

## **Abridged Huntsville Town Ordinances**

The intent of this document is to provide a summary of the most commonly used ordinance titles. The paragraph numbers are those used in the complete body of titles. The wording is verbatim from the specified title, but it may be abridged. **Notes:** and **bolding** are added to help the reader find specific topics.

The complete set of titles is available at the Huntsville Town Hall or on the Huntsville Town website:  
[www.huntsvilletown.com](http://www.huntsvilletown.com)

### **Contents**

**Title 1 – Animal Control**

**Title 2 – Nuisance**

**Title 3 – Building Codes**

**Title 4 – Building/Land Use Permits**

**Title 5- Business Licenses**

**Title 7- Impact Fees**

**Title 8 - Usage of Town Property**

**Title 9 – Garbage**

**Title 10 – Culinary Water**

**Title 11 – Cemetery**

**Title 12 – Parking and Overnight Camping**

**Title 13 – Fire Code**

**Title 14 – Traffic Code**

**Title 15 – Land Use**

**Title 16 – Streets and Rights of Way**

## **Title 1 – Animal Control**

Note: Huntsville Town contracts with Weber County Animal Control for animal control services and the requirements in this Title are common with Weber County.

### **1.1 Purpose**

All persons having custody of animals in Huntsville Town shall exercise proper care and control of his/her animals in order to prevent them from becoming a public safety hazard or nuisance. There are no specific quantity limitations set for animals except for dogs and cats, however, even one animal not properly maintained can be a public safety hazard or nuisance. It is the responsibility of the owner to avoid such circumstances.

### **1.2 Selected Definitions**

**Animals at Large** – an animal shall be considered to be “at large” when it is off the owner’s property and not under immediate control, by means of a durable restraint device, capable of keeping the animal restrained,; or an animal that is on the property of the owner and not securely confined by a leash, building, fenced area, or appropriate transport device.

**Dangerous Animal** – any animal that, according to the records of the Weber County Animal Control or Huntsville Town, that;

- A. Has inflicted serious injury on a human being, with or without provocation, on public or private property;
- B. Has killed a domestic animal, with or without provocation, while off the owner’s property;
- C. Has previously been found to be “potentially dangerous”, the owner having received notice of such, and it is witnessed and documented that the animal aggressively bites, attacks or endangers the safety of humans or domestic animals; or
- D. The animal is found to be in violation of any of the restrictions placed upon the animal, by Huntsville Town or the Animal Control Officer, pertaining to a potentially dangerous animal, as designated in this Title.

**Harboring** - the act of keeping a lost or stray animal.

**Kennel** - the land or buildings used in the keeping of four (4) or more dogs, four (4) months or older.

Note: special licensing is required to have a kennel.

**Licensed Dog** – a dog wearing its current dog license tag.

**Potentially Dangerous Animal** – any animal that, with or without provocation, chases or approaches a person upon the streets, sidewalks, or any public grounds, in a threatening or menacing fashion, or apparent attitude of attack, or any animal with a known propensity, tendency or disposition to attack with or without provocation. In addition a potentially dangerous animal is any animal, that because of witnessed and documented action, is believed capable of causing injury, or otherwise posing a threat to the safety of humans or domestic animals (see also “vicious animal”).

**Public Nuisance Animal** - any animal which violates the provisions of this Title as defined or the title on Nuisance generally and:

- A. Causes damage to the property of anyone other than its owner;

- B. Causes unreasonable odors;
- C. Causes unsanitary conditions, either for the animal(s) or person(s) living nearby;
- D. Is a potentially dangerous or vicious animal as defined herein;
- E. Every dog or animal which by barking, howling or making other noises disturbs or disrupts the peace and quiet of more than three persons, or in the case of disturbing one or more persons is documented by an Animal Control or Huntsville Town Law Enforcement Officer on at least three separate occasions or for an extended period of time;
- F. Regularly chases vehicles;
- G. Regularly chases other animals.

**Vicious animal** - any animal which is dangerously aggressive, demonstrates a propensity to natural fierceness, or disposition of mischief such as might lead to the attack of humans without provocation and includes, but is not limited to, any animal which has:

- A. Bitten or in any other manner attacked or endangered the safety of persons, other animals or property.
- B. Inflicted severe injury on a human being, with or without provocation, on public or private property.
- C. Seriously injured or killed a domestic animal, with or without provocation, while off the animal owner's property.
- D. Previously found to be dangerous, the owner having received notice of such, and the animal again bites, attacks or endangers the safety of humans or domestic animals, or it is witnessed and documented that the animal is in violation of restrictions placed upon it, as a potentially dangerous or dangerous animal as defined in this Title.

### **1.3.2 Power and Authority of Animal Control Officers**

The Animal Control Officers or assistants (this includes the Weber County Sheriffs) are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this Title, and all other duties prescribed in the enforcement of this Title.

### **1.3.3 Interfering with Officers Prohibited**

It is unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his/her duties as prescribed in this Title.

### **1.3.4 Animal Shelter Provided**

Huntsville Town shall provide or contract for suitable premises and facilities to be used as an Animal Control Shelter wherein impounded animals can be adequately kept, including adequate food for all impounded animals.

### **1.4.1 Licensing and Registration of Dogs**

It shall be unlawful for any person to own, keep, harbor, or maintain a dog over the age of four (4) months of age, without registering and obtaining a license for such dogs from the Animal Control Department or authorized vendor. All dogs brought into Huntsville Town shall require registering and licensing within thirty (30) days after they enter Huntsville Town, or within thirty (30) days after having reached the age of four (4) months.

### **1.4.3 Tag and Collar Required**

Upon payment of the license fee, there shall be issued to the owner, a metallic tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn.

### **1.4.5 Kennel License**

It shall be unlawful for any person to operate or maintain a kennel, as described in section 1.2 of this Title without first obtaining a "Kennel License" from the Animal Control Department.

### **1.4.6 Number of Cats, Dogs per Residence**

No person or persons, at any one residence, shall at any time own, harbor, license or maintain more than five (5) cats and/or three (3) dogs, except as authorized by section 1.4.5[kennels] of this Title.

## **1.5 Prohibited Acts**

### **1.5.1 Nuisance Animal**

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

An animal shall be deemed to be a Nuisance if the animal:

- A. Causes damage to the property of anyone other than its owner.
- B. Causes unreasonable odors.
- C. Causes unsanitary conditions.
- D. Barks, whines, howls, or makes other disturbing noises for an extended period of time.
- E. Chases vehicles.
- F. Is an animal which has been impounded for being at large, or its owner or possessor has been convicted for the animal being at large on three separate occasions within a twelve-month period.
- G. Is an animal previously declared potentially dangerous or dangerous and is found in violation of restrictions placed on that animal by the Animal Control Department.

### **1.5.2 Abatement of Nuisance Animals**

When it reasonably appears to the Animal Control Officer that any animal(s) is (are) a nuisance as defined in this chapter, and that such nuisance should be abated, the Officer shall first attempt to obtain the written consent of the animals' owner to abate the animal(s). Abatement shall be defined to include either relocating or euthanizing the animal. If the animal owner's consent cannot be readily obtained, the Animal Control Officer may file a complaint with the governing court charging the maintenance of a nuisance animal(s).

### **1.5.3 Control and Fencing**

It is unlawful for any person owning or having the custody, possession or control of any livestock to allow, either negligently or with specific intent, the livestock to run at large in or about a public property or roadway, where such is not permitted by law, or appropriately marked to otherwise permit the animal to be herded, pastured, or to go upon the land of another without permission.

#### **1.5.4 Female Dogs/Cats in Heat**

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

#### **1.5.7 Failure to Properly Confine Potentially Dangerous Animal**

Any owner of any potentially dangerous or dangerous animal who allows it to go at large or who fails to hold the same in the manner specified for such animal by the Animal Control Department is guilty of a misdemeanor.

#### **1.5.11 Animal Waste**

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

#### **1.7.7 Duty to Report Bite**

- A. Any person having knowledge of any individual or animal having been bitten, by an animal, of a species subject to rabies shall report the incident immediately to the Animal Control Department.
- B. The owner, of an animal, that bites a person and any person bitten by an animal, shall report the bite to the Animal Control Department within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

#### **1.8.5 Harboring of Lost or Stray Animals Prohibited**

It is unlawful for any person to harbor or keep within this jurisdiction any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Weber County Animal Shelter within seventy-two (72) hours. An Animal Control Officer may take the animal into protective custody.

A person driving a vehicle shall immediately notify the Animal Control Department, and/or Weber Area Dispatch upon injuring, striking, maiming or running down any domestic animal. Emergency vehicles and school buses are exempted from the requirements of this section.

## Title 2 – Nuisance

### 2.2.1 Nuisances Defined

A nuisance is any item, thing, manner, condition whatsoever that annoys, is a danger to human life or health or renders soil, air, water, or food impure or unwholesome.

### 2.2.2 Public Nuisance Definitions

- A. A public nuisance is a crime against the order and economy of the Town and consists in unlawfully doing any act or omitting to perform any duty, which act or omission either:
1. Annoys, injures, or endangers, the comfort, repose, health, or safety of the public.
  2. Unlawfully interferes with, obstructs, or tends to obstruct or renders dangers for passage, any lake, stream, canal, or basin, or any public park, square, street or highway.
  3. In any way renders residents insecure in life or the use of their property.
  4. Garbage – Household waste, food waste, all animal and vegetable refuse from kitchens or residences, hotels, cafes, restaurants and places where food is prepared for human consumption, including all animal and vegetable refuse from such kitchens, the materials in which such food products are packaged, and also all condemned, or decayed or unsound vegetables, meats, fish, fruit and all waste and offal there from markets, stores and factories and any other manner of refuse, rubbish, rotting hay, or trash which in and of itself has no value.
  5. Junk – All discarded metals, scrap metals, iron, glass, paper, wood, building materials, plastics, fiberglass which may have value second hand but not in its present condition, unused or discarded bicycles, tricycles or other recreational vehicles or parts therefore, waste paper products, unused or discarded building materials, machinery or machinery parts, lumber, accumulations of dirt, gravel, ashes, or fire remains, or any inoperable or abandoned vehicles, parts, or any other waste materials.
  6. Inoperable or Abandoned Vehicle – Includes any trailer, semi-trailer or motor vehicle not currently registered and licensed in this state or another state, that cannot be operated in its existing condition because the parts necessary for operation such as, but not limited to, tires, windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are removed, destroyed, damaged, deteriorated, or nonconforming.
  7. Public nuisance animal – any animal which violates the provisions of this Title as defined or the title on Nuisance Generally and:
    - a. Causes damage to the property of anyone other than its owner;
    - b. Causes unreasonable odors;
    - c. Causes unsanitary conditions, either for the animal(s) or person(s) living nearby;
    - d. Is a potentially dangerous or vicious animal as defined in the Animal Control Title;
    - e. Every dog or animal which by barking, howling or making other noises disturbs or disrupts the peace and quiet of more than three persons, or in the case of disturbing one or more persons is documented by an Animal Control or Huntsville Town Law Enforcement Officer on at least three separate occasions or for an extended period of time;
    - f. Regularly chases vehicles;
    - g. Regularly chases other animals.
  8. **Noxious weeds** – any plant the Utah Commissioner of Agriculture determines to be especially injurious to public health, crops, livestock, land or other property.
- B. An act which affects the public in any of the ways specified in this section is still a nuisance regardless if the extent of annoyance or damage inflicted on individuals is unequal.

### **2.2.3 Public Nuisance Maintenance**

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of public nuisance, is guilty of a Class C misdemeanor.

### **2.2.4 Public Nuisance Abatement**

The Huntsville Town Attorney is empowered to institute an action in the name of Huntsville Town, to abate a public nuisance. The action shall be brought in the Justice's Court and shall be in the form prescribed by the Rules of Civil Procedure of the State of Utah for injunctions, but the Huntsville Town Attorney shall not be required to execute a bond with respect to the action.

### **2.2.5 Public Nuisance Relief**

If the existence of a public nuisance is admitted or established, either in a civil or criminal proceeding, a judgment shall be entered which shall permanently enjoin each defendant and any other person from further maintaining the nuisance at the place complained of and each defendant from maintaining such nuisance elsewhere.

## **2.3 Ordinance Inspector Appointment**

The Huntsville Town Council will appoint an Ordinance Inspector by resolution, to perform inspections and to examine real property situated within the corporate limits of Huntsville Town for the purpose of determining whether, in their opinion, the property contains objects or conditions of the kind in nature described above and for the purpose of determining whether the existence of the objects or conditions create or constitute a public safety hazard or nuisance as defined in this section and the Fire Code Title.

## **2.4 Nuisances on Property**

### **2.4.1 Nuisances on Property Designated**

It is unlawful for any owner or occupant of any real property or estate therein, or his agent, to cause or permit upon such property, parking space, or sidewalk on or adjacent thereto, or after notice as provided hereinafter, to fail to remove, abate, or cause the removal or abatement of any injurious and noxious weeds, grass or offensive vegetation, and of any dirt, garbage, refuse, junk, scrap metal, wastepaper products, machinery parts, unused construction materials, dead trees, ashes, tin cans, or other waste materials or products or unsightly or deleterious objects or structures pursuant to the powers granted to Huntsville Town and pursuant to its general powers authorizing the abatement of nuisances. It is declared that the above-listed objects and conditions constitute a nuisance when they create a fire hazard, a source of contamination, pollution of water, air, or property, damage to health or public safety, a breeding place, or habitation for insects or rodents or other forms of life deleterious to human habitation, or are unsightly or deleterious to their surroundings. Failures to remove, abate, or cause the removal of the above listed objects and conditions are considered an infraction of this Title, and will be subject to the penalties and proceedings described herein.

## **Title 3 – Building Codes**

### **3.2 Building Codes**

Huntsville Town adopts and uses the International Building Codes, the date of each applicable code established by resolution, as the set of Building Codes for Huntsville Town. These codes are for regulating the erection, construction, enlargement, alteration, remodel, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in Huntsville Town. The codes also provide standards against which Huntsville Town can issue permits and collect the corresponding permit fees, and by this reference are made a part of this ordinance to the same extent and effect as though said code were set forth herein as full. The permit fees shall be adopted by resolution.

## **Title 4 – Building/Land Use Permits**

### **4.2 Building/Land Use Permit Required**

Any owner or authorized agent who intends to engage in the construction, alteration, remodel or removal of any structure or any part thereof, change or add a use of land as provided or as restricted in this Title, shall not commence, or proceeded with, except after the issuance of a written permit for the same by the Huntsville Town Building Official. For the sake of the safety of the public, any structure owner or authorized agent who intends to install, alter, remove, convert or replace any existing electrical, gas, mechanical or plumbing system, the installation of which is regulated by the adopted Huntsville Town building codes, or to cause any such work to be done, shall first make application to the Huntsville Town Building Official and obtain the required permit. Minor replacement or repair of such systems, especially to replace like kind (i.e., replacing a water faucet, light switch, light fixtures, toilet, etc.), replacement of roof shingles or siding does not require a permit. If the land use change involves excavating, an excavation permit may be required as specified in Title 17.

Building/Land Use permits shall be valid for a period of six months and automatically renews with each inspection. If the permit expires, another may be purchased and the same issue of the codes will apply until the work is completed, unless the new code contains a section that is applicable to the work in progress and concerns a health or safety issue. They self renew with each inspection. They can be renewed once without re-permitting charges.

### **4.5 Powers and Duties of Huntsville Town Building Official**

It shall be the duty of the Huntsville Town Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. They shall enforce all of the provisions of this Title, entering actions in the courts when necessary, and their failure to do so shall not legalize any violation of such provisions. The Huntsville Town Building Official shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration and use fully conform to all Huntsville Town Land Use Title regulations then in effect.

## **Title 5 - Business Licenses**

### **5.2 License Necessary**

It shall be unlawful for any person to engage in, carry on, or operate any business in Huntsville Town, or use any property for business, without first making application for and obtaining approval for a license from the Huntsville Town Council for such business, and by paying in advance the license fee required therefore as provided in this Title.

### **5.4 Applications for License-Contents**

All applications for licenses shall be made in writing and submitted to the Huntsville Town Business License Official upon a prepared form, which may be obtained from the Business License Official.

### **5.5 License Fee– License Period**

All licenses provided for in this Title shall, except as provided in this Title, be payable annually in advance commencing January 1st, and unless revoked as provided in this Title, shall be effective through the following December 31st unless otherwise provided for. A license fee thereof shall be in the same proportion to the yearly fee, as the remainder of the license year shall bear to the whole license year, figured from the time the business commenced operation.

### **5.7 Failure to Pay Assessment**

If any person neglects, fails or refuses to pay the amount assessed the person's business according with the assessment due, a penalty of twenty-five percent (25%) of such assessment shall be added to the assessment by the town recorder and payment thereof shall be enforced by the recorder as provided for herein. If the license is not paid within sixty (60) days from due date, a fifty percent (50%) penalty shall be imposed; and if not paid within ninety (90) days from due date a one hundred percent (100%) penalty shall be imposed.

### **5.8 License Revocation**

- A. Notice. Any license issued under this title may be revoked after notice and hearing unless otherwise specifically provided for herein or in any other Title of Huntsville Town. After notice and hearing concerning the revocation of any license the town council may revoke the license of the licensee for any violation of any of the provisions of this title or for any other cause, which the Huntsville Town Council deems good and sufficient.

### **5.9 License Types**

#### **A. Solicitation and Peddling.**

For the purpose of this Title a **“solicitor”** or **“peddler”** is defined as any individual, agent, or employee who goes from house to house, or place to place, to solicit for the sale of any goods, tickets, services subscriptions, wares or merchandise whatsoever.

1. Before commencing the business of soliciting/peddling, every solicitor/peddler must provide photo identification, social security number and a state approved background check, pay a fee and procure a business permit therefore from the Huntsville Town Business License Official. The background check must come from the Utah Department of Public Safety. The permit will have a time limit not to exceed two weeks. Every peddler must keep the permit with them when soliciting/peddling and show it to customers on demand.

2. Any person keeping produce, goods, wares or merchandise of any description at a private residence and soliciting trade therefore, in person or by agents or by telephone and delivering the same, shall be deemed a solicitor/peddler under the provisions of this section and shall be required to procure a permit therefore.
3. Nothing in this section contained shall be construed to permit the soliciting/peddling of fresh meat and the peddling of the same is prohibited.
4. Newspaper carriers who get subscriptions and persons soliciting subscriptions for church periodicals as well as youth character building organizations and children under sixteen years of age acting as independent sales agents are herein specifically excluded from this section.

The provisions of this section shall not apply to persons soliciting/peddling or offering for sale, at their residence or farm, butter, eggs, fruit, or vegetables raised or produced by themselves. The sale soliciting/peddling of fresh meat, fish or fowl is prohibited.

#### **5.10 Penalty**

Any person, firm or corporation who shall violate any of the provisions of this Title shall be guilty of a Class C misdemeanor and shall be subject to a fine as stated in the fee resolution.

### **Title 7 – Impact Fees**

#### **7.1 Purpose**

Huntsville Town finds that new construction of dwelling units, additions to dwelling units, and commercial buildings (referred herein as development) places demands on municipal government to provide them services often requiring expansion of existing public facilities. In order to provide an equitable source of funding for these new services and facilities, under the guidelines established by the Utah State Legislature Huntsville Town has established a municipal infrastructure improvement program which charges a proportionate share of the costs of services and facility improvements to those who are creating the demand for these services and improvements.

#### **7.2 Use of Impact Fees**

Impact fees may only be used for financing capital facility improvements needed due to demand caused by new growth.

Impact fees may not be used for:

- A. Operations and maintenance. Impact fees may not be used to pay salaries or to pay for day-to-day costs or simple replacement of existing equipment.
- B. Facilities not needed to serve new development or which do not benefit from new development: impact fees may not be used to finance improvements that will not serve the new development. There must be a reasonable connection between the need for additional facilities due to new development and spending the fees collected and benefits received by the development paying the fee.

#### **7.3 Applicability**

The Huntsville Town Building Official shall require the applicant for a Building Permit pay a Development Impact Fee at the rate currently in effect. The total impact fee shall be paid separately from any other fees and shall be paid prior to the issuance of the Building Permit.

## **Title 8 - Usage of Town Property**

### **8.3.3 Tree Planting, Maintenance, and Removal**

The Huntsville Town Tree Board shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all Huntsville Town streets, alleys, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. Specifications as to the type of tree species to be planted, where they can be planted, spacing, pruning and topping will be included in a Huntsville Town Tree Standards and Specifications document to be maintained by the Huntsville Town Tree Board.

The Huntsville Town Tree Board may remove any tree or part thereof on Huntsville Town property which is in an unsafe condition or which by reason of its nature is injurious to electric power lines, gas lines, water lines, or other public improvements; or is affected with any injurious fungus, insect or other pest. This Title does not prohibit the planting of trees on Huntsville Town property by adjacent property owners providing that the selection and location of said trees is approved by the Huntsville Town Tree Board as being in accordance with the specifications as listed in the Huntsville Town Tree Standards and Specifications. Also, the Huntsville Town Tree Board may not plant or remove Huntsville Town trees adjacent to private property without an agreement with the property owner to share in the maintenance of the tree. Notification of removal or action on any trees adjacent to landowner will be given at least twenty-one (21) days in advance of planned removal or action.

### **8.3.4 Review by Huntsville Town Council**

The Huntsville Town Council shall have the right to review decisions of the Huntsville Town Tree Board and rescind said decisions. The adjacent property owner may appeal any ruling or order of the Huntsville Town Tree Board to the Huntsville Town Council who may hear the matter and make a final decision.

## **8.6 Huntsville Town Park**

The primary purpose of the Huntsville Town Park is for the use and enjoyment of the town residents. No alcohol, horses, unleashed dogs, golfing activities, golf carts, using fireworks, camping or unauthorized vehicles are allowed in the park. Exceptions are service animals and vehicles used during Huntsville Town Council permitted activities. The park closes each evening at 10 p.m. until 8 a.m. the next morning. Events and activities shall be on a reservation basis only and limited to participants that come from the greater Huntsville community and Ogden Valley residents. This would include, but is not limited to: family reunions, youth sports, July 4<sup>th</sup> celebrations, and Valley Elementary Fall Festival. If vendors will operate, the reservation request must include their names and description of type of sales activity. In all cases, criterion for using the park should be based on Huntsville and Valley resident involvement and participation, with priority given to Huntsville Town residents. The park shall operate on a first-come, first-serve basis. For example, when residents are using the ball diamond, the reserving party must wait its turn. There will be rotation of park usage when others are simultaneously desire to utilize the park. Fees shall be determined by resolution of the Huntsville Town Council.

8.6.1 Boweries. Huntsville Town residents will have reservation access to the bowery one month prior to the time Huntsville Town begins taking regular reservations. Corporations and other organizations may rent the bowery, however, a limited amount of large-scale activity (groups greater than 500) may be considered on a case-by-case basis by the Huntsville Town Council. Of prime consideration is the extent Huntsville Town and Ogden Valley residents

would be involved. For example, a race that draws from all over the state of Utah and even other states might be considered an unhealthy impact on the park, especially when few of the people from Huntsville Town, Ogden Valley or Weber County maybe involved compared to the overall number of participants. The only time commercial use will be allowed is when it is expressly for the benefit of the residents of Huntsville Town and the surrounding community, such as a soccer camp. The organizers may make a profit from enrollments, but the benefit of the camp would be for local residents.

8.6.2 Tennis Courts. The tennis courts are to be used for the playing of tennis only. No other use of the tennis courts is permitted unless the party desiring to use the courts files with the Huntsville Town Clerk a written application it use the courts, setting forth in detail an explanation of the desired use. The written application must be filed at least thirty days prior to the intended use. The application shall be deemed denied unless approved by the Huntsville Town Council at one of its regular meetings. No wheeled conveyances, such as skateboards, roller-blades, skates, scooters, bicycles, etc shall be allowed on the tennis courts at any time. Only tennis shoes shall be allowed on the tennis courts. No black-soled, other shoes or other items that will mark or do other damage to the tennis courts will be allowed. When others are waiting to use the tennis courts, play shall be limited to one hour.

## **Title 9 – Garbage**

### **9.2 Garbage Collection Services**

Huntsville Town shall offer contract garbage collection services for the residences of Huntsville Town. Those residing outside of Huntsville Town with Huntsville Town water hookups may also participate with contract garbage collection if appropriate agreements are made between Huntsville Town and the contracted garbage service provider. A separate garbage service and receptacle shall be required for each residence with garbage service.

### **9.4 Theft of Services**

A person commits theft of services if he/she leaves inappropriate garbage in Huntsville Town receptacles located anywhere in Huntsville Town.

- A. Inappropriate garbage is that which comes from individual residences, personal property, or any other source not associated with the use of Huntsville Town facilities to avoid the payment of garbage services. This is garbage which normally would be picked up by residential or property owner's garbage service. Huntsville Town receptacles should not be used for the disposal of trash from individual residences or personal property.
- B. Theft of services, as defined in Utah Code Section 76-6-409, (1-2):
  1. A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment for them.
  2. A person commits theft if, having control over disposition of services of another, to which he knows he is not entitled, he diverts the services to his own benefit or to the benefit of another who he knows is not entitled to them.

### **9.5 Litter**

It shall be unlawful for anyone to litter Huntsville Town roadways, alleyways, right-of-ways, and facilities. Facilities include the park, cemetery, Huntsville Town Hall, sheds, and any other Huntsville Town property or right-of-ways. Littering is defined by Utah Code Section 41-6-114 (1-7) and written as follows:

- A. It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area, or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of the land in the town whether under private, state, county, municipal or federal ownership without the permission of the owner or person having control or custody of the land.
- B. Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, upon any public road, highway, park, recreation area, or other public or private land or waterway any destructive, injurious, or unsightly material shall:
  1. Immediately remove the material or cause it to be removed; and
  2. Deposit the material in a receptacle designed to receive the material.

- C. Any person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public or private property or public roadways.
- D. Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area, or other public or private land shall remove any glass, injurious substance dropped from the vehicle, or liquids spilled from the damaged vehicle upon the road or highway, or in the park, recreation area, or other public or private land.
- E. It shall be unlawful to throw any lighted material from a moving vehicle.
- F. Any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.
- G. Any person in charge of a construction or demolition site shall take reasonable steps to prevent the accumulation of litter at the construction or demolition site.

### **9.7 Huntsville Town Landfill**

Only yard waste will normally be accepted in the Huntsville Town Landfill. Yard waste means vegetative matter resulting from landscaping, land maintenance, and land clearing operations including tree trimmings, grass clippings, prunings, and other discarded organic material generated from yards, gardens, parks, and similar types of facilities. Yard waste does not include garbage, paper, plastic, lumber, metal, sludge, septic deposits, or manure.

- A. A fee per ton of waste will be established by resolution, with a minimum fee for any load. As Huntsville Town has no scales, the weight will be estimated by the representative of Huntsville Town operating the landfill at that time.
- B. All loads must be secured so as no waste is deposited on the roads en route to the landfill.
- C. With the approval of the designated Huntsville Town Council member, inert construction/demolition waste or other materials will be allowed at the Huntsville Town Landfill. Inert waste is noncombustible, non-hazardous solid wastes that retain their physical and chemical structure under conditions of disposal. It includes materials such as rock, brick, and concrete (excluding rebar and other reinforcing materials).
- D. Construction/demolition waste, from Huntsville Town publicly owned buildings or projects, will be allowed at the Town Landfill. This will save the Town from being accessed fees to use an alternative disposal facility.

## **Title 10 – Culinary Water**

### **10.2 Supervision**

The operations, compliance, and personnel of the entire Huntsville Town Culinary Water System shall be under the direction and control of the Huntsville Town Council, which may appoint a Culinary Water Administrator. The Culinary Water Administrator shall be responsible to maintain the system in compliance with all applicable state and federal regulations. When necessary in the performance of their duties, employees of the Huntsville Town Culinary Water Department shall be allowed to be on private property if necessary to perform said duties.

### **10.3 Connections**

- A. A separate connection shall be required for each residence to which a property owner desires water to be supplied, with a water meter installed and a fee paid for each connection. Prior to the culinary water connection, proof must be provided of a secondary water hook up in place on the said property for which a culinary water hook up is requested.
- B. No connection shall be made to the Huntsville Town Culinary Water System until after payment of the connection fee to Huntsville Town by the property owner. Huntsville Town will then install the water meter, water meter box and lid which will reside on Huntsville Town property or as approved by the Huntsville Town Water Department. Huntsville Town will make or supervise the connection and installation of the necessary line from the water meter to the water system main line. Such installation will also include inspection of backfilling and repair to streets disturbed during construction.
- C. It shall be unlawful for any person to make any connection with the Huntsville Town Culinary Water System, unless said person is authorized by or working for Huntsville Town. Nor shall any person or entity willfully or negligently damage or destroy any part of the Huntsville Town Culinary Water System. Any person causing such damage shall be guilty of up to a Class B misdemeanor or a felony, based on the dollar value of the damage caused. Such person or entity shall also be liable for all damages caused to the Huntsville Town Culinary Water System.
- D. No water user shall permit the use of water on any other lot than the one it is approved for unless authorized in emergency situations by the Huntsville Culinary Water Administrator. No building or structure shall be built across, over or in any way obstruct the culinary water system infrastructure unless authorized by Huntsville Town. All water meters shall be kept clear of obstacles that would limit access by Huntsville Town Culinary Water Department personnel.

### **10.4 Application for Water**

Whenever any Huntsville Town property owner desires to obtain water from Huntsville Town, they shall make application therefore in writing, and pay a fee established by resolution of the Huntsville Town Council, which application shall state the intended use of the lot to which the proposed connection will be made. A separate application shall be filed for each connection required by this Title, and if a lot is at any time used for a purpose other than the purpose stated in the original application, another application must be filed. The person filing the application shall sign an agreement that they will be governed by the ordinances, resolutions, rules and regulations as prescribed herein. If any person draws or uses water from the Huntsville Town Culinary Water System without first filing an application and obtaining approval of the application from the Huntsville Town Council, Huntsville Town may deny water until such time as the applicant fully complies with the provisions of this Title.

## **10.6 Statements and Date of Payment**

Statements for culinary water charges shall be mailed to the culinary water account holder periodically as set by resolution and will be due and payable not later than the 25th day of the month the statement is issued and delinquent after that day. In the event of delinquency, a penalty and collection charge shall be assessed as established by resolution. A late notice shall be included in the bill of the following billing period. In the event all past due amounts are not paid in full by the end of the next billing period; the water service will be subject to being disconnected.

## **10.7 Regulation of Water Use**

Secondary water is available to the residents of Huntsville Town and therefore, culinary water shall not be used for irrigation or other purposes traditional to secondary water usage. Each water user of Huntsville Town shall be prohibited from using culinary water for irrigation or for other purposes traditional to secondary water usage as long as secondary water is available.

When it is deemed necessary, Huntsville Town may at any time limit or turn off the water to any or all parts of the Huntsville Town Culinary Water System for necessary repairs or maintenance. If possible, notification shall be provided to each water user affected. In times of scarcity of water, the Huntsville Town Council may, at its discretion, limit the use of water to any or all parts of the system. Any person violating the provisions of this section, or any proclamation made by the Huntsville Town Council pursuant thereto, shall be charged a penalty as may be affixed by the Huntsville Town Council and may have their water service turned off.

## **10.8 Fire Hydrants**

- A. All fire hydrants shall be under the control of Huntsville Town. The fire department and such others as Huntsville Town shall authorize, shall have access to said hydrants. No unauthorized person shall open or operate any fire hydrant, or attempt to draw water there from, or obstruct the approach thereto.

## **10.9 Request for Water Outside Huntsville Town**

- A. Any new culinary water connections outside of Huntsville Town boundaries shall not negatively impact the culinary water connections inside Huntsville Town boundaries in any way, such as restricting Huntsville Town water supply or quality. Approval of any outside hookup is solely at the discretion and approval of the Huntsville Town Council. Each property owner outside the current Huntsville Town boundaries who desires to connect to the Huntsville Town Culinary Water System shall deed to Huntsville Town at least 1 acre foot of useable water right per connection. Huntsville Town shall pass through the maintenance cost of such water right to the customer for whose use it is intended. Huntsville Town may, after reviewing the water usage of a property owner, require an additional water right.

## **10.10 Cross-Connection Control Program**

The Utah State Division of Drinking Water has mandatory requirements for municipalities to maintain a cross-connection control program to protect the public potable water supply from the possibility of contamination or pollution which could backflow or back-siphon into the their culinary water systems, to promote the elimination or control of existing cross-connections, actual or potential, between its customers in-plant potable water system(s), and on-potable system(s), and to provide for the maintenance of a continuing program of cross-connection control.

- A. Requirements. No water service connection to any Huntsville Town premises shall be installed or maintained unless the water supply is protected against backflow as required by Utah State law, regulations, codes, and this Title.

## **Title 11 – Cemetery**

### **11.8 General Platting and Landscape**

- A. Entrance Regulations. Access to the Huntsville Town Cemetery is allowed through the entrance gates or side gate only. These will be open during the daylight hours. Entrance during any other hours will be considered trespassing.

### **11.9 Throwing or Depositing Debris Prohibited**

It shall be unlawful for any person to throw or deposit in any part of the Huntsville Town Cemetery the carcass of any dead animal, or meat, fish, rubbish, refuse, filth, trash, garbage, building materials, or any like substance, or any object or substance that will detract from the beauty of said Huntsville Town Cemetery.

### **11.10 Damaging Cemetery Property Prohibited**

No person may injure, molest, or deface, or otherwise damage or remove any headstone, curbing, monument, tree, shrub, flowers, funeral flowers, floral pieces, vases and containers, or any other property in the Huntsville Town Cemetery.

## **Title 12 – Parking and Overnight Camping**

### **12.1 Parking Restrictions**

It shall be unlawful to park or cause to be parked any vehicle along the streets designated "NO PARKING" by a sign or device placed in said area. It shall also be unlawful to park any vehicle on the side of any street during hours restricted by a posted sign. Parking restrictions will be set by resolution and approved by the Huntsville Town Council.

### **12.2 Prohibition of Overnight Camping on Town Property**

Overnight camping in motor homes, campers, trailers, tents or any vehicle on Huntsville Town property, streets, right's of way, alleys, cemetery, or parks is prohibited.

### **12.3 Emergency Vehicles**

It shall be unlawful for any person, except emergency medical or other authorized emergency vehicles, to park any motor vehicle on any street in violation of the posted restrictions.

### **12.4 Penalties**

- A. The violation of this ordinance shall be an infraction punishable by a fine determined by resolution of the Huntsville Town Council. Parking in violation of this section is hereby declared to be a public nuisance, and said vehicle may be removed summarily by Huntsville Town by towing. The owner or operator of a vehicle cited for illegal parking under this Ordinance shall be required to, in addition of the penalty, pay towing fees and impound fees for the release of the vehicle. Towing fees may be levied against the violator or the owner of the vehicle, or both.
- B. A violation of the overnight parking restriction is a Class C misdemeanor.

## **Title 13 – Fire Code**

### **13.5 General Prohibitions**

The setting, building, maintaining, attending, or using a fire, campfire, stove fire, of any kind, either open flame, smoldering, or any other heat source used for cooking, warming, aesthetics and/or lighting is hereby prohibited except in conformity with the provisions of Sections 13.5-A, 13.6, and 13.7 of this Title.

- A. Exemptions. The following persons are exempt from the provisions of Section 13.5 of this Title:
1. Persons with a permit or contract authorizing the otherwise prohibited act at a specific location.
  2. Authorized federal, state or local officers, or members of an organized rescue or firefighting force in the performance of official duty, when authorized by the appropriate governmental authority.
  3. Persons who use portable stoves, lanterns, and/or tent heaters, using gas, jellied petroleum or pressurized liquid fuel, located either in the outdoors or within an enclosed recreational vehicle, tent or trailer unless posted as closed to such use.
  4. Persons who build, maintain, attend or use camp fires located within facilities permanently constructed or administered by Huntsville Town or other governmental entity (unless posted as closed) in improved campgrounds, picnic areas, or other permanently improved places of habitation, where the County, State or Federal authority has constructed facilities such as, but not limited to permanent fire rings, picnic tables, toilets, and/or culinary water systems.

### **13.6 Permissible Burning - Without Permit**

Except as prohibited by Section 13.4, and when not prohibited by other laws or by other officials having jurisdiction and provided that a nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit:

- A. In devices for the primary purpose of preparing food such as outdoor grills and fireplaces.
- B. Campfires and fires used solely for recreational purposes where such fires are under the control of a responsible person.
- C. Indoor fireplaces.
- D. Properly operated industrial flares combustion of flammable gases.

### **13.7 Permissible Burning - With Permit – Exemptions**

Except as prohibited by Section 13.5, and when not prohibited by other laws or other officials having jurisdiction and when a nuisance is not created, the types of open burning listed as A, B, C, D, and E below are permissible (1) under the terms of individual permits issued by authorized Weber Fire District under a "Clearing Index" system approved and coordinated by the Utah State Division of Health, or (2) when specifically exempted by the Weber County Air Conservation Committee, following written application and appropriate hearing. Application under (2) may be made by a political subdivision of the state, as well as by any individual citizen.

- A. Open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber.

- B. Open burning of solid or liquid fuels or structures for removal of hazards or eyesores or for fireman training purposes when conducted under the direct control and supervision of organized fire departments.
- C. Open burning, in remote areas, of highly explosive or other dangerous material, for which there is no other known practical method of disposal.
- D. Open burning for special purposes, or under unusual circumstances when approved by the Department following formal request therefore.
- E. Agricultural burning, including on-premise orchard prunings, field stubble, weeds and open burning to clear irrigation ditches.

### **13.8 Burning Permits**

The Weber County Health Officer or other official designated by the governing bodies of Weber County shall establish a procedure for issuance of burning permits under the terms of the Code of Open Burning Regulation. Said official shall also devise a method of visual determination of any violations of the code of Open Burning Regulations and shall institute appropriate enforcement procedures as necessary.

## **Title 14 – Traffic Code**

### **14.4 Speed Limits on Huntsville Town Streets**

The permitted speed for all motorized vehicles shall be as follows:

- A. Twenty-five Miles Per Hour. On all public highways and streets within the Huntsville Town limits except as otherwise described herein; and in all designated and marked school zones when so identified.
- B. Thirty Miles Per Hour. On First Street from the intersection of State Road 39 at 7800 East to the west boundary of the Huntsville Town limits.
- C. State highways bordering or bisecting Huntsville Town shall be as posted.
- D. Fifteen Miles Per Hour. All alleyways.

### **14.5 Driving - Speed to be Reasonable and Prudent**

No person shall drive a vehicle on a Huntsville Town street, road, or alleyway at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Under all circumstances, speed shall be so controlled as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

### **14.8 Off-Highway Vehicles (OHVs)**

- A. Unless otherwise provided for herein, Huntsville Town desires to designate all town streets within the corporate limits as approved OHV routes as allowed by Utah Code 41-22-10.5. OHVs are prohibited on Huntsville roads and streets:
  - 1. Between the hours of 10 PM and 8 AM from March 1 to October 31, and
  - 2. Between the hours of 9 PM to 8 AM from November 1 to February 28 (February 29 during a leap year).
  - 3. First Street is excluded as a designated street, but may be crossed to gain access to or from a private or public area open for OHVs.
  - 4. OHVs shall not be operated on shoulders of the roads or the verge, with the exception of snowmobiles when there is inadequate snow coverage on the street or road.
  - 5. OHVs shall not be operated in the Huntsville Town Park.
- B. A person under age 16 may not operate and an owner may not give that person permission to operate an OHV on Huntsville streets or roads.
  - 1. All operators 16 years of age or older must possess either a valid drivers license as provided in Title 53, Chapter 3, Uniform Drivers License Act or an OHV education certificate as issued by the Utah Division of Parks and Recreation (UCA 41-22-29 and 41-22-30). This does not apply to off-highway implements of husbandry used in accordance with Utah Code Section 41-22-5.5.

## **Title 15 – Land Use**

### **15.3.1 Land Use Permits Required**

Land Use Permits shall be required as described in the Building Permits and Signage Titles. Land uses will be subject to the specific zone regulations as well as the applicable Architectural, Landscape and Screening Standards, Business Licensing, Signs, and Sensitive Land regulations of the Huntsville Town Land Use Title.

### **15.3.2 Zones Requiring a Land Use Permit**

No structure shall be constructed, changed in use, or altered until a Land Use Permit is approved as defined in the Building Permit Title.

### **15.3.3 Applicant Notice**

For each Land Use application, Huntsville Town shall notify the applicant of the date, time, and place of each public hearing and public meeting to consider the application and of any final action on a pending application.

## **15.4 Conditional Uses**

### **15.4.1 Purpose**

The purpose of Conditional Uses is to allow in certain areas, compatible integration of such uses as special exceptions but which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that particular zone due to conditions and circumstances peculiar to that location and/or only if such uses as designed, laid out and constructed on the proposed site in a particular manner.

### **15.4.2 Conditional Use Permit**

A Conditional Use Permit shall be required for all uses not specifically listed for a given zone. The Conditional Use Permit shall be approved by the Huntsville Town Council after review and recommendation by the Huntsville Town Planning Commission. A Conditional Use Permit may be revoked at a later time by the Huntsville Town Council, after review and recommendation by the Huntsville Town Planning Commission, upon permittees failure to comply with the conditions imposed with the original approval of the permit.

## **15.6 Residential Zone R-1**

### **15.6.2 Use Regulations**

In Residential Zone R-1, no building or structure or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Single-family dwellings. Only one single-family dwelling is allowed on an approved R-1 building lot.
- B. Churches.
- C. Cemeteries.
- D. Libraries, museums, public art galleries.
- E. Public schools, pre-school, child day care or nursery.

- F. Agriculture; nurseries and greenhouse, provided sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith.
- G. Large animals and household pets, in accordance with the Huntsville Town Animal Control Title.
- H. A Residential Zone Bed and Breakfast subject to the following standards:
  - 1. Two parking spaces shall be provided for the family plus one space for each guest room. No parking may be located on the public thoroughfare;
  - 2. Proprietor or owner must occupy the property;
  - 3. Meals may only be served to overnight guests;
  - 4. Not more than three (3) guests sleeping rooms per dwelling;
  - 5. Allowed only in existing dwellings with no exterior additions nor change in residential character;
  - 6. Business license must be obtained;
  - 7. No traveler or guest may rent a room for more than seven (7) consecutive nights;
- I. Signage is restricted. These regulations are contained in the Huntsville Town Signs Title.
- J. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If an existing residence is used as a temporary residence during construction of a new residence, upon issuance of the occupation permit for the new residence, the old residence must be removed within thirty (30) days.
- K. Home occupations, in accordance with the Home Occupations Title of this Ordinance.
- L. Accessory uses (e.g., garage, shop, storage, etc.) customarily and normally incidental and subordinate to the above and devoted exclusively to the main permitted use of the premises.
- M. No mobile homes or recreational vehicles may be placed on a lot for use as a permanent or temporary (greater than 30 days) residence, except as outlined in J. above.

### **15.6.3 Area Regulations**

The minimum lot area shall be not less than thirty-two thousand six hundred and seventy (32,670) square feet, which is three-quarters (3/4) of an acre.

### **15.6.4 Frontage Regulations**

- A. The minimum width of a lot, along the street frontage shall be one hundred thirty (130) feet. Where the lot frontage is on a cul-de-sac, the 130 foot width requirement shall be along the front property boundary line running from one radial property side boundary to the other and measured perpendicular to the circumference of the cul-de-sac.
- B. The frontage requirement minimum is one hundred twenty (120) feet when an alleyway is the only reason for not being able to provide one hundred thirty (130) feet of frontage.
- C. Transverse lot splitting will not be allowed if the frontage requirements stated in items A. and B. are not met for the newly formed lots.

### **15.6.5 Every Dwelling is to be on a "Lot"**

Every dwelling shall be located and maintained on a "lot" as defined in this ordinance; such lot shall have the required frontage on a public street or on a right-of-way which has been

approved by Huntsville Town. No building may be located upon any area on the lot covered by an easement.

#### **15.6.6 Front Yard Regulations**

- A. The minimum depth of the front yard for the dwelling and for private garages shall be thirty (30) feet from the property line.
- B. No obstruction to view in excess of two (2) feet in height shall be placed or permitted to remain on any corner lot within a triangular area formed by the street property lines and a line connecting them at points twenty (20) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers.

#### **15.6.7 Side Yard Regulations**

- A. The minimum side yard for any dwelling shall be ten (10) feet and the total width of the two required side yards shall be not less than twenty (20) feet. The minimum side yard for a private garage or accessory buildings shall not be less than ten (10) feet.
- B. Where the rear of a residential lot abuts the side of an adjoining residential lot, the minimum side yard for any dwelling shall be ten (10) feet and the total width of the two required side yards shall not be less than twenty (20) feet. The minimum side yard for a private garage or accessory building shall not be less than ten (10) feet.
- C. Where the side of a residential lot abuts an alley, the minimum side yard for any residence will be ten (10) feet from the alley boundary. The minimum side yard for a garage or accessory building that abuts an alley will be one (1) foot measured from the alley boundary.

#### **15.6.8 Rear Yard Regulations**

- A. The minimum depth of the rear yard for any main building shall be thirty (30) feet, and for accessory buildings not less than ten (10) feet, except that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten (10) feet to such side yard. Where alleys exist, the accessory building distance shall be one (1) foot from the alley boundary.

#### **15.6.9 Height Regulations**

- A. No building shall be erected to a height greater than two and one-half (2-1/2) stories or thirty-five (35) feet.
- B. No dwellings shall be erected to a height of less than one (1) story above ground.
- C. No building which is accessory to a single-family dwelling shall be erected to a height greater than thirty-five (35) feet.

#### **15.6.10 Coverage Regulations**

- A. No buildings, structures, or group of buildings (including accessory buildings) shall cover more than sixty (60) percent of the area of the lot.
- B. No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five (25) percent of the rear yard.

#### **15.6.11 Special Provisions**

The above specified uses shall be permitted only under the following conditions:

- A. Public health requirements concerning domestic water supply and sewage disposal shall comply with State and Weber/Morgan County requirements. A septic tank certificate of design approval from the Weber/Morgan County Health Department shall be required in all applications for a building permit.
- B. No building or structure shall be constructed within the boundaries of any public reservoir as determined by the public agency having jurisdiction or within the boundaries of any natural waterway or watercourse as determined by the Huntsville Town Engineer wherein no buildings or structures shall be constructed or land subdivided. Where buildings are to be constructed within fifty (50) feet of the exterior boundaries of a flood channel existing at the effective date of this ordinance, adequate measures must be taken as determined by the Appeal Authority so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
- C. The required yard space shall be kept free of debris, refuse, or other inflammable material which may constitute a fire hazard, as further defined in the Huntsville Town Nuisance Title.

#### **15.6.12 Lots in Separate Ownership**

The requirements of this Title as to minimum building site area 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 ordinance becomes effective.

#### **15.6.13 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 ordinance, shall be considered as providing a yard or open space on a lot whereon a building is to be erected or established.

#### **15.6.14 Sale or Lease of Required Space**

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

#### **15.6.15 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.

### **15.18 Home Occupations**

#### **15.18.1 Purpose**

It is the purpose of this Title to allow persons residing in dwellings in residential and agricultural areas to use their mental or physical expertise and talent to a limited extent in providing a service, developing a product for sale to the public, operating certain kinds of small businesses or maintaining a professional or business office work space in the dwelling while at the same time maintaining the peace, quiet, and domestic tranquility within all residential or agricultural areas of Huntsville Town and guaranteeing to all residents freedom from excessive noise, traffic, nuisances, fire hazard, and other possible adverse effects of limited business activities being conducted in such areas.

#### **15.18.2 Use**

Home Occupations with visiting clientele are allowed as a Permitted Use in the R-1 and A-3 Zones. The regulations on visiting clientele are covered in this and the Huntsville Town Vehicle Parking and Loading Title. The occupation shall be secondary to the primary use of

the dwelling, which is a residence. The occupation shall be conducted so that neighbors, under normal conditions, are not aware of its existence. It shall not be a nuisance, cause undue disturbance or involve the use of hazardous materials. The occupation shall conform to all fire, safety and health codes, including:

- A. Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand (12,000) pounds gross vehicle weight.
- B. Any signage shall be in compliance with the Huntsville Town Signs Title.
- C. Is limited to the on-site employment of immediate family members who occupy the dwelling. (This criterion is not intended to limit the number of employees who are engaged in business for the home occupation but work off-premises.)
- D. Shall not alter the residential character or appearance of the dwelling or neighborhood.
- E. Shall not occupy more than twenty-five percent (25%) of the main floor of the dwelling nor more than fifty percent (50%) of the floor area of any garage or outbuilding in which the use is conducted.
- F. Shall not generate business-related vehicular traffic in excess of three (3) vehicles per hour.
- G. Shall not cause a demand for municipal services in excess of that associated with normal residential use.
- H. Shall be enclosed within a structure in complete conformity with the building codes as adopted by Huntsville Town.

### **15.18.3 Allowed Activities**

The following activities are examples of allowable Home Occupations:

- A. Group instruction or motivational meetings as a forum for sales presentations held not more than once every month.
- B. Musical Instruction.
- C. Phone-order or mail order services.
- D. Barber or beautician services with not more than 2 stations on the premises.
- E. Child day care of not more than eight (8) children, including care giver's children under six (6) years of age.
- F. Computer Information Services.
- G. Garage Sales of personal used items from a single dwelling held no more than once every 3 months.

### **15.18.4 Disallowed Activities**

The following activities shall not constitute Home Occupations:

- A. Any activity which noticeably produces electrical interference, smoke, dust, odors, or heat.
- B. Any activity which produces increased foot and vehicular traffic, parking, sounds or noises, lighting, vibration, or anything that is uncommon to the established character of the surrounding area to such a degree so as to constitute a nuisance to the residents of the immediate area.

- C. Any activity which violates existing or criminal codes of Weber County, the State of Utah or the United States Government.
- D. Retail sales of goods produced off-premise including short-term boutiques, etc. or group garage sales of personal used items held more than once every 6 months.
- E. Is not a mortuary, animal hospital, kennel, clinic, hospital, RV service, junkyard, auto repair service, public stable or adult oriented business.

**15.21.6 Allowable Signs by Zoning District**

C. Residential Zone R-1

1. Name plates and signs as follows:

- a. Name Plates: One (1) name plate for each dwelling unit, not exceeding four (4) square feet in area, indicating the name of the occupant and/or a permitted home occupation;
- b. Property Signs: One (1) or more signs not exceeding eight (8) square feet in combined total area for each frontage of the lot, appertaining to lease or sale of the property;
- c. Location of Signs: Identification signs shall not be located in any required front or side yard except that signs attached to a building may project not more than six (6) feet into a required yard or for historic identification only as approved by the Huntsville Town Council. Signs shall not project across any property line nor be located on Huntsville Town property.
- d. Height: Freestanding signs shall not have a height exceeding six (6) feet.
- e. Lighting: No lighted signs shall be permitted.

## **Title 16 – Streets and Rights of Way**

### **16.2.3 Permit Required**

It is unlawful for any person to tunnel under or to make any excavation in any street, alley or other public place (which shall include all areas within the Huntsville Town Right-of-Ways) in Huntsville Town without complying with the provisions of this Title and obtaining an **Excavation Permit** therefore, and paying the fee as required in this Title and established by resolution. Huntsville Town is exempted from requiring a permit.

### **16.7.1 Snow Removal from Huntsville Town Streets**

It is the responsibility of Huntsville Town through its Roads Department to remove snow from traveled Huntsville Town streets. The snow shall be pushed off the streets and in to the roadside drainage ditch channels or shoulders and toward the curb gutter and onto the parking strip as far as possible in commercial areas. The snow is removed with priority being given to public facilities, major streets with heavy user access, and higher intensity residential and commercial areas.

### **16.7.2 Snow Removal from Sidewalks and Private Driveways**

It is the responsibility of the abutting property owner/resident to remove the snow from sidewalks (if they exist) and private driveway openings onto Huntsville Town streets. For reasons of public safety and convenience, sidewalks shall be cleared of snow within 24 hours of the end of a snow storm.

In clearing driveway openings, snow shall be placed on the same side of the street as the driveway opening where possible, so as not to restrict traffic movement or create a hazardous condition. Snow from the length of private driveways shall not be pushed onto a paved Huntsville Town street, but must remain on private property or on the parking strip or within the shoulder of the Huntsville Town paved street so as not to impede the street traffic movement.

### **16.7.3 Vehicle Parking on Huntsville Town Roads During and After Snow Storm**

In order to adequately remove snow and to avoid property damage as far as possible, it is necessary to keep the Huntsville Town streets clear of all parked vehicles and other obstacles stationed on or adjacent to the street. Therefore, when snow removal becomes necessary, no person who owns or has possession, custody, or control of any vehicle or other object shall park or place such vehicle or object upon or immediately adjacent to any street between 4 a.m. and 12 noon of any day, except for authorized emergency service personnel. Any such vehicle or object so parked or placed, is declared a public nuisance.

### **16.7.4 Removal of Public Nuisance Vehicles**

The Weber County Sheriff or any Officer of Huntsville Town is hereby authorized to abate any public nuisance vehicle or object on Huntsville Roads or Rights-Of-Way by moving, removing, or causing to be removed, or by impounding said vehicle or object. For every vehicle so impounded a written report shall be forwarded to the Weber County Sheriff's Office, with a description of the vehicle, date, time, and place of removal, the reason for the removal, and location where vehicle is stored.

### **16.7.5 Violators to be Cited**

Persons who violate, cause, or permit the violating of any of the rules and regulations outlined herein shall be deemed to have caused a traffic condition considered hazardous to the life and safety of the residents of Huntsville Town and shall be guilty of a Class C misdemeanor and

shall be punished as provided by law. Such persons shall be deemed to be guilty of a separate offense for each and every day of violation after being cited.