and to the "news media" has been given and how the notice was given.

Article III - Membership, Vacancies, Voting

2.3.1 Eligibility and Qualifications

Only registered voters may participate in Town elections. Under Utah law any person 18 years of age on election day who has been a resident of the county six months and the precinct 60 days may register to vote.

Elected officials must be registered voters. Elected officials auto-matically shall vacate their office if they live outside the Town contin-uously for more than 60 days or if they establish residency outside the Town.

2.3.2 Bonds

All elected officials and treasurers may be required to have a faithful performance bond. All other officers of the Town may be required to furnish a personal bond payable to the Town in such penal sum as may be required by resolution or ordinance. The bond may be a blanket bond.



Bonds are to be payable to the Town of Tabiona. If any bond is can-celled, revoked, annulled or void, and no other bond is given, the office of such person shall become vacant and be filled in the manner provided by law.

The Town Council may at any time require further and additional bonds of any officer elected or appointed as it may deem proper.

2.3.3 Compensation

Compensation of Mayor and Councilpersons, etc, shall be as established by the Town Council by resolution.

2.3.4 Oaths

All officers of the Town of Tabiona whether elected or appointed, before taking office, take, subscribe to and file the constitutional oath of office.

The Oaths of Office shall be administered by any Judge, Justice of the Peace, Notary Public or Clerk, of the Town of Tabiona. Oaths are to be taken at 12:00 noon on the first Monday in January following the election or as soon thereafter as is practical. Appointed officers shall take their oath of office at any time before entering on their duties. Acts of Town officials shall not be void because they fail to take their oath of office.

2.3.5 Failure To Qualify For Office

Whenever any elected official or appointed officer fails to qualify for office within 60 days after the beginning of the term for which elected or appointed, the office is deemed vacant and may be filled according to law.

2.3.6 Vacancies

Vacancies in elected office are filled by the Town Council. The person appointed must be a registered voter and have lived in the municipality at least one year. If the vacancy occurs more than four days prior to the last day for filing, then the appointment is only until the next Town election. If the vacancy occurs after four days before the filing deadline, the appointment is for two years.

Vacancies shall be filled within 30 days. If the vacancy is not filled within 30 days, the two persons having the most support on the council come before the council and the vacancy is filled by lot.

2.3.7 Resignations

Elected and appointed municipal officials may, at any time, resign their office. Officers continue in office until their resignation is accepted and a successor is appointed by the Town Council. Lower officials (mayor, councilpersons and statutory officers not included) may resign, and the Mayor may accept the resignation. The Mayor may fill lower level positions without council action. Resignations may be withdrawn before council action, in which case the council cannot act on the resignation and the person continues in office.



Article IV - Mayor

2.4.1 Mayor

The mayor is a member of the governing body of the Town of Tabiona and as such shall be an active participant and in all matters shall have a vote. The mayor may at any time be allowed to engage in discussion and may introduce the subjects for discussion before such discussions begin.

2.4.2 Duties of Mayor

In the Town of Tabiona the mayor:

- A. Is the chief executive officer to whom all employees of the Town of Tabiona shall report;
- B. Keeps the peace and enforce the laws of the Town of Tabiona;
- C. Remits fines and forfeitures and may release any person imprisoned for violation of any Town ordinances;-
- D. Reports such remittance or release to the Town Council at its next regular session;
- E. Performs all duties prescribed by law, resolution or ordinance;
- F. Ensures that all the laws and ordinances and resolutions are faithfully executed and observed;
- G. May at any reasonable time examine and inspect the books, papers, records or documents of the Town of Tabiona or of any officer, employee or agent of the Town;
- H. Reports to the Town Council the condition of the Town and recommends for the Town Council consideration for any measures as deemed to be in the best interests of the Town of Tabiona;
- I. When necessary, calls on the residents of the Town over the age of 21 years to assist in enforcing the laws of the state and ordin-ances of the Town.
- J. Appoints, with the advice and consent of the Town Council, persons to fill municipal office or vacancies on Town Councils or committees.

2.4.3 Additional Assignments

The Town of Tabiona may also prescribe by resolution or ordinance additional duties, powers and respon-sibilities for elected or appointed officials except when otherwise spec-ifically prohibited.

The Mayor may not serve as treasurer. The Mayor, with the concurrence of the Town Council, may change the administrative assignment of any member of the governing body.



Article V - Purchasing, Procurement, Employment, and Records Policy

2.5.1 Purchasing Policy

The commitment of Town funds for the purchase of materials is the responsibility of the Town Council and Mayor. Any employee without Council or Mayor Authorization may not make commitment of Town funds and any unauthorized commitment may not be binding upon the Town. Such action may make the employee liable. Furthermore, any purchase of items and services must be properly requisitioned and approved in accordance with the procedures outlined in the following subsections.

2.5.2 Authorization to Requisition Materials, Supplies or Services

An employee may purchase materials, supplies and services directly related to their job up to a total of \$500.00 per month. Any purchase made by an employee under this allowance is subject to management review and any abuse or misuse of this authorization may be subject to discipline. Any purchases of more than \$500.00 per month shall be reviewed and approved by management before the purchase is allowed. All purchases made by the Town of Tabiona require two approvals and signatures before funds are released.

2.5.3 Signature Policy

Only authorized signers on the signature card on record with the financial institutions used by the Town shall sign any checks. There shall be two signers on all checks per bank policy. No person who is identified as a payee on any check issued by the Town may sign said check.

2.5.4 Procurement Policy

Purchases under \$500.00 require no competitive quotes; however, the best source and price should still be selected.

Purchases between \$500.00-\$2000.00 require quotes from at least two vendors. Price quotes must be obtained by phone and also include written verification from a representative of an established viable vendor and documented on paper. Award must be made to the vendor submitting the lowest quote meeting minimum reasonable specifications and the required delivery date.

Purchases exceeding \$2000.00 should be secured by a competitive sealed bid process or by competitive proposals. Invitations to bid should be advertised in 3 public places to achieve more effective competition.

Emergency Purchases are limited to those supplies, services or construction items necessary to meet the emergency. whenever practicable, approval by the Mayor and Council shall be obtained prior to the purchase.



2.5.5 Conflict of Interest Policy

Tabiona Town personnel involved in the requisition or purchasing process shall neither solicit nor accept any money, gifts of other than nominal value, unusual hospitality, loans, or preferential treatment from any vendor or potential vendor. Conflict of Interest is to be completely avoided. In cases where any doubt exists, the matter must be brought to the attention of the Mayor and Council for a decision. Employees of Tabiona Town are required to declare any actuarial or potential conflicts of interest between their public duties and their private interests. This declaration is intended to include interpersonal relationships impacting employment beyond the Tabiona Town nepotism policy. It is not the intent of this policy to deny any employee the opportunity of free association afforded any other citizen. It is intended to promote the public interest and strength; the faith and confidence of employees and citizens in the integrity of their government.

2.5.6 Nepotism Policy

It is the Policy of Tabiona Town to comply with the provisions of 52-3-4, Utah code annotated, 1953, as amended, i.e. Chapter entitled "Prohibiting Employment of Relatives".

2.5.7 GRAMA Policy

It is the intent of Tabiona Town to repeal its Government Records Access and Management Act and Adopt the Utah State Government Records Access and Management Act, Pursuant to, and in conformance with, Utah Code Annotated, 63G-2-101 through 63G-2-901.



Title 3 - LOCAL SALES AND USE TAX

Article I - Purpose and Taxes

3.1.1 Authority

The Utah Legislature authorizes municipalities of the State of Utah to enact Sales and Use Tax Ordinances. It is the purpose of this ordinance to levy and impose a local option sales and use tax, to authorize and designate the Town Council as agent for the municipality to collect the tax, and to conform with the requirements of the Uniform Local Sales and Use Tax law of Utah.

3.1.2 Effective Date

This ordinance shall become effective when this version of the municipal code is adopted. The provisions of the previously enacted Uniform Local Sales and Use Tax ordinance of the municipality which is repealed hereby and which are in conflict herewith shall continue effective until this version is adopted. The provisions of this ordinance which are not in conflict with said former ordinance shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated.

3.1.3 Sales Tax

From the purpose of this effective date of this ordinance, there is levied and there shall be collected and paid a tax on every retail sale of tangible personal property, services and meals made within the municipality at the rate of 6.20%.

For the purpose of this ordinance, all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. If a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the state Tax Town Council. Public utilities, as defined in state statute, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the municipality shall be as determined by the State Tax Town Council pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax law of Utah, all of the provisions of the relevant state statute are in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes are hereby adopted and made a part of this ordinance as though fully set forth herein.



Wherever, and to the extent that in Chapter 15 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in this subparagraph (b) shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Town Council, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Town Council in performing the functions incident to the administration or operation of this ordinance.

There shall be excluded from the purchase price paid or charged by which the tax is measured:

- A. The amount of any sales or use tax imposed by the State of Utah on a retailer or consumer;
- B. Receipts from the sale of tangible personal property on which a sales or use tax has become due by reason of the same transaction to any other municipality and any county in the State of Utah, under a Sales or Use Tax Ordinance enacted by that county or municipality in accordance with the Uniform Local Sales and Use Tax law of Utah.

3.1.4 Use Tax

An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this ordinance for storage, use or other consumption in the municipality at the rate of 6.20% of the sales price of the property.

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax law of Utah, all of the provisions of relevant state statute are in force and effect on the effective date of this ordinance, applicable to use taxes and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this section as though fully set forth herein.

Wherever the "State of Utah" is named or referred to as the taxing agency, the name of Tabiona shall be substituted therefor. Nothing in this subparagraph shall be deemed to require the substitution of the name of this municipality for the word "State" when that word is used as part of the title of the State Tax Town Council, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Town Council in performing the functions incident to the administration or operation of this ordinance.

There shall be exempt from the tax due under this section:

- A. The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;
- B. The storage, use or other consumption of tangible personal property, the gross receipts from the sales of or the cost of which has been subject to sales or use tax under a sales or use tax ordinance enacted in accordance with the Uniform Local Sales and Use Tax law of Utah by any other municipality and any county of the State.

The Mayor is authorized to execute whatever documents are necessary to distribute sales and use tax revenues on the combination of point of sale and population factors set forth in Utah Code.



Article II - Contract with State Tax Town Council and Other Provisions

3.2.1 Contract with State Tax Town Council

This municipality has entered into an agreement with the State Tax Town Council to perform all functions incident to the administration or operation of the Sales and Use Tax Ordinance of the municipality. That contract is hereby confirmed, and the Mayor is hereby authorized to enter into such supplementary agreement with the State Tax Town Council, as may be necessary, to the continued administration and operation of the Local Sales and Use Tax Ordinance of the municipality as reenacted by this ordinance.

3.2.2 Penalties

Any person violating any of the provisions of this ordinance shall be deemed guilty of a class C misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount less than \$299.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

3.2.3 Severability

If any section, subsection, sentence, clause, phrase, or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

It is the intention of the Tabiona Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein.

Title 4 - BUSINESS LICENSING

Article I - General Provisions

4.1.1 Business License Required

It shall be unlawful for any person to engage in or carry on or operate any business in Tabiona, Utah, or use any property for any such business, without first making application, and obtaining, a license for such business, and by paying in advance the license fee.



4.1.2 Applications and Transferability

All applications for licenses shall be made in writing to the Town Clerk, and the amount of such licenses as hereinafter provided shall be paid in advance to the Town Clerk.

Every such license shall specify by name the person, firm, or corporation to whom it shall be issued and shall designate the particular place at which the business shall be carried on, provided that when a license is issued to a firm or co-partnership, such license in addition to the firm or co-partnership name, shall specify by name the members of such firm or partnership.

No license granted or issued under the provision of this ordinance shall be transferable. All business licenses must be approved to proper zoning by the town zoning administrator and county building inspector. Also, required with applications will be documentation of registration with necessary state departments.

4.1.3 License Term and Penalties

No license shall be issued for a shorter period than one year. Annual licenses not paid within 30 days of due date shall be subject to a penalty equal to the amount of the license, but not to exceed \$200.00 and any license not paid within 30 days from due date together with the penalty as herein provided, may be collected by civil action in any court of this State having jurisdiction. No license fee or any part thereof shall be refunded for any reason whatsoever once the license has been granted or issued. Any business which begins operation without a license shall be assessed the fee set forth above and is subject to the same civil action previously stipulated.

Article II - Categories for Licenses

4.2.1 Small Scale, Wholesale, and Retail Sale

Any person, firm or corporation dealing directly or indirectly in any manner in appliances of any kind, hardware, chemicals, milk, food, permanent fruit and vegetables sales, restaurants, fast food sales, coffee houses, bakery products, groceries, meat, fish, poultry, dry goods, clothing, sporting goods, notions, drugs, jewelry, soft drinks, nurseries, flowers, furniture and real estate or any other good, wares or merchandise of any kind or description and not otherwise specifically licensed by the ordinance, for each place of business operated shall be required to pay a license fee of \$70.00. Those selling agricultural products which are grown in Tabiona, will not be required to purchase a business license.

4.2.2 Motels, Hotels, and Mobile Home Parks

All motels, hotels, and mobile home parks shall pay \$50.00 plus \$5.00 per rented pad in the case of mobile home parks per year.



4.2.3 Recreational Vehicle Courts

All recreational vehicles courts shall pay \$50.00 per year.

4.2.4 Alcohol Licenses

All businesses selling alcohol shall pay a license fee of \$35.00 per year. No alcohol is to be opened nor consumed on premises.

4.2.5 Other Businesses

It shall be the duty of the Town Clerk by and with the approval of the Town Council Members to fix and determine the amount of any license fee for any business or undertaking not mentioned above; provided that such license shall not be less than \$10.00 and not more than \$200.00 per year. It shall be unlawful for any person to conduct any business not herein before listed without paying the license fee as assessed by the Town Clerk and Town Council members as provided herein.

Article III - Supplementary Provisions

4.3.1 Violation

Every person who violates this ordinance shall be guilty of a Class B misdemeanor and shall be punishable by fine not exceeding \$1,000 or imprisonment for a period not exceeding six months or by both such fine and imprisonment.

The Town Council, upon finding that any person, firm or corporation or any employee of said firm or corporation licensed under this ordinance has violated any Utah State law or any Tabiona Town ordinance, or that false information has been given in the license application or that the business is being operated in a manner detrimental to the public good, may revoke that business license after public hearing on the revocation. The business license fee shall be not refunded.

4.3.2 Severability

Should any portion of this ordinance be declared invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected.

4.3.3 Changing of Fees

The fees established hereby, may from time to time, be changed by resolution by the Town Council.



Title 5 - SAFETY, OFFENSES, and STREETS

Article I - Offenses and Safety

5.1.1 Public Offenses and Jurisdiction

The Town of Tabiona is under the jurisdiction of the Duchesne County Sheriff's' Department in all matters regarding public offenses and shall declare unlawful any activity or situation in violation of the Utah State Criminal Code.

5.1.2 Public Safety and Jurisdiction

In all matters concerning the safety of the public or the violation of Utah State Criminal Code, current issue, the Town of Tabiona is under the jurisdiction of the Duchesne County Sheriff's' Department.

5.1.3 Public Health and Jurisdiction

The Town of Tabiona has adopted the jurisdiction of the Duchesne County Board of Health and adopted the policies of the Utah State Board of Health, as dictated by the County Health Department.

Article II - Sidewalks and Streets

5.2.1 Obstruction of Sidewalks

It shall be unlawful for any person owning, occupying or controlling any premises, to place or permit placed upon the sidewalk or the half of the street next to such premises:

- A. Any broken ware, glass, rubbish, refuse matter, ice, mud, garbage, ashes, tin cans or other like substances.
- B. Any vehicles, lumber, boxes, fencing, building material, dead trees, merchandise or other thing which shall obstruct such public street or sidewalk, or the free use thereof, or free passage over same, or any part thereof without the permission of the Town Council.

5.2.2 Water Not to be Discharged on Sidewalks

It shall be unlawful for any person owning, occupying or having control of any premises to suffer or permit irrigation or well water or water from the roof or eaves of any house, building or other structure, or from any other source under the control of such person, to be discharged and spread upon the surface of any sidewalk or street.



5.2.3 Receiving Goods

It shall be unlawful for any person to place or keep, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a ten foot passageway clear upon such sidewalk; and it shall be unlawful for any person receiving or delivering such goods, wares, or merchandise to suffer the same to be or remain on such sidewalk for a longer period of time than one hour.

5.2.4 Driving or Riding on Sidewalk

It shall be unlawful for any person to drive a self-propelled vehicle, or lead, drive or ride any animal upon any sidewalk, except across a sidewalk at established crossings.

5.2.5 Street Excavations

It shall be unlawful for any person to make any excavation in any street, lane or alley, or remove any pavement or other materials forming any street or improvement thereon without a permit from the Town Council.

5.2.6 Failure to Replace Street

It shall be unlawful for any person having made an excavation in any street, whether under a permit or otherwise, to fail, neglect or refuse for a period of five days after notice, to restore said street to its normal condition.

5.2.7 Excavations Must Be Guarded with Barricades and Lights

It shall be unlawful for any person, by or for whom any excavation is made in a public street for any purpose, to fail to cause a barricade, rail or other sufficient fence to be placed so as to enclose such excavation, together with the dirt, gravel or other material thrown therefrom, and to maintain such barricade during the whole time for which such excavation continues; and it shall be unlawful for any person to fail to have lighted signals or some other proper and sufficient lights fixed to parts of such barricade, or in some other proper manner over or near the excavation, and over and near the dirt, gravel or other material taken therefrom, and so kept from the beginning of twilight through the whole of every night during all the time such excavation exists. It shall be unlawful for any person maliciously or wantonly, and without legal cause, to extinguish, remove or diminish said lights or to tear down or remove any rail, fence or barricade fixed in accordance with the provisions of this section.

5.2.8 Depositing Material on Streets Prohibited

It shall be unlawful for any person intentionally or carelessly to throw, cast, put into, drop or leave in any street, gutter, sidewalk or public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings or rubbish of any kind or any other substance which shall render such highway unsafe or unsightly or shall interfere with travel thereon.



5.2.9 Unlawful to Conduct Business on Street

It shall be unlawful for any person to engage in or carry on any business, profession, trade, vocation or avocation on any street, alley or sidewalk or in or from any automobile, vehicle, stand or structure located in or upon the streets, alleys or sidewalks of this town; provided, however, this ordinance shall not prohibit any business or occupation licensed or permitted under the ordinances of this town.

5.2.10 Traffic and Parking Regulations

The Town of Tabiona has accepted the jurisdiction of the Duchesne County Sheriff's' Department as being enabled to administer to any Utah State Department of Public Safety Statute. The Town of Tabiona has adopted the Statutes of said Utah State Public Safety Regulations, current edition.

Title 6 - BUILDINGS and STRUCTURES

Article I - Building Authority

6.1.1 Permits

The building authority with jurisdiction shall not grant a building permit or certificate of occupancy permit nor shall any City Officer grant or authorize the issuance of any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any land use law, rule, or regulation of the State of Utah or of this Title Any license or permit issued in conflict with such provisions shall be null and void.

6.1.2 Building Authority with Jurisdiction

Utah State law requires any construction to be inspected periodically by a Certified Building Inspector. If the Town of Tabiona does not have a Certified Building Inspector on staff, the services of the County Building Inspector will be requested.

The Building Inspector shall, in addition to the duties imposed by the provisions of the codes herein adopted, be charged with the inspection of all buildings, structures, ditches and fences of whatever nature for the purpose of determining their safety and effects.



Article II - State Construction and Fire Codes

6.2.1 Adoptions of State Construction and Fire Codes

Utah state law does not allow a political subdivision of the state to adopt construction standards more restrictive than the state construction code, Utah Code (15a-1-204(8)). Therefore, the Town of Tabiona adopts the State Construction and Fire Codes as the Town's standards.

6.2.2 Location of State Construction and Fire Codes

The Utah State Construction and Fire Codes are based upon the International Code Council (ICC) suite of standards for building, fire, residential, plumbing, mechanical, fuel gas, and energy conservation code. Specific amendments to these codes for Utah can be found in title 15a of Utah Code the State Construction and Fire Codes Act.

6.2.3 Electrical Code

The electrical code for Utah is based upon the National Electric Code. Amendments specific to Utah can be found in (15a-3-6) of Utah Code.

6.2.4 Copies of the Adopted Code

It is the responsibility of the authority with jurisdiction to maintain copies of these codes for the review of plans and inspections of structures within Tabiona Town. These codes can be viewed upon request from the authority with jurisdiction.

Title 7 - NUISANCES

Article I - General Provisions

7.1.1 Nuisances Defined

Whatever is dangerous to human life or health and whatever renders soil, air, water, or food impure or un-wholesome are declared to be nuisances and to be illegal.

7.1.2 Disorderly Houses

All indecent or obscene activities carried on within a building in the Town of Tabiona, or houses of prostitution, or where liquor is given, sold, barter-ed or in any way used in violation of the Town of Tabionas' ordinances, shall be considered nuisances and shall be illegal.



It shall further be illegal to operate or contribute to the operation in any way, a gambling or wagering device as those terms are defined in the Utah State Criminal Code. Such activity shall be declared a nuisance by the Town of Tabiona.

7.1.3 Contribution to Nuisance

It shall be unlawful for any person, either as owner, agent or occupant to create or aid in creating or contributing to or to maintain a nuisance.

Article II - Types of Nuisance and Abatement

7.2.1 Author of Nuisance Defined

Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord thereof, or his agent, the tenant, or his agent and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable therefor, but where any such nuisance shall arise from the unusual or un-necessary use to which such property may be put, or from business thereon conducted, then the occupants and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof.

The following are hereby declared to be Nuisances:

- A. Befouling water in any spring, stream, well or water source supplying water for culinary purposes.
- B. To permit the yard or premises of any slaughter house, market, meat shop, etc., to remain unclean or in any condition declared illegal by the Duchesne County Board of Health.
- C. To permit any garbage box or similar receptacle to remain on premises in a filthy or unclean or offensive state.
- D. To allow vegetable waste, garbage, or refuse of any nature to accumulate, or to permit any waste, damaged merchandise, leaking receptacles or other containers to become putrid or to render the atmosphere impure or unwholesome.
- E. To permit the accumulation of manure in any stable, stall, corral, yard, etc., in which any animal shall be kept.
- F. To conduct any business of bone crushing, etc., or the making of glue, or manufacture of fertilizing material in an offensive or unclean manner.
- G. To discharge or place any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash or natural water course or vacant lot, which is offensive or liable to become so.
- H. To permit or perform any ablutions (washing) in or near any public drinking fountain.
- I. To permit any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
- J. To obstruct the streets and/or sidewalks without the permission of the Town Council.



7.2.2 Abatement and Jurisdiction

The Town of Tabiona shall abate nuisances. The Town of Tabiona shall be restricted to abating nuisances within the boundary of the Town limits or according to County ordinances. The Town of Tabiona has the power to regulate and enforce quarantine and health laws up to one mile from their boundary. All such enforcement shall be awarded to the Duchesne County Sheriff's' Office, or the Duchesne County Board of Health.

It shall be lawful for the Town of Tabiona to authorize or request after specified procedures have been followed, the abatement of weeds, garbage, refuse or other unsightly deleterious objects or structures. If after notice, the owner or occupant of land fails to abate a nuisance, the Town of Tabiona may sue for the cost of abating a nuisance and collect costs.

Title 8 - MANUFACTURED HOME and TRAVEL TRAILERS

Article I - Manufactured Homes and Travel Trailers Prohibited - Exceptions

8.1.1 Prohibitions

It is unlawful to place any travel trailer on any lot or parcel of land in Tabiona Town and to use the same for permanent human habitation except when located in a travel-trailer court or when used for the housing of one (1) farm or ranch hand or when temporarily located on a lot for which a building permit has been issued and a building is being constructed and is connected to an approved water and sewer facilities but not to exceed one (1) year.

It is unlawful to place a mobile home manufactured prior to June 15, 1976 on any lot or parcel of land within the incorporated portion of Tabiona Town.

Manufactured or mobile homes are built with the intended use as a dwelling unit for human habitation. It is unlawful to use manufactured or mobile homes for storage sheds, workshops, animal shed/barn, or uses other than dwelling units for human habitation.

8.1.2 Exceptions

It is unlawful to place a manufactured home on any lot or parcel of land within the incorporated portion of Tabiona Town except in compliance with the following:



- A. All manufactured homes constructed on or after June 15, 1976 shall be identifiable by the manufacturer's data plate attached to the interior of the home bearing the date the unit was manufactured and a Federal Home Construction and Safety Standards Act of 1974. (HUD Code) The label attached to the exterior of the home certifying the home was manufactured to HUD standards, and label and plate must be in-place as stated.
- B. When placed on a lot that complies with all the regulations of the zone in which the manufactured home is located, provided:
 - a. A residential dwelling is a permitted use in the zone and the manufactured home is connected to an approved water supply and domestic wastewater disposal system.
 - b. The owner of the manufactured home and/or the lot owner has obtained a building permit from Tabion Town for the installation of the manufactured home.
 - c. The manufactured home is placed on a permanent foundation in accordance with the plans providing for vertical loads, uplift, and lateral forces and frost protection which are in compliance with the applicable building code.
 - d. The running gear and hitch shall be removed from those manufactured homes which are entered on the tax rolls of Duchesne County as real property.
 - e. With the exception of the manufactured home being in one name and the property owner (as) being in another, the manufactured home shall be entered on the tax rolls of Duchesne county as real property.
 - f. The roof shall be constructed to meet the snow-load requirements for the given area.

8.1.3 Penalty

Whosoever shall violate any of the provisions of this title shall be guilty of a Class "B" misdemeanor and, upon conviction of such violation, shall be punishable by a fine of not more than one thousand dollars (1,000.00) or by imprisonment for not more than six months in the county jail, or by both fine and imprisonment.

Title 9 - OFF HIGHWAY VEHICLES (OHV)

Article I - General Provisions

9.1.1 Definitions

Off-Highway Vehicle (OHV): Any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.

All-Terrain: Fifty inches (50") or less in width, having an unloaded dry weight of eight hundred (800) pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for a capable of travel over unimproved terrain.

All-Terrain type II Vehicle:



- A. Any other motor vehicle, not defined in this section designed for or capable of travel over unimproved terrain.
- B. Does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors.

9.1.2 Penalty

Any person convicted of violations of Town regulations is guilty of an infraction of Utah State Code.

- A. The Duchesne County Sheriff's department is given all rights to write citations to those individuals breaking the laws and safety guidelines as outlined in this chapter.
- B. Any operator of an OHV who is issued two (2) or more citations within a six (6) month period will forfeit their right to operate an OHV within the Town for a period of one (1) year.

Article II - OHV Regulations

9.2.1 Specific Regulations For Operation of OHVs Within Town Boundaries

- A. OHVs shall be operated at all times in accordance with all applicable State, County and Town traffic laws and regulations, and if equipped with headlights shall be operated with the headlights functioning and turned on. Further, all OHVs must be equipped with a noise control device and spark arrestor when operated on any public land, trail, street or highway of the Town. State, County and Town noise regulations shall be enforced.
- B. The OHV is legally licensed or registered.
- C. A driver of an OHV on any public land, trail, street or highway of the town must be sixteen (16) years of age or older and must hold a legal valid drivers license or have proof of attending an Off-Highway Vehicle course.
- D. An owner of an OHV may not give another person who is under sixteen (16) years of age permission to operate an OHV on any public land, trail, street or highway of the Town.
- E. Any OHV operator or rider under eighteen (18) years of age shall wear an approved helmet.
- F. The OHV is in safe running condition.
- G. The OHV is being operated in a safe condition.
- H. No OHV shall be operated on any public land, trail, street or highway of the Town at night except within one hour past official sundown and one hour before official sunrise and must have working head and tail lights.
- I. The maximum speed for OHVs within the Town limits shall not exceed 25 miles per hour and must drive to the far right side of any street or highway.
- J. The OHV must have a warning flag attached no shorter than 4 ½ ft tall.
- K. The OHV must have proof of liability insurance.

Be 9.2.2 Designation of Off-Highway Vehicle Routes

All Town streets, roads, and alleys within the Town limits are allowable routes for OHVs except for roadways designated as a State Highway.



Title 10 - ANIMAL CONTROL

Article I - General Provisions

10.1.1 Definitions

Dog: Any male, female, or spayed female dog of any age.

Owner: When applied to the proprietorship of a dog, shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.

At large: Any dog off or away from the premises of the owner, possessor, or keeper, or his agent or servant or a member of his immediate family. A dog shall be deemed under the control of said owner or family member it is within immediate view and within distance of call, if it is on a leash, cord or chain, or if it is within direct command of the owner or immediate family member.

Pound: A animal shelter, lot premises or buildings maintained by or authorized or employed by the Town for the confinement or care of dogs seized either under the provision of this chapter or otherwise.

Impounded: Having been received into the custody of any authorized agent or representative of the municipality.

Vicious dog: A dog that has bitten a person or other domestic animal without provocation or a dog breed that has a known propensity to attack or bite human beings or other domestic animals. A dog that has caused injury to, or otherwise endanger the safety of humans or other domestic animals.

Animal control officer: The custodian selected by the governing body to be responsible for the operation of the dog pound; or the operator of an authorized pound or shelter representing the municipality.

10.1.2 Penalties

Unless otherwise specifically provided, every person whose animal violates any provision of this chapter is guilty of a class C misdemeanor, punishable by a fine or imprisonment in the Duchesne County Jail for up to 10 days or both. Those offenses classified as a class B misdemeanor shall be punishable by a fine or imprisonment in the Duchesne County jail for up to 30 days.

Article II - Animal Regulations

10.2.1 Dogs Running at Large

It shall be unlawful for the owner or person having charge, care custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog running at large shall be strictly liable for a violation of this subsection. A dog is deemed "at large" unless



personally controlled by leash or lead in common areas, parking lots open to public, schools, and shopping areas.

10.2.2 Dangerous Dogs

It is unlawful for any person to keep, own, harbor or have the control of any vicious animal. It is Prima Facia evidence that an animal is a vicious animal if it bites or attacks a person or domestic animal. Such animal is declared a public nuisance. Any police officer or animal control officer may apprehend such animal and may cause it to be impounded.

It shall be unlawful for any animal to bite or attack any person or domestic animal. It is no defense that the animal is chained or confined if the chaining or confining is on public property where the public has access to be on such property.

It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase, or worry any person, or any domestic livestock. "Worry" shall mean to harass by tearing, biting, or shaking with the teeth, or without provocation to chase or approach any person in an apparent attitude of attack when such person is in a place where he/she has a right to be.

10.2.3 Owner Liability

The owner in violation of this section shall be held strictly liable for violation. In addition to being subject to prosecution, the owner of such dog shall also be liable in damages to any person injured to the owner of any animals injured or destroyed thereby.

10.2.4 Defenses

The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

- A. The dog was properly confined on the premises.
- B. The dog was deliberately or maliciously provoked.

10.2.5 Interference with Officer

It shall be unlawful for any person to interfere with, molest, hinder, or prevent any police officer or animal control officer in the discharge of their duties as herein prescribed. It is unlawful for any person to hinder, delay, interfere with or obstruct any police officer or animal control officer while engaging in capturing, securing or taking to the animal shelter or pound, any animal or animals liable to be impounded, or who shall break open of any animal control vehicle or other vehicle used for the collecting or any such animals. It shall also be unlawful to do the above with any cage or other device placed for the purpose of catching stray dogs.

10.2.6 Disposition of Unclaimed Dogs

At the expiration of 10 days, and all efforts to contact the owners have failed, any dog not so claimed by its owner may be disposed of by giving it into the possession of anyone who will pay the associated costs



of impounding, or by giving it into custody of a bonafide rescue shelter. If not so disposed of, it shall be destroyed in a humane manner by a designated official, or the operator of the authorized facility.

10.2.7 Strays

It shall be unlawful for any person to harbor or keep any strayed or lost dog. When ever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the proper animal control authority who shall impound the dog and dispose as stated above.

10.2.8 Cruelty to Animals

Except as authorized by law, it shall be unlawful for any person to willfully or maliciously kill, injure, maim, disfigure, torture, beat, mutilate, bum or scald, drive over or otherwise cruelly act against any animal. Each cruelty act shall constitute a separate violation and shall be a class B misdemeanor.

10.2.9 Abandoning Animals

It is unlawful for any person to abandon or to turn-out at large, any sick, diseased or disabled animal or any unwanted animal. Any such animal when rendered worthless by reason of sickness, or other disability, or is unwanted shall be disposed of by the owner thereof.

10.2.10 Disposal of Animals

It is unlawful for the owner of any animal or fowl that die or are killed within the limits of this Town, to fail to remove or bury the carcass of such animal with thirty-six (36) hours after its death.

10.2.11 Nuisance Animals

Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance (as defined below) shall be in violation and subject to the penalties provided herein. The following shall be deemed a nuisance:

Any animal which:

- A. causes damage to the property of any one other than its owner is a vicious animal,
- B. causes unreasonable fouling of the air by odors,
- C. causes unsanitary conditions in enclosures or surroundings, or
- D. barks, whines, or howls or makes other disturbing noises in an excessive, continuous or untimely fashion.

10.2.12 Defecation and Urination

It is unlawful to allow an animal to defecate or urinate upon public property, recreation areas, or private property not owned by the person owning or in control of such animal. The owner or custodian of any animal shall be responsible for the removal of any defecation deposited by such animal on such property.



10.2.13 Threatening Passers-by

It shall be unlawful for any animal to threaten passers by, by nipping, spitting, jumping upon, attacking, or chasing any person, bicycle, or motor vehicle.

10.2.14 Dogs in Prohibited Areas

It shall be unlawful for any person to take or to permit any dog, whether loose, on a leash, or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including but not limited to restaurants or grocery stores.

10.2.15 Female Dogs in Heat/Season Running At Large

The owners or custodians of female dogs shall cause such dogs, when in heat/season, to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dogs or from being attracted to such female dogs. It shall be unlawful for the owner or custodian of any female dog to cause, permit or allow such dog to be at large, or to enter upon a street or sidewalk while such female is in copulating heat/season regardless of lack of knowledge of the offenses at the time it occurs. If the female dog cannot be controlled by the owner during the copulating heat/season, such dog may be impounded by the animal control officer.

Article III - Reporting and Rabies

10.3.1 Report of Bites

All persons bitten and the parents of guardians of minor children bitten by a dog or other animal known to constitute a serious threat of rabies shall notify the Town immediately thereafter. Physicians treating such bites and other persons having the knowledge of such bites shall also be required to make such notification.

10.3.2 Report of Suspected Rabid Animals

Any person who observes or has knowledge of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies shall notify the Town and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the State or County Health Depts.

10.3.3 Isolation of Biting or Suspected Rabid Animals

Upon the reasonable order of the animal control or Public Health Officer, abetting or suspected rabid animal shall be isolated, at the owner's expense, if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter or veterinary hospital in a manner approved by the animal control officer.



10.3.4 Release

Ten(10) days after the day of infliction of a bite by an animal, such animal may be released to its owner after a licensed veterinarian has examined that animal and in his/her opinion found it to have rabies in a transmittable stage on the day of the infliction of the bite. Non-immunized animals shall be vaccinated for rabies before release.

10.3.5 Examination of Head

Any biting or suspected rabid animal may be humanely euthanized immediately and such animal's head undamaged and properly packaged and properly refrigerated head shall be delivered promptly to an approved medical facility having the capability of performing tests to demonstrate the presence of rabies.

10.3.6 Animals Possibly Exposed to Rabies

Any animal of species subject to rabies which as been bitten by a known rabid animal, or which as been in intimate contact with such animal. Shall be isolated, at the owner's expense, if owned, in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of six (6) months, or euthanized. Notwithstanding the foregoing, the following alternative is permitted in case of dogs and cats. If the animal has been vaccinated against rabies at least thirty (30) days prior to the suspected exposure with a type of vaccine produced under U.S.D.A. license and within the time period approved by the State veterinarian, the animal may be re-vaccinated and isolated in strict confinement in a place and manner approved by the animal control officer and observed by a licensed veterinarian for a period of (30) days.

10.3.7 Rabies Tag

A vaccination tag shall be attached to or otherwise worn by the dog. It shall be unlawful for any person or persons to remove or cause to be removed the vaccination tag from any dog without consent of the owner, keeper, or harbor thereof. The vaccination tag shall not be transferable from one dog to another.

Title 11 - SUBDIVISIONS

Article I - General Provisions

11.1.1 Land Shall Be Subdivided Before Recording

From the effective date of this ordinance, no person shall subdivide any tract of land which is located wholly or in part within the corporate limits of the Town, nor shall any person sell, exchange, or offer for sale, or purchase, or offer to purchase any parcel of land which is any part of a subdivision of a larger



tract of land nor shall any person offer for recording any deed conveying such a parcel of land or any interest therein, unless he shall first have, or cause to have, made a plat thereof. Which plat shall be recorded before such sale or exchange or purchase is effected, and which shall be in accordance with all of the requirements of this ordinance.

11.1.2 Definition of Subdivision

The word "subdivision" as used in this ordinance is hereby defined as the division of a tract or parcel of land into (5) five or more parts for the purpose, whether immediate or future, of sale or of building development; provided, that if any one person within one calendar year divided any tract into five or more parts, such land shall be deemed a subdivision with the meaning of this ordinance. Providing, however, that this definition of a subdivision shall not include a bona fide division or partition of agricultural land in parcel or more than one acre for other than development purposes, nor shall it include the division of property in Commercial or Industrial districts for commercial or industrial developments where no new streets are required or any to be dedicated for public use; nor shall it include or apply to the allocation of land in the settlement of an estate, or a court decree for the distribution of property.

Article II - Preliminary Plats

11.2.1 Preliminary Plat Requirements

Whenever a subdivision is to be filed, three copies of the preliminary or tentative plat shall be prepared and presented to the Town Council for their approval. If no action is taken by the Town Council within forty (40) days after the submission of the preliminary plat, such plat shall be considered approved unless an extension of time is agreed to by the subdivider. The preliminary plat so prepared by the subdivider and formally filed with the Town Council shall contain:

- A. The proposed name of the subdivision.
- B. Its location as forming a part of some larger tract or parcel of land referred to in the records of the Town clerk.
- C. Sufficient information to accurately locate the plat. (A vicinity plat on a small scale should accompany the preliminary plat showing the zoning classification).
- D. The names and addresses of the persons to whom the notice of the hearing to be held by the Town Council should be sent; the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be platted.
- E. Contour map at appropriate intervals where required by topography.
- F. The boundary lines of the tract to be subdivided accurate in scale and bearing.
- G. The location, widths, and other dimensions of all existing or platted streets and other important features such as railroad lines, water courses, exceptional topography, etc., within and contiguous to the tract to be subdivided.
- H. Existing sanitary sewers, storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto.



- I. The location, widths and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots.
- J. All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purposes indicated.
- K. North point and scale.

11.2.2 Additional Requirements

Where needed, and upon the request of the Town Council, the following information shall be furnished:

- A. The cross section of proposed streets showing widths of roadways and location of sidewalks.
- B. The proposed method of handling sanitary sewers and storm drains within the tract.
- C. Plans for transportation facilities (such as bike lanes, bus loading zones, etc.).

Article III - Final Plats

11.3.1 Final Plat Requirements

The final plat, together with an up-to-date abstract of title or policy of title insurance, must be submitted to the Town Council for approval within one (1) year after the approval of the preliminary plat, and no plat shall be recorded or offered for record nor shall any land be offered for sale with reference to such plat, until said plat has been approved in writing by the Town Council.

The final plat must be acted upon by the Town Council within forty (40) days after its submission unless an extension of time is agreed upon by all concerned.

The requirements for the final plat, or drawing to be submitted, as above provided, shall consist of a sheet of approved mylar, to the outside or trim line dimensions of twenty-one (21) by thirty-one (31) inches and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half (1½) inches margin on the left hand side of the sheet for binding, and not less than a one-half inch(½) margin, in from the outside of trim line, around the other three sides or edges of the sheet. The plat shall be so drawn that the top of sheet either faces North or West whichever accommodated the drawing best. All lines, dimensions and markings shall be made a mylar of the Final Plat in a format approved by the City and County. The subdivider must also furnish two additional mylars as above provided. All mylars will be signed by all parties authorized and required to sign the plat.

The final drawings or plats will contain the following information:

- A. An approved mylar of the final plat.
- B. A name and general location of the Subdivision, in bold letters at the top of the sheet.
- C. A north point and scale of the plat accurately drawn as to bearing and distance.
- D. Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the Subdivision. These lines should be slightly heavier than street and lot lines.
- E. The names, widths, lengths, bearings, curve data on centerlines or both sides of proposed streets, alleys and easements desired or necessary, also the boundaries, bearings and dimensions of all portions within the Subdivision as are intended to be dedicated to the use of



the public. The sizes, lines, dimensions, bearings and numbers of all lots, blocks and/or parts reserved for any reason within the Subdivision. All lots and blocks shall be numbered consecutively under a definite system and with numerical designation. All proposed streets shall be named or numbered in accordance with and to conform to the adopted street naming and numbering system to the Town.

- F. The angle and departures of adjoining property, street and alley lines, and the plat shall show the names of the streets and the alleys adjoining or bounding the Subdivision. It shall show the names of all adjoining Subdivisions, which have previously been recorded, to show their relationship to the Subdivision now offered for record. If adjoining land is unplatted, this information should be shown.
- G. Which public utilities are within or in close proximity to the proposed Subdivision, together with existing water courses or other constructed features that are involved.
- H. It is necessary that all dimensions and calculations made by the Engineer shall show proper closures in all boundaries of the Subdivision, or otherwise, in completing this survey and no plat will be accepted that shows a plus or minus distance for closure, unless agreed to by the Town Council or other person duly empowered by resolution.
- I. Show the description and location of all monuments set and established by the Town or the United States Government that are adjacent or near this proposed Subdivision.
- J. Upon the plat or drawing, the required and standard forms now used and approved for all Subdivision Plats shall be lettered for the following: Registered Professional Engineer and/or Land Surveyor's "Certificate of Survey," Owner's Dedication Certificate, Notary Public Acknowledgment, the approval of the Town Council attested by the Town Clerk.

11.3.2 Additional Requirements

The final plat shall be accompanied by copies of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use, building lines, open space or other aspects of development and use.

All above mentioned approvals shall become void unless the said plat or drawing is offered for recording within five (5) days from date of approval.

Article IV - Supplementary Regulations

11.4.1 Amended Plats

Amended plats must be filed, when major changes in a plat of a Subdivision which has been recorded are made, approval of said Subdivision shall be vacated and an amended plat thereof approved and filed in accordance with this ordinance.

11.4.2 Permit Denial, Filing Unapproved Plat Prohibited

No permits shall be issued by any administrative officer of the Town for the construction of any buildings or improvements requiring a permit upon any land upon which a plat is required by this



ordinance unless and until the requirements hereof shall have been complied with. The filing of an unapproved plat is prohibited and any recording officer who files such a plat is guilty of a misdemeanor. Any sale or contract to sell any land in violation of the legal controls of this ordinance is voidable at the option of the purchaser.

11.4.3 Minimum Requirements

The requirements of this ordinance shall be considered minimum, and shall apply under all ordinary circumstances. Any deviation from the minimum requirements, where unusual circumstances exist, can only be made with the approval of the Town Council.

Article V - Streets and Lots

11.5.1 Streets, Requirements, Residential Subdivision Only in Residential Districts

All through streets in the subdivision must conform to the major street plan of the Town. The alignment and width of all extended through streets shall be preserved unless unusual topographical conditions make a modification advisable. Where a large subdivision abuts a major thoroughfare, the Town Council may require marginal access streets to be included in the street plan.

Street width is to be measured from lot line to lot line. The minimum width of streets, unless otherwise expressly permitted by the Town Council, so measured shall be:

For minor or local streets 50 feet

For secondary streets 60 feet

For major streets conform to major street plan

Minimum width of roadway (face of curb to face of curb) shall be:

For minor or local streets 27 feet

For secondary streets 40 feet

For major streets conform to major street plan

Between reverse curves, a tangent of a least 100 feet shall be required unless in the opinion of the Town Council such is not necessary. Streets shall intersect each other as near as possible at right angles.

Minimum street grades of 0.3% will be required with the maximum grade being 7% for secondary and major streets and 10% for local or minor streets. Where the observance of this standard is impossible the Town Council shall have the power to grant an exception when special pavement surfaces and adequate leveling areas are installed or in the opinion of the Town Council the best subdivision of the land is thereby secured.

Where street lines within a block deflect from each other at any one point more than 10 degrees there should be a connection curve. The radius of the curve for the inner street line should be not less than



350 feet for a major street, 250 feet for an important neighborhood street and 100 feet for local minor streets.

Curbs at all intersections shall be rounded with curves having a minimum radius of 15 feet for minor streets and 25 feet for secondary and major streets. Property lines at street intersections should be rounded with a curve where necessary to fit the curb radius.

New street names shall not duplicate those already existing. A street obviously a continuation of another already in existence and named should bear the same name. Before the street is named, the proposed name must be submitted to and approved by the Town Council.

All streets within the Town limits will be required to be dedicated for public use. The dedication of half streets in any sub-division is prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these rules and where the Town Council finds it will be practicable to require the dedication of the other if subdivided. Wherever there exists a half street adjacent to a tract to be subdivided, the other half shall be platted within such tract.

No subdivision for residential development shall be approved except in a Residential district.

11.5.2 Dead End Streets

All dead end streets must, unless otherwise expressly permitted by the Town Council, provide at their terminus to turn around with a radius of at least 50 feet, and shall provide adequate storm sewers or other means of drainage.

11.5.3 Administrative Official's Responsibilities

All administrative officials of the Town shall refrain from opening, accepting, grading, paving, or lighting a street or authorizing the laying of sewers and watermains that make connections from the Town mains to such lines in a street which has:

- A. not received the status of a public street prior to the taking effect of this ordinance, or,
- B. not corresponded with a street on a subdivision plat tentatively approved by the Town Council, or,
- C. not been approved by the Town Council.

11.5.4 Lot Requirements

All lots shown on the subdivision plat must conform to the minimum requirements of the applicable zoning ordinances. The size and shape of the lots shall be such as the Town Council deems appropriate for the type of building development contemplated.

The platting of key lots whose width at the set back line is less than 50 feet shall not be permitted. Corner lots shall have such extra width as will permit the establishment of a building line at least 30 feet on the front street and 20 feet on the side street.

Double frontage lots shall be prohibited except where unusual topography makes it impossible to meet this requirement.



All remnants of lots below minimum size left over after the subdividing of a larger tract must be added to adjacent lots rather than allowed to remain as unusable parcels.

Title 12 - TOWN CEMETERY

Article I - General Provisions

12.1.1 Permits

Before permitting burying the body of any deceased person in the town cemetery or before permitting the removal of the body of any person buried therein, a permit is required to be obtained from the Board of Health. After burial or removal, the Town Clerk shall endorse upon the permit the initial letter of the plat and the number of block and lot and grave where said body is buried, or from which said body has been removed, and shall make a record thereof in the cemetery records.

12.1.2 Sales of Lots

The Town Clerk and Town Council are hereby empowered to sell lots in the city cemetery and to collect all sums arising from such sales. All money so collected shall be remitted promptly to the Town Treasurer. The Town Council is hereby empowered to regulate by resolution the selling price and size of lots. The Town Clerk shall deliver to each purchaser a certificate for each lot or part of lot showing the description thereof by lot and block and stating the price paid therefor. Said certificate shall be issued and signed by the Mayor and shall be attested by the Town Clerk.

12.1.3 Clerk Shall Keep Records

The Clerk shall keep a record in a book to be kept for the purpose, of all conveyances executed as above provided, stating the number of lot and block conveyed, the date of such conveyance, the person to whom conveyed, and the amount received for the same.

12.1.4 Cemetery Fees

The Town Council shall establish by resolution the fees for cemeterial services. All such fees shall be collected by the Town Clerk and deposited into the town treasury monthly.

Article II - Rules and Regulations

12.2.1 Title, permit. Disinterment.

It shall be unlawful for any person to bury the body of a deceased person in the town cemetery without first paying for and obtaining a certificate of purchase of the lot used, from the Town Clerk, or if they do not own or purchase the lot, without furnishing a written permit from the owner thereof which permit



shall be filed with the Town Clerk. It shall be unlawful for any person to disinter any body buried in said cemetery except under the direction of the Town Clerk and before disinterment, the Town Clerk shall require a permit from the Board of Health and written order from the owner of the lot authorizing such removal, which order he shall file and preserve and all such removals shall be recorded in a book kept for that purpose.

12.2.2 Injury to Cemetery Property Prohibited

It shall be unlawful for any person to injure or deface any headstone, tombstone, monument, tree, shrub or any other property in the town cemetery.

12.2.3 Burials Must Be in Cemetery

It shall be unlawful for any person to bury the body of a deceased person within the limits of the Town of Tabiona except in the burying grounds located therein.

12.2.4 Plats of Cemeteries to be Recorded

It is hereby made the duty of the Town Clerk to cause to be made an accurate plat of all of the lots, blocks, walks, roads and lines of the town cemetery and file and record the same in the town office.

12.2.5 Certificates of Burial Rights to Be Furnished

Every purchaser of lots or burial right shall be furnished by the Town Clerk with a certificate of burial rights, properly signed, and in such form as may be filed and recorded by the County Recorder.

12.2.6 Rules and Regulations, Town Council

The Town Council shall formulate and establish such rules and regulations for the protection and governing of matters pertaining to the cemetery as shall from time to time be found necessary to properly protect the property therein and maintain said cemetery in suitable and proper condition and from time to time to levy and collect from the owners of lots or parts of lots in said cemetery for care and maintenance such sum of money as shall keep said lot or part of lots in a suitable and proper condition as required by the mayor or Town Council having charge of said cemetery.

12.2.7 Burial of Poor or Needy Persons

Such lots as the Town Council shall, from time to time, designate shall be reserved for the burial of poor or needy persons.

12.2.8 Driving Cars or Other Vehicles

Driving on lots, backing over graves, cutting corners or speeding in the cemetery is prohibited.



Title 13 - RIGHT OF WAY ENFORCEMENT

Article I - Permits and Fees

13.1.1 Permit Required

The Town shall require a permit to cross town roads or go along side of road right of way.

13.1.2 Bonds

When a right of way encroachment permit is obtained, the Town Council will determine the value of Town facilities near the encroachment. The applicant will bond for an amount determined by the Town Council to be used for any necessary repairs that may be caused by the applicant.

13.1.3 Fines

The Town will hold any permittee responsible for any damages to any utilities within a Town right of way. The Town has the right to fine any persons who attempt to cross roads without permit \$1,000.00 for unpaved roads and \$5,000.00 for paved roads.

Title 14 - WATER and SEWER

Article I - Water and Sewer Department and System

14.1.1 General Provisions

The Water and Sewer Department is hereby created. It shall comprise all of the property and equipment and personnel necessary to the maintenance and operation of the Town's water and distribution, and of its sewage collection and disposal. This Department shall administer the operation and maintenance of the water and sewer systems of the Town.

The water and sewer system shall include not only all of said property, equipment and personnel, but shall include the rights, contractual or otherwise, possessed by the Town to the utilization of mains, outfall lines, and treatment plants of other governmental agencies by means of which the Town is empowered to provide water and sewer services of whatever character to its inhabitants.

14.1.2 Superintendent

The Mayor of the Town may appoint by and with the approval of the Town Council, a competent person to the position of superintendent of the Water and Sewer Department who shall hold office during the



pleasure of the Town Council. The person so appointed may be either the Mayor or one of the Council Members or other elective or appointive office of the Town, if so designated by the Town Council, upon the recommendation of the Mayor.

14.1.3 Duties of the Superintendent

The superintendent of the water and sewer system shall manage and supervise the Town's water and sewer systems under the direction of the Town Council, which, from time to time, may by resolution or otherwise, prescribe his powers and duties and direct the manner and frequency with which he shall make reports to Town Clerk relating to the water and sewer system.

14.1.4 Application for Water and Sewer Service

Any person desiring, or who is required, to secure water or sewer service when such services are available from the Town water and sewer system, shall apply to the Town Clerk for service.

14.1.5 Non-Owner Applicants

Applicants for water and sewer services who are not the owners of the premises to which water and sewer service is being supplied shall deposit to the Water Department, as a guarantee payment of all water and sewer rates, the amount of \$10.00 for each service supplied to a single family residence, and the amount of \$20.00 for each service, if supplied for any other type of use. In the event the user shall fail to pay his water or sewer charges, said deposit may be applied to the payment of any delinquent charges. Upon termination of services, said deposit or any unconsumed portion thereof shall be returned to the depositor, provided all such charges have been paid.

Such deposit shall not be considered an advance payment of any service charges, and unpaid accounts may be considered delinquent. Notwithstanding the existence of such deposit, the user shall not have the right to compel the Town to apply such deposit to any account to avoid delinquency. Where applicants are not the actual owners, but are merely buying served premises under contract or bond for deed, or where the applicants are building contractors applying for new water service, claiming to be owners of the property, the above deposit provisions shall apply.

14.1.6 Agreement of Owner

Applications for water and sewer services made by the tenant of an owner must, in addition to the above requirements, be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent.

Article II - Fees, Payment, Billing

14.2.1 Rates and Connection Fees

The rates, penalty fee for delinquency in payment, and connection fees for water and sewer service from the Town systems shall be fixed from time to time by resolution enacted by the Town Council. The



Town Council may, from time to time, enact rules for levying, billing, guaranteeing, and collecting charges for water and sewer services, and all other rules necessary for the management and control of the water and sewer systems.

14.2.2 Council of Equalization, Rates, and Rebates

The Town Council is hereby constituted a Council of Equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water and sewer bill of any poor or needy person.

14.2.3 Use Without Payment Prohibited

It shall be unlawful for any person by himself, family, servants, or agents to utilize the Town water or sewer system without first paying therefor, as herein provided, or, without authority to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to in anywise injure, deface, or impair any part of appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to said system.

14.2.4 Billing - Delinquency

The Town Clerk or water and sewer supervisor shall furnish to each user or mail or leave at his place of residence or usual place of business a written or printed statement, written thereon the amount of water and sewer service charges assessed against him once each quarter or such other regular interval as the Town Council shall direct. Said statement shall separately specify the amount of the bill for the water and sewer service used and the place of payment and date due. If any person fails to pay his water or sewer charges or any sum due for connection fees within thirty (30) days from the date of billing, said charges shall be deemed delinquent by the Town, and payment thereof may be enforced.

14.2.5 All Fees and Charges as Lien Against Real Property, Collection, Enforcement, and Discontinuation of Service

All fees and charges provided for in this Ordinance shall constitute a lien against the real property of the persons serviced or who, by the terms of this Ordinance, may be serviced by sewer and water lines in the Town for the full frontage thereof on any dedicated street or road and for a distance of 150 feet deep from such street or road. When fees and charges become delinquent, the municipality may enforce collection in either or both of the following ways:

- A. The Town Clerk or water and sewer supervisor may notify the Town Council of the delinquency and the Town Council shall have authority to direct that all water services to the premises involved be shut off until payment of the delinquent water and sewer charges have been paid. The shutting off of water for failure to pay a water and/or sewer bill shall not cause the monthly water and sewer assessment to abate, but such assessments shall continue to accrue at the minimum periodic rate fixed by this Ordinance or by any resolution of the Town Council adopted pursuant to this Ordinance until paid.



- B. The Town Clerk may, and is hereby authorized and empowered, to institute, in the corporate name of the Town, collection proceedings, by all means available to the Town including, but not limited to suit in a court of proper jurisdiction pursuant to which judgment may be sought and obtained to collect all delinquencies and fees that may be due or become due and to seek judgment requiring the defendant to pay all costs of collection including court costs and attorneys' fees. Suit in court shall include, but is not limited to, an action for foreclosure of a lien in the manner provided for foreclosure of liens for non-payment of real property taxes in the State of Utah and subject to the same redemption rights as provided by law for redemption of property from sale for payment of real property taxes.

The election of any one means of enforcement does not waive the Town's right to pursue any other means which may be available. Before water service to said premises shall again be provided, all delinquent water and sewer charges, together with any additional costs and fees, including such extra charges for turning the water on and off as the Town Council may have established by resolution, must be paid in full.

Article III - Rules and Regulations

14.3.1 Turning on Water after Being Turned Off-Prohibited

It shall be unlawful for any person, after the water has been turned off from his premises for non-payment of water and/or sewer charges or other violations of rules and regulations pertaining to the water supply, to turn on or allow the water to be turned on or used without authority.

14.3.2 Separate Connections

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

14.3.3 Unauthorized Users

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



14.3.4 Pipes to be Kept in Good Repair

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

14.3.5 Quality of Materials and Installation

The size, slope, alignment, materials of construction of all sanitary sewers and sewer connections, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Town of Tabiona and the State of Utah. All work, alterations, or extensions affecting water or sewer pipes shall be subject to the acceptance of the water and sewer superintendent, and no connection with water or sewer mains shall be made without first obtaining a permit therefore from the Town Clerk. No consumer shall be permitted to conduct water or sewer pipes across lots or buildings to adjoining premises without the permission from the water and sewer superintendent and subject to such requirements relating to controls as may be imposed.

14.3.6 Waste Prohibited

It shall be unlawful for any water user to waste water, or to allow it to be wasted, by imperfect stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks, or other apparatus, or to use the water for purposes other than for those which he has paid, or to use water in violation of the rules and regulations for controlling the water supply.

14.3.7 Department to Have Free Access

The water and sewer superintendent and his agents at all ordinary hours have free access to places supplied with water and sewer services from the Town system for the purpose of examining the apparatus, ascertaining the amount of water or sewer service being used, and the manner of its use.

14.3.8 Non-Liability for Damages

Neither the Town or its employees shall be liable for any damage to a water or sewer service user by reason of stoppage or interruption of his water supply or sewer service caused by fires, scarcity of water, accidents to the water or sewer systems, or their mains, or as the result of maintenance and extension operations, or from any other unavoidable cause.

14.3.9 Water Not Supplied for Motors, Syphons, etc

No water shall be supplied from the pipes of the Town water system for the purpose of driving any motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or



propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the Town Council.

14.3.10 Sprinklers

It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinklers or combinations of sprinklers or outlets as will, in the opinion of the Town Council, materially affect the pressure or supply of water in the Town water system or any part thereof, and the Town Council may, from time to time, by resolution, specify combinations or number of outlets which may have such effect.

The Town Council shall, after a determination that such improper use exists, notify the affected water user, or the owner of the premises whereon such use occurs, of such determination in writing and order such use discontinued and advise him or her that such continued usage constitutes a violation of this Ordinance.

14.3.11 Curtailment

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

14.3.12 Water Meters

Except as otherwise expressly permitted by this Ordinance, all structures, dwelling units, and establishments using water from the Town system must have such number of water meters connected to their water systems as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective water users. Meters will be furnished by the Town at the expense of the property holder, at rates established from time to time by resolution, and whenever a property owner shall have control of the nature and extent of service desired and by this means govern the appropriate number of meters to be installed on any premises. In the event of a dispute as to the number of meters necessary, the matter shall be heard and determined by the Town Council after due notice in writing to the parties involved. The superintendent shall cause meter readings to be taken regularly and shall advise the Town Clerk thereof for the purpose of recording the necessary billings for water service.

14.3.13 Use of Town Sewer and Water System Mandatory

It shall be unlawful for the owner or any other person occupying or having charge of any premises within the Town limits which are situated within 200 feet of a sewer main to dispose of sewage therefrom by any means other than by use of the Town sewer system. It shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool, or septic tank on such property except by express approval of the Town Council in cases of undue hardship.



It shall be unlawful for a person to use or distribute water other than water from the Town water systems under the following circumstances:

- a. if said water does not form to the standards for culinary water imposed by the State Department of Health, or,
- b. if said water is obtained from a well of less than 100 feet in depth or from any source which is subject to become contaminated, e.g., surface runoff waters.

No operator of a trailer court, motel, apartment house, or of other lodging places shall furnish water from other than the Town water systems to his patrons.

14.3.14 Qualified Plumbing Necessary

It shall be unlawful for any person to connect any drain or sewer pipe with the public sewer unless such person is a duly licensed plumber or unless in the absence of a duly licensed plumber any proposed connection or alteration or change of a connection to the sewer system shall be first submitted to the water and sewer superintendent for review and approval, and after such approval, the installation or work done shall be subject to inspection by the superintendent or his agents.

Article IV - Permitting

14.4.1 Permits for Installations

It shall be unlawful for any person to engage in the laying, repairing, altering or connecting of any water line to the culinary water system of the Town or of any private drain or sewer pipe directly or indirectly with the Town sewer system without first having received a construction permit from the office of the Town Clerk or from the sewer and water superintendent that is designated by the Town.

14.4.2 Applications for Installation Permit

Applications for permit for water or sewer connections or other alteration, laying or repairing of lines connected directly or indirectly thereto must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises which shall describe the manner and circumstances surrounding such installation or alteration. If, in the judgment of the superintendent, the carrying out of such connection, repair, or installation, will cause no injury to the street in which the water or sewer mains sought to be connected with is laid, or that such installation, improvement or repair will not be prejudicial to the interest of the persons whose property has been or may thereafter be connected with said sewer or water mains and that said connection in all things shall conform to the ordinances and regulations of the Town, then the application to connect with the water or sewer mains shall be granted subject to the provisions of this Ordinance. All said connections or installations shall be to line and grades designated by the water and sewer superintendent.

Fees for permits or for inspection services shall be at such amounts as the Town Council shall from time to time determine by resolution.



14.4.3 When Permits Shall Not be Issued

Permits to connect with the water or sewer systems of the Town shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes adopted by the Town.

14.4.4 Revocation of Permits

All construction permits for sewer or water connections or installations shall be issued to the plumber who is to do the work, or to the owner of the property, subject to supervision and inspection by the superintendent or his agents, but the Town Clerk or superintendent may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.

14.4.5 Extension of Water or Sewer Mains Within the Town

Any person or persons, including any subdivider, desiring to have the water or sewer mains extended within the Town, and being willing to advance the whole expense of such extension, and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the Town Council by petition containing a description of such proposed extension, accompanied by a map showing the location thereof, which petition shall also contain an offer to advance the whole expense of making the same as said expense shall be certified by the water superintendent. The Town Council may grant or deny said petition as in its discretion seems best for the welfare of existing users in the Town.

Article V - Extensions and Associated Costs

14.5.1 Costs of Extensions Determined

Upon receipt of such petition and map, and before the petition is granted, the Town Council shall obtain from the water and sewer superintendent a certified statement showing the whole costs and expense of making such extension.

14.5.2 Amount of Cost to be Deposited with Town Clerk

If the Town Council shall grant said petition, before any work shall be done on such extension, and within thirty (30) days, or such other time as the Town Council shall indicate, after the granting thereof, the amount of the cost and expense of making such extension as certified by the water and sewer superintendent shall be deposited with the Town Clerk.

14.5.3 Return of Any Money

At the time that the Town Council determines whether or not to grant said petition for an extension, it shall also determine whether or not any of said deposited costs of extension shall be ultimately refunded to the applicant, the amount to be so refunded (if any) and the manner and circumstances



under which said refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.

14.5.4 Ownership of Extension

Any such extension shall be deemed the property of the Town.

14.5.5 Supply of Water or Sewer Services to Persons Outside Town Limits

The Town of Tabiona may furnish water or sewer service from its water or sewer system to persons outside its corporate limits in accordance with the provisions of the following sections.

Any person located outside the Town limits desiring to be supplied with water or sewer services from the Town water or sewer system and being willing to pay in advance the whole expense of extending the water or sewer system to his property, including the cost of extending the water or sewer main from its present location to the Town limits, may make application to the Town Council by petition containing:

- A. A description of the proposed extension.
- B. Accompanied by a map showing the location thereof.
- C. An offer to pay the whole expense incurred by the Town in providing such extension and to advance such expense as said expense shall be certified to by the water and sewer superintendent. The Town Council and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the costs of installing such extension may be refunded.
- D. An acknowledgement that the Town, in granting said petition, engages to supply only such water to petitioner which from time to time the Town Council deems beyond the requirements of water users within the Town limits.
- E. An acknowledgement that such extension shall be the property of and subject to the control of the Town of Tabiona.
- F. An agreement to be bound by and comply with all ordinances and resolutions of the Town then in force or thereafter adopted, and to pay for the water and/or sewer service provided at a rate to be fixed and from time to time adjusted by the Town Council.

14.5.6 Extensions May be Master-Metered

When an extension supplying more than one house or user outside the Town limits is connected to the Town water mains, the water and sewer superintendent may require a master meter to be installed near the point where the connection is to be made to the Town main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through said meter at the meter rates provided.



14.5.7 Cost of Extensions to be Determined by Water and Sewer Superintendent

Upon receipt of such petition and map and before the petition is granted, the Town Council shall determine what portion, if any, of the extension of the Town water or sewer mains to the Town limits the Town shall construct, and shall obtain from the water and sewer superintendent a certified statement showing the whole cost and expense of making such extensions. Such costs and expenses shall include administrative and supervisory expenditures of the Town Water Department, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor.

Article VI - Contaminations, Sewer, and Penalties

14.6.1 Inflammables

It shall be unlawful for any person to injure, break or remove any part or portion of any sewer appliance or appurtenance, or to discharge into a sewer any inflammable gas, gasoline or oil, or any calcium carbide or residue therefrom, or any liquid or other materials or substance which will evolve an inflammable gas when in contact with water, sewage or fire. Oil separators, installed in any building where volatile fluids are used, must not be connected directly or indirectly with a sewer.

14.6.2 Obstructive Material

It shall be unlawful for any person to empty or discharge into the public sanitary sewer and garbage, refuse, night soil or other similar matter, or any substance or thing likely to obstruct the sewer, or any substance, solid or liquid, other than the waste products for which said sewer is provided.

14.6.3 Drainage Waters, Toxic Pollutants and Destructive Materials

It shall be unlawful for any person or persons to connect with a public sanitary sewer and drain or pipe which discharges rainwater, cellar or surface water, the contents of any spring, flowing well, creek, ditch, or other water course, or any waters containing toxic or poisonous solids, liquids or gases in a sufficient quantity, either simply or by interaction with other wastes, to contaminate the sludge of the Town's wastewater treatment system, or to injure or interfere with any sewage treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works. No boiler or heating plant shall be directly connected to the sanitary sewer. The overflow from boilers or heating plants, when cooled to a temperature not to exceed 120 degrees Fahrenheit, will be allowed to run into a sump, said sump to be connected to the sewer. The discharge of the contents of waste pipes -from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses containing inflammable substance, buildings for the stabling or keeping of horses, cows and other animals, and all similar establishments, shall not be made into or connected with a sanitary sewer, unless such contents are discharged into settling tanks properly trapped and vented, said tanks to be of a construction approved by the superintendent and to be at all times subject to his inspection and



approval or condemnation. Upon condemnation by the superintendent, the sewage from said tanks shall not be allowed to flow into sewer until satisfactory alterations have been made and the construction approved by the superintendent.

Each user discharging any drainage waters, toxic pollutants, or other destructive materials which causes an increase in the cost of managing the effluent or the sludge of the sewage treatment works shall pay for such increased costs in addition to any fines or other penalties incurred for violating the provisions of the ordinances.

14.6.4 Regulations

The Town Council shall have power, and retains the right, to adopt regulations controlling the manner and circumstances under which the water and sewer systems may be used in addition to the regulatory provisions set forth expressly in this ordinance. Such regulatory provisions may include regulations relating to the manner in which excavations shall be made for purposes of making the connections or repairs to the water or sewer service lines which may necessitate excavations on or near and under sidewalks and the public ways. Such controls may include a manner in which excavations shall be backfilled and the type of materials that may be used for said purpose.

14.6.5 Ownership of Connecting Lines

Unless provision is expressly made for ownership of mains or lines by the owner of adjacent property, by means of a written agreement, all pipelines and mains connecting the municipal water works or sewer systems to a landowner or resident's premises which are situated on the public way between the main and the property lines shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises. Repair and maintenance of said water and sewer lines shall be done by the landowner at his cost or if done by the Town, the cost thereof shall be paid by the landowner.

14.6.6 Sewer Manhole Access

It shall be unlawful for any person to open any sewer manhole without permission from the superintendent.

14.6.7 Destruction - Contaminating Materials

It shall be unlawful for any person to destroy, deface, injure, or interfere with the operation of any part, pipe, fixture, appliance or appurtenance of the Town water works or sewer system. No person shall cause to be placed or induced into the water system or any source of water supplying said system, any matter or substance which shall cause the contamination of the water of the Town's system or which may result in deleterious or harmful effects to human health.



14.6.8 Penalty

Any person violating any of the provisions of this ordinance shall be deemed guilty of a class B misdemeanor and may be punished by a fine in an amount less than \$1,000.00 or imprisonment for not more than six (6) months or by both said fine and imprisonment.

Article VII - Water Supply Protection; Cross Connections

14.7.1 Water Supply Protection

The Town's jurisdiction shall extend over all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken, for fifteen miles above the point from which it is taken and for a distance of three hundred feet on each side of such stream and over highways along such stream or watercourse within said 15 fifteen miles and said three hundred feet, except that livestock shall be permitted to graze beyond one thousand feet from any such stream or source. The Town may enact all ordinances and regulations necessary to carry the power herein conferred into effect, and are authorized and empowered to enact ordinances preventing pollution or contamination of the streams or watercourses from which the inhabitants of cities derive their water supply, in whole or in part for domestic and culinary purposes. They may annex thereto such reasonable conditions and requirements for the protection of the public health as they deem proper, and may if deemed advisable, require that all closets, privies and urinals along such streams shall be provided with effective septic tanks or other germ-destroying instrumentalities.

No water service connection to any premises shall be installed or maintained by the Town or any other water utility unless the water supply in the premises is protected as required and enforced by the Town Council.

14.7.2 Duty to Inspect

It shall be the responsibility of the water consumer to purchase, install, test, and maintain backflow prevention devices where necessary and to control cross connections. The consumer shall have certified inspections and operational tests at least once a year upon request of the Town. Where the Town deems a hazard to be great, the consumer may be required to have such inspections and tests at a more frequent interval as prescribed by the city. All such tests shall be made according to the standard set forth by the Utah Department of Health.

14.7.3 New Construction

The City Council will review all plans for new construction and insure that unprotected cross connections are not an integral part of the consumer's water system. If a cross connection cannot be eliminated, protection will be required by installation of an air gap or other approved backflow prevention device. Water vacating the drinking water supply must do so by means of an approved air gap or mechanical backflow prevention assembly as required by the state code.



14.7.4 Installation Required

Whenever the City deems a service connection's water usage contributes a sufficient hazard to the water supply, installation of an approved backflow prevention assembly shall be required on the lateral service line of the consumer's water system at or near the property line, or immediately inside the building being served, but before the first branch line leading off the lateral water line in any event.

14.7.5 Existing Equipment

All backflow prevention assemblies existing at the time this ordinance is adopted which do not meet the requirements hereof shall be excluded from the requirements hereof provided they were approved for the purposes described herein at the time of installation and have been properly maintained. Such previously existing assemblies shall be subject to the periodic inspection and testing required above, Whenever an existing assembly is moved to another location, or where it is determined to constitute a hazard to health, the unit shall be replaced by an approved backflow prevention assembly.

14.7.6 Repair and Maintenance of Equipment

The maintenance of all backflow prevention assemblies and cross connection control devices required hereunder shall be the responsibility of the consumer, and failure to adequately maintain the required equipment shall be a violation. All installations and repairs of such equipment shall be effected by a certified backflow technician.

14.7.7 Access for Inspection

A consumers system shall be open for inspection at all reasonable times to a authorized representative of the Town in order to determine if cross connections or other hazards exist. Consumers shall be responsible to provide access across their property for inspection purposes free from litter, overgrowth, threat of vicious animals, or other hindrance that may be detrimental to ease of access.

14.7.8 Certified Backflow Technician

All tests of mechanical devices shall be conducted by a certified backflow technician. Such technician shall be responsible for the following:

- A. Assure that acceptable testing equipment and procedures are used for the testing, repairing or overhauling of backflow prevention assemblies.
- B. Make reports of such testing and/or repair to the consumer, the Town, and the Division of Drinking Water. Reports hall be in accordance with the Bureau's requirements.
- C. Include in all reports a list of any materials or replacement parts used.
- D. Assure that replacement parts are equal in quality to original parts and that any testing, repair or replacement does not change the design or operational characteristics of the assembly.
- E. Maintain a license in current condition and testing equipment in proper operating conditions
- F. Be competent to use all necessary equipment to properly test and maintain tag backflow each double prevention check valve assemblies.



- G. Tag each double check valve and pressure vacuum breaker; reduced pressure backflow assembly and high hazard air gap; show the serial number, date tested, and by whom, including the technician's license number.

14.7.9 Records

The Town shall keep reasonable records of cross connection hazards and the condition of backflow assemblies, including those records required by state and federal agencies. It shall provide the tags required upon request.

14.7.10 Violations

Service of water to a consumer found to be in violation of this ordinance shall be discontinued by the Town after written notice of the violation, ten (10) days suspended for voluntary compliance, and due process otherwise extended by the city before termination of water service.



Title 15 - LAND USE and ZONING

An ordinance establishing zones within Tabiona Town, Utah for regulating and restricting within zones the use, location, height and size of buildings and structures, the use of land, the size of lots, yards and other open spaces, providing methods of administration and enforcement, providing penalties for violation, repealing all other ordinances and parts of ordinances in conflict with this document. Be it ordained by the Town Council of Tabiona Town, Utah that this shall be the Town's Zoning Ordinance.

ARTICLE 1 - GENERAL PROVISIONS

15.1.1 PURPOSE

This Ordinance is hereby declared to be encoded for the purpose of promoting the health, safety, convenience, morals and general welfare of the inhabitants of Tabiona Town, Utah and:

- To encourage and facilitate orderly growth and development of the town;
- To promote sanitation and health;
- To promote safety from fires and floods;
- To lessen congestion in the streets, to provide adequate light and air, and to prevent the overcrowding of land;
- To protect the tax base and mitigate in governmental expenditures;
- To foster the town's commercial growth, and;
- To protect both residential and nonresidential development.

15.1.2 DECLARATION

It is hereby declared that the zones, the boundaries, and the regulations applying within each of the zones were made in accordance with a general land use plan and with due and careful consideration was given among other things, to the suitability of the land for particular uses and to the character of the zone. This ordinance shall be so interpreted upon all questions of construction relating to questions of conforming and nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming or nonconforming.



15.1.3 REPEAL OF PREVIOUS ORDINANCES

Whenever regulations in the Zoning Ordinance require higher standards than are required in other Town ordinances, the provisions of this Ordinance shall govern. Whenever regulations of other ordinances or laws require higher standards than the provisions of the Zoning Ordinance, then the other ordinance or laws shall govern. All ordinances or parts in conflict with any of the provisions of this ordinance are hereby repealed.

15.1.4 DEFINITIONS

Words in the present tense include the future. Words in the singular number include the plural, and the plural words the singular. Words not included in this document that are defined in the Building Code will be seen as defined in this document. For the purpose of this Ordinance, certain words and terms are defined as follows:

Accessory Building - A secondary building that supports the main use of the property.

Accessory Use - A secondary use that supports the permitted use of the property.

Agriculture - The tilling of the soil, raising of crops, horticulture, and gardening. This does not include the keeping or raising of domestic animals or fowls, any agricultural industry such as fruit picking, fur farms, animal hospitals, farm equipment sales, or similar uses.

Building - Any structure having a roof supported by columns or walls, built for the support, shelter, or enclosure of people, animals, or property.

Building Height - The vertical distance measured from the average elevation of the finished grade of the front of the building to the average height of the structure.

Principal Building - The largest and most important building on the lot that supports a permitted use.

Conditional Use - A use which requires approval of a Town Council before the zoning administrator may issue a permit. These uses can have conditions for approval imposed on them.



Dwelling - Any permanent building which is used for residential purposes. This does not include commercial or other uses like hotels, motels, boarding houses, or nursing homes.

Dwelling Unit - One or more habitable rooms constituting a self-contained unit, and used or intended to be used by no more than one family and containing not more than one kitchen or kitchenette. For the purpose of this definition, hotels, motels, boarding houses, tents or travel trailers and similar type structures shall not constitute a dwelling unit.

Family - One or more persons related by blood, marriage, or adoption, living together in a dwelling unit.

Family Food Production - The keeping of domestic animals and fowl for the production of food, primarily for the use of the family occupying the premises.

Grade - The average height of the contour of the ground after cutting or filling and conforming to the proposed design of a building.

Group Home - A home where a small number of unrelated people in need of care, support, or supervision can live together, such as those who are elderly or mentally ill.

Home Occupation - Any business or income producing activity conducted from a residential property.

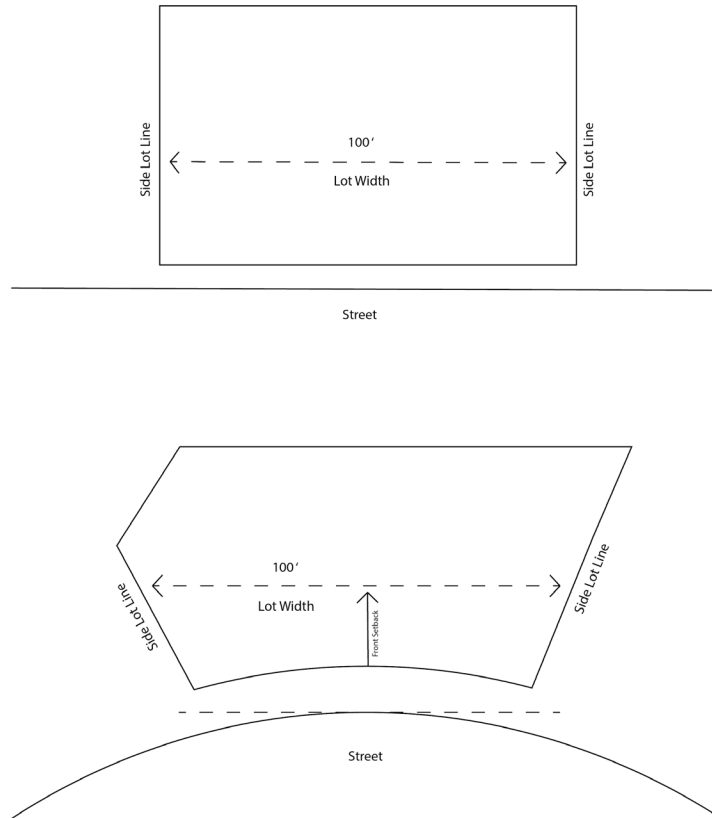
Hospital - An institution where the ill or injured people are offered treatment of a type recognized by state law, and provisions are made for overnight patient care.

Lot - Land occupied or to be occupied by a building, or buildings, and open spaces as required by this ordinance that has its principal frontage on a street or an officially approved place. Also, building site without reference to lots as recorded on official plats.

Lot Corner - Lot situated on a junction of two public streets or situated on a curved street where the interior angle of intersection does not exceed one hundred thirty-five (135) degrees.



Lot Width - The lot width is measured by finding the distance between the two side lot lines. The measured line will be parallel to the street the lot fronts. For lots that are on a curved street the width is measured by going to the front setback line and measuring the distance between the side lot lines parallel to street.



Manufactured Housing - A transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Mobile Home Park - Any plot of ground upon which two or more manufactured housing units occupied for permanent dwelling purposes are located, whether or not they pay for use of the facility.

Motel - A building or group of detached, semi-detached or attached buildings containing guest rooms with automobile storage space provided, and designed to be used for the accommodation of transient automobile travelers and which are rented by the day.



Rest Home (Nursing Home) - A building or group of buildings in which nursing, dietary and other services are rendered to convalescents, invalids and aged persons. These uses need to be licensed by the State to provide such services.

Sexually Oriented Business - An adult business, semi-nude entertainment business, adult theater, semi-nude dancing agency, nude entertainment business, a business that provides out-call services, escort services, adult motel, semi-nude dancing bar, a business which advertises itself or otherwise hold itself out to be a sexually oriented business, or similar business.

Setback - A measurement that determines where a building can be located on a property in relation to the property lines.

Story - The portion of a building included between the surface of a floor and the ceiling above it.

Street - A public thoroughfare (other than an alley) which serves as:

1. a principal access to property, and
2. is at least twenty-four (24) feet in width.

Structure - An object which is built or constructed.

Structural Alterations - Any change in the supporting parts of a building such as the bearing walls, columns, beams, girders or roof.

Travel Trailer - A vehicular portable structure designed as a temporary dwelling for travel, recreation, or vacation use which is less than twelve (12) feet wide and less than thirty-five (35) feet long.

Travel Trailer Park - Any area where one or more travel trailer lots are rented for a relatively short term occupancy to users of travel trailers.

Front Yard - The minimum horizontal distance between the property line and the front line of the building or any projection, excluding steps.



15.1.5 SEVERABILITY

This Ordinance and the various parts, sections and clauses are declared to be severable. If any part, section, paragraph, sentence, clause or phrase is adjudged to be unconstitutional or invalid, it is hereby declared that the remainder of the Zoning Ordinance shall not be affected. The Town Council of Tabiona Town, Utah hereby declares that it would have passed this Ordinance on each part, section, paragraph, sentence, clause or phrase, irrespective of the fact that any one or more portions be declared invalid.

15.1.6 AMENDMENTS

The Town Council may from time-to-time amend the number, shape, boundaries or requirements of any zone; or any other provisions of this title.

ARTICLE II - ADMINISTRATION

15.2.1 PLANNING COMMISSION

The Planning Commission is created to provide analysis and recommendations to the Town Council based on the general plan and Town ordinances such as the Zoning Ordinance. The Planning Commission is to be composed of three (3) members. Members of the Planning Commission shall serve without compensation, except for reasonable expenses incurred in performing their duties as members of the commission. Members of the Town Council may not be appointed to the Planning Commission.

The terms of the Planning Commission members will be staggered. Each member of the planning commission shall serve for a term of four (4) years and until their successor is appointed, provided that the term of the first members shall be such that the terms of two (2) members shall expire within two years. Terms of members of the Planning Commission shall begin immediately. Terms after the first Planning Commission shall begin on or before the first Monday in February of each year. The Town Council may remove any member of the Planning Commission for cause, and after a public hearing. If one is requested. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term.

The members of the Planning Commission will select from their own members a chairman and such other officers as deemed necessary and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings. Reports of official acts and recommendations of the Planning Commission shall be public and made by the chairman in writing to the Town Council and shall indicate how each member of the commission voted with respect to such act



or recommendation. Any member of the Commission may also make a concurring or dissenting report or recommendation to the Town Council.

The planning commission shall meet regularly each month and at other such times as the planning commission may determine. Three (3) members of the planning commission shall constitute a quorum.

The Commission shall have the following powers and perform the following duties in accordance with the requirements of Utah Code:

1. Prepare and recommend a General Plan and amendments to the General Plan to the Council.
2. Recommend Zoning Ordinances and maps, and amendments to Zoning Ordinances and maps to the Council.
3. Recommend subdivision regulations and amendments to those regulations, and review and make recommendations on proposed subdivisions to the Council.
4. Act as the land use authority for the approval or denial of Conditional Use Permit applications.
5. Historic preservation.
6. Exercise any other powers that are delegated to it by the Town Council.

Zoning Administrator - The mayor, applicable land use authority, or any department head, or their designees, are the enforcement officials charged with enforcing the zoning code.

15.2.2 APPEAL AUTHORITY AND PROCESS

Any land use authority decision made with this ordinance may be appealed. All appeals are made to the appeal authority, which is the town council. In the event that the town council was involved in the land use decision the appeal authority will be a third party contracted by the Town, or the district court will review the appeal.

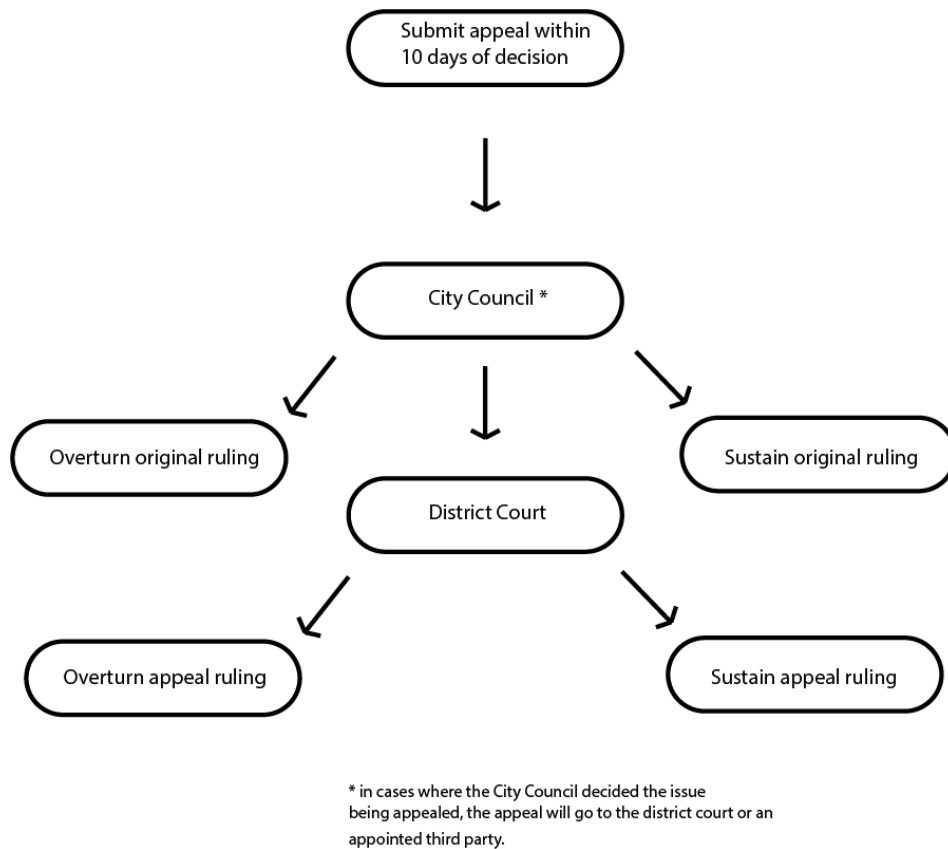
The appeal authority hears and decides cases that:

1. Deal with a variance from the land use ordinance,
2. Appeal a decision made with the land use ordinance, or
3. Appeal fees charged in the administration of the land use ordinance.

Appeals will be submitted to the Town in writing within ten (10) days of the original decision. Any decision made by the appeal authority that is appealed will be heard by the district court.



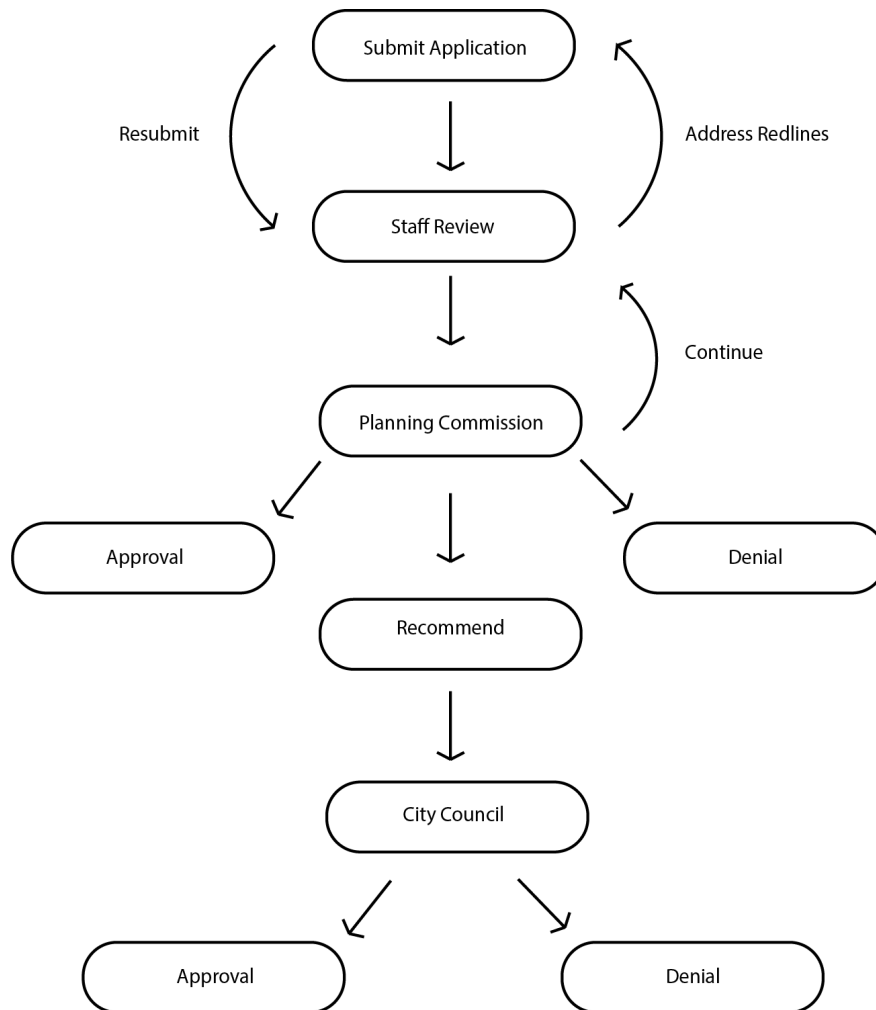
No matter may be considered on appeal which was not first presented to the land use authority for its consideration.



15.2.3 DEVELOPMENT APPLICATION PROCESS

Development applications include, but are not limited too, all zoning and general plan changes, subdivisions, and conditional use permits.

The process outlined in the following graphic will be applied to all development applications. The planning commission will make the final decision on conditional use permits and all other development applications will be decided by the town council with the planning commission making a recommendation.



15.2.4 NOTICE

Amendments to this Ordinance by the Town Council may be adopted only after a public hearing before the Planning Commission in which parties in interest and citizens shall have an opportunity to be heard. A notice of the time and place of the hearing will be published in a newspaper of general circulations within the Town at least fourteen (14) days before the date of the hearings or where there is no newspaper, then by posting in three (3) places within the Town.

15.2.5 PERMIT REQUIRED

Any person, firm, or corporation desiring to construct a building in Tabiona Town, shall apply for a permit prior to issuing a building permit. All applications for building permits shall be accompanied by a



plat showing the size and location of the existing and proposed buildings and buildings to be erected relative to lot lines. The plat shall also show the zone in which the lot or parcel of land is located. A record of all building permits shall be kept on file in the office of the Zoning Administrator.

From the time of the effective date of this Ordinance, the Zoning Administrator shall not grant a permit for the erection or alteration of a building or structure which does not comply with the provisions of the Ordinance.

15.2.6 CONTENT OF DEVELOPMENT APPLICATIONS

Applications will be submitted to the Town with all developments. Certain types of development may be subject to extra submittal criteria.

Generally speaking, building permits require a site plan, and subdivisions require a preliminary and final plat. The content of applications will be as follows:

Site Plan:

- Two (2) clearly legible copies of site plan 11x17.
- Name and address of developer on the lower right hand corner.
- Date of preparation.
- Title block with name and location.
- Vicinity map and north arrow.
- Standard engineered scale Type B (1" = 100' or less).
- Adjacent property owners' names and buildings within 200 feet of proposed development.
- Existing and proposed fences.
- Existing and proposed streets with names and widths within 200 feet of site.
- Existing and proposed watercourses, culverts, and irrigation ditches.
- Existing and proposed power lines (labeled), gas lines, water mains, fire hydrants and valves with pipe size.
- Existing and proposed sewer mains and manholes with pipe sizes.
- Existing and proposed storm drains.
- Existing and proposed public utility easements.
- Building setbacks dimensioned on the Site Plan.
- Parking stalls (9'x18') and calculations identifying the required number stalls.
- Elevations and renderings of proposed buildings.
- Type of building and occupancy per International Building Code.
- Table with the following:



- Total acreage of area proposed for development.
- Total area and percent of site in landscaping (open space).
- Total building area and dimensions for separate areas and for different uses (office, warehouse, shop, etc).
- Total developed and undeveloped area.
- Total number of parking spaces required and proposed (including ADA parking stalls).
- Total impervious area.
- All existing and proposed signs for the development.

Plats:

Preliminary Plat:

- Three (3) clearly legible copies of the plat 11x17.
- The proposed name of the subdivision.
- Its location as forming a part of some larger tract or parcel of land referred to in the records of the Town Clerk.
- Sufficient information to accurately locate the plat. (A vicinity plat on a small scale should accompany the preliminary plat showing the zoning classification).
- The names and addresses of the persons to whom the notice of the hearing to be held by the Town Council should be sent; the subdivider, the engineer or surveyor of the subdivision, and the owners of the land immediately adjoining the land to be platted.
- Contour map at appropriate intervals where required by topography.
- The boundary lines of the tract to be subdivided, accurate in scale and bearing.
- The location, widths, and other dimensions of all existing or platted streets and other important features such as railroad lines, water courses, exceptional topography, etc., within and contiguous to the tract to be subdivided.
- Existing sanitary sewers, storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto.
- The location, widths, and other dimensions of proposed streets, alleys, easements, parks, and other open spaces and lots.
- All parcels of land intended to be dedicated for public use or reserved for the use of all property owners, with the purposes indicated.
- North point and scale.

Additional Preliminary Plat Requirements:

Where needed, and upon the request of the Town Council, the following information shall be furnished:

- The cross section of proposed streets showing widths of roadways and location of sidewalks.



- The proposed method of handling sanitary sewers and storm drains within the tract.
- Plans for transportation facilities (such as bike lanes, bus loading zones, etc.).

Final Plat:

- An approved mylar of the final plat.
- A name and general location of the Subdivision, in bold letters at the top of the sheet.
- A north point and scale of the plat accurately drawn as to bearing and distance.
- Accurately drawn boundaries, showing the proper bearings and dimensions of all boundary lines of the Subdivision. These lines should be slightly heavier than street and lot lines.
- The names, widths, lengths, bearings, curve data on centerlines or both sides of proposed streets, alleys and easements desired or necessary, also the boundaries, bearings and dimensions of all portions within the Subdivision as are intended to be dedicated to the use of the public. The sizes, lines, dimensions, bearings and numbers of all lots, blocks and/or parts reserved for any reason within the Subdivision. All lots and blocks shall be numbered consecutively under a definite system and with numerical designation. All proposed streets shall be named or numbered in accordance with and to conform to the adopted street naming and numbering system of the Town.
- The angle and departures of adjoining property, street and alley lines, and the plat shall show the names of the streets and the alleys adjoining or bounding the Subdivision. It shall show the names of all adjoining Subdivisions, which have previously been recorded, to show their relationship to the Subdivision now offered for record. If adjoining land is unplatted, this information should be shown.
- Which public utilities are within or in close proximity to the proposed Subdivision, together with existing water courses or other constructed features that are involved.
- It is necessary that all dimensions and calculations made by the Engineer shall show proper closures in all boundaries of the Subdivision, or otherwise, in completing this survey and no plat will be accepted that shows a plus or minus distance for closure, unless agreed to by the Town Council or other person duly empowered by resolution.
- Show the description and location of all monuments set and established by the Town or the United States Government that are adjacent or near this proposed Subdivision.
- Upon the plat or drawing, the required and standard forms now used and approved for all Subdivision Plats shall be lettered for the following: Registered Professional Engineer and/or Land Surveyor's "Certificate of Survey," Owner's Dedication Certificate, Notary Public Acknowledgment, the approval of the Town Council attested by the Town Clerk.

Additional Final Plat Requirements:

The final plat shall be accompanied by copies of any private restrictions proposed to be recorded for the purpose of providing regulations governing the use, building lines, open space or other aspects of development and use.



Building Permit:

- Site plan.
- Any other plans required by the building authority or building code.

Text Amendment:

- An excerpt of the language to be changed in the ordinance or plan.
- An example of what the applicant wishes the language to be changed to.
- A statement from the applicant why they feel the text amendment would be appropriate for the Town as a whole.

Map Amendment:

Map amendments will only be accepted by the Town when accompanied by an appropriate development idea which will take the form of a Concept plan.

- Concept Plan
- Current zone or land use designation of the proposed for the district
- Desired zone or land use designation of the proposed for the district
- Applicants reasoning behind the desired map amendment and why the Town would benefit

Conditional Use Permit:

- Site plan.
- Property addresses and owners within 500 feet of property.
- Deed or title of property with any restrictions on the property.
- Reasoning behind the applicant's desire for a conditional use permit and why it would be in conformity with the Town's general plan.

15.2.7 APPLICATION FEES

Any persons seeking an amendment to the Zoning Ordinance or map shall submit to the Planning Commission, a written petition describing the change desired and how the proposed amendment would further serve the interest of the public and promote the objectives and purposes of the Zoning Ordinance, together with a fee of \$15.00.



Upon receipt of the petition, the Planning Commission shall consider the request. The Planning Commission may call a public hearing before submitting recommendations to the Town Board. Failure on the part of the Planning Commission to make recommendations within thirty (30) days shall be deemed to constitute approval of such proposed amendment unless a longer period is granted by the Town Board.

The application fee provided shall not be returnable.

Other application fees will be adopted by the Town Council from time to time and included on a City fee schedule.

15.2.8 POWERS AND DUTIES OF ENFORCEMENT OFFICER

- It shall be the duty of the Zoning Administrator to inspect or cause to be inspected all buildings in the course of construction or repair. This person shall enforce all the provisions of this Ordinance, entering actions in the courts when necessary. Failure to do so shall not legalize any violation of construction provisions.
- Upon appeal of any code enforcement action, the Zoning Administrator shall promptly transmit all paper and other pertinent data pertaining to the relevant appeal authority.
- The Zoning Administrator shall also refer matters to the State Health Department and other agencies as required by this Ordinance.

15.2.9 VIOLATIONS

Under the authority of UCA 10-9a-803, any person, firm or corporation, whether as principal, agent, employee, or otherwise, who erects, constructs, or reconstructs any building which involves structural alterations or which involves any increase in floor area in Tabiona Town, Utah without first obtaining a permit from the Zoning Administrator shall be guilty of a class C misdemeanor.

Any person, firm, or corporation, whether as principal, agent, or employee or otherwise who shall change the use of any building or other structure or use any land with Tabiona Town, Utah, in violation of provisions of this Ordinance, shall be guilty of a class B misdemeanor and upon conviction shall be punished by a fine in any sum not exceeding one thousand dollars (\$1000.00), or by imprisonment in the County Jail for a period of not longer than six (6) months or by both fine and imprisonment for each offense.



ARTICLE III - ZONING REGULATIONS

15.3.1 ESTABLISHMENT OF ZONES

In order to carry out the purpose of this Ordinance, Tabiona Town is hereby divided into zones having symbols and names as follows:

RA-2 RESIDENTIAL - AGRICULTURAL ZONE

RA-1 RESIDENTIAL - AGRICULTURAL ZONE

R-8 RESIDENTIAL ZONE

C-2 COMMERCIAL ZONE

I-1 INDUSTRIAL ZONE

15.3.2 LOCATION OF ZONES

The location and boundaries of each of the zones are shown on the Zoning Map of Tabiona Town, Utah, and will be an official record and a part of this Ordinance. All notations, references, and other information shall be as much a part of this Ordinance.

15.3.3 BOUNDARIES OF ZONES

Where uncertainty exists with respect to the boundaries of various zones, the following rules shall apply:

- Where the boundaries on the zone map are approximately the street or alley lines, the street or alley shall be the zone boundaries.
- Where the boundaries are approximately lot lines, the lot lines shall be the zone boundaries, unless otherwise indicated.
- Where land has not been subdivided into lots, the zone boundary shall be determined by the use of the scale of measurement shown on the map.



15.3.4 ZONES AND REGULATIONS WITHIN ZONES

Regulations and restrictions governing the use of land, buildings and structures, the size of yards, courts and other open spaces, location, size and height of buildings, and structures and the maintenance of premises shall apply with the several zones as set forth in this ordinance. Any uses not listed shall not be permitted without a text amendment.

15.3.5 RA-2 RESIDENTIAL - AGRICULTURAL ZONE

This is a zone in which the primary use of the land is for dwellings associated with the growing of crops and the raising of livestock. This zone is characterized by dwellings situated on large large lots at a 21,780 sf minimum. These lots can have small farms occupied largely by families whose main source of income is derived from other sources but who desire to increase their living pleasure or to supplement their income by maintaining a small number of animals or by growing produce.

Permitted Uses:

- Single family dwellings
- Schools
- Churches
- Parks
- Playgrounds
- Fraternal and civic buildings
- Agriculture
- Machinery sheds for the storage of farm machinery
- Farm produce sheds, buildings, cellars and silos
- Public facilities
- Water and drainage facilities
- Fence,walls, and hedges
- Beehives
- Greenhouses
- Home occupations
- Nursing homes, rest homes, group homes
- Mobile home parks

Conditional Uses:



- Temporary Vendors and Stands
- Cell service towers

15.3.6 RA-1 RESIDENTIAL - AGRICULTURE ZONE

This is a zone in which the primary use of land is for single and multi family dwellings in a moderate density. This zone retains some of the agricultural qualities of other agricultural zones, just not in the same intensities. Uses such as growing crops by families and keeping small animals such as chickens for recreation and family production are permissible.

Permitted Uses:

- Single and Multi family dwellings
- Schools
- Churches
- Parks
- Playgrounds
- Fraternal and civic buildings
- Recreational agriculture
- Hobby farms
- Public facilities
- Home occupations
- Nursing homes, rest homes, group homes

Conditional Uses:

- Temporary Vendors and Stands
- Cell service towers

15.3.7 R-8 RESIDENTIAL ZONE

This is a zone in which the primary use is residential dwellings in a moderate density. The zone is for infill development, subdivision of lots within town, or planned unit development. In the event of a planned unit development, condos, townhomes and apartments are allowed.

Permitted Uses:

- Single and Multi-family dwellings
- Schools
- Churches
- Parks



- Playgrounds
- Fraternal and civic buildings
- Public facilities
- Home occupations
- Nursing homes, rest homes, group homes
- Planned Unit Developments

Conditional Uses:

- Cell service towers

15.3.8 C-2 COMMERCIAL ZONE

This is a zone in which the primary use of land is for general commercial purposes. The zone is characterized by a mixture of businesses, warehouses, and craft shops with wide street frontages.

In order to accomplish the objectives and purposes of this Ordinance, and to promote the characteristics of this zone, the following regulations shall apply in the C-2 Commercial Zone.

Permitted Uses:

- Food service, including preparation and retailing of product on premises
- Hotels
- Motels
- Restaurants
- Public facilities
- Recreational vehicle parks
- Clinics
- Post Offices
- Travel trailer parks
- Other uses which are ruled by the Town Council upon recommendation from the Planning Commission to be in harmony with the objectives and characteristics of this zone

Conditional Uses:

- Fuel, gas, and oil storage, when approved by the Fire Department.
- Petroleum, wholesale storage, and distribution when approved by Fire Department.
- Temporary Vendors and Stands
- Cell service towers.



15.3.9 I-1 INDUSTRIAL ZONE

The primary use of land in this category is industrial. These uses are characterized by the manufacturing, creating, assembling, or storing of goods in a warehouse or factory type setting. These uses may also be for the distribution of goods.

Often, uses within this district can be harmful or create conflicts with other uses. Uses that produce significant water, air, or noise pollution shall not be permitted. Industrial uses may be required to submit an environmental impact summary, which staff will utilize to determine pollution levels.

In order to protect the health, safety, and general welfare of town residents, the following regulations shall apply in the I-1 industrial zone.

Permitted Uses:

- Indoor manufacturing, assembly, or storage
- Public facilities
- Government buildings
- Research and development
- Office space
- Automotive businesses

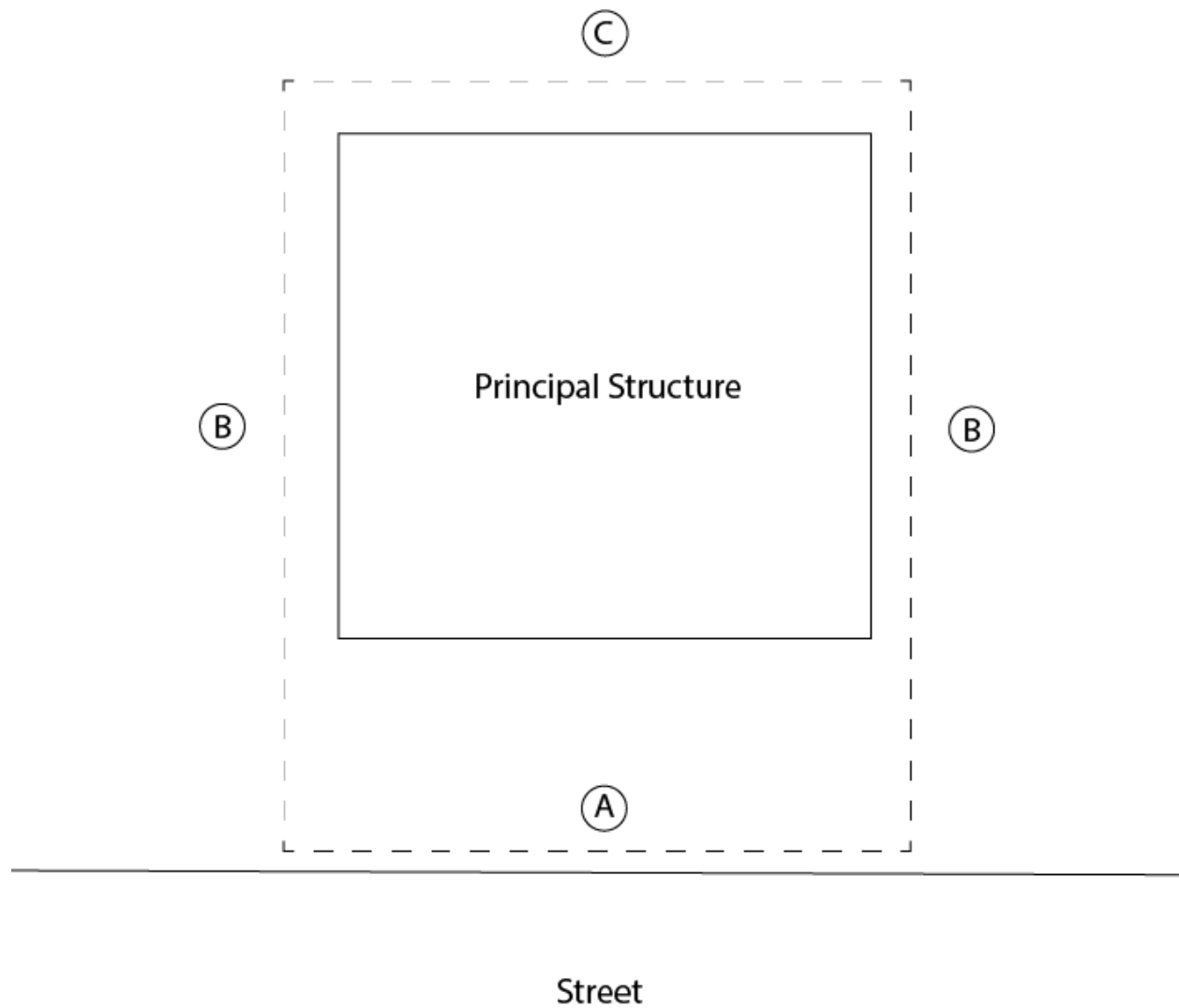
Conditional Uses:

- Restaurants
- Other commercial uses designed to service industrial employees in the area
- Sexually-oriented businesses
- Cell service towers

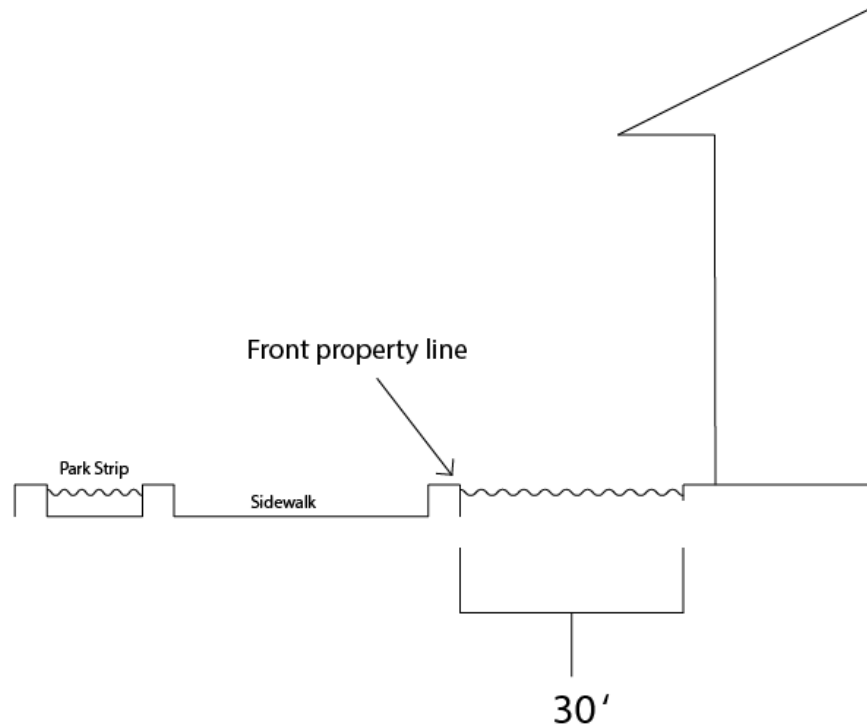
ARTICLE IV - DEVELOPMENT REGULATIONS



15.4.1 MEASURING OF SETBACKS



- (A) The front setback starts at the back of the property line that is adjacent to the street the property fronts and goes to where the principal dwelling starts. If the property is on a corner lot either street can be used to determine the front setback.
- (B) The side setback is determined by the location of the front setback. It is measured from the side property line to the principal dwelling.
- (C) The rear setback is determined by the location of the front setback. It is measured from the rear property line to the back of the principal dwelling.



15.4.2 LOT SIZE, SETBACKS, AND HEIGHT REQUIREMENTS

District	Use	Minimum Lot Dimensions		Minimum Setbacks			
		Lot Size	Lot Width	Front	Side	Rear	Height
RA-2	Single Family Home	1/2 acre (21,780 sf)	100'	30'	6'	6'	8'-30'
	Accessory Building	n/a	n/a	12'*	6'**	6'	0'-16'
RA-1	Single Family Home	1/4 acre (10,890 sf)	75'	25'	10'	25'	8'-30'
	Accessory Building	n/a	n/a	12'*	6'**	6'	0'-16'
	Multi Family Structure	1/3 acre (14,519 sf)	75'	25'	10'	25'	8'-30'
R8	Single Family Home	.18 acre (8,000 sf)	75'	20'	10'	20'	8'-30'
	Accessory Building	n/a	n/a	12'*	6'**	6'	0'-16'
	Multi Family Structure	1/3 acre (14,519 sf)	75'	25'	10'	25'	8'-30'
C-2	Commercial Buildings	n/a	n/a	n/a	n/a	n/a	8'-30'
I-1	Industrial Buildings	5 acres ***	n/a	30'	0'-25'	0'-25'	8'-30'

* Measured from rear of principal structure.

** Minimum six feet, or if greater, same as principal structure.

*** Minimum district size, many lots can fit in a district. The zone on the map must be a minimum this size.



Setbacks Exceptions - If adjacent properties have smaller setbacks than required, new buildings can use that same smaller setback. If there are small setbacks of varying size on abutting properties the setback will be halfway between the two smaller setbacks.

Corner Lots - Corner lots which abut on more than one street will provide the required front setbacks and yards along each street. Regardless of which street a building on the lot fronts, the rear yard is opposite the short street frontage, and the side yard is opposite the long street frontage.

15.4.3 HOME OCCUPATION REGULATIONS

A home occupation is any business or revenue-generating activity conducted from a residential property. The Town requires licenses for these businesses for regulation purposes.

There are two different types of home occupations; those that are required to pay a business license fee and those that are not.

Home occupations are subject to the following regulations:

- The home occupation shall not physically change the dwelling to the extent that it would alter the residential character or appearance of the dwelling or neighborhood.
- No more than twenty-five percent (25%) of any one floor area of the residential dwelling structure or no more than fifty percent (50%) of the total floor area of any garage wherein the home occupation is conducted, shall be utilized for the home occupation. If the garage is utilized, displaced parking shall be permitted only within required setbacks.
- The home occupation shall not involve the use of any yard space for storage.
- The home occupation shall not display any external evidence of the operation of the home occupation except for one unanimated, non-illuminated flat sign having an area of not more than two square feet, for each street upon which the dwelling fronts, which sign(s) may be placed in a window or on the exterior wall of the dwelling.
- There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and Town laws and ordinances.
- If the home occupation creates a demand for municipal, utility, or community services and facilities in excess of those usually and customarily provided for residential uses, the Town will charge a licensing fee to recoup the cost of regulation. This mainly includes any home occupations that will have patrons or employees outside of the immediate family conducting business activities on the property.



- All home businesses must apply and receive the appropriate business license on an annual basis. Complaints against the home occupation can also cause a review and possible revocation of the business license.

Prohibited Home Occupations - mortuaries, animal hospitals, clinics or hospitals, junk yards, commercial stables or kennels, repair of two-ton or larger trucks. Any other use dealing with explosive, hazardous, or toxic materials is also prohibited in Tabiona.

15.4.4 PARKING REQUIREMENTS

Parking By Use - At the time of construction of a building, enlargement of a building, or changing of use of a building off street parking will be required. Following is a table detailing parking requirements for each use. If a use is not listed, the Town Council will determine a reasonable requirement for parking. Also, parking will be provided according to the Americans with Disabilities Act (ADA) for eligible non-residential uses in addition to required parking.

Tabiona Parking Standards	
Dwelling Units	A minimum of two parking spaces per unit will be provided.
Hotel / Motel	1 : room minimum
Civic	1 : 100 sqft minimum
Restauraunt	1 : 200 sqft minimum
Office	1 : 300 sqft minimum
Idustrial Uses	1 : per employee on the highest shift minimum
Churchs	1 : 5 seats minimum
School	7 : classroom minimum
Storage	.5 : per 1,000 sqft of storage space minimum
Nursing homes, rest homes, and like uses	1 : per employee on the highest shift and .4 per unit minimum

Parking facilities will be designed in accordance with the following standards:

Parking Space Dimensions - All parking spaces will be at a minimum nine (9) feet by eighteen (18) feet. Handicapped parking spaces shall be designed in accordance with the applicable building code.



Driveways and Drive Aisles - Automobile access for parking areas shall be provided. Minimum width of the access will be fourteen feet (14'). A greater width of access drive may be required, as determined by the Town Council if large vehicles will be using the facility.

Reverse Space - Space will be provided for parking areas that are composed of five (5) or more spaces so that cars do not need to back into a public road. Public sidewalks will not be permitted to be used as part of the required backing area.

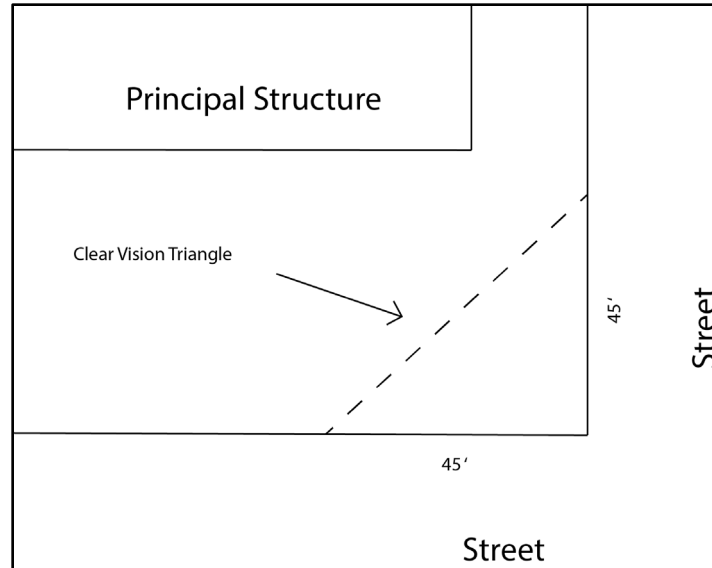
Front to Rear Parking - Parking front to rear will not be permitted, except for single-family dwellings when the front and rear spaces are both designated to serve the same dwelling unit.

Paving - Every parcel of land used as a public parking area will be surfaced with asphalt, concrete or other durable and dustless surface and shall have appropriate bumper guards or curbs where needed. During special events areas can be designated by the Town Council as public parking areas for said events that will not be required to be paved.

Parking in Required Front setback - In a residential zone, no portion of the required front setback area will be developed or used for vehicular off-street parking other than the portion occupied by the driveway and required parking.

15.4.5 SUPPLEMENTARY REGULATIONS

Clear View of Intersecting Streets - In all zones which require a front yard, no obstruction which will obscure the view of automobile drivers shall be placed on any corner lot within a triangular area formed by the street property lines and the line connecting them at points forty-five (45) feet from the intersection of the street lines.



Every Dwelling to be on a Lot - Every dwelling shall be located and maintained on a lot as defined in this Ordinance.

Sale or Lease of Required Space - No space needed to meet the width, yard area, coverage, parking, or other requirements of this Ordinance for a lot or building may be sold or leased apart from the lot.

Sale of Lots Below Minimum Space Requirements Prohibited - Any parcel of land which has less than the minimum width and area requirements for the zone in which it is located cannot be subdivided and sold.

Storage of Commercial Vehicles in Residential Zone on Public Streets Prohibited - The storage of trucks and the storage of construction equipment will not be permitted on any public street in any residential zone. If the building is under construction, trucks and equipment can be stored for one year.

Effects of Street Plan - Whenever a front or side yard is required for a building next to a proposed street which has not been constructed, the depth of the front or side yard shall be measured from the planned street line.

Dwelling Sites to Have Frontage on a Deeded Street - At least one side of each lot used as a dwelling site will be next to a street which has been deeded or dedicated to the public for street purposes.



Flood Channel and Water Course - No building shall be constructed within a natural flood channel. All applications for permits to construct buildings within fifty (50) feet from the banks of natural flood channels shall not be approved unless and until adequate measures are taken to prevent damage due to floods.

Swimming Pools - Swimming pools not completely enclosed within a building shall be completely surrounded by a fence or wall having a height of at least six (6) feet.

Concessions in Public Parks and Playgrounds - Concessions, including but not limited to amusement devices, recreational buildings, and refreshment stands, shall be permitted on a public park or playground when approved by the Town Council.

Off-Street Truck Loading Space - Off-Street loading and unloading space will be provided on the same lot for every building used for manufacturing, storage, warehousing, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly involving the receipt or distribution by vehicle of materials or merchandise.

Motor Vehicle Access - Service stations, roadside stands, public parking lots and all other businesses requiring motor vehicle access by the public shall meet the following requirements:

- Maximum of three (3) driveways from any one street.
- Driveways shall not be closer to each other than twenty (20) feet.
- Each driveway shall not be more than thirty-five (35) feet in width.
- On corner lots no driveway shall be closer than twenty (20) feet to the point of intersection of the front property line with the side property line which are next to a street.
- In all cases where there is an existing curb and gutter on the street, curb cuts and driveways shall be made in accordance with these regulations.
- Where there is no existing curb and gutter, a curb or fence shall be installed in compliance with these requirements as directed by the Building Inspector.

Temporary Vendors and Stands - stands do not exceed one hundred (100) square feet, are made of wood frame or light metal material are set back at least (6) feet from the street right-of-way line and are maintained in orderly manner in accordance with standards set by the State Health Department.



15.4.6 NONCONFORMING USES

A nonconforming use, otherwise known as a “grandfathered clause”, is a building or use which does not conform to the regulations of this Ordinance, but was in existence at the effective date of the Ordinance. Upon sale, the new owner may continue the nonconforming use.

The property will lose its nonconforming use status and will be required to conform to all current zoning regulations if:

1. the use is changed,
2. the building is abandoned for a period of a year, or
3. the building is expanded.

A building will keep its nonconforming status if it is involuntarily destroyed in whole or in part due to fire or other calamity unless the structure of use has been abandoned.

15.4.7 SEXUALLY ORIENTED BUSINESSES

Sexually oriented businesses are required to apply for a conditional use permit and business license and are subject to the following conditions to receive the permit and license:

- They may not be located within 200 feet of any road that provides a major entry or gateway into the Town.
- They may not be located within 1000 feet of an establishment that is licensed to sell alcoholic beverages for consumption on the premises (measured from property line to property line).
- They may not be located within 1000 feet of a church, school, library, park, or residence (measured from property line to property line).
- They may not be located within 1000 feet of another sexually oriented business (measured from property line to property line).
- Their hours of operation are limited to 8:00 a.m until 1:00 a.m the following morning, provided that they may not operate on Sundays.

It is unlawful for any sexually oriented business or sexually oriented business employee to:

- Allow persons under the age of 18 on the licensed premises, except that, in adult businesses that exclude minors from less than all of the business premises, minors shall not be permitted in



any area in which, or from which, it is possible to view any material depicting specified sexual activity or specified anatomical areas, but may be permitted in the other areas of the premises.

- Allow, offer or agree to conduct any outcall services;
- Allow, offer, or agree to allow any alcohol to be stored, used or consumed on or in the licensed premises;
- Allow the outside entry to the premises to be locked while any customer is in the premises;
- Allow, offer or agree to gambling on the licensed premises;
- Allow, offer or agree to any sexually oriented business employee touching any customer;
- Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises;
- Allow sexually oriented business employees to possess, use, sell or distribute controlled substances while engaged in the activities of the business;
- Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the licensed premises;
- Allow, offer or commit any specified sexual activity on the premises of a sexually oriented business;
- Appear, or allow a sexually oriented business employee or any other person to appear, in a state of nudity in the presence of a customer.
- Sexual devices displayed for sale cannot be displayed where they would be visible from any location outside the store.

15.4.8 UTILITY CONNECTIONS

No building shall be connected to the Town's water and sewer system until a building permit has been obtained.

15.4.9 GOVERNMENT BUILDINGS AND PUBLIC FACILITIES

The location and arrangement of public buildings and public facilities and structures will comply with requirements set forth in this ordinance and will be in accordance with construction plans submitted to and approved by the Planning Commission.

Each public building and public facility shall meet the minimum requirements for a structure in the zone in which it is located. Each public building shall have frontage on a public street. Each public utility substation shall be located on a lot that has adequate access from a street, alley, right-of-way, or easement.



Public buildings, public utility buildings, and churches may be erected to any height provided the building is set back from required building setback lines a distance of at least one (1) foot for each additional foot of building height above the maximum height permitted.

15.4.10 CELL SERVICE TOWERS

Wireless communication facilities can be placed on existing structures, with the intent to make them “stealth” facilities, which are not noticeable to a degree greater than the structure to which it is attached; or new stealth facilities can be built if they are camouflaged into the areas surroundings. The height of the tower will be limited to that needed by the wireless carrier. Security fencing will also be required.

15.4.11 PLANNED UNIT DEVELOPMENTS

Planned unit developments are intended to enhance the Town and use infrastructure and land in an efficient manner. These developments can deviate from the requirements of the zone that they are in as long as the Planning Commission and Town Council approve the changes.

Planned unit developments are processed like a normal subdivision application and are subject to the following conditions:

- minimum 5 contiguous acres for the project area,
- the project multiple product designs as to enhances the Towns aesthetics,
- open Space and public facility space be provided as determined by the Town Council, and
- any deviation from zoning districts be approved by the Town Council.

15.4.12 FENCES AND SIGHT RESTRICTIVE OBJECTS

All walls, fences, and hedges greater than 3 feet in height must be setback at least 6 feet from the front property line