



## **Huntsville Town Ordinances**

**February 19, 2009**

## 1.1 Purpose

In the Huntsville Town titles, 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 for singular.

## 1.2 Definitions

**Abandonment:** to cease or discontinue a use or activity without intent to resume, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining or otherwise improving or rearranging a facility or during normal periods of vacation or seasonal closure.

**Abutting:** having a common border with, or being separated from such a common border by a right-of-way.

**Accessory Structure or Building:** a subordinate structure detached from but located on the same lot as the main structure, the use of which is incidental and accessory to that of the main structure. A detached subordinate building and/or structure clearly incidental to and located upon the same lot occupied by the main building and/or structure.

**Agricultural Burning:** open burning in rural areas, essential to agricultural operations, including the growing of crops, the raising of fowl, animals or bees, when conducted on the premises where produced.

**Agricultural Parcel:** a parcel of land, at least 3.0 acres in area whether vacant or with a residential dwelling unit.

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

**Air Contaminant:** any particulate matter or any gas, vapor, suspended solid or any combination thereof, excluding steam and water vapors.

**Air Contaminant Source:** any and all sources of emission of air contaminants whether privately or publicly owned or operated.

**Air Pollution:** the presence in the ambient air of one or more contaminants in such quantities, or characteristics and under conditions and circumstances, and of a duration sufficient to cause or contribute to injury to human, plant, or animal life or health or to property or which unreasonably interfere with the employment of life or use of property, as determined by the standards, rules and regulations adopted by the Weber County Air Conservation Committee.

**Alley:** a public thoroughfare located between streets and having a minimum width of thirty-three (33) feet.

**Animal:** any and all types of livestock, dogs, cats, and all other subhuman creatures, both domestic and wild, male and female, singular and plural.

**Animal Boarding Establishment:** any establishment that takes in animals and boards them for profit.

**Animal Control Officer:** any person designated by Huntsville Town as a law enforcement officer to perform the duties as described in this title.

**Animal Grooming Parlor:** any establishment maintained for the purpose of offering cosmetological services for animals at a profit.

**Animal Shelter:** any facility owned and operated by a government entity or any animal welfare organization which is incorporated within the State of Utah for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other domestic animals.

**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.

**Antenna:** any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building and including the supporting structure; includes, but is not limited to amateur radio antennas, television antennas, and satellite receiving dishes.

**Appeal:** a request for a review of the Huntsville Town Engineer's interpretation of any provision of this ordinance or a request for a variance.

**Appeal Authority:** the official person, body, or commission designated and appointed by the Town Council to hear and decide appeals for variance and special exceptions from the terms of the land use planning regulations or other purposes as defined by this ordinance.

**Applicant:** any Person who makes application for a permit.

**Appropriate Authority or Authorized Local Authority:** the Weber-Morgan County Health Department; a city, county or combination fire department; or other local agency duly designated by appropriate authority, with approval of State Division of Health, as the agency to issue permits for open burning under regulations of the State Division of Health and other lawfully adopted ordinances, codes or regulations not in conflict therewith.

**Approved Backflow Assembly:** an assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting an applicable specification or as suitable for the proposed use.

**Architectural Design Standards:** standards for the aesthetic appearance of a building, structure, or sign, including design, exterior detail, color and materials.

**Architectural Elevations:** front, side and rear view drawings of a building or structure, prepared to scale, including all dimensions, architectural details, colors and materials.

**Area of Special Flood Hazard:** the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**As-Built Plans:** improvement Plans for which all construction or installation has been completed and any deviations in the initially approved Improvement Plans are shown in a contrasting pattern or pen weight and called out on the plan. A Utah Registered Civil Engineer, upon completion of said Improvements, certifies on the drawings, that the contained As-Built Plans are as the construction and/or installations have been completed.

**Astray:** any livestock, found running at large, whose owner cannot be found after a reasonable search.

**Atmosphere:** the air that envelopes or surrounds the earth and includes all spaces outside of buildings, stacks or exterior ducts.

**Automobile Service Station:** any building or premises used primarily for the retail sale of gasoline and lubricants, but which may also provide for the incidental servicing, of motor vehicles including grease racks, tire repairs, battery charging, hand washing of automobiles, sale of merchandise and supplies related to the servicing of motor vehicles and minor replacements, for which all work takes place within an enclosed building or structure, but excluding body and fender work, engine overhauling, painting, welding, storage of autos not in operating condition, or other work involving the creation of a nuisance to adjacent property.

**Automobile Wrecking:** see Junk Yard.

**Auxiliary Water Supply:** any water supply on or available to the premises other than the Huntsville Town culinary water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from

another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used water" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute an unacceptable water source over which the water purveyor does not have authority for sanitary control.

**Average Percent of Slope:** an expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of a slope to the lowest point of that slope within a parcel or lot. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is a one hundred (100) percent grade. Percentage of slope shall be determined, and shown on the Grading Plan prior to any grading, cut or fills being accomplished. (see Slope.)

**Backflow:** the reversal of the normal flow of water caused by either back-pressure or back-siphonage.

**Backflow Prevention Assembly:** an assembly or means designed to prevent backflow as required in Chapter 6 of the 2000 International Plumbing Code and its amendments as adopted by the Department of Commerce under R156-56 and shall be met with respect to the Cross Connection Control Program for Utah maintained by the Division of Drinking Water.

**Back-Pressure:** the flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of lower pressure into the water distribution pipes of a potable water supply system from any source(s) other than the intended source.

**Back-Siphonage:** the flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water system.

**Banner Sign:** any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions and symbolic flags of any institution or business shall not be considered banners for the purpose of these ordinances.

**Barn:** a farm structure used for the storage of produce, animals and/or farm vehicles and equipment.

**Basement:** a story partly underground and having at least one-half (½) its height above grade. A basement shall be counted as a story, for purposes of height measurements.

**Bed and Breakfast, Residential Zone:** an owner-occupied dwelling in which not more than three (3) rooms are rented out by the day, offering overnight, but not to exceed seven (7) consecutive nights, lodging to travelers, and where one or more meals are provided by the host family, the price of which may be included in the room rate.

**Billboard:** a sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**Bite:** any actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.

**Block:** the land surrounded by streets and other rights-of-way other than an alley, or land which is designated as a block on any recorded subdivision plat.

**Boarding House** (see also Lodging House): a building with not more than five (5) guest rooms, where for compensation, lodging and meals are provided for more than fifteen (15) persons.

**Bona Fide Division or Partition of Agricultural Land for Agricultural Purposes:** the division of agricultural land into lots or parcels of three (3) acres or more in area whose principal use is the raising and grazing of animals or agriculture as that use is defined in the Land Use Planning Regulations of Huntsville Town, and provided that:

- A. No dedication of any streets shall be required to serve any such lots or parcels of agricultural land so created.

- B. The agricultural lots or parcels so created shall not thereafter be further divided into parcels of less than five acres without being subdivided in accordance with the Land Use Planning Regulations of Huntsville Town.
- C. No dwellings shall be permitted unless all subdivision, zoning and health requirements of Huntsville Town are met.

**Buffer Area:** a landscaped area intended to separate and partially obstruct the view of two adjacent land uses or properties from one another.

**Building:** any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or property.

**Building, Height of:** the vertical distance from the average of the highest natural grade and the lowest natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the highest point of the ridge of a pitch or hip roof.

**Building, Main:** the main/principal building and/or structure or one of the main/principal buildings and/or structures housing the main/principal use upon the lot.

**Building Parcel Designation:** building parcel designation recognizes two (2) or more lots within an approved subdivision as one (1) lot for building purposes. This does not allow for the creation of additional lots, and the original lot lines as recorded do not change.

**Building, Public:** a building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions.

**Campground:** a private, public or semi-public open area with sanitary facilities for overnight or camping and may include the overnight parking of camping trailers, tent trailers or other vehicle types intended for camping purposes.

**Carport:** a private garage not completely enclosed by walls or doors: For the purposes of these ordinances, a car port shall be subject to all of the regulations prescribed for a private garage.

**Cat:** a domestic feline, either male or female.

**Cat Colonies:** a group of two or more feral cats.

**Cattery:** an establishment for boarding, breeding, buying, grooming, or selling cats (5 or more) for profit.

**Cellar:** a story having more than one-half (½) of its height below grade: A cellar shall not be counted as a story for the purpose of height measurement.

**Cemetery:** land used or intended to be used for the burial of the dead and dedicated for such purposes, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

**Changeable Copy Sign:** a non-electric sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

**Church:** a permanently located building or structure, together with its accessory buildings commonly used for religious worship. A church is not a “public building.”

**Clearing Index:** a number indicating the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the National Weather Service, from daily measurements of temperature lapse rates and wind speeds and directions from ground level to 10,000 feet.

**Clinic, Medical/Dental:** a building wherein a staff of one (1) or more doctors and/or medical staff conducts the examination and treatment of out-patients, excluding the performance of surgical procedures which require overnight stays.

**Club or Fraternal Lodge/Organization, Private:** a non-profit association of persons who are bona fide members which owns or leases a building or property or a portion thereof, the use of such premises being restricted to members and their guests.

**Cluster Development:** a development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, or other approved purposes, for common open space and/or preservation of environmentally sensitive areas.

**Cluster Subdivision:** a subdivision of land in which the residential lots have areas less than the minimum lot area of the zone in which the subdivision is located but which meets the requirements of the Cluster Subdivision chapter of this ordinance.

**Commercial Plaza:** a single structure or a cluster of architecturally compatible structures, arranged around a central walking plaza.

**Commercial Use:** an occupation, employment or enterprise that is carried on for profit by the owner, lessee or licensee.

**Community Center:** a place, structure, area, or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Compatible:** capable of orderly efficient integration and operation with adjacent developments. A development is compatible with an existing on or off-site development or property if its architectural features, building height and materials, approved uses, intensity of such use and other features are complementary and do not have a significant adverse economic and aesthetic impact on the existing development or property.

**Conditional Use:** a use, because of characteristics peculiar to it, or because of size, technological processes, or type of equipment, or because of the exact location with reference to surroundings, streets and existing improvements or demands upon public facilities, requires a special degree of control to make such uses consistent and compatible with other existing or permissible uses in the same districts, and to assure that such uses shall not be adverse to the public interest.

**Condominium:** an estate in real property consisting of an undivided interest in common with other purchasers in a portion of a parcel of real property, together with a separate interest in space in a residential building, such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.

**Conference/Education Center:** a facility which has been planned, developed and constructed for the purpose of conducting personal, business and professional development of a company's, corporation's, or governmental agency's employees, for example, by scheduling uses such as training workshops, seminars, retreats and similar type meetings. Such facility may be used for day use only or may be planned with overnight accommodation.

**Constitutional Taking:** actions by Huntsville Town involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

**Contamination:** a degradation of the quality of the potable water supply by sewage, industrial fluids or waste fluids or waste liquids, compounds or other materials that may create a health hazard.

**Convalescent Home** (see also Nursing Home): a facility for the care of children, the aged, infirm, or convalescent of any age.

**Convenience Store:** any retail establishment offering for sale prepackaged food products, household items, and other goods which are commonly associated, may be in conjunction with gasoline sales, and having a gross floor area of less than 5,000 square feet.

**Corral:** a space, other than a building, less than one (1) acre in area, or less than one hundred (100) feet in width, used for the confinement of animals.

**County Commissioners:** the Board of Commissioners of Weber County, Utah.

**County Health Officer:** the Administrative and Executive Officer of the Weber-Morgan County Health Department and Local Registrar of Vital Statistics or their duly authorized representatives.

**Court:** an unoccupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.

**Crest of Hill:** the highest point on a hill or slope as measured continuously throughout the property. Any given property may have more than one crest of hill.

**Cross-Connection:** any physical connection or arrangement of piping or fixtures, which may allow non-potable water or industrial fluids or other material of questionable quality to come into contact with potable water inside a water distribution system. This would include temporary conditions, such as swing connections, removable sections, four-way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multi-port tubes or other plumbing arrangements.

**Cross-Connection – Containment:** the installation of an approved backflow assembly at the water service connection to any water user’s premises where it is physically and economically infeasible to find permanently eliminate or control all actual or potential cross connections within the water user’s water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supplying a portion of a water user’s water system where there are actual or potential cross-connections which cannot be affectively eliminated or controlled at the point of the cross-connection (isolation).

**Cross-Connection – Controlled:** a connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

**Cul-de-Sac:** a minor street provided with a turn-around of at least 100-foot diameter.

**Custody:** ownership, possession of, harboring, or exercising control over any animal.

**Dairy:** a commercial establishment for the manufacture or processing of dairy products.

**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.

**Day Care:** the supervision of children, unaccompanied by parent or guardian, or adults in need of supervision by other than legal guardian, for periods of less than 24 hours. The term “day care” is inclusive of kindergartens, preschools, day care (child), nursery schools and all other similar facilities specializing in the education and/or care of children prior to their entrance into the first grade, other than facilities owned and/or operated by the Public School System.



**Day Care (Adult) Facility:** any building or structure used for the purpose of furnishing care, supervision and guidance for three or more elderly, developmentally and/or emotionally disabled adults for periods of less than eight (8) hours per day.

**Day Care (Child) Center:** a building or structure, other than an occupied residence, where care, protection and supervision are provided.

**Day Care (Child) Home:** an occupied residence where care, protection, and supervision are provided to no more than eight (8) children at one time, including the care giver's children under six (6) years of age.

**Density:** the number of dwelling units permitted per net acre of land.

**Design Standard:** a control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

**Developed Areas:** commercial or residential buildings and extends to their property lines.

**Development:** all structures and other modifications of the natural landscape above and below ground or water, on a particular site; the division of land into one or more parcels, the construction reconstruction, conversion, structural alteration, relocation or enlargement of any structure; any mining, excavation, landfill or land disturbance; and any use or extension of the use of land.

**Development Master Plan:** a plan of a development which encompasses an entire site under one or more ownerships which is designed to accommodate one or more land uses, the development of which may be phased, and which could include Planned Residential Unit Development, Clustered Subdivision and planned commercial development.

**Dog:** any Canis Familiaris over four (4) months of age. Any Canis Familiaris under four months of age is a puppy.

**Domesticated Animals:** animals accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowls, horses, swine, goats, sheep, mules, donkeys, llamas, and cattle.

**Drinking Water Source Protection (CWSP) Zone:** The surface and subsurface area surrounding a groundwater source of drinking water supplying a public water system through which contaminants are reasonably likely to move toward and reach such groundwater source.

**Dwelling:** a building or portion thereof, which is constructed in compliance with the Town's adopted building codes and designed as a place for human habitation, except hotel, apartment hotel, boarding house, lodging house, tourist court or apartment court.

**Dwelling, Group:** two (2) or more dwellings arranged around a court.

**Dwelling, Multiple-Family:** a building or portion thereof used and/or arranged or designed to be occupied by more than four (4) families, including apartment houses and apartment hotels but not including tourist courts.

**Dwelling, Single-Family:** a building arranged or designed to be occupied exclusively by one (1) family, the structure having only one (1) dwelling unit.

**Dwelling, Two-Family (a.k.a. Duplex):** a building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.

**Dwelling Unit:** any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation for not more than one (1) family.



**Easement:** that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on, or above said lot or lots.

**Educational Institution:** a public elementary or secondary school, seminary, parochial school, or private educational institution having a curriculum similar to that ordinarily given in grades one through twelve in the public school system. The term "education institution" for the purpose of these ordinances does not include post high school educational facilities.

**Educational/Institutional Identification Sign:** a sign which is erected on the property of an educational or institutional structure to identify the use

**Emergency:** any unforeseen circumstances or occurrence, the existence of which constitutes an immediate danger to persons or property, or which causes interruption of utility or public services.

**Emission:** the act of discharging, into the atmosphere, an air contaminant or an effluent so discharged into the atmosphere.

**Enclosure:** "enclosure" as relates to dogs, means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering the vicious dog.

**Enforcement Official:** includes the designated Huntsville Town Council Member, Huntsville Town Engineer, Huntsville Town Roads Authority, Huntsville Town Building Official, the Weber County Sheriff and their designees.

**Engineering Regulations, Regulations, Specifications, and/or Design Standards:** the latest version of the Public Works Standards and Technical Specifications of Huntsville Town published by ordinance, resolution, or adopted by the Huntsville Town Engineer.

**Estray:** any livestock, found running at large, whose owner cannot be found after a reasonable search.

**Excavation:** for the purpose of these titles, "excavation" shall mean the removal of clay, soil, granite, flagstone, slate, shale, limestone, sandstone, asphalt, concrete, road base, sand or gravel from the earth by excavating, stripping, leveling or any other process, together with all other types of mining operations where material is removed from the earth except that dredging operations in the bed of existing rivers and streams shall not be covered by these titles.

**Euthanasia:** humane death.

**Failure:** Work Site Restoration which fails to meet Public Works Standards and Technical Specifications of Huntsville Town, or which results in a deteriorated or substandard condition within the duration of the warranty period. Failure may be settlement of surfaces, deterioration of materials, or other surface irregularities. Measurement of Failure shall be further defined in the Engineering Regulations.

**Family:** one or more persons related by blood, marriage, or adoption, plus domestic employees serving on the premises, or a group of not more than four (4) persons who need not be so related, living together as a single nonprofit housekeeping unit.

**Fence:** any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land, which is used as a boundary or means of protection or confinement.

**Feral Cats:** cats that exist in a wild state and determined not to have an owner and have reverted to a wild state.

**Financial Guarantee:** in lieu of actual installations of the improvements required by the Huntsville Town Zoning Regulations, a letter of credit from a lending institution, or an escrow agreement, in an amount equal to the future cost of the installation of the improvements, as determined by the Huntsville Town Engineer and/or Planning

Commission, and approved by the Huntsville Town Attorney, to assure the installation of such improvements within a period of one (1) year or less as determined and approved by the Huntsville Town Council.

**Flea Market:** an occasional or periodic sales activity held within a building, structure or open area where groups of individual sellers offer new, used, handmade, homegrown, handcrafted, obsolete or antique items for sale to the general public, not to include private garage sales.

**Flood or Flooding:** a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM):** the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study:** the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of the baseflood.

**Floodway:** the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**Frontage:** all the property fronting one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, and end of dead-end street, or political subdivision boundary, measured along the street line. The end of a stub street shall not be construed to be frontage on a street. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. Frontage along the curve of a cul-de-sac is measured from one radial side property boundary to the other and measure perpendicular to the circumference of the cul-de-sac.

**Front Lot Line:** the property line of the lot toward which the front line of a main building faces or may face, and which abuts a public dedicated street.

**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 and in which no business, commercial services or industry is carried on. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common.

**Garage, Public:** a building or portion thereof, other than a private garage, designed or used for servicing repairing, equipping, hiring, selling or storing motor-driven vehicles.

**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 or any non-hazardous, non-medical solid waste.

**Glare:** a sensation of brightness within the visual field that causes annoyance, discomfort or loss in visual performance and visibility.

**Golf Course:** a parcel or portion of a parcel of land used for the playing of golf, including driving ranges, and all uses incidental to the principal use, but not including miniature golf.

**Government Working Dog:** a dog trained to assist officials of government agencies in law enforcement exercises.

**Grade:** (adjacent ground elevation) 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 (5) feet from the building, between the building or structure and a line five (5) feet from the building or structure.

**Graze:** to feed on growing grass or herbage.

**Grocery Store:** a store for the retail sales of food and household goods.

**Ground Water Source:** Any well, spring, tunnel, adit, or other underground opening from or through which groundwater flows or is pumped from subsurface water-bearing formations.

**Guard Dog:** a working dog that must be kept in a fenced run or other suitable enclosure during business hours, and on a leash or under absolute control while working so that it cannot come into contact with the public.

**Guest House:** a separate dwelling structure located on a lot with one or more main dwelling structures and used for housing of guests or servants and not rented, leased, or sold separate from the rental, lease or sale of the main dwelling.

**Guide Dog:** a dog trained and certified by a nationally recognized training establishment to assist physically handicapped persons. Examples include, but are not limited to, “hearing-impaired”, “mobility-limited”, and “seeing-eye” dogs.

**Half Street:** that portion of a street within a subdivision comprising of one-half (1/2) the required right-of-way width upon which improvements in accordance with one-half (1/2) of an approved typical street cross section are constructed.

**Handicapped Person:** (Persons with a Disability) a person who has a severe, chronic disability attributable to a mental or physical impairment or to a combination of mental and physical impairments, which is likely to continue indefinitely, and which results in a substantial functional limitation in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, or economic self-sufficiency; and who requires a combination or sequence of special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

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

**Hazardous Waste:** a solid or liquid waste, or combination of solid and liquid wastes which, because of its quantity, concentration, or physical, chemical, or infectious properties may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transferred, disposed of, or otherwise managed.

**Hazardous Waste Disposal Facility:** a facility approved by the Environmental Protection Agency (EPA) for the treatment, permanent storage, or disposal of hazardous waste in any fashion so as to prevent contaminants in excess of EPA guidelines from migrating off the facility or into the environment.

**Historic District:** an area containing buildings or places in which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

**Historic Site:** a structure and/or a site in or on which historic events occurred or having special public value because of notable architectural or other features relating to the cultural or artistic heritage of the community, of such significance as to warrant conservation and preservation.

**Holding Facility:** any pet shop, kennel, cattery, groomer(y), animal shelter, humane establishment, or any other such facility used for holding animals.

**Home Occupation:** the occupation shall be secondary to the primary use of the dwelling, which is a residence. It shall be carried on entirely by persons residing in the dwelling unit and shall not change the character of the home. 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, and it must conform to the Home Occupation title of these ordinances.

**Horse, Miniature:** defined by size, as being less than 38 inches in height as measured from the withers, with three (3) miniatures being equivalent to one (1) standard horse.

**Horse, Pony:** defined by size, as being less than 48 inches in height as measured from the withers, with two (2) ponies being equivalent to one (1) standard horse.

**Horse, Standard:** defined by size, as being over 48 inches in height as measured from the withers.

**Hospital or Outpatient Facility:** any building or portion thereof used for the accommodation and medical care, including surgical care, of the sick, injured or infirm persons and including sanitariums, alcohol or drug rehabilitation facilities, or institutions for the treatment of emotional illnesses.

**Hotel:** a building consisting sleeping units, designed for temporary lodging for compensation. <sup>1</sup>

**Household Pets:** animals or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a kennel as defined in this Ordinance, and excluding exotic animals.

**Household Waste:** any solid or liquid material normally generated by a family in a residence in the course of ordinary day-to-day living; including, but not limited to, garbage, paper products, rags, leaves and garden trash.

**Humane Treatment:** the act or manner of treating an animal with compassion and consideration and protecting an animal from dangers, mistreatment or abuse.

**Huntsville Town Engineer:** the duly designated Engineer of Huntsville Town or his /her authorized representative.

**Huntsville Town Road Right-of-Way:** any right-of-way owned by Huntsville Town, whether as a result of a deed, dedication, or other formal conveyance, or as a result of long, accustomed usage.

**Huntsville Town Roads:** all roads commonly used as a means of travel within Huntsville Town, which have been designated as Huntsville Town roads by the Huntsville Town Council, or by the State Road Commission, or by any dedication duly, properly, and legally recorded. Roads shall include both hard-surfaced and other surfaces upon which any State or Town money may have been expended in behalf of the Town and the citizens thereof. The roads in this instance shall include the surfaced travel portions of the road, the shoulders, the borrow pits and any and all properties within the right of way of said road.

**Huntsville Town Roads Authority:** unless otherwise appointed by the Town Council, the individual who is to serve as the will be the Huntsville Town Engineer. The Huntsville Town Roads Authority is the Officer charged with the oversight of this ordinance. The Huntsville Town Council may appoint another individual or agency to serve as the Huntsville Town Roads Authority at their discretion.

**Impact Fees:** a payment of money imposed upon development activity as a condition of development approval in order to offset the financial burden for off-site impacts such as schools, provision of services, or infrastructure. (Impact Fee does not mean a tax, a special assessment, a building permit fee, a hookup fee, a fee for project improvements, or other reasonable permit or application fee.)

**Impounded Animal:** any animal taken into custody by the animal control department.

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<sup>1</sup> Amended: 3/16/2017: Deleted reference to the number of rooms from Hotel and Motel definitions.  
Added the word Natural to definition of Building, Height of.

**Incinerator:** any enclosed device using controlled flame combustion for the incineration, burning, or reduction on non-hazardous and/or non-medical solid waste.

**Independent Living Facility:** specially planned, designed and managed multi-unit housing with self-contained living units. A retirement community for Senior Citizens, age 55 or older, designed to provide supportive environments, but also to accommodate an independent lifestyle. A limited number of support services, such as meals, laundry, housekeeping, transportation and social/recreational activities, may be provided; however, no medical services are provided.

**Industrial Park:** a planned, coordinated development for a variety of industrial and related activities. The project is developed or controlled by one proprietary interest with an enforceable master plan and/or covenants, conditions and restrictions. The development may be on one parcel, may have condominium ownerships, or a combination of these types.

**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.

**Junk, Inoperable or Abandoned Vehicle:** includes any trailer, semi-trailer or motor vehicle not currently registered and licensed in this state or another state that requires licensure, that cannot be legally operated on a public road in its existing condition because the parts necessary for operation, such as, but not limited to, tires, horn, brake lights, windshield, engine, drive train, driver's seat, steering wheel or column, gas or brake pedals are removed, destroyed, damaged, deteriorated, non-operative or nonconforming.

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

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

**Land Management Strategies:** zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operating standards, source prohibitions, optional purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

**Landscape Plan:** detailed plans depicting the layout and design for landscaping, including, but not limited to location, height and materials of walls, fences, hedges and screen plantings; ground cover plantings or other surfacing to break monotony of building materials, concrete and asphalt; number, type and mature and planted size of all landscape plantings; method of irrigation, location of water meter, piping, pumps, timers, point of connection and any blow-out or winterizing system; location, type and size of any existing trees over 4 inches in diameter; location, type and size of any existing landscaping not planned for removal; location, type and size of any decorative lighting systems.

**Landscaping:** landscaping shall consist of any of the following or combinations thereof; materials such as, but not limited to, grass, ground cover, shrubs, vines, hedges, and trees; and non-living durable materials commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences but excluding paving.

**Leash or Lead:** any chain, rope or device used to restrain an animal that does not endanger or harm his physical well-being.

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

**Livestock:** any normally domesticated animal that is not a cat, or dog, such as cattle, sheep, goats, pigs, mules, burros, horses, geese, ducks, turkeys, llamas, etc.

**Livestock Yard:** a commercial operation on a parcel of land where livestock are kept in corrals or yards for extended periods of time at a density which permits little movement and where all feed is provided for the purpose of fattening or maintaining the condition of livestock prior to their shipment to a stockyard for sale, etc.

**Lockout Sleeping Room:** a sleeping room in a dwelling with separate or common access and toilet facilities but no cooking facilities except a hotplate, which may be rented independently of the main unit for nightly rental by locking interior access. A lockout sleeping room shall not be sold independently from the main dwelling unit.

**Lodging House:** a building where lodging only is provided for compensation in five (5) or more guest rooms, but not exceeding fifteen (15) persons.

**Lot:** a parcel of land occupied or capable of being occupied by a permitted use, building or group of buildings (main and accessory), together with such yards, open spaces, parking spaces and other areas required by the Huntsville Town Zoning Regulations, and/or the Subdivision Regulations of Huntsville Town, having frontage upon a street or upon a right-of-way approved by the Appeal Authority and/or Huntsville Town Council.

**Lot, Corner:** a lot abutting on two (2) intersecting or intercepting streets, where the interior angle of intersection of interception does not exceed one hundred thirty-five (135) degrees.

**Lot, Interior:** a lot other than a corner lot.

**Lot Line Adjustment:** allows owners of lots within approved subdivisions to adjust ownership lines between lots. A Lot Line Adjustment does not change boundary lines within an approved subdivision, nor allow for the creation of additional lots.

**Lot, Non-Conforming:** a lot or parcel of land that has less than the required minimum area or width as established by the zone in which it is located and provided that such lot or parcel was of record as a legally created lot on the effective date of this ordinance.

**Lot Right-of-Way:** a strip of land of not less than sixteen (16) feet wide connecting a lot to a street for use as private access to that lot.

**Lowest Floor:** the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Manufactured Home:** a factory-built structure which is constructed in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976, transportable in one or more sections, built on a permanent chassis and designed as a place for human habitation of not more than one family, with or without a permanent foundation when connected to required utilities.

**Marquee:** a marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

**Master Street Plan:** a plan, labeled "Master Street Plan of Huntsville Town," including maps or reports or both, certified to the Huntsville Town Council as required by law, or such plan as it may be amended from time to time and so certified by the Huntsville Town Council.



**Medical Waste:** any solid waste which is generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production of testing of biologicals.

**Medical Waste Disposal Facility:** any facility designed to treat, permanently store, incinerate, and/or otherwise destroy medical waste in any manner within EPA guidelines, or in harmony with prevailing health codes and other local restrictions.

**Minor Street:** a street, existing or proposed, which is supplementary to a collector street and of limited continuity which serves or is intended to serve the local needs of a neighborhood. A minor street shall be not less than sixty-six (66) feet.

**Mobile Home:** a factory built moveable living unit which does not meet the requirements of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976, transportable in one or more sections, and which is 8 ft. or more in body width and 32 ft. or more in body length, and which is built on a permanent chassis with wheels and designed as a place for human habitation of not more than one family, with or without a permanent foundation when connected to utilities. (The term "Mobile Home" as herein defined, does not refer to a "Manufactured Home" which meets all requirements of the above referenced Act. See definition for "Manufactured Home.")

**Model Home:** a residential dwelling, built by a developer as an example of the possible dwellings to be built on an individual lot. Usually, but not necessarily furnished, the model home is on display for potential lot buyers to tour, but with no sales office included in the model.

**Modular Home:** a factory-built structure that is transportable in one or more sections, built on a permanent chassis and designed as a place for human habitation when placed upon a permanent foundation and connected to all utilities.

**Motel and Inn:** a building containing lodging rooms having adjoining individual bathrooms and where the lodging rooms are not entered from a common entrance lobby.

**Motor Home:** a self-propelled vehicular unit, primarily designed as a temporary dwelling for travel, recreational and vacation use.

**Museum:** an establishment operated as a repository for a collection of nature, scientific or literary curiosities or objects of interest or works of art, not including the regular sale or distribution of the objects collected.

**Natural Hazards Overlay Maps:** the maps adopted by Weber County, the State of Utah, and the Federal Government, showing potentially hazardous lands in Weber County, within which hazardous lands investigations are generally required prior to development. Each map identifies areas which may be affected by a particular type of hazard.

**Natural Waterways:** those areas, varying in width, along streams, creeks, gullies, springs or washes which are natural drainage channels as determined by the Huntsville Town Building Inspector/Official, the Huntsville Town Engineer, the Weber County Engineer, the Utah State Engineer's Office, the USGS, FEMA, or any other Town, County, State, or Federal Official, and in which areas no buildings shall be constructed.

**Neutered Animal:** an animal have had the testicles removed; a castrated animal.

**New Construction:** structures for which the "start of construction" commenced on or after the effective date of this ordinance and includes any subsequent improvements to such structures.

**Nightly Rental:** the rental of a sleeping room for time periods of less than 30 days.

**Non-Buildable Area:** the area of a lot which, because of identified potential geologic or other environmentally hazardous conditions, has been determined unsuitable for construction of residential buildings and other structures



for human occupancy. Decks, patios, pergolas, storage sheds, unattached private garages and other accessory structures may be allowed however within the designated non-buildable area of a lot.

**Non-complying Building or Structure:** a structure that:

- A. legally existed before its current land use designation; and
- B. because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

**Nonconforming Use:** a use of land that:

- A. legally existed before its current land use designation;
- B. has been maintained continuously since the time the land use regulation governing the land changed; and
- C. because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

**Non-Developable Area:** an area where, due to topographic (e.g. over 30% slope), sensitive lands (e.g. defined wetlands, floodplain), or hazardous conditions (e.g. earthquake, landslide), as defined by Huntsville Town Ordinances, the land is not considered to be suitable for construction of residential, commercial or manufacturing buildings or structures.

**Nuisance:** a nuisance is any item, thing, manner, condition whatsoever that is either:

- A. dangerous to human life or health; or
- B. renders soil, air, water, or food impure or unwholesome.

**Nurseries:** building, structures and/or facilities for the growth and sale of plants and/or for the utilization of and storage of equipment for landscaping operation and wholesale and/or retail or commercial gardening supplies.

**Nursing Home:** (See also Convalescent Home) a building, structure and /or facility for the care of children, the aged, infirm, or convalescent of any age.

**Obstruction:** any rubbish, glass, material, wood, metal, earth, structures, or other object, thing or substance which may interfere with or obstruct the free use or view of the public way by travelers, or injure or tend to injure or destroy or render unsightly the surface of a public way, or which may cause or tend to cause such public way to become restricted in its uses or unsafe or dangerous for travelers thereon.

**Office:** a building or portion of a building wherein services are performed involving predominantly administrative, professional or clerical operations.

**Office Park:** a tract of land that has been planned, developed and operated as an integrated facility for a number of separate office buildings and supporting ancillary uses with special attention given to circulation, parking, utility needs, aesthetics and compatibility.

**Open Burning:** any burning of combustible materials passing through a chimney or stack.

**Open Green Space:** an open space, publicly or privately held property, intended to provide light and air, suitable for recreation and/or natural vegetation and/or landscaping, and shall be unoccupied and unobstructed by buildings and/or hard surfaces such as asphalt, cement and packed gravel, and may be used for active or passive recreation, environmental, scenic or resource conservation, except that such open green space may be traversed by necessary sidewalks and access rights-of-way, and may include, but is not limited to lawns, decorative planting, playgrounds, and fountains; when provided in as a part of and within a subdivision development, may be used, under agreement with a homeowner's association, for agricultural purposes.

**Open Space, Common:** open space within or related to a development, which is not held in individually owned lots or dedicated for public use, but which is owned in common by the owner’s association and is designed, maintained, and intended for the common use or enjoyment of the residents of the development.

**Ordinary High Water Mark:** the line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of the surrounding areas. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.

**Overlay District:** a zone district that encompasses one or more underlying zones with additional requirements or special regulations and allows special flexibility in planning the use, site layout and infrastructure design above that required by the underlying zone. These special requirements shall take precedence over the provisions of the underlying zone.

**Owner:** any person who is either the legal owner, keeper, possessor, or the actual custodian of animal. Ownership is established by a person registering as owner on a license or other legal document or being a person claiming ownership and taking possession of an animal.

**Parcel of Land:** parcel of land shall mean a contiguous quantity of land in the possession of, or owned by, or recorded as the property of the same claimant or person.

**Parking Lot:** an open area, other than a street, used for the parking of more than four (4) automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers designed so that access to the parking spaces in the lot is by means of private interior roadways or alleys and not be direct access from a public street.

**Parking Space:** space within a building, lot or parking lot for the parking or storage of one (1) automobile.

**Pasture:** grass or other plants eaten by grazing animals. Land used for grazing and pasture feeding.

**Peninsula:** a portion of Huntsville Town and nearly surrounded by water or unincorporated land, connected by only a small strip of roadway or land.

**Permitted Use:** (see Use, Permitted).

**Permittee:** any Person which has been issued a permit and thereby has agreed to fulfill the requirements of this Ordinance.

**Person:** any individual, corporation, partnership, firm or association of individuals however styled or designated.

**Pet:** any domesticated animal kept for pleasure rather than utility, including but not limited to birds, cats, dogs, fish, hamsters, mice, and their animals associated with man’s environment.

**Pet Shops:** any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds, or other pets for sale are kept or displayed.

**Planning Commission:** the Huntsville Town Planning Commission.

**Pollution Source:** Point source discharges of contaminants to ground water or potential discharges of the liquid forms of “extremely hazardous substances” which are stored in containers in excess of “applicable threshold planning quantities” as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, drain lines, and animal feeding operations with more than ten animal units.

- A. **Animal Feeding Operation:** A lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve

(12) month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.

- B. **Animal Unit:** A unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4, plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
- C. **Extremely Hazardous Substances:** Those substances which are identified in the Sec. 302(EHS) column of the “TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title III,” (EPA 560/4-91-011). A copy of this document may be obtained from: Section 313 Document Distribution Center, P.O. Box 12505, Cincinnati, OH45212.
- D. **Potential Contamination Source:** Any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.
- E. **Public Water System:** A system, either publicly or privately owned, providing water for human consumption and other domestic uses, which:
  - a. Has at least 15 service connections, or
  - b. Serves an average of at least 25 individuals daily at least 60 days out of the year.  
Such term includes collection, treatment, storage and distribution facilities under control of the operator and used primarily in connection with the system. Additionally, the term includes collection, pretreatment or storage facilities used primarily in connection with the system but not under such control.
- F. **Sanitary Landfill:** A disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.
- G. **Sanitary Sewer Line:** A pipeline that connects a residence or other building with a sanitary sewer.
- H. **Septic Tank/Drain-field System:** A system which is comprised of a septic tank and a drain field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain field system discharges cannot be controlled with design standards.
- I. **Spring:** The ground surface outlet of a natural underground spring including Spring collection and control boxes, valves, piping and other attachments.
- J. **Storm Water Infiltration Structure:** A structure that is intended to discharge storm water so that it infiltrates groundwater.
- K. **Underground Storage Tanks:** Underground tanks used for the storage of gas, oil, or other hazardous substances.
- L. **Wellhead:** The physical structure, facility, or device at the land surface from or through which groundwater flows or is pumped from subsurface, water-bearing formations.

**Potential Contamination Source:** any facility or site, which employs an activity or procedure, which may potentially contaminate ground water. A pollution source is also a potential contamination source.

**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”).

**Principal Building:** (see Building, Main).

**Principal Use:** (see Use, Main).

**Private:** for use by the occupant, his friends, and guests, and not for the purpose of remuneration, hire, or sale, or any other commercial use nor use by an ad hoc informal association or group for the purpose of circumventing this limitation.

**Private Liquor Club:** a private non-profit association organized pursuant to the provisions of the State of Utah Liquor Control Act, Title 16, Chapter 6, which (a) is organized for the main purpose of on-premises consumption of liquor by the membership; (b) maintains a board or committee authorized to control and conduct the business and social affairs of the association; and is frequented only by members who are regular dues paying persons with full club privileges and their duly authorized guests.

**Property Owner:** Person or Persons who have legal title to property and/or equitable interest in the property, or the ranking official or agent of a company having legal title to property and/or equitable interest in the property.

**Protection Strip:** a strip of land bordering both the boundary of a subdivision and a street within the subdivision for the purpose of controlling the access of property owners abutting the subdivision to the street.

**Protective Custody:** having been received into the care of Weber County Animal Control and welfare or any authorized agent or representative thereof.

**Provider:** an Operator, Infrastructure Provider, Reseller, System Lessee, or Public Utility Company.

**Public:** buildings or uses owned or operated by a branch of the Government or governmental entity and open to the public, such as Libraries, School, Parks, other than private facilities.

#### **Public Nuisance**

- A. A public nuisance is a crime against the order and economy of Huntsville 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 an 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.
- 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.

**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. Chases vehicles;
- G. Chases other animals.

**Public Way:** all public right-of-way and easements, public footpaths, walkways and sidewalks, public streets, public roads, public highways, public alleys, and public drainage ways within the areas of Huntsville Town, Utah.

**Qualified Professional:** a professionally trained person with the requisite academic degree, experience and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.

**Quarantine:** the isolation of an animal under the observation of a licensed veterinarian or in the custody of the animal shelter, in a substantial enclosure, so that it is not subject to contact with other animals or unauthorized persons.

**Quasi-Public:** the use of premises by a public utility, such as utility substations and transmission lines; a permanently located building or structure, together with its accessory buildings and uses, commonly used for religious worship, such as churches and monasteries.

**Recreational Fires:** campfires which can be safely confined to a fire ring no larger than eight (8) feet in diameter. Anyone planning a fire larger than this will be required to obtain a special permit. Bonfires, fires built to burn Christmas trees, rally fires and similar fires are prohibited.

**Recreational Resort:** a planned development which may consist of a combination of nightly or weekly lodging facilities and/or rental units and/or owner occupied dwelling units, and may include such support facilities as restaurants, gift shops, and personal service facilities (e.g., beauty shop, barber shop, boutique, massage salon); all development of which is designed around a recreational theme and shall offer a variety of outdoor and/or indoor recreation facilities and activities on-site which are designed to attract visiting, as well as, local vacationers as a site destination because of the recreational attractions, both on and off-site, as well as offering an attractive, vacation type atmosphere.

**Recreational Vehicle:** a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Refuse:** any solid waste, including garbage and trash.

**Regulatory Agency:** any governmental agency with jurisdiction over hazardous waste as defined herein.

**Residential Facility for Disabled Persons:** a single-family or multiple family dwelling unit, consistent with existing zoning of the desired location, that is occupied on a 24-hour per day basis by eight or fewer persons with a disability in a family-type arrangement under the supervision of a house family or manager, and that conforms to all applicable standards and requirements of the Department of Social Services, and is operated by or operated under contract with that department.

**Residential Facility for Elderly Persons:** a single-family or multi-family dwelling unit designed for elderly inhabitants.

**Restaurant:** an establishment whose primary business is the selling of unpackaged food to the customer in a ready-to-consume state, in individual servings, or in nondisposable containers, and where the customer consumes these foods while seated within the building. This includes cafes, tea rooms and outdoor cafes.

**Restaurant, Drive-in:** an establishment that delivers prepared food and/or beverages to customers in motor vehicles, regardless of whether or not it also serves prepared food and/or beverages to customers who are not in motor vehicles, for consumption either on or off the premises.

**Restaurant, Fast Food:** an establishment offering quick food service, which is accomplished through a limited menu of items already prepared and held for service or prepared, fried or griddled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping or containers.

**Restraint Device:** any chain, leash, cord, rope, or other device used to physically restrain an animal.

**Riding School or Stable:** an establishment, person, or business which offers boarding and/or riding instruction of any horse or other riding animal or which offers such animal for hire.

**Rustic Sign:** (see Sign, Rustic)

**Salvage Operation:** any business, trade or industry engaged in whole or part in salvaging or reclaiming and product or material including, but not limited to, metals, chemicals, shipping containers or drums.

**Sanitary Landfill:** a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

**Screen:** a wall, partition, fence or hedge for separation of one land use from another.

**Screening:** the method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berms, or other features.

**Sensitive Lands Overlay Maps:** the maps adopted by the Huntsville Town Council showing sensitive lands within the bounds of Huntsville Town, and/or in the areas of Unincorporated Weber County adjacent or near to the bounds of Huntsville Town, within which sensitive lands investigations are generally required prior to development. Each map identifies areas which may be affected by a particular type of sensitive lands.

**Septic Tank/Drain-Field Systems:** a system, which is comprised of a septic tank and a drain-field, which accepts domestic wastewater from buildings or facilities for surface or subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

**Shopping Center:** a group of three (3) or more separate commercial establishments which share the same site, with common facilities including parking, ingress/egress, landscaping and pedestrian malls which function as a unit. Distinguishing characteristics of a shopping center may, but need not, include common ownership of the property upon which the center is located, common wall construction, and multiple occupant commercial use of a single structure.

**Shoulder:** the gravel strip of roadway four (4) feet wide adjacent and parallel to the hard surface roadway edge.

**Shrubs:** self-supporting, woody species of plant, as normally grown in the Huntsville Town, Ogden Valley area.

**Sign:** any device for visual communication to the general public displayed out-of-doors, including signs painted on exterior walls and interior illuminated signs, to be viewed from out-of -doors, but not including any flag, badge, or ensign of any government or governmental agency. A presentation or representation of words, letters, figures, designs, pictures, or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation or a request for aid; also the structure or framework or any natural object on which any sign is erected or is intended to be erected or exhibited or which is being used or is intended to be used for sign purposes.

**Sign, Advertising:** an "off premise" sign.



**Sign, Animated:** a sign which involves a motion or rotation of any part created by artificial means, or displays flashing or intermittent lights.

**Sign, Area:** the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of back-to-back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

**Sign, Billboard:** an "off premise" sign. Two or more separate advertising spaces structurally connected will be considered one sign.

**Sign, Business:** a sign which directs attention to a use conducted, project or commodity sold or service performed upon the premises.

**Sign, Canopy:** a sign which is part of or attached to an awning, canopy or other fabric, plastic or structural protective cover over a door, entrance, window, or outdoor service area. A Marquee is not a canopy (See definition for Marquee).

**Sign, Development:** a temporary business sign identifying a construction project, or subdivision development. The sign may contain the name of the project, name and an address of the construction firm(s), architect and developer.

**Sign, Directory:** business incidental signs designed to guide or direct pedestrians or vehicular traffic:

**Sign, Freestanding (Pole Sign):** any sign supported by a single pole or support that is placed on or anchored in the ground and that is independent from any building or other structure.

**Sign, Ground:** a sign placed upon the ground, or supported by a frame or supports placed in or upon the ground.

**Sign, Identification and Information:** an on premise sign displayed to indicate the name or nature of a building or use, including all professional and business buildings, home occupations, apartment complexes, and public and semipublic buildings.

**Sign, Illuminated:** a sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as part of the sign proper.

**Sign, Marquee:** any sign attached to and made part of a marquee.

**Sign, Name Plate:** a sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises or indicated a home occupation legally existing on the premises.

**Sign, Political or Campaign:** a temporary sign soliciting support for a person running for public office or a sign defending or objecting to an issue or proposal being placed before the public.

**Sign, Projecting:** a sign attached to a building or other structure and extending in whole or in part more than eighteen (18) inches beyond any wall of the building or structure.

**Sign, Property:** a sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing.

**Sign, Public Necessity:** a sign installed by a governmental agency informing the public of any danger or hazard existing on or adjacent to the premises.

**Sign, Roof:** a sign erected partly or wholly on or over the roof of a building.



**Sign, Rustic:** a commercial Freestanding or Ground sign which is predominantly constructed of natural and/or natural appearing materials, such as brick, textured concrete, glass, natural or chiseled stone, rough hewn, antiqued, sandblasted or carved wood, or metal which is rust resistant, and anodized, stained, painted (natural earth tones) or otherwise treated to prevent reflective glare and includes appropriate landscaping in the overall design.

**Sign, Service:** a sign which is incidental to a use lawfully occupying the property upon which the sign is located and which sign is necessary to provide information to the public, such as direction to parking lots, location of rest rooms, sale of agricultural products produced upon the premises or other such pertinent facts.

**Sign, Temporary:** temporary signs shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or other light materials with or without frames, intended to be displayed for a short period of time only.

**Sign, Wall:** a sign which is affixed to an exterior wall of a building or structure.

**Site Plan:** a plan/document or group of documents, prepared to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and primary site development features proposed for a specific parcel of land, including, but not limited to text, photographs, sketches, drawings, maps and other materials intended to present certain elements of the proposed development, including, but not limited to physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.

**Slope:** the level of inclination of land from the horizontal determined by dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value. For purposes of regulation and measurement, slope shall cover at least twenty-five (25) feet vertically and fifty (50) feet horizontally. (See Average Percent of Slope.)

**Solid Waste:** any household garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities.

**Source Protection Zone:** the surface and subsurface area surrounding a ground-water source of drinking water supply a Public Water Supply, through which contaminants are reasonably likely to move toward and reach such ground-water source. These zones shall have the approval of the State of Utah, Division of Drinking Water.

**Spayed:** having had the ovaries and uterus removed or extirpated; an ovariectomy.

**Stable:** an accessory or main building for the keeping of horses or cattle.

**Stable, Private:** a horse stable which is accessory to a residential dwelling unit or other main building, as allowed or conditioned under individual zoning districts, for the use of the owner/occupant, his friends and guests. Not for the purpose of remuneration, hire or sale or any other commercial use nor use by an ad hoc informal association or group for the purpose of circumventing this limitation.

**Stable, Public:** a main or primary building for the keeping of horses for rent, lease, sale or boarding for remuneration by the general public.

**Start of Construction:** the 'start of construction' includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the "start of construction"

includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or manufactured home subdivision, "start of construction" means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Stockyard:** a commercial operation consisting of yards and enclosures where livestock are kept temporarily for slaughter, marketing or shipping, together with necessary offices, chutes, loading and unloading pens and railroad facilities.

**Story:** the space within a building included between the surface of any floor and the surface of the ceiling next above.

**Stray:** any animal, found running at large, whose owner cannot be found after a reasonable search.

**Stream Corridor:** the water's passageway defined by the stream's ordinary high water mark.

**Streams:** the flow of water on land, excluding ditches and canals constructed for irrigation and drainage purposes, that flow year around or intermittently during years of normal rainfall.

**Street Banner Sign:** any banner sign which is stretched across and hung over a public right-of-way.

**Street:** alleys, roads, public ways, public squares, sidewalks, gutters and culverts, crosswalks, intersections, edges of roads from the roadway to the property line.

**Street:** A thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority or a thoroughfare not less than Sixty-six (66) feet wide which has been made public by right of use and which affords the principal access to the abutting property.

- A. **Street, Major:** A street, existing or proposed, which serves or is intended to serve as a major traffic-way, and is designated on the Master Street Plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the Street Plan. A major street shall be not less than ninety-nine (99) feet wide.
- B. **Street, Minor<sup>2</sup>:** A street, existing or proposed, which serves or is intended to serve a localized traffic-way within a subdivision and not a through street, and which is the main means of access to the major street system. A minor street shall be not less than sixty-six (66) feet wide.
- C. **Cul-de-sac:** A minor terminal street provided with a turnaround of a 100 foot diameter right of way and a paved surface of no less than 80 foot diameter.

**Streets:** includes both hard-surfaced and other surfaces including alleys, roads, public ways, public squares, sidewalks, gutters and culverts, crosswalks, intersections, edges of roads from the roadway to the property line. (Title 16)

**Structural Alterations:** any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**Structure:** anything constructed or erected, which requires location on the ground or attached to something having a location on the ground.

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<sup>2</sup> Amended: Street, Collector to Street Minor. B. added, within a subdivision and not a through street. C. Deleted second sentence. D. added, right of way and a paved surface of no less than 80 foot diameter.

**Subdivision:**

- A. “Subdivision” means the division of any tract, lot, or parcel of land as an undivided tract by one individual or by joint tenants or tenants in common or by the entirety, into two or more lots, parcels, sites, units, plots, or other divisions of land for the purpose, whether immediate or future, of offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.
- B. A “Subdivision” includes the division of land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

**Subdivision, Cluster:** a subdivision of land in which the lots have areas less than the minimum lot area of the zone in which the subdivision is located, but which complies with the Cluster Subdivision provisions of the zoning regulations and in which a significant part of the land is privately reserved or dedicated as permanent common open space to provide an attractive low density character for the residential lots in the subdivision.

**Subdivision, Minor:** a subdivision of three (3) lots or less.

**Substantial Damage:** damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition should equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement:** any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- A. Before the improvement or repair is started, or
- B. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- A. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- B. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

**Suitability Determination:** a study carried out under the direction of the Huntsville Town Planning Commission to ascertain if a development at increased densities due to a density transfer from a sensitive area is compatible with development on surrounding or adjacent property.

**Supermarket:** a store for the retail sale of food and household goods with additional services within the building, such as banking, dry cleaners, real estate sales office, and insurance sales.

**Survey Markers:** a survey marker shall be of the size and type specified in the Public Works Standards and Technical Specifications of Huntsville Town.

**Telecommunications System or System:** all conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and Appurtenances owned, leased, or used by a Provider located in the construction, ownership, operation, use or maintenance of a Telecommunications System.

**Temporary Real Estate Sales Office:** an office established within a Model Home or the garage area of a model home on a temporary basis.

**Temporary Use:** a prospective use, intended for limited duration, to be located in a zoning district not permitting such use, and not continuing a nonconforming use or building.

**Time of Travel Distance:** The distance that groundwater will travel in a specified time. This distance is generally a function of the permeability and slope of the aquifer. Time of Travel is determined from hydrological studies and is approved by the State Department of Environmental Quality, Division of Drinking Water.

**Tourist Court or Motel:** any building or group of buildings containing sleeping rooms, with sanitary facilities, with or without fixed cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels or motor lodges.

**Tower:** a structure situated on a nonresidential site that is intended for transmitting or receiving television radio or telephone communications, excluding those used exclusively for dispatch communications.

**Town:** the Huntsville Town, a Municipal Corporation of the State of Utah.

**Town Council:** the Town Council of Huntsville Town, consisting of the elected Mayor and four (4) elected Councilpersons, for a total of five (5) voting members.

**Trash:** solids not considered to be highly flammable or explosive; including, but not limited to, clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings and other similar materials.

**Travel Trailer:** a vehicular, portable unit, mounted on wheels, not requiring special highway movement permits when drawn by a legally licensed and registered motorized vehicle:

- A. Designed as a temporary dwelling for travel, recreational and vacation use; and
- B. When factory-equipped for the road, having a body width of not more than eight feet and a body length of not more than thirty-two (32) feet.

**Trees:** trees shall be defined as self-supporting woody plants of species which normally grow to an overall height of a minimum of fifteen (15) feet in the Huntsville Town, Ogden Valley area.

**Use, Accessory:** a use incidental to and on the same lot as a principal use; is clearly incidental to and customarily found in connection with a principal building or use; is subordinate to and serves a principal building or a principal use; is subordinate in area, extent or purpose to the principal building or principal use served; contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building or principal use served.

**Use, Conditional:** a use or occupancy of a building, or use of land permitted by the Huntsville Town Council as a "Special Exception" only when authorized upon issuance of a Conditional Use Permit and subject to the limitations and conditions specified therein as provided in the Conditional Uses Chapter of this Ordinance, intended to allow compatible integration of uses which may be suitable only in certain locations within a particular zone, or only upon certain conditions and/or design criteria being achieved.

The purpose and intent 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.

**Use, Main:** the principal use of land or structures, as distinguished from a secondary or accessory use.

**Use, Permitted:** any use lawfully occupying land or buildings as authorized in the zoning regulations and for which no Conditional Use Permit is required.

**Use, Secondary:** a use and/or structure, in addition to the main/primary use, and located on the same lot or parcel of land as the main/principal use.

**Utility:** as any ditch, pipe, wire, way, or right-of-way owned by any person that crosses, goes along, over or under a Town road or right-of-way.

**Vaccinated Dog:** a dog inoculated with an approved, currently valid, anti-rabies vaccine, and wearing a current dog license tag indicating proof of such vaccination.

**Variance:** a relaxation, by the Appeal Authority, of the dimensional regulations of the zoning regulations where such action will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions or the situation of the applicant or previous owners, a literal enforcement of the regulation would result in unnecessary and undue hardship, other than an economic nature or self-imposed hardship. A self-imposed hardship created by a previous owner is considered to run with the land.

**Vehicle:** all motor vehicles and trailers.

**Vendor, Short Term:** the sale of products from a trailer, mobile store, or kiosk subject to the following requirements:

- A. Must be located on an improved site which includes, but not limited to, such items as fire protection, parking surface, drainage, etc., to be determined at the time of conditional use application
- B. The same vendor cannot use the same parcel for more than 120 consecutive days in a year for the same business
- C. A short term vendor is allowed only one permit per parcel per year
- D. The product cannot be materially altered on site (no cooking offood), and
- E. Must comply with the Sign Ordinance.

**Veterinary Hospital:** any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of 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. Has killed a domestic animal, with or without provocation, while off the owner’s property.
- D. Has been 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.

**Vines:** vines are plants which normally require support to reach mature form.

**Waste:** all solid, liquid or gaseous material, including, but not limited to, garbage, trash, household waste, construction or demolition debris, or other refuse, including that resulting from the prosecution of any business, trade or industry.

**Water Purveyor:** the person or persons designated and deemed qualified by and representing Huntsville Town Water Department. This person(s) is invested with the authority and responsibility for the implementation of an effective cross-connection control program and for the enforcement of the provisions of this title.

**Wellhead:** the upper terminal of a well, including adapters, ports, seals, valves, and other attachments.

**Width of Lot:** the distance between the side lot lines at the minimum setback distance from the front lot line required for the depth of the front yard.

**Wild Animal:** any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an

unreasonable danger to human life, or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include but are not limited to:

- A. Alligators, caiman and crocodiles;
- B. Bears: all bears including grizzly bears, brown bears, black bears, etc.;
- C. Cat family: all except the commonly accepted domestic cats, and including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wildcats, etc.;
- D. Dog family: all except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, wild dingo, etc. Any dog cross bred with a wild animal, as described herein, shall be considered to be a wild animal.
- E. Porcupines;
- F. Primates: all subhuman primates;
- G. Raccoons: all raccoons including the eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- H. Skunks;
- I. Venomous fish and piranha;
- J. Venomous snakes and lizards;
- K. The weasel family: all including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc.
- L. Despite the restrictions stated above, there shall be an exception granted to persons raising wild animal for their pelts and for commercial purposes.

**Work Site Restoration:** the restoring of the original ground or paved hard surface area to comply with Public Works Standards and Technical Specifications of Huntsville Town, and includes but is not limited to repair, cleanup, backfilling, compaction, and stabilization, paving and other work necessary to place the site in acceptable condition following the conclusion of the work, or the expiration or revocation of the permit.

**Yard:** an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward by permanently parked vehicles, buildings or structures, except as otherwise provided herein.

**Yard, Front:** a yard on the same lot with a building, between the front line of the building exclusive of steps 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 nearest part of the front lot line and the nearest part of the front line of the building or buildings on the lot, and is not to be less than thirty (30) feet.

**Yard, Rear:** a yard on the same lot with a building between the rear line of the building exclusive of steps and the rear lot line and extending the full width of the lot. The "depth" of the rear yard shall be the minimum distance between the nearest part of the rear lot line and the nearest part of the rear line of the building.

**Yard, Setback:** the minimum distance for the "depth" or "width" of a yard required by these ordinances for the zone in which the lot or parcel is located.

**Yard, Side:** a yard on the same lot with a building, between the side line of the building exclusive of steps and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the nearest part of the side lot line and nearest part of the side line of the building, and is not to be less than ten (10) feet. If the lot is a corner lot, the side yard setback on the adjacent street frontage shall be the same as the front yard setback.

**Zoning Ordinance:** what was the "Zoning Ordinance" is now the Huntsville Town Land Use Regulations as adopted by the Huntsville Town Council.