Table of Contents

TITLE 1-000: General Provisions 13
CHAPTER 1-100. CONSTRUCTION OF PENALTIES. 16
PART 1-110. INTRODUCTORY PROVISIONS TO CONSTRUCTION OF CRIMES UNDER THIS CODE. 16
1-113. CRIMES ABOLISHED. 17
PART 1-120. JURISDICTION AND VENUE. 17
PART 1-130. LIMITATION OF ACTIONS. 18
PART 1-140. MULTIPLE PROSECUTION AND DOUBLE JEOPARDY – CRIMINAL JOINDER. 19
PART 1-150. BURDEN OF PROOF. 19
PART 1-160. DEFINITIONS. 19
CHAPTER 1-200. PRINCIPLES OF CRIMINAL RESPONSIBILITY. 20
PART 1-210. CULPABILITY GENERALLY. 20
PART 1-220. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER. 20
PART 1-230. DEFENSES TO CRIMINAL RESPONSIBILITY. 20
PART 1-240. JUSTIFICATION EXCLUDING CRIMINAL RESPONSIBILITY. 20
CHAPTER 1-300. PUNISHMENTS. 20
PART 1-310. CLASSIFICATION OF OFFENSES. 20
PART 1-320. SENTENCING. 21
PART 1-330. FINES AND SPECIAL SANCTIONS. 22
PART 1-340. LIMITATIONS AND SPECIAL PROVISIONS ON SENTENCES. 22
CHAPTER 1 -400. ADMINISTRATIVE REMEDIES. 22
PART 1-410. HEARINGS. 22
CHAPTER 1-500. NO CIVIL LIABILITY. 23
TITLE 2-000: Incorporation, Classification, Boundaries, Consolidation, and Dissolution of Municipality. 24
CHAPTER 2-100. INCORPORATION. 24
CHAPTER 2-200. MUNICIPAL WARDS. 24
CHAPTER 2-300. CLASSIFICATION. 24
CHAPTER 2-400. EXTENSION OF MUNICIPAL LIMITS. 24
CHAPTER 2-500. RESTRICTION OF MUNICIPAL LIMITS. 24
CHAPTER 2-600. CONSOLIDATION OF MUNICIPALITIES. 24
CHAPTER 2-700. DISSOLUTION OF MUNICIPALITY. 24
TITLE 3-000: Municipal Government 25
CHAPTER 3-100. 25
CHAPTER 3-200. ELECTIONS OF GOVERNING BODY. 25
CHAPTER 3-300. MEMBERSHIP ON GOVERNING BODY, VACANCIES AND POWER TO VOTE. 26

CHAPTER 3-400. MAYOR AS A MEMBER OF GOVERNING BODY. 26
CHAPTER 3-500. MEETINGS 26
CHAPTER 3-600. 27
CHAPTER 3-700. MUNICIPAL ORDINANCES, RESOLUTIONS AND PROCEDURE. 28
CHAPTER 3-800. MUNICIPAL ADMINISTRATION. 29
CHAPTER 3-900. APPOINTED OFFICIALS AND THEIR DUTIES. 33
CHAPTER 3-1000. CIVIL SERVICE COMMISSION. 35
CHAPTER 3-1100. PERSONNEL RULES AND BENEFITS. 36
TITLE 4-000: Elections and TITLE 5-000: Courts 38
TITLE 4-000. ELECTIONS. 38
TITLE 5-000. COURTS. 38
TITLE 6-000: Finance and Taxation 39
CHAPTER 6-100. UNIFORM FISCAL PROCEDURES ACT. 39
CHAPTER 6-200. SALES AND USE TAX. 39
CHAPTER 6-300. Reserved. 41
TITLE 7-000: Municipal Improvements and Public Service Projects. 42
Chapter 7.25 ORDINANCE PROHIBITING THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKESJAKE BRAKE ORDINANCE 42
TITLE 8-000: Municipal Property 44
CHAPTER 8-100. REGULATION AND CONTROL. 44
PART 8-110. CONTROL OF CITY PROPERTY. 44
CHAPTER 8-200. CEMETERIES. 45
PART 8-240. FEES AND CHARGES. 49
PART 8-250. SALE OF LOTS. 50
PART 8-260. PERPETUAL CARE. 51
PART 8-270. PERPETUAL CARE FUND. 52
PART 8-280. NON-PERPETUAL CARE LOTS. 52
PART 8-290. INDIGENTS. 54
TITLE 9-000: LICENSING, CONTROL AND REGULATION OF BUSINESS AND CONSTRUCTION. 55
CHAPTER 9-100. LICENSING, CONTROL, AND REGULATION OF BUSINESS AND REGULATION OF BUSINESSES. 55
PART 9-110. GENERAL PROVISIONS. 55
CHAPTER 9-200. BUSINESSES LICENSED ON AN ANNUAL FEE 59
PART 9-210. FEE LEVIED 59
CHAPTER 9-300. BUSINESS LICENSED ON THE BASIS OF GROSS RECEIPTS. 63
PART 9-310. ADMINISTRATION AND IMPOSITION OF TAX. 63
CHAPTER 9-400. LICENSING AND REGULATING SPECIFIC BUSINESSES. 68
PART 9-410. INTOXICANTS. 68

PART 9-430. CONSTRUCTION CONTRACTORS. 72
PART 9-450. SOLICITORS, CANVASSERS, PEDDLERS, AND ITINERANT MERCHANTS. 74
CHAPTER 9-500 and 9-600. BUILDING REGULATIONS. 78
PART 9-510. BUILDING OFFICIAL 78
PART 9-520. GENERAL PROVISIONS. 79
PART 9-530. BUILDING CODE. 80
PART 9-540. ELECTRICAL CODE. 80
PART 9-560. PLUMBING CODE. 81
PART 9-610. INDIVIDUAL WASTEWATER (SEWAGE) DISPOSAL CODE ADOPTED. 83
PART 9-620. SMALL UNDERGROUND WASTEWATER DISPOSAL SYSTEM CODE ADOPTED. 84
PART 9-630. CODE FOR INSTALLING GAS PIPING AND APPLIANCES ADOPTED. 84
PART 9-640. UNIFORM SIGN CODE ADOPTED. Reserved. 84
PART 9-650. UNIFORM HOUSING CODE. 85
PART 9-660. FALLOUT SHELTERS. 86
TITLE 10-000: Fire Department Code 87
Chapter 10-000. Fire Department Code. 87
Part 10-000 department 87
PART 10-130. POWERS OF THE FOUNTAIN GREEN CITY FIRE DEPARTMENT 87
PART 10-150. UNIFORM FIRE CODE. 89
PART 10-170. STANDARD FIRE-FIGHTING EQUIPMENT. 90
CHAPTER 10-200. HEALTH. 92
PART 10-220. HEALTH DIRECTOR. 92
PART 10-240. OFFENSIVE BUSINESS AND FACILITIES. 93
TITLE 11-000: TRANSPORTATION, STREETS AND PUBLIC WAYS. 95
CHAPTER 11-100. RESERVED. 95
CHAPTER 11-200. RESERVED. 95
CHAPTER 11-300. STREETS AND PUBLIC WAYS. 95
PART 11-310 SUPERINTENDENT OF STREETS. 95
PART 11-320. STREETS – TRAFFIC CONTROL. 96
PART 11-330. ANIMALS ON STREETS 97
PART 11-340. PARKING REGULATIONS. 98
PART 11-350. CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS. 99
PART 11-360. SIDEWALK REGULATIONS. 100
PART 11-380. EXCAVATIONS. 102
TITLE 12-000: PLANNING 107
CHAPTER 12-100. PLANNING 107
PART 12-110 ADMINISTRATION 107

PART 12-120 BOARD OF ADJUSTMENT 108
PART 12-140. ZONES 110
TITLE 13-00-0-00: POLICE AND PUBLIC OFFENSES. 111
CHAPTER 13-10-0-00. POLICE. 111
PART 13-10-1-00. POLICE DEPARTMENT. 111
PART 13-10-2-00. JAIL 113
CHAPTER 13-11-3-00 FOUNTAIN GREEN CITY FIREWORKS ORDINANCE 114
13-11-3-01. SHORT TITLE. 114
CHAPTER 13-20-0-00. ANIMAL CONTROL 116
PART 13-20-1-00. ANIMAL CONTROL OFFICER 117
PART 13-20-2-00. CARE AND KEEPING. 118
PART 13-20-3-00. DOGS. 120
PART 13-20-4-00. ESTRAYS. 125
CHAPTER 13-30-0-00 GENERAL POLICE POWERS. 129
PART 13-30-2-00. INTOXICATION AND LIQUOR. 130
PART 13-30-4-00. PUBLIC PROPERTY – DOCUMENTS 133
CHAPTER 13-41-0-00. DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE OF DRUGS. 134
CHAPTER 13-76-4-000. INCHOATE OFFENSES. 140
PART 13-76-4-000. ATTEMPT. 140
PART 13-76-4-200. CRIMINAL CONSPIRACY. 140
PART 13-76-4-300. EXEMPTIONS AND RESTRICTIONS. 141
CHAPTER 13-76-5-000. OFFENSES AGAINST THE PERSON. 141
PART 13-76-5-100. ASSAULT AND RELATED OFFENSES. 141
PART 13-76-5-200. Reserved. 142
PART 13-76-5-300. INTERFERING WITH CUSTODIAL RIGHTS OR PERSONAL LIBERTY. 142
PART 13-76-5-400. SEXUAL OFFENSES. 143
CHAPTER 13-76-6-000. OFFENSES AGAINST PROPERTY. 143
PART 13-76-6-100. PROPERTY DESTRUCTION. 143
PART 13-76-6-200. BURGLARY AND CRIMINAL TRESPASS. 144
PART 13-76-6-300. Reserved. 145
PART 13-76-6-400. THEFT. 145
PART 13-76-6-500. FRAUD. 150
PART 13-76-6-600. RETAIL THEFT. 155
PART 13-76-6-700. COMPUTER FRAUD. 157
PART 13-76-6-800. LIBRARY THEFT. 158
CHAPTER 13-76-7-000. OFFENSES AGAINST THE FAMILY. 159
PART 13-76-7-100. MARITAL VIOLATIONS 159

CHAPTER 13-76-8-000. OFFENSES AGAINST THE GOVERNMENT. 159
PART 13-76-8-100 CORRUPT PRACTICES. 159
PART 13-76-8-200. ABUSE OF OFFICE. 161
PART 13-76-8-300. OBSTRUCTING GOVERNMENTAL OPERATIONS. 162
PART 13-76-8-400. OFFENSE AGAINST PUBLIC PROPERTY. 164
PART 13-76-8-500. FALSIFICATION IN OFFICIAL MATTERS. 168
PART 13-76-8-600. ABUSE OF PROCESS. 171
PART 13-76-8-700. Reserved. 172
PART 13-76-8-800. SABOTAGE PREVENTION. 172
CHAPTER 13-76-9-000. OFFENSES AGAINST PUBLIC ORDER AND DECENCY. 173
PART 13-76-9-200. TELEPHONE ABUSE. 175
PART 13-76-9-300. CRUELTY TO ANIMALS. 176
PART 13-76-9-400. OFFENSES AGAINST PRIVACY. 177
PART 13-76-9-500. LIBEL AND SLANDER. 178
PART 13-76-9-600. OFFENSES AGAINST THE FLAG. 179
PART 13-76-9-700. MISCELLANEOUS PROVISIONS. 179
CHAPTER 13-76-10-000. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, WELFARE AND MORALS. 180
PART 13-76-10-100. CIGARETTES AND TOBACCO AND PSYCHOTOXIC CHEMICAL SOLVENTS. 180
PART 13-76-10-200. WATERS. 182
PART 13-76-10-300. EXPLOSIVES. 183
PART 13-76-10-400. FENCES. 185
PART 13-76-10-500. WEAPONS. 185
PART 13-76-10-600. CHARITY DRIVES. 190
PART 13-76-10-700. CORPORATION FRAUDS. 190
PART 13-76-10-800. NUISANCES. 192
PART 13-76-10-900. TRADE AND COMMERCE. 197
PART 13-76-10-1000. TRADEMARKS, TRADE NAMES, AND DEVICES. 198
PART 13-76-10-1100. GAMBLING. 200
PART 13-76-10-1200. PORNOGRAPHIC AND HARMFUL MATERIALS AND PERFORMANCES. 203
PART 13-76-10-1300. PROSTITUTION. 208
PART 13-76-10-1400. Reserved. 210
PART 13-76-10-1500. BUS PASSENGER SAFETY. 211
TITLE 14-000. UTILITIES. 213
CHAPTER 14-100. WATER 213
PART 14-110. WATER DEPARTMENT AND SYSTEM. 213
PART 14-150. NON-RESIDENT APPLICANT. 221
CHAPTER 14-200. SEWERS. 223

PART 14-210. ADMINISTRATION. 223
PART 14-230. REGULATION AND CONTROL OF SEWER. 226
ORDINANCE 1993-1: REGULATION OF CULINARY WATER DEPARTMENT 228
SECTION 1: CULINARY WATER DEPARTMENT AND SYSTEM. 228
SECTION 2: SUPERINTENDENT. 228
SECTION 3: DUTIES OF SUPERINTENDENT. 228
SECTION 4: APPLICATION FOR CULINARY WATER CONNECTION. 229
SECTION 5: APPLICATION FOR WATER CONNECTION BY SUBDIVIDER. 229
SECTION 6: APPLICATION FOR WATER SERVICE. 230
SECTION 7: NON-OWNER APPLICANT - AGREEMENT OF OWNER. 231
SECTION 8: NON-RESIDENT APPLICANT. 231
SECTION 9: RATES AND CONNECTION FEES. 233
SECTION 10: FEES AND SERVICE CHARGES. 233
SECTION 11: INDIVIDUAL UNIT. 234
SECTION 12: USE WITHOUT PAYMENT PROHIBITED. 234
SECTION 13: DELINQUENCY - DISCONTINUANCE OF SERVICE. 234
SECTION 14: TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED. 235
SECTION 15. SEPARATE CONNECTIONS 235
SECTION 16. INTERCONNECTION PROHIBITED. 235
SECTION 17. NO OPEN DISCHARGE OF PRESSURIZED WATER SYSTEM IN CITY. 236
SECTION 18: LIABILITY FOR DAMAGED EQUIPMENT. 236
SECTION 19: UNAUTHORIZED USERS. 236
SECTION 20: FACILITIES TO BE KEPT GOOD REPAIR. 236
SECTION 21: OUALITY OF SERVICE PIPE. 236
SECTION 22: FAULTY EOUIPMENT. 236
SECTION 23: WASTE OF WATER. 237
SECTION 24: SPRINKLING VEHICLES. 237
SECTION 25: DEPARTMENT TO HAVE FREE ACCESS. 237
SECTION 26: NON-LIABILITY FOR DAMAGES. 237
SECTION 27: WATER NOT SUPPLIED TO MOTORS, SYPHONS: 237
SECTION 28: SCARCITY OF WATER. 238
SECTION 29: PERMITS FOR INSTALLATIONS. 238
SECTION 30: EXTENSIONS OF WATER MAINS WITHIN CITY. 238
SECTION 31: COST OF EXTENSIONS DETERMINED. 238
SECTION 32: AMOUNT OF COST TO BE DEPOSITED WITH RECORDER. 238
SECTION 33: RETURN OF ANY MONEY - FORFEITURE. 238
SECTION 34: OWNERSHIP OF EXTENSION. 238

SECTION 35: DISPOSITION OF FUNDS. 239
SECTION 36: RIGHT OF ENTRY ON PREMISES OF WATER USER. 239
SECTION 37: EXTRATERRITORIAL JURISDICTION. 239
SECTION 38: GENERAL SANCTIONS AND PENALTIES - CUMULATIVE REMEDIES. 239
SECTION 39: SECTIONS PARTIALLY OR TOTALLY REPEALED: REPEAL OF INCONSISTENT ORDINANCES OR RESOLUTIONS. 239
SECTION 40: EFFECTIVE DATE AND POSTING ORDINANCE. 240
ORDINANCE 1994-1: REGULATION OF SEWER DEPARTMENT 242
ARTICLE I: DEFINITIONS 242
Section 1. "Addendum 242
Section 2. "Biochemical oxygen demand" (BOD) 242
Section 3. "Building drain" 242
Section 4. "Building sewer" 242
Section 5. "Cesspool" 242
Section 6. "City" 243
Section 7. "Combined sewer" 243
Section 8. "Easement" 243
Section 9. "Floatable oil" 243
Section 10. "Garbage" 243
Section 11. "Governing Body" 243
Section 12. "Hearing board" 243
Section 13. "Industrial wastes" 243
Section 14. "May" 243
Section 15. "Natural outlet" 243
Section 16. "Person" 243
Section 17. "pH" 243
Section 18. "Privy" 243
Section 19. "Properly shredded garbage" 243
Section 20. "Public sewer" 243
Section 21. "Residential Equivalent" 243
Section 22. "Residential Flows" 244
Section 23. "Sanitary Sewer" 244
Section 24. "Septic Tank" 244
Section 25. "sewage" 244
Section 26. "Sewer" 244
Section 27. "Shall" 244
Section 28. "Slug" 244

Section 29. “Storm drain” 244
Section 30. “Superintendent” 244
Section 31. "Suspended solids" 244
Section 32. “System" 244
Section 33. "Unpolluted water" 244
Section 34. "Wastewater" 244
Section 35. "Wastewater facilities" 245
Section 36. “Wastewater treatment works" 245
Section 37. "Watercourse" 245
ARTICLE II: USE OF PUBLIC SEWERS REQUIRED 245
Section 1. 245
Section 2. 245
Section 3. 245
Section 4. 245
Section 5. 245
ARTICLE III: PRIVATE WASTEWATER DISPOSAL 246
Section 1. 246
Section 2. 246
Section 3. 246
Section 4. 246
Section 5. 246
Section 6. 246
Section 7. 246
ARTICLE IV: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS; RATES FOR USE 246
Section 1. 247
Section 2. 247
Section 3. Form of Application. 247
Section 4. Addendum "A" 248
Section 5. 249
Section 6. 249
Section 7. 249
Section 8. 249
Section 9. 249
Section 10. 249
Section 11. 250
Section 12. 250
Section 13. 250

Section 14. Interest Charge on Delinquent or Past-Due connection Fees: 250
Section 15. Notification. 250
ARTICLE V: ANNUAL REVIEW OF OPERATIONAL COSTS; REVISION WHERE REQUIRED; DEBT SERVICE 250
Section 1. 250
Section 2. 251
ARTICLE VI: USE OF THE PUBLIC SEWERS 251
Section 1. 251
Section 2. 251
Section 3. 251
Section 4. 251
Section 5. 252
Section 6. 253
Section 7. 253
ARTICLE VII 253
Section 1. 253
ARTICLE VIII: POWERS AND AUTHORITY OF INSPECTORS 253
Section 1. 253
Section 3. 253
Section 4. 254
Section 5. 254
Section 6. 254
Section 7. 254
Section 8. 254
ARTICLE IX: HEARING BOARD 254
Section 1. 254
ARTICLE X: PENALTIES 255
Section 1. 255
Section 2. 255
Section 3. 255
ARTICLE XI: VALIDITY 255
Section 1. 255
Section 2. 255
ARTICLE XII: ORDINANCE IN FORCE 255
Section 1. 255
Section 2. 255
ORDINANCE 2021-10-21: CRIMINAL PENALTIES FOR ORDINANCE VIOLATIONS 258
RECITALS 258

ORDINANCE 258
ORDINANCE 01252018: AMENDED SECTIONS OF CHAPTER 14 261
ORDINANCE 111215: DISPOSAL OF REAL PROPERTY ORDINANCE 264
ORDINANCE 71806: FOUNTAIN GREEN CITY PURCHASING POLICY 266
ORDINANCE 71806-02: ATV ORDINANCE 267
ORDINANCE 31505: PROTECTION OF THE POTABLE WATER SUPPLY THROUGH THE CONTROL OF BACKFLOW AND CROSS-CONNECTION. 269
Section 1: Purpose 269
Section 2: Responsibility 269
Section 3: Building Official 270
Section 4: Certified Backflow Assembly Technician. 270
Section 5: Definitions 270
Section 6: Requirements 272
ORDINANCE 042001: DRINKING WATER SOURCE PROTECTION ORDINANCE 276
Section 1. Definitions. 276
Section 2. Rules and Regulations. 276
Section 3. Construction - Approval Required - Conditions. 276
Section 4. Conditional Uses. 277
Section 5. Animal Permit Required. 277
Section 6. Camping, Campfire, and Vehicle Restrictions. 277
Section 7. Prohibited Uses. 277
Section 8. Administration. 278
ORDINANCE 12-1445 VEHICLE WEIGHT RESTRICTIONS FOR PARKING 279
ORDINANCE 3151993: AN ORDINANCE ADOPTING POLICIES AND PROCEDURES FOR CONFLICTS OF INTEREST FOR FOUNTAIN CREEN ELECTED OFFICIALS, APPOINTED OFFICERS, EMPLOYEES, AND VOLUNTEERS SERVING ON CITY BOARDS, COMMISSIONS, COMMITTEES, AGENCIES, COUNCILS AND FOUNDATIONS 280
SECTION 1 PURPOSE. 280
SECTION 2. CROSS REFERENCE: MUNICIPAL OFFICERS AND EMPLOYEE ETHICS ACT. 280
SECTION 3. DEFINITIONS. 280
SECTION 4. USE OF OFFICE FOR PERSONAL BENEFIT PROHIBITED. 281
SECTION 5. COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING MUNICIPALITY--DISCLOSURE STATEMENT REQUIRED--CONTENTS-PUBLIC ACCESS. 281
SECTION 6. DISCLOSURE OF INTEREST AFFECTING REGULATION 282
SECTION 7. DISCLOSURE OF INTEREST AFFECTING BUSINESS RELATIONS. 284
SECTION 8. OTHER CONFLICTS OF INTEREST. 284
SECTION 9. NEPOTISM PROHIBITED. 284
SECTION 10. EXCEPTIONS. 284
SECTION 11. SEPARATE OFFENSE. 284

SECTION 12. CONFLICTING PRIVATE EMPLOYMENT. 285
SECTION 13 . CONFLICTING INVESTMENTS. 285
SECTION 14. APPEARANCES. 285
SECTION 15. COMPLAINTS CHARGING VIOLATIONS—PROCEDURE. 285
SECTION 16. PENALTIES FOR VIOLATION. 285
SECTION 17. INDUCING OFFICER TO VIOLATE ORDINANCE PROHIBITED. 286
SECTION 18. NO-ACTION DETERMINATIONS. 286
SECTION 19. SEVERABILITY. 287
SECTION 20. EFFECTIVE DATE. 287
ORDINANCE 06182026: CEMETERIES 288
ORDINANCE NO. 08202026 FIRE INSPECTION 302
RESOLUTIONS 304
RESOLUTION 08082024: UTILITY PAYMENT POLICY 305
RESOLUTION 11-2023A: AMENDED RESOLUTION ESTABLISHING WATER RATES 307
RESOLUTION 11-2023B: AMENDED RESOLUTION ESTABLISHING SEWER RATES 308
RESOLUTION 11-2023C: UTILITY PAYMENT POLICY 309
RESOLUTION 07-2023: A RESOLUTION REQUESTING THE RE-CERTIFICATION OF THE FOUNTAIN GREEN CITY JUSTICE COURT 311
RESOLUTION 00-2023: GENERAL SCHEDULE OF FEES 312
RESOLUTION 2023-10: CANCELING 2023 MUNICIPAL ELECTION 313
RESOLUTION 2023-8: CODE ENFORCEMENT OFFICER IMPLEMENTATION 315
RESOLUTION 100815: SCAOG PRE-DISASTER MITIGATION PLAN ADOPTION 318
RESOLUTION 09102015: SCAOG PRE-DISASTER MITIGATION PLAN 2016 319
RESOLUTION 06182015: ULCT DRAFT HB 362 RESOLUTION 320
RESOLUTION 2015-03: BURIAL AND HEADSTONE POLICY 322
RESOLUTION 2015-2: RESIDENTIAL ANTI-DISPLACEMENT PLAN AND CERTIFICATION 323
RESOLUTION NO. 04172014: A RESOLUTION OF APPROVAL TO APPLY TO THE LAND AND WATER CONSERVATION FUND 325
RESOLUTION 09192013: SHUT OFF VALVES FOR CULINARY WATER SYSTEM 326
RESOLUTION 10-18-2012: ENFORCEMENT OF FLOOD HAZARDS 327
RESOLUTION 2-16-2012: CLEAR VIEW ZONE IN RESIDENTIAL/AGRICULTURAL ZONE 329
RESOLUTION 7-15: DUMPING OF CONCRETE AND ASPHALT ILLEGAL 331
RESOLUTION 51005: A RESOLUTION APPROVING THE INTER-LOCAL AGREEMENT FOR COOPERATIVE HAZARDOUS MATERIALS PROTECTION AND SERVICES 332
RESOLUTION 05112004: PROVIDING FOR THE IMPOSITION OF A 9-1-1- EMERGENCY TELEPHONE SURCHARGE FEE 342
RESOLUTION 02202025(A) CEMETERY POLICY 343
RESOLUTION: 02202025(B) DANCE HALL AND/OR THEATER RENTAL 347

RESOLUTION: 02202025(C) CITY HALL RENTAL 350
RESOLUTION: 02202025(D) FOUNTAIN GREEN CITY PARK RENTAL 353
RESOLUTION: 2026-0319 TEMPORARY MORATORIUM ON SALE OF CEMETERY PLOTS 356
RESOLUTION 2026-05-12 VETERANS MEMORIAL AND COMMITTEE SUPPORT 358
POLICIES 360
POLICY 9282017: SEWER MAIN EXTENSION AND SEWER LATERAL POLICY 361
POLICY 03262015: HEADSTONE POLICY 362
POLICY 2013-6: RIGHT OF WAY 365
POLICY 02072002: MAINTENANCE OF PRIVATE SEWER LATERAL 366
FEE SCHEDULES 367
ANIMAL CONTROL FEE SCHEDULE 368
FOUNTAIN GREEN CITY FEE SCHEDULE ADOPTED 3/13/2025 370
FOUNTAIN GREEN CITY FEE SCHEDULE ADOPTED 4/16/2026 374

TITLE 1-000: General Provisions

1-001 NAME OF CODE.

The ordinances contained in this code and all ordinances of a general nature hereafter adopted and inserted herein and all amendments, additions and changes thereto shall be part of this code and shall be known and cited as the “Revised Ordinances of FOUNTAIN GREEN CITY.

1-002. REPEAL OF EXISTING ORDINANCES.

A. So far as the provisions of these Revised Ordinances are the same as those of previously existing ordinances, they shall be construed as continuations thereof. All ordinances and resolutions of this city heretofore in force, except such as are of a private, local, or temporary nature including franchises, grants, dedications, bond issues, elections, and special levies for local assessments, hereby are repealed except as otherwise provided in subsection B of this section.

B. Those ordinances of this city which are of a general nature which are not repealed and which the recorder is hereby authorized and directed to insert in the appropriate place in this code and which shall be deemed part of this code are:

1. FOUNTAIN GREEN CITY ZONING ORDINANCE
2. FOUNTAIN GREEN SUBDIVISION ORDINANCE
3. FOUNTAIN GREEN CITY SEWER ORDINANCE
4. FOUNTAIN GREEN CITY WATER ORDINANCE

C. The fees or charges established by the ordinances repealed by this code of revised ordinances shall remain in effect until subsequently changed by ordinance or resolution, except that the fees and charges established by this code of revised ordinances shall prevail in the event of a conflict.

1-003. EFFECT OF REPEALING ORDINANCES.

The repeal of the ordinances as provided in section 1-002, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

1-004. EFFECTIVE DATE.

These Revised Ordinances shall become effective SEPTEMBER 22, 1995

1-005. DEFINITION AND RULES OF CONSTRUCTION.

In the construction of the ordinances of this city, the following rules and definitions shall be observed and applied unless such construction would be inconsistent with the manifest intent of these ordinances:

A. *General rule*. All words and phrases shall be construed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.

B. *Gender* – singular and plural. Unless otherwise indicated from the context of the ordinance, all words used in the singular shall include the plural and all words used in the masculine gender shall extend to and apply to the feminine gender.

C. *Person*. The term “person” includes all individuals both male and female, any governmental agency, corporation, partnership, association, company, and every other form of organization whether formed voluntarily or involuntarily.

D. *Tenses*. The use of any verb in the present tense shall include the future and past tense when applicable.

E. *Highway – Road*. The terms “highway” and “road” include public bridges and may be equivalent to the words “county way,” “county road,” “common road,” and “state road.”

F. *Street*. The term “street” includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.

G. *Business*. The term “business” includes any trade, profession, calling, activity, operation, or enterprise for which a license is required by any ordinance of this city.

H. *License*. The term “license” includes any certificate or license issued by this city.

I. *Property*. The term “property” includes both real and personal property.

J. *Owner*. The term “owner” applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant, or lessee of a whole or part of such building or land.

K. *Tenant – Occupant*. The term “tenant” or “occupant” applied to a building or land shall apply to any person who occupies all or any part of such building or land either alone or with others.

L. *Reasonable time*. In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.

M. *Time – how computed*. The time within which an act is to be done as provided in any ordinance or in any resolution or order of this city, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a holiday, then the last day shall be the day next following such Sunday or holiday which is not a Sunday or holiday. When time is expressed in hours, Sunday and all holidays shall be excluded.

N. *Week*. The word “week” shall be construed to mean any seven-day period.

O. *Location*. Whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the Chief of police, city marshal, town marshal or marshal.

P. *“Chief of police”, “city marshal”, “town marshal”, or “marshal”.* The terms “chief of police,” “city marshal,” “town marshal” or “marshal” as used in this code all have the same meaning and may be used interchangeably.

Q. *Municipality or city*. The words “municipality” or “city” as used throughout this code means FOUNTAIN GREEN CITY.

R. *Governing Body*. The word “governing body” as used throughout this code means the city council of this city.

S. *Offense*. Offense means any act, action, or conduct prohibited by this code or the failure to perform any acts required in this code.

T. *Officer or Officials*. The terms “officer” or “official” as used in this code mean any elected or appointed person employed by the city unless the context clearly indicates otherwise.

U. *Recorder*. The term “recorder” means the individual appointed to act as the recorder of the city.

1-006. CAPTIONS.

The captions in this code immediately preceding each section are intended as mere captions to indicate the content of the section and shall not be deemed or taken to be part of the sections.

1-007. SEVERABILITY.

It is hereby declared to be the intention of the city council that the sections, paragraphs, sentences, clauses, and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

1-008. NUMBERING ORDINANCES.

A. The recorder shall, in so far as possible, assign all ordinances of a general nature adopted after these revised ordinances a number which shall conform to the numbering system used in this code and shall indicate upon the face of the ordinance the date adopted.

B. The recorder shall keep all ordinances of a local, private, or temporary nature, including franchises, grants, dedications, bond issues and tax levies, in a separate

book of “Special Ordinances” properly indexed and organized according to date adopted. The first number of such an ordinance shall be the last two digits of the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a sequential, ascending number indicating the order in which such special ordinance was adopted during the year.

C. Failure to comply with this section shall not affect or render invalid any ordinance of this city.

1-009. STATUTES OR CODES INCLUDED AND EXCLUDED.

Any reference or citation to any statute shall not be interpreted or construed to include, incorporate or make the citation or statute part of this code unless the provisions of this code specifically include, incorporate, or make the citation or statute part of this code by reference or incorporation, and any such reference or citation not specifically included or incorporated may be changed, amended or deleted without publication on an order of the city council.

CHAPTER 1-100. CONSTRUCTION OF PENALTIES.

PART 1-110. INTRODUCTORY PROVISIONS TO CONSTRUCTION OF CRIMES UNDER THIS CODE.

1-111. APPLICATION OF CODE – OFFENSE PRIOR TO EFFECTIVE DATE.

A. The provision of this code shall govern the construction of, the punishment for, and the defense against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; if the offense was committed after the effective date of this code.

B. Any offense committed prior to the effective date of this code shall be governed by the ordinances of this city existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under this code shall be deemed to have any committed prior to the effective date of this code if any of the elements of the offense occurred prior to the effective date.

1-112. PURPOSES AND PRINCIPLES OF CONSTRUCTION.

The provisions of this code shall be construed in accordance with these general purposes to:

A. Forbid and prevent the commission of offenses.

B. Define adequately the conduct and mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal.

C. Prescribe penalties which are proportionate to the seriousness of offenses, and which permit recognition of differences in rehabilitation possibilities among individual offenders.

D. Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

1-113. CRIMES ABOLISHED.

No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute.

1-114. STRICT CONSTRUCTION RULE NOT APPLICABLE.

The rule that a penal ordinance is to be strictly construed shall not apply to this code, or any of its provisions, or other ordinances of this city. All provisions of this code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes of Section 1-112.

1-115. PROCEDURE – GOVERNED BY STATE AND CONSTITUTIONAL PROVISIONS LIABILITY FOR CIVIL DAMAGES NOT AFFECTED.

A. Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this code but shall be in conformity with the laws of Utah and the Constitution of the United States.

B. This code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be covered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

PART 1-120. JURISDICTION AND VENUE.

1-121. JURISDICTION OF OFFENSES.

A. A person is subject to prosecution in this city for an offense which he commits, while either within or outside the municipality, by his own conduct or that of another for which he is legally accountable, if:

1. The offense is committed either wholly or partly within the city; or

2. The conduct outside this city constitutes an attempt within this city; or

3. The conduct outside this city constitutes a conspiracy to commit an offense within this city and an act in furtherance of the conspiracy occurs in this city; or

4. The conduct within the city constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction an offense under this code and such other jurisdiction.

B. An offense is committed partly within this city if either the conduct which is an element of the offense, or the result which is such an element, occurs within this city.

C. An offense which is based on an omission to perform a duty imposed by this code is committed within this city regardless of the location of the offender at the time of the omission.

PART 1-130. LIMITATION OF ACTIONS.

1-131. EMBEZZLEMENT OF PUBLIC MONEYS- FALSIFICATION OF PUBLIC RECORDS.

A prosecution for embezzlement of public moneys or the falsification of public records may be commenced at any time.

1-132. MISDEMEANOR -ANY INFRACTION· COMMENCEMENT OF PROSECUTION.

A. Except as otherwise provided in this part, prosecutions for other offenses are subject to the following periods of limitation:

1. A prosecution for a misdemeanor must be commenced within two years after it is committed;

2. A prosecution for any infraction must be commenced within one year after it is committed;

B. The prosecution is commenced on the filing of a complaint or information.

1-133. FRAUD OR BREACH OF FIDUCIARY OBLIGATION – MISCONDUCT BY PUBLIC OFFICER OR EMPLOYEE.

If the period prescribed in Section 1-132.(A) has expired, a prosecution may nevertheless be commenced for:

A. Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years; and

B. Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant’s public office or the period of his public employment or within two years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years.

1-134. DEFENDANT OUT OF STATE.

The period of limitation does not run against any defendant during any period of time he is out of the state following the commission of an offense.

1-135. LESSER INCLUDED OFFENSE FOR WHICH PERIOD OF LIMITATIONS HAS RUN.

Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

PART 1-140. MULTIPLE PROSECUTION AND DOUBLE JEOPARDY – CRIMINAL JOINDER.

1-141. "SINGLE CRIMINAL EPISODE" DEFINED.

In this code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective. Nothing in this part shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings.

1-142. INCORPORATION BY REFERENCE OF PROVISIONS OF STATE CRIMINAL CODE.

The provision of Utah Code Annotated 1953, Sections 76-1-402 through 76-1-405, are hereby adopted as part of this code and incorporated herein by reference.

1-143. JOINDER OF OFFENSES AND DEFENDANTS.

A. Two or more offenses under this code or the ordinances of this city may be charged in the same citation or complaint in a separate count for each offense if the offenses charged are of the same or similar character or are based on the same act or transgression or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.

B. Two or more defendants may be charged in the same citation or complaint if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

PART 1-150. BURDEN OF PROOF.

1-151. INCORPORATION OF STATE CODE.

The provisions of Utah Code Annotated 1953, Sections 76-1-501 through 76-1-504, are hereby adopted and incorporated herein by reference.

PART 1-160. DEFINITIONS.

1-161. INCORPORATION OF STATE CODE.

The provisions of Utah Code Annotated 1953, Section 76-1-601 is hereby adopted and incorporated herein by reference.

CHAPTER 1-200. PRINCIPLES OF CRIMINAL RESPONSIBILITY.

PART 1-210. CULPABILITY GENERALLY.

1-211. INCORPORATION OF STATE CODE.

The provisions of Utah Code Annotated 1953, Section 76-2-101 through 76-2-105, are hereby adopted and incorporated herein by reference.

PART 1-220. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER.

1-221. INCORPORATION OF STATE CODE.

The provisions of Utah Code Annotated 1953, Sections 76-2-201 through 76-2-205, are hereby adopted as part of this code and incorporated herein by reference.

PART 1-230. DEFENSES TO CRIMINAL RESPONSIBILITY.

1-231. INCORPORATION OF STATE CODE.

The provisions of Utah Code Annotated 1953, Sections 76-2-301 through 76-2-308, hereby are adopted as part of the code and incorporated herein by reference.

PART 1-240. JUSTIFICATION EXCLUDING CRIMINAL RESPONSIBILITY.

1-241. INCORPORATION OF STATE CODE.

The provisions of Utah Code Annotated 1953, Sections 76-2-401 through 76-2-406, are hereby adopted and incorporated herein by reference.

CHAPTER 1-300. PUNISHMENTS.

PART 1-310. CLASSIFICATION OF OFFENSES.

1-311. SENTENCING IN ACCORDANCE WITH CHAPTER.

A. A person adjudged guilty of an offense under this code, or the ordinances of this city, shall be sentenced in accordance with the provisions of this chapter.

B. Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

1-312. DESIGNATION OF OFFENSES.

Offenses are designated as misdemeanors or infractions.

1-313. MISDEMEANORS CLASSIFIED.

A. Misdemeanors are classified into two categories:

1. Class B misdemeanors.

2. Class C misdemeanors.

B. An offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or in an ordinance of this city when no other specification as to punishment or category is made, is a class B misdemeanor.

1-314. INFRACTIONS.

A. Infractions are not classified.

B. Any offense which is made an infraction in this code or other ordinances of this city or which is expressly designated an infraction and any offense designated by this code or other ordinances of this city which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

1-315. CONTINUING VIOLATION.

In all instances where the violation of these ordinances or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

PART 1-320. SENTENCING.

1-321. SENTENCES OR COMBINATION OF SENTENCES ALLOWED CIVIL PENALTIES.

Within the limits prescribed by this code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

A. To pay a fine; or

B. Reserved.

C. To probation; or

D. To imprisonment.

1-322. MISDEMEANOR CONVICTION TERM OF IMPRISONMENT.

A. In the case of a class B misdemeanor, for a term not exceeding six months;

B. In the case of a class C misdemeanor, for a term not exceeding 90 days.

1-323. INFRACTION CONVICTION – FINE, FORFEITURE, AND DISQUALIFICATION.

A. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both.

B. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

PART 1-330. FINES AND SPECIAL SANCTIONS.

1-331. FINES OF PERSONS.

A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed $299.00 when the conviction is of a class B or C misdemeanor or infraction.

1-332. FINES OF CORPORATIONS, ASSOCIATIONS, PARTNERSHIPS, OR GOVERNMENTAL INSTRUMENTALITIES.

The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this code or the ordinances of the city or for any offense defined outside of this code over which this city has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not exceeding $299.00 when the conviction is for a class B or C misdemeanor or infraction.

PART 1-340. LIMITATIONS AND SPECIAL PROVISIONS ON SENTENCES.

1-341. INCORPORATION OF STATE CODE.

The provisions of Utah Code Annotated 1953, 76-3-401 through 76-3-405, are hereby adopted and incorporated herein by reference, as such limitations and special provisions on sentences apply to misdemeanors.

CHAPTER 1 -400. ADMINISTRATIVE REMEDIES.

PART 1-410. HEARINGS.

1-411. REQUEST.

Unless otherwise specifically provided in any ordinance of the city or any code adopted by reference, a hearing before the city council may be requested by any person:

A. Who is denied or refused a permit or license by any officer, agent, or employee of this city.

B. Whose permit or license is revoked, restricted, qualified, or limited from that for which it was first issued.

1-412. FORM OF REQUEST.

The request for hearing must be made in writing to the mayor or recorder and made within 30 days following the date notice denying, refusing, revoking, qualifying, restricting, or revoking the license or permit is mailed by the city to the applicant or license holder at his address as it appears on the application or license.

1-413. PROCEDURE.

A. Following receipt of a request for a hearing, the city council shall inform the person requesting a hearing of the time and place where the hearing is to be held.

B. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the city may produce to support its decision and to present his own evidence in support of his contention.

C. The city council shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the city council.

1-414. NOT ADDITIONAL REMEDY.

This part shall not be constructed so as to afford any aggrieved party more than one hearing before the city council nor shall the hearing provided in this part apply to any criminal complaint or proceeding.

CHAPTER 1-500. NO CIVIL LIABILITY.

1-501. NO LIABILITY ON CITY.

None of the provisions of this code shall create any civil liability on the city, its officers, or employees whether or not the code imposes mandatory or directional duties and whether or not the city, its officers or employees perform or do not perform such duties.

TITLE 2-000: Incorporation, Classification, Boundaries, Consolidation, and Dissolution of Municipality.

CHAPTER 2-100. INCORPORATION.

See U.C.A. 10-2-101 et seq.

CHAPTER 2-200. MUNICIPAL WARDS.

See U.C.A. 10-2-201 et seq.

CHAPTER 2-300. CLASSIFICATION.

See U.C.A. 10-2-301 et seq.

CHAPTER 2-400. EXTENSION OF MUNICIPAL LIMITS.

See U.C.A. 10-2-401 et seq.

CHAPTER 2-500. RESTRICTION OF MUNICIPAL LIMITS.

See U.C.A. 10-2-501 et seq.

CHAPTER 2-600. CONSOLIDATION OF MUNICIPALITIES.

See U.C.A. 10-2-601 et seq.

CHAPTER 2-700. DISSOLUTION OF MUNICIPALITY.

See U.C.A. 10-2-701 et seq.

TITLE 3-000: Municipal Government

CHAPTER 3-100.

3-101. LEGISLATIVE AND EXECUTIVE POWERS.

See U.C.A. § 10-3-101

3-102. OTHER FUNCTIONS.

See U.C.A. § 10-3-102.

3-103. IN CITIES OF THE FIRST CLASS.

See U.C.A. § 10-3-103.

3-104. IN CITIES OF THE SECOND CLASS.

See U.C.A. § 10-3-104.

3-105. IN CITIES OF THE THIRD CLASS.

See U.C.A. § 10-3-105.

CHAPTER 3-200. ELECTIONS OF GOVERNING BODY.

3-201. MUNICIPAL ELECTION • TERMS OF OFFICE.

See U.C.A. § 10-3-201.

3-202. TERMS OF ELECTED MUNICIPAL OFFICERS.

See U.C.A. § 10-3-202.

3-203. ELECTION OF OFFICERS IN CITIES OF THE FIRST CLASS.

See U.C.A. § 10-3-203.

3-204. ELECTION OF OFFICERS IN CITIES OF THE SECOND CLASS.

See U.C.A. § 10-3-204.

3-205. ELECTION OF OFFICERS IN CITIES OF THE THIRD CLASS.

See U.C.A. § 10-3-205.

3-207. DETERMINING TWO AND FOUR YEAR TERMS.

See U.C.A. § 10-3-207.

3-208. ELECTION EXPENSES TO BE PUBLISHED· PENALTY.

See U.C.A. § 10-3-208.

CHAPTER 3-300. MEMBERSHIP ON GOVERNING BODY, VACANCIES AND POWER TO VOTE.

3-301. ELIGIBILITY AND QUALIFICATIONS.

See U.C.A. § 10-3-301.

3-302. VACANCIES IN OFFICES.

See U.C.A. § 10-3-302.

CHAPTER 3-400. MAYOR AS A MEMBER OF GOVERNING BODY.

3-401. MAYOR AS A VOTING MEMBER OF GOVERNING BODY.

See U.C.A. § 10-3-401.

3-402. MAYOR IN THIRD CLASS CITY • NO VOTE EXCEPT IN CASE OF TIE.

See U.C.A. § 10-3-402.

3-403. MAYOR AS PRESIDING OFFICER • MAYOR PRO TEMPORE.

See U.C.A. § 10-3-403.

3-404. NO VETO.

See U.C.A. § 10-3-404.

CHAPTER 3-500. MEETINGS

3-501. MEETINGS IN CITIES OF THE FIRST AND SECOND CLASS.

See U.C.A. § 10-3-501.

3-502. TIME, PLACE, – EXCEPTIONS.

The city council shall hold 1 regular meeting(s) which shall be held on the 3rd Thursday of each month at FOUNTAIN GREEN CITY HALL, which meeting(s) shall begin promptly at 7 o'clock p.m., during mountain standard time provided that:

A. If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the next following day which is not a legal holiday.

B. The city council may by resolution provide for a different time and place for holding regular meetings of the city council.

3-503. MEETINGS IN CITIES OF THE THIRD CLASS AND TOWNS.

See U.C.A. § 10-3-502.

3-504. QUORUM NECESSARY TO DO BUSINESS.

See U.C.A. § 10-3-503.

3-505. QUORUM DEFINED.

See U.C.A. § 10-3-504.

3-506. ATTENDANCE.

See U.C.A. § 10-3-505.

3-507. HOW THE VOTE IS TAKEN.

See U.C.A. § 10-3-506.

3-508. MINIMUM VOTE REQUIRED.

See U.C.A. § 10-3-507.

3-509. RECONSIDERATION.

See U.C.A. § 10-3-508.

CHAPTER 3-600.

3-601. BUSINESS OF GOVERNING BODY CONDUCTED ONLY IN OPEN MEETING.

See U.C.A. § 10-3-601 and 52-4-1.

3-602. EXECUTIVE SESSIONS.

See U.C.A. § 10-3-602 and 52-4-4.

3-603. PUBLIC RECORDS.

See U.C.A. §§ 10-3-603, 63-2-61 through 63-2-70, and 78-26-1 through 78-26-3.

3-604. PUBLICATION OR PROCEEDINGS EXPENSES.

See U.C.A. § 10-3-604.

3-605. PENALTY.

See U.C.A. § 10-3-605.

3-606. RULES OF PROCEDURE.

See U.C.A. § 10-3-606.

3-607. RULES OF CONDUCT FOR MEMBER OF THE GOVERNING BODY.

See U.C.A. § 10-3-607.

3-608. RULES OF CONDUCT FOR THE PUBLIC.

See U.C.A. § 10-3-608.

3-609. ACTION ON COMMITTEE REPORTS.

See U.C.A. § 10-3-609.

3-610. REQUIRING ATTENDANCE OF WITNESSES, PRODUCTION OF EVIDENCE.

See U.C.A. § 10-3-610.

CHAPTER 3-700. MUNICIPAL ORDINANCES, RESOLUTIONS AND PROCEDURE.

3-701. LEGISLATIVE POWER EXERCISED BY ORDINANCE.

See U.C.A. § 10-3-701.

3-702. EXTENT OF POWER EXERCISED BY ORDINANCE.

See U.C.A. § 10-3-702.

3-703. PENALTY FOR VIOLATION OF ORDINANCE.

See U.C.A. § 10-3-703.

3-704. FORM OF ORDINANCE.

See U.C.A. § 10-3-704.

3-705. REQUIREMENTS AS TO FORM.

See U.C.A. § 10-3-705.

3-706. REVISION OF ORDINANCES.

See U.C.A. § 10-3-706.

3-707. POWER TO CODIFY ORDINANCES.

See U.C.A. § 10-3-707.

3-708. ARRANGEMENT OF ORDINANCES.

See U.C.A. § 10-3-708.

3-709. REPEAL OF CONFLICTING PROVISIONS – TITLE.

See U.C.A. § 10-3-709.

3-710. PUBLICATION IN BOOK, PAMPHLET OR LOOSELEAF FORM – STATE STATUTES.

See U.C.A. § 10-3-710.

3-711. PUBLICATION OF ORDINANCES.

See U.C.A. § 10-3-711

3-712. EFFECTIVE DATE.

See U.C.A. § 10-3-712.

3-713. RECORDING, NUMBERING, AND CERTIFICATION OF PASSAGE.

See U.C.A. § 10-3-713.

3-714. CONTENTS, DATES, PUBLICATION PROVED UNDER SEAL.

See U.C.A. §10-3-714.

3-715. MUNICIPAL ORDINANCES RECEIVED IN EVIDENCE.

See U.C.A. § 10-3-715.

3-716. FINES AND FORFEITURES – DISPOSITION.

See U.C.A. § 10-3-716.

3-717. PURPOSE OF RESOLUTIONS.

See U.C.A. § 10-3-717.

3-718. FORM OF RESOLUTION.

See U.C.A. § 10-3-718.

3-719. RESOLUTIONS NEED NO PUBLICATION EFFECTIVE DATE.

See U.C.A. § 10-3-719.

CHAPTER 3-800. MUNICIPAL ADMINISTRATION.

3-801. ADMINISTRATIVE POWERS IN CITIES OF THE FIRST CLASS.

See U.C.A. § 10-3-801.

3-802. DESIGNATION OF DEPARTMENT HEAD IN CITIES OF THE FIRST CLASS.

See U.C.A. § 10-3-802.

3-803. OFFICERS LIMITED TO ONE OFFICE.

See U.C.A. § 10-3-803.

3-804. CHANGE IN NAMES, FUNCTIONS, AND SUPERINTENDENTS OF DEPARTMENTS.

See U.C.A. § 10-3-804.

3-805. ADMINISTRATIVE POWERS IN CITIES OF THE SECOND CLASS.

See U.C.A. § 10-3-805.

3-806. DESIGNATION OF DEPARTMENT HEAD IN CITIES OF THE SECOND CLASS.

See U.C.A. § 10-3-806.

3-807. COMMISSIONERS MAY ADMINISTER TWO DEPARTMENTS – CHANGE IN NAMES, FUNCTIONS AND SUPERINTENDENTS.

See U.C.A. § 10-3-807.

3-808. ADMINISTRATION VESTED IN MAYOR.

See U.C.A. § 10-3-808.

3-809. POWERS OF MAYORS IN CITIES OF THE THIRD CLASS AND TOWNS.

See U.C.A. § 10-3-809.

3-810. ADDITIONAL POWERS AND DUTIES OF ELECTED OFFICIALS IN CITIES OF THE THIRD CLASS AND TOWNS.

See U.C.A. § 10-3-810.

3-811. MEMBERS OF THE GOVERNING BODY MAY BE APPOINTED TO ADMINISTRATION IN CITIES OF THE THIRD CLASS AND TOWNS.

See U.C.A. § 10-3-811.

3-812. CHANGE OF DUTIES IN CITIES OF THE THIRD CLASS AND TOWNS.

See U.C.A. § 10-3-912.

3-813. GENERAL ADMINISTRATIVE POWERS OF ALL MUNICIPALITIES.

See U.C.A. § 10-3-813.

3-814. PERSONNEL ASSIGNED TO ONE OR MORE DEPARTMENTS.

See U.C.A. § 10-3-814.

3-815. RULES AND REGULATIONS FOR ADMINISTRATION OF MUNICIPALITIES.

See U.C.A. § 10-3-815.

3-816. MAY REQUIRE THAT APPOINTED OFFICERS RESIDE IN MUNICIPALITY.

See U.C.A. § 10-3-816.

3-817. ELECTED EXECUTIVES TO APPOINT THEIR DEPUTIES.

See U.C.A. § 10-3-817.

3-818. COMPENSATION AND SALARIES.

A. The salary of the officers and employees of this city shall be paid in the amount and at such times as is below specified:

    1. Mayor $60.00 per Quarter.

    2. Councilmember $60.00 per Quarter.

    3. Recorder $

    4. Treasurer $

    5. Marshal $

B. In addition to the salary paid the officers and employees of this city, they shall receive the following benefits:

    1. The employee’s share of the social security tax.

    2. Health and accident insurance for themselves and their families on such basis and cost to the employee or officer as the city council may from time to time establish by resolution.

    3. Vacation and sick leave on such basis as the city council may from time to time establish by resolution.

    4. Participation in the Utah state retirement program on such basis and cost as the city council may from time to time by resolution establish.

C. Whenever any person serves in two or more positions either as officers or employees of this city, unless otherwise specifically provided in the employment agreement, by ordinance or resolution, the person shall receive the salary or compensation of the office or employment paying the greater amount.

D. In addition to all other compensation or salaries any officer or employee of this city may receive, following the submission to the recorder of a claim, travel expenses and per diem established by the Utah state department of finance for expenses actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the city council.

3-819. AMOUNT OF BOND.

A. Before taking the oath of office and entering on the duties of their respective office, the following named city officials shall each give a bond with good and sufficient securities, payable to the city conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law and the ordinance of this city in the following amounts:

1. Mayor $1000.00
2. Councilmember $1000.00
3. Recorder $
4. Treasurer $
5. Marshal $

B. The treasurer's bond shall be superseded by any rules, regulation, or directive of the state money management council when such rule, regulation or directive is binding on this municipality.

C. The premium charged by any corporate surety for any bond required in this section shall be paid by this city.

D. The bond required in this section may be a blanket bond.

3-820. CITIES OF THE FIRST AND SECOND CLASS.

See U.C.A. § 10-3-820.

3-821. BOND OF TREASURERS.

See U.C.A. § 10-3-821.

3-822. APPROVAL OF BONDS.

See U.C.A. § 10-3-822.

3-823. PREMIUM PAID BY MUNICIPALITY.

See U.C.A. § 10-3-823.

3-824. BONDS OF FIRST OFFICERS AFTER INCORPORATION.

See U.C.A. § 10-3-824.

3-825. ADDITIONAL BONDS.

See U.C.A. § 10-3-825.

3-826. OFFICIAL NEGLECT AND MISCONDUCT – PENALTY.

See U.C.A. § 10-3-826.

3-827. OATH REQUIRED BEFORE TAKING OFFICE OR PERFORMING DUTIES.

See U.C.A. § 10-3-827. See Constitution of Utah, Article IV, 10 for form of oath.

3-828. OATH – GIVEN – FILED.

See U.C.A. § 10-3-828.

3-829. ACTS OF OFFICIALS NOT VOIDED.

See U.C.A. § 10-3-829.

CHAPTER 3-900. APPOINTED OFFICIALS AND THEIR DUTIES.

3-901. CREATING OFFICES – FILLING VACANCIES.

See U.C.A. § 10-3-901.

3-902. Reserved.

3-903. CUSTODIAN OF RECORDS OF PUBLIC IMPROVEMENTS.

See U.C.A. § 10-3-903.

3-904. BOOKS AND SUPPLIES – RECORDING, FILING AND INSPECTION.

See U.C.A. § 10-3-904.

3-905. FEES TO BE PAID IN ADVANCE.

See U.C.A. § 10-3-905.

3-906. SEAL.

See U.C.A. § 10-3-906.

3-907. RECORDATION NOT TO INTERFERE WITH OTHER RECORDATION.

See U.C.A. § 10-3-907

3-908. NON-COMPLIANCE A MISDEMEANOR.

See U.C.A. § 10-3-908.

3-910. HEADS OF DEPARTMENTS AND SUBORDINATE OFFICERS.

See U.C.A. § 10-3-910.

3-911. REMOVAL OF DEPARTMENTAL HEADS.

See U.C.A. § 10-3-911.

3-912. DEPARTMENT HEADS MAY SUSPEND SUBORDINATES.

See U.C.A. § 10-3-912.

3-913. POWERS AND DUTIES OF CHIEF OF POLICE.

See U.C.A. § 10-3-913.

3-914. POLICE OFFICERS – POWERS AND DUTIES.

See U.C.A. § 10-3-914.

3-915. RIGHTS TO ARREST WITHOUT WARRANT.

See U.C.A. § 10-3-915.

3-916. RECORDER, TREASURER, MARSHAL IN CITIES OF THE THIRD CLASS AND TOWNS.

See U.C.A. § 10-3-916.

3-917. ENGINEER IN CITIES OF THE THIRD CLASS AND TOWNS.

See U.C.A. § 10-3-917.

3-918. MARSHAL IN THIRD CLASS CITIES AND TOWNS.

See U.C.A. § 10-3-918.

3-919. POWERS, DUTIES AND OBLIGATIONS OF POLICE CHIEF, MARSHAL, AND THEIR ASSISTANTS IN CITIES OF THE THIRD CLASS AND TOWNS.

See U.C.A. § 10-3-919.

3-920. BAIL COMMISSIONER – POWERS AND DUTIES.

See U.C.A. § 10-3-920.

3-921. FINES – COLLECTION BY BAIL COMMISSIONER – ACCOUNTING.

See U.C.A. § 10-3-921.

3-922. TERM OF BAIL COMMISSIONERS – SALARY – BOND OF OATH.

See U.C.A. § 10-3-922.

3-923. CITY AND TOWN JUSTICES OF THE PEACE – APPOINTMENT – VACANCIES – DISQUALIFICATION – COMPENSATION – PAYMENT OF FEES, FINES, FORFEITURES OR OTHER SUMS TO THE TREASURER.

See U.C.A. § 10-3-923.

3-924. APPOINTMENT OF MANAGER.

See U.C.A. § 10-3-924.

3-925. TERM OF OFFICE.

See U.C.A. § 10-3-925.

3-926. DUTIES OF THE MANAGER.

See U.C.A. § 10-3-926.

3-927. LEGISLATIVE POWERS AND OFFICIAL POSITION OF THE MAYOR NOT DELEGATED.

See U.C.A. § 10-3-927.

3-928 ATTORNEY.

See U.C.A. § 10-3-928.

CHAPTER 3-1000. CIVIL SERVICE COMMISSION.

3-1001. SUBORDINATES IN POLICE, HEALTH, AND FIRE DEPARTMENTS TO BE APPOINTED FROM LIST.

See U.C.A. § 10-3-1001.

3-1002. CLASSIFIED CIVIL SERVICE – EMPLOYMENT CONSTITUTING.

See U.C.A. § 10-3-1002.

3-1003. COMMISSION – NUMBER, TERM, VACANCIES.

See U.C.A. § 10-3-1003.

3-1004. QUALIFICATIONS OF COMMISSIONERS – SALARY· REMOVAL.

See U.C.A. § 10-3-1004.

3-1005. ORGANIZATION OF COMMISSION - SECRETARY - OFFICES.

See U.C.A. § 10-3-1005.

3-1006. RULES AND REGULATIONS – PRINTING AND DISTRIBUTION.

See U.C.A. § 10-3-1006.

3-1007. EXAMINATIONS.

See U.C.A. § 10-3-1007.

3-1008. APPOINTMENTS FROM CIVIL SERVICE LIST – PROBATION PERIOD.

See U.C.A. § 10-3-1008.

3-1009. CERTIFICATION OF APPLICANTS FOR POSITION – NUMBER – ELIGIBLE LISTS, REMOVAL.

See U.C.A. § 10-3-1009.

3-1010. PROMOTIONS - BASIS – CERTIFICATION OF APPLICANTS.

See U.C.A. § 10-3-1010.

3-1011. TEMPORARY EMPLOYEES.

See U.C.A. § 10-3-1011.

3-1012. DISCHARGE BY DEPARTMENT HEAD – APPEAL TO COMMISSION – HEARING AND DECISION.

See U.C.A. § 10-3-1012.

3-1013. ANNUAL AND SPECIAL REPORTS BY COMMISSION.

See U.C.A. § 10-3-1013.

CHAPTER 3-1100. PERSONNEL RULES AND BENEFITS.

3-1101. MONTHLY PENSION AND HEALTH OR TERMINATION BENEFITS AUTHORIZED FOR OFFICERS OR EMPLOYEES – ADMINISTRATION OF SYSTEMS.

See U.C.A. § 10-3-1101.

3-1102. CREATION AND ADMINISTRATION OF RETIREMENT SYSTEMS.

See U.C.A. § 10-3-1102.

3-1103. SICKNESS, DISABILITY AND DEATH BENEFITS.

See U.C.A. § 10-3-1103.

3-1104. LIBRARY PERSONNEL – MONTHLY WAGE DEDUCTIONS AND MATCHING SUMS – TIME INCLUSION.

See U.C.A. § 10-3-1104.

3-1105. APPOINTIVE OFFICERS AND EMPLOYEES – DURATION AND TERMINATION OF OFFICE.

See U.C.A. § 10-3-1105.

3-1106. DISCHARGE OR TRANSFER – APPEALS – BOARD – PROCEDURE.

See U.C.A. § 10-3-1106.

3-1107. COST OF LIVING ADJUSTMENT – PRICE INDEX USED.

See U.C.A. § 10-3-1107.

TITLE 4-000: Elections and TITLE 5-000: Courts

TITLE 4-000. ELECTIONS. Reserved.

TITLE 5-000. COURTS. Reserved

TITLE 6-000: Finance and Taxation

CHAPTER 6-100. UNIFORM FISCAL PROCEDURES ACT.

See Sections 10-6-101 et. seq., Utah Code Annotated 1953.

CHAPTER 6-200. SALES AND USE TAX.

6-201. PURPOSE.

The purpose of this chapter is to levy a seven eighths of one percent sales and use tax in compliance with the provisions of the Uniform Local Sales and Use Tax Law, Chapter 9 of Title 11, Utah Code Annotated 1953, and in compliance with the applicable provisions of Chapters 15 and 16 of Title 59, Utah Code Annotated 1953.

6-202. CONTRACT WITH STATE OF UTAH.

The existing contract between the city and the state tax commission, which provides that the commission will perform all functions incident to the administration and operation of the sales and use tax ordinance of this city, is hereby declared to be in full force and effect.

6-203. SALES TAX LEVIED.

A. Levy of Tax. There is hereby levied a tax upon every retail sale of tangible personal property, services, and meals made within the city at the rate of seven eighths of one percent.

B. Situs of Levy. For the purposes of this chapter, 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. In the event 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 commission. Public utilities are defined by Title 54, Utah Code Annotated 1953, shall not be obligated to determine the place or places within any county or city 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 commission pursuant to an appropriate formula and other rules and regulations to be prescribed and-adopted by it.

C. Application of State Sales Tax Provisions. Except as hereinafter provided, and except insofar as otherwise inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provision of Chapter 15, Title 59, Utah Code Annotated 1953, and in force and effect on the effective date of this ordinance insofar as related to sales taxes, excepting sections 59-15-1 and 59-15-21 thereof, and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this chapter.

D. Substitution of City for State. Whenever, and to the extent that 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 city shall be substituted therefore. Nothing in this subsection shall be deemed to require substitution of the name of the city for the word “state” when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the city be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the state tax commission in performing the functions incidental to the administration or operations of this chapter.

E. Additional License Not Required. If an annual license has been issued to a retailer under section 59-15-3, Utah Code Annotated 1953, an additional license shall not be required by reason of this section.

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

1. The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer.

2. Receipts from the sale of tangible personal property upon 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 the county or municipality in accordance with Uniform Local Sales and Use Tax Law of Utah.

6-204. USE TAX.

A. Levy of Tax. An excise tax is hereby levied on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on or after the operative date of this ordinance for storage, use or other consumption in the city at the rate of seven eighths of one percent of the sales price of the property.

B. Application of State Use Tax Provisions. Except as hereinafter provided, and except insofar as inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Chapter 15, Title 59, Utah Code Annotated 1953, and in force and effect on the effective date of this ordinance, applicable to use taxes, excepting provisions of Sections 59-16-1 and 59-16-25 thereof, and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this section.

C. Substitution of City for State. Wherever and to the extent that in Chapter 16 of Title 59, Utah Code Annotated 1953, the state of Utah is named or referred to as the taxing agency, the name of the city shall be substituted therefor. Nothing in this subsection shall be deemed to require the substitution of the name of this city for the word “state” when that word is used as part of the title of the State Tax Commission, or 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 city or any agency thereof, rather than by or against the State Tax Commission in performing the functions incidental to the administration or operation of this chapter.

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

1. The amount of any sales or use tax imposed by the state of Utah upon a retailer or consumer.

2. 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 of Utah.

CHAPTER 6-300. Reserved.

TITLE 7-000: Municipal Improvements and Public Service Projects.

SECTIONS
7.25.010 PURPOSE
7.25.020 DEFINITIONS
7.25.030 PROHIBITIONS
7.25.040 AREAS OF PROHIBITION
7.25.050 SIGNAGE
7.25.060 EXCEPTIONS
7.25.070 VIOLATIONS AND PENALTIES

Chapter 7.25 ORDINANCE PROHIBITING THE UNLAWFUL USE OF ENGINE AND COMPRESSION BRAKESJAKE BRAKE ORDINANCE

7.25.010 PURPOSE:

The purpose of this ordinance is to prohibit the excessive, loud, unusual, or explosive use of engine retarding and compressed air-braking devices within designated areas of Fountain Green City, State of Utah. The City Council desires to provide a reasonably quiet environment for residents of the City by regulating unreasonable noise disturbances that effect the peace, health, comfort, and convenience of residents.

7.25.020 DEFINITIONS:

For the purposes of this ordinance the following words and phrases are defined as follows:

1. Engine retarding brake" means a "Dynamic Brake", "Jake Brake", "Jacobs Brake", "C-Brake", "Compression Brake", "Paccar Brake", transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression in such a manner as to emit more than 80 decibels of noise within/at a distance of more than 50 feet.

7.25.030 PROHIBITIONS:

It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas in the city limits of Fountain Green City, State of Utah, any engine retarding brake, compression brake, or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger/emergency/to avoid injury or accident. Such prohibition shall be applicable only to those public highways or portions specifically identified in this Chapter.

7.25.040 AREAS OF PROHIBITION:

The prohibition set forth herein shall apply to the following public highways in Sanpete County, Utah or portions thereof:

1. US Highway 132 and West Road within the City limits of Fountain Green, Utah.

7.25.050 SIGNAGE :

Signs stating "VEHICLE NOISE LAWS ENFORCED" or “ENGINE BRAKE ORDINANCE ENFORCED" may be installed at locations deemed appropriate by the Utah Department of Transportation to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" shall be installed on a state highway without a permit from the Utah Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

7.25.060 EXCEPTIONS:

Emergency vehicles shall be exempt from the application of this ordinance.

Whereas present traffic regulations noise and traffic in areas covered by this Ordinance and it is of the utmost importance to provide for the health, safety and are inadequate to control peace of the citizens of Fountain Green, Utah, an emergency is declared to exist. Therefore this Ordinance shall be in full force and effect from and after its adoption and publication.

7.25.070 VIOLATIONS AND PENALTIES:

Violation of this ordinance is deemed to be a county infraction. The penalty for violating any of the provisions of this Chapter shall be as set forth as follows:

Any person, firm or corporation violating this Ordinance shall be guilty of a misdemeanor and upon conviction hereof shall pay a fine not exceeding $300.00 for each offense.

THIS ORDINANCE PASSED AND ADOPTED on this the 18th day of November, 2021.

TITLE 8-000: Municipal Property

CHAPTER 8-100. REGULATION AND CONTROL.

8-101. CONTROL OF PROPERTY.

See U.C.A. 10-8-1 and 10-8-2.

8-102. ACQUISITION AND DISPOSAL.

See U.C.A. 10-8-2.

8-103. ERECTION AND CARE OF BUILDINGS.

See U.C.A. 10-8-5.

PART 8-110. CONTROL OF CITY PROPERTY.

8-111. UNLAWFUL USE.

Unless authorized by permit or other written authorization issued by the city or unless authority is granted by provisions of this code or other ordinance of the city now or hereafter enacted, it shall be a class B misdemeanor for any person to:

A. Construct, lay, excavate, effect, operate or maintain over, under, across, in or through any property owned or controlled by this city or utility, canal, ditch, construction or building.

B. Enter upon any property of this city contrary to posting or marking restricting or prohibiting use of the area.

C. Intentionally use or perform acts upon property of the municipality which materially impairs, alters, or damages the property.

8-112. REPAIR OR RESTORATION.

The city council, in addition to any other penalty which may be imposed, may order any person who has damaged, altered, or changed any property of this city to repair or restore the property to its original condition prior to the damage, alteration or change.

8-113. FRANCHISE.

A. The city council may grant any person a franchise or easement on such terms and conditions as it deems reasonable for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this city, and the provisions of sections 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

B. Any franchise or easement granted by this city shall be in writing and any franchise or easement not in writing shall be void.

8-114. ACTS EXEMPTED.

It shall not be a violation of this part where any person uses the public property of this city in the manner or for the purpose or purposes for which such property has been made available for public use.

CHAPTER 8-200. CEMETERIES.

8-201. DEFINITIONS.

The following words or phrases shall have the following meanings unless the context otherwise clearly requires.

A. The terms “lot owner” or “purchaser” and “grave owner or purchaser” shall mean the owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.

B. The term “lot” shall include the partial lots or single graves in the city cemetery.

8-202. THE NAME.

The burial ground of this city shall be known and designated by the name of FOUNTAIN GREEN CITY CEMETERY.

8-203. CEMETERIES COVERED

ALL CEMETERIES OWNED AND/OR MAINTAINED BY THE CITY WHEREVER (SUPPORT W/AMMEND) situated are hereby declared subject to the provisions of this chapter.

8-211. OFFICE OF CEMETERY. SUPERINTENDENT.

There is hereby created the position of cemetery superintendent.

8-212. DUTIES OF THE CEMETERY SUPERINTENDENT.

The cemetery superintendent shall have the general supervision and administration of the city cemetery, including but not limited to:

1. Recommending to the city council such additional rules and regulations as may be necessary for the operation, maintenance, use, and protection of the cemetery.

2. Subdividing the cemetery into lots and grave sites.

3. Maintaining a record of the location of graves and preventing any lot from being used beyond its capacity.

4. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.

5. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof, notifying the recorder of such fact. The recorder shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the mayor and the recorder.

6. Opening any graves in the cemetery upon application to him being made by the recorder or by any person having the right to make such application and being responsible for closing all graves.

7. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than 7 days after original placement except in an emergency.

8. Keeping the streets, alleys, walks, and avenues in the cemetery in good order and unobstructed.

9. Erecting a suitable marker firmly set upon the northwest comer of each lot which location shall be shown on the cemetery records.

8-221. BURIALS.

Before any deceased person is buried in the city cemetery, a permit properly issued by the registrar of the registration district in which the death occurred or, in the absence of such registrar, a permit duly issued by the state division cemetery superintendent. After the burial, the cemetery superintendent shall endorse upon the permit a description of the location where the deceased is buried and shall enter all the information contained in the permit in the cemetery records.

8-222. BURIAL PERMIT.

It shall be unlawful for any person to bury the body of a deceased person in the city cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of the right to burial based on a properly acquired certificate of burial right.

8-223. REGISTRATION OF BURIALS.

Before any deceased person may be buried in the city cemetery, the relatives or person having charge of the deceased shall provide the recorder with a written statement which shall be filed by the recorder, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death,

the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave.

8-224. BURIALS AND DISINTERMENT.

A. It is an infraction for any person to:

1. Disinter any body buried in any cemetery, except under the direction of the cemetery superintendent who shall, before disinterment, require a written permission from both the city health officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.

2. Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

B. It is an infraction to inter anything other than the remains of human bodies in cemeteries.

C. It is an infraction to bury the body of any person within this city except in the city cemetery or a private cemetery unless by special permission of the city council under such rules and regulations that may prescribe.

8-225. VAULTS REQUIRED.

A. Unless in writing waived by the cemetery superintendent, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel, or brick-lined or of such other material approved by the city council, substantially constructed and covered with similar durable material.

B. No wood shall be used as a permanent part of the construction of any part of the vault.

8-226. RELIGIOUS AND FRATERNAL ORGANIZATIONS.

The city may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families.

8-227. SALE SUBJECT TO RULES.

Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead, and the preservation of the cemetery.

8-228. CARE RESERVED.

The city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.

8-229. ORDERS AND RESPONSIBILITIES FOR ERRORS.

Under no circumstances will the city assume responsibility for errors in opening graves when orders are given by telephone.

8-230. TRAFFIC RULES.

A. The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this ordinance.

B. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than 15 miles per hour.

8-231. CHILDREN.

Children under the age of 12 years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

8-232. ANIMALS PROHIBITED.

No animal shall be allowed in any cemetery except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

8-233. DECORUM.

Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due to such a place shall be required of all persons.

8-234. INJURY TO CEMETERY PROPERTY PROHIBITED.

A. It is a class B misdemeanor for any person to tie or attempt to tie any horse, animal, or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence, or enclosure on the premises of the cemetery for the purpose of injuring, defacing, or attempting the removal of same.

B. It shall be an infraction for any person to injure, deface, break, destroy, or remove any headstone, tombstone, monument, tree, shrub, or any other property in the cemetery.

8-235. LANDSCAPING BY PRIVATE PERSONS.

Except as provided by the rules and regulations of the city council, it shall be unlawful for any person to erect or maintain any fence, comer post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley or

walk in the cemetery or to grade the ground or land thereof. The official survey shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.

8-236. PLACEMENT OF MARKERS.

It shall be unlawful for any person to erect, place or cause to be placed, any marker or monument on any lot in cemetery in violation of the rules and regulations promulgated by the city council regarding the placement, construction, and design of all such markers.

8-237. ADDITIONAL RULES AND REGULATIONS.

A. The city council may promulgate by resolution such additional rules and regulations concerning the care, use, operation, and maintenance of the cemetery as it shall deem necessary.

B. The mayor may from time to time as the city council deems necessary direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the city cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this ordinance after they have been adopted as official by resolution of the city council.

C. Any change in the rules and regulations shall be adopted by the city council before such changes shall be official.

PART 8-240. FEES AND CHARGES.

8-241. COLLECTION OF FEES.

The recorder and such other persons as the city council may designate are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves or other services, which shall include but not be limited to properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment, or removal, and raised monument privileges. The fees shall be such amounts as are determined by the city council from time to time by resolution.

8-242. FEE TO BE PAID FOR OPENING GRAVE.

A. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.

B. The presentation of a receipt from the recorder or person designated by the city council, when presented to the cemetery superintendent, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the city wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the recorder or authorized person may give the cemetery superintendent authority to open graves without the presentation of a receipt from the recorder or authorized person.

8-243. PURCHASE PRICE AND FEES.

The city council shall, from time to time by resolution, fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for various cemetery services to be provided.

PART 8-250. SALE OF LOTS.

8-251. SALE.

A. The recorder, and such other person as the city council may designate, are hereby authorized to sell the use of lots in the city cemetery for burial purposes only and to collect all sums arising from the sale. The recorder shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefore. The recorder or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot, the purchase price, and the type of maintenance services which are to be provided, e.g., perpetual care, prepaid continued maintenance or currently paid services.

B. A certificate and rights to burial shall be exempt from execution, taxation, or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for cemetery services other than perpetual care or prepaid maintenance.

C. Perpetual care or prepaid continued maintenance shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass, and watering and cutting the grass. No other services are included.

D. No other improvements, changes, or service, except perpetual care or prepaid continued maintenance, shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery superintendent written approval for such improvements, changes or services, which improvements, changes, or services shall be subject to the rules and regulations promulgated by the city council.

8-252. RESTRICTIONS OF RESALE.

A. From and after _____ 19___, the lots sold by this city shall not be further sold, transferred, conveyed, or assigned to any person except the city. The city hereby agrees to buy back any city cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less.

B. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this part, or becomes vested in the city for any reason before new certificates are issued, the original certificate shall be canceled or an assignment given, and the record shall be so changed.

C. The certificates shall be issued and signed by the mayor and shall be attested by the recorder. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment.

PART 8-260. PERPETUAL CARE.

8-261. CONTRACTING FOR PERPETUAL CARE.

A. No grave shall be hereafter opened in the cemetery of this city until perpetual care upon the lot where the grave is to be opened shall have been contracted for with this city or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein, and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract wherein payment shall be agreed.

B. The agreement shall provide for a down payment in the amount of 20 percent of the total purchase price of the cost of the lot and shall further provide for the payment of monthly installments over a period not to exceed 20 months. The monthly installments shall be in the amounts equal to the balance of the contract divided by the number of months which the contract is to run, plus two months extra payment to pay for the privilege of making the payments in installments or six percent of the balance, whichever is less.

C. The installment contract for perpetual care of, or purchase of a lot with perpetual care, shall provide for collection by the city in the event of a default, and such collection shall be by civil action, and the defendant therein shall pay the cost of collection, together with a reasonable attorney's fee to the city and shall also pay interest at the rate of eight percent per annum upon the past due installments. All installments shall immediately become due upon the default of any of the installments provided, however, that when perpetual care for any lot in the city cemetery or portion thereof has not been paid for a period of ten years; then, and in such an event, the unused portion of the lot shall thereafter escheat to this city, and the title thereof shall revert to this city, which shall thereafter have the right, option, and privilege to sell and dispose of unused cemetery property, as is in this chapter provided, upon condition that this city shall thereafter maintain perpetually without cost of fee the portion of the lot occupied by a grave or graves prior to the date when the remaining property escheated to this city.

D. This city shall have power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof. Until such time as a fee shall be fixed by resolution, said person shall pay a fee equal to $10.00 per year for such care and maintenance. The fee shall continue to be paid until such time as a further or additional interment shall be made on the lot, at which time the provisions of this subpart relating to perpetual care and maintenance and to payment of fees and costs pertaining thereto shall take effect and apply.

8-262. CARE INCLUDED.

The essential perpetual care that the city agrees to give shall consist of care of the cemetery generally and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, resodding, seeding, and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers.

PART 8-270. PERPETUAL CARE FUND.

8-271. PERPETUAL CARE FUND CREATED.

A. There is hereby established a perpetual care fund according to the laws of the state of Utah and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state of Utah and used for the purposes herein provided.

B. The income from the perpetual care fund shall be used to pay for the upkeep and development of the cemetery. The city may borrow from the fund from time to time, but any funds borrowed shall be repaid to the fund with interest thereon at the prevailing rate paid by the city to borrow funds from commercial lenders.

C. If the city borrows from the fund, it shall pay into a fund for the operation of the cemeteries the interest accrued upon money annually. Should it be found that the for the operation and upkeep of the city cemetery, then the surplus shall be added to the principal amount of the perpetual care fund herein created and shall be handled until changed by resolution to provide for the use of such accumulated interest.

8-272. DUTIES OF TREASURER.

It shall be the duty of the treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the city council and the laws of the state of Utah, and to advise the mayor when funds are available for investment in the amount of $1,000 or more. The mayor shall advise the city council of the availability of such funds.

8-273. DUTY OF CITY COUNCIL.

It shall be the duty of the city council, when funds are available for investment, to direct by resolution, all purchases of securities for the perpetual care fund or to name a suitable trustee for such investment.

8-274. INCOME.

All income from investments held in perpetual care fund shall be quarterly credited to the cemetery maintenance fund for use in providing perpetual care as required herein.

PART 8-280. NON-PERPETUAL CARE LOTS.

8-281. MAINTENANCE CHARGES ON LOTS WITHOUT PERPETUAL CARE.

A. Every lot for which perpetual care has not been purchased and with reference to which the owner has established a right to directly provide for maintenance and care, notwithstanding the provisions of section 8-228, shall be maintained and cared for to the extent and in accordance with the standards established by the city council for care and maintenance of all lots of the cemetery.

B. In the event that the owner fails to provide the requisite care and maintenance for nonperpetual care lots, the cemetery superintendent shall furnish care and maintenance at rates established by the city council.

C. All such charges shall become a personal liability of the owner of the lots and, in addition thereto, shall constitute a lien against the lots upon the basis of which the city council may cause the burial rights therein to be forfeited and said rights to revert to the city.

8-282. REVERSION OF NONPAYING LOTS.

A. When any owner of any lot or portion of a lot in the cemetery shall have failed to pay the cost of services rendered by the city or its employees in watering, beautifying, maintaining or caring for any lots or portions thereof in the city cemetery for which perpetual care has not been purchased in accordance with the provisions of this chapter, and such failure to pay has continued for a period of six months, the city may pursue collection of such costs in a court of law. A court action may be pursued for the purpose of seeking judgment against the owner and thereafter attaching any of the assets of the owner, including an attachment of the lots or portions of lots upon which the owner has failed to make payment for maintenance service.

B. As an additional remedy, or in lieu of seeking collection in a court of law, the city may cancel the owner's certificate or deed representing rights to burial on unoccupied lots or portions of lots and causing ownership of lots or portions thereof to revert back to the city by following the procedure set forth in this part.

8-283. PROCEDURE FOR REVERSION OF LOT TO CITY.

A. The city may terminate the owner's right to use of an unoccupied lot or lots in the city cemetery when there has been a six-month failure to pay the cost of maintenance provided by the city in the following manner:

    1. The city council shall fix a time and place of hearing before the city council at which the owner shall be given the opportunity to present good cause as to why his right to future use of the lot or lots involved shall not be terminated and as to why the ownership of the lot or portions of lot shall not revert back to the city for resale by it.

    2. A notice of the time, place, and purpose of the hearing to forfeit the owner's interest in the lot or parts of the lot shall be given by personal delivery of a written notice of the time, place, and purpose of the meeting of the city council or by mailing a copy of the notice to the last-known address of the owner or owners.

3. In the absence of an ability to make personal delivery of the written notice to the owner or owners, a notice of the hearing to forfeit rights to said lot or portions of lot shall be published at least once in a newspaper have in general circulation in the county. The publication shall be made at least three weeks prior to the date of the hearing.

4. If the owner is known to be deceased, then mailing of notice or delivery of notice shall be made to the last-known address of any known heirs.

5. Copies of the notice shall also be posted in a conspicuous place in the offices of the city.

6. At the time and place set for the hearing before the city council, the city council shall give the owner or owners an opportunity to be heard, a right to present witnesses, and to submit evidence showing cause why the lot or portions of the lot shall not be forfeited to the municipality.

B. After due consideration of all the facts presented at such hearing, the city council may order if it finds that there has been a failure to make payment of such costs or if no satisfactory arrangement has been preferred for making the immediate payment of such costs, that the lot or portions of lot shall revert to the city for release and that all of the rights and privileges of the owner in the lot or lots are terminated.

C. Thereafter, the city may make sale of the lots in the same manner as it makes sales of all other lots within the cemetery.

PART 8-290. INDIGENTS.

8-291. BURIAL OF INDIGENTS.

A. The city council may, by resolution, designate a portion of the city cemetery for the burial of indigents. Whenever it is made to appear to the mayor by proof submitted to him by the recorder that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the mayor may grant burial space for such deceased person at the request made to him by the recorder.

B. The mayor shall communicate his decision to both the recorder and the cemetery superintendent. The mayor shall give a report of his decision, whether affirmative or negative, to the city council at its next regular meeting. All strangers without funds or other persons who may die in the city may be granted the privilege granted herein.

TITLE 9-000: LICENSING, CONTROL AND REGULATION OF BUSINESS AND CONSTRUCTION.

CHAPTER 9-100. LICENSING, CONTROL, AND REGULATION OF BUSINESS AND REGULATION OF BUSINESSES.

PART 9-110. GENERAL PROVISIONS.

9-111. DEFINITIONS. As used in chapters 9-200, 9-300 and 9-400:

A. "Business" means and includes all activities engaged in within this city carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided.

B. "Engaging in business" includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation, or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.

C. "Place of business" means each separate location maintained or operated by the licensee within this city from which business activity is conducted or transacted.

D. "Employee" means the operator, owner, or manager of a place of business and any persons employed by such person in the operation of said place of business in any capacity and any salesman, agent, or independent contractor engaged in the operation of the place of business in any capacity.

E. The term "wholesaler" means a person doing a regularly organized wholesale jobbing business and selling to retail merchants, jobbers, dealers, or other wholesalers, for the purpose of resale.

F. The term "wholesale" means a sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers, or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.

G. "Each separate place of business" shall mean each separate establishment or place of operation, whether or not operating under the same name, within the city, including a home or other place of lodging if the same is held out by advertisements, listings, or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail, wholesale, or both, in the city.

9-112. BUSINESS LICENSE REQUIRED.

It is a class B misdemeanor for person to transact, engage in, or carry on any business, trade, profession, calling or to operate a vending, pinball, or coin-operated machine without first receiving the class or type of license required by the city.

9-113. LICENSE ASSESSOR AND COLLECTOR.

The recorder is designated and appointed as ex officio assessor of license fees for this city. On receipt of any application for a license, the recorder shall assess the amount due thereon and shall collect all license fees. The City Council shall from time to time establish the fees by resolution. The fees will be listed in the current fee schedule. He shall enforce all provisions of this title and shall cause to be filed complaints against all persons violating any of the provisions of this title.

9-114. PAYMENTS DATES.

All license fees shall be due and payable as follows, except as may be otherwise provided in the applicable ordinance:

A. Annual fees shall be payable before each calendar year in advance. The annual license shall date from the first day of April of each year and shall expire on March 31 of each year.

B. Annual fees shall be due on the first day of April and shall become delinquent if not paid by May each year.

C. One-half of annual fee shall be payable for all licenses issued by the municipality pursuant to applications made after October 1 of each year and licenses issued after October 1 shall expire on the first day of the following January. Payment shall be due upon the date of application approval.

9-115. PENALTY FOR LATE PAYMENT

A. All applications for license shall include:

1. The name of the person desiring a license.

2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on.

3. The class of license desired, if such licenses are divided into classes.

4. The place where such business, calling, trade or profession is to be carried on. giving the street number if the business calling, trade, or profession is to be carried on in any building or enclosure having such number.

5. The period of time for such license is desired to be issued.

B. In the event that the license application relates to a coin-operated machine device the application shall identify the machine or device to which it applies and the location thereof.

9-117. CERTIFICATE.

All certificates of license shall be signed by the mayor, attested by the recorder, and shall contain the following information.

A. The name of the person to whom such certificate has be issued.

B. The amount paid.

C. The type of license and the class of such license if the licenses are divided into classes.

D. The term of the license with the commencing date and the date of its expiration.

E. The place where such business, calling, trade or profession is to be conducted.

9-118. DISPLAY.

A. Every certificate of license issued under this title shall be posted by the licensee in a conspicuous place upon the wall of the building, room, or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted, and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.

B. In the event the license is for a coin-operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

9-119. TRANSFER OF LICENSE PROHIBITED.

No license granted or issued under any ordinance of this city shall be signed or transferred to any other person. It shall not be deemed to authorize any person other than therein named to do business or to authorize any other business, calling, trade or profession than is therein named unless by permission of the city council.

9-120. REVOCATION OR DENIAL OF BUSINESS LICENSE.

A. Any license issued pursuant to the provisions of this code or of any ordinance of this city may be revoked and any application denied by the city council because of:

1. The failure of the licensee or applicant to comply with conditions and requirements of this code or any ordinance of the city.

2. Unlawful activities conducted or permitted on the premises where the business is conducted.

B. Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the city council intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, at a regular or special meeting of the city council (which shall be at least ten days and not more than 30 days from the date notice is sent) and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.

C. The preceding subsection shall not apply to applications for licenses for businesses which have not previously been licensed by the city, and such applicants need only be informed that their application has been denied.

9-121. BRANCH ESTABLISHMENTS.

A separate license must be obtained for each separate place of business in the city and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this part shall not be deemed to be separate places of business or branch establishments.

9-122. JOINT LICENSE.

Whenever a person is engaged in two or more businesses at the same location within the city, such person shall not be required to obtain separate licenses for conducting each of such businesses but shall be issued one license which shall specify on its face all such businesses. The license tax to be paid shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

9-123. RECIPROCAL RECOGNITION OF LICENSES.

A. No license shall be required for operation of any vehicle or equipment in this city when:

   1. Such vehicle is merely passing through the city.

   2. Such vehicle is used exclusively in inter-city or interstate commerce.

B. No license shall be required by chapters 9-200, 9-300 or 9-400 of any person whose only business activity in this municipality is the mere delivery in the city of property sold by him at a regular place of business maintained by him outside the city where:

   1. Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated, and,

   2. The authority licensing such business grants to licensees of this city making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section, and,

   3. Neither the property delivered nor any of the facilities by which it was manufactured, produced, or processed are subject to inspection by authority of this city for compliance with health or sanitary standards prescribed by this city, and,

   4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol used by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license . issued thereby, and shall specify the year or term for which it is effective.

C. The recorder shall at the request of any person certify a copy of this section to any municipality or county of the state of Utah to which a copy has not previously been certified.

9-124. EXEMPTIONS TO LICENSE.

A. No license fee shall be imposed under chapters 9-200 or 9-300 on any person engaged in business for solely religious, charitable, eleemosynary, or any other types of strictly non-profit purpose which is tax exempt in such activities under the laws of the United States and the state of Utah, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the state of Utah; nor shall any license fee be imposed upon any person not maintaining a place of business within this city who has paid a like or similar license tax or fee to some other taxing unit within the state of Utah and which taxing unity exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in this city and doing business in such taxing unit.

B. The license assessor and collector may, with approval of the city council, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section.

9-125. FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE.

None of the license taxes provided for by chapters 9-200 and 9-300 shall be applied as to occasion an undue burden on interstate commerce. In any case, where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the license assessor and collector for an adjustment of the tax so that it shall not be discriminatory, unreasonable, or unfair as to such commerce. Such an application may be made before, at or within six months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony show his method of business and the gross volume or estimated gross volume of business and such other information as the license assessor and collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The license assessor and collector shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he shall determine whether the tax fixed by chapters 9-200 and 9-300 is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the city council a license tax for the applicant in an amount that is nondiscriminatory, reasonable and fair, and if the city council is satisfied that such license tax is the amount that the applicant should pay, it shall fix the license tax in such amount. If the regular license tax has already been paid, the city council shall order a refund of the amount over and above the tax fixed by the city council. In fixing the fee to be charged, the license assessor and collector shall have the power to base the fee upon a percentage , of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature.

CHAPTER 9-200. BUSINESSES LICENSED ON AN ANNUAL FEE

PART 9-210. FEE LEVIED

9-211. SCHEDULE.

The business, location, trade, calling or profession of every person engaged in a business in this city listed below shall pay an annual license fee as follows:

All Business Licenses $25.00

A.	**Automotive Trades:**		
		Service Stations 4 dispensers or fewer	

		Service Stations each dispenser over 4	
	Garage		
		Repairs cars, trucks and farm machinery	
		Sells parts, accessories, tires, tubes	
		Gasoline and oil	
	New Car Dealer		
		Has new car franchise, sells new and used cars and parts, accessories, tires, tubes and operates garage to repair the above	
	Trucking Firm, Establishment or Business		
	Parts and Accessory Store		
		Sells automobile parts and accessories	
	Tires, Repairs and Recapping		
		Sells and Repairs all kinds of tires and tubes	
	Used Car Dealer		
	Wholesale Oil Company		
B.	**Building Trades:**		
	Lumber Yard		
	Cabinet Shop		
C.	**Drug Store**		
	Sells drugs, candy, prescriptions, toiletries, sundries, fountain and other items not specifically designated in other fields		
		1-2 employees	
		3-4 employees	
		Each employee over 4	
D.	**Foods**		
	Bakery		
	Cafe		
		Up to 10 seats	
		10 seats and over	
	Dairy or Creamery		
	Grocery Store: Sells meats, groceries, soft drinks, ice cream, candy, wrapped bakery goods.		
		1-5 employees	
		6 or more employees	
	Frozen Food Locker Business		

E.	**Financial Establishments**		
	Bank		
	Small Loan Business		
F.	**Home Funishings**		
		Furniture store: Sells furniture, carpets, drapes, home furnishings and appliances.	
		Appliance sale and Repair	
G.	**Industrial, Livestock and Agricultural Trades**		
	Coal Dealer		
	Hardware and Implements	Sells, hardware, implements and farm machinery, new and used parts, accessories, tires and tube for the same and operates repair garage	
	Foundry, Milling and Elevators: Feed, Grain and coal		
	Salvage Dealer		
H.	**Personal Service**		
	Assayers		
	Accountant (C.P.A.)		
	Barber (each barber)		
	Beautician, cosmetologist, manicurist (each operator)		
	Chiropractor		
	Dentist		
	Dry Cleaning	Cleaning and pressing	
	Florist		
	Laundries	(including self-service)	
	Lawyer		
	Masseur, Masseuse, Massage Parlors		
		Plus per operator	
	Mortician		
	Optician		
	Optometrist		
	Osteopath		
	Pharmacist		
	Photo Shop		
	Physician and Surgeon		
	Professional Engineers		
	Real Estate Salesman		
		Plus per salesman	
	Securities Dealers and Brokers		
	Soft Water Service		

	Taxi Service		
	Veterinarian		
	Tree Trimmers (surgeon and gardeners)		
	Spray Service		
	Any other personal service		
I	**Recreation**		
	Tavern		
	Bicycle Shop		
	Boxing and Wrestling		
		Per day	
	Circus or Carnival		
		Per day	
	Skating Rink	(ice or roller)	
	Theater		
	Set-up License		
	Billiard Parlor		
	Bowling Alley		
	Pin Ball Machines	User for amusement only, wholesale distributor (per machine)	
	Dance Halls		
	Dance Studios and Dancing Schools		
J	**Wearing Apparel**		
	Dry Goods, Ready to wear Clothing, Shoes		
	Jewelry Store and Watch Repair		
	Men’s, Ladies, Boys and Girls Clothing		
	Shoe Store		
K	**Other**		
	Auctioneer		
	Cosmetic Salesman		
	Hotel or Motel or Apartments		
		10 units and uder	
		Over 10 units	
	Rest Home		
	Solicitor or Peddler		
	Sporting Goods Store		
	Propane Gas Dealer		
	Television Sales		
	Television Repair		
	Garage	In connection with service station repairs, cars, trucks, but does not sell parts	
	Auto Body Shop		
	Machine Shop		

	Sheet Metal Shop		
	Upholstery Shop		
	Monuments		
	Trailer Court or Mobile Home Parks	See zoning	
		10 units and under	
		Over 10 units	
	Furnace Cleaning and Repair		
	Septic Tank Cleaner		
	Cold Storage		
	Carpet and Rug Cleaning and Repair		
	Collection Agency		
	Day Nurseries		
	House Cleaning Services		
	Tailors		
	Vending Machine		
		Plus for each machine	
	Fruit Stands		
	Book Store		
	Printing Shop		
	Gas Company		
	Telephone Company		
	Cigarette and/or Tobaco	(except vending machines)	
L	The license fee for all other businesses for which no license fee is otherwise stated in this section		

CHAPTER 9-300. BUSINESS LICENSED ON THE BASIS OF GROSS RECEIPTS.

PART 9-310. ADMINISTRATION AND IMPOSITION OF TAX.

9-311. TERMS DEFINED.

A. As used in this chapter:

1. The term "retailer" means a person doing a regularly organized retail business in tangible personal property, and selling to the user or consumer and not for resale, and includes commission merchants, auctioneers, and all persons regularly engaged in the business of selling to users or consumers within the city, but the term “retailer" does not include farmers, gardeners, stockmen, poultrymen or other growers or agricultural producers producing and doing business on their own premises, except those who are regularly engaged in the business of buying or selling for a profit.

2. The term “retail sale" means every sale within the municipality by a retailer or wholesaler to a user or consumer, except sales defined as wholesale sales or

otherwise exempted by the terms of this chapter; but the term “retail sale” is not intended to include isolated nor occasional sales by persons not regularly engaged in business, nor seasonal sales of crops, seedling plants, garden or farm or other agricultural produce by the producer thereof, or the return to the producer thereof of processed agricultural products, but no sale of vehicle of type required to registered under the provisions of the motor vehicle laws of this state shall be deemed isolated or occasional for the purposes of this chapter, except that any transfer on any motor vehicle in the business reorganization where the ownership of the transferee organization is substantially the same as the ownership of the transferor organization shall be considered an isolated or occasional sale. Any farmer or other agricultural producer who sells poultry, eggs or dairy products to consumers will be deemed to be a retailer making retail sales and such sales will not be exempt under the provisions of this chapter if such sales have an average monthly sales value of $125 or more.

3. The term "sale" or "sales" includes installments and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. A transaction whereby the possession of property is transferred but the seller retains the title as security for payment of the price shall be deemed a sale.

4. The term “purchase price" means the price to the consumer exclusive of any tax imposed by the federal or state government by this chapter.

B. When the right to continuous possession or use of any article of tangible personal property is granted under a lease or contract and such transfer or possession would be taxable if article of tangible personal property is granted under a lease or contract and such transfer or possession would be taxable if any outright sale were made, such lease or contract shall be considered the sale of such article, and the tax shall be computed and paid by the vendor or lessor upon the rentals paid.

C. The term "admission" includes seats and tables, reserved or otherwise, and other similar accommodations and charges made therefor, and an amount paid for admission” means the amount paid for such admission, exclusive of any admission tax imposed by the federal or state government or by this chapter.

D. "Gross sales" shall not include:

1. The amount of any federal tax, except excise taxes imposed upon or with respect to retail or wholesale sales, whether imposed upon the retailer, wholesaler, jobber or upon the consumer and regardless of whether or not the amount of federal tax is stated to customers as a separate charge or,

2. The amount of net Utah state sales tax.

E. The term "gross sales" does include the amount of any manufacturer's or importer's excise tax included in the price of the property sold, even though the manufacturer or importer is also the wholesaler or retailer thereof, and whether or not the amount of such tax is stated as a separate charge.

9-312. BUSINESS SUBJECT TO TAX.

The business, location, trade, calling or profession of every person engaged in a business in this city listed below shall pay the gross receipts tax required by this chapter:

A.

9-313. REGISTRATION.

A. All persons subject to the gross receipts tax, shall complete and file in the office of the recorder a registration form, provided to him by the city which shall show:

1. The name of the applicant.

2. The address and telephone number of the applicant.

3. The type of organization, e.g., corporation, partnership, or sole proprietor.

4. If a partnership or a corporation or other artificial person, the name, address, and telephone number of the person responsible for the functions of the organization.

5. Such other information as the city council may by regulation require.

B. Any person seeking to register for the privilege of engaging in a business listed in this chapter shall pay an annual registration fee of $_____

9-314. TAX LEVIED.

A. Every person who sells retail goods or services in excess of $ _____ shall pay a license tax during the month following the end of each quarter, e.g., April, July, October and January, for the previous quarter in an amount equal to _____ percent of the amount received or, in the case of property exchanged, an amount equal to percent of the fair market value:

1. Of the purchase price paid on every sale of tangible personal property.

2. For all meals furnished by any restaurant, eating house, hotel, drug store, club, or any other business.

3. For admission to any place of amusement, entertainment, or recreation.

4. For all services for repairs or renovations of tangible personal property, or for installation of tangible personal property rendered in connection with other tangible personal property.

5. For tourist home, hotel, motel, or trailer court accommodations and services; provided this subsection shall not apply to the amount paid or charged for tourist home, motel, hotel, or trailer court where residency is maintained continuously under the terms of a lease or similar agreement for a period not less than thirty days.

6. For laundry and dry-cleaning services.

B. Every person who sells at wholesale goods or services in excess of $_____ shall pay a license tax during the month following the end of each quarter, e.g., April, July, October, and January, for the previous quarter an amount equal to _____ percent of the amount received, or in the case of property exchanged, an amount equal to _____ percent of the fair market value:

1. Of the purchase price paid on every sale of tangible personal property.

2. For all services for repairs or renovations of tangible personal property, or for installation of tangible personal property rendered in connection with other tangible personal property.

3. For laundry and dry-cleaning services.

9-315. TAX ON BUSINESS WITHOUT PLACE OF BUSINESS WITHIN CITY.

There is hereby levied upon every person engaged in business in this city, which does not have a place of business in this city and is not exempt, a license fee based upon the percentage of gross sales and/or services made or performed within the city in relation to the total gross sales and/or services made or performed from a place of business outside the corporate limits of this city from which business within this city is transacted and by applying such percentage to the fee which would otherwise be assessed for such place of business were it located with the corporate limits.

9-316. EXEMPT SALES.

A. All sales of motor fuels and special fuel upon which an excise tax is imposed; all sales to the United States government; all sales to the state of Utah, its departments and institutions and the political subdivisions thereof; all sales of draught beer sold for consumption on the premises; and all sales made to or by religious, charitable and eleemosynary institutions, in the conduct of the regular religious, charitable, and eleemosynary functions and activities; all sales of vehicles of a type required to be registered under the provisions of the motor vehicle laws of this state which are made to bona fide nonresidents of this state and are not thereafter registered or used in this state except as necessary to transport them to the borders of this state; and all sales which the state of Utah or this city is prohibited from taxing under the constitution or laws of the United States or the state of Utah shall not be included in any computations of license fees imposed under this chapter.

B. Each purchase of tangible personal property or product made by a person engaged in the business of manufacturing, compounding the sale, profit or use, any article, substance or commodity, which enters into and becomes an ingredient or component part of the tangible personal property or product which he manufactures, or compounds, and the container, label or the shipping case thereof, shall be deemed exempt from taxation under this chapter.

C. For the purpose of this chapter, poultry, dairy and other livestock feed, and the components thereof, and all seeds and seedlings, are deemed to become component parts of the eggs, milk, meat and other livestock products, plants and plant products, produced for resale; and each purchase of such feed or seed from a wholesaler, or retailer as well as from any other person shall be exempt from taxation under this chapter.

D. Sprays and insecticides used in the control of insect pests, diseases, and weeds for the commercial production of fruit, vegetables, feed, seeds and animal products shall be exempt from taxation under this chapter.

9-317. RECORDS AND REPORTS.

A. Each person subject to this chapter shall maintain at each place of business required to be licensed by this chapter records of purchases, sales, and other data which records shall be kept in conformity with generally accepted accounting principles for the purpose of disclosing and verifying the retail and wholesale sales of such place of business and the gross sales price or other consideration received for the sale or transfer of personal

property and services subject to this chapter which are sold or transferred during each calendar quarter year. Each person shall make such a report relating to his retail sales during calendar quarters as may be required from time to time by the recorder.

B. The report shall accompany the remittance of the amount of license fee herein required to be paid by the licensee for the period covered by the returned. The fee as computed in the return shall in all cases be based upon the total sales made during the period including both cash and charge sales. Credit shall be allowed to the licensee for fees paid on sales represented by that portion of an account determined to be worthless and actually charged off for income tax purposes or on the portion of the purchase price remaining unpaid at the time of a repossession made under the terms of a conditional sales contract.

C. The recorder may extend the time for making returns and paying the fees required to be paid by this chapter under such rules and regulations as the city council may prescribe, but no such extension shall be for more than ninety days. The recorder, if deemed necessary in order to ensure the payment of the tax imposed by this chapter, may require returns and payment of the taxes to be made for other than quarterly periods. If the accounting methods regularly employed by the licensee in the transaction of his business are such that reports of sales made during a calendar month will impose unnecessary hardships, the recorder may accept reports at such intervals as will in his opinion better suit the convenience of the licensee and will not jeopardize the collection of the tax. Whenever possible the recorder shall seek to make the reporting and record keeping requirements imposed by this chapter coincide with the report and record keeping requirements of the state tax commission under the provisions of the state sales tax act.

9-318. IN ADDITION TO OTHER LICENSE FEES.

The license fees imposed by this chapter shall be in addition to any and all other license fees, whether called a fee or tax or otherwise, imposed by any other provision of the ordinances of this city.

9-319. PENALTY.

Whenever any fee required to be paid by the chapter is not paid on or before the day on which it becomes delinquent, a penalty of 10% of the amount due shall be imposed. Such a penalty shall become a part of the fee imposed by this chapter.

9-320. PRESERVATION OF RECORDS.

It shall be the duty of every person subject to this part to preserve the records required to be kept hereby, for a period of five years from the date of sale.

9-321. PUBLICATION PROHIBITED.

Returns made to the recorder as required by this chapter shall not be made public nor shall they be subject to the inspection of any person except the recorder or his authorized agent or to those persons authorized to do so by order of the city council. It shall be unlawful for any person to make public or to inform any other person as to the contents of any information contained in or permit the inspection of any return except as is in this chapter authorized.

9-322. FALSE RETURNS.

No person required by this chapter to make and file a return shall make and file a false return knowing the same to be false.

9-323. FAILURE TO FILE RETURN.

If any licensee hereunder fails, neglects, or refuses to file his application and pay the fees as and when required herein, the recorder authorized to determine the amount of the license fees due, together with penalties and interest, and by mail to notify such licensee of the amount so determined. The amount so fixed shall thereupon become the amount due and shall be immediately payable. For the purpose of determining the amount of the license fee due, the recorder shall have access to all books, records, invoices, inventories, and stock of goods, wares and merchandise of the licensee, and it shall be unlawful for any such licensee to refuse the recorder or his duly authorized agent free access thereto at all reasonable times.

9-324. COLLECTION OF LICENSE TAX.

Any license tax due and unpaid under this chapter and all penalties thereon shall constitute a debt to the municipality and shall be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies.

CHAPTER 9-400. LICENSING AND REGULATING SPECIFIC BUSINESSES.

PART 9-410. INTOXICANTS.

9-411. LICENSE TO SELL BEER AT RETAIL.

A. It shall be a class B misdemeanor for any person to engage in the business of selling light beer at retail, in bottles or draft, without first having procured a license therefore from the governing body and paid the license fee required by this part.

B. It shall be a class B misdemeanor for any person to sell beer after the revocation of the license issued pursuant to this part.

C. A separate license shall be required for each place of sale and the license shall, at all times, be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the Utah Liquor Control Act and the regulations of the Liquor Control Commission.

9-412. DEFINITIONS.

The words and phrases used in this part shall have the meanings specified in the Utah Liquor Control Act unless a different meaning is clearly evident.

9-413. RETAIL LICENSES.

Retail licenses issued hereunder shall be of the following three kinds and shall carry the following privileges and be known as class "A", class "B", class "C", and "seasonal licenses".

A. Class "A" retail licenses issued hereunder shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Utah Liquor Control Act and the ordinances of this municipality.

9-414. BEER LICENSE FEES.

In addition to any other business license fee which any person or place of business may be required to pay, the city council shall from time to time enact a fee for an annual beer license. This fee shall be listed in the current fee schedule.

9-415. LICENSE FEES TO ACCOMPANY APPLICATION.

Applications provided for in this part shall be accompanied by the fees provided in this part. The fee shall be returned to the applicant if the application is denied.

9-416. PURCHASE OF BEER FOR RESALE.

It is a class B misdemeanor for any licensee to purchase or acquire, have, or possess for the purpose of sale or distribution any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Utah Liquor Control Act.

9-417. APPLICATION FOR LICENSE.

A. All applications for licenses authorized by this part shall be verified and shall be filed with the recorder. The applications must state the applicant's name in full and that he understands and has read and complied with the requirements and possesses the qualifications specified in the Liquor Control Act and this part. If the applicant is a co-partnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors, must be stated.

B. Application must be subscribed to by the applicant who shall state under oath that the facts therein contained are true.

9-418. APPLICATIONS REFERRED TO THE CHIEF OF POLICE.

All applications filed in accordance with the provisions of this part shall be referred to the chief of police for inspection and report. The chief of police shall when possible within 2 weeks after receiving such application make report to the governing body of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place by the applicant or by any other person or by the applicant at any other place; whether the place is or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any at such place; whether gambling is or has been permitted on the premises or by the applicant at any other place; and the proximity of such premises to any school or church. The chief of police shall also add to such report his recommendation as to whether or not the application should be granted.

9-419. RENEWALS.

All applications for renewal licenses filed by the holders of existing licenses shall be filed with the recorder at least thirty days prior to the expiration date of the then issued license. Any person who fails to file such application with the time limit shall close his licensed premises on the expiration date of the then issued license and shall keep the premises closed for any all business for the sale of beer until the date of his new license is issued by the governing body.

9-420. QUALIFICATION.

No license shall be granted to any retailer to sell light beer within the municipality unless he shall be of good moral character, over the age of twenty-one years, and a citizen of the

United States, or to any one who has been convicted of a felony or of any violation of any law of the state of Utah or provision of the ordinances of this municipality relating to intoxicating liquors, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications set forth in this section, or to any corporation, of which any director of officer lacks any such qualifications.

9-421. BOND REQUIRED.

No license under this part shall be granted by the governing body until the applicant shall have filed with the recorder a bond in the sum and as required by Section 32-4-4, Utah Code Annotated 1953. The bond shall be made in favor of this municipality.

9-422. DEPARTMENT OF HEALTH PERMIT.

No license under this part shall be issued until the applicant therefor shall have first procured from the department of health of the municipality a permit which shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage, distribution or sale of light beer complies with all the health regulations of this municipality and the state of Utah.

9-423. TRANSFER OF LICENSE.

Licenses issued pursuant to this part shall not be transferrable, and if revoked by the governing body, the fee paid by the licensee to the municipality for the license shall be forfeited to the municipality.

9-424. RESTRICTIONS.

A. It is unlawful for any person to sell beer at any public dance or to any person intoxicated or under the influence of any intoxicating beverage.

B. It is unlawful for any person to sell beer in any dance hall or theater.

C. It shall be unlawful to sell beer to any person under the age of 21, or to sell beer for consumption on the premises unless so licensed, or to permit the drinking of liquor on such premises.

D. It shall be unlawful to sell or otherwise furnish or dispose of beer, or allow it be drunk or consumed on the premises or to allow beer out of original containers to remain in the licensed premises, whether or not open to the public, after the closing hour or 1:00 a.m. and before 6:00 a.m. of any day except that the closing hour on the day following December 31 of any year shall be 2:00 a.m.

E. Licensed premises shall be kept brightly illuminated at all times while it is occupied or open for business, and no booth or kind of stall shall be maintained unless all tables, chairs and occupants are kept open to full view from the main floor and the entrance of such licensed premises. It shall be unlawful to advertise the sale of beer except under such regulations as are made by the liquor control commission of Utah, provided that a simple designation of the fact beer is sold under city license may be placed in or upon the window or front of the licensed premises.

F. It shall be unlawful for any person to sell beer except in the manner for which he has been so licensed pursuant to the provisions of this part.

G. It shall be unlawful to keep or maintain a nuisance as defined in this part.

H. The total number of businesses licensed to sell beer in the municipality of Fountain Green City shall not exceed five, provided that this ordinance shall not operate to reduce the number of businesses now licensed to sell beer whether issued by this municipality or by the county if such business is annexed, nor shall it affect re-applications for such licenses.

9-425. Reserved.

9-426. INSPECTION.

A. All licensed premises shall be subject to inspection by any officer, agent, peace officer of the municipality, liquor control commission, or the state board of health and every licensee shall, at the request of the board of health furnish to it samples of beer which he shall have for sale.

B. Any license granted pursuant to this part may be revoked on a finding by the goveming body that the licensee has had ten days or more notice from the board of health that the licensee is violating one or more health ordinances, rules, or regulations.

C. The goveming body may direct the chief of police to close down any business licensed under this part where the board of health has determined that continued operation of the business presents an imminent danger to the health of the community or persons who may eat or drink at the business.

9-427. REVOCATION OR SUSPENSION.

A. The goveming body may, after a hearing, revoke or suspend any beer license on a finding by it that the licensee or his officers, agents, or employees have violated any provision of this part or any ordinance of this municipality whether now or hereafter enacted which in any way related to the operation of the business or the safety of the public.

B. A hearing may be requested by any person:

1. That is denied or refused a beer license by any officer, agent, or employee of this municipality.

2. Whose beer license is revoked, restricted, qualified, or limited from that for which it was first issued.

C. The request for hearing must be made in writing to the mayor or recorder and made within 30 days following the date of notice denying, refusing, revoking, qualifying, restricting, or revoking the beer license is mailed by the city to the applicant or license holder at his address as it appears on the application or license.

D. Following receipt of a request for a hearing, the city council shall inform the person requesting a hearing of the time and place where the hearing is to be held. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the city may produce to support its decision and to present his own evidence in support of his contention. The city council shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the city council.

E. This part shall not be constructed so as to afford any aggrieved party more than one hearing before the city council nor shall the hearing provided in this part apply to any criminal complaint or proceeding.

PART 9-430. CONSTRUCTION CONTRACTORS.

9-431. PURPOSE.

The purpose of this part is to establish a system of imposing license fees upon persons engaging in business within the limits of the city as contractors. The licenses are designed to be determined upon the basis of each contract or job being performed. It is the opinion of the city council that this method of determining the amount of fee will result in fair taxation and will not discriminate against the contactor who performs only a few jobs within the city limits as distinguished from the contractor who performs many.

9-432. DEFINITIONS.

A. "Contractor" means any person, firm, co-partnership, corporation, association, or other organization, or any combination thereof, who for a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes any building, highway, road, railroad, excavation or other structure, project, development, or improvement, other than to personality, or any part thereof, provided, that the term contractor, as used in this part, shall include anyone who builds more than one structure on his own property during any one year for the purpose of sale and shall include subcontractors, but shall not include anyone who merely furnishes material or supplies without fabricating the same into, or consuming the same in the performance of the work of the contractors as herein defined.

B. Types of Contractors: As an illustrative list of contractors subject to the provisions of this part, but not in limitation thereof, the following occupations are subject to this part: general contractors, specialty contractors of all kinds, such as, but not limited to those engaged in the business of installing, repairing or otherwise performing services in connection with: acoustical tile and roof decking; awnings, storm doors, and windows; air conditioning, dry-heating, sheet metal; boilers, steam fitting; carpentry; cement and concrete; ceramic tile; cabinet and millwork; composition floor, countertops, tile; carpet; drywall; elevator installation; electrical; excavating and grading; fencing; floor coverings; fire prevention (structural); furnaces and burners; glazing; industrial piping; iron and bronze (ornamental); insulation; landscaping; lathing; lawn sprinklers; masonry; mosaic tile and terazzo; overhead doors; painting and paper hanging; pest control (structural); plastering; plumbing and wet heating; . roofing and siding; swimming pool; signs, stone masonry; sewer installation; steel reinforcing and erection; tanks (structural); waterproofing; weatherstripping; welding; wrecking and demolition; wood floor laying and finishing.

9-433. DOING BUSINESS WITHOUT REGISTRATION AND A LICENSE UNLAWFUL.

Any person desiring to engage in business as a contractor within the corporate limits of this municipality must comply with the two following requirements:

A. Prior to engaging in any subject business activity during any calendar year, he must register for the calendar year as a contractor by completing and filing a registration form in the office of the recorder.

B. Prior to the performance of any services in connection with any specific contract or job, the person shall secure a license to engage in the performance of service connected with said specific job or contract from the office of the recorder.

9-434. REGISTRATION.

A. Any person desiring to engage in business as a contractor shall complete and file in the office of the recorder a registration form provided to him by the municipality which shall show:

1. The name of the contractor.

2. The address and telephone number of the contractor.

3. The type of organization, e.g., corporation, partnership, or sole proprietor.

4. If a partnership or a corporation or other artificial person, the name, address, and telephone number of the person responsible for the functions of the organization.

(a) Whether or not licensed under the contractors license law of the state of Utah; if so, the license number of the contractor.

(b) Type of business in which registrant seeks to engage, e.g., general contractor or one of the specialty contractors.

(c) Such other information as the governing body may by regulation require.

B. Any person seeking to register for the privilege of doing business as a contractor within the limits of this municipality for any calendar year, or any part thereof, shall pay an annual registration fee of $5.00.

9-435 JOB LICENSE FOR EACH CONTRACT

A. Any person desiring to perform services as a contractor shall, in addition to registering, as above required, secure a job license granting to him the privilege of performing the services required of him for each contract or job which he proposes to complete.

B. Any person seeking said job license for a contract or job shall complete an application therefore, on forms provided him by the city. The application shall set forth:

1. The name and address of the contractor.

2. His municipal registration number.

3. Number of his state contractor license.

4. The person by whom he is engaged to perform serviced as a contractor.

5. The address of the person.

6. The location at which the contractor's services are to be performed.

7. The type of services that are to be performed, e.g. as a general contractor or as one of the specialty contractors.

8. The contract amount.

9-436. JOB LICENSE FEE.

Every contractor, for the privilege of engaging in the business of performing the services, shall pay the amount set forth in the appropriate appendix to this code.

9-437. RECORDS - INSPECTION.

All persons registered pursuant to this part for the privilege of doing business as contractors, and all persons who engage in doing business as contractors, shall maintain records of all services performed by them as contractors within the corporate limits of this city. The records shall disclose the person for whom the services are performed, and the contract price or charge made for the services and such other information as the city council may, by regulation, require. The persons shall maintain such records at their office or principal place of business and shall permit officials or agents of the city to inspect said records for the purpose of determining whether or not said persons have complied with the requirements of this license part.

9-438. REGULATIONS.

The city council may adopt such regulations as in its opinion are necessary to implement this part of the objectives thereof.

PART 9-450. SOLICITORS, CANVASSERS, PEDDLERS, AND ITINERANT MERCHANTS.

9-451. LICENSE REQUIRED. It shall be unlawful for:

A. A transient merchant, itinerant merchant, or itinerant vendor to engage in such business without first obtaining a license therefore in compliance with the provisions of this part.

B. Any person to engage in the business of peddler without first obtaining a permit and license therefore as provided in this part.

C. Any solicitor or canvasser to engage in such business without first obtaining a permit and license therefore in compliance with the provisions of this part.

9-452. DEFINITIONS.

A. "Transient merchant", “Itinerant merchant", or "itinerant vendor" is defined as any person, firm, or corporation, whether as owner, agent, co-signee, or employee, whether or not a resident of the city, who engages in a temporary business of selling and delivering goods, wares, and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop, or any street, alley, or other place within the city, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm, or corporation so engaged shall not be relieved from complying with the provisions of this part merely by reason of associating temporarily with any local dealer, trader, merchant, or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

B. "Peddler" as used in this part shall include any person, whether or not a resident of the city, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street carrying, conveying, or transporting goods, wares, merchandise, meats, fish. vegetable, fruits, garden truck, farm products or provisions, offering or exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance, and further

provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this part shall be deemed a peddler subject to the provisions of this part. The word "peddler" shall include the words "hawker" and "huckster".

C. "Canvasser" or "solicitor" means any individual whether or not a resident of the city, traveling either by foot, wagon, motor vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsover for future delivery, of for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales, provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the city for the sole purpose of exhibiting samples and taking orders for future delivery.

9-453. APPLICATION FOR LICENSE.

A. Applicants for permits and licenses under this part, shall file a sworn application in writing signed by the applicant, if an individual, by all partners if a partnership, and by the president if a corporation, or by an agent, including a state or regional agent, with the recorder which shall give the following information:

1. The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation.

2. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.

3. A brief description of the nature of the business and the goods to be sold and from whom and where the applicant obtains the goods to be sold.

4. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons.

5. The length of time for which the applicant desires to engage in business within the city.

6. The place or places within the city where the applicant proposes to carry on his or her business.

7. A list of the other municipalities in which the applicant has engaged in business within the six-month period preceding the date of the application.

8. A photograph of the applicant, taken within six months immediately prior to the date of filing the application, which photograph shall be two inches by two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.

9. A statement as to whether or not the applicant, or any of his employers have been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.

10. If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable physician in the state of Utah, dated not more than ten days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable diseases.

11. If the applicant is employed by another person, firm or corporation, documents showing that the person, firm, or corporation for which the applicant proposes to do business is authorized to do business within the state of Utah.

B. At the time of filing the application, a fee of $10.00 shall be deposited with the recorder. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

C. At the time of making initial application for license, any applicant whose license fee is fixed by gross receipts derived by the licensee shall report and declare in writing, under oath, the true and correct amount of gross receipts on which the license fee is measured. Upon issuance of any license or any renewal thereof, applicant shall furnish at the time of such issuance, or any renewal, copies of all quarterly sales tax returns filed with the State of Utah by the applicant for the preceding year or portion thereof or, if they have none, then a copy of their Income Tax forms filed for the previous year. The information furnished or disclosed by the applicant is confidential and shall not be revealed to any person except to the officers and employees of South Weber City engaged in the administration of this chapter.

9-454. INVESTIGATION AND ISSUANCE OF LICENSE.

A. On receiving the application, the recorder can refer it to the chief of police who shall cause such an investigation of the applicant's business and moral character to be made as he deems reasonable and necessary for the protection of the public good.

B. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse such upon the application together with a statement of his reasons therefor and return the application to the recorder who shall notify the applicant that his application has been disapproved and that no permit and license will be issued.

C. If as a result of such investigation, the character and business responsibility of the applicant is found to be satisfactory, the chief of police shall endorse such upon the application and return it to the recorder who shall upon payment of the prescribed license fee deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee and the kind of goods to be sold pursuant to the application together with an expiration date.

9-455. FEES.

A. The license fee which shall be charged by the recorder for any license issued pursuant to this part shall be $1.00 per day.

B. None of the license fees provided for by this part shall be applied so as to engage an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for license to place an undue burden upon interstate commerce, he or she may apply to the mayor for an adjustment of the fee so that it will not be discriminatory, unreasonable, or unfair to interstate commerce. Such an application may be made before, at or within six months after paying the prescribed license fee.

9-456. LICENSES, BADGES, REVOCATION. EXPIRATION, APPEAL.

A. A recorder shall issue to each licensee at the time of delivery of his license a badge which shall contain the words "Licensed Solicitor", "Licensed Transient Merchant", or "Licensed Peddler" as the case may be, for which the application was made and the license issued, and the number of the license, in letters and figures easily discernable from a distance of five feet. Such badge shall, during the time peddlers or solicitors are engaged in the business for which they are licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous.

B. Any person licensed pursuant to this part shall exhibit their license at the request of any citizen of the city.

C. It shall be the duty of any police officer of this municipality to require any person seen soliciting, canvassing, or peddling, and who is not know by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this part.

D. Revocation of license.

1. Permits and licenses issued pursuant to this part may be revoked by the chief of police or the recorder, after notice and hearing, for any of the following causes:

    a. Fraud, misrepresentation, or a false statement contained in the application for the license.

    b. Fraud, misrepresentation, or false statements made in the course of carrying on his business as solicitor or canvasser.

    c. Any violation of this part.

    d. Conviction of any crime or misdemeanor involving moral turpitude.

    e. Conducting the business of soliciting or of canvassing in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

2. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of the hearing. Such notice shall be mailed, postage prepaid, to the licensee at his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with Chapter 1-400.

E. Any person aggrieved by the action of the chief of police or the recorder in the denial of a permit or a license issued pursuant to this part, or by the action of the city council of the city. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as above proved in section D.

F. All licenses issued pursuant to this part shall expire on the date specified on the license.

9-457. ADDITIONAL REQUIREMENTS.

This part shall not be construed so as to waive the provisions and requirements of any other ordinance of this city and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of this city.

9-458. EXCEPTIONS.

The provisions of this part shall not apply to any individual who is at the time he is engaged in any activity which would otherwise require licensing by this part, engaged in an activity which is authorized by any church or charity which has a permanent structure located within the state of Utah, provided such church or charity has had such permanent for at least six months prior to the date when the individuals engaged in the activity which would otherwise require licensing by this part.

CHAPTER 9-500 and 9-600. BUILDING REGULATIONS.

PART 9-510. BUILDING OFFICIAL

9-511. BUILDING OFFICIAL.

There is hereby created the position of building official who shall also be known as the municipal building inspector.

9-512. STOP ORDER.

The building inspector shall have the power to order all work stopped on construction, alteration, or repairs of buildings in the city when such work is being done in violation of any provisions of any ordinance relating thereto, or in violation of the subdivision or zoning ordinance. Work shall not be resumed after the issuance of such order except on the written permission of the inspector, provided that if the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written stop order may be served by any peace officer or authorized person.

9-513. ENTRY POWERS.

The building inspector shall have the power to enter into any building or the premises where the work of altering, repairing, or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour, pursuant to any of the provisions of chapter 9-500 and 9-600 and title 10-000 of this code.

9-514. ADDITIONAL DUTIES OF BUILDING INSPECTOR.

The building official (inspector) shall in addition to all other duties imposed on him by this city:

A. Enforce the provisions of the Uniform Building Code.

B. Inspect all buildings, structures, ditches, signs, fences, and objects to determine their safety and effect on the persons who are within this city.

C. Until such time as a plumbing inspector is appointed or designated, the building inspector shall be responsible for enforcing part 9-560 of this title.

D. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new

construction or substantial improvement (including prefabricated and mobile homes must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage.

E. Review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.

F. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

PART 9-520. GENERAL PROVISIONS.

9-521. PERMIT REQUIRED - EXCEPTIONS.

A. It shall be a class C misdemeanor for any homeowner and a class B misdemeanor for any person who receives payment or anything of value to construct or alter any building or structure, except a fence, without first securing the permit required by this chapter.

B. This section shall not apply where the retail cost of the materials used in the construction or alteration is less than $ _____ , except that it shall apply in the cases where the construction or alteration results in an enlarged structure or affects the walls of the building or structure.

9-522. APPLICATION FOR PERMIT.

A building permit shall be secured from the recorder on written application accompanied by plans and specifications in duplicate which must state the specific nature of the construction or alterations to be made. The plan must be verified by the person who will perform or be in charge of the construction or alteration.

9-523. APPROVAL OF PLAN.

The application and plans shall be forwarded from the recorder to the building inspector, who shall review the plan to determine whether the proposed construction or alteration conforms to the building codes and ordinances of this city. The building inspector shall return the plans to the recorder within ten days with the statement "approved" if the plans do conform or "disapproved" if the plans do not conform. If the plans are disapproved, the reasons therefore shall be annexed to the plans. On receipt of an approved plan, the recorder shall issue a permit to the applicant together with one set of the approved plan. One set of the plans shall be retained by the building inspector. The building inspector may revoke at any time a permit which has been issued for any building constructed or being constructed or which would be or result, if constructed, in a violation of any ordinance of this city.

9-524. VARIATIONS OF PLAN PROHIBITED.

No material variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the building inspector.

9-525. FEE SCHEDULE.

The recorder shall collect a fee for the application of a permit in the amount set forth in the appropriate appendix of this code.

PART 9-530. BUILDING CODE.

9-531. ADOPTION OF BUILDING CODE.

The Uniform Building code, 1985 Edition, published by the International Conference of Building Officials and printed as a code in book form, three copies of which have previously been filed with the recorder for use and examination by the public, hereby. is approved and adopted as the building code of this city.

9-532. RESERVED.

9-533. ESTABLISHMENT OF FIRE DISTRICTS OR ZONES. The areas described in the appropriate appendix are hereby established as fire districts or zones.

PART 9-540. ELECTRICAL CODE.

The National Electrical code, 1984 Edition, published by the National Electrical Contractors Association and approved by the National Electrical Contractors Association and approved by the National Board of Fire Underwriters, American Standards Association and the National Fire Protection Association and printed as a code in book form, three copies of which have been previously filed with the recorder for use and examination by the public, hereby is approved and adopted as the electrical code of this city.

9-541. ELECTRICAL INSPECTION.

The building inspector shall perform all functions of electrical inspection and shall among other things, inspect and supervise the construction, installation, and repairs of all electric light and power wiring, fixtures, appliances, or apparatus installed within the limits of the city and shall require compliance with the provision of the electrical code. The building official shall require the correction of such defects as he deems actually dangerous to life or property. Those same enforcement standards established in the Uniform Building Code shall be followed by the building inspector for all electrical work.

9-542. PERMITS AND INSPECTIONS.

No alterations or additions shall be made in existing wiring, no shall any wirings or any apparatus which generates, transmits, transforms, or utilizes any electricity be installed without first obtaining a permit therefore except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. Applications for such permit describing such work shall be made in writing and shall conform as far as practicable to the requirement set forth in section 9-522 of this title. This section shall not apply to installations in power houses and substations belonging to electric light companies. No permit shall be issued to any applicant for a permit during the time that he shall fail to correct any defective electrical installation after he has been duly notified to correct such defective work by the building inspector.

9-543. PERMIT FEES.

The electrical permit fees applicable in this city for use under the National Electrical Code, 1984 Edition, shall be the amount set forth in the appropriate appendix to this code.

9-544. ELECTRICAL DISTURBANCES.

A. Electrical installations for signs, equipment, or other facilities create electrical disturbances that cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations are hereby declared to be a nuisance. The owners or operators thereof shall so install and maintain such installations as to avoid or eliminate such interference, using all known means and devices for such purpose, such as proper grounding, connections, condensers, resistors, and live chokes.

B. The building official shall withhold or withdraw approval of any electrical installation causing the above disturbance and is hereby authorized to take all steps necessary for the abatement of such conditions.

PART 9-560. PLUMBING CODE.

9-561. PLUMBING CODE ADOPTED.

The Uniform Plumbing code, 1982 Edition, published by the International Association of Plumbing and Mechanical Officials as a code in book form, three copies of which have been filed for use and examination by the public in the office of the recorder, hereby is approved and adopted as the plumbing code of this city except as otherwise altered or modified by the ordinances of this city.

9-562. APPLICATION AND SCOPE.

The provisions of this part shall apply to, but not be limited to, all new construction, relocated buildings, and to any installation, alteration, repair, or reconstruction of a plumbing system within the municipality except as otherwise provided in this part.

9-563. PLUMBING INSPECTOR DUTIES.

A. There is hereby created the position of plumbing inspector.

B. The plumbing inspector shall issue permits to properly licensed, bonded, and registered persons. Licensing should be for work to be done within the scope of this part. The plumbing inspector:

1. Shall order changes in workmanship and/or materials essential to enforce compliance with all provisions of the plumbing code.

2. Shall investigate any construction or work regulated by this part and issue such notices and orders as are necessary to prevent or correct dangerous or unsanitary conditions.

3. May recommend the revocation of any license to the state department of business regulation for cause, and report to the department of regulation all violation(s) of this part by journeymen, apprentices, or contractors.

9-564. ALLOWANCE FOR EXCEPTION TO ORDINANCE.

Where structural conditions impose extreme difficulty in fully complying with the plumbing regulations of this part, any aggrieved party may apply in writing to the plumbing inspector for special permission to deviate from the regulations. If in the judgment of the plumbing inspector such deviation is reasonable and does not create an unsanitary or unsafe condition, he shall recommend to the city council that the request for deviation be approved or disapproved, or that approval is subject to such conditions as the city council may require. The city council, on review, may approve or disapprove the application or vary the condition on which approval is granted.

9-565. RIGHT OF ENTRY GRANTED.

The plumbing inspector shall have the right of entry within reasonable hours to any building or premises for the purpose of inspection or to investigate any work or conditions governed by this part.

9-566. POWER TO CONDEMN GRANTED.

The plumbing inspector is hereby empowered to condemn, and order repaired, removed, replaced, or changed any plumbing found in any unsanitary condition or not in accordance with this part. Failure to comply with the order within a reasonable time is an infraction.

9-567. INTEREST IN SALE OR INSTALLATION OF EQUIPMENT PROHIBITED.

The plumbing inspector and his assistants shall not in any way engage in the sale or installation of plumbing equipment upon which they are required to make inspection hereunder.

9-568. PERMITS REQUIRED.

No plumbing shall be installed, nor additions or alterations made in existing plumbing except as provided in section 9-572 without first obtaining a permit. Application for such permits shall be in writing to the recorder and shall describe the nature of the work to be done and affirm that the plumbing will conform to the plumbing code. No permit shall be issued to any applicant during the time he shall fail to correct any defective plumbing installed by him after he has been notified in writing by the plumbing inspector of defective work.

9-569. REVOCATION OF PERMIT.

The plumbing inspector may revoke any permit when the person to whom the permit is issued fails, neglects, or refuses to do the work thereunder in conformance with this part, or when the permit is issued in error.

9-570. EXPIRATION OF PERMIT.

Every permit issued by the plumbing inspector shall expire and become null and void if work authorized by such permit is not commenced within 60 days from the date such permit is issued, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 day or more.

9-571. DENIAL OF PERMIT.

The plumbing inspector may refuse to issue permits for any plumbing work to any person who has had a permit revoked in accordance with this part during such time as such person fails to perform plumbing work in conformance with this part.

9-572. PERMITS NOT REQUIRED.

A. Repairs which involve only the working parts of a faucet or valve, the clearance of stopages, the repairing of leaks or the replacement of defective faucets or valves may be made without a permit provided that the permits shall be procured to replace fixtures, traps, soil, waste, and vent pipes unless waived by the plumbing inspector.

B. Any person regularly employed by an owner or lessee of property, or his agents, for the sole purpose of operating and maintaining such property and to make minor repairs thereof, and any owner or lessee of property shall be exempt from the provisions of this part when doing for work which permits are not required.

9-573. HOMEOWNER PERMIT.

Any permit required by this part may be issued to any person to do any plumbing or drainage work regulated by this part in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is a bona fide owner of any such dwelling and accessory buildings and quarters and that the same are occupied by or designed to be occupied by the owner, and further provided that the owner shall furnish the plumbing inspector with a complete layout drawing of the proposed work, satisfies the plumbing inspector that he has working knowledge of the requirements contained in this part, pays the necessary fees, and calls for all inspections required by this part.

9-574. PERMIT FEES.

Before a permit shall be issued, permit fees in the amount set forth in the appropriate appendix to this code shall be paid to the treasurer.

9-575. REINSPECTION CHARGE.

After notice that any plumbing work is ready for inspection if the plumbing inspector calls at the place designated to make such inspection and finds the work not ready for inspection, he shall charge an additional fee of $_____ for each additional inspection required, except that the city council may from time to time change the inspection fee required in this part by resolution.

9-576. REFUSAL TO COMPLY WITH ORDER OF INSPECTOR.

It shall be unlawful for any owner, agent or occupant of any building or premises to fail, neglect, or refuse to repair, remove, replace, or change within ten days after written notice to do so from the plumbing inspector, any plumbing condemned by such inspector, provided that this section shall not apply to any occupant not responsible for the installation or repair of the condemned plumbing.

9-577. PENALTY.

A. The violation of any provision of this part by any homeowner, building owner or manager of any building, apartment, hotel, motel, or other structure shall be an infraction.

B. The violation of any provision of this part by any person who receives payment or anything of value for performing such work shall be a class B misdemeanor.

PART 9-610. INDIVIDUAL WASTEWATER (SEWAGE) DISPOSAL CODE ADOPTED.

Part IV, "Individual Wastewater Disposal Systems," of the Code of Waste Disposal Regulations, adopted by Utah division of health and Utah state committee on water pollution in May, 1965, as revised by action of the Board in June, 1 967, and issued and published as a code in book form, three copies of which have been filed for use and examination by the public in the office of the recorder, and which established rules and regulations relating to the disposal of domestic waste water discharge from single homes, multiple dwellings containing not more than four individual units, and commercial installations serving not more than 50 persons per day, is hereby adopted by the city as the ordinance relating to individual waste water disposal systems within the city except as such code may be altered or modified by the provisions of this part.

PART 9-620. SMALL UNDERGROUND WASTEWATER DISPOSAL SYSTEM CODE ADOPTED.

Part V, "Small Underground Wastewater Disposal Systems" of the Code of Waste Disposal Regulations, adopted by the Utah division of health and Utah state committee on water pollution in May, 1965, as revised by action of the Board June 2, 1967 and June 21, 1967, and issued and published as a code in book form, three copies of which have been filed for use and examination by the public in the office of the recorder, is hereby adopted by the city as the small underground wastewater disposal systems code within the city, except as it may be altered or modified by the provision of this or the preceding chapter. Occupancies in existing buildings may be continued as provided in section 104(g) of the Uniform Building Code, except as to those structures which are found to be substandard as defined in the Housing Code.

PART 9-630. CODE FOR INSTALLING GAS PIPING AND APPLIANCES ADOPTED.

9-631. CODE ADOPTED.

Recommended Good Practices for Gas Piping, Appliance Installation and Venting, 1980 revision, published by Mountain Fuel Supply in book form, three copies of which have been filed for use and examination by the public in the office of the recorder, is hereby adopted by this city.

9-632. SECTION OF CODE NOT ADOPTED.

Section I of the Gas Code is not adopted.

9-633. CONSTRUCTION OF GAS CODE.

The practices recommended, suggested, or described by the word "should" are hereby made mandatory unless the building inspector or the gas company determine that it is in the best interests of and safe for the gas user and city to vary the requirements of the gas code, provided that such variation shall be in accordance with generally accepted gas use standards.

9-634. VIOLATIONS DECLARED A NUISANCE.

Violation of this part is hereby made a nuisance and shall be abated in the manner provided in Part 10-350, provided that conditions which present an immediate danger to life may be abated by causing the gas to be immediately turned off.

PART 9-640. UNIFORM SIGN CODE ADOPTED. Reserved.

PART 9-650. UNIFORM HOUSING CODE.

9-651. ADOPTION OF A HOUSING CODE.

The "Uniform Housing Code", 1985 Edition, printed as a code in book form by the International Conference of Building Officials (providing minimum requirements for the protection of life, limb, health, safety, and welfare of the general public and the owners and occupants of residential buildings), three copies of which have been filed for use and examination by the public in the office of the recorder of this municipality, is hereby approved and adopted as the Housing Code of this city.

9-652. APPLICATION.

The provisions of the Housing Code shall apply to all buildings or portions thereof used, designed for use, or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in section 104(g) of the Uniform Building Code, except for such structures as are found to be substandard as defined in the Housing Code.

9-653. ALTERATION.

Existing buildings which are altered or enlarged shall be made to conform to the housing code insofar as the new work is concerned, in accordance with section 104(a), (b), (c), (d), (e), and (i) of the Uniform Building Code.

9-654. RELOCATION.

The existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of the Housing Code.

9-655. ESTABLISHMENT OF A HOUSING ADVISORY AND APPEALS BOARD.

In order to interpret the provisions of the Housing Code and to hear appeals provided for hereunder, there is hereby established the housing advisory and appeals board consisting of five members who shall not be employees of the city. The building official shall be an ex officio member of and shall act as secretary to the board. The housing advisory and appeals board may adopt reasonable rules and regulations for conducting its business. Its decisions and findings shall be in writing, copies of which shall go to the appellant and to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of the Housing Code. Copies of all rules or regulations adopted by the board shall be delivered to the building official who shall make them available to the public without cost.

9-656. VIOLATIONS.

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Housing Code or any order issued by the building official pursuant thereto.

9-657. PERMITS AND INSPECTIONS.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, cause or allow the same to be done, without first obtaining a separate building permit for each such

building or structure from the building official in the manner and according to the applicable conditions prescribed in the Housing Code.

PART 9-660. FALLOUT SHELTERS.

9-661. EXEMPTION FROM BUILDING CODE REQUIREMENTS.

Due to the specialized purpose of emergency nature for which family fallout shelters are designed, any such shelter which complies with the provisions of this chapter is hereby exempt from the provisions of the Building Code, except as otherwise provided herein.

9-662. DEFINITION.

For the purpose of this part, a family fallout shelter is a structure designed and constructed for emergency use only, to afford minimum protection from nuclear radiation, commonly known as fallout, resulting from a nuclear incident which recently has been or is likely to be of catastrophic proportions.

9-663. DESIGN.

A family fallout shelter shall be of a design conforming to that recommended or accepted by the Federal Department of Defense, Office of Civil Defense.

9-664. CONSTRUCTION.

A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to design loads and general building requirements specified in the Uniform Building Code.

9-665. ADMINISTRATIVE APPLICATION OF BUILDING CODE.

Notwithstanding the foregoing, the provisions contained in the Building Code relating to administration, permits and inspections shall be applicable to family fallout shelters.

TITLE 10-000: Fire Department Code

Chapter 10-000. Fire Department Code.

Part 10-000 department

10-111. CREATION.

There is hereby created a fire department to be known as the Fountain Green City Fire Department.

10-121. CREATION OF POSITION OF CHIEF.

There is hereby created the position of chief of the fire department.

10-122. POWERS AND DUTIES OF CHIEF.

A. The chief shall have responsibility for the general supervision of the department.

B. During a fire, the chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire and for that purpose he is hereby made a special peace officer.

C. The chief shall at least quarterly report to the city council the condition of the fire equipment, the number of fires and their causes, and estimated loss therefrom together with such other information as the city council may request or as he shall deem appropriate.

D. The chief shall strictly enforce all the provisions of the ordinances of this city relating to the protection against and prevention of fire.

E. The chief shall maintain the equipment of the department in good repair and order and ready for use.

F. The chief, subject to the approval of the mayor and city council, shall establish rules and regulations for the operation of the department.

G. The chief may delegate his duties to any person employed by the department, but such delegation shall not relieve the chief of his responsibility for the performance thereof.

H. The chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated, and such other information as may be relevant to prevent other fires.

10-123. EMPLOYEES.

The chief may make recommendations to the mayor relating to the employment of firemen and such other personnel as may be necessary to enforce the provisions of this chapter. The chief may employ such additional personnel as the mayor and city council may direct or authorize.

PART 10-130. POWERS OF THE FOUNTAIN GREEN CITY FIRE DEPARTMENT

10-131. EMERGENCY VEHICLES.

Fire trucks are hereby designated authorized emergency vehicles.

10-132. REMOVAL OF OBSTRUCTIONS AT FIRE.

The officer in charge at any fire may order the removal or destruction of any fence, building, or structure, or that any utility be closed, cut, or removed when deemed necessary to control, extinguish, or prevent the spread of fire.

10-133. CONTROL OF PERSONS.

All persons present at a fire shall obey the orders of any fireman.

10-134. INTERFERENCE WITH FIREMEN IN DISCHARGE OF DUTIES.

Every person at the scene of any fire who disobeys the lawful orders of any public officer or fireman or offers any resistance to or interference with the efforts of any fireman, or company of firemen, to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same is guilty of an infraction.

13-135. UNLAWFUL INTERFERENCE WITH OFFICERS, APPARATUS, WATER, ETC.

Any person who shall willfully hinder any officer or fireman in the discharge of his duty at a fire, or in any manner injure, deface, or destroy any engine, hose, or other fire apparatus belonging to the city, or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply shall be deemed guilty of a class B misdemeanor and shall be punished accordingly.

10-136. INVESTIGATION AFTER FIRE REPORT.

The chief, or such other persons as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for the purpose in the office of the department and shall report the same to the government body at such time as it may direct.

10-137. RIGHT TO ENTER UPON AND INSPECT PREMISES.

The fire chief or his deputies upon presentation of proper credentials shall have the right to enter upon any premises at all reasonable hours for the purpose of making inspections.

10-138. MALES PRESENT AT FIRE SUBJECT TO ORDERS.

Every male person eighteen years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer in command.

10-139. FALSE ALARM.

It shall be unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system.

PART 10-150. UNIFORM FIRE CODE.

10-151. UNIFORM FIRE CODE ADOPTED.

There is hereby adopted as the fire code by this city, for the purpose of prescribing regulations governing conditions hazardous to life and protecting property from fire or explosion, that certain code known as the 1985 Edition of the Uniform Fire Code as recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, except to the extent it is hereinafter modified or amended by section 10-156 of this part, three copies of which have been and are now filed in the office of the recorder for use and inspection by the public.

10-152. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

A. The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the city, which is hereby established, and which shall be operated under the supervision of the chief of the fire department.

B. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

10-153. DEFINITIONS.

A. The word "jurisdiction" as used in the Uniform Fire Code, shall mean the boundaries of this city.

B. The term "corporation counsel" as used in the Uniform Fire Code shall mean the attorney for this city.

10-154. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE GROUND TANKS IS TO BE PROHIBITED.

A. The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established in an appendix to this code.

B. The limits referred to in Section 15.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established in an appendix to this code.

10-155. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED.

The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which the bulk storage of liquefied petroleum gas is restricted, are hereby established in the appropriate appendix attached to this code.

10-156. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF

EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.

The limits referred to in Section 11.106(b) of the Uniform Fire Code, in which the storage of explosives and blasting agents is prohibited, are hereby established in the appropriate appendix attached to this code.

10-157. AMENDMENTS MADE IN THE UNIFORM FIRE CODE.

Any amendments to the Uniform Fire Code shall be set forth in the appropriate appendix to this code.

10-158. APPEALS.

Whenever the chief shall disapprove an application, refuse to grant a permit for which application has been received, or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the city council within 30 days from the date of such decision.

10-159. NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The building inspector and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits in addition to those now enumerated in the fire code. The chief of the bureau of fire prevention shall post such a list in a conspicuous place in his office and distribute copies thereof to interested persons.

10-160. PENALTIES.

A. Any person who shall violate any of the provisions of the Uniform Fire Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor punishable by a fine of not less than $ _____ nor more than $ _____ or by imprisonment of not less than _____ days nor more than _____days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

PART 10-170. STANDARD FIRE-FIGHTING EQUIPMENT.

10-171. EQUIPMENT FOR NEW FIRE PROTECTION SYSTEMS STANDARD EQUIPMENT.

See U.C.A. section 11-4-1.

10-172. DUTY OF LOCAL GOVERNING BODY TO MAINTAIN AND COMPLY.

See U.C.A. Section 11-4-2.

10-173. PROHIBITED SALES AND PENALTIES.

See U.C.A. Sections 1 1-4-3 and 11-4-4.

CHAPTER 10-200. HEALTH.

A STANDARIZED HEALTH CODE FOR THE HEALTH DISTRICT SERVICING YOUR MUNICIPALITY WILL BE INSERTED IN THE FINAL DRAFT.

PART 10-220. HEALTH DIRECTOR.

10-221. POSITION CREATED.

There is hereby created the position of health director who shall serve as the chief administrative officer of the board of health.

10-222. POWERS AND DUTIES OF HEALTH DIRECTOR.

A. The health director may appoint any qualified person to act as his assistant when so authorized by the city council.

B. The health director shall:

1. Be the executive officer of the board of health.

2. Enforce all ordinances of this city and the state of Utah which relate to the health and welfare of the residents of this city.

3. Enforce all rules, regulations, and ordinances relating to:

    a. Plumbing, sanitation, contagious or infectious diseases, quarantine, and sewage disposal.

    b. Producing, storing, keeping, and selling meat, dairy, or other foods or food products.

    c. The quarantine and disposal of all animals affected with any contagious or infectious diseases.

4. Enforce the nuisance ordinances of this city.

5. Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases, and to require such persons or premises be disinfected.

6. Have the right and authority, when he shall deem necessary to secure and preserve the public health, to enter into or upon any premises, building, or other places during the daytime to examine, analyze, or test any building, structure, premise, product, or goods manufactured, stored or kept with the city for the purposes of enforcing this chapter.

10-223. UNWHOLESOME FOOD.

It is a class B misdemeanor for any person to sell or offer for sale any unwholesome food or beverage which has been condemned by any government food inspector.

10-224. VACATING PREMISES.

A. It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom, or other building, to fail to remove all garbage, rubbish, or ashes from such building or premise and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within 24 hours after the premises are vacated.

B. In situations where rental, property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section.

10-225. DISCHARGE OF SEWAGE POLLUTION.

A. It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, water course, or public place, or into any drain, cesspool, or private wastewater disposal system which does not conform to standards established by the state division of health or by this municipality.

B. The health director may order a connection for sewage disposal to be made with the public sewer system provided by the municipality if such is available, provided that the public sewer system is within 300 feet of the premises.

C. The health director shall use all due measures to prevent the fouling of any streams, water courses, reservoirs, or any source furnishing water to any of the inhabitants of this city.

10-226. INADEQUATE PLUMBING.

The health director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout the city. He shall have power to condemn and abate all plumbing which is deficient under the plumbing ordinances. When, in the opinion of the health officer, a change in occupants, type of business, or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in their type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and the public generally.

PART 10-240. OFFENSIVE BUSINESS AND FACILITIES.

10-241. COMMENCEMENT OF OFFENSIVE BUSINESS.

A. No person shall commence or change the location of any offensive business or establishment in or within one mile of the limits of this city without first filing an application for a permit to do so with the recorder.

B. Offensive businesses, within the meaning of this part, shall include but not be limited to, packing houses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughterhouse, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases, or noises.

C. The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The

application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control, or modify the emission by the business of the undesirable odors, fumes, noises, and other noisome features and the manner in which it shall be screened from public view, if its appearance is offensive.

10-242. ISSUANCE OF PERMITS.

A. The recorder shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the board of health and by personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the city council. The city council, after review, may grant to the applicant an opportunity to be heard and present additional facts. Thereafter, the city council may:

1. Deny the application.

2. Recommend a modification thereof.

3. Grant a limited permit to enter into the business or make the change of location subject to the requirement that the business facility conform to standards established by the city council with reference to controlling the offensive features of the business.

B. In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the city council at the time of granting of the permit, or because a change of circumstances makes the continued operation or maintenance of the business or facility a public nuisance.

C. The city council shall have power to revoke or modify the permission to operate and maintain the business in such a manner as it deems necessary for the public good.

10-243. EXISTING OFFENSIVE BUSINESS AND FACILITIES.

A. The city council may require an investigation of any existing offensive business or facility to determine whether or not it should be permitted to remain in existence in or within one mile of the city limits. If the city council determines that the continuation of the business or facility has become a nuisance to persons situated within the city limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases, and noise, it shall notify the owner or operator thereof that the city council is considering revoking or modifying the operator's license.

B. If the city council decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specification to which the enterprise must conform or otherwise lose its license to engage thereafter in the business or activity.

10-244. CONTROL OF ANIMAL AND FOUL FACILITIES.

A. The city council shall have the power to prohibit or control the location and management of any offensive, unwholesome business, or establishment in or within one mile of the municipality and may compel the owner of any pigsty, privy, barn, corral, fur-bearing animal farm, feed yard, poultry farm, or other unwholesome or nauseous house or place to cleanse, abate, or remove the same.

B. The city council may on its own initiative and shall, on complaint of a member of the public, examine the operation, control or location of any business or facility for the purpose of determining whether or not the operation of such business or facility should be improved so

as to minimize the offensive and unwholesome characteristics or whether the business or activity should be moved or abated.

C. In the event that the city council decides that the business or facility should be abated, removed, or controlled, it shall notify the owner or operator of the business or facility of such fact.

D. After a hearing, the city council may issue a limited license wherein it may prescribe the specification and standard which must be followed by the business or facility in order to be permitted to continue in operation.

E. Upon a determination by the city council that the business or facility is a nuisance, it shall have power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the city council shall have power to bring all necessary legal proceedings to force removal, abatement, or adherence to standards.

10-245. KEEPING ANIMALS.

A. It shall be unlawful for any person to keep within the limits of the city more than 2 horses, 2 cattle, 10 sheep, 5 goats, or 5 pigs, owned by or in the charge of any person and kept and fed in one feed yard or location, except by special permission from the city council.

TITLE 11-000: TRANSPORTATION, STREETS AND PUBLIC WAYS.

CHAPTER 11-100. RESERVED.

CHAPTER 11-200. RESERVED.

CHAPTER 11-300. STREETS AND PUBLIC WAYS.

PART 11-310 SUPERINTENDENT OF STREETS.

11-311. DEPARTMENT – SUPERINTENDENT OF STREETS.

A. There is hereby created a department of streets which shall have general supervision of streets, sidewalks, bridges, and other public ways.

B. The department shall be under the direction and control of the superintendent of streets.

11-312. POWERS AND DUTIES OF STREET DEPARTMENT.

The department shall:

A. Have charge of the construction, maintenance, and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways, and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways whether originating from storm, flood, drainage, or irrigation waters.

B. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace, or take such action as deemed best, and shall record the action taken on each complaint.

C. Enforce the provisions of this chapter 11-300 and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks, and other public ways.

1. Friendly Reminder. Having 5 business days from reminder to come into compliance.

2. Written Warning. Having the following 5 business days (10 business days) from written warning to come into compliance.

3. Fine. Having the following 5 business days to come into compliance. After the end of 15 business days (after friendly reminder) there will be a $500 citation served.

4. If still not in compliance after the said citation is given, the item(s) in violation will be removed by the city at the owner's expense.

11-312(C) 1 – 4 added by vote and approval of Fountain Green City Council on September 22, 2016.

D. Repair, or cause to be repaired, all defects coming to the department's attention and take responsible precautions to protect the public from injuries due to such defects pending their repair.

PART 11-320. STREETS – TRAFFIC CONTROL.

11-321. ADOPTION OF UNIFORM TRAFFIC CODE.

The Utah Traffic Code Rules of the Road, 1983 edition as compiled, prepared and published as a code in book form by the Utah Department of Public Safety three copies of which have been filed for use and examination by the public in the office of the recorder, hereby is approved and adopted as the traffic code for this city, except as such code may be altered or modified by the ordinances of this city.

11-322. DEFINITIONS CONTAINED IN CODE.

Unless the context otherwise requires, all references in the traffic code to:

A. The State Road Commission or State Department of Transportation shall mean this city and its officers, departments, agencies, and agents.

B. Local Authorities shall mean the city council of this city.

C. The Department of Public Safety of the State of Utah shall mean the chief of police of this city or his agent.

D. Magistrate shall mean the justice of the peace or judge of this city.

11-323. PRIMA FACIE SPEED - DESIGNATED STREETS.

When appropriate street signs giving notice of the maximum permitted speed thereon are erected, the prima facie speed limits designated in the appropriate appendix of this code shall apply to the appropriate streets listed therein.

A. When appropriate street signs giving notice of the maximum permitted speed thereon are erected, the prima facie speed limits designated in the appropriate appendix of this code shall apply to the appropriate streets listed therein.

B. Unless otherwise provided in this part or in any other ordinance of this city, the prima facie speed limits on the streets of this city shall be 25 miles per hour.

11-324. ANGLE PARKING.

Angle parking shall be permitted upon the streets or parts of streets described in the appropriate appendix of this code. The chief law enforcement officer shall mark or sign such streets or parts of streets and also indicate the angle of such parking.

11-325. THROUGH STREETS DESIGNATED.

Those streets and parts of streets described in the appropriate appendix are hereby declared to be through streets.

11-326. AUTHORITY TO ERECT STOP OR YIELD SIGNS.

Whenever any ordinance of this city designates and describes a through street, it shall be the duty of the chief law enforcement officer or the superintendent of streets to place and maintain a stop sign or, where safety and efficiency require at any intersection, a yield sign on each and every street intersecting such through street unless traffic at such intersection is controlled at all times by traffic control signals. However, at the intersection of two through streets or at the intersection of a through street and a heavily traveled street, stop signs shall be erected at approaches to either street as determined by the chief law enforcement officer on the basis of an engineering and traffic study.

11-327. PENALTIES.

Any person violating, causing, or permitting violation of any provisions of this part shall be guilty of a misdemeanor. Notwithstanding other language or provisions in the "Utah Traffic Code - Rules of the Road, 1983" hereby adopted. Any violator of this part, upon conviction, shall be punished by a fine of not more than $299.00, or by a jail sentence not to exceed six months, or by both a fine and jail sentence.

PART 11-330. ANIMALS ON STREETS

11-331. DRIVING ANIMALS ON STREETS.

A. Every person who drives any herd of sheep or band of horses, cattle, or other animals upon any public street or highway without first obtaining a permit from the chief of police to do so is guilty of an infraction.

B. No person shall drive livestock through this city upon streets not designated for that purpose except upon permission and according to the direction of the chief of police.

C. 6th west shall be designated stock trail.

PART 11-340. PARKING REGULATIONS.

11-341. PARKING OR BLOCKING STREETS OR HIGHWAYS.

In addition to the parking provisions contained in the Utah Traffic Code, as adopted by this city, it shall be a class B misdemeanor for any person to:

A. Remain standing, lying, or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.

B. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.

C. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

11-342. SIGNS.

The city council may authorize or direct any person employed by the city to erect or install any sign or traffic control device required to enforce the provisions of this part.

11-343. NO PARKING.

It shall be a class B misdemeanor to park or leave standing at any time a motor vehicle, as defined in the "Utah Traffic Code - Rules of the Road, 1983" as adopted by this city, except necessary to avoid interference with other traffic or in compliance with the directions of a policeman or traffic control device.

11-344. UNLAWFUL PARKING.

A. Parking at curb. No motor vehicle shall be parked with the left side of the vehicle next to the curb, except on one-way streets. It shall be unlawful to stand or park any motor vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within twelve inches of the regularly established curb line except on those streets which have been marked for angle parking; then vehicles shall be parked at the angel to the curb indicated by such marks.

B. Vehicles for sale. It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to park any vehicle from which merchandise is peddled on any business street.

C. Loading Zone. When so posted, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, of for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload, and deliver materials in any place designated as a loading zone and marked as such.

D. Parking Prohibited. It shall be unlawful for any person, except physicians on emergency calls or designated emergency vehicles when properly posted, to park any motor vehicle on any street in violation of the posted restrictions.

E. Alleys. No person shall park a motor vehicle within an alley in such manner or under such conditions as to leave less than ten feet of the width of the roadway available for the

free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.

F. Cab Stands - Bus Stands. No motor vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.

G. Parking Prohibited. It shall be unlawful for any person to park or leave standing on any public road, street, and alley or city property; any motor vehicle, semi, trailer, or farm implement for more than 14 consecutive days and must be parked at a minimum of 10 feet off the pavement.

All motor vehicles, semis, trailers, or farm implements shall not be parked on city property.

In such cases where parking is allowed in front of owner's property, on city Right-of-Way, all motor vehicles, semis, trailers, or farm implements shall be parked on upgraded parking (i.e. gravel or road base) and attached to an operable motor vehicle or semi and only one.

H. Enforcement. A violation of any part of this title/section shall be a Class C misdemeanor and shall hold a fine of up to $500 and all towing expenses.

One verbal and written warning shall be given by law enforcement. Violator shall come into compliance immediately.

11-344 G. updated and 11-344 H added by vote and approval of Fountain Green City Council on September 22, 2016.

PART 11-350. CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS.

11-351. CONSTRUCTION BY PERSONS.

It shall be unlawful for any person either as owner, agent, servant, contractor, or employee to construct a street or sidewalk which does not conform to specification established by the city engineer or other authorized representative of the city, unless special permission to deviate from such specification is first obtained from the city council.

11-352. PERMIT REQUIRED - SUPERVISION.

A. No person, either as owner, agent, servant, contractor, or employee, shall construct any permanent sidewalk without first obtaining from the recorder a permit so to do. The permit shall specify that the sidewalk to be constructed of cement, the character and quality of the cement, the consistent parts of the mixture, and the thickness of the walk.

B. It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper city official.

C. All sidewalks shall be constructed under the inspection of the superintendent of streets or his duly authorized representative.

11-353. CONSTRUCTION OF DRIVEWAYS OR CHANGES OF CONSTRUCTION.

It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb, or gutter without first making written application and obtaining from the recorder a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specification furnished by the city.

11-354. BUILDING MATERIALS IN STREET - PERMIT.

It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the city council a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the city council. Any such permit may be revoked by the city council at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the city council, the public interest requires such revocation.

11-355. PLACING OR MIXING SAND OR GRAVEL ON PAVED STREET OR SIDEWALK.

Unless a permit from the superintendent has been obtained, it shall be unlawful to:

A. Place or pile, or permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete, or any like substance or mixture, or allow the same to remain on any portion of any paved street or sidewalk.

B. Make or mix or permit to be made or mixed any mortar, plaster, concrete, or any like substance or mixture on any portion of any paved street or sidewalk.

11-356. OVERFLOWING OF WATER ON PUBLIC PROPERTY.

It shall be unlawful for any person to allow water to overflow from any ditch, canal, well, or irrigation stream onto the streets, sidewalks, or property of the city.

11-357. IRRIGATION DITCHES ACROSS SIDEWALKS.

All owners or occupants of lots in this city who require water from a main ditch for irrigation or other purposes shall dig ditches, erect flumes, lay pipes, and install culverts, as needed, and maintain the same to convey water under sidewalks to or from their respective lots. All culverts, ditches, pipes, and flumes conveying water under sidewalks shall meet such reasonable standards and specifications as may be established by the superintendent of streets.

PART 11-360. SIDEWALK REGULATIONS.

11-361. REMOVAL OF SNOW.

A. It shall be unlawful for the owner, occupant, lessor, or agent of any property, abutting on a paved sidewalk to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet thereon within a reasonable time after such snow, hail, or sleet has fallen. In the case of a storm between the hours of 5 p.m. and 6 a.m. such sidewalk shall be cleaned before 9 a.m. of the same day.

B. It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material in the gutter so as to clog or prevent the free flow of water therein.

11-362. PLACING TRASH OR OTHER OBSTRUCTION IN STREETS, GUTTERS, OR SIDEWALKS.

It shall be unlawful for any person owning, occupying, or having control of any premise to place, or permit to be placed upon or in the sidewalk, parking area, gutter, or on the half of the street next to such premise:

A. Any inoperable vehicles, unlicensed trailers, broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans, or other like substances.

B. Any new fencing, new construction materials, landscaping materials, dead trees, tree stumps, limbs, branches, and merchandise placed on city rights-of-way must be moved withing 30 days. Call city council member (over streets) for special circumstances.

C. Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character except trees planted pursuant to the provisions of applicable ordinance 11-5.

Ordinance 11-362. Updated by vote and approval by Fountain Green city Council on September 22, 2016.

11-363. OPENINGS IN STREET.

A. It shall be unlawful for the owner or occupant of any building having a cellar which opens upon any street or sidewalk to fail to keep the door or other covering in good repair and safe for the passage of the customary traffic on the street or sidewalk. If the owner or occupant of any such building shall neglect or refuse to repair properly any such door or covering within 24 hours after notice from the superintendent of streets to do so, the superintendent shall forthwith cause such repairs to be made at the expense of the owner or occupant.

B. It shall be unlawful to construct or maintain coal holes or other openings in streets or sidewalks, except with the special permission of the city council, and under the direction and supervision of the superintendent of streets.

11-364. DOORS OPENING INTO STREETS.

It shall be unlawful for any person, firm, or corporation owning or having the control or management of any alley, road, or passageway to construct or hang gates or doors to such alley, road, or passageway so that the gates or doors thereto, when open, shall project outwardly more than two feet over or upon the sidewalk or beyond the property line.

11-365. DISCHARGE OF WATER ON STREET.

It shall be unlawful for any person owning, occupying, or having control of any premise to fail, refuse, or neglect to prevent 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 upon the surface of any sidewalk.

11-366. CROSSING AT INTERSECTIONS.

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

11-367. BUSINESS TO KEEP SIDEWALK CLEAN.

It shall be unlawful for any owners or occupants of any place of business to refuse, neglect, or fail to cause the sidewalk abutting thereon to be swept or cleaned each morning before the hour of 9 a.m.

11-368. PLACING GOODS ON SIDEWALKS FOR SALE OR SHOW.

No goods, wares, or merchandise shall be placed, maintained, or permitted for sale or show in or on any parking area, street, or sidewalk beyond two feet from the front line of the lot, without first obtaining the written approval of the city council. Such approval shall be granted only when such sale or show shall be a promotional activity not exceeding 48 hours and when participated in by a majority of firms seeking approval in their business areas. The city council's written approval shall specifically provide that no goods, wares, or merchandise shall be placed in such a manner as to leave less than a six-foot passageway for pedestrians.

11-369. PLACING GOODS ON SIDEWALKS FOR RECEIPT OR DELIVERY.

It shall be unlawful for any person to place 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 foot passageway upon such sidewalk. 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 than 2 hours.

11-370. PLAYING ON SIDEWALKS.

Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs free travel thereon is guilty of an infraction.

11-371. CONGREGATING ON SIDEWALKS.

It is an infraction for any person or persons to congregate about or upon any sidewalks, stairway, doorway, window or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing to obstruct or interfere with the free passage of persons entering, leaving, or occupying such building or premises.

PART 11-380. EXCAVATIONS.

11-381. PERMIT FRANCHISE REQUIRED.

A. No person shall make an excavation in any street, lane, or alley, or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from the superintendent of streets or other authorized representative of the city.

B. No person shall excavate any sidewalk without first obtaining a permit from the superintendent of streets or other authorized personnel.

C. Nothing contained in this part shall be construed to waive the franchise required for any person by the ordinances of this city or laws of Utah.

11-382. EXCLUDED EXCAVATION.

The following types of excavations do not come within the scope of this part:

A. Excavations of any kind in city streets in projects designed, contracted for, and inspected by the city engineer or other authorized personnel of the city.

11-383. SUBJECT EXCAVATIONS.

The following types of excavations are subject to the provisions of this part:

A. Excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits, telephone cable and conduits, and all other excavations for any other purpose within the street rights-of-way of the city or in other public places.

11-384. PREPARATION.

The pavement, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard surfacing. An undercut bevel at the rate of one inch per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be removed immediately from the site of the work.

11-385. BACKFILL.

A. Materials for backfill will be of select nature. All broken concrete, peat, decomposed vegetable matter, and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be placed in layers not over eight inches loose measure in thickness. Compaction will be obtained by mechanical rollers, mechanical tampers, or similar means. Material for backfilling will have optimum moisture to ensure compaction to a degree equivalent to that of the undisturbed ground in which the trench was dug. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular free draining materials will be permitted.

B. The density (dry) of the backfill under pavements, sidewalks, curbs, or other structures will be not less than that existing prior to excavation. The fill shall be restored and placed in a good condition which will prevent settling.

11-386. RESTORATION OF SURFACES.

A. General. All street surfacing, curbs, gutters, sidewalks, driveways, or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the excavator, unless otherwise directed by the city council, in accordance with the specifications contained herein governing the various types of surfaces involved.

B. Protection of Paved Surfaces. In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.

C. Time. In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfilling has been placed, and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway, and other surfaces, within five days from the date of completion of the backfill except for periods:

1. When permanent paving material is not available.

2. When weather conditions prevent permanent replacement.

3. When an extension of time is granted by the superintendent of streets.

D. Temporary Repair. If temporary repair has been made on paved street with gravel and a permanent repair cannot be made within the time specified above due to any of the above-mentioned conditions, then the excavator shall be required to replace the gravel with cold mulch as soon as possible.

11-387. RESTORING BITUMINOUS.

Concrete or asphalt street surfaces.

A. Temporary grade surface. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six inches below the bottom of the bituminous or concrete surface. Normally, this will require nine inches of gravel for bituminous surfaces, twelve inches of gravel for concrete, and concrete base for asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, to maintain a safe, uniform surface satisfactory to the inspector until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for gradings:

Passing 1-inch sieve	100%
Passing ¾-inch sieve	85% - 100%
Passing No. 4 sieve	45% - 65%
Passing No. 10 sieve	30% - 50%
Passing No. 200 sieve	5% - 10%

B. Bituminous surface. The exposed edges of existing pavement shall be primed with Type MC-I bituminous material. The type, grade, and mixture of the asphalt to be used for street surface replacement shall be approved by the superintendent of streets. The thickness shall be equal to the adjacent surface thickness but not less than three inches. The complete surface shall not deviate more than one-half inch between old and new work.

11-388. CONCRETE SURFACES.

The sub-base for concrete surfaces shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six inches thick. The mixing, cement, water content, proportion, placement, and curing of the concrete will be approved by the superintendent of streets. In no case shall the concrete have less compressive strength than 3,000 pounds per square inch at the end of 28 days.

11-389. CONCRETE BASE, BITUMINOUS WEARING SURFACES.

This type of surfacing shall be constructed as above described.

11-390. GRAVEL SURFACES.

Trenches excavated through gravel-surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the gravel restored and maintained as described in part 11-

388 of this part, except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

11-391. PROTECTION OF PUBLIC DURING EXCAVATION PROJECT.

Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses fronting on public streets shall be minimized. Suitable, adequate, and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all the excavator's equipment is removed from the site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices. Police and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closures or detours.

11-392. RELOCATION AND PROTECTION OF UTILITIES.

An excavator shall not interfere with any existing utility without the written consent of the city council and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether owned by city or private enterprise, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such cost. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along, or across the work. In case any of the pipes, conduits, poles, wires, or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee. It is the intent of this part that the permittee shall assume all liability for damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the permittee accepts upon acceptance of an excavation permit. The city need not be made a party to any action because of this part. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

11-393. JETTING PIPE.

Jetting pipes by means of water under pressure, or compressed air, is permitted only when approved by the city.

11-394. INSPECTION AND ACCEPTANCE.

A. In order to insure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the recorder payable to the city, except that a public utility operating or using any of the streets under a franchise form the city will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the city harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation and restoration operations under such franchise. The required surety bond must be:

    1. With good and sufficient surety.

2. By a surety company authorized to transact business in the state.

3. Satisfactory to the city attorney in form and substance.

4. Conditions upon the permittee's compliance with this part in order to secure and hold the city and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the city, the city council or any city office may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.

5. Conditioned to fill up, restore, and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the city, all opening and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.

B. The amount of the surety bond or cash deposit shall be established by resolution and may be changed from time to time, but until such resolution is passed the amount of surety or cash deposit shall be $ 250.00 and $ 8.00 for each foot of street the permittee shall excavate.

11-395. APPLICATION FOR STREET EXCAVATION PERMIT.

It shall be unlawful for any person to break, excavate, tunnel, undermine, or in any manner affect the surface or base of any street or to place, deposit, or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such persons shall first have obtained an excavation permit therefor from the recorder. Any public utility regulated by the state of Utah or holding a franchise from the city which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the city to cover all excavations such utilities may make within the streets of the city. All permits shall be subject to revocation and the city may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this part. Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the city is notified as soon as practicable and a permit is applied for upon the next working day following the emergency.

TITLE 12-000: PLANNING

CHAPTER 12-100. PLANNING

PART 12-110 ADMINISTRATION

12-111. PLANNING COMMISSION ESTABLISHED.

There Is hereby created a planning commission to be composed of 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 city council may be appointed to the planning commission.

12-112. TERM IN OFFICE.

The terms of the planning commission shall be staggered. Each member of the planning commission shall serve for a term of 3 years and until his successor is appointed, provided that the term of the first members shall be such that the term(s) of 2 member(s) shall expire each year. Terms of members of the planning commission shall begin on or before the first Monday in February of each year. The city 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.

12-113. ORGANIZATION.

A. The members of the planning commission shall 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.

B. Reports of official acts and recommendations of the planning commission shall be public and made by the chairman in writing to the city 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 city council.

C. The planning commission shall meet quarterly and at such other times as the planning commission may determine.

D. 3 members of the planning commission shall constitute a quorum.

12-114. DUTIES AND POWERS.

The planning commission shall have all the powers and duties explicitly or impliedly given planning commissions by the laws of the state of Utah.

PART 12-120 BOARD OF ADJUSTMENT

12-121. ESTABLISHMENT.

In order to cany out the provisions of Utah law relating to planning and zoning, there is hereby created a board of adjustment, which shall consist of five members, one member of which shall be a member of the planning commission. The members of the board of adjustment shall be appointed by the city council. The city council may fix per diem compensation for the members of the board of adjustment by resolution, based on necessary and reasonable expenses for meetings actually attended.

12-122. TERM OF OFFICE.

Each member of the board of adjustment shall serve for a term of five years and until his successor is appointed provided that the term of the members of the first board so appointed shall be such that the term of one member shall expire each year. One member shall be appointed on or before the first Monday in February of each year. Any member may be removed for cause by the city council upon written charges and after a public hearing if such public hearing is requested. Vacancies shall be filled in the same manner as the original appointment for the unexpired term.

12-123. ORGANIZATION.

The board of adjustment shall elect a chairman and may adopt such rules for its own proceedings as are deemed necessary. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the recorder, which shall be the office of the board, and shall be a public record.

12-124. APPEALS TO BOARD - TIME - PERSONS ENTITLED - TRANSMISSION OF PAPERS.

See U.C.A. 10-9-9.

12-125. STAY OF PROCEEDINGS PENDING APPEAL.

See U.C.A. 10-9-10.

12-126. NOTICE OF HEARING OF APPEAL - RIGHT OF APPEARANCE.

See U.C.A. 10-9-11.

12-127. POWERS OF BOARD ON APPEAL - GRANTING OF AND SHOWING TO BE ENTITLED TO VARIANCE.

A. see U.C.A. 10-9-12

B. To hear and decide requests for conditional uses, but only within the respective zones in which such conditional uses are permitted.

12-128. DECISION ON APPEAL.

See U.C.A. 10-9-13.

12-129. VOTE NECESSARY TO REVERSE DECISION OF APPOINTED OFFICIAL.

See U.C.A. 10-9-14.

12-130. BUILDING PERMITS.

A. The building inspector shall not issue any building permit for any building, construction, or repair of any building unless such fully conforms to all zoning regulations or ordinances of this city in effect at the time of application.

B. No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any official street map adopted by the city council. However, the board of adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or any part thereof within any mapped street located in any case in which the board of adjustment upon the evidence finds: 1) that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit is granted, or 2) that balancing the interest of the city in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the board of adjustment shall hold a public hearing thereon. In the event that the board of adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, or part thereof to be permitted.

12-131. ADOPTION OF MAJOR STREET PLAN - EFFECT ON RIGHT TO FILE PLAT - APPROVAL OF PLANNING COMMISSION AS CONDITION PRECEDENT TO FILING PLAT - REGULATIONS GOVERNING SUBDIVISION OF LAND.

See U.C.A. 10-9-25.

12-132. NOTIFICATION OF COUNCIL.

Before any application for a variance or building permit shall be issued, the board of adjustment shall give the city council at least 15 days notice of the application. The

city council shall have the opportunity to respond and comment on the application within the 15 days.

PART 12-140. ZONES

12-141. POWERS OF THE CITY COUNCIL TO CHANGE ZONES.

It shall be lawful for the city council from time to time as a necessity may arise to change or modify any regulation or restrictions with respect to zoning or building or uses of land.

12-142. PETITION FOR CHANGE.

In each instance where any person shall desire to have such a change made, a petition shall be made to the city council definitely setting out such request and particularizing the change desired.

12-143. FILING FEE AND PUBLICATION CHARGE.

At the time the petition is filed requesting change with respect to zoning or building or uses of land as contemplated by this part, there shall be paid to the treasurer a filing fee of 10.00 dollar(s). Should a public hearing be required by law or otherwise upon the change so petitioned for, the party petitioning shall pay to the treasurer the sum of 25 dollar(s) for the purpose of defraying the cost of advertising such public hearing. The recorder shall notify such petitioner of such charge for advertising and shall not proceed with the advertising until such charge has been paid.

12-144. REFERRAL OF PETITION TO PLANNING COMMISSION.

Such petition, together with any protests thereto, shall be referred to the planning commission for consideration and recommendation. The planning commission shall return such petition together with its recommendation to the city council no later than thirty days after referral to it.

TITLE 13-00-0-00: POLICE AND PUBLIC OFFENSES.

CHAPTER 13-10-0-00. POLICE.

PART 13-10-1-00. POLICE DEPARTMENT.

13-10-1-01. POLICE DEPARTMENT - ESTABLISHED.

There is hereby established a regularly constituted police force to be known as the police department which shall consist of a chief of police and such other police officers as shall be employed by the city.

13-10-1-02. MARSHAL-CHIEF OF POLICE

1. Powers. See U.C.A. 10-3-913 through 10-3-915. He shall organize, supervise, and be responsible for all the activities of the police department and shall define and assign the duties of the different police officers.

2. He shall, when required, attend meetings of the city council to consult with and advise them on matters of public safety. He shall execute all lawful orders of the mayor and city council and see that all orders and judgements of the justice of the peace are carried into effect.

13-10-1-03. ADDITIONAL POWERS AND DUTIES OF POLICEMEN.

The chief of police and all police officers of the city shall have the following powers and duties in addition to those that may be assigned to them as above provided:

1. To suppress riots, disturbances, and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the city.

2. To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the justice of the peace.

3. To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance.

13-10-1-04. REGISTER OF ARREST.

The chief of police shall provide and cause to be kept a register of arrest. Upon such register shall be entered a statement showing the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged, and a description of any property found upon the person arrested.

13-10-1-05. PROPERTY TAKEN FROM THE PERSON ARRESTED - TRIPLICATE RECEIPTS.

When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time issue triplicate receipts

therefore specifying particularly the amount of money or kind of property taken. One of the receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the police department.

13-10-1-06. REGISTER OF PROPERTY TO BE KEPT.

The chief of police must enter or cause to be entered in a suitable book a description of every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner and must attach a number to each article and make a corresponding entry thereof.

13-10-1-07. STOLEN PROPERTY DISPOSITION.

It shall be the duty of the chief of police to keep all lost or stolen property that comes into the possession of the police department or any of its members. He shall make all reasonable efforts to discover the owners thereof.

13-10-1-08. CITATION FOR MISDEMEANOR.

The City police or any peace officer in lieu of taking a person into custody, or any public official charged with the enforcement of laws of this City, may issue and deliver a citation requiring any person subject to arrest or prosecution on a misdemeanor charge to appear at the Court of the magistrate before whom the person could be taken pursuant to law if the person had been arrested.

13-10-1-09. PERSONS RECEIVING CITATION - COURT APPEARANCE - TIME - FAILURE TO APPEAR.

Section 77-7-19, Utah Code Annotated 1953, is incorporated herein by reference.

13-10-1-10. CITATION CONTENTS.

1. If a citation is issued pursuant to Section 13-10-1-08, the peace officer or public official shall issue one copy to the person cited and shall within five days file a duplicate copy with the Court specified in the citation.

2. Section 77-7-20(2), Utah Code Annotated 1953, is adopted by reference.

13-10-1-11. CITATION IN LIEU OF COMPLAINT - EXCEPTIONS.

Section 77-7-21, Utah Code Annotated 1953, is adopted by reference, except the reference to section 77-7-18 is amended to read 13-10-1-08.

13-10-1-12. WILLFULLY FAILING TO APPEAR - MISDEMEANOR.

Any person who willfully fails to appear before a Court pursuant to a citation issued under the provisions of Section 13-10-1-08 is guilty of a Class B misdemeanor, regardless of the disposition of the charge upon which he was originally cited.

PART 13-10-2-00. JAIL

13-10-2-01. CITY COUNCIL TO PROVIDE.

1. The city council shall provide for a place of incarceration which shall be the city jail.

2. The city council may contract with any person, county, municipality, or combination thereof for the purpose of providing suitable premises and facilities to be used by the city as the city jail.

13-10-2-02. JAILER.

Until another person is appointed, the chief of police shall be ex officio jailer. The jailer shall:

1. Receive and safely keep all persons duly committed to his custody and file and preserve all commitments by which persons are committed.

2. Keep a record of each showing the date of arrest, offense charged, term of commitment, date of release and the name, age and place of birth and description of the person committed in a book kept for that purpose.

13-10-2-03. RULES.

The jailer shall formulate a system of prison rules and discipline and keep a record in which shall be entered a statement of every infraction thereof committed by any person confined therein.

13-10-2-04. DUTIES OF JAILER.

The jailer shall receive all persons committed to jail by competent authority, and provide them with necessary food, clothing, and bedding. He shall cause the prison to be warmed and lit, when necessary, and to be kept in a sanitary condition. He shall enforce all rules prescribed by the city council for the government of the prison.

13-10-2-05. PRISONERS TO LABOR ON PUBLIC WORKS.

Any prisoner committed to jail or other place of incarceration as a punishment or in default of the payment of a fine or fine and costs, arising from a violation of the ordinances of this city shall be required to work for the city at such labor on public works and ways as his strength will permit, not exceeding eight hours each working day.

13-10-2-06. WORK TO BE PERFORMED UNDER THE DIRECTION OF THE JAILER.

The labor on public works and ways shall be designated by and performed under the direction the jailer, which labor may include, among other things, clerical, janitorial, car washing, common and menial labor performed in and upon any building, road, or property owned or maintained by the city. The labor required by this section shall be performed in addition to that labor required by jail regulations

to be performed by all prisoners confined in the jail in cleaning and maintaining their cells.

13-10-2-07. TIME OFF FOR WORK PERFORMED.

For each month in which a prisoner confined or committed to jail has actually and satisfactorily performed work as reported and recorded by the officer in charge, five days shall be deducted from his period of confinement. The reduction of sentence allowed pursuant to this part shall be in addition to the reduction allowed by section 13-10-2-09 but no prisoner shall be granted a total reduction of sentence under this part in excess of ten days for any single month. Proportionate reductions shall be made for the fractional period of a month included in any sentence.

13-10-2-08. FAILURE TO PERFORM WORK MADE BREACH OF RULES.

Failure to perform the specified labor, except when the strength of the prisoner will not permit, shall constitute a breach of the rules of the city jail, and no reduction of sentence shall be allowed under section 13-10-2-09.

13-10-2-09. TIME OFF FOR GOOD BEHAVIOR.

1. Every person undergoing sentence for thirty days or more who has not been guilty of a breach of the rules of the prison shall be entitled to a reduction for the period of his sentence as follows: l) from a term of one month, 5 days; 2) from a term of two months, 10 days; 3) from a term of three months, 15 days; 4) from a term of four months, 20 days; 5) from a term of five months, 25 days; 6) from a term of six months, 30 days.

2. Proportionate reductions shall be made for the fractional parts of a month included in any sentence.

CHAPTER 13-11-3-00 FOUNTAIN GREEN CITY FIREWORKS ORDINANCE

13-11-3-01. SHORT TITLE.

This chapter shall be known and cited as the Fountain Green City Fireworks Ordinance.

13-11-3-02. DEFINITIONS.

1. "Fireworks” means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation but does not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, or class A and B explosives.

2. “Ground or hand-held sparkling" device means:

    a. Any cylindrical tube (cylindrical fountain) not exceeding 3/4" in inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;

b. Any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower or color and sparks upon ignition and may whistle or pop;

c. Any cylindrical tube (illuminating torch) containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition;

d. Any pyrotechnic device (wheel) capable of being attached to a post or tree containing up to six "driver" units or tubes not exceeding ½" inch inside diameter and each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect;

e. Any device similar in design and effect to a "wheel" capable of being placed on the ground (ground spinner) and ignited; and

f. Any narrow paper fuse less tube (flitter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited.

3. "Ground audible device" means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels along the ground (chaser) upon ignition and often produces a whistling and/or popping effect.

4. "Combination fireworks device" means any device containing combinations of two or more of the effects described in subsections (2) or (3).

5. "Trick noisemaker" means:

   a. Any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and

   b. Any device that produces a small report intended to surprise the user, including:

      i. A "bobby trap" which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled;

      ii. A "snapper" which is a small paper-wrapped device containing a minute quantity of explosive composition coated with bits of sand which explodes producing a small report;

      iii. A "trick match" which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;

      iv. A "cigarette load" which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and

      v. An "auto burglar alarm" which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

13-11-3-03. SALE OR USE OF UNAUTHORIZED FIREWORKS UNLAWFUL.

It is unlawful for any person to sell or offer for retail sale, or to discharge any fireworks in this city other than those defined in subsections 11-3-2 (2) to (5), Utah Code Annotated 1953.

13-11-3-04. ENFORCEMENT SEIZURE OF FIREWORKS SOLD UNLAWFULLY REVOCATION OF LICENSE.

1. Every city officer charged with the enforcement of state and city laws including all fire enforcement officials and the division of public safety is charged with responsibility to enforce this act.

2. Fireworks sold or offered for sale in violation of this chapter may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

13-11-3-05. STATE FIRE PREVENTION BOARD.

It shall be misdemeanor for any person or any retailer to violate the rules established by the State Fire Prevention Board adopted pursuant to section 11-3-5, Utah Code Annotated 1953.

13-1 1-3-06. through 13-11-3-09. Reserved.

13-1 1-3-10. EXEMPTIONS.

This chapter does not apply to the product inventories of fireworks manufacturers, importers, distributors, or wholesalers designated for shipment directly out of the state. Nothing in this act shall supersede the provisions of section 23-13-7, Utah Code Annotated' 1953

CHAPTER 13-20-0-00. ANIMAL CONTROL

All Subsections herein shall be considered:

1. Mandatory court appearance.

2. Class C Misdemeanor for 1st offense (except vicious Dog).

3. May be enhanced if 2nd or subsequent offense occurs withing 6 months after 1st offense.

JUDGES shall have all authority to enforce animal control Ordinances as reasonable need be including but not limited to:

1. Fines

2. Order any or all animals removed.

3. Order ”vicious dogs” euthanized.

WHEREAS, Fountain Green city administers the operation and ordinances of the Animal Control;

WHEREAS, Fountain Green City Council is allowed from time to time by resolution to amend ordinances and fees;

NOW, THEREFORE, Be it resolved by the Fountain Green City Council the following amendments to ordinances and fees regarding Animal Control are adopted.

Passed this 7th day of December, 2023.

Mayor·Mark·Coombs¶

Attest:¶

¶

Michelle·Walker,·City·Recorder¶

¶

Roll·Call·vote:¶

¶

Julio·Tapia → → √ Yes· No¶

Shellith·Jacobsen·· → √ Yes· No¶

Rod·Hansen → → √ Yes· No¶

Stuart·Smith → → √ Yes· No¶

Alyson·Strait → → √ Yes· No¶

FOUNTAIN GREEN CITY INCORPORATED JANUARY 1910 CORPORATE SEAL

PART 13-20-1-00. ANIMAL CONTROL OFFICER

13-20-1-01. OFFICE OF ANIMAL CONTROL OFFICER CREATED.

The position of municipal animal control officer hereby is created. Until such time as an animal control officer is appointed, the chief of police shall be animal control officer ex officio.

13-20-1-02. DUTIES OF ANIMAL CONTROL OFFICER.

The animal control officer shall perform the following duties:

1. Carry out and enforce the provisions of this chapter.
2. Take into his possession and impound all strays running at large and dispose of the same as hereinafter provided.
3. Enforce the licensing of and control of all dogs within the city as hereinafter provided.
4. File complaints in the courts against any person, firm, or corporation failing to comply with the provisions of this chapter and obtain licenses when required thereunder.

5. Capture and secure all dogs found running at large contrary to the provisions of this chapter and impound such dogs in a humane manner.

6. Provide for a good and sufficient pound in which all animals duly committed to his charge or otherwise impounded by him shall be maintained.

7. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstances under which received or impounded, and a description thereof sufficient to provide identification, the cost expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animals.

13-20-1-03. INTERFERENCE WITH OFFICER PROHIBITED.

It shall be unlawful for any person to interfere, molest, hinder, or obstruct the animal control officer or any of his authorized representatives in the discharge of their duties as herein prescribed.

13-20-1-04. FEES - SERVICES OF ANIMAL CONTROL OFFICER.

The pound master shall charge, and the owners of animals taken into his possession for impound disposal or other services shall pay, such fees and charges for services performed by the pound or animal control officer as the city council shall establish from time to time by resolution. All fees received by the animal control officer shall be paid over to the city treasurer.

PART 13-20-2-00. CARE AND KEEPING.

13-20-2-01. ANIMALS AT LARGE.

No cattle, horses, mules, sheep, goats, or swine shall be allowed to run at large or to be herded, picketed, or staked out upon any street, sidewalk, or other public place within the limits of this city, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving cows, horses, mules, or other animals from outside city limits to any enclosure within the city limits or from any enclosure in the city to a place outside the city or from one enclosure to another within limits of the city.

13-20-2-02. ABANDONMENT.

It shall be unlawful for any person to abandon or turn out at large any sick, diseased, or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health.

13-20-2-03. TRESPASSING ANIMALS AND FOWL.

It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.

13-20-2-04. KILLING OR POISONING PROHIBITED.

It shall be unlawful for any person willfully to kill any domestic animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.

13-20-2-05. DEAD ANIMALS.

The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal with 10 hours after its death, provided that no horse, cow, ox, or other animal shall be buried within the closely inhabited portions of this city. A violation of this section is a class C misdemeanor.

13-20-2-06. DISEASED ANIMALS.

It is a class C misdemeanor for any person to bring into the city for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease, or which has been exposed to or which is liable to carry infection from a communicable disease.

13-20-2-07. SALE OF DISEASED ANIMALS.

It is a class C misdemeanor for any person to bring into the city for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl, or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.

13-20-2-08. REPORTING OF RABID ANIMALS.

Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the animal control officer. The animal control officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal. The animal control officer shall also report to any state agency or law enforcement agency as required by law.

13-20-2-09. BITING ANIMAL QUARANTINED FOR OBSERVATION.

Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an abrasion of the skin shall be placed in confinement under observation a of a veterinary hospital or the city pound and shall not be killed or released until at least 14 days after the biting or injury has occurred in order to determine whether or not he animal has rabies. If the animal dies or has been killed, its head shall be removed and immediately taken to the state health laboratory to be examined for rabies.

13-20-2-10. RABIES CONTACTS QUARANTINED.

Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the animal control officer for a period of 120 days or destroyed.

13-20-2-11. UNLAWFUL ACTS.

It shall be unlawful for any person to:

1. Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in cruel and inhumane manner, any animal or cause any of these acts to be done.

2. Fail to provide any animal in his charge or custody with necessary substances, drink, and protection from the elements, or cause any of these acts to be done.

3. Maintain any place where fowls or any animals are suffered to fight upon exhibition or for sport upon any wager.

4. Intentionally exhibit any stud, horse or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.

PART 13-20-3-00. DOGS.

13-20-3-01. DEFINITIONS.

As used in this ordinance, unless the context otherwise indicates, the following words shall mean:

1. “Dog” shall mean any male, female, neutered male, or spayed female dog of any age.

2. “Unlicensed dog” is hereby defined and declared to mean a dog for which a license for the current year has not been paid, or for which the tag provided for in this part is not attached.

3. "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.

4. The term "at large" shall be intended to mean off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

5. "Pound" shall mean an animal shelter, lot, premises, or buildings maintained by, authorized, or employed by the city for confinement or care of dogs seized either under the provision of this chapter or otherwise.

6. "Impounded" shall mean having been received into the custody of the city pound or into the custody of any authorized agent or representative of the city.

7. "Vicious dog” means a dog that has bitten a person without provocation or a dog that has a known propensity to attack or bite human beings.

8. “Animal Control Officer” shall mean the custodian selected by the city council to be responsible for the operation of the dog pound.

13-20-3-02. LICENSE AND REGISTRATION REQUIRED.

1. It is unlawful for any person to keep, harbor, or maintain any dog 6 or more months old unless such dog has been registered and licensed in the manner herein provided.

2. Application for registration and licensing shall be made to the animal control officer or such other person as the city council may authorize to receive such applications.

3. A dog license shall be issued by the animal control officer or such other person as the city council may authorize.

4. No dog license shall be issued by the city until the fee required herein is paid and written proof of current rabies provided. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

5. The fee due and payable pursuant to this section shall be due April 1 and shall be delinquent after June 1st of each year. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

6. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after April 1 of any year shall make an application for registration and license within 30 days after such acquisition or dogs attain the above stated age; provided that the license fee shall be 100% the fee required for new applications received after April 1st of any year.

7. Any owner(s) of a building or land owning, keeping, harboring, or maintaining 4 or more dogs over the age of 6 months with a limit of 8 dogs shall be considered operating a kennel and shall be required to pay an annual kennel license fee. Any owner(s) of a building or land owning keeping, harboring, or maintaining more than 8 dogs over the age of 6 months shall be considered operating a commercial kennel and shall be required to maintain an annual commercial kennel license, obtain a conditional use permit from animal control officer, as well as maintain a current Fountain Green City business license. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

8. The owner shall state at the time application is made for such license, his name and address and the sex, breed, color, and proof of rabies of each dog owned or kept by him. The license fee shall cover the remaining months of that year until it's expiration on April 1 regardless of the date when issued.

9. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought to the city for the purpose of participating in any dog show, nor to commercial kennels.

13-20-3-03. TAG AND COLLAR.

Upon payment of the license fee, the recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every dog owner, except those operating a kennel, shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the recorder upon presentation of a receipt showing the payment of the license fee for the current year and a replacement fee for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owners leaving the city before

expiration of the license period. It shall be unlawful to deprive a registered dog of its collar and/or tag. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

13-20-3-04. RUNNING AT LARGE PROHIBITED.

1. It shall be unlawful for the owner or keeper of any dog to permit such dog to run AT LARGE.

2. It shall be unlawful for the owner of a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

3. The owner of any dog running AT LARGE shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running AT LARGE.

4. Any dog running AT LARGE in violation of the provision of this section is hereby declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided herein.

13-20-3-05. FEMALE IN HEAT.

The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance.

13-20-3-06. STRAYS.

It shall be unlawful for any person to harbor or keep within the city any lost or stray dog or animal. Whenever any dog or animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the recorder or animal control officer who shall impound for running at large contrary to the terms of this part. If there shall be attached to such dog or animal a license tag for the then current fiscal year, the pound master shall notify the person to whom such license was issued, at the address given in the license.

13-20-3-07. RABIES.

Every owner of any dog over the age of 6 months within the city shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is hereby required to place upon the dog, a tag showing that such vaccination has been done.

13-20-3-08. DOGS REQUIRED TO HAVE RABIES SHOT.

It shall be unlawful for the owner of any dog to suffer, allow, or permit such dog to be or go upon any sidewalk, street, alley, public place, or square within the city without first having had such dog vaccinated every yearly (or as otherwise directed by the vaccination instructions) against rabies and without there being on such dog a collar or harness with a license tag thereon showing that such dog has been so vaccinated.

13-20-3-09. DOGS WHICH DISTURB NEIGHBORHOOD.

No person, persons, firm, or corporation shall own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb, or endanger the health and welfare of any person or neighborhood. A violation of this section shall be a class C misdemeanor, and such is hereby declared to be nuisance, and each day the violation is permitted to exist or continue shall constitute a separate offense. This section shall not apply to the city dog pound, veterinary hospitals, or medical laboratories.

13-20-3-10. VICIOUS ANIMALS - SPECIAL PROVISIONS.

1. It shall be unlawful for any person to own and possess a vicious dog within the city. Whenever a prosecution for this offense is commenced under this section, the dog so involved may not be redeemed, pursuant to the provisions of this part, while awaiting final decision of the court as to the disposition to be made of such dog.

2. Upon the trial of any offense under this part, the court may, upon conviction and in addition to the usual judgement of conviction, order the animal control officer or other authorized personnel of the city to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the city.

13-20-3-11. DOG POUND.

The city council may contract with some humane person as pound master, with the adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the city as the dog pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water, and protect the dogs from injury.

13-20-3-12. IMPOUNDING.

It shall be the duty of every police officer or other designated official to apprehend any dog found running at large, not wearing his tag, or which is in violation of this part and to impound such dog in the pound or other suitable place. The animal control officer or some other designated official, upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license.

13-20-3-13. RECORD OF IMPOUNDING ANIMALS.

The animal control officer shall keep a record of each animal impounded by him/her, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed, or sold the name of the person by whom redeemed, reclaimed, or purchased, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the dated of any tag exhibited or issued upon the redemption or sale of such animal.

13-20-3-14. REDEMPTION OF IMPOUNDED DOGS.

Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person upon exhibiting to the supervisor of person having charge of said pound, a certificate of registry as provided in section 13-20-3-12, showing that the license imposed by this part has been paid for such dog and upon paying the person in charge of the pound an impounding fee for each and every day such dog shall have been

impounded and paying an impound fee. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

1. Animal(s) impounded (under officer control and/or placed in Fountain Green City Animal Shelter), owner must provide proof of current animal license prior to the release of the dog from the City Animal Shelter. If the animal is NOT impounded the owner is notified of the licensing requirements through handout located in appendix A provided to him/her by animal control officer or other designated person.

2. Kennel charges are added to pick up fees. If owner picks up their dog in less than 24 hours, the kennel fee may be waived for the 1st pick up only. Any additional pickups will include the pickup fee and a minimum of 1 day of kennel charges. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

3. Animals released to owner(s) multiple times (generally within a 6 month period, but not limited to this time frame) incur graduated pickup fees as noted in fee schedule. Citations(s) issued by a Police Officer, with the exception of initial warning citation, generally incur additional cost assessed by the court.

4. Any animal determined to be vicious as found in Fountain Green City Ordinance 13-20-3-10 shall not be released to the owner without a court order.

5. Animals NOT picked up by owner within 5 business days (on the 6th day) are considered to be abandoned, subject to adoption and/or euthanasia per 13-20-3-15.

All impounded dogs not redeemed within five days shall be sold for the best price obtainable at either private or public sale, and all moneys received from such sales shall be paid daily to the treasurer. All dogs that are not sold or redeemed in the required time shall be disposed of in a humane manner.

13-20-3-15. DISPOSITION OF UNCLAIMED AND INFECTED DOGS.

All impounded dogs not redeemed within 5 days of the date of impounding may be destroyed or sold to the person first making a written request for purchase at such price as may be deemed agreeable. In the case of dogs severely injured or having contagious disease other than rabies and which in the animal control officers judgment are suffering, and recovery is doubtful, the animal control officer may destroy the dog without awaiting the 5-day period.

13-20-3-16. INTERFERENCE WITH IMPOUNDING PROHIBITED.

It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the animal control officer or any of his assistants while engaging in capturing, securing, or taking to the dog pound any dog or dogs liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any dog pound or ambulance, wagon, or other vehicle used for the collecting conveying of dogs to the dog pound.

13-20-3-17. THREATENING PASSERS-BY.

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

13-20-3-18. PENALTIES.

Unless otherwise specifically provided, every person whose dog violates any provisions of this Chapter is guilty of a Class C misdemeanor.

PART 13-20-4-00. ESTRAYS.

13-20-4-01. IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY.

It is hereby made the duty of the animal control officer to take into his possession and impound all estrays running at large, and to dispose of the same as hereinafter provided. Whenever the word "estray" appears in this part, it is defined to mean any valuable animal, except dogs or cats, not wild, found wandering from its owner.

Any animal impounded may be redeemed and taken from such detainment by the owner or any authorized person upon exhibiting to the animal control officer, proof of ownership showing that the fees provided for by this part has been paid for such animal(s) and upon paying the person in charge of the pound a feed fee determined by animal control officer for each and every day such animal(s) shall have been impounded and paying an impound fee. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

1. Feed charges are added to pick up fees. If owner picks up their animal in less than 24 hours, the feed fee may be waived for the 1st pick up only. Any additional pickups will include the pickup fee and a minimum of 1 day of feed charges.

2. Animals released to owner(s) multiple times (generally withing a 6 month period, but not limited to this time frame) incur graduated pickup fees. Citations(s) issued by a Police Officer, with the exception of initial warning citation, generally incur additional cost assessed by the court.

3. Animals NOT picked up by owner within 5 business days (on the 6th day) are considered to be abandoned, subject to adoption and/or euthanasia per 13-20-3-15.

13-20-4-02. NOTICE OF SALE OF ESTRAYS.

Within 5 business days after an estray shall come into the possession of the animal control officer, he/she shall advertise the same by posting notices for a period of ten days in 2 public places in the city, one of which places shall be at or near the post office. He/she shall immediately deliver a copy of such notice to the county clerk or mail the same to him by registered letter. The notice so filed with the clerk should be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals, including all marks, and brands, when taken, and the day, hour, and place of sale, and may be substantially in the form of the figure shown in appendix A of this ordinance.

13-20-4-03. RETURN TO THE OWNER ON PAYMENT OF COSTS - SALE.

If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the animal control officer shall deliver them to the owner upon receiving from him the cost of impounding, keeping, and advertising the same. If the animals are not so claimed and taken away, he shall, at

the time and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animals to the purchaser or purchasers thereof, which bill of sale shall be substantially in the form of the figure shown in appendix A of this ordinance. The animal control officer shall immediately file a copy of such bill of sale with the county clerk or forward the same to him by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold.

13-20-4-04. RECORD OF ESTRAYS.

The animal control officer shall keep an accurate record of all estrays received by him, their age, color, sex, marks, and brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all moneys paid to owners after sale, all moneys paid into the treasury, and all other matters necessary to the compliance with the provisions of this part. The city council shall provide the animal control officer with a suitable book in which shall be entered the records required by law to be kept by the pound master. Such records shall be open to inspection of the public at all reasonable hours and shall be deposited by the pound master with his successor in office.

13-20-4-05. TRESPASSING ANIMALS - DAMAGING - IMPOUNDING.

If any cattle, horses, assess, mules, sheep, goats, or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether he be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animal(s), detain and impound the animal(s) in the manner provided.

13-20-4-06. APPRAISEMENT OF DAMAGES.

The owner or occupant of any property may detain any or all of said animals trespassing or doing damage thereon. He/she shall, within 24 hours thereafter, deliver said animals to the animal control officer together with a certificate of the appraisement of the damage done by such animals. Such an appraisement must be made by some disinterested person. It must state the amount of the damage, the time when committed, the name of the person damaged, the name of the owner of the animals, if known, and if not known, it must state that fact together with a description of the animals, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisement and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times.

13-20-4-07. OWNER TO BE NOTIFIED.

The person detaining the animals must, if the owner of the same be known to him and if he resides within 10 miles of the place of the trespass, immediately deliver to such owner, or leave at his place of residence if he cannot be found, a copy of such certificate of appraisement; but if the owner does not live within 10 miles of

the place of trespass, the party detaining the animals may at his option deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to said owner. He shall be entitled to charge. The City Council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

13-20-4-08. FAILURE TO NOTIFY WAIVES DAMAGES.

If the party restraining any animals shall fail to deliver them or the certificate of appraisement to the animal control officer within 48 hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisement within 24 hours after he receives the same or to deposit the same in a post office as herein provided, he shall not be entitled to recover damages under the provision of this part.

13-20-4-09. WHERE OWNER UNKNOWN - DUTY OF ANIMAL CONTROL OFFICER.

Whenever any animals are delivered to the animal control officer and the certificate of appraisement is filed with him/her as herein provided and such certificate states that the owner is unknown, the pound master shall immediately examine all brand books or brand sheets in his/her possession. If the owner be ascertained thereby or if the owner is already known to the animal control officer, he shall, if the owner lives within 10 miles, immediately deliver a copy of such certificate of appraisement to such owner or leave the same at his residence if he cannot be found. If the owner lives more than 10 miles away, the pound master may, at his option, deliver such a copy personally to the owner or deposit the same in the nearest post office in a registered letter addressed to such owner. He/she shall, however, serve a copy in one of the ways provided herein; provided that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

13-20-4-10. NOTICE OF SALE OF DETAINED ANIMALS.

As soon as any such animals are delivered to the animal control officer, he/she shall immediately proceed to advertise the same as hereinafter provided except when the owner is known and has been notified, in which case he shall hold said animals 48 hours before advertising the same. He/she shall advertise by posting notices in 2 public places in the city, one of which shall be at or near the post office, and he shall deliver a copy of the same to the county clerk, send the same by deputy, or by registered mail. The clerk should preserve such notice and post a copy thereof. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animals, including all visible marks and brands, and the day, hour, and place at which such animals will be sold, which shall be not less than 10 or more than 20 days from the time of posting such notice. The notices shall be substantially in the form shown in appendix A.

13-20-4-11. OWNER MAY PAY AND TAKE ANIMALS - DISPUTED APPRAISAL.

The owner of any trespassing animals taken up under the provisions of this part may at any time before the sale thereof claim and take such animals away upon paying the amount of damages set forth in the certificate of appraisement and the

accrued costs, and if such animals are included in a lot or group of animals belonging to other parties against which the damages and costs are assessed as a whole, he shall pay his proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he owns when compared with the number of the entire lot or group. If he deems the appraisal too high, he may choose another appraiser having qualification herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, they shall choose a third appraiser, and the three shall proceed to make another appraisal, and the decision of the majority shall be final.

13-20-4-12. SALE - BILL OF SALE.

If such animals are not claimed and taken away by the owner(s), the animal control officer shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the pound master shall sell only enough of said animals to pay the damages and costs, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the pound master shall proceed to sell all of said animals so advertised for sale. He/she shall execute and deliver a bill of sale therefore and file a copy with the county clerk as hereinbefore provided.

13-20-4-13. REDEMPTION WITHIN NINETY DAYS.

The owner of any trespassing animals sold under the provisions of this part may, at any time within 90 days of the date of such sale, redeem such animals from the purchaser or assignee having the same in his possession, upon paying to such purchaser or assignee the sum for which such animals were originally sold, together with an additional ten percent and reasonable compensation for care and keeping of the same. If such purchaser or assignee refuses to give up such animals on the owner proving his title to the same and on his tendering the amount due as herein provided, such owner may maintain any action at law to recover the same, provided that the purchaser or any assignee who has disposed of such animals shall not be liable to such owner in any amount. If redemption of such animals is not made within 90 days after the date of such sale, such sale shall be absolute and shall vest the title to such animals in the purchaser or assignee. Any person selling or disposing of any such animal within 90 days of its sale under the provision of this part shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, if he fails to do so, he shall be liable for any loss that may accrue to such purchaser by reason of such animal being redeemed for an amount less than he paid therefor.

13-20-4-14. OWNER ENTITLED TO RESIDUE OF PROCEEDS.

If any estrays or trespassing animals sold under the provision of this part shall, within a period of 6 months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the treasurer at the expiration of such time to pay the money received for such animals to the owner thereof, less the amount of damages and the expense of taking, keeping, and selling the same. In the event such animals are not claimed as aforesaid, such money shall become the property of the city, provided that in case there is a contest between two or more

persons claiming to be the owners of any such animals, the treasurer shall pay the residue to the party who shall establish by action his right to the same.

13-20-4-15. RECORD OF TRESPASSING ANIMALS.

The pound master shall keep an accurate record of all trespassing animals received by him, which record shall contain all the items required by this part together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to a complete account of the transaction.

13-20-4-16. RETAKING ANIMAL UNLAWFULLY.

It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provision of this part, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking or attempting to take up such animals.

CHAPTER 13-30-0-00 GENERAL POLICE POWERS.

13-30-1-01. PURCHASE, POSSESSION PROHIBITED.

Any person who maintains in his place of business a tobacco vending machine accessible to persons under the age of 19 or provides any method of self-help for the disposition to persons under the age of 19 by gift, sale, or otherwise of any cigarette or cigarette paper or wrapper or any paper made or prepared for the purpose of making cigarettes or tobacco in any form whatsoever is guilty of a class C misdemeanor. Cigarette vending machines shall be deemed accessible to persons under the age of 19 except:

1. Where they are in locations where persons under the age of 19 are prohibited.

2. Where the machine can be operated only by the owner or his employee, either directly or through a remote-control device which is inaccessible to the customer and must be operated for each sale.

3. In private industrial locations where only adult employees are customarily allowed, provided such locations are inaccessible to persons under the age of 19.

4. In adult-private clubs, provided that such locations are inaccessible to persons under the age of 19.

13-30-1-02. CURFEW - MINORS - EXCEPTIONS.

No person under the age of 18 years shall be or remain upon any of the streets, alleys or public places or vacant lots at night between the hours of _____.m and .m . following, unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person, unless the employment or lawful business of such minor makes it necessary to be upon the streets, alleys or public places between such specified hours, in which event such minor person shall obtain a permit from the chief of police to be upon the streets, alleys or public places during such hours. On any night when school, civic or church functions are taking place, the hours of curfew shall be _____.m and _____.m. following, in

order to provide adequate time to attend such functions provided for minor persons. Where a permit is required from the chief of police under this section, such permit shall be kept upon the person and it shall be unlawful to be upon the streets, alleys or public places within such curfew hours without such permit.

13-30-1-03. RESPONSIBILITY OF PARENTS - GUARDIANS FOR CURFEW.

No parent, guardian, or other person having legal charge or custody of any person under 18 years of age shall allow or permit any such person or child, ward, or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys, or public places when such going or being in or upon such streets, alleys, or public places would be a violation by such minor person of any provision of section 13-30-1-02.

13-30-1-04. MINOR PROHIBITED WHERE BEER IS SOLD.

1. It is unlawful for any person to operate any pool or billiard hall in this city if beer as defined in this code is kept, sold, or consumed without first making a regulation and enforcing the same, keeping posted in a conspicuous place the terms of such regulation, which shall read, "No person under 21 years of age permitted in these premises.

2. "It is unlawful for any person in charge of or employed in such pool or billiard hall to permit any person under the age of 21 years of age to enter upon or remain in any such premises of for any person under the age of 21 years to enter upon or remain in said premises for any purpose.

3. Pool or billiard halls may be kept open to minors where no beer as defined in this code is kept or consumed or sold.

PART 13-30-2-00. INTOXICATION AND LIQUOR.

13-30-2-01. PUBLIC INTOXICATION PROHIBITED.

1. It is a class C misdemeanor for any person to be under the influence of any intoxicating liquor, a controlled substance or of any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another in a public place or in a private place where he unreasonably disturbs another person.

2. A peace officer or magistrate may release from custody an individual arrested under this section if he believes imprisonment is unnecessary for the protection of the individual or another.

13-30-2-02. ILLEGAL SALE, MANUFACTURING, STORAGE OF INTOXICATING LIQUOR.

It shall be unlawful for any person, except as permitted by state law, and the ordinances of this city to knowingly have in his possession any intoxicating liquor or to manufacture, keep, sell, or store for sale, offer, or expose for sale, import, carry, transport, advertise, distribute, give away, dispense, or serve intoxicating liquor.

13-30-2-03. POSSESSION OF LIQUOR.

It shall be unlawful except as permitted by state law, and the ordinances of this city for any person to have or keep for sale or possession any liquor which has not been purchased from the state liquor store or package agency.

13-30-2-04. LIQUOR TO DRUNKEN PERSON.

It shall be unlawful for any person to sell or supply any alcoholic beverage or to permit alcoholic beverages to be sold or supplied to any person who is apparently under the influence of liquor.

13-30-2-05. ALCOHOLIC BEVERAGES AND MINORS.

1. It shall be unlawful for alcoholic beverages to be given, sold, or otherwise supplied to any person under the age of 21 years, but this shall not apply to supplying liquor to such persons for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician in accordance with the provision of this part.

2. It shall be unlawful for any person under the age of 21 years to have possession of beer or any intoxicating liquor.

13-30-2-06. CANVASSING OR SOLICITING.

It shall be unlawful for any person to canvass or solicit for alcoholic beverages by mail, telephone, or other manner, and the person is hereby prohibited from engaging in such activities, except to the extent that such prohibition may be in conflict with the laws of the United States or the State of Utah.

13-30-2-07. SOLICITATION OF DRINKS.

No person shall frequent or loiter in any tavern, cabaret, or night club, with the purpose of soliciting the purchase of alcoholic drinks. No proprietor or operator of any such establishment shall allow the presence in such establishment of any who violates the provisions of this section.

13-30-3-01. NOISE.

It is a class C misdemeanor for any person to disturb the peace or quiet of any neighborhood, family, or person by loud or unusual noises, by tumultuous or offensive conduct.

13-30-3-02. FIGHTING-THREATENING.

It is a class C misdemeanor for any person to threaten physical force against another person or to challenge, invite, or engage in a fight.

13-30-3-03. LOUDSPEAKERS.

1. It is an infraction for any person to maintain, operate, connect, or suffer to permit to be maintained, operated, or connected any calliope or radio apparatus, sound device or any talking machine or loudspeaker attached thereto in such a manner that the loudspeaker or amplifier causes the sound from such radio apparatus or sound device or talking machine to be projected directly therefrom outside of any building, vehicle, or out-of-doors, provided that

the chief of police may grant a permit to so, broadcast any events or happenings of cultural, political, intellectual or religious interest. Every person desiring a permit to so broadcast shall make application, file a statement showing the place where he proposes to broadcast, the times and probable duration, and the nature, topics, or titles of said broadcast. Said permit shall not be arbitrarily denied and when an application for a permit is denied, the chief of police shall set forth in writing and with particularity the grounds for so denying the application for a permit.

2. Nothing herein contained shall be construed to prevent the operation of a radio apparatus, sound device, amplifier, or talking machine used in a reasonable manner by any person within any building, vehicle, or structure even though the sound therefrom may be heard on the outside of such building, vehicle, or structure, provided that the said apparatus, sound device, amplifier, or talking machine shall not project the sound therefrom directly outside of any building, vehicle, or out-of-doors, and provided further that no such apparatus, sound device, amplifier, or talking machine is in any way fastened to or connected with any outside wall or window in any building, vehicle, or structure so that sound therefrom is projected outside of such walls or window.

13-30-3-04. THROWING OBJECTS PROHIBITED.

Every person who willfully or carelessly throws any stone, stick, snowball, or other missile whereby any person is hit or any window broken or other property injured or destroyed, in such manner as to render travel upon the public streets and places dangerous, or in such manner as to frighten or annoy any traveler, is guilty of an infraction.

13-30-3-05. VULGAR LANGUAGE.

It shall be a class C misdemeanor for any person to use vulgar, profane, or indecent language on any public street or other public place or in any public dance hall, club dance, skating rink, or place of business open to public patronage.

13-30-3-06. INDECENT EXPOSURE.

1. It shall be a class B misdemeanor for any person over 8 years of age to indecently expose his body in public.

2. For the purpose of this section:

    a. Indecent exposure means:

        i. The exposing male genital or the covered male genital shown in a discernible turgid state.

        ii. The exposed female genital or female breasts which are not covered with an opaque covering below a point immediately above the top of the nipple (or the breast with only the nipple covered).

    b. "Public" means any place open to or frequented by the public or which may be seen from any place open to or frequented by the public and includes private clubs, associations, or other places where the public frequents.

13-30-3-07. OFFENSIVE, INDECENT ENTERTAINMENT.

It shall be unlawful for any person to hold, conduct, or carry on, or to cause or permit to be held, conducted, or caused any motion pictures, exhibition, or entertainment of any sort which is offensive to decency, or which is of an obscene, indecent, or immoral nature, or so suggestive as to be offensive to the moral sense.

13-30-3-08. WINDOW PEEPING.

It shall be a class C misdemeanor for any person to look, peer, or peep into or be found loitering around or within view of any window within a building occupied as residence of another with the intent of watching or looking through the window to observe any person undressed or in the act of dressing or undressing.

13-30-3-09. LOOKOUTS FOR ILLEGAL ACTS.

It shall be a class C misdemeanor for any person to act as a guard or lookout for any building, premises, or establishment used for gambling, for illegal sale or purchase of intoxicating liquors, or for any person soliciting, offering, or engaging in prostitution, gambling or any other form of vice or illegal act, or any prostitute, on any street or sidewalk. Nor shall any person give any signal intended to, or calculated to warn, or give warning of the approach of any peace officer to any person in or about such building or premises or place mentioned herein.

13-30-3-10. UNLAWFUL USE OF RESTROOMS.

No person over the age of 5 years shall use the restroom and washrooms designated for the opposite sex.

PART 13-30-4-00. PUBLIC PROPERTY – DOCUMENTS

13-30-4-01. PUBLIC PROPERTY.

For the purpose of this part, "public property" means any publicly owned property except the traveled portion of public streets, and includes any park, sidewalk, curb or any part of any public right-of-way devoted to any planting or park like use.

13-30-4-02. UNLAWFUL ACTS.

On any public property it is unlawful for any person to:

1. Willfully mark, deface, disfigure, injure, tamper with, displace, or remove any building, railing, bench, paving, paving material, water line or any facilities or property and equipment of any public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, wall or rock border, or other structures or equipment, facilities or public property or appurtenances whatever, either real or personal.

2. Soil or litter public restrooms and washrooms.

3. Dig and remove any sand, soil, rock, stones, trees, shrubs, or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting, or other means or agency, unless permission is obtained.

4. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly, or windbreak, or run or string any rope, cord, or wire into, upon, or across any public property, except with special permit.

5. Urinate or defecate, except in the public restroom in receptacles placed there for such purpose.

6. Damage, cut, carve, burn, transplant, or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire, or other contrivance to any tree or plant. No person shall dig in or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park area. This subsection shall not apply to any person authorized to perform the act proscribed.

7. Climb any tree or walk, stand, or sit on monuments, fountains, railings, fences, planted areas, or upon any other property not designed or customarily used for such purposes or to intentionally stand, sit, or lie in or upon any street, sidewalk, stairway, or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway, or crosswalk.

8. Drop, throw, place, discard, dump, leave, or otherwise deposit any bottles, broken glass, garbage, ashes, paper boxes, cans, dirt, rubbish, waste, refuse or other trash on any public property except in waste containers provided therefor. No such refuse or trash shall be placed in any waters contiguous to any park or planted area or left anywhere on the grounds thereof.

9. Sleep on seats, benches, sidewalks, curbs, planters, wall, or other areas.

10. Expose or offer for sale any article or thing, or station or place any stand, cart, or vehicle for the transportation, sale, or display of any such article or thing, without first obtaining a license, except that the city council may exempt designated areas from this subsection by resolution on such terms and conditions as it may prescribe.

11. To beg or to go from door to door of private homes or commercial and business establishments or place himself in or upon any public way or public place to beg or to receive money or other things of value.

CHAPTER 13-41-0-00. DRIVING WHILE INTOXICATED OR UNDER THE INFLUENCE OF DRUGS.

13-41-2-28. UNLAWFUL TO DRIVE WHILE LICENSE SUSPENDED OR REVOKED.

A person whose operator's license has been suspended or revoked as provided in this chapter or a law or ordinance similar to section 41-2-28, Utah Code Annotated 1953, and who drives any motor vehicle upon the highways of this city while that license is suspended or revoked is guilty of a crime and upon conviction shall be punished as provided in section 13-41-2-30.

13-41-2-30. PENALTY FOR DRIVING WHILE LICENSE SUSPENDED OR REVOKED.

1. A person convicted of a violation of section 13-41-2-28, other than a violation specified in subsection (2) of this section, shall be punished by imprisonment for a period of not more than six months and there may be imposed in addition thereto a fine of not more than $299.00.

2. A person whose conviction under section 13-41-2-28 is based on his driving while his operator's or chauffeur's license is suspended or revoked for a violation of section 13-41-6-44 or a law or ordinance similar to this chapter or a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating one or more of these sections or laws or ordinances similar thereto shall be punished by a fine of at least $299.00 or by imprisonment for six months or by both such fine and imprisonment.

13-41-6-44. DRIVING WHILE UNDER THE INFLUENCE OF ALCOHOL OR DRUGS - PRESUMPTION ARISING FROM ALCOHOLIC CONTENT OF BLOOD - BASIS OF PERCENTAGE BY WEIGHT OF ALCOHOL - CRIMINAL PUNISHMENT - ADDITIONAL PENALTIES - PLEA OF GUILTY - ARREST WITHOUT WARRANT - REVOCATION OF LICENSE.

1. It is unlawful and punishable as provided in this section for any person with a blood alcohol content of .08% or greater by weight, or who is under the influence of alcohol, or any drug or the combined influence of alcohol and any drug to a degree which renders the person incapable of safely driving a vehicle, to drive or be in actual physical control of a vehicle within this city. The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug does not constitute a defense against any charge of violating this section.

2. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood.

3. Every person who is convicted the first time of a violation of subsection (A) of this section shall be punished by imprisonment for not less than 60 days nor more than six months, or by a fine of $299.00, or by both such fine and imprisonment; except that if the person has inflicted a bodily injury upon another as a proximate result of having operated the vehicle in a negligent manner, he shall be punished by imprisonment in the county jail for not more than one year, and, in the discretion of the court, by fine of not more than $1,000. For the purpose of this section, the standard of negligence is that of simple negligence, the failure to exercise that degree of care which ordinarily reasonable and prudent persons exercise under like or similar circumstances.

4. In addition to the penalties provided for in subsection (3), the court shall, upon the first conviction, impose a mandatory jail sentence of not less than 48 consecutive hours nor more than 10 days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than two nor more than 10 days and, in addition to the jail sentence or the work in the community-service work program, order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility.

5. Upon a second conviction within five years after a first conviction under this section, the court shall, in addition to the penalties provided for in subsection (3), impose a mandatory jail sentence of not less than 48 consecutive hours nor more

than 10 days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than 10 nor more than 30 days and, in addition to jail sentence or the work in the community-service work program, order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility and the court may, in its discretion, order the person to obtain treatment at an alcohol rehabilitation facility. Upon a subsequent conviction within five years after a second conviction under this section, or law or ordinance similar to this section, the court shall, in addition to the penalties provided for in subsection 13-41-6-44(3), impose a mandatory jail sentence of not less than 30 nor more than 90 days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work project for not less than 30 nor more than 90 days and, in addition to the jail sentence or work in the community-service work program, order the person to obtain treatment at an alcohol rehabilitation facility. No portion of any sentence imposed under subsection 13-41-6-44(3) shall be suspended and the convicted person shall not be eligible for parole or probation until such time as any sentence imposed under this section has been served. Probation or parole resulting from a conviction for a violation of this section shall not be terminated and the department of public safety shall not reinstate any license suspended or revoked as a result of such conviction, it itis a second or subsequent such conviction within five years, until and unless the convicted person has furnished evidence satisfactory to the department that all fines and fees, including fees for restitution, and rehabilitation costs, assessed against the person, have been paid.

6. The provisions in subsections (4) and (5) that require a sentencing court to order a convicted person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility, obtain, in the discretion of the court, treatment at an alcohol rehabilitation facility, or obtain, mandatorily, treatment at an alcohol rehabilitation facility, or do any combination of those things, apply to a conviction for a violation of section 13-41-6-45 that qualifies as a prior offense under subsection (7), so as to require the court to render the same order regarding education or treatment at an alcohol rehabilitation facility, or both, in connection with a first, second, or subsequent conviction under section 13-41-6-45 that qualifies as a prior offense under subsection (7), as he would render in connection with applying respectively, the first, second, or subsequent conviction requirements of subsections (4) and (5). For purposes of determining whether a conviction under section 13-41-6-45 which qualified as a prior conviction under subsection (7), is a first, second, or subsequent conviction under this subsection, a previous conviction under either section 13-41-6-44 or 13-41-6-45 is deemed a prior conviction. Any alcohol rehabilitation program and any community-based or other educational program provided for in this section must be approved by the department of social services.

7.

    a. When the prosecution agrees to a plea of guilty or no contest to a charge of a violation of section 13-41-6-45 in satisfaction of, or as a substitute for, an original charge of a violation of this section, the prosecution shall state for the record a factual basis for the plea, including whether or not there had been consumption of alcohol or drugs, or a combination of both, by the defendant in connection with the offense. The statement shall be an offer of proof of the facts which show whether or not there was consumption of

alcohol or drugs, or a combination of both, by the defendant, in connection with the offense.

b. The court shall advise the defendant before accepting the plea offered under this subsection of the consequences of a violation of section 13-41-6-45 as follows: If the court accepts the defendant's plea of guilty or no contest to a charge of violating section 13-41-6-45, and the prosecutor states for the record that there was consumption of alcohol or drugs, or a combination of both, by the defendant in connection with the offense, the resulting conviction shall be a prior offense for the purposes of subsection (5) of this section.

c. The court shall notify the department of public safety of each conviction of section 13-41-6-45 which shall be a prior offense for the purposes of subsection (5) of this section.

8. A peace officer may, without a warrant, arrest a person for a violation of this section when the violation is coupled with an accident or collision in which the person is involved and when the violation has, in fact, been committed, although not in his presence, if the officer has reasonable cause to believe that the violation was committed by the person.

9. The department of public safety shall suspend for a period of 90 days the operator's license of any person convicted for the first time under subsection (1) of this section, and shall revoke for one year the license of any person otherwise convicted under this section, except that the department may subtract from any suspension period the number of days for which a license was previously suspended under section 41-2-19.6, Utah Code Annotated 1953, if the previous suspension was based on the same occurrence which the record of conviction is based upon. (See 41-6-44 Utah Code Annotated 1953)

13-41-6-44.3, 13-41-6-44.5 and 13-41-6-44.8. The provisions of sections 41-6-44.3, 41-6-44.5 and 41-6-44.8. Utah Code Annotated 1953, hereby are adopted by reference.

13-41-6-44.10. IMPLIED CONSENT TO CHEMICAL TESTING FOR ALCOHOL OR DRUG - REFUSAL TO ALLOW - WARNING, REPORT, REVOCATION OF LICENSE - COURT ACTION ON REVOCATION - PERSON INCAPABLE OF REFUSAL - RESULTS OF TEST AVAILABLE - WHO MAY GIVE TEST - EVIDENCE.

1. Any person operating a motor vehicle in this city shall be deemed to have given his consent to a chemical test or tests of his breath, blood, or urine for the purpose of determining whether he was driving or in actual physical control of a motor vehicle while having a blood alcohol content statutorily prohibited, or while under the influence of alcohol, any drug, or combination of alcohol and any drug as detailed in section 13-41-6-44 so long as the test is or tests are administered at the direction of a peace officer having grounds to believe that person to have been driving or in actual physical control of a motor vehicle while having a blood alcohol, content statutorily prohibited, or while under the influence of alcohol, any drug, or combination of alcohol and any drug as detailed in section 13-41-6-44. A peace officer shall determine which of the aforesaid tests shall be administered.

No person who has been requested under this section to submit to a chemical test or tests of his breath, blood, or urine, shall have the right to select the test or tests to be administered. The failure or inability of a peace officer to arrange for any specific test is not a defense with regard to taking a test requested by a peace officer and shall not be a defense in any criminal, civil or administrative proceeding resulting from a person's refusal to submit to the requested test or tests.

2. If the person has been placed under arrest and has thereafter been requested by a peace officer to submit to any one or more of the chemical tests provided for in subsection (1) of this section and refuses to submit to the chemical test or tests, the prerequisite the tests or test that a refusal to submit to the test or tests can result in revocation of his license to operate a motor vehicle. Following the warning, unless the person immediately requests the chemical test or tests as offered by a peace officer be administered, no test shall be given and the peace officer shall submit to the department a sworn report of public safety within five days after the date of the arrest, that he had grounds to believe the arrested person had been driving or was in actual physical control of a motor vehicle while having a blood alcohol content statutorily prohibited or while under the influence of alcohol or any drug or combination of alcohol and any drug as detailed in section 13-41-6-44 and that the person had refused to submit to a chemical test or tests as set forth in subsection (1) of this section.

3. Any person who is dead, unconscious, or in any other condition rendering him incapable of refusal to submit to any such chemical test or tests shall be deemed not to have withdrawn the consent provided for in subsection (1) of this section, and the test or tests may be administered whether such person has been arrested or not.

4. Upon the request of the person who is tested, the results of such test or tests shall be made available to him.

5. Only a physician, registered nurse, practical nurse, or person authorized under subsection 26-1-30 (19), Utah Code Annotated 1953, acting at the request of a peace officer can withdraw blood for the purpose of determining the alcoholic or drug content therein. This limitation shall not apply to the taking of a urine or breath specimen. Any physician, registered nurse, practical nurse, or person authorized under subsection 26-1-30 (19), Utah Code Annotated 1953, who, at the direction of a peace officer, draws a sample of blood from any person whom the peace officer has reason to believe is driving in violation of this chapter, or hospital or medical facility at which such sample is drawn, shall be immune from any civil or criminal liability arising therefrom, provided such test is administered according to standard medical practice.

6. The person to be tested may, at his own expense, have a physician of his own choosing administer a chemical test in addition to the test or tests administered at the direction of the peace officer. The failure or inability to obtain such additional test shall not affect admissibility of the results of the test or tests taken at the direction of a peace officer, nor preclude nor delay the test or tests to be taken at the direction of a peace officer. Such additional test shall be subsequent to the test or tests administered at the direction of a peace officer.

7. For the purpose of determining whether to submit to a chemical test or tests, the person to be tested shall not have the right to consult an attorney nor shall such a person be permitted to have an attorney, physician, or other person present as a condition for the taking of any test.

8. If a person under arrest refuses to submit to a chemical test or tests under the provisions of this section, evidence of refusal shall be admissible in any civil or criminal action or proceeding arising out of cats alleged to have been committed while the person was driving or in actual physical control of a motor vehicle while under the influence of alcohol or any drug or combination of alcohol or any drug. (See 41-6-44-10, Utah Code Annotated 1953)

13-41-6-45. RECKLESS DRIVING - PENALTY.

1. Any person who drives any vehicle in willful or wanton disregard for the safety of persons or property is guilty of reckless driving.

2. Every person convicted of reckless driving shall be punished upon a first conviction by imprisonment for a period of not less than five days nor more than six months or by a fine of not less than $25.00 nor more than $299.00, or by both such fines and imprisonment. On a second or subsequent conviction, the person shall be punished by imprisonment for not less than ten days nor more than six months, or by a fine of not less than $50.00 nor more than $299.00 or by both such fine and imprisonment. (See 41-6-45, Utah Code Annotated 1953)

13-41-22-14. OPERATION OF VEHICLE UNDER THE INFLUENCE OF LIQUOR OR DRUGS UNLAWFUL.

It is unlawful for any person who is under the influence of intoxicating liquor or any narcotic drugs to drive or be in actual physical control of any recreation vehicle within this city. Violators will be subject to all procedures, implied consent, presumptions and punishments, provisions of sections 13-41-6-44 and 13-41-6-44.10 except subsection 13-41-6-44.10(C). It is also unlawful and punishable under subsection 13-41-6-44.10(C) for any person, after being placed under arrest for violation of this section, to refuse to submit to any one of the chemical tests provided. (See 41-22-14, Utah Code Annotated 1953)

13-63-43-0. REHABILITATION OF DRINKING DRIVERS.

13-63-43-10. ASSESSMENT IN ADDITION TO FINE FOR DRIVING WHILE INTOXICATED.

1. In each case where a defendant is convicted of violating section 13-41-6-44 or a criminal prohibition that he was charged with violating as a result of a plea bargain after having been originally charged with violating section 13-41-6-44, or a law or ordinance similar to 13-41-6-44(3), the court including justice of the peace courts, shall, at the time of sentencing, assess up to $150.00 for a first conviction and up to $299.00 for each subsequent conviction, above any fine imposed, and to be collected by the court or any entity appointed by the court, for the purpose of funding programs described in section 63-43-11, Utah Code Annotated 1953.

2. In addition to the fees provided for in subsection (1), the court shall impose against such a defendant further assessments, above any fine imposed, and to be collected by the court or any entity appointed by the court, to fully compensate agencies which treat the defendant for their costs. (See 63-43-10, Utah Code Annotated 1953)

CHAPTER 13-76-4-000. INCHOATE OFFENSES.

PART 13-76-4-000. ATTEMPT.

13-76-4-101. ATTEMPT - ELEMENTS OF OFFENSE.

1. For the purpose of this part a person is guilty of an attempt to commit any act made an offense by any ordinance of this city if, acting with the kind of culpability otherwise required for the commission of the offense, he engages in conduct constituting a substantial step towards commission of the offense.

2. For purposes of this part, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.

3. No defense of the offense of attempt shall arise:

    a. Because of the offense attempted was actually committed;

    or

    b. Due to factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

13-76-4-102. ATTEMPT-CLASSIFICATION OF OFFENSES.

Criminal attempt to commit:

1. A class B misdemeanor is a class C misdemeanor;

2. A class C misdemeanor is an infraction;

3. An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

PART 13-76-4-200. CRIMINAL CONSPIRACY.

13-76-4-201. CONSPIRACY - ELEMENTS OF OFFENSE.

For the purposes of this part a person is guilty of conspiracy when he, intending that conduct constituting an offense under these ordinances whether he specifically intends to violate the ordinances or not, agrees with one or more persons to engage in or commits an overt act in pursuance of the conspiracy, except where the offense is arson or burglary, the overt act is not required for the commission of the conspiracy.

13-764-202. CONSPIRACY - CLASSIFICATION OF OFFENSES.

Conspiracy to commit:

1. A class B misdemeanor is a class C misdemeanor;

2. A class C misdemeanor is an infraction;

3. An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

PART 13-76-4-300. EXEMPTIONS AND RESTRICTIONS.

13-764-301. SPECIFIC ATTEMPT OR CONSPIRACY OFFENSE PREVAILS.

Whenever any offense specifically designates or defines an attempt or conspiracy and provides a penalty for the attempt or conspiracy other than provided in this part, the specific offense shall prevail over the provision of this part.

13-76-4-302. CONVICTION OF INCHOATE AND PRINCIPAL OFFENSE PROHIBITED.

No person shall be convicted of both an inchoate and principal offense or of both an attempt to commit an offense and a conspiracy to commit the same offense.

CHAPTER 13-76-5-000. OFFENSES AGAINST THE PERSON.

PART 13-76-5-100. ASSAULT AND RELATED OFFENSES.

13-76-5-101. Reserved.

13-76-5-102. ASSAULT.

1. Assault is:

    a. An attempt, with unlawful force or violence to do bodily injury to another;

    or

    b. A threat accompanied by a show of immediate force or violence, to do bodily injury to another.

2. Assault is a class B misdemeanor. .

13-76-5-103 through 13-76-5-105. Reserved.

13-76-5-106. HARASSMENT.

1. A person is guilty of harassment if, with intent to frighten or harass another, he communicates in writing a threat to commit any violent felony.

2. Harassment is a class C misdemeanor.

13-76-5-107. TERRORISTIC THREAT.

1. A person commits terroristic threat if he threatens to commit any offense involving violence with intent:

    a. To cause action of any sort by an official or volunteer agency organized to deal with emergencies; or

    b. To place a person in fear of imminent serious bodily injury.

    c. To prevent or interrupt the occupation of a place of assembly; or aircraft, automobile, or other form of conveyance, but shall not include a facility of public transportation operated by a common carrier.

2. Terroristic threat is a class B misdemeanor.

PART 13-76-5-200. Reserved.

PART 13-76-5-300. INTERFERING WITH CUSTODIAL RIGHTS OR PERSONAL LIBERTY.

13-76-5-301 and 13-76-5-302. Reserved.

13-76-5-303. CUSTODIAL INTERFERENCE.

1. A person, whether a parent or other, is guilty of custodial interference if, without good cause, he takes, entices, conceals, or detains a child under the age of sixteen from his parent, guardian, other lawful custodian:

    a. Knowing he has no legal right to do so; and

    b. With intent to hold the child for a period substantially longer than the visitation or custody period previously awarded by a court of competent jurisdiction.

2. A person, whether a parent or other, is guilty of custodial interference if, having actual physical custody of a child under the age of sixteen pursuant to a judicial award of any court of competent jurisdiction which grants to another person visitation or custody rights, and without good cause he conceals or detains the child with intent to deprive the other person of his lawful visitation or custody rights.

3. A person is guilty of custodial interference if without good cause he takes, entices, conceals, or detains an incompetent or other person under the age of sixteen who has been committed by authority of law to the custody of another person or institution from the other person or institution, knowing he has no legal right to do so.

4. Custodial interference is a class B misdemeanor.

13-76-5-304. UNLAWFUL DETENTION.

1. A person commits unlawful detention if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

2. Unlawful detention is a class B misdemeanor.

PART 13-76-5-400. SEXUAL OFFENSES.

13-76-5-401. UNLAWFUL SEXUAL INTERCOURSE.

1. A person commits unlawful sexual intercourse if under circumstances not amending to a violation of sections 76-5-402, 76-5-402.1 or 76-5-405, Utah Code Annotated 1953, that person has sexual relations with a person, not the person's spouse, who is under 16 years of age if the actor is no more than three years older than the victim. Evidence that the actor was not more than three years older than the victim at the time of intercourse shall be raised by the defendant.

2. Unlawful sexual intercourse is a class B misdemeanor.

13-76-5-402. Reserved.

13-76-5-403. SODOMY.

1. A person commits sodomy when the actor engages in any sexual act with a person involving the genitals of one person in the mouth or anus of another person, regardless of the sex of either participant.

2. Sodomy is a class B misdemeanor.

13-76-5-404 through 13-76-5-406. Reserved.

13-76-5-407. MARRIED PERSONS CONDUCT EXEMPT - LIMITATIONS OF ACTIONS "PENETRATION" OR "TOUCHING" SUFFICIENT TO CONSTITUTE OFFENSE.

1. The provisions of this part shall not apply to conduct between persons married to each other; provided, however, that for purposes of this part, persons living apart pursuant to a lawful order of a court of competent jurisdiction shall not be deemed to be married.

2. No prosecution may be instituted or maintained under this part unless the alleged offense was brought to the notice of public authority:

    a. Within three months of its occurrence; or

    b. Where the alleged victim was less than eighteen years of age or otherwise incompetent to make complaint, within three months after a parent, guardian, or other competent person specifically interested in the victim, other than the alleged offender, learned of the offense.

3. In any prosecution for unlawful sexual intercourse, or sodomy, any sexual penetration or, in the case of sodomy, any touching, however slight, is sufficient to constitute the offense.

CHAPTER 13-76-6-000. OFFENSES AGAINST PROPERTY.

PART 13-76-6-100. PROPERTY DESTRUCTION.

13-76-6-101. DEFINITIONS.

For the purposes of this chapter:

1. "Property" means any form of real property or tangible personal property which is capable of being damaged or destroyed and includes habitable structure.

2. “Habitable structure” means any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling persons or conducting business whether a person is present or not.

3. "Property” is that of another, if anyone other than the actor has a possessory or proprietary interest in any portion thereof.

4. "Value" means:

    a. The market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or

    b. Where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.

    c. If the property damaged has a value that cannot be ascertained by the criteria set forth in subsection 1 and 2 above, the property shall be deemed to have a value of $50.00.

13-76-6-105. Reserved.

13-76-6-106. CRIMINAL MISCHIEF.

1. A person commits criminal mischief if:

    a. He intentionally damages, defaces, or destroys the property of another;

    b. He recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing.

2. Criminal mischief is defined herein as a class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss in excess of $250.00 and a class C misdemeanor if the actor's conduct causes or is intended to cause loss of less than $250.00.

PART 13-76-6-200. BURGLARY AND CRIMINAL TRESPASS.

13-76-6-201. DEFINITIONS.

For purposes of this part:

1. A person "enters or remains unlawfully" in or upon premises when the premises or any portion thereof at the time of the entry or remaining are not open to the public and when the actor is not otherwise licensed or privileged to enter or remain on the premises or such portion thereof.

13-76-6-202 through 13-76-6-204. Reserved.

13-76-6-205. MANUFACTURE OR POSSESSION OF INSTRUMENTS FOR BURGLARY OR THEFT.

Any person who manufactures or possesses any instrument, tool, device, article, or other thing adapted, designed, or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that some person intends to use the same in the commission of a burglary or theft is guilty of a class B misdemeanor.

13-76-6-206. CRIMINAL TRESPASS.

1. For purposes of this section "enter" means intrusion of the entire body.

2. A person is guilty of criminal trespass if under circumstances not amounting to burglary as defined in sections 76-2-202 through 76-2-204 of the Utah Code:

    a. He enters or remains unlawfully on property; and

        i. intends to cause annoyance or injury to any person thereon or damage to any property thereon; or

        ii. intends to commit any crime, other than theft or a felony;

        iii. is reckless as to whether his presence will cause fear for the safety of another.

    b. Knowing his entry or presence is unlawful, he enters or remains on property as to which notice against entering is given by:

        i. personal communication with the actor by the owner or someone with apparent authority to act for the owner; or

        ii. fencing or other enclosure obviously designed to exclude intruders; or

        iii. posting of signs reasonably likely to come to the attention of intruders.

3. A violation of subsection 2.a is a class C misdemeanor unless it was committed in a dwelling, in which event it is a class B misdemeanor. A violation of subsection 2.b is an infraction.

4. It is a defense to prosecution under this section:

    a. That the property was open to the public when the actor entered or remained; and

    b. The actor's conduct did not substantially interfere with the owner's use of the property.

PART 13-76-6-300. Reserved.

PART 13-76-6-400. THEFT.

13-76-6-401. DEFINITIONS.

For the purposes of this part:

1. "Property" means anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writing representing or embodying rights concerning real or personal property, labor, services, or otherwise containing anything of value to the owner, commodities of the public utility nature such as telecommunications, gas, electricity, steam, or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by him.

2. "Obtain" means, in relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in. relation to labor or services to secure performance thereof; and in . relation to a trade secret, to make any facsimile, replica, photograph, or other reproduction.

3. "Purpose to deprive" means to have the conscious object:

    a. To withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost; or

    b. To restore the property only upon payment of a reward or other compensation;

    c. To dispose of the property under circumstances that make it unlikely that the owner will recover it.

4. “Obtain or exercise unauthorized control" means, but is not necessarily limited to, conduct heretofore defined or known as common-law larceny by trespassory, takin, larceny by conversion, larceny by bailee, and embezzlement.

5. "Deception" occurs when a person intentionally:

    a. Creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true and that is likely to affect the judgment of another in the transaction; or

    b. Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgement of another and that the actor does not now believe to be true; or

    c. Prevents another from acquiring information likely to affect his judgment in the transaction; or

    d. Sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, whethe[r] the lien, security interest, claim, or impediment is or is not valid or is or is not a matter of official record; or

    e. Promises performance that is likely to affect the judgement of another in the transaction, which performance the actor does not intend to perform or knows

will not be provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.

13-76-6-402. PRESUMPTIONS AND DEFENSES.

The following presumption shall be applicable to this part:

1. Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.

2. It is no defense under this part that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe provided an interest in property for purposes of this subsection shall not include a security interest for the repayment of a debt or obligation.

3. It is a defense under this part that the actor:

    a. Acted under an honest claim of right to the property or service involved; or

    b. Acted on the honest belief that he had the right to obtain or exercise control over the property or service as he did; or

    c. Obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

13-76-6-403. THEFT - EVIDENCE TO SUPPORT ACCUSATION.

Conduct denominated theft in this part constitutes a single offense embracing the separate offenses as those heretofore known as larceny, larceny by trick, larceny by bailees, embezzlement, false pretense, extortion, blackmail, and receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner specified in sections 13-76-6-404 through 13-76-6-410 subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

13-76-6-404. THEFT ELEMENTS.

A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof.

13-76-6-405. THEFT BY DECEPTION.

1. A person commits theft if he obtains or exercises control over the property of another by deception and with the purpose to deprive him thereof.

2. Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group addressed. “Puffing” means an exaggerated

commendation of wares or worth in communications addressed to the public or to a class or group.

13-76-6-406. THEFT BY EXTORTION.

1. A person is guilty of theft if he obtains or exercises control over the property of another by extortion and with a purpose to deprive him thereof.

2. As used in this section, extortion occurs when a person threatens to:

    a. Cause physical harm in the future to the person threatened or to any other person or to property at any time; or

    b. Subject the person threatened or any other person to physical confinement or restraint; or

    c. Engage in other conduct constituting a crime; or

    d. Accuse any person of a crime or expose him to hatred, contempt, or ridicule; or

    e. Reveal any information or withhold testimony or information with respect to another's legal claim or defense; or

    f. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

    g. Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or

    h. Bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

    i. Do any other act which would not in itself substantially benefit him with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.

13-76-6-407. THEFT OF LOST, MISLAID, OR MISTAKENLY DELIVERED PROPERTY.

A person commits theft when:

1. He obtains property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return it to the owner; and

2. He has the purpose to deprive the owner of the property when he obtains the property or at any time prior to taking the measures designated in paragraph A.

13-76-6-408. RECEIVING STOLEN PROPERTY - DUTIES OF PAWNBROKERS.

1. A person commits theft if he receives, retains, or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen, or who conceals, sells, withholds, aids in concealing, selling, or withholding any such property

from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof.

2. The knowledge or belief required for paragraph A is presumed in the case of an actor who:

    a. Is found in possession or control of other property stolen on a separate occasion; or

    b. Has received other stolen property within the year preceding the receiving offense charged; or

    c. Being a dealer in property of the sort received, retained, or disposed of, acquires it for consideration which he knows is far below its reasonable value.

    d. Duty of Pawnbroker. Is a pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or an agent, employee or representative of the pawnbroker or person who buys, receives, or obtains property and fails to require the seller or person delivering the property to certify, in writing, that he has the legal rights to sell the property. If the value given for the property, exceeds $20 the pawnbroker or person shall also require the seller or person delivering the property to obtain a legible print, preferably the right thumb, at the bottom of the certificate next to his signature and at least one other positive form of identification.

3. As used in this section:

    a. "Receives" means acquiring possession, control, or title or lending on the security of the property;

    b. "Dealer" means a person in the business of buying or selling goods.

13-76-6-409. THEFT OF SERVICES.

1. A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment thereof.

2. A person commits theft if, having control over the disposition of services of another, to which he knows he is not entitled, he diverts such services to his own benefit or to the benefit of another who he knows is not entitled thereto.

3. As used in this section "services" includes, but is not necessarily limited to, labor, professional service, public utility, and transportation services, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, the supplying of equipment, tools, vehicles, or trailers for temporary use, telephone or telegraph service, gas, electricity, water or steam, and the like, admission to entertainment, exhibitions, sporting events, or other events for which a charge is made.

13-76-6-410. DEVICES FOR THEFT OF SERVICES - SEIZURE AND DESTRUCTION.

It shall be unlawful for any person. knowingly to:

1. Make or possess any instrument, apparatus, equipment, or device for the use of or for the purpose of, committing or attempting to commit theft as prescribed by section 13-76-6-409; or

2. Sell, offer to sell, advertise, give, transport, or otherwise transfer to another any information, instrument, apparatus, equipment or device or any information, plan, or instruction for obtaining, making, or assembling the same, with the intent that it be used, or caused to be used, to commit or attempt to commit theft as prescribed by section 13-76-6-409.

3. Any information, instrument, apparatus, equipment or device, or information, plan or instruction referred to in subsection (1) of this section may be seized pursuant to a court order, lawful search and seizure, lawful arrest, or other lawful process. On the conviction of any person for a violation of any provision of this part, any such information, instrument, apparatus, equipment, device, plan, or instruction shall be destroyed as contraband by the chief of police.

4. Any person who violates any provision of subsection (1) or (2) of this section is guilty of a class B misdemeanor.

13-76-6-411. THEFT BY PERSON HAVING CUSTODY OF PROPERTY PURSUANT TO REPAIR OR RENTAL AGREEMENT.

A person is guilty of theft if:

1. Having custody of property pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair, or use of such property, he intentionally uses or operates it, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose; or

2. Having custody of any property pursuant to a rental or lease agreement where it is to be returned in a specified manner or at a specified time, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.

13-76-6-412. Reserved.

13-76-6-413. THEFT - CLASSIFICATION OF OFFENSES.

Theft of property and services as provided in this chapter shall be punishable as a class B misdemeanor.

PART 13-76-6-500. FRAUD.

13-76-6-501. FORGERY - "WRITING" DEFINED.

1. A person is guilty of forgery if, with purpose to defraud anyone or with knowledge that he is facilitating a fraud to be perpetrated by anyone, he:

    a. Alters any writing of another without his authority or utters any such altered writing; or

    b. Makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing, completion, execution, authentication, issuance, transference, publication, or utterance purports to be the act of another, whether the person is existent or nonexistent, and purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed.

2. As used in this section "writing" includes printing or any other method of recording information, checks, tokens, stamps, seals, credit cards, badges, trademarks, money, and any other symbols of value, right privilege, or identification.

3. Forgery is a class B misdemeanor.

13-76-6-502. POSSESSION OF FORGED WRITING OR DEVICE FOR WRITINGS.

Any person who, with intent to defraud, knowingly possesses any writing that is a forgery as defined in section 13-76-6-501, or who with intent to defraud knowingly possesses any device for making such writing, is guilty of a class B misdemeanor.

13-76-6-503. FRAUDULENT HANDLING OF RECORDABLE WRITINGS.

Any person who with intent to deceive or injure anyone falsifies, destroys, removes, or conceals any will, deed, mortgage, security instrument, or other writing for which the law provides public recording is guilty of fraudulent handling of recordable writing which is a class B misdemeanor.

13-76-6-504. TAMPERING WITH RECORDS.

1. Any person who, having no privilege to do so, knowingly falsifies, destroys, removes, or conceals any writing, other than the writings enumerated in section 13-76-6-503, or record, public or private, with intent to deceive or injure any person or to conceal any wrongdoings is guilty of tampering with records.

2. Tampering with records is a class B misdemeanor.

13-76-6-505. ISSUING A BAD CHECK - PRESUMPTION.

1. Issuing Bad Check or Draft - Presumption. Any person who issues or passes a check or draft for the payment of money for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent, knowing it will not be paid by the drawee and payment is refused by the drawee is guilty of issuing a bad check or draft.

   For purposes of this subsection, a person who issues a check or draft for which payment is refused by the drawee is presumed to know the check or draft would not be paid if he had no account with the drawee at the time of issue.

2. Any person who issues or passes a check or draft for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent, payment of which check or draft is legally refused by the drawee, is guilty of issuing a bad check or draft if he fails to make good an actual payment to the payee in the amount of the refused check or draft within 14 days of his receiving an actual notice of the check or draft's non-payment.

3. An offense of issuing a bad check or draft is a class B misdemeanor.

13-76-6-506. WRONGFUL USE OF A CREDIT CARD - DEFINITIONS.

For purposes of this part:

1. "Automated banking device" means any machine which, when properly activated by a financial transaction card or a personal identification code, may be used for any of the purposes for which a financial transaction card may be used.

2. "Card holder" means any person or organization named on the face of a financial transaction card to whom or for whose benefit a financial transaction card is issued by an issuer.

3. "Financial transaction card" means:

   a. Any credit card, credit plate, bank services card, banking card, check guarantee card, debit card, telephone credit card, or any other card, issued by an issuer for the use of the card holder in obtaining money, goods, services, or anything else of value on credit, or in certifying or guaranteeing to a person or business the availability to the card holder of the funds on deposit that are equal to or greater than the amount necessary to honor a draft or check payable to the order of the person or business; or

   b. Any instrument or device used in providing the card holder access to a demand or time deposit account for the purpose of making deposits of money or checks in the account, or withdrawing funds from the account in the form of money, money orders, travelers checks or other form representing value, or transferring funds from any demand or time deposit account to any credit card account in full or partial satisfaction of any outstanding balance existing in the credit card account.

4. "Issuer" means a business organization or financial institution or its agent that issues a financial transaction card.

5. "Personal identification code" means any numerical or alphabetical code assigned to a card holder by the issuer to permit the authorized electronic use of his financial transaction card.

13-76-6-507. UNLAWFUL USE OF CREDIT CARDS TO ACQUIRE GOODS OR SERVICES.

It is unlawful for any person to:

1. Knowingly, with intent to defraud, obtain or attempt to obtain credit or purchase or attempt to purchase goods, property, or services, by the use of false, fictitious, altered, counterfeit, revoked, expired, stolen, or fraudulently obtained financial transaction card by any financial transaction card credit number, personal identification code, or by the use of a financial transaction card not authorized by the issuer or card holder;

2. Use a financial transaction card, with intent to defraud, to knowingly and willfully exceed the actual balance of a demand or time deposit account;

3. Use a financial transaction card with intent to defraud, to willfully exceed an authorized credit line by $300.00 or more, or by 50% of such line, whichever is greater;

4. Willfully, with intent to defraud, deposit to his or any other account by means of an automated banking device, any false, fictitious, forged, altered or counterfeit check, draft, money order, or any other similar documents; or

5. Make application for a financial transaction card to an issuer while knowingly making or causing to be made a false statement or report relative to his name, occupation, financial condition, assets or to willfully and substantially undervalue or underestimate any indebtedness for the purpose of influencing the issuer to issue the financial transaction card.

13-76-6-508. UNLAWFUL ACQUISITION OF CREDIT CARDS.

It is unlawful for any person to:

1. Acquire a financial transaction card from another without the consent of the card holder or the issuer, or, with the knowledge that it has been acquired without the consent, receive a financial transaction card with intent to use it in violation of section 13-76-6-507, or sell or transfer a financial transaction card to another person with the knowledge that it will be used in violation of section 13-76-6-507; or

2. Acquire a financial transaction card that he knows was lost, mislaid, or delivered under a mistake as to the identity or address of the card holder and retain possession with intent to use it in violation of section 13-67-6-507, or sell or transfer a financial transaction card to another person with the knowledge that it will be used in violation of section 13-76-6-507.

13-76-6-509. UNLAWFUL RECEIPT OF CREDIT CARDS.

It is unlawful for any person to receive, retain, conceal, possess, or dispose of personal property, cash, or other form representing value, if he knows or has reason to believe the property, cash, or other form representing value has been obtained through unlawful conduct described in sections 13-76-6-507 or 13-76-6-508.

13-76-6-510. PENALTY.

Any person found guilty of the unlawful conduct described in sections 13-76-6-507, 13-76-6-508 or 13-76-6-509 is guilty of a class B misdemeanor.

13-76-6-511. DECEPTIVE BUSINESS PRACTICES - DEFINITIONS - DEFENSE.

1. A person is guilty of a class B misdemeanor if, in the course of business, he:

    a. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or

    b. Sells or offers or exposes for sale or delivers less than the represented quantity of any commodity or service; or

    c. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or

    d. Sells or offers or exposes for sale adulterated or mislabeled commodities.

        i. “Adulterated” means varying from the standard of composition or quality prescribed, or pursuant to any statute providing criminal penalties for a variance or set by established commercial usage.

ii. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage; or

e. Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services.

f. Offers, by advertising or other means of communication, to the public or a substantial number of persons, property, or services as part of the scheme or plan, with intent not to sell or provide the advertised property or service:

i. At the price which he offered them; or

ii. In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically state in the advertisement; or

iii. At all.

2. It is an affirmative defense to prosecution under this section that the defendant's conduct was not knowing and reckless.

13-76-6-512. Reserved.

13-76-6-513. UNLAWFUL USE OF PROPERTY BY FIDUCIARY.

1. A person is guilty of theft, punishable under section 13-76-6-413, if he deals with property that has been entrusted to him as a fiduciary, or property of the government, or of a financial institution, in a manner which he knows is a violation of his duty and which involves substantial risk of loss to the owner or to a person for whose benefit the property was entrusted.

2. As used in this section “fiduciary" includes any person carrying on fiduciary functions on behalf of a corporation or other organization which is a fiduciary.

13-76-6-514. Reserved.

13-76-6-515. USING OR MAKING SLUGS.

1. A person is guilty of a class B misdemeanor if:

a. With a purpose to defraud the supplier of property or a service offered or should by means of a coin machine, he inserts, deposits, or uses a slug in that machine; or

b. He makes, possesses, or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine.

2. As used in this section:

a. "Coin machine" means any mechanical or electrical device or receptacle designed to receive a coin or bill of a certain denomination, or a token made for the purpose, and, in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.

b. "Slug" means any object which, by virtue of its size, shape, or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine or an improper substitute for a genuine coin, bill, or token.

13-76-6-516 through 13-76-6-517. Reserved

13-76-6-518. CRIMINAL SIMULATION.

1. A person is guilty of criminal simulation if, with intent to defraud another;

    a. He makes or alters an object in whole or in part so that it appears to have value because of age, antiquity, rarity, source, or authorship that it does not have; or b.

    b. He sells, passes, or otherwise utters an object so made or altered; or

    c. He possesses an object so made or altered with intent to sell, pass, or otherwise utter it; or

    d. He authenticates or certifies an object so made or altered as genuine or as different from what it is.

2. Criminal simulation is punishable as a class B misdemeanor.

13-76-6-519 through 13-76-6-520. Reserved.

13-76-6-521. FALSE OR FRAUDULENT INSURANCE CLAIM PUNISHMENT AS FOR THEFT. Every person who presents, or causes to be presented, any false or fraudulent claim, or any proof in support of any such claim, upon any contract of insurance for the payment of any loss, or who prepares, makes or subscribes any account, certificate of survey, affidavit or proof of loss, or other book, paper or writing, with intent to present or use the same, or to allow it to be presented or used, in support of any such claim is punishable as in the manner prescribed for theft of property of like value.

PART 13-76-6-600. RETAIL THEFT.

13-76-6-601. DEFINITIONS.

As used in this part:

1. "Retail value" means the merchant's stated or advertised price of the merchandise;

2. "Retail mercantile establishment" means any place where merchandise is displayed, held or offered for sale to the public;

3. "Merchandise" means any personal property displayed, held or offered for sale by a merchant;

4. "Merchant" means any owner or operator of any retail mercantile establishment where the merchandise is displayed, held, or offered for sale and includes the merchants employees, servants or agents;

5. "Premises of a retail mercantile establishment" includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking lots or areas set aside for the benefit of those patrons of the retail mercantile establishment;

6. "Minor" means any unmarried person under 18 years of age;

7. "Shopping cart" means those push carts of the types which are commonly provided by grocery stores, drug stores, or other mercantile establishments or markets for the use of the public in transporting commodities in stores and markets from the store to a place outside the store;

8. "Peace officer" means any marshal, chief of police, or police officer of this city; and

9. "Under Ring" means to cause the cashier or other sales recording device to reflect less than the retail value of the merchandise.

13-76-6-602. RETAIL THEFTS - ACTS CONSTITUTING.

A person commits the offense of retail theft when he knowingly:

1. Takes possession of, conceals, carries away, transfers, or causes to be carried away or transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of such merchandise; or

2. Alters, transfers, or removes and label, price tag, marking, indicia of value or any other markings which aid in determining value of any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in concert with another at less than the retail value with intention of depriving the merchant of the retail value of such merchandise; or

3. Transfers any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with intentions of depriving the merchant of the retail value of such merchandise; or

4. Under rings with intention of depriving the merchant of the retail value of the merchandise; or

5. Removes a shopping cart from the premises of a retail mercantile establishment with intent of depriving the merchant of the possession, use, or benefit of such cart.

13-76-6-603 through 13-76-6-605. Reserved.

13-76-6-606. PENALTY.

A violation of this part shall be punished according to section 13-76-6-413.

PART 13-76-6-700. COMPUTER FRAUD.

13-76-6-701. TITLE.

This part shall be known and cited as the "Computer Fraud Act".

13-76-6-702. DEFINITIONS.

As used in this part:

1. "Access" means to directly or indirectly use, attempt to use, instruct, communicate with, cause input to, cause output from, or otherwise make use of any resources of, a computer, computer system, computer network, or any means of communication therewith.

2. “Computer" is any electronic device or communication facility with data processing ability.

3. "Computer system" means a set of related, connected, or unconnected devices, software, or other computer related equipment.

4. "Computer network" means the interconnection of communication lines between computers or computers and remote terminals.

5. "Property" includes, but is not limited to, electronic impulses, electronically produced data, information, financial instruments, software or programs, in either machine or human readable form, any other tangible or intangible item relating to a computer, computer system, computer network, and any copies thereof.

6. "Services" include, but are not limited to, computer time, data manipulation, and storage functions.

7. "Financial statement" includes, but is not limited to, any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card, or marketable security.

8. "Software" or "program" means a series of instructions or statements in a form acceptable to a computer, relating to the operations of a computer, or permitting the function of a computer system in a manner designed to provide results therefrom, including but not limited to, system control programs, application programs, or any copies thereof.

13-76-6-703. OFFENSES - DEGREE OF OFFENSE.

Any person who willfully gains access to any computer, computer system, computer network, computer software, computer program, or any computer property who knowingly and willfully provides false information or who causes any other person directly or indirectly to enter false information into any computer, computer system, computer network, computer software, computer program, and thereby devises or executes any scheme or artifice to defraud or obtain money, property, or services, including the unauthorized use of computer time, under false pretenses,

representations, or promises, including representations made through a computer, and thereby alters, damages, or destroys any computer, computer system, computer network, computer software, computer program, or any computer property is guilty of a criminal offense as follows:

1. For value less than or equal to $25.00 a class C misdemeanor; or

2. For value greater than $25.00 but less than $300.00 a class B misdemeanor.

13-76-6-704. CONDUCT VIOLATING OTHER ORDINANCES.

Prosecution pursuant to this part shall not prevent any prosecution pursuant to another law, where such conduct also constitutes a violation of the other law. No prosecution may be commenced under this part more than three years after the commission of the acts constituting a violation of this part.

PART 13-76-6-800. LIBRARY THEFT.

13-76-6-801. ACTS CONSTITUTING LIBRARY THEFT.

A person is guilty of the crime of library theft when he willfully, for the purpose of converting to personal use, and to deprive the owner thereof, conceals on his person or among his belongings a book or other library materials while still on the premises of the library or willfully and without authority removes a book or other library materials from such library building with the intention of converting them to his own use.

13-76-6-802. PRESUMPTION OF INTENT.

A person who willfully conceals a book or other library materials on his person or among his belongings while still on the premises of the library or in the immediate vicinity thereof shall be prima facia presumed to have concealed the book or other library materials with the intention of converting them to his own use. If a book or other library materials are found, concealed on his person or among his belongings it shall be prima facia evidence of willful concealment.

13-76-6-803. MUTILATION OF LIBRARY MATERIAL AS LIBRARY THEFT.

A person is guilty of the crime of library theft when he or she willfully commits a witnessed or documented mutilation of a library book or other library materials in the library or its immediate vicinity.

13-76-6-804. BOOK OR OTHER LIBRARY MATERIALS TO FIND.

The terms "book or other library materials" as used in this part include any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, electronic data processing records, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging to, or on loan to or otherwise in the custody of the following:

1. Any public library;

2. Any library of an educational or historical society;

3. Any museum; or

4. Any repository of public records.

13-76-6-805. PENALTY.

Any person violating the provision of this part shall be punished subject to the provisions of 13-76-6-413.

CHAPTER 13-76-7-000. OFFENSES AGAINST THE FAMILY.

PART 13-76-7-100. MARITAL VIOLATIONS

13-76-7-101. through 13-76-7-102. Reserved

13-76-7-103. ADULTERY.

A married person commits adultery when he voluntarily has sexual intercourse other than with his spouse. Adultery is a class B misdemeanor.

13-76-7-104. FORNICATION

1. Any unmarried person who shall voluntarily engage in sexual intercourse with another is guilty of fornication.

2. Fornication is a class B Misdemeanor.

CHAPTER 13-76-8-000. OFFENSES AGAINST THE GOVERNMENT.

PART 13-76-8-100 CORRUPT PRACTICES.

13-76-8-101. DEFINITIONS.

For purposes of this chapter:

1. “Public servant” means any officer or employee of the city, including judges, consultants, jurors, and persons otherwise performing a government function. A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position.

2. “Party official” means any person holding any post in a political party whether by election, appointment, or otherwise.

3. “Pecuniary benefit” means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic

gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increase prosperity generally.

4. A person is a candidate for electoral office upon his filing or being nominated as a candidate for any city office.

13-76-8-102 CAMPAIGN CONTRIBUTIONS NOT PROHIBITED.

Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of any offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

13-76-8-103. BRIBERY TO INFLUENCE OFFICIAL OR POLITICAL ACTIONS.

A person is guilty of a class B misdemeanor if:

1. He promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter; or

2. Being a public servant, party official, candidate for electoral office, or voter, he solicits, accepts, or agrees to accept any pecuniary benefit from another, knowing the other person's purpose is as described above in paragraph A of this section.

13-76-8-104. THREATS TO INFLUENCE OFFICIAL OR POLITICAL ACTION.

1. A person is guilty of a class B misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.

2. "Harm", as used in this section, means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

13-76-8-105. RECEIVING BRIBE OR BRIBERY BY PUBLIC SERVANT.

A person is guilty of a class B misdemeanor if:

1. Being a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit in return for having given a decision, opinion, recommendation, nomination, vote, otherwise exercised in his discretion, or for having violated his duty; or

2. He promises, offers, or gives any pecuniary benefit, acceptance of which would be a violation of paragraph 1.

13-76-8-106. RECEIVING BRIBE OR BRIBERY FOR ENDORSEMENT OF PERSON AS PUBLIC SERVANT.

A person is guilty of a class B misdemeanor if:

1. He solicits, accepts, agrees to accept for himself, another person, or a political party, money, or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or

2. He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph 1.

13-76-8-107. ALTERATION OF PROPOSED ORDINANCE OR RESOLUTION.

Every person who fraudulently alters the draft of any ordinance or resolution which has been presented to the city council to be passed or adopted, with intent to procure it being passed or adopted by the city council or signed by the mayor in language different from that intended by the city council, is guilty of a class B misdemeanor.

13-76-8-108. ALTERATION OF ENGROSSED COPY OF ORDINANCE OR RESOLUTION.

Every person who fraudulently alters any ordinance or resolution which has been passed or adopted by the city council with intent to have it printed or published as part of the ordinances or resolutions of this city in language different from that in which it was passed or adopted by the city council, is guilty of a class B misdemeanor.

13-76-8-109. FAILURE OF MEMBER OF CITY COUNCIL TO DISCLOSE INTEREST IN ORDINANCE OR RESOLUTION.

Every member of the city council who has a personal or private interest in the measure, ordinance or resolution proposed or pending before the city council and does not disclose the fact to the city council and votes thereon is guilty of a class B misdemeanor.

PART 13-76-8-200. ABUSE OF OFFICE.

13-76-8-201. OFFICIAL MISCONDUCT - UNAUTHORIZED ACTS OR FAILURE OF DUTY.

A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

13-76-8-202. OFFICIAL MISCONDUCT - UNLAWFUL ACTS BASED ON "INSIDE" INFORMATION.

A public servant is guilty of a class B misdemeanor if, knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant which information has not been made public, he:

1. Acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information; or

2. Speculates or waters on the basis of such action information; or

3. Knowingly aids another to do any of the foregoing.

13-76-8-203. UNOFFICIAL MISCONDUCT.

1. A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public office when:

    a. He has not taken and filed the required oath of office; or

    b. He has failed to execute and file the required bond; or

    c. He has not been elected or appointed to office; or

    d. He exercises any of the functions of his office after his term has expired and the successor has been elected or appointed and has qualified, or after his office has been legally removed.

    e. He knowingly withholds or retains from his successor in office or other person entitled to the official seal or any records, papers, documents, or other writings appertaining or belonging to his office or mutilates or destroys or takes away the same.

2. Unofficial misconduct is a class B misdemeanor.

PART 13-76-8-300. OBSTRUCTING GOVERNMENTAL OPERATIONS.

13-76-8-301. INTERFERENCE WITH PUBLIC SERVANT.

A person is guilty of a class B misdemeanor if he uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function.

13-76-8-302. PICKETING OR PARADING IN OR NEAR COURT.

A person is guilty of a class B misdemeanor if he pickets or parades in or near a building which houses a court of this city with intent to obstruct access to that court or to affect the outcome of a case pending before that court.

13-76-8-303. PREVENTION OF CITY COUNCIL OR PUBLIC SERVANT FROM MEETING OR ORGANIZING.

A person is guilty of a class B misdemeanor if he intentionally and by force or fraud:

1. Prevents the city council of this city or any of the members thereof, from meeting or organizing; or

2. Prevents any other public servant from meeting or organizing to perform a lawful governmental function.

13-76-3-304. DISTURBING CITY COUNCIL OR OFFICIAL MEETING.

1. A person is guilty of a class B misdemeanor if:

    a. He intentionally disturbs the city council while in session; or

    b. He intentionally commits any disorderly conduct in the immediate view and presence of the city council of this city which tends to interrupt its proceedings or impair the respect of its authority; or

    c. Intentionally disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting which tends to interrupt its proceedings.

2. "Official meeting," as used in this section, means any lawful meeting of city officials for the purposes of carrying on governmental functions.

13-76-8-305. INTERFERENCE WITH PEACE OFFICER MAKING ARREST.

A person is guilty of a class B misdemeanor if he has knowledge, or by the exercise of reasonable care, should have knowledge, that a peace officer is seeking to effect a lawful arrest or detention of himself or another and interferes with such arrest or detention by use of force or by the use of any weapon.

13-76-8-306. OBSTRUCTING JUSTICE.

1. A person is guilty of an offense if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction, or punishment of another for the commission of a crime, he:

    a. Knowing an offense has been committed, conceals it from a magistrate; or

    b. Harbors or conceals the offender; or

    c. Provides the offender a weapon, transportation, disguise, or other means for avoiding discovery or apprehension; or

    d. Warns such offender of impending discovery of apprehension; or

    e. Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of such person; or

    f. Obstructs by force, intimidation, or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution, or conviction of such person.

2. An offense under this section is a class B misdemeanor.

13-76-8-307. FAILURE TO AID PEACE OFFICER.

A person is guilty of a class B misdemeanor if, upon command by a peace officer identifiable or identified by him as such, he unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.

13-76-8-308. ACCEPTANCE OF BRIBE OR BRIBERY TO PREVENT CRIMINAL PROSECUTION - DEFENSE.

1. A person is guilty of a class B misdemeanor if he:

   a. Solicits, accepts, or agrees to accept any benefit as consideration for his refraining from initiating or aiding in a criminal prosecution; or

   b. Confers, offers, or agrees to confer any benefit upon another as consideration for the person refraining from initiating or aiding in a criminal prosecution.

2. It is an affirmative defense that the value of the benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense.

13-76-8-309. ESCAPE – TERM FOR ESCAPE FROM CITY JAIL.

1. A person is guilty of a class B misdemeanor if he escapes from official custody.

2. "Official custody" for the purpose of this section, means arrest, custody in the city jail, or any other institution for confinement to which an offender has been confined pursuant to an order of the city court. For purposes of this section a person is deemed to be confined in the city jail if he has been sentenced and committed and the sentence has not been terminated or voided or the prisoner is not on parole.

3. The term imposed upon a person escaping confinement in the city jail shall commence from the time the actor would otherwise have been discharged from the jail on the term or terms which he was serving.

13-76-8-310 and 13-76-8-311. Reserved

13-76-8-312. BAIL - JUMPING.

1. A person is guilty of an offense when having been released on bail or on his own recognizance by court order or by other lawful authority upon condition that he subsequently appear personally upon a charge of an offense, he fails without just cause to appear at the time and place which have been lawfully designated for his appearance.

2. Bail-jumping is an infraction.

PART 13-76-8-400. OFFENSE AGAINST PUBLIC PROPERTY.

13-76-8-401. "PUBLIC MONEYS" DEFINED.

As used in this part, "public moneys" includes all bonds and evidences of indebtedness and all money belonging to the city and all money, bonds, and evidences of indebtedness received or held by city officials in their official capacity.

13-76-8-402. MISUSING PUBLIC MONEYS.

1. Every officer of this city and every other person charged with the receipt, safekeeping, transfer, or disbursement of moneys of this city commits an offense if he:

    a. Without authority of law appropriates the money or any portion thereof to his own use, or to the use of another; or

    b. Loans the money or any portion thereof without authority of law; or

    c. Fails to keep the money in his possession until disbursed or paid out by authority of law; or

    d. Unlawfully deposits the money or any portion in any bank or with any other person; or

    e. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the money; or

    f. Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or

    g. Willfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such money by competent authority; or

    h. Willfully omits to transfer the money when the transfer is required by law; or

    i. Willfully omits or refuses to pay over, to any officer or person authorized by law to receive it, any money received by him under any duty imposed by law so to pay over the same.

2. A violation of this section is a class B misdemeanor.

13-76-8-403. FAILURE TO KEEP AND PAY OVER PUBLIC MONEYS.

Every officer charged with the receipt, safekeeping, or disbursement of public moneys who neglects or fails to keep and pay over the money, in the manner prescribed by law, is guilty of a class B misdemeanor.

13-76-8-404. MAKING PROFIT OUT OF, OR MISUSING PUBLIC MONEYS.

Any public officer who shall make a profit out of public money or shall use the same for a purpose not authorized by law, is guilty of a class B misdemeanor.

13-76-8-405. FAILURE TO PAY OVER FINE, FORFEITURE, OR FEE.

Every public officer who receives any fine, forfeiture, or fee and refuses or neglects to pay it over within the time prescribed by law is guilty of a class B misdemeanor.

13-76-8-406. OBSTRUCTING COLLECTION OF REVENUE.

Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this city have an

interest and which such officer is by law empowered to collect, is guilty of a class B misdemeanor.

13-76-8-407. REFUSING TO GIVE TAX ASSESSMENT INFORMATION, OR GIVING FALSE INFORMATION.

Every person who unlawfully refuses, upon demand, to give any county assessor or deputy county assessor or the city assessor a list of his property subject to taxation, or to swear to such list, or who gives a false name, or fraudulently refuses to give his true name when demanded by the assessor in the discharge of his official duties, is guilty of a class B misdemeanor.

13-76-8-408. GIVING FALSE TAX RECEIPT OR FAILING TO GIVE RECEIPT.

Every person who uses or gives any receipt, except that prescribed by the ordinances, resolutions, or rules of this city, as evidence of the payment for the tax or license of any kind, or who receives payment for the tax or license without delivery the receipt prescribed, is guilty of a class B misdemeanor.

13-76-8-409. REFUSING TO GIVE TAX ASSESSOR OR TAX OR LICENSE COLLECTOR A LIST OF OR DENYING ACCESS TO EMPLOYEES.

Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to any assessor or collector the name and residence of each man in his employ, or to give the assessor or collector access to the building or place where such men are employed, is guilty of a class B misdemeanor.

13-76-8-410. DOING BUSINESS WITHOUT LICENSE.

Every person who commences or carries on any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by any ordinance of this city, without taking out the license required is guilty of a class B misdemeanor.

13-76-8-411. TRAFFICKING IN WARRANTS.

No officer of this city shall, either directly or indirectly, contract for or purchase any warrant or order issued by this city at any discount whatever upon the sum due on the warrant or order, and if any officer of this city shall so contract for or purchase any such order or warrant on a discount, he is guilty of a class B misdemeanor.

13-76-8-412. STEALING, DESTROYING, OR MUTILATING PUBLIC RECORDS BY CUSTODIAN.

Every officer having the custody of any record, map, or book, or any paper or proceedings of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, willfully destroying, mutilation, defacing, altering, falsifying, removing, or secreting the whole or any part thereof, or who permits any other person so to do, is guilty of a class B misdemeanor.

13-76-8-413. STEALING, DESTROYING, OR MUTILATING PUBLIC RECORDS BY ONE NOT THE CUSTODIAN.

Every person, not an officer such as is referred to in the preceding section, who has committed any of the acts specified in that section is guilty of a class B misdemeanor.

13-76-8-414. RECORDING FALSE OR FORGED INSTRUMENTS.

Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any office of this city, which instrument, if genuine, might be filed or registered or recorded under any law or ordinance of this state or city or of the United States, is guilty of a class B misdemeanor.

13-76-8-415. INJURING OR REMOVING MONUMENTS OF OFFICIAL SURVEYS.

Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the United States or state survey or survey of this city is guilty of a class B misdemeanor.

13-76-8-416. TAKING TOLL OR MAINTAINING ROAD, BRIDGE, OR FERRY WITHOUT AUTHORITY - REFUSAL TO PAY LAWFUL TOLL.

Any person who demands or receives compensation for the use of any bridge or ferry, or who sets up or keeps any road, bridge, or ferry, or constructed ford, for the purpose of receiving remuneration for its use without authority of law; and any person who refuses to pay on demand the compensation or fee authorized to be collected for use of a licensed toll road, bridge, ferry, or constructed ford after having used it is guilty of a class B misdemeanor.

13-76-8-417. TAMPERING WITH OFFICIAL NOTICE OR PROCLAMATION.

Every person who intentionally defaces, obliterates, tears down or destroys any copy or transcript or extract from or of any law of United States or state of Utah, or this city, or any proclamation, advertisement, notice, resolution or ordinance, set up at any place in this city by authority of any law of the United States or of the state of Utah or of this city, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain, is guilty of an infraction.

13-76-8-418. INJURING JAILS.

Every person who willfully and intentionally breaks down, pulls down, or otherwise destroys or injures any public jail or other place of confinement, is guilty of a class B misdemeanor.

13-76-8-419. INJURING HIGHWAYS OR BRIDGES.

Every person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway, or any private way laid out by authority of law, or any bridge upon such highway or private way, is guilty of a class B misdemeanor.

13-76-8-420. REMOVING OR INJURING ROAD SIGNS.

Every person who maliciously removes or injures any milepost, milestone or guidepost, or any inscription on them, erected upon any highway, street, road or alley is guilty of a class B misdemeanor.

PART 13-76-8-500. FALSIFICATION IN OFFICIAL MATTERS.

13-76-8-501. DEFINITIONS.

For the purposes of this part:

1. “Official proceeding" means any proceeding before the city council, court, or administrative body of this city authorized by any state or ordinance of the city council to take evidence under oath or affirmation, including a notary or other person taking evidence in connection with any of these proceedings.

2. "Material" means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affected the proceeding. Whether a statement is material is a question of law to be determined by the court.

13-76-8-502. FALSE OR INCONSISTENT MATERIAL STATEMENTS.

A person is guilty of a class B misdemeanor if in any official proceeding or any proceeding conducted by this city or pursuant to its ordinances:

1. He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or

2. He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but that one or the other was false and not believed by the defendant to be true.

13-76-8-503. FALSE OR INCONSISTENT STATEMENTS.

In any proceeding conducted by this city or pursuant to its ordinances a person is guilty of a class B misdemeanor if:

1. He makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and he does not believe the statement to be true if:

    a. The falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant 'in performing his official functions; or

    b. The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

c. He makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

2. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

13-76-8-504. WRITTEN FALSE STATEMENT.

A person is guilty of a class B misdemeanor if:

1. He makes a written false statement which he does not believe to be true on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or

2. With intent to deceive a public servant in the performance of his official function, he:

   a. Makes any written false statement which he does not believe to be true; or

   b. Knowingly creates a false impression in a written application or any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or

   c. Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.

3. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

13-76-8-505. PERJURY OR FALSE SWEARING - PROOF OF FALSITY OF STATEMENTS - DENIAL OF CRIMINAL GUILTY.

1. On any prosecution for perjury or false swearing, except a prosecution upon inconsistent statements pursuant to 13-850-2(b) falsity of a statement may not be established solely through contradiction by the testimony of a single witness.

2. No prosecution shall be brought under this part when the substance of the defendant's false statement is his denial of guilt in a previous criminal trial.

13-76-8-506. FALSE REPORTS OF OFFENSES TO LAW ENFORCEMENT OFFICER.

A person is guilty of a class B misdemeanor if he:

1. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing the officer to believe that another has committed an offense; or

2. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger.

13-76-8-507. FALSE INFORMATION TO LAW ENFORCEMENT OFFICER.

A person commits a class C misdemeanor if, with intent to mislead a peace officer as to identity, birth date, or place of residence, he knowingly gives a false name, birth date, or address to a peace officer in the lawful discharge of his duties.

13-76-8-508. TAMPERING WITH WITNESS - RETALIATION AGAINST WITNESS OR INFORMANT - BRIBERY.

A person is guilty of a class B misdemeanor if:

1. Believing that an official proceeding or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a person to:

   a. Testify or inform falsely; or

   b. Withhold any testimony, information, document, or thing; or

   c. Elude legal process summoning him to provide evidence; or

   d. Absent himself from any proceeding or investigation to which he has been summoned; or

2. He commits any unlawful act in retaliation for anything done by another in his capacity as a witness or informant; or

3. He solicits, accepts, or agrees to accept any benefit in consideration of his doing any of the things specified in paragraph A.

13-76-8-509. EXTORTION OR BRIBERY TO DISMISS CRIMINAL PROCEEDING.

1. A person is guilty of a class B misdemeanor if by the use of force or by any threat which would constitute a means of committing the crime of theft by extortion under this title, if the threat were employed to obtain property, or by promise of any reward or pecuniary benefits, he attempts to induce an alleged victim of a crime to secure the dismissal of or to prevent the filing of a criminal complaint or summons.

2. "Victim," as used in this section, includes a child or other person under the care or custody of a parent or guardian.

13-76-8-510. TAMPERING EVIDENCE.

A person commits a class B misdemeanor if, believing that an official proceeding or investigation is pending or about to be instituted by the city, he:

1. Alters, destroys, cancels, or removes anything with a purpose to impair its verity or availability in the proceeding or investigation; or

2. Makes, presents, or uses anything which he knows to be false with a purpose to deceive a public servant who is or may be engaged in a proceeding or investigation.

13-76-8-511. FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD.

A person is guilty of a class B misdemeanor if he:

1. Knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by this city for information or record, or required by law to be kept for information of this city; or

2. Presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or records referred to in 1; or

3. Intentionally and unlawfully destroys, conceals, or otherwise impairs the verity or availability of any such thing.

13-76-8-512. IMPERSONATION OF OFFICER.

A person is guilty of a class B misdemeanor if he impersonates a public servant or a peace officer of this city with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.

13-76-8-513. FALSE JUDICIAL OR OFFICIAL NOTICE.

A person is guilty of a class B misdemeanor who, with a purpose to procure the compliance of another with a request made by the person, knowingly sends, mails, or delivers to the person a notice or other writing which has no judicial or other sanction but which in its format or appearance simulates a summons, complaint, court order, or process, or an insignia, seal, or printed form of any official of this city, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction.

13-76-8-514. Reserved.

PART 13-76-8-600. ABUSE OF PROCESS.

13-76-8-601. WRONGFUL COMMENCEMENT OF ACTION IN JUSTICES' COURT.

Any party to any suit or proceeding, and any attorney or agent for the party, who knowingly commences, prosecutes, or maintains any action, suit, or proceeding in the court of this city, other than as provided in section 78-5-8, Utah Code Annotated 1953, is guilty of a class B misdemeanor.

13-76-8-602. ASSUMING LIABILITY FOR CONFERRING JURISDICTION UPON JUSTICE.

Any person who binds himself, or voluntarily becomes liable jointly or jointly and severally with any other person, for the purpose of conferring jurisdiction of any

cause upon the court of this city which otherwise would be without jurisdiction except for the liability of the joint obligor, and any person who induces a person to assume the liability for the purpose of conferring jurisdiction upon the court, is guilty of a class B misdemeanor.

13-76-8-603. WRONGFUL ATTACHMENT BY JUSTICE - LIABILITY.

It is unlawful for the justice of the peace of this city to issue any writ of attachment, and for any party, agent or attorney of the party, to advise, induce, or procure the issuance thereof, in any action, suit, or proceeding before the affidavit therefore is filed, or where the affidavit filed therefore does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure. Any person violating any of the provisions of this section is guilty of a class B misdemeanor.

PART 13-76-8-700. Reserved.

PART 13-76-8-800. SABOTAGE PREVENTION.

13-76-8-801. DEFINITIONS.

For the purpose of this part:

1. "Highway: includes any private or public street, way or other place used to travel to or from property within this city.

2. "Public utility" includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation, communications, or other system by whomsoever owned or operated for public use.

13-76-8-802. POSTING OF SIGNS AT WAR OR DEFENSE FACILITIES - ENTERING POSTED PREMISES WITHOUT PERMISSION.

1. Any individual, partnership, association, corporation, or political subdivision of the State of Utah engaged in, or preparing to engage in, the manufacture, transportation, or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or the manufacture, transportation, distribution, or storage of gas, oil, coal, electricity, or water, or any natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons, or things is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock, or railway entrance and every one hundred feet of water front a sign reading "No Entry Without Permission." The sign shall also designate a point of entrance or place where application may be made for permission to enter, and permission shall not be denied to any loyal citizen who has a valid right to enter.

2. Any person willfully entering property enumerated in A, without permission of the owner, shall be guilty of a Class C misdemeanor.

13-76-8-803. CLOSING OR RESTRICTING USE OF HIGHWAYS ABUTTING DEFENSE OR WAR FACILITIES - POSTING OF NOTICES.

1. Any individual partnership, association, corporation, or any political subdivision of the state engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity, or water, or any of natural or artificial persons operating any public utility who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which the property abuts, may petition the city council of this city to close one or more of the highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of the highways or parts thereof. Upon receipt of the petition, the city council shall by resolution set a date for hearing and give notice thereof by publication in a newspaper having general circulation in this city, which publication shall be made at least seven days prior to the date set for hearing. If, after hearing, the city council determines that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel or reasonably restrict the use and travel upon one or more of the highways or parts thereof; provided the city council may issue written permits to travel over the highway so closed or restricted to responsible and reputable persons for a term, under conditions and in a form as the city council may prescribe. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restrict by an order. The city council may at any time revoke or modify any order so made.

2. Any person who violates any order made under this section shall be guilty of a class C misdemeanor.

CHAPTER 13-76-9-000. OFFENSES AGAINST PUBLIC ORDER AND DECENCY.

PART 13-76-9-100. BREACHES OF THE PEACE AND RELATED OFFENSES.

13-76-9-101. RIOT.

1. A person is guilty of riot if:

   a. Simultaneously with two or more other persons he engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or

   b. He assembles with two or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing that two or more persons in the assembly have the same purpose; or

   c. He assembles with two or more other persons with the purpose of committing an offense against a person or property of another who he supposes to be guilty of a violation of law, believing that two or more in the assembly have the same purpose.

2. Any person who refuses to comply with a lawful order to withdraw given to him immediately prior to, during or immediately following a violation of paragraph A is guilty of riot. It is no defense to a prosecution under this paragraph that withdrawal must take place over private property; provided, however, that no person so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.

3. Riot is a class B misdemeanor.

13-76-9-102. DISORDERLY CONDUCT.

1. A person is guilty of disorderly conduct if:

   a. He refuses to comply with the lawful order of the police to move from a public place or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or

   b. Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof:

      i. He engages in fighting or in violent, tumultuous, or threatening behavior; or

      ii. He makes unreasonable noises in a public place; or

      iii. He makes unreasonable noises in a private place which can be heard in a public place; or

      iv. He engages in abusive or obscene language or makes obscene gestures in a public place; or

      v. He obstructs vehicular or pedestrian traffic.

2. "Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

3. Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise, it is an infraction.

13-76-9-103. DISRUPTING A MEETING OR PROCESSIONS.

1. A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, He obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.

2. Disrupting a meeting or procession is a class B misdemeanor.

13-76-9-104. FAILURE TO DISPERSE.

1. A person is guilty of failure to disperse when he remains at the scene of a riot, disorderly conduct, or an unlawful assembly after having been ordered to disperse by a peace officer.

2. This section shall not apply to a person who attempted to but was unable to leave the scene of the riot or unlawful assembly.

3. Failure to disperse is a class C misdemeanor.

13-76-9-105. GIVING A FALSE ALARM.

1. A person is guilty of giving a false alarm if he initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause evacuation of any building, place of assembly, or facility of public transport, to cause public inconvenience or alarm or action of any sort by any official or volunteer agency organized to deal with emergencies.

2. Giving a false alarm is a class B misdemeanor.

PART 13-76-9-200. TELEPHONE ABUSE.

13-76-9-201. TELEPHONE HARASSMENT.

1. A person is guilty of telephone harassment and subject to prosecution if, with intent to annoy or alarm another, he:

   a. Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication; or

   b. Makes repeated telephone calls at extremely inconvenient hours or in offensively coarse language; or

   c. Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

2. Telephone harassment is a class B misdemeanor.

13-76-9-202. EMERGENCY TELEPHONE ABUSE.

1. A person is guilty of emergency telephone abuse if he:

   a. Intentionally refuses to yield or surrender the use of a party line or public pay telephone to another person upon being informed that the telephone is needed to report a fire or summon police, medical, or other aid in case of emergency, unless the telephone is likewise being used for an emergency call; or

   b. Asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists.

2. Emergency telephone abuse is a class C misdemeanor.

3. For the purposes of this section (1) "party line" means a subscriber's line or telephone circuit consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number.

4. "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.

PART 13-76-9-300. CRUELTY TO ANIMALS.

13-76-9-301. CRUELTY TO ANIMALS.

1. A person commits cruelty to animals if he intentionally or knowingly:

   a. Tortures or seriously overworks an animal; or

   b. Fails to provide necessary food, care, or shelter for an animal in his custody; or

   c. Abandons an animal in his custody; or

   d. Transports or confines an animal in a cruel manner; or

   e. Kills, injures, or administers poison to an animal without legal privilege; or

   f. Causes one animal to fight with another.

2. It is a defense to the prosecution under this section that the conduct of the actor towards the animal was by a licensed veterinarian using accepted veterinary practice or directly related to a bonafide experimentation for scientific research not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

3. Cruelty to animals is a class B misdemeanor.

13-76-9-301.5. SPECTATOR AT ORGANIZED ANIMAL FIGHT.

1. It is unlawful for any person to be a spectator at an organized animal fight.

2. For the purposes of this section only, an organized animal fight means a fight between animals for the benefit of spectators. There is no requirement that an admission fee be charged.

3. Cruelty to animals is a class B misdemeanor.

13-76-9-302 and 13-76-9-303. Reserved

9-76-9-304. ALLOWING VICIOUS ANIMAL TO GO AT LARGE.

Any owner of a vicious animal knowing its propensities, who willfully allows it to go at large or who keeps it without ordinary care, and any animal, while at large or while not kept with ordinary care, causes injury to another animal or to any human being who has taken reasonable precaution which the circumstance permitted is guilty of a class B misdemeanor.

13-76-9-305. OFFICERS' AUTHORITY TO TAKE POSSESSION OF ANIMALS - LIEN FOR CARE.

Section 76-9-305, Utah Code Annotated 1953, is incorporated herein by reference and renumbered 13-76-9-305.

PART 13-76-9-400. OFFENSES AGAINST PRIVACY.

13-76-9-401. DEFINITIONS.

For purposes of this part:

1. "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.

2. "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral communication of others without the consent of at least one party thereto by means of any electronic, mechanical, or other device.

3. "Public" includes any professional or social group of which the victim of a defamation is a member.

13-76-9-402. PRIVACY VIOLATION.

1. A person is guilty of privacy violation if, except as authorized by law, he;

    a. Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or

    b. Installs in any private place, without the consent of the person or persons entitled to privacy there, any device for observing photographic, recording, amplifying, or broadcasting sounds or events in the place or uses any such unauthorized installation; or

    c. Installs or uses outside of a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in the place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there.

2. Privacy violation is a class B misdemeanor.

13-76-9-403. COMMUNICATION ABUSE.

1. A person commits communication abuse if, except as authorized by law, he:

a. Intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, or other means of communicating privately; this paragraph does not extend to:

    i. Overhearing messages through regularly installed instrument on a telephone party line or on an extension; or

    ii. Interception by the telephone company or subscriber incident to enforcement of regulations limiting use of facilities or to other normal operation and use; or

b. Divulges without consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted or if he learned of the message in the course of employment with an agency engaged in transmitting it.

2. Communication abuse is a class B misdemeanor.

13-76-9-404. CRIMINAL DEFAMATION.

1. A person is guilty of criminal defamation if he knowingly communicates to any person orally or in writing any information which he knows to be false and knows will tend to expose any other living person to public hatred, contempt, or ridicule.

2. Criminal defamation is a class B misdemeanor.

13-76-9-405. ABUSE OF PERSONAL IDENTITY.

1. A person is guilty of abuse of personal identity if, for the purpose of advertising any articles of merchandise for purposes of trade or for any other advertising purposes, he uses the name, picture, or portrait of any individual or uses the name or picture of any public institution of this state, the official title of any public officer of this state, or of any person who is living, without first having obtained the written consent of the person or, if the person be a minor, the written consent of his parent or guardian, or, if the person is dead, without the written consent of his heirs or personal representatives.

2. Abuse of personal identity is a class B misdemeanor.

PART 13-76-9-500. LIBEL AND SLANDER.

13-76-9-501. CONVEYING FALSE OR LIBELOUS MATERIAL TO NEWSPAPER OR BROADCASTING STATIONS.

Any person who willfully states, conveys, delivers, or transmits, by any means whatsoever, to the manager, editor, publisher, reporter, or agent of any radio station, television station, newspaper, magazine, periodical, or serial for publication therein, any false or libelous statement concerning any person and thereby secures actual publication of the same, is guilty of a class B misdemeanor.

PART 13-76-9-600. OFFENSES AGAINST THE FLAG.

13-76-9-601. ABUSE OF A FLAG.

1. A person is guilty of abuse of a flag if he:

    a. Intentionally places any unauthorized inscription or other things upon any flag of the United States or any state of the United States; or

    b. Knowingly exhibits any such flag, knowing the inscription or other thing to be unauthorized.

    c. For purposes of advertising a product or service for sale or for distribution, affixes a representation of the flag of the United States or of a state of the United States to the product or on any display whereon the product or service is advertised.

    d. Knowingly casts contempt upon the flag of the United States or of any state of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it.

2. Abuse of a flag is a class B misdemeanor.

PART 13-76-9-700. MISCELLANEOUS PROVISIONS.

13-76-9-701. INTOXICATION - RELEASE OF ARRESTED PERSON OR PLACEMENT IN DETOXICATION CENTER.

1. A person is guilty of intoxication if he is under the influence of intoxicating liquor, a controlled substance, or any substance having the property of pleasing toxic vapors, to a degree that the person may endanger himself or another, in a public place or in a private place where he unreasonably disturbs other persons.

2. A peace officer or magistrate may release from custody an individual arrested under this section if he believes imprisonment is unnecessary for the protection of the individual or another; or a peace officer may take the arrested person to a detoxification center or other special facility as an alternative to incarceration or release from custody.

3. An offense under this section is a class C misdemeanor.

13-76-9-702. LEWDNESS INVOLVING PERSON OVER 14.

1. A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, or an attempt to commit any of these offenses, performs an act of sexual intercourse or sodomy, exposes his or her genitals or private parts, masturbates, engages in trespassory voyeurism, or performs any other act of gross lewdness in a public place or under circumstances which he or she should know will likely cause afront or alarm to, on, or in the presence of another who is 14 years of age or older.

2. Lewdness is a class B misdemeanor.

13-76-9-702.5. LEWDNESS INVOLVING A CHILD.

1. A person is guilty of lewdness involving a child if the person under circumstances not amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse of a child, or an attempt to commit any of these offenses, performs an act of sexual intercourse or sodomy, exposes his or her genitals or private parts, masturbates, engages in trespassory voyeurism, or performs any other act of gross lewdness in a public place or under circumstances which he or she should know will likely cause afront or alarm to, on, or in the presence of another who is under 14 years of age.

2. Lewdness involving a child is class B misdemeanor.

13-76-9-703. LOITERING.

1. A person is guilty of loitering if he appears at a place or at a time under circumstances that warrant alarm for the safety of persons or property in the vicinity, and upon inquiry by a law enforcement official, he fails to give a reasonably credible account of his identity, conduct, or purposes.

2. No person shall be convicted under this section if the explanation he gave of his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.

3. Loitering is a class C misdemeanor.

13-76-9-704. ABUSE OF A CORPSE.

1. A person is guilty of abuse of a corpse if he intentionally and unlawfully:

    a. Removes, conceals. dissects, or destroys a corpse or any part thereof; or

    b. Disinters a corpse that has been buried or otherwise interred.

2. An offense under this section is a class B misdemeanor.

CHAPTER 13-76-10-000. OFFENSES AGAINST PUBLIC HEALTH, SAFETY, WELFARE AND MORALS.

PART 13-76-10-100. CIGARETTES AND TOBACCO AND PSYCHOTOXIC CHEMICAL SOLVENTS.

13-76-10-101. "PLACE OF BUSINESS" AND "ENCLOSED PUBLIC PLACE" DEFINED.
For the purposes of this part:

1. "Place of business" means any and all such places as shops, stores, factories, public garages, offices, theaters, recreation and dance halls, poolrooms, cafes,

cabarets, restaurants, hotels, lodging houses, streetcars, buses, inter-urban and railway passenger coaches and waiting rooms.

2. "Enclosed public place" means the dining rooms in hotels, restaurants, cafes and cafeterias, theaters, arenas, passenger elevators, streetcars, buses, inter-urban and railway passenger coaches, motor and other passenger vehicles used by common carriers, railway station waiting rooms, and state, county, and city buildings; but the owner or proprietor of any hotel dining room, restaurant, cafe, or cafeteria may designate the same as a public smoking room by a conspicuous sign at or near the

13-76-10-102. CIGARETTES AND TOBACCO - ADVERTISING RESTRICTIONS.

It is a class B misdemeanor for any person to display on any billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of display, any advertisement of cigarettes, cigarette papers, cigars, chewing tobacco, or smoking tobacco or any disguise or substitute of either, except that a dealer in cigarettes, cigarette papers, tobacco or cigars, or their substitutes, may have a sign on the front of his place of business stating that he is a dealer in the articles; provided that nothing herein shall be construed to prohibit the advertising of cigarettes, cigarette papers, chewing tobacco, or smoking tobacco, or any substitute of either, in any newspaper, magazine, or periodical printed or circulating in this city.

13-76-10-103. PERMITTING MINORS TO USE TOBACCO IN PLACE OF BUSINESS.

It is a class C misdemeanor for the proprietor of any place of business to knowingly permit persons under age nineteen to frequent a place of business while they are using tobacco.

13-76-10-104. FURNISHING CIGARS, CIGARETTES OR TOBACCO TO MINORS.

Any person who sells, gives, or furnishes any cigars, cigarette, or tobacco in any form, to any person under nineteen years of age, is guilty of a class C misdemeanor.

13-76-10-105. BUYING OR POSSESSING CIGARS, CIGARETTES, OR TOBACCO BY MINORS.

Any person under the age of nineteen years who buys, accepts, or who has in his possession any cigar, cigarette or tobacco in any form is guilty of a class C misdemeanor, or may be classified as a delinquent child and referred to the juvenile courts.

13-76-10-106. USE OF CIGARS, CIGARETTES, OR TOBACCO IN ENCLOSED PUBLIC PLACE.

Section 76-10-106, Utah Code Annotated 1953, is incorporated herein by reference and renumbered 13-76-10-106.

13-76-10-107. ABUSE OF PSYCHOTOXIC CHEMICAL SOLVENTS.

1. A person is guilty of abuse of psychotoxic chemical solvents if:

A. For the purpose of causing condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, he intentionally:

i. Smells or inhales the fumes of any psychotoxic chemical solvent; or

ii. Possesses, purchases, or attempts to possess, or purchase any psychotoxic chemical solvent.

B. Knowing or believing that a purchaser or another intends to use a psychotoxic chemical in violation of subsection A (i) or A (ii), sells or offers to sell any psychotoxic chemical solvent.

2. This section shall not apply to the prescribed use, distribution, or sale of those substances for medical or dental purposes.

3. Abuse of psychotoxic chemical solvents is a class B misdemeanor.

4. As used in this section psychotoxic chemical solvent includes any glue, cement, or other substance containing one or more of the following chemical compounds: acetone, acetate, amyl nitrite, or their isomers, benzene, butyl-alcohol, butyl nitrite, butyl nitrate, or their isomers, ethyl-alcohol, ethyl nitrite, ethyl nitrate, ethylene dichloride, ispobutyl alcohol, methyl alcohol, methyl ethyl ketone, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl nitrite, propyl nitrate or their isomers, tuluene or zylene, or other chemical substance capable of causing condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of inhalation of the fumes or vapors of such chemical substances. Nothing in this section shall be construed to include any control substance regulated by the provisions of title 58, chapter 37, Utah Code Annotated 1953.

13-76-10-108. DESIGNATED SMOKING AREAS.

Section 76-10-108, Utah Code Annotated 1953, as amended, is incorporated herein by reference and renumbered 13-76-10-108.

13-76-10-109. DUTIES OF PROPRIETOR OF PUBLIC PLACE.

Section 76-10-109, Utah Code Annotated 1953, as amended, is incorporated herein by reference and renumbered 13-76-10-109.

13-76-10-110. VIOLATIONS.

Section 76-10-1 10, Utah Code Annotated 1953, as amended, is incorporated herein by reference and renumbered 13-76-10-1 10.

PART 13-76-10-200. WATERS.

13-76-10-201. INTERFERENCE WITH CONTROL OF WATER COMMISSIONER.

Every person who in any way interferes with or alters the flow of water in any stream, ditch, or lateral while under the control or management of the water commissioner or superintendent is guilty of a class B misdemeanor.

13-76-10-202. TAKING WATER OUT OF TURN OR EXCESS AMOUNT - INJURING FACILITIES.

Every person who, in violation of any right of any other person, willfully turns or uses the water, or any part thereof, of any canal, ditch, pipeline, or reservoir, except at a time when the use of the water has been duly distributed to the person or willfully uses any greater quantity of water than has been duly distributed to him, or in any way changes the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make the change, or willfully and maliciously breaks or injures any dam, canal, pipeline, water gate, ditch, or other means of diverting or conveying water for irrigation or other useful purposes, is guilty of a class B misdemeanor.

13-76-10-203. OBSTRUCTION OF WATERGATES BY LOGS.

Every person who rafts or floats logs, timber, or wood down any river or stream and allows the logs, timber, or wood to accumulate at or obstruct the water gates owned by any person or irrigation company taking or diverting the water of the river or stream for irrigation or manufacturing purposes is guilty of a class B misdemeanor.

13-76-10-204. INJURING BRIDGE, DAM, CANAL, OR OTHER WATER-RELATED STRUCTURE.

Every person who willfully and maliciously cuts, breaks, injures, or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp and overflowed or marsh land, or to conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of city; or willfully or maliciously makes or causes to be made any aperture in any such dam, canal, flume, aqueduct. reservoir, embankment, levee, or structure with intent to injure or destroy it; or draws up, cuts, or injures any piles fixed in the ground and used for securing any lake or riverbank or walls or any dock, quay, jetty, or lock is guilty of a class B misdemeanor.

PART 13-76-10-300. EXPLOSIVES.

13-76-10-301. UNLAWFUL HANDLING OF EXPLOSIVES.

1. Every person who makes or keeps nitroglycerin or other high explosive substances or five or more pounds of gunpowder within this city, or who carries it through the streets hereof, without first obtaining a permit therefore from the recorder, shall be guilty of a class B misdemeanor.

2. The recorder may impose as a condition of receiving and keeping a permit under this section that the person complies with reasonable safety standards as the chief of police may require.

13-76-10-302. MARKING OF CONTAINERS OF EXPLOSIVES BEFORE TRANSPORTATION OR STORAGE.

Every person who knowingly leaves with or delivers to another, or to any express or railway company, or other common carrier, or to any warehouse or storehouse, any package containing nitroglycerine, dynamite, guncotton, gun-powder, or other highly explosive compound, or any benzine, gasoline, phosphorus, or other highly inflammable substance, or any vitriol, sulphuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled, stored, shipped, or transported, without plainly marking and indicating on such package the name and nature of the contents thereof, is guilty of a class B misdemeanor.

13-76-10-303. POWDER HOUSES.

Every person who builds, constructs, or uses within 300 feet of any residence or traveled county road any powder house, magazine, or building in which more than five pounds of gunpowder, dynamite, or other explosive is kept in quantities exceeding 500 pounds is guilty of a class B misdemeanor.

13-76-10-304. MARKING OF CONTAINERS OF EXPLOSIVES HELD FOR SALE OR USE.

It shall be a class B misdemeanor to sell or offer for sale or take or solicit orders of sale, or purchase or use, or have on hand or in store for the purpose of sale or use, any giant, hercules, atlas, venture or any other high explosive containing nitroglycerin, unless on each box or package and wrapper containing any such high explosive there shall be plainly stamped or printed the name and place of business of the person, partnership, or corporation by whom or by which it was manufactured, and the exact and true date of its manufacture, and the percentage of nitroglycerin or other high explosive contained therein.

13-76-10-305. DIFFERENT DATES ON CONTAINERS OF EXPLOSIVE PROHIBITED REUSE OF CONTAINERS PROHIBITED.

It shall be a class B misdemeanor for any person or persons, partnership, or corporation to have two or more different dates on any box or package containing giant, hercules, atlas or venture, or any other high explosive containing nitroglycerin. It shall further be unlawful to use any box, package, or wrapper formerly used by any other person or persons, partnership, or corporation in the packing of such giant, hercules, atlas, venture, or other high explosive containing nitroglycerin, and the name and date on the box or package shall be the same as on the wrapper containing the giant, hercules, atlas, venture, or other explosive containing nitroglycerin.

13-76-10-306. "INFERNAL MACHINE" DEFINED.

An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts,

unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

13-76-10-307. INFERNAL MACHINE - DELIVERY TO COMMON CARRIER, MAILING, OR PLACEMENT ON PREMISES.

Every person who delivers or causes to be delivered to any express or railway company or other common carrier, or to any person, any infernal machine, knowing it to be such, without informing the common carrier or person of the nature thereof, or sends it through the mail, or throws or places it on or about the premises or property of another, or in any place where another may be injured thereby in his person or property, is guilty of a class B misdemeanor.

13-76-10-308. INFERNAL MACHINE - CONSTRUCTION OR POSSESSION.

Every person who knowingly constructs or contrives any infernal machine or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a class B misdemeanor.

PART 13-76-10-400. FENCES.

13-76-10-401. FENCING OF SHAFTS AND WELLS.

Any person who has sunk or shall sink a shaft or well for any purpose shall enclose it with a substantial curb or fence, which shall be at least four and one-half feet high. Any person violating the provisions of this section is guilty of a class B misdemeanor.

PART 13-76-10-500. WEAPONS.

13-76-10-501. DEFINITIONS.

For the purpose of this part:

1. "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the instrument, object, or thing; the character of the would produce, if any; and the manner in which the instrument, object, or thing was used shall be determinative.

2. "Firearms" means pistols, revolvers, sawed-off shotguns, or sawed-off rifles, and/or any device which could be used as a weapon from which is expelled a projectile by any force.

3. "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length, or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise) if the weapon as modified has an overall length of less than 26 inches.

4. "Prohibited area” means any place where it is unlawful to discharge a weapon.

5. "Crime of violence" means, murder, voluntary manslaughter, rape, mayhem, kidnapping, robbery, burglary, housebreaking, extortion, or blackmail accompanied by threats of violence, assault with a dangerous weapon, assault with intent to commit any offense punishable by imprisonment for more than one year, or an attempt to commit any of the foregoing offenses.

6. "Bureau" means the Utah state bureau of criminal identification.

13-76-10-502. WHEN WEAPON DEEMED LOADED.

For the purpose of this part, any pistol, revolver, shotgun, rifle, or other weapon described in this part shall be deemed to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position, except in the case of pistols and revolvers, in which case they shall be deemed loaded when the unexpended cartridge, shell or projectile is in a position that the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired; and a muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

13-76-10-503. POSSESSION OF DANGEROUS WEAPON BY CONVICTED PERSON, DRUG ADDICT, OR MENTALLY INCOMPETENT PERSON PROHIBITED.

Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part. Any person who violates this section is guilty of class B misdemeanor.

13-76-10-504. CARRYING CONCEALED DANGEROUS WEAPON.

1. Any person, except those described in section 13-76-10-503 and those persons exempted under section 13-76-10-510, carrying a concealed dangerous weapon, as defined as in section 76-10-501 et seq., *Utah Code Annotated 1953*, is guilty of a class B misdemeanor, except that a fire arm that contains no ammunition and is enclosed in a case, gun box, or securely tied package shall not be considered a concealed weapon, but, if the dangerous weapon is a fire arm and contains no ammunition, he shall be guilty of class B misdemeanor.

2. Nothing in this part 5 shall prevent any person, except persons described in section 13-76-10-503 from keeping within his place of residence, place of business, or any vehicle under his control any firearm, except that it shall be a class B misdemeanor to carry a loaded firearm in a vehicle.

13-76-10-505. CARRYING LOADED FIREARM IN VEHICLE OR ON STREET.

Every person who carries a loaded firearm in a vehicle or on any public street or in a prohibited area is guilty of a class B misdemeanor.

13-76-10-506. THREATENING WITH OR USING DANGEROUS WEAPON IN FIGHT OR QUARREL.

Every person who, not in necessary self-defense in the presence of two or more persons, draws or exhibits any dangerous weapon in an angry and threatening manner or unlawfully uses the same in any fight of quarrel is guilty of a class B misdemeanor.

13-76-10-507. POSSESSION OF DEADLY WEAPON WITH INTENT TO ASSAULT.

Every person having upon his person any dangerous weapon with intent to unlawfully assault another is guilty of a class B misdemeanor.

13-76-10-508. DISCHARGE OF FIREARM FROM VEHICLE OR NEAR HIGHWAY.

It shall be a class B misdemeanor for any person to discharge any kind of firearm from an automobile or other vehicle or to discharge a firearm from, upon, or across any highway.

13-76-10-509. POSSESSION OF DANGEROUS WEAPON BY MINOR.

A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission by parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

13-76-10-510. POSSESSION OF WEAPON AUTHORIZED - PERMIT OR LICENSE NOT REQUIRED.

Nothing in this part shall be construed to prohibit a citizen of the United States over the age of eighteen years who resides or is temporarily within this city and who is not within the accepted classes as prescribed by section 13-76-10-505 from owning, possessing, or keeping within his place of residence or place of business or any vehicle under his control any pistol, revolver, or other firearm or dangerous weapon capable of being concealed upon the person, and no permit or license to purchase, own, possess or to keep any such firearm or weapon at his place of residence, or place of business, or any vehicle under his control, shall be required of him.

13-76-10-511. POSSESSION OF LOADED WEAPON AT RESIDENCE AUTHORIZED.

Nothing in this part shall prevent any person, except persons described in section 13-76-10-503, from having a loaded weapon at his place of residence, including any temporary residence or camp.

13-76-10-512. TARGET CONCESSIONS. TRAP FIELDS, SHOOTING RANGES, AND HUNTING EXCEPTED FROM PROHIBITIONS.

The provisions of sections 13-76-10-503 and 13-76-10-509 shall not apply to any of the following:

1. Patrons firing at lawfully operated target concessions at amusement parks, piers, and similar locations provided that the firearms to be used are firmly chained or affixed to the counters.

2. Patrons of commercial trap or skeet fields or shooting ranges during regular business hours.

13-76-10-513. LICENSE TO CARRY CONCEALED WEAPONS • REQUIREMENTS FOR ISSUANCE.

1. The chief of police, on proof that the person applying is of good character and upon showing that good cause exists for the issuance, may issue to such person a license to carry a concealed weapon within their jurisdiction for a period of time not to exceed one year from the issuance date of the license.

2. A license may include reasonable restrictions which the city marshal or chief of police deems warranted including but not limited to, time, place, or circumstances under which the applicant may carry the weapon.

13-76-10-514. LICENSE - APPLICATION FORM.

The application for license, including a 2 inch x 2 inch photograph of the applicant, shall be submitted to the city marshal. Knowingly providing false or misleading on this form is a class B misdemeanor. The application form is shown in Appendix A.

13-76-10-515. DUTIES OF CHIEF OF POLICE.

The chief of police shall comply with the requirements of section 76-10-515, Utah Code Annotated 1953.

13-76-10-516. LICENSE - FEE - AMOUNT AND DISPOSITION.

Each applicant for a license shall pay a fee of $3.00 at the time of filing the application. The officer receiving the application shall also receive the $3.00 fee and shall transmit one-half of the fee together with the fingerprints of the individual to the State Bureau of Criminal Identification. The remaining half of the fee shall be transmitted to the city treasurer. .

13-76-10-517. LICENSE - RECORDS - COPIES TRANSMITTED TO BUREAU.

When any license is issued a record shall be maintained in the office of the city recorder which shall be open to public inspection. Copies of each license issued shall be filed immediately by the chief of police with the State Bureau of Criminal Identification.

13-76-10-518. Reserved.

13-76-10-519. HAND GUN DEALERS' RECORDS.

Repealed.

13-76-10-520. Reserved.

13-76-10-521. UNLAWFUL MARKING OF PISTOL OR REVOLVER.

Any person who places or stamps on any pistol or revolver any number except one assigned to it by the bureau is guilty of a class B misdemeanor. This section does not prohibit restoration by the owner of the name of the maker, model, or of the original manufacturer's number or other mark of identification when the restoration is authorized by the bureau, nor prevent any manufacturer from placing in the ordinary course of business the name of the maker, model, manufacturer's number, or other mark of identification upon a new pistol or revolver.

13-76-10-522. ALTERATION OF NUMBER OR MARK ON PISTOL OR REVOLVER.

Any person who changes, alters, removes, or obliterates the name of the maker, model, manufacturer's number, or other marks of identification, including any distinguishing number or mark assigned by the bureau, on any pistol or revolver, without first having secured written permission from the bureau to make the change, alteration or removal, shall be guilty of a class B misdemeanor.

13-76-10-523. PERSONS EXEMPT FROM WEAPONS LAWS.

The provisions of this part shall not apply to any of the following:

1. United States marshals while engaged in the performance of their official duties.

2. Federal officials required to carry firearms while engaged in the performance of their official duties.

3. Law enforcement officials of this or any other jurisdiction while engaged in the performance of their official duties.

4. Common carriers while engaged in the regular and ordinary transport of firearms as merchandise.

5. Nonresidents traveling in or through this city, provided that any firearm is unloaded and enclosed in a case, gun box, or securely tied package or held securely in a gun rack or locked in the trunk of an automobile in which the nonresident is transporting the firearm.

13-76-10-524. PURCHASE OF FIREARMS IN CONTIGUOUS STATES PURSUANT TO FEDERAL LAW.

This part will allow purchases of firearms and ammunition by residents in contiguous states pursuant to the Federal Firearms Gun Control Act of 1 968, section 922, paragraph B, no. 3.

13-76-10-525. DISPOSITION OF WEAPONS AFTER USE FOR COURT PURPOSES.

The police departments which has in its possession a weapon after it has been used for court purposes shall determine the true owner of the weapon and return it to him; however, if unable to determine the true owner of the weapon, or if the true owner is the person committing the crime for which the weapon was used as evidence, the department shall confiscate it and shall revert to the department for their use and/or disposal as the chief of police shall determine.

PART 13-76-10-600. CHARITY DRIVES.

13-76-10-601. DEFINITIONS.

As used in this part:

1. "Person" means any individual, organization, group, association, partnership, corporation, or any combination of them;

2. "Professional fund raiser" means any person who for compensation or any other consideration plans, conducts, or manages the solicitation of contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons as independently engaged in the business of soliciting contributions for such purpose, but shall not include a bonafide officer or employee of a charitable organization.

3. "Professional Solicitor" means any person who is employed or retained for compensation by a professional fund raiser to solicit contributions in this city for charitable purposes.

4. "Charitable organization" means any organization that is benevolent, philanthropic, patriotic, or eleemosynary. or one purporting to be such.

5. "Contribution" means the promise or grant of any money or property of any kind or value.

13-76-10-602 and 13-76-10-603. Repealed.

13-76-10-604. VIOLATIONS - CLASSIFICATION OF OFFENSE.

Any person who violates the provision of this part is guilty of a class B misdemeanor.

PART 13-76-10-700. CORPORATION FRAUDS.

13-76-10-701. DEFINITIONS.

As used in this part:

1. "Bonafide shareholder of record" means a shareholder of record who has acquired shares in good faith and is acting for a proper purpose reasonably related to his interest as a shareholder.

2. "Director" means any of the persons having by law the direction or management of the affairs of a corporation, by whatever name the persons are described in its charter or known by law.

13-76-10-702. FRAUDULENT SIGNING OF SHARE SUBSCRIPTIONS.

Every person who signs the name of a fictitious person to any subscription for, or agreement to take, shares in any corporation existing or proposed, and every person who signs to any subscription or agreement the name of any person, knowing that the person has no means or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of the subscription or agreement are not to be complied with or enforced, is guilty of a class B misdemeanor.

13-76-10-703. Reserved.

13-76-10-704. MISREPRESENTING PERSON AS OFFICER, AGENT, MEMBER, OR PROMOTER.

Every person who, without being authorized so to do, subscribes the name of another to, or inserts the name of another in, any prospectus, circular, or other advertisement, or announcement of any corporation or joint stock association, existing or intended to be formed, with intent to permit it to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member, or promoter of such corporation or association, is guilty of class B misdemeanor.

13-76-10-705. CONCURRENCE BY DIRECTOR IN DIVIDEND OR DIVISION OF CAPITAL IN VIOLATION OF LAW.

Every director or any corporation issuing shares, except savings and loan or building and loan associations who concurs in any vote or act of the directors of the corporation or any of them, by which it is intended either:

1. To make any dividend except as permitted by the Utah Business Corporation Act; or

2. To divide, withdraw, or in any manner pay to the shareholders, or any of them, any part of the stated capital of the corporation except as permitted by the Utah Business Corporation Act is guilty of a class B misdemeanor.

13-76-10-706. Reserved.

13-76-10-707. FALSE REPORTS.

Every director, officer, or agent of any corporation of joint stock association who knowingly makes or concurs in making or publishing any written report, exhibit, or statement of its affairs or pecuniary condition, containing any material statement which is false is guilty of a class B misdemeanor.

13-76-10-708. REFUSING INSPECTION OF BOOKS.

Every officer or agent of any corporation having or keeping an office, who has in his custody or control the books of such corporation, and who refuses to give a bonafide shareholder of record or member of the corporation, lawfully demanding during office hours, the right to inspect or take a copy of it or of any part thereof, is guilty of a class B misdemeanor.

13-76-10-709. PRESUMPTION OF DIRECTOR'S KNOWLEDGE OF AFFAIRS.

Every director of a corporation or joint stock association is deemed to possess a knowledge of the affairs of his corporation as to enable him to determine whether any act, proceeding, or omission of its directors is a violation of this part.

13-76-10-710. PRESUMPTION OF DIRECTOR'S CONCURRENCE IN ACTION IF PRESENT AT MEETING - WRITTEN DISSENT REQUIRED.

Every director of a corporation or joint stock association who is present at a meeting of the directors at which any act, proceeding, or omission of the directors in violation of this part occurs is deemed to have concurred therein, unless he at the time causes, or in writing requires, his dissent therefrom to be entered in the minutes of the directors or forwards his dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting.

13-76-10-711. FOREIGN CORPORATIONS SUBJECT TO ORDINANCES.

It is no defense to a prosecution for any violation of any of the provisions of this part that the corporation was one created by the laws of another state, government, or country if it was one carrying on business or keeping an office therefor within this city.

PART 13-76-10-800. NUISANCES.

13-76-10-801. "NUISANCE" DEFINED - VIOLATION - CLASSIFICATION OF OFFENSE.

1. A nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water, or food impure or unwholesome.

2. Any person, whether as owner, agent, or occupant who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance, is guilty of a class B misdemeanor.

13-76-10-802. BEFOULING WATERS.

A person is guilty of a class B misdemeanor if he:

1. Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse where the waste of drainage therefrom shall flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or

2. Deposits, piles, unloads, or leaves any manure heap, offensive rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow

directly into the waters of any stream, well, or spring of water used for domestic purposes; or

3. Dips or washes sheep in any stream, or constructs, maintains, or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream located within this city or over which this city may exercise its jurisdiction and used by the inhabitants of this city for domestic purposes as to make the waters thereof impure or unwholesome; or

4. Constructs or maintains any corral, yard, or vat to be used for the purpose of shearing or dipping sheep within twelve miles of the city, where the refuse or filth from the corral or yard would naturally find its way into any stream of water used by the inhabitants of this city for domestic purposes; or

5. Establishes and maintains any corral, camp, or bedding place for the purpose of herding, holding, or keeping any cattle, horses, sheep, goats, or hogs, within seven miles of this city, where the refuse or filth from the corral, camp, or bedding place will naturally find its way into any stream of water used by the inhabitants of this city for domestic purposes. .

13-76-10-803. "PUBLIC NUISANCE" DEFINED.

1. A public nuisance is a crime against the public order and economy of this city and consists in unlawfully doing any act or omitting to perform any duty, which act or omission, either:

    a. Annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons; or

    b. Offends public decency; or

    c. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or

    d. In any way renders three or more persons insecure in life or the use of property.

2. An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal.

13-76-10-804. MAINTAINING, COMMITTING, OR FAILING TO REMOVE PUBLIC NUISANCE - CLASSIFICATION OF OFFENSE.

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class B misdemeanor.

13-76-10-805. CARCASS OF OFFAL - PROHIBITIONS RELATING TO DISPOSAL CLASSIFICATION OF OFFENSE.

Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral, or butcher shop into any river, creek, pond, street, alley, or public highway, or road in common use or who attempts to destroy it by fire, within one-fourth of a mile of this city is guilty of a class B misdemeanor.

13-76-10-806. NOT TO AFFECT OTHER PROVISIONS OF CITY ORDINANCES.

Nothing contained in this City Criminal Code shall affect any other provisions of this city's ordinances, rules or regulations which regulate, prohibit or effect nuisances or public nuisances.

13-76-10-807. ACTION FOR ABATEMENT OF PUBLIC NUISANCES.

The city attorney is empowered to institute an action in the name of this city to abate a public nuisance.

ORDINANCE NO 13-76-10-807

AN ORDINANCE PROVIDING FOR THE ABATEMENT OF WEEDS, GARBAGE, REFUSE OR UNSIGHTLY OR DELETERIOUS OBJECT OR STRUCTURE; PROVIDING FOR THE APPOINTMENT OF AN INSPECTOR; PROVIDING METHODS WHEREBY THE MUNICIPALITY MAY COLLECT COSTS OF SAID FUNCTIONS; AND PROVIDING A PENALTY:

BE IT ORDAINED BY THE CITY COUNCIL (BOARD OF TRUSTEES) OF THE CITY (TOWN) OF FOUNTAIN GREEN, UTAH:

Section 1. Purpose:

It is the purpose of this ordinance to establish a means whereby this municipality may remove or abate or cause the removal or abatement of injurious and noxious weeds, and of garbage, refuse, or unsightly or deleterious objects or structures pursuant to the powers granted to it by Chapter 11 of Title 10, Utah Code Annotated, 1953, as amended, and pursuant to its general power to abate nuisances, It is hereby declared that the above listed weeds, objects, and structures shall constitute a nuisance when they create a fire hazard or a source of contamination or pollution of water, air, or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to human habitations or unsightly or deleterious to their surroundings,

Section 2. Inspectors.

The office of inspector is hereby created for the purpose of administering the provisions of this ordinance and the powers delegated to this municipality said statutes subject to such control and review as the City Council (Town Board) may from time to time direct; until such time as the City Council (Town Board) may otherwise appoint an Inspector by resolution, the (City Marshal, Building Inspector, Etc.) shall perform the functions of Inspector,

The City Council (Town Board) May appoint such assistant inspectors and delegate to them such powers and duties as it may from time to time determine by resolution. The powers and duties of the assistants shall be the same as those of the Inspector, unless otherwise so specified by resolution.

Section 3. Duties.

The inspector is hereby authorized and directed to inspect and examine real property situated within the municipality for the purpose of determining whether or not it contains injurious of noxious weeds, garbage, refuse or unsightly or deleterious objects or structures, and for the purpose of determining whether or not the existence of said weeds or objects creates a fire hazard or constitutes a source of contamination or other danger to health and safety, or otherwise creates nuisances, as above declared.

If the Inspector concludes that such conditions exist in whole or in part, he shall:

a. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.

b. Serve notice in writing upon the owner and occupant of such land, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses, as disclosed by the record of the county assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the Inspector may designate, which shall not be less than ten days from the date of service of such notice.

c. Inform the owner or occupant OR both by means of said notice or an attached document that in the event he disagrees with the determination of the Inspector and does not wish to remove said objects or objectionable conditions, he may request in writing a hearing before the governing body at a time and place to be set by the governing body. A written application for a hearing shall stay the time within which the owner or occupant must conform to the decision of the Inspector.

In the event the owner or occupant makes such request for a hearing, the governing body shall set the time and place: for hearing said objections and the City Recorder (Town Clerk) shall notify said owner or occupant in writing of the time and place at which he may appear and be heard. Said hearing shall not be heard within less than five days from the date of service or mailing of said notice.

Section 4. Proof of Service.

One notice shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year. The Inspector shall make proof of service of such notice under oath and file the same in the office of the county treasurer.

Section 5. Hearing.

At the written request of an owner or occupant ordered to remove or abate said weeds, objectionable conditions, or objects from his real property, the governing body shall conduct

an informal hearing (which need not be reported) wherein said owner or occupant may present such evidence and argument as pertinent to the question of whether or not the removal or abatement of said objects or conditions is properly within the purview of this ordinance. The board shall also permit the presentation of evidence and argument by the Inspector and other interested parties. Thereafter, within not more than ten days the governing body shall over the signature of the mayor or such other member of the governing body as it may designate by resolution render its written decision a copy of which shall be mailed to or served upon the owner or occupant by the Inspector.

In the event the decision of the governing body upholds the determination of the Inspector, the notice originally given by the Inspector as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate said objects or notice of the decision within which to conform thereto.

In the event that the decision of the governing body either overrules or modifies the determination of the Inspector, the written decision of the governing body shall apprise him of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the said objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the governing body withing ten days after service or mailing of a copy of said decision and said decision shall be deemed to be the modified decision of the Inspector.

The Inspector shall file an amended notice and proof of service of said notice and file the same in the office of the county treasurer.

Section 6. Failure to Comply.

If any owner or occupant of the lands described in such notice or decision shall fail or neglect to conform to the requirements thereof relating to the eradication or destruction or removal of such weeds, garbage, refuse, objects, or structures, the Inspector shall employ all necessary assistance to cause such materials to be removed or destroyed at the expense of the municipality.

Section 7. Itemized Statement.

The Inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of said materials and shall mail a copy thereof to the owner or occupant, or both, demanding payment within twenty days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property owner's or occupant's last address.

Section 8. Failure to Make Payment.

In the event the owner or occupant fails to make payment of the amount set forth in said statement to the municipal treasurer within said twenty days, the Inspector either may cause suit to be brought in an appropriate court of law or may refer the matter to the county

treasurer as provided in this chapter,

Section 9. Collection by Lawsuit.

In the event collection of expenses of destruction and removal are pursued through the courts, the city shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorneys' fees, interest, and court costs and shall execute upon such judgment in the manner provided by law,

Section 10. Collection through Taxes.

In the event that the Inspector elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he shall make in triplicate an Itemized statement of all expenses incurred in the destruction and removal of same and shall deliver the three copies of said statement to the county treasurer within ten days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects, or structures, Thereupon the costs of said work shall be pursued by the county treasurer in accordance with the provisions of Section 10-11-4, Utah Code Annotated 1953, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted,

Section 11. Emergency Declared.

In the opinion of the City Council (Town Board) it is necessary to the peace, health, and safety of the inhabitants of Fountain Green, Utah that this ordinance become effective immediately.

Section 12. Effective date.

This ordinance shall take effect upon its first publication.
Passed by the city council (Town Board) of fountain Green, Utah, this 7th day of May, 1980.

Passed by the City Council (Town Board) of Fountain Green (City Or Town)
Utah, this 7 day of May, 1980.

Booth Cook
(Mayor or Town President)

Ronald L. Tuttle
(City Recorder or Town Clerk)

PART 13-76-10-900. TRADE AND COMMERCE.

13-76-10-901. "JUNK DEALER" DEFINED.

For the purpose of this part "junk dealer" means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand or castoff material of any kind such as old iron, copper, brass, lead, zinc,

tin, steel, aluminum, and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials.

13-76-10-902. FRAUDULENT PRACTICES TO AFFECT MARKET PRICE.

Every person who willfully makes or publishes any false statement, spreads any false rumor, or employs any other false or fraudulent means or device with intent to affect the market price of any kind of property is guilty of a class B misdemeanor.

13-76-10-903 through 13-76-10-906. Reserved.

13-76-10-907. JUNK DEALER'S RECORD OF SALES AND PURCHASES.

Every junk dealer shall keep a book in which shall be written, in ink in the English language, at the time of each and every purchase and sale a listing of the weight and metallic description of the sale or purchase, together with the full name and residence of the person or persons selling junk, together with the date and place of the purchase and sale. No entry in the book shall be erased, mutilated, or changed. The book and entries shall at all times be open to inspection by the sheriff of the county or any of his deputies and by any member of the police force of this city, and any constable or other state, city, or county officials in this county, provided this part shall not apply to any sale of less than twenty pounds.

13-76-10-908. VIOLATION BY JUNK DEALER - CLASSIFICATION OF OFFENSE.

Any junk dealer who shall be found guilty of a violation of any of the provisions of this part shall be guilty of a class B misdemeanor; provided that this part shall not be construed to in any way affect any tax, license, or regulation otherwise imposed on any junk dealer.

13-76-10-909. JUNK DEALER TO OBTAIN STATEMENT FROM SELLERS.

At the time of purchase by any junk dealer of any copper wire, pig or pigs of metal, or of any junk as defined in this part he shall obtain a signed and dated statement from the person or persons selling it as to when, where, and from whom the property was obtained and also the residence, address, and place of employment of the seller or sellers. The statement shall be retained for five years by the junk dealer and shall be subject to the provisions of section 13-76-10-907 relating to erasure, mutilation, or change and also to inspection.

13-76-10-910. FALSIFICATION OR SELLER'S STATEMENT TO JUNK DEALER.

Any seller who, in the making of his statement as required by this part in selling, offering, or trying to sell junk willfully makes a false statement or gives untrue information, shall be guilty of a class B misdemeanor.

PART 13-76-10-1000. TRADEMARKS, TRADE NAMES, AND DEVICES.

13-76-10-1001, DEFINITIONS.

For the purpose of this part:

1. ”Forged trademark," "forged trade name," "forged trade device," "counterfeited trademark," "counterfeited trade name," "counterfeited trade device," or their equivalents as used in this part, include every alteration or imitation of any trademark, trade name, or trade device so resembling the original as to be likely to deceive.

2. "Trademark" or "trade name" or "trade device," as used in this part, includes every trademark registrable with the secretary of state.

13-76-10-1002. FORGING OR COUNTERFEITING TRADEMARK, TRADE NAME, OR TRADE DEVICE.

Every person who willfully forges or counterfeits, or procures to be forged or counterfeited any trademark, trade name, or trade device, usually affixed by any person, or by any association or union of workingmen to his or its goods, which has been filed in the office of the secretary of state, with intent to pass off any goods to which the forged or counterfeited trademark, trade name, or trade device is affixed or intended to be affixed, as the goods of the person or association or union of workingmen, is guilty of a class B misdemeanor.

13-76-10-1003. SELLING GOODS UNDER COUNTERFEITED TRADEMARK, TRADE NAME, OR TRADE DEVICE.

Every person who sells or keeps for sale any goods upon or to which any counterfeited trademark, trade name, or trade device has been affixed, after it has been filed in the office of the secretary of state, intending to represent the goods as the genuine goods of another, knowing it to be counterfeited, is guilty of a class B misdemeanor.

13-76-10-1004. SALES IN CONTAINERS BEARING REGISTERED TRADEMARK OF SUBSTITUTED ARTICLES.

Every person who has or uses any container or similar article bearing or having in any way connected with it the registered trademark of another for the purpose of disposing, with intent to deceive or defraud any article or substance other than that which the container of similar article originally contained or was connected with by the owner of such trademark is guilty of a class B misdemeanor.

13-76-10-1005. USING, DESTROYING, CONCEALING, OR POSSESSING ARTICLES WITH REGISTERED TRADEMARK OR SERVICE MARK TO DEPRIVE OWNER OF USE OR POSSESSION - EXCEPTION.

Every person who, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, uses, destroys, conceals, or possesses the article or who defaces or otherwise conceals the trademark or service mark upon the article with intent to deprive the

owner of the use of possession of that article is guilty of a class B misdemeanor; provided, however, that nothing contained in this part shall be construed to apply to or restrict the transfer or use of wooden boxes or the reuse of burlap or cotton bags or sacks when those bags or sacks have been reversed inside out or the markings thereon have been concealed or obliterated to effectively demonstrate that the products contained therein do not purport to be the products of the owner of the registered trademark or service mark theretofore put upon those bags.

13-76-10-1006. SELLING OR DEALING WITH ARTICLES BEARING REGISTERED TRADEMARK OR SERVICE MARK WITH INTENT TO DEFRAUD.

Every person who, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, knowingly sells or traffics in the articles or who withholds the

13-76-10-1007. USE OF REGISTERED TRADEMARK WITHOUT CONSENT.

Every person who adopts or in any way uses the registered trademark of another, without the consent of the owner thereof, is guilty of a class B misdemeanor.

PART 13-76-10-1100. GAMBLING.

13-76-10-1101. DEFINITIONS.

For the purpose of this part.

1. "Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome is based upon an element of chance and is in accord with an agreement or understanding that someone will receive Something of value in the event of a certain outcome, and gambling includes a lottery; gambling does not include:

    a. A lawful business transaction, or

    b. Playing an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

2. "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property or portion of it, or for any share or any interest in property upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it may be known.

3. "Gambling bet" means money, checks credit, or any other representation of value.

4. “Gambling device or record” means anything specifically designed for use in gambling or used primarily for gambling.

5. "Gambling proceeds" means anything of value used in gambling.

13-76-10-1102. GAMBLING.

1. A person is guilty of gambling if he:

    a. Participates in gambling, or

    b. Knowingly permits any gambling to be played, conducted, or dealt upon or in any real or personal property owned, rented or under the control of the actor, whether in whole or in part.

2. Gambling is a class B misdemeanor.

13-76-10-1103. GAMBLING FRAUD.

1. A person is guilty of gambling fraud if he participates in gambling and wins or acquires to himself or another any gambling proceeds when he knows he has a lesser risk of losing or greater chance of winning than one or more of the other participants, and the risk is not known to all participants.

2. A person convicted of gambling fraud shall be punished as in the case of theft of property of like value, provided that the penalty shall not exceed a class B misdemeanor.

13-76-10-1104. GAMBLING PROMOTION.

1. A person is guilty of gambling promotion if he derives or intends to derive an economic benefit other than personal winnings from gambling and:

    a. He induces or aids another to engage in gambling; or

    b. He knowingly invests in, finances, owns, controls, supervises, manages, or participates in any gambling.

2. Gambling promotion is a class B misdemeanor.

13-76-10-1105. POSSESSING A GAMBLING DEVICE OR RECORD.

1. A person is guilty of possessing a gambling device or record if he knowingly possesses it with intent to use it in gambling.

2. Possession of a gambling device or record is a class B misdemeanor.

13-76-10-1106. FAILURE OF PROSECUTING ATTORNEY OR LAW ENFORCEMENT OFFICER TO PROSECUTE OFFENSES.

Any prosecuting attorney or police officer who has reasonable cause to believe that any person has violated any provision of this part and shall thereafter fail or refuse to diligently prosecute such persons is guilty of a class B misdemeanor.

13-76-10-1107. SEIZURE AND SALE OF DEVICES OR EQUIPMENT USED FOR GAMBLING.

1. Whenever the justice of the peace shall determine that any devices or equipment is used or kept for the purpose of being used for gambling, he may notify the city council and/or the chief of police and may authorize the chief of police to seize such devices and to hold them for sale at the best price obtainable pending a hearing before the justice of the peace. After the hearing has been properly scheduled and all parties having an interest in the devices have been notified of the hearing, the justice of the peace may order the devices seized and declare them to be the property of this city. The Court may then order the devices sold for the best price obtainable. The sale shall be made to a person of good character and repute who is a bonafide resident of the state wherein it is lawful to use such equipment. The officials conducting the sale shall place the equipment on a public carrier, properly co-signed to the purchaser at his place of residence.

2. The proceeds of any sale shall be paid to the city treasury.

3. If no sale is consummated within ninety (90) days after authorization therefore, the devices or equipment shall be destroyed under the direction of the justice of the peace.

13-76-10-1108. SEIZURE AND DISPOSITION OF GAMBLING DEBTS OR PROCEEDS.

1. At the commencement of any prosecution for a violation of this part any gambling bets or gambling proceeds which are reasonably identifiable as having been used or obtained in violation of this part may be seized and they shall be held pending the disposition of the proceedings. At the conclusion of the proceedings, any person who is found guilty of a violation of this part shall forfeit any sums held by the Court which were acquired or being used in violation of this part. Any sums not identifiable, or in the event the individual is found not guilty, the sums shall be returned to him.

2. A commencement of prosecution shall occur upon arrest or issuance of a complaint, or citation, which ever occurs first.

3. All sums forfeited under this section shall be paid into the treasury of the city conducting the prosecution.

13-76-10-1109. CONFIDENCE GAME - PUNISHMENT AS FOR THEFT - DESCRIPTION IN CHARGE.

1. Any person who obtains or attempts to obtain from any other person any money or property by any means, instrument or device commonly called a confidence game shall be punished as in the case of theft of property of like value.

2. In every complaint or citation under this section, it shall be deemed and held a sufficient description of the offense to charge that the accused did, on (insert the date) unlawfully and knowingly obtain or attempt to obtain (as the case may be) from (insert name of the person or persons defrauded or attempted to be defrauded) his

money or property (as the case may be) by means and by use of a confidence game.

PART 13-76-10-1200. PORNOGRAPHIC AND HARMFUL MATERIALS AND PERFORMANCES.

13-76-10-1201. DEFINITIONS.

For the purpose of this part:

1. "Material" means anything printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, electrical reproduction, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects.

2. "Performance" means any physical human bodily activity, whether engaged in alone or with other persons, including but not limited to singing, speaking, dancing, acting, simulating, or pantomiming.

3. "Distribute" means to transfer possession of materials whether with or without consideration.

4. "Knowingly" means an awareness, whether actual or constructive, of the character of material or of a performance. A person has constructive knowledge if a reasonable inspection or observation under the circumstances would have disclosed the nature of the subject matter and if a failure to inspect or observe is for the purpose of avoiding the disclosure or is criminally negligent.

5. "Exhibit" means to show.

6. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks, with less than a full, opaque covering, or the showing of a female breast with less than a full, opaque covering, or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernably turgid state.

7. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification.

8. "Sexual excitement" means a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

9. "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask, or in a revealing or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.

10. "Minor" means any person less than 18 years of age.

11. "Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when it:

    a. Taken as a whole, appeals to the prurient interest in sex of minors;

    b. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and

    c. Taken as a whole, does not have serious value for minors. Serious value includes only serious literary, artistic, political, or scientific value for minors.

12. "Contemporary community standards" means those current standards in the vicinage where an offense alleged under this act has occurred, is occurring, or will occur.

13. "Public place" includes a place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import.

13-76-10-1202. MATERIAL HARMFUL TO MINORS - NO EXPERT WITNESS REQUIRED.

1. In any prosecution dealing with an offense relating to harmful material to minors, the question whether the predominant appeal of the material is to the prurient interest shall be determined with reference to average minors.

2. Neither the prosecution nor the defense shall be required to introduce expert witness testimony concerning the harmful character of the material or performance which is the subject of a prosecution.

13-76-10-1203. PORNOGRAPHIC MATERIAL OR PERFORMANCE - DETERMINATION OF PREDOMINANT APPEAL TO PRURIENT INTEREST - EXPERT TESTIMONY NOT REQUIRED.

1. Any material or performance is pornographic if:

    a. The average person, applying contemporary community standards finds that, taken as a whole, it appeals to prurient interest in sex;

    b. It is patently offensive in the description or depiction of nudity, sexual contact, sexual excitement, sado-masochistic abuse, or excretion; and

    c. Taken as a whole it does not have serious literary, artistic, political, or scientific value.

2. In prosecutions under this part, where circumstances of production, presentation, sale, dissemination, distribution, exhibition, or publicity indicate that the matter is

being commercially exploited by the defendant for the sake of its prurient appeal, this evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which it is used, the matter has no serious literary, artistic, political, or scientific value.

3. Neither the prosecution nor the defense shall be required to introduce expert witness testimony as to whether the material or performance is or is not harmful to adults or minors or is not pornographic, or as to any element of the definition of pornographic, including contemporary community standards.

13-76-10-1204. DISTRIBUTING PORNOGRAPHIC MATERIAL.

1. A person is guilty of distributing pornographic material when he knowingly:

    a. Sends or brings any pornographic material into this municipality with intent to distribute or exhibit it to others; or

    b. Prepares, publishes, prints, or possesses any pornographic material with intent to distribute or exhibit it to others; or

    c. Distributes or offers to distribute, exhibits or offers to exhibit, any pornographic material to others; or

    d. Writes, creates, or solicits the publication or advertising of pornographic material; or

    e. Promotes the distribution or exhibition of material which he represents to be pornographic; or

    f. Presents or directs a pornographic performance in any public place or any place exposed to public view or participates in that portion thereof which makes it pornographic. Each distributing of pornographic material, as defined in this subsection 1 is a separate offense under this section. A separate offense shall be regarded as having been committed for each day's exhibition of any pornographic motion picture film and for each day in which any pornographic publication is displayed or exhibited in a public place with intent to distribute or exhibit it to others.

2. Each separate offense under this section is a class B misdemeanor punishable by a minimum mandatory fine of not less than $100 plus $10.00 for each article exhibited up to a maximum of $299.00 and by incarceration, without suspension of sentence in any way, for a term of not less than seven days.

13-76-10-1205. INDUCING ACCEPTANCE OF PORNOGRAPHIC MATERIAL.

1. A person is guilty of inducing acceptance of pornographic material when he knowingly requires or demands as a condition to a sale, allocation, consignment, or delivery for resale of any newspaper, magazine, periodical, book, publication, or other merchandise that the purchaser or consignee receive any pornographic material or material reasonably believed by the purchaser or consignee to be pornographic material or material reasonably believed by the purchaser or consignee to be pornographic.

2. A violation of this section is a class B misdemeanor punishable by a fine of not less than $ _____ and by incarceration, without suspension of sentence in any way, for a term of not less than 14 days.

13-76-10-1206. DEALING IN HARMFUL MATERIAL TO A MINOR.

1. A person is guilty of dealing in harmful material when, knowing that a person is a minor, or having failed to exercise reasonable care in ascertaining the proper age of a minor, he;

    a. Knowingly distributes or offers to distribute, exhibits or offers to exhibit, any harmful material to a minor; or

    b. Produces, presents, or directs any performance before a minor, harmful to minors, or participates in any performance before a minor, harmful to minors; or

    c. Falsely pretends to be the parent or legal guardian of a minor and thereby causes the minor to be admitted to an exhibition of any harmful material.

2. This section does not prohibit any parent or legal guardian from distributing any harmful material to his minor child or ward or for permitting his minor child or ward to attend an exhibition of any harmful material if the minor child or ward is accompanied by him. This section does not prohibit a person from exhibiting any harmful material to a minor child who is accompanied by his parent or legal guardian or by any person whom he reasonably believes to be the parent or legal guardian of that child.

3. Each separate offense under this section is a class B misdemeanor punishable by a minimum mandatory fine of not less than $_____ plus $10 for each article exhibited up to a maximum $_____ and by incarceration, without suspension of sentence in any way, for a term of not less than 14 days.

13-76-10-1207. ALLOWING PROPERTY OR LAND TO BE USED FOR LEWDNESS OR OBSCENITY.

It shall be unlawful for a landlord or landowner to willfully or knowingly allow his property or land to be used for the commercial exploitation of lewdness or obscenity.

1. If a tenant or occupant of real property uses this property for an activity for which he or his employee is convicted under any provision of this part, the conviction makes void the lease or other title under which he holds at the option of the fee owner or any intermediate lessor; and ten days after the fee owner or any intermediate lessor gives notice in writing to the tenant or occupant that he is exercising the option, the right of possession to the property reverts to the person exercising the option. This option does not arise until all avenues of direct appeal from the conviction have been exhausted or abandoned by the tenant or occupants, or his employee.

2. It shall be unlawful for a fee owner or intermediate lessor of real property to knowingly allow this property to be used for the purpose of distributing or exhibiting pornographic materials, or for pornographic performances, by a tenant or occupant if

the tenant or occupant, or his employee, has been convicted under any provision of this part of an offense occurring on the same property and all avenues of direct appeal from the conviction have been exhausted or abandoned.

a. "Allow" under this subsection 2 means a failure to exercise the option arising under subsection 1 within ten days after the fee owner or lessor receives notice in writing from the court attorney of the county where the property is situated, or if situated in a city of the first or second class, from the city attorney of that city, that the property is being used for a purpose prohibited by this subsection.

b. A willful violation of this subsection B is a class A misdemeanor and any fine assessed, if not paid within 30 days after judgment, shall become a lien upon the property.

3. Any tenant or occupant who receives a notice in writing that the fee owner or intermediate lessor is exercising the option provided by subsection 1 and who does not quit the premises within ten days after the giving of that notice is guilty of a class A misdemeanor.

13-76-10-1208. AFFIRMATIVE DEFENSES.

The following shall be affirmative defenses to prosecution under this part:

1. It is an affirmative defense to prosecution under this part that the distribution of pornographic material was restricted to institutions or persons having scientific, educational, governmental, or other similar justification for possessing pornographic material.

2. It is not a defense to prosecution under this part that the actor was a motion picture projectionist, usher, ticket-taker, bookstore employee, or otherwise was required to violate any provision of this part incident to his employment.

13-76-10-1209 through 13-76-10-1226. Reserved.

13-76-10-1227. INDECENT PUBLIC DISPLAYS-DEFINITIONS.

For purposes of this part:

1. "Description or depictions of illicit sex or sexual immorality" means:

a. Human genitals in a state of sexual stimulation or arousal;

b. Acts of human masturbation, sexual intercourse, or sodomy; or

c. Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts.

2. "Nude or partially denuded figures" means less than completely covered:

a. human genitals;

b. pubic regions;

c. buttock; and

d. female breasts below a point immediately above the top of the areola; and

e. human male genitals in a discernibly turgid state, even if completely covered.

13-76-10-1228. INDECENT PUBLIC DISPLAYS – PROHIBITIONS - PENALTY.

Every person who shall willfully or knowingly engage in the business of selling, lending, giving away, showing, advertising for sale or distributing to any person under the age of 18 or has in his possession with intent to engage in the business or to other wise offer for sale or commercial distribution to any individual under the age of 18 or who shall publicly display at news-stands or any other establishment frequented by minors under the age of 18 or where the minors are or may be invited as a part of the general public, any motion picture, or any live, taped, or recorded performance, or any still picture or photograph or any book, pocket book, pamphlet or magazine the cover or content of which exploits, is devoted to, or is principally made up of indecent descriptions or depictions of illicit sex or sexual immorality or which consists of pictures of nude or partially denuded figures posed or presented in a manner to provoke or arouse lust or passion or to exploit lust or perversion for commercial gain is guilty of a class B misdemeanor punishable by a minimum mandatory fine of not less than $299.00 and by incarceration, without suspension of sentence in any Way for a term of not less than 30 days, notwithstanding any provision of section 77-35-17, Utah Code Annotated 1953.

13-76-10-1229. DISTRIBUTION OF PORNOGRAPHIC MATERIAL THROUGH CABLE TELEVISION PROHIBITED - DEFINITIONS - PROSECUTION OF VIOLATIONS.

1. No person including a franchisee shall knowingly distribute by wire or cable any pornographic or indecent materials to its subscribers.

2. For purposes of this section "material" means any visual display shown on a cable television whether or not accompanied by sound, or any sound recording played on a cable television system.

3. For purposes of this section "pornographic materials" are any material defined as pornographic in sections 13-76-10-1201 and 13-76-10-1203.

4. For purposes of this section "indecent material" means any material described in 13-76-10-1227.

5. For purposes of this section "distribute" means to send, transmit, retransmit, or other wise pass through a cable television system.

6. Any person who violates this section is guilty of a class B misdemeanor.

PART 13-76-10-1300. PROSTITUTION.

13-76-10-1301. DEFINITIONS.

For the purposes of this part:

1. “Sexual activity" means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.

2. "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.

3. "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.

4. "Public place" means any place to which the public or any substantial group thereof has access.

13-76-10-1302. PROSTITUTION.

1. A person is guilty of prostitution when:

    a. He engages or offers or agrees to engage in any sexual activity with another person for a fee; or

    b. Is an inmate of a house of prostitution; or

    c. Loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.

2. Prostitution is a class B misdemeanor.

13-76-10-1303. PATRONIZING A PROSTITUTE.

1. A person is guilty of patronizing a prostitute when:

    a. He pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or

    b. He enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

2. Patronizing a prostitute is a class C misdemeanor.

13-76-10-1304. Reserved.

13-76-10-1305. EXPLOITING PROSTITUTION.

1. A person is guilty of exploiting prostitution if he:

    a. Procures an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate; or

b. Encourages, induces, or otherwise purposely causes another to become or remain a prostitute; or

b. Transports a person into or within this city with a purpose to promote that person(s) engaging in prostitution or procuring or paying for transportation with that purpose; or

c. Not being a child or legal dependent of a prostitute, shares the proceeds of prostitution with a prostitute pursuant to their understanding that he is to share therein.

d. Owns, controls, manages, supervises, or otherwise keeps alone or in association with another a house of prostitution or a prostitute business.

2. Exploiting prostitution is a class B misdemeanor.

13-76-10-1306. Reserved.

13-76-10-1307. PERVERSION.

It shall be a class B misdemeanor for any person to:

1. Commit or offer or agree to commit a lewd act or an act of moral perversion.

2. Secure or offer another for the purpose of committing a lewd act or an act of moral perversion.

3. Be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution or moral perversion.

4. Make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.

5. Knowingly transport any person to any place for the purpose of committing a lewd act or an act of moral perversion.

6. Knowingly receive or offer to agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of moral perversion, or to knowingly permit any person to remain in any place or building for any such purpose.

7. Direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.

8. Aid, abet, allow, permit, or participate in the commission of any of the acts prohibited in subsections 1 through 7 above.

PART 13-76-10-1400. Reserved.

PART 13-76-10-1500. BUS PASSENGER SAFETY.

13-76-10-1501 Through 13-76-10-1502. Reserved.

13-76-10-1503. DEFINITIONS.

As used in this part:

1. "Bus" means any passenger bus or coach or any other motor vehicle having a seating capacity of 15 or more passengers operated by a bus company for the purpose of carry passengers or cargo for hire.

2. "Bus Company" or "Company" means any person, group of persons or corporation providing for-hire transportation to passengers or cargo by bus on highways or street in this city, including passengers and cargo interstate or intrastate travel. The terms also include local public bodies, public transit districts, municipalities, public corporations, boards and commissions established under the laws of this state providing transportation to passengers or cargo by bus on highways or streets in this city whether or not for hire.

3. "Charter" means a group of persons pursuant to a common purpose and under a single contract, and at a fixed charge in accordance with a bus company's tariff, which has acquired the exclusive use of a bus to travel together to a specified destination, or destinations.

4. "Passenger" means any person transported or served by a bus company, including persons accompanying or meeting another being transported, any person shipping or receiving cargo, and any person purchasing a ticket or receiving a pass.

5. "Terminal" means a bus station, depot, or any other facility operated or leased by or operated on behalf of a bus company. This term includes a reasonable area immediately adjacent to any designated stop along the route traveled by any bus operated by a bus company in parking lots or areas adjacent to terminals.

13-76-10-1504. Through 13-76-10-1505. Reserved.

13-76-10-1506. THREATENING BREACH OF PEACE - DISORDERLY CONDUCT - FOUL LANGUAGE - REFUSING REQUEST - USE OF CONTROLLED SUBSTANCE, LIQUOR, OR TOBACCO - EJECTION OF PASSENGER:

1. Threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar language on a bus; or

2. Is in or upon any bus while unlawfully under the influence of a controlled substance as defined in section 58-37-2, Utah Code Annotated 1953; or

3. Fails to obey a reasonable request or order of a bus driver, bus company representative. or other person in charge or control of a bus or terminal; or

4. Ingests any controlled substance, unless prescribed by a physician or medical facility, in or upon any bus, or drinks intoxicating liquor in or upon any bus, except a chartered bus; or

5. Smokes tobacco or other products in or upon any bus, except a chartered bus.

13-76-10-1507. Reserved.

13-76-10-1508. THEFT OF BAGGAGE OR CARGO.

Any person who removes any baggage, cargo, or other item transported upon a bus or stored in a terminal without consent of the owner of the property or the bus company, or its duly authorized representative is guilty of theft and shall be punished pursuant to section 13-76-6-412.

13-76-10-1509. OBSTRUCTING OPERATION OF BUS.

Any person who unlawfully obstructs or impedes by force or violence, or any means of intimidation, the regular operation of a bus is guilty of a class C misdemeanor.

13-76-10-1510. OBSTRUCTING OPERATION OF BUS - CONSPIRACY.

Two or more persons who willfully or maliciously combine or conspire to violate section 13-76-10-1509 shall be guilty of a class C misdemeanor.

TITLE 14-000. UTILITIES.

CHAPTER 14-100. WATER

PART 14-110. WATER DEPARTMENT AND SYSTEM.

The water department of the city is hereby created. It shall administer the operation and maintenance of the water system of the city.

14-111. SUPERINTENDENT.

There is hereby created the position of superintendent of the water department.

14-112. DUTIES OF THE SUPERINTENDENT.

The superintendent of the water system shall manage and supervise the city water system pursuant to the provisions of this part and pursuant to resolutions, rules, and regulations adopted by the city council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All the functions and activities of the superintendent shall be carried on under the direction of the mayor.

14-113. IMPACT FEES FOR CULINARY WATER.

Any person (other than a subdivider or developer seeking multiple connections) who desires or is required to secure a new connection to the Culinary System, shall be granted the said service in connection with a building permit and upon the approval of the Planning Commission. The applicant will be required to pay an impact fee and a refundable deposit fee (see current fee schedule), which will be refunded when the said service is cleaned up and inspected by the Superintendent. Payment is to be made to fountain Green City before approval from the Planning Commission.

Amended January 25, 2018.

14-114. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER.

Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

14-115. APPLICATION FOR SERVICE.

Any person who desires or is required to secure a water service from the city water system, shall file with the city office a written application and understands that service for water will be billed to the property owner each month (according

to Bond specifications) and that meters will be read on or about the last day of the month. This will mean that the utility cycle will be approximately from the last day of one month to the last day of the following month. Meters will be read only from April thru September. The base rate will be billed from October thru March.

Amended January 25, 2018.

14-116. OWNER AGREEMENT.

Property owners agree that they are responsible for any payment, billing and usage accrued at their property regardless of conditions of occupancy.

Amended January 25, 2018.

14-117. RATES, FEES, AND SERVICE CHARGES.

The rates, penalty fees for delinquent payments, abandonment fees, turn on fees, and other charges incidental to the connection and services from the City's culinary water system shall be fixed from time to time by resolution enacted by the City Council. The City Council may, from time to time, promulgate rules for levying, billing, guaranteeing, and collection charges for culinary water services and all other rules necessary for the management and control of the System. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter by established. See current resolutions for the following rates:

A. Impact Fee and Refundable Deposity (must be paid before going before the Planning commission).

B. Voluntary Abandonment Fee.

C. Turn on Fee.

D. Refundable Security Deposit.

E. Returned Check Fee

F. User Fees.

Amended January 25, 2018.

14-118. SPECIAL RATES.

The city council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.

14-119. BOARD OF EQUALIZATION, RATES, AND REBATES.

The city council is hereby constituted a board 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 bill of any indigent person.

14-120. USE WITHOUT PAYMENT PROHIBITED.

It shall be unlawful for any person by himself, family, servants, or agents to utilize the city water or sewer system without 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 injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system.

14-121. DELINQUENCY - DISCONTINUANCE OF SERVICE.

A. The Treasurer or water supervisor shall furnish to each user a written or printed statement stating therein the amount of water service charges assessed against him once each month or at such other regular interval as the city council shall direct.

B. The statement shall specify the amount of the bill for the water service and the place of payment and date due.

C. Failure to have payment made by the 30th of the month will subject the owner to an interest charge that is calculated at 5% per month. If payment is still delinquent by the 30th of the next month (60 days), a shut off notice will be sent to the owner. If payment is not made within 30 days of the shut off notice (90 days), the said service will be disconnected and will not be reconnected until arrangements have been made with Fountain Green City which include:

    1. Balance is paid in full.

    2. A turn-on fee is paid, and

    3. All conditions of the following are met:

        a. Reinstated utility accounts will be required to complete an application for utility services and pay a security deposit of $200.00.

        b. The deposit will be refunded or applied to the account when good credit has been established. Good credit is established when the utility payment is paid in full by the last day of each month for twelve consecutive months.

D. In the event that a property is vacant, the property owner may request to voluntarily abandon the water service. Request must be made in writing to Fountain Green City. A fee (see current rate) will be assessed, and any balance owing must be paid in full prior to abandoning the service.

E. There will be a fee (see current rate) charged for returned checks to the city for insufficient funds. If a check is returned on a delinquent account, utility service will

be cut off immediately without further notice. The balance due and the current bill will need to be paid in cash in order to have the utility restored.

F. Delinquent payments and/or water turn on fees can only be taken care of during scheduled business hours.

G. A property owner has the right to appeal (in writing, within fifteen days of receiving the shut-off notice) their utility bill if the owner has a valid concern with accuracy of the meter reading or billing procedure. Services will not be disconnected util the appeal has been considered by the Fountain Green City Council. If the appeal is denied by the City Council and if payment is not received within ten days of denial, the service will be disconnected.

Amended January 25, 2018.

14-122. TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED.

It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or recorder.

14-123. SEPARATE CONNECTIONS.

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

14-124. UNAUTHORIZED USERS.

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

14-125. PERIOD FOR VISITORS.

Individuals visiting the premises of an authorized user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed ___ month(s). Continued use thereafter shall be deemed unauthorized and violative of the provisions of this part relating to separate connections and unauthorized use.

14-126. PIPES TO BE KEPT IN GOOD REPAIR.

All users of water 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 superintendent shall be allowed to dig into the street for the purpose of laying, removing, or repairing any service pipe.

14-127. QUALITY OF SERVICE PIPE.

A. All service and other pipe(s) used in conjunction with the water services of the city shall be of such material, quality, and specifications as the city council may from time to time by resolution provide and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefore from the recorder.

B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him.

14-128. FAULTY EQUIPMENT.

It shall be unlawful for any water user to:

A. Waste water.

B. Allow it to be wasted by stops, taps, valves, leaky joints, or pipes or to allow tanks or watering troughs to leak or overflow.

C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.

D. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

14-129. SPRINKLING VEHICLES.

Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water department.

14-130. DEPARTMENT TO HAVE FREE ACCESS.

The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the city system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

14-131. NONLIABILITY FOR DAMAGES.

The city shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the city beyond that provided in the Governmental Immunity Act.

14-132. WATER NOT SUPPLIED FOR MOTORS. SYPHONS, ETC.

No water shall be supplied from the pipes of the city water system for the purpose of driving 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 city council.

14-133. SPRINKLERS.

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

B. The city council shall, after determining 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, order such use discontinued and advise that such continued usage constitutes a violation of this part.

14-134. SCARCITY OF WATER.

In times of scarcity of water, whenever it shall in the judgment of the mayor and the city council be necessary, the mayor shall by proclamation limit the use of water to such an extent as may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this part.

14-135. WASTE OF WATER.

A. Users of water from the city water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the city, a user of city water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the city council.

B. The city council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the city council at which termination of water service is to be considered. The notice shall inform him of the time and place

of the meeting and of the charges which lead to the consideration of the termination.

C. A water user whose right to utilize city water is being reviewed shall have the opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.

D. After a due hearing, the city council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.

14-136. WATER METERS.

A. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments, and persons using water from the city water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.

B. Meters will be furnished by the city upon application for a connection, and upon payment of such connection fees and other costs as may be established by the city council from time to time by resolution.

C. Meters shall be deemed to be and remain the property of the city. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the city council after due notice in writing to the parties involved.

D. The superintendent shall cause meter readings to be taken regularly and shall advise the recorder thereof for the purpose of recording the necessary billings for water service.

E. Meters may be checked, inspected, or adjusted at the discretion of the city, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the city unless special permission is given by the city through its representatives to the customer to do so.

F. If a customer submits a written request to the superintendent to test his water meter the city may, if under the circumstances it deems advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such a test to record from 97% to 103% of accuracy under methods of testing satisfactory to the city council, the meter shall be deemed to accurately measure the use of water.

G. If the city's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less

than 97% or more than 103% of accuracy, the city shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

H. All damages or injury to the lines, meters or other materials of the city on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the city be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the city through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

14-137. PERMITS FOR INSTALLATION.

It shall be unlawful for any person to lay, repair, alter, or connect any water line to the city culinary water system without first having received a construction permit from the office of the recorder or from the water superintendent.

14-138. APPLICATIONS FOR INSTALLATION PERMIT.

A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the city water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature or the work to be done for which the application is made. The application shall be granted if the superintendent determines that:

1. The connection, repair, alteration, or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.

2. The connection conforms to the ordinances, regulations, specifications, and standards of materials required by the city. All connections, alterations or installations shall be to the line and grade designated by the water superintendent.

B. Fees for permits or for inspection services shall be of such amounts as the city council shall from time to time determine by resolution.

14-139. MOVING OR REPLACEMENT OF WATER LINES

In the event that the city in its sole discretion determines that any water line of the city must be moved or replaced, the city shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

14-140. WHEN PERMITS SHALL NOT BE ISSUED.

Permission to connect with the city water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the city.

14-141. DISCONTINUANCE OF SERVICE.

Any customer desiring to discontinue service shall notify the city in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit will be refunded upon discontinuance of service.

14-142. FIRE HYDRANTS.

Water for fire hydrants will be furnished free of charge by the city. Installation and repairs on such hydrants shall be at the expense of the city and shall be made under the direction of the city. All customers shall grant the city upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the city concludes that hydrants shall be so installed for the protection of the residents of the city.

14-143. EXTENSION OF WATER MAINS WITHIN THE CITY.

Any person(s), including any subdivider who desires to have the water mains extended within the city may make application to the City Council by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension. The city council may grant or deny the petition as in its discretion seems best for the welfare of the existing water users in the City. When completed, these extensions shall become part of the city's water system. All incurred costs are the applicants' responsibility. Refer to the Utility Extension cost recovery Policy.

Amended January 25, 2018.

14-144. REMOVED JANUARY 25, 2018

14-145. REMOVED JANUARY 25, 2018

14-146. REMOVED JANUARY 25, 2018

14-147. OWNERSHIP OF EXTENSION.

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

PART 14-150. NON-RESIDENT APPLICANT.

It has been determined by Rural Water, Fountain Green City Council, and Fountain Green City Mayor that there is enough water to service future building lots within the city limits. The City Council unanimously voted, as of March 28, 2016, to discontinue any culinary water service outside the corporate limits of Fountain Green City. Those persons who already have access to culinary water outside of city limits understands and agrees to the following: If there should occur any shortage, deficiency, or inadequacy of water supplies of the City, The City Council may, in its

discretion, interrupt or cut off service to any user outside the corporate limits of the City. See the March 24, 2016 policy for more information.

Amended January 25, 2018.

14-151. SUPPLY OF WATER SERVICES TO PERSON(S) OUTSIDE THE CITY LIMITS.

The city may furnish water service from its water system to persons outside the city in accordance with the provision of this part.

14-152. PETITION FOR SERVICE.

Any person located outside the city limits who desires to be supplied with water services from the city water system and is willing to pay in advance the whole expense of extending the water system to his property, including the cost of extending the water main beyond its present location, may make application to the city council by petition containing:

A. A description of the proposed extension.

B. A map showing the location thereof.

C. An offer to pay the whole expense incurred by the city in providing such extension and to advance such expenses as shall be verified to by the water superintendent. The city 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 cost of installing such extension may be refunded.

D. An acknowledgement that the city in granting the petition need supply only such water to the petitioner which from time to time the city council deems beyond the requirements of water users within the city limits, and that such extension shall be the property of and subject to the control of the city.

14-153. EXTENSIONS MAY BE MASTER-METERED.

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

14-154. COST OF EXTENSIONS TO BE DETERMINED BY WATER SUPERINTENDENT.

Upon receipt of such petition and map and before the petition is granted, the city council shall determine what portion, if any, of the extension of the city water mains to the city limits the city shall construct and shall obtain from the water superintendent a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative

and supervisory expenditures of the city water department, which shall in no event be deemed to be less than ten percent of the cost of materials and labor.

CHAPTER 14-200. SEWERS.

PART 14-210. ADMINISTRATION.

14-211. SEWER DEPARTMENT AND SYSTEM.

The sewer department is hereby created. It shall comprise all of the property, equipment, and personnel necessary to the maintenance and operation of the city's sewage collection and disposal system. The department shall administer the operation and maintenance of the city sewer system.

14-212. SUPERINTENDENT OF THE SEWER DEPARTMENT.

There is hereby created the position of superintendent of the sewer department.

14-213. DUTIES OF THE SUPERINTENDENT.

The superintendent of the sewer department shall manage and supervise the city's sewer system under the direction of the city council which from time to time shall by resolution or otherwise prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the mayor relating to the sewer system.

14-214. APPLICATION FOR SEWER SERVICE.

Any person who desires or is required to secure sewer service when such service is available from the city sewer systems shall apply therefore to the recorder and file an agreement with the city which shall be in substantially the form shown in Appendix A.

14-215. NONOWNER APPLICANTS - AGREEMENT BY OWNER.

Applications for sewer services made by the tenant or an owner must in addition to the above requirement be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown in Appendix A.

14-216. RATES AND CONNECTION FEES.

The rates, penalties, and fees for delinquency in payment and connection fees for sewer services from the city sewer system shall be fixed from time to time by resolution or ordinance of the city council. The city council may from time to time enact rules for levying, billing, guaranteeing, and collecting charges for sewer services and all other rules necessary for the management and control of the sewer system.

14-217. SPECIAL RATES.

The city council may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.

14-218. BOARD OF EQUALIZATION, RATES, AND REBATES.

The city council is hereby constituted a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.

14-219. DELINQUENCY - DISCONTINUANCE OF SERVICE.

A. The sewer department, or such other person as the city council may designate, shall furnish to each user or mail or leave at his place or residence or usual place of business, a written or printed statement stating the sewer service charges assessed against him once each month or at such other regular intervals as the city council shall direct. The statement shall specify the amount of the bill, the place of payment, and the date due.

B. If any person fails to pay his sewer charges within 30 days of the date due, the recorder or the sewer superintendent shall give the customer notice in writing of the intent to discontinue the service of water to the premises unless the customer pays the bill in full within five days from date of notice.

C. If the water service is thereafter discontinued for failure to make payment of the sewer service charges, before the water service to the premises shall again be provided, all delinquent sewer charges must have been paid to the city treasurer or arrangements made for their payment that are satisfactory to the city.

D. In the event water is turned off for nonpayment of sewer charges, before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent charges, such extra charge for turning the water on and off as the city council may have established by resolution or ordinance.

E. If any person fails to pay his sewer charges within 30 days of the due date, the recorder or the sewer supervisor is hereby authorized to take all action necessary to enforce collection, including but not limited to the commencement of legal proceedings in a court of proper jurisdiction seeking judgment for the amount of the delinquent fees and service charges and all costs of collection, including court costs and attorney's fees.

14-220. USE OF SEWER SYSTEM MANDATORY.

It shall be unlawful for the owner or any other person occupying or having charge of any premises within the city which are located within 300 feet of a sewer main to dispose of sewage therefrom by any means other than by use of the city 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 the property except by written approval of the city council in cases of undue hardship.

14-221. QUALIFIED PLUMBING NECESSARY.

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

14-222. PERMITS FOR INSTALLATIONS.

It shall be unlawful for any person to directly or indirectly engage in the laying, repairing, altering, or connecting of any drain or sewer pipe connected with or part of the city sewer system without first having received a permit from the office of the recorder or the sewer superintendent.

14-223. WHEN PERMITS SHALL NOT BE ISSUED.

Permits to connect to the city sewer system 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 of the city.

14-224. REVOCATION OF PERMITS.

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

14.225. PIPES TO BE KEPT IN GOOD REPAIR.

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

14-226. QUALITY OF SERVICE PIPE.

All service and other pipes used in conjunction with the sewer services of the city shall be of such material, quality, and specifications as the city council may from time to time by resolution provide and shall be installed at such distances below ground as may be specified by regulations relating to the sewer department. All work, alterations, or extensions affecting sewer pipes shall be subject to the acceptance of the sewer superintendent, and no connections with sewer mains shall be made without first obtaining a permit therefore from the recorder.

14-227. DEPARTMENT TO HAVE FREE ACCESS.

The sewer superintendent and his agents shall at all ordinary hours have free access to places supplied with sewer services from the city system for the purpose

of examining the apparatus, ascertaining the sewer service being used and the manner of its use.

14-228. TRIAL SEWER SURVEY.

In order to determine the feasibility of connecting a basement or proposed basement to the sanitary sewer, the owner or plumber may make an application for a trial sewer survey, the cost of which shall be as established from time to time by resolution of the city council. The result of a trial sewer survey shall not constitute a permit to connect to the sewer and is merely for information purposes.

PART 14-230. REGULATION AND CONTROL OF SEWER.

14-231. PROHIBITED USES.

A. 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, any calcium carbide or residue therefrom, or any liquid or other materials or substance which will emit 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.

B. Waste pipes from enumerated establishments. The contents of waste pipes from water filters, gas engines, air compressors, vacuum, dry cleaners, garages, wash racks, stores or warehouses containing inflammable substances, car barns, buildings for the stabling or keeping of horses, cows, and other animals, or plants using milk or processing milk products, and all similar establishments shall not be disposed of through connection with a sanitary sewer unless such contents are discharged into settling tanks properly trapped and vented. The construction of such tanks must be approved by the city engineer, and must be subject to his inspection, approval, or condemnation before cement is poured and at all times thereafter until completion of such construction. Upon condemnation by the city engineer, the sewage from the tanks shall not be allowed to flow into the sewer until satisfactory alterations have been made and the construction approved by the city engineer.

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

D. Drainage water and destructive materials. It shall be unlawful for any person to connect with a public sanitary sewer any drain or pipe which discharges rainwater, cellar or surface water, acids, alkalis, lye, or other injurious liquids, or the contents of any spring, flowing well, creek, ditch, or other water courses. 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 to a sump, which sump shall 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 which contain inflammable substances, 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. Settling tanks shall be constructed of material approved by the superintendent and shall 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.

14-232. REGULATIONS.

The city council shall have power to and retain the right to adopt regulations controlling the manner and circumstances under which the sewer system may be used in addition to the regulatory provisions set forth expressly in this chapter.

14-233. OWNERSHIP OF CONNECTING LINES.

Unless provision is expressly made for ownership of mains or lines by owner of the adjacent property by means of a written agreement, all lines and mains connecting the sewer system to a land owner or resident's premises which are situated on the public way between the main and the property line shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises.

14-234. SEWER MAN-HOLES.

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

14-235. DESTRUCTION.

It shall be unlawful for any person to destroy, deface, injure, or interfere with the operation of any part or appurtenance of the sewer system.

ORDINANCE 1993-1: REGULATION OF CULINARY WATER DEPARTMENT

AN ORDINANCE ESTABLISHING AND REGULATING A CULINARY WATER DEPARTMENT; PROVIDING RULES AND REGULATIONS TO ADMINISTER AND PROTECT THE WATER SYSTEM, FIXING PENALTIES AND ALLOWING THE FIXING AND MODIFICATION or RATES BY RESOLUTION; AND ESTABLISHING RATES UNTIL SO AMENDED; AMENDING, REPEALING AND RESERVING VARIOUS PROVISIONS OF CHAPTER 14, REVISED ORDINANCES OF FOUNTAIN GREEN CITY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF FOUNTAIN GREEN CITY, SANPETE COUNTY, STATE OF UTAH:

WHEREAS, Fountain Green City, a municipal corporation of the State of Utah (the "City"), is the owner of a culinary waterworks system for the purpose of furnishing water to the residents of said City under a system of facilities (the "System") and it is necessary and advisable to adopt an Ordinance for the controlling of the System, including the setting of fees for culinary water services and amending and, where necessary, repealing water ordinances and regulations heretofore adopted in conflict herewith; and

WHEREAS, it is necessary to amend the provisions of Title 14 of the Revised Ordinances of Fountain Green City;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 1: CULINARY WATER DEPARTMENT AND SYSTEM.

The Culinary Water Department of Fountain Green City is hereby created. It shall administer the operation and maintenance of the culinary water system of the City. So far as is practically appropriate, this Department shall operate and be governed separately from the irrigation water system of the city.

SECTION 2: SUPERINTENDENT.

There is hereby created the position of Superintendent of the Culinary Water System. His title shall be sometimes stated "Superintendent" to indicate and parallel the custom, usage, and practice of distinguishing a culinary water supervisor or administrator as a “Superintendent" and also to distinguish his office from that of the irrigation water system "Superintendent". When the term "water" is used in this Ordinance, including its use in the application for water revenue embodied in this Ordinance it shall be deemed to apply specifically and exclusively to culinary water furnished under this system, except where the context indicates to the contrary, particularly but not exclusive where intermingling of culinary and irrigation water is prohibited.

SECTION 3: DUTIES OF SUPERINTENDENT.

The Superintendent of the System shall manage and supervise the System pursuant to the provisions of this ordinance and pursuant to resolutions, rules, and regulations adopted by the City Council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Mayor relating to the water system. All of the functions and activities of the Superintendent shall be carried on under the direction of the Mayor or councilmember appointed by the Mayor.

SECTION 4: APPLICATION FOR CULINARY WATER CONNECTION.

Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the Culinary System, shall file with the water department for each such connection, a written and signed connection application in substantially the following form:

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FOUNTAIN GREEN CITY
APPLICATION FOR CULINARY WATER CONNECTION
TO FOUNTAIN GREEN CITY, UTAH:

I hereby apply to the municipality of the Fountain Green City ("City") for permission to connect my premises at _____ with Fountain Green City culinary water system and hereby agree as follows:

1.

a. I agree to be responsible for the connection-»f services lines to the water main for installing culinary water service to my property. I also agree that I am responsible for and will pay all costs incurred, as well as those due to the contractor for all work on private service lines and connection to the City system. It is agreed that my water connection and private service lines must be at least as substantial as the minimum City standards.

b. I agree to pay the City such connection fees as may be fixed by the governing body by Resolution or ordinance, including also a security deposit charge, if so provided. 1 understand and agree that no water shall be turned on until such fees and charges have been paid.

c. The location of the service, whether on my premises or at some point near. my premises, may be decided solely by the City.

d. Until otherwise provided by ordinance or Resolution of the city, a connection fee of $500 shall be paid in advance.

2. I understand the city reserves the right to cause both the culinary and irrigation water system upon my premises to be inspected by the City and if either or both facilities should not be approved, I will cause the same to be corrected and improved at my own expense to meet the requirements of the City or of any other governmental agency having jurisdiction to regulate the water system within the City.

3. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the City applicable to the City's culinary water system.

4. The main purpose for which the water connection will be used is for culinary use.

5. The City shall have free access to the lines and services installed under this agreement and, at reasonable times, through my property, if necessary.

DATED this _____day of _____, _____.

_____
Applicant

****

SECTION 5: APPLICATION FOR WATER CONNECTION BY SUBDIVIDER.

Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required, all of which shall be fixed by the city and paid by the applicant.

SECTION 6: APPLICATION FOR WATER SERVICE.

Any person who desires or is required to secure water services when such service is available from the City water system, shall file with the water department a written application and agreement for the service which shall be in substantially the following form:

****

FOUNTAIN GREEN CITY
APPLICATION FOR CULINARY WATER SERVICE
TO FOUNTAIN GREEN CITY, UTAH:

The undersigned hereby applies for culinary water service from the municipality of Fountain Green City, Utah ("City") for premises located at _____ and hereby agrees:

1. To pay all charges for such water service as are fixed from time to time by the governing body until such time as I shall direct such service to be discontinued.

2. In the event of a failure to pay water charges with the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body regulating the use of the water system, that the City shall have the right to discontinue the water system service at its election, pursuant to five (5) days written notice of the City's intention until all delinquencies and any reconnection fee imposed are paid in full or until any failure to conform to the City Ordinance or regulations issued thereunder is eliminated. The undersigned warrants and agrees to assure the City that the owner of the premises and the undersigned hereby agrees, for himself or herself, that all fees and charges for connection to the water system and for use of the water (including the minimum fee and irrespective of whether or not any water is. used at the premises) shall be paid when due and if not paid, shall be accumulated together with a penalty of $50.00 and the cumulated amount shall bear interest at the rate of eighteen (18%) per cent per annum from the date each and every charge became due.

3. To be bound by the rules, regulations, resolutions, or ordinances enacted or added by the governing body applicable to the City's water system.

DATED this _____ day of _____, _____.

_____
(Applicant)

****

SECTION 7: NON-OWNER APPLICANT - AGREEMENT OF OWNER.

Applications for water service made by the tenant of any 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 in substantially the following form:

> "In consideration of the acceptance of the application for water service submitted by _____ (tenant), I or we will pay for all charges, fees and costs at _____(premises) in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules and regulations or resolutions enacted by the City."
>
> DATED this _____ day of _____, _____.
>
> _____
> Applicant

****

SECTION 8: NON-RESIDENT APPLICANT.

An application for a connection outside the corporate limits of Fountain Green City shall be required in the following form:

FOUNTAIN GREEN CITY
APPLICATION FOR CULINARY WATER CONNECTION
TO FOUNTAIN GREEN CITY, UTAH:

I hereby apply to the municipality of the Fountain Green City ("City") for permission to connect my premises at _____ with the Fountain Green water system and hereby agree as follows:

1. Construction Costs Paid by Applicant:

    a. I agree to be responsible for the connection of services lines to the water main for installing culinary water service to my property. I also agree that I am responsible for and will pay all costs incurred, as well as those due to the contractor for all work on private service lines and connection to the City system. It is agreed that my water connection and private service lines must be at least as substantial as the minimum City standards.

    b. I agree to pay the City such connection fees as may be fixed by the governing body by resolution or ordinance including also a security deposit charge, if so provided. I understand and agree that no water shall be turned on until such fees and charges have been paid.

    c. The location of the service, whether on my premises or at some point near my premises, may be decided solely by the City.

    d. Until otherwise provided by Ordinance or Resolution of the City, a connection fee of $500 shall be paid in advance.

2. Inspection and Minimum Standards: I understand the city reserves the right to cause both the culinary and irrigation water system upon my premises to be inspected by the city and if either or both facilities should not be approved, I will cause the same to be corrected and improved at my own expense to meet the requirements of the City or of any other governmental agency having jurisdiction to regulate the water system within the City.

3. Acceptance of Regulations: I will be bound by the rules, regulations, resolutions, or ordinances enacted now or hereafter by the City applicable to the City's culinary water system.

4. Culinary Use Only: The main purpose for which the water connection will be used is for culinary use.

5. Access Guaranteed to city: The city shall have free access to the lines and services installed under this agreement and, at reasonable times, through my property, if necessary.

6. To pay all charges for such water service as are fixed from time to time by the governing body until such time as I shall direct such service to be discontinued.

7. In the event of a failure to pay water charges with the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body regulating the use of the water system, the city shall have the right to discontinue the water system service at its election, pursuant to five (5) days written notice of the City's intention until all delinquencies and any reconnection fee imposed are paid in full or until any failure to conform to the ordinance or regulations issued thereunder is eliminated.

8. To be bound by the rules, regulations, resolutions, or ordinances enacted or adopted by the governing body applicable to the City's water system.

9. Interruption in Times of Shortage: To comply with State of Utah constitutional and statutory restrictions prohibiting alienation of municipal water rights, the applicant understands and agrees that if there should occur any shortage, deficiency, or inadequacy of water supplies of the City, the City Council may, in its discretion, interrupt or cut off service to any user outside the corporate limits of the City.

10. Differential in Rates Outside of City: All lines for use outside the corporate limits of Fountain Green must be maintained by users at their sole cost and expense with no liability to Fountain Green city. Each user of outside water consumption must sign an agreement:

    a. Agreeing to pay all costs of installation and maintenance;

    b. Obligation to pay connection fees and rates for which may be fixed from time to time by the City Council which may be different from those assessed for in-city use;

    c. Execute an indemnity agreement providing that:

        i. Any user indemnifies and agrees to hold harmless the city of and from any liability for any purpose, including loss of property, damage to persons or property, injury (including death) to any person as a consequence or associated with or participation in the culinary water supplies of the City;

        ii. Agreeing that the water service outside the corporate limits of Fountain Green City can be terminated at any time, with or without notice and with or

without cause or without limiting any of the foregoing, guarantee of quality of water is assumed by outside user.

DATED this ____ day of _____, _____

_____
Applicant

****

SECTION 9: RATES AND CONNECTION FEES.

The rates, penalties, and fees for delinquency in payment, connection fee, inspection fee, reconnection fees, and other charges incidental to the connection and services from the City's culinary water system shall be fixed from time to time by resolution enacted by the city council. The city council may, from time to time, promulgate rules for levying, billing, guaranteeing, and collecting charges for culinary water services and all other rules necessary for the management and control of the System. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. Rates may be established at different levels for premises outside the corporate boundaries of the City.

SECTION 10: FEES AND SERVICE CHARGES.

Until further Resolution or Order or by any enacted legislation as provided in Section 9 the schedule of connection and user fees shall be as follows :

A. Connection Fees:

1. Connection fees inside city Limits:

   a. For ¾-inch service – FIVE HUNDRED ($500.00) DOLLARS.

2. Connection Fees Outside city Limits:

   a. All dimensions, sizes and capacities: to be fixed, when and if application therefor is approved, by the city council.

B. User Fees:

1. Residential User Fees Inside City Limits:

   a. Minimum monthly fee per month for active as well as inactive connections: $17.00 The minimum monthly charge shall entitle the user to 6000 gallons of culinary water per month. The minimum charge shall be applicable to seasonal, temporary, inactive, as well as active connections to the system for both residential and commercial and may be regarded as a "demand" charge based upon capital investment to make service available at each point of connection and therefore peremptorily assessed although no water may be utilized at the premises in any given month.

   b. Charges for uses exceeding 6,000 gallons per month: .For use in excess of 6,000 gallons per month a charge of Forty ($0.40) cents shall apply for each one thousand (1,000) gallons over 6,000 gallons.

2. Other Than Residential User Fees Inside Citv Limits :

    a. Minimum monthly fee per month for active as well as inactive connections: $23.00 The minimum monthly charge shall entitle the user to 12,000 gallons of culinary water per month. The minimum charge shall be applicable to seasonal, temporary, inactive, as well as active connections to the system for both residential and commercial and may be regarded as a "demand" charge based upon capital investment to make service available at each point of connection and therefore peremptorily assessed although no water may be utilized at the premises in any given month.

    b. Charges for uses exceeding 12,000 gallons per month: For use in excess of 12,000 gallons per month a charge of Forty ($0.40) cents shall apply for each one thousand (1,000) gallons over 12,000 gallons.

3. Usage Fees Outside City Limits:

    a. Charges for usage outside the corporate limits of Fountain Green City not only as to the minimum, but also as to all overages shall be fixed from time to time by resolution or agreement as deemed proper under the circumstances.

C. Special Rates.

1. The City Council may, from time to time, fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the System under exceptional circumstances, upon such terms and conditions as they may deem proper.

SECTION 11: INDIVIDUAL UNIT.

A water connection shall be required for each individual unit as established in Fountain Green City. For the purpose of this Ordinance, an individual unit is defined as a separate residence, building, commercial establishment, summer or recreational unit, or other similar unit for use or served by culinary water, whether or not maintained in the same group as other units or parcels and each separate unit shall be required to pay minimum rates herein specified.

SECTION 12: USE WITHOUT PAYMENT PROHIBITED.

It shall be unlawful for any person by himself, family, servants, or agents to utilize the culinary water system without paying therefor, as herein provided, or without authority, to open any pipe, line, connection, stopcock, valve or other fixtures attached to the system of culinary water supply unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface or impair any part or appurtenance of the water system or to cast anything into any reservoir or facilities appurtenant or contributing to the culinary water system. It shall be a criminal offense in any way to pollute any water source, watershed, drainage area, or any part of or contributing to the culinary water system.

SECTION 13: DELINQUENCY - DISCONTINUANCE OF SERVICE.

A. The Recorder or Superintendent shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each month or at such other regular intervals as the City Council shall direct.

B. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within thirty (30) days from the date due, the Recorder or Superintendent shall give the consumer notice in writing of intention to discontinue the service to the consumer unless the consumer pays the bill in full within five (5) days from the date of notice.

C. If the culinary water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the treasurer or arrangements made for their payment in a manner satisfactory to the City. In the event water is turned off for non-payment of water charges then before the water service to the premises shall again be provided, the consumer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on or off as the City Council may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge of $50.00 for turning on the water. Furthermore, in addition to such payments and penalties, a delinquent consumer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The Recorder is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of Fountain Green City.

D. Delinquencies associated with the payment of the initial hookup fee shall bear interest at the rate of 1.5% per month on the unpaid amount and the City may commence at its option, an action against the delinquent property owner of record at any time to recover the amount due plus court costs. In the event the owner of any of the premises, or the tenant or occupant, of the premises shall fail to pay any fee or charge, the City may cause the water to be shut off from such premises, and the City shall not be required to turn the same on again until all arrears for water furnished shall be paid in full. Nothing in this Section shall be deemed to require the City to connect any premises until the full connection fee and any security deposit imposed are both and all paid in full.

E. Delinquency in the payment of monthly user fees shall bear interest at the rate of 1.5% per month against the amount 30 days past due, and delinquencies following notice of intent to discontinue service shall result in the termination of all culinary water service until the delinquent amount plus interest accrued shall be paid to the City.

SECTION 14: TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED.

It shall be unlawful for any person, after the water has been turned off from the premises for non-payment of culinary water charges or other violations of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or to allow the water to be turned on or used without authority from the Superintendent or City Recorder.

SECTION 15. SEPARATE CONNECTIONS .

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

SECTION 16. INTERCONNECTION PROHIBITED.

No interconnection, cross-connection, or other joining of the culinary and irrigation systems by any existing or future water user of the City shall be permitted, and any such interconnection shall be punishable as a Class B Misdemeanor with a fine of not more than $1,000.00, and/or 6 months in jail and the owner of record of such property found to have such interconnection upon it shall bear all costs associated with the destruction and removal of such interconnecting device or apparatus.

SECTION 17. NO OPEN DISCHARGE OF PRESSURIZED WATER SYSTEM IN CITY.

There shall be no open discharge of water from the culinary water system which may or could intermingle culinary water with irrigation water (whether from a pressurized irrigation water system, sprinkler system, or any other conveyor or deliverer of non-culinary water). Any discharge from the culinary water system not out of a sprinkler or nozzle shall be a violation of this System and shall be punishable as a Class B Misdemeanor with a fine of not more than $1,000.00, and/or 6 months in jail and the owner of record of such property found to have any open discharge shall bear all costs required repair or rectify the violation.

SECTION 18: LIABILITY FOR DAMAGED EQUIPMENT.

All damages or injury to the lines, meters, or other materials of the City on or near the consumer's premises caused by any act or neglect of the consumer shall in the discretion of the City be repaired by and at the expense of the consumer and the consumer shall pay all costs and expenses including a reasonable attorney's fee which may arise or accrue to the City through its efforts to repair the damage to the lines, meters, or to other equipment of the department or collect such costs from the consumer.

SECTION 19: UNAUTHORIZED USERS.

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

SECTION 20: FACILITIES TO BE KEPT GOOD REPAIR.

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

SECTION 21: OUALITY OF SERVICE PIPE.

A. All service and other pipe used in conjunction with the water services of the City shall be of such material, quality, and specifications as the City council may, from time to time by resolution, provide and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water Superintendent and no connections with any water mains shall be made without first obtaining a permit therefore from the city Recorder.

B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without the approval of the Water Superintendent and subject to such requirements relating to controls as may be imposed by him.

SECTION 22: FAULTY EOUIPMENT.

It shall be unlawful for any water user to:

A. Waste water;

B. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or water troughs to leak or overflow;

C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks, or other apparatus:

D. Use the water for purposes other than for those which he has applied for or to use water in violation of the rules and regulations for controlling the water supply.

SECTION 23: WASTE OF WATER.

A. Users of water from the culinary water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the Superintendent or of any of the officers of the city, a user of culinary water engages in practices which result in the needless wastewater and continues to do so after the notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the City Council.

B. The City Council may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five (5) days prior to the meeting of the City Council at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.

C. A water user whose right to utilize culinary water is being reviewed shall have the opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.

D. After a due hearing, the city Council may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of decision and of the period during which the service will remain discontinued.

SECTION 24: SPRINKLING VEHICLES.

Vehicles for sprinkling shall be regulated and controlled by the water department through the Superintendent of the water department.

SECTION 25: DEPARTMENT TO HAVE FREE ACCESS.

The Superintendent and his agents shall at all ordinary hours have free access to any place supplied with water service from the City system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

SECTION 26: NON-LIABILITY FOR DAMAGES.

The city shall not be liable for any damage to a water service user by reason or stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system, or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the City beyond that provided in the Governmental Immunity Act.

SECTION 27: WATER NOT SUPPLIED TO MOTORS, SYPHONS:

No water shall be supplied from the pipes of the City water system for the purpose of driving 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 City Council.

SECTION 28: SCARCITY OF WATER.

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

SECTION 29: PERMITS FOR INSTALLATIONS.

It shall be unlawful for any person to lay, repair, alter, or connect any water line to the City culinary water system without first having obtained a construction permit from the officer or the Recorder or from the Superintendent.

SECTION 30: EXTENSIONS OF WATER MAINS WITHIN CITY.

Any person or persons, including any subdivider who desires to have the water mains extended within the City which extension shall be further than 100 feet from the existing line, and is willing to advance the whole expense of such extension, may make application to the City Council by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the water Superintendent. The city council may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the City. Such extension, when completed, shall become a part of the City's water system.

SECTION 31: COST OF EXTENSIONS DETERMINED.

Upon the receipt of such a petition and map and before the petition is granted, the city Council shall obtain from the water Superintendent a certified statement showing the whole cost and expense of making extensions.

SECTION 32: AMOUNT OF COST TO BE DEPOSITED WITH RECORDER.

If the City Council grants the petition, the amount of the costs of making the extension, as certified by the superintendent, shall be deposited with the City Recorder before any work shall be done on such extensions. The deposit shall be made within thirty (30) days, or such other time as the city council shall require, after the granting thereof.

SECTION 33: RETURN OF ANY MONEY - FORFEITURE.

A. At the time the City council decides whether or not to grant a petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and the circumstances under which such 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.

B. In the event any deposit remains unclaimed for a period of five (5) years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund.

SECTION 34: OWNERSHIP OF EXTENSION.

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

SECTION 35: DISPOSITION OF FUNDS.

All connection fees and monthly user charges collected under the provisions of this Ordinance shall be deposited in Fountain Green City's Water System Fund and used to meet the operation and maintenance cost of the System; debt service on obligations appertaining to the construction associated with the completion the system; and such other allocations as City Council may by resolution provide.

SECTION 36: RIGHT OF ENTRY ON PREMISES OF WATER USER.

All authorized persons connected with the waterworks of the City shall have the right to enter upon any premises furnished with water by the City to examine the apparatus, the amount of water used, and the manner of use, and to make all necessary shutoffs for vacancy, delinquency, or violation of the ordinances, rules, or regulations enacted or adopted by the City.

SECTION 37: EXTRATERRITORIAL JURISDICTION.

The City may construct or authorize the construction of waterworks within or without the City limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution its jurisdiction shall extend over the territory occupied by such works, and 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 fifteen miles and said three hundred feet. All ordinances and regulations, including this Ordinance, is deemed necessary to carry the power herein conferred into effect, and is to enact among other things, an ordinance preventing pollution or contamination of the streams or watercourses from which the inhabitants of the City derive their water supply, in whole or in part, for domestic and culinary purposes, and this Ordinance prohibits the construction or maintenance of any closet, privy, outhouse, or urinal within the area over which the area over which the City has jurisdiction, and provides for permits for the construction and maintenance of the same, applications for which permits must be made to the City Council. In granting such permits the Council 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.

SECTION 38: GENERAL SANCTIONS AND PENALTIES - CUMULATIVE REMEDIES.

Without altering or diminishing the effect of any other sanction, penalty or consequence provided in this Ordinance elsewhere, the violation of, failure to observe, or omission to comply with any provision of this Ordinance, shall be a criminal offense punishable as a Class B Misdemeanor with a fine of not more than $1,000.00 or 6 months in jail or both. Each day of continued violation shall be a separately punishable offense and this Section shall be in addition to any other penalty, sanction, consequence, or remedy for enforcement of this ordinance.

SECTION 39: SECTIONS PARTIALLY OR TOTALLY REPEALED: REPEAL OF INCONSISTENT ORDINANCES OR RESOLUTIONS.

All ordinances and resolutions adopted thereunder or pursuant thereto, which may be inconsistent with or in conflict with this ordinance or which may in any respect create an ambiguity, an uncertainty as applied, or any vagueness respecting the express terms of this ordinance are hereby expressly repealed and the provisions of this ordinance shall prevail over all enactments of Fountain Green City relating to its culinary water system. Any different provisions, different duties, responsibilities, rights, entitlements, or powers in conflict herewith shall have no such conflicting force or effect after the

adoption of this ordinance as provided in §10-3-711 Utah Code Annotated, 1953, as amended, to date and as it may be amended in the future. Future resolutions, orders, motions, or legislative enactments to fix new, different, higher, or lower rates need not be posted or published unless required by law but shall remain in effect respecting the culinary water system.

To the extent any provision therein is inconsistent with or contrary to any provision of this Ordinance, the following Sections of Chapter 14 of the “Revised Ordinances of Fountain Green City" are repealed in part or in whole depending upon the extent of inconsistency:

§14-113	§14-127
§14-115	§14-128
§14-116	§14-129
§14-120	§14-130
§14-121	§14-131
§14-122	§14-132
§14-123	§14-133
§14-124	§14-134
§14-126	§14-135

The following Sections of Chapter 14, "Revised Ordinances of Fountain Green City" are repealed in their entirety:

S14-114 S14-119
S14-117 S14-125

The following Sections of Chapter 14, "Revised Ordinances of Fountain Green City" are expressly reserved and retained as Ordinances of Fountain Green City in their entirety and shall remain unaffected by this Ordinance:

S14-136 S14-144
S14-137 S14-145
S14-138 S14-150
S14-139 S14-151
S14-140 S14-152
S14-142 S14-153
S14-143 S14-154

SECTION 40: EFFECTIVE DATE AND POSTING ORDINANCE.

The City Council hereby finds and declares that the public health, safety, and welfare of Fountain Green City and its inhabitants require that the ordinance take effect at an earlier date than twenty(20) days following its adoption and the posting thereof in the following three(3)public and conspicuous places in Fountain Green City:

1. Fountain Green City Hall;
2. _____
3. _____

STATE OF UTAH)
: SS. CITY RECORDER’S CERTIFICATE
COUNTY OF SANPETE)

I, MAUREEN LUND, the duly chosen, qualified and acting Recorder of Fountain Green, Sanpete County, Utah, certify as follows :

The foregoing Ordinance was duly and regularly adopted by the City Council at its meeting on the 15 day of July, 1993, and it was then and there executed by the Mayor by the City Recorder; and

Posting of the entire body of the Ordinance was completed by posting in three (3) public and conspicuous places in Fountain Green City;

And I further certify that any copies posted were fully executed prior to posting and remained posted from the aforesaid date until the date of this Certificate.

WITNESS my hand and the seal of the City this 7th day of September 1993.

City Recorder

(S E A L)

ORDINANCE 1994-1: REGULATION OF SEWER DEPARTMENT

AN ORDINANCE ADOPTING PROVISIONS FOR REGULATING THE SEWER DEPARTMENT (THE “SYSTEM"); FIXING RATES FOR CONNECTION TO AND USE OF THE SYSTEM AND PROVIDING THAT SAID RATES MAY BE AMENDED BY RESOLUTION; PROVIDING CERTAIN OPERATIONAL RULES AND PROCEDURES; REGULATING THE USE OF PUBLIC AND PRIVATE SEWERS AND DRAINS, PRIVATE WASTEWATER DISPOSAL, THE INSTALLATION CONNECTION OF BUILDING SEWERS, AND THE DISCHARGE OF WATERS AND WASTES INTO THE PUBLIC SEWER SYSTEM(S); PROVIDING WATER CAN BE TURNED OFF FOR DELINQUENCY IN SEWER OR WATER CHARGES; DELINQUENCY IN SEWER OR WATER CHARGES; FIXING CHARGES FOR TURNING ON WATER AFTER DELINQUENCY; DECLARING UNLAWFUL AND PROVIDING PENALTIES FOR CERTAIN ACTS.

BE IT ORDAINED AND ENACTED by the city council of the Fountain Green City, Sanpete County, State of Utah, as follows:

WHEREAS, Fountain Green City, Sanpete County, State of Utah, (the "City") is the owner of a wastewater system for the purpose of furnishing sewer and wastewater services to the residents of said City under a system of facilities (the “System") and it is necessary and advisable to adopt an ordinance for the controlling of the System, including the setting of fees for wastewater services and amending and, where necessary, repealing, wastewater ordinances and regulations heretofore adopted in conflict herewith;

NOW, THEREFORE, BE IT ORDAINED AS FOLLOWS:

ARTICLE I: DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in this ordinance shall be as follows:

Section 1. "Addendum" means the document appended hereto entitled "Service User Charge System”. The Addendum is incorporated in this Ordinance. The Service User Charge System includes section A through I and shall have effect as fixed and variable charges.

Section 2. "Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at 20 degrees centigrade, expressed in milligrams per liter.

Section 3. "Building drain" means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet (1.5 meters) outside the inner face of the building wall.

Section 4. "Building sewer" means the extension from the building drain to the public sewer or other place of disposal, also called house connection.

Section 5. "Cesspool” means an underground reservoir for liquid waste (as household sewage).

Section 6. "City" means Fountain Green City, Sanpete County, Utah.

Section 7. "Combined sewer" means a sewer intended to receive both wastewater and storm or surface water.

Section 8. "Easement" means an acquired legal right for the specific use of land owned by others.

Section 9. "Floatable oil" means oil, fat, or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. Wastewater shall be considered free of floatable fat if it is properly pretreated, and the wastewater does not interfere with the collection system.

Section 10. "Garbage" means all waste resulting from residences, commercial trades, or businesses and institutions. Commercial and Industrial waste shall be distinct from domestic or household sanitary wastes.

Section 11. "Governing Body" means the Mayor and council members of Fountain Green City.

Section 12. "Hearing board" means that board appointed according to provision of Article IX.

Section 13. "Industrial wastes" means the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.

Section 14. "May" is permissive (see "shall", Section 28).

Section 15. "Natural outlet" means any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

Section 16. "Person" means any individual, firm, company, association, society, corporation, or group.

Section 17. "pH" means the logarithm of the reciprocal of the hydrogenions concentration. The concentration is the weight of hydrogenions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{7}.

Section 18. "Privy" means a small building having a bench with holes through which the user may defecate or urinate.

Section 19. "Properly shredded garbage" means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.

Section 20. "Public sewer" means a common sewer controlled by a governmental agency or public utility.

Section 21. "Residential Equivalent" means a structure, building or unit discharging effluent into the System placing no more burden or discharge no more effluent than Residential Flows as defined hereinafter.

Section 22. "Residential Flows" means the assumed average and/or standard flow expected from a single-family dwelling based on winter—time culinary water usage. Residential Flow volume strength is 250 mg/l TSS (Total suspended Solids, see "suspended Solids") and 200 mg/l BOD_5 (Biochem Oxygen Demand, see “BOD”). Rates for volume and strength of Residential Flow are as set out in Addendum "A”.

Section 23. "Sanitary Sewer” means a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.

Section 24. “Septic Tank” means a tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.

Section 25. "sewage" means the spent water of a community. The preferred term is "wastewater” (See Section 35).

Section 26. "Sewer" means a pipe or conduit that carries wastewater or drainage water.

Section 27. "Shall" Is mandatory (see “may” Section 15).

Section 28. “Slug” means any discharge of water or wastewater which in concentration of any given constituant or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration or flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

Section 29. “Storm drain” (sometimes termed "storm sewer") means a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.

Section 30. “Superintendent” means the superintendent of wastewater facilities, and/or of wastewater treatment works, and/or of water pollution control of Fountain Green City or his authorized deputy, agent, or representative.

Section 31. "Suspended solids" means total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as non-filterable residue.

Section 32. “System" means the sewer, wastewater, or combined wastewater and storm or surface water facilities of the City.

Section 33. "Unpolluted water" means water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and wastewater treatment facilities provided.

Section 34. "Wastewater" means the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and stormwater that may be present.

Section 35. "Wastewater facilities" means the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent,

Section 36. "Wastewater treatment works" means an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant".

Section 37. "Watercourse" means a natural or artificial channel for the passage of water either continuously or intermittently.

ARTICLE II: USE OF PUBLIC SEWERS REQUIRED

Section 1. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within Fountain Green city, or in any area under the jurisdiction of said City, any human excrement, garbage, or other objectionable waste.

Section 2. It shall be unlawful to discharge to any natural outlet within Fountain Green city, or in any area under the jurisdiction of said City, any sewage, or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this ordinance.

Section 3. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Section 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City or within 300 feet of the system is hereby required, at the owner(s) expense, to install suitable sewer facilities therein, and to connect such facilities directly with the public sewer in accordance with the provisions of this ordinance, within 180 days after date of official notice to do so, provided that said sewer is within 300 feet of the owner's property line.

Section 5. To evidence compliance with the requirements of this Article II, the city adopts this penalty and compensatory sanctions, the violation of which shall constitute a misdemeanor of the second class: Under the authority of §10-8-15 Utah Code Annotated, 1953, as amended, Fountain Green City hereby exercises a municipality's extraterritorial jurisdiction to protect its culinary water system and its source from exposure to underground percolation from any ecological injury, pollution, or contamination of the watershed or exposure of the System and water-polluting underground percolations influencing the culinary waterworks source. Fountain Green City under the authority of §10-8-38 Utah Code Annotated 1953, as amended declares that all lands (whether inside or outside an incorporated municipality) within 300 feet on either side of the transmission or interceptor lines and the inlet facilities of each and all of the collection, interception and inlet facilities or one or any combination of the same (the "System") are a part of the Fountain Green Wastewater Facilities of Fountain Green City and the System and the City hereby requires that the owner or occupant of any land upon which any structure is located and on

the nearest property line of any kind within 300 feet of any lateral, interceptor, or collection portion of the System shall connect to the System, the failure of which shall constitute a public offense and punishable by law as a misdemeanor of the second class.

ARTICLE III: PRIVATE WASTEWATER DISPOSAL

Section 1. Where a public sanitary or combined sewer is not available under the provisions of Article II, Section 4, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this article.

Section 2. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit issued by the City's water and sewer superintendent. The application for such a permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary. A permit and inspection fee shall be paid to the City at the time the application is filed.

Section 3. Permission to use the system for a private wastewater disposal system shall not become authorized until the installation is completed in compliance with the approved plans applicable with all State and local codes and this ordinance. Authorized City employees shall be allowed to inspect the work at any stage of construction, The applicant for the permit shall notify the City Recorder when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within (48) hours of the receipt of notice by the City Recorder.

Section 4. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all recommendations of the Department of Environmental Quality of the State of Utah. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Section 5. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Article III, Section 4, a direct connection shall be made to the public sewer within one hundred eighty (180) days, in compliance with this ordinance, and the private disposal system shall be disconnected and made inoperable.

Section 6. When a public sewer Is not available, the owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the City.

Section 7. No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Utah State Department of Environmental Quality.

ARTICLE IV: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS; RATES FOR USE

Section 1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

Section 2. There shall be one (1) class of sewer connection to be known as "Residential" or "Residential Equivalent".

In every case, the owner(s) or agents shall make an application on a form obtained from the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the city water and sewer Superintendent.

A fee for sewer connection permits and inspections shall be assessed and collected at the time of application to the City. The fee for a Residential Equivalent connection permit shall be $350.00 if paid before the completion of the sewer and wastewater system. Thereafter, the fee for each Residential Equivalent connection permit shall be $1,000.00.

Section 3. Form of Application. Each person owning, occupying, or having an interest in any structure in Fountain Green City, the property line of which is within 300 feet of the sewer line shall connect to the sewer system upon an application in the form hereinafter set out.

It shall be a class B misdemeanor, or a misdemeanor as declared by state law or county ordinance for any person to fail to connect to the sewer system who is the occupant, owner or user of any structure whose outermost property line is within 300 feet of the sewer system by a fine of not less than $50.00 for each day of violation and each day of failure to connect shall be deemed a separate offense.

Each individual connection to the sewer system shall execute an application in the following form:

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FOUNTAIN GREEN CITY

APPLICATION FOR SEWER CONNECTION
TO FOUNTAIN GREEN CITY, UTAH:

I hereby apply to the municipality of Fountain Green City, Sanpete County, Utah (the "City") for permission to connect my premises at _____ with Fountain Green City Wastewater System and hereby agree as follows:

1.

a. The city shall make the requested connection from its sewer main to and including the distance and up to my property line. I agree to pay the City such connection fees as may be fixed by the Governing Body by resolution or ordinance including also a deposit security charge, if so provided.

   The work of extending the sewer connection from the nearest point to which the City installs its main to the place at which the sewer is to be used shall be my responsibility and shall be performed at my sole cost.

b. The location of the service, whether on my premises or at some point near my premises, may be decided solely by the City.

c. The connection so made by the Municipality, including the meter, shall remain the property of the Municipality at all times and the Municipality shall have access thereto at all times.

d. The location of the meter, whether on my premises or at some point near my premises, may be decided solely by the Municipality.

2. I understand the City reserves the right to cause the wastewater system upon my premises to be inspected by the City and if the facility should not be approved, I will cause the same to be corrected and improved at my own expense to meet the requirements of the City or of any other governmental agency having jurisdiction to regulate the water or wastewater system within the City.

3. I will be bound by the rules, regulations, resolutions, or ordinances enacted now or hereafter by the City applicable to the City's wastewater system.

4. The main purpose for which the sewer connection will be used is for wastewater use.

5. The City shall have free access to the lines and services installed under this agreement and, at reasonable times, through my property, if necessary.

6. The undersigned hereby gives and grants to Fountain Green City a perpetual easement to construct, maintain, and repair a sewer line or sewer connection outfall, or interceptor lines or any facilities thereto associated upon the property of the undersigned within sections _____, _____, _____ and _____ and Township _____ South, Range _____ st, Salt Lake Base and Meridian, the consideration of which shall be the granting of this application.

Dated this _____ day of _____, _____

_____
(Applicant)

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Section 4. Addendum "A". Attached to this Ordinance as an addenda a document entitled “SERVICE USER CHARGE SYSTEM”, Addendum “A”. Addendum “A” is incorporated by reference and made a part of this Ordinance and a part of the Ordinances of Fountain Green City and its title shall be known and it may be referred to as "Addendum A, Charge System" or merely, “Addendum A” in any document, pleading, or proceeding pertaining to the sewer or wastewater system of Fountain Green City. References to "Addendum A" shall also be made when there is an ambiguous declaration or statement in this or any Ordinance of Fountain Green City, Utah and any resolutions or proceeding affecting the Fountain Green City sewer and wastewater system. The rates for connecting to and use on monthly or any other basis May be fixed and amended by Resolution or Amending Ordinance.

Until otherwise provided by Resolution or an amending Ordinance the rates shall be as follows:

A. Residential Equivalent: a minimum of $15.00 per month per connection, active or inactive.

B. A surcharge of One Dollar and sixty—five Cents ($1.65) Cents per 1000 gallons usage will be charged for each Residential Equivalent.

The Governing Body will, to promote equity in distribution of operation and maintenance costs, and for no other purpose, establish rates based entirely upon metered winter usage, effluent strength by or solely upon the basis as defined herein above or upon an equitable combination of any of those so that the costs of operation and maintenance reflected in rates will be equitably distributed among those based upon their usage of and benefit received from the System.

Section 5. Costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Section 6. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole system will be considered as one building sewer. The City does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned

Section 7. Old building sewers may be used in connection with new buildings only when they are examined and tested by the City sewer and water superintendent and found to meet all requirements of this ordinance.

Section 8. The size, slope, alignment, materials, or construction of all sanitary sewers including building sewers, 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 city and the State of Utah. In the absence of these code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No. 9 shall apply.

Section 9. Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Where such means are necessary, the Owner shall be responsible for all installations, maintenance, and operating costs for their operation.

Section 10. No person(s) shall make connection of roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the city and the Utah State Department of Environmental Quality for purposes of disposal of polluted surface drainage.

Section 11. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the city, and the state of Utah, or the procedures set forth in appropriate specifications of nationally recognized publications of what are known as the A.S.T.M. and the W.P.C.F. Manual of Practice No. 9. All such connections shall be made gas-tight and watertight, any deviation from the prescribed procedures and materials must be approved by the City before installation.

Section 12. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

Section 13. Irrespective of the occupant, user, tenant, co-tenant, permissive user, or any other person, firm, partnership, corporation or entity being in possession of the premises to which a connection is supplied or service made available, THE OWNER OF THE PREMISES ACCORDING TO THE RECORDS OF THE SANPETE COUNTY RECORDER SHALL BE LEGALLY RESPONSIBLE FOR THE PAYMENT OF ALL CHARGES, FEES, ASSESSMENTS, AND ANY OTHER PAYMENT OF ALL CHARGES, FEES, ASSESSMENTS, AND ANY OTHER OBLIGATION OR LIABILITY OF A USER. If any delinquent sewer connection, sewer user charge, repairs, maintenance, or any other obligation is imposed against any premises, property, buildings or structures, the obligation shall be deemed by Fountain Green City as an obligation of the owner of the real property on which any use is made from a sewer connection. Water service to delinquent property shall be turned off by the City for failure to pay any and all sewage and wastewater fees, assessments, charges, or liability and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the City for sewer service are paid in full.

All payments for utilities, whether "water" or "sewer" shall be credited first to sewer assessments, fees, or charges.

Section 14. Interest Charge on Delinquent or Past-Due connection Fees: The Mayor and council of Fountain Green City may, at their discretion and in circumstances that are equitable, impose interest at the highest legal rate (but not to exceed 1½ % per month) on all past-due accounts either for connection fees, user charges, maintenance, repair or any other charge which is provided for, imposed, or authorized by this Ordinance.

Section 15. Notification. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services (O&M) vs. debt service.

ARTICLE V: ANNUAL REVIEW OF OPERATIONAL COSTS; REVISION WHERE REQUIRED; DEBT SERVICE

Section 1. The city shall review the total annual cost of operation and maintenance, long-term debt service relating to the wastewater treatment works, as well as each wastewater contribution percentage not less often than every year, and will revise the user charge system as necessary to assure equity of the system established herein and to assure that sufficient funds are obtained from the city's user charge system to: (a) adequately operate and maintain the wastewater treatment works; and (b) cover said debt service. The city will apply excess

revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust this rate accordingly.

Section 2. The addendum attached hereto and entitled "Fountain Green City Service User Charge System" shall be used for calculating rates. The addendum shall be used as a formula for calculating rates, fees, charges for connection use and access to the system. The addendum is adopted and made a part of this Ordinance.

ARTICLE VI: USE OF THE PUBLIC SEWERS

Section 1. No person(s) shall discharge or cause the discharge of any unpolluted waters such as stormwater, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the City and Utah State Department of Environmental Quality.

Section 2. Stormwater other than that exempted under Section 1, Article VI and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm sewers, or to natural outlets approved by the City and the Utah state Department of Environmental Quality. Unpolluted industrial cooling water or process waters shall also be discharged, to a storm sewer, combined sewer, or natural outlet.

Section 3. No person(s) shall discharge or cause to be discharged any of the following described water or wastes to any public sewers: (a) any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas; (b) any waters containing toxic or poisonous solids, liquids, or other wastes, to contaminate or interrupt any sewage treatment process, constitute a hazard in or have an adverse effect on the waters receiving any discharge from the works; (c) any waters or wastes having a ph lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works; and (d) solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, cups, milk containers, etc, either whole or ground by garbage grinders .

Each user which discharges any toxic pollutants which cause damage to the Fountain Green Treatment works shall be liable to the City for such damage and for all expenses incurred by the City in repairing those treatment works.

Section 4. The following described substances, materials, waters, or wastes shall be limited in discharges to municipal system to concentrations or quantities which will not harm either the sewers, the sludge of any municipal system, the wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, public property, or constitute a nuisance. The city may set limitations more severe than the limitations established in the regulations below if such more severe limitations are necessary to meet the above objectives. In setting these requirements the city will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the sewers, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the city are as follows:

a. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).

b. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.

c. Wastewater from industrial plants containing floatable oils, fat, or grease.

d. Any garbage that has not been properly shredded (see Article I, section 17). Garbage grinders may be connected to sanitary sewers: from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in commercial kitchens for the purpose of consumption on the premises.

e. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the State of Utah for such materials.

f. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the state of Utah.

g. Any radioactive wastes or isotopes of such half-life of concentration as may exceed limits established in compliance with applicable State or Federal regulations.

h. Quantities of flow, concentrations, or both which constitutes “slug” as defined herein.

i. Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed or are amendable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

j. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Section 5. If any water or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 4 of this Article, and which are determined by the city to have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:

a. Reject the wastes;

b. Require pretreatment to an acceptable condition for discharge to the public sewers;

c. Require control over the quantities and rates of discharge, and/or wastes not covered by existing taxes or sewer charges under the provisions of this article. If the City permits the pretreatment or equalization of waste flows, the design and installation of plants and

equipment shall be subject to the review and approval of the City and the Utah State Department of Environmental Quality.

d. A plot plan of sewers of the user's property showing sewer and facility location.

e. Details of wastewater pretreatment facilities.

f. Details of systems to prevent and control the losses of materials through spills to the municipal sewer.

Section 6. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference made in this ordinance shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the city.

Section 7. No statement contained in this article shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

ARTICLE VII

Section 1. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances or equipment which is a part of the wastewater facilities. Any persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

ARTICLE VIII: POWERS AND AUTHORITY OF INSPECTORS

Section 1. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose inspection, observation, measurement, sampling, and testing pertinent to discharge to the community system in accordance with the provisions of this ordinance.

Section 2. Duly authorized City employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Industrial users may withhold information when they have established that the revelation of said information to the public might result in an advantage to competitors.

Section 3. Grease, oil, and sand interceptors shall be provided when liquid wastes containing floatable grease in excessive amounts as specified in Section 4 (c) of Article VI, or any flammable wastes, sand or other harmful ingredients are introduced into public sewers; except that such interceptors shall not be required for private living quarters or dwelling units, all interceptors shall be of a type and capacity approved by the Utah State Plumbing Code, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the

collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.

Section 4. Where pretreatment or flow-equalization facilities are provided or required for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at its expense.

Section 5. When determined necessary by the City the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Section 6. The City may require any user of sewer services to provide information needed to determine compliance with this ordinance. These requirements may include:

1. Wastewater's discharge peak rate and volume over a specified time period.

2. Chemical analysis of wastewaters.

3. Information on raw materials, processes, and products affecting wastewater volume and quality.

4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer control.

Section 7. While performing the necessary work on private properties referred to herein, duly, authorized employees of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the city employees, and the City shall indemnify the company against loss or damage to its property by City employees; and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required in Article VI, Section 8.

Section 8. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

ARTICLE IX: HEARING BOARD

Section 1. A hearing board shall be appointed as needed for arbitration of differences between the City and sewer users on matters concerning interpretation and execution of the provisions of this ordinance by the City. The board shall meet once every three months unless their services are determined to be necessary more often by the City engineer. One member shall be a representative of a local commercial enterprise. One member shall be a residential user selected at large for their interest in accomplishing the objectives of this ordinance, As the board deems

necessary and upon concurrence by the City, a qualified Attorney may be consulted: by the board to a specific case,

ARTICLE X: PENALTIES

Section 1. Any person found to be violating any provision of this ordinance shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 2. Any person who shall continue any violation beyond the time limit provided for in Article X Section 1, shall be guilty of a misdemeanor, and on conviction thereof shall be fined in the amount not exceeding $299.00 dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

Section 3. Any person violating any of the provisions of this ordinance shall become liable to the City for the expense, loss, or damage occasioned the City by reason of such violation.

ARTICLE XI: VALIDITY

Section 1. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 2. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance which can be given effect without such invalid part or parts.

ARTICLE XII: ORDINANCE IN FORCE

Section 1. This ordinance shall be in full force and effect from and after its passage, approval, recording, and posting as provided by law. This Ordinance shall be posted in the following places:

1. Fountain Green City Hall
   84 South State
   Fountain Green, Utah

2. _____
   Fountain Green, Utah

3. _____
   Fountain Green, Utah

Section 2. Passed and adopted by the Council of fountain Green City, State of Utah, on the 6th day of July, 1994 by the following vote:

AYES: Mark Coombs
Darren Monsen
Lewis Rasmussen
Alan Naylor
Scott Collard

NAYS: _____

ABSENT: _____

APPROVED this 6th day of July, 1994.

FOUNTAIN GREEN CITY,
SANPETE COUNTY, UTAH

By Dean F. Hansen
Mayor

ATTEST:

Maureen E. Lund
City Recorder

(SEAL)

FOUNTAIN GREEN CITY
INCORPORATED
JANUARY
1910

STATE OF UTAH)
: ss.
COUNTY OF SANPETE)

I, MAUREEN LUND, being first duly sworn upon oath, deposes and says that she is the City Recorder of Fountain Green City, Sanpete County, State of Utah; that on the 6th day of July, 1994, she posted a full, true and correct copy of the foregoing User Ordinance No. 1994-1 at the following places:

(1) Fountain Green City Hall
84 South State
Fountain Green, Utah

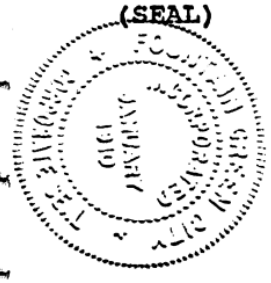
(2) _____,
Fountain Green, Utah

(3) _____,
Fountain Green, Utah

WITNESS the hand and seal of the City Recorder of Fountain Green City, Sanpete County, State of Utah, on this 6th day of July, 1994.

Maureen O. Lund
City Recorder

(SEAL)



ORDINANCE 2021-10-21: CRIMINAL PENALTIES FOR ORDINANCE VIOLATIONS

ORDINANCE 2021-10-21: AN ORDINANCE OF THE CITY OF FOUNTAIN GREEN, UTAH ESTABLISHING CRIMINAL PENALTIES FOR VIOLATION OF CITY ORDINANCES

RECITALS

A. The governing body of the City of Fountain Green, Utah (the "City") is authorized to exercise its legislative powers through ordinances.

B. The City has, from time to time, adopted ordinances governing a variety of activities within the City; in general, said ordinances regulate, require, prohibit, govern, control or supervise activities, business operations, conduct or conditions authorized by the Utah Municipal Code or by other provisions of law.

C. The City desires to establish, by ordinance, a penalty for violation of City ordinances.

ORDINANCE

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FOUNTAIN GREEN, UTAH AS FOLLOWS:

1. Class B Misdemeanor. Except as expressly directed in other ordinances of the City, the violation of any ordinance of the City shall be a Class B misdemeanor.

2. Penalties - Fine and Imprisonment. The penalties for violation of an ordinance of the City shall be as follows:

   (a) a fine up to the maximum amount established by Utah Code Annotated 576-3301, as amended;

   (b) a term of imprisonment up to six (6) months; or

   (c) both the fine and the term of imprisonment.

3. Other Provisions and Penalties. If another ordinance of the City calls for a lesser classification of crime, e.g., a Class C misdemeanor or an infraction, the penalty for the violation of that ordinance shall be governed by the provisions of law imposing penalties for such violations. If another ordinance imposes a fine but not a term of imprisonment, a term of imprisonment may be imposed and shall not exceed the term provided for a Class B misdemeanor. If another ordinance imposes a term of imprisonment but not a fine, a fine shall not exceed the amount provided for a Class B misdemeanor.

4. Severability. The provisions of this ordinance are severable. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance.

5. Effective Date. This ordinance shall become effective immediately upon passage by the governing body of the City and execution by the Mayor and City Recorder.

Passed and Adopted by the City Council of Fountain Green, Utah this 16th day of September, 2021.

Mark Coombs, Mayor

Attest:

Michelle Walker, City Recorder

Seal:

ORDINANCE 01252018: AMENDED SECTIONS OF CHAPTER 14

FOUNTAIN GREEN CITY REVISED WATER ORDINANCE 01252018

AMENDED SECTIONS OF CHAPTER 14 OF THE "1995 REVISED ORDINANCES OF FOUNTAIN GREEN CITY".

WHEREAS, Fountain Green City administers the operation and maintenance of the water system; and

WHEREAS, it is necessary to add, repeal in part or in whole Title 14, of the 1995 Revised Ordinances of Fountain Green City, Sections 14-113, 14-115, 14-116, 14-117, 14-121, 14-143, 14-144, 14-145, 14-146, 14-146, 14-150, 14-151, and 14-152.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

SECTION 14-113: IMPACT FEES FOR CULINARY WATER. Any person (other than a subdivider or developer seeking multiple connections) who desires or is required to secure a new connection to the Culinary System, shall be granted the said service in connection with a building permit and upon the approval of the Planning Commission. The applicant will be required to pay an impact fee and a refundable deposit fee (see current fee schedule), which will be refunded when the said service is cleaned up and inspected by the Superintendent. Payment is to be made to Fountain Green City before approval from the Planning Commission.

SECTION 14-115: APPLICATION FOR SERVICE. Any person who desires or is required to secure a water service from the City water system, shall file with the city office a written application and understands that service for water will be billed to the property owner each month (according to Bond specifications) and that meters will be read on or about the last day of the month. This will mean that the utility cycle will be approximately from the last day of one month to the last day of the following month. Meters will be read only from April thru September. The base rate will be billed from October thru March.

SECTION 14-116: OWNER AGREEMENT. Property Owners agree that they are responsible for any payment, billing and usage accrued at their property regardless of conditions of occupancy.

SECTION 14-117: RATES, FEES, AND SERVICE CHARGES. The rates, penalty fees for delinquent payments, abandonment fees, turn on fees, and other charges incidental to the connection and services from the City's culinary water system shall be fixed from time to time by Resolution enacted by the City Council. The City Council may, from time to time, promulgate rules for levying, billing, guaranteeing, and collecting charges for culinary water services and all other rules necessary for the management and control of the System. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. See current Resolutions for the following rates:

A. Impact Fee and Refundable Deposit (must be paid before going before the Planning Commission).
B. Voluntary Abandonment Fee. C. Turn on Fee.
D. Refundable Security Deposit.
E. Returned Check Fee.
F. User Fees.

SECTION 14-121: DELINQUENCY- DISCONTINUANCE OF SERVICE.

A. the Treasurer or water supervisor shall furnish to each user, a written or printed statement stating therein the amount of water service charges assessed against him once each month or at such other regular interval as the city council shall direct.

B. The statement shall specify the amount of the bill for the water service and the place of payment and date due.

C. Failure to have payment made by the 30th of the month will subject the owner to an interest charge that is calculated at 5% per month. If payment is still delinquent by the 30th of the next month (60 days), a shut off notice will be sent to the owner. If payment is not made within 30 days of the shut off notice (90 days), the said service will be disconnected and will not be reconnected until arrangements have been made with Fountain Green City which include:

(1) Balance is paid in full.

(2) A turn-on fee is paid, and

(3) All conditions of the following are met:

a. Reinstated utility accounts will be required to complete an application for utility services and pay a security deposit of $200.00.

b. The deposit will be refunded or applied to the account when good credit has been established. Good credit is established when the utility payment is paid in full by the last day of each month for twelve consecutive months.

D. In the event that a property is vacant, the property owner may request to voluntarily abandon the water service. Request must be made in writing to Fountain Green City. A fee (see current rate) will be assessed and any balance owing must be paid in full prior to abandoning the service.

E. There will be a fee (see current rate) charged for returned checks to the city for insufficient funds. If a check is returned on a delinquent account, utility service will be cut off immediately without further notice. The balance due and the current bill will need to be paid in cash in order to have the utility restored.

F. Delinquent payments and/or water turn on fees can only be taken care of during scheduled business hours.

G. A property owner has the right to appeal (in writing, within fifteen days of receiving the shut-off notice) their utility bill if the owner has a valid concern with accuracy of the meter reading or billing procedure. Services will not be disconnected until the appeal has been considered by the Fountain Green City Council. If the appeal is denied by the City Council and if payment is not received within ten days of denial, the service will be disconnected.

SECTION 14-143: EXTENSIONS OF WATER MAINS WITHIN CITY. Any person(s), including any subdivider who desires to have the water mains extended within the City may make application to the City Council by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension. The City Council may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the City. When completed, these extensions shall become a part of the city's water system. All incurred costs are the applicants' responsibility. Refer to the Utility Extension Cost recovery Policy.
SECTION 14-144: REMOVE

SECTION 14-145: REMOVE

SECTION 14-146: REMOVE

SECTION 14-150: NON-RESIDENT APPLICANT. It has been determined by Rural Water, Fountain Green City Council and Fountain Green City Mayor that there is enough water to service future building lots within the city limits. The City Council unanimously voted, as of March 28, 2016, to discontinue any culinary water service outside the corporate limits of Fountain Green City. Those persons who already have access to culinary water outside of city limits understands and agrees to the following: If there should occur any shortage, deficiency, or inadequacy of water supplies of the City, the City Council may, in its discretion, interrupt or cut off service to any user outside the corporate limits of the City. See the March 24, 2016 policy for more information.

SECTION 14-151: REMOVE

SECTION 14-152: REMOVE

Passed, Approved and Adopted by the Mayor and City Council of Fountain Green City, this 25 day January, of 2018.

Mayor Willard Wood

ROLL CALL VOTING	YES	NO
Dean Peckham	√	
Jerime Ivory	√	
Scott Collard	Absent	
Rod Hansen	√	
Larry Woodcox	√	

Michelle Walker

Michelle Walker, City Recorder

ORDINANCE 111215: DISPOSAL OF REAL PROPERTY ORDINANCE

AN ORDINANCE OF FOUNTAIN GREEN CITY, STATE OF UTAH, PROVIDING PROCEDURES FOR DISPOSING OF REAL PROPERTY.

WHEREAS, pursuant to Utah Code Ann. §10-8-2 as may be amended from time to time, the City may sell, lease, convey, and dispose of real property;

WHEREAS, pursuant Utah Code Ann. §10-8-2, before the City can dispose of any parcel of real property it shall define by ordinance what constitutes a parcel of real property;

WHEREAS, pursuant Utah Code Ann. §10-8-2, before the City can dispose of a parcel of real property it shall provide reasonable notice to the public of the proposed disposal;

WHEREAS, pursuant Utah Code Ann. §10-8-2, the City shall define by ordinance what constitutes reasonable notice prior to the disposition of real property;

NOW THEREFORE, the City Council of Fountain Green City, State of Utah, adopts the following procedures regarding the disposition of City owned real property:

SECTION 1.

A. "Parcel of Real Property" is defined as any parcel of real property owned by Fountain Green City.

B. Prior to the disposition of Real Property, Fountain Green City shall hold a hearing to provide an opportunity for the public to provide public comment on the proposed disposition.

C. "Reasonable Notice" of the proposed disposition of a Parcel of Real Property is fourteen (14) days prior to the hearing providing an opportunity for public comment on the proposed disposition.

SECTION 2.

Severability. If any provision or clause of this Ordinance or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this Ordinance are declared to be severable.

SECTION 3.

Effective Date. This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

PASSED AND ADOPTED BY THE FOUNTAIN GREEN CITY COUNCIL, STATE OF UTAH, ON THIS 12 DAY OF DECEMBER, 2015.

FOUNTAIN GREEN CITY

RONALD L. IVORY

Mayor

ATTEST:

MICHELLE WALKER
CITY RECORDER

FOUNTAIN GREEN CITY INCORPORATED JANUARY 1910 CORPORATE SEAL

ORDINANCE 71806: FOUNTAIN GREEN CITY PURCHASING POLICY

FOUNTAIN GREEN CITY 260 WEST 100 NORTH
FOUNTAIN GREEN, UTAH
84632

FOUNTAIN GREEN CITY ORDNANCE NUMBER 71806

AN ORDNANCE PROVIDING FOR THE FOUNTAIN GREEN CITY PURCHASING POLICY.

SECTION 1: PURPOSE

A. TO ENSURE FAIR AND EQUITABLE TREATMENT OF ALL PERSONS WHO WISH TO, OR DO CONDUCT BUSINESS WITH FOUNTAIN GREEN CITY.

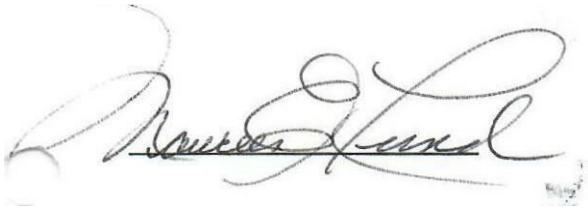
B. TO PROVIDE FOR THE GREATEST POSSIBLE ECONOMY IN CITY PROCUREMENT ACTIVITIES.

C. TO FOSTER EFFECTIVE BROAD-BASED COMPETITION WITHIN THE ENTERPRISE SYSTEM TO ENSURE THAT THE CITY WILL RECEIVE THE BEST POSSIBLE SERVICE OR PRODUCT AT THE LOWEST POSSIBLE PRICE.

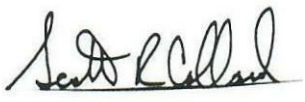
THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON POSTING ITS PASSAGE AND POSTING AS PROVIDED BY LAW.

PASSED AND APPROVED BY THE FOUNTAIN GREEN CITY COUNCIL THIS 18TH DAY OF JULY, 2006

ATTEST



MAYOR



ORDINANCE 71806-02: ATV ORDINANCE

FOUNTAIN GREEN CITY
260 WEST 100 NORTH
FOUNTAIN GREEN, UTAH

FOUNTAIN GREEN CITY ORDINANCE NUMBER 71806-02
ATV ORDINANCE

FOUNTAIN GREEN CITY HAS DESIGNATED ALL ROADS IN FOUNTAIN GREEN CITY OPEN FOR ATVS. THE INFORMATION LISTED BELOW IS TO ASSIST CITIZENS WITH THE ORDINANCE THAT FOUNTAIN GREEN CITY HAS ADOPTED SO THAT YOU WILL KNOW WHAT IS REQUIRED AND ALLOWED IN FOUNTAIN GREEN CITY.

LICENSE OR SAFETY CERTIFICATE:

ANY PERSON OPERATING AN OFF HIGHWAY VEHICLE IS SUBJECT TO THE PROVISIONS OF CHAPTERS 6 AND 22, TITLE 41 OF THE UTAH CODE:

NO PERSON MAY OPERATE AN OFF-HIGHWAY VEHICLE ON ANY PUBLIC LAND, TRAIL, STREET, OR HIGHWAY DESIGNATED AS OPEN TO OFF HIGHWAY VEHICLE USE OR IN A MANNER PRESCRIBED BY UTAH CODE SECTION 41-2-210.3 UNLESS THE PERSON POSSESSES:

A VALID MOTOR VEHICLE OPERATOR'S LICENSE OR:

ALL DRIVERS ELEVEN (11) YEARS TO SIXTEEN (16) YEARS MUST HAVE THE APPROPRIATE SAFETY CERTIFICATE ISSUED BY THE STATE OF UTAH PURSUANT TO UTAH CODE 41-22-30.

THIS CERTIFICATE MUST BE IN THEIR POSSESSION.

FOUNTAIN GREEN CITY PLANS TO OFFER THIS CLASS EACH SPRING.

NO PERSON UNDER THE AGE OF 11 YEARS (11) YEARS MAY OPERATE AN OFF-HIGHWAY VEHICLE ON PUBLIC LAND.

SAFETY EQUIPMENT:

NO PERSON UNDER THE AGE OF EIGHTEEN (18) MAY OPERATE AN OFF-HIGHWAY VEHICLE ON PRIVATE OR PUBLIC LAND UNLESS THE PERSON IS WEARING A PROPERLY FITTED, SAFETY RATED, PROTECTIVE HEADGEAR DESIGNED FOR MOTORIZED USE.

SPEED ON ALL STREETS:

ALL OFF-HIGHWAY VEHICLES USING CITY STREETS SHALL BE OPERATED AT ALL TIMES IN ACCORDANCE WITH ALL APPLICABLE STATE, COUNTY, AND CITY REGULATIONS AND WILL NOT EXCEED FIFTEEN (15) MILES PER HOUR.

RIDING AREA:

ALL CITY STREETS WILL BE OPEN TO RIDING.

WHEREVER POSSIBLE, THE OFF-HIGHWAY VEHICLE WILL BE RIDDEN ON THE PAVEMENT(ASPHALT) NOT IN THE BAR PITS.

OFF ROAD VEHICLES WILL YIELD THE RIGHT OF WAY TO NORMAL TRAFFIC.

STATE HIGHWAYS ARE PROHIBITED TO RIDE ON:

WHEN CROSSING A STREET OR HIGHWAY AND THE OPERATOR COMES TO A COMPLETE STOP BEFORE CROSSING, PROCEEDS ONLY AFTER YIELDING THE RIGHT OF WAY TO ONCOMING TRAFFIC, AND CROSSES AT A RIGHT ANGLE.
PROHIBITED: DRIVING TO CITY PROPERTY SUCH AS THE CITY PARK, CITY HALL.

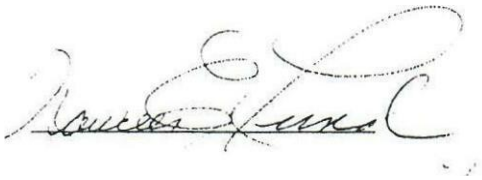
UNLESS ANOTHER PENALTY IS PROVIDED, OR ELSEWHERE IN THE LAWS OF THIS STATE ANY PERSON WHO VIOLATES ANY PROVISION OF THIS CHAPTER IS GUILTY OF A CLASS C MISDEMEANOR.

A FINE OF $150.00 WILL BE GIVEN TO ANY OF THOSE WHO RECEIVE A CITATION.

THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON POSTING ITS PASSAGE AND POSTING AS PROVIDED BY LAW.

PASSED AND APPROVED BY THE FOUNTAIN GREEN CITY COUNCIL THIS 18TH DAY OF JULY, 2006

ATTEST



MAYOR

ORDINANCE 31505: PROTECTION OF THE POTABLE WATER SUPPLY THROUGH THE CONTROL OF BACKFLOW AND CROSS-CONNECTION.

Fountain Green City Ordinance **No. 31505**

An Ordinance protecting the potable water supply of Fountain Green City through the control of Backflow and Cross-Connections

Section 1: Purpose

A. To protect the public potable water supply of Fountain Green City from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) such contaminants or pollutants which could backflow into the public water systems; and

B. To promote the elimination or control of existing cross-connections, actual or potential between the customer's in-plant potable water system(s), and non-potable water system(s), plumbing fixtures, and industrial piping system(s); and,

C. To provide for the maintenance of a continuing program of Cross Connection Control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

D. To establish this ordinance as the Cross Connection Control Program of Fountain Green City.

Section 2: Responsibility

The City/Municipality shall be responsible for the protection of the public potable water distribution system from contamination or pollution due to the backflow of contaminants or pollutants through the water service connection as per Utah State Drinking Water Rules. If, in the judgment of said City/Municipality an approved backflow prevention assembly is required (at the customers water service connection or within the customer's private water system) for the safety of the water system, the designated agent of the City/Municipality may shut off the water if a Health Hazard is determined, whether actual or potential, and shall give notice in writing to said customer to install such approved backflow prevention assembly(s) at specific locations on his premises.
The customer shall immediately install such approved assembly(s) at the customer's own expense and failure, refusal, or inability on the part of the customer to install,

have tested and maintain said assembly(s) shall constitute grounds for discontinuing water service to the premises until such requirements have been satisfactorily met.

Section 3: Building Official

A. The building official has the responsibility to not only review building plans and inspect plumbing as it is installed, but he has the explicit responsibility of preventing cross connections from being designed and built into the structures within the jurisdiction of Fountain Green City. Where the review of building plans suggests or detects the potential for a cross connection being made an integral part of the plumbing system the Building Official has the responsibility to require such cross connections be either eliminated or provided with an approved backflow prevention assembly in accordance with the Plumbing Code. The Building Official shall notify the Water Director of any backflow installation requirements.

B. The Building Official's responsibility begins at the point of service (the down stream side of the meter) and carries throughout the entire length of the customer's water system. The Building Inspector should inquire about the intended use of water at a point where one is actually called for by the plans. When such a cross connection is discovered, it will be mandatory that a suitable, approved backflow prevention assembly be required by the plans and be properly installed, in accordance with the International Plumbing Code, as adopted with amendments, before a Certificate of Occupancy is issued or Final Inspection is granted.

Section 4: Certified Backflow Assembly Technician.

A. Certified Backflow Assembly Technicians only, shall do the testing and, maintenance of backflow prevention assemblies.

B. In the case of a customer requiring a commercially available technician, any certified technician is authorized to make the test and report the results of that test to the customer and the City/Municipality. If such a commercially tested assembly is in need of repair, the work must be performed by those having licensure from the Division of Professional Licensing and be a Class II or Class III Backflow Technician, as per The Cross Connection Control Program of Utah Section 5 (l).

Section 5: Definitions

A. "Director"

The person designated to be in charge of the Water Department of Fountain Green City, is invested with the authority and responsibility for the implementation of an effective cross connection control program and the enforcement of the provisions of this ordinance and the State Drinking Water Rules.

B. "Approved Backflow Assembly"

Any assembly approved by the Utah State Division of Drinking Water as meeting an applicable specification or as suitable for the proposed use.

C. "Auxiliary Water Supply"

Any water supply on or available to the premises, other than the City/Municipality Public Water Supply, will be considered as an auxiliary water supply. This auxiliary water may include water from another City/Municipality's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc. or "used waters" or "industrial fluids". These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which the City/Municipality does not have control or may not meet Utah State Drinking Water Standards.

D. "Backflow"

The unintended direction of flow of water, caused by either backpressure or back siphonage.

E. "Backpressure"

The flow of water or other liquids, mixtures, or substances under pressure into the distribution pipes of potable water supply system from any source(s) other than the intended source.

F. "Back-siphonage"

The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable water supply system from any source (s) other than the intended source, caused by the reduction of pressure in a potable water supply system.

G. "Backflow Prevention Assembly"

An assembly or means to prevent backflow. Specifications for backflow prevention assemblies are contained within the International Plumbing Code as adopted with amendments, and the Utah State Division of Drinking Water Cross Connection Control Program. A listing of these approved backflow prevention-assemblies is available from the Utah Division of Drinking Water.

H. "Potable Water Supply"

Any water supply approved by the Utah State Division of Drinking Water and the Director of The Fountain Green Water Department.

Section 6: Requirements

A. No water service connection to any premises shall be installed or maintained by the City/Municipality unless the water supply is protected as required by State Laws, regulations, codes, and this ordinance. Service of water to any premises shall be discontinued, by the City/Municipality if a backflow prevention assembly, required by this ordinance for control of cross connection is not installed, tested, and maintained, or if it is found that a backflow prevention assembly has been removed, bypassed, or if any unprotected cross connections exists on the premises. Service shall not be restored until such conditions or defects are corrected.

B. An approved backflow prevention assembly shall be installed on each service line to a customer's water system, at or near the property line or immediately inside the building being served. In all cases, the assembly will be installed before the first branch line leading off the service line, whenever the City/Municipality deems the protection of the water supply to be in the best interest of the water supply customers.

C. The type of protective assembly required under the Uniform Standard Act Rules
R156-56, shall depend upon the Degree of Hazard which exists at the point of Cross Connection, (whether high or low), as stipulated in Chapter 6 of the International Plumbing Code, as adopted with amendments.

D. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under the Uniform Standard Act Rules R156-56, shall, be excluded from the requirements of these rules so long as City/Municipality is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance or when the City/Municipality finds that the maintenance of this assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting the requirements of the current ordinance.

E. It shall be the duty and responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified inspections and operational tests made at least once per year at the customer's expense. In those instances where the City/Municipality deems the hazard to be great, the Director

may require certified inspections and tests at a more frequent interval. These inspections and tests shall be performed by a Certified Backflow Assembly Technician. It shall be the duty of the City/Municipality to see that these tests are made according to the regulations set forth by the Utah State Division of Drinking Water.

F. Backflow Prevention Assemblies shall be installed in water supply lines to provide at least the degree of protection stipulated in the International Plumbing Code as adopted with amendments. All backflow prevention assemblies shall be exposed for easy observation and be readily accessible.

G. All backflow prevention assemblies installed in a potable water supply system, for protection against backflow, shall be maintained in good working condition by the person, or persons, having control of such assemblies. Upon inspection, any assembly found to be defective or inoperative, shall be replaced or repaired immediately. No assembly shall be removed from use, relocated, or another assembly substituted, without the approval of the City/Municipality.

H. All backflow prevention assemblies shall be tested at the time of installation, repair, and relocation and at least on an annual basis thereafter. As per International Plumbing Code as adopted with amendments.

I. No backflow prevention assembly shall be installed so as to create a safety hazard. Example: Installed over electrical panels, steam pipes, boilers, and pits or above ceiling level.

J. When Lawn Irrigation water is connected to both the Secondary and Culinary water supply systems, a Reduced Pressure Zone assembly shall be installed on the Culinary Supply line and a swing joint shall also be installed downstream of the backflow assembly in such a manner so that the Culinary and the Secondary Water Systems cannot inter-connect. Drinking Fountains are not allowed when both the secondary and Culinary Water is supplied to a property unless a Reduced Pressure Zone Assembly is installed on the culinary supply pipe. Any hose bibs on the Culinary Supply which do not have Vacuum Breakers installed shall be upgraded to provide backflow protection between culinary and secondary water.

K. Water supplied to swimming pools shall be supplied by Culinary Water and backflow protection shall be required.

L. Section 19-4-112 of the Utah Code Annotated 1953 requires that only Potable water shall be supplied inside a building.

M. Authorized employees of Fountain Green City shall have free access at reasonable hours of the day to all areas of a premises or building to which drinking water is supplied for the purpose of conducting hazard assessment surveys. Water service may be refused or terminated, or maximum backflow protection may be required, to the premise where access to perform surveys is denied, where unprotected cross connections are located, or in the event that installed assemblies are not tested and maintained as required by State and local regulations. Consumers shall be responsible to provide access across their property for inspection purposes free from litter, overgrowth, threat or vicious animals, or other hindrance that may be detrimental to ease of access.

N. Water Connection Inspection. It shall be unlawful for any resident or commercial business to make connections to the Culinary Water System without inspection and approval by the Fountain Green City Water Director. Each connection of the Culinary Water System shall be inspected for cross-connections. Only Fountain Green City Water Department approved connection options are permitted.

O. Cross Connection Control Program. This ordinance shall constitute a Cross Connection Control Program for Fountain Green City Water Department.

This ordinance shall take effect immediately upon posting its passage and posting as provided by law.

Passed and Approved by the Fountain Green City Council this 15 day of March, 2005.

Scott Collard, Mayor

Attest:

City Recorder

ORDINANCE 042001: DRINKING WATER SOURCE PROTECTION ORDINANCE

Fountain Green City Corporation

Drinking Water Source Protection Ordinance

Be it ordained by the Fountain Green City Council, duly assembled, that the following Drinking Water Source Protection Ordinance shall be and is hereby adopted and made part of the Ordinances of Fountain Green City: to wit:

Section 1. Definitions. All terms, phrases and words set forth in this ordinance shall have the meanings prescribed by the Utah Code Annotated, the Utah Division of Health, the Utah Division of Water Rights, and the Land Use Ordinances of Fountain Green City.

(a) The Fountain Green City Watershed Area means any area or territory occupied by or tributary to Fountain Green City's waterworks and all reservoirs, irrigations streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same and over any stream or source area from which the water is or may be taken, for 5 miles above the point from which it is taken and for a distance of three hundred feet on each side of such stream, roadway, well source or waterway along which said water is or may be derived;

(b) Any and all other definitions adopted or amended by the State of Utah Department of Environmental Quality, Division of Drinking Water.

(c) Water Source Protection Zone and Watershed Protection Zone mean those areas delineated or established by Fountain Green City in accordance with standards set by the Utah Drinking Water Source Protection Rule.

Section 2. Rules and Regulations. In enacting this Ordinance it is Fountain Green City's intent to protect its watershed and to assert jurisdiction over the Fountain Green city Watershed Area, including aquifers and surface waters to the maximum extent allowed by law consistent with the Utah Drinking Water Source Protection Rule as adopted or amended by the State of Utah Department of Environmental Quality.

(a) In addition to the provisions of this Ordinance, authorized personnel of Fountain Green City are here by authorized to prescribe rules and regulations not contrary to Utah law for governing all matters of water quality within the Fountain Green City Watershed Area.

Section 3. Construction - Approval Required - Conditions. It shall be unlawful to construct any new structure for human habitation within the Fountain Green Watershed Area without first securing approval from Fountain Green City in accordance with the provisions of this Ordinance and the City's Land Use Ordinances. No new structure in the watershed shall be approved unless and until said structure is in

DATE 03-07-2001
TIME 8:30 AM
ADDRESS 260 W 100 N
SERVED ON
SERVED BY MCP

compliance with all requirements set forth within this Ordinance. The requirements of this section shall not apply to residential and other structures existing at the time of enactment of this Ordinance.

(a) All applications for a building permit within the watershed shall comply with all Fountain Green City and Sanpete County, state and federal waste disposal system regulations.

(b) Building permits and plan approvals by other agencies of government including county, state, and federal levels shall not be considered as approval by Fountain Green City.

Section 4. Conditional Uses. Each of the following shall be a Conditional Use within any Drinking Water Source Protection Zone:

(a) Any proposed agricultural, commercial, industrial, or residential use;

(b) Existing uses shall conform to the Ordinances of Fountain Green City and Utah Division of Water Rights Rules and Regulations;

(c) No other use(s) shall be permitted within a Drinking Water Source Protection Zone whether within or adjacent (within 5 miles) to the corporate boundaries of Fountain Green City.

Section 5. Animal Permit Required. Owners or lessees of property or residences located within the Fountain Green Watershed Area may be allowed to maintain domesticated animals within the watershed only with, and subject to, an animal permit issued by Fountain Green City.

(a) It shall be unlawful for any person to construct or maintain any corral, sheep pen, pigpen, chicken or turkey coop, stable, or any offensive or contaminating yard or outhouse except as permitted according to Fountain Green City Land Use Ordinances.

(b) Approved animal enclosures shall be kept and maintained in a reasonably clean and sanitary condition at al times and subject to inspection at any time by representatives of Fountain Green City.

(c) Fecal waste shall be disposed of in a manner approved by Fountain Green City so as to prevent contamination of the watershed.

(d) Violation(s) of permit conditions shall be subject to applicable fines and penalties as established by law.

Section 6. Camping, Campfire, and Vehicle Restrictions. Fountain Green Public Works or Public Safety Personnel may require that picnicking or camping be restricted from certain designated places. No person shall picnic or camp at places so posted by Fountain Green City. Camping shall be permitted only during the camping season established by Fountain Green City and the United States Forest Service.

(a) As conditions may warrant from time to time, Fountain Green City may prohibit campfires, camping, or any other activity within designated areas on the watershed.

(b) It shall be unlawful for any person to operate any type of motor vehicle within or upon watershed areas except on designated roads without first obtaining written permission or a permit to do so. This provision shall not prohibit the use of real property devoted primarily towards agricultural purposes.

Section 7. Prohibited Uses. The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones regardless of whether such use or condition may be regulated as specified herein:

(a) **Zone One:** The location of any pollution source as defined by any agency specified herein;

(b) **Zone Two:** The location of a pollution source unable to be controlled by design standards approved by the State of Utah Division of Water Rights;

(c) **Zones Three and Four:** The location of a potential contamination source unable to be environmentally mitigated through appropriate land management strategies as specified by the Fountain Green City or the agency regulating said sources as specified in this Ordinance.

Section 8. Administration. The policies and procedures for administering source protection zones established under this Ordinance, including without limitation those applicable to conditional uses and nonconforming uses and the enforcement thereof, shall be the same as provided in the Fountain Green City General Plan and Zoning Ordinance and the Land Use Ordinances of Sanpete County, as presently enacted or amended.

(a) This Ordinance shall be effective as of April 7, 2001. All ordinances or parts of ordinances deemed to be in conflict with these amendments shall be and are hereby repealed.

(b) Enacted and adopted this 7th day of March, 2001.

By: _____ Mayor of Fountain Green City

Attest: _____ City Recorder of Fountain Green City

ORDINANCE 12-1445 VEHICLE WEIGHT RESTRICTIONS FOR PARKING

FOUNTAIN GREEN CITY

ORDINANCE 12-1445: VEHICLE WEIGHT RESTRICTIONS FOR PARKING

WHEREAS, Fountain Green City has determined that the operation of vehicles of a certain weight are damaging to the roadways of Fountain Green City, and; all other roads as instructed.

WHEREAS, it is necessary to enact and Ordinance to protect the streets and roadways and all other roads as instructed of Fountain Green City

BE IT ORDAINED by Fountain Green City, as follows:

1. It shall be unlawful to park a motor vehicle with a gross weight in excess of 27,000 pounds upon the roadways and right of ways and other roads as instructed of Fountain Green City.

2. Violation of the Ordinance shall constitute a Class B Misdemeanor.

3. This Ordinance shall take effect on the 10th day of April, 1998.

PASSED AND APPROVED for publication by the fountain Green city Council this 10th day of March 1998.

Mayor

ATTEST:

City Recorder

ORDINANCE 3151993: AN ORDINANCE ADOPTING POLICIES AND PROCEDURES FOR CONFLICTS OF INTEREST FOR FOUNTAIN CREEN ELECTED OFFICIALS, APPOINTED OFFICERS, EMPLOYEES, AND VOLUNTEERS SERVING ON CITY BOARDS, COMMISSIONS, COMMITTEES, AGENCIES, COUNCILS AND FOUNDATIONS

BE IT ORDAINED BY THE CITY COUNCIL OF FOUNTAIN GREEN, STATE OF UTAH:

SECTION 1 PURPOSE.

The purpose of this Ordinance is to establish standards of conduct for elected officials, appointed officers, employees, and volunteers serving on city boards, commissions, committees, agencies, councils, and foundations and to require these persons to disclose actual or potential conflicts of interest between their public duties and their personal interests.

SECTION 2. CROSS REFERENCE: MUNICIPAL OFFICERS AND EMPLOYEE ETHICS ACT.

Statutory provisions governing conflicts of interest are outlined in 10—3—1301 to 10—3—1312 of the Utah Code Annotated (1953).

SECTION 3. DEFINITIONS.

As used in this ordinance, the following definitions shall apply.

(a) Appointed Officer. "Appointed officer" means any person appointed to any statutory office or position or any other person appointed to any position of employment with the city. Appointed officers include, but are not limited to, persons serving on special, regular, part time, or full—time committees, commissions, agencies, boards, councils, foundations created by the governing body, whether or not such persons are compensated for their services. The use of the word "officer" in this part is not intended to make appointed persons or employees "officers" of the City according to any meaning that term may have elsewhere.

(b) Assist. "Assist" means to act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice or assistance to such person or business entity and with the intent to so assist such person or business entity.

(c) Business Entity. "Business entity" means a sole proprietorship, partnership, association, joint venture, corporation, firm, trust, foundation, or other organization or entity used in carrying on a business.

(d) Compensation. "Compensation" means anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the City for or in consideration of personal services, materials, property, or any other thing whatsoever.

(e) Elected Officer. "Elected officer" means any person elected or appointed to the office of Mayor or council member.

(f) Improper Disclosure. "Improper Disclosure" means disclosure of private, confidential, or protected information to any person who does not have both the right and the need to receive the information.

(g) Municipal Employee. "Municipal Employee" means a person who is not an elected or appointed officer who is employed on a full, part—time, or voluntary basis by Fountain Green City.

(h) Private, Confidential, or Protected Information. "Private, confidential or protected information" means information classified as private, or protected under Chapter 2, title 63, Government Records Access and Management Act or other applicable provision of law.

(i) Substantial Interest. "Substantial interest" means the ownership, either legally or equitably, by an individual, his spouse, or his minor children, or an entity he controls , of at least of the outstanding shares of a corporation or 10% interest in any other business entity.

(j) Volunteer. "Volunteer" means a person serving on city boards, commissions, committees, agencies, councils and foundations. Volunteers shall be considered "appointed officers" under this Ordinance.

SECTION 4. USE OF OFFICE FOR PERSONAL BENEFIT PROHIBITED.

No elected or appointed officer shall:

(a) Disclosure. Improperly disclose private, confidential, or protected information acquired by reason of his official position or use such information to secure special privileges or exemptions for himself or others;

(b) Misuse of Position. Use or attempt to use his official position to secure special privileges for himself or others; or

(c) Gifts of Loans. Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or loan for himself or another if the gift or loan tends to influence him in the discharge of his official duties, but this subsection does not apply to:

(1) An occasional nonpecuniary gift having a value of less than $50.00; or

(2) An award publicly presented; or

(3) Any bona fide loan made in the ordinary course of business; or

(4) Political campaign contributions if the contribution is actually used in a political campaign.

SECTION 5. COMPENSATION FOR ASSISTANCE IN TRANSACTION INVOLVING MUNICIPALITY--DISCLOSURE STATEMENT REQUIRED--CONTENTS-PUBLIC ACCESS.

(a) Compensation. No elected or appointed officer or municipal employee may receive or agree to receive compensation for assisting any person or business entity in any transaction involving the City in which he is an officer unless he files with the Mayor a sworn statement giving the information required by this section, and if an elected or appointed officer, discloses the same in open meeting to the members of

the body of which he is a member immediately prior to the discussion the information required by subsection (d).

(b) No municipal employee may receive or agree to receive compensation for assisting any person or business entity in any transaction involving the City unless he discloses the information required by subsection (d) to his immediate supervisor and any other municipal officer or employee who may rely upon the employee's representations in evaluating or approving the transaction.

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

(d) Disclosure Information. The statement and disclosure shall contain the following information:

(1) The name and address of the officer or employee;

(2) The name and address of the person or business entity being or to be assisted or in which the appointed or elected official has a substantial interest; and

(3) A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

SECTION 6. DISCLOSURE OF INTEREST AFFECTING REGULATION.

(a) Required. Every appointed or elected officer or municipal employee who is an officer, director, agent or employee or the owner of a substantial interest in any business entity which is subject to the regulation of the city, shall disclose the position held and the nature and value of his interest upon first becoming appointed, elected, or employed by the City and again at any time thereafter if the elected or appointed officer's or employee's position in the business entity has changed significantly or if the value of his interest in the entity has increased significantly since the last disclosure.

(b) Form. The disclosure shall be made in a sworn statement filed with the Mayor. The Mayor shall report the substance of all such disclosure statements to the members of the governing body or may provide to the members of the governing body, copies of the disclosure statement within 30 days after the statement is received by him.

(c) Exceptions. This section does not apply to instances where the value of the interest does not exceed $2, 000.00, and life insurance policies and annuities shall not be considered in determining the value of any such interest.

(d) Form. The disclosure statement required by this section may be in substantially the following form:

DISCLOSURE STATEMENT
State of Utah
County of Sanpete

The undersigned, being first duly sworn, deposes and states:

1.Office. I am (name and office) of Fountain Green, and my address is _____ Fountain Green, Utah.

2.Involvement with business entities. Below are listed all business entities which are (1) subject to regulation by Fountain Green, and (2) of which the undersigned is an officer, director, agent, employee, or owner of an interest therein valued in excess of $2,000.00.

a. Name of Business Entity:
Position Held:
Projected Annual Income[1]:
Projected Value of Interest[2]:

b. Name of Business Entity:
Position Held:
Projected Annual Income[1]:
Projected Value of Interest[2]:

c. Name of Business Entity:
Position Held:
Projected Annual Income[1]:
Projected Value of Interest[2]:

d. Name of Business Entity:
Position Held:
Projected Annual Income[1]:
Projected Value of Interest[2]:

[1]Represents salary, wages, commission, or fees reasonably anticipated in coming year, if an officer, director, employee, or agent of business entity, or return thus anticipated if investor in business entity.

[2]Represents estimated present fair market value of interest in business entity, in the case of an investment including pension plan, but not including insurance or annuities.

3. Nature of Involvement. The following more fully describes the nature of my interest in the above—listed business entities, which are referred to by the same letters as in the previous item.

a.
b.
c.
d.

My Commission expires: _____
The above statements are made as of the ____day of ____, 19 ____.
Subscribed and sworn to before me on this ____ day of ____, 19 ____.

Notary Public _____

Residing in _____

SECTION 7. DISCLOSURE OF INTEREST AFFECTING BUSINESS RELATIONS.

Every appointed or elected officer or employee who is an officer, director, agent, employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the City, shall publicly disclose, to the members of the body of which he is a member, or by which he is employed, immediately prior to any discussion by such body, concerning matters relating to such business entity, the nature of his interest in that business entity.

The disclosure statement shall be entered in the minutes of the meeting.
Disclosure by a municipal employee under this section is satisfied if the employee makes the disclosure in a manner required by Sections 5 and 6 of this ordinance.

SECTION 8. OTHER CONFLICTS OF INTEREST.

Any personal interest or investment by a municipal employee or by any elected or appointed official of the City which creates a conflict between the employee's or official's personal interests and his public duties shall be disclosed in open meeting to the members of the governing body in the manner required by Sections 5 and 6.

SECTION 9. NEPOTISM PROHIBITED.

No elected or appointed officer (as defined in the previous part) shall employ, appoint, or vote for the appointment of his or her father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother—in law, father—in—law, brother—in—law, sister—in—law, son—in—law, or daughter—in—law in or to any position or employment, when the salary, wages, pay or compensation of such appointee is to be paid out of any public funds. It is unlawful for such appointee to accept or to retain such employment when his initial appointment thereto was made in contravention of the forgoing sentence by a person within the degrees of consanguinity or affinity therein specified having the direct power of employment or appointment to such position, or by a board or group of which such person is a member.

SECTION 10. EXCEPTIONS.

The provisions of this part shall not apply among others to the following employment situations:

(a) Where the employee or appointee was appointed or employed by the City prior to the time during which said related person assumed said public position therein.

(b) Where the employee or appointee was or is eligible or qualified to be employed by a department or agency of the city as the result of his compliance with civil service laws or regulations and merit system laws or regulations or as the result of a certification as to his qualification and fitness by a department, agency or subdivision of the state or City authorized so to do by law.

(c) Where the employee or appointee was or is employed by the employing unit because he was or is the only person available, qualified or eligible for the position.

SECTION 11. SEPARATE OFFENSE.

Each Day any such person, father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousins , mother—in—law, father-in-law, brother in law, sister—in—law, son—in—law or daughter—in—law, is retained in office by any of said officials shall be regarded as a separate offense.

SECTION 12. CONFLICTING PRIVATE EMPLOYMENT.

No employee shall engage in, solicit, negotiate for, promise, or accept outside employment, nor render any services to anyone other than the City in return for a valuable consideration, when such employment or services create a conflict of interest with or is inconsistent or incompatible with or tends to impair the proper discharge of that employee's official duties or the exercise of his discretion in an official capacity. No employee shall serve or be involved with projects, businesses, or enterprises, which are subject to regulation by or which have transactions with the City.

SECTION 13 . CONFLICTING INVESTMENTS.

Investments by employees shall be in accordance with this Ordinance.

(a) Prohibited. No employee shall invest or hold any legal or equitable interest in any business or enterprise which investment or interest create a conflict of interest with or is inconsistent or incompatible with or tends to impair the proper discharge of that employee's official duties or the exercise of his discretion in an official capacity. No employee shall invest in or be involved with projects, businesses, or enterprises which are subject to regulation by or which have transactions with Fountain Green.

(b) Exemptions. The following investments are exempt from the requirements of this part:

(1) Bank, savings and loan, or credit accounts.

(2) Insurance policies Securities listed on a national stock exchange.

(3) Investments in any business or enterprise which does not do business in Fountain Green.

SECTION 14. APPEARANCES.

Each employee shall conduct his official affairs in such a manner that will give the clear impression that he cannot be improperly influenced in the performance of his Official duties.

SECTION 15. COMPLAINTS CHARGING VIOLATIONS—PROCEDURE.

If a person is charged with a violation of this Ordinance, the complaint shall be filed with the Mayor or City Recorder. The Mayor or City Recorder shall investigate the complaint and shall give the person an opportunity to be heard. A written report of the findings and the recommendation of the Mayor or the city Recorder shall be filed with the governing body. If the governing body finds that the person has knowingly and intentionally violated this Ordinance, it may dismiss, remove from office, suspend, or take such other appropriate actions with respect to the person in accordance with state law, city Ordinances and city personnel policies and procedures. The governing body may also rescind or void any contract or subcontract entered into pursuant to that transaction without returning any part of the consideration received by the city.

SECTION 16. PENALTIES FOR VIOLATION.

In addition to any penalty contained in any other provision of law, including but not limited to Section 10—3—1310 of the Utah Code annotated, any person who knowingly and intentionally violates this chapter, shall be guilty of a class "B" misdemeanor.

SECTION 17. INDUCING OFFICER TO VIOLATE ORDINANCE PROHIBITED.

It is a class B misdemeanor for any person to induce or seek to induce any appointed or elected officer or municipal employee to violate any of the provisions of this ordinance.

SECTION 18. NO-ACTION DETERMINATIONS.

Employees may follow the procedures below to determine if their activities will be in violation of this Ordinance.

(a) Authorized. Prior to undertaking any activity which may violate the provisions of this part, an employee may notify the Mayor of the contemplated activity and request a determination pursuant to this section. Upon receipt of adequate relevant information, and after any investigation deemed necessary or advisable, the Mayor may then determine whether or not the City will take action against the employee if the contemplated activity is undertaken, and advise the employee accordingly. In making this determination, the Mayor shall consider whether the contemplated activity violates any terms of this part, with attention to the following particulars:

(1) Any use for private gain or advantage of City time, facilities, equipment, and supplies, badge, uniform prestige, office, or equipment; or

(2) Receipt by the employee of any money or other consideration for the performance of any act required of him as a City employee;

(3) Performance of an act other than in his capacity as an employee, which act may later be subject, directly or indirectly, to control, inspection, review, audit, or enforcement by the agency or department in which he is employed;

(4) The extent, if any, to which the employee will be acting under color of City authority or subject the City to any potential liability.

(b) Effect. If the Mayor determines that no action will be taken against the employee if he or she undertakes the contemplated activity, then no such action will be taken, unless the contemplated activity proves to be materially different than represented to the Mayor in making the ruling, or unless material facts were not disclosed to the Mayor before the ruling was made.

(c) Records . Complete, written records of the facts and decision of each no—action request shall be maintained and shall be open to the public for review upon reasonable request.

(d) No Precidential Effect. The determination of one no—action request shall not necessarily affect the determination of future no—action requests.

(e) City Council Review.

(1) Reference. The Mayor may refer any no—action request to the City Council for decision, after gathering and presenting to the Council the relevant facts.

(2) Appeal. An employee may appeal the denial of his no—action request to the city Council within 10 days after notification of the Mayor's decision. The employee shall then have a promptly scheduled opportunity to present his request to the City council, and the Mayor may also speak on defense of the denial.

SECTION 19. SEVERABILITY.

If any part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not effect any other provision of this Ordinance, and all provisions, clauses, and words of this Ordinance shall be severable. This section is to be effective without codification.

SECTION 20. EFFECTIVE DATE.

This Ordinance shall become effective immediately upon passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FOUNTAIN GREEN, UTAH, STATE OF UTAH, ON THIS 15TH DAY OF March, 1993.

DEAN F. HANSEN, MAYOR

ATTEST:

MAUREEN LUND, CITY RECORDER

ORDINANCE 06182026: CEMETERIES

AN ORDINANCE REGULATING CEMETERIES

FOR THE CITY OF FOUNTAIN GREEN

WHEREAS, Fountain Green is a municipal corporation duly organized and existing under the laws of State of Utah;

WHEREAS, the Fountain Green City Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the Fountain Green City Council finds it is in the public interest for the municipality to adopt an ordinance regulating cemeteries for the City of Fountain Green and the adoption of this ordinance will serve that purpose; and

WHEREAS, the Fountain Green City Council finds the public safety, health, and welfare of the City of Fountain Green will be better served by the adoption of this ordinance.

NOW THEREFORE,

The Fountain Green City Council hereby ordains as follows:

That an ordinance regulating cemeteries is established and adopted as follows:

PART 1: CEMETERIES

SECTION 1: DEFINITIONS.

The following words or phrases shall have the following meanings unless the context otherwise clearly requires.

A. The terms “lot owner” or “purchaser” and “grave owner or purchaser” shall mean the owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or

burial right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.

B. The term “lot” shall include the partial lots or single graves in the city cemetery.
C. Residents are defined as:
    a. One who has a primary residence within Fountain Green City.
    b. Those with homes receiving mail using a Fountain Green zip code.
    c. Health impaired individuals who reside in fountain Green city but due to varying factors must live in a rest home or other care facility or situation outside of the city.

SECTION 2: THE NAME.

The burial ground of this city shall be known and designated by the name of FOUNTAIN GREEN CITY CEMETERY.

SECTION 3: CEMETERIES COVERED.

All cemeteries owned and/or maintained by the city whenever situated are hereby declared subject to the provisions of this chapter.

SECTION 4: OFFICE OF CEMETERY SUPERINTENDENT.

There is hereby created the position of cemetery superintendent.

SECTION 5: DUTIES OF THE CEMETERY SUPERINTENDENT.

The cemetery superintendent shall have the general supervision and administration of the city cemetery, including but not limited to:

A. Recommending to the city council such additional rules and regulations as may be necessary for the operation, maintenance, use, and protection of the cemetery.
B. Subdividing the cemetery into lots and grave sites.
C. Maintaining a record of the location of graves and preventing any lot from being used beyond its capacity.
D. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
E. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof, notifying the recorder of such fact. The recorder shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the mayor and the recorder.
F. Opening any graves in the cemetery upon application to him being made by the recorder or by any person having the right to make such application and being responsible for closing all graves.

G. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than 7 days after original placement except in an emergency.
H. Keeping the streets, alleys, walks, and avenues in the cemetery in good order and unobstructed.
I. Erecting a suitable marker firmly set upon the northwest comer of each lot which location shall be shown on the cemetery records.

SECTION 6: BURIALS.

Before any deceased person is buried in the city cemetery, a permit properly issued by the registrar of the registration district in which the death occurred or, in the absence of such registrar, a permit duly issued by the state division cemetery superintendent. After the burial, the cemetery superintendent shall endorse upon the permit a description of the location where the deceased is buried and shall enter all the information contained in the permit in the cemetery records.

SECTION 7: BURIAL PERMIT.

It shall be unlawful for any person to bury the body of a deceased person in the city cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of the right to burial based on a properly acquired certificate of burial right.

SECTION 8: REGISTRATION OF BURIALS.

Before any deceased person may be buried in the city cemetery, the relatives or person having charge of the deceased shall provide the recorder with a written statement which shall be filed by the recorder, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave.

SECTION 9: BURIALS AND DISINTERMENT.

A. It is an infraction for any person to:
    a. Disinter any body buried in any cemetery, except under the direction of the cemetery superintendent who shall, before disinterment, require a written permission from both the city health officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
    b. Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.
B. It is an infraction to inter anything other than the remains of human bodies in cemeteries.
C. It is an infraction to bury the body of any person within this city except in the city cemetery or a private cemetery unless by special permission of the city council under such rules and regulations that may prescribe.

SECTION 10: VAULTS REQUIRED.

A. Unless in writing waived by the cemetery superintendent, it shall be unlawful for any person to be buried in the cemetery unless the casket shall be placed in a vault made of concrete, fiberglass, steel, or brick-lined or of such other material approved by the city council, substantially constructed and covered with similar durable material.
B. No wood shall be used as a permanent part of the construction of any part of the vault.

SECTION 11: RELIGIOUS AND FRATERNAL ORGANIZATIONS.

The city may contract with religious and fraternal organizations to designate a reasonable portion of the cemetery in which burials may be restricted to members of such religious and fraternal organizations and their families.

SECTION 12: SALE SUBJECT TO RULES.

Every lot or single grave sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead, and the preservation of the cemetery.

SECTION 13: CARE RESERVED.

The city reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.

SECTION 14: ORDERS AND RESPONSIBILITIES FOR ERRORS.

Under no circumstances will the city assume responsibility for errors in opening graves when orders are given by telephone.

SECTION 15: TRAFFIC RULES.

A. The provisions of the city traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this ordinance.
B. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than 15 miles per hour.

SECTION 16: CHILDREN.

Children under the age of 12 years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

SECTION 17: ANIMALS PROHIBITED.

No animal shall be allowed in any cemetery except in the confines of a vehicle and must be at all times retained within the confines of said vehicle while the vehicle remains in the cemetery.

SECTION 18: DECORUM.

Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due to such a place shall be required of all persons.

SECTION 19: INJURY TO CEMETERY PROPERTY PROHIBITED.

A. It is a class B misdemeanor for any person to tie or attempt to tie any horse, animal, or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence, or enclosure on the premises of the cemetery for the purpose of injuring, defacing, or attempting the removal of same.
B. It shall be an infraction for any person to injure, deface, break, destroy, or remove any headstone, tombstone, monument, tree, shrub, or any other property in the cemetery.

SECTION 20: LANDSCAPING BY PRIVATE PERSONS.

Except as provided by the rules and regulations of the city council, it shall be unlawful for any person to erect or maintain any fence, comer post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley or walk in the cemetery or to grade the ground or land thereof. The official survey shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.

SECTION 21: PLACEMENT OF MARKERS.

It shall be unlawful for any person to erect, place or cause to be placed, any marker or monument on any lot in cemetery in violation of the rules and regulations promulgated by the city council regarding the placement, construction, and design of all such markers.

SECTION 22: BURIAL PROCEDURES:

A. Notice to Fountain Green City must be made no later than 72 (seventy-two) hours prior to burial.
B. Inform City of plot to be used
C. If burial rights and interment fees have not been pre-paid, these and any unpaid perpetual care fees must be paid before the grave will be opened
D. No casket or urn shall be interred unless enclosed in a concrete, fiberglass, steel, or brick-lined burial vault.
E. Unless prior arrangements have been made, all burials shall take place allowing the complete burial process during regular Fountain Green City business hours.
F. No burials or disinterment will be allowed on Sundays or Holidays.
    a. Interment or disinterment in the cemetery shall not be allowed on the following days: New Years Day, Martin Luther King Day, President's Day, Memorial Day weekend beginning Friday morning through Memorial Day, Independence Day (July 4), Pioneer Day (July 24), Labor Day

weekend beginning Friday morning through Labor Day, Thanksgiving Day (Thursday thru Saturday), Christmas Eve and Christmas Day, Lamb Day (Saturday).

b. All other City observed holidays: In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. In the event that a holiday falls on a Sunday, the following Monday shall be treated as the holiday. In the event that the Holiday falls on a Monday or Friday, the Saturday will be observed as a Holiday. Any exception to this policy must be approved by the City at least 72 hours prior to burial.

G. Infants/Cremations will follow the same rules as other burials unless otherwise specified.
H. In the case of an already existing grave, one cremation or one infant will be allowed on the same grave
I. Two cremations, or two infants, or a combination of either one infant and one cremation will be allowed on one grave
J. No double stacking will be allowed.
K. A vault will be required for all caskets and cremation urns.

SECTION 23: HUNTING IN CEMETERY PROHIBITED:

Fountain Green City prohibits hunting in or around the cemetery.

SECTION 24: ADDITIONAL RULES AND REGULATIONS.

A. The city council may promulgate by resolution or ordinance such additional rules and regulations concerning the care, use, operation, and maintenance of the cemetery as it shall deem necessary.
B. The mayor may from time to time as the city council deems necessary direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the city cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may utilize the cemetery and shall form a supplement to this ordinance after they have been adopted as official by resolution or ordinance of the city council.
C. Any change in the rules and regulations shall be adopted by the city council before such changes shall be official.

SECTION 25: LIABILITY OF CEMETERY.

Fountain Green City personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the lot owners but shall not be liable for any damage or loss.

PART 2: HEADSTONES.

SECTION 1: OWNERSHIP AND RESPONSIBILITIES:

A. Headstones are personal property. All headstones within the cemetery are the property of lot owners, their heirs, or the party responsible for ordering and placing them. All care and upkeep of the headstones are the responsibility of the owner. Fountain Green City is not responsible for any damage that may occur to headstones. Such damages are a condition that will go with the privilege of placing markers in the cemetery.

B. It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in said cemetery except under the direction and supervision of the cemetery superintendent.

SECTION 2: SPECIFICATIONS FOR HEADSTONES:

A. It shall be unlawful for any person to place or to have placed any monument on any lot inside cemetery not made of metal inlay, stone, or cement. Such monument shall be securely set in a cement foundation of at least four inches deep with a cement mow strip not less than five inches around said marker.
B. The following are headstone size recommendations: Maximum lengths are: Singles 40", doubles 80", and triples 120". Maximum height is 36". Maximum width is 24". Any marker size that exceeds these recommendations requires the prior written approval of the cemetery superintendent.
C. Foot stones must be at ground level.
D. One headstone or two footstones will be allowed on lots with multiple burials which include infants and cremations and will require designating East or West on headstone, or require one headstone and one footstone.
E. Headstones will be placed in an orderly manner in predesignated rows and as directed by the superintendent.
F. The placement of permanent markers is encouraged to be within one year after interment.

SECTION 3: VASES.

All permanent vases must be attached to the stone base or cast into the cement base with at least two (2) inches from the edges of the cement base.

SECTION 4: OBSTRUCTIONS.

No iron ornaments, brackets, flag poles, or other obstructions or installations except a headstone or monument will be permitted in the cemetery. Any ornamentation must be attached to the concrete apron. Any ornamentation placed that is not attached to the headstone apron will be subject to immediate removal.

SECTION 5: MODIFICATIONS.

If a monument is determined, by the sexton, to be oversized and interferes with the sprinkler irrigation system, the owner will pay for the necessary modifications (applicable to stones placed after September 6, 1996).

SECTION 6: INTERFERENCE WITH EXCAVATION.

The owner or responsible party is responsible for the removal and replacement of a marker that must be moved for the excavation of a grave, or for the expenses of such services if contracted.

SECTION 7: RECOMMENDATIONS.

The owner shall consult with a monument manufacturer on monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water, and occasional nicks and chips from mowing equipment. It is recommended that raised markers have a rough nosed base or edge rather than a polished, smooth surface. People ordering headstones from a monument dealer should check, or cause to be checked, the restrictions first to ensure that the stone will meet cemetery specifications.

SECTION 8: CEMETERY SUPERVISION.

All work in the cemetery including but not limited to interments, disinterment, planting, landscaping, grading, record keeping, placement of grave markers, grounds keeping construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the cemetery superintendent.

SECTION 9: FLAT HEADSTONES.

To improve accessibility within the cemetery, flat headstones shall be required in designated areas as identified on the Fountain Green Cemetery Map. Raised headstones are not permitted within these designated areas. “Flat headstone” means a memorial marker installed flush with the surrounding ground surface. Flat headstones are set horizontally and do not include upright, slanted, or raised monument-style markers.

PART 3: FEES AND CHARGES.

SECTION 1: COLLECTION OF FEES.

The recorder and such other persons as the city council may designate are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves or other services, which shall include but not be limited to properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment, or removal, and raised monument privileges. The fees shall be such amounts as are determined by the city council from time to time by resolution.

SECTION 2: FEE TO BE PAID FOR OPENING GRAVE.

A. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.
B. The presentation of a receipt from the recorder or person designated by the city council, when presented to the cemetery superintendent, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the city wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and

wherein that mortician will be personally liable for such fees and for perpetual care payments, the recorder or authorized person may give the cemetery superintendent authority to open graves without the presentation of a receipt from the recorder or authorized person.

SECTION 3: PURCHASE PRICE AND FEES.

The city council shall, from time to time by resolution, fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for various cemetery services to be provided.

SECTION 4: PAYMENT OF PERPETUAL CARE DIFFERENCE.

When a person claims title or rights to burial, they shall pay to the city the difference to re-establish perpetual care. The City holds the burden to provide proof of the difference to be paid. This shall be a one-time fee assessed per transfer, and the amount may vary depending on the circumstances of the transfer.

SECTION 5: FEE SCHEDULE.

All fixed cemetery related fees shall be listed in the Fountain Green City Master Fee Schedule, which shall be updated by the City Council and adopted by resolution.

PART 4: SALE OF LOTS.

SECTION 1: SALE.

A. The recorder, and such other person as the city council may designate, are hereby authorized to sell the use of lots in the city cemetery for burial purposes only and to collect all sums arising from the sale. The recorder shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefore. The recorder or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot, the purchase price, and the type of maintenance services which are to be provided, e.g., perpetual care, prepaid continued maintenance or currently paid services.
B. A certificate and rights to burial shall be exempt from execution, taxation, or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for cemetery services other than perpetual care or prepaid maintenance.
C. Perpetual care or prepaid continued maintenance shall be deemed to include the filling of the grave, the placing of topsoil upon the grave, seeding the grave with grass, and watering and cutting the grass. No other services are included.
D. No other improvements, changes, or service, except perpetual care or prepaid continued maintenance, shall be made on any lot without the certificate holder or his heirs first submitting to and receiving from the cemetery superintendent written approval for such improvements, changes or services, which improvements, changes, or services shall be subject to the rules and regulations promulgated by the city council.

SECTION 2: RESTRICTIONS OF RESALE.

A. Lots sold by the city shall not be further sold, transferred, conveyed, or assigned to any person except the city. The city hereby agrees to buy back any unused city cemetery certificate to burial rights which it may hereafter sell. The repurchase of such certificates shall be for the original price paid by the purchaser, or the current selling price of the certificate, whichever is less. The price the city pays to buy back a certificate shall not include perpetual care paid by the purchaser, but only the original price paid for the right of burial by the purchaser, or the current selling price of the right, whichever is less.
B. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this part, or becomes vested in the city for any reason before new certificates are issued, the original certificate shall be canceled or an assignment given, and the record shall be so changed.
C. The certificates shall be issued and signed by the recorder. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment.

PART 5: PERPETUAL CARE.

SECTION 1: CONTRACTING FOR PERPETUAL CARE.

A. No grave shall be hereafter opened in the cemetery of this city until perpetual care upon the lot where the grave is to be opened shall have been contracted for with this city or perpetual care thereon paid. Should it be the desire of any person to have a grave opened and the body interred therein, and perpetual care shall not have been previously contracted for or paid in full for the lot therein, the person may either pay the full purchase price for perpetual care or enter into a contract wherein payment shall be agreed.
B. The agreement shall provide for a down payment in the amount of 20 percent of the total purchase price of the cost of the lot and shall further provide for the payment of monthly installments over a period not to exceed 20 months. The monthly installments shall be in the amounts equal to the balance of the contract divided by the number of months which the contract is to run, plus two months extra payment to pay for the privilege of making the payments in installments or six percent of the balance, whichever is less.
C. The installment contract for perpetual care of, or purchase of a lot with perpetual care, shall provide for collection by the city in the event of a default, and such collection shall be by civil action, and the defendant therein shall pay the cost of collection, together with a reasonable attorney's fee to the city and shall also pay interest at the rate of eight percent per annum upon the past due installments. All installments shall immediately become due upon the default of any of the installments provided, however, that when perpetual care for any lot in the city cemetery or portion thereof has not been paid for a period of ten years; then, and in such an event, the unused portion of the lot shall thereafter escheat to this city, and the title thereof shall revert to this city, which shall thereafter have the right, option, and privilege to sell and dispose of unused cemetery property, as is in this chapter provided, upon condition that this city shall thereafter maintain perpetually without cost of fee the portion of the lot occupied by a grave or graves prior to the date when the remaining property escheated to this city.

D. This city shall have power to fix, by resolution, a fee from any person now owning a cemetery lot or portion thereof for the annual maintenance and care thereof.

SECTION 2: CARE INCLUDED.

The essential perpetual care that the city agrees to give shall consist of care of the cemetery generally and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, resodding, seeding, and filling in sunken graves, sodding the surface of the graves to lot level, removing dead flowers and trimming trees and shrubbery when necessary, raking and cleaning the lots. ~~and straightening of tilting stones or markers.~~

PART 6: PERPETUAL CARE FUND.

SECTION 1: PERPETUAL CARE FUND CREATED.

A. There is hereby established a perpetual care fund according to the laws of the state of Utah and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state of Utah and used for the purposes herein provided.
B. The income from the perpetual care fund shall be used to pay for the upkeep and development of the cemetery. The city may borrow from the fund from time to time, but any funds borrowed shall be repaid to the fund with interest thereon at the prevailing rate paid by the city to borrow funds from commercial lenders.
C. If the city borrows from the fund, it shall pay into a fund for the operation of the cemeteries the interest accrued upon money annually. Should it be found that the interest returned upon the perpetual care funds shall be more than is required to pay for the operation and upkeep of the city cemetery, then the surplus shall be added to the principal amount of the perpetual care fun herein created, and shall be handled until changed by resolution to provide for the use of such accumulated interest.

SECTION 2: DUTIES OF TREASURER.

It shall be the duty of the treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the city council and the laws of the state of Utah, and to advise the mayor when funds are available for investment in the amount of $1,000 or more. The mayor shall advise the city council of the availability of such funds.

SECTION 3: DUTY OF CITY COUNCIL.

It shall be the duty of the city council, when funds are available for investment, to direct by resolution, all purchases of securities for the perpetual care fund or to name a suitable trustee for such investment.

SECTION 4: INCOME.

All income from investments held in perpetual care fund shall be quarterly credited to the cemetery maintenance fund for use in providing perpetual care as required herein.

PART 7: NON-PERPETUAL CARE LOTS.

SECTION 1: REVERSION OF NONPAYING LOTS.

A. When any owner of any lot or portion of a lot in the cemetery shall have failed to pay the cost of services rendered by the city or its employees in watering, beautifying, maintaining or caring for any lots or portions thereof in the city cemetery for which perpetual care has not been purchased in accordance with the provisions of this chapter, and such failure to pay has continued for a period of six months, the city may pursue collection of such costs in a court of law. A court action may be pursued for the purpose of seeking judgment against the owner and thereafter attaching any of the assets of the owner, including an attachment of the lots or portions of lots upon which the owner has failed to make payment for maintenance service.
B. As an additional remedy, or in lieu of seeking collection in a court of law, the city may cancel the owner's certificate or deed representing rights to burial on unoccupied lots or portions of lots and causing ownership of lots or portions thereof to revert back to the city by following the procedure set forth in this part.

SECTION 2: PROCEDURE FOR REVERSION OF LOT TO CITY.

A. The city may terminate the owner's right to use of an unoccupied lot or lots in the city cemetery when there has been a six-month failure to pay the cost of maintenance provided by the city in the following manner:
    a. The city council shall fix a time and place of hearing before the city council at which the owner shall be given the opportunity to present good cause as to why his right to future use of the lot or lots involved shall not be terminated and as to why the ownership of the lot or portions of lot shall not revert back to the city for resale by it.
    b. A notice of the time, place, and purpose of the hearing to forfeit the owner's interest in the lot or parts of the lot shall be given by personal delivery of a written notice of the time, place, and purpose of the meeting of the city council or by mailing a copy of the notice to the last-known address of the owner or owners.
    c. In the absence of an ability to make personal delivery of the written notice to the owner or owners, a notice of the hearing to forfeit rights to said lot or portions of lot shall be published at least once in a newspaper have in general circulation in the county. The publication shall be made at least three weeks prior to the date of the hearing.
    d. If the owner is known to be deceased, then mailing of notice or delivery of notice shall be made to the last-known address of any known heirs.
    e. Copies of the notice shall also be posted in a conspicuous place in the offices of the city.
    f. At the time and place set for the hearing before the city council, the city council shall give the owner or owners an opportunity to be heard, a right to present witnesses, and to submit evidence showing cause why the lot or portions of the lot shall not be forfeited to the municipality.

B. After due consideration of all the facts presented at such hearing, the city council may order if it finds that there has been a failure to make payment of such costs or if no satisfactory arrangement has been preferred for making the immediate payment of such costs, that the lot or portions of lot shall revert to the city for release and that all of the rights and privileges of the owner in the lot or lots are terminated.
C. Thereafter, the city may make sale of the lots in the same manner as it makes sales of all other lots within the cemetery.

PART 8: INDIGENTS.

SECTION 1: BURIAL OF INDIGENTS.

A. The city council may, by resolution, designate a portion of the city cemetery for the burial of indigents. Whenever it is made to appear to the mayor by proof submitted to him by the recorder that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the mayor may grant burial space for such deceased person at the request made to him by the recorder.
B. The mayor shall communicate his decision to both the recorder and the cemetery superintendent. The mayor shall give a report of his decision, whether affirmative or negative, to the city council at its next regular meeting. All strangers without funds or other persons who may die in the city may be granted the privilege granted herein.

REPEALER.

All ordinances, policies, resolutions, or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

In addition, the following ordinances, policies, resolutions, or parts thereof are hereby repealed in their entirety:

- CHAPTER 8-200. CEMETERIES.
- POLICY 03262015: HEADSTONE POLICY
- RESOLUTION 2015-03: BURIAL AND HEADSTONE POLICY
- RESOLUTION 02202025(A) CEMETERY POLICY

SAVING CLAUSE.

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Fountain Green City.

EFFECTIVE DATE.

This ordinance shall become effective upon passage.

PASSED this 18 day of June, 2026.

FOUNTAIN GREEN CITY:

W. Wood

Willard Wood, Mayor

Kerry Farnsworth	Yes ✓	No _____
Vaughn Jacobsen	Yes ✓	No _____
Rich Walker	Yes ✓	No _____
Kim Johnson	Yes ✓	No _____
Jacob Littlefield	Yes ✓	No _____

ATTEST:

Michelle Walker

Michelle Walker, Recorder

FOUNTAIN GREEN CITY, UTAH

ORDINANCE NO. 08202026 FIRE INSPECTION

AN ORDINANCE PROVIDING FOR THE CITY OF FOUNTAIN GREEN TO REQUIRE FIRE INSPECTIONS FOR ALL BUSINESSES

WHEREAS, Fountain Green City (the City) is a municipal corporation duly organized and existing under the laws of State of Utah;

WHEREAS, the Fountain Green City Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the City Council finds that periodic fire safety inspections may help protect businesses, employees, customers, and property from fire hazards;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FOUNTAIN GREEN CITY, UTAH:

Section 1. Fire Safety Inspection Required.

No business license shall be issued or renewed until the business location has been inspected and approved by the Fire Chief or the Fire Chief's designee.

Section 2. Inspection Standards.

The Fire Chief or designee shall inspect the business premises for compliance with applicable fire codes adopted by Fountain Green City.

Section 3. Correction of Violations.

If violations are identified during the inspection, the Fire Chief or designee shall provide written notice of the violations and a date for correction.

A business license may be withheld, denied, or renewed conditionally until the violations have been corrected and approved by the Fire Chief or designee.

Section 4. Access for Inspection.

As a condition of obtaining or renewing a business license, the business owner or operator shall permit reasonable access to the premises for the purpose of conducting the required fire safety inspection.

Section 5. Exceptions.

The Fire Chief may waive the inspection requirement for businesses that do not occupy a physical location within the City or for other circumstances where an inspection is determined to be unnecessary.

Section 6. Severability.

If any provision or clause of this chapter or its application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other sections, provisions, clauses or applications which can be implemented without the invalid provision, clause, or application. To this end, the provisions of this chapter are declared to be severable.

Section 7. Effective Date.

This ordinance shall take effect immediately upon its passage and publication as prescribed by law.

PASSED AND ADOPTED BY THE FOUNTAIN GREEN CITY COUNCIL, STATE OF UTAH, ON

THIS _20__ DAY OF _August_, 2026.

FOUNTAIN GREEN CITY:

W. Wood

WILLARD WOOD
Mayor

ATTEST:

Michelle Walker

MICHELLE WALKER
City Recorder

RESOLUTIONS

RESOLUTION 08082024: UTILITY PAYMENT POLICY

FOUNTAIN GREEN CITY 375 NORTH STATE STREET
FOUNTAINGREEN, UT 84632
RESOLUTION 08082024

A RESOLUTION TO REVISE THE UTILITY BILLING AND PAYMENT POLICY OF FOUNTAIN GREEN CITY
EFFECTIVE AUGUST 8, 2024

1. Service for water, sewer, landfill, and fire will be billed to the customer each month whether the water is turned on or off (According to Bond specifications).

2. Meters will be read on or about the last day of the month. This means that the utility cycle will be approximately from the last day of one month to the last day of the following month. **Meters will be read year-round. Overage readings between October and March will be charged at a 35% reduce rate (.98) for every 1,000 gallons over the 6,000 gallons base rate.**

3. Bills will be mailed or digitally delivered to each service customer on or about the 5th business day of each month.

4. All payments of Fountain Green Utility Accounts will be due by the **20th of each month**. Failure to have payments made by the **30th of each month** will subject the customer to an interest charge that is calculated at **15% per month** plus a **late fee of $40.**

   If the bill is not paid at the end of **60 days**, the customer will accrue another **15 % interest charge** on the entirety of the outstanding balance as well as another **$40 late fee** and may result int a delinquency letter.

   If payment is still delinquent by the 30th of the next month **(90 days)** an additional **15% interest charge** on the entirety of the outstanding balance as well as another **$40 late fee** and will result in a delinquency letter and/or a shut-off notice.

   After a **shut-off notice** has been issued, the customer will have **7 days** to pay the bill in full or, at the discretion of the city they may set up a payment plan that will require the account holder to make a payment in the amount that brings the utility bill to the 30-day amount (30 days only outstanding). The remaining balance, or more, plus the current billing amount must be paid each month for the next 3 months (90 days) to bring the utility account to current status. **Within 90 days, the account must be current**.

   If payment is not made within **7 days of receiving the shut-off notice**, **or other arrangements made with Fountain Green City, the water service will be disconnected** and will not be reconnected until arrangements have been made with Fountain Green City which include:

   A. **Balance is paid in full**
   B. **If payment is delinquent 90 days or more, the utility service will be considered abandoned and an abandonment fee of $400 will be assessed and must be paid before service is restored.**
   C. **A $200 refundable deposit must be made that will be refundable after 12 months of on-time payments.**

A **lien will be placed on the home** for the total of the utility bill owed to the city plus any other charges or expenses accrued by Fountain Green City to obtain payment of outstanding balances.

5. If a customer voluntarily abandons a water service, the request must be made in writing to Fountain Green City and the balance due must be $0 or paid in full. A shut off fee of $25 will apply and an additional turn on fee of $25 will be assessed when the water service is turned back on. The standard monthly utility amount will continue to be billed to the customer for voluntarily turned-off utility accounts and must be paid.

6. All new and reinstated utility accounts will be required to complete an application for the utility services and pay a security deposit of $200.00. The deposit will be refunded when good credit has been established. Good credit is established when the utility payment is paid in full by the last day of each month for twelve (12) consecutive months.

7. The fee for returned checks to the city for insufficient funds will be $35. If a check is returned on a delinquent account, utility service will be cut off immediately without further notice. The balance due and the current bill will need to be paid by credit card or cash to have the utility restored.

8. Delinquent payments and/or water re-connections can only be taken care of during regular office hours which are from 9:00 a.m. to 4:00 p.m. Monday through Thursday and 9:00 a.m. to noon on Fridays.

9. A customer has the right to appeal (in writing, within 7 days of receiving the shut-off notice) to the Fountain Green City Council, their utility bill if the customer has a valid concern with the accuracy of the meter reading or billing procedure. Services will not be disconnected until the appeal has been considered by the Fountain Green City Council. If the appeal is denied by City Officials and if payment is not received withing ten (10) days, the service will be disconnected.

Mark Coombs
Mayor, Mark Coombs

Date: 8/8/24

Michelle Walker
City Recorder, Michelle Walker

Date: 8/8/24

FOUNTAIN GREEN CITY INCORPORATED JANUARY 1910 CORPORATE SEAL

RESOLUTION 11-2023A: AMENDED RESOLUTION ESTABLISHING WATER RATES

WHEREAS, Fountain Green City administers the operation and maintenance of the water system; and

WHEREAS, Fountain Green City Municipal Code 14-117 allows the City Council, by Resolution, to establish and amend the water rates, penalty fees for delinquency, and other charges incidental to connections and services from the city water system;

NOW, THEREFORE, Be it resolved by Fountain Green City Council the culinary water system rates for the customers of Fountain Green City be set as follows:

1. NON-SENIOR CITIZENS RESIDENTS:
   - Monthly Base Rate:
     $39.75 for 6,000 gallons
   - Overage Rates:
     $1.50 per 1000 gallons from 6,001-20,000 gallons
     $1.75 per 1000 gallons from 20, 001-40,000 gallons
     $2.00 per 1000 gallons from 40,001 gallons and up

2. SENIOR CITIZENS/LOW-INCOME RESIDENTS:
   Must be 62/Household income not to exceed $25,000 annually.
   - Monthly Base Rate: $34.25 for 6,000 gallons
   - Overage Rates: Same as above.

3. NON-RESIDENTS AND BUSINESSES:
   - Monthly Base Rate: $42.75
   - Overage Rates: Same as above.

These rates shall become effective on the 1st day of July 2023 or the first day of the billing cycle as practical to accommodate the City's billing cycle. The water rate will continue to rise in .25 increments each year until the year 2028. At that time, it will be reviewed by the City Council.

Passed, Approved, and Adopted by the Mayor and city Council of Fountain Green City, this 16 day of November, 2023

Mayor Mark Coombs

Attest:

Michelle Walker, City Recorder

ROLL CALL VOTE –
Julio Tapia yes
Shelith Jacobson yes
Rod Hansen yes
Stuart Smith yes
Alyson Strait yes

RESOLUTION 11-2023B: AMENDED RESOLUTION ESTABLISHING SEWER RATES

WHEREAS, Fountain Green City maintains a wastewater system; and

WHEREAS, Fountain Green City Municipal Code 14-216 allows the City Council, by Resolution, to establish and amend the sewer rates;

Article V, Section 1. The City shall review the total annual cost of operation and maintenance to ensure sufficient funds are obtained from the City's user charge system to (a) adequately operate and maintain the wastewater treatment works, and (b) cover said debt service;

NOW THEREFORE, Be it resolved by Fountain Green City Council the sewer rates for the customers of Fountain Green City be set as follows:

1. NON-SENIOR CITIZEN RESIDENTS:
   Monthly Base Rate: $30.75

2. SENIOR CITIZENS/LOW-INCOME RESIDENTS:
   Must be 62/Household income not to exceed $25,000.
   Monthly Base Rate: $18.75

3. BUSINESSES:
   Monthly Base Rate: $30.75

These rates shall become effective on the 1st day of July 2023 or the first day of the billing cycle as practical to accommodate the City's billing cycle. The sewer rate will continue to rise in .25 increments each year until the year 2028. At that time, it will be reviewed by the City Council.

Passed, Approved, and Adopted by the Mayor and City Council of Fountain Green City, this 16 day of November, 2023

Mayor Mark Coombs

Attest:

Michelle Walker, City Recorder

ROLL CALL VOTE –

Julio Tapia Yes
Shelith Jacobsn Yes
Rod Hansen Yes
Stuart Smith Yes
Alyson Strait Yes

RESOLUTION 11-2023C: UTILITY PAYMENT POLICY

FOUNTAIN GREEN CITY
375 N. STATE STREET
FOUNTAIN GREEN, UT 84632
RESOLUTION NO. 11-2023C

A RESOLUTION TO REVISE THE UTILITY BILLING AND PAYMENT POLICY OF
FOUNTAIN GREEN CITY
EFFECTIVE NOVEMBER 16, 2023

1. Service for water, sewer, landfill, and fire will be billed to the customer each month whether the water is turned on or off (according to Bond specifications).

2. Meters will be read on or about the last day of the month. This means that the utility cycle will be approximately from the last day of one month to the last day of the following month. Meters will be read year-round. Overage readings between October and March will be charged at a 35% reduced rate (.98) for every 1,000 gallons over the 6,000 gallons base rate.

3. Bills will be mailed to each service customer on or about the 5th business day of each month.

4. All payments for utility bills will be due on the 20th of each month. Failure to have payment made by the 30th of the month will subject the customer to an interest charge that is calculated at 5% per month.
If payment is still delinquent by the 30th of the next month (60 days), a SHUT-OFF NOTICE will be sent to the customer. If payment is not made within 15 days of receiving the shut-off notice the said service will be disconnected and will not be reconnected until arrangements have been made with Fountain Green City which include: (1) Balance is paid in full. (2) A $25.00 reconnect fee is paid. If payment is delinquent 90 days, the said service will be considered abandoned and a fee of $400.00 will be assessed.

5. If a customer voluntarily abandons a water service, the request must be made in writing to Fountain Green City and the Balance Due must be paid in full. A fee of $400.00 will also be assessed. To restore said service a $25.00 reconnect fee will be charged.

6. All new and reinstated utility accounts will be required to complete an application for utility services and pay a security deposit of $200.00. The deposit will be refunded when good credit has been established. Good credit is established when the utility payment is paid in full by the last day of each month for twelve (12) consecutive months.

7. The fee for returned checks to the city for insufficient funds will be $35.00. If a check is returned on a delinquent account, utility service will be cut off immediately without further notice. The balance due and the current bill will need to be paid by credit card or cash to have the utility restored.

8. Delinquent payments and/or water re-connections can only be taken care of during regular office hours which are from 9:00 a.m. to 4:00 p.m. Monday through Thursday and 9:00 a.m. to noon on Fridays.

9. A customer has the right to appeal (in writing, within 15 days of receiving the shut-off notice) to the Fountain Green City Council, their utility bill if the customer has a valid concern with the accuracy of the meter reading or billing procedure. Services will not be disconnected until the appeal has been considered by the Fountain Green City Council. If the appeal is denied by City Officials and if payment is not received within ten (10) days, the service will be disconnected.

Passed this 16 day of November, 2023.

Mark Coombs

Mayor Mark Coombs

Attest:

Michelle Walker

Michelle Walker, City Recorder

Roll Call Vote –

Julio Tapia	✓ Yes	____ No
Shelith Jacobson	✓ Yes	____ No
Rod Hansen	✓ Yes	____ No
Stuart Smith	✓ Yes	____ No
Alyson Strait	✓ Yes	____ No

RESOLUTION 07-2023: A RESOLUTION REQUESTING THE RE-CERTIFICATION OF THE FOUNTAIN GREEN CITY JUSTICE COURT

WHEREAS, the provisions of U.C.A. 78A-7-103 require that justice courts be recertified at the end of each four-year term; and

WHEREAS, the term of the present court shall expire in the coming months; and

WHEREAS, the members of the Fountain Green City Council have received an opinion letter from the city attorney, which discusses requirements for the operation of a justice court and the feasibility of continuing to maintain the same; and

WHEREAS, the members of the Fountain Green City Council have determined that it is in the best interest of the city to continue to provide a justice court;

BE IT RESOLVED, the Fountain Green City Council hereby requests re-certification of the Fountain Green City Justice Court by the Board of Justice Court Judges and the Utah Judicial Council.

BE IT FURTHER RESOLVED that the Fountain Green City Council hereby affirms its willingness to continue to meet all requirements set forth by the Utah Judicial Council for continued operation of the said justice court for the next four-year term of court, except as to any requirements waived by the Utah Judicial Council.

APPROVED and signed this 7 day of November, 2023

By Mark Coombs

ATTEST:

Michelle Walker

RESOLUTION 00-2023: GENERAL SCHEDULE OF FEES

A RESOLUTION OF FOUNTAIN GREEN CITY FOR THE PURPOSE OF ESTABLISHING A GENERAL SCHEDULE OF THE FEES CHARGED BY THE CITY

WHEREAS, the Mayor and City Council of Fountain Green City finds and declares that it is desirable and in the public interest to pass a single Resolution for the purpose of establishing and setting forth a general schedule of the most common fees charged by Fountain Green City ; and

WHEREAS, it has become desirable and appropriate for the City to amend certain fees.
NOW THEREFORE, THE CITY COUNCIL OF FOUNTAIN GREEN CITY RESOLVES AS FOLLOWS:

Section 1. The following Resolution is hereby enacted, entitled "General Fee Schedule."

GENERAL FEE SCHEDULE

General Fee Schedule Established. The fee schedule attached hereto as Exhibit "A" is hereby adopted and enacted as of the effective date on this Resolution:

Section 2. All fees and charges not listed in this Resolution which are contained in or promulgated pursuant to any current resolutions shall remain in full force and effect, unless and until duly modified.

Section 3. All fees and charges contained in any current resolutions inconsistent herewith, are hereby repealed to the extent of the inconsistency, but in all other respects such resolutions shall remain in full force and effect.

Section 4. This Resolution is to be construed to be consistent with any and all State, County, and Federal laws and regulations concerning the subject matter hereof. If any section, sentence, clause, or phrase of this Resolution is held invalid by any court of competent jurisdiction, then said ruling shall not affect the validity of the remaining portions.

BE IT FURTHER ENACTED AND RESOLVED THAT THIS RESOLUTION SHALL TAKE EFFECT UPON PASSAGE OF THIS RESOLUTION.

FOUNTAIN GREEN CITY:

Mark Coombs
Fountain Green City, Mayor
ATTEST:

Michelle Walker
Fountain Green City, Recorder

RESOLUTION 2023-10: CANCELING 2023 MUNICIPAL ELECTION

FOUNTAIN GREEN CITY
CITY COUNCIL

Resolution No. 2023-10

RESOLUTION CANCELING 2023 MUNICIPAL ELECTION

WHEREAS, Pursuant to Utah Code Section 20A-1-206, the City Council of the City of Fountain Green is authorized to cancel a municipal election if the number of candidates, including eligible write-in candidates, does not exceed the number of open offices:

NOW, THEREFORE, the City Council of Fountain Green does hereby resolve as follows:

1. The City Council finds and declares that the number of municipal candidates for the November 2023 municipal election, including eligible write-in candidates, does not exceed the number of open offices.

2. The City Council finds and declares that there are no other municipal ballot propositions.

3. The City Council finds and certifies that each municipal officer is (a) unopposed, (b) the number of at-large candidates does not exceed the number of open offices for municipal officials, and (c) each candidate is hereby considered to be elected to office.

4. The City Council hereby approves the following notice to cancel the 2023 municipal election:

   A. Post notice of cancellation on the Statewide Electronic Voter Information Website for 15 consecutive days before the day of the scheduled election.

   B. Post notice of cancellation on the City's website for 15 consecutive days before the day of the scheduled election.

   C. Include notice of cancellation in any regularly printed newsletter of the City.

   D. Publish notice of cancellation at least twice in a newspaper of general circulation in the City with the first publication at least 10 days before the day of the scheduled election.

   E. Posting notice of cancellation on the Utah Public Notice Website at least 10 days before the day of the scheduled election.

5. FORM OF NOTICE

NOTICE OF CANCELLATION OF ELECTION for the City of Fountain Green, Utah. Notice is hereby given that the municipal election is canceled and that there will not be a municipal election on November 2, 2023, for the City of Fountain Green.

MOTION by Councilmember _____

SECONDED by Councilmember _____

Resolution as APPROVED by a majority of the City Council

_____
MAYOR

ATTESTED:

_____
CITY RECORDER

RESOLUTION 2023-8: CODE ENFORCEMENT OFFICER IMPLEMENTATION

FOUNTAIN GREEN CITY, UTAH

RESOLUTION 2023 – 08

A RESOLUTION IMPLEMENTING A CODE ENFORCEMENT OFFICER JOB DESCRIPTION FOR THE CITY OF FOUNTAIN GREEN

WHEREAS, Fountain Green is a municipal corporation fully organized and existing under the laws of the State of Utah;

WHEREAS, the Fountain Green City Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the Fountain Green City Council finds it is in the public interest for the municipality to adopt a Resolution implementing a code enforcement officer job description for the city of Fountain Green and the adoption of this resolution will serve that purpose; and

WHEREAS, the Fountain Green City Council finds the public safety, health, and welfare of the City of Fountain Green will be better served by the adoption of this ordinance.

NOW THEREFORE,

The Fountain Green City Council hereby ordains as follows:

That a Resolution implementing a code enforcement officer job description is established and adopted as follows:

SECTION 1: GENERAL PURPOSE:

Performs various duties and assignments as assigned to assure compliance with Fountain Green's Land Use and Public Nuisance Ordinances.

SECTION 2: SUPERVISION:

Works under the general supervision of the Mayor and in coordination with the City Council.

SECTION 3: ESSENTIAL FUNCTIONS:

A. Educates and acquaints property owners with the stipulations of Fountain Green's Land Use Ordinances and Nuisance Codes.

B. Ensures compliance with the regulations outlined in Chapter 3 of Fountain Green's Land Use Ordinance.

C. Initiates communication with property owners verbally and or through written correspondence to inform and clarify any breaches of the ordinance or codes that might occur on their property. This should follow the process of notification outlined in the Fountain Green City ordinances.

D. Undertakes property abatement clean-up operations as necessary and, if warranted, lodges a criminal complaint.

E. Common infractions encompass, but are not restricted to, property nuisance, public nuisance, as well as other stipulated ordinance violations.

F. Maintains comprehensive records of all interactions with property owners, site locations, issued Notice of Violations, captured photographs, and any records of verbal interactions.

G. Undertakes additional associated duties as deemed necessary by the Mayor and City Council.

SECTION 4: SAVING CLAUSE

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Fountain Green City.

SECTION 5: EFFECTIVE DATE

This resolution shall become effective upon passage.

PASSED this 21 **day of** September **, 2023**

FOUNTAIN GREEN CITY:

Mark Coombs

Mark Coombs, Mayor

FOUNTAIN GREEN CITY INCORPORATED CORPORATE SEAL

Council Member: Julio Tapia	Yes ✓	No ____
Council Member: Shelith Jacobson	Yes ✓	No ____
Council Member: Rod Hansen	Yes ✓	No ____
Council Member: Stuart Smith	Yes ✓	No ____
Council Member: Alyson Strait	Yes ✓	No ____

ATTEST:

Michelle Walker

Michelle Walker, Recorder

RESOLUTION 100815: SCAOG PRE-DISASTER MITIGATION PLAN ADOPTION

FOUNTAIN GREEN CITY
UTAH

RESOLUTION NO. 100815

A RESOLUTION OF THE FOUNTAIN GREEN CITY ADOPTING THE SCAOG PRE-DISASTER MITIGATION PLAN 2016

WHEREAS Fountain Green City recognizes the threat that natural hazards pose to people and property within Fountain Green City; and

WHEREAS Fountain Green City has prepared a multi-hazard mitigation plan, hereby known as the SCAOG Pre-Mitigation Plan 2016 in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the SCAOG Pre-Disaster Mitigation Plan 2016 identifies mitigation goals and actions to reduce or eliminate long-term risk to people and property in Fountain Green city from the impacts of future hazards and disasters; and

WHEREAS adoption by Fountain Green City Council demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the SCAOG Pre-Disaster Mitigation Plan 2016.

NOW THEREFORE, BE IT RESOLVED BY THE FOUNTAIN GREEN CITY, UTAH, THAT;
Section 1. In accordance with U.C.A. 10-3-718, Fountain Green City adopts the SCAOG Pre-Disaster Mitigation Plan 2016.

ADOPTED by a vote of 3 in favor and 0 against, and 0 abstaining, this 8 day of October, 2015

By: _____

~~Mayor Ronald L. Ivory~~ Mayor Pro tem Jerime Ivory

ATTEST:

By Michelle Walker

Michelle Walker, City Recorder

RESOLUTION 09102015: SCAOG PRE-DISASTER MITIGATION PLAN 2016

FOUNTAIN GREEN CITY UTAH
RESOLUTION NO. 09102015

A RESOLUTION OF THE FOUNTAIN GREEN CITY ADOPTING THE SCAOG PRE-DISASTER MITIGATION PLAN 2016

WHEREAS Fountain Green City recognizes the threat that natural hazards pose to people and property within Fountain Green City; and

WHEREAS Fountain Green City has prepared a multi-hazard mitigation plan, hereby known as the SCAOG Pre-Mitigation Plan 2016 in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS the SCAOG Pre-Disaster Mitigation Plan 2016 identifies mitigation goals and actions to reduce or eliminated long-term risk to people and property in Fountain Green city from the impacts of future hazards and disasters; and

WHEREAS adoption by Fountain Green City Council demonstrates their commitment to the hazard mitigation and achieving the goals outlined in the SCAOG Pre-Disaster Mitigation Plan 2016.

NOT THEREFORE, BE IT RESOLVED BY THE FOUNTAIN GREEN CITY, UTAH, THAT;

Section 1. In accordance with U.C.A. 10-3-718, Fountain Green City adopts the SCAOG Pre-Disaster Mitigation Plan 2016.

ADOPTED by a vote of 4 in favor and ~~0~~ against, and 1 ~~abstaining~~ absent, this 10 day of September, 2015

By: Ronald L Ivory

Mayor Ronald L. Ivory

ATTEST:

By Michelle M. Walker

Michelle Walker, City Recorder

RESOLUTION 06182015: ULCT DRAFT HB 362 RESOLUTION

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FOUNTAIN GREEN, UTAH, SUPPORTING THE HB 362 (2015) AUTHORIZED 0.25% LOCAL OPTION GENERAL SALES TAX DEDICATED TO TRANSPORTATION, ENCOURAGING THE COUNTY OF SANPETE TO SUBMIT THE PROPOSAL TO VOTERS IN NOVEMBER 2015, AND ENCOURAGING VOTERS TO SUPPORT THE PROPOSAL.

WHEREAS, a safe and efficient transportation system creates the foundation for economic growth, improved air quality and public health, and enhanced quality of life; and

WHEREAS, the creation and maintenance of transportation infrastructure is a core responsibility of local government; and

WHEREAS, Utah's population is expected to grow by 2 million residents by 2040; and

WHEREAS, Fountain Green's residents demand new comprehensive transportation options such as bike lands, multi-use paths, off-road trails, and transit in addition to traditional roads; and

WHEREAS, due to our drastic shortfall in transportation revenue, Fountain Green is using $24,150.00 from the general fund to supplement the Class B&C Fund revenue in order to try to meet our local transportation needs; and

WHEREAS, investing in transportation result in economic development for Fountain Green city and Sanpete County and accessible good-paying jobs for our residents; and

WHEREAS, improving comprehensive transportation in Fountain Green City and Sanpete county will reduce private vehicle usage which will in turn lead to improved air quality; and

WHEREAS, poor air quality discourages economic development, business recruitment and tourism visits, and contributes to asthma and other health ailments; and

WHEREAS, nearly 1 in 10 Utah adults suffer from asthma and struggle to breathe during poor air quality days; and

WHEREAS, nearly 57% of Utah adults are overweight, nearly 200,000 Utahns have diabetes, and diabetes and obesity related health care costs in Utah exceed $700 million; and

WHEREAS, investing in safe and connected trails, bike lanes, sidewalks, and multi-use paths will encourage our residents to be more active, enable them to spend more time with their families via active transportation, and result in improved personal and community health; and

WHEREAS, Utah has created a Unified Transportation Plan to address these comprehensive transportation and quality of life issues; and

WHEREAS, the Utah State Legislature recognized the local transportation needs and enacted HB 362 which authorized counties to impose and voters to approve a 0.25% local option general sales tax dedicated to local transportation; and

WHEREAS, the city will, upon county imposition and voter approval, receive 0.10% of the 0.25% sales tax to invest in critical local transportation needs.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FOUNTAIN GREEN, UTAH:

SECTION 1. Support the 0.25% Local Option General Sales Tax. The City Council supports the proposed 0.25% Local Option General Sales Tax that the Sanpete County governing body may submit to voters in Sanpete County in November.

SECTION 2. Encourage Submission of Proposal to the Voter of Sanpete County. The City Council urges the county governing body to submit the 0.25% local option general sales tax dedicated to transportation to the voters of the county for the November 2015 election. The City Council also publicly supports the county governing body in submitting the 0.25% local option general sales tax dedicated to transportation to the electorate of the county.

SECTION 3. Encourage Voters to Enact the 02.5% Local Option General Sales Tax. The City Council encourages voters to carefully consider the potential impact from the 0.25% general sales tax local option and to support the enactment of the 0.25% local option general sales tax because of the potential impact explained below.

SECTION 4. Road and Street Needs in Fountain Green City. The City has significant traditional transportation needs that the municipal 0.10% portion could address. Although the City, through grant and loan, completed the street maintenance project, there is ongoing maintenance of chip sealing, patching and crack sealing.

SECTION 5. Effective Date. This Resolution shall become effective upon passage.

APPROVED BY THE CITY COUNCIL OF THE CITY OF FOUNTAIN GREEN, UTAH, ON THIS

18 DAY OF June, 2015 BY THE FOLLOWING VOTE:

	YES	NO	ABSTAIN	ABSENT
City Council Member				✓
City Council Member				✓
City Council Member	✓			
City Council Member	✓			
City Council Member	✓			

Mayor: [signature] Attest: Michelle Waeker

RESOLUTION 2015-03: BURIAL AND HEADSTONE POLICY

FOUNTAIN GREEN CITY
RESOLUTION 2015-03

WHEREAS, Fountain Green City wishes to have a more clear definition of burials of infants and cremations and

WHEREAS, Fountain Green City wishes to define the number of burials that shall exist on one lot and,

WHEREAS, Fountain Green City wishes to maintain organization concerning record keeping and placement of headstones,

NOW THEREFORE, be it resolved by the City Council of Fountain Green City that the following regulations and policies relative to burials in the Fountain Green Cemetery be enacted effective March 26, 2015.

Burial Procedures:

1. In the case of an already existing grave, one cremation or one infant will be allowed on the same lot.

2. Two cremations, or two infants, or a combination of either one infant and one cremation will be allowed on one lot.

3. No double stacking will be allowed.

4. A vault shall be required for caskets and cremation urns.

Headstone Policy:

l. One headstone or two foot stones will be allowed on lots with multiple burials which include infants and cremations and will require designating East or West on headstone, or require a separate foot stone for each burial.

PASSED APPROVED AND ADOPTED BY the Fountain Green City Council this 26th day of March, 2015

_____

Ronald L Ivory, Mayor

ATTEST:_____

Michelle Walker, Recorder

RESOLUTION 2015-2: RESIDENTIAL ANTI-DISPLACEMENT PLAN AND CERTIFICATION

Fountain Green City Resolution — 2015-2

A RESOLUTION ADOPTING A RESIDENTIAL ANTI-DISPLACEMENT PLAN AND CERTIFICATION.

WHEREAS, the city desires to avoid displacement to minimize the adverse impacts on persons of low and moderate income from acquisition and relocation activities assisted with funds originating under the Housing and Community Development act of 1974, and

WHEREAS, the city desires to apply for a CDGB grant, and adopting such a policy is a requirement to so apply,

NOW THEREFORE BE IT RESOLVED:

The following is hereby adopted into the "Sanpete County Moderate Income Housing Plan Fountain Green City" of September 1997: It shall be the policy of Fountain Green City to establish and follow the plan described below to minimize the adverse impacts on persons of low and moderate income resulting from acquisition and relocation activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended. This plan does not replace but is supplementary to the acquisition and relocation requirements stated in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (49 CFR Part 24), as amended, as well as the Utah Relocation Assistance Act.

I. REPLACEMENT OF DWELLING UNITS

A. Fountain Green City will replace all occupied and vacant occupiable low/moderate income dwelling units demolished or converted to a use other than as low-moderate income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1) on a one-for-one basis, unless a written waiver has been received as provided for in 24 CFR 570.606(b)(1)(iii).

B. All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, Fountain Green City will make public and submit to the Division of Housing & Community Development the following information in writing:

1) A description of the proposed assisted activity;

2) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

3) A time schedule for the commencement and completion of the demolition or conversion;

4) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

5) The source of funding and time schedule for the provision of replacement dwelling units; and

6) The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date initial occupancy.

II. RELOCATION ASSISTANCE

Fountain Green City will provide relocation assistance, as described in 24 CFR 570.606(b)(2) to each moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities.

III. DISPLACEMENT STRATEGY

Consistent with the goals and objectives of activities assisted under the Housing and Community Development Act of 1974, as amended, Fountain Green City will take the following steps to minimize the displacement of person from their homes:

A. Stage the rehabilitation of assisted housing to allow tenants to remain during and after rehabilitation, rehabilitation of empty units to allow the shifting of tenants during rehabilitation of occupied units;

B. Provide counseling to assist homeowners and renters to understand the range of assistance options available, utilizing existing housing programs to the greatest extent possible;

C. Give priority in assisted housing units in the neighborhood to area residents facing displacement;

D. Target Section 8 existing program certificates to households being displaced, and recruit area landlords to participate in the program;

E. Provide counseling and referral services to assist displaced homeowners and renters find alternative housing in the affected neighborhood; and

F. Work with the landlords and real estate brokers to locate vacancies for household facing displacement.

IV. CERTIFICATION

I Ronald L. Ivory certify that Fountain Green City has adopted the above Anti-displacement and Relocation Assistance Plan by formal resolution on the 24 day of February, 2015.

READ, PASSED AND ADOPTED this 24 day of February, 2015 by the City Council of Fountain Green City.

Ronald L. Ivory, Mayor

Michelle Walker

Michelle Walker, City Recorder

RESOLUTION NO. 04172014: A RESOLUTION OF APPROVAL TO APPLY TO THE LAND AND WATER CONSERVATION FUND

Be it resolved by the City Council of Fountain Green
That the preliminary application to the Land and Water Conservation Fund has been reviewed and approved. Understanding that at any time during the preliminary process there will be no City monies used and that the application can be pulled at any time.

Passed the 17 day of April, 2014

Fountain Green
Name of City

by [signature]
Mayor

Attest:
Michelle Waeker
Recorder

RESOLUTION 09192013: SHUT OFF VALVES FOR CULINARY WATER SYSTEM

RESOLUTION NO. 09192013

A RESOLUTION REGARDING CULINARY WATER SYSTEM SHUT OFF VALVES

Be it resolved by the city of Fountain Green for the benefit of homeowners and Fountain Green City, it shall be a requirement that all stick built homes with a crawl space constructed after 09/19/2013 that are connected to the Fountain Green culinary water system, shall have a water shut off valve for their culinary water line. The said shut off valve needs to be located and accessible on the main floor of the home.

All manufactured homes brought into Fountain Green City after 09/19/2013 that are connected to the Fountain Green culinary water system shall have a water shut off valve for their culinary water line. The said shut off valve needs to be a brass, slotted stop and waste valve and stand pipe, located and accessible within two (2) feet outside of the home.

Passed on the 19 day of September, 2013.

Fountain Green

Name of City

by

MAYOR

ATTEST:

Michelle M. Wacker

RECORDER

RESOLUTION 10-18-2012: ENFORCEMENT OF FLOOD HAZARDS

RESOLUTION: 10-18-2012

WHEREAS, certain areas of Fountain Green City are subject to periodic flooding, causing serious damages to properties within these areas; and

WHEREAS, it is the intent of this Council to require the recognition and evaluation of flood hazards in all official actions relating to land use in areas having these hazards; and

WHEREAS, this body has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to:

Utah Code Ann. 10-3-701 & 17-53-201.

(State Statute)

NOW, THEREFORE, BE IT RESOLVED, that this Council hereby:

1. Assures the Federal Emergency Management Agency that it will enact as necessary, and maintain in force, in those areas having flood hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 60 of the National Flood Insurance Program Regulations; and

2. Vests Mayor of Fountain Green City with the responsibility, authority and means to:

   (a) Assist the Administrator, at his/her request, in the delineation of the limits of the area having special flood hazards.

   (b) Provide such information concerning present uses and occupancy of the floodplain, mudslide (i.e., mudflow), or flood-related erosion areas as the Administrator may request.

   (c) Maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a Flood Hazard Boundary Map (FHBM) or Flood Insurance Rate Map (FIRM), any certificates of floodproofing, and information on the elevation (in relation to mean sea level) of the level of the lowest flood (including basement) of all new construction or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed.

(d) Cooperate with Federal, State, and local agencies and private firms which undertake to study, survey, map, and identify floodplain, mudslide (i.e., mudflow), or flood-related erosion areas, and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide (i.e., mudflow), and/or flood-related erosion areas in order to prevent aggravation of existing hazards.

(e) Upon occurrence, notify the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all FHBM's and FIRM's accurately represent the community's boundaries, include within such notification a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

(f) Submit an annual report to the Administrator concerning the community's participation in the program, including, but not limited to the development and implementation of floodplain management measures.

3. Appoints Fountain Green Mayor (designate agency or official) with the responsibility, authority, and means to implement the commitments as outlined in this Resolution.

4. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the adopted floodplain management measures.

CERTIFICATION

I, the undersigned, Michelle Wacker, do hereby certify that the above is a true and correct copy of a resolution duly passed by Fountain Green City Council at a regular meeting duly convened on October 18, 2012.

Michelle Wacker
(Secretary or Responsible Person)

APPROVED: [signature]
(Mayor or County Judge)

DATE PASSED: 10/18/12

RESOLUTION 2-16-2012: CLEAR VIEW ZONE IN RESIDENTIAL/AGRICULTURAL ZONE

RESOLUTION NO. 2-16-2012

A RESOLUTION REGARDING CLEAR VIEW IN RESIDENTIAL/AGRICULTURAL ZONES

Be it resolved by the city of Fountain Green that every intersection in the Residential/Agricultural Zones(with the exception of 400 S. State Street to 500 W.) shall have a clear view, being defined as no obstruction on any corner lot within a triangular area formed by measuring from the edge of the asphalt at the intersection going both directions 90 ft. with no trees or shrubs over three and one half (3 1/2) feet in height being permitted unless they can be pruned at least seven and one half (7 1/2) feet above established grade of the curb as not to obstruct clear view. See attachment.

Passed the 16th day of February, 2012

FOUNTAIN GREEN CITY

Name of City

by MAYOR

ATTEST:

RECORDER

Fountain Green City

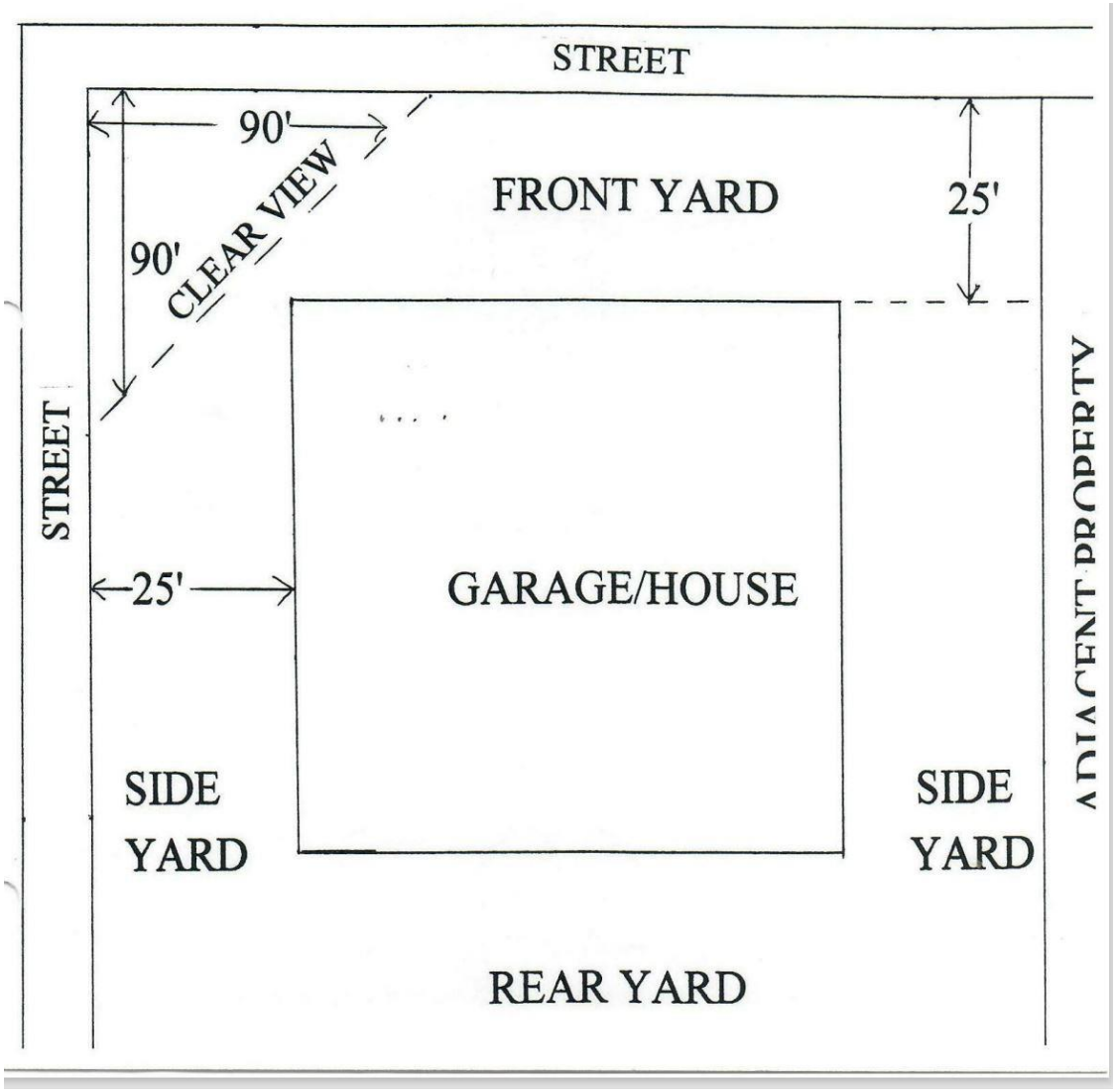
Clear View

Residential/Agricultural Zones

Definitions:

1. Clear View shall mean that there is no obstruction on any comer lot within a triangular area formed by the intersection asphalt line.

2. No tree or shrub over three and ½ feet in height are permitted unless they can be pruned at least seven and ½ feet above established grade of the curb so as not to obstruct clear view.



RESOLUTION 7-15: DUMPING OF CONCRETE AND ASPHALT ILLEGAL

RESOLUTION NO. 7-15

A RESOLUTION STATING THAT DUMPING OF CONCRETE,
ASPHALT ON CITY PROPERTY BE ILLEGAL

Be it resolved by the city of Fountain Green that it shall be illegal to dump or clean out concrete, or asphalt on city property, whenever possible. If discarding on city property the material must be cleaned up and disposed of within 48 hours or the Contractor and or Landowner will be fined the sum of $200.00.

Passed the 13th day of July, 2004

FOUNTAIN GREEN CITY
NAME OF CITY

by _____MAYOR

ATTEST:

_____
RECORDER

RESOLUTION 51005: A RESOLUTION APPROVING THE INTER-LOCAL AGREEMENT FOR COOPERATIVE HAZARDOUS MATERIALS PROTECTION AND SERVICES

WHEREAS FOUNTAIN GREEN CITY desires to address issues related to and dealing with hazardous materials incidents or emergencies, and

WHEREAS FOUNTAIN GREEN CITY and the other municipal to the Inter-local Agreement for Cooperative Hazardous Materials Protection and Services wish to cooperate to their mutual advantage.

NOW, THEREFORE, at a regular meeting of the legislative body of FOUNTAIN GREEN,

UTAH, duly called, noticed, and held on the 10th day of May 2005 upon motion duly made and seconded,

it is unanimously:

RESOLVED that the inter-local Agreement for Cooperative Hazardous Materials Protection and Services between the parties thereto, a copy of which is attached hereto as Exhibit A, is hereby approved and adopted. A copy of the agreement is on file in the Office of Fountain Green City.

VOTED UPON AND PASSED BY THE FOUNTAIN GREEN CITY COUNCIL AT A

REGULAR MEETING OF THE FOUNTAIN GREEN CITY HELD ON THE 10th DAY OF MAY, 2005.

Name and Title of Person Signing

Scott R Collard

Mayor

Title of person

Attest:

Maureen E. Lund

Clerk

Exhibit A

INTER-LOCAL AGREEMENT FOR COOPERATIVE

HAZARDOUS MATERIALS PROTECTION AND SERVICES

This agreement is made and entered into this day by and between the following:

Sanpete County

Millard County

Sevier County

Juab County

Wayne County

Koosharem City

Monroe City

Elsinore City

Annabella City

Sterling City

Moroni City

Ephraim City

Fairview City

Manti City

Mt. Pleasant City

Richfield City

Joseph City

Salina City

Glenwood City

Aurora City

Redmond City

Sigurd City

Piute County

This agreement is made and entered into by the parties based in part upon the following recitals:

A. The parties enter into this agreement pursuant to the provisions of and authority granted to them by the Utah Inter-local Co-Operation Act, as set forth in Utah Code annotated, Section 11-13-101 et seq (1953, as amended).

B. The parties wish to provide for their mutual assistance to provide for the public safety, public order, and other emergency incidents related to hazardous materials.

C. The parties intend by this agreement to share the monies made available to the parties by federal grants) and/or provided by the Sate of Utah, for the purpose of dealing with incidents and emergencies involving hazardous materials.

D. The parties also intend by this agreement to commit to support and assist each other with hazardous materials incidents or emergencies, by providing their available resources whenever possible, subject to the sole discretion of each party to determine what personnel, equipment, materials, and other resources it can reasonable provide in the circumstances, to assist the Utah inter-local entity, and further subject to reimbursement by the Utah inter-local entity and/or the parties as set forth in this agreement.

NOW THEREFORE, in consideration of the mutual terms and conditions set forth in this agreement and the attached addenda, the parties hereto do hereby agree as follows:

5. <u>Definitions as used in this agreement:</u>

    A. “Agent” or “Agencies” shall mean the fire, police, or sheriff departments of the counties, municipalities, and special service districts, which are partis to this agreement.

    B. “Corporate limits” means, as to counties, the unincorporated territory of each of the party counties and, as to the party municipalities, the incorporated territory of each of the party municipalities, and as to special service districts, the area, including the unincorporated and incorporated territory, service by the special service district.

    C. "Emergency" means any incident involving public safety related to hazardous materials protection and suppression as well as a "disaster" as defined by Utah Code Annotated, Sections 63-5-2 (1), and 63-5a-2(1) (1953 as amended); a "state of emergency" as defined by Utah code Annotated, Section 63-5a-2(6) (1953 as amended); a "local emergency" as defined by Utah Code Annotated, Section 63-5a-2(7) (1953 as amended): or any other incident in which there exists a threat to public health, welfare, safety, or property under emergency conditions related to hazardous waste materials.

D. "Hazardous Materials" means hazardous waste as defined in the Utah Hazardous Waste Management Regulations, PCBs, dioxin, asbestos, or a substance regulated under 42 U.S.C., Section 6991 (2), biological, chemical and radiological wastes as defined in the FEMA Terrorism Planning Course, 2002, and a solid waste or combination of solid wastes other than household waste which, because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, as defined in Utah code Annotated, Section 19-6-102(9) and as defined by U.S. code of Federal Regulation Title 49 parts 100-199.

E. "Recipient" shall mean that party receiving the services performed or materials provided in an emergency.

F. "Requesting Agency" shall mean the agent or agency in the county, city, or special service district, which has requested the materials, equipment, personnel or the performance of services under this agreement from the responding agency.

G. "Resources" means the personnel, equipment, materials and other resources of each party to this agreement and specifically includes law enforcement and fire departments.

H. "Responding Agency" shall mean the county, city or special service district when either party responds to the request of a receiving agency by providing materials, equipment, or personnel in the performance of services under this agreement.

2. Mutual Hazardous Materials Support Assistance

In the event of an incident involving hazardous materials, the parties shall provide mutual support assistance in the manner and subject to the conditions set forth in this agreement.

3. Nature and Limitation of Agreement

A. This agreement is an inter-local agreement entered into pursuant to the provisions of and authority granted by the Utah Inter-local Co-Operation Act, as set forth in Utah code Annotated, Section 11-13-202 (1953, as amended), and does not create a separate legal entity.

B. The purpose of the inter-local agreement is to provide for the public safety, public order, and other emergency incidents related to hazardous materials.

C. This agreement shall remain in full force and effect between the parties until such time as it is terminated by a vote of the majority of the parties hereto as set forth in Paragraph 3 F below, or 50 years, whichever occurs first.

D. The parties shall fund the joint and cooperative undertaking of the parties with grant(s) from the federal government or contributions by the State of Utah, which are granted to the parties for the purpose of dealing with incidents or emergencies related to hazardous materials.

E. The joint and cooperative undertaking of the parties shall be governed by an executive committee (hereinafter referred to as "Executive Committee"), which shall make all decisions and policies, and shall consist of one member selected by each county. The Executive Committee shall select a person to chair the Executive committee by a majority of its members. The Executive Committee shall be governed by a majority of the votes from its members. The chairperson shall be considered a member of the Executive committee. The Executive committee shall make no decisions unless a minimum of 3 or 100 percent (whichever is less) of its members is present. The Chairman will be allowed to cast and extra vote in the event of a tie as a tiebreaker.

F. This agreement may be partially or completely terminated by a majority of votes of the members of the Executive Committee, which partial or complete termination shall be effective on the date established by the Executive committee. If the property which is to be disposed of, by virtue of a partial or complete termination of this agreement, shall be sold or disposed of as determined by a majority of the members of the Executive Committee.

4. Mutual Aid in a Disaster, State of Emergency or Local Emergency related to Hazardous Materials

In the event of a disaster, state of emergency, or local emergency related to hazardous materials, as defined above, the parties shall provide mutual aid in the manner and subject to the following conditions:

A. The recipient has the authority and responsibility under the Utah Disaster Response and Recovery Act in a state of emergency, local emergency, or other disaster to respond to an emergency and to obtain such assistance as is reasonably necessary in the circumstances.
B. This agreement anticipates the possibility of a future declaration of a local emergency related to hazardous materials by a city or a county, or a state of emergency by the Governor of the State of Utah.

C. Utah code Annotated, Section 63-5a-9(3) (1953 as amended), of the Utah Disaster Response and Recovery Act authorizes political subdivisions to enter into mutual aid compacts with other political subdivisions with the State of Utah concerning matters involving cooperative disaster response and recovery assistance support consistent with the performance of services under this agreement.

5. Lawful Responsibility

This agreement shall not relieve any party of any obligation or responsibility imposed upon it by law.

6. Provision of Personnel, Equipment, and Materials

A. The Executive Committee shall, in its own discretion administer the purchase of materials and equipment and/or maintenance and repairs necessary to deal with incidents or emergencies related to hazardous materials from the funds made available to it. If the Executive committee needs to go to the participating counties for funding for materials and equipment or maintenance and repairs the counties who are parties to this agreement will fund these expenses on the basis of the percentage of the appraised value of each county when compared to the total appraised value of all counties.
B. The parties shall train and/or coordinate training and certification of the personnel, pursuant to the standards of the Utah Fire Service Certification Council, that will participate in incidents or emergencies related to hazardous materials, which include Five (5) levels of training as follows:

1. Awareness: Those personnel on the HAZMAT team that will first arrive on the scene or respond to the incident or emergency. Personnel responding to the incident or emergency must have Awareness training and certification to participate.

2. Operations: Training, which will allow personnel to initiate and take defensive measures related to the incident or emergency.

3. Technician: Training, which will allow personnel to take offensive measures to deal with the incident or emergency,

4. Incident Commander: Training, which will allow personnel to take charge at the scene of an incident or emergency and direct and coordinate agencies, personnel, and materials.

5. Toxicology Paramedic: Training in Advanced Hazardous Materials Life Support, which will allow paramedics to understand and deal with specific hazardous material exposures.

C. Each county shall have two (2) people trained to qualify as a HAZMAT Incident Commander unless otherwise waived by an addendum to this agreement.

D. The parties shall station or house its resources, purchased as part of this agreement, in strategic locations as determined by the Executive Committee.

E. Each of the county parties shall station or house a defensive cache with defensive resources within each county's corporate limits. The resources to be stored in the defensive caches shall be determined by the Executive Committee.

F. Each party shall supplement the resources, which have been funded by this agreement, with such resources as are available to the parties that are reasonably necessary to provide assistance to the recipient in coping with a state of emergency, local emergency, or disaster, subject to the sole discretion of each party to determine what personnel, equipment, materials, and other resources it can reasonably provide in the circumstances, and further subject to reimbursement by the parties as set forth in this agreement, subject to the compensation provisions set forth in paragraph 13 below.

G. In the event that responding agency has a need for the return of the personnel, equipment, unexpended materials, or other unexpended resources provided to a receiving agency, the responding agency may, at its sole discretion, immediately recall all or a portion of such personnel, equipment, unexpended materials, or other unexpended resources.

H. Pursuant to Rule 426-14-500 of the Utah Administrative Code, and the Mutual Aid Agreement attached hereto as Exhibit "A", Regional Hazmat Response Team Paramedics ("Team Paramedics") specifically trained in emergency toxicology, shall be allowed to respond to incidents or emergencies related to hazardous materials within their jurisdiction. The purpose for the team paramedics shall be for team member logistical support, member rehabilitation, and emergency medical care, to include transport if local resources that are unavailable. The Team Paramedics may also act as a resource for the receiving agency for patient care as requested. Team paramedic response is not intended to supplant local EMS resources, but to supplement and provide specialized services not nonnally available.

7. First Response

Each agency shall first respond to the emergency incident within its jurisdiction utilizing its own resources before requesting resources, which have been funded by this agreement, or other agencies. Each agency shall be responsible to first instruct its dispatchers for their own agencies to make reasonable and diligent effort to send available resources from the requesting agency.

8. Command at Scene

   G. The resources used in response to the incident or emergency related to hazardous materials shall be performed and provided in the manner, amount, time, nature, and place as directed by one of the Incident commanders from the county in which the incident or emergency occurs, and as such, shall be the officer in command of the incident.

   B. The Incident Commander may request the dispatcher of the requesting agency to request additional assistance from any other agency in accordance with the protocol described in Paragraph 9 below.

   C. The responding personnel or the chief officer from each department of the responding agency shall report to the Incident Commander as soon as reasonably possible upon the arrival of the responding personnel at the scene of the emergency or the location where the assistance is requested. Thereafter, the responding personnel shall comply with the directions of the Incident Commander with respect to the incident or emergency.

9. Incident Command Protocol

   It is the intent of the agencies that their respective fire or other involved departments utilize and comply with the uniform incident command and dispatch protocol which has been developed, approved, and implemented by each agency in the event of emergency incidents or incidents related to hazardous materials.

10. Release of Resources

    A. The Incident Commander shall, as soon as reasonably possible, release resources from other responding agencies before releasing the resources of the requesting agency.

    B. Resources from responding agencies shall be released by the Incident Commander when he determines that the services and other resources of the responding agencies are no longer required or when the chief officer of the participating departments of the responding agency notifies the Incident Commander that the resources of the responding agency are needed within the corporate limits of the responding agency.

11. Discretionary Response

    Notwithstanding any other provision of this agreement, no agency shall be required to respond to a request for assistance from another agency when the senior or duty officer of the involved departments of the responding agency determines that the absence of available fire or other resources will jeopardize the ability of the responding agency to provide necessary services within its own corporate limits.

12. No Waiver of Immunity

Nothing herein shall be construed to waive any of the privileges and immunities associated with hazardous materials protection or other related services, including medical, ambulance or any other services, or any of the agencies.

13. Compensation

The cost of all resources provided by a party and/or the participating agencies shall be reimbursed and paid for as follows:

A. To the extent possible, the third person, which caused the incident or emergency, and/or the third person's liability insurance carrier. Each responding agency shall submit to the requesting agency a detailed accounting of the expenses it incurred as a result of its response and participation in the incident or emergency, which shall be submitted no later than ninety (90) days from the date of the incident or emergency. The Executive Board may, for good cause, extended or reduce the period of time in which a responding agency must submit its accounting to the requesting agency. The requesting agency shall submit and process the claim against the third person and/or the third person's liability insurance carrier.

B. All costs not recovered from the third person and/or the third person's liability insurance carrier shall be reimbursed from funds from the State of Utah or federal monies, to the extent that said funding/or monies are available.

C. All costs not recovered as set forth in Paragraph 13A and B above shall be the responsibility of the party and /or the participating agencies incurring the costs. The parties and/or the participating agencies shall not be reimbursed by any other party hereto, or the requesting and responding agencies, for any costs incurred in the rendition of services pursuant to the terms of this agreement for personnel, materials, or equipment utilized subject to the terms of this agreement unless specifically agreed to otherwise in writing by the parties hereto, or the requesting and responding agencies with respect to any specific incident or emergency incident.

14. Personnel Status

A. The personnel assigned or utilized in the performance of the services as required under this agreement shall at all times be deemed and remain as employees of their respective agencies. Employees of responding agencies shall not be considered as employees of the requesting agency.

B. Each agency shall be solely responsible for providing Workers' Compensation, insurance, wages, and benefits for its own personnel who provided services under this agreement.

15. Waiver of Reimbursement

Subject to the terms of this agreement and unless specifically agreed to otherwise in writing by the requesting and responding agencies with respect to any specific incident or emergency incident, the parties waive any claims as responding agencies for reimbursements from the receiving agencies for the costs of materials and equipment, including any claims for damages, maintenance, repair, replenishment, or replacement of equipment and materials, utilized and expended by the responding agency.

16. Indemnification

A. The requesting agency agrees to indemnify and save harmless the responding agency and the employees of the responding agency, if they are acting within the course and scope of their duties, from all claims, suits, actions, damages and costs of every kind, including but not limited to a reasonable attorney's fees, and court costs arising agency under this agreement unless such claims

are the result of the negligence of the responding agency or the employees of the responding agency.

B. The responding agency shall hold harmless and indemnify the requesting agency and the employees of the requesting agency against any liability for any and all claims arising from any damages or injuries caused by the negligence of the responding agency or the employees of the responding agency except to the extent of the negligence of the requesting agency or the employees of the requesting agency.

17. Injury or Death in the Line of Duty

Any injury to or the death of any firefighter or other personnel incurred in the performance of any services pursuant to this agreement, irrespective of the jurisdiction or territory in which the injury or death occurred, shall be deemed to be an injury or death in the line of duty.

18. Whole Agreement

This agreement constitutes the whole agreement of the parties and replaces all prior agreements and understandings related to hazardous materials protection or services provided in relation to hazardous materials, whether written or oral, between the parties except as to any agreements referred to in this agreement and as to any modifications in writing signed by all parties.

19. Severability

If any provisions of this agreement are held to be invalid or unenforceable by a court of proper jurisdiction, the remaining provisions shall remain in full force and effect.

20. Effect on Other Agreements

This agreement shall not supersede or repeal any existing agreements between the parties except as the specific provisions of this agreement are in conflict with such other agreements. In all other respects, the terms and conditions of such other agreements shall remain in full force and effect.

21. No Third-Party Beneficiaries

This agreement is not intended to benefit any party or person not named as an agency specifically herein, or which does not later become a signatory hereto as provided herein.

22. Terms of Agreement

A This agreement shall remain in full force and effect between the parties until such time as it is terminated by a vote of the majority of the parties hereto as set forth in Paragraph 3 F below, or 50 years, whichever occurs first.

B. A party to the agreement may terminate participation by providing ninety 90 days notice of intent to withdraw. The terminating party shall forfeit any interest in property associated with this inter-local agreement and shall satisfy any remaining financial obligation.

23. Resolution of Approval

This agreement is conditioned and shall take effect upon the adoption of a resolution of approval by the County Commissioners of the participating counties, and the City council of the participating cities.

24. Approval by Attorney

This agreement shall be submitted to the authorized attorney of each party for approval as to form and compliance with applicable law.

25. Nature and Limitation of Agreement

A. This agreement is an inter-local agreement and does not create a separate legal entity.

B. All real or personal property acquired by the Executive Committee shall be owned, or possessed jointly by the county parties as the result of this agreement unless specifically agreed to in writing approved and signed by all parties.

C. To the extent that any administration of this agreement is reasonably required, the Executive Committee shall constitute an administrative committee for the purposes of administrative oversight, the interpretation of the provisions of this agreement, and the resolution of any issues or matters arising from the implementation of this agreement.

D. In the event that not all of the named parties approve and sign this agreement, nonetheless, this agreement shall be binding upon those parties that do approve and sign it.

E. This agreement may be executed in counterparts.

26. Effective Date

The effective date of this agreement shall be the date that the parties have signed the agreement, adopted a resolution of approval of this agreement, and filed the agreement with the keeper of records.

IN WITNESS WHERE OF, the parties hereto have executed this agreement on the dates indicated next to their signature.

RESOLUTION 05112004: PROVIDING FOR THE IMPOSITION OF A 9-1-1- EMERGENCY TELEPHONE SURCHARGE FEE

WHEREAS-10-606 THROUGH 53-10-606 1-JCA, as enacted by the 2004 Utah Legislature, 69-2-5 UCA as amended by Chapter 253 Laws of Utah 2003, 63-55-269 UCA, and 69-2-5-UCA 1953 authorizes the establishment of a Statewide Unified E9-1-1 telephone services to pay for 9-11 emergency services from a maximum of 53 cents per month to a maximum of 65 cents per month; and

WHEREAS, 53-10-601 through 53-10-606 UCA, as enacted by the 2003 Utah Legislature, 69-2-5-UCA as amended by Chapter 253 Laws of Utah 2003, 63-55-269 UCA, and 69-2-5.6 UCA 1953, allows a public agency of a county, city, or town within which 9-1-1 emergency telephone service is provided to levy monthly an emergency services telephone charge on:

(i) each local exchange service switched access line within the boundaries of the county, city, or town; and

(ii) each revenue producing radio communications access line with a billing address within the boundaries of the county, city, or town; to pay for the provision of 9-1-1 emergency telephone service within the governing body's jurisdiction, and to pay the directly related cost of a 9-1-1 system; and

WHEREAS, the Fountain Green City Council passed a Resolution imposing such a charge upon all such described access lines within the County. Such collected funds are used to operate and fund the Sanpete County Public Service Answering Point, Sanpete County, Manti, Utah; and

NOW THEREFORE be it resolved that the fountain Green City Council hereby impose a 9-1-1 emergency telephone tax in the amount of sixty-five cents (0.65) per month on each local exchange access line, wireless communications access line or other technological or radio device access line that under normal operation is designed to, or routinely used to access 9-1-1, within Sanpete County, Utah.

IT IS FURTHER RESOLVED that Service Providers be provided written notice of such 9-1-1 tax, that the 9-1-1 tax shall be collected at the time charges for telecommunications are collected under the regular billing practice of the service provider, and that the 9-1-1 tax imposed pursuant to this resolution shall be remitted to the Utah State Tax Commission monthly. Service providers are required to collect such surcharges and remit the amounts collected monthly, together with required reporting forms. The service providers may deduct and retain four cents of the monthly surcharge as cost recovery for implementing wireless enhanced Phase I technology and for collecting and administering the levy.

PRESENTED, READ AND ADOPTED THIS 11TH DAY OF MAY, 2004.

FOUNTAIN GREEN CITY MAYOR

ATTEST:
FOUNTAIN GREEN CITY CLERK

RESOLUTION 02202025(A) CEMETERY POLICY

Whereas, Fountain Green City wishes to have a clear definition of fees in regards to the cemetery for resident and non-resident; and

Whereas, the operations, maintenance, and care provided to the cemetery are such that costs continue to escalate; and

Whereas, Fountain Green Cemetery is deserving of care and maintenance and improvements that must, to some degree, be funded through the sale price and use fees; and

Whereas, Fountain Green City has determined that a fee schedule be created for cemetery costs that, from time to time, the City Council may review and adapt such fee schedule as required;

Whereas, Fountain Green City continues to have a more clear definition of burials of infants and cremation; and

Whereas, Fountain Green City wished to define the number of burials that shall exist on one lot; and

Whereas, Fountain Green City wishes to maintain organization concerning record keeping and placement of headstones;

Now Therefore, be it resolved by the City Council of Fountain Green City that the Cemetery Fee Schedule, as enumerated, and regulations relative to the specific use/fee relationships and regulations/policies relative to burials in the Fountain Green Cemetery be enacted and upheld effective February 20, 2025

1. Fee schedule to be created and adapted as required by review of the City Council
2. Residents are defined as:
    a. One who has a primary residence within Fountain Green City.
    b. Those with homes receiving mail using a Fountain Green zip code.
    c. Health impaired individuals who reside in fountain Green city but due to varying factors must live in a rest home or other care facility or situation outside of the city.
3. Burial Procedures:
    a. Notice to Fountain Green City must be made no later than 72 (seventy-two) hours prior to burial.
    b. Inform City of plot to be used
    c. If burial rights and interment fees have not been pre-paid, these and any unpaid perpetual care fees must be paid before the grave will be opened
    d. No casket or urn shall be interred unless enclosed in a concrete burial vault. (per resolution 2015-03)
    e. Unless prior arrangements have been made, all burials shall take place allowing the compete burial process during regular Fountain Green City business hours.
    f. No burials or disinterment will be allowed on Sunday's or Holidays.
        i. Interment or disinterment in the cemetery shall not be allowed on the following days: New Years Day, Martin Luther King Day, President's Day, Memorial Day weekend beginning Friday morning through Memorial Day, Independence Day (July 4), Pioneer Day (July 24), Labor Day weekend beginning Friday morning through Labor Day, Thanksgiving Day (Thursday thru Saturday), Christmas Eve and Christmas Day, Lamb Day (Saturday).
        ii. All other City observed holidays: In the event that a holiday falls on a Saturday, the preceding Friday shall be treated as the holiday. In the event that a holiday falls on a Sunday, the following Monday shall be treated as the holiday. In the event that the Holiday falls on a

Monday or Friday, the Saturday will be observed as a Holiday. Any exception to this policy must be approved by the City at least 72 hours prior to burial.

g. Infants/Cremations will follow the same rules as other burials unless otherwise specified.
h. In the case of an already existing grave, one cremation or one infant will be allowed on the same grave
i. Two cremations, or two infants, or a combination of either one infant and one cremation will be allowed on one grave
j. No double stacking will be allowed.
k. A vault will be required for all caskets and cremation urns.

HEADSTONES

Ownership And Responsibilities:

Headstones are personal property. All headstones within the cemetery are the property of lot owners, their heirs, or the party responsible for ordering and placing them. All care and upkeep of the headstones are the responsibility of the owner. Fountain Green City is not responsible for any damage that may occur to headstones. Such damages are a condition that will go with the privilege of placing markers in the cemetery.

It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in said cemetery except under the direction and supervision of the cemetery superintendent.

Specifications For Headstones:

It shall be unlawful for any person to place or to have placed any monument on any lot inside cemetery not made of metal inlay, stone, or cement. Such monument shall be securely set in a cement foundation of at least four inches deep with a cement mow strip not less than five inches around said marker.

The following are headstone size recommendations: Maximum lengths are: Singles 40", doubles 80", and triples 120". Maximum height is 36". Maximum width is 24". Any marker size that exceeds these recommendations requires the prior written approval of the cemetery superintendent.

Foot stones must be at ground level.

One headstone or two footstones will be allowed on lots with multiple burials which include infants and cremations and will require designating East or West on headstone, or require a separate footstone for each burial.

Headstones will be placed in an orderly manner in predesignated rows and as directed by the superintendent.

The placement of permanent markers is encouraged to be within one year after interment.

Vases:

All permanent vases must be attached to the stone base or cast into the cement base with at least two (2) inches from the edges of the cement base.

Obstructions:

No iron ornaments, brackets, flag poles, or other obstructions or installations except a headstone or monument will be permitted in the cemetery. Any ornamentation must be attached to the concrete apron. Any ornamentation placed that is not attached to the headstone apron will be subject to immediate removal.

Modifications:

If a monument is determined, by the sexton, to be oversized and interferes with the sprinkler irrigation system, the owner will pay for the necessary modifications (applicable to stones placed after September 6, 1996).

Interference With Excavation:

The owner or responsible party is responsible for the removal and replacement of a marker that must be moved for the excavation of a grave, or for the expenses of such services if contracted. If the owner or responsible party wishes, the city will make arrangements for the service with a local monument dealer at the owner's expense.

Recommendations:

Consult with a monument manufacturer on monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water, and occasional nicks and chips from mowing equipment. It is recommended that raised markers have a rough nosed base or edge rather than a polished, smooth surface. People ordering headstones from a monument dealer should check, or cause to be checked, the restrictions first to ensure that the stone will meet cemetery specifications.

Cemetery Supervision:

All work in the cemetery including but not limited to interments, disinterment, planting, landscaping, grading, record keeping, placement of grave markers, grounds keeping construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the cemetery superintendent.

Liability Of Cemetery:

Fountain Green City personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the lot owners but shall not be liable for any damage or loss.

Hunting Cemetery:

Fountain Green City prohibits hunting in or around the cemetery.

Approved and signed this 14 day of May, 2025

Mark Coombs

Mayor

5/14/25

Date:

Michelle Walker

Recorder

5/14/2025

Date:

Roll Call Vote: Kerry Farnsworth Yes, Alyson Strait Yes, Rod Hansen Yes, Kim Johnson Yes, Jacob Littlefield Yes.

RESOLUTION: 02202025(B) DANCE HALL AND/OR THEATER RENTAL

Whereas, Fountain Green City owns and operates the Dance Hall and Theater; and

Whereas, Fountain Green City wishes to rent out the Dance Hall and Theater to people; and

Whereas, Fountain Green City feels that the Dance Hall and Theater are worthy of being protected, maintained, and improved at a cost which must, to some degree, be funded through rental and use fees; and

Whereas, the cost of running and maintaining these buildings continues to escalate; and

Whereas Fountain Green City wishes to make clear the rules, fees, and deposits to renters; and

Whereas, Fountain Green City wishes to have a clear definition of fees in regard to residents and nonresidents;

Whereas Fountain Green City has determined it necessary to create a fee schedule for clarification of costs, that from time to time, the City Council may review and adapt such fee schedule as required;

Now Therefore, be it resolved by the City Council of Fountain Green City that the Dance Hall/Theater fee schedule as enumerated, and regulation relative to the specific use/fee relationships and regulations/policies related to rental of the Dance Hall and or Theater be enacted and upheld effective February 20, 2025

1. Fee Schedule be created and adapted as required by review of the City Council
2. Residents are defined as:
    a. One who has a primary residence within Fountain Green City.
    b. Those with homes receiving mail using a Fountain Green zip code.
3. In the interest of public safety Fountain Green City has developed the following rules, regulations, for the rental and/or use of the Dance Hall and Theater
    a. Fountain Green City cannot and will not be responsible for damage of any kind to public or private property and Fountain Green City will not be responsible for any injuries which may occur.
    b. The lessee is responsible for ANY and ALL damage.
        i. Cameras are placed in the Dance Hall and Theater and may be used to determine the cause of any damage done to the building and equipment.
        ii. Lessee will not and cannot hold Fountain Green City or any City official liable for any injuries or damage that may occur to lessee, or anyone invited by lessee.
    c. Person(s) responsible for event and rental of the Dance Hall and Theater must be 21 years of age or older and remain on premises at all times of the lessee's event/agreement.
    d. One or more security Officer(s) are required to be present during any Dance, Festival, or band performance of any kind that involves 75 or more people. The hiring of security guard is the responsibility of the lessee. Fountain Green City may provide contact information for a Security Guard if lessee is unable to find one.
        i. Security Guard will be an off-duty officer.
        ii. Wedding receptions where the public may attend in a 30-minute time frame are excluded from this requirement
    e. All fees collected by Fountain Green City are for the use of maintaining and improving City property.

f. Any music played higher or louder than Fountain Green City ordinances will be cause for termination or shutting down of event.
g. NO alcohol or smoking is allowed on any Fountain Green City property. If alcohol or smoking is found in or on Fountain Green City property, the lessee will be responsible for an additional alcohol/smoking violation fee as determined by the City Council and reviewed or adjusted as needed on the Fountain Green City fee schedule. Lessee will also forfeit the deposit and rental fee amounts paid at time of rental.
h. All activities must end by 11:30 p.m. All people must be out of the Dance Hall/Theater by 12:00 a.m.
i. Children and all minors must be supervised at all times.
j. Lessee is responsible for setting up, taking down, putting away, and cleaning up of the Theater/Dance Hall
k. All trash must be removed from the entirety of the buildings and taken outside to the dumpster.
l. A refundable deposit, amount to be posted in the Fountain Green City fee schedule, will be charged. This fee must be paid by a check or cash left in the possession of the Fountain Green City office at the time the lessee picks up keys or keyless entry passes. Once the Theater/Dance Hall has been cleared as clean with no damage, the lessee can retrieve the refundable deposit amount from Fountain Green City Office.
m. The management, Fire Department, or Police Department reserves the right to close down any event at any time they deem necessary.
n. Rental fees are due within 24 hours of booking the Theater/Dance Hall. If payment is not made by the lessee before the 24-hour holding period, the date requested shall be released for possible rental by another lessee.
o. If cancellation of the reservation is required by lessee, the following will apply:
    i. If the reservation is cancelled 30 days or more before the scheduled date a refund of the full reservation will be provided.
    ii. If the reservation is canceled within 15 to 29 days before the scheduled event, then a 75% refund will be provided.
    iii. If the reservation is canceled within 7 to 14 days before the scheduled event, then a 50% refund will be provided.
    iv. If the reservation is canceled 6 or fewer days before scheduled event a refund will not be provided.
p. Lessee deposit will be retained by Fountain Green City if damage occurs to Fountain Green City property or equipment or if the building or equipment is not left in a clean state.
    i. Additional fees/charges may occur if the damage done to the building or equipment is in excess cost of the deposit provided.
q. There will be an additional fine, amount to be noted on the Fountain Green City fee schedule, if the fire extinguishers and/or smoke and fire alarms are tampered with.
r. If the lessee has rented the Dance Hall portion of the building, then access to the Theater and Theater equipment is prohibited.
s. All tables and chairs must remain in the Dance Hall. Dividers can be placed around unused chairs and tables, but they must remain in the Dance Hall room and not be placed in the Theater, entrance to Dance Hall, or Theater Hall.
t. Cleaning instructions will be posted on the wall of the kitchen.

u. When vacating the premises place all thermostats in the building being used to 62 degrees in the fall/winter and turn the unit off in the spring/summer months.
v. Occupancy limit of the Theater and Dance Hall is 150 people.
w. Do not unplug or move cables and cords. These are set for the function of the Theater. Please see instructions sheets placed in the Theater for proper use of equipment.
x. Do not move or rearrange décor.
y. Please do not use loose glitter in your décor.
z. Please do not tape, glue, or pin posters or signs to painted surfaces
    i. If you must hang a sign, please place it on the sound reduction surfaces using a small diameter push pin or scotch tape only and remove from surface as soon as possible and with care.
aa. Please wear non-mark non-scuff shoes if possible and take care not to damage or mark the floor.
bb. Do not take-home items from the kitchen area and place any items used back in their proper place in clean condition.
cc. If utilizing the tablecloths located at the dance hall, please place soiled tablecloths on the kitchen area counter and they will be laundered.
dd. Any rental or use of the dance hall or theater constitutes an understanding of and compliance with this resolution.

Approved and signed this 20 day of February, 2025

Mark Cornia — 2/20/2025

Mayor — Date:

Michelle Walker — 2/20/2025

Recorder — Date:

Roll Call Vote: Kerry Farnsworth, Alyson Strait, Rod Hansen, Kim Johnson, Jacob Littlefield.

FOUNTAIN GREEN CITY INCORPORATED JANUARY 1910 CORPORATE SEAL

RESOLUTION: 02202025(C) CITY HALL RENTAL

Whereas, Fountain Green City owns and operates the City Hall Building; and

Whereas, Fountain Green City wishes to rent the Banquet Room and Conference Room A to people; and

Whereas, Fountain Green City feels that the City Hall Building is worthy of being protected, maintained, and improved at a cost which must, to some degree, be funded through rental and use fees; and

Whereas, the cost of running and maintaining the City Hall Building continues to escalate; and

Whereas Fountain Green City wishes to make clear the rules, fees, and deposits to renters; and

Whereas, Fountain Green City wishes to have a clear definition of fees in regard to residents and nonresidents;

Whereas, Fountain Green City has determined it necessary to create a fee schedule for clarification of costs that, from time to time, the City Council may review and adapt such fee schedule as required;

Now Therefore, be it resolved by the City Council of Fountain Green City that the City Hall Building fee schedule as enumerated, and regulation relative to the specific use/fee relationships, and regulations/policies related to rental of the City Hall be enacted and upheld effective February 20, 2025

1. Fee Schedule be created and adapted as required by review of the City Council
2. Residents are defined as:
    a. One who has a primary residence within Fountain Green City.
    b. Those with homes receiving mail using a Fountain Green zip code.
3. In the interest of public safety Fountain Green City has developed the following rules, regulations, for rental and/or use of the City Hall.
    a. Fountain Green City cannot and will not be responsible for damage of any kind to public or private property and Fountain Green City will not be responsible for any injuries which may occur.
    b. The lessee is responsible for ANY and ALL damage.
        i. Cameras are placed in the City Hall and may be used to determine the cause of any damage done to the building and equipment.
        ii. Lessee will not and cannot hold Fountain Green City or any City official liable for any injuries or damage that may occur to lessee, or anyone invited by lessee.
    c. Person(s) responsible for event and rental of City Hall must be 21 years of age or older and remain on premises at all times of the lessee's event/agreement.
    d. One or more security Officer(s) are required to be present during any Dance, Festival, band performance of any kind that involves 75 or more people. The hiring of security guard is the responsibility of the lessee. Fountain Green City may provide contact information for a Security Guard if lessee is unable to find one.
        i. Security Guard will be an off-duty officer.
        ii. Wedding receptions where the public may attend in a 30-minute time frame are excluded from this requirement
    e. All fees collected by Fountain Green City are for the use of maintaining and improving City property.

f. Any music played higher or louder than Fountain Green City ordinances will be cause for termination or shutting down of event.
g. NO alcohol or smoking is allowed on any Fountain Green City property. If alcohol or smoking is found in or on Fountain Green City property, the lessee will be responsible for an additional alcohol/smoking violation fee as determined by the City Council and reviewed or adjusted as needed on the Fountain Green City fee schedule. Lessee rental fees and deposit will also be forfeit.
h. All activities must end by 11:30 p.m. All people must be out of the City Hall by 12:00 a.m.
i. Children and all minors must be supervised at all times.
j. Lessee is responsible for setting up, taking down, putting away, and cleaning up of the City Hall.
k. All trash must be removed from the room(s) rented, taken out of the building, and placed outside in the dumpster.
l. A refundable deposit, amount to be posted on the Fountain Green City fee schedule, will be charged. This fee must be paid by a check or cash left in the possession of the Fountain Green City office at the time the lessee picks up keys or keyless entry passes. Once the City Hall has been cleared as clean with no damage, the lessee can retrieve the refundable deposit amount from Fountain Green City Office.
m. The Management, Fire Department, or Police Department reserves the right to close down any event at any time they deem necessary.
n. Rental fees are due within 24 hours of booking the City Hall. If payment is not made by the lessee before the 24-hour holding period, the date requested shall be released for possible rental by another lessee.
o. If cancellation of the reservation is required by lessee, the following will apply:
    i. If the reservation is cancelled 30 days or more before the scheduled date a refund of the full reservation will be provided.
    ii. If the reservation is canceled within 15 to 29 days before the scheduled event, then a 75% refund will be provided.
    iii. If the reservation is canceled within 7 to 14 days before the scheduled event, then a 50% refund will be provided.
    iv. If the reservation is canceled 6 or fewer days before scheduled event a refund will not be provided.
p. Lessee deposit will be retained and deposited by Fountain Green City if damage occurs to Fountain Green City property or equipment or if the building or equipment is not left in a clean state.
    i. Additional fees/charges may occur if the damage done to the building or equipment is in excess cost of the deposit provided.
q. There will be an additional fine, amount to be noted on the Fountain Green City fee schedule, if the fire extinguishers and/or smoke and fire alarms are tampered with.
r. All tables and chairs must remain in the room that is rented.
s. Cleaning instructions are as follows these are also posted on the wall of the kitchen:
    i. Vacuum floors
    ii. Put garbage in dumpster (in back of building)
    iii. Clean counter top and sink (leave dish towels and cloths on the counter and we will wash them)

iv. Stack chairs and table and place them in their correct storage space.
v. NO alcohol or smoking allowed.
vi. No red drinks or drinks that will stain the carpet

t. Occupancy limit of the City Hall is as follows
   i. Banquet Hall is 55 x 27 feet: Occupancy is 100 people
   ii. Conference Room A is 32 x 30 feet: Occupancy is 60 people

u. Any rental or use of the city hall constitutes an understanding of and compliance with this resolution.

Approved and signed this 20 day of February, 2025

Mark Coombs — 2/20/2025

Mayor — Date:

Michelle Wacker — 2/20/2025

Recorder — Date:

Roll Call Vote: Kerry Farnsworth ✓, Alyson Strait ✓, Rod Hansen ✓, Kim Johnson ✓, Jacob Littlefield ✓.

FOUNTAIN GREEN CITY INCORPORATED JANUARY 1910 CORPORATE SEAL

RESOLUTION: 02202025(D) FOUNTAIN GREEN CITY PARK RENTAL

Whereas, Fountain Green City owns and operates the City Park; and

Whereas, Fountain Green City wishes to rent the City Park to people; and

Whereas, Fountain Green City feels that the City Park is worthy of being protected, maintained, and improved at a cost which must, to some degree, be funded through rental and use fees; and

Whereas, the cost of running and maintaining the City Park continues to escalate; and

Whereas, Fountain Green City wishes to make clear the rules, fees, and deposits to renters; and

Whereas, Fountain Green City wishes to have a clear definition of fees in regard to residents and nonresidents;

Whereas, Fountain Green City has determined it necessary to create a fee schedule for clarification of costs that, from time to time, the City Council may review and adapt such fee schedule as required;

Now Therefore, be it resolved by the City Council of Fountain Green City that the City Park rental fee schedule as enumerated, and regulation relative to the specific use/fee relationships, and regulations/policies related to rental of the City Hall be enacted and upheld effective February 20, 2025

1. Fee Schedule be created and adapted as required by review of the City Council
2. Residents are defined as:
    a. One who has a primary residence within Fountain Green City.
    b. Those with homes receiving mail using a Fountain Green zip code.
3. In the interest of public safety Fountain Green City has developed the following rules, regulations, for rental and/or use of the City Park.
    a. Fountain Green City cannot and will not be responsible for damage of any kind to public or private property and Fountain Green City will not be responsible for any injuries which may occur.
    b. The lessee is responsible for ANY and ALL damage.
        i. Cameras are placed in the City Park and may be used to determine the cause of any damage done to the buildings and equipment.
        ii. Lessee will not and cannot hold Fountain Green City or any City official liable for any injuries or damage that may occur to lessee, or anyone invited by lessee.
    c. Person(s) responsible for event and rental of City Park must be 21 years of age or older and remain on premises at all times of the lessee's event/agreement.
    d. One or more security Officer(s) are required to be present during any Dance, Festival, or band performance of any kind that involves 75 or more people. The hiring of security guard is the responsibility of the lessee. Fountain Green City may provide contact information for a Security Guard if lessee is unable to find one.
        i. Security Guard will be an off-duty officer.
        ii. Wedding receptions where the public may attend in a 30-minute time frame are excluded from this requirement
    e. All fees collected by Fountain Green City are for the use of maintaining and improving City property.

f. Any music played higher or louder than Fountain Green City ordinances will be cause for termination or shutting down of event.
g. NO alcohol or smoking is allowed on any Fountain Green City property. If alcohol or smoking is found in or on Fountain Green City property, the lessee will be responsible for an additional alcohol/smoking violation fee as determined by the City Council and reviewed or adjusted as needed on the Fountain Green City fee schedule. Lessee rental fees and deposit will also be forfeit.
h. All activities must end by 11:30 p.m. All people must be out of the City Park by 12:00 a.m.
i. Children and all minors must be supervised at all times.
j. Lessee is responsible for setting up, taking down, putting away, and cleaning up of the City Park including taking trash to large dumpster, cleaning of bathrooms used during event, cleanup of the bowery, and cleanup of the grounds.
k. All trash must be placed in the dumpster.
l. A refundable deposit, amount to be posted on the Fountain Green City fee schedule, will be charged. This fee must be paid by a check or cash left in the possession of the Fountain Green City office at the time the lessee picks up keys or keyless entry passes. Once the City Park has been cleared as clean with no damage, the lessee can retrieve the refundable deposit amount from Fountain Green City Office.
m. The Management, Fire Department, or Police Department reserves the right to close down any event at any time they deem necessary.
n. Rental fees are due within 24 hours of booking the City Park. If payment is not made by the lessee before the 24-hour holding period, the date requested shall be released for possible rental by another lessee.
    i. Reservations made through Fountain Green City are the only reservations that are upheld. Otherwise, the City Park is first come first serve.
o. If cancellation of the reservation is required by the lessee, the following will apply:
    i. If the reservation is cancelled 30 days or more before the scheduled date a refund of the full reservation will be provided.
    ii. If the reservation is canceled within 15 to 29 days before the scheduled event, then a 75% refund will be provided.
    iii. If the reservation is canceled within 7 to 14 days before the scheduled event, then a 50% refund will be provided.
    iv. If the reservation is canceled 6 or fewer days before scheduled event a refund will not be provided.
p. Lessee deposit will be retained and deposited by Fountain Green City if damage occurs to Fountain Green City property or equipment or if the building or equipment is not left in a clean state.
    i. Additional fees/charges may occur if the damage done to the building or equipment is in excess cost of the deposit provided.
q. There are NO animals allowed in the park with the exception of certified service animals. A violation fee will apply if animals are found to be in the park.
r. Any rental of the Fountain Green City Park constitutes an understanding of and compliance with this resolution.

Approved and signed this 20 day of February, 2025

Mark Coombs 2/20/2025

Mayor Date:

Michelle Walker 2/20/2025

Recorder Date:

Roll Call Vote: Kerry Farnsworth, Alyson Strait, Rod Hansen, Kim Johnson, Jacob Littlefield.

FOUNTAIN GREEN CITY INCORPORATED JANUARY 1910 CORPORATE SEAL

RESOLUTION: 2026-0319 TEMPORARY MORATORIUM ON SALE OF CEMETERY PLOTS

A RESOLUTION AUTHORIZING A MORATORIUM ON THE SALE OF CEMETERY PLOTS

WITH SPECIFIC EXCEPTIONS, AND RELATED MATTERS

WHEREAS, Fountain Green City owns and operates the Fountain Green City Cemetery; and

WHEREAS, historically there have been issues regarding the tracking of burials and ownership of certain cemetery plots; and

WHEREAS, Fountain Green City has determined that records regarding cemetery plots need to be updated and corrected before new lots are sold in order to avoid confusion or error; and

WHEREAS, there are relatively few cemetery plots that remain available to purchase from the City; and

WHEREAS, it is in the best interest of the City and its residents to update the policies and procedures of the cemetery, specifically with respect to the sale and tracking of ownership of cemetery plots, as well as policies on purchasing of cemetery plots; and

WHEREAS, the City Council finds that there is good cause for imposing a sixty (60) day moratorium on the sale of new cemetery plots, with certain exceptions, in order to allow City Staff to update purchasing policies, general policies and ownership records.

NOW, THEREFORE, be it hereby Resolved by the City Council of Fountain Green City, Utah, as follows:

1. No cemetery plots in the Fountain Green Cemetery will be sold for sixty (60) days following the adoption of this Resolution.

2. The moratorium on sales of cemetery lots shall not apply to the sale of two cemetery plots one of which meets the following conditions:

a. The plot is purchased for the purpose of the imminent interment of a recently deceased person.

3. Interment in the Fountain Green City Cemetery shall continue to be allowed as normal in any plot where the ownership can be conclusively proved to the Fountain Green City Staff.

4. The Fountain Green City Attorney, along with Fountain Green City Staff, is directed to prepare updated policies and procedures regarding the operation of the Fountain Green Cemetery, and to present those new policies and procedures to the City Council for their approval and adoption prior to the expiration of the moratorium period.

This Resolution shall take effect immediately upon publication as required by law.

This Resolution shall take effect immediately upon publication as required by law.

PASSED AND ADOPTED by the Fountain Green City Council on the____ day of 3-19-26 2026.

FOUNTAIN GREEN CITY:

W. Wood

Willard Wood, Mayor

ATTEST:

Michelle Walker

Michelle Walker, Recorder

Fountain Green City 375 North State Street

Fountain Green, UT 84632

RESOLUTION 2026-05-12 VETERANS MEMORIAL AND COMMITTEE SUPPORT

A Resolution to endorse and support the Fountain Green Veteran's Memorial and Committee.

Effective 5/12/2026

Whereas, Fountain Green City honors and respects Veterans of all Branches of United States Service,

Whereas, Fountain Green wants to honor and show respect for all who have served, serve currently or may serve,

Whereas, Fountain Green has a long history of patriotism toward the United States and particularly the Sanpete Valley and it's residents, past, present and future,

Whereas, Fountain Green holds as a core value the service of those who serve the United States

Whereas, a group of Fountain Green residents are ready, willing and able to champion, organize and complete memorial honoring all Veterans, to be known as the Fountain Green Veteran's Memorial Committee,

Whereas, the FGVMC shall present all plans to the City Council prior to construction and verify sufficient funds to complete the Memorial as outlined, prior to commencement of construction,

Whereas, Fountain Green City will provide sufficient land, and appropriate utilities such as electricity, for said Memorial,

Whereas, the FGVMC will raise the funds necessary for construction of said Memorial,

Whereas, said Memorial shall be on City property and be the sole property and responsibility of Fountain Green City when completed,

NOW, therefore, let it be resolved by the City Council, to authorize the Fountain Green Veteran's Memorial Committee be authorized to:

1. Commence plans for the Memorial,
2. Commence fund raising for the Memorial,
3. Use City staff for minor accounting, outside the Committee's scope of work,
4. Other, as recognized during the life of the project, as approved by the City Council.

This RESOLUTION shall be in full force and effect immediately upon passage by the City Council and signature of the Mayor.

Passed: May 12, 2026

Signed: D. Wood Date Signed: 8-25-26
Mayor

Witnessed: Michelle M. Walker Notary Public # 733972

My seal expires: 11/27/2027

MICHELLE M. WALKER
Notary Public
State of Utah
My Commission Expires November 27, 2027
COMMISSION NO. 733972

POLICIES

POLICY 9282017: SEWER MAIN EXTENSION AND SEWER LATERAL POLICY

9282017

SEWER MAIN EXTENSION AND SEWER LATERAL POLICY

It shall be the policy of Fountain Green City that no sewer lateral shall cross another person's property. To accomplish this, where needs be, the sewer main is extended to a place where the sewer lateral can be installed within the boundaries of the said property. A new manhole must be placed at the end of the sewer main extension. All costs shall be incurred by the said property owner. All work must done by a licensed and insured contractor.

POLICY 03262015: HEADSTONE POLICY

FOUNTAIN GREEN CITY CEMETERY POLICY

HEADSTONE POLICY

A. OWNERSHIP AND RESPONSIBILITIES

Headstones are personal property. All headstones within the cemetery are the property of lot owners, their heirs, or the responsible party that order and place them. All care and upkeep of the headstones are the responsibility of the owner. The cemetery is maintained by city crews who exercise great care in keeping the grounds groomed. The city will not be responsible for inadvertent scratches and chips that occur from routine maintenance. Such happenings are a condition that will go with the privilege of placing markers in the cemetery.

It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in said cemetery except under the direction and supervision of the cemetery superintendent.

B. SPECIFICATIONS FOR HEADSTONES.

It shall be unlawful for any person to place or to have placed any monument on any lot inside cemetery not made of metal inlay, stone, or cement. Such monument shall be securely set in a cement foundation of at least four inches deep with a cement mow strip not less than five inches around said marker.

The following are headstone size recommendations: Maximum lengths are: Singles 40", doubles 80", and triples 120". Maximum height is 36". Maximum width is 24". Any marker size that exceeds these recommendations requires the prior written approval of the cemetery superintendent.

Foot stones must be at ground level.

One headstone or two foot stones will be allowed on lots with multiple burials which include infants and cremations and will require designating East or West on headstone, or require a separate foot stone for each burial.

Headstones will be placed in an orderly manner in predesignated rows and as directed by the superintendent.

Placement of permanent markers is encouraged to be within one year after internment.

C. VASES.

All permanent vases must be attached to the stone base or cast into the cement base with at least two (2) inches from the edges of the cement base.

D. OBSTRUCTIONS.

No iron ornaments, brackets, flag poles, or other obstructions or installations except a headstone or monument will be permitted in the cemetery.

E. MODIFICATIONS.

If a monument is determined, by the sexton, to be oversized and interferes with the sprinkler irrigation system, the owner will pay for the necessary modifications (applicable to stones placed after September 6, 1996).

F. INTERFERENCE WITH EXCAVATION.

The owner or responsible party is responsible for the removal and replacement of a marker that must be moved for the excavation of a grave, or for the expenses of such services if contracted. If the owner or responsible party wishes, the city will make arrangements for the service with a local monument dealer at the owner's expense.

G. RECOMMENDATIONS

Consult with a monument manufacturer on monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water, and occasional nicks and chips from mowing equipment. It is recommended that raised markers have a rough nosed base or edge rather than a polished, smooth surface. Persons ordering headstones from a monument dealer should check, or cause to be checked, the restrictions first to insure that the stone will meet cemetery specifications.

H. CEMETERY SUPERVISION

All work in the cemetery including but not limited to interments, disinterment, planting, landscaping, grading, record keeping, placement of grave markers, grounds keeping construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the cemetery superintendent.

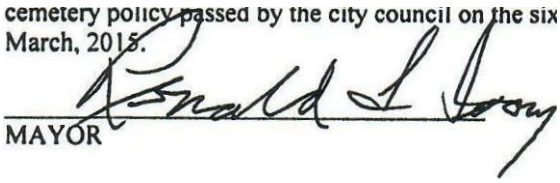
I. LIABILITY OF CEMETERY

Fountain Green City personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the lot owners, but shall not be liable for any damage or loss.

J. HUNTING CEMETERY

Fountain Green City prohibits hunting in or around the cemetery.

The undersigned Mayor of Fountain Green City hereby certifies that the foregoing is a true and correct copy of the cemetery policy passed by the city council on the sixth day of September, 1996, and revised the twenty sixth day of March, 2015.



POLICY 2013-6: RIGHT OF WAY

FOUNTAIN GREEN CITY RIGHT-OF-WAY POLICY - 2013-6

In an effort to keep the CITY RIGHT-OF-WAY/UTILITY RIGHT-OF-WAY clear for maintenance, it shall be the policy of Fountain Green City that no obstructions shall be placed upon the city/utility right-of-way beyond your property boundary line.

Homeowners should not construct or plant items to encroach on or limit access within the city/utility right-of-way. Such items are, but not limited to: planting of trees, shrubs, bushes, flowers, vegetable gardens, installation of water lines for sprinkler systems, rock gardens, retainer walls, curbing, fencing, etc.

Items allowed on the city right-of-way frontages are: lawn, 2" minus rock or road base, cement, or asphalt. The city is not responsible for the replacement of such items, if they are damaged due to city/utility installation, repairs, or maintenance.

It is important that proper water drainage in the city right-of-way be maintained to preserve our city streets.

Homeowners should contact the city before alterations are made to the landscape on the city right-of-way frontages. For any questions regarding your frontage, water drainage, or city property boundary lines, please contact the city hall at 435-445-3453.

As always, the Mayor and City Council are appreciative of all citizens' interest and cooperation in keeping our community looking its best.

POLICY 02072002: MAINTENANCE OF PRIVATE SEWER LATERAL

POLICY FOR MAINTENANCE OF PRIVATE SEWER LATERALS

Subject: MAINTENANCE OF PRIVATE SEWER LATERALS

POLICY

The City Wastewater Division shall operate and maintain all public sewer mains.

Property owners shall be responsible for maintaining private sewer laterals from the public sewer main to the building regardless of whether the lateral is within a public street, easement, or on private property.

PURPOSE AND OBJECTIVE

1. To provide a clear division of responsibility for maintenance, thereby reducing confusion and emergency response time for property owners.

2. To provide a higher level of operation and maintenance service for public sewer mains through more efficient use and concentration of city resources.

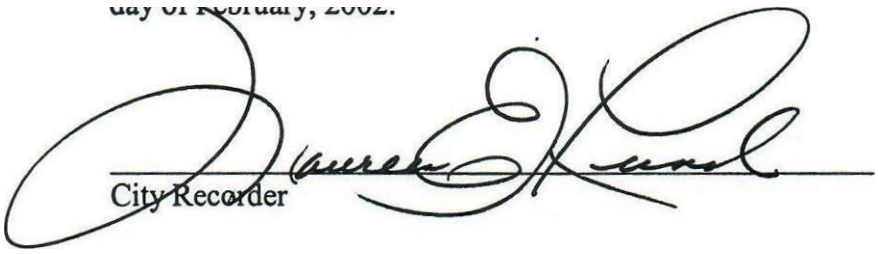
DEFINITIONS

Public sewer main: Any sewer system built to City standards and formally accepted by the City which receives or transports wastewater from private sewer laterals to treatment facilities. This shall include main, collector, trunk, and outfall lines; lift stations, and accompanying manholes and support features.

Private sewer lateral: Any sewer system tributary to the public sewer main serving private residential or commercial projects not specifically designed for general city use and not maintained by the City.

The undersigned duly acting and appointed recorder for Fountain Green City hereby certifies that the foregoing is a true and correct copy of the Sewer Policy passed by the city council on the 7th day of February, 2002.

day of February, 2002.



City Recorder

FEE SCHEDULES

ANIMAL CONTROL FEE SCHEDULE

The following fees/penalties shall be set forth per Chapter 13-20-0-00. All fees are in addition to any cost incurred by veterinarian fees of rabies vaccine.

Until otherwise changed by resolution of the city council the following fees shall be charged.

Dog License: The fee is due on April 1st of each calendar year and shall be delinquent after June 1st of each year. A late penalty may be assessed to delinquent payments.

The owner of any new dog of licensing age or of any dog which is of licensing age after April 1 of any year shall make an application for license within 30 days after getting the dog or the dog comes of age. The cost of the license will still be 100% of the required amount for a new application.

DOG LICENSE FEES	
Each spayed female dog	$15.00
Each neutered male	$15.00
Each un-spayed female	$25.00
Each un-neutered male	$25.00
Replacement fee of lost tag	$5.00
Late license penalty	$30.00

Redemption of Impounded Dogs: Animals released to their owner(s) multiple times will incur graduated pickup fees as noted below. Citations issued by a police officer may incur additional charges by the court. Proof of payment of all licenses and impound fees for each individual dog must be provided to the animal control officer before release of impounded dog.

REDEMPTION OF IMPOUNDED DOGS:		
Picked up (1st offense)	$25.00 per dog	Kennel fee $10.00 per day
Picked up (2nd offense)	$50.00 per dog	Kennel fee $10.00 per day
Picked up (3rd offense)	$100.00 per dog	Kennel fee $10.00 per day
Picked up (4 or more offenses)	$200.00 per dog	Kennel fee $10.00 per day
Picked up (nuisance dog)	(animal is NOT released to owner without court order)	

Kennel License: Person or persons at any one residence or property within the city that own, keeps, harbors, or maintains 4 or more dogs over the age of 6 months will be required to have a kennel license. Each “commercial kennel license” issued must pay the kennel fee, business license fee, and consent to yearly inspection by animal control officer if requested.

KENNEL FEES	
Regular Kennel License Fee	$100
Commercial Kennel License Fee	$200
City Business License Fee	$25
Conditional Use Permit Fee for Commercial Kennel	$10

Estray charges: Proof of payment for all applicable fees must be provided to the animal control officer before the release of each individual animal.

ESTRAY FEES		
Picked up (1st offense)	$25.00 per animal	Feed fee determined by food type and amount
Picked up (2nd offense)	$50.00 per animal	Feed fee determined by food type and amount
Picked up (3rd offense)	$100.00 per animal	Feed fee determined by food type and amount
Picked up (4 or more offenses)	$200.00 per animal	Feed fee determined by food type and amount

In addition to above listed fees the animal control officer may at his/her discretion charge a fee of .35 cents mileage fee for delivery of animals or correspondence regarding such animals if owner lives more than 10 miles form where the animal has trespassed.

MILEAGE FEE	
Mileage fee if over 10 miles	Per federal rate.

FOUNTAIN GREEN CITY FEE SCHEDULE ADOPTED 3/13/2025

Enacted March 13, 2025

Fountain Green City Fee Schedule

Enacted March 13, 2025

Animal Control Fees:	**Amount:**
Dog License Fees:	
Each spayed female dog:	$15.00
Each neutered male dog:	$15.00
Each un-spayed female dog:	$25.00
Each un-neutered male:	$25.00
Replacement fee for replacement dog tag:	$5.00
Unlicensed dog fee:	$100.00
Late license penalty:	$50.00
Animal in the park (excludes certified service animals):	$100.00
Dog(s) at large fee:	$100.00 each dog
Redemption of Impounded Dogs:	
Animal picked up (1st offense):	$25.00 per dog
Animal picked up (2nd offense):	$50.00 per dog
Animal picked up (3rd offense):	$100.00 per dog
Animal picked up (4 or more offenses):	$200.00
Picked up (nuisance dog):	No release without court order
Impound fee for detained or impounded animal:	$10.00 per day
Kennel Fees:	
Regular Kennel License Fee (4 to 8 dogs):	$100.00
Commercial Kennel License (9 or more dogs or dogs used for commercial gain):	$200.00
City business license (required for all commercial kennel license holders):	$45.00
Animal conditional use permit fee (required for all commercial kennel license holders):	$10.00
Estray Fees:	
Picked up (1st offense):	$25 per animal
Picked up (2nd offense):	$50.00 per animal
Picked up (3rd offense):	$100.00 per animal
Picked up (4 or more offenses):	$200.00 per animal
Impound fee for detained or impounded animal:	$10.00 per day or more depending on feed and storage costs.
Mileage Fee:	
Delivery of animal (over 10 miles):	Based on federal mileage rates

Building Rental Fees:	**Resident:**	**Non-resident:**
City building banquet room half-day (up to 4 hours):	$125.00	$175.00
City building banquet room full-day (5 hours or more):	$175.00	$225.00
City building conference room A half-day (up to 4 hours):	$100.00	$150.00
City building conference room A full-day (5 hours or more):	$150.00	$200.00
City Building security and cleaning deposit:	$100.00	$100.00
Dance hall half-day (up to 4 hours):	$150.00	$200.00
Dance hall full-day (5 hours or more):	$250.00	$300.00
Theater half-day (up to 4 hours):	$150.00	$200.00
Theater full-day (5 hours or more):	$250.00	$300.00
Dance Hall and/or Theater cleaning and security deposit:	$200.00	$200.00

Building Rental Fees:	Resident:	Non-resident:
Park small bowery half-day (up to 4 hours)	$50.00	$75.00
Park small bowery full-day (5 hours or more):	$75.00	$100.00
Park large bower half-day (up to 4 hours):	$50.00	$75.00
Park large bowery full-day (5 or more hours):	$75.00	$100.00
Whole park rental fee:	$125.00	$175.00
Ball park light fee (per night used)	$60.00	$60.00
Concession stand rental fee:	$100.00	$100.00
Alcohol and/or smoking violation fee:	$500.00	$500.00
Tampering with fire extinguisher, alarms, or equipment fee:	$100.00	$100.00

Business License:	Amount:
Business License:	$45.00

Cemetery fees:	Resident:	Non-resident:
Purchase of grave space:	$300.00	$900.00
Perpetual care:	$300.00	$900.00
Open and Close Weekday:	$400.00	$600.00
Open and Close Saturday:	$500.00	$700.00
Baby or cremation Weekday:	$200.00	$300.00
Baby or cremation Saturday:	$250.00	$350.00
Interment after 3:00 p.m. MST (any day):	$100.00	$100.00
Exhumation (permits and additional paperwork required):	$1500.00	$1500.00

Library Fees:	Amount:
Lost and damage book published in the last 3 years:	Cost of book
Lost and damage book older than 3 years:	$5.00
Additional Fees:	TBD

Land Use and Planning and Zoning:	Amount:
Subdivision preliminary application fee:	TBD
Subdivision final application fee:	TBD
Simple lot subdivision fee:	TBD
Inspection fee:	TBD
Building permit for auxiliary building fee (over 200 square feet):	$20.00
Building permit for auxiliary building fee (under 200 square feet):	$10.00
Building permit for house:	$75.00
Setback verification fee:	$10.00
Request for conditional use permit fee:	$25.00
Conditional use violation fee:	$100.00

Impact and meter fees:	Amount:
Impact Fees:	
Sewer impact fee:	$1771.50
Water impact fee:	$2000.00
Refundable deposit for regular line connection:	$1000.00
Refundable deposit for main line connection:	$1500.00
Meter Fees:	
¾” meter:	$265.00
1” meter:	$390.00

Water rates: (updated 09/03/2025)	**Monthly/Overage:**	**Rate:**
Water in City (resident):	Monthly base rate:	$40.25 for 6,000 gallons
	Overage rates:	$1.50 per 1000 gallons from 6,001 to 20,000 gallons
		$1.75 per 1,000 gallons from 20,001 to 40,000 gallons
		$2.00 per 1,000 gallons from 40,001 and up
Senior citizen with qualifying income: (application required):	Monthly base rate:	$34.75 for 6,000 gallons
	Overage rates:	$1.50 per ,1000 gallons from 6,001 – 20,000 gallons
		$1.75 per 1,000 gallons from 20,001 to 40,000 gallons
		$2.00 per 1,000 gallons from 40,001 and up
Non-resident and businesses:	Monthly base rate:	$43.25 for 6,000 gallons
	Overage rates:	$1.50 per 1000 gallons from 6,001 to 20,000 gallons
		$1.75 per 1,000 gallons from 20,001 to 40,000 gallons
		$2.00 per 1,000 gallons from 40,001 and up
Refundable Utility deposit:	Refundable to the utility account after 1 year of on time payments:	$200.00
**In the month of July, water rates will increase $.25 each year until the year 2028. At that time, the Mayor and City Council will review the fund.		

Sewer rates: (updated 09/03/2025)	**Amount:**
Resident monthly rate:	$31.25
Senior Citizen (application required) rate:	$19.25
**In the month of July, sewer rates will increase $.25 each year until the year 2028. At that time, the Mayor and City Council will review the fund.	

Utility billing penalty fees:	
Interest Charge:	15% of entire account balance
Late Fee:	$40.00
Delinquent more than 90 days with shut off and/or abandonment Fee:	$400.00
Voluntary turn-off fee:	$25.00
Voluntary turn-on fee:	$25.00
Returned check fee:	$35.00

Miscellaneous Fees:	
Black and white copies (limit 50):	$.10 each
Color copies (limit 50):	$.25 per page
Fax (per page):	$.10 per page
Alcohol sales permit:	$100.00
Solicitor:	$10.00
Fountain Green History Book:	$35.00

Dated this 13 day of March, 2025

Roll Call Vote:

Kerry Farnsworth: Excused

Alyson Strait: Excused

Rod Hansen: Yes

Kim Johnson: Yes

Jacob Littlefield: Yes

Mayor

3/13/2025
Date:

City Recorder

3/13/2025
Date:

FOUNTAIN GREEN CITY FEE SCHEDULE ADOPTED 4/16/2026

Fountain Green City Fee Schedule

Enacted April 16 2026

Animal Control Fees:	**Amount:**
Dog License Fees:	
Each spayed female dog:	$15.00
Each neutered male dog:	$15.00
Each un-spayed female dog:	$25.00
Each un-neutered male:	$25.00
Replacement fee for replacement dog tag:	$5.00
Unlicensed dog fee:	$100.00
Late license penalty:	$50.00
Animal in the park (excludes certified service animals):	$100.00
Dog(s) at large fee:	$100.00 each dog
Redemption of Impounded Dogs:	
Animal picked up (1st offense):	$25.00 per dog
Animal picked up (2nd offense):	$50.00 per dog
Animal picked up (3rd offense):	$100.00 per dog
Animal picked up (4 or more offenses):	$200.00
Picked up (nuisance dog):	No release without court order
Impound fee for detained or impounded animal:	$10.00 per day
Kennel Fees:	
Regular Kennel License Fee (4 to 8 dogs):	$100.00
Commercial Kennel License (9 or more dogs or dogs used for commercial gain):	$200.00
City business license (required for all commercial kennel license holders):	$45.00
Animal conditional use permit fee (required for all commercial kennel license holders):	$10.00
Estray Fees:	
Picked up (1st offense):	$25 per animal
Picked up (2nd offense):	$50.00 per animal
Picked up (3rd offense):	$100.00 per animal
Picked up (4 or more offenses):	$200.00 per animal
Impound fee for detained or impounded animal:	$10.00 per day or more depending on feed and storage costs.
Mileage Fee:	
Delivery of animal (over 10 miles):	Based on federal mileage rates

Administrative Code Enforcement (ACE) Program:	
Civil Citation (i.e. single violation, no abatement or remedial action required). Citation issued by code enforcement officer. Fees:	1st violation: $300 2nd violation: $400 3rd violation/or more: $500
Civil Abatement (i.e. violation will continue to exist without abatement or remedial action, often involves conditions on real property) Abatement issued by code enforcement officer. Fees:	civil penalties: $100 per day plus associated fees and abatement costs.
Civil Nuisance (i.e. violation is a threat to public health, safety, welfare, or obstructs, injures, or interferes with the reasonable or free use of property. Nuisance citations issued by code enforcement officer. Fees:	civil penalties: $100 per day plus associated fees and abatement costs.
Hearing Fee for Default Hearings or Administrative Code Enforcement Hearings: *Applicable if the Responsible Person is unsuccessful or fails to appear after proper notice*	$100.00

Building Rental Fees:	**Resident:**	**Non-resident:**
City building banquet room half-day (up to 4 hours):	$125.00	$175.00
City building banquet room full-day (5 hours or more):	$175.00	$225.00
City building conference room A half-day (up to 4 hours):	$100.00	$150.00
City building conference room A full-day (5 hours or more):	$150.00	$200.00
City Building security and cleaning deposit:	$100.00	$100.00
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Ball park light fee (per night used)	$60.00	$60.00
Concession stand rental fee:	$100.00	$100.00
Alcohol and/or smoking violation fee:	$500.00	$500.00
Tampering with fire extinguisher, alarms, or equipment fee:	$100.00	$100.00

Business License:	**Amount:**
Business License:	$45.00

Cemetery fees:	Resident:	Non-resident:
Purchase of grave space:	$300.00	$900.00
Perpetual care:	$300.00	$900.00
Certificate of Transfer for grave spaces:	$50.00	$50.00
Open and Close Weekday:	$400.00	$600.00
Open and Close Saturday:	$500.00	$700.00
Baby or cremation Weekday:	$200.00	$300.00
Baby or cremation Saturday:	$250.00	$350.00
Interment after 3:00 p.m. MST (any day):	$100.00	$100.00
Exhumation (permits and additional paperwork required):	$1500.00	$1500.00

Library Fees:	Amount:
Library Card (First Card):	Free
Replacement Library Card (per replacement card):	$5.00
Book and Material Checkout:	Free
Programs: *Fees may occasionally be charged for special programs or events. Any fees will be announced in advance.*	Free
Overdue Fines:	None
Lost Item Fee: *Items are considered lost after 60 days overdue*	$20.00
Damaged Item (unrepairable):	$20.00
Damaged Item (repairable)	$5.00
Lost or Damages iPad/Laptop:	Up to $300.00 replacement cost
Cracked Screen:	$100.00 repair fee
Charging Cable Replacement:	$15.00
Black and White Printing:	$.10 per page
Color Printing:	$.25 per page
Black and White Copies:	$.10 per page
Color Copies:	$.25 per page

Land Use and Planning and Zoning:	Amount:
Minor lot division (10 or less lots)	$100.00
Major lot division (11 or more lots):	$140.00
Engineering Fee (Determined by Engineering Company):	TBD
Building permit for auxiliary building fee (over 200 square feet):	$20.00
Building permit for auxiliary building fee (under 200 square feet):	$10.00
Building permit for house:	$75.00
Setback verification fee:	$10.00
Request for conditional use permit fee:	$25.00
Conditional use violation fee:	$100.00

Impact and meter fees:	**Amount:**
Impact Fees:	
Sewer impact fee:	$14,756.00
Water impact fee:	$5000.00
Refundable deposit for regular line connection:	$1000.00
Refundable deposit for main line connection:	$1500.00
Meter Fees:	
Meter fee increase approved by council 3/19/2026 ¾" meter:	$450.00
1" meter:	$650.00

Water rates:	**Monthly/Overage:**	**Rate:**
Water in City (resident):	Monthly base rate:	$40.25 for 6,000 gallons
	Overage rates:	$1.50 per 1000 gallons from 6,001 to 20,000 gallons
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Miscellaneous Fees:	
Black and white copies (limit 50):	$.10 each
Color copies (limit 50):	$.25 per page
Fax (per page):	$.10 per page
Alcohol sales permit:	$100.00
Solicitor:	$10.00
Fountain Green History Book:	$35.00

Dated this 16 day of April, 2026

Roll Call Vote:

Kerry Farnsworth: Yes

Rich Walker: Yes

Vaughn Jacobsen: Yes

Kim Johnson: Yes

Jacob Littlefield: Yes

W. Wood
Mayor Willard Wood

4-29-26
Date:

Michelle Walker
City Recorder

4/29/26
Date: