

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, October 2, 2025, 6:00 p.m.
Huntsville Town Hall, 7474 E. 200 South, Huntsville

Name	Title	Status
Richard L. Sorensen	Mayor	Present
Bruce Ahlstrom	Councilmember	Present
Sandy Hunter	Councilmember	Zoom
Lewis Johnson	Councilmember	Present
Artie Powell	Councilmember	Present
William Morris	Legal Counsel	Excused
Beckki Endicott	Clerk	Present

Citizens: Will Vander Toolen, Taylor Alvarez- Sage, Taylor Anderson- Sage, Sarge Tovar, Brent Butler, Lt. Jeffries, Brent Ahlstrom, Kevin Anderson, Liz Poulter, Hillary Evans, Chandlyr Shupe, Marian Devries, Jodi Richardson, Alyssa Lloyd.

Zoom: TCM Sandy Hunter

1 Mayor Richard Sorensen called the meeting to order.
There is a full quorum present.

2-Pledge of Allegiance led by: Michael "Sarge" Tovar

3-Opening Ceremony given by: TCM Artie Powell

4-Public Comments: Sarge, Commander of the American Legion, gave an update on activities at the Legion including the bike ride for disabled veterans, steak night, car show, Vet Fest, and a safety event with Valley Elementary. They would be putting in a new parking lot. They had a water leak that had been fixed. Their flag is ready to be flown at Town Hall when the pole is placed.

5. Sheriff's Report : Lt. Butler announced that Lt. Jeffries would be the new officer representing Huntsville Town. He had been an officer for 22 years. There were 33 incidents in Town in September including traffic citations and a disturbance at a business. The Huntsville Marathon went smoothly. The parking signs in Town need to be updated to include the new subdivision at 200 N. and 6700 E.

6. Fall Festival Report by Chandlyr Shupe (See Attachment #1).- This report was given by Hillary Evans, a member of the events committee. The Fall Festival would be on October 25th beginning at 12:00 with various games and ending with a trunk or treat at 4:00. The committee had been in contact with the churches in the area to get support for the event. They were hoping to keep it free to attend. They would like the Town to help by advertising it on the website and in the email blast. Ms. Evans explained that if the Town became a 501c3 it would make it easier to get sponsors for events. Members of the committee were happy to help in the process if needed. They planned on organizing more events throughout the year and hope that fundraising would

help make it happen. Members of the committee are Chandlyr Shupe, Hillary Evans, Briana Bingham, Star Primm, and Marian Devries.

Kevin Anderson- Mayor Sorensen turned the time over to Mr. Anderson of the Huntsville Town VISION Committee to discuss setting up a 501c3 entity to further their goals. The name they had chosen was the Historic Huntsville Preservation Foundation. TCM Powell wasn't in favor of the name and Mr. Anderson explained that the name was negotiable. TCM Powell also expressed the need to put a Town Councilmember on the committee or have the committee directly report to the Town Council and Mr. Anderson agreed with that.

The Huntsville Events Committee wondered if the 501c3 of the VISION Committee be expanded to include the Town. They explained that potential sponsors for the fall event were not willing to help if they couldn't get a tax break. They also wondered if funds could be raised for the park playground through the 501c3. Mr. Anderson explained that the name of the non-profit would not narrow the ways in which it could benefit the Town. The varied use of donations would be spelled out in the application. Beckki said she would put a resolution on the next agenda to put a committee together to apply for the 501c3. She wasn't entirely sure that the Town would need to be a 5013c in order to accept donations as they had accepted donations in the past for the 4th of July celebration as well as for the Town Hall. She would talk to the attorney to get clarification on that.

7. Discussion and/or action on approval of Minutes for Town Council Meeting September 18, 2025 (See Attachment #2)

TCM Ahlstrom and TCM Powell made a few small corrections.

TCM Powell motioned to approve Minutes for Town Council Meeting September 4, 2025. TCM Ahlstrom seconded the motion. All votes Ayes. Motion passed.

8. Discussion and/or action on approval of Subdivision Amendment for Sage (See Attachment #3)

Taylor Alvarez from Sage came to present the subdivision amendment.

TCM Ahlstrom motioned to approve the Subdivision Amendment, consolidating lots 4 and 5 in Sage. TCM Powell seconded the motion. Roll Call Vote. Votes reflected below. Motion passed 4-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter				X
CM Artie Powell	X			

***TCM Sandy Hunter joined via zoom at 6:45 pm**

9. Discussion and/or action on approval of Candidates for Planning Commission. (See Attachment #4).

Mayor Sorensen explained that both Steve Songer and Suzanne Ferre's terms on the Planning Commission were expiring, and they would need to be replaced. Steve's had expired in July, and Suzanne's would expire in January. **Mayor Sorensen motioned to name Brent Ahlstrom to the Planning Commission to replace Steve Songer. TCM Johnson seconded the motion.**

Mayor Sorensen pulled his motion because John Henderson was the alternate and would naturally move up as a regular member of the Planning Commission. The Town Council discussed the need for alternates, whether an alternate should be automatically made a regular member, and whether John Henderson intended to or assumed he would stay on the commission. Beckki pulled up the ordinance on the big screen explaining the rules of the Planning Commission. (See Attachment #5) It did not specify whether an alternate was automatically moved to the regular commission. It did not say that a person needed to apply for the position. It only said that the mayor appointed members with the advice and consent of the Town Council. TCM Powell didn't like the idea of having an alternate member of the PC. He thought the ordinance needed to be changed to be more specific on the rules. Beckki stated that from an administrative perspective having an alternate was important because many times they struggled to get enough PC members to the meetings to make a quorum. TCM Sandy Hunter who had just joined the meeting via zoom agreed with that statement.

Mayor Sorensen motioned to move John Henderson from Alternate to Regular member of the PC and make Brent Ahlstrom an alternate temporarily until January when he could fill the regular position. TCM Ahlstrom seconded the motion. Roll Call Vote. Votes are reflected below. Motion passed 4-1.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell		X		

Mayor Sorensen motioned to appoint Brent Ahlstrom as an alternate on the Planning Commission. TCM Sandy Hunter seconded the motion. Roll Call Vote. Votes Reflected below. Motion passed 4-1.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard Sorensen	X			
CM Bruce Ahlstrom			X	
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell		X		

Mayor Sorensen motioned to appoint Will Vander Toolen as an alternate to the Planning Commission in January, taking over for alternate Brent Ahlstrom who will be moved to regular member. TCM Johnson seconded the motion.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell		X		

TCM Powell wanted the PC to seriously look at amending the ordinance to make the rules clearer. Beckki reminded them that the last time they opened up the ordinance, it took them 18 months to revise it. She didn't want to discourage them, only to remind them.

10. Discussion and/or action on Ordinance 2025-7-17 Nuisance Ordinance Revision and Recodification (See Attachment #6)

The TC discussed issues they had with the proposed Nuisance Code revision. Some were concerned about protecting agricultural activities in the town. TCM Ahlstrom felt like a nuisance code was necessary to protect health and safety but not to ensure properties "looked nice." That went beyond the role of government. TCM Johnson felt the code needed to be simplified. TCM Powell didn't agree with some of the language of the ordinance. Beckki explained that the language of the ordinance was simpler than the current code. She also explained that the Town's attorney suggested she move the section on noise to parts of the code defining the zones.

After the debate Beckki stated that she would simplify the document even further and they would discuss it again soon.

Department Updates

Mayor Richard Sorensen- Nothing

Councilmember Sandy Hunter- Nothing

Councilmember Artie Powell- The playground equipment needed to be replaced or repaired including the slide and climbing wall.

They needed to review the animal control contract to see if the cost was worth the service.

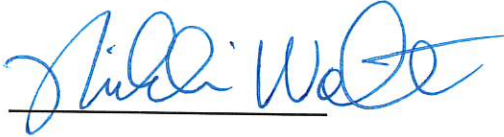
Councilmember Bruce Ahlstrom-He was contacted by Zack Jenkins who did roadwork in the Town over the past summer. He had extra materials and wondered if he could help the Town. They decided on 500 S. for a crack seal job. Lonny Bailey was doing an amazing job of getting fill dirt in the new cemetery.

Councilmember Lewis Johnson – He asked what had been done about removing the dumpsters in the park. Artie would talk to Blaine about that plan.

TCM Ahlstrom motioned to approve the September Bills. TCM Powell seconded the motion. All votes ayes. Motion passed.

TCM Ahlstrom motioned to adjourn the meeting. TCM Powell seconded the motion. All votes ayes. Motion passed.

Meeting adjourned at 7:59 p.m.

A handwritten signature in blue ink, appearing to read 'Nikki Wolthuis', is written over a horizontal line.

Nikki Wolthuis, Deputy Clerk



Huntsville Fall Festival Information

Saturday, October 25, 2025

12:00 pm to 4:00 pm

Trunk-or-Treat 4:30-5:00 pm

Friends! Neighbors! Fun! Food!
Everything is free thanks to our sponsors!

*** Hamburgers & Hotdogs served till they're gone! ***

Open games will be available from 12 pm to 3:45 pm:

- ✦ Face Painting
- ✦ Ring Toss
- ✦ Dunk Tank
- ✦ Bounce House
- ✦ Bean Bag Toss
- ✦ Apple Bobbing
- ✦ Needle in a Haystack
- ✦ Fish Pond
- ✦ Quilt Tying with Story Telling

Scheduled Game Times

All games will be done "recess style." Teams will be formed on-site with whoever wants to play and the first team to the set score OR the highest score at end of play time wins.

- ✦ 12:00 - 1:00 pm Obstacle Course "Beat the Green Beret!"

Awards for anyone who completes the obstacle course faster than Mark Evans.

Age groups to compete: kids, teens, adults

- ✦ 1:00 - 2:00 pm Autumn Bake-off:

Make any sweet, baked dish that's apple OR pumpkin based and enter it by 1 pm with awards at 2 pm. Tastes for all who want to share!

- ✦ 2:00 - 2:20 pm Kickball
- ✦ 2:25 - 2:40 Tug-a-War
- ✦ 2:45 - 3:00 Nail in the Log
- ✦ 3:00 - 3:15 pm Pie Eating Contest
- ✦ 3:20 - 3:35 pm Pumpkin Toss

- ✦ 4:00 pm Halloween Costume Parade and Contest: All ages!

- ✦ 4:30 - 5:00 pm Trunk-or-Treat immediately following costume parade

Please back into parking spaces surrounding the park so kids can walk on the grass between cars and avoid the streets. Award for the best decorated car!

MINUTES OF THE HUNTSVILLE TOWN COUNCIL MEETING
Thursday, September 18, 2025, 6:00 p.m.
Huntsville Town Hall, 7474 E. 200 South, Huntsville

Name	Title	Status
Richard L. Sorensen	Mayor	Zoom
Bruce Ahlstrom	Council Member	Present
Sandy Hunter	Council Member	Zoom
Lewis Johnson	Council Member	Present
Artie Powell	Council Member	Present
William Morris	Legal Counsel	Excused
Shannon Smith	Clerk	Present

Citizens: Ashley Klase-Forest Service, Jeff Keeney, Barbara Walker, Ron Gault, Liz Poulter, Will Vander Toolen

Zoom: TCM Sandy Hunter, Mayor Sorensen, Grant Stanley, Kaitlyn Poulter, Rachel

1 TCM Bruce Ahlstrom called the meeting to order.
There is a full quorum present.

2-Pledge of Allegiance led by: Jeff Keeney

3-Opening Ceremony given by: Bruce Ahlstrom

4-Public Comments: No comments.

5. Sheriff's Report : No report

6. Forest Service Report: Ashley Klase

Ranger Klase gave a report on a few of the projects around the reservoir. The decommissioning of the Jefferson Hunt Campground would begin on October 1st, with a temporary bridge being installed during the process.

The replacement pedestrian bridge was expected to be completed by 2026 or 2027, pending engineering reviews and contracting processes. The project for stabilizing Cemetery Point, where lake erosion was threatening the cemetery, may be funded by the disaster funding from 2023.

Ranger Klase also explained the construction of new roads and day use areas at Port Ramp and Windsurfer Beach. The area would be closed for 365 days for that work.

There were plans for overflow parking at Causey Reservoir which would cause a partial closure during the 2-year construction period.

7. Discussion and/or action on approval of Minutes for Town Council Meeting September 4, 2025 (See Attachment #1)

TCM Powell motioned to approve Minutes for Town Council Meeting September 4, 2025. TCM Johnson seconded the motion. All votes Ayes. Motion passed.

8. Discussion and/or action on approval of Minutes for Work Session August 21, 2025 (See Attachment #2)

Mayor Sorensen motioned to approve Minutes for Work Session August 21, 2025. TCM Ahlstrom seconded the motion. All votes Ayes. Motion passed.

9. Discussion and/or action on approval of Business License for The Bread Shed (See Attachment #3)

TCM Powell motioned to approve a business license for The Bread Shed. TCM Johnson seconded the motion. All votes Ayes. Motion passed.

10. Discussion and/or action on approval of an additional \$2,000 expenditure for Zion's Bank Water Study. (See attachment #4)

TCM Powell motioned to approve an additional \$2,000 for Zion's Bank Water Study. TCM Ahlstrom seconded the motion. Roll Call Vote. Votes reflected below. Motion passed 4-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter				X
CM Artie Powell	X			

***TCM Sandy Hunter joined via zoom at 6:38 pm**

11. Discussion and/or action on approval of Resolution 2025-9-18-B Water Bill Forgiveness Policy (See Attachment #5)

TCM Powell explained some of the changes that were made to the rough draft including adding a need-based requirement. Shannon had suggested adding proof of income to the documentation requirements. Nikki had suggested they extend the date to request adjustment from 2 days to 7 days before the next regularly scheduled Town Council Meeting. All suggested changes were accepted.

TCM Johnson motioned to approve Resolution 2025-9-18-B Water Forgiveness Policy. TCM Powell seconded the motion. Roll call Vote. Votes reflected below. Motion passed 5-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

12. Discussion and/or action on approval of Water Forgiveness at 6520 E. 100 N. Huntsville.(See Attachment #6).

Shannon gave the history of the water leak at the Ogden Boat Club explaining that they had had trouble with high water pressure and it most likely caused the leak. Ron Gault explained that the galvanized pipes in Town are more likely to fail under pressure. TCM Powell stated that he would like to apply the new policy to this case. Otherwise, he would vote no. The TC spoke about the timing of the repair, how to apply the need-based provision in the case and how much the increased water pressure was a factor in the leak.

Shannon pointed out that this was different than a single homeowner or business applying for forgiveness. There were many members of the club and they could split the cost evenly between them. TCM Powell stressed the need to be consistent in granting forgiveness. Shannon felt like this case shouldn't be applied to the new policy since it was just passed. The TC members felt like they could apply the policy to this case. The TC discussed waiving the need-based requirement for water forgiveness. TCM Hunter reminded them that the boat club is a non-profit and wouldn't have much revenue. TCM Powell argued that any organization should still have funds reserved for these types of expenses.

TCM Johnson motioned to forgive the water bill according to the new policy but waiving the need-based requirement at 6250 E. 100 N. Huntsville. TCM seconded the motion. Roll Call Vote. Votes reflected below. Motion passed 5-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard L. Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

13. Discussion and/or action on approval of Resolution 2025-9-18-A Mayoral Election Cancellation..(See Attachment #7)

TCM Ahlstrom explained that since there were no other mayoral candidates besides Mayor Sorensen and the time had passed for anyone else to be added to the ballot, Huntsville Town wanted to cancel the mayoral election. Doing so would also save the Town money.

TCM Powell motioned to approve Resolution 2025-9-18-A Mayoral Election Cancellation.

TCM Ahlstrom seconded the motion. Roll Call Vote. Votes reflected below. Motion passed 5-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard Sorensen			X	
CM Bruce Ahlstrom	X			

CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

14. Discussion and/or action on approval of Resolution 2025-9-18-C Lease of Town Property for Sauna Business (See Attachment #8)

Grant Stanley, from Ogden Valley Sauna explained the cost of their infrastructure which included a cement pad, electricity, fencing and landscaping. To recoup their cost they asked for an infrastructure credit. The rent and concessions would go towards the infrastructure credit instead of the Town until the infrastructure was paid off. Around the 2-3 year mark when those costs were paid off, then the Town would be getting rent and concessions, possibly \$15,000 per year. They were asking for a longer lease to facilitate this. Mayor Sorensen was not comfortable in allowing them to build something temporary on land that could possibly be sold before the lease was up. He couldn't see their infrastructure as a benefit to the Town. Mr. Stanley and his business partners felt that their infrastructure would improve the land and allow other businesses to use them when they left. TCM Johnson explained that because of the turnover in Town Councilmembers every 4 years they were more comfortable with shorter lease periods. Mr. Stanley explained that there would be an option to terminate the lease early in case there was a buyer for the property and they would have to move the sauna. Mayor Sorensen stated that infrastructure and real estate were part of the cost of doing business. He felt like it was a risk or at least not a benefit for the Town to enter the lease. TCM Sandy Hunter and TCM Johnson both liked the idea and wanted to make it work. TCM Sandy Hunter thought the business might bring synergy to the Town and bring in more people and more business. Mr. Stanley and his business partner Rachel stressed that it would not cost the Town any money for them to improve and use the land. They believe their business would benefit the Town. TC Ahlstrom recognized that the land wasn't currently being used. The only risk to the Town would be having to pay off the infrastructure credit if they were to have to break the lease. The TC discussed different options that would give the Town revenue from day one rather than waiting until the credit was paid off.

Mayor Sorensen motioned to approve Resolution 2025-9-18-C Lease of Town Property for Sauna Business but amended the lease so that the Town gets \$800 rent per month and the 5% concession from the beginning and only give up to \$30,000 if the Town breaks the lease before its up. TCM Ahlstrom seconded the motion.

Mr. Stanley stated that this proposal would make it hard for his business to succeed. TCM Johnson wondered if they could go 50/50 on the infrastructure fee. Mayor Sorensen felt like he could budge on the concession fee, but the infrastructure was the cost of doing business and should be paid by the business owners.

.Sandy made an amendment to the motion to include all of the mayor's previous motion except the 5% concession fee would go towards the infrastructure credit and not be given to the Town until after 3 years. If the Town broke the lease early they would pay the business owners the difference between the concession fee credited and \$30,000. Mayor Sorensen seconded the motion. Roll call vote. Votes reflected below. Motion passed 5-0.

VOTES	AYE	NAY	ABSTAIN	EXCUSED
Mayor Richard Sorensen	X			
CM Bruce Ahlstrom	X			
CM Lewis Johnson	X			
CM Sandy Hunter	X			
CM Artie Powell	X			

Department Updates

Mayor Richard Sorensen- He had a meeting with attorney Bill Morris and Powder Mtn representatives to talk about the advantages and disadvantages of staying in the R-1 zone or rezoning to the RC zone and he would send out a briefing in an email in a few days.

He suggested the TC support the Town Stroll, especially the ribbon cutting. The marathon was still looking for volunteers.

Councilmember Sandy Hunter- Nothing

Councilmember Artie Powell- He spoke about some properties that had built structures on Forest Service property and hoped that they could work together to find solutions.

Councilmember Bruce Ahlstrom- There was a new employee, Rod Meyers in the Maintenance department.

Councilmember Lewis Johnson – Nothing

TCM Powell motioned to adjourn the meeting. **TCM Johnson** seconded the motion. All votes ayes. Motion passed.

Meeting adjourned at 8:56 PM

Nikki Wolthuis, Deputy Clerk

PETITION TO AMEND SUBDIVISION PLAT

Huntsville Town, Utah

Subdivision Name: SAGE
Subdivision Address: 7800 East 500 South, Huntsville, UT 84317
Original Plat Reference: Weber County Recorder, Entry No. 3291656, recorded July 21, 2023, at Book 96, Page 05-07
Lots Involved: Lot 4 – Parcel No. 211770004 and Lot 5 – Parcel No. 211770005

Name of Petitioner: CW The Sage, LLC
Mailing Address: 610 North 800 West, Centerville, UT 84014
Attn: Taylor Alvarez
Phone: [REDACTED]
Email: [REDACTED]
Petitioner Relationship to Owner: Agent

Owner: SFH Trust 2008

TO THE HUNTSVILLE TOWN COUNCIL:

Pursuant to Huntsville Town Title 15.25.1 and Utah Code 10-9a-603, the undersigned real property owner, SFH Trust 2008, by and through its agent, respectfully petitions to amend the above-described Subdivision in accordance with the proposed plat, attached hereto as Exhibit A. The proposed amendment consolidates Lots 4 and 5 into a single lot, which is further explained in Exhibit B.

In support of this Petition, the Owner, by and through its Trustees, respectfully declares and represents that it is the owner of private real property located within the above-described subdivision in Huntsville Town, State of Utah, and clearly understands the nature, extent, and location of the proposed Plat Amendment request.

Signed:

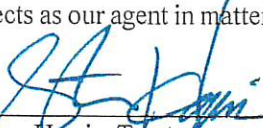


Darlene Carter, CEO of Petitioner (Agent)

Date: 9.5.25

AGENT AUTHORIZATION

I, the undersigned, the owner of the real property described in the attached Petition, do authorize as my agent CW The Sage, LLC to represent and appear on my behalf before any administrative or legislative body in the Town considering this Petition and to act in all respects as our agent in matters pertaining in the attached Petition.



Steve Harris, Trustee

Date: 09/05/2025

STATE OF UTAH)

) ss.

COUNTY OF DAVIS)

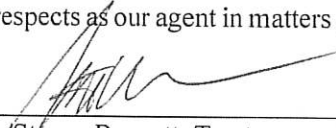
On the 5th day of Sept. 2025, personally appeared before me Steve Harris who by me being duly sworn, did say that he is a Trustee of SFH Trust 2008 and that the foregoing instrument is signed on behalf of said Trust and executed with all necessary authority.

Notary Public Morgan Giles



AGENT AUTHORIZATION

I, the undersigned, the owner of the real property described in the attached Petition, do authorize as my agent CW The Sage, LLC to represent and appear on my behalf before any administrative or legislative body in the Town considering this Petition and to act in all respects as our agent in matters pertaining in the attached Petition.



Steven Bennett, Trustee

Date: 9/4/25

STATE OF UTAH)

) ss.

COUNTY OF DAVIS)

On the 4 day of September 2025, personally appeared before me Steven Bennett who by me being duly sworn, did say that he is a Trustee of SFH Trust 2008 and that the foregoing instrument is signed on behalf of said Trust and executed with all necessary authority.

Notary Public



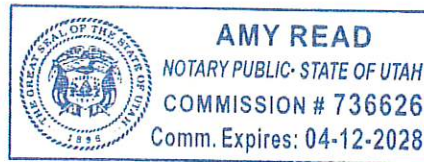


EXHIBIT A
PROPOSED SUBDIVISION PLAT

EXHIBIT B

DESCRIPTION OF PLAT AMENDMENT

The proposed amendment to the SAGE subdivision plat consists of the consolidation of Lot 4 (Parcel No. 211770004) and Lot 5 (Parcel No. 211770005) into a single lot.

- The existing interior line dividing Lot 4 and Lot 5 will be vacated.
- The newly consolidated lot will assume the designation originally given to Lot 5 (Parcel No. 211770005; 322 S 7900 E, Huntsville, UT).
- All easements, dedications, and conditions of approval shown on the original plat remain in effect.

The amendment is intended solely to merge the two contiguous lots into one larger lot under common ownership.

TITLE 15 - Land Use Regulations

Huntsville Town Ordinance – Title 15.5 Land Use Authorities and Appeals

15.5 APPEAL AUTHORITY¹

- 15.5.1 Planning Commission
- 15.5.2 Land Use Authority
- 15.5.3 Appeal and Variance Authority

15.5.1 Planning Commission

1. Establishment. In accordance with Utah Code Annotated §10-9a-301, Town hereby establishes the Planning Commission subject to this section.
2. Membership. The Planning Commission is composed of five (5) members and may include one alternate who shall be residents, and registered voters, of the Town duly appointed by the mayor, subject to the advice and consent of the Town Council. The alternate will be invited to all meetings and if one of the five members is absent, the alternate can vote.
3. Term. Each member of the Planning Commission shall serve a term of three (3) years. Terms may be staggered. Members may be reappointed.
4. Vacancy. Any Planning Commission vacancy is filled for a three (3) -year term by appointment of the mayor, subject to the advice and consent of the Town Council.
5. Removal. A member may be removed for missing sixty (60) percent of the meeting during a calendar year, or by majority vote of the Town Council.
6. Powers and Duties. The Planning Commission shall only exercise the powers and duties set forth in Utah Code §10-9a-302, and as follows:
 - a. Recommendation. Review and make a recommendation to the legislative body for:
 - i. A general plan and amendments to the general plan.
 - ii. Land use regulations, including:
 1. Ordinances regarding the subdivision of land.
 2. Amendments to existing land use regulations.
 - b. Decision. The Planning Commission shall hear and decide all land use applications, subject to review by the Town Council.

¹ Amended 8-23-2023: Ordinance #2022-5-22 repealed 15.3.4 "Planning Commission." It also repealed 15.5 "Appeal Authority" and reenacted 15.5 as "Land Use Authorities and Appeals."

TITLE 15 - Land Use Regulations

Huntsville Town Ordinance – Title 15.5 Land Use Authorities and Appeals

- c. Review. The mayor or any member of the Town Council may request to review a decision by the Planning Commission by filing a written request with the Town Clerk within ten (10) days of any decision. The Town Council by majority vote may amend, modify, approve, or deny a land use application under review by the Town Council.
7. Presiding Officer. One member will be appointed by the mayor with the advice and consent of the Town Council to serve as the Chairperson.
8. Quorum. A quorum of the Planning Commission consists of three (3) members present at a public meeting. A decision of the Planning Commission based upon the majority vote of the quorum present and voting at the public meeting. Each member present at a meeting shall vote on an issue, yea or nay, except when a member declares a conflict of interest. A tie vote fails, or is deemed to be a negative recommendation, as the case may be.
9. Rules. The Planning Commission shall follow the Rules of Procedure and Order adopted by the Town Council.
10. Compensation. The mayor may fix per diem and compensation as established by the Town Council.

15.5.2 Land Use Authority

1. Appointment. In accordance with Utah Code § 10-9a-302(1)(c), the mayor, subject to the advice and consent of the Town Council may appoint an Administrative Hearing Officer as the Land Use Authority to review and approve routine and uncontested land use applications, including:
 - a. Land Use Permits (including accurate site plans)
 - b. Conditional Use Permits
 - c. Subdivisions of three (3) lots or less in accordance with Utah Code §10-9a-605, notwithstanding a plat and compliance with Chapter 15.25 is required.
2. Qualification. The individual appointed should have qualified experience in land use as a professional surveyor, attorney, civil engineer, educator, or other land use related field.
3. Applicability. The administrative Hearing Officer shall serve until removed by the Town Council or a successor is appointed. In the event that an Administrative Hearing Officer is not appointed, or in the event an application is contested, the Planning Commission is hereby designated as the Land Use Authority.

TITLE 15 - Land Use Regulations

Huntsville Town Ordinance – Title 15.5 Land Use Authorities and Appeals

4. Standard. A land use decision is an administrative act and shall be made in accordance with Utah Code §10-9a-306.
5. All decisions made by the Administrative Hearing Officer will be presented to the Planning Commission at the next available meeting by report.
6. Contested. A land use application is only deemed contested if an adversely affected party files a written contest with the Town Clerk on a complete land use application duly filed with the Town under this Section within fifteen (15) days after the presentation to the Planning Commission.
7. Compensation. The mayor may fix per diem and compensation as established by the Town Council.

15.5.3 Appeal and Variance Authority

1. Establishment. In accordance with Utah Code §10-9a-701, the mayor, subject to the advice and consent of the Town Council may appoint an Appeal and Variance Authority to hear and decide the appeal of any land use applications decided by the Planning Commission or Town Council.
2. Appointment. The mayor shall appoint an individual, including alternates, as the Appeal and Variance Authority subject to the advice and consent of the Town Council.
3. Qualification. The individual appointed should have qualified experience in land use as a professional surveyor, attorney, civil engineer, educator, or other land use related field.
4. Compensation. The mayor may fix per diem and compensation as established by the Town Council.
5. Authority. The Appeal and Variance Authority is quasi-judicial and serves as the final arbiter of issues involving the interpretation or application of the municipal code in the course of hearing and deciding all appeals, including:
 - a. Appeals set forth in Utah Code 10-9a-701 (1)(b).
 - b. Variances in accordance with Utah Code §10-9a-702.
 - c. Appeals regarding geological hazards shall be administered in accordance with Utah Code §10-9a-703.
 - d. Any other appeal specified in the municipal code.

TITLE 15 - Land Use Regulations

Huntsville Town Ordinance – Title 15.5 Land Use Authorities and Appeals

6. Time. In accordance with Utah Code §10-9a-704, a written appeal of any land use decision shall be filed with the Town Clerk within thirty (30) calendar days of the decision issued by the land use authority. An applicant present at a meeting where a decision is made is presumed to have actual notice of the decision which shall be deemed as the commencement of the thirty (30) calendar day appeal period.
7. Burden. In accordance with Utah Code §10-9a-705, the appellant has the burden of proving error.
8. Due process. Due process is afforded in accordance with Utah Code §10-9a-706.
9. Scope. Subject to the scope set forth in Utah Code §10-9a-707, the standard of review for the appeal authority is as follows:
 - a. For factual matters, the Appeal and Variance Authority may review the matter de novo.
 - b. The Appeal and Variance Authority shall determine the correctness of a decision of the Land Use Authority in its interpretation and application.
 - c. An appeal may be made where a Land Use Authority has applied a land use regulation to a particular application, person, or parcel.
 - d. All other standards for making it shall be based upon the preponderance of the evidence.
 - e. The appealing party is limited in raising claims only to those claims that were initially raised at the time the decision was made upon the land use application.
10. Final Decision. The Appeal and Variance Authority shall issue a final decision in accordance with Utah Code §10-9a-708.
11. District Court. No person may challenge in district court any land use decision of the Town until that person has complied with Utah Code §10-9a-801, and otherwise exhausted all administrative remedies and in accordance with Utah Code §10-9a-701(2). The following apply:
 - a. No adversely affected parties shall present a theory of relief in district court that was not first presented to the appeal authority.
 - b. Adversely affected parties are precluded from pursuing duplicate or successive appeals before the same or separate appeal authorities as a condition of the adversely affected party's duty to exhaust administrative remedies.
 - c. The Appeal and Variance Authority may provide that a matter be appealed directly to the district court.

ADMINISTRATIVE PROCEEDINGS AND NUISANCES

Comments by TCM Ahlstrom

AN ORDINANCE OF THE TOWN OF HUNTSVILLE, UTAH, ADOPTING CHAPTER 2.14 OF THE HUNTSVILLE TOWN MUNICIPAL CODE ENTITLED "ADMINISTRATIVE PROCEEDINGS" TO COMPLY WITH STATE LAW; REPEALING CHAPTER 2 OF THE HUNTSVILLE TOWN MUNICIPAL CODE TITLED "NUISANCE" TO COMPLY WITH THE HUNTSVILLE TOWN RECODIFICATION TEMPLATE; ADOPTING CHAPTER 8.04 OF THE HUNTSVILLE TOWN MUNICIPAL CODE ENTITLED "INSPECTION AND CLEANING" TO COMPLY WITH STATE LAW; PROVIDING SEVERABILITY; AND EFFECTIVE DATE.

WHEREAS, Huntsville Town (hereafter the "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, Utah Code Annotated §10-8-84 and §10-8-60 allow municipalities in the State of Utah to exercise certain police powers and nuisance abatement powers, including **but not limited to** (this is not in the mentioned state statutes headings and sounds excessive) providing for safety and preservation of health, promotion of prosperity, **preserve agricultural activity**, improve community well-being, peace and good order for the inhabitants of the Town;

WHEREAS, Title 10, Chapter 11, of the Utah Code Annotated, as amended, governing "Inspection and Cleaning" enables municipalities to remove and abate certain nuisances and requires "Administrative Proceedings" in certain circumstances in order for effective enforcement;

WHEREAS, the Town finds it necessary to update the Municipal Code to comply with multiple changes in state law, and to protect public health, safety, and welfare;

WHEREAS, the Town finds it necessary to update the numbering of the nuisance code, moving the current nuisance code from Chapter two (2) and establishing a "Health and Safety" chapter including garbage, fire, water and nuisance as Chapter eight (8).

NOW, THEREFORE, be it ordained by the Town Council as follows:

Section 1: Repealer. Any ordinance or portion of the municipal code inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Amendment. Chapter 2 of the Huntsville Town Municipal Code is hereby repealed, and Chapter 2.14 is enacted to read as follows;

Section 3: Chapter 8.06 of the Huntsville Town Municipal Code is hereby enacted to read as follows:

Chapter 2.14

Administrative Proceedings

Sections:

02.14.010 Administrative Proceedings.

02.14.020 Hearing Officer.

02.14.030 Procedure.

02.14.040 Non-judicial Penalty.

02.14.050 Penalties from State Law.

02.14.010 Administrative Proceedings.

In accordance with Utah Code §10-3-703.7, the Town hereby adopts this Chapter to establish an administrative proceeding to review and decide one or more civil violations of the Municipal Code.

02.14.020 Hearing Officer.

The mayor with the advice and consent of the Town Council may designate one (1) or more persons duly licensed and in good standing with the Utah State Bar as a Hearing Officer under this Chapter.

02.14.030 Procedure.

1. Authority. The Hearing Officer shall hear and decide cases arising from Chapter 8.04, and any other state law or municipal code where the Town is subject to the administrative proceeding specified in this Chapter.

2. Due Process. The Town shall provide due process for parties participating in the administrative proceedings by providing written notice of the date, time, place, and subject of the administrative hearing to the address of record for the property owner(s) and/or occupant(s) at the Office of the Weber County Recorder and an opportunity to be heard before the hearing officer.

3. Appeal. Only any adversely affected person who has standing may make an appeal. Any appeal from the Municipal Inspector enforcing Chapter 8.04, or other applicable code(s), is to be made in writing filed with the Town Clerk/Recorder and directed to the Hearing Officer under this Chapter. Subsequent appeals or any court action after final decision of the Hearing Officer shall only be made in the Second District Court, State of Utah.

4. Review. The standard of review is based upon the preponderance of the evidence. Any appeal is limited to whether the Town made a significant error in its order, and the legal theories related to such errors or the impairment of due process, as such relate to specific code violation(s).

5. Hearing. An administrative hearing is conducted by the Hearing Officer informally. Rules of procedure and evidence are informally applied, and deference is afforded to the determinations of the Municipal Inspector.

6. Exhaustion. A party must exhaust all administrative remedies under this Chapter before appealing or bringing any action. An action shall only be brought in the Second District

Court. The exhaustion requirement in this sub-section may be waived in writing by the Town Attorney. An argument that was not raised before the Hearing Officer shall not be raised on appeal before any Court, and the Court shall afford deference to the determinations of the Hearing Officer.

02.14.040 Non-judicial Penalty.

1. Limitations. In accordance with Utah Code §10-3-703.7(3)(a), the Town may not impose a nonjudicial penalty for a violation of a land use regulation or a nuisance code under Chapter 8.04, unless the Town provides to the individual who is subject to the penalty written notice that:

- a. Identifies the relevant regulation or ordinance at issue;
- b. Specifies the violation of the relevant regulation or ordinance; and
- c. Provides for a reasonable time to cure the violation, taking into account the cost of curing the violation.

2. Pending. The Town may not collect on a nonjudicial penalty for a violation of a land use regulation or a nuisance code under Chapter 8.04 that is outstanding or

pending on or after May 14, 2019, unless the Town imposed the outstanding or pending penalty in relation to a written notice that:

- a. Identified the relevant regulation or ordinance at issue;
- b. Specified the violation of the relevant regulation or ordinance; and
- c. Provided for a reasonable time to cure the violation, taking into account the cost of curing the violation.

3. Violations. Based upon this Town adopting this Chapter establishing an administrative proceeding process for one (1) or more violation(s) of the Municipal Code in accordance with the requirements of Utah Code §10-3-703.7, the Town hereby adopts and imposes the following for each violation of an order issued under Utah Code §10-11-2(1)(c):

- a. A civil penalty in accordance with Utah Code §10-3-703(2); or
- b. In accordance with Utah Code §10-3-703(1), a criminal penalty, including by a fine not to exceed the maximum class B misdemeanor fine under Utah Code §76-3-301, by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment.
- c. In accordance with Utah Code §10-11-2(1)(d), the Town shall provide one hundred eighty (180) days after the day on which the written notice from the Municipal Inspector for violations under Chapter 8.04 is delivered in person or the date the notice is post-marked for the recipient of the notice to:
 - i. Abate the hazardous materials; or
 - ii. Appeal the notice and begin the administrative proceeding process.

02.14.050 Penalties from State Law.

1. Criminal. In accordance with Utah Code §10-3-703, the Town hereby imposes a criminal penalty for each violation of the Municipal Code involving enforcement actions initiated by the Town which shall be a fine not to exceed the maximum class B misdemeanor fine under Utah Code §76-3-301, by a term of imprisonment up to six (6) months, or by both the fine and term of imprisonment.

a. The Town may not impose a criminal penalty greater than an infraction for a violation pertaining to an individual's pet, as defined in Utah Code §4-12-102, or an individual's use of the individual's residence unless, the violation:

i. Is a nuisance as defined in Utah Code §78B-6-1101(1); and

ii. Threatens the health, safety, or welfare of the individual or an identifiable third party; or

iii. The Town has imposed a fine on the individual for a violation that involves the same residence or pet on three (3) previous occasions within the past twelve (12) months.

b. Utah Code §10-3-703(1)(b) does not apply to enforcement of a building code or fire code violation in accordance with Title 15A, State Construction and Fire Codes Act.

2. Civil. Except as provided in Utah Code §10-3-703(2)(b), the Town hereby prescribes a civil penalty for each violation of the Municipal Code involving enforcement actions initiated by the Town by a fine not to exceed the maximum class B misdemeanor fine under Utah Code §76-3-301. The Town may not impose a civil penalty or adjudication for the violation of a moving traffic violation.

3. Issuance. Except as provided in Utah Code §10-3-703(3)(b) or Utah Code §77-7-18, a municipal officer or official who is not a law enforcement officer described in Utah Code §53-13-103, or a special function officer described in Utah Code §53-13-105 may not issue a criminal citation for a violation that is punished as a misdemeanor. Notwithstanding Utah Code §10-3-703 (1) or (3)(a), the following may issue a criminal citation for a violation that is punished as a misdemeanor if the violation threatens the health and safety of an animal or the public:

a. A fire officer described in Utah Code §53-7-201; or

b. An animal control officer described in Utah Code §11-46-102.

4. Limitations. The Town may not issue more than one (1) infraction within a fourteen (14) calendar daytime period for a violation described in Utah Code §10-3-703(1)(b) that is ongoing.

Chapter 8.04

Inspection and Cleaning

Sections:

08.04.010 Nuisance and Abatement.

08.04.020 Inspection and Notice.

08.04.030 Abatement Procedure.

08.04.040 Cost Recovery.

08.04.050 Non-exclusive Remedy.

08.04.060 Penalty.

08.04.010 Nuisance and Abatement.

1. Applicability. In accordance with Utah Code §10-11-4(8), this Chapter does not apply to any public building, public structure, or public improvement.

2. Agricultural activity will follow the guidelines of Utah Code Title 4 Utah Agricultural Code including Chapter 44 Agricultural Operations Nuisances Act.

2 3. Nuisance. In accordance with Utah Code §10-11-1, the Town Council, acting as the legislative body, hereby declares the following to be a nuisance subject to abatement by the Town:

a. Any nuisance as defined in Utah Code 78B-6-1101.

b. Hazardous materials as that term is defined in Utah Code §19-6-902.

c. The growth and spread of injurious and noxious weeds as Rule R68-9 entitled "Utah Noxious Weed Act" and any other weed determined to be an invasive species or noxious weed by the Utah State University Extension Service, Natural Resource Conservation Service, or by other governing agency. (The state has a large list of what they consider noxious weeds. I question if we should be enforcing state statutes)

d. Objects or materials which include, but is not limited to:

i. Garbage or refuse.

ii. Fuel, liquids, or oil not properly disposed or stored.

iii. Debris, litter, junk, scrap, or trash that is spent, useless, or other discarded materials of any kind. (One person's junk is another person's treasure. A lot of this falls under garbage or refuse in item i.)

iv. Used tires, parts of any kind, unused vehicles or machinery, appliances left outdoors, and dilapidated furniture of any kind.

v. Unkept vegetation and/or weed plant materials; lawn grass over six (6) inches; leaves left on the ground; trimmings; any vegetation either growing excessively, unwatered, or dead.

vi. Building materials stored outside and not actively used as part of a duly issued and pending building permit.

vii. Waste products of any kind, food products, dead animals, or vicious animals.

viii. Unused or discarded bicycles, tricycles, or other types of equipment or parts; scrap metal.

ix. Wastepaper products, lumber, or any wood pile.

x. Accumulations of dirt, gravel, mud, ashes, or fire remains.

xi. Any salvage material or any other waste materials.

e. Any public nuisance that:

i. Is designated under any state statute. (Do we want to enforce state statutes)

ii. Creates a fire hazard.

iii. Contains any hazardous material or objects

iv. Is a source of pollution of any kind. Is a significant source of pollution. (Pollution of any kind could even be interpreted as a lawn mower's exhaust)

v. Fosters rodents, insects, or other forms of life deleterious to human habitation.

vi. Unightly or deleterious structures or surroundings. (Deleterious means injurious or destructive. Unightly is in the eye of the beholder)

vii. Lacks sanitation or conditions that foster disease.

- viii. May involve illegal drug use.
 - ix. May injure public health or safety.
 - x. Involves other conditions that violate any law.
 - f. An illegal object or structure that:
 - i. Was constructed without a land use and/or building permit. (I think most of the structures in this town were built without a land use and/or building permit)
 - ii. Blocks or obstructs a highway or traffic. Blocks or obstructs traffic on a roadway or alleyway.
 - iii. Is used for illegal activities, drugs, or harboring criminal activity.
 - iv. Where a structure is left vacant and unsecured. Vacant structures shall be properly locked and secured to prevent entry except by the owner or their agent. The Town may require windows and accesses be boarded where a structure is left vacant. (I question if this is something we want to enforce.)
 - g. Any structure or any real property closed to occupancy or entry by:
 - i. The health department. (After what the health department did in 2020, I don't want to blindly follow health department directives.)
 - ii. The building official for building code violations.
 - iii. The district court under a court order.
 - iv. The presence of hazardous materials or substances.
- 3 4.** Abatement. Any nuisance specified in this Section is subject to abatement at the direction of the Municipal Inspector as provided in this Chapter.
- 4 5.** Municipal Inspector. In accordance with Utah Code §10-11-1, the mayor with the advice and consent of the Town Council shall appoint a Municipal Inspector for the purpose of carrying out and in accordance with the provisions of this Chapter.
- 5 6.** Limitations. The state law provides for the following limitations, and the Town shall not:

a. Prohibit an owner or occupant of real property within the Town, including an owner or occupant who receives a notice in accordance with Utah Code §10-11-2, from selecting a person, as defined in Utah Code §10-1-104, to provide an abatement service for injurious and noxious weeds, garbage and refuse, a public nuisance, or an illegal object or structure.

b. Require that an owner or occupant to use the services of the Municipal Inspector or any assistance employed by the Municipal Inspector described in Utah Code §10-11-3 to provide an abatement service.

6 7. Requirements. The Town may require an owner or occupant to:

a. Use the abatement services, as described in Utah Code §10-11-3, of the Municipal Inspector, including the use of a certified decontamination specialist as described in Utah Code §19-6-906, or any assistance employed by the Municipal Inspector if:

i. The Municipal Inspector provides notice to abate within a reasonable period of time of at least ten (10) days to the owner(s) or occupant(s) of the subject property as described in Utah Code §10-11-2; and

ii. The owner(s) or occupant(s) fail to abate the nuisances on the subject property within the ten (10) day reasonable period of time and in accordance with the notice.

b. The Town may require that an owner or occupant use the abatement services of a certified decontamination specialist to abate hazardous materials.

c. Nothing in the state law or this Chapter may be construed:

i. As authorizing the Town to regulate items that are within the exclusive jurisdiction of the Department of Agriculture and Food as provided in Utah Code §4-2-305, including commercial feed, fertilizer, pesticides, and seeds; or

ii. As limiting or abrogating the authority of a local health department under Utah Code §19-6-905.

7 8. Liability. The owner(s) and/or occupant(s) are liable for any damage, injury, or death that may result from a nuisance on their property.

08.04.020 Inspection and Notice.

1. Duties. In accordance with Utah Code §10-11-2, the Municipal Inspector is authorized and directed to:

a. Examine and investigate real property for nuisances specified in this Chapter or as provided under applicable law.

b. Issue an order limiting or restricting access to a structure and the real property appurtenant to the structure while the Municipal Inspector or a certified decontamination specialist destroys, removes, or abates hazardous materials within the structure.

2. Limitations. The Municipal Inspector cannot abate conditions solely associated with the interior of a structure, unless required:

a. For the demolition and removal of the structure; or

b. To eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.

3. Notice. Where the Municipal Inspector conducts an examination and investigation and determines a violation or nuisance exists, the Municipal Inspector shall deliver written notice of the examination and investigation in accordance with Utah Code §10-11-2(2).

a. The Municipal Inspector shall serve written notice to a property owner of record according to the records of the county recorder in accordance with Utah Code §10-11-2(2)(b).

b. The Municipal Inspector may serve written notice in accordance with Utah Code §10-11-2(2)(b) to a non-owner occupant of the property or another person responsible for the property who is not the owner of record, including a manager or agent of the owner, if:

i. The property owner is not an occupant of the property; and

ii. The Town adopts this ordinance which hereby imposes a duty to maintain the property on an occupant who is not the property owner of record or a person other than the property owner of record who is responsible for the property.

c. The Municipal Inspector may serve the written notice:

i. In person or by mail to the property owner of record as described in Utah Code §10-11-2(2)(a)(i), if mailed to the last-known address of the owner according to the records of the county recorder; or

ii. In person or by mail to a non-owner occupant or another person responsible for the property who is not the owner of record as described in Utah Code §10-11-2(2)(a)(ii), if mailed to the property address.

4. Notice Contents. In the written notice described in Utah Code §10-11-2(2)(a), the Municipal Inspector shall:

a. Identify the property owner of record according to the records of the county recorder;

b. Describe the property and the nature and results of the examination and investigation conducted in accordance with Utah Code §10-11-2(1)(a);

c. Identify the relevant code violation at issue and describe the violation citing the specific code;

d. Describe each order, fine, or penalty that may be imposed;

e. Special requirements for involving a structure or real property closed to occupancy:

i. For a structure or any real property closed to occupancy or entry by a local health department because of hazardous materials, explain the right of a property owner, occupant, or, if applicable, another person responsible for the property to abate the hazardous materials or appeal the notice within one-

hundred eighty (180) days after the day on which notice is delivered in person or the date the notice is post-marked; and

ii. Require the property owner, occupant, or, if applicable, another person responsible for the property to:

1. Eradicate or destroy and remove any identified item examined and investigated under Utah Code §10-11-2(1)(a); and

2. Comply with Utah Code §10-11-2(2)(c)(vi)(A) in a time period designated by the Municipal Inspector but no less than ~~ten (10)~~ **thirty (30)** (**I have been gone for work or vacation for longer than 10 days**) days after the day on which notice is delivered in person or post-marked, or for a notice related to hazardous materials, no less than one-hundred eighty (180) days after the day on which notice is delivered in person or post-marked.

iii. For a structure or any real property closed to occupancy or entry by a local health department because of hazardous materials, unless an order issued by a court of competent jurisdiction states otherwise, a municipality may not impose a fine or penalty on a property owner, occupant, or another person responsible for the structure or real property, and may not authorize a Municipal Inspector or a certified decontamination specialist to begin abatement of the hazardous materials, until:

1. The appeal and administrative proceeding process is completed; or
2. The property owner, occupant, or another person responsible for the property has missed the deadline for filing the appeal.

f. For a notice of injurious and noxious weeds described in Utah Code §10-11-2(2)(a), the Municipal Inspector is not required to make more than one (1) notice for each annual season of weed growth for weeds growing on a property. (Again, I question whether we should enforce the state's regulations, especially on this)

g. The Municipal Inspector shall serve the notice required under Utah Code §10-11-2(2)(a)(i) under penalty of perjury.

08.04.030 Abatement Procedure.

1. Administrative Proceedings. The procedure for administrative proceedings in Chapter 02.14 applies to this Chapter as specified in state law and implemented by the Municipal Code.

2. Failure to Comply. In accordance with Utah Code §10-11-2, if an owner of, occupant of, or other person responsible for real property described in the notice delivered in accordance with Section 10-11-2 fails to comply with Section 10-11-2, the Municipal Inspector may:

- a. At the expense of the Town, employ necessary assistance to enter the property and destroy, remove, or abate one or more items or conditions identified in a written notice described in Utah Code §10-11-2; and
- b. Prepare an itemized statement in accordance with Utah Code §10-11-3(1)(b); and
- c. Mail to the owner of record according to the records of the Weber County Recorder a copy of the statement demanding payment within 30 days after the day on which the statement is post-marked.

3. Itemized Statement. The itemized statement described in Utah Code §10-11-3(1)(a)(ii)(A) shall include:

- a. The address of the property described in Utah Code §10-11-3(1)(a);
- b. An itemized list of and demand for payment for all expenses, including administrative expenses, incurred by the Town under Utah Code §10-11-3(1)(a)(i); and
- c. The address of the Town Treasurer where payment may be made for the expenses; and
- d. Notify the property owner:
 - i. That failure to pay the expenses described in Utah Code §10-11-3(1)(b)(i)(B) may result in a lien on the property in accordance with Utah Code §10-11-4;
 - ii. That the owner may file a written objection to all or part of the statement within twenty (20) days after the day of the statement post-mark; and
 - iii. That the owner may file the objection with the Town Clerk/Recorder, including the address.
- e. A statement mailed in accordance with Utah Code §10-11-3(1)(a) is delivered when mailed by certified mail addressed to the property owners of record of the last-known address according to the records of the Weber County Recorder.

4. Lien. The Town may file a notice of a lien, including a copy of the statement described in Utah Code §10-11-3(1)(a)(ii)(A), or a summary of the statement in the records of the Weber County Recorder.

- a. If the Town files a notice of a lien indicating that the Town intends to certify the unpaid costs and expenses in accordance with Utah Code §10-11-3(2)(a)(ii) and Utah Code §10-11-4, the Town shall file for record in the Weber County Recorder's office a release of the lien after all amounts owing are paid.
- b. If an owner fails to file a timely written objection as described in Utah Code §10-11-3(1)(b)(ii)(B), or to pay the amount set forth in the statement under Utah Code §10-11-3(1)(b)(i)(B), the Town may:
 - i. File an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration; or

ii. Certify the past due costs and expenses to the county treasurer in accordance with Utah Code §10-11-4.

5. Collection. If the Town pursues collection of the costs in accordance with Utah Code §10-11-3(2)(a)(i) or (4)(a), the Town may:

a. Sue for and receive judgment for all removal and destruction costs, including administrative costs, and reasonable attorney fees, interest, and court costs; and

b. Execute on the judgment in the manner provided by law.

6. Objection. If a property owner files an objection in accordance with Utah Code §10-11-3(1)(b)(ii), the Town shall:

a. Hold a hearing in accordance with Title 52, Chapter 4, Open and Public Meetings Act; and

b. Mail or deliver notice of the hearing date and time to the property owner.

7. Hearing. At the hearing described in Utah Code §10-11-3(3)(a)(i):

a. The Town shall review and determine the actual cost of abatement, if any, incurred under Utah Code §10-11-3(1)(a)(i).

b. The property owner shall pay any actual cost due after a decision by the Town at the hearing described in Utah Code §10-11-3(3)(a)(i) to the Town Treasurer within thirty (30) days after the day on which the hearing is held.

8. Failure to Pay. If the property owner fails to pay in accordance with Utah Code §10-11-3(3)(c), the Town may:

a. File an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, for the actual cost determined under Subsection (3)(b); or

b. Certify the past due costs and expenses to the county treasurer in accordance with Utah Code §10-11-4.

9. Reservations. The state law section does not affect or limit:

a. The Town Council's power to pass an ordinance as described in Utah Code §10-3-702; or

b. A criminal or civil penalty imposed by a municipality in accordance with Utah Code §10-3-703.

08.04.040 Cost Recovery.

1. Tax Notice. In accordance with Utah Code §10-11-4, the Town may recover the cost of removal and abatement as part of the tax notice.

2. Certify. The Town may certify to the county treasurer the unpaid costs and expenses that the Town has incurred under Utah Code §10-11-3 with regard to the property. If the Town certifies with the county treasurer for the property under Section 10-11-3, the county treasurer shall enter the amount of the costs and expenses on the assessment and tax rolls of the county in the column prepared for that purpose. If current tax notices have been mailed, the county treasurer may carry the costs and expenses described in Utah Code §10-11-4(2) on the assessment and tax rolls to the following year.

3. Entry. After entry by the county treasurer under Utah Code §10-11-4(2):

a. The amount entered is a nonrecurring tax notice charge that constitutes a political subdivision lien, as those terms are defined in Utah Code §11-60-102, upon the property in accordance with Title 11, Chapter 60, Political Subdivision Lien Authority; and

b. The county treasurer shall collect the amount entered at the time of the payment of general taxes.

4. Foreclosure. Notwithstanding Utah Code §10-11-4(7), the Town may pursue judicial foreclosure to enforce the lien rather than relying on a tax sale. If the Town pursues judicial foreclosure under Utah Code §10-11-4(4)(b):

a. The Town shall record the lien in the office of the county recorder; and

b. The priority date of the lien, for the purpose of the judicial foreclosure, is the date on which the Town records the lien.

c. If the Town pursues judicial foreclosure under Utah Code §10-11-4(4)(b), and completes the judicial foreclosure, before any tax sale proceedings on a property described in Utah Code §10-11-4(1), the county treasurer shall remove from the assessment roll any costs or expenses that the county treasurer added to the assessment roll under Utah Code §10-11-4(2).

5. Release. Upon payment of the costs and expenses that the county treasurer enters under Utah Code §10-11-4(2):

- a. The lien described in Utah Code §10-11-4(4) is released from the property;
- b. The Town shall record a release of the lien in the office of the county recorder; and
- c. The county treasurer shall acknowledge receipt upon the general tax receipt that the county treasurer issues.

6. Unpaid Costs. If the Town certifies unpaid costs and expenses under this Section, the county treasurer shall provide a notice, in accordance with Utah Code §10-11-4(6), to the owner of the property for which the Town has incurred the unpaid costs and expenses. In providing the notice required in Utah Code §10-11-4(6)(a), the county treasurer shall:

- a. Include the amount of unpaid costs and expenses that the Town has certified on or before July 15 of the current year;

- b. Provide contact information, including a phone number, for the property owner to contact the Town to obtain more information regarding the amount described in Utah Code §10-11-4(6)(b)(i); and

- c. Notify the property owner that:

- i. Unless the Town completes a judicial foreclosure under Utah Code §10-11-4(4)(b), if the amount described in Utah Code §10-11-4(6)(b)(i) is not paid in full by September 15 of the current year, any unpaid amount will be included on the property tax notice required by Utah Code §59-2-1317; and

- ii. The failure to pay the amount described in Utah Code §10-11-4(6)(b)(i) has resulted in a lien on the property in accordance with Utah Code §10-11-4(4).

- iii. The county treasurer shall provide the notice required by Utah Code §10-11-4(6) to a property owner on or before August 1.

- d. If the amount described in Utah Code §10-11-4(6)(b)(i) is not paid in full in a given year, by September 15, the county treasurer shall include any unpaid amount on the property tax notice required by Section 59-2-1317 for that year.

08.04.050 Non-exclusive Remedy. This Chapter shall not be construed to exclude any other remedy provided by law or equity.

08.04.060 Penalty. In accordance with Utah Code §10-3-703, and subject to any Administrative Proceedings, the following penalties apply: 1. Criminal. Any person who violates this Chapter is guilty of a class B misdemeanor and a fine not to exceed \$1,000. 2. Civil. Any person who violates this Chapter is subject to a civil fine not to exceed \$1,000, per day that the violation continues.

Section 3: Repealer. Chapter 2 is hereby repealed in its entirety.

Section 4: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which shall continue in full force and effect.

Section 5: Effective date. This Ordinance takes effect immediately upon adoption and posting.

PASSED AND ADOPTED by the Town Council on this 17th day of July, 2025.

Mayor

ATTEST:

Town Clerk/Recorder

RECORDED this 17th day of July, 2025.

PUBLISHED OR POSTED this ____ day of _____, 20__.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, hereby certify that foregoing ordinance was duly passed, published and/or posted as required by State Law.

DATE: _____

Town Clerk

Effective 5/14/2019

10-3-703.7 Administrative proceedings -- Penalty for code violation.

- (1) A municipality may adopt an ordinance establishing an administrative proceeding to review and decide a violation of a civil municipal ordinance.
- (2) An ordinance adopted in accordance with Subsection (1) shall provide due process for parties participating in the administrative proceeding.
- (3)
 - (a) A municipality may not impose a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance unless the municipality provides to the individual who is subject to the penalty written notice that:
 - (i) identifies the relevant regulation or ordinance at issue;
 - (ii) specifies the violation of the relevant regulation or ordinance; and
 - (iii) provides for a reasonable time to cure the violation, taking into account the cost of curing the violation.
 - (b) A municipality may not collect on a nonjudicial penalty for a violation of a land use regulation or a nuisance ordinance that is outstanding or pending on or after May 14, 2019, unless the municipality imposed the outstanding or pending penalty in relation to a written notice that:
 - (i) identified the relevant regulation or ordinance at issue;
 - (ii) specified the violation of the relevant regulation or ordinance; and
 - (iii) provided for a reasonable time to cure the violation, taking into account the cost of curing the violation.

Amended by Chapter 278, 2019 General Session

Effective 5/7/2025

78B-6-1101 Definitions -- Nuisance -- Agriculture operations.

- (1) As used in this part:
 - (a) "Controlled substance" means the same as that term is defined in Section 58-37-2.
 - (b) "Critical infrastructure materials operations" means the same as the term "critical infrastructure materials use" is defined in Section 10-9a-901.
 - (c) "Manufacturing facility" means a factory, plant, or other facility including its appurtenances, where the form of raw materials, processed materials, commodities, or other physical objects is converted or otherwise changed into other materials, commodities, or physical objects or where such materials, commodities, or physical objects are combined to form a new material, commodity, or physical object.
 - (d) "Nuisance" means anything that is injurious to health, indecent, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.
 - (e)
 - (i) "Possession or use" means the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption, as distinguished from distribution, of a controlled substance, and includes individual, joint, or group possession or use of a controlled substance.
 - (ii) For a person to be a possessor or user of a controlled substance, it is not required that the person be shown to have individually possessed, used, or controlled the substance, but it is sufficient if it is shown that the person jointly participated with one or more persons in the use, possession, or control of a controlled substance with knowledge that the activity was occurring, or the controlled substance is found in a place or under circumstances indicating that the person had the ability and the intent to exercise dominion and control over it.
- (2) A nuisance may be the subject of an action.
- (3) A nuisance may include the following:
 - (a) drug houses and drug dealing as provided in Section 78B-6-1107;
 - (b) gambling as provided in Title 76, Chapter 9, Part 14, Gambling;
 - (c) criminal activity committed in concert with two or more individuals as provided in Section 76-3-203.1;
 - (d) criminal activity committed for the benefit of, at the direction of, or in association with any criminal street gang as defined in Section 76-9-802;
 - (e) criminal activity committed to gain recognition, acceptance, membership, or increased status with a criminal street gang as defined in Section 76-9-802;
 - (f) party houses that frequently create conditions defined in Subsection (1)(d);
 - (g) prostitution as provided in Title 76, Chapter 5d, Prostitution; or
 - (h) the unlawful discharge of a firearm as provided in state or local law.
- (4) A nuisance under this part includes:
 - (a) tobacco smoke that drifts into a residential unit a person rents, leases, or owns, from another residential or commercial unit and the smoke:
 - (i) drifts in more than once in each of two or more consecutive seven-day periods; and
 - (ii) creates any of the conditions described in Subsection (1)(d); or
 - (b) fumes resulting from the unlawful manufacturing or the unlawful possession or use of a controlled substance that drift into a residential unit a person rents, leases, or owns, from another residential or commercial unit.
- (5) Subsection (4)(a) does not apply to:

- (a) a residential rental unit available for temporary rental, such as for a vacation, or available for only 30 or fewer days at a time; or
- (b) a hotel or motel room.
- (6) Subsection (4)(a) does not apply to a unit that is part of a timeshare development, as defined in Section 57-19-2, or subject to a timeshare interest as defined in Section 57-19-2.
- (7) An action for nuisance against an agricultural operation is governed by Title 4, Chapter 44, Agricultural Operations Nuisances Act.

Amended by Chapter 141, 2025 General Session

Amended by Chapter 173, 2025 General Session

Amended by Chapter 174, 2025 General Session

Amended by Chapter 178, 2025 General Session

Amended by Chapter 387, 2025 General Session

Effective 5/7/2025

10-11-1 Abatement of weeds, garbage, public nuisances, and hazardous materials --
Selection of service provider.

- (1) As used in this chapter, "hazardous materials" means the same as that term is defined in Section 19-6-902.
- (2) A municipal legislative body may:
 - (a) designate and regulate the abatement of:
 - (i) the growth and spread of injurious and noxious weeds;
 - (ii) garbage and refuse;
 - (iii) a public nuisance;
 - (iv) an illegal object or structure; or
 - (v) for a structure or any real property closed to occupancy or entry by a local health department, hazardous materials; and
 - (b) appoint a municipal inspector for the purpose of carrying out and in accordance with the provisions of this chapter.
- (3) A municipal legislative body may not:
 - (a) prohibit an owner or occupant of real property within the municipality's jurisdiction, including an owner or occupant who receives a notice in accordance with Section 10-11-2, from selecting a person, as defined in Section 10-1-104, to provide an abatement service for injurious and noxious weeds, garbage and refuse, a public nuisance, or an illegal object or structure; or
 - (b) require that an owner or occupant described in Subsection (3)(a) use the services of the municipal inspector or any assistance employed by the municipal inspector described in Section 10-11-3 to provide an abatement service described in Subsection (3)(a).
- (4) A municipality may require that an owner or occupant described in Subsection (3)(a) use the abatement services, as described in Section 10-11-3, of the municipal inspector, including the use of a certified decontamination specialist as described in Section 19-6-906, or any assistance employed by the municipal inspector if:
 - (a) the municipality adopts an ordinance providing a reasonable period of time of at least 10 days for an owner or occupant to abate the owner's or occupant's property after receiving a notice described in Section 10-11-2; and
 - (b) the owner or occupant fails to abate the property within the reasonable period of time and in accordance with the notice.
- (5) A municipality may require that an owner or occupant use the abatement services of a certified decontamination specialist to abate hazardous materials.
- (6) Nothing in this chapter may be construed:
 - (a) as authorizing a municipality to regulate items that are within the exclusive jurisdiction of the Department of Agriculture and Food as provided in Section 4-2-305, including commercial feed, plant food, pesticides, and seeds; or
 - (b) as limiting or abrogating the authority of a local health department under Section 19-6-905.

Amended by Chapter 91, 2025 General Session

Effective 5/4/2022

10-11-2 Inspection of property -- Notice -- Penalties.

(1)

- (a) If a municipality adopts an ordinance describing the duties of a municipal inspector appointed under Section 10-11-1, the ordinance:
 - (i) may, subject to Subsection (1)(b), direct the inspector to examine and investigate real property for:
 - (A) the growth and spread of injurious and noxious weeds;
 - (B) garbage and refuse;
 - (C) a public nuisance;
 - (D) an illegal object or structure; or
 - (E) hazardous materials; and
 - (ii) if an inspector conducts an examination and investigation under Subsection (1)(a), shall direct the Inspector to deliver written notice of the examination and investigation in accordance with Subsection (2).
- (b) An ordinance described in Subsection (1)(a) may not direct an inspector or authorize a municipality to abate conditions solely associated with the interior of a structure, unless required:
 - (i) for the demolition and removal of the structure; or
 - (ii) to eliminate or remove hazardous materials within a structure that has been closed to occupancy or entry by a local health department or fire department.
- (c) An ordinance described in Subsection (1)(a) may direct an inspector or authorize a municipality to issue an order limiting or restricting access to a structure and the real property appurtenant to the structure while the municipal inspector or a certified decontamination specialist destroys, removes, or abates hazardous materials within the structure.
- (d) If a municipality has adopted an ordinance establishing an administrative proceeding process for the violation of a municipal ordinance in accordance with the requirements of Section 10-3-703.7, the municipality may adopt an ordinance imposing the following for a violation of an order issued under Subsection (1)(c):
 - (i) a civil penalty in accordance with Subsection 10-3-703(2); or
 - (ii) in accordance with Subsection 10-3-703(1), a criminal penalty, including by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301, by a term of imprisonment up to six months, or by both the fine and term of imprisonment.
- (e) An ordinance adopted in accordance with Subsection (1)(d) shall provide 180 days after the day on which the written notice from an inspector is delivered in person or the date the notice is post-marked for the recipient of the notice to:
 - (i) abate the hazardous materials; or
 - (ii) appeal the notice and begin the administrative proceeding process.

(2)

(a)

- (i) The municipal inspector shall serve written notice to a property owner of record according to the records of the county recorder in accordance with Subsection (2)(b).
- (ii) The municipal inspector may serve written notice in accordance with Subsection (2)(b) to a non-owner occupant of the property or another person responsible for the property who is not the owner of record, including a manager or agent of the owner, if:
 - (A) the property owner is not an occupant of the property; and

- (B) the municipality in which the property is located has adopted an ordinance imposing a duty to maintain the property on an occupant who is not the property owner of record or a person other than the property owner of record who is responsible for the property.
- (b) The municipal inspector may serve the written notice:
 - (i) in person or by mail to the property owner of record as described in Subsection (2)(a)(i), if mailed to the last-known address of the owner according to the records of the county recorder; or
 - (ii) in person or by mail to a non-owner occupant or another person responsible for the property who is not the owner of record as described in Subsection (2)(a)(ii), if mailed to the property address.
- (c) In the written notice described in Subsection (2)(a), the municipal inspector shall:
 - (i) identify the property owner of record according to the records of the county recorder;
 - (ii) describe the property and the nature and results of the examination and investigation conducted in accordance with Subsection (1)(a);
 - (iii) identify the relevant regulation or ordinance at issue and describe the violation of the relevant regulation or ordinance;
 - (iv) describe each order, fine, or penalty that may be imposed;
 - (v) for a structure or any real property closed to occupancy or entry by a local health department because of hazardous materials, explain the right of a property owner, occupant, or, if applicable, another person responsible for the property to abate the hazardous materials or appeal the notice within 180 days after the day on which notice is delivered in person or the date the notice is post-marked; and
 - (vi) require the property owner, occupant, or, if applicable, another person responsible for the property to:
 - (A) eradicate or destroy and remove any identified item examined and investigated under Subsection (1)(a); and
 - (B) comply with Subsection (2)(c)(vi)(A) in a time period designated by the municipal inspector but no less than 10 days after the day on which notice is delivered in person or post-marked, or for a notice related to hazardous materials, no less than 180 days after the day on which notice is delivered in person or post-marked.
- (d) For a notice of injurious and noxious weeds described in Subsection (2)(a), the municipal inspector is not required to make more than one notice for each annual season of weed growth for weeds growing on a property.
- (e) The municipal inspector shall serve the notice required under Subsection (2)(a)(i) under penalty of perjury.
- (f) For a structure or any real property closed to occupancy or entry by a local health department because of hazardous materials, unless an order issued by a court of competent jurisdiction states otherwise, a municipality may not impose a fine or penalty on a property owner, occupant, or another person responsible for the structure or real property, and may not authorize a municipal inspector or a certified decontamination specialist to begin abatement of the hazardous materials, until:
 - (i) the appeal and administrative proceeding process is completed; or
 - (ii) the property owner, occupant, or another person responsible for the property has missed the deadline for filing the appeal.

Amended by Chapter 432, 2022 General Session

Effective 5/3/2023

19-6-902 Definitions.

As used in this part:

- (1) "Board" means the Waste Management and Radiation Control Board, as defined in Section 19-1-106, within the Department of Environmental Quality.
- (2) "Certified decontamination specialist" means an individual who has met the standards for certification as a decontamination specialist and has been certified by the board under Subsection 19-6-906(2).
- (3) "Contaminated" or "contamination" means:
 - (a) polluted by hazardous materials that cause property to be unfit for human habitation or use due to immediate or long-term health hazards; or
 - (b) that a property is polluted by hazardous materials as a result of the use, production, or presence of methamphetamine in excess of decontamination standards adopted by the Department of Health and Human Services under Section 26B-7-409.
- (4) "Contamination list" means a list maintained by the local health department of properties:
 - (a) reported to the local health department under Section 19-6-903; and
 - (b) determined by the local health department to be contaminated.
- (5)
 - (a) "Decontaminated" means property that at one time was contaminated, but the contaminants have been removed.
 - (b) "Decontaminated" for a property that was contaminated by the use, production, or presence of methamphetamine means that the property satisfies decontamination standards adopted by the Department of Health and Human Services under Section 26B-7-409.
- (6) "Hazardous materials":
 - (a) has the same meaning as "hazardous or dangerous material" as defined in Section 58-37d-3; and
 - (b) includes any illegally manufactured controlled substances.
- (7) "Health department" means a local health department under Title 26A, Local Health Authorities.
- (8) "Owner of record":
 - (a) means the owner of real property as shown on the records of the county recorder in the county where the property is located; and
 - (b) may include an individual, financial institution, company, corporation, or other entity.
- (9) "Property":
 - (a) means any real property, site, structure, part of a structure, or the grounds surrounding a structure; and
 - (b) includes single-family residences, outbuildings, garages, units of multiplexes, condominiums, apartment buildings, warehouses, hotels, motels, boats, motor vehicles, trailers, manufactured housing, shops, or booths.
- (10) "Reported property" means property that is the subject of a law enforcement report under Section 19-6-903.

Amended by Chapter 327, 2023 General Session

R68. Agriculture and Food, Plant Industry.

R68-9. Utah Noxious Weed Act.

R68-9-1. Authority.

Promulgated under authority of 4-2-2 and 4-17-3.

R68-9-2. Designation and Publication of State Noxious Weeds.

A. The following weeds are hereby officially designated and published as noxious for the State of Utah, as per the authority vested in the Commissioner of Agriculture and Food under Section 4-17-3:

There are hereby designated five classes of noxious weeds in the state: Class 1A (EDRR Watch List), Class 1 (EDRR), Class 2 (Control), Class 3 (Containment), and Class 4 (Prohibited for sale or propagation).

TABLE

Class 1A: Early Detection Rapid Response (EDRR) Watch List
Declared noxious and invasive weeds not native to the state of Utah and not known to exist in the State that pose a serious threat to the state and should be considered as a very high priority.

Common crupina	Crupina vulgaris
African rue	Peganum harmala
Small bugloss	Anchusa arvensis
Mediterranean sage	Salvia aethiopis
Spring millet	Milium vernale
Syrian beancaper	Zygophyllum fabago
Ventenata (North Africa grass)	Ventenata dubia
Plumeless thistle	Carduus acanthoides
Malta starthistle	Centaurea melitensis

Class 1B: Early Detection Rapid Response (EDRR)
Declared noxious and invasive weeds not native to the State of Utah that are known to exist in the state in very limited populations and pose a serious threat to the state and should be considered as a very high priority.

Camelthorn	Alhagi maurorum
Garlic mustard	Alliaria petiolata
Purple starthistle	Centaurea calcitrapa
Goatsrue	Galega officinalis
African mustard	Brassica tournefortii
Giant reed	Arundo donax
Japanese knotweed	Polygonum cuspidatum
Blueweed (Vipers bugloss)	Echium vulgare
Elongated mustard	Brassica elongata
Common St. Johnswort	Hypericum perforatum
Oxeye daisy	Leucanthemum vulgare
Cutleaf vipergrass	Scorzonera laciniata

Class 2: Control
Declared noxious and invasive weeds not native to the state of Utah, that pose a threat to the state and should be considered

a high priority for control. Weeds listed in the control list are known to exist in varying populations throughout the state. The concentration of these weeds is at a level where control or eradication may be possible.

Leafy spurge	<i>Euphorbia esula</i>
Medusahead	<i>Taeniatherum caput-medusae</i>
Rush skeletonweed	<i>Chondrilla juncea</i>
Spotted knapweed	<i>Centaurea stoebe</i>
Purple loosestrife	<i>Lythrum salicaria</i>
Squarrose knapweed	<i>Centaurea virgata</i>
Dyers woad	<i>Isatis tinctoria</i>
Yellow starthistle	<i>Centaurea solstitialis</i>
Yellow toadflax	<i>Linaria vulgaris</i>
Diffuse knapweed	<i>Centaurea diffusa</i>
Black henbane	<i>Hyoscyamus niger</i>
Dalmatian toadflax	<i>Linaria dalmatica</i>

Class 3: Containment

Declared noxious and invasive weeds not native to the State of Utah that are widely spread. Weeds listed in the containment noxious weeds list are known to exist in various populations throughout the state. Weed control efforts may be directed at reducing or eliminating new or expanding weed populations. Known and established weed populations, as determined by the weed control authority, may be managed by any approved weed control methodology, as determined by the weed control authority. These weeds pose a threat to the agricultural industry and agricultural products.

Russian knapweed	<i>Acroptilon repens</i>
Houndstounge	<i>Cynoglossum officianale</i>
Perennial pepperweed	<i>Lepidium latifolium</i>
(Tall whitetop)	
Phragmites (Common reed)	<i>Phragmites australis</i> ssp.
Tamarisk (Saltcedar)	<i>Tamarix ramosissima</i>
Hoary cress	<i>Cardaria</i> spp.
Canada thistle	<i>Cirsium arvense</i>
Poison hemlock	<i>Conium maculatum</i>
Musk thistle	<i>Carduus nutans</i>
Quackgrass	<i>Elymus repens</i>
Jointed goatgrass	<i>Aegilops cylindrica</i>
Bermudagrass*	<i>Cynodon dactylon</i>
Perennial Sorghum spp.	including but not limited to Johnson Grass (<i>Sorghum halepense</i>) and <i>Sorghum alnum</i> (<i>Sorghum alnum</i>).
Scotch thistle (Cotton thistle)	<i>Onopordum acanthium</i>
Field bindweed	<i>Convolvulus</i> spp.
(Wild Morning-glory)	
Puncturevine (Goathead)	<i>Tribulus terrestris</i>

* Bermudagrass (*Cynodon dactylon*) shall not be a noxious weed in Washington County and shall not be subject to

provisions of the Utah Noxious Weed Law within the boundaries of that county. It shall be a noxious weed throughout all other areas of the State of Utah and shall be subject to the laws therein.

Class 4: Prohibited

Declared noxious and invasive weeds, not native to the state of Utah, that pose a threat to the state through the retail sale or propagation in the nursery and greenhouse industry. Prohibited noxious weeds are annual, biennial, or perennial plants that the commissioner designates as having the potential or are known to be detrimental to human or animal health, the environment, public roads, crops, or other property.

Cogongrass (Japanese blood grass)	Imperata cylindrica
Myrtle spurge	Euphorbia myrsinites
Dames Rocket	Hesperis matronalis
Scotch broom	Cytisus scoparius
Russian olive	Elaeagnus angustifolia

Each county in Utah may have different priorities regarding specific State designated Noxious Weeds and is therefore able to reprioritize these weeds for their own needs.

R68-9-3. Designations and Publication of Articles Capable of Disseminating Noxious Weeds.

A. As provided in Section 4-17-3, the following articles are designated and published by the Commissioner as capable of disseminating noxious weeds:

1. Machinery and equipment, particularly combines and hay balers.
2. Farm trucks and common carriers.
3. Seed.
4. Screenings sold for livestock feed.
5. Livestock feed material.
6. Hay, straw, or other material of similar nature.
7. Manure.
8. Soil, sod and nursery stock.
9. Noxious weeds distributed or sold for any purpose.
10. Livestock.

R68-9-4. Prescribed Treatment for Articles.

A. As provided in Section 4-17-3, the Commissioner has determined that the following treatments shall be considered minimum to prevent dissemination of noxious weed seeds or such parts of noxious weed plants that could cause new growth by contaminated articles:

1. Machinery and Equipment.
 - a. It shall be unlawful for any person, company or corporation to

(1) bring any harvesting or threshing machinery, portable feed grinders, portable seed cleaners or other farm vehicles or machinery into the state without first cleaning such equipment free from all

noxious weed seed and plant parts; or

(2) move any harvesting or threshing machinery, portable feed grinders or portable seed cleaners from any farm infested with any noxious weed without first cleaning such equipment free from all noxious weed seed and plant parts.

(a) Immediately after completing the threshing of grain or seed which is contaminated with noxious weeds, such machine is to be cleaned by:

(1) removing all loose material from the top and side of the machine by sweeping with a blower

(2) opening the lower end of elevator, return and measuring device and removing infested material from shakers, sieves, and other places of lodgement;

(3) running the machine empty for not less than five minutes, alternately increasing and retarding the speed; and

(4) following the manufacturer's detailed suggestions for cleaning the machine.

2. Farm Trucks and Common Carriers.

It shall be unlawful for any person, company or corporation to transport seed, screenings or feed of any kind containing noxious weed seed over or along any highway in this State or on any railroad operating in this State unless the same is carried or transported in such vehicles or containers which will prevent the leaking or scattering thereof. All common carriers shall thoroughly clean and destroy any noxious weed seeds or plant parts in cars, trucks, vehicles or other receptacles used by them after each load shall have been delivered to consignee before again placing such car, truck, vehicle or receptacle into service.

3. Seed.

a. It shall be unlawful for any person, firm or corporation to sell, offer or expose for sale or distribute in Utah any agricultural, vegetable, flower or tree and shrub seeds for seeding purposes which contain any seeds of those weeds declared noxious by the Commissioner of Agriculture and Food.

b. It shall be the duty of the State Agricultural Inspector to remove from sale any lots of seeds offered for sale which are found to contain noxious weed seeds. Such seed may be recleaned under the supervision of the inspector and, if found to be free from noxious weed seeds, the same may be released for sale or distribution; otherwise, such seed shall be returned to point of origin, shipped to another state where such weed shall be returned to point of origin, shipped to another state where such weed seed is not noxious, or destroyed or processed in such a manner as to destroy viability of the weed seeds.

4. Screenings Sold for Livestock Feed.

a. All screenings or by-products of cleaning grains or other seeds containing noxious weed seeds, when used in commercial feed or sold as such to the ultimate consumer, shall be ground fine enough or otherwise treated to destroy such weed seeds so that the finished product contains not more than six whole noxious weed seeds per pound.

b. All mills and plants cleaning or processing any grains or other seeds shall be required to grind or otherwise treat all screenings containing noxious weed seeds so as to destroy such weed seeds to the extent that the above stated tolerance is not exceeded

- 13.1 Purpose
- 13.2 Adoption of Fire Prevention Code
- 13.3 Code of Open Burning – Definitions
- 13.4 Community Waste Disposal
- 13.5 General Prohibitions
- 13.6 Permissible Burning - Without Permit
- 13.7 Permissible Burning - With Permit – Exemptions
- 13.8 Burning Permits
- 13.9 Director of Fireworks
- 13.10 Penalties

13.1 Purpose

Huntsville Town has been annexed into the Weber Fire District – Fire Protection Area, and thereby adopts the following fire codes in compliance with those of Weber Fire District.

13.2 Adoption of Fire Prevention Code

The International Fire Code, published by the International Fire Code Institute including the Appendices as adopted with modifications by Weber County, and printed as a code in book form is hereby adopted as the Fire Prevention Code of Huntsville Town and by this reference is made a part of this Title to the same extent and effect as though said code were set forth herein in full. The edition to be used will be adopted by resolution of the Huntsville Town Council.

13.3 Code of Open Burning – Definitions

Agricultural burning means 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.

Air contaminant means any particulate matter or any gas, vapor, suspended solid or any combination thereof, excluding steam and water vapors.

Air contaminant source means any and all sources of emission of air contaminants whether privately or publicly owned or operated.

Air pollution means 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.

Appropriate authority or Authorized local authority means 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.

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

Clearing index means 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.

Developed areas means commercial or residential buildings and extends to their property lines.

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

Garbage means all putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food, including wastes attendant thereto.

Heavy fuel oil means a petroleum product or similar material with a boiling range higher than diesel fuel.

Household waste means 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.

Open burning means any burning of combustible materials passing through a chimney or stack.

Recreational fires are 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.

Refuse means any solid waste, including garbage and trash.

Salvage operation means 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.

Trash means 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.

Waste means 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.

13.4 Community Waste Disposal

No open burning shall be done at sites used for disposal of community trash, garbage or other waste except when authorized for a specific period of time by the Weber County Air Conservation Committee on the basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations at an appropriate hearing following written application.

13.5 General Prohibitions

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

A. Exemptions. The following persons are exempt from the provisions of Section 13.5 of this Title:

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

13.6 Permissible Burning - Without Permit

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

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

13.7 Permissible Burning - With Permit – Exemptions

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

- A. Open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber.
- B. Open burning of solid or liquid fuels or structures for removal of hazards or eyesores or for fireman training purposes when conducted under the direct control and supervision of organized fire departments.
- C. Open burning, in remote areas, of highly explosive or other dangerous material, for which there is no other known practical method of disposal.
- D. Open burning for special purposes, or under unusual circumstances when approved by the Department following formal request therefore.
- E. Agricultural burning, including on-premise orchard prunings, field stubble, weeds and open burning to clear irrigation ditches.

13.8 Burning Permits

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

13.9 Director of Fireworks

Huntsville Town requires professional direction to manage and use fireworks during the annual Huntsville Town Fourth of July or other Huntsville Town Council designated celebration. The Huntsville Town Fireworks Director shall be appointed by resolution of the Huntsville Town Council and must have experience in the conduct of fireworks shows and be duly licensed as a Fireworks Operator by the Office of the State Fire Marshall of the State of Utah. He may appoint staff as needed. The Huntsville Town Fireworks Director will be responsible to obtain a fireworks permit from the Weber Fire District.

Huntsville Town will pay \$1.00 a year to the Huntsville Town Fireworks Director and each of his appointed staff.

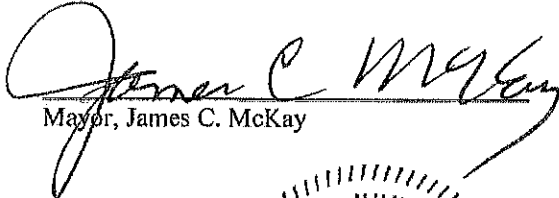


13.10 Penalties

Any person, firm or Corporation who shall violate any of the provisions of this ordinance shall be guilty of a Class B misdemeanor, and upon conviction shall be punished as provided by the laws of the State of Utah for Class B misdemeanors. In addition thereto, such person may be enjoined from continuing such violations. Each day upon which such a violation occurs shall constitute a separate violation.

This Building Codes Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 3rd day of August 2006.

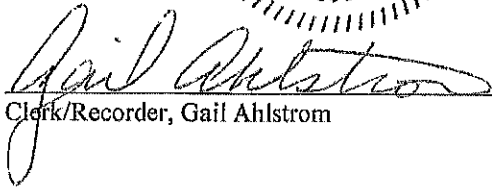


Mayor, James C. McKay

ATTEST:



Dated this 3rd day of August, 2006.



Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Gault	☒	☐
Council Member Sorenson	<u>excused</u>	☐
Council Member Stevenson	☒	☐
Council Member Truett	<u>excused</u>	☐
Mayor McKay	☒	☐

- 9.1 Purpose
- 9.2 Garbage Collection Services
- 9.3 Garbage Services Billing
- 9.4 Theft of Services
- 9.5 Litter
- 9.6 Littering and Theft of Services Penalties
- 9.7 Huntsville Town Landfill
- 9.8 Hazardous Waste
- 9.9 Enforcement
- 9.10 Liability Exemption

9.1 Purpose

Huntsville Town provides garbage service to its citizens in an effort to provide and encourage a beautiful, healthy and sanitary environment; and to keep the town's roads, park, and other town facilities free of litter. The purpose of this Title establishes regulations on garbage control.

9.2 Garbage Collection Services¹

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

9.3 Garbage Services Billing

Huntsville Town garbage billing policies will be similar to Huntsville Town culinary water billing policies.

- A. Statements for garbage pickup will be mailed to residents with their water bill. Garbage pickup charges become delinquent after the last day of the month they are issued. A late notice will be included in the bill of the following month with a discontinued garbage service notice to follow fourteen days later. In the event all delinquencies are not paid in full by the next billing cycle, garbage service will be discontinued and the garbage receptacle returned to Huntsville Town.
- B. In the event the garbage service has been discontinued for failure to pay garbage charges; such service may be resumed only upon payment to Huntsville Town of a deposit which shall be established by resolution.
- C. If the owner rents the property served by the garbage service to another party, then the renting party may be required to deposit with Huntsville Town an amount to be established by resolution before the garbage service is resumed. This amount is refundable after six months if there are no delinquent garbage service bills associated with the garbage service to the property. Huntsville Town may at its discretion, grant a waiver to the deposit.

9.4 Theft of Services

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

- A. Inappropriate garbage is that which comes from individual residences, personal property, or any other source not associated with the use of Huntsville Town facilities to avoid the payment of garbage services. This is garbage which normally would be picked up by residential or property owner's garbage service. Huntsville Town receptacles should not be used for the disposal of trash from individual residences or personal property.

¹ Amended 1-7-2010; added the words "shall be required" to last sentence.

- B. Theft of services, as defined in Utah Code Section 76-6-409, (1-2):
1. A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment for them.
 2. A person commits theft if, having control over disposition of services of another, to which he knows he is not entitled, he diverts the services to his own benefit or to the benefit of another who he knows is not entitled to them.
- C. Exceptions to the above may be granted by the Huntsville Town Council.

9.5 Litter

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

- A. It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area, or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could mar or impair the scenic aspect or beauty of the land in the town whether under private, state, county, municipal or federal ownership without the permission of the owner or person having control or custody of the land.
- B. Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, upon any public road, highway, park, recreation area, or other public or private land or waterway any destructive, injurious, or unsightly material shall:
1. Immediately remove the material or cause it to be removed; and
 2. Deposit the material in a receptacle designed to receive the material.
- C. Any person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public or private property or public roadways.
- D. Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area, or other public or private land shall remove any glass, injurious substance dropped from the vehicle, or liquids spilled from the damaged vehicle upon the road or highway, or in the park, recreation area, or other public or private land.
- E. It shall be unlawful to throw any lighted material from a moving vehicle.
- F. Any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.
- G. Any person in charge of a construction or demolition site shall take reasonable steps to prevent the accumulation of litter at the construction or demolition site.

9.6 Littering and Theft of Services Penalties

Littering and theft of services (inappropriate garbage in town receptacles):

- A. Any person violating any of the provisions of this ordinance is guilty of a class C misdemeanor and shall be fined not less than one hundred dollars (\$100) for each violation.

- B. The sentencing judge may impose as additional penalties the requirements that the offender devote at least four hours in cleaning up of litter caused by him and existing litter from a safe area designated by the sentencing judge.

9.7 Huntsville Town Landfill

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

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

9.8 Hazardous Waste

All hazardous waste shall be disposed of in a manner compliant with the requirements of the Weber-Morgan County Health Department. No waste deemed hazardous by the Weber-Morgan County Health Department shall be deposited in any garbage receptacle provided or contracted for by Huntsville Town, or in any public garbage receptacle in any public place.

The Weber County Transfer Station has the ability to accept various types of hazardous waste, and they should be consulted for this purpose. Otherwise, the Weber-Morgan County Health Department shall be consulted for disposal.

The improper disposal of hazardous waste is a criminal matter, and the Weber County Sheriff shall be contacted upon any prima facie evidence of such criminal hazardous waste disposal observed by any Huntsville Town Official or any resident citizen of Huntsville Town.

9.9 Enforcement

State, County, and Huntsville Town Law Enforcement Officers are empowered to issue citations to any person violating any of the provisions of this section and may serve and execute all warrants, citations, and other process issued by any court in enforcing this Title.

9.10 Liability Exemption

If any section, sentence, clause or phrase of this Title is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Title.



This Garbage Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 15th day of May 2008.

Mayor, James C. McKay

ATTEST:

Dated this 15th day of May 2008.

Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Ferre	_____	_____
Council Member Johnson	_____	_____
Council Member Sorenson	_____	_____
Council Member Truett	_____	_____
Mayor McKay	_____	_____

TITLE 10 – Culinary Water

Huntsville Town Ordinance – Title 10: Culinary Water

Title 10 – Culinary Water

- 10.1 Purpose
- 10.2 Supervision
- 10.3 Connections
- 10.4 Application for Water
- 10.5 Fees
- 10.6 Statement and Date of Payment
- 10.7 Regulation of Water Use
- 10.8 Fire Hydrants
- 10.9 Request for Water outside Huntsville Town
- 10.10 Cross-Connection Control Program
- 10.11 Source Protection
- 10.12 Penalties
- 10.13 Liability Exemption

10.1 Purpose¹

One of the primary concerns of Huntsville town is to provide safe culinary water in ample supply to its citizens. The culinary water system should be a technically and financially viable system. Huntsville Town assumes complete and entire ownership and control of all water works, installations and connections to the Huntsville Town Culinary Water System up to and including the water meter. The property owner is responsible for hooking to and maintenance of the water system and all infra-structure from the water meter to, and including within, all buildings on the property.² The charges and fees levied for connections or installations shall be established by resolution for any and all classes of installations, or connections, as deemed necessary by the Huntsville Town Council. Each residence with water service shall be required to have garbage service.

10.2 Supervision

The construction, repair and maintenance of the entire Huntsville Town Culinary Water System shall be under the direction and control of the Huntsville Town Council, which may appoint a Culinary Water Superintendent and a Culinary Water Facility Operator of the water system and prescribe their duties and responsibilities.

¹ Amended 10-7-2010: to include the last sentence of paragraph 10.1

² Amended 11-17-2011: Added sentence: "The property owner is responsible for hooking to and maintenance of the water system and all infra-structure from the water meter to, and including within, all buildings on the property."

TITLE 10 – Culinary Water

Huntsville Town Ordinance – Title 10: Culinary Water

10.3 Connections

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

- A. A separate connection shall be required for each residence to which a property owner desires water to be supplied, and a water meter shall be installed, and a fee paid for each connection. Proof of a secondary water hook up on the said property for which a culinary water hook up is requested, must be provided prior to culinary water connection.
- B. No connection shall be made to the Huntsville Town Culinary Water System until after payment of the connection fee to Huntsville Town by the property owner. Huntsville Town will then install the water meter and water meter box and lid. Huntsville Town will also make the connection and install the necessary line from the water meter to the water system main line. Such installation will also include inspection, backfilling, and repair to streets disturbed during construction.
- C. All water billing shall remain in the property owner's name. No renters will be added to the water billing.³
- D. It shall be unlawful for any person to make any connection with the Huntsville Town Culinary Water System, unless said person is an authorized contractor or working for Huntsville Town. Nor shall any person willfully damage or destroy any part of the Huntsville Town Culinary Water System. Any person causing such damage shall be guilty of up to a Class C misdemeanor. Such person shall also be liable for all damages caused to said system.
- E. No water user shall permit either temporarily or permanently the use of water on any other lot than the one it is approved for. No building or structure shall be built across, over, or in any way obstruct the culinary water system infrastructure unless authorized by Huntsville Town.
- F. All water meters shall be kept clear of obstacles that would limit access by Huntsville Town Culinary Water Department personnel.

10.4 Application for Water

Whenever any property owner desires to obtain water from Huntsville Town, they shall make application therefore in writing, which application shall state the intended use of the lot to which the proposed connection will be made. A separate application shall be filed for each connection

³ Amended 4-16-2015: Added sentence C. Water bills shall remain in property owner's name.

TITLE 10 – Culinary Water

Huntsville Town Ordinance – Title 10: Culinary Water

required by this ordinance, and if a lot is at any time used for a purpose other than the purpose stated in the original application, another application must be filed. The person filing the application shall sign an agreement that they will be governed by the ordinances, resolutions, rules and regulations as may be prescribed by the Huntsville Town council for the control of the water system. If any person draws or uses water from the Huntsville Town Culinary Water System without first filing an application and obtaining approval of the application from the Huntsville Town Council, Huntsville Town may deny water until such time as the applicant fully complies with the provisions of this Title.

10.5 Fees

- A. The following fees shall be assessed by resolution of the Huntsville Town Council for each culinary water connection within the incorporated limits of Huntsville Town.
- B. An impact fee shall be established by resolution and assessed at the time of connection to the culinary water system. This fee shall be specifically for the purpose of contributing to the cost of the Huntsville Town Culinary Water Capital Improvement Project.
- C. An impact fee shall be established by resolution and assessed at the time a building permit is issued for the purpose of contributing to other, non-culinary, water-related capital improvement projects required by Huntsville Town.
- D. These impact fees shall be assessed for each culinary water connection and building permit issued within the incorporated limits of Huntsville Town and shall in no way limit culinary water connections or other fees assessed outside of the corporate limits of Huntsville Town.
- E. Each culinary water user agrees to pay the established rate or rates for use of culinary water in excess of the average rate established by Huntsville Town. Huntsville Town shall notify each user of culinary water of the base rate, the amount of usage it applies to and the rate or rates for excess usage upon adoption of this ordinance or prior to connection to the culinary water system.
- F. Huntsville Town shall establish an average amount of culinary water to be used by residents of Huntsville Town.
- G. For any water user who does not have use of secondary water, or whose use is in excess of water demands of the average user in the opinion of Huntsville Town, Huntsville Town may measure water usage.

TITLE 10 – Culinary Water

Huntsville Town Ordinance – Title 10: Culinary Water

10.6 Statements and Date of Payment

- A. Statements for culinary water charges shall be mailed to the water users periodically as set by resolution and will be due and payable not later than the last day of the month the statement is issued. Water charges become delinquent after the last day of the month they are issued. In the event of delinquency, a penalty and collection charge may be assessed as established by resolution.
- B. A late notice will be included in the bill of the following month with a shut off notice to follow fourteen days later. In the event all delinquencies are not paid in full by the next billing cycle; the water service will be disconnected.
- C. In the event the water service has been disconnected for failure to pay water charges; such service may be reconnected only upon payment to Huntsville Town of a deposit, which shall be established by resolution.
- D. If the property served by the water connection is rented by the owner to another party, then the renting party shall deposit with Huntsville Town an amount to be established by resolution before the water service is turned on. This amount is refundable after six months if there are no delinquent water bills associated with the water service to the property. Huntsville Town, may at its discretion, grant a waiver to the deposit.

10.7 Regulation of Water Use

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

10.8 Fire Hydrants

- A. All fire hydrants shall be under the control of Huntsville Town. The fire department and such others as Huntsville Town shall authorize, shall have access to said hydrants. No unauthorized person shall open or operate any fire hydrant, or attempt to draw water there from, or obstruct the approach thereto.
- B. Any person who shall willfully or carelessly damage a fire hydrant, draw or attempt to draw water there from, or cover or obstruct access to a fire hydrant or permanently cover a meter box, shall be guilty of a Class C misdemeanor. Such person shall also be liable for all damages caused to said system.

TITLE 10 – Culinary Water

Huntsville Town Ordinance – Title 10: Culinary Water

10.9 Request for Water Outside Huntsville Town⁴

Huntsville Town, in its sole discretion, has the option to provide culinary water to homes located outside of Huntsville Town's corporate boundaries subject to the following conditions:

- A. If the Town has water rights and water source capacity surplus to the current and anticipated needs of its residents.
- B. Any new culinary water connections outside of Huntsville Town shall not negatively impact the culinary water connections inside Huntsville Town boundaries by restricting water supply or quality.
- C. All applicants requesting culinary water service outside the municipal boundaries of Huntsville Town shall be required to:
 - 1. Obtain all necessary permits and/or approvals through the State or County prior to submitting an application to Huntsville Town.
 - 2. File a written request to provide culinary water to their development including the following:
 - i. A map of the area to be served;
 - ii. A detailed drawing of the proposed location of the service pipe, in both plan and profile, from the area to be served to the closest main line of the Huntsville Town Culinary Water System;
 - iii. The maximum number of houses to be served in the area;
 - iv. The detailed improvement plans, in both plan and profile, of the proposed location of all lines, meters, and meter boxes and all fire hydrants, including sizes of lines; all this is to be prepared by a Professional Engineer, licensed in the State of Utah; and
 - v. Specify the water rights and source(s) of water which the applicant either owns or has the legal right to acquire for purposes of irrigation and any other uses other than indoor culinary use.

⁴ Amended 2-7-2019; Ordinance #2019-2-7 allowing Town option to accept payment commensurate with the value of water rights required to be conveyed to the Town

TITLE 10 – Culinary Water

Huntsville Town Ordinance – Title 10: Culinary Water

3. Submit all drawings and specifications to the Huntsville Town Engineer for review and recommendations to the Huntsville Town Council.
 4. Convey title by deed to the Town at least 45/100ths of an acre foot of perfected water rights approved for municipal use within the Huntsville Town Culinary Water System for each single-family home connection.
 - i. In lieu of the water right dedication required under 10.9.C.4, applicant may elect to pay Huntsville Town a commensurate fee for each single-family home connection.
 - ii. Huntsville Town shall not accept exchange applications, contracts, or leases as a substitute for the dedication or fee requirements identified under 10.9.C.4.
 5. Transfer or convey ownership of all easements, water rights, sources(s) of water, water lines, meters, meter boxes and fire hydrants to Huntsville Town-including the right of access to repair and maintain all transferred facilities-upon completion of the development and installation of the culinary water system infrastructure.
- D. Huntsville Town shall not provide a culinary water connection to any home that does not have an adequate secondary source of water for outside irrigation and any other uses other than indoor culinary use.
- E. Each water user outside the limits of Huntsville Town shall be prohibited from using culinary water provided by Huntsville Town for irrigation or for other purposes traditional to secondary water usage.
- F. The monthly charge for culinary water service shall be established by resolution and may be set by Huntsville Town on a case-by-case basis. This fee must be accepted by the Applicant prior to construction of the facilities.

10.10 Cross-Connection Control Program

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

- A. Requirements. No water service connection to any Huntsville Town premises shall be installed or maintained unless the water supply is protected against backflow as required

TITLE 10 – Culinary Water

Huntsville Town Ordinance – Title 10: Culinary Water

by Utah State law, regulations, codes, and this Title. Service of water to a consumer found to be in violation of these cross-connection requirements shall be discontinued by Huntsville Town after due process of written notification and an appropriate time suspense for voluntary compliance, if:

1. A backflow prevention assembly required by this Title for the control of backflow and cross-connections is not installed, tested, and maintained, or
2. If it is found that a backflow prevention assembly has been removed or bypassed, or
3. If an unprotected cross-connection exists on the premises, or
4. If the homeowner has not allowed a periodic culinary water system survey to be conducted.

Service shall not be restored until such conditions or defects are corrected.

10.11 Source Protection

The Utah State Division of Drinking Water has regulations for municipalities to prepare and seek approval of a drinking water source protection plan from the Division of Drinking Water. Huntsville Town shall prepare and submit such a plan. When the Division provides written notice of its approval of the plan, Huntsville Town shall provide the Weber County Building Department, Weber County Planning, Weber County Health Department and Surveyor's Office with a map, and additional information required by the Office, identifying the four drinking water source protection zones the public water system designates for each of its sources of groundwater for drinking water in the plan approved by the Division. The Huntsville Town Planning Commission shall then incorporate this information on a map of the County that it shall prepare and maintain which identifies each public water system's sources of groundwater for drinking water and the four drinking water source protection zones for each source of groundwater.

The Huntsville Town Water Department/Planning Commission shall submit any updated information as necessary to the Weber County Planning Department, and the Weber County Health Department.

10.12 Penalties

Any person violating any of the provisions of this Title, or any of the rules and regulations hereafter adopted pertaining to said culinary water system, when no other penalty is prescribed, shall be guilty of up to a Class B misdemeanor or felony based on the dollar value of the damage caused and shall be subject to a fine as stated in the fee resolution. If the violation is not corrected within thirty (30) days of notice from Huntsville Town, the person shall be subject to

TITLE 10 – Culinary Water

Huntsville Town Ordinance – Title 10: Culinary Water

having their culinary water turned off and shall be assessed the required fees for turning on their water and shall be required to pay any and all court costs associated with enforcement of this Title. Such person or entity shall also be liable for all damage caused to the Huntsville Town Culinary Water System.

10.13 Liability Exemption

Huntsville Town, or any of its officers, agents, or employees, shall not be liable for damages to any water user by reason of any stoppage, or interruption of the water supply caused by scarcity of water, alterations, additions, or repair of the water system, or from any other unavoidable cause. If any section, sentence, clause, or phrase of this Title is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or Unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Title.