

## **ATTACHMENT 1:**

### **Chapter 1 GENERAL PROVISIONS**

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#### **10-1-1: SHORT TITLE:**

This title shall be known as the *UNIFORM ZONING ORDINANCE OF THE TOWN OF ALTA, UTAH*, and may be so cited and pleaded. (Ord., 6-8-1989)

#### **10-1-2: PURPOSE:**

This title is designed and enacted for the purpose of preserving, protecting and promoting the public health, safety, order, morals and the general welfare of the town and specifically, to preserve and maintain Alta as a vibrant, viable, protective and orderly recreation area, to perpetuate its inherent geologic and geographic features, to preserve the essential watershed of Little Cottonwood Canyon for all the residents of the Salt Lake Valley, and to otherwise retain and replenish the remarkable and natural beauty, peace, and tranquility of the town. (Ord., 6-8-1989)

#### **10-1-3: INTERPRETATION:**

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. (Ord., 6-8-1989)

#### **10-1-4: CONFLICT:**

This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive. (Ord., 6-8-1989)

#### **10-1-5: EFFECT ON PREVIOUS ORDINANCES AND MAPS:**

The existing ordinances of the town covering the zoning of areas and districts in the town, in their entirety and including the maps heretofore adopted and made a part of said ordinances, are hereby superseded and amended to read as set forth herein; provided, however, that this title, including the maps on file with the planning commission and town clerk, and by this reference made a part hereof, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is

included in this title, whether in the same or different language; and this title shall be so interpreted upon all questions of construction, including, but not limited to, questions of construction, relating to tenure of officers and boards established by previous ordinances, and to questions of conforming or nonconforming uses, complying or noncomplying buildings or structures, and to questions as to the dates upon which such uses, buildings ~~or structures~~ become conforming or nonconforming or structures become complying or noncomplying. (Ord., 6-8-1989)

### **10-1-6: DEFINITIONS:**

For the purpose of this title, certain words and terms are defined as follows: (Words used in the present tense include the future, words in the singular number include the plural and the plural the singular; ~~and words included herein but defined in the building code shall be construed as defined therein.~~)

**AGRICULTURE:** The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business, such as fruit packing plants, fur farms, animal hospitals or similar uses.

**ALLEY:** Any public way or thoroughfare less than sixteen feet (16'), but not less than ten feet (10') in width, which has been dedicated or deeded to the public for public use.

**APARTMENT HOUSE:** Any building or portion thereof which contains three (3) or more dwelling units and, for the purpose of this title, includes residential condominiums.

**APPEAL AUTHORITY:** The person, board, commission, agency or other body designated by town ordinance to decide an appeal of a decision of a land use application or variance.

**BASEMENT:** Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first "story", as defined in this section.

**BUILDING:** Any ~~S~~structure used or intended for supporting or sheltering or any part thereof, built or used for the support, shelter, or enclosure of any use or occupancy by person, animals, or chattel.

**BUILDING, ACCESSORY:** Any detached building used or intended for supporting or sheltering any use or occupancy subordinate and clearly incidental to that of the main building and located on the same lot occupied by the main building.

**BUILDING HEIGHT:** The vertical distance from the lower of Established Grade or Finished Grade to the highest point of the ~~structure excluding Rooftop Elements, coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and the ridge of a gable or hip roof.~~

**BUILDING, MAIN:** The principal building or one of the principal buildings upon a lot, ~~or the building or one of that is used primarily for~~ the principal ~~buildings housing a principal use upon a lot~~ use.

**CARETAKER:** An owner or a person employed by the owner of a private, residential dwelling to reside within the building and to provide primarily maintenance, custodial and security services; or, a property management services company, licensed by the ~~t~~Town of Alta, which does not have an employee who resides within the building, but which provides maintenance, custodial and security services.

**CARETAKER UNIT:** A living area within a dwelling which is separated physically from the remainder of the

dwelling or annexed to the dwelling, the purpose for which is to house an on premises "caretaker", as defined in this section. The owner shall certify to the town in writing that a caretaker unit shall be occupied only by a caretaker.

**CARPORT:** A private garage not completely enclosed by walls or doors. For purposes of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

**CHILD NURSERY:** An establishment for the care and/or instruction, whether or not for compensation, of six (6) or more children other than members of the family residing on the premises.

**CLASS A BEER OUTLET:** A place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.

**CLASS B BEER OUTLET:** A place of business wherein beer is sold in original containers for consumption on or off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.

**CLASS C BEER OUTLET:** A place of business wherein draft beer or beer in original containers is sold for consumption on or off the premises in accordance with the alcoholic beverage control act of Utah and the licensing ordinance of the town.

**COMMERCIAL RENTAL:** The renting of real property for terms of thirty (30) days or less, or other impermanent or transitory lodging use lacking in stability or continuity of persons occupying real property.

**CONDITIONAL USE:** A use of land for which a conditional use permit is required pursuant to [eChapter 9](#) of this title.

**CONDOMINIUM PROJECT:**

- A. A real estate plan or project whereby two (2) or more units, whether contained in an existing or proposed building or buildings, are separately offered or proposed to be offered for sale. "Condominium project" shall also mean the property when the context so requires.
- B. The owner or developer of any condominium project or "time period unit" project, as defined in this section, shall comply with the Utah condominium ownership act, Utah Code Annotated title 57, chapter 8, which is hereby incorporated within and made a part of this title by reference. Such owner or developer shall also comply with all pertinent provisions of all chapters of this title.

**COURT:** An occupied space on a lot, other than a yard, that is designed to be partially or completely surrounded by group dwellings.

**DISTRICT:** A portion of the ~~the~~ Town of Alta.

**DWELLING:** Any building or portion thereof which contains not more than two (2) dwelling units.

**DWELLING GROUP:** A group of two (2) or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

**DWELLING, MULTIPLE-FAMILY:** A building used or intended to be occupied by more than two (2)

"families", as defined in this section.

DWELLING, SINGLE-FAMILY: A building used or intended to be occupied by one "family", as defined in this section.

DWELLING, TWO-FAMILY: A building used or intended to be occupied by two (2) "families", as defined in this section.

DWELLING UNIT: Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this title, for not more than one family. For purposes of determining maximum density of dwelling units for all uses in any FM zone, two (2) guestrooms shall be equivalent to one dwelling unit.

EFFICIENCY DWELLING UNIT: A dwelling unit containing only one habitable room.

ELEMENTS, ROOFTOP: Chimneys, flues, and similar venting apparatus; communications equipment such as antennas and satellite dishes; elevator penthouses; stair enclosures; rooftop railings; mechanical equipment such as heating, ventilation, and air conditioning systems; renewable energy production systems such as solar panels and wind turbines; other mechanical equipment used for operation of a building; flag poles; and wind socks or any such allowed rooftop item which protrudes or is located on top the building.

EROSION CHANNELS: Channels which have been created by erosion but which do not normally contain or convey water, except during local rainstorm, snowmelt, or runoff events. Riparian vegetation or habitat, as evidenced by the presence of hydrophilic plants or other evidence are not supported by Erosion Channels. For purposes of this Title, Erosion Channels are not Waterways.

FAMILY OR FAMILIES: An individual or two (2) or more persons related by blood or marriage, or a group of not more than five (5) persons (excluding servants) who need not be related by blood or marriage living together in a dwelling unit.

FLOOR AREA: The area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

FOOTPRINT: All exterior surfaces of an existing structure where actually located.

FRONTAGE: All property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right of way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intersecting or intercepting street shall determine only the boundary of the frontage on the side of the street it intercepts.

GARAGE, PRIVATE: An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the building to which it is accessory, provided that on the lot occupied by a multiple-family dwelling, the private garage may be designed and used for the storage of one and one-half (1½) times as many automobiles as there are dwelling units in the multiple-family dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a roof or wall in common. A private garage may not be used for storage of more than one truck for each family dwelling upon the premises, and no such truck shall exceed two and one-half (2½) tons capacity.

GARAGE, PUBLIC: Any garage other than a private garage.

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GRADE: The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet (5') from the building, between the building and a line five feet (5') from the building.

GRADE, ESTABLISHED: The grade of the earth, whether natural or previously altered, that exists before a site has been prepared or changed for purposes of development or building. In areas where a building exists on the site, the building official shall determine the established grade by extending the elevations of the adjacent established grades where buildings do not exist through the area of the existing building.

GRADE, FINISHED: The finished and resulting grade where earth meets the structure at the completion of the proposed construction.

GUEST: Any person hiring or occupying a room for living or sleeping purposes, or any person occupying a room or property for periods of thirty (30) days or less.

GUESTHOUSE: A separate dwelling located on a lot with one or more main dwellings and used or intended for the housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling.

GUEST-ROOM:

- A. Any room or rooms used or intended to be used by a guest for sleeping purposes. Every one hundred (100) square feet of total floor area in a dormitory shall be considered to be a guestroom.
- B. Within the base facilities zone, "guestroom" shall be defined as every six hundred (600) square feet of total floor area within a structure, and the remainder thereof.

HABITABLE SPACE: Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered "habitable space".

HELIPORT: An area of land or water, or a structural surface, which is used, or intended for use, for the landing and takeoff of helicopters, and any appurtenant areas which are used, or intended for use, for heliport buildings and other heliport facilities.

HELISTOP: The same as a "heliport", as defined in this section, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

HOME OCCUPATION: Any use conducted entirely within a dwelling and carried on by one person residing in the dwelling, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes and in connection with which there is no display nor stock in trade. The home occupation shall not include the sale of commodities, except those which are produced on the premises and shall not involve the use of any accessory building or yard space for activity outside the main building not normally associated with residential use. Parking for home occupations shall be as follows: 1) one car for each twenty five feet (25') of unobstructed and unrestricted frontage of the subject property; and 2) available parking on the subject property where automobiles are customarily parked. "Home occupation" shall include the care of not more than six (6) children other than members of the family residing in the dwelling.

HOTEL: Any building containing guestrooms intended or designed to be used, or which are used, rented or

hired out to be occupied on a nightly basis, or which are occupied for sleeping purposes by guests, and which may include accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities and other facilities customarily associated with hotels. A "hotel" shall not include any building used for residential purposes, including, but not limited to, condominiums and single-family residences.

**HOUSEHOLD PETS:** Animals and/or fowl ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats and canaries, including not more than two (2) dogs<sup>1</sup> or two (2) cats over four (4) months in age, and not more than a total of four (4) animals. A "household pet" does not include inherently or potentially dangerous animals, fowl or reptiles.

**JUNKYARD:** The use of any lot or portion of a lot or tract of land for the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or other vehicles, or machinery or parts thereof; provided, that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural uses permitted in the zone.

**KENNEL:** The keeping of three (3) or more dogs at least four (4) months old.

**LAND USE APPLICATION:** All applications requiring approval from the land use authority pursuant to Utah Code Annotated or ~~T~~own of Alta ordinances.

**LAND USE AUTHORITY:** A person, board, commission, agency or other body designated by the town council to act upon a land use application.

**[LAND USE ORDINANCE: A planning, zoning, development, or subdivision ordinance of the Town of Alta made by legislative decision.](#)**

**LODGING HOUSE:** Any building or portion thereof containing not more than five (5) guestrooms where rent is paid in money, goods, labor or otherwise.

**LOT:** A parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot areas as are required by this title, having frontage upon a street or upon a right of way approved by the appeal authority, or upon a right of way not less than sixteen feet (16') wide. Except for group dwellings and guesthouses, not more than one dwelling may occupy one lot.

**LOT, CORNER:** A lot abutting on two (2) intersecting or intercepting streets where the interior angle of intersection or interception does not exceed one hundred thirty five degrees (135°).

**LOT, INTERIOR:** A lot other than a corner lot.

**NAMEPLATES AND/OR SIGNS:** Shall include:

- A. One nameplate for each dwelling unit, not exceeding two (2) square feet in area, indicating the name of the occupant or permitted home occupation.
- B. One sign board not exceeding eight (8) square feet in area appertaining to the lease or sale of the property, or the sale of products produced on the property, or warning against trespassing.
- C. One bulletin board not exceeding eight (8) square feet in area for a church or other institution for the purpose of displaying the name and character of services or other activities conducted therein.

- D. One identification sign not exceeding eight (8) square feet in area for buildings other than dwellings.
- E. All such bulletin boards and identification signs shall be attached to and parallel with the front wall of the building. If any nameplate, bulletin board or sign is illuminated, only indirect lighting shall be used. No flashing or intermittent illumination shall be employed.

~~NATURAL WATERWAYS: Those areas varying in width along streams, creeks, gullies or washes which are natural drainage channels, as determined by the building official and in which areas no buildings shall be constructed.~~

NET DEVELOPABLE ACREAGE: The area of ground within a lot that satisfies all of the following conditions:

- A. Slope less than thirty percent (30%); and
- B. Soils of a suitable depth and type based on soil exploration and percolation tests in accordance with the regulations of the Utah department of health to ensure against detriment to surface and groundwater quality; and,
- C. ~~Not closer than fifty feet (50') from the high water line of any Waterway and outside of the Top of Bank as determined by the building official; and, Minimum distance from the high water line of any natural waterway of fifty feet (50').~~
- D. ~~Notwithstanding subsection (C) above in the Upper Albion Basin Protection Overlay Zone, not closer than one hundred feet (100') from the high water line of any Waterway and at least twenty feet (20') from the Top of Bank as determined by the building official; and,~~
- ~~E~~. Free from unreasonable risk of harm to the property and the general public from natural hazards such as flood, landslide, avalanche, a high water table, or inordinate soil erosion after full compliance with applicable provisions of the building code governing topographic, structural and general design standards necessary to meet the maximum foreseeable risk of such hazards, and in discharge of the obligation imposed upon any person so developing and/or improving property subject to such natural hazards imposed by subsection ~~10-6A-8A~~ 9 of this title.

~~NONCONFORMING BUILDING OR NONCOMPLYING STRUCTURE: A building or s~~structure, or portion thereof, ~~lawfully existing at the time this title became effective, which does not now conform to all the height, area and yard regulations herein prescribed for the zone in which it is located~~that (1) ~~legally existed prior to the current land use designation; and (2) because of subsequent land use ordinance amendments, does not conform to the~~ regulations that currently govern the structure.

NONCONFORMING USE: A use ~~of land that (1) legally existed prior to the current land use designation; (2) has been maintained continuously since the time the land use ordinance governing the land was amended; and (3) because of subsequent land use ordinance amendments, does not conform to the regulations that now govern the use of the land, which lawfully occupied a building or land at the time this title became effective and which does not now conform with the use regulations for the zone in which it is located.~~

PACKAGE AGENCY: Any outlet authorized by the Utah alcoholic beverage control commission to sell original package liquor or wine for consumption off the premises.

**PARKING LOT:** An open area, other than a street, used for parking of more than four (4) automobiles or other vehicles.

**PARKING SPACE:** An area within a building, lot or parking lot for parking or storage of one automobile or other vehicle.

**PERMITTED USE:** A use of land for which no conditional use permit is required.

**PLANNED UNIT DEVELOPMENT:** A complete development plan for an area pursuant to [eChapter 10](#) of this title.

**PLANNING COMMISSION:** The [T](#)own of Alta planning commission.

**PRIVATE NONPROFIT LOCKER CLUB:** A social club, recreational, athletic or similar association, incorporated under the provisions of the Utah nonprofit corporation and cooperation act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed or sold.

**PRIVATE NONPROFIT RECREATIONAL GROUNDS AND FACILITIES:** Nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah nonprofit corporation and cooperation act, or a corporate sole.

**PUBLIC USE:** A use operated exclusively by a public or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.

**QUASI-PUBLIC USE:** A use operated by a private nonprofit, educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools, universities and similar uses.

**RECREATION, COMMERCIAL:** The use of property for recreational facilities operated as a business and open to the general public for a fee, such as ski lifts, golf driving ranges and baseball batting ranges.

~~**ROOFTOP ELEMENTS:** Chimneys, flues, and similar venting apparatus; communications equipment such as antennas and satellite dishes; elevator penthouses; stair enclosures; rooftop railings; mechanical equipment such as heating, ventilation, and air conditioning systems; renewable energy production systems such as solar panels and wind turbines; other mechanical equipment used for operation of a building; flag poles; and wind socks.~~

**REPAIR:** The reconstruction or renewal of any part of an existing building for the purpose of its maintenance.

**RESTAURANT:** A place where meals or refreshments are sold to the public or guests for compensation.

**STATE STORE:** An outlet for the sale of liquor located on premises owned and leased by the state of Utah.

**STORY:** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a useable or unused under-floor space is more than six feet (6') above ["grade"the #Finished gGrade](#), as defined in this section, for more than fifty percent (50%) of the total perimeter, or is more than twelve feet (12') above ["grade"the #Finished gGrade](#), as defined in this section, at any point, such useable or unused under-floor space



shall be considered as a story.

**STREET:** Any thoroughfare or public way not less than sixteen feet (16') in width which has been dedicated or deeded to the public for public use.

**STRUCTURAL ALTERATION:** Any change in the supporting structural components of a ~~building or~~ structure, such as columns, bearing walls, beams, joists or trusses.

**STRUCTURE OR STRUCTURES:** ~~That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.~~ Anything that is constructed, the Use of which requires a fixed location on or in the ground, or attached to something having a fixed location on the ground and which imposes an impervious material on or above the ground. All Buildings are Structures.

**TIME PERIOD UNIT:** An annually recurring part or parts of a calendar year specified in the condominium declaration or other document as a period for which a physical unit is separately owned. Separate ownership is represented as shares in a corporation, a partnership interest, or any other individually owned transferrable property right or interest.

**TIME PERIOD UNIT PROJECT:** A real estate project devoted in whole or in part to "time period units", as defined in this section.

**TOP OF BANK:** That vertical point along a Waterway where an abrupt change in slope is evident or the point where the stream or creek would enter the floodplain as determined by the building official.

**TOTAL FLOOR AREA:** The amount of square footage contained within all buildings and structures on the building site, measured by the inside surfaces of the exterior wall, excluding any floor area designed as employee living accommodations and common areas, including, but not limited to, any lobby, elevator bank and elevator, restaurant, restaurant kitchen, common stairwells and hallways, management offices, covered decks and service, maintenance and mechanical spaces.

**TOWN ADMINISTRATION:** The staff employed by the ~~T~~town of Alta acting as the town clerk, the town administrator ~~and~~ the assistant town administrator and the deputy town clerk.

**TOWN COUNCIL:** The ~~t~~town of Alta town council.

**USE:** The purpose or purposes for which land or structures are occupied, maintained, arranged, designed, or intended.

**USE, ACCESSORY:** Any subordinate use customarily incidental to and located upon the same lot occupied by the ~~main~~-principal use.

**USE, INTENSITY OF:** The degree to which land or structures are used as measured by factors including but not limited to ~~purpose of occupancy, building footprint, square footage, the need for parking, and the number of bedrooms, bathrooms, kitchens, hot tubs, or plumbing fixtures.~~

**USE, PRINCIPAL, OR MAIN OR PRIMARY:** The main or primary use of land or structures as opposed to an accessory use.

UTAH CODE ANNOTATED: The Utah law as codified and periodically amended and supplemented in the Utah Code Annotated, and as interpreted by Utah courts.

WATERWAY OR WATERWAYS: Those areas varying in width including, but not limited to, streams, creeks, gullies, washes, rivulets, or culverts, whether constructed, altered, or naturally occurring, which normally contain or convey water during at least part of the year, and which are considered drainage channels and not merely Erosion Channels, as determined by the building official. Buildings may not be constructed within waterways.

WIDTH OF LOT: The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.

YARD: A space on the lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

YARD, FRONT: A space on the same lot with the building between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front of the building.

YARD, REAR: A space on the same lot with the building between the rear line of the building and the rear lot line, and extending across the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear of the building.

YARD, SIDE: A space on the same lot with the building between the side line of the building and the nearest side lot line, and extending from the front lot line to the rear lot line. The "width" of the side yard is the minimum distance between the side lot line and the nearest side of the building. (Ord., 6-8-1989; amd. Ord. 90-O-4, 4-12-1990; Ord. 1997-O-7, 11-13-1997, eff. 11-27-1997; Ord. 1998-O-3, 3-12-1998; Ord. 2008-O-5, 6-12-2008; 2010 Code)

#### **10-1-7: BUILDING PERMIT REQUIRED:**

A. Construction, alteration, repair or removal of any building or structure, or any part thereof, as provided or as restricted by this title, shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the building official. The use of the land shall not be commenced or proceeded with except after issuance of a written permit for the same by the building official.

A.B. -However, Structures which are not Buildings and are for Commercial Recreation ski area operation or campground operations, such as lift towers, signs, avalanche control devices, snowmaking equipment, picnic tables and fire pits, do not require a building permit so long as and only if, such Structures comply with requirements of the regulatory bodies having jurisdiction, including US Forest Service, US Army Corp Engineers, Salt Lake Valley Health Department and the Salt Lake City Division of Public Utilities., (Ord., 6-8-1989)

#### **10-1-8: AMENDMENTS:**

A. Authorized; Submit to Planning Commission: The town council may, from time to time, amend the number, shape, boundaries or area of any zone, or any regulation of or within any district or districts or zones or any other provisions of this title. Any such amendment shall not be made or become effective unless the same shall have been proposed by or be first submitted for the approval, disapproval or suggestions of the planning commission.

- B. Appeal Of Denial: Zoning amendment applications denied by the planning commission may be appealed to the town council. Any such appeals must be made within ten (10) calendar days of the date of the planning commission decision. Should the town council find merit in the appeal, the application shall be remanded to the planning commission with the council's recommendations and the matter shall be reconsidered by the planning commission at its next regularly scheduled meeting.
- C. Denial To Reclassify: Denial of an application to amend the zoning map to reclassify any parcel or property shall prohibit the filing of another application to amend the zoning map to reclassify the same parcel of property, or any portion thereof, to the same zone classification within one year from the date of the final denial of the previous application, unless the planning commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the denial of the previous application to merit consideration of a second application within the one year time period. (Ord., 6-8-1989)

#### **10-1-9: HEARING AND PUBLICATION OF NOTICE BEFORE AMENDMENT:**

Before finally adopting any such amendment, the town council shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be given by at least one publication in a newspaper of general circulation within the town. (Ord., 6-8-1989)

#### **10-1-10: LICENSING:**

All departments, officials and public employees of the town, which are vested with the duty and authority to issue permits or licenses, shall conform to the provisions of this title and shall issue no permit or license for a use, building or purpose where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void. Issuance of a permit or license in conflict with the provisions of this title shall not estop the town from enforcing the provisions of this title. (Ord., 6-8-1989)

#### **10-1-11: PENALTY:**

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this title shall be guilty of a class C misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code. Such person, firm or corporation who intentionally violates this title shall be deemed to be guilty of a separate offense for each and every day during which any violation of this title is committed, continued or permitted by such person, firm or corporation and shall be punished as herein stated; provided, however, that when any structure or use is in continuous violation of this title for a period exceeding five (5) years, and upon proper affidavits being submitted to the appeal authority to the effect that no action has been instigated or complaint received during said period with respect to the violation, and when said board finds that in the interest of justice and the general public good and welfare, such structure or use should be allowed to continue, then and in that event, said board may declare such structure or use nonconforming [or complying](#). However, the period of limitation of five (5) years prescribed herein shall not commence to run until the effective date of this title and in no way shall be interpreted to permit the continuation of any violation which exists on the effective date hereof. (Ord., 6-8-1989; amd. 2010 Code)

#### **10-1-12: TIME COMPUTATION:**

In computing any period of time prescribed or allowed by this title, the day of the act, event or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a holiday. The date of a decision or

recommendation of the planning commission shall be the date of the hearing at which such decision or recommendation is made. If no hearing is held on the matter, the date of the decision or recommendation shall be the date written notice of such decision or recommendation is mailed to the applicant. (Ord., 6-8-1989)

**10-1-13: SEVERABILITY:**

If any portion of this title shall be deemed to be unenforceable for any reason whatsoever, the remaining

## **Chapter 2 ENFORCEMENT**

**10-2-1: BUILDING OFFICIAL TO ENFORCE:**

**10-2-2: POWERS AND DUTIES OF BUILDING OFFICIAL:**

**10-2-3: PERMITS TO COMPLY WITH TITLE:**

**10-2-4: REQUIRED DOCUMENTS:**

**10-2-1: BUILDING OFFICIAL TO ENFORCE:**

The building official is designated as the officer charged with the enforcement of this title. [The building official shall be the individual appointed by the Mayor, and the Mayor shall have the power to appoint and discharge the building official.](#) (Ord., 6-8-1989)

**10-2-2: POWERS AND DUTIES OF BUILDING OFFICIAL:**

The building official is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect building and land uses to determine compliance with the provisions of this title. The building official shall enforce all the provisions of this title, employing all legal means available to do so. In enforcement of this title, the building official or his authorized representative shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining compliance with the provisions of this title; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction. (Ord., 6-8-1989)

**10-2-3: PERMITS TO COMPLY WITH TITLE:**

After the effective date hereof, no building permit may be issued without first having been approved by the building official. The building official shall not approve or issue a building permit if any building, structure or use of land would be in violation of any of the provisions of this title, nor shall any other town officer or employee grant a permit or license for the use of any building or land if such use would be in violation of this title. (Ord., 6-8-1989)

**10-2-4: REQUIRED DOCUMENTS:**

As a part of the application for a building permit, ~~two (2)~~[three \(3\)](#) sets of complete construction documents of the proposed project shall be submitted. The documents shall be of a detail and scale appropriate to completely describe the proposed construction activities, as well as the intended use of the project. If, in the opinion of the building official, the documents submitted are not of sufficient size, scale, detail or nature, additional documents may be required as determined by the building official. For all projects involving structural work, all structural calculations, design and documents shall be prepared by a licensed Utah structural engineer or architect and bear his stamp and signature on each page of all documents submitted. In addition, the applicant

shall submit those letters of approval from various agencies as required by other chapters of this title. (Ord., 6-8-1989)

## Chapter 6

### ZONING DISTRICTS

#### 10-6-1: ESTABLISHMENT OF ZONES:

For the purpose of this title, the town to which this title applies is divided into ~~seven-eight (78)~~ zones and one (1) overlay zone as follows:

Forestry multi-family zone	FM-10
Forestry multi-family zone	FM-20
Base facilities zone	BF-10
Forestry and recreation zone	FR-0.5
Forestry and recreation zone	FR-1
<u>Forestry and recreation zone</u>	<u>FR-20</u>
Forestry and recreation zone	FR-50
Peruvian estates zone	PE-0.5
<u>Upper Albion Basin Protection Overlay Zone</u>	<u>UABPOZ</u>

(Ord., 6-8-1989)

#### 10-6-2: ZONING MAP:

Each of the sections of the town which are hereby amended or zoned are shown on the zoning map on file with the town clerk, and such map is made by this reference, as such, a part of this title as if fully described and detailed herein. (Ord., 6-8-1989)

#### 10-6-3: ZONE BOUNDARIES:

The boundary of any zone shall be construed as the property line or lines of any perimeter parcel or parcels located therein. Should uncertainty exist as to the boundary of any zone, the appeal authority shall interpret the map. (Ord., 6-8-1989; amd. 2010 Code)

## ARTICLE A. FORESTRY AND RECREATION ZONES

### 10-6A-1: PURPOSE:

### 10-6A-2: PERMITTED USES:

### 10-6A-3: CONDITIONAL USES:

### 10-6A-3-1: PROHIBITED USES:

### 10-6A-4: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

### 10-6A-5: YARD REGULATIONS:

### 10-6A-6: HEIGHT REQUIREMENTS:

### 10-6A-7: MAXIMUM LOT COVERAGE:

### 10-6A-8: WASTEWATER SYSTEM UABPOZ

### 10-6A-89: SPECIAL REGULATIONS:

### 10-6A-910: CONSTRUCTION DOCUMENTS APPROVAL:

### 10-6A-101: PETITIONS TO REZONE:

### 10-6A-12: MECHANICAL SCREENING OF ROOFTOP ELEMENTS

### **10-6A-1: PURPOSE:**

The purpose of the forestry and recreation zones set forth in this article is to allow for uses of certain areas of the town which will be compatible with one another and with the natural, scenic beauty of the town and the nearby mountain vistas. No interest in a residential unit, dwelling or project of any type whatsoever to be located in a forestry and recreation zone shall be conveyed or transferred by deed or contract for a specified period of time of less than thirty (30) days. A major purpose of this zone is to increase the period of ownership and occupancy of its residents. (Ord., 6-8-1989; amd. 2010 Code)

### **10-6A-2: PERMITTED USES:**

All permitted uses are subject to sections [10-6A-4](#) through and including [10-6A-9](#) of this article.

Accessory uses and structures customarily incidental to a permitted use.

Single-family dwellings. (Ord., 6-8-1989)

### **10-6A-3: CONDITIONAL USES:**

All conditional uses are subject to sections [10-6A-4](#) through and including [10-6A-9](#) of this article, except that the regulations of sections [10-6A-4](#) through [10-6A-9](#) of this article may be modified by the town council as they relate to ~~mineral extraction and processing, and pPublic Use and eQuasi-pPublic uUses, as by law defined by law.~~

Accessory uses and structures customarily incidental to a conditional use.

Commercial and private recreation.

Living quarters for persons employed on the premises of any ~~mMain uUse.~~

~~Logging and lumber processing.~~

~~2.5.2020~~ 8.20.2020

~~Mineral extraction and processing.~~

Offices incidental to ~~m~~Main ~~u~~Use.

Public Uses and ~~q~~Quasi-~~p~~Public ~~u~~Uses.

Temporary structures. (Ord., 6-8-1989; amd. Ord. 90-O-5, 4-12-1990)

#### **10-6A-3-1: PROHIBITED USES:**

It shall be deemed to be a prohibited commercial use in all FR zones to issue or rent any dwelling or other structure, or portion thereof, for lodging purposes for a period of thirty (30) days or less. (Ord., 6-8-1989)

#### **10-6A-4: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:**

District	Minimum Lot Area (Net Developable Acreage)	Lot Width
FR-0.5	1/2 acre	100 feet
FR-1	1 acre	200 feet
FR-5	5 acres	300 feet
FR-20	20 acres	300 feet
FR-50	50 acres	300 feet
FR-100	100 acres	300 feet

The term "~~n~~Net ~~d~~Developable Acreage", as used in this article, shall be deemed to be defined as set forth in section 10-1-6 of this title. (Ord., 6-8-1989)

In all FR zones, as delineated above, no construction shall be permitted on any lot or portion thereof where the ground slope exceeds thirty percent (30%) in-grade. Where exceptional and extraordinary conditions exist, resort may be made to the appeal authority. (Ord., 6-8-1989; amd. 2010 Code)

#### **10-6A-5: YARD REGULATIONS:**

Because of the unique nature of topography and climatic conditions within the town, the side, rear and front yard requirements will be determined on an individual basis by the town council, acting upon the recommendation of the planning commission. (Ord., 6-8-1989)

#### **10-6A-6: HEIGHT REQUIREMENTS:**

No single-family dwelling shall be erected to a height greater than three (3) stories, nor less than one story, and the maximum height of any single-family dwelling shall be 35 feet above the lower of the Established Grade or Finished Grade. ~~and in no case to a height greater than thirty five feet (35') above the lowest finished grade adjacent to the perimeter of the structure. (Ord., 6-8-1989);~~ Any single-family dwelling which complied with the height requirements on (DATE OF ADOPTION OF THE CODE) and no longer complies with this section is a valid complying structure as to height.

#### **10-6A-7: MAXIMUM LOT COVERAGE:**

~~2-5-2020~~ 8.20.2020

(1) The maximum coverage for the aggregate of all buildings, ~~paved surfaces and graded areas within a lot area based on total gross acreage~~ structures, graded surfaces, paved areas, overhangs, driveways, decks, parking areas and walkways shall be limited by the following schedule:

Zone	Maximum Lot Coverage
FR-0.5	25 percent of the net developable acreage
FR-1	25 percent of the net developable acreage
FR-5	10 percent of the net developable acreage
FR-20	5 percent of the net developable acreage
FR-50	2 percent of the net developable acreage
FR-100	1 percent of the net developable acreage

(2) The following areas shall not be counted as coverage: Areas that may have been graded but remain vegetated and open to the sky, such as ski trails or lawn areas;

(3) The following areas shall be counted as coverage: Green or planted roofs shall be counted as coverage.  
(Ord., 6-8-1989)

#### **10-6A-8: WASTEWATER SYSTEM UABPOZ:**

Prior to submittal for a building permit for any occupied structure in the UABPOZ applicant shall show and guarantee ability to connect to a sewer system. This provision does not apply to dwellings located within the UABPOZ which legally existed at the time this ordinance was passed.

#### **10-6A-9: SPECIAL REGULATIONS:**

- A. Natural Hazards: Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real and personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards, namely: floods, landslides, avalanches, a high water table, or inordinate soil erosion. In addition to compliance with the provisions of the building code governing topographic, structural, construction and design standards necessary to meet the maximum foreseeable risk of such hazards, persons developing, improving, managing or owning such property shall have the obligation and bear the burden of so developing and/or improving the property in such a manner that the property and/or the general public are safeguarded from unreasonable risk of harm or injury from such natural hazards to the satisfaction of the planning commission and the building official.
- B. Board Of Health Approval: Prior to issuance of a conditional use permit by the planning commission or the town council, or issuance of a building permit by the building official, approval of all uses, regardless of size or number of units, shall be given in writing by the Salt Lake Valley health department, who shall certify as to the adequacy of the culinary water system and the sewage system.



The approval of all culinary water and sewage facilities shall be in accordance with the regulations of the Salt Lake Valley health department and the state division of health.

- C. Sewage System: Site plan approvals, conditional use permits or building permits shall not be issued until the complete sewage system design and specifications have been approved in writing by all appropriate governmental agencies with jurisdiction.
- D. Building Materials: Buildings shall be designed to preserve the natural beauty of the canyon area. Only those building materials which will blend harmoniously into the natural environment shall be permitted. The use of wood and stone and other harmonious materials is encouraged.
- E. Grading: To reduce the possibility of erosion and eliminate unsightly scars on the mountain slopes, all excavation, grading and cut and fill operations shall be done under the strict control and approval of the building official. All areas disturbed by construction activities shall be revegetated and maintained in accordance with an approved plan. No certificate of occupancy for any project shall be issued by the building official until all revegetation is complete.
- F. Natural Vegetation: All existing and proposed vegetation shall be shown on the approved site plan, and existing vegetation shall not be removed except as shown thereon. The design of the project shall be such as to retain as much of the existing natural vegetation as possible.
- G. Stream Regulations:
- ~~(1) No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is closer than fifty feet (50') from the nearest high water line of any "natural waterway" waterway, as defined in section 10-1-6 of this title. No dwelling unit, structure, improvement or appurtenance shall be constructed, raised or established within fifty feet (50') from the high water line of any Waterway or within the Top of Bank as determined by the building official~~
- ~~(2) Notwithstanding (1) above, in the Upper Albion Basin Protection Overlay Zone, no dwelling unit, structure, improvement or appurtenance shall be constructed, raised or established, within one hundred feet (100') from the high water line of any Waterway nor within twenty feet (20') from the Top of Bank as determined by the building official~~
- ~~(3) Notwithstanding (1) and (2) above, Structures which are not Buildings and are for Commercial Recreation ski area operation or campground operations, such as lift towers, signs, avalanche control devices, snowmaking equipment, picnic tables and fire pits, are exempt from these setbacks so long as and only if, such structures comply with requirements of the regulatory bodies having jurisdiction, including US Forest Service, US Army Corp Engineers, Salt Lake Valley Health Department and the Salt Lake City Division of Public Utilities.~~
- ~~(4) The approved site plan shall depict the Waterway and Top of Bank setbacks and also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.~~
- H. Rehabilitation Of Existing Landscape Scars: In conjunction with submission of plans and documents for building permit plan or conditional use approval, the applicant shall submit for approval a detailed program for rehabilitation of existing scars on the landscape, if any, caused by unused roads, mine dumps, excavation, construction or other causes. A bond, in an amount determined by the building official, covering such rehabilitation program shall be deposited with the town to ensure that such rehabilitation will be completed. No certificate of occupancy shall be issued by the building official until all approved rehabilitation work is complete.

- I. Parking Requirements: The planning commission shall determine the number of parking spaces required; however, the minimum requirements of [chapter 12](#) of this title shall be satisfied. Covered parking is encouraged.
- J. Utilities: All utilities shall be placed underground. (Ord., 6-8-1989)

#### **10-6A-910-6A-10: CONSTRUCTION DOCUMENTS APPROVAL:**

In order to determine compliance with this title and to promote orderly and harmonious development of canyon areas, construction documents for all projects shall be approved by the building official prior to the issuance of any building permits. Applications for building permits shall be accompanied by plans, specifications and other documents with sufficient data and at a reasonable scale to describe all existing and proposed conditions, including, but not limited to, topography, grading, roads and walks, buildings, utilities, vegetation, exterior materials, color schedules, and other such information as may be required to ensure compliance with the provisions of this title. The building official may seek the recommendation of the planning commission prior to approval of any project. Applications may be approved as submitted, approved subject to conditions, or disapproved. Appeal of any decision of the building official may be made to the town council by filing a written notice of such effect with the town clerk within twenty (20) days of the date of the written notice of such determination. The town council shall thereupon promptly hear such appeal at the next regular meeting of the town council or at a special meeting upon call of the mayor, and the matter shall be reviewed de novo. (Ord., 6-8-1989)

#### **10-6A-1010-6A-11: PETITIONS TO REZONE:**

- A. Content Of Petition: Any request to amend an existing zoning ordinance or to amend and change the zoning of any particular property within the town shall be submitted to the town clerk in the form of a written and verified petition. Said petition shall include the following elements:
  1. The full name and address of the petitioner.
  2. A statement of all legal, contractual and equitable interest in the property as to which zoning amendment or change is sought, including the names and addresses of all such individuals.
  3. A legal description by metes and bounds, or otherwise, of the property as to which zoning amendment or change is sought.
  4. A statement as to the reasons and basis for the amendment or change to any zoning ordinance or land use classification.
  5. If real property is to be developed pursuant to the proposed amended and/or changed zoning ordinance, a statement in detail of the plans and documents relating to such development, including those elements as required in sections [10-6A-3](#) through and including [10-6A-9](#) of this article. The petitioner shall attach two (2) copies of plans, specifications and other documents as may be necessary to fully describe in detail the nature, character and extent of the proposed development as to which the petition relates.
  6. A statement as to the availability of all utility services. (Ord., 6-8-1989)
- B. Fees: At the time the petition is filed, the applicant shall also pay to the town clerk all required fees as set by resolution of the town council. (Ord., 6-8-1989; amd. 2010 Code)
- C. Planning Commission Review: Upon receipt of any petition filed under this section and payment of all appropriate fees by petitioner, the town clerk shall forward forthwith such petition and all attachments to the chairperson of the planning commission for review, analysis and action by that commission pursuant to law at the next regularly scheduled meeting of the commission. (Ord., 6-8-1989)

**10-6A-12: MECHANICAL SCREENING OF ROOFTOP ELEMENTS:**

A. Rooftop Elements shall be set back at least five feet (5) from the edge of a structure.

B. All rooftop elements, except for flagpoles and windsocks, must be architecturally screened to:

(1) not detract from the natural environment of the canyon;

(2) not adversely affect the viewshed of neighbors or canyon visitors; and,

- (3) be harmonious with the base structure.

**ARTICLE B. PERUVIAN ESTATES ZONE<sup>1</sup>****10-6B-1: INTRODUCTION:****10-6B-2: PURPOSE:****10-6B-3: PERMITTED USES:****10-6B-1: INTRODUCTION:**

The Peruvian estates zone applies to those certain lots described by metes and bounds and shown on the zoning map as PE-0.5. The provisions of [chapter 6, article-A](#) of this chapter, pertaining to zone FR-0.5 shall apply, except as modified herein. (Ord., 6-8-1989)

**10-6B-2: PURPOSE:**

The purpose of this article is to define additional permitted uses to those described in section [10-6A-2](#) of this chapter. (Ord., 6-8-1989)

**10-6B-3: PERMITTED USES:**

All permitted uses allowed under section [10-6A-2](#) of this chapter shall be allowed in this zone. In addition, the following uses are allowed:

Caretaker use, within the defined terms "caretaker" and "caretaker unit", set forth in section [10-1-6](#) of this title.

Rental of a "single-family dwelling", as defined in section [10-1-6](#) of this title, to a single "family", as defined in section [10-1-6](#) of this title, for periods of less than thirty (30) days and subject to the following conditions:

A. No food service, or catering of food or beer, or liquor service may be provided.

B. No maid, housekeeping or similar services may be provided.

C. No rental to groups other than a single "family", as defined in section [10-1-6](#) of this title, at any given time is allowed.

D. No rental of a "caretaker unit", as defined in section [10-1-6](#) of this title, for purposes other than to house a "caretaker", as defined in section [10-1-6](#) of this title, is allowed. (Ord., 6-8-1989)

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<sup>1</sup>Footnote 1: See also subsection 3-1-5B of this code regarding dwellings as businesses in Peruvian estates zoning district

## ARTICLE C. FORESTRY MULTI-FAMILY ZONES

### 10-6C-1: PURPOSE:

### 10-6C-2: PERMITTED USES:

### 10-6C-3: CONDITIONAL USES:

### 10-6C-4: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:

### 10-6C-5: YARD REGULATIONS:

### 10-6C-6: HEIGHT RESTRICTIONS:

### 10-6C-7: DENSITY REGULATIONS:

### 10-6C-8: MAXIMUM LOT COVERAGE:

### 10-6C-9: SPECIAL REGULATIONS:

### 10-6C-10: CONSTRUCTION DOCUMENTS APPROVAL:

### 10-6C-11: PETITIONS TO REZONE:

### 10-6C-12: MECHANICAL SCREENING OF ROOFTOP ELEMENTS:

#### **10-6C-1: PURPOSE:**

The purpose of the FM-10 and FM-20 forestry multi-family zones is to allow high density residential, limited commercial, resort dwellings occupied or owned for periods of less than thirty (30) days and other uses as set forth and specified by sections [10-6C-2](#) and [10-6C-3](#) of this article to the extent that such development is compatible with the protection of the natural and scenic resources of the town and the safety of the public. Unique winter hazards exist in the town requiring specific management control of resort hotels, condominiums and commercial enterprises for the protection of the public and the health, safety and general welfare of the residents of the town. (Ord., 6-8-1989; amd. 2010 Code)

#### **10-6C-2: PERMITTED USES:**

All permitted uses are subject to sections [10-6C-4](#) through and including [10-6C-10](#) of this article; and the following:

Accessory uses and structures customarily incidental to a permitted use.

"Nameplates" and "signs", as defined and limited in [chapter 13](#) of this title.

Single-family dwellings. (Ord., 6-8-1989; amd. 2010 Code)

#### **10-6C-3: CONDITIONAL USES:**

All conditional uses are subject to sections [10-6C-4](#) through and including [10-6C-9](#) of this article; and the following:

Accessory uses and structures customarily incidental to a conditional use.

Apartment house, lodging house, hotel, time period unit and condominium project.

Class B beer outlet, package agency, state store.

Commercial and private recreation.

Dwelling group.

Living quarters for persons employed on the premises of any ~~main~~ Main ~~Use~~.

Multiple-family dwelling.

Offices incidental to the ~~main~~ Main ~~Use~~.

"Planned unit development", as defined in [chapter 10](#) of this title.

Private nonprofit locker club.

Public and quasi-public uses.

Restaurant, boutique, ski shop and other limited commercial uses determined by the town council to be of the same character of these listed and serving the needs of the visitors and residents of the canyon.

Temporary structures. (Ord., 6-8-1989; amd. 2010 Code)

#### **10-6C-4: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:**

Construction of any building, structure or improvement shall not be permitted where any of the following conditions exist:

- A. The lot area shall be less than one-half ( $1/2$ ) acre in size; or
- B. The property from which the said lot was subdivided shall have contained less than one "net developable acre", as defined in section [10-1-6](#) of this title; or
- C. The slope exceeds thirty percent (30%) ~~grade~~; or
- D. The width of the lot shall be less than one hundred feet (100').

Where exceptional and extraordinary conditions exist, resort may be made to the appeal authority pursuant to [chapter 5](#) of this title. (Ord., 6-8-1989)

#### **10-6C-5: YARD REGULATIONS:**

Because of the unique nature of topography and climatic conditions within the town, the side, rear and front yard requirements will be determined on an individual basis by the planning commission. (Ord., 6-8-1989)

#### **10-6C-6: HEIGHT RESTRICTIONS:**

A. The unique nature of the topography, vegetation, soils, climatic and aesthetic characteristics of the canyon defy uniform regulations and require that the heights of structures be determined on an individual basis. Maximum and minimum heights of all conditional uses shall be determined by the planning commission and after analysis of the following elements:

- A. Natural setting.
- B. Relationship with other structures and open spaces.
- C. Contour intervals and topographic features.

D. Height, density and species of vegetation.

E. Scenic vistas and sight lines.

F. Other elements deemed appropriate to ensure that the provisions of ~~section 10-6C-1~~ section 10-6C-1 of this article are met.

~~B. No single-family dwelling shall be erected to a height greater than three (3) stories, nor less than one story. and The maximum height of any single-family dwelling shall be 35 feet above the lower of the established grade or finished grade. Any single-family dwelling which complied with the height requirements on (DATE OF ADOPTION OF THE CODE) and no longer complies with this section is a valid complying structure as to height.~~

~~measured vertically from the highest point of the structure, and in no case to a height greater than thirty five feet (35') above the lowest finished grade adjacent to the perimeter of the structure. (Ord., 6-8-1989).~~

### 10-6C-7: DENSITY REGULATIONS:

A. Maximum: The maximum density for residential dwelling units shall be as follows:

Zone	Maximum Density
FM-10	Up to 10 dwelling units or 20 guestrooms per net developable acre and contained in not more than 2 buildings
FM-20	Up to 20 dwelling units or 40 guestrooms per net developable acre and contained in not more than 2 buildings

B. The terms "dwelling unit", "guestroom", and "building" shall strictly comply with their definitions as set forth in section 10-1-6 of this title.

C. The foregoing maximum density regulations shall not be subject to proration, and except for single-family dwellings, a full, contiguous, "net developable area", as defined in section 10-1-6 of this title, shall be required for any property to be eligible for subdivision in an FM-10 or FM-20 zone. (Ord., 6-8-1989)

D. For residential uses other than "hotel" or "lodging house", as defined in ~~section 10-1-6~~ section 10-1-6 of this title, the total number of "bedrooms", as determined by the building official, shall be the total number of guestrooms allowed in determining maximum density. (Ord. 90-O-4, 4-12-1990)

### 10-6C-8: MAXIMUM LOT COVERAGE:

~~The maximum coverage for the aggregate of all buildings, paved surfaces and graded areas within a lot area shall be twenty five percent (25%) of the gross lot area. (Ord., 6-8-1989)~~

~~(1) The maximum coverage for the aggregate of all building, structures, graded surfaces, paved areas, overhangs, driveways, decks, parking areas and walkways shall be twenty five (25%) of the gross lot area.~~

~~(2) The following areas shall not be counted as coverage: Areas that may have been graded but remain vegetated and open to the sky, such as ski trails or lawn areas; and~~

(3) The following areas shall be counted as coverage: Green or planted roofs shall be counted as coverage.

### 10-6C-9: SPECIAL REGULATIONS:

- A. Natural Hazards: Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real and personal property and/or individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards, namely: floods, landslides, avalanches, a high water table, or inordinate soil erosion. In addition to compliance with the provisions of the building code governing topographic, structural, construction and design standards necessary to meet the maximum foreseeable risk of such hazards, persons developing, improving, managing or owning such property shall have the obligation and bear the burden of so developing and/or improving the property in such a manner that the property and/or the general public are safeguarded from unreasonable risk of harm or injury from such natural hazards to the satisfaction of the planning commission and the building official.
- B. Board Of Health Approval: Prior to issuance of a conditional use permit by the planning commission or the town council, or issuance of a building permit by the building official, approval of all uses, regardless of size or number of units, shall be given in writing by the Salt Lake Valley health department, who shall certify as to the adequacy of the culinary water system and the sewage system. The approval of all culinary water and sewage facilities shall be in accordance with the regulations of the Salt Lake Valley health department and the state division of health.
- C. Sewage System: Site plan approvals, conditional use permits or building permits shall not be issued until the complete sewage system design and specifications have been approved in writing by all appropriate governmental agencies with jurisdiction.
- D. Building Materials: Buildings shall be designed to preserve the natural beauty of the canyon area. Only those building materials which will blend harmoniously into the natural environment shall be permitted. The use of wood and stone and other harmonious materials is encouraged and the use of bland, unpainted concrete blocks and unpainted metal is prohibited on exterior surfaces.
- E. Grading: To reduce the possibility of erosion and eliminate unsightly scars on the mountain slopes, all excavation, grading, and cut and fill operations shall be done under the strict control and approval of the building official. All areas disturbed by construction activities shall be revegetated and maintained in accordance with an approved plan. No certificate of occupancy for any project shall be issued by the building official until all revegetation is complete.
- F. Natural Vegetation: All existing and proposed vegetation shall be shown on the approved site plan, and existing vegetation shall not be removed except as shown thereon. The design of the project shall be such as to retain as much of the existing natural vegetation as possible.
- G. Stream Regulations: No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is ~~closer than fifty feet (50')~~ from the nearest high water line of any "natural waterway" waterway, as defined in section 10-1-6 of this title within fifty feet (50') from the high water line of any Waterway or within the Top of Bank as determined by the building official. The approved site plan shall depict the Waterway and Top of Bank setbacks and also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.
- H. Rehabilitation Of Existing Landscape Scars: In conjunction with submission of plans and documents for building permit or conditional use approval, the applicant shall submit for approval a detailed program for rehabilitation of existing scars on the landscape, if any, caused by unused roads, mine

dumps, excavation, construction or other causes. A bond, in an amount determined by the building official, covering such rehabilitation program, shall be deposited with the town to ensure that rehabilitation will be completed. No certificate of occupancy shall be issued by the building official until all approved rehabilitation work is complete.

- I. Parking Requirements: The planning commission shall determine the number of parking spaces required; however, the minimum requirements of [chapter 12](#) of this title shall be provided, except that hotels and lodging houses shall provide one-half ( $1/2$ ) parking space for each guestroom rounded to the next higher whole number of parking spaces. In order to gradually reduce the large parking areas which detract from the natural beauty of the town, the planning commission may require that covered or enclosed on site parking be provided.
- J. Utilities: All utilities shall be placed underground.
- K. Time Period Unit Project:
  1. In every time period unit project, the condominium declaration, unit owners' association articles of incorporation and bylaws shall be submitted to and approved by the town council prior to recordation. Time period unit projects are regarded as hotels for those characteristics bearing on service to the public and the health, safety and general welfare of the public and residents of the town. For purposes of this title and in regarding time period unit projects as hotels, all such projects shall be required to have management procedures and are subject to all other regulations identical to those required of hotels. In addition to all other requirements of the Utah condominium ownership act, the following provisions shall be included in any time period unit projects condominium declaration, owners' association articles of incorporation and bylaws:
    - a. An affirmation that the time period unit project will maintain a manager and other responsible employees on the project property at all times for purposes of managing the project as a hotel, answering inquiries from the general public and from officials of the town and other governmental agencies, providing for maintenance, upkeep, waste and snow removal as required by unit owners or transient renters, and responding to emergencies such as fire, storm, earthquake and avalanche.
    - b. A statement that the act of ratification of the time period unit project owners' association articles of incorporation and bylaws is a conferral of power of attorney for the unit owners upon the person in charge or the designated manager of the project for service of process and on the first officer of the project owners' organization should no manager be designated. A further statement that, in matters relating to health, safety and morals of the residents of the town and/or Salt Lake County, the town may issue to the project manager, first officer of the project owners' organization or present manager, instructions, requests, orders, notice of service of process of any otherwise lawful nature whatsoever, and such issuance or notice shall be service to all the owners of units within the project and to the owners' association.
  2. The unit owners' association of any time period unit project shall maintain a management reserve fund in the name of the town in an amount to be established by the town council for each individual project in a trust account in a bank to be named in the bylaws, to be assessed by the town for any real costs it may incur in taking responsible emergency steps to secure the safety of the project, its owners and inhabitants, the residents of the town, or the general public in the absence from the project of the manager or other responsible employees or agents of the project.
  3. No condominium unit shall be converted to a time period unit use unless one hundred percent (100%) of the owners express in writing a desire to convert each of their units to a time period use. A condominium project unit owners association desiring to convert to a time period unit use must



apply to the town on a form provided by the town and must show written evidence that one hundred percent (100%) of the unit owners will convert to time period use within one year. Subsequent to any such conversion, but prior to time period unit use, the condominium declaration and bylaws must be amended and recorded to clearly show that the project is a time period unit project rather than simply a condominium project and to comply fully to all the above provisions. (Ord., 6-8-1989)

4. Each time period unit project shall obtain an annual business license from the town. It is a class C misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code, to occupy any time period unit or to allow access to any common area facility by unit owners or the general public without a business license. (Ord., 6-8-1989; amd. 2010 Code)

### **10-6C-10: CONSTRUCTION DOCUMENTS APPROVAL:**

In order to determine compliance with this title and to promote orderly and harmonious development of canyon areas, construction documents for all projects shall be approved by the building official prior to the issuance of any building permits. Applications for building permit shall be accompanied by plans, specifications and other documents with sufficient data and at a reasonable scale to describe all existing and proposed conditions, including, but not limited to, topography, grading, roads and walks, buildings, utilities, vegetation, exterior materials, color schedules, and other such information as may be required to ensure compliance with the provisions of this title. The building official may seek the recommendation of the planning commission prior to approval of any project. Applications may be approved as submitted, approved subject to conditions, or disapproved. Appeal of any decision of the building official may be made to the town council by filing a written notice of such appeal with the town clerk within twenty (20) days of the date of the written notice of such determination. The town council shall thereupon promptly hear such appeal at the next regular meeting of the town council or at a special meeting, upon call of the mayor, and the matter shall be reviewed de novo. (Ord., 6-8-1989)

### **10-6C-11: PETITIONS TO REZONE:**

- A. Content Of Petition: Any request to amend an existing zoning ordinance or to amend and change the zoning of any particular property within the town, shall be submitted to the town clerk in the form of a written and verified petition. Said petition shall include the following elements:
  1. The full name and address of the petitioner.
  2. A statement of all legal, contractual and equitable interest in the property as to which zone amendment or change is sought, including the names and addresses of all such individuals.
  3. A legal description by metes and bounds, or otherwise, of the property as to which zoning amendment or change is sought.
  4. A statement as to the reasons and basis for the amendment or change to any zoning ordinance or land use classification.
  5. If real property is to be developed pursuant to the proposed amended and/or changed zoning ordinance, a statement in detail of the plans relating to such development, including those elements as required in sections [10-6C-3](#) through and including [10-6C-9](#) of this article. The petitioner shall attach two (2) copies of plans, specifications and other documents as may be necessary to fully describe in detail the nature, character and extent of the proposed development as to which the petition relates.
  6. A statement as to the availability of all utility services. (Ord., 6-8-1989)

- B. Fees: At the time the petition is filed, the applicant shall also pay to the town clerk all required fees as set by resolution of the town council. (Ord., 6-8-1989; amd. 2010 Code)
- C. Planning Commission Review: Upon receipt of any petition filed under this section and payment of all appropriate fees by petitioner, the town clerk shall forward forthwith such petition and all attachments to the chairperson of the planning commission for review, analysis and action by that commission pursuant to law at the next regularly scheduled meeting of the commission. (Ord., 6-8-1989)

### **10-6C-12: MECHANICAL SCREENING OF ROOFTOP ELEMENTS:**

**A. Rooftop Elements shall be set back at least five feet (5') from the edge of the structure.**

**B. All rooftop elements, except for flagpoles and windsocks, must be architecturally screened to**

**(1) not detract from the natural environment of the canyon;**

**(2) not adversely affect the viewshed of neighbors or canyon visitors; and,**

**(3) be harmonious with the base structure.**

## **ARTICLE D. BASE FACILITIES ZONE**

### **10-6D-1: INTRODUCTION:**

### **10-6D-2: PURPOSE:**

### **10-6D-3: GUESTROOM DEFINED:**

### **10-6D-4: PERMITTED, PROHIBITED USES:**

### **10-6D-5: DENSITY REGULATIONS:**

### **10-6D-6: PARKING REQUIREMENTS:**

### **10-6D-7: EMPLOYEE HOUSING:**

### **10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:**

### **10-6D-9: YARD REGULATIONS:**

### **10-6D-10: HEIGHT REQUIREMENTS:**

### **10-6D-11: MAXIMUM COVERAGE:**

### **10-6D-12: STEP BACK (BUILDING):**

### **10-6D-13: MECHANICAL SCREENING:**

### **10-6D-14: SPECIAL REGULATIONS:**

### **10-6D-15: CONSTRUCTION DOCUMENTS APPROVAL:**

### **10-6D-1: INTRODUCTION:**

A. Zoning Map: The base facilities zone applies to those certain parcels within the ~~€~~Town of Alta shown on the zoning map as BF-10.

B. Identification Of Subzones A, B ~~And~~and C Within The Base Facilities Zone: Zone A includes the Snowpine Lodge, the Rustler Lodge and the Alta Lodge. Zone B includes the Goldminer's Daughter Lodge and the Alta Peruvian Lodge. Zone C includes the Shallow Shaft Restaurant and the Photohaus. (Ord. 2014-O-5, 12-11-2014)

~~2-5-2020~~ 8.20. 2020

**10-6D-2: PURPOSE:**

The purpose of the base facilities zone is to allow land to be used for retail and service commercial establishments and uses, together with transient accommodations uses. The base facilities zone is the commercial hub of the town and, as a result, no residential uses, including, but not limited to, condominiums and single-family residences shall be permitted within the base facilities zone. (Ord. 2008-O-7, 6-12-2008)

**10-6D-3: GUESTROOM DEFINED:**

"Guestroom", for the purposes of this article, shall mean every six hundred (600) square feet of total floor area within a structure, and the remainder thereof. (Ord. 2008-O-7, 6-12-2008)

**10-6D-4: PERMITTED, PROHIBITED USES:**

## A. Permitted uses:

1. Hotels.
2. Retail commercial services, limited to the following and similar uses: retail shops, art galleries, bakeries, bars, bookstores, clothing stores, drugstores, food markets, gift shops, restaurants, sporting goods stores, ski shops and variety stores.
3. Storage of materials accessory to permitted uses in subsections A1 and A2 of this section, provided all such storage is located within a structure.
4. Parking of motor vehicles accessory to other uses permitted herein.
5. Parks, open spaces and recreational uses.
6. Designated employee housing units, as described in section [10-6D-7](#) of this article.

B. Prohibited: All other uses are not permitted in the base facilities zone. (Ord. 2008-O-7, 6-12-2008)

**10-6D-5: DENSITY REGULATIONS:**

The maximum density for hotels shall be thirty three (33) guestrooms per net developable area. In calculating the total number of rooms allowed, the net developable acres multiplied by thirty three (33) shall be rounded down to the next lower whole number if the calculated value is a fraction. (Ord. 2008-O-7, 6-12-2008)

**10-6D-6: PARKING REQUIREMENTS:**

- A. Existing Projects: For an existing project, there shall be provided the number of existing parking spaces, and in addition, one legal, overnight parking space shall be provided for every eight (8) guestrooms, or increment thereof, added to any existing project, and one-half ( $1/2$ ) parking space shall be provided for every one employee living accommodation added to any existing project pursuant to section [10-6D-7](#) of this article, rounded up to the nearest whole number.
- B. Location: All parking spaces provided shall be located either on the site or at a location acceptable to the land use authority.
- C. New Construction Project: For any new construction project, there shall be provided the number of parking spaces required pursuant to section [10-12-4](#) of this title. Alternatively, for any project, the owner of the property may submit to the land use authority a parking management plan for the project proposing the number of parking spaces to be provided, taking into consideration hotel guests, live in tenant employees and day shift employees, and including the location of such spaces, for review, revisions and approval by the land use authority. (Ord. 2008-O-7, 6-12-2008)

**10-6D-7: EMPLOYEE HOUSING:**

- A. Existing Project: For an existing project, there shall be provided the number of existing employee living accommodations in the project, and in addition, additional living accommodations for one employee shall be provided on the site for each five (5) additional guestrooms, or increment thereof.
- B. New Construction Project: For any new construction project, there shall also be provided living accommodations on the site for one employee for every five (5) guestrooms. In calculating the required number of employee living accommodations, the number of proposed guestrooms shall be divided by five (5) and rounded up to the next larger whole number if the number of guestrooms divided by five (5) is a fraction. (Ord. 2008-O-7, 6-12-2008)

**10-6D-8: LOT AREA, LOT WIDTH AND SLOPE REQUIREMENTS:**

Construction of any building, structure or improvements shall not be permitted where any of the following conditions exist:

- A. The lot area is less than one net developable acre in size; or
- B. The slope exceeds thirty percent (30%) ~~grade~~; or
- C. The width of the lot shall be less than one hundred feet (100'). (Ord. 2008-O-7, 6-12-2008)

**10-6D-9: YARD REGULATIONS:**

Because of the unique nature of topography and climatic conditions within the town, the side, rear and front yard requirements will be determined on an individual basis by the land use authority. In making its determination the land use authority shall take into account the following elements, among other relevant considerations:

- A. Relationship with other structures and open spaces.
- B. View sheds from SR-210, neighboring properties and visitors to the area.
- C. Topographical features.
- D. Existing vegetation.
- E. Natural waterways.
- F. Snow removal and snow storage requirements.
- G. Emergency and general access.
- H. Other elements deemed appropriate to ensure that the purposes of this article are met. (Ord. 2014-O-5, 12-11-2014)

**10-6D-10: HEIGHT REQUIREMENTS:**

(A) The maximum height of any building or structure in zone A shall be twenty five feet (25') above the grade of SR-210 as measured from every point of the building horizontally to SR-210 directly north of that point.

~~(B)~~ The maximum height of any building in zone B shall be sixty feet (60') ~~from the lowest grade adjacent above the lower of Established Grade or Finished Grade, measured from the highest point of the~~

building vertically to the lowest point of the lower of Established Grade or Finished Grade that is contiguous to the building.

(C) The maximum height of any building in zone C shall be individually determined by the land use authority. In making its determination, the land use authority shall take into account the following elements, among other relevant considerations:

~~A~~1. Natural setting.

~~B~~2. View sheds from SR-210, neighboring properties and visitors to the area.

~~C~~3. Topographical features.

~~D~~4. Height, density and species of vegetation.

~~E~~5. Other elements such as those mentioned above deemed appropriate to ensure that the purposes of this article are met. (Ord. 2014-O-5, 12-11-2014)

6. The maximum height of any building in zone C as established by the land use authority shall be that height as measured above the lower of Established Grade or Finished Grade, measured from the highest point of the building vertically to the lowest point of the lower of Established Grade or Finished Grade that is contiguous to the building.

#### **10-6D-11: MAXIMUM COVERAGE:**

The maximum coverage for the aggregate of all buildings, structures, graded surfaces, paved areas, overhangs, driveways, decks, parking areas and walkways shall be sixty five percent (65%) of the gross lot area.

The following areas shall not be counted as coverage:

~~(1) Areas that have been are (a) graded but not paved but are, (b) used for vehicle access, parking, or walkways shall be included in the coverage calculations. Any of those areas that are graded but not paved, and are used for vehicle access, parking or walkways but are, and (c) not maintained or plowed during the winter months (November 1 to April May 1) shall not be counted as coverage. Areas that may have been graded but remain vegetated and open to the sky such as rope tow hills or grassy lawn areas shall not count as coverage. (Ord. 2014-O-5, 12-11-2014).~~

~~(2) Areas that may have been graded but remain vegetated and open to the sky, such as ski hills trails or grassy lawn areas.~~

~~(3) The following areas shall be counted as coverage: Green or planted roofs shall count as coverage.~~

#### **10-6D-12: STEP BACK (BUILDING):**

In the base facilities zone no building as seen from the transfer tow or from the southern side of the canyon shall be higher than four (4) stories or forty eight feet (48') high, whichever is lower, without a twenty five foot (25') physical step back in the building. (Ord. 2014-O-5, 12-11-2014)

#### **10-6D-13: MECHANICAL SCREENING:**

A. Rooftop elements shall be setback at least five feet (5') from the edge of the structure or fifteen feet (15') from the north or south building facades.

B. All rooftop elements, except for flagpoles and windsocks, must be architecturally screened to (1) not detract from the natural environment of the canyon;

- (2) not adversely affect views from neighbors or canyon visitors; and,
- (3) be harmonious with the base structure.

~~Mechanical equipment, elevator penthouses and similar appurtenances defined in section 10-7-12 of this title may be installed on the roof of a building in the base facilities zone. It is the intention of this article that all mechanical equipment, elevator penthouses and similar appurtenances be architecturally screened so as not to detract from the natural environment of the canyon and not to adversely affect views from neighbors or canyon visitors.~~

~~Mechanical equipment in the base facilities zone shall be limited to six feet (6') above the lower of the maximum building height as allowed or built and shall be architecturally screened to be aesthetically pleasing and harmonious with both the natural environment of the canyon and the base structure.~~

~~Elevator penthouses shall be limited to eight feet (8') above the lower of the maximum building height as allowed or built and shall be architecturally screened or painted to be aesthetically pleasing and harmonious with both the natural environment and the base structure.~~

~~Any mechanical equipment, elevator penthouses or similar appurtenances shall be set back at least five feet (5') from the edge of the structure or fifteen feet (15') from the north or south building facades. (Ord. 2014 O-5, 12-11-2014)~~

#### **10-6D-14: SPECIAL REGULATIONS:**

A. Natural Hazards: Construction of permanent structures shall not be permitted, erected, established or performed in such a manner as to place real and personal property and individuals at unreasonable risk of harm or injury from natural, geographic or topographic hazards, namely, floods, landslides, avalanches, a high water table, or inordinate soil erosion. In addition to compliance with the provisions of the building code governing topographic, structural, construction and design standards necessary to meet the maximum foreseeable risk of such hazards, persons developing, improving, managing or owning such property shall have the obligation and bear the burden of so developing and otherwise improving the property in such a manner that the property and the general public are safeguarded from unreasonable risk of harm or injury from such natural hazards to the satisfaction of the land use authority and the building official.

B. Board Of Health Approval: Prior to issuance of a building permit by the building official, approval of all uses, regardless of size or number of units, shall be given in writing by the Salt Lake Valley health department and Salt Lake City division of public utilities, or the respective successors thereof, who shall certify as to the adequacy of the culinary water system and the sewage system. The approval of all culinary water and sewage facilities shall be in accordance with the regulations of the Salt Lake Valley health department and Salt Lake City division of public utilities.

C. Sewage System: Site plan approvals or building permits shall not be issued until the complete sewage system design and specifications have been approved in writing by all appropriate governmental agencies with jurisdiction.

D. Building Materials: Buildings shall be designed to preserve the natural beauty of the canyon area. Only those building materials which will blend harmoniously into the natural environment shall be permitted. The use of wood and stone and other harmonious materials is encouraged and the use of bland, unpainted concrete blocks and unpainted metal is prohibited on exterior surfaces.

E. Grading: To reduce the possibility of erosion and eliminate unsightly scars on the mountain slopes, all excavation, grading and cut and fill operations shall be done under the strict control and approval of the building official. All areas disturbed by construction activities shall be revegetated and maintained in

accordance with a plan submitted by the owner of the property as part of the application for a building permit and approved by the land use authority. No certificate of occupancy for any project shall be issued by the building official until all revegetation is complete.

F. Natural Vegetation: All existing and proposed vegetation shall be shown on the approved site plan, and existing vegetation shall not be removed except as shown thereon. The design of the project shall be such as to retain as much of the existing natural vegetation as possible.

G. Stream Regulations; Erosion Control: No building, structure, improvement or appurtenance shall be constructed, raised or established, the nearest point of which is within fifty feet (50') from the high water line of any Waterway or within the Top of Bank as determined by the building official closer than fifty feet (50') from the nearest high water line of any "natural waterway" as defined in section 10-1-6 of this title. The approved site plan shall depict the Waterway and Top of Bank setbacks and also indicate the extent and specific design of the proposed method of control of erosion during and after construction activities. The complete, approved erosion control system shall be installed and approved by the building official prior to commencement of any construction activities on any site.

H. Rehabilitation Of Existing Landscape Scars: In conjunction with submission of plans and documents for building permit or conditional use approval, the applicant shall submit for approval a detailed program for rehabilitation of existing scars on the landscape, if any, caused by unused roads, mine dumps, excavation, construction or other causes. A bond, in an amount determined by the building official, covering such rehabilitation program shall be deposited with the town to ensure that rehabilitation will be completed. No certificate of occupancy shall be issued by the building official until all approved rehabilitation work is complete.

I. Utilities: All utilities shall be placed underground. (Ord. 2008-O-7, 6-12-2008; amd. Ord. 2014-O-5, 12-11-2014)

### **10-6D-15: CONSTRUCTION DOCUMENTS APPROVAL:**

In order to determine compliance with this article and to promote orderly and harmonious development of canyon areas, construction documents for all projects shall be approved by the building official prior to the issuance of any building permits. Applications for building permits shall be accompanied by plans, specifications and other documents with sufficient data and at a reasonable scale to describe all existing and proposed conditions, including, but not limited to, topography, grading, roads and walks, buildings, utilities, vegetation, exterior materials, color schedules, and other such information as may be required to ensure compliance with the provisions of this article. The building official may seek the recommendation of the land use authority prior to approval of any project. Applications may be approved as submitted, approved subject to conditions, or disapproved. (Ord. 2008-O-7, 6-12-2008; amd. Ord. 2014-O-5, 12-11-2014)

## **Title 10: LAND USE REGULATIONS**

### **Chapter 6: ZONING DISTRICTS**

#### **Article E: UPPER ALBION BASIN PROTECTION OVERLAY ZONE**

##### **10-6E-1: OVERLAY ZONE MAP:**

The Upper Albion Basin Protection Overlay Zone or "UABPOZ" applies to those certain parcels within the town of Alta shown on the Upper Albion Basin Protection Overlay Zone map on file at the Town of Alta.

2-5-2020 8.20. 2020

**10-6E-2: PURPOSE:**

The Upper Albion Basin is a unique, beautiful, and fragile alpine ecosystem that includes the headwaters of the Little Cottonwood Canyon watershed. The purpose of the Upper Albion Basin Protection Overlay Zone is to preserve and protect the scenic beauty and sensitive natural environment of Albion Basin, as well as the quality of the Little Cottonwood watershed.

**10-6E-3 EXISTING DWELLINGS:**

As described in the Town of Alta General Plan, there are twenty-one existing single-family dwellings located in the Upper Albion Basin Protection Overlay Zone. They are unique, and the town supports their continued existence and maintenance in accordance with this ordinance.

**10-6E-4 CROSS REFERENCES:**

The following provisions apply to the UABPOZ:

10-1-6 DEFINITIONS (NET DEVELOPABLE ACREAGE);

10-6A-8: WASTEWATER SYSTEM;

10-6A-9(G) : SPECIAL REGULATION;

10-8-1 (PURPOSE);

10-8-4 (A): REPAIRS, ALTERATIONS, DETERIORATION, AND DEMOLITION

8-3-6(G): PRIVATE WASTEWATER DISPOSAL; and,

8-3-10 (C): SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS.

## Chapter 7

# SUPPLEMENTARY AND QUALIFYING REGULATIONS

**10-7-1: EFFECT OF CHAPTER:**

**10-7-2: LOTS IN SEPARATE OWNERSHIP:**

**10-7-3: YARD SPACE FOR ONE BUILDING ONLY:**

**10-7-4: EVERY DWELLING TO BE ON A LOT:**

**10-7-5: SEPARATELY OWNED LOTS; REDUCED YARDS:**

**10-7-6: PRIVATE GARAGE WITH SIDE YARD; REDUCED YARDS:**

**10-7-7: SALE OR LEASE OF REQUIRED SPACE:**

**10-7-8: SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:**

**10-7-9: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

**10-7-10: AREA OF ACCESSORY BUILDINGS:**

**10-7-11: ~~ADDITIONAL HEIGHT ALLOWED;~~ EXCEPTION TO HEIGHT LIMITATIONS AND SCREENING:**

**10-7-123: MINIMUM HEIGHT OF MAIN BUILDING:**

**10-7-134: MAXIMUM HEIGHT OF ACCESSORY BUILDINGS:**



**10-7-145: CLEAR VIEW OF INTERSECTING STREETS:****10-7-156: ANIMALS AND FOWL:****10-7-167: WATER AND SEWAGE REQUIREMENTS:****10-7-178: EFFECT OF OFFICIAL MAP:****10-7-189: LOT AND BUILDINGS ON PRIVATE RIGHTS OF WAY (SPECIAL PROVISIONS):****10-7-1920: ADMINISTRATIVE DETERMINATION OF USES NOT LISTED:****10-7-201: CERTIFICATE OF OCCUPANCY:****10-7-212: TECHNICAL REVIEW COMMITTEE:****10-7-223: AVALANCHE HAZARD REVIEW:****10-7-1: EFFECT OF CHAPTER:**

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this title. (Ord., 6-8-1989)

**10-7-2: LOTS IN SEPARATE OWNERSHIP:**

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the time this title became effective. (Ord., 6-8-1989)

**10-7-3: YARD SPACE FOR ONE BUILDING ONLY:**

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This section shall be so construed to mean only one main building may be permitted on one lot unless otherwise hereinafter provided. (Ord., 6-8-1989)

**10-7-4: EVERY DWELLING TO BE ON A LOT:**

Except for dwellings within a planned unit development, every dwelling shall be located and maintained on a "lot", as defined in section [10-1-6](#) of this title. (Ord., 6-8-1989)

**10-7-5: SEPARATELY OWNED LOTS; REDUCED YARDS:**

On any lot under a separate ownership from adjacent lots and of record at the time this title became effective, and such lot being a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width; provided, that on interior lots, the smaller of the two (2) yards shall in no case be less than five feet (5'), or the larger less than eight feet (8'); and for corner lots the side yard on the side street shall in no case be less than ten feet (10') or the other side yard be less than five feet (5'). (Ord., 6-8-1989)

**10-7-6: PRIVATE GARAGE WITH SIDE YARD; REDUCED YARDS:**

On any interior lot where a private garage, containing a sufficient number of parking spaces to meet the requirements of this title, has a side yard equal to the minimum side yard required for a dwelling in the same zone, the width of the other side yard for the dwelling may be reduced to equal that of the minimum required side yard; and on any lot where such garage has such side yard, the rear yard of the dwelling may be reduced to fifteen feet (15'), provided the garage also has a rear yard of at least fifteen feet (15'). (Ord., 6-8-1989)

**10-7-7: SALE OR LEASE OF REQUIRED SPACE:**

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such lot or building. (Ord., 6-8-1989)

**10-7-8: SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS:**

No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the appeal authority. (Ord., 6-8-1989; amd. 2010 Code)

**10-7-9: YARDS TO BE UNOBSTRUCTED; EXCEPTIONS:**

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in the rear yard, the ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three feet (3'), and open or lattice enclosed fire escapes, fireproof outside stairways, and balconies upon fire towers projecting into a yard not more than five feet (5'). (Ord., 6-8-1989)

**10-7-10: AREA OF ACCESSORY BUILDINGS:**

No accessory building or group of accessory buildings in any residential zone shall cover more than twenty five percent (25%) of the rear yard. (Ord., 6-8-1989)

**10-7-11: ADDITIONAL HEIGHT ALLOWED:**

~~Public and semipublic utility buildings, when authorized in a zone, may be erected to a height not exceeding seventy five feet (75') if the building is set back from each otherwise established building line at least one foot (1') for each additional foot of the building height above the normal height limit required for the zone in which the building is erected. (Ord., 6-8-1989)~~

**10-7-11: EXCEPTIONS TO HEIGHT LIMITATIONS AND SCREENING REQUIREMENTS:**

Rooftop elements may be installed on the roof of a building structure in any zone. Flagpoles and windsocks shall be limited to twelve feet (12') above the lower of the maximum building height as allowed or as built. Elevator penthouses and stair enclosures shall be limited to eight feet (8') above the lower of the maximum building height as allowed or as built, unless a greater height is necessary to comply with the requirements of the U.S. Americans with Disabilities Act, as determined by the building official. All other rooftop elements shall be limited to six feet (6') above the lower of the maximum building height as allowed or as built. For renewable energy production systems, such as solar panels and wind turbines, the Land Use Authority may establish a greater height limit on Rooftop Elements than provided in this section and may modify the architectural screening requirements in sections 10-6A-12, 10-6C-12, and 10-6D-13, upon application by a property owner. In reviewing such an application, the Land Use Authority shall consider:

- (1) the benefits of the proposed renewable energy production system;
- (2) the necessity of granting an exception to the requirements of this section and sections 10- 6A-12, 10-6C-12, and 10-6D-13, including the availability of alternate renewable energy equipment and installation locations; and
- (3) the impacts of granting an exception to the requirements of this section and sections 10- 6A-12, 10-6C-12, and 10-6D-13, including:

- a. impacts upon views;
- b. visual impacts upon and harmony with surrounding natural areas and structures;
- c. impacts upon wildlife; and
- d. other relevant factors.

~~Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, water tanks, wireless or television masts, or similar structures, may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space. (Ord., 6-8-1989)~~

~~Mechanical equipment, elevator penthouses and similar appurtenances defined in section 10-7-12 of this title may be installed on the roof of a building. It is the intention of this article that all mechanical equipment, elevator penthouses and similar appurtenances be architecturally screened so as not to detract from the natural environment of the canyon and not to adversely affect views from neighbors or canyon visitors.~~

~~Mechanical equipment shall be limited to six feet (6') above the lower of the maximum building height as allowed or built and shall be architecturally screened to be aesthetically pleasing and harmonious with both the natural environment of the canyon and the base structure.~~

~~Elevator penthouses shall be limited to eight feet (8') above the lower of the maximum building height as allowed or built and shall be architecturally screened or painted to be aesthetically pleasing and harmonious with both the natural environment and the base structure.~~

~~Any mechanical equipment, elevator penthouses or similar appurtenances shall be set back at least five feet (5') from the edge of the structure or fifteen feet (15') from the north or south building facades.~~

#### **10-7-12: MINIMUM HEIGHT OF MAIN BUILDING:**

No building shall be erected to a height less than one story above grade. (Ord., 6-8-1989)

#### **10-7-13: MAXIMUM HEIGHT OF ACCESSORY BUILDINGS:**

No accessory building in any residential zone shall be erected to a height greater than one story or twenty feet (20'). (Ord., 6-8-1989)

#### **10-7-14: CLEAR VIEW OF INTERSECTING STREETS:**

In all zones, no obstruction in excess of two feet (2') in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty feet (40') from the intersection of the street lines. (Ord., 6-8-1989)

#### **10-7-15: ANIMALS AND FOWL:**

Except for permitted and licensed household pets, no animals or fowl may be kept or maintained. (Ord., 6-8-1989)

#### **10-7-16: WATER AND SEWAGE REQUIREMENTS:**

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and "sewer", as defined in the town sewer ordinance, is not available, and all cases where a proposed supply of piped water under pressure is not available, the sewage disposal and the domestic water supply shall comply with the

requirements of the Salt Lake Valley health department and the application for a building permit shall be accompanied by a certificate of approval from said health department. (Ord., 6-8-1989)

**10-7-17: EFFECT OF OFFICIAL MAP:**

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the Salt Lake County recorder, the depth of such front yard shall be measured from the mapped street line provided on the official map. (Ord., 6-8-1989)

**10-7-18: LOT AND BUILDINGS ON PRIVATE RIGHTS OF WAY (SPECIAL PROVISIONS):**

Except where the requirements of this section are reduced by permit of the appeal authority, the minimum area for any lot fronting on a private right of way shall be one-half ( $1/2$ ) acre and the minimum distance from the center of the right of way to the front line of the building shall be fifty feet (50'). (Ord., 6-8-1989; amd. 2010 Code)

**10-7-19: ADMINISTRATIVE DETERMINATION OF USES NOT LISTED:**

Determination as to the classification of uses not specifically listed within this title shall be made by the planning commission and shall be subject to appeal to the appeal authority. Such appeal shall be filed in writing within ten (10) days after written notification to the applicant of the planning commission's determination. The procedure shall be as follows: (Ord., 6-8-1989; amd. 2010 Code)

- A. Written Request: A written request for such determination shall be filed with the planning commission at the town office. The request shall include a detailed description of the proposed use and such other information as may be required.
- B. Investigation: The planning commission shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification.
- C. Determination: The determination of the planning commission shall be rendered in writing within a reasonable time, but not to exceed thirty (30) days, except with the written consent of the applicant. The determination will state the zone classification in which the proposed use will be permitted as well as the findings which establish that such use is of the same character as uses permitted in that zone classification. Upon making a decision, the planning commission shall forthwith notify the applicant and the town council.
- D. Effect: The determination and all information pertaining thereto shall become a permanent public record in the town office. Such use shall thereafter become a permitted or conditional use in the class of district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification. (Ord., 6-8-1989)

**10-7-20: CERTIFICATE OF OCCUPANCY:**

Land, buildings and premises in any zone hereafter shall be used only for the purpose listed herein as permitted in that zone and in accordance with the regulations herein established for that zone. The certificate of occupancy shall be issued by the building official to the effect that the use and/or building or premises conforms to the provisions of this title and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used. Such a certificate shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use. Upon written request from the owner, such certificate shall also be issued covering any lawful use of a building or premises existing on the effective date hereof, including ~~nonconforming~~noncomplying buildings and nonconforming uses. (Ord., 6-8-1989)

**10-7-21: TECHNICAL REVIEW COMMITTEE:**

The technical review committee shall be headed by the building official and shall include a representative of the town marshal staff and a representative of the ~~u~~Unified-f~~r~~Fire ~~a~~Authority. At his discretion, the building official may request that other persons from various specific technical disciplines and/or agencies be added to the committee on an ad hoc basis. Except for projects involving interior remodeling only, this committee shall review the technical aspects of all proposed projects for which an application for a building permit has been received. A written report of the review and the committee's recommendations shall be returned to the applicant within a reasonable time, but in no case later than forty five (45) days from the date of application for building permit. No building permit for any project requiring review may be issued by the building official without the review and approval of the committee. (Ord., 6-8-1989)

**10-7-22: AVALANCHE HAZARD REVIEW:**

Prior to the building official issuing a building permit for the construction of a dwelling unit, building or other structure to be occupied by one or more persons, the applicant must provide to the town and its building official for review by the town and the planning commission:

- A. A written report analyzing the potential avalanche hazards and the potential physical forces created thereby upon the proposed improvement or structure. Said report to be prepared and signed by an avalanche expert recognized by the building official. Said report shall also be recorded on the plat map for the property.
- B. A structural analysis of the proposed building prepared and signed by a state licensed structural engineer reflecting an engineering analysis and design that takes into account the potential force from an avalanche as set forth in the avalanche report referred to in subsection A of this section. (Ord. 1992-O-2, 4-9-1992)
- C. No building permit shall be issued to any applicant unless the state licensed structural engineer submitting the written report analyzing the potential avalanche dangers required in this section certifies, in writing, that the proposed building design and construction or proposed structural modification of an existing structure, will protect human life throughout the dwelling unit, building or structure from the anticipated one hundred (100) year avalanche forces for the location of the proposed dwelling unit, building or structure or proposed addition or modification thereto. (Ord. 1996-O-3, 8-8-1996)

## Chapter 8

# ~~NONCONFORMING USES BUILDINGS AND~~ ~~NONCOMPLYING STRUCTURES AND USES~~

**10-8-1: PURPOSE:**

This chapter regulates the continued existence of nonconforming uses and noncomplying structures. This chapter is intended to balance the public interest by limiting enlargement, alteration, restoration, and replacement of nonconforming uses and noncomplying structures, which would increase the discrepancy between existing conditions and the development standards prescribed by Alta Town Code; (2) preserving and protecting the scenic beauty and sensitive natural environment of Albion Basin, as well as the quality of the Little Cottonwood Canyon watershed; and (3) promoting economic and community development within the Town by supporting the ski resort-based economy and facilitating year-round residency.

**10-8-2: CONTINUATION MAINTENANCE PERMITTED:**

A nonconforming use may continue subject to the standards and limitations of this chapter. A noncomplying

~~structure may continue to be used and occupied subject to the standards and limitation of this chapter.- A nonconforming building or structure may be maintained if such use was lawfully existing at the time of the effective date hereof. (Ord., 6-8-1989)~~

### **10-8-3: BURDEN OF PROOF:**

- (1) ~~the property owner shall have the burden of establishing the legal existence of a nonconforming use or noncomplying structure.~~
- (2) ~~Any party claiming that a nonconforming use or noncomplying structure has been abandoned or otherwise terminated shall have the burden of establishing the abandonment or termination.~~

### **10-8-2—10-8-4: REPAIRS—AND, ALTERATIONS, DETERIORATION, AND DEMOLITION:**

~~(1) Repairs and structural alterations may be made to a noncomplying structure ~~nonconforming building~~ or to a building containing housing a nonconforming use including a one time expansion of up to 250 gross square feet of floor area so long as such expansion, repairs or alterations do not create a new area of noncompliance or nonconforming use including but not limited to waterway setbacks or increase the Intensity of change or enlarge the nonconforming use or the noncomplying structure (notwithstanding the increase of 250 gross square feet of building square footage).- A nonconforming building or a building housing a nonconforming use may be enlarged with the approval of the appeal authority after recommendation of the building official to accommodate satisfaction of building code requirements and/or life safety improvement~~

~~(2) A Noncomplying structure or a structure that contains a nonconforming use, may be voluntarily demolished and rebuilt so long as there is written approval that the demolition/rebuild is approved by the Salt Lake Valley health department and Salt Lake City division of public utilities, is in the same footprint as the original structure with up to a maximum additional 250 gross square feet of floor area, does not increase the area of noncompliance or increase the Intensity of of the Use (notwithstanding the increase of 250 gross square feet of building square footage), and the Building Official finds that the demolition/rebuild would lessen the total immediate and long term impacts including construction impacts.~~

~~(3) Restoration or reconstruction of a noncomplying structure is prohibited, or the nonconforming use of a structure is terminated, if:~~

- ~~(a) the structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable, and~~
- ~~(b) a plan is not submitted to, and approved by the building official within two years after written notice to the property owner that the structure is uninhabitable; and~~
- ~~(c) a certificate of occupancy is not issued within five years after the plan is approved.~~

### **10-8-310-8-5: ALTERATION WHERE PARKING INSUFFICIENT:**

~~A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered, provided additional automobile parking space is provided to meet the requirements of this title for such alteration. (Ord., 6-8-1989)~~

**10-8-410-8-6: RESTORATION OF DAMAGED BUILDINGS IN RESPONSE TO CALAMITY:**

~~A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or destroyed by fire, flood, wind, earthquake, avalanche or other calamity or act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage or destruction, may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion.~~

~~If a noncomplying structure or a structure occupied by a nonconforming use is involuntarily destroyed in whole or in part by fire, flood, wind, earthquake, avalanche, or other calamity or act of God, or the public enemy, and the noncomplying structure or nonconforming use has not been abandoned, the noncomplying structure may be restored and the nonconforming use may be resumed, provided that such restoration is started within a period of one year and is diligently prosecuted to completion, and the intensity of use is not increased.~~

**10-8-510-8-7: ABANDONMENT BY ONE YEAR DISCONTINUATION OR VACANCY:**

~~A building or nonconforming use that is discontinued for a continuous period of one year shall not thereafter be reestablished or resumed. A structure, or portion thereof, occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a the nonconforming use for a continuous period of one year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located. (Ord., 6-8-1989) This section does not apply to dwellings.~~

**10-8-610-8-8: OCCUPATION WITHIN ONE YEAR:**

~~A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one year after the use became nonconforming. (Ord., 6-8-1989)~~

**10-8-710-8-9: CHANGE OF USE:**

~~The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use. (Ord., 6-8-1989)~~

**10-8-810-8-10: EXTENSION OF USE PERMITTED:**

~~A nonconforming use may be extended to include the entire floor area of the existing building structure in which it was conducted at the time the use became nonconforming. (Ord., 6-8-1989 6-8-1989)~~

**10-8-910-8-11: NONCONFORMING USE OF LAND:**

~~The nonconforming use of land, existing at the time this title became effective, may be continued; provided, that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property; and provided, that if such nonconforming use of land, or portion thereof, is abandoned or changed for a period of one year or more, the future use of such land shall be in conformity with the provisions of this title. (Ord., 6-8-1989)~~

## **10-8-10-8-12: NONCONFORMING RESTAURANTS AND PRIVATE LOCKER CLUBS:**

Existing restaurants or nonprofit locker clubs which were nonconforming as of July 1, 1969, may, upon application, be granted a conditional use permit for a state store, subject to this code. (Ord., 6-8-1989)

## **Chapter 11** **SUBDIVISIONS<sup>1</sup>**

### **10-11-1: PURPOSE:**

### **10-11-2: APPLICABILITY:**

### **10-11-3: PRESUBMISSION MEETING:**

### **10-11-4: APPLICATION FOR SUBDIVISION:**

### **10-11-5: FEES:**

### **10-11-6: APPLICATION COMPLETION TIME LINE:**

### **10-11-1: PURPOSE:**

The purpose of this chapter is:

- A. To promote the health, safety and general welfare of the residents of the town.
- B. To promote the efficient and orderly growth of the town.
- C. To provide policies, procedures, requirements and standards for the physical development of subdivisions of land, construction of improvements within the town, including, but not limited to, the construction and installation of roads, streets, curbs, gutters, drainage systems, water and sewer systems, design standards for public facilities and utilities, accesses to public rights of ways, and to establish fees and other charges for the authorizing of a subdivision.
- D. To ensure that public facilities are available to the site and will have a sufficient capacity to serve a proposed subdivision.
- E. To encourage the wise use and management of natural resources to preserve the integrity, stability and aesthetics of the community. (Ord. 2009-O-3, 6-18-2009)

### **10-11-2: APPLICABILITY:**

No person shall subdivide any parcel of land which is located wholly or in part in the town except in compliance with this chapter. No person shall sell or exchange or offer to sell or exchange any parcel of land which is any part of a subdivision of a tract of land, nor offer for recording in the office of the Salt Lake County recorder any deed conveying such parcel of land, or any interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this chapter. This chapter shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date hereof. (Ord. 2009-O-3, 6-18-2009)

### **10-11-3: PRESUBMISSION MEETING:**

It is strongly recommended that ~~T~~the applicant for a subdivision ~~shall~~ schedule a presubmission meeting with the town administrator, or another representative of the town designated by the town administrator.



- A. The town administrator or his designated representative may extend an invitation to the presubmission meeting to any servicing utility companies, the Salt Lake Valley health department, the state department of transportation, the unified fire authority, and any other private or public body that has jurisdiction or an interest in providing services to the subdivision.
- B. At the presubmission meeting, the applicant may bring any materials to assist the parties at the meeting in identifying the location of the potential subdivision, the size and layout of the subdivision, and any potential problems or challenges to creating the subdivision.
- C. Due to the unique terrain of the real property within the town, the town administrator or his designated representative may require that the applicant submit additional information, as set forth in subsection [10-11-4B3](#) of this chapter. (Ord. 2009-O-3, 6-18-2009)

#### **10-11-4: APPLICATION FOR SUBDIVISION:**

~~Following the presubmission meeting,~~ The applicant for a subdivision shall prepare and submit an application to the town administrator or his designated representative. The application shall include three (3) copies of a complete preliminary plat and three (3) completed application forms for the subdivision, including all required maps and charts. All application materials shall be submitted at the same time in order to be considered for completeness. Following a determination that the application is complete, the application shall be placed on the next available planning commission regular meeting agenda for review. A complete application shall include the following items:

- A. Preliminary Plat: The preliminary plat shall be prepared by a licensed surveyor, and shall include the name and address of the surveyor responsible for preparing the preliminary plat, and shall include a certification that the surveyor holds a license in accordance with Utah Code Annotated title 58, chapter 22, as amended or replaced, and has completed a survey of the property in accordance with Utah Code Annotated section 17-23-17, as amended or replaced. The preliminary plat shall describe or specify:
  1. A name or designation of the subdivision that is distinct from any plat already recorded in the county recorder's office;
  2. North arrow, graphic and written scale, legend, basis of bearings used, and a vicinity map of the site;
  3. The legal description of the entire subdivision site boundary;
  4. The boundaries, course and dimensions, and acreage or square footage for all parcels of ground divided, whether the owner proposes that any parcel or ground is intended to be used as a street or for any other ~~p~~**Public** ~~u~~**Use**, and whether any such area is reserved or proposed for dedication for a public purpose;
  5. For all parcels, the proposed lot or unit reference, block or building reference, street or site address, street name or coordinate address (to be approved by the planning commission as part of the application review process);
  6. Every existing right of way and easement grant of record for underground facilities and for all other utility facilities;
  7. The anticipated net developable acreage for each lot;
  8. The names and addresses of the applicant and owner of the property, the engineer or surveyor of the subdivision and the owners of the land immediately adjoining the land to be subdivided and within three hundred feet (300') of the boundaries of the proposed subdivision.
- B. Application: The town administration may create an application form based upon the requirements of this section. A complete application shall include all of the following information:
  1. Property Information: The date of the application, the name, address, phone number, e-mail address, and signature of the applicant and the owner of the property, the current zoning of the property, the location and address of the proposed subdivision, the total acreage of the subdivision, and the number of proposed lots. All persons with a fee interest in the property shall sign the subdivision application form.

2. Site Information: The following subdivision site information is required for a complete application and shall be provided at the same scale as the preliminary subdivision plat, on separate sheets if necessary:
  - a. The identification of known and potential natural features on a map, including, but not limited to, jurisdictional wetlands as identified by the U.S. army corps of engineers, known or potential natural ~~W~~waterways, Top of Bank, and any potential natural hazards, including avalanche paths, liquefaction areas, and areas of soil instability, and all on site vegetation regulated by town ordinance. A final map identifying known and potential natural features as described in this section and identified by the building official will be reviewed and approved or denied by the planning commission as part of the application review process.
  - b. The location and dimensions of all existing buildings, fence lines and property lines, overlaid on the proposed subdivision layout, and the location of surrounding manmade features and improvements, including buildings and roads, and natural features, including significant landmarks and geologic features.
3. Evidence Of Availability Of Necessary Services: The following information is necessary to establish the availability of basic services to the proposed subdivision and the subdivision application is complete only when all basic services are available to the site and to each proposed subdivision lot, and approved in writing by the designated authority:
  - a. Culinary Water Requirements: Salt Lake City department of public utilities, water division, Salt Lake Valley health department, and the town administrator or his designated representative, are hereby designated collectively as the "culinary water authority", as further defined in Utah Code Annotated title 10, chapter 9a, as amended or replaced. Such culinary water authority shall evaluate and approve the proposed culinary water system for the subdivision. The applicant shall provide all information required by the culinary water authority (and other applicable agency described below, if any), including, but not limited to, evidence of the source, quantity, quality and means of delivery of the proposed culinary water to the proposed subdivision and each proposed lot. Certain property within the town boundaries may not be eligible to be served by the town culinary water system or able to be supplied water through the town contract for water with Salt Lake City, and shall be required to obtain approval from any additional public or private agency with jurisdiction over the proposed water source or delivery system.
  - b. Wastewater Requirements: Salt Lake Valley health department, environmental health division, Salt Lake County service area no. 3, Cottonwood improvement district, and the town administrator or his designated representative, are hereby designated collectively as the "sanitary sewer authority", as further defined in Utah Code Annotated title 10, chapter 9a, as amended or replaced. Each sanitary sewer authority shall evaluate and approve the proposed sanitary sewer system. The applicant shall provide all information and materials as required by the sanitary sewer authority.
  - c. Fire And Emergency Requirements: The ~~u~~Unified ~~f~~Fire ~~a~~Authority is hereby designated as the "fire authority", as further defined in Utah Code Annotated title 10, chapter 9a, as amended or replaced. The fire authority shall evaluate and approve the proposed fire suppression infrastructure and emergency access to the proposed subdivision. If the proposed subdivision does not include year round motor vehicle (as defined by Utah Code Annotated) access to all proposed lots and proposed and existing roads, streets and adjacent properties, the application shall include an emergency access mitigation plan, approved by the fire authority and the town. The applicant shall provide all information and materials as required by the fire authority.
  - d. Subdivision Roads And Streets: All proposed subdivision streets shall be evaluated and approved by the town administrator or his designated representative, and if appropriate, the state department of transportation. The proposed street layout shall provide adequate and safe year round access to all proposed lots and proposed and existing roads, streets and adjacent properties. If the proposed subdivision does not include year round motor vehicle (as defined by Utah Code Annotated) access to all proposed lots and proposed and existing roads, streets and adjacent properties, the application shall include a parking and access mitigation plan. If the proposed subdivision will be accessed from a state highway, an appropriate access permit as required by the state department of transportation, shall be provided with the application materials in order to be a complete

application. If the proposed subdivision will be accessed from ~~US Forest Service United States forest service~~ property, the applicant shall provide any appropriate access or special use permits as required by the ~~US Forest Service United States forest service~~ with the application materials in order to be a complete application.

- e. **Avalanche Hazards:** The town marshal department shall evaluate and approve the subdivision application provisions for avalanche safety and interlodge controls. The application shall include maps and descriptions of known avalanche slide paths and shall include a proposed plat note describing the risks of building in an avalanche zone and an acknowledgment limiting the town liability for hazards associated with avalanches. A final map identifying known avalanche slide paths shall be certified by a qualified avalanche expert and will be reviewed and approved or denied by the planning commission as part of the application review process. The proposed plat note shall further acknowledge the responsibility of any landowner within the subdivision to comply with the town interlodge procedures and avalanche design and construction requirements, and the applicant and current landowner agreement to sign and record the town avalanche hold harmless agreement concurrently with the recordation of the plat.
- f. **Additional Information And Materials When Necessary:** When the town administrator or his designated representative deems necessary due to the characteristics of the property to be subdivided, the applicant may be required to provide other information or letters of feasibility from other agencies with jurisdiction over the property to be subdivided, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, geologic or flood hazard, erosion control, preservation of vegetation, and any other physical or environmental matters in conformance with the town zoning ordinances. Such additional requirements shall be made of the applicant at the presubmission meeting, or reasonably soon thereafter. (Ord. 2009-O-3, 6-18-2009)

#### **10-11-5: FEES:**

- A. **Application Fees:** To be considered complete, the application for subdivision shall be accompanied by all fees established on the town fee schedule.
- B. **Notice:** The applicant shall provide the town with two (2) sets of typewritten address labels and sufficient funds to cover related postage costs to all property owners within three hundred feet (300') of the boundaries of the proposed subdivision and all affected entities.
- C. **Technical Expertise And Engineering Fees:** The applicant shall pay all expenses of reviewing and approving the subdivision, including the town fees for hiring individuals with technical expertise, legal counsel and engineers to review the application. (Ord. 2009-O-3, 6-18-2009)

#### **10-11-6: APPLICATION COMPLETION TIME LINE:**

- A. **Determination Of Completeness Of Application:** After receipt of an application, the town administrator or his designated representative shall determine whether the application is complete. An application for subdivision is only complete when it includes all information and approvals listed in this chapter. If the town administrator or his designated representative determines that the application is not complete, the town administrator or his designated representative shall notify the applicant in writing, specifying the deficiencies of the application, including any additional information which must be supplied. No further action will be taken by the town until the deficiencies are corrected.
- B. **Remedy Of Deficiencies:** The applicant shall correct all specified deficiencies within ninety (90) days of the written notification of such deficiencies. If the applicant fails to correct the specified deficiencies within such ninety (90) day period, the application for subdivision shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded. Any further submissions shall be considered only as part of a new application.
- C. **Extensions Of Time:** The town administrator or his designated representative, upon written request from the applicant, may grant the applicant one automatic thirty (30) day extension to correct the specified deficiencies.

(Ord. 2009-O-3, 6-18-2009)

**Footnotes** - Click any footnote link to go back to its reference.

[Footnote 1:](#) See also section [9-1-5](#) of this code for outside agency approval requirements.

## ATTACHMENT 2

**Title 8**  
**UTILITIES**  
**Chapter 3**  
**SEWER SERVICE REGULATIONS**

**8-3-1: DEFINITIONS:****8-3-2: SEWER DEPARTMENT AND SYSTEM:****8-3-3: SUPERINTENDENT:****8-3-4: USE OF PUBLIC SEWERS REQUIRED:****8-3-5: APPLICATION FOR SEWER CONNECTION:****8-3-6: PRIVATE WASTEWATER DISPOSAL:****8-3-7: PERMIT REQUIRED:****8-3-8: FEES, RATES AND CHARGES:****8-3-9: ANNUAL REVIEW OF OPERATIONAL COSTS:****8-3-10: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:****8-3-11: USE REGULATIONS OF PUBLIC SEWERS:****8-3-12: POWERS AND AUTHORITY OF INSPECTORS:****8-3-13: PENALTIES:****8-3-1: DEFINITIONS:**

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

**BIOCHEMICAL OXYGEN DEMAND (BOD):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C), expressed in milligrams per liter.

**BUILDING DRAIN:** That part of the lowest horizontal piping of the 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 feet (5') (1.5 meters) outside the inner face of the building wall.

**BUILDING SEWER:** The extension from the building drain to the public sewer or other place of disposal, also called "house connection".

**CESSPOOL:** An underground reservoir for liquid waste (as household sewage).

**EASEMENT:** An acquired legal right for the specific use of land owned by others.

**FLOATABLE OIL:** Oil, fat or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable fat if it is properly pretreated and the wastewater does not interfere with the collection system.

**GARBAGE:** The animal and vegetable waste resulting from processes, trade or business, as distinct from

domestic or sanitary wastes.

~~HEAVY USERS: Any user who discharges waste into the system requiring higher than normal biochemical oxygen demand, or greater than normal total suspended solids.~~

INDUSTRIAL WASTES: The wastewater from industrial processes, trade or business, as distinct from domestic or sanitary wastes.

MAY: Is permissive (see definition of Shall).

NATURAL OUTLET: Any outlet (including storm sewers) into a watercourse, pond, ditch, lake or other body of surface or groundwater.

OWNER: The owner of the real property to which the sewer system is connected, or to which the sewer system is required to be connected, which ownership is reflected on the records of the Salt Lake County recorder as of the date a charge or fee is assessed by the town. Any person who sells real property, subject to a charge or fee assessed under this chapter, by means of a contract or instrument which does not transfer legal title to the buyer but only purports to transfer equitable title to the buyer, shall be deemed the "owner" of the premises for purposes of this chapter.

PERSON: Any individual, firm, company, association, society, corporation or group.

pH: The logarithm of the reciprocal of the hydrogen ions concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen ion concentration of  $10^{-7}$ .

PRIVY: A small building having a bench with holes through which the user may defecate or urinate.

PROPERLY SHREDDED GARBAGE: 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 one-half inch ( $1/2$ " ) (1.27 centimeters) in any dimension.

PUBLIC SEWER: A common sewer controlled by a governmental agency, public utility or the town.

RESIDENTIAL FLOWS: The flow strengths and flow volume.

~~RESIDENTIAL, HEAVY AND LIGHT COMMERCIAL, AND INDUSTRIAL USERS: Any industrial or commercial user who discharges waste into the system requiring higher than normal biochemical oxygen demand, or greater than normal total suspended solids. (EDITED AND MOVED ABOVE)~~

SANITARY SEWER: A sewer that carries liquid and water carried wastes from residences, commercial buildings, industrial plants, and institutions, together with minor quantities of groundwater, stormwater and surface waters that are not admitted intentionally.

SEPTIC TANK: A tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.

SEWAGE: The spent water of a community. The preferred term is "wastewater".

SEWER: A pipe or conduit that carries wastewater or drainage water.

SEWER LATERAL: Sewer piping intended to serve a single building or residence.

SEWER MAINLINE: Sewer piping intended to serve more than one building or residence.

SHALL: Is mandatory (see definition of May).

SLUG: Any discharge of water or wastewater which in concentration of any given constituent 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 of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (Sometimes Termed "STORM SEWER"): A drain or sewer for conveying water, groundwater, subsurface water or unpolluted water from any source.

SUPERINTENDENT: The person or agency charged with management of the system as designated by the town.

SUSPENDED SOLIDS: 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 nonfilterable residue.

SYSTEM: The sewer, wastewater or combined wastewater and stormwater or surface water facilities of the town.

UNPOLLUTED WATER: The 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 benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER: 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.

WASTEWATER FACILITIES: The structures, equipment and processes required to collect and carry away wastewater and industrial wastes.

WATERCOURSE: A natural or artificial channel for the passage of water, either continuously or intermittently. (Ord. 1994-O-1, 1-13-1994; amd. 2010 Code)

### **8-3-2: SEWER DEPARTMENT AND SYSTEM:**

The sewer department of the town shall administer the operation and maintenance of the sewer system through its own employees or pursuant to interlocal agreement with another government entity. (Ord. 1994-O-1, 1-13-1994)

### **8-3-3: SUPERINTENDENT:**

There is hereby created the position of superintendent of the sewer department. The superintendent of the sewer department shall manage and supervise the ~~city~~ Town sewer system pursuant to the provisions of this chapter and pursuant to resolutions, rules and regulations adopted by the town council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to

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the mayor relating to the sewer system. All of the functions and activities of the superintendent shall be carried on under the direction of the mayor and may be performed pursuant to an interlocal agreement wherein the manager or superintendent of the contracting agency shall serve as the superintendent for the town. Absent an interlocal agreement, the town administrator shall serve as the superintendent. (Ord. 1994-O-1, 1-13-1994)

#### **8-3-4: USE OF PUBLIC SEWERS REQUIRED:**

- A. 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 the town, or in any area under the jurisdiction of said town, any human excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the town, or in any area under the jurisdiction of the town, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this chapter.
- C. 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.
- D. The ~~owners of all houses, buildings or properties~~ owner of every structure or property used for human occupancy, employment, ~~recreations~~ recreation, or other purposes, situated within the town 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 provision of this chapter, within sixty (60) days after date of official notice to do so, provided the sewer is within three hundred feet (300') of the owner's property line and shall be charged a quarterly sewer fee effective sixty (60) days after receiving notice. (Ord. 1994-O-1, 1-13-1994)

#### **8-3-5: APPLICATION FOR SEWER CONNECTION:**

- A. Required:
  - 1. Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the town sewer system, shall file with the sewer department for each such connection a written and signed connection application in the form supplied by the town.
  - 2. All owners or other persons who use the sewer system shall also adhere to this chapter and to the Cottonwood improvement district rules and regulations pertaining to wastewater treatment.
- B. Subdividers, Developers: Whenever a subdivider or developer desires or is required to install sewer connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written 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 sewer extensions and connections shall be made and the payments that shall be required. (Ord. 1994-O-1, 1-13-1994)

#### **8-3-6: PRIVATE WASTEWATER DISPOSAL:**

- A. Permitted: Where a public sanitary sewer is not available within 300 feet of the building, the building sewer shall be connected to a private wastewater disposal system complying with the ~~provision~~ provisions of this section.
- B. Permit Required: Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit issued by the town. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other



information as deemed necessary. A permit and inspection fee shall be paid to the town at the time the application is filed.

- C. Inspections: Permission to use the system for a private wastewater disposal system shall not be authorized until the installation is completed in compliance with the approved plans applicable with all state and local codes and this chapter. Authorized town employees or representatives shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the town administrator when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within two (2) business days of the receipt of notice by the town administrator.
- D. Compliance With State: The type, capacities, location and layout of a private wastewater disposal system shall comply with all recommendations of the state department of environmental quality. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. When Public Sewer Available: At such time as a public sewer becomes available to a property served by a private wastewater disposal system, the owner shall make a direct connection to the public sewer within sixty (60) days after receiving-, and subject to, notice of availability from the town, in compliance with this chapter, and shall pay the quarterly fee to the town, and the private disposal system shall be disconnected and made inoperable.
- F. Operation And Maintenance: When a public sewer is not available, the owner shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the town. All private wastewater shall be disposed of at the sewer dump station located within the town. (Ord. 1994-O-1, 1-13-1994)

G. Wastewater disposal within **Upper Albion Basin Protection Overlay Zone**:

1. Where a public sanitary sewer is available, buildings constructed within the **Upper Albion Basin Protection Overlay Zone** shall be connected to the public system using AWWA C-900 pipe.
2. If connection to a public sanitary system is not available, a private wastewater disposal system shall be installed which shall meet the following requirements:
  - (a) Written approval by the Salt Lake **Valley health** department.
  - (b) Disposal system shall consist of holding tank(s) equipped with an effective alarm system that remotely notifies the property owner and the Town of Alta in the event that the holding tank reaches 75% of full level.
  - (c) Disposal system shall be equipped with an automatic water shut-off feature to the building in the event that the holding tank reaches 75% of full level.
  - (d) Building owner shall maintain and submit to the Town of Alta pumping records for each holding tank at least once every year.

Section 8-3-6 (G)(2) does not apply to lots within the **UABPOZ** which contain dwellings that existed at the time this ordinance was passed.

**8-3-7: PERMIT REQUIRED:** 

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any

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public sewer, or appurtenance thereof, without first obtaining a written permit from the town. (Ord. 1994-O-1, 1-13-1994)

### **8-3-8: FEES, RATES AND CHARGES:**

- A. **Set By Resolution:** The rates, penalty fee for delinquency in payment, connection fee, reconnection fee, inspection fee and other charges incidental to connection and services from the town sewer system shall be fixed from time to time by resolution enacted by the town council. The town council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for 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.
- B. **Costs Of Building Sewer:** All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- C. **Responsible Party:** Irrespective of the occupant, user, tenant, cotenant, permissive user, contract purchaser or any other person, firm, partnership, corporation or entity being in possession of the premises to which a connection is supplied or service is made available, the owner of the premises according to the records of the Salt Lake County recorder as of the date the charge, fee or assessment is made, unless designated otherwise, shall be legally responsible for the payment of all charges, fees, assessments, obligations or liabilities of a user. Any person who sells property subject to this chapter by means of a contract or instrument which does not transfer legal title to the buyer but only purports to transfer equitable title to the buyer and thus retains legal title to the property in the seller's name, shall be deemed the owner of the premises. If any delinquent sewer connections, sewer user charge, repairs, maintenance or any other obligation is imposed against any premises, property, buildings or structures, the obligation shall be deemed by the town as a lien upon all 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 town for failure to pay said fee, assessment, charge or liability and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the town for sewer service are paid in full.
- D. **Interest Charge On Delinquent Or Past Due Accounts:** The mayor and town council may, at their discretion and at the highest legal rate impose an interest charge or a late fee 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 chapter.
- E. **Billing; Delinquency; Discontinuance Of Service:**
1. The sewer department, water department, or such other person as the governing body may designate, shall furnish to each user by mail or leave at his place of residence or usual place of business, a written or printed statement stating the sewer service charges assessed against him each quarter, or at such other regular intervals as the governing body shall direct. The statement shall specify the amount of the bill, the place of payment, and the date due.
  2. If any person fails to pay his sewer charges within thirty (30) days of the date due, the town 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 (5) days from the date of notice.
  3. 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 town treasurer or arrangements made for their payment that are satisfactory to the town.

4. In the event water is turned off for nonpayment of sewer charges, before the water services 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 governing body may have established by resolution or ordinance.
  5. If any person fails to pay his sewer charges within thirty (30) days of the due date, the town 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 all the amount of the delinquent fees and service charges, and all costs of collection, including court costs and reasonable attorney fees.
- F. Annual Notification: Each user will be notified at least annually, in conjunction with a regular bill, of the rates. (Ord. 1994-O-1, 1-13-1994)

### **8-3-9: ANNUAL REVIEW OF OPERATIONAL COSTS:**

The town shall review the total annual cost of operation and maintenance, long term debt service relating to the wastewater treatment works, if any, as well as each user's wastewater contribution percentage at least once 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 town user charge system to: a) adequately operate and maintain the wastewater system; b) cover said debt service, if any; and c) pay all charges and assessments required by the Cottonwood improvement district. (Ord. 1994-O-1, 1-13-1994)

### **8-3-10: SANITARY SEWERS, BUILDING SEWERS AND CONNECTIONS:**

- A. Separate Connection Required; Exceptions: 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. Current users in violation of this subsection but which comply with regulations of the Cottonwood improvement district shall be exempt. The town does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.
- B. Existing Building Sewers: Building sewers which formerly serviced buildings, which buildings no longer exist or are torn down, may be used in connection with newly constructed buildings only when the building sewer is examined and tested by the town sewer and water superintendent and found to meet all requirements of this chapter.
- C. Construction, Installation: The size, slope, alignment, materials or construction of all sanitary sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the town and the state. In the absence of these code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF manual of practice no. 9 shall apply. [Sewer mainline and sewer lateral piping within the Upper Albion Basin Protection Overlay Zone shall be constructed of AWWA C-900 piping unless otherwise approved by Town.](#)
- D. Elevation: 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 operations.
- E. Polluted Surface Drainage: No person 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 town and the state department of environmental quality for purposes of disposal of polluted surface drainage.

- F. Connection Requirements: The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing codes, or other applicable rules and regulations of the town and the state, or the procedures set forth in appropriate specifications of the ASTM and the WPCF manual of practice no. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the town before installation. 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 town and to a condition equal to or better than the condition existing prior to the work being performed. (Ord. 1994-O-1, 1-13-1994)

### **8-3-11: USE REGULATIONS OF PUBLIC SEWERS:**

- A. No person 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. Stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by permission of the town and state department of environmental quality.
- B. Stormwater, other than that exempted under subsection A of this section, and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlets approved by the town and the state department of environmental quality. Unpolluted industrial cooling water or process waters shall also be discharged to a storm sewer or natural outlet.
- C. No person shall discharge or cause to be discharged any of the following described waters, liquids or wastes to any public sewers: 1) any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas; 2) 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; 3) 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 4) 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 person or user which discharges any toxic pollutants which cause an increase in the cost of managing the effluent of the sludge of the wastewater treatment works shall pay for such increased costs.

- D. The following described substances, materials, waters or wastes shall be limited in discharges to the 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 equipment, or will not otherwise endanger lives, public property or constitute a nuisance. The town may set limitations below if such more severe limitations are necessary to meet the above objectives. In setting these requirements, the town 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 town are as follows:

1. Wastewater having a temperature higher than one hundred fifty degrees Fahrenheit (150°F) (65 degrees Celsius).
  2. Wastewater containing more than twenty five (25) milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
  3. Wastewater from industrial plants containing floatable oils, fat or grease.
  4. Any garbage that has not been properly shredded. 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.
  5. 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 for such materials.
  6. Any waters or wastes containing odor producing substances exceeding limits which may be established by the state.
  7. Any radioactive wastes or isotopes of such half life of concentration as may exceed limits established in compliance with applicable state or federal regulations.
  8. Quantities of flow, concentrations, or both, which constitute a "slug", as defined in section [8-3-1](#) of this chapter.
  9. 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.
  10. 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.
- E. 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 above, and which are determined by the town 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 town may:
1. Reject the wastes.
  2. Require pretreatment to an acceptable condition for discharge to the public sewers.
  3. 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 chapter. If the town permits the pretreatment of equalization or waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the town and the state department of health.
  4. Require a plot plan of sewers on the user's property showing sewer and pretreatment facility location.
  5. Require details of wastewater pretreatment facilities.
  6. Require details of systems to prevent and control the loss of materials through spills to the municipal sewer.

- F. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter 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 town.
- G. No statement contained in this chapter shall be construed as preventing any special agreement or arrangement between the town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the town for treatment.
- H. No persons shall maliciously, willfully or negligently break, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any persons violating this provision shall be subject to immediate arrest and charged according to law. (Ord. 1994-O-1, 1-13-1994)

### **8-3-12: POWERS AND AUTHORITY OF INSPECTORS:**

- A. Authority To Enter Premises: Duly authorized employees or representatives of the town bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing pertinent to the discharge to the community system in accordance with the provisions of this chapter.
- B. Information May Be Obtained: Duly authorized town employees or representatives 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.
- C. Interceptors: Grease, oil and sand interceptors shall be provided when liquid wastes containing floatable grease in excessive amounts, as specified herein, 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 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 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 town. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.
- D. Maintenance Of Facilities: 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 at its expense.
- E. Observation, Sampling Structure: When determined necessary by the town, the owner 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 accessibly and safely located, and shall be constructed in accordance with plans approved by the town. 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.
- F. Compliance Requirements: The town may require any user of sewer services to provide information needed to determine compliance with this chapter. These requirements may include:
1. Wastewater 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, solvents or other materials important to sewer control.
- G. Safety Rules: While performing the necessary work on private properties referred to herein, the duly authorized employees or representatives of the town 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 town employees or representatives, and the town shall indemnify the company against loss or damage to its property 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.
- H. Authority To Enter Where Easements Exist: Duly authorized employees or representatives of the town bearing proper credentials and identification shall be permitted to enter all private properties through which the town 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 terms of the easement pertaining to the private property involved. (Ord. 1994-O-1, 1-13-1994)

### **8-3-13: PENALTIES:**

- A. Notice Of Violation: Any person found to be violating any provision of this chapter, except nonpayment of charges, shall be served by the town 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. (Ord. 1994-O-1, 1-13-1994)
- B. Misdemeanor Offense: Any person who shall continue any violation beyond the time limit provided for the notice, shall be guilty of a class B misdemeanor and, upon conviction thereof, shall be subject to penalty as provided in section [1-4-1](#) of this code. Each day in which any such violation shall continue shall be deemed a separate offense. (Ord. 1994-O-1, 1-13-1994; amd. 2010 Code)
- C. Liability For Expenses, Loss: Any person violating any of the provisions of this chapter shall become liable to the town for the expense, loss, attorney fees or damage occasioned the town by reason of such violation. (Ord. 1994-O-1, 1-13-1994)