



SYRACUSE CITY

Syracuse City Council Work Session Notice

April 24, 2012 – 6:00 p.m.

Municipal Building, 1979 W. 1900 S.

Notice is hereby given that the Syracuse City Council will meet in a work session on Tuesday, April 24, 2012, at 6:00 p.m. in the large conference room of the Municipal Building, 1979 W. 1900 S., Syracuse City, Davis County, Utah. The purpose of the work session is to discuss/review the following items:

- a. Meeting agenda for the Special Council Meeting to begin immediately following the Work Session. (5 min.)
- b. Public Comment. This is an opportunity to address the Council regarding your concerns or ideas. Please limit your comments to three minutes.
- c. Annual Report from Syracuse City Justice Court Judge Bean.
- d. Discuss secondary water agreements.
- e. Councilmember Peterson to report on his attendance of the ULCT Mid-Year Conference.
- f. Review City Council Rules of Order and Procedure.
- g. Review draft rewrite of Title Four of the Syracuse City Code.
- h. Review and discuss Title Two of the Syracuse City Code.
- i. Budget discussion.
- j. Council business.

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In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

#### **CERTIFICATE OF POSTING**

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 20<sup>th</sup> day of April, 2012 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on April 20, 2012.

CASSIE Z. BROWN, CMC  
SYRACUSE CITY RECORDER



# COUNCIL AGENDA

April 24, 2012

**Agenda Item “c”**

**Report from Judge Bean. (10 min.)**

***Factual Summation***

- Any questions regarding this item may be directed at Judge Bean
- Please see the attached presentation provided by Judge Bean

SYRACUSE CITY  
JUSTICE COURT

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- **Article VIII, Section 1. [Judicial powers - Courts.]**
- The judicial power of the state shall be vested in a supreme court, in a trial court of general jurisdiction known as the district court, and in such other courts as the Legislature by statute may establish. The Supreme Court, the district court, and such other courts designated by statute shall be courts of record. Courts not of record shall also be established by statute.

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- **Article VII, Sec. 11. [Judges of courts not of record.]**
- Judges of courts not of record shall be selected in a manner, for a term, and with qualifications provided by statute. However, no qualification may be imposed which requires judges of courts not of record to be admitted to practice law. The number of judges of courts not of record shall be provided by statute.

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- **78A-7-101. Creation of justice court - Not of record.**

- Under Article VIII, Section 1, Utah Constitution, there is created a court not of record known as the justice court. The judges of this court are justice court judges.

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- Syracuse City's justice court has been in existence for more than forty years (probably longer) (formerly known as Justice of the Peace).
- Judge Bean has served as justice court judge since 1993 (18 years).
- Syracuse City Justice Court is a Class II justice court (avg. 201+ citations per month). Utah Code Ann. §78A-7-102(2).

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- Court is certified by Judicial Council every four years. Utah Code Ann. §78A-7-103(1).
- Must meet certain minimum requirements for certification.
- Requirements depend on what "Class" the court is.
- All justice courts "not of record" required to record its proceedings by 1 July 2012. Utah Code Ann. §78A-7-103(3).
  - Must be digital
  - Must maintain for one (1) year.

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- Judges elected in unopposed retention elections. Utah Code Ann. §78A-7-202(7) (Now 78A-7-203(2) (2012)).
- Judge Bean was elected in Nov. 2010 for a six year term of office. Utah Code Ann. §78A-7-203(1). (Jan 2011 – Jan 2017).
- Weighted caseload: .39 of full-time judge.

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- ### Statistics 2011
- Number of traffic cases: 2,418.
  - Number of criminal cases: 315.
  - Average cases per month: 227.75.
  - Total revenue collected: \$544,618.66
  - Revenue to Syracuse City: \$362,567.60
  - Revenue to State of Utah: \$182,051.06

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- ### Historical Background
- 2008 – SB 72
    - Attempted to eliminate part-time justice court judges;
    - Would have made all courts, state courts, not run or managed by municipalities or counties.
    - State would decide what percentage revenue municipalities or counties would receive.
    - Clerks would be employees of the state.
    - Opposed by ULCT and UAC.

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## Recent Challenges

- Judges who have weighted caseload of 1.0 or above cannot practice law. (Judge Bean is .39).
- New inter-local agreement percentages.
  - Creation of inter-local agreements. Utah Code Ann. §78A-7-102(4)(a) (2012).
  - Changed percentages for inter-local agreements may be negotiated between entities. Utah Code Ann. §78A-7-120(1) (2012).

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## Advantages of Local Court

- Local justice.
  - Community problem solved within the community.
  - Remains a problem solving court, not a revenue generating entity.
- Sense of Community:
  - Fruit Heights problem.
    - No police.
    - No fire department.
    - No Court.
- Community sense of security.

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# COUNCIL AGENDA

April 24, 2012

## Agenda Item “d”

**Discuss secondary water agreements. (10 min.)**

### *Factual Summation*

- This item has been added to the agenda at the request of Councilmember Lisonbee.
- Any questions regarding this item may be directed at Councilmember Lisonbee or City Recorder Cassie Brown.
- Please see the following memorandum provided by Cassie Brown.

### *Memorandum*

I have conducted research into the claim of agreements between the City and property owners regarding secondary water rates. I have been unable to find any documents wherein the City has committed that secondary water rates will never increase. I spoke with the previous Public Works Director about this issue as well and he concurred that the City did not enter into any agreements of this nature. I will continue to research the topic and provide any updates to the Council during the Work Session Meeting.



# COUNCIL AGENDA

April 24, 2012

**Agenda Item “e”**

**Councilmember Peterson to report on the ULCT  
Mid-Year Conference. (5 min.)**

***Factual Summation***

- Any questions regarding this item may be directed at Councilmember Peterson.



# COUNCIL AGENDA

April 24, 2012

**Agenda Item “f”**

**Review City Council Rules of Order and Procedure.  
(10 min.)**

***Factual Summation***

- This item has been added to the agenda at the request of Councilmember Lisonbee.
- Any questions regarding this item may be directed at Councilmember Lisonbee and City Attorney William Carlson
- Please see attached City Council Rules of Order and Procedure containing comments from Councilmember Lisonbee and City Attorney William Carlson.

# RULES OF ORDER AND PROCEDURE TO GOVERN PUBLIC MEETINGS OF THE LEGISLATIVE BODY

## 1. PURPOSE.

These policies and procedures are designed and adopted for the purpose of providing guidelines for the members of the Syracuse City Council and supporting staff in the performance of their duties and conducting their Council meetings. The City Council shall be governed by the provisions of all applicable State Statutes, City Ordinances, and these rules. Nothing in these rules shall be interpreted to provide independent basis for invalidating or in any way altering a final decision of the Council unless otherwise provided by City ordinance, or State Law. Nor shall anything herein be construed so as to provide or create an independent cause of action for any person or action.

## 2. ORGANIZATION

Syracuse is a six-member council form of government.

**A. Mayor.** The Mayor is the Chief Executive and Administrative Officer of the City, except as otherwise provided in Utah Code. The duties of the Mayor include: Except as otherwise provided herein, he/she shall sign his/her name officially for and in behalf of the City, and shall sign all deeds, bonds, bills, notes, obligations, and other agreements, documents, and papers to which the City is legally a party and shall perform such other duties as may be provided by law or ordinance. During his/her temporary absence or disability the City Council shall elect a Councilmember to act as Mayor pro tem, who, during such absence or disability, shall possess the power of Mayor.

### **B. Duties of the Mayor.**

- i. To preside at all meetings of the Council and shall provide general direction for the meetings;
- ii. To call the Council to order, and proceed with the order of business;
- iii. To announce the business before the Council in the order in which it is to be acted upon;
- iv. To receive and submit in the proper manner all motions and propositions presented by the members of the Council;
- v. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the result thereof;
- ~~vi. To inform the Council, when necessary, or when referred to for that purpose, on any point of order or practice. In the course of discharge of this duty, the Mayor shall have the right to call upon Legal Counsel for advice;~~
- vii. To authenticate by signature, when necessary, or when directed by the Council, all acts, orders, and proceedings of the Council'
- viii. To maintain order at meetings of the Council;
- ~~ix-viii.~~ To move the agenda along, hold down redundancy, reference handouts and procedures in a sensitive way during meetings;
- ix. Recognize speakers and Councilmembers prior to receiving comments and presentation of physical evidence, i.e., plans and pictures; and
- xi. The Mayor will not participate in the voting procedures unless authorized to do so by provisions of State law or City Ordinance.

**C. Duties of Mayor Pro Tem.** In the absence of the Mayor, a Mayor pro tem is appointed. This appointment is made via resolution adopted by the Council at the beginning of each calendar year. The Council will assign the position of Mayor pro tem, second Mayor pro tem, and third Mayor pro tem to three different Councilmembers. The assignment of the Mayor pro tem positions will remain unchanged until a subsequent vote of the Council. The Mayor pro tem, during the absence of the Mayor, shall have and perform all the duties and function of the Mayor.

**Comment [KL1]:** And supporting staff

**Comment [KL2]:** Council (delete: their)

**Comment [KL3]:** insert after: Unless otherwise provided by law, these rules and duties will be followed by members of the council and staff.

**Comment [WC4]:** This suggested change is unnecessary in that conflicting state statutes and city ordinances would inherently supersede these rules. It essentially repeats the preceding sentence.

**Comment [KL5]:** Delete: ORGANIZATION, INSERT: Summary: The form of government for Syracuse is a six-member council form. See Utah Code 10-3b-104, 10-3b-105, 10-3b-303, 10-3b-304.

**Comment [WC6]:** The description of the form of government would fit under an "ORGANIZATION" heading rather than a "SUMMARY" heading. A Summary heading would suggest a Summary of the rules.

**Comment [KL7]:** except as provided in Utah Code.

**Comment [WC8]:** I recommend collapsing subsection B with a statement that "The duties of the mayor are:". These changes would create a section entitled "ORGANIZATION" with subsections of A. Mayor, B. Mayor Pro Tem, C. City Recorder, and D. Councilmembers.

**Comment [KL9]:** Delete and refer to powers and duties in Title 2 and Utah Code.

**Comment [KL10]:** Additional

**Comment [KL11]:** Delete. The mayor, as a member of the council may call upon legal Counsel for advice.

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**Comment [KL12]:** Unnecessary language - Delete

**D. City Recorder.** The City Recorder shall serve as the secretary of the Council. The City Recorder shall have the following duties:

- i. To give notice of all City Council meetings;
- ii. To keep and record the minutes of the proceedings of the City Council;
- iii. To keep and maintain a permanent record file of all vital documents and papers pertaining to the work of the Council;
- iv. Is authorized to sign the meeting minutes after said minutes have been approved by the City Council; and
- v. To perform such other duties as may be required.

**3.E. DUTIES OF COUNCILMEMBERS City Council.**

The City Council is the municipal legislative body of Syracuse and may pass and amend ordinances, rules, and regulations for the city. It is also the body to address appeals of decisions by the Land Use Authority as outlined in city ordinances. The duties of the council include:

A.i. Meeting Attendance. Every member of the Council shall attend the sessions of the Council unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the City Recorder. The City Recorder shall call the same to the attention of the Mayor.

B.ii. Conflict of Interest. A Councilmember to whom some private benefit may come as a result of a Councilmember action shall not participate in the action.

i. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or to groups and associations which hold some share of the person's loyalty. However, membership itself in a group or organization shall not be considered a conflict of interest as to Council action concerning such group or unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.

ii. A Councilmember experiencing, in their opinion, a conflict of interest, shall declare that interest publicly, abstain from voting on the action, and be excused from the room during consideration of the action. That Councilmember shall not discuss the matter privately with any other Councilmember.

iii. A conflict of interest may exist under these rules although a Councilmember may not believe an actual conflict does exist; therefore, a Councilmember who has any questions as to whether a conflict of interest exists under these rules shall raise the matter with the remaining Councilmembers and the City Attorney in order that a determination may be made as to whether a conflict of interest exists.

iv. No Councilmember shall engage in any transaction in which the Councilmember has a financial interest, direct or indirect, with the agency or jurisdiction that the official serves unless the transaction is disclosed publicly and determined to be lawful.

v. a. The requirements of Section 10-3-1301 et. Seq. of the Utah Code, known as the "Municipal Officers' and Employees' Ethics Act" and Section 67-16-1 et Seq. of the Utah Code known as the "Utah Public Officers' and Employees' Ethics Act", hereafter "the Ethics Acts", shall be adhered to by all council members. If a conflict exists between these policies, State law, or City ordinance, the most strict shall apply.

b. Council members who experience, in their opinion, a conflict that could constitute a violation of the Ethics Acts, shall declare that conflict publicly, abstain from voting on the matter, and be excused from the room during consideration of the matter. Under such circumstances, a recused council member shall not discuss the matter privately with any other council members.

**Comment [KL13]:** 3.

**Comment [KL14]:** City Recorder (bolded)

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**Comment [KL15]:** 4. City Council

The City Council is the municipal legislative body and may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by Utah law and local ordinance, and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of property in the city. The powers and duties of the city council may be found in Title 2 and Utah Code 10-3b-105.

**Comment [KL16]:** Additional

**Comment [WC17]:** Much of Lisbonbee's recommended language to start this section goes into substantially more depth than the introduction to the other organizational branches do. Specifically, it addresses the vision and mission of the Council more than the rules and procedure of the body. In the interests of consistency with the previous sections, I recommend a less extensive addition.

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**Comment [KL18]:** Insert after "Mayor.": B. (1)

**Comment [KL19]:** Insert after: C. The duties of the council in a 6 member form of government:

(1) is the legislative body of the municipality and exercises the legislative powers and performs the legislative duties and functions of the municipality; and

(2) may:

(a) adopt rules and regulations, not inconsistent with statute, for the efficient administration, organization, operation, conduct, and business of the municipality;

(b) prescribe by resolution additional duties, powers, and responsibilities for any elected or appointed municipal official, unless prohibited by statute;

(c) require by ordinance that any or all appointed officers reside in the municipality;

(d) create any office that the council considers necessary for the government of the municipality;

(e) provide for filling a vacancy in an elective or appointive office;

(f) take any action allowed under Section 3B of this document.

(g) perform any function specifically provided for by statute or necessarily implied by law.

**Comment [WC20]:** Lisbonbee's proposed language is legally correct, but does not address rules of order or procedure for City Council ... [1]

**Comment [KL21]:** D.

**Comment [WC22]:** This language as currently drafted does impose additional requirements on council members that are not imposed by sta ... [2]

**Comment [KL23]:** Delete

**Comment [KL24]:** Delete

**Comment [KL25]:** By all council members

**Comment [WC26]:** I generally discourage specific references to code, as the numbers can and do change over time. Nevertheless, if one of ... [3]

c. Any complaint that a council member has violated the Ethics Acts shall be filed with the mayor or city manager. The mayor or city manager shall investigate the complaint and shall give the council member an opportunity to be heard. A written report of the findings and the recommendation of the mayor or city manager shall be filed with the City Council. If a majority of the City Council finds that the council member has violated any part of the Ethics Acts, it may dismiss, suspend, or take such other appropriate action with respect to the council member. Accused council members shall not vote on whether they have violated any part of the Ethics Acts. Any action taken by the City Council under this part does not preclude other remedies available by law.

Comment [KL27]: delete

Comment [KL28]: Insert a section on voluntary recusal according to the Utah Ethics Act.

C.iii. Gifts and Favors. Gifts, favors, or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility. It is very important that Councilmembers be fair and impartial in their dealings with the public and that they serve all citizens equally. It is not enough to avoid favoritism; Councilmembers should strive to avoid even the appearance of giving preference to one citizen or business over another.

i.a. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in the form of business lunches, calendars, or office bric-a-brac are often, but not always, acceptable. In cases of doubt, Councilmembers should refuse.

ii.b. Councilmembers should not accept gifts from outside agencies which may be competing or applying for City business, permits, or development decisions. Accepting gifts not only gives the appearance of favoritism, but may create an embarrassing and possibly unlawful position for the City. Items of small value such as calendars, pencils, etc. with advertising or logos are acceptable, but large items such as clothing, equipment for personal use, etc. should be declined.

D.iv. Councilmember Removal.

i.a. From Meetings. A Councilmember may be fined or expelled from a meeting for disorderly conduct upon a two-thirds (2/3) vote of all members.

ii.b. From Office. Any removal from office shall be pursuant to State law.

In the event of removal due to violation of the Utah Municipal Officer and Employees Ethics Act, the responsible investigating officer of the City shall authorize the City Attorney to institute an action in the name of the City to declare the offending Councilmember removed from office and the office vacant, subject to appointment or election as provided for in Utah law.

Comment [WC29]: This is an additional requirement that the Ethics Acts do not impose. The City Council may impose additional requirements on itself, though it is not required to.

Comment [KL30]: This is redundant to the Utah Ethics act

Comment [KL31]: E.

Comment [KL32]: Elected official

Comment [KL33]: Any elected official

Comment [WC34]: This is in the section on the City Council. If the Council would like add a rule to remove the mayor by a 2/3 vote, it should go under the mayor's section above.

Comment [KL35]: This is contradictory to the statement directly above. There is no law authorizing a city attorney or the investigating officer to declare a vacancy in the council or to remove from office. (In addition this is not a rule of order or procedure for the conduct of our meetings.)

E.v. Treatment of Information. It is important to discriminate between Council information that belongs to the public and Council information that does not, the City Council follows these guidelines:

i.a. Generally, final reports and official records of City Departments must be open on an equal basis to all inquiries.

ii.b. Information considered private, controlled, or protected that is learned in the course of performing Council duties must be treated in confidence if specifically requested by the applicant, or as dictated by State law. Such information becomes public when an application for official action is submitted.

iii.c. Information contained in studies that are in progress should not be divulged except in accordance with established City policies on the release of its studies.

F.vi. Decorum.

i.a. Members of the Governing Body Council members shall not engage in personal attacks and shall restrict comments to issues before the body. Violations of

Comment [KL36]: F

Comment [WC37]: This statement does not contradict the statement on removal from meetings, however it is also not a rule of order or procedure for Council meetings. Contrary to Lisonbee's interpretation, this rule does not authorize a City Attorney or investigating officer to remove someone from office. Instead it addresses what the City Attorney does after someone has already been removed due to a violation of the act.

Comment [KL38]: Delete

Comment [KL39]: We follow the following guidelines:

Comment [KL40]: G

Comment [KL41]: Councilmembers

decorum or conduct of ~~Councilmembers~~ council members shall be addressed by the Mayor ~~or by a two-thirds (2/3) vote of all members~~ who may declare a ~~Councilmember~~ council member out of order.

~~ii.~~ b. Governing Body members should avoid engaging in private discourse or committing any other act, such as text messaging, which may tend to distract the attention of the Council or the audience from business before the Council, or which might interfere with any person's right to be heard after recognition by the Mayor.

#### 4.3. MEETINGS.

A. Place. All meetings of the City Council shall be held in the City Council Chambers of City Hall, 1979 W. 1900 S., Syracuse, Utah, or at such other place as the Syracuse City Council may designate.

B. Business Meetings. Business meetings of the City Council shall be held on the second Tuesday of each month beginning at 7:00 p.m.

C. Work Sessions. Work sessions may be held on the second and fourth Tuesdays of each month beginning at 6:00 p.m. The work session held on the fourth Tuesday of each month is generally referred to as an "extended work session", since there is no regularly scheduled business meeting following the work session.

**D. Special Meetings.** Special meetings may be ordered by the Mayor or by any two (2) members of the Council if the business of the City requires it. Special Council meetings shall be properly noticed at least 24 hours in advance of the meeting.

**E. Emergency Meetings.** Emergency meetings may be called by the Mayor or by two (2) members of the Council for urgent matters. An attempt will be made to notify all Councilmembers of the meeting. In accordance with 10-3-502 et. Seq. of the Utah Code, a majority of the Council must vote to hold the Emergency Meeting.

**F. Closed Meetings.** Closed meetings may be held to consider certain sensitive matters as allowed by 52-4-205 et. Seq. of the Utah Code. A majority of the Council must vote to convene a closed meeting.

G. Electronic Meetings. The procedures to be followed at the electronic meeting shall be the same as those followed by the City Council in a nonelectronic open and public meeting of the City Council. The Mayor, or Mayor Pro-tempore, shall conduct the meeting and the meeting shall be held pursuant to the agenda posted for that meeting. Prior to commencing the electronic meeting, an electronic link shall be established with all participants and the anchor location. Minutes shall be kept for the meeting in accordance with the requirements of the Open Meetings Law. Following passage of a motion to adjourn, the electronic link shall be terminated and the meeting shall be deemed concluded.

H. Public Hearings. Public hearings are generally part of a scheduled and noticed business meeting agenda and shall consist of those items for which the Council is legally required to hold a hearing or for those items for which the Council would like to receive public input. Public hearings will be held after providing proper notice as required by state law or City ordinance for the particular subject matter to be addressed. Such hearings shall include, but not be limited to, those matters for which a public hearing is required by state law or City ordinance. Matters for which state law or City ordinance requires a public hearing will be automatically scheduled by City administration. By majority vote, the Council can direct City administration to schedule a public hearing on any other topic.

i. When a public hearing is held, a member of the City staff having knowledge about the issue will first present information on the issue and

**Comment [KL42]:** Or through a motion, second and majority vote of the council.

**Comment [WC43]:** The reason I changed this from Lisonbee's recommended majority to 2/3 is that while a majority vote could be used to declare someone out of order, it requires 2/3 to eject a person from the meeting for disorderly conduct (acting out of order). By keeping the requirement at the same level, this would streamline the process to a single vote requirement.

**Comment [KL44]:** 5.

**Comment [KL45]:** When a special meeting is ordered, if the business of the city requires it, by two members of the council or by the mayor, the city recorder shall provide public notice 24 hours in advance of the meeting. The notice shall include the date, time and place of the meeting and the agenda item(s) to be discussed.

When an emergency public meeting is ordered, for urgent matters, by two council members or the mayor and approved by a majority of the governing body, the city recorder shall provide public notice as best practicable, at least 3 hours in advance of the meeting. The notice shall include the date, time and place of the meeting and the agenda item(s) to be discussed.

**Comment [WC46]:** Section 2D already requires the Recorder to give notice of all meetings. Additionally, adding details of notice requirements for special and emergency meetings without doing so for business meetings, work sessions, closed meetings, electronic meetings, or public hearings would make these sections inconsistent with the other sections. Finally, state code and city ordinance already detail notice requirements, and those details do not affect the order and procedure of Council meetings, which this document addresses.

answer questions.

ii. The Mayor will then declare the public hearing as opened or convened.

iii. At that point, all parties interested in addressing the issue are invited to speak before any discussion is held by the Council or before any motion is made. The Mayor may provide a time limit for those addressing the Council during a public hearing.

iv. Each individual who speaks will state his or her name and address before proceeding.

v. After all individuals who desire to speak have spoken, or after an amount of time determined to be sufficient, the Mayor will announce the potential closure of a public hearing two times before declaring the public hearing closed.

vi. The Council may vote to continue a public hearing to a future specified date, time, and location if there is insufficient time to take all public comment during a particular Council meeting.

vii. A public hearing can be reopened only upon a showing of exceptional circumstances and a two-thirds vote of the Council.

viii. After the public hearing is closed the Council may proceed with discussion on the matter at hand. When discussion by the Council is finished, a motion and second may occur concerning the item and the Council will subsequently vote.

I. Quorum. Three (3) members of the ~~Council~~ City Council shall constitute a quorum thereof for the transaction of all business except where otherwise required.

J. Content. Discussions in the meetings are to be limited to agenda items and issues reasonably related thereto. Comments or presentation by the public are to be limited to relevant issues. In order to ensure that the meetings proceed timely and orderly, the Mayor may impose a time limit on those desiring to address the Council. Individuals addressing the Council during the public comment period of the meeting or during a public hearing shall be given a time limit of not less than three minutes. Groups desiring to address the Council will be asked to select a spokesperson for this purpose and the Mayor may also impose a time limit on said spokesperson. A group shall be defined as an assembly of five or more people in attendance with similar viewpoints on a give issue. The names of each member of the group shall be provided to the City Recorder as well as the name of the spokesperson of the group. This information must be provided prior to the spokesperson being allowed to address the Governing Body for a minimum of five minutes.

~~K. Any person may be removed for disorderly conduct who disrupts the meeting by exceeding a time limit, discussing irrelevant issues, or otherwise, may be removed at the direction of by a two-thirds (2/3) vote by the Governing Body.~~

~~K.L. Additional Guidelines. In addition to these policies and procedures, the Council may invoke additional guidelines as necessary to address issues as they arise so long as they are consistent with the nature and intent with content herein.~~

#### 5.4. MOTIONS.

A. Making of Motions. Any Councilmember except for the Mayor may make or second a motion. Motions should state findings for denial or approval within the motion:

i. Findings should be included in the beginning of the motion.

ii. Staff reports should be in sufficient enough detail to assist the Council in stating findings.

iii. All motions should be repeated at the direction of the Mayor.

B. Second Required. Each motion of the City Council must be seconded by a member of the Governing Body; the Mayor is not allowed to second a

**Comment [KL47]:** or

**Comment [WC48]:** Changing this “and” to “or” means any public hearing can be reopened for any reason by a 2/3 vote. Additionally, by severing the vote from exceptional circumstances, a vote is no longer relevant as long as there’s “a showing of exceptional circumstances”. As a hypothetical, if the City Attorney determines that there has been a showing of exceptional circumstances, the public hearing is reopened without a vote. This is a substantive change that I advise against.

**Comment [KL49]:** city council – according to title 2

**Comment [WC50]:** I generally discourage specific references to code.

**Comment [WC51]:** Although Lisonbee’s stated objective of this amendment is to remove subjectivity, this change allows two thirds of the council to declare any action of a member of the public, including discussing irrelevant issues, disorderly conduct.

**Comment [KL52]:** Make this K. And change the language to read that any person may be removed for disorderly conduct. Discussing irrelevant issues is hardly a reason for removal if the time limit is observed. “or otherwise” – is too subjective.

**Comment [KL53]:** L

**Comment [KL54]:** 6.

motion. A motion that is not seconded is considered failed or dead.

C. **Withdrawing a Motion.** After a motion is stated by the Mayor or read by the City Recorder, it shall be deemed in the possession of the Council, but may be withdrawn at any time before decision or amendment by the unanimous consent of the Council.

D. **Motion to Table.** A motion to table an agenda item for further study should be accompanied by specific reasons for continuing the matter and, whenever possible, a specific date to rehear the matter should be scheduled.

E. **Amending Motions.** When a motion is pending before the Council any member may suggest an amendment; the amendment requires a second with a voice vote on the proposed amendment. After voting upon the amendment motion the Council will vote on the initial motion, if necessary.

F. **Amending Amendments to Motions.** An amendment to a motion may be amended, no second required, at any time prior to the Mayor calling for a vote on the motion. The amendment to the amendment must be accepted by the author and the member making the second in order for the stated motion to be amended. The author and the member making the second may choose not to accept the additional amendment.

G. **Substitute Motions.** A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.

H. **To Reconsider a Motion.** To recall a previous motion for further evaluation and/or action, a motion for reconsideration may be made by a Councilmember who voted with the majority. The motion to reconsider must pass with a majority vote. If it is determined that the motion should stand as previously approved no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Council. Motions to reconsider a previous motion must take place during the same meeting the motion was made, or when the minutes containing that particular item are approved at the next business meeting if added as an agenda item.

I. **Motion to Recess.** A motion shall be made to break for a specific purpose while also stipulating a specific time to reconvene the meeting. The time to reconvene must be during the same day as the meeting in which the motion to recess was made.

J. **Motion to Adjourn.** A motion to adjourn the meeting shall be made at the end of each City Council meeting. The motion requires a second and is not debatable.

K. Discussion. All motions that require discussion according to Robert's Rules of Order will be opened up for discussion by the mayor.

## 6.5. VOTING.

Except as otherwise specifically provided in these rules, a majority vote of the Council shall be required and shall be sufficient to transact any business before the City Council.

**A. Changing a Vote.** No member shall be permitted to change his/her vote after the decision is announced by the Mayor.

**B. Tie Votes.** Tie votes shall be broken by the Mayor casting a vote.

**C. Conflict of Interest/Disqualification.** Any member declaring a conflict of interest shall be disqualified and shall leave the bench and sit in the audience and shall not participate in the discussion and vote pertaining to that particular matter.

**D. Minimum Votes Required.** Unless otherwise provided herein, a minimum of three (3) affirmative votes are required to make a determination on any item presented to the City Council.

**E. Method of Voting.** For all ordinances, resolutions, and actions that would create liability for the City, or at the request of any Councilmember,

**Comment [KL55]:** Insert after or: , at the next business meeting as an agenda item

**Comment [WC56]:** Considering the time that has been taken to consider the NDSO appointment, this change would substantially restrict the authority of the Council to reconsider.

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**Comment [KL57]:** insert after J: K. All motions that require discussion according to Robert's Rules of Order (latest edition) will be opened up for discussion by the mayor.

**Comment [WC58]:** Of the motions outlined in these rules, the motions that are open for debate according to Roberts Rules of Order include amending motions, and amending amendments. Sometimes a motion to reconsider is debatable, sometimes it is not. Motions to table, recess, and adjourn are not open for debate.

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**Comment [KL59]:** 7

a roll call vote shall be taken with either a “yes” or “no” vote. All votes shall be recorded. Voting on all other actions may be done by voice vote or other effective method. The result of those votes shall also be recorded.

**7.6. AMENDMENTS.**

These rules may be amended at any business meeting of the City Council by an affirmative vote of the Council, provided that such amendment has been presented in writing to each member of the Council at least 48 hours preceding the meeting at which the vote is taken. Proposals to amend said rules shall also be properly advertised on the business meeting agenda.

Comment [KL60]: 8.

**Page 2: [1] Comment [WC20] Will Carlson 3/22/2012 10:38:00 AM**

Lisonbee's proposed language is legally correct, but does not address rules of order or procedure for City Council meetings. Accordingly, it may not be a good fit for this document.

**Page 2: [2] Comment [WC22] Will Carlson 3/22/2012 10:38:00 AM**

This language as currently drafted does impose additional requirements on council members that are not imposed by state law. If the council wishes to impose additional restrictions, it may. However if the council simply wants the restrictions imposed by the state, this language should be deleted. If it is deleted, some language should be inserted about what the state requirements are for complaints of a violation by others.

**Page 2: [3] Comment [WC26] Will Carlson 3/22/2012 10:38:00 AM**

I generally discourage specific references to code, as the numbers can and do change over time. Nevertheless, if one of the ethics acts is going to be included here, both probably should.



# COUNCIL AGENDA

April 24, 2012

## Agenda Item “g”

**Review draft rewrite of Title Four of the Syracuse City Code. (10 min.)**

### *Factual Summation*

- Staff will be present to answer questions.
- Please see attached Title IV rewrite.

### *Memorandum*

The draft rewrite of Title Four was provided to the Council at the first of the year for a second reading. Staff is desirous of receiving feedback in order to schedule a public hearing regarding the rewrite.

# TITLE IV

## PUBLIC PROPERTY/UTILITIES

### CHAPTER 1

#### STREET AND SIDEWALK REGULATIONS

- 4-01-010: Building Line on Street
- 4-01-020: Streets and Sidewalks Constructed by Individuals
- 4-01-030: Obstructions
- 4-01-040: Location of Poles on Streets
- 4-01-050: Height of Awnings, Porches and Signs
- 4-01-060: Street and Sidewalk Cleanliness
- 4-01-070: Excavations
- 4-01-080: Deferral of Construction
- 4-01-090: Temporary Restoration
- 4-01-100: Permanent Restoration
- 4-01-110: Annual Meeting and Disclosure
- 4-01-120: Restoration of Asphalt Cuts
- 4-01-130: Excavation Through Intersection Requires Dry Lines
- 4-01-140: Laterals
- 4-01-150: Restoration of Public Property
- 4-01-160: Prohibited Acts

4-01-010: **BUILDING LINE ON STREET.** No building or house erected on the boundary or edge of any street, lane, avenue, or alley of this City shall extend further into the street than the outer edge of the lot or the inner edge of the sidewalk.

4-01-020: **STREETS AND SIDEWALKS CONSTRUCTED BY INDIVIDUALS.** It shall be unlawful for any person, either as owner, agent, servant, contractor or employee, to construct any street or sidewalk within the public right-of-way in this City unless a permit is first obtained from the Public Works Department ~~the City Council~~ to do so, and unless s Such street or sidewalk shall be constructed to lines and grades and specifications as given and established by the City Council Standards or unless special permission to deviate from such lines and grades is first obtained from the City Council. All such streets and sidewalks shall be constructed under the supervision of an city inspector ~~to be appointed by the City~~, but the cost of indicating grade and lines shall be borne by the person constructing said street or sidewalk.

4-01-030: **OBSTRUCTIONS.** All persons are hereby forbidden to obstruct the sidewalks, crosswalks, or streets of this City, or to place any earth or substance on said sidewalks, or to permit any gate or other obstruction to swing across any sidewalk of this City to the annoyance of another person; provided, however, that unless granted special permission may be granted by the Public Works Department ~~City Council~~ to place obstructions on sidewalks or streets when necessary for improving the same or to provide protection when buildings are in the course of construction.

4-01-040: **LOCATION OF POLES ON STREETS.** All sign posts, telegraph, telephone or light poles, awnings, porch posts, or other obstructions shall be set at the outer edge of the

sidewalk at such places as the City ~~Engineer Marshal, with the approval of the City Council~~ may designate. No pole stubs shall be set on any telegraph, telephone, or light poles ~~which are~~ located on a public street or sidewalk within the City.

**4-01-050.**

**HEIGHT OF AWNINGS, PORCHES, AND SIGNS.** All awnings, porch tops, and sign boards crossing or extending over any sidewalk in this City must be at least eight (8) feet above the grade of the sidewalk.

**4-01-060.**

**STREET AND SIDEWALK CLEANLINESS**

A. It shall be the duty of the owner ~~of or~~ occupant of private property fronting upon a public sidewalk to remove all weeds and noxious vegetation from such property and in front thereof to the curb line of the street and to keep the sidewalks in front of such property free from dirt, litter, snow, ice or obstructions.

B. It shall be the duty of general contractors, owner-builders, or owners of every residential or commercial building construction site to keep the construction site in a condition of cleanliness and healthfulness by:

- (1) Preventing the accumulation of garbage or refuse, including boards, bricks, stones, trash etc., into disorderly stacks or piles. A commercial trash bin or suitable container, located on the site, shall be used for refuse on the construction site and shall be emptied when full;
- (2) Maintaining the premises in such a manner that mice, rats, rodents, or animals do not inhabit the premises;
- (3) Preventing garbage, refuse, dirt, rocks or building materials from encroaching onto sidewalks, curbs, gutters, streets, public property, or private property without the written consent of the owner, except that dirt may be used for the bridging of sidewalks during construction. However, use of dirt for bridging curb and gutter ~~will shall~~ not be allowed.
- (4) Preventing the blowing of paper or other debris onto neighboring properties.

~~C(5C)~~ In order to protect the function of the City's storm drainage system and ensure safety of the public, this ~~s~~Section shall be primarily enforced by the Syracuse City Building Department, with the assistance of the Police Department. When a violation occurs, a Building Department official may issue a stop work order on the construction project until the violation is corrected. Contractors, builders, or residents violating this section shall be guilty of a Class "B" misdemeanor. ~~(Ord-04-19)~~

**4-01-070.**

**EXCAVATIONSEXCAVATIONS.** It shall be unlawful for any person, except City personnel or those duly authorized ~~by permit by the City Council to make any~~ excavation in any ~~street, public~~ right-of-way, ~~lane or alley,~~ or remove any pavement or other materials forming any street or improvement thereof without first having obtained a permit ~~therefor~~ from the City. In order to obtain an excavation permit, an application ~~therefor~~ shall be submitted to the ~~Public Works Department City Council,~~ accompanied by an application fee in an amount established by the ~~City fee scheduleCity Council~~ ~~from time to time by resolution,~~ stating the location of the proposed excavation, the nature and extent of the same, the purpose for which the excavation is necessary, the manner in which it is proposed to accomplish such excavating, the means to be employed to permit the unobstructed flow of traffic thereon, and the length of time the

excavation will remain. The ~~City Council~~ shall issue, after determining that the proposed excavation is necessary and that the same will not unreasonably damage said ~~street, lane, or alley, public right-of-way~~, a permit to undertake and complete such excavation.

Prior to the issuance of a permit covering such excavation, the ~~City Council~~ shall require a bond issued by a licensed surety company of the State of Utah or a cashier's check made out in favor of Syracuse City in an amount sufficient to guarantee restoration of ~~such street, lane or alley, public infrastructure~~ to its original condition. All persons or firms making such excavations must hold a valid license from the State of Utah and must maintain adequate public liability insurance. ~~(See Resolution R98-2)~~

No such excavation nor obstruction to any ~~such street, lane, or alley, public right of way~~ shall be made without notifying the City of Syracuse in advance of the time when it is proposed to begin such excavation. It shall be unlawful for any person to close any ~~such street, lane, or alley, public right of way~~ or to prevent the flow of traffic thereon without first obtaining permission therefore from the City of Syracuse.

All backfill shall meet standard specifications and all materials used shall be properly tamped or settled with a sufficient quantity of water to assure proper compaction. The contractor shall be required to ~~test the compaction and~~ submit ~~such a~~ compaction report to the City.

It shall be unlawful for any person having made an excavation in any street, whether under a permit or otherwise to fail, neglect, or refuse for a period of five ~~(5)~~ days after notice, to restore said street to its normal condition. It shall be unlawful for any person, by or for whom any excavation is made in a public street or any purpose to fail to ~~properly protect the work zone area cause a barricade, rail, or other sufficient fence to be placed~~ so as to enclose such excavation, together with the dirt, gravel, or other material thrown therefrom, and to maintain such ~~barricade protection~~ during the ~~whole time for which entire duration~~ such excavation continues; ~~lanterns or some other proper and sufficient visible flasher~~ lights shall be fixed to parts of such barricade, or in some other proper manner over or near the excavation, and over and near the dirt, gravel, or other material taken therefrom, and so kept from the beginning of twilight through the whole of every night during all the time such excavation exists. It shall be unlawful for any person to maliciously or wantonly, and without legal cause, to extinguish, remove, or diminish said lights or tear down or remove any rail, fence, or barricade fixed in accordance with the provisions of this Section. ~~(Ord 05-04)~~

#### 4-01-080.

**DEFERRAL OF CONSTRUCTION.** The City Engineer may, in the Engineer's reasonable discretion, ~~and subject to the provisions of any approved Franchise Ordinance or Agreement of the City~~, defer construction or other activity under any permit provided for in this chapter, until such time as the Engineer deems it proper in all cases where the public place on which the work is desired to be done is occupied or about to be occupied in any work by the City, or by some other person having a right to use the same in such manner as to render it seriously inconvenient to the public to permit any further obstruction thereof at such time, and in granting such permit, may so regulate the manner of doing such work in order to cause the least inconvenience to the public in the use of such public place; and in all cases any work of the City or its contractors or employees for municipal purposes shall have precedence over all work of every other kind.

#### 4-01-090.

**TEMPORARY RESTORATION.** Anyone issued a permit for excavation or other activity under this chapter shall temporarily restore ~~the street, alley, any disturbed public right of way~~ or other public place ~~in a manner to a condition~~ approved by the City Engineer, within seven ~~(7)~~ days ~~(7)~~ after completion of the work for which the permit was issued.

This requirement of temporary restoration may be waived by the City Engineer upon a determination that after consideration of the potential for settlement of the excavated area [there is not a significant risk of settlement](#).

**[4-01-100.](#)**

**PERMANENT RESTORATION.** ~~All Excavator shall complete~~ permanent repairs of the temporary restoration ~~shall be completed by the excavator~~ within one (1) year after completion of the work for which the permit was issued. If the ~~excavator permittee~~ fails to complete the permanent restoration within this time period and in a manner approved by the City Engineer, the City may ~~restore the street, alley, or other public place~~ [perform the restoration](#) and bill the permittee for the repair. All permanent repairs shall be bonded for at the time of the issuance of a permit. ~~Upon notice to the permittee, the bond may be called and used to complete the permanent restoration if the permittee fails to complete the restoration. Upon failure to complete applicable permanent restoration and receiving notice from the City, the City shall place claim to said bond for reimbursement of incurred expenses to complete the restoration.~~ The permittee may, at the time the permit is issued, contract with the City for the completion of the permanent restoration.

**[4-01-110.](#)**

**ANNUAL MEETING AND DISCLOSURE.** Beginning ~~by~~ November 2000, and by the first week of January of each succeeding year, the City Engineer shall provide to all utilities, a list of street and other improvements planned for the following three successive years. All agencies, utilities, franchises, and other entities planning work in a ~~street, alley, public right of way~~ or other public place that will require a permit under this ~~e~~Chapter shall submit a list of proposed projects and locations to the City Engineer by December 31<sup>st</sup> of each year. This list shall cover the planned projects for the following three years. These lists of planned projects shall be entered in to the City's Geographic Information System and integrated with other information on street condition and use. For the purpose of this subsection, the term "planned projects" does not include new construction that could not have reasonably been foreseen at the beginning of the year. The City Engineer may deny entities or agencies that fail to provide this information, permits for construction or other activity under this chapter unless the entity was not provided a list of planned street improvements by the City for that year. The City may hold an annual meeting for the purpose of providing and explaining such list.

**General Requirements.** ~~Each applicant permittee or excavator for permittee shall comply with the following requirements:~~

- (A) ~~Haul away and properly dispose of all materials removed from each single excavated area. For single excavated areas less than fifty feet (50') in length and twenty feet (20') in width, all materials that are dug out of the trench or excavation shall be hauled off and disposed of.~~ The trench or excavation shall be refilled with new crushed road base and compacted to ninety-six percent (96 %) and made ready for the asphalt finish surface. The trench or excavation shall be patched by the contractor ~~in a thickness to match existing conditions or with~~ a minimum of ~~three (3) four (4)~~ inches of asphalt. ~~See Figure 3 at the end of this Chapter.~~
- (B) ~~Before any excavation begins under this permit and at all times during the excavation, make Make~~ proper provisions for protecting the public with necessary guards, barricades, lights, signals and with all other appurtenances necessary to safeguard the lives and property of the users of such roadway, sidewalk, and other facilities, ~~before any excavation begins under this permit and at all times during the excavation.~~ Visible flasher lights shall be used in hours of darkness.
- (C) Be responsible for all liability or personal injury resulting from neglect. ~~The applicant shall indemnify Syracuse City against all claims, demands, costs, damages, attorney~~

fees or other expenses of any kind occasioned by such neglect, ~~and~~. ~~The applicant shall,~~ upon request of the City, produce evidence of insurance adequate to cover such claims.

- (D) Be responsible for restoring all ~~Public Ways~~ public rights-of-way and Private improvements, including sidewalks, surfaces, curbs and gutters, driveways, ditches, sprinkler irrigation, and other landscaping, to their original condition, whether public or private, in a manner conforming to current Syracuse City specifications.
- (E) Keep excavations to a minimum. ~~On any project,~~ regardless of the age or condition of the pavement, ~~keeps excavations to a minimum~~ and, wherever possible, locate excavations so that one "common" patch can cover as many excavations as possible.
- (F) Restore roads to a passable and safe condition within sixteen (16) hours of commencing excavation. All remaining repairs and restoration shall take place within ten (10) calendar days from the date of the first excavation. All debris generated as a result of said excavation ~~will~~ shall be removed immediately from the area upon completion of the excavation. If, within the standard ten (10) days, or other time period authorized by the City Engineer, the road cut or excavation has not been repaired as required, Syracuse City may place claim on ~~revoke~~ the excavation bond to cover expenses necessary to complete the necessary repairs, and cause the repairs to be made. The costs of repair shall include administrative costs. The permittee or excavator for the permittee shall be responsible for trench maintenance for one (1) year after the date it was inspected and approved by the Public Works Department. If repair of the road cut or trench is necessary within the initial one-year period, the permittee shall make repairs to the satisfaction of the City Engineer or, in the alternative, the City may ~~revoke~~ place claim on the excavation bond and cause the repairs to be made.
- (G) Limit the trench length left at grade but unpaved to a maximum of one thousand (1000'). ~~Feet feet (1000')~~. No excavation shall be allowed to continue until the one thousand (1000') feet ~~(1000')~~ of trench has been restored with proper asphalt surface and inspected and accepted by the City.
- (H) Place flowable fill in all ~~All~~ excavations of twelve (12) inches ~~(12")~~ or less in width, ~~shall be required to use flowable fill~~ prior to the application of an asphalt finished surface.
- (I) ~~All excavation, when refilled, shall be c~~ Compacted all backfilled excavations to ninety-six percent (96%). The contractor shall submit tests to the City confirming ~~that the~~ the compaction.
- (J) Protect bore pits. Bore pits adjacent to or which may be hazardous to traffic shall not be left open or unshielded overnight. Shielding in conformance with the ~~manual~~ Manual on Uniform Traffic Control Devices shall be allowed in the case of large pits or extensive bore and jack operations. Contractors shall complete s ~~Small bores~~ under two lane roadways ~~should be completed~~ in one continuous operation.
- (K) Utilize c ~~Common trenching shall be required~~ in all subdivisions, unless otherwise approved or excepted by the City Engineer. ~~( See figure 8.7 Typical Section – Common Trench)~~
- (L) Bore a ~~All utility excavations shall be bored~~ whenever possible.

**Comment [RW1]:** This section [General Requirements] should be moved to a new section following 4-01-070.

4-01-120.

**RESTORATION OF ASPHALT CUTS.** For any asphalt surface three (3) years old or less, excavator shall provide new asphalt ~~must be provided~~ for the length of the cut and the width of all lanes affected by the construction or other activity. For any asphalt surface where thirty percent (30%) or more of the width of any lane is affected by the construction or other activity, excavator shall provide new asphalt ~~shall be provided~~ for the length of the cut and the width of all lanes affected. For all other asphalt surfaces, excavator shall provide new asphalt ~~shall be provided~~ for the length and width of the ~~affected~~ affected area as required in this ~~chapter~~ Chapter. The City Engineer may require that the surface of the street receiving new asphalt be rotomilled prior to resurfacing.

4-01-130.

**EXCAVATION THROUGH INTERSECTION REQUIRES DRY LINES.** Every person seeking a permit to excavate in or through an intersection shall be required to place conduit in the open trench for the purpose of ~~providing for the allowing~~ placement of future utilities without disruption to the surface of the right-of-way.

4-01-140.

**LATERALS.** The City shall notify all abutting property owners along the affected portion of a street proposed for opening by the City, and a permittee shall notify all property owners as determined by the last tax assessment rolls, of the intent to open the street and shall provide to each owner, an opportunity to place, at the owners expense, laterals for the utilities to their property, prior to closing the trench. No excavation for laterals shall be allowed for a period of three (3) years after construction or reconstruction of a street, where such notice was given and the property owner declined to install the lateral.

The City Engineer may waive this barrier to entering a street if ~~a determination is made, that the required notice was not sent, and, at the Engineer's sole discretion, it is determined or if the engineer determines~~ that the excavation is necessary to provide an essential service that cannot be provided, except by cutting the street. The permittee shall pay a fee equal to the estimated damage to the useful life of the street and any associated repairs and shall repaves that portion of the street necessary to restore it, as close as possible, to its original condition, as determined by the City Engineer.

4-01-150.

**RESTORATION OF PUBLIC PROPERTY.** Permittee or excavator for permittee shall:

- (A) ~~The permittee shall, at its own expense, restore~~ Restore the surface of any Public way to its original condition at the permittee's own expense and shall replace any removed or damaged pavement with the same type and depth of pavement of that which is adjoining, thickness not to be less than four (4) inches including the gravel base material not to be less than eleven (11) inches. All restoration shall conform to the engineering regulations; design standards and specifications promulgated by the City and shall be accomplished within the time limits set forth in this ~~e~~Chapter, unless additional time is granted in writing by the Public Works Department. In the event of any conflict between City Standards and Specifications and the Ordinance, the Standards and Specifications shall be controlling.
- (B) ~~Permittees shall be~~ Be responsible for any necessary repair of a temporary restoration of a ~~street, alley, public right-of-way~~ or other public place until the permanent restoration is completed. Permittees ~~or excavators~~ shall be responsible for any necessary repair of a permanent restoration until the ~~street, alley, public right-of-way~~ or other public place has been repaved, reconstructed, or until five (5) years after the completion of a permanent restoration, whichever occurs sooner, unless the permittee contracted with the City ~~Engineer~~ for permanent restoration. If the permittee ~~who is responsible~~ fails to complete any necessary repair of a filled temporary

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restoration within three (3) calendar days or a permanent restoration within thirty (30) calendar days of being notified to do so by the City, the City-Engineer may complete the repair and bill the permittee for the costs of such repair.

- (C) ~~At its option, the permittee doing the actual excavation work may request~~Request, if they so choose that the City restore the surface to its original condition. The fee for such resurfacing shall be determined by the City Engineer in accordance with its reasonable costs for such excavation and shall ~~be charged to the person, firm, or corporation making the excavation~~the permittee for the amount. Payment for said excavation shall be received by the City prior to the release or expiration of the bond, whichever occurs sooner.

**4-1-160.:** **PROHIBITED ACTS.** It shall be unlawful for any person to destroy, deface, or in any manner injure any public street or sidewalk.

It shall be unlawful for any person intentionally or carelessly to throw, cast, or put into, drop, or leave in any street, gutter, sidewalk, or public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings, rubbish of any kind, snow, or any other substance. (1971)

**CHAPTER 4-2: SEWER REGULATIONS**

Field Code Changed

- 4-02-010. North Davis County Sewer District.**
- 4-02-020. When Owner Required to Connect to Sewer.**
- 4-02-030. Permit Required.**
- 4-02-040. Independent Service Lines Necessary.**
- 4-02-050. Discharging Excessive Water into Sewer.**
- 4-02-060. Subdivision and Other Developments.**
- 4-02-070. Damage.**
- 4-02-080. Manholes.**
- 4-02-090. Runoff.**
- 4-02-100. Pretreatment and Discharge Permit Requirements.**
- 4-02-110. Wastewater Discharge Prohibitions and Limitations.**
- 4-02-120. Authorization Necessary to Reconnect.**
- 4-02-130. Authorized Representative to Have Free Access.**

**4-02-010. North Davis County Sewer District.**

The corporate limits of Syracuse City are within the area of the North Davis County Sewer District (the "District"), which is organized under Utah law. All ordinances, rules and regulations of the District are hereby adopted and incorporated herein by reference.

**4-02-020. When Owner Required to Connect to Sewer.**

The owner of all houses, buildings, or properties used for human occupancy, employment, recreation, commercial, industrial or other like purposes, situated within the corporate limits of the City and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer owned and operated by the City or owned or operated by the District, is hereby required, at his expense, to install suitable facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this Chapter, within ninety (90) days after date that said public sewer is available for use, provided that said public sewer line is within three hundred feet (300') of any such building discharging sanitary or industrial waste.

**4-02-030. Permit Required.**

No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof for any reason without first obtaining a written permit from the District or the owner of such sewer facilities.

**4-02-040. Independent Service Lines Necessary.**

A separate and independent service lateral shall be provided for every building. The City Engineer may consider exceptions in cases such as, except where one building stands at the rear of another or on an interior lot and no ~~Public private~~ sewer is available or can be constructed to the rear building other than routing a pipe through an adjoining alley, court, yard, or driveway. In this case, the service lateral from the front building may be extended to the rear building and the whole considered as one service lateral.

**4-02-050. Discharging Excessive Water into Sewer.**

It shall be unlawful for any person to discharge or cause to be discharged any storm water, surface water, ground water, roof runoff, or subsurface drainage into any sanitary sewer. Such storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to a natural outlet consisting of water courses, ponds, ditches, lakes, or other bodies of surface or ground water provided for receiving the same.

**4-02-060. Subdivision and Other Developments.**

No subdivision plat, industrial park, or commercial development shall be approved or recommended by the City Planning Commission, nor shall a building permit or certificate of occupancy be issued for any lot or part thereof or for the whole thereof, unless the City shall have first received a signed document from the District approving the sewer aspects of the proposed development.

**4-02-070. Damage.**

No person shall intentionally or negligently cause any damage to the sewer system. Repairs necessary for any damage caused shall become the responsibility of the person causing the damage.

**4-02-080. Manholes.**

No person shall open a manhole of the sewer system without first receiving authorization to do so from the City.

**4-02-090. Runoff.**

No owner or occupant shall permit a condition to exist on his property whereby surface water, storm drainage, cooling water, or ground water is discharged into the sewer system, nor shall any person install or create such a condition.

**Comment [RW2]:** This Section is a repeat of 4-02-050 and could be removed.

**4-02-100. Pretreatment and Discharge Permit Requirements.**

A. Those persons required to pretreat wastewater in order to comply with Federal pretreatment standards and/or District wastewater control rules and regulations and any permits issued thereunder shall provide, operate, and maintain the necessary pretreatment facilities in accordance with the District pretreatment regulations.

B. Industrial users required to apply for a discharge permit pursuant to the District wastewater control rules and regulations shall obtain such permit prior to discharging into the sewer system. Applications shall be in the form prescribed by the District Board.

**4-02-110. Wastewater Discharge Prohibitions and Limitations.**

A. Generally. No person shall discharge into the sewer system any substance or in a manner which, under ordinary circumstances, either (1) is harmful or detrimental to or interferes with either the sewer system, the functioning of the sewer system, the environment, or the public health, or (2) causes sewage to pass through the sewer system without treatment and thereby creating a significant health hazard or diminishing the quality of the environment.

B. Discharge Prohibitions. No person shall discharge into the sewer system any substance or discharge into the system in a manner which violates the wastewater discharge prohibitions and limitations contained within the District wastewater control rules and regulations currently in force and as amended from time to time, which are incorporated by this reference as a part hereof as though fully set forth herein, together with any schedules or appendices which are a part of the District wastewater control rules and regulations.

C. Immediate Reporting. Immediately upon discharging a prohibited substance or upon discovering that a prohibited substance has been discharged, the person performing or discovering such discharge shall immediately notify the staff of the District of the discharge by the most rapid available means, if such person knows or reasonably should have known that (1) the substance was discharged, and (2) the discharge of the substance was prohibited. Notification pursuant to this Subsection does not relieve the person notifying of any liability, except liability for violation of this Subsection.

D. Preventing Accidental Discharge.

1) Generally. Every person conducting an activity which creates a substantial risk that a prohibited substance will be discharged into the sewer system shall provide adequate protection against accidental discharge of such a prohibited substance by either (1) implementing procedures or practices which tend to reduce the likelihood of such a discharge and/or (2) installing facilities designed to prevent such accidental discharge. The District General Manager may identify persons required to provide such protection and direct them to comply with this Subsection.

2) City/ District Requirements. The City Public Works Director and/or the District General Manager are hereby authorized to specify particular procedures, practices, and/or facilities which shall be implemented by any person, (1) if the District General Manager finds that there is substantial risk of a discharge prohibited by this Section if preventive measures are not undertaken, and (2) if such procedures, practices and/or facilities substantially reduce the risk of discharge prohibited by this Section, and (3) if the cost of implementing such procedures, practices, and/or installing such facilities is found by the City Council and/or District Board to be reasonable in light of both the potential damage to the sewer system and/or the environment if an accidental discharge occurs, and the effectiveness of the equipment in preventing such an accidental discharge.

3) Plans. In every case where facilities are required to be installed pursuant to this Subsection, the Public Works Director and/or District General Manager are hereby authorized to require submission of detailed plans for the required facilities and their operation before construction of the facilities is begun.

E. Preventive Requirements.

1) Report. Within five (5) days after the discharge of a prohibited substance, the person who discharged such substance shall file with the City a written report describing (1) the nature and content of the discharge, (2) the cause(s) of the discharge, and (3) remedial measures to be taken by the discharger to prevent similar discharges in the future. The City Public Works Director or his designee may inspect the site of the accidental discharge and interview any person involved in the discharge in order to ascertain or confirm what happened and assure that remedial measures adequate to prevent future accidents are carried out as represented.

2) Authorization to Require Changes. If (1) a person has discharged a prohibited substance, and (2) it is likely that the same person will again discharge a similar prohibited substance in the future if preventive measures are not undertaken, then the Public Works Director is hereby authorized to require the person who discharged the prohibited substance to make change(s) in equipment, facilities, procedures, or practices, which change(s) (1) have the effect of substantially reducing the risk of a similar discharge in the future, and (2) are found by the Public Works Director to be reasonable in cost in light of the

potential damage to the system and environment arising out of a similar prohibited discharge in the future. Nothing in this Subsection relieves any person of any liability, except liability for violation of this Subsection.

F. Self-Monitoring and Reporting. The Public Works Director is hereby authorized to require that persons discharging into the sewer system, other than persons discharging only ordinary domestic sewage, monitor and report their sewage discharges in a manner and to the extent necessary to: (1) provide adequate compliance with and enforcement of the District's wastewater control rules and regulations; (2) assess the source of the components of the sewage transmitted by the City and treated and disposed of by the District; and (3) charge reasonable fees and surcharges to dischargers based on actual discharges or reasonable classifications of discharges. The Public Works Director is further hereby authorized to require that such monitoring and reporting be performed at the expense of the person discharging. Every person required to monitor and report pursuant to this Section shall monitor and report as required by the District wastewater control rules and regulations and in conformity with this Section.

G. Compliance Monitoring. The District Pretreatment Administrator is hereby authorized to sample and analyze the sewage of, and inspect the facilities of persons discharging into the sewer system in order to determine or verify compliance with this Section. The City Council is further authorized to require the installation of reasonable facilities, such as manholes, to enable such sampling. However, nothing in this Section limits any power that the City or District may have to investigate or enforce compliance with other sections of this Ordinance or through means not specified in this Subsection.

H. Strict Liability. Any person violating any provision of this Section shall be guilty without regard to fault, knowledge, intent, or the state of mind of the person committing the violation.

I. Nuisance. Any condition or situation which causes a violation of this Section is hereby declared to be a public nuisance and may be abated as provided by law.

**4-02-120. Authorization Necessary to Reconnect.**

It shall be unlawful for any person, after sewer service to any premises has been discontinued or disconnected for any reason whatsoever, to reconnect or resume such service or for the owner or occupant of such premises to allow the same to be reconnected or resumed without being authorized by the City.

**4-02-130. Authorized Representative to Have Free Access.**

Free access shall, at all ordinary hours, be allowed to authorized representatives of the City and/or the District or other owner of such sanitary sewer to inspect and examine such facilities, including service laterals connected to the building, to inspect the plumbing and facilities therein and the manner of use of such sewer facilities, and to determine compliance with the rules and regulations of the City and/or the District or other owner of such sanitary sewer facilities.

## **CHAPTER 4-03: WATER**

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**4-03-010. Purpose and Title.**

The purpose of this Chapter is to establish and provide requirements, regulations and procedures for the governing and administration of the Syracuse City Water System. This Chapter shall be known as and may be referred to as the Syracuse City Water System Ordinance.

**4-03-020. Public Works Department.**

The Public Works Department shall have authority to operate and maintain the Syracuse City Water System, hereinafter referred to as the "water system," and to furnish water service to the residents of the City in accordance with the provisions of this Title. To accomplish these purposes, the Public Works Department is empowered to employ persons, purchase and approve real property, acquire equipment and perform all other acts necessary or incidental to the accomplishing of the above-described purposes, subject to all applicable ordinances, resolutions, rules, regulations and policies of the City.

**4-03-030. Water Superintendent.**

~~There is hereby created the office of Water Superintendent.~~ The Water Superintendent shall administer and enforce this Chapter under the direction of the Public Works Director and the City Manager and shall manage the City's water system pursuant to the provisions of this Chapter and all other applicable ordinances, rules, regulations and policies of the City. The Water Superintendent shall have such other duties and responsibilities as designated by the City Council.

**4-03-040. Water System.**

The water system constructed or otherwise acquired by the City to supply water is the property of the City and shall be under the sole and exclusive control and jurisdiction of the City. The City may enter into contracts with other governmental entities and/or wholesale water delivery providers for the purchase of water and may acquire water rights, water shares, etc., as it deems appropriate or desirable for the City's water system.

**4-03-050. Rules and Regulations.**

The City Council may from time to time by resolution establish rules and regulations regarding the establishment, installation, operation, control and modification of the City water system in accordance with the provisions of this Chapter.

**4-03-060. Duty to Maintain.**

The Public Works Department shall keep the water system in good repair. Any leaks, breaks or equipment failures of the City water system shall be promptly repaired in accordance with the provisions of this Chapter.

**4-03-070. Authority to Shut Off.**

The Public Works Department shall have the power and authority to temporarily discontinue water service to any area without notice, for the purpose of repairing and maintaining the water system.

**4-03-080. Duty to Treat.**

The Public Works Department shall treat or cause to be treated the water furnished to the water users hereunder using current water treatment methods such that the water shall conform to State and Federal standards of purity and fitness for culinary use.

**4-03-090. Access for Water Superintendent.**

As a condition of a person receiving water service from the City, the Water Superintendent and his or her authorized agents shall, at all reasonable hours and/or upon such notice as is reasonable under the circumstances, have free access to any place supplied with water service from the City's water system for the purpose of examining the apparatus, the amounts of water used, the manner of use, and to make any and all necessary adjustments to said systems or shut off for vacancy, delinquency or violation of applicable ordinances, rules or regulations of the City.

**4-03-100. Liability.**

Except as otherwise provided in the Utah Governmental Immunity Act, set forth in *Utah Code Ann.* §§ 63G-7-404, *et seq.*, as amended, the City shall not be liable or responsible for any loss, damage, or injury, direct or indirect, to a water user, the user's family, guests, tenants, invitees, or any person, or the real or personal property of any person arising out of or caused by the City water system, or by the cessation or interruption of City water supply.

**4-03-110. Application for Connection and/or Service.**

The record owner of property desiring to connect to and to receive service from the City water system shall submit an application for water connection and/or service to such property in writing to the City in such form as provided by the City. If the property is not already connected to the City water system through an approved service lateral or if an extension of the water main is required for service, the provisions of this Chapter regarding the installation of service laterals and extensions shall be followed.

**4-03-120. Water Service Authorized.**

Water service may be furnished or restored to premises if the person requesting such service substantially complies with the following provisions.

(a) Application. The property owner of the premises fills out, signs and files with the City an application for water service as provided in Section 9-01-110.

(b) Deposit. The applicant pays a deposit in the amount set forth by resolution in the City Consolidated Fee Schedule.

(c) Fees. The applicant shall pay the cost of a water meter as set forth in the Consolidated Fee Schedule. In the event the property owner is required to install a service lateral or extend the water system prior to connection, the applicant shall be required to make all installments and connections at applicant's cost.

(d) Current Charges. Before water will be turned on to any premises, all charges due and owing to the City by the applicant(s) for water must be paid.

**4-03-130. Obligation of Owner.**

The record owner of property to be served by the City water system must appear as the applicant for water connection and service and shall be held responsible to the City for payment of all water service fees and charges incurred by that connection. Owners of property that rent, lease or otherwise give the said property over

to the tenancy of another, shall remain liable for the water services furnished to the property, including all fees and charges incurred by a renter or lessee or other occupant of the owner's premises. It shall be the duty of the property owner to notify the City of termination or change in ownership of the property.

**4-03-140. Misrepresentation.**

It shall be unlawful to misrepresent a material fact in applying for water connection and service. Material facts include, but shall not be limited to, the identity of the applicant as the owner or tenant of the property to be connected and the purpose for which the water service to be provided will be used.

**4-03-150. Applications Non-Transferable.**

Water service and connections shall not be transferred to a location different from that shown on the application for water service nor from where originally used, nor may a larger water connection be subdivided into several smaller connections.

**4-03-160. Fees.**

The City Council shall, by resolution, set forth in the Consolidated Fee Schedule the fees to be charged for the base rate water service charge, service charges other than the base rate, water meter fee, impact fees, fee for use of water from fire hydrants, water service deposits, and all other appropriate fees required herein. Rates for services furnished shall be uniform with respect to each class or classes of service established by the City or that may hereinafter be established.

**4-03-170. Special Rates.**

The City Council may from time to time fix by agreement or resolution, special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as it deems appropriate.

**4-03-180. Billing.**

The City shall mail a written statement to each user of water once each month or at such other regular intervals as the City Council shall direct. The City Council shall determine the duration of the billing period and may change the amounts of the charges or the duration of the billing period from time to time. The City may send a combined statement for water, sewer, garbage collection and other services provided by the City, which statement shall separately specify the amount of the bill for the water service, sewer service, garbage collection and any other service, the place of payment, and the due date. All bills shall be paid in full and no partial payments shall be

sufficient, absent the written consent of the Utility Billing Clerk to prevent the termination of services as provided herein.

**4-03-190. Delinquent Payments.**

If any user fails to pay his or her water, sewer, garbage or other service charge for services provided by the City within thirty (30) days from the date the payment is due, the Utility Billing Clerk shall notify the Public Works Department of the deficiency and the Public Works Department may thereafter shut off all water service to said premises in the manner set forth in this Chapter. Where amounts are due for more than one billing period, any payment received shall be applied toward the most recent billing for which an amount is due. A dishonored check shall not be considered payment received.

**4-03-200. Notice of Shut Off.**

If any user fails to pay his or her water, sewer, garbage or other service charge for services provided by the City within thirty (30) days from the date the payment is due, the Utility Billing Clerk shall notify in writing the occupant of the premises and the owner thereof by personal delivery or mail, to the premises and any other address that appears on the application of the delinquency and that the water service will be discontinued if payment is not received within ten (10) days after notice is sent.

**4-03-210. Shut Off.**

If any user fails to pay his or her water, sewer, garbage or other service charge for services provided by the City within the required time frame after service of a notice of shut off, the Utility Billing Clerk shall cause a notice to be served personally to the property owner or occupants explaining the reason for the shut off and that the water service may thereafter be shut off if payment is not made within three (3) days from the date of such notice. If the delinquent payments are not made within three (3) days from the date of such notice, and no stay has been issued in accordance with the provisions of this Chapter, the City may shut off water service to the premises. Before water service to the premises may be turned on again, all delinquent water, garbage and other charges for services provided by the City must be paid, together with the appropriate shut off charge as provided in the City Consolidated Fee Schedule.

**4-03-220. Stay of Shut Off.**

The Utility Billing Clerk may extend the time for bringing current a delinquent account for up to fifteen (15) days. In addition, the user may file a written request for review of the billing with the City Manager. Such request for review shall set forth the customer's good reason to believe an error has occurred in the billing, which error has resulted in a billing amount in excess of service actually rendered, and setting forth the facts and arguments in favor of the customer's position. Any appeal of a bill as

set forth herein, shall stay any action by the City to shut off water service for fifteen (15) days or until a determination has been made by the City Manager, whichever occurs first. Written notice of the decision and the action to be taken shall be provided to the customer.

**4-03-230. Legal Action.**

The City Recorder or Treasurer, is hereby authorized and empowered to enforce the payment of all delinquent City service charges and connection fees whether for water, sewer, garbage or other services, by an action at law in the corporate name of the City.

**4-03-240. Voluntary Discontinuance.**

Any user desiring to discontinue service shall notify the Utility Billing Clerk in writing at least ten (10) days before the date when such service is to be discontinued. Any credit balance in favor of the user as a result of deposit will be refunded promptly after receipt of notice of discontinuance of service.

**4-03-250. Service Lateral Installation.**

The property owner, or his or her agent, desiring to obtain water service, shall be responsible at his or her sole expense for installing a service lateral to the curb or property boundary line of his or her property which meets the following requirements.

(a) The service lateral shall be made of such material and quality specified in the City's construction codes and standards.

(b) The service lateral installation shall include all pipe mechanisms, meter boxes, valves and other equipment, except meters and other equipment to be installed by the City, required for proper service as designated by the City construction codes and standards and the provisions of this Chapter.

(c) The service lateral shall be buried at a depth and grade specified in the City construction codes and standards.

(d) The service lateral shall be located and installed the required distance from other service pipes in accordance with City construction codes and standards.

(e) The service lateral shall not run across property owned in fee by a person other than the property owner who is applying for connection, unless written permission is obtained from the City and a satisfactory easement is obtained from the affected property owner.

(f) The service lateral shall supply water to no more than one building, except that where permission is obtained by the property owner from the City and as approved

by City Engineer. Connection of more than one building may be made to such a service lateral, if the property owner applying for the connection is the owner of all buildings connected to said service lateral. For the purpose of payment of fees required under the provisions of this Chapter, each building which receives water service through a common service lateral shall be deemed to receive water service through a separate service lateral and the property owner shall be required to pay appropriate charges for each building receiving water service.

(g) The service lateral to be connected to the City water system shall be inspected by an inspector of the City Public Works Department and found to conform to the provisions of this Chapter, the Plumbing Code as amended and adopted by the City, and all other applicable construction standards, ordinances, rules and regulations, prior to backfilling. It shall be the property owner's responsibility to ensure that the service lateral and all other underground water lines or connections to be inspected are open and visible to the inspector at the time of the inspection.

(h) No service lateral shall be connected to the City water system until all requirements of this Section are complied with and the lateral has been inspected and approved by the City.

**4-03-260. Service Lateral Maintenance.**

Subject to the provisions of this Chapter, water service users shall keep their service laterals and connections and other apparatus in good repair and protected from frost at their own expense. Each property owner shall own and shall bear the sole responsibility for repair, upkeep and maintenance of the service lateral from the property side of the water meter to the premises being served. The City shall not accept nor bear any responsibility for any leaks, or damages caused by leakage, in the service lateral. Without incurring any liability to the property owner, the City may make emergency repairs to service laterals in order to mitigate damage, prevent waste of water, and prevent contamination of the water supply. Any such repairs shall be at the property owner's expense and shall be billed to the property owner by the City.

**4-03-270. Service Lateral Replacement.**

The replacement of a previously used service lateral shall be deemed a connection and the provisions for installation and connection of a new service lateral shall apply to said replacement.

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**4-03-280. Service Lateral Repair or Alteration.**

It shall be unlawful for any person to open, alter, repair, or connect to any existing service lateral without first having received a permit therefore from the Public Works Department. Except as otherwise provided herein, no permit shall authorize the alteration of or connection to a service lateral which results in the availability of water

service to a building to which such service was not furnished before the alteration or connection is made.

**4-03-290. Service Lateral Location.**

The City assumes no responsibility for nor shall it warrant or guarantee the specific location of water service laterals as shown on as-built drawings furnished by developers and/or contractors. Persons applying for building permits may inspect the as-built drawings by developers and/or contractors if they desire to do so in connection with locating service laterals, however, the City will not take responsibility for the accuracy of such documents. Persons desiring to obtain such information from the City shall be required to sign an appropriate disclaimer.

**4-03-300. Extension of Water System Within the City.**

(a) Application. Whenever any person, firm or corporation subdivides, develops or builds upon any property within the City which requires the installation or extension of a water main from an existing main, the person, firm or corporation seeking approval of the subdivision or development of the property shall submit an application for extension of and service from the City water system for the development. The application shall set forth the distance and location of the proposed extension, a map of the extension, the size, location and number of connections that applicant will require, and the intended use; i.e. residential, multi-family, commercial and/or industrial.

(b) Review. The application shall be submitted to the City by the developer with the preliminary plat or site plan review for the development and shall be reviewed by the City Engineer. Upon a finding by the City that the City has available water rights, water source capacity, and water distribution and storage facility capacity to serve the proposed development with a year round supply of water, the application may be accepted.

(c) Agreement. Upon acceptance of the application for extension and water service, the developer shall enter into a written extension agreement with the City specifying the terms and conditions under which the water extensions and connections shall be made to the City water system and the payments that shall be required.

(d) Expense. The developer shall be required, at his or her own expense, to make, construct, and lay such extension from the existing main to the proposed subdivision, development or building. Developer shall construct at its sole expense, the internal or on-site water distribution system required to serve the individual consumers within developer's subdivision or development, including all booster pumps, on-site storage, and other appurtenant facilities as well as any off-site reservoir required for the development. All improvements shall be constructed in accordance with the City's specifications. Service and connection to the City water system shall not be permitted until such improvements are inspected, approved and accepted by the City.

(e) Easements. Where possible, provisions shall be made for the construction of all line extensions and distribution lines within public streets and easements. Where lines must cross private property, developer shall obtain at developer's sole expense, all required and necessary easements in satisfactory and recordable form.

(f) Dedication. Upon compliance with all conditions and requirements set forth herein, developer shall convey to the City, free and clear of all liens and encumbrances, except for those specifically agreed to in writing by the City, and by conveying instrument acceptable to the City, the following:

(1) Any extension of the City's main transmission system constructed by developer and donated to the City as provided herein, together with all necessary pipeline easements and rights-of-way for the operation, maintenance, repair and replacement of the same.

(2) The internal subdivision distribution system and all appurtenant facilities specifically including but not limited to all distribution lines, pumps, storage facilities, booster pumps, and any required treatment facilities, together with all appurtenant easements and rights-of-way for the operation, maintenance, repair and replacement of the same.

(g) Reimbursement. Where any person, firm or corporation subdivides or develops property subject to these provisions and is required to make expenditures which in the opinion of the City Council should not be borne wholly and solely by such developer because other subsequent developments will benefit directly therefrom, the City Council may enter into an agreement with the developer for reimbursement on a proportionate basis for his or her actual costs as subsequent users connect to the main extension. As a condition of such reimbursement and prior to final approval and acceptance of the main extension by the City, the developer shall submit to the City a verified list of costs which shall form the basis of the reimbursement agreement taking into consideration the benefit of the line to the developer.

**4-03-310. Extension of Water System Outside the City.**

The City may furnish water service from its water system to persons outside the City in accordance with the provisions of this Section provided that such water service is available and will in no way deprive the residents of Syracuse City of water consumption. Nothing contained herein shall be construed to obligate the City to extend its system to provide water service to persons outside the boundaries of the City.

(a) Petition. Any person or persons located outside the City limits who desires to be supplied with water service from the City water system may make application to the City Council for such extension and service by petition. The petition shall set forth the distance and location of the proposed extension, a map of the extension, the size, location and number of connections that petitioner will require, and

the intended use. Petitioner shall be required to pay in advance the entire cost of extending the City water system to provide such service. In addition to the requirements set forth in this Section, the petition shall contain a certified acknowledgment that the petitioner understands that the City in granting the petition need only supply such water to the petitioner from time to time as shall be deemed by the City Council to be available beyond the requirements of water use within the City limits and that such extension shall be the property of and subject to the control of the City.

(b) Review. The City shall review the petition, including review by the Public Works Department, City Engineer and City Attorney. The Public Works Department shall determine what portion, if any, of the extension of the City's water mains to the City limits the City shall construct, and shall prepare a verified statement showing the whole cost and expense of making such an extension. Such costs and expenses shall include administrative and supervisory expenditures of the City, which shall in no event be deemed to be less than ten percent (10%) of the cost of materials and labor. Upon a finding by the City that the City has available water rights, water source capacity, and water distribution and storage facility capacity to serve the proposed development the application may be accepted.

(c) Agreement. If the City grants the petition or any portion thereof, the petitioner and the City shall enter into an acceptable written water system extension agreement, which agreement shall be executed prior to the commencement of any work upon said extension.

(d) Dedication. Upon compliance with all conditions and requirements set forth herein, petitioner shall convey to the City, free and clear of all liens and encumbrances, except for those specifically agreed to in writing by the City, and by conveyancing instrument acceptable to the City, the following:

(1) Any extension of the City's main transmission system constructed by petitioner and donated to the City as provided herein, together with all necessary pipeline easements and rights-of-way for the operation, maintenance, repair and replacement of the same.

(2) The internal subdivision distribution system and all appurtenant facilities specifically including but not limited to all distribution lines, pumps, storage facilities, booster pumps, and any required treatment facilities, together with all appurtenant easements and rights-of-way for the operation, maintenance, repair and replacement of the same.

(e) Reimbursement. The City shall have the right to allow third parties to connect to any water line or facilities constructed pursuant to this Section in which case the City may enter into an agreement providing partial reimbursement to the developer. As a condition of such reimbursement, the petitioner shall, prior to final approval and acceptance of the main extension by the City, submit to the City a verified list of costs

which shall form the basis of the reimbursement agreement taking into consideration the benefit of the line to the petitioner.

**4-03-320. Meter Installation and Maintenance.**

It shall be unlawful for any person who is not authorized by the Public Works Department to open or connect into any City water main. Any person desiring to open or connect into the City water system shall obtain the appropriate permits required herein and all work performed under such permit shall be inspected by the City. Any person connecting to the water system shall install a connection pipe of suitable quality under the street and a meter box, meter, and stopcock at a location determined by the Public Works Department. Said connection pipe, meter box, meter and stopcock are and shall remain the property of the City, which retains the sole right to maintain, repair, and service said facilities. The City shall own and maintain the shutoff valve, the water meter and its appurtenances, regardless of whether the water meter was installed at the street or inside the structure receiving service.

**4-03-330. Meter Required.**

All water delivered by the City to its customers shall be metered through water meters owned and approved by the City. It shall be unlawful for any person, firm or corporation to use or have in their possession any water from the City water system that has not first been passed through and the quantity thereof measured by a City water meter.

**4-03-340. Meter Accuracy.**

Any user may submit a request for a test of his or her water meter. The Water Superintendent may, if under the circumstances it is deemed advisable, order a test of the requested meter measuring the water delivered to the user. If such request to test the meter is made within twelve (12) months after the date of the last previous test, the user may be required to pay the costs of such test if the meter is found to record from 97% to 103% of accuracy under methods of testing that are satisfactory to the Water Superintendent. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the City shall make such adjustments in the user's previous bill as are just and fair under the circumstances. If a meter fails to register at any time, the water delivered during such period shall be estimated on the basis of previous consumption. To the extent possible, the period of time used to assess previous consumption shall be a seasonally similar time period.

**4-03-350. Meter Tampering.**

Meters may be checked, opened, inspected or adjusted at the discretion of the City by City personnel. It shall be unlawful for any person other than authorized

agents of the City to adjust, open, manipulate, disconnect or tamper with City water meters in any manner. A user shall prevent any damage to the water meter used by such user and shall be responsible for the cost of repairing any damage to the water meter other than normal wear and tear.

**4-03-360. Illegal Use of Water Pressure.**

The water provided through any connection to the City water system shall not be used for the purpose of driving any motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever.

**4-03-370. Unauthorized Service.**

It shall be unlawful for any person to provide oneself or others with, or to make use of water service from the City water system without prior authorization from the City and payment therefore as herein provided. It is unlawful for any person to restore discontinued water service by self-help or other means without authorization by the City. Regularly applicable charges shall be assessed for unauthorized water service and may be collected as provided in this Chapter.

**4-03-380. Unauthorized Connection.**

It shall be unlawful for any person, directly or indirectly, to connect to, disconnect, repair or alter the City water system or any part thereof, including, but not limited to, any water line or water meter, without prior authority obtained from the City in accordance with the provisions of this Chapter. It shall be unlawful for any person, directly or indirectly, to open any fire hydrant, stopcock, valve, or other fixtures attached to the City water system without prior authority obtained from the City in accordance with the provisions of this Chapter.

**4-03-390. Damage to Water System.**

(a) Prohibited. It shall be unlawful for any person to destroy, deface, damage or interfere with the operation of any part, pipe, fixture, appliance, appurtenance or property of the City water system or any source of water supplying to said system, to interfere with the flow or control of distribution of the water system, or to pollute, contaminate or introduce into such system any substance poisonous to human life or harmful to human health or detrimentally affecting the taste, smell, color, odor, or other aesthetic characteristic of the City water system.

(b) Restitution. All damages or injury to the water, lines, meters or other equipment of the City water system caused by any act or neglect of the user or his or her agents or any violation of this Chapter shall, in the discretion of the City, be repaired by or at the expense of the user, and the user shall pay all costs and expenses, including reasonable attorneys' fees, which may arise or accrue to the City through its

efforts to repair or recover expenses for the repair of the damage to the water, lines, meters or other equipment of the City water system or Public Works Department.

**4-03-400. Emergencies.**

Notwithstanding the provisions of this Chapter, in the case of leaks or other accidents damaging service laterals or other apparatus connected with the water system, plumbers or other qualified persons may shut off the water at the curb box to make the necessary repairs, and turn on the water upon completion of such repairs without obtaining authorization.

**4-03-410. Waste Prohibited.**

All users of water service shall be required to keep their sprinklers, faucets, valves, hoses and all apparatus connected to the water system in good condition at their own expense and all waterways closed when not in use. No person, unless authorized by the City in accordance with this Chapter, shall turn on or discharge water from any fire hydrant, and no water user or other person shall waste water or allow it to be wasted by imperfect stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets, basins, sinks, or other apparatus, or to use any water from the water system except for culinary and domestic purposes, including lawn sprinkling, unless so authorized by the City, or to use the water for purposes other than those for which he or she has paid, or use water in violation of the rules and regulations adopted by the City Council.

**4-03-420. Sprinklers.**

All sprinkler systems shall comply with applicable provisions of the Plumbing Code, as adopted and amended by the City, and shall only be allowed in connection with other secondary water service provided to the premises. It shall be unlawful for any person to install or use a sprinkling system which materially affects the pressure or supply of water in the City water system or any part thereof.

**4-03-430. Curtailment.**

Water shall be supplied first for culinary purposes. In times of water scarcity, the Mayor may, by proclamation, declare a water emergency and limit, ration, or otherwise regulate the distribution or use of water to such extent as may be required for public good of the City. Such action of the City may include, but shall not be limited to, limiting the use of water for lawn sprinkling or imposing a moratorium on new water connections until the emergency has been alleviated.

**4-03-440. Turning Water Off.**

If any water user shall waste water, or shall, within two (2) days after notice is given by the Public Works Department, fail to repair any service connection or

plumbing on his or her premises, or fail to comply with any regulations or restrictions with respect to the use of water, he or she shall be liable to have the water shut off from his or her premises by the Public Works Department. Upon the occurrence of any of the foregoing, the Public Works Department shall notify the occupant of the premises and the owner thereof in writing, by personal delivery or certified mail, return receipt requested, of the violation and that the water service will be discontinued if the violation is not remedied within three (3) days. If the violation is not remedied within the required time frame after service of the notice of discontinuance, the Public Works Department shall cause a notice to be left on the property explaining the reason for discontinuance, and the water service may thereafter be discontinued. If water is turned off because of defective plumbing or waste as provided herein, the water shall not be turned on again until the same have been repaired in accordance with the requirements of the Public Works Department, and a fee has been paid for shut off, turn on and inspection as set forth by resolution in the City Consolidated Fee Schedule.

**4-03-450. Cross Connections.**

(a) Generally. This Section shall be known as the "Syracuse City Cross Connection Ordinance," and may be so cited. The purpose of this Section is to protect the public potable water supply from contamination or pollution by isolating within its customers' internal distribution system(s) or its customers' private water system(s) such contaminants or pollutants which could backflow or back-siphon into the public potable water supply system. This Ordinance is adopted pursuant to Section R309-~~402-5~~ [105](#) of the Utah Safe Drinking Water Rules and Regulations.

(b) Requirements. No water service connection to any premises within the City shall be installed or maintained unless the water supply is protected. Unprotected cross connections shall not be an integral part of any consumer's water system within the City. In the event a cross connection cannot be eliminated, it must be protected by the installation of an air gap or approved backflow prevention assembly/device in accordance with the provisions set forth herein [and indicated in the City Standards and Specifications](#).

(c) Responsibilities. It shall be the responsibility of the consumer to purchase, install or cause to be installed, test and maintain any backflow prevention assembly/device required to herein. It shall be the responsibility of the City Public Works and Building Departments to administer and enforce the provisions of this Section to ensure compliance herewith.

(d) Compliance. All connections to the City water system and backflow prevention devices required herein shall conform to the provisions of this Section, the Plumbing Code, as amended and adopted by the City, the Utah Safe Drinking Water Act, and other relevant provisions of the *Utah Code Annotated*, as amended.

(e) Enforcement. Service of water to any building or location, in the discretion of the City, may be discontinued if a backflow prevention assembly required by this

Section is not installed, tested, and maintained, if a backflow prevention assembly has been removed or by-passed, or if an unprotected cross connection exists at the building or location. In addition, water service may be terminated to any building or location when the Public Works Director or Building Official determines that the service connection's water usage constitutes a sufficient hazard or risk to the water supply or to the City's water system. The City shall give reasonable notice to the customer and/or owner of the building or location of the termination of water service to a building or location, and where the consumer could not reasonably be so notified before termination, then notice shall be given promptly afterwards. Service will not be restored until such conditions or defects are corrected to the requirement of this Section and the satisfaction of the City.

(f) Record Keeping. Officers and employees of the Public Works Department and the Building Department shall report all installations of backflow prevention devices, assemblies and methods of cross connection correction installed by or communicated to them to the Public Works Director or his or her designee. The Public Works Director, or his or her designee, shall maintain or cause to be maintained an inventory of all said assemblies, as well as test and repair records on all such assemblies, and shall be responsible for notifying customers of annual testing requirements or other enforcement requirements.

(g) In addition to the provisions of this Ordinance, the City is hereby authorized to adopt Rules and Regulations and policies relating to the prevention of cross-connections.

**4-03-460. Maintenance and Control of Hydrants.**

Fire hydrants are the property of the City and are under the control of and shall be kept in repair by the Public Works Department.

**4-03-470. Tampering with Hydrants.**

Fire hydrants shall not be tampered with and no one shall use, adjust, alter or change any fire hydrant except the Public Works Department or persons duly authorized by the City. It is unlawful for any person, other than those duly authorized, to open or operate any City fire hydrant or to tamper or interfere with or attempt to draw water therefrom, or in any way to obstruct the approach thereto.

**4-03-480. Hydrant Use by City Departments.**

Duly authorized fire protection personnel shall at all times have free and unrestricted access to all fire hydrants. In the event of a fire within the City, a fireman, policeman, or employee of the Public Works Department may order that all valves, taps, and stopcocks connected to the plumbing systems of any property supplied with water service by the City be closed and remain closed until the fire is extinguished. Other City

Departments or agencies may use fire hydrants with the approval of the Public Works Department.

**4-03-490. Private Use of Fire Hydrant Water.**

The private use of City fire hydrants for obtaining water is discouraged and shall be used as a measure of last resort and all other means of obtaining water for construction purposes, dust control and other private uses must be explored and used whenever possible. Any private use of fire hydrants shall require a permit as provided herein.

**4-03-500. Fire Hydrant Water Use Permit.**

(a) Permit Required. Any person or entity desiring to obtain water from a City fire hydrant shall submit an application for a Fire Hydrant Water Use Permit on forms provided by the City to the Public Works Department. The application shall be signed by the applicant or applicant's authorized and certified agent, and shall state the purpose for which the water is to be used, the location of the intended fire hydrant to be used, and the desired term of the permit, not to exceed thirty (30) days. Applicants must agree to and abide by all conditions, charges and liabilities of the permit.

(b) Fees. Each application for a Fire Hydrant Water Use Permit shall be accompanied by the required permit fees as set forth in the City Fee Schedule. No permit shall be issued until the proper fees have been paid to the City. Unless otherwise provided, the permit and fees required herein shall be in addition to any and all other licenses, permits and fees imposed by any other ordinance, regulation or law.

(c) Issuance of Permit. The Water Superintendent shall review all applications for Fire Hydrant Water Use Permits and may issue or deny such applications based upon consideration of the effect of the proposed use, the location of the hydrant, the availability of water from the system, assurance that the use of the hydrant(s) will not adversely affect delivery of water to existing connections to the City water system, and compliance with all conditions and requirements of this Chapter. Permit terms may not exceed thirty (30) days. Permits shall be valid only for the applicant for whom it was issued and only for the location and use for which it was issued and shall not be assignable or transferable.

(d) Water Meter. Upon issuance of a Fire Hydrant Water Use Permit and payment of all required fees and deposits, the permit holder shall obtain a meter and other required equipment from the Public Works Department necessary to obtain and meter the water drawn from the hydrant in accordance with the permit. A deposit shall be required for the use of the meter and other equipment provided by the City in an amount set forth in the City Fee Schedule in order to insure return of the meter and equipment in good condition. The meter number and reading shall be noted on the permit at the time of issuance.

(e) Payment. Upon completion of the use of fire hydrant water or expiration of the permit, whichever is sooner, Applicant shall return the meter and other equipment provided by the City and pay the appropriate fee in accordance with the rates set forth in the City Fee Schedule for the amount of water used as indicated on the returned meter. In the City's discretion, the City may require an applicant to pre-pay for the good faith estimate of the amount of water to be used at the appropriate rate set forth in the City Fee Schedule. Upon completion of the use of fire hydrant water or expiration of the permit, actual water usage shall be determined and the Applicant shall pay to the City any deficiency in water fees owed. All fees, deposits and payments shall be submitted to the City Treasurer's Office for receipt and remittance.

(f) Inspection. The City reserves the right to supervise and/or inspect the use of any City fire hydrant in accordance with any permit issued hereunder. Applicant shall close the hydrant and disconnect the meter from the hydrant when not using the water, thereby leaving the hydrants free and clear for use by the fire department and City officials.

(g) Free Access. No private use of City fire hydrants as permitted herein, may interfere with the use of any fire hydrant by City officials, and the fire department shall at all times have free access to all fire hydrants.

(h) Records. The Public Works Department shall keep a record of all permits issued hereunder, including the name of the person to whom the permit was issued, the term of the permit and the fees and deposit collected.

(i) Rules and Regulations. The Public Works Department may establish and adopt, with the advice and consent of the City Council, rules and regulations governing the use of City fire hydrants and permits for the same.

(j) Indemnification. Applicant shall be responsible for returning the meter and equipment to the City in good condition when due. A late fee may be charged for any meter or equipment which is not returned to the City within twenty-four (24) hours from the expiration of the permit as provided in the City Fee Schedule. Applicant shall be responsible to reimburse the City for the cost to replace any meter or equipment not returned and shall be liable for any and all damage to the City fire hydrant(s) or equipment in connection with applicant's use of the hydrant. Applicant shall further indemnify and hold harmless the City, its officers, employees, agents and sureties, from liability of any kind or nature which may result from use of the hydrant, meter, equipment or water as permitted herein.

(k) Revocation. Any Fire Hydrant Water Use Permit issued hereunder may be revoked or suspended by the City upon applicant's failure to comply with the rules and regulations of the Public Works Department and the ordinances of the City governing the use of water from City fire hydrants. Prior to revocation of any permit, proper notice and an opportunity to be heard shall be provided to the permit holder.

(l) Appeals. Any person aggrieved of the denial or revocation of a Fire Hydrant Water Use Permit may appeal such decision to the City Council by filing written notice of appeal within fifteen (15) days from the date of the decision.

**4-03-510. Secondary Water Connection.**

(a) New Residential Buildings. All new residential building sites shall be served by pressure irrigation in accordance with the City Subdivision Ordinance. No new building permits will be issued until the applicant has made arrangements to connect to an irrigation water system. Each owner shall extend to the pressure irrigation system and provide a connection for the building site concurrent with construction of the residence.

(b) Existing Residential Buildings. All owners of existing residences having access to pressurized irrigation systems are encouraged to connect to such systems for all outside watering.

**4-03-520. Wellhead Protection.**

In order to protect ground water sources that supply water to the City potable water system, the City shall adopt a **Wellhead Protection Ordinance** set forth in the City Zoning Ordinance restricting land use and development within the vicinity of any well that supplies potable water to the City water system in order to protect such areas from urban development which may cause pollutants to be discharged into the ground water supply. All development within the City must comply with the provisions of the **Wellhead Protection Ordinance**.

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**Comment [RW3]:** Unsure if the city has an Ordinance as described here. I know that the city has a Drinking Water Source Protection Plan. Consider making reference to that instead.

**4-03-530. Penalty.**

Unless otherwise specifically provided, any person who violates any provision of this Chapter shall be guilty of a Class B misdemeanor and shall be subject to fines and/or imprisonment as provided in *Utah Code Ann.* §§ 76-2-3-301 and 76-3-204, as amended. In instances where the violation is a continuing violation, a separate offense shall be deemed committed for each day in which the violation occurs or continues. This Section shall not limit the authority of any court of competent jurisdiction to impose any other sanction or order any other relief as may be appropriate under the laws of the State of Utah.

**4-03-540. Board of Equalization.**

The City Council is hereby designated as the board of equalization of water rates to hear complaints and make corrections of any assessment alleged to be illegal, unequal or unjust. All complaints shall be filed in writing to the City Recorder and shall state the grounds for the complaint.

## CHAPTER 4

### IRRIGATION WATER AND NATURAL WATER COURSES

~~4-04-010:~~ Prohibited Uses of Non-Potable or Irrigation Water

~~4-4-2:~~ ~~Distribution of Non-Potable Water~~

~~4-04-0230:~~ Damming or Obstructing Water Course or Stream

~~4-04-0304:~~ Permit Necessary for Culvert or Other Obstruction

~~4-04-010:~~ **PROHIBITED USES OF NON-POTABLE OR IRRIGATION WATER.** It shall be unlawful for any person, firm or corporation to:

- (A) Use or cause to be used any untreated or non-potable water from a pressure irrigation system for other than irrigation purposes.
- (B) Interconnect or cause to be interconnected the potable and non-potable portions, distribution systems or service lines of dual water supplies or extensions thereof.
- (C) Install or cause to be installed in the same trench or trenches the distribution or service lines of potable and non-potable water.
- (D) Connect or cause to be connected a service line to any distribution system or main line carrying non-potable water without authority of Syracuse City or employee having jurisdiction of the non-potable water supply.
- (E) Extend or cause to be extended into any building a non-potable water supply system or service line.
- (F) Connect or cause to be connected to any fire hydrant, a non-potable water supply or service line.
- (G) Expose or cause to be exposed any portions of a non-potable water supply or extensions or service lines thereof without identifying the same by distinctive coloring (~~purple piping~~) or other suitable means sufficient to distinguish the same from potable water supply systems, extensions, or service lines.
- (H) Contaminate or cause to be contaminated any source of supply, distribution system, or service line furnishing or carrying non-potable water or potable water. (~~1974~~)

~~4-4-020.3:~~ **DAMAGING OR OBSTRUCTING WATER COURSE OR STREAM.** It shall be unlawful for any person to place, replace, or maintain any dam or other obstruction of any kind in the channel of any natural or artificial water course or living stream within the limits of the City of Syracuse so as in any way to interfere with or impede the flow of the irrigation supply stream.

## CHAPTER 5

**PRESSURE IRRIGATION WATER SERVICE**

- 4-05-010. Schedule of Rates and Charges **CHANGE ALL TO CHAPTER 5**
- 4-05-020. Connection Fees
- 4-05-030. Due Date of Service Charges
- 4-05-040. Due Date of Connection Fee
- 4-05-050. Application for Water Service
- 4-05-060. Permits and Reports
- 4-05-070. Regulations
- 4-05-080. Fixtures and Fittings used in Water Connections
- 4-05-090. Outlets and Sprinklers
- 4-05-~~1000~~90. Use Without Payment Prohibited
- 4-05-~~1101~~00. Discontinuance of Service if Payments Delinquent
- 4-05-~~1201~~10. Turning on Water Without Authorization
- 4-05-~~1301~~20. Taker Only to Use Water
- 4-05-~~1401~~30. Waste Prohibited

4-05-010. **SCHEDULE OF RATES AND CHARGES.** The City Council shall, by Resolution establish such rates for the provision of pressure irrigation services as appropriate and necessary.

Schedule A: A monthly rate for new ~~home~~ construction occupied during the months of November, December, January, February or March prior to the beginning of the first secondary water season after occupancy.

Schedule B: A monthly charge or payment for pressure irrigation water users with irrigatable area up to 1.0 acre.

|             | Schedule A | Schedule B |
|-------------|------------|------------|
| 1-inch line | \$ .00     | \$12.30    |
| ¾ inch line | \$ .00     | \$ 6.30    |

The pressure irrigation water service shall not be used to irrigate any area exceeding 1.0 acre or for any lot on which the principle building has not been constructed. (~~Ord. 02-15~~)

**Comment [RW4]:** Is this already indicated in the consolidated fee schedule? If so, we should eliminate duplication.

4-05-020. **CONNECTION FEES:** For every connection to the pressure irrigation water system the following fees shall be collected:

| Size of Connection | Connection Fee |
|--------------------|----------------|
| ¾"                 | \$300.00       |
| 1"                 | \$400.00       |

Any special connections shall have fees set by the City Council in each individual situation.

Any applicant for a pressure irrigation water connection to any lot or property abutting a street, alley, or other right-of-way containing a pressure irrigation line shall pay the full connection fee therefore. (~~Ord. 01-14~~)

4-05-030. **DUE DATE OF SERVICE CHARGES.** Payment of all rates and charges accruing ~~under Section 4-6-1~~ shall be made to the City at the same time as payments are due and

payable for culinary water service furnished by the City, and shall accrue for all pressure irrigation water services available after September 30, 1984, regardless of whether irrigation water or irrigation water distribution lines are then available to the properties so charged. (1984)

**4-05-040. DUE DATE OF CONNECTION FEE.** Payment for the water connections accruing under Section 4-6-2 shall be made in full prior to the connection to the pressure irrigation lines; provided, however, that upon signing of a Time Payment Agreement, the City may allow installment payments of the connection fee over a one-year period from the date of application for service. (1984) (See Resolution R89-13)

**4-05-050. APPLICATION FOR WATER SERVICE.** Any person desiring to secure pressure irrigation water when such service is available, shall apply to the City and file an agreement with the City which shall be in substantially the following form:

**WATER APPLICATION AND AGREEMENT**

Application is hereby made by the undersigned to Syracuse City for a pressure irrigation water connection for property owned by the undersigned and identified as \_\_\_\_\_

In making said Application the undersigned agrees:

1. That undersigned will pay a connection fee of \$\_\_\_\_\_ to the City upon approval of this Application, or in installments as determined by agreement with the City.
2. Undersigned will pay for all water and services afforded by the City at the lawfully established monthly rates as may from time to time be established by the City Council of Syracuse.
3. Undersigned will abide by and obey all lawful rules and regulations of the City which may be adopted from time to time.

4. Permission is hereby granted in consideration of accepting of this Application to the City and its agents, to enter the property of Applicant to install, maintain, and/or replace appurtenant works.

5. In the event undersigned becomes delinquent for more than 30 days in the payment of the monthly service charge, undersigned will pay the reasonable cost (whether suit is filed or not) of collecting the arrearages, including a reasonable attorney's fee, and also agrees that undersigned's pressure irrigation and culinary water service may both be discontinued until payment of such arrearages has been made.

Dated this \_\_\_\_\_ day of \_\_\_\_\_.

IN WITNESS WHEREOF, the undersigned has caused this Application and Agreement to be executed as of the day and year above written.

ACCEPTED:  
SYRACUSE CITY

By \_\_\_\_\_

When Applicant is not the actual owner but is merely buying served premises under Contract, or when the Applicant is a building contractor applying for new water service, claiming to be the owner of the property, the City may require a deposit in the amount of \$ \_\_\_\_\_ to guarantee payment of all such water service.

**Comment [RW5]:** Is this indicated in the fee schedule?

Applications for water service to premises occupied by a tenant shall be made by the owner of the premises, who shall be responsible for payment of all water service thereto. (1984)

**4-05-060. PERMITS AND REPORTS.** It shall be unlawful for any person to make any extension of any pipe or connect any fixture to the pressure irrigation distribution system for any purpose whatsoever without first obtaining permission from the Syracuse City Water Superintendent. All persons must, within 24 hours after the completion of any plumbing work connected with the water system, report the same to the Water Superintendent. (1984)

**4-05-070. REGULATIONS.** The City Council shall establish by Ordinance or Resolution such regulations controlling and governing the pressure irrigation water system of the City, the manner of making such connections, and other regulations as may be necessary for the operation of the water system. (1984)

**4-05-080. FIXTURES AND FITTINGS USED IN WATER CONNECTIONS.** It shall be unlawful for any person to use any kind or size of fitting, pipe, valves, or other equipment in connection with the pressure irrigation distribution system, except the kind prescribed by the City Public Works Department. (1984) All connections made to the cities stop valves are required to be installed with an owner valve in close proximity to the supply valve. The connection to the cities stop and waste valve is the termination point of the Cities responsibility for care and maintenance. Use of the Cities stop valve is strictly prohibited unless closing the valve is necessary to prevent flooding or property damage. The city recommends all users install a filter following the owner valve.

- 4-05-090. USE WITHOUT PAYMENT PROHIBITED.** It shall be unlawful for any person by himself, family, servants, or agents to utilize the City pressure irrigation water system without paying therefore as herein provided, or without authority to open any, valve, or other fixture attached to the system or water supply, or to in any way injure, deface, or impair any part or appurtenance of the system or to cast anything into any reservoir or tank belonging to said system. ~~(1984)~~
- 4-05-100. DISCONTINUANCE OF SERVICE IF PAYMENTS DELINQUENT.** The City shall mail a written statement to each user of the pressure water service once each month, or at such other regular intervals as the City Council shall direct. Said statement shall specify the amount of the bill for the pressure irrigation water service used and the place of payment and date due. If any person fails to pay the charges within 30 days of the due date, the City shall so notify the Water Department and shall have authority to direct said Department to shut off all water service, both pressure irrigation and culinary, to the premises involved. Before said service to the premises shall again be provided, all delinquent water charges must be paid to the City ~~Treasurer~~, together with such disconnection and re-connection charges as may be established by resolution of the City Council. The City is hereby authorized and empowered to enforce payment of all delinquent water service charges by an action at law in the corporate name of the City. ~~(1990)~~
- 4-05-110. TURNING ON WATER WITHOUT AUTHORIZATION.** It shall be unlawful for any person, after the water has been turned off from his premises on account of non-payment of rates or other violation of the rules and regulations pertaining to the water supply, to turn on or allow the water to be turned on or used or allow the water to be used. ~~(1984)~~
- 4-05-120. TAKER ONLY TO USE WATER.** It shall be unlawful for any water user to permit any person from other premises, or any unauthorized persons, to use or obtain water regularly from his premises or water fixtures. ~~(1984)~~
- 4-05-130. WASTE PROHIBITED.** It shall be unlawful for any pressure irrigation water user to waste water, or to allow it to be wasted, by imperfect stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow, or to wastefully run water from hydrants, faucets, or valves, or other apparatus, or to use water in violation of the rules and regulations for controlling the water supply. ~~(1984)~~

**CHAPTER 6**  
**CEMETERY REGULATIONS**

|                |                                                                                                                                                                                                                                                                                                                                   |                                               |
|----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
| <u>4-06-01</u> | <u>Definitions</u>                                                                                                                                                                                                                                                                                                                | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-02</u> | <u>Cemetery Name</u>                                                                                                                                                                                                                                                                                                              | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-03</u> | <u>Office of Sexton</u>                                                                                                                                                                                                                                                                                                           | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-04</u> | <u>Duties of Cemetery Sexton</u>                                                                                                                                                                                                                                                                                                  | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-05</u> | <u>Sale of Burial Rights</u>                                                                                                                                                                                                                                                                                                      | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-06</u> | <u>Transfer of Burial Rights</u>                                                                                                                                                                                                                                                                                                  | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-07</u> | <u>Interments</u>                                                                                                                                                                                                                                                                                                                 | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-08</u> | <u>Disinterment</u>                                                                                                                                                                                                                                                                                                               | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-09</u> | <u>Abandonment</u>                                                                                                                                                                                                                                                                                                                | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-10</u> | <u>Conduct</u>                                                                                                                                                                                                                                                                                                                    | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-11</u> | <u>Cemetery Hours</u>                                                                                                                                                                                                                                                                                                             | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-12</u> | <u>Monuments and Markers</u>                                                                                                                                                                                                                                                                                                      | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-13</u> | <u>Decorations of Graves</u>                                                                                                                                                                                                                                                                                                      | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-14</u> | <u>Perpetual Care</u>                                                                                                                                                                                                                                                                                                             | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-15</u> | <u>Penalty</u>                                                                                                                                                                                                                                                                                                                    | Formatted: Font: (Default) Arial, 10 pt, Bold |
| <u>4-06-01</u> | <u>Definitions</u>                                                                                                                                                                                                                                                                                                                | Formatted: Font: (Default) Arial, 10 pt, Bold |
|                | <u>CEMETERY: The term "Cemetery" shall mean any Cemetery owned and/or maintained by the City for the purpose of receiving the remains of deceased humans.</u>                                                                                                                                                                     | Formatted: Font: (Default) Arial, 10 pt, Bold |
|                | <u>Cemetery Office: The term "Cemetery Office" shall mean the Public Works Office maintained at, 3061 South 2400 West, Syracuse, Utah 84075.</u>                                                                                                                                                                                  | Formatted: Font: (Default) Arial, 10 pt       |
|                | <u>Certificate: The term "Certificate" referred to herein shall mean Burial Right Certificate.</u>                                                                                                                                                                                                                                | Formatted: Font: (Default) Arial, 10 pt       |
|                | <u>City: The term "City" shall mean Syracuse City, Utah.</u>                                                                                                                                                                                                                                                                      | Formatted: Font: (Default) Arial, 10 pt       |
|                | <u>Certificate Holder: The term "Certificate Holder" is intended to mean and shall be construed to mean owner of purchaser of burial rights and privileges, or the collateral right of use of any burial plot, evidenced by a Burial Right Certificate or by proved and recognized descent or devise from the original owner.</u> | Formatted: Font: (Default) Arial, 10 pt       |
|                | <u>LOT: The term "lot" shall include partial lots or single graves in the City Cemetery.</u>                                                                                                                                                                                                                                      | Formatted: Font: (Default) Arial, 10 pt       |
|                | <u>Marker: The term "Marker" means a headstone flush with the surface of the ground made of granite, marble, and metal surfaces.</u>                                                                                                                                                                                              | Formatted: Font: (Default) Arial, 10 pt       |
|                | <u>Monument: The term "Monument" shall include tombstone or headstone of granite, marble, or metal substances which shall extend above the surface of the ground at least twelve inches (12") in height or higher, but not exceeding four feet (4').</u>                                                                          | Formatted: Font: (Default) Arial, 10 pt       |
|                | <u>Mow Strip: The term "Mow Strip" shall refer to the six (6) inch concrete strip around the monument or marker.</u>                                                                                                                                                                                                              | Formatted: Font: (Default) Arial, 10 pt       |
|                | <u>PERSON: The term "person" shall mean individual, group, partnership, firm, corporation, or association.</u>                                                                                                                                                                                                                    | Formatted: Font: (Default) Arial, 10 pt       |

Responsible Party: The term "Responsible Party" shall refer to any person selected by the family of the deceased to act in its behalf and can include the heir apparent, religious leader, mortician, funeral director, or any other person the family selects in choosing graves, making available information on the deceased party, and taking full liability for the family obligations concerning the services performed on the Cemetery's property.

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RESIDENTS: Any person currently residing within the incorporated limits of Syracuse City, or any person owning property within the incorporated limits of Syracuse City, or any person who resided within the incorporated limits of Syracuse City immediately prior to being placed in a health care institution.

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SEXTON: The term "sexton" shall be a City Employee appointed by the City Council, the Parks Superintendent and whose duties are described within this Chapter.

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WORDS: Single words shall include the plural and masculine words shall include the feminine and neuter.

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4-06-02 **CEMETERY NAME.** The burial ground of Syracuse City shall be known and designated by the name of Syracuse City Cemetery.

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4-06-03 **OFFICE OF SEXTON.** There is hereby created the office of City Sexton which office shall be filled by appointment of the Mayor, with the advice and consent of the City council.

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4-06-04 **DUTIES OF CEMETERY SEXTON.**

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(1) It shall be the duty of the Cemetery Sexton, or his/her representative, to supervise, manage, operate, maintain and improve the Cemetery in accordance with the provisions of the City ordinances and the rules and regulations adopted by the City Council.

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(2) It shall be the Cemetery Sextons duty to keep a true and correct record of all burial plots.

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(3) The Cemetery Sexton, or his/her representative shall direct all interments, disinterment, and marking for monuments or markers in the Cemetery.

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(4) The Cemetery Sexton shall direct all funeral corteges while in the boundary of the Cemetery as deemed necessary.

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(5) The Cemetery Sexton shall approve all claims chargeable against the Cemetery. The Cemetery Sexton shall provide such information to the City Manager or City Council as may require.

(6) The Cemetery Sexton shall employ such help as required to carry out the duties prescribed by the City ordinances and the rules and regulations adopted by the City Council.

(7) The Cemetery Sexton shall have the authority to announce additional regulations when necessary, with the approval of City Council.

(8) Any person or firm desiring to perform work within the cemetery must first secure the approval and written permission of the Sexton. All settings of vases, markers and monuments and all plantings of trees, shrubs and flowers must be approved by the Sexton be for the work is commenced and all work shall be performed under the direction of the Cemetery Sexton or his/her representative.

(9) It shall be the duty of the Cemetery Sexton to remove floral pieces or displays left on any grave when he/she deems necessary.

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4-06-05 **SALE OF BURIAL RIGHTS**

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- (1) The Cemetery Sexton or his/her representative shall be the registrar of burials for the City, and before burying any dead in any city-owned Cemetery within the city limits, the relatives or other persons having charge of said body shall be required to furnish to the Sexton or representative, a statement of which shall include the name of the person deceased, when and where born, if known, the date of death and cause thereof. Also, the initial letter with information of the plat, as well as the number of block, lot and position where person is to be buried.
- (2) No person who shall purchase the use of any grave site or lot for burial purposes within the city cemetery shall sell such position or lot to any buyer except the city.
- (3) The city hereby agrees to buy back the any lot which it may hereafter sell. The price in which the city buys back a lot shall be the exact price the owner paid. In no event shall the city pay more nor less that what the lot was originally purchased for.
- (4) The sale of every lot is a right to burial. The lot or grave site owner does not own the ground in which the person is said to be buried in. The use of every lot or single grave site sold is subject to the rules and regulations that may be hereafter adopted and to such changes of the present rules as are found necessary for the protection of lot owners and the remains of the dead, and any such sale shall cover the use of such lot or grave site for burial purposes only. In the event of an emergency the sexton has the sole right to move lot or grave site owners to other unoccupied lots without reimbursement from the city.

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4-06-06 **TRANSFER OF BURIAL RIGHTS**

- (1) Where ownership to a purchased lot is to be transferred, the original deed shall be cancelled and the record so corrected. A transfer fee, as set by the resolution of the City Council shall be paid to the City Sexton for such service.
- (2) Whenever ownership to purchased lots reverts to the City, the original deeds shall be filed with the City Sexton, and before new deeds are issued covering said property, the original deed shall be cancelled or quit claim deed given and the record so changed.

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4-06-07 **INTERMENTS**

- (1) There shall be no interment of anything other than the remains of human bodies in City Cemetery and no interment of any deceased human shall be made in any other place than within cemeteries devoted to that purpose.
- (2) No person, except the certificate holder of a lot upon which interment is to be made, shall use the plot or lot in the Cemetery, without first obtaining written permission from the certificate holder of said lot, or nearest relative of the certificate holder thereof.
- (3) Funeral directors must schedule the use of the cemetery, have the interment work order signed, and have fees paid in full before arrangements with the family are concluded.
- (4) The human remains must arrive to the cemetery before 3:00 p.m. (November 1 to April 30) and at or before 4:00 p.m. (May 1 to October 31) for interment if the grave is to be filled in with earth the same day.
- (5) There shall be no interments on Sundays or the legal holidays of New Years Day, Memorial Day, Independence Day, Pioneer Day, Thanksgiving Day, and Christmas Day.
- (6) No person shall be buried in the City Cemetery unless the casket shall be placed in a reinforced concrete, steel or other vault approved by the City Sexton.
- (7) Saturday services will be charged an additional fee as set for by the City Council in addition to the standard interment fee.

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(8) It shall be unlawful to bury the body of any person within the limits of the city, except in public or private cemeteries located therein, unless special permission by the City Council.

4-06-08 **DISINTERMENT**

- (1) No person shall disinter any human remains in the cemetery, except under the direction of the Sexton. All disinterments shall comply with applicable State law.
- (2) Before disinterring any remains of any person who has been buried in the Cemetery, the relatives or other person having charge of said remains shall be required to furnish in writing the Cemetery Sexton or his/her representative a request for disinterment which shall include name of deceased, when and where they were born, when and where death occurred, initial letter of the plat, as well as the number of block or lot where said person is buried, together with the name of the mortuary and those persons responsible for the said disinterment.
- (3) The City assumes no responsibility whatsoever for the condition of any casket or vault involved in any removal.

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4-06-09 **ABANDONMENT**

- (1) The City may reclaim any unused burial site which has been unused for burial purposes for more than sixty (60) years, and during the sixty (60) year period the owner has not given the municipality written notice of any claim or interest in the lot or parcels.
- (1)(2) Before a lot or any portion thereof shall be deemed to have been abandoned, the City Council shall set a time and place for hearing to determine the question of abandonment and shall:
  - (a) Cause a notice of the time and place of the hearing to be posted in a conspicuous place on the lot or portion thereof affected by said hearing at least 20 days prior to the date of the hearing.
  - (b) Cause a notice of said hearing to be published in at least one issue of a newspaper having general circulation in the City, said publication being not more than 30 days or less than 10 days prior to the date of said hearing.
  - (c) Cause a notice to be sent by certified mail to the last known address of each of the owners or users of said lot or portion thereof as shown by the City's records at least 20 days prior to said hearing.

At such hearing the City Sexton and others having information concerning the use made of the lot or portions of lots by said owner or owners shall attend and present evidence as to such use or uses, and the recorded owner or owners of said lot and/or their heirs and descendants and all other persons appearing on their behalf may offer such evidence of use as may bear upon the question of abandonment. All proceedings shall be informal, and the City Council shall determine whether or not the lot or lots, or portions thereof, have been abandoned and shall cause a notice of its decision to be sent to those persons requesting the same and who appeared at such hearing.

4-06-10 **CONDUCT**

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- (1) No loud, boisterous or turbulent noise of any kind which is deemed undesirable or interferes with the decorum of the cemetery will be permitted within the boundaries of the Cemetery.
- (2) No alcohol beverage of any kind shall be permitted within the boundaries of the Cemetery.
- (3) No person shall injure, deface, take, or carry away from any grave or lot any monument, marker, tree, shrub, flower, ground or ornament in the City Cemetery except with permission from the Sexton.
- (4) It shall be unlawful for any person to erect or plant additions to the cemetery including but not limited to a fence, post, tree, shrub, monument or marker without permission of the Sexton.
- (5) Placing of signs or notices of advertisements of any kind within the City Cemetery will not be permitted.
- (6) Bringing firearms into the Cemetery except by military escort accompanying a Veteran's funeral or attending a memorial service will not be permitted within the boundaries of the Cemetery
- (7) No loitering or loafing on the grounds or around buildings will be permitted within the boundaries of the Cemetery.
- (8) It shall be unlawful for any person to drive at a speed greater than fifteen (15) miles per hour in the cemetery.
- (9) It shall be unlawful for any person to drive any vehicle over or across the lawn area or lot within the confines of the cemetery.
- (10) No animals shall be allowed in any cemetery except in the confines of a vehicle and must at all times be retained within the confines of said vehicle while the vehicle remains in the cemetery.

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4-06-11 **CEMETERY HOURS.** It shall be unlawful for any person to visit the Cemetery between the hours of one-half hour after sunset or one-half hour before sunrise without previous consent of the Cemetery Sexton.

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4-06-12 **MONUMENTS AND MARKERS**

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- (1) It shall be unlawful for any person to erect or place any marker or monument on any lot in said Cemetery without approval of the Cemetery Sexton.
- (2) The installation of all grave markers or monuments will be under the supervision of the Cemetery Sexton or designee. A notice to the Cemetery office by the Monument Company or responsible party must be made at least forty-eight (48) hours prior to the installation.
- (3) All monuments and markers must comply with the following:
  - (a) A Monument can not exceed thirty six (36) inches in height.
  - (b) The combined width of the concrete strip and marker or monument shall not exceed thirty-two (32) inches of the burial plot (s) owned by the monument owner.
  - (c) Foundation of any monument or marker placed in the cemetery must have a concrete foundation six (6) inches or deeper.
  - (d) Monument or marker must be securely set with a concrete mow strip not less than six (6) inches wide around all sides of the marker.
- (4) There shall be no other monuments, markers or structure placed upon any lot, except as provided in this chapter and with permission of the Sexton.

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(5) The Cemetery and City accept no responsibility for loss or damage to any monument or marker unless such loss or damage is a direct result to negligence on the part of the City.

4-06-13 **DECORATIONS OF GRAVES**

- (1) Fresh cut flowers and artificial flowers are permitted at any time if placed in a permanent vase located on the monument, and may be removed and discarded without notice when they become unsightly at the discretion of the sexton.
- (2) All decorations including but not limited to balloons, craft items, figurines, pinwheels, potted live plants, shepherds hooks, and solar lights are not permitted during the mowing season which is April 1 to November 1, and may be removed and discarded without notice at the discretion of the sexton.
- (3) Funeral flowers, floral pieces and decorations may be removed and discarded without notice when they become unsightly at the discretion of the Sexton.
- (4) During the mowing season any item (s) placed on the mow strip or on the lawn may be removed and discarded without notice.
- (5) A general cleanup (all flowers and grave decorations may be removed and discarded) may be done annually on:
  - (a) The first Monday in April.
  - (b) The Monday following Memorial Day
  - (c) The first Monday in November.
- (6) The City claims no responsibility or liability, nor will accept any claims against it, for loss or destruction of personal property left in the Cemetery.

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4-06-14 **PERPETUAL CARE**

- (1) The City reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in said Cemetery.
- (2) General care shall be deemed to include general ground maintenance, and shall include, but not limited to, mowing, trimming, removing dead flowers, trimming trees and shrubbery when necessary, but shall not include repairing or replacing monuments of any nature, except when the need for repair or replacement is directly caused by the city.

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4-06-15 **PENALTY.** Violation of this shall constitute a class B misdemeanor.

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**CHAPTER 7**  
**CITY PARKS AND TRAILS**

- 4-07-010: Parks and Trails Defined**
- 4-07-020: Authority to Establish**
- 4-07-030: Care of Parks and Parks Facilities**
- 4-07-040: Alcoholic Beverages, Drugs or Gambling**
- 4-07-050: Open fires**
- 4-07-060: Nuisances**
- 4-07-070: Motor Vehicles and Speed Limit**
- 4-07-080: Signs and Advertising**
- 4-07-090: Animals**
- 4-07-100: Golf and Archery**
- 4-07-110: Athletic Games**
- 4-07-120: Personal Profit or Financial Gain**
- 4-07-130: Hours of Closure**
- 4-07-140: Park Availability**
- 4-07-150: Entertainment and Similar Activities**
- 4-07-160: Concessions**
- 4-07-170: Park Reservations and Fees**
- 4-07-180: Camping or Sleeping Overnight**
- 4-07-190: Skatepark**
- 4-07-200: Aquaculture Facilities**
- 4-07-210: Trails**
- 4-07-230: Equestrian Park**

**4-07-010:** A. **PARKS AND TRAILS DEFINED:** For purposes of this chapter, a "park" or "trail" shall be defined as real property owned, leased or controlled by the city and operated and maintained by the city, and set apart for the use of the general public, as developed ground primarily utilized for active and passive recreational uses and which is usually, or may be, planted with trees, lawns and other landscaping, and which may include within its boundary facilities for sports, entertainment, dancing, recreation, swimming or is planned for such future use.

B. **MULTI-USE OPEN SPACE DEFINED:** For purposes of this Chapter "multi-use open space" shall be defined as real property owned, leased or controlled by the City and operated and maintained for a primary purpose which is utility or health and safety related, but which also provides incidental recreational use. A multi-use open space is not a park or a trail.

**4-07-020:** **AUTHORITY TO ESTABLISH:** The City Council may establish such reasonable rules and regulations as may be necessary for the use, control, management and protection of the public parks and trails and for multi-use open space.

**4-07-030:** **CARE OF PARKS, TRAILS AND MULTI-USE OPEN SPACE:**

A. In any park, trail or multi-use open space owned or operated by the city, it shall be unlawful to cut, break, move, take or otherwise injure, destroy or deface any trees, shrubs, plants, turf, rock or any building, fence, bridge, sign or other structure, or pollute any spring or stream.

B. No person shall dump any earth, rubbish or other substance or material in or upon any park, trail or multi-use open space without written permission from the City.

- C. No person shall throw or deposit litter in any park, trail or multi-use open space within the City except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the property or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the property by the persons responsible for its presence and property disposed of elsewhere.
- D. All persons and groups reserving facilities under this Chapter shall leave the property clean and in good repair. Persons violating this section may be barred from further reservation of the facilities, at the discretion of the city council.
- E. It shall be unlawful to scratch, cut, injure or deface any of the buildings, fences, structures or other property or pollute any of the fountains, ponds or any other improvements; or to cut or injure flowers or flowerbeds within a park; to walk upon turf or seeded areas where posted; or for the owner of any dog to allow the same to run at large within the parks, trails or multi-use open space.

**4-07-040: ALCOHOLIC BEVERAGES, DRUGS OR GAMBLING:** The sale, consumption or possession of intoxicating liquors or beverages and dangerous or narcotic drugs, or gambling of any kind, is prohibited in all parks, and on all trails, and on multi-use open space properties of the City.

**4-07-050: OPEN FIRES:** No person shall make or kindle any open fire except in designated fireplaces, fire pits, and grills provided for this purpose or in private portable commercially manufactured grills. Grills provided for public use shall be on a first come, first served basis. After use, all coals shall be drowned, cooled and removed from the property.

**4-07-060: NUISANCES:** It shall be unlawful for any person to use threatening, abusive, insulting or indecent language; to commit any obscene or indecent act; to fight; or to create a public disturbance or nuisance in any park, trail or multi-use open space. Any person who loiters in a park, trail or multi-use open space under the influence of alcohol or drugs or who otherwise disturbs the peace of park users by begging, soliciting, making undue noise or engaging in disruptive activities shall be deemed to create a nuisance.

It is unlawful for any person or persons to create any nuisance or commit any offense that is in violation of state law or city ordinance or fail to obey the lawful directives and/or orders from any law enforcement officer or their designated city official.

**4-07-070: MOTOR VEHICLES AND SPEED LIMIT:** No person shall ride in or drive any motor vehicle upon any park, trail or multi-use open space except upon roads, parking areas or other hard-surfaced areas designated for motor vehicle operation. This shall not apply, however, to motorized equipment used within the property by officers or employees of the city, the Department of Wildlife Resources, or other county or state agency in the performance of their official duties. It is prohibited for any person to commit any act, by use or operation of any motor vehicle on any park, trail or multi-use open space, which if committed upon a public highway or street in the state, would be prohibited and unlawful.

A Speed Limit: Speed limits within all parks, trails or multi-use open space shall be fifteen (15) miles per hour unless otherwise posted.

- B Manner of Operation: No motor vehicles shall be operated in a careless or reckless manner to such an extent that it will endanger the peace, health and safety of any other person or animal within the property.
- C Parking: There shall be no parking at any time except in areas designated for such purposes. Abandoned vehicles shall be towed at owner's expense. No one shall test or repair any vehicle or mechanical device in any park, trail or multi-use open space.

**4-07-080: SIGNS AND ADVERTISING:**

- (A) Regulatory Signs: Where signs have been posted under the direction of city officials on any city owned or city leased property regulating walking, entertainment, sports, use of vehicles, parking, instructions as to animals, fishing, swimming or containing other regulatory information, it is unlawful for any person to violate the provisions of such regulatory signs.
- (B) Other Signs and Advertising: No person shall, without written permission of the parks' superintendent, erect, paint, paste or otherwise affix or distribute any signs, advertisements or circulars on parks, trails or multi-use open space. The sale of anything or the solicitation of funds or donations is forbidden, except upon written permission from the City.

**4-07-090: ANIMALS:** Except in the City's Equestrian Park, Horses, cattle, and livestock of any kind are prohibited in any park. Domestic animals, i.e., dogs, cats, on a leash no more than six feet (6') in length and under the control of a person may be brought into parks, trails and multi-use open spaces. It is unlawful for any person to hitch or fasten any animal to any tree, shrub, fountain, monument, lamppost or any other ornament growing or situated in any public street, public park or place within the corporate limits of the City. It is unlawful for any person to allow any animal under his control to stand near enough to any such trees or shrubs to bite, rub against or otherwise injure the same.

No Person shall annoy, interfere with, injure, release from confinement, or abandon any fowl, or animal, wild or domestic, in a city park or on a trail, or in multi-use open space.

No person shall set a trap or snare, or shoot, injure, or poison any wild animal or bird, or injure or destroy any nest except as authorized by an animal regulatory officer.

**4-07-100: GOLF AND ARCHERY:** Practicing, playing or using public park areas, trails or multi-use open spaces for golf and archery is prohibited.

**4-07-110: ATHLETIC GAMES:** Permits are required for using city property for organized athletic events. Permits will be issued by the City and shall not interfere with City sponsored athletics or other events. A valid permit shall be displayed upon request in order to avoid conflicts in the use of facilities. Persons failing to honor a valid permit may be denied future permits to use the facilities.

**4-07-120: PERSONAL PROFIT OR FINANCIAL GAIN:** Reservations for park areas or multi-use open spaces or facilities shall not be granted for personal profit or financial gain without written permission from the City.

**4-07-130: HOURS OF CLOSURE:**

- A. It shall be unlawful for any person, minor or adult, to be on any city park or multi-use open space, parking lot or sidewalk within property boundaries during the hours of twelve o'clock (12:00) midnight and five o'clock (5:00) a.m. except as otherwise posted. The city shall reserve the right to lock any gate or chain any door offering access to any property or building in order to restrict nighttime usage thereof.
- B. This Section does not apply to the following:
  - (1) An individual or group involved in a city-sponsored activity where a city employee or an agent of the city is present.
  - (2) In any areas that may be designated for overnight camping, provided those camping possess a permit therefore.
  - (3) By written permit; provided, that the possessor of the permit strictly complies with the requirements therein.
- C. The City Manager or his designee may temporarily close or curtail activities upon any lands or waters, or any portions thereof, when it has been deemed to be in the best interest of public safety, conduct, health or order.

**4-07-140: PARK AVAILABILITY:** Park facilities and multi-use open spaces may be reserved for use any day between April 15 and October 15. The city reserves the right to withhold reservations for any given day during the period of availability for any City sponsored event or if the city determines there is necessary maintenance, cleanup, repair, or other work of an extraordinary nature that needs to be performed on any property or facility.

**4-07-150: ENTERTAINMENT AND SIMILAR ACTIVITIES:** No entertainment, demonstration, exhibition, meeting, concert or tournament, whether public or private, shall be given in any park, trail or multi-use open space without having obtained the written permission from the City.

**4-07-160: CONCESSIONS:** No person may sell food, drinks, or other items in the park, trail or multi-use open space except as may be permitted by special contract approved by the City.

**4-07-170: PROPERTY RESERVATIONS AND FEES.** In general, park, trail and multi-use open space usage is available on "first come, first served" basis. Planned events in which a reservation has been obtained shall have priority over events or uses that have not obtained a reservation.

- (A) Reservations: Application for reservation of amenities may be made at the city office.
- (B) Fees: A fee set by resolution shall be charged and collected at the time of reservation.
- (C) Keys: Keys to reserved facilities may be picked up at the city offices on the last working day prior to the date of the reservation and returned on the first working day thereafter. A deposit shall be required and shall be forfeited if the key is lost or damaged. No such key shall be duplicated except by authorized city personnel.

**4-07-180: CAMPING OR SLEEPING OVERNIGHT:** Camping or sleeping overnight in city parks, trails or multi-use open space is prohibited without first obtaining a permit from the City.

**4-07-190: SKATEPARK:**

- (A) In any skatepark facility owned or operated by the city of Syracuse, the use of bicycles of any type, scooters, similar devices, and motorized vehicles are prohibited.
- (B) Persons riding a skateboard, or using roller skates, or in-line skates in a skatepark facility owned or operated by the city shall, without city supervision, skate at their own risk. The use of safety equipment including helmets, kneepads, elbow pads, and wrist guards is strongly recommended.
- (C) Any person riding a skateboard, roller skates, or in-line skates in the facility shall exercise extreme caution, respecting the use of the facility by other skaters, and complying with all other city ordinances pertaining to public peace, morals, and welfare.
- (D) It is unlawful for any obstacles, including ramps, rails, or similar equipment or material not constructed as part of the skatepark to be on the premises including, but not limited to, parking lots, sidewalks, grass areas, spectator areas, or other City property.
- (E) It is unlawful for any user or spectator to not report any damage or hazardous condition to the City.
- (F) It is unlawful for any person to organize events at the skatepark facility without prior written approval from the director of parks and recreation or his designee. The city reserves the right to organize, promote, sponsor, and rent the facility for special events and may preempt other scheduled events at its own discretion if necessary.
- (G) It is unlawful for any person to skate in the skatepark before dawn and after dusk on any day. The facility shall be open to the public dawn to dusk unless otherwise posted. The operating schedule of the facility may be curtailed at the discretion of the city for inclement weather, special events, unforeseeable circumstances, or for repairs to the skatepark.
- (H) Any person who fails or refuses to comply with the provisions of this section and who is injured while using the skatepark facility shall be deemed negligent.
- (I) Any person failing to comply with the above stated rules and regulations is guilty of an infraction and subject to citation.

**4-07-200: AQUACULTURE FACILITIES:**

- A Fishing: The use of any park with aquaculture facilities for the purpose of fishing must be in compliance with Title 23 of Utah Code Annotated (wildlife resources code of Utah), the rules and proclamations promulgated thereunder, orders issued pursuant thereto, and the provisions of this section.

(1) Ice Skating and/or ice fishing shall not be allowed on any lake, pond, reservoir or stream within an aquaculture facility.

B Swimming: Except by special permit issued by the City Council, no person shall swim, bathe or wade in the waters of any fountain, pond, lake or stream not set aside for the purpose of swimming, bathing or wading or pollute the waters of any fountain, pond, lake, reservoir, or stream in any public park or playground. Domesticated animals are prohibited from swimming in any city park aquatic facility.

This section shall not apply to rescue efforts or the care and maintenance of aquaculture facilities.

C Floatation Devices: Motorized Boats or Floatation Devices: No person shall ride in or drive any motorized boat upon any lake, pond or stream within said aquaculture facilities. This shall not apply, however, to motorized boats used within the park by officers or employees of the City or of the Department of Wildlife Resources in the performance of their official duties in the care and clean-up of the facilities. Self propelled boats, which are limited to small row boats (12 feet or less), float tubes, kick boats (pontoon boats), kayaks, paddle boats, and canoes will be allowed within said aquaculture facilities. In accordance with Utah Law, all boats are required to have at least one Type 1, 2, 3, or 5 U.S. Coast Guard approved personal floatation device (life jacket) of proper size, in serviceable condition, and each person aboard any boat shall wear a personal floatation device at all times. All personal floatation devices must be used in accordance with the age, weight, activity, and use restrictions listed on the U.S. Coast Guard approval label.

D Model Boating: No person shall engage in model boating in, on or upon the waters of any aquaculture facility in the city of Syracuse.

E Aquatic Animals: No person is to put in or around any lake, pond or stream any type of non-native or domesticated fish, frog, or any other kind of amphibian or aquatic animal including, but not limited to, goldfish, frogs, lizards, snakes, etc. (~~Ord-06-05~~) (~~Ord-06-24~~)

**4-07-210: TRAILS:** Trails may be established along specified corridors within the city from time to time by the city council designating areas as such trails. After initial establishment of any trail, the city council shall thereafter have the right to terminate such areas as trails upon majority of vote of the City Council.

Designated trails located within the city shall be maintained by the city. Such maintenance shall include mowing, watering and providing general maintenance to vegetation and facilities located within the designated trail areas pursuant to a maintenance plan and schedule determined by the city.

Trails established for pedestrian and non-motorized vehicle usage shall generally be subject to all parks regulations. To ensure the safety and enjoyment of citizen usage, protection of wildlife, and of the natural resources, the following restrictions shall apply to all trails within the City.

A. No horses or other equestrian animals shall be allowed on any pedestrian trail. All dogs, cats or other pets shall be on leash no longer than six (6) feet long.

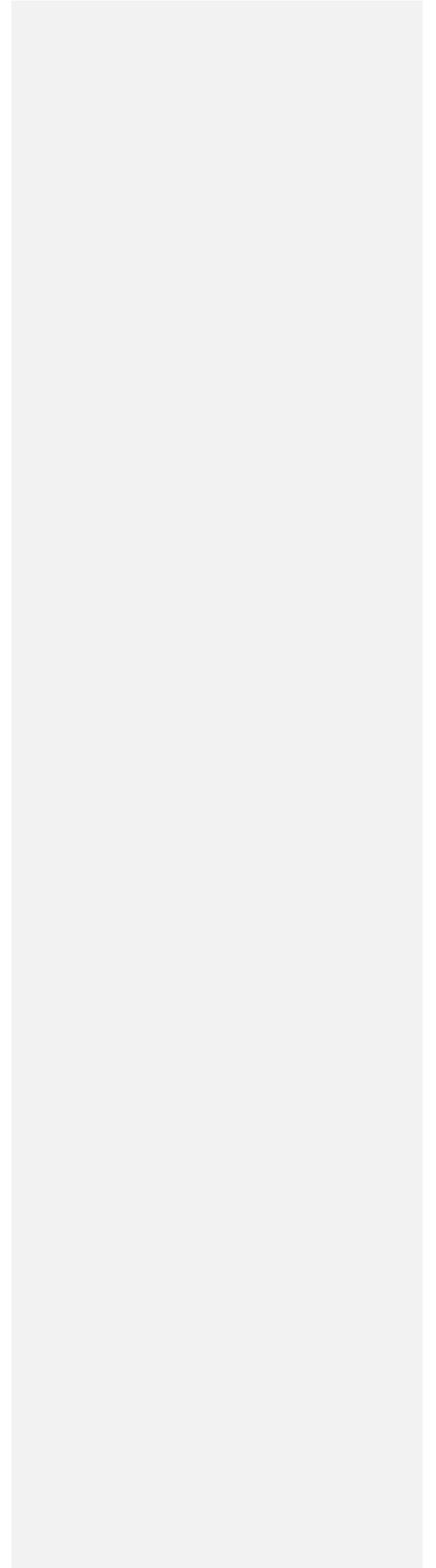
- B. No motorized vehicles shall be allowed except for medical and regulatory agencies, i.e., police, animal control, maintenance and construction vehicles approved by the City.
- C. No Consumption of alcoholic beverages and/or drug usage, possession, or sale shall be allowed on any trail. It is forbidden to operate a bicycle under the influence of drugs or alcohol on any trail.
- D. No discharging, transporting, or possession of weapons shall be allowed on any trail except by regulatory agencies.
- E. Cyclists riding two abreast shall not impede the normal movement of trail pedestrians and shall be subject to riding within a single lane. Cyclists shall maintain a safe speed along trails and shall be able to stop bicycles within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement. Persons riding bicycles, skateboards, and roller blades shall yield to pedestrians.
- F. No marking, disfiguring, or tampering with the trail surface or its surrounding area shall be permitted without consent from the City.
- G. All trail users shall obey Trail signs posted. No individual shall post signs upon any trail.
- H. No trail user shall, under any circumstance, be permitted to impede or obstruct a trail right-of-way.

**4-07-220:**

**EQUESTRIAN PARK:** The City's Equestrian Park shall be used mainly for activities involving horses and other domesticated animals. The City shall govern the use of the Equestrian Park and may prohibit specific activity uses. In addition to regulations for all parks generally, the following regulations shall be enforced at the Equestrian Park:

- A. The park may be used on a "first come, first served" basis unless prior reservations have been approved by an individual or group at the City Office.
- B. Users of the Equestrian park shall assume full liability for injury or damages of any nature that may occur to animals, people or property while using the Equestrian Park and shall hold the City harmless from any and all incidents, injuries, damages or occurrences that may arise out of the use of the rodeo grounds, the conduct of users agents, employees or members of users organizations, the presence, movement or operation of users vehicles and/or trailers, and the animals present at the rodeo arena.
- C. Users of the park shall not keep, maintain, or leave any personal property at the Park without the written consent of the City, and without paying additional fees as established by the City Council.
- D. No animals shall be allowed to run free outside of the Equestrian Park boundaries.
- E. As with all other parks, possession, sale, or consumption of alcoholic beverages and dangerous or narcotic drugs, or gambling of any kind, is prohibited at the Equestrian Park.

F Use of the Park for Demolition Derbies is prohibited.



CHAPTER 8

ILLICIT DISCHARGE AND EROSION CONTROL

Administration and enforcement

- 4-08-010: Purpose
- 4-08-020: Definitions
- 4-08-030: Applicability
- 4-08-040: Administration
- 4-08-050: Severability
- 4-08-060: Ultimate Responsibility
- 4-08-070: Prohibitions
- 4-08-080: Illicit Discharges
- 4-08-090: Erosion Control on Construction Sites
- 4-08-100: Post Construction
- 4-08-110: Storm Water Design Criteria
- 4-08-120: Notice of Illicit Discharge
- 4-08-130: Enforcement, Violation and Penalties

4-08-010: **PURPOSE.** The purpose of this ordinance is to protect the health, safety and welfare of Syracuse City and its inhabitants by improving the City's storm sewer system, managing and controlling storm water run-off, protecting property, preventing polluted water from entering the City's storm water system and other receiving waters to the maximum extent practicable as required by federal and state law. The objectives of this ordinance are:

- A. To regulate the contribution of pollutants to the City's storm sewer system by storm water discharges by any user;
- B. To prohibit illicit connections and discharges to the City storm water system;
- C. To guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in the movement of earth on land within the City;
- D. To minimize increases in non-point source pollution caused by storm water run-off from development which would otherwise degrade local water quality;
- E. To reduce the amount of storm water run-off, soil erosion and non-point source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
- F. To establish a viable and fair method of financing the construction management, operation and maintenance of the storm sewer system;
- G. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance; and
- H. To establish a penalty procedure for violation(s) of this code. (Ord. 06-06)

4-08-020: **DEFINITIONS.** For the purposes of this ordinance, the following shall mean: **Authorized Enforcement Agency:** The City Public Works Director (PWD) and/or any individual

designated by the PWD as an Authorized Enforcement Agent designated to enforce this ordinance.

**Berm:** An earthen mound used to direct the flow of run-off around or through a structure.

**Best Management Practices (BMPs):** Includes schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the waters of the United States. BMPs also include treatment requirements, operating procedures, educational activities, and practices to control plant site run-off spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**City:** Means Syracuse City, Davis County, Utah with associated jurisdiction.

**Clean Water Act:** The federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117, enacted at 33 U.S.C. § 1251 et seq., and any subsequent amendments thereto.

**Construction Activity:** Activities subject to the National Pollutant Discharge Elimination System, (NPDES) Construction Permits. These include construction projects resulting in land disturbance of **one acre** or more. Such activities include, but are not limited to, clearing and grubbing, grading, excavating, and demolition.

**Conveyance System:** Any channel or pipe for collecting and directing the storm water.

**Culvert:** A covered channel or large diameter pipe that directs water flow below the ground surface.

**Degradation:** (Biological or Chemical) The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide. (Geological) Wearing down by erosion. (Water) The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).

**Detention:** Storm water detention is temporary storage of a storm water runoff volume for subsequent release. Examples include detention basins, underground vaults, tanks or pipes, as well as temporary detention in parking lots, depressed grassy areas, etc.

**Detention Basin:** A depression to detain or slow down the flow of storm water until downstream facilities has sufficient flow capacity to handle the flow. A detention basin consists of an inlet, an outlet, the storage basin itself, and piping between. The intent of the design of the basin and its improvements are that it is to be designed and improved in such a way as to be an asset to the neighborhood and community.

**Development:** Any man-made change to the land, including but not limited to, site preparation, filling, grading, paving, excavation, and construction of building(s) or other structures.

**Dike:** An embankment to confine or control water, often built along the banks of a river to prevent overflow of lowlands; a levee.

**Discharge:** The release of storm water or other substance from a conveyance system or storage container.

**Disturb:** To alter the physical condition, natural terrain, or vegetation of land by clearing, grubbing, excavating, filling, building, or other construction activity.

**Drainage:** Refers to the collection, conveyance, containment, and/or discharge of surface and storm water run-off.

**Drain Inlet:** A point of discharge into a detention or retention basin, or pipe system, or ditch or channel.

**Drain Outlet:** A point of exit from a detention or retention basin, or pipe system, or ditch or channel.

**Erosion:** The wearing away of land surface by wind, water, ice, gravity, or mechanical processes, including vehicular traffic. Erosion occurs naturally from weather or run-off but can be intensified by land-clearing practices related to farming, residential or industrial development, road building, clearing of vegetation, or recreational activities including OHV use, hiking, equestrian, etc.

**Fill:** A deposit of earth material placed by artificial means.

**First Flush:** The delivery of a disproportionately large load of pollutants during the early part of storms due to the rapid run-off of accumulated pollutants.

**City Storm Water Activity Permit:** A City required permit, issued to any person or business that intends to disturb more than one acre of property.

**General State Construction Storm Water Permit:** A State required permit issued to any person or business that intends to disturb more than one acre of property.

**General Permit:** A Federal, or State permit issued under the NPDES to allow storm water discharges to waters of the United State.

**Grading:** The cutting and/or filling of the land surface to a desired slope or elevation.

**Hazardous Waste:** By-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Possesses, at least, one of four characteristics (flammable, corrosivity, reactivity, or toxicity), or appears on special Environmental Protection Agency (EPA) lists.

**Heavy Metals:** Metals of high specific gravity, present in municipal and industrial wastes that pose long-term environmental hazards. Such metals include cadmium, chromium, cobalt, copper, lead, mercury, nickel, and zinc.

**Illegal Discharge:** Any direct or indirect non-storm water discharge to the storm drain system, except discharges from fire fighting activities and other discharges exempted in this ordinance.

**Illicit Connection:** Any physical connection to a publicly maintained storm drain system allowing discharge of non-storm water which has not been permitted by the public entity responsible for the operation and maintenance of the system.

**Impervious Surface:** A surface which prevents or retards the penetration of water into the ground including, but not limited to, roofs, sidewalks, patios, driveways, parking lots, concrete and asphalt paving, gravel, compacted native surfaces and earthen materials, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of storm water.

**Individual Permit:** A permit issued under the NPDES program for a specific facility, whereby the unique characteristics of that facility may be addressed through the imposition of special conditions or requirements.

**Infiltration:** The downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches/hour.

**Ingress/Egress:** The points of access to and from a property.

**Inlet:** An entrance into a ditch, storm sewer, or other waterway.

**Land Disturbing Activity:** A human induced change to improved or unimproved land, including, but not limited to, new home or building construction, expansion of an existing building or home, demolition activity, clearing, grubbing, leveling, excavation, fill operations, grading, trenching, landscaping, drainage, pipe installation, drilling, mining, dredging, road construction or improvement, paving, and improvements for use as parking or storage.

**Municipal Separate Storm Sewer System (MS4):** A municipally owned and operated storm water collection system that consists of any or all of the following: curb & gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, or any other

system used to convey storm water that discharges into canals, ditches, streams, or lakes not owned and operated by the City.

**Mulch:** A natural or artificial layer of plant residue or other materials covering the land surface which conserves moisture, holds soil in place, aids in establishing plant cover, and minimizes temperature fluctuations.

**Non-point Source:** Pollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban run-off.

**NPDES (National Pollutant Discharge Elimination System):** EPA's program to control the discharge of pollutants to waters of the United States.

**NPDES Permit:** An authorization, or license, or equivalent control document issued by EPA or an approved state agency to implement the requirements of the NPDES program.

**Off-site:** Any area lying upstream of the site that drains onto the site and any area lying downstream of the site to which the site drains.

**On-site:** The entire property that includes the proposed development.

**Outfall:** The point, location, or structure where wastewater or drainage discharges from a sewer pipe, ditch, or other conveyance to a receiving body of water.

**Point Source:** Any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, platform, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

**Plat:** A map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.

**Pollutant:** Generally, any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

**Public Works Department:** Shall be the Syracuse City Public Works Department.

**Receiving Waters:** Bodies of water or surface water systems that receive water from upstream constructed (or natural) systems.

**Retention:** The holding of run-off in a basin without release except by means of evaporation, infiltration, or emergency bypass.

**Retention Basin:** A depression in the land designed to retain water from flowing downstream. A retention basin does not allow for any downstream flow, other than overland if the capacity of the basin is exceeded. Such a facility allows only for the storage of a fixed amount water, and is not normally allowed within the City's storm drain system.

**Riparian:** A relatively narrow strip of land that borders a stream or river.

**Riprap:** A combination of large stone, cobbles and boulders used to line channels, stabilize banks, reduce run-off velocities, or filter out sediment.

**Run-on:** Storm water surface flow or other surface flow which enters property other than that where it originated.

**Run-off:** That part of precipitation, snow melt, or irrigation water that runs off the land into streams or other surface water. It can carry pollutants from the air and land into the receiving waters.

**Sedimentation:** The process of depositing soil particles, clays, sands, or other sediments that were picked up by run-off.

**Sheet Flow:** Run-off which flows over the ground surface as a thin, even layer, not concentrated in a channel.

**Source Control:** A practice or structural measure to prevent pollutants from entering storm water run-off or other environmental media.

**Stabilization:** The proper placing, grading and/or covering of soil, rock, or earth to ensure its resistance to erosion, sliding, or other movement.

**Storm Drain:** A slotted opening leading to an underground pipe or open ditch for carrying surface run-off.

**Storm Drain System:** A system of surface and underground conveyance, consisting of curb and gutter, street surface, inlet and clean-out boxes, piping, open channels and detention basins, ditches, channels, storm drains, owned and operated by the City or private owners, which is designed and used to convey or collect storm water.

**Storm Water:** Rainfall run-off, snow melt run-off, and drainage. It excludes infiltration.

**Storm Water Pollution Prevention Plan:** A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to storm water, storm water conveyance systems, and/or receiving waters. This plan must be prepared prior to obtaining a general state or county construction storm water permit.

**Swale:** An elongated depression in the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct storm water flows into primarily drainage channels and allow some of the storm water to infiltrate into the ground surface.

**Treatment Control BMP:** A BMP that is intended to remove pollutants from storm water.

**Waters of the State:** Surface waters and ground waters within the boundaries of the State of Utah and subject to its jurisdiction.

**Waters of the United States:** Surface watercourses and water bodies as defined in Title 40 Part 122.2 of Code of Federal Regulation (CFR) including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry storm water at and during all times and seasons.

**Wetlands:** An area that is regularly saturated by surface or ground water and subsequently characterized by a prevalence of vegetation that is adapted for life in saturated soil conditions. Examples include, but are not limited to, swamps, bogs, marshes, and estuaries. ☹

**4-08-030: APPLICABILITY.** This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency. ☹

**4-08-040: RESPONSIBILITY OF ADMINISTRATION.** The Syracuse City Public Works Department shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the authorized enforcement agency may be delegated in writing by the Director of Public Works to persons or entities acting in the beneficial interest of or in the employ of the agency. ☹

**4-08-050: SEVERABILITY.** The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance. ☹

**4-08-060: ULTIMATE RESPONSIBILITY.** The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants. 0

**4-08-070: PROHIBITIONS.**

- A. No vehicle shall be driven or moved on any street, highway or other public place unless such vehicle is so constructed, loaded or covered as to prevent any of its load from dropping, sifting, leaking or otherwise escaping there from, except that sand or other substances may be dropped for the purpose of securing traction, or water or other substances may be sprinkled on a roadway in cleaning or maintaining such roadway for the travel of the general public.
- B. No vehicle loaded with garbage, waste paper, ashes, refuse, trash, rubbish, waste, wire, paper, cartons, boxes, glass, solid waste, scrap metal, or any other material of an unsanitary nature that is susceptible to blowing or bouncing from a moving vehicle shall be driven or moved on any street or other public place unless the load is covered with a sufficient cover to prevent the load or any part of the load from spilling onto the street or other public place.
- C. No person shall operate any vehicle so as to track or drop mud, stones, dirt, concrete, gravel or other similar material onto public streets by construction or delivery vehicles. It shall be the duty of the driver of a vehicle who unlawfully drops or deposits mud, stones, concrete, gravel or other similar material or permits the load or any portion thereof to be dropped or deposited upon any street or other public place to immediately remove the same or cause it to be removed. It shall be the duty of the driver of any vehicle to clean the tires and vehicle undercarriage of dirt or debris before the vehicle enters onto a paved surface public right of way.
- D. No person shall discharge waste concrete or concrete truck rinse water except into pre-approved discharge facilities or designated areas. Dumping of excess concrete shall not be allowed.
- E. Stockpile construction or yard improvement materials or debris in the street or in the gutter unless being stored in a self-contained storage unit that has been pre-approved by the Public Works Department. This includes, but is not limited to, ramps being constructed for temporary access across the existing curb and gutter; stockpiling of topsoil or other fill material; stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution to the storm water system. 0

**4-08-080: ILLICIT DISCHARGES.** No person shall discharge or cause to be discharged into the City storm drain system or watercourses any materials including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards other than storm water.

- A. The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:
  - (1) Water line flushing or other potable water sources;
  - (2) Landscape irrigation or lawn watering;

- (3) Diverted stream flows;
  - (4) Rising ground water;
  - (5) Ground water infiltration to storm drains;
  - (6) Uncontaminated pumped ground water;
  - (7) Foundation or footing drains (not connected to floor drains);
  - (8) Crawl space sump pumps;
  - (9) Air conditioning condensation;
  - (10) Springs;
  - (11) Non-commercial washing of vehicles;
  - (12) Natural riparian habitat or wetland flows;
  - (13) Swimming pools (if de-chlorinated – typically less than one PPM chlorine);
  - (14) Fire fighting activities, and any other water source not containing pollutants;
  - (15) Discharges specified in writing by the authorized enforcement agency as being necessary to protect public health and safety.
- B. Dye testing is an allowable discharge, but requires a verbal notification to the authorized enforcement agency prior to the time of the test.
- C. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.
- D. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the MS4. (Ord. 06-06)

**4-08-090: Erosion Control on Construction Sites.**

**A. City Storm Water Activity Permit**

- (1) Any person or business responsible for disturbing one acre or more of ground shall obtain a City Storm Water Activity Permit from the Syracuse City Public Works Department. Syracuse City will comply with the requirements for the Clean Water Act phase II, and all other State and Federal regulations. This is to include applications, permits, plans and implementation. No person shall be granted a storm water activity permit for land-disturbance that would require the uncovering of 1 acre or more without the approval of a Storm Water Pollution Prevention Plan by the Syracuse City Public Works Department.

- (a) Syracuse City Storm Water Activity Permit – This permit can be obtained from the City Public Works department with building permits or with the subdivision approval prior to the preconstruction meeting for the proposed development. All projects and sites with a total plan to effect greater than 1.0 acre of land must apply. Additionally, before connecting to an existing storm drain system (ditches, pipes, catch basin, boxes, manholes, etc.) the developer/contractor shall obtain a Storm Water Activity permit from the City Public Works Department. All basins shall be calculated, designed and stamped by a Licensed Professional Engineer. Any appropriate fees must be paid.
  - (b) Utah Pollution Discharge Elimination System (UPDES) Permit – This permit is filed with the Utah Division of Water Quality, Department of Environmental Quality. The permit can be obtained from the internet at: <http://waterquality.utha.gov/updes/stormwater.htm> All sites with a total plan to effect greater than 1.0 acre of land must apply. The appropriate fee must be paid to the state. A Storm Water Pollution Prevention Plan (SWPPP), or Erosion Control Plan or Pollution Prevention Plan) must be prepared and on site for this application. A minimum requirement for approval is possession of an active BMP plan for the proposed project.
  - (c) Stream Alteration Permit – A Stream Alteration Permit is filed with State Department of Natural Resources, Division of Water Rights. This permit overlaps the 404 wetlands permit because it is applicable to the area equal to the stream plus two times the bank full width up to 30 feet. Any modifications to the stream or banks within this area must comply with the Stream Alteration Permit.
  - (d) EPA 404 Wetlands Permit – This permit is filed with the US Army Corp of Engineers. It is applicable for all wetlands within a development. This will apply to all wetlands depending upon the presence of water, soils type, and vegetation as determined in a Wetlands Delineation Report. All “waters of the US” are affected to the normal high water mark. No fee is typically required for this permit. A letter of non-regulated wetlands may be applicable. Any mitigation that may be required must be done prior to recording a Final Plat.
- (2) Each City Storm Water Activity permit application shall bear the name and address of the owner or developer of the site, and of any consulting firm retained by the applicant together with the name of the applicant’s principal contact at such firm and shall be accompanied by a filing fee established by resolution of the City Council.
- (3) The applicant must also obtain a general state construction storm water permit from the Department of Environmental Quality, Division of Water Quality.
- (4) A City Storm Water Activity Permit is not required for the following activities:
- (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources.
  - (b) Existing nursery and agricultural operations conducted as a permitted main or accessory use.

B. Application Review Fees: The fee for review of the construction storm water permit shall be based on the amount of land to be disturbed at the site, and the fee structure shall be established from time to time by resolution of the Syracuse City Council. All of the monetary fees shall be credited to a local budgetary category to support local plan review, inspection and program administration, and shall be made prior to the issuance of any building permit or construction activity for the development.

**Comment [RW6]:** Is this built into the development review fees?

C. Waivers for Providing Storm Water Pollution Prevention Plan: Every applicant shall provide for storm water pollution prevention plan as required by this ordinance, unless a written request is filed to waive this requirement. Requests to waive the storm water pollution prevention plan requirements shall be submitted to the Public Works Department for approval.

(1) The minimum requirements for storm water pollution prevention plan may be waived in whole or in part upon written request of the applicant, provided that at least one of the following conditions applies:

- (a) It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
- (b) Alternative minimum requirements for on-site management of storm water discharges have been established in a storm water pollution prevention plan that has been approved by the Public Works Department and the implementation of the plan is required by local ordinance.
- (c) The Public Works Department finds that meeting the minimum on-site pollution prevention plans are not feasible due to the natural or existing physical characteristics of a site.
- (d) Non-structural practices will be used on the site that reduces:
  - (i) The generation of storm water from the site;
  - (ii) The size and cost of storm water storage; and
  - (iii) The pollutants generated at the site.

The amount of credit available for using such non-structural practices shall be determined by the Public Works Department.

(2) In instances where one of the conditions above applies, the Public Works Department may grant a waiver from compliance with these storm water pollution prevention plans, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the Public Works Department that the variance will not result in the following impacts to downstream waterways:

- (a) Deterioration of existing culverts, bridges, dams, and other structures;
- (b) Degradation of biological functions or habitat;
- (c) Accelerated stream bank or streambed erosion or siltation;

(d) Increased threat of flood damage to public health, life, property.

D. Storm Water Management Plan

(1) A Storm Water Management Plan shall be required with all permit applications and will include sufficient information (e.g., maps, hydrologic calculations, etc) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing storm water generated at the project site. The intent of this planning process is to determine the type of storm water management measures necessary for the proposed project, and ensure adequate planning for management of storm water run-off from future development. The Storm Water Management Plan shall be prepared in accordance with a checklist provided by the Public Works Department.

(2) For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the storm water management plan measures for controlling existing storm water runoff discharges from the site in accordance with the standards of this Ordinance to the maximum extent practicable.

E. Review and Approval

(1) The Public Works Department will review each application to determine its conformance with the provisions of this regulation. Within 30 days after receiving an application, the Public Works Department shall, in writing:

- (a) Approve the permit application;
- (b) Approve the permit application subject to such reasonable conditions as may be necessary to secure substantially the objectives of this regulation, and issue the permit subject to these conditions; or
- (c) Disapprove the permit application, indicating the reason(s) and procedure for submitting a revised application and/or submission.

(2) Failure of the Public Works Department to act on an original or revised application within the specified time period shall authorize the applicant to proceed with the plans as filed unless such time is extended by agreement between the applicant and the Public Works Department.

F. Inspection: Field inspections shall be conducted by the Syracuse City Public Works Department, the City Ordinance Enforcement Officer or other designated agent as outlined in the inspection checklist provided by the Public Works Department.

G. As Built Plans: All applicants are required to submit actual "as built" plans for any storm water management practices located on-site after final construction is completed. The plan must show the final design specifications for all storm water management facilities and must be certified by a professional engineer. A final inspection by the Syracuse Offsite Improvement Inspector and the Public Works Department is required before the release of any performance securities can occur. 

**4-08-100: Post Construction.** Unless judged by the Syracuse City Public Works Department to be exempt or granted a waiver, the following performance criteria shall be addressed for storm water management at all sites:

- A. All site designs shall establish storm water management practices to control the peak flow rates. Transmission pipes shall be designed to accommodate a ten year, one hour storm, and regional detention basins shall be designed to facilitate a 100 year, one hour storm, with a 0.2 cfs per acre discharge and local on-site detention basins shall be designed to facilitate a 50 year, one hour storm. These practices should seek to utilize pervious areas for storm water treatment and to infiltrate storm water run-off from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and [quantify quantity](#).
- B. All storm water run-off generated from new development shall not discharge untreated storm water directly into a jurisdictional wetland or waters of the state without adequate treatment. In no case shall the impact on functional values be any greater than that allowed by the Army Corp of Engineers (ACE) or the Department of Environmental Quality (DEQ) responsible for natural resources.
- C. Annual groundwater recharge rates shall be maintained by promoting infiltration through the use of structural and non-structural methods. At a minimum, annual recharge from the post development site shall mimic the annual recharge from pre-development site conditions.
- D. For new development, structural best management practices (BMP's) shall be designed to remove 75% of the average annual post development total suspended solids load (TSS). It is presumed that a structural treatment practice complies with this performance standard if it is:
  - (1) Sized to capture the prescribed water quality volume (WQV);
  - (2) Designed according to the specific performance criteria outlined in the American Public Works Association Manual;
  - (3) Constructed properly; and
  - (4) Maintained regularly.
- E. Storm water discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain storm water management practices.
- F. Storm water discharges from land uses or activities with higher potential pollutant loadings, known as "hotspots," may require the use of specific structural BMPs and pollution prevention practices. Oil separators shall be required on all sites greater than [one](#) acre identified as "hotspots" such as commercial land use sites, parking areas other than residential, mechanic shops, fuel stations, or associated parking areas. Oil separators must be capable of removing particulates down to 150 microns. Design and sizing requirements of oil separators shall be reviewed by the City Engineer prior to installation. [☪](#)

**4-08-110: Basic Storm Water Management Design Criteria.**

A. Site Design Feasibility: Storm water management practices for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- (1) Topography
- (2) Maximum Drainage Area
- (3) Depth to Water Table
- (4) Soils
- (5) Slopes
- (6) Ground cover
- (7) Location in relation to environmentally sensitive features or ultra-urban areas

B. Conveyance Issues: All storm water management practices shall be designed to convey storm water to allow for the maximum removal of pollutants and reduction in flow velocities. This shall include, but not be limited to:

- (1) Maximizing of flow paths from inflow points to outflow points
- (2) Protection of inlet and outfall structures
- (3) Elimination of erosive flow velocities
- (4) Providing of under drain systems, where applicable

C. General Policy: It is the general policy of the City to design storm water facilities as:

- (1) Storm water conveyance pipe @ 10 year design standard
- (2) Non-regional detention basin capacity @ 50 year design standard
- (3) Regional detention basin capacity @ 100 year design standard

Local storm drain pipes and inlet structures shall be designed to convey the storm waters of a 10-year event totally within an underground pipe system. The storm water piping shall handle the 10-year event. All storm water calculations for detention shall be detailed to show that the entire area in consideration shall meet the requirement of .2 cfs discharge per acre developed established by Davis County Public Works, any storm water in excess of this requirement shall be detained.

D. Intensity-Duration-Frequency Curve IDF: For the use of the Rational Formula, in determining calculations for a storm, the IDF curve available for the area closest to the City of Syracuse shall be used.

E. Basin Construction and Design Criteria

- (1) The location of the basin shall be such that convenient access for maintenance is possible. This generally means that local access is available to a dedicated roadway, any easements are provided by the owner of the property in question. In addition, volume in adjacent swales or ditches shall not be considered a portion of the storage system.
  - (2) The side slopes to all basins shall not exceed 3:1 (3 horizontal feet to 1 foot vertical elevation rise) slope, with 4.5:1 being desirable, for the ease of maintenance and mowing.
  - (3) The bottom slope shall be designed to prevent permanent stagnation of water, and shall be minimum of 2% from inlet to outlet. The City may request additional low flow elimination remedies during the subdivision warranty period if stagnation of nuisance water occurs.
  - (4) The basin freeboard shall be a minimum of one foot (top of berm or surface to high water mark of overflow outlet).
  - (5) The spillway shall be designed to overflow onto a City street or other channel with the capacity to contain and carry the overflow to an approved outlet. Said path to either a street or channel shall be within a maintained area, improved to allow flows without erosion, and within a drainage easement. All spillways shall be designed to protect adjacent embankments, structures or properties, and shall not present flooding potential to adjacent structures or homes.
  - (6) The outlet control for all small, localized basins may have fixed, size-calculated orifice plates, capable of being replaced if necessary, mounted on the outlet of the basin, as approved by the City Engineer. Large, regional basins shall be designed to have either fixed or screw-type gates installed to allow for adjustment by City Personnel, if necessary. The screw-gates shall be Waterman C-10 O.A.E. or City Engineer approved equal.
  - (7) All grates shall be designed with hot-dipped galvanized (not painted) metal grates, with bars at spacing to prevent or prohibit children's feet from falling in the structure, and still avoiding clogging with debris. Bar spacing shall never exceed 3" in any direction.
  - (8) Low flows shall be designed to flow through the basin in a pipe designed to carry a 1 year frequency flow. A concrete gutter shall not alternate to the pipe system. The pipe size and material shall be a minimum 15"-inch.
  - (9) The finish ground cover shall be either lawn sod or other landscaping, unless an alternate is approved by the City Council. A minimum 4"-inches of top soil shall be installed prior to the area being sodded. If an alternate of weed barrier geotextile fabric and cobbles is approved by the City Council, a minimum size of 6"-inch cobble rock is required.
  - (10) Basins shall be designed to allow vehicle access for maintenance by City Personnel.
- F. Maintenance Agreements: All storm water treatment practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed.

- (1) This agreement will include any and all maintenance easements required to access and inspect the storm water treatment practices, and to perform routine maintenance as necessary to ensure proper functioning of the storm water treatment practice. The agreement shall include provisions allowing for access and inspections on a reasonable basis. In addition, a legally binding covenant specifying the parties responsible for the proper maintenance of all storm water treatment practices shall be secured prior to issuance of any permits for land disturbance activities.
- (2) If a responsible party fails or refuses to meet the requirements of the maintenance agreement, the Public Works Department, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the storm water management facility becomes a danger to public safety or public health, the Public Works Department shall notify the party responsible for maintenance of the storm water management facility in writing. Upon receipt of that notice, the responsible person shall have 30 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the Public Works Department may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property, and may be placed on the tax bill and collected as ordinary taxes by the county assessor. 9

**4-08-120: Notification of Spills.** Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, said person shall notify the authorized enforcement agency in person or by phone or facsimile or email no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the Syracuse City Public Works Dept., ~~1787 South 2000 West, Syracuse, UT 84075~~ within three business days of the ~~phone~~ notice. 9

**4-08-130: Enforcement, Violation and Penalties.**

- A. Stop-Work Order; Revocation of Permit: In the event that any person holding a City Storm Water Activity permit pursuant to this ordinance violates the terms of the permit or implants site development in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the Public Works Department may suspend or revoke the site development permit, such that no work on storm water infrastructure shall be preformed or approved.
- B. Violation and Penalties: Whenever the Public Works Department finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, Syracuse City Public Works Department may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit connections or discharges;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of a fine to cover administrative and remediation costs; and
- (6) The implementation of source control or treatment BMPs.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a Class B misdemeanor and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense.

**\*\*\* Note: Strike this Chapter. To be adopted by Resolution as policy with fee schedule additions.**

**CHAPTER 9**

**SYRACUSE CITY COMMUNITY CENTER**

**4-9-1: Hours of Operation**

**4-9-2: Center Availability**

**4-9-3: Building Membership Fees**

**4-9-4: Building Usage**

**4-9-5: Building Rental and Fees**

**4-9-6: Alcoholic Beverages, Drugs or Gambling**

**4-9-7: Nuisances**

**4-9-8: Safety and Security**

**4-9-9: Lost and Found Policy**

**4-9-10: Gymnasium Policies**

**4-9-11: Indoor Track Policies**

**4-9-12: Arts and Crafts Room Policies**

**4-9-1 Hours of Operations:** The Syracuse City Community Center shall be open to the public as follows:

Monday through Thursday—6:00 a.m. to 10:00 p.m.

Friday—6:00 a.m. to 8:00 p.m.

— Saturday — 8:00 a.m. to 8:00 p.m.

— Operating hours are established by the Syracuse City Community Center Management and are subject to change. — At any time during which the building, or certain areas of the building, will be closed during regular operating hours, prior notices must be posted to inform patrons. — The Community Center will be closed on Major Holidays (i.e. Thanksgiving, Christmas Day, New Years Day, etc.). (Ord. 06-23)

**Center Availability:** The City reserves the right to withhold reservations for any given day during the period of availability for any City-sponsored event or if the City determines there is necessary maintenance, cleanup, repair, or other work of an extraordinary nature that needs to be performed at the Community Center. (Ord. 06-23)

**Building Membership Fees:** The following fee schedule shall be applicable to all patrons of the Syracuse City Community Center:

| <b>Syracuse Resident</b> | <b>Day Pass</b> | <b>Monthly Pass</b> | <b>Yearly Pass</b> |
|--------------------------|-----------------|---------------------|--------------------|
| Child (5-13)             | \$.50           | \$4.00              | \$35.00            |
| Youth (14-17)            | \$1.00          | \$10.00             | \$75.00            |
| Adult (18-59)            | \$2.00          | \$15.00             | \$100.00           |
| Adult Couple             | N/A             | \$25.00             | \$175.00           |
| Senior (60 +)            | \$.50           | \$4.00              | \$35.00            |
| Senior Couple            | N/A             | \$6.00              | \$55.00            |
| Family Pass              | N/A             | \$50.00             | \$250.00           |

| <b>Non-Resident</b> | <b>Day Pass</b> | <b>Monthly Pass</b> | <b>Yearly Pass</b> |
|---------------------|-----------------|---------------------|--------------------|
| Child (5-13)        | \$.50           | \$7.00              | \$60.00            |
| Youth (14-17)       | \$1.00          | \$15.00             | \$100.00           |
| Adult (18-59)       | \$2.00          | \$25.00             | \$180.00           |
| Adult Couple        | N/A             | \$45.00             | \$300.00           |
| Senior (60 +)       | \$.50           | \$7.00              | \$60.00            |
| Senior Couple       | N/A             | \$10.00             | \$100.00           |
| Family Pass         | N/A             | \$75.00             | \$400.00           |

- A. Use of the Indoor Track, Gyms, and Equipment room are included in the daily admission and annual membership fees.
- B. A family is defined as two adults and any dependent children living in the same household. The children must be dependents on your tax return.
- C. Employees and immediate family members of Syracuse City will be admitted into the Community Center free of charge. (Ord. 06-23)

**4-9-4: Building Usage:**

- A. All pass holders will be identified by wearing wristband/stamp will be given to those patrons that will be using the gyms, equipment room, and/or track. If anyone is seen using these areas without the proper wristband, they will be asked to leave, or check in at the reception desk.
- B. Passes do not replace any required registration fees for special classes and events held in the Syracuse Community Center. Spectators attending recreation events (i.e. Jr. Jazz games) may not use the facilities themselves unless they have a pass.
- C. There will be times when regular use of the Community Center will be closed to the public. This may be during holidays, special events, Syracuse Recreation programs, or times during which the gyms have been rented by outside parties. At any time when the gym(s) are closed during regular hours, the holder of this pass is not allowed regular usage of the Community Center. Notices will be posted prior to these times.
- D. Patrons under the age of 14 must be accompanied by an adult when using the track and/or gym(s), unless participating in a specific event or activity designed for a younger age group (i.e. Jr. Jazz, special events).
- E. No strollers will be allowed on the track.
- F. Use of any net equipment (volleyball, tennis, badminton) must first be scheduled for set up. (Ord. 06-23)

**4-9-2 Building Rental and Fees:** Any person/group may rent the Syracuse Community Center under the following conditions:

- A. Must schedule for an available date, and be willing to sign a building rental agreement form.
- B. Must pay a deposit at time of scheduling. Deposit is refundable if facility is left clean and undamaged.
- C. Must pay the lesser between the hourly rate and daily fee.
- D. All events/activities must be legal and be in conformance with all Syracuse City Ordinances.
- E. The following fee schedule shall be applicable to patrons wishing to reserve an area of the Community Center.

**Gymnasium**

|                     | <b>Deposit</b> | <b>Fee per hour</b> | <b>Fee per entire day</b> |
|---------------------|----------------|---------------------|---------------------------|
| <b>Resident</b>     | 100.00         | 50.00               | 500.00                    |
| <b>Non-Resident</b> | 100.00         | 100.00              | 800.00                    |

- a. This fee will be assessed for each gym used.
- b. Only one gym will be available to rent, unless being used for a sporting event.

**Classroom/Arts Crafts Room**

|                     | <b>Deposit</b> | <b>Fee per hour</b> | <b>Fee per entire day</b> |
|---------------------|----------------|---------------------|---------------------------|
| <b>Resident</b>     | 50.00          | 20.00               | 160.00                    |
| <b>Non-Resident</b> | 50.00          | 40.00               | 280.00                    |

(Ord. 06-23)

**4-9-3—Alcoholic Beverages, Drugs or Gambling:** The sale, consumption or possession of intoxicating liquors or beverages and dangerous or narcotic drugs, or gambling of any kind, is prohibited in the Community Center. (Ord. 06-23)

**4-9-4—Nuisances:** It shall be unlawful for any person to use threatening, abusive, insulting or indecent language; to commit any obscene or indecent act; to fight; or to create a public disturbance or nuisance in any park. Any person who loiters in a park under the influence of alcohol or drugs or who otherwise disturbs the peace of Center users by begging, soliciting, making undue noise or engaging in disruptive activities shall be deemed to create a nuisance. (Ord. 06-23)

**4-9-5—Safety and Security:**

- A.—During any building rental, at least one Syracuse City Employee will be present in case of any emergency.
- B.—Employee training: All Syracuse City Employees (exception: seasonal and part-timers who are not in supervisory positions such as officials and scorekeepers) who will be working in the Syracuse Community Center must receive training in and/or be certified in the following:
  - a.—First aid/CPR
  - b.—Blood borne Pathogen exposure control
  - c.—Proper evacuation of the building
  - d.—How to safely set up and use equipment in the building (i.e. baskets, volleyball, badminton, and tennis nets, etc.) (Ord. 06-23)

**4-9-6—Lost and Found Policy:** Syracuse Community Center and/or Employees will not be responsible for any personal property lost or stolen, or missing from any part of the facility. Lost items, which are found by Center personnel or guests, should be turned into the front desk area of the Center. The Director will hold the item or items for 30 days, after which time unclaimed items may be taken to a nonprofit organization. (Ord. 06-23)

**4-9-7—Gymnasium Policies:**

- A.—All membership holders must check in at the front desk and obtain a wristband/stamp prior to entering the gymnasium.
- B.—Hanging on basketball rims is prohibited.
- C.—Wear only shoes that do not mark the gym floor.
- D.—Only capped, spill-proof water bottles are allowed. No gum, food or other drinks.
- E.—Offensive language or behavior, roughhousing and fighting will not be tolerated.
- F.—Syracuse Community Center reserves the right to change the schedule in the gymnasium as programs dictate.

~~G. Patrons found to be in violation of any of the above mentioned rules may be asked to leave the Center and may have their privileges revoked. (Ord. 06-23)~~

**4-9-8—Indoor Track Policies:**

~~A. All membership holders must check in at the front desk and obtain a wristband/stamp prior to entering the indoor track.~~

~~B. This area is for those 14 years and older to walk/jog. Youth under 14 years of age may use the track only in a supervised environment with an adult 18 years of age or older.~~

~~C. Offensive language or behavior, roughhousing and fighting will not be tolerated.~~

~~D. Runners will use the outside of the track. Walkers and slower joggers will use the inside lanes of the track.~~

~~E. Shoes and shirt are required.~~

~~F. Cleats are not allowed on the track.~~

~~G. Any person on the track must be participating in walking/jogging. No spectators or standing on the track is allowed.~~

~~H. No food or open containers are allowed on the track.~~

~~I. No gum or spitting allowed.~~

~~J. No roller blades, strollers, etc.~~

~~K. Patrons found to be in violation of any of the above mentioned rules may be asked to leave the Center and may have their privileges revoked. (Ord. 06-23)~~

**4-9-9—Arts and Crafts Room Policies:**

~~A. Craft room supplies may be used only with the supervision of Community Center Staff and/or authorized volunteers.~~

~~B. Washer and Dryer are to be operated by authorized personnel only.~~

~~C. The emergency phone is to be used only in the case of an emergency.~~

~~D. Patrons found to be in violation of any of the above mentioned rules may be asked to leave the Center and may have their privileges revoked. (Ord. 06-23)~~

CHAPTER 10

LAND DRAINS

- 4-10-010: Purpose
- 4-10-020: Recognition of the Land Drain System
- 4-10-030: Surface Drainage Systems Connection Prohibition
- 4-10-040: Connection Standards for Land Drain Connections

4-10-010: **PURPOSE.** The purpose of this Chapter is to protect public health and safety of the City and its inhabitants through regulations governing the utilization of land drain systems and connections to the City land drain system. (Ord. 08-05)(Ord. 08-09)

4-10-020: **RECOGNITION OF THE LAND DRAIN SYSTEM:** Syracuse City has constructed and established a land drain system for the purpose of draining subsurface waters from developing properties. Syracuse City Council hereby finds and determines that the land drain system is and has been a City operated utility and that connections to the land drain system have been regulated by the City for the protection of public health and safety and that such regulation continues to be necessary for the preservation of public health and safety and property values within the City. Therefore, all connections to the land drain system within Syracuse City, whether previously established or otherwise, shall comply with the provisions and regulations of this Chapter. However, nothing herein shall be construed to require authorized connections to be retrofitted to meet new construction standards. The retroactive application of this ordinance shall be limited to the required disconnection of surface drainage systems or other surface collection conduits and appurtenances to the land drain system. (Ord. 08-05)(Ord. 08-09)

4-10-030: **SURFACE DRAINAGE SYSTEMS CONNECTION PROHIBITED.** 4-10-030: SURFACE DRAINAGE SYSTEMS CONNECTION PROHIBITED. Roof drainage structures, storm gutters, or other above-ground collection conduits ("Surface Drainage systems") are prohibited from connecting to or discharging storm water into City underground land drains. New residential dwellings constructed within subdivisions containing a land drain system are required to make a connection via a sub-surface service lateral stubbed to the dwelling foundation footing and connected to the main land drain line owned by the City. This section is expressly intended to operate retroactively and to require the disconnection of any surface drainage systems connected to a land drain system. The Syracuse City Public Works Director is hereby empowered and authorized to require the disconnection of any surface drainage system connected to the Syracuse City land drain system. The Public Works Director is hereby authorized, in his discretion, to grant a waiver from the requirements of this Chapter where the Public Works Directors finds: (1) the connection of a surface drain to the land drain system does not present a surcharge or flooding risk to other properties; and (2) the owner signs a recordable agreement, in a form acceptable to the City, agreeing to indemnify and hold the City harmless for any future damages or liability arising from the connection of the surface drain to the land drain system.

~~Roof drainage structures, storm gutters, or other above-ground collection conduits ("Surface Drainage Systems") are prohibited from connecting to or discharging storm water into City underground land drains. New residential dwellings constructed within subdivisions containing a land drain system are required to make a connection via a sub-surface service lateral stubbed to the~~

~~dwelling foundation footing and connected to the main land drain line owned by the City. This section is expressly intended to operate retroactively and to require the disconnection of any surface drainage systems connected to a land drain system. The Syracuse City Public Works Director is hereby empowered and authorized to require the disconnection of any surface drainage system connected to the Syracuse City land drain system. (Ord. 08-05)(Ord. 08-09)~~

**4-10-040: CONNECTION STANDARDS FOR LAND DRAIN CONNECTIONS.** Any connection to the Syracuse City land drain system shall be authorized and approved by the Syracuse City Public Works Department and Syracuse City Building Department and shall comply with construction standards and regulations set forth in the Appendix to Title VIII of the Syracuse City Municipal Code. ~~(Ord. 08-05)(Ord. 08-09)~~

**CHAPTER 11**  
**GREEN WASTE RECYCLING**

- 4-11-010: Definitions**
- 4-11-020: Collection of green waste**
- 4-11-030: Service charge**
- 4-11-040: Method of payment of service charges**
- 4-11-050: No accumulation of green waste**
- 4-11-060: Containers**
- 4-11-070: Closing of garbage containers required**
- 4-11-080: Time and place of pickup**
- 4-11-090: Disposal of community waste**
- 4-11-010: Burning of refuse prohibited**
- 4-11-011: Dumping green waste prohibited**
- 4-11-012: Limitations upon dumping**
- 4-11-013: Regulations**

**4-11-010: DEFINITIONS.** The following terms, as used in this Title, are defined as follows: (~~Ord. 10-05~~)

**BULKY WASTES:** Wastes that are not capable of being stored in the approved automated refuse containers and cannot be picked up by normally used collection vehicles, including items such as large tree branches, lawn sod, Christmas trees, etc.

**CONTAINER, APPROVED GREEN WASTE CONTAINER:** Approved green waste containers shall consist of 90 or 100 gallon recycling containers constructed from cross linked, high-density polyethylene, or equivalent, designed specifically for automated collection equipped with wheels for easy movement by residential users and containing permanently attached, tight-fitting lids, or as approved by the City.

**COMMERCIAL SOLID WASTE, GREEN WASTE AND RECYCLABLE MATERIALS:** Garbage, rubbish, trash, food wastes, recyclable materials, green waste, etc., resulting from the normal and incidental activities of commercial users.

**COMMERCIAL USER:** An enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, commercial entity, church, governmental or public entity other than the City, etc.

**FOOD WASTES:** Animal, vegetable, or mineral matter derived from the preparation or packaging of foodstuffs

**GARBAGE, RUBBISH AND TRASH:** All solid waste except hazardous waste, including but not limited to combustibles such as paper, wood, yard trimmings, etc. and non-combustibles such as meal, glass, stone, etc.

**GREEN WASTE:** Those green waste materials which can be recovered or otherwise diverted from waste stream, such as lawn cuttings, clippings from bushes and shrubs, leaves, and other similar green yard waste, but not including dirt or yard materials with thorns, as mutually agreed upon and determined by the contractor and the City.

**HAZARDOUS MATERIALS AND WASTE:** Materials and wastes that are hazardous by reason of their pathological, explosive, radiological, or toxic character, including any chemical, compound, mixture, substance or article which is designated by the United States

Environmental Protection Agency, the State of Utah Department of Environmental Quality, or Davis County Health Department to be "hazardous" as that term is defined by or pursuant to Federal, State or local law.

**NON-PROCESSIBLE WASTE.** Goods and materials which are not residential and/or are prohibited by the disposal facility, including, but not limited to, the following:

- (1) Any loads the majority of which consist of combustible material.
- (2) Hazardous waste of any kind.
- (3) Any material that when incinerated clearly includes electricity.
- (4) Explosives.
- (5) Medical or pathological wastes.
- (6) Animal or human body parts or remains.
- (7) Any materials the majority of which is liquid.
- (8) Large appliances.
- (9) Construction debris of un-processible proportions.
- (10) Large metal objects of any kind.
- (11) Large sealed containers of any kind.
- (12) Motor vehicles or related parts.
- (13) Any item exceeding two feet by two feet by five feet in dimensions.
- (14) Wood having a cross section exceeding nine inches or five feet in length.
- (15) Any material that is on fire; i.e., "Hot Load."
- (16) Commercial solid waste, as defined herein.
- (17) Hazardous materials and waste, as defined herein.
- (18) Bulky wastes, as defined herein.

**RECYCLABLE MATERIALS:** Those materials which can be recovered from or otherwise diverted from the waste stream for the purpose of recycling, such as metals, paper and plastics as mutually agreed upon and determined by the Contractor and the City.

**RESIDENCE:** An occupied dwelling unit such as a home, trailer, or multi-family dwelling of four (4) or less units, not including hotels or motels or mobile home trailer parks. Each unit of a multi-family dwelling shall be considered a separate residence for purposes of billing. A dwelling unit may be considered not occupied if the persons living therein are absent for over ninety (90) continuous days. Unless otherwise agreed to by the City and the Contractor, residence shall not include dwelling units located within planned unit developments or other privately accessed developments accessible by private roadways, streets and driveways.

RESIDENTIAL GREEN WASTE: Green waste resulting from the normal and incidental activities of residences.

RESIDENTIAL RECYCLABLE MATERIALS: Recyclable materials resulting from the normal and incidental activities of residences.

RESIDENTIAL SOLID WASTE. Garbage, rubbish, trash, food wastes, etc. resulting from the normal and incidental activities of residences.

**4-11-020: COLLECTION OF GREEN WASTE. (Ord. 10-05)**

1. Unless otherwise provided herein, the City, its agent, or contractor shall collect, remove, and dispose of all residential green waste recyclable materials. All residential green waste recyclable materials shall be collected, removed, and disposed of with such frequency and in such manner as the City Council may from time to time establish by regulation or contract.
2. Except as otherwise expressly permitted by this part, no green waste recyclable materials shall be removed or hauled away or transported upon the streets or public ways of the municipality except by the municipality, its agent, or contractor, and except by authorized persons hauling commercial green waste recyclable materials as hereinafter provided.
3. Nothing contained in this part shall preclude persons from hauling their own green waste recyclable materials over the streets and rights-of-ways of the municipality.
4. Except for those residences who have opted not to participate in the green waste recycling program in accordance with this Chapter, or those residences who have not signed up for green waste collection services in accordance with this Chapter, nothing in this part shall be construed as eliminating the charge made for residential solid waste and disposal services.

**4-11-030: SERVICE CHARGE. (Ord. 10-05)**

1. Except for those residences who have not signed up for green waste collection services in accordance with this Chapter, all residences within the municipality shall pay monthly green waste recycling service charge as more particularly set forth in the Fee Schedule as adopted by the City. The charges, rates, penalty fees for delinquency in payment, and other charges incidental to green waste recycling services, shall be set forth in the Fee Schedule and may be amended from time to time by the resolution of the City Council.
2. The Mayor, with the consent of the City Council, may excuse needy persons who are not reasonably capable of paying the monthly charge for residential collection of solid waste, green waste and/or recyclable materials from the payment of the residential rate for such period of time as may be deemed proper or necessary.
3. Participation in the City's green waste recycling program shall be on a voluntary basis. Residences desiring such service shall sign up in writing on forms provided by the City. Participants shall be required to participate in the program for at least six (6) months. Green waste containers may be used for solid waste disposal and collection from December 1<sup>st</sup> through February 28<sup>th</sup> (or 29<sup>th</sup> in leap year) of every year. Green waste containers shall only be used for authorized green waste disposal and collection from March 1<sup>st</sup> through November 30<sup>th</sup> of each year.

**4-11-040: METHOD OF PAYMENT OF SERVICE CHARGES. (Ord. 10-05)**

1. The residential green waste recycling service charges above imposed by this part shall be added to the charge made for other utilities furnished through the municipality and shall be billed and collected in the same manner as those charges are billed and collected.

**4-11-050: NO ACCUMULATION OF GREEN WASTE. (~~Ord. 10-05~~)**

1. It shall be unlawful for any person to accumulate green waste recyclable materials or cause green waste recyclable materials to be deposited upon any street or right-of-way. The City may permit the processing of green waste recyclable materials upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health or permit the depositing of ashes and other dry material for filling purposes at such places as the City may designate and under such restrictions as the City Council may by regulation impose. Additionally, the City may grant to any person permission for sorting, bailing, and marketing trade waste upon premises properly equipped and maintained.

**4-11-060: CONTAINERS. (~~Ord. 10-05~~)**

1. All residential green waste recyclable materials to be collected by the City, its agents or contractors, from residential users shall be placed only in suitable and sufficient garbage receptacles with tight-fitting lids.
2. Title to containers furnished by the City, its agents or contractors, to residential users, whether the right to the use thereof is paid in a lump sum or on a monthly basis, shall be retained by the City and the payment made by residents therefore shall be rental for the use thereof.
3. Users renting containers furnished by the City, or having custody thereof, shall keep the container free from destructive or decorative markings, shall maintain the original color thereof, and shall keep the inside of said containers clean and free from build-up of fungus or bacteria or any other type of contaminant that causes odors or facilitates deterioration of the inside or outside of such container.
4. Residential users shall report to the City, or authorized garbage hauler, any damage to or malfunctioning containers that limit their usefulness for receipt of green waste so that the same may be returned to the supplier for repair or replacement pursuant to the supplier's warranty covering the same.
5. Green waste recycling containers lost or missing through no fault of the user thereof shall be replaced by the City without charge, but users shall exercise due care to protect containers against loss through theft or misappropriation.
6. Containers furnished by the City are issued to specific users by number and are non-transferable. Upon discontinuance of use by a resident, containers shall be returned to the City.

**4-11-070: CLOSING OF GARBAGE CONTAINERS REQUIRED.** Approved containers shall not be overfilled to the extent that the contents may be spilled during the process of pickup and dumping into the green waste recyclable materials collection vehicle. All green waste materials not deposited for pickup shall be placed in approved containers and shall be tightly closed in such a manner as to prevent offensive odors or flies. (~~Ord. 10-05~~)

**4-11-080: TIME AND PLACE OF PICKUP.** (~~Ord. 10-05~~)

1. All green waste recyclable materials subject to collection by the City shall be placed on the edge of the street next to the driveway on the opposite side of the driveway approach from the mailbox, but in no event within ten (10) feet of the mailbox, and with the container's wheels as close to the curb as reasonably possible, with the hinge thereof to curbside and the lid opening facing toward the street. When snow or street construction prevents placing of the container against the curb, the container shall be placed not over two (2) feet from the edge of said snow or construction and in a manner that will not obstruct traffic or unduly impede the snowplowing activities of the City.
2. Containers shall not be placed or permitted to block driveways or through traffic.
3. Until otherwise provided by regulation, containers must not be set out upon the street for collection prior to the evening of the day before collection and must be set out prior to 6:00 a.m. on the day of collection.
4. It shall be unlawful to park a vehicle upon a public street within the City during the hours of solid waste and recycling service pickup on said street in a manner that interferes with access thereto by the solid waste, green waste, or recyclable materials collection vehicle.

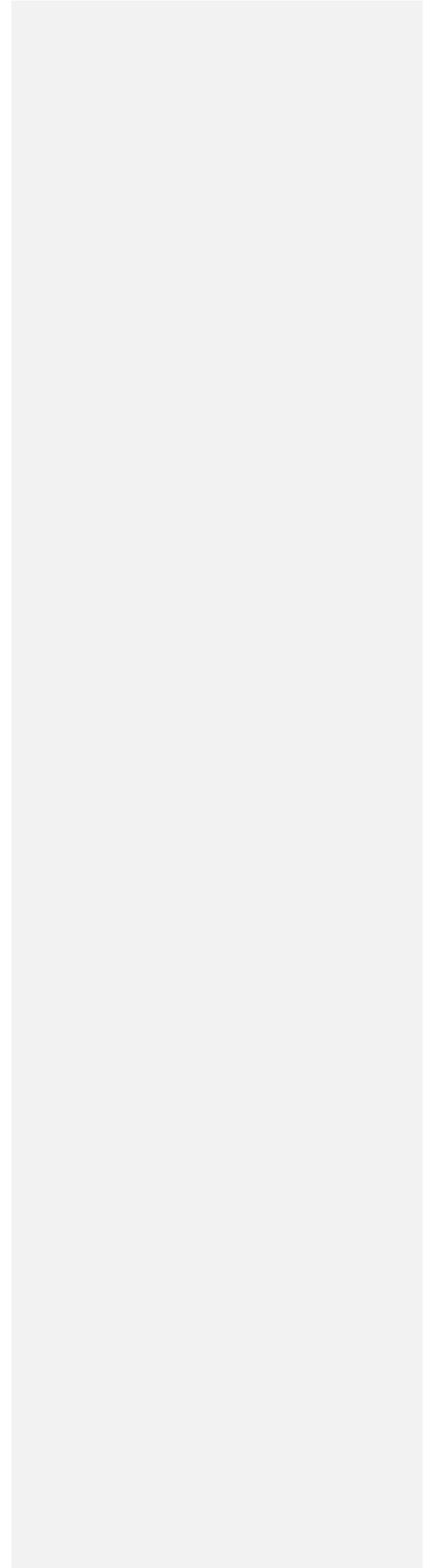
**4-11-090: DISPOSAL OF COMMUNITY WASTE.** Green waste may be disposed of by business establishments, and residences that have not signed up for the City's green waste collection services, in vehicles provided by them subject to regulation by the City as to the places of disposal and as to the type of vehicle used to avoid spillage upon public ways of the municipality, hazards to safety, and the prevention of nuisances. (~~Ord. 10-05~~)

**4-11-010: BURNING OF GREEN WASTE PROHIBITED.** It shall be unlawful for any person to burn green waste in the open air or in any furnace or stove within the municipality unless expressly allowed by State regulations or County Health and Burning Ordinances. (~~Ord. 10-05~~)

**4-11-011: DUMPING GREEN WASTE PROHIBITED.** It shall be unlawful for any person to place, deposit, or dump green waste upon any lot within the municipality whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control. This section shall not prevent property owners from composting their green waste materials on their property. (~~Ord. 10-05~~)

**4-11-012: LIMITATIONS UPON DUMPING.** Dumping green waste recyclable materials shall be permitted only in such places as are designated by the City Council. Dumping shall be subject to such rules and regulations as may be formulated by the City Council. All processible waste generated within the City shall be delivered to the Wasatch Integrated Waste Management District facilities, as said District shall direct. (~~Ord. 10-05~~)

**4-11-013: REGULATIONS.** The City Council may adopt such regulations as, in its opinion, are necessary to implement this part and its objectives. (~~Ord. 10-05~~)



**CHAPTER 12**  
**SYRACUSE CITY HALL**  
**(adopted by R11-20)**

- 4-12-1 Purpose**
- 4-12-2: Hours of Operation**
- 4-12-3: Building Availability**
- 4-12-4: Building Rental Process and Fees**
- 4-12-5: Alcoholic Beverages, Drugs, or Gambling**
- 4-12-6: Nuisances**
- 4-12-7: Safety and Security**
- 4-12-8: Lost and Found Policy**
- 4-12-9 City Hall Rental Policies**
- 4-12-10 Refund Policy**

**4-12-1 Purpose.** The purpose of the Syracuse City Hall is to conduct the business needs of City residents and provide available amenities to the community to enjoy during those times when it is not otherwise in use. In order to promote the orderly and harmonious use of the City Hall's lobby and Council Chambers, this Section establishes the following procedures and rules as well as rental fees as established and adopted in the City's fee schedule. Deposits and rental fees are solely for the purpose of ensuring that these public amenities remain in good condition and to cover expenses incurred by municipal staff in overseeing reserved events and providing emergency services as necessary.

**4-12-2 Hours of Operations:** The Syracuse City Hall shall be open to the public as follows: Mondays through Fridays, from 8:00 a.m. to 5:00 p.m. City staff shall post notices on the front doors prior to the building closing during regular operating hours. City Hall will be closed on major holidays (i.e. Thanksgiving, Christmas Day, New Years Day, etc.).

**4-12-3 Building Availability:** The City Manager reserves the right to withhold reservations for any given day, during periods of availability, for any City-sponsored event or if the City Manager determines that the building requires maintenance, cleanup, repair, other work of an extraordinary nature, or the unavailability of required City personnel. Facility rentals shall be available Mondays through Fridays, from 5:00 to 11:00 p.m., and Saturdays, from 8:00 a.m. to 11:00 p.m., but no holidays. Interested parties shall not rent any portion of City Hall for events requiring the purchase of tickets or the payment of fees.

**4-12-4 Building Rental Process and Fees:**

- (A) Reservations shall be made in person through the ( ) Department, during regular business hours, in half-hour increments.
- (B) Renters shall be responsible adults, 18 years or older, and on site for the entire event.
- (C) City staff will accept reservations on a first-come first-served basis, and deposits and applicable rental fees are due upon submittal of the application.
- (D) Any person/group may rent the Syracuse City Council Chambers and/or lobby under the following conditions:
  - 1. Schedule for an available date and sign a building-rental agreement form
  - 2. Pay a deposit at time of scheduling, refunded if facility is left clean and undamaged
  - 3. Pay the hourly rate, as established in the City fee schedule
  - 4. All events/activities must be legal and in conformance with all Syracuse City Ordinances
  - 5. The following is a list of available facilities for rent with associated fees as located in the City fee schedule established and adopted by City Council:

**LOBBY**

**Small Events (<25 persons – no food or beverages)**

Resident: \$50.00 deposit and \$35.00 per hour staffing

Non-Resident: \$75.00 deposit and \$40.00 per hour staffing

**Small Events (<25 persons – with food and/or beverages)**

Resident: \$100.00 deposit and \$40.00 per hour staffing

Non-Resident: \$150.00 deposit and \$45.00 per hour staffing

**Large Events (>25 persons – no food or beverages)**

Resident: \$300.00 deposit and \$45.00 per hour staffing

Non-Resident: \$450.00 deposit and \$50.00 per hour staffing

**Large Events (>25 persons – with food and/or beverages)**

Resident: \$300.00 deposit and \$50.00 per hour staffing

Non-Resident: \$450.00 deposit and \$55.00 per hour staffing

**COUNCIL CHAMBERS**

**Small Events (<25 persons – no food or beverages)**

Resident: \$100.00 deposit and \$35.00 per hour staffing

Non-Resident: \$150.00 deposit and \$40.00 per hour staffing

**Large Events (>25 persons – no food or beverages)**

Resident: \$300.00 deposit and \$40.00 per hour staffing

Non-Resident: \$450.00 deposit and \$45.00 per hour staffing

**LOBBY AND COUNCIL CHAMBERS**

**Small Events (<25 persons – no food or beverages)**

Resident: \$150.00 deposit and \$35.00 per hour staffing

Non-Resident: \$200.00 deposit and \$40.00 per hour staffing

**Small Events (>25 persons – with food and/or beverages in lobby)**

Resident: \$200.00 deposit and \$40.00 per hour staffing

Non-Resident: \$250.00 deposit and \$45.00 per hour staffing

**Large Events (>25 persons – no food or beverages)**

Resident: \$350.00 deposit and \$50.00 per hour staffing

Non-Resident: \$400.00 deposit and \$55.00 per hour staffing

**Large Events (>25 persons – with food and/or beverages)**

Resident: \$450.00 deposit and \$55.00 per hour staffing

Non-Resident: \$500.00 deposit and \$60.00 per hour staffing

- 4-12-5 Alcoholic Beverages, Drugs, Smoking, or Gambling:** Syracuse City prohibits the sale, consumption, or possession of intoxicating liquors or beverages and dangerous or narcotic drugs and smoking or gambling of any kind in City Hall.
- 4-12-6 Nuisances:** It shall be unlawful for any person to use threatening, abusive, insulting, or indecent language, to commit any obscene or indecent act, to fight, or to create a public disturbance or nuisance within or on City Hall premises. Any person who loiters in or at City Hall while under the influence of alcohol or drugs or who otherwise disturbs the peace of others at any Syracuse City municipal building by begging, soliciting, making undue noise, or engaging in disruptive activities shall be deemed as creating a public nuisance.
- 4-12-7 Safety and Security:**
- (A) During any building rental, at least one Syracuse City employee shall be present in case of an emergency.
  - (B) Employee training: All Syracuse City employees supervising the activities of those renting the lobby or Council Chambers shall receive training in and/or be certified in the following:
    - 1. First aid/CPR
    - 2. Blood borne Pathogen exposure control

- 3. Proper evacuation of the building
- 4. How to run the equipment in the building (i.e. sound, computers, screens, etc.)

**4-12-8 Lost and Found Policy:** Syracuse City employees shall not be responsible for any lost or stolen personal property missing from any part of the building. City staff or guests should turn in found items to the front desk area of the Community Development or Utilities departments for safekeeping until such time as an owner claims them or 30 days pass from the time the finders turned in such items, after which City staff shall donate them to a nonprofit organization.

**4-12-9 City Hall Rental Policies:**

- (A) Renters shall arrive at least 15 minutes prior to the event in order to meet with City staff and walk through the lobby and restrooms, and Council Chambers when applicable, and provide and receive instructions on expected activities during the reserved time.
- (B) Renters shall sign an inspection sheet immediately prior to the onset of their event to ensure factual recordation of the building's conditions.
- (B) The rental period includes set-up and take-down time.
- (C) Cleaning supplies shall be available for patrons' use at the end of events to ensure building is left in its pre-existing condition as per the inspection report. Renters shall bag and remove all decorations, garbage, etc. A dumpster shall be available for use in the southeast corner of parking area.
- (D) No one shall enter the Council Chambers with food or beverages at any time, use fog machines, candles, or have open flames of any kind, or bring animals inside any area of City Hall that are not certified assistance pets. No one shall enter the building without being fully clothed, including shoes and shirt, or with roller blades, skateboards, or other like items for recreational use. Patrons found to be in violation of any rules of City Hall shall leave upon request.
- (E) Immediately following the event, renter shall participate in an exit inspection with City staff to record and compare the building's conditions and establish reasonable charges against the deposit amount when deemed necessary. City staff will then prepare an invoice or begin processing payment to the responsible party for the balance of their deposit, when applicable, which may take 7-10 business days for mailing. Renter shall be responsible for any violations of conduct committed by guests while using the building.

**4-12-10 Refund Policy:** All refund requests will be charged a \$20 administrative fee. Refunds may take 7-10 business days for mailing.

**SYRACUSE CITY HALL RENTAL AGREEMENT**

1979 West 1900 South  
 Syracuse, UT 84075  
 801-825-1477

**Renter's Information**

**Application Date:**

Phone Nos.:

Email Address:

Mailing Address:

|                   |               |
|-------------------|---------------|
| Purpose of Event: | Rental Date:  |
| Number of Guests: | Rental Times: |

**Purpose.** The purpose of City Hall is to conduct the business needs of City residents and provide available amenities to the community to enjoy during those times when it is not otherwise in use. In order to promote the orderly and harmonious use of the lobby and Council Chambers, the following outlines the procedures and rules as well as rental fees as established and adopted in the City's fee schedule. Deposits and rental fees are solely for the purpose of ensuring that these public amenities remain in good condition and to cover expenses incurred by municipal staff in overseeing reserved events and providing emergency services as necessary.

**Building Availability:** The City Manager reserves the right to withhold reservations for any given day during the period of availability for any City-sponsored event or if the City Manager determines that the building requires maintenance, cleanup, repair, other work of an extraordinary nature or the unavailability of required City personnel. Facility rentals shall be available Mondays-Fridays, from 5:00 to 11:00 p.m., and Saturdays, from 8:00 a.m. to 11:00 p.m., but no holidays. Interested parties shall not rent any portion of City Hall for events requiring the purchase of tickets or the payment of fees.

**Building Rental Process and Fees:** Reservations shall be made in person through the ( ) Department, during regular business hours, in half-hour increments. Renters shall be responsible adults, 18 years or older, and on site for the entire event. City staff will accept reservations on a first-come first-served basis, and deposits and applicable rental fees are due upon submittal of application. Any person/ group may rent the Chambers and/or lobby with the following conditions:

- (A) Schedule for an available date and sign a building-rental agreement form
- (B) Pay a deposit at time of scheduling, refunded if facility is left clean and undamaged
- (C) Pay the hourly rate, as shown below:

**LOBBY**

**Small Events (<25 persons – no food or beverages)**

**Resident:** \$50.00 deposit and \$35.00 per hour staffing

**Non-Resident:** \$75.00 deposit and \$40.00 per hour staffing

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**Safety and Security:** During reserved events, at least one City employee shall be present in case of any emergency. Staff shall supervise events, run City equipment if needed, and provide assistance in emergencies, such as first aid/CPR, blood-borne pathogen exposure control, and proper evacuation of building.

**Lost and Found Policy:** City staff shall not be responsible for lost or stolen personal property from the building. Staff or guests should turn in found items to the front desk area of the Community Development or Utilities departments for safekeeping until an owner claims them or 30 days pass from the time the finders turned in such items, after which staff shall donate them to a nonprofit organization.

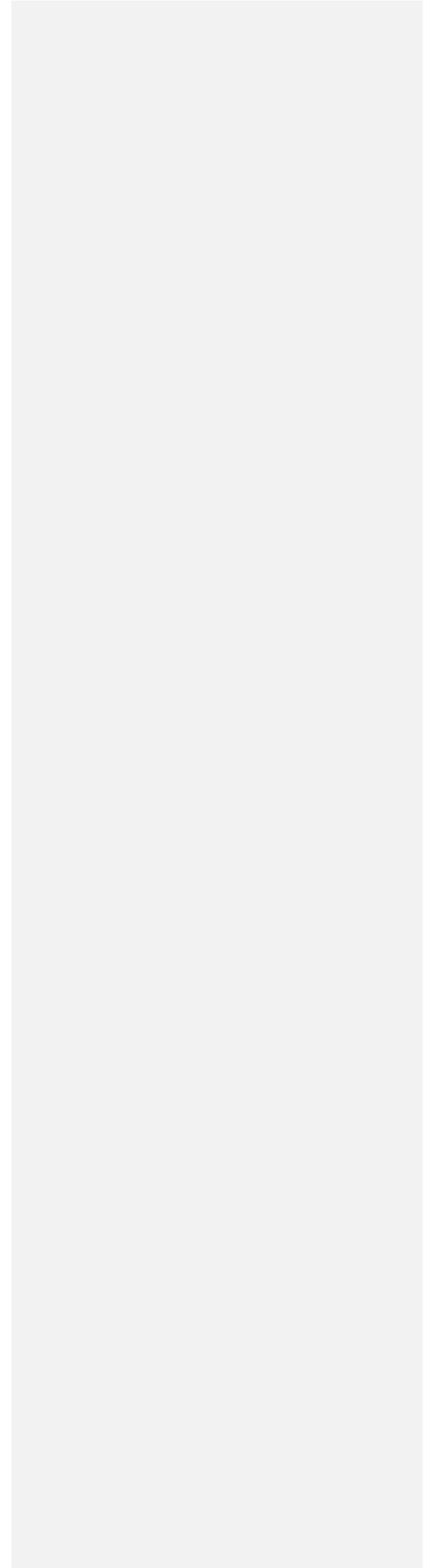
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- (B) The rental period includes set-up and take-down time.
- (C) Cleaning supplies shall be available for patrons' use at the end of events to ensure building is left in its pre-existing condition as per the inspection report. Renters shall bag and remove all decorations, garbage, etc. A dumpster shall be available in the southeast corner of parking lot.
- (D) No one shall enter the Chambers with food or beverages at any time, use fog machines, candles, or have open flames, or bring animals inside any area of City Hall that are not certified assistance pets. No one shall enter the building without being fully clothed, including shoes and shirt, or with roller blades, skateboards, or other like items for recreational use.
- (E) Immediately following the event, renter shall participate in an exit inspection with staff to record and compare building's conditions and establish reasonable charges against deposit amount when necessary. Staff will then prepare an invoice or begin processing payment to renter for balance of deposit, when applicable, which may take 7-10 business days for mailing. Renter shall be responsible for any violations of conduct committed by guests while using building.

**Refund Policy:** All refund requests will be charged a \$20 administrative fee. Refunds may take 7-10 business days for mailing.

\_\_\_\_\_  
Signature of Renter

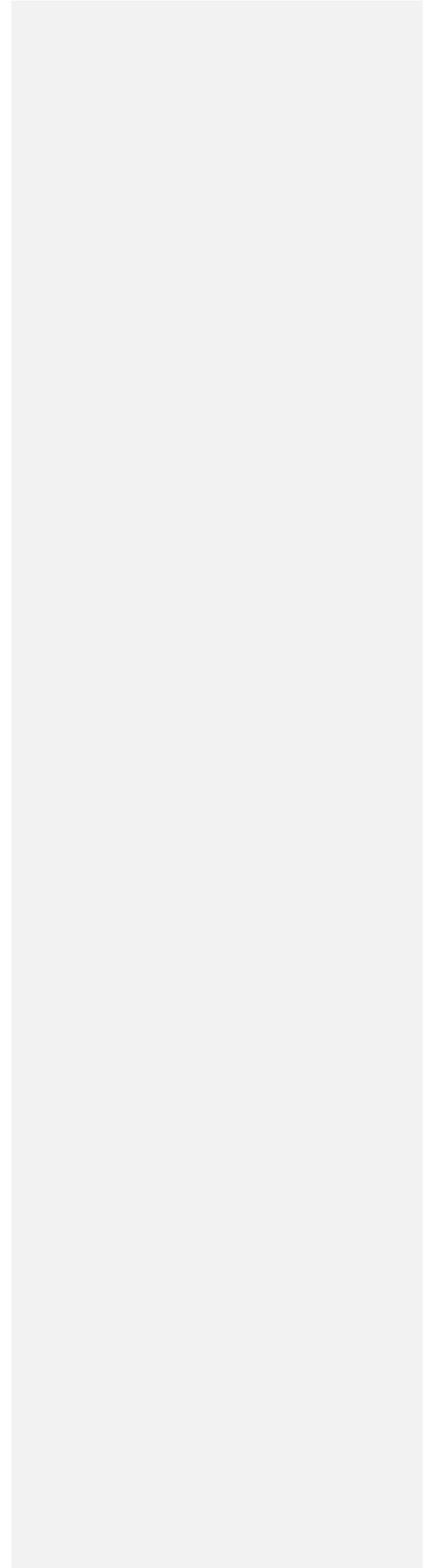
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Date



**SYRACUSE CITY HALL  
PREPARATORY INSPECTION SHEET**

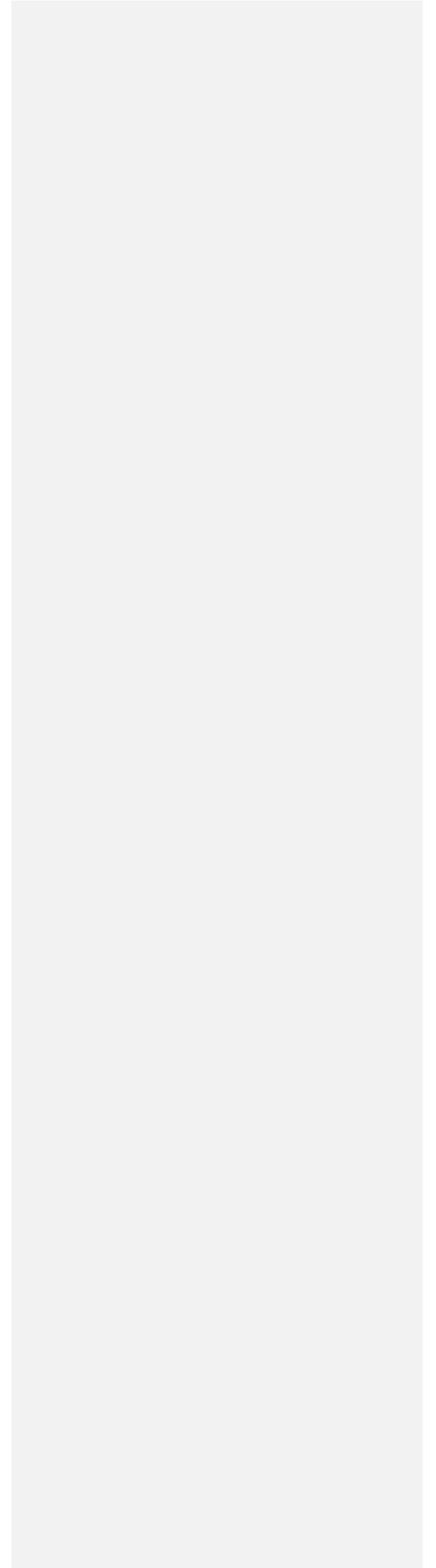
1979 West 1900 South  
Syracuse, UT 84075  
801-825-1477

- Lobby floor and rugs \_\_\_\_\_
  - Fountain, wall, rocks, and plants \_\_\_\_\_
  - Lobby walls and pictures \_\_\_\_\_
  - Lobby windows and glass doors \_\_\_\_\_
  - Lobby furniture \_\_\_\_\_
  - Lobby ceiling \_\_\_\_\_
  - Drinking fountain \_\_\_\_\_
  - Men's restroom \_\_\_\_\_
  - Women's restroom \_\_\_\_\_
  - Council chambers carpet \_\_\_\_\_
  - Council chambers seats and furniture \_\_\_\_\_
  - Council chambers rolling chairs \_\_\_\_\_
  - Council chambers walls \_\_\_\_\_
  - Council chambers jury seats \_\_\_\_\_
  - Council chambers microphones and computer screens \_\_\_\_\_
  - Council chambers ceiling \_\_\_\_\_
- 
- 



Signature of Renter

Signature of City employee

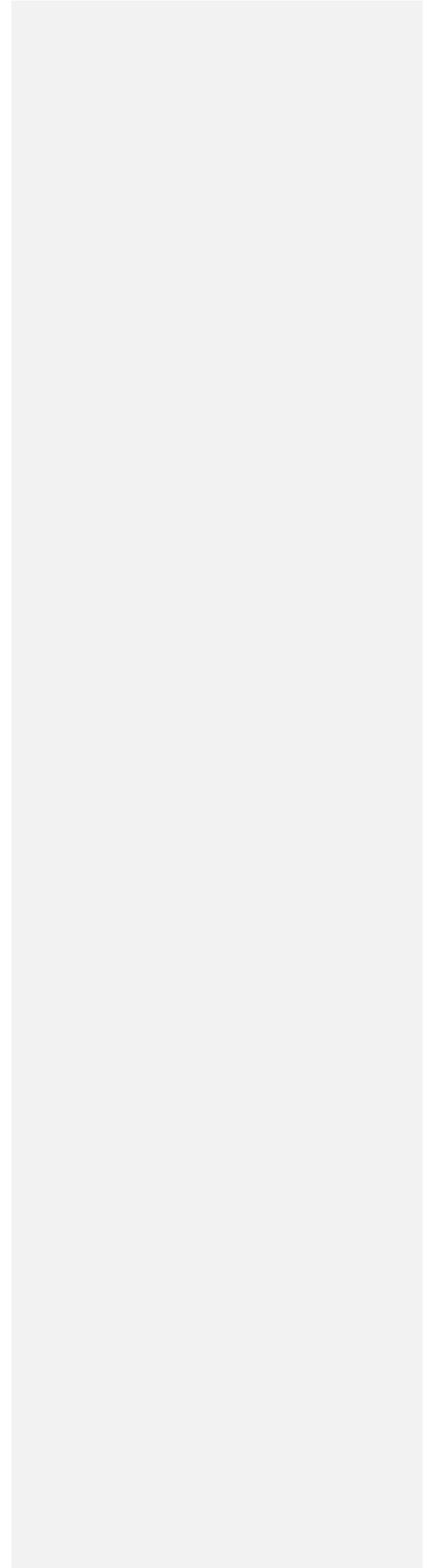


**SYRACUSE CITY HALL  
EXIT INSPECTION SHEET**

1979 West 1900 South  
Syracuse, UT 84075  
801-825-1477

- Lobby floor and rugs \_\_\_\_\_
- Fountain, wall, rocks, and plants \_\_\_\_\_
- Lobby walls and pictures \_\_\_\_\_
- Lobby windows and glass doors \_\_\_\_\_
- Lobby furniture \_\_\_\_\_
- Lobby ceiling \_\_\_\_\_
- Drinking fountain \_\_\_\_\_
- Men's restroom \_\_\_\_\_
- Women's restroom \_\_\_\_\_
- Council chambers carpet \_\_\_\_\_
- Council chambers seats and furniture \_\_\_\_\_
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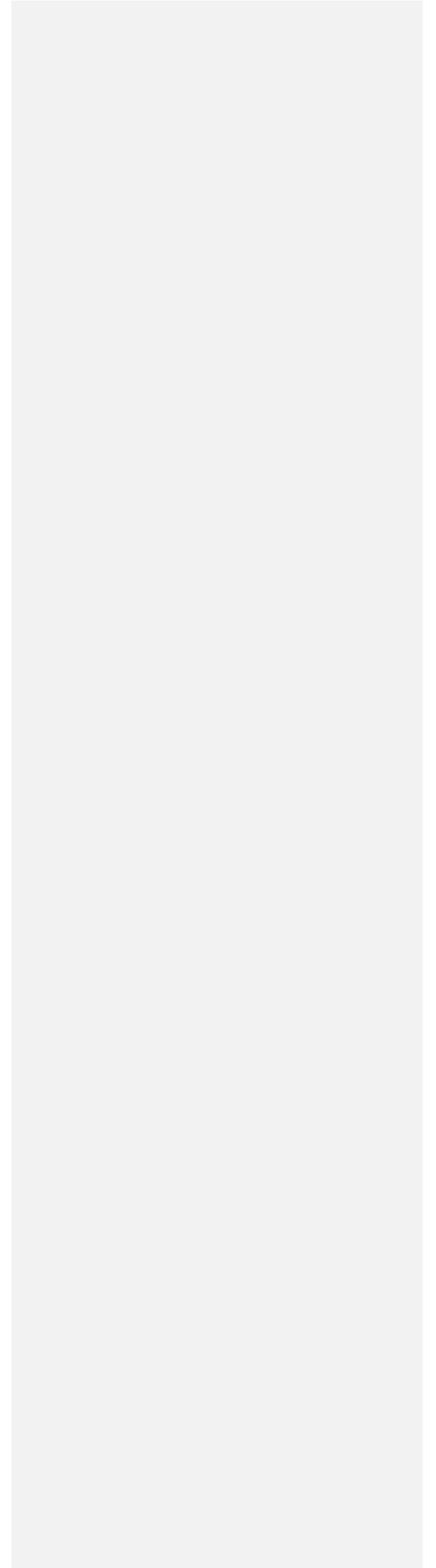
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Signature of Renter

Signature of City employee

\*Remove all items brought in for event and bag and remove all garbage from lobby and/or chambers.





# COUNCIL AGENDA

April 24, 2012

**Agenda Item “h”**

**Review and discuss Title Two of the Syracuse City Code. (10 min.)**

***Factual Summation***

- Any questions regarding this item may be directed at City Attorney William Carlson.
- Please see the attached memo provided by William Carlson.



**Mayor**  
Jamie Nagle

**City Council**  
Brian Duncan  
Craig Johnson  
Karianne Lisonbee  
Douglas Peterson  
Larry D. Shingleton

## MEMORANDUM

**To:** Mayor and City Council

**From:** City Attorney, William J. Carlson

**Date:** April 24, 2012

**Subject:** Title II Analysis

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### Background

Approximately 18 months ago, the Syracuse City Council, on a 3-2 vote, passed “Title II: Administrative and Personnel” as a rewrite to “Title I: Administrative Ordinance.” In recent City Council meetings, members of the public have alleged that the vote for Title II did not comply with statutory requirements because the mayor’s ability to hire and fire changed and the mayor did not vote on the passage of Title II. In response to concerns recently raised by members of the public, Council members Duncan and Lisonbee directed the City Attorney to perform a comparison of the two titles to evaluate whether the powers of the mayor had been increased or decreased.

While the areas of concern raised by the public were not changed, there are multiple changes in the delineated powers of the mayor. Based on my research, this offers the Mayor and City Council the option to reconsider Title II. This memorandum is a summary of my findings.

There are fourteen enumerated mayoral powers, duties, and functions that are in either the old or new version of Syracuse Title II, but not in both. Some powers can be given or taken away from the mayor without the mayor’s vote, but state code has special requirements for changing specific mayoral powers. According to State Code §10-3b-303, “adopting an ordinance

removing or reinstating to the mayor a power, duty, or function provided for in Section 10-3b-104 requires the affirmative vote of: (a) the mayor and a majority of all other council members; or (b) all council members except the mayor.” Comparing the fourteen areas of change to the powers listed in §10-3b-104 results in four arguably changed mayoral powers, duties, and functions. Since these four changes in Title II passed with a majority of the Council but not with the Mayor’s vote, the vote did not comply with state law.

The four changes are:

1. The power to inspect City documents. In the old version, “all records, books, papers, and documents belonging to any office of the City [were to] be open at any time to inspection by the Mayor or any member of the Council.” §1-7-9. In the new Title II, “The City Manager shall, as needed, examine the books, records, and official papers of the City’s departments and offices.” §2.04.050.13
2. The power to pardon. In the old version, “The mayor [could] remit fines and forfeitures and release any person imprisoned for violation of any City ordinance, but he [was required to] report any such remission or release with the reasons therefor (sic) to the City Council at its next season.(sic)” §1-8-5. This mayoral power is not included in the new Title II.
3. The power to keep the peace. In the old version, “the Mayor [could] exercise within City limits the power to suppress disorder and keep the peace.” §1-8-6. This mayoral power is not included in the new Title II.
4. The power to call on adult women to enforce the law. In the old version, “the Mayor [could] when necessary call upon every male inhabitant of the City over the age of 21 years to aid in enforcing the laws and ordinances and in suppressing riots and other disorderly conduct.” §1-8-7. In the new Title II, the Mayor has the power to “when necessary, call on the residents of the city over the age of twenty one (21) years to assist in enforcing the laws...” §2.03.010.9

Perhaps most significantly, the old version included a catch all provision that provided to both “the Mayor and City Council...all the rights, powers, privileges, and authority conferred by the laws of the State of Utah upon cities of the third class...” 1-9-2. The new Title II limits the catch all provision to just the City Council. 2.02.010(f). Had the Mayor been included in the new Title II’s catch all provision, then the powers granted by 10-3b-104 would have remained with the Mayor and none of the above changes, except possibly number 4, would have changed the Mayor’s powers.

While none of these powers are frequently exercised by mayors in Utah, they are each on the state's enumerated list of those powers that require the vote of either the Mayor and a Council majority or a unanimous Council without the Mayor to change. Accordingly, the passage of Title II did not comply with state voting requirements.

The City is and has been operating under the new Title II, however if anyone were to challenge a city action under Title II, a court would have to consider how the action was addressed in the old title. This would result in three possibilities:

1. If there was no change in how the issue is addressed between the old and new title, the City would likely prevail under such a challenge.
2. If there was a change in how the issue is addressed between the old and new title and the old title's standard benefited the challenger, the challenger would likely prevail in a request to apply the old standard.
3. If there was a change in how the issue is addressed between the old and new title and the new title's standard benefits the challenger, a court could determine that the challenger reasonably relied on the new standard.

Accordingly, the changes to Title II are subject to challenge and Title II may be appropriately reconsidered by the Mayor and Council.

Sincerely,

*William J. Carlson*

William J. Carlson  
Syracuse City Attorney



# COUNCIL AGENDA

April 24, 2012

**Agenda Item “i”**

**Budget discussion. (10 min.)**

***Factual Summation***

- This item was added to the agenda at the request Finance Director Steve Marshall to allow the Council the opportunity to ask questions and have open discussion regarding the FY2012-2013 budget request.



# SYRACUSE CITY

## Syracuse City Council Agenda

**April 24, 2012 – Immediately Following the Work Session, which begins at 6:00 p.m.**

City Council Chambers  
Municipal Building, 1979 W. 1900 S.

1. Meeting called to order
2. Approval of Minutes:
  - a. Regular Meeting of April 10, 2012
3. Public Hearing- Budget opening. Resolution R12-14 adjusting the Syracuse City budget for Fiscal Year ending June 30, 2012.
4. Authorize Administration to execute Fiscal Year (FY) 2012-2013 employee benefits contracts.
5. Authorize Administration to execute the Amendment to Interlocal Cooperation Agreement between Davis County and the City of Syracuse for Animal Control Services.
6. Proposed Resolution R12-15 authorizing the application for Land Water Conservation Fund Grant for the development of Centennial Park Phase Two: Sunshine Playground.
7. Adjourn

~~~~~  
In compliance with the Americans Disabilities Act, persons needing auxiliary communicative aids and services for this meeting should contact the City Offices at 801-825-1477 at least 48 hours in advance of the meeting.

CERTIFICATE OF POSTING

The undersigned, duly appointed City Recorder, does hereby certify that the above notice and agenda was posted within the Syracuse City limits on this 20th day of April, 2012 at Syracuse City Hall on the City Hall Notice Board and at <http://www.syracuseut.com/>. A copy was also provided to the Standard-Examiner on April 20, 2012.

CASSIE Z. BROWN, CMC
SYRACUSE CITY RECORDER

**Members of the public who desire to offer a thought or invocation at Syracuse City Council Meetings shall contact the City Administrator at least two (2) weeks in advance of the meeting. Request will be honored on a first come, first serve basis. In the event there are no requests to offer a comment or prayer, the Mayor may seek opening comment or prayer from those members of the public attending the meeting or from City Staff or City Council.



COUNCIL AGENDA

April 24, 2012

Agenda Item “2”

Approval of Minutes: Regular Meeting of April 10, 2012.

Factual Summation

- Any questions regarding the minutes can be directed at City Recorder Cassie Brown.
- Please see the attached minutes.

Minutes of the Syracuse City Council Regular Meeting, April 10, 2012.

Minutes of the Regular Meeting of the Syracuse City Council held on April 10, 2012, at 7:00 p.m., in the Council Chambers, 1979 West 1900 South, Syracuse City, Davis County, Utah.

Present: Councilmembers: Brian Duncan
Craig A. Johnson
Karianne Lisonbee
Douglas Peterson
Larry D. Shingleton

Mayor Jamie Nagle
Acting City Manager/Finance Director Stephen Marshall
City Recorder Cassie Z. Brown

City Employees Present:
Police Chief Brian Wallace
Fire Chief Eric Froerer
Community Development Director Michael Eggett
City Attorney Will Carlson
Information Technologies Director TJ Peace
City Planner Kent Andersen

Visitors Present:	John Lewis	Jeff Garcia	Trudi Clark
	Connor Clark	Scott Sperry	Pam Price
	Bennett Price	Val Cook	James Merrill
	Kelsie Thompson	Terry Palmer	Laura Sorensen
	Cliff Sorensen	Jerry Guffey	Kevin Brown
	Carolyn Boman	Wes Boman	Jeff Clark
	Scott Holt	Natalie Holt	Mindy Johnson
	Joshua Simpson	Abby Call	Sarah Sperry

1. Meeting Called to Order/Adopt Agenda

Mayor Nagle called the meeting to order at 7:00 p.m. as a regularly scheduled meeting, with notice of time, place, and agenda provided 24 hours in advance to the newspaper and each Councilmember. She asked all visitors present if any wished to provide an invocation or thought; Councilmember Duncan provided an invocation. Councilmember Johnson then led all present in the Pledge of Allegiance.

COUNCILMEMBER SHINGLETON MADE A MOTION TO ADOPT THE AGENDA. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

2. Presentation of the Syracuse City and Wendy's "Award for Excellence" to Connor Clark and Emily Tweed

The City wishes to recognize citizens who strive for excellence in athletics, academics, arts and/or community service. To that end, in an effort to recognize students and individuals residing in the City, the Community and Economic Development, in conjunction with Jeff Gibson, present the recipients for the "Syracuse City & Wendy's Award for Excellence". This monthly award recognizes the outstanding performance of a male and female who excel in athletics,

1 academics, arts, and/or community service. The monthly award recipients will each receive a certificate and be recognized at
2 a City Council meeting; have their photograph placed at City Hall and the Community Center; be written about in the City
3 Newsletter, City's Facebook and Twitter Feed, and City's website; be featured on the Wendy's product television; and
4 receive a \$10 gift certificate to Wendy's.

5 Mayor Nagle stated that this month the nominees are Connor Clark and Emily Tweed. She stated that
6 Councilmember Shingleton lives near Connor Clark and he asked if he could have the opportunity to present Mr. Clark with
7 the award. Councilmember Shingleton asked Mr. Clark to come forward and he presented him with the Award for
8 Excellence; he read the language included on the award. He stated that Mr. Clark would have his photograph placed in City
9 Hall, the Syracuse Community Center, and Wendy's. The audience gave Mr. Clark a round of applause. Mayor Nagle added
10 that Mr. Clark was nominated by Ms. Kathleen Ryan and she wanted to read what Ms. Ryan wrote about Mr. Clark as
11 follows:

12 "Along with giving grades and teaching lessons, all students deserve encouragement and praise. That
13 encouragement and praise comes from diligence, respect, and a desire to learn. It is someone who does the work
14 well and in a timely positive manner. Such a student will succeed. Such a student is Connor Clark."

15 Mayor Nagle then stated the second award recipient is Emily Tweed. She asked Councilmember Shingleton to
16 present the award to Ms. Tweed as well. Councilmember Shingleton asked Ms. Tweed to come forward and he presented her
17 with the award. He noted that Ms. Tweed's photograph will also be placed at City Hall, the Community Center, and
18 Wendy's. The audience gave Ms. Tweed a round of applause. Mayor Nagle added that Ms. Tweed was also nominated by
19 Ms. Ryan and she wanted to read what Ms. Ryan wrote about Ms. Tweed as follows:

20 "School is not an easy road. It takes hard work, perseverance and a desire to succeed. Seldom do we find all those
21 qualities in one person. She will succeed because she will not give up. She always tries to do her best. She is a
22 student who is always trying."

23 Mayor Nagle stated that Mr. Clark and Ms. Tweed are receiving a certificate of recognition from the City Council
24 praising them for their good works with the hopes that will catch on with their peers as well and that Mr. Clark and Ms.
25 Tweed will be the leaders of their peer groups and turn out to be leaders in the community in the future.

26
27 3. Proclamation of Recognition of the Syracuse Titans Girls Basketball

28 Team as 5-A State Champions.

1 Mayor Nagle stated that she is very proud of the Syracuse High School Titans Girls Basketball team. She stated it
2 takes much dedication and practice to accomplish what they have. She added that all the members of the team are great
3 examples to the youth in the community. She then asked them to stand to be recognized and she read the proclamation into
4 the record as follows:

5 The Mayor and City Council of Syracuse City hereby recognize that:

6

7 ❖ Syracuse High School Titans 2012 Girls Basketball Team had an undefeated 22–0 record season
8 culminated by winning the 5A State Championship.

9

10 ❖ Syracuse High School Titans 2012 Girls Basketball Team had their second undefeated season in three
11 years.

12

13 ❖ Syracuse High School Titans 2012 Girls Basketball Team won the 5A State Championship title for the
14 second time in their three straight championship game appearances.

15

16 ❖ Syracuse High School Titans 2012 Girls Basketball Team was led by NCAA Division 1 signees, Brittney
17 Martin and Makenlee Williams.

18

19 ❖ Syracuse High School Titans 2012 Girls Basketball Team was made up of fine young women, who
20 believed in themselves, worked together for the good of the team and dedicated themselves to the success of the
21 team.

22

23 ❖ Syracuse High School Titans 2012 Girls Basketball Team played with confidence not arrogance and gave
24 100 percent to the game and the team.

25

26 ❖ Syracuse High School Titans 2012 Girls Basketball Coaching Staff have tremendous dedication to the
27 players, the program and the school. They prepared the players to be successful on and off of the field.

28

1 ❖ Syracuse High School Titans 2012 Girls Basketball Team and Coaching Staff represented fellow students,
2 faculty, school and the community with dignity, honor and integrity.

3
4 **NOW THEREFORE**, on this 10th day of April, 2012, Syracuse City proclaims its Recognition of the Syracuse
5 High Titans 2012 Girls Basketball Team as 5-A State Champions.

6
7 Each member of the Council then shook the hands of each member of the basketball team. The Syracuse High Girls
8 Basketball team was presented with the proclamation.

9
10 4. Proclamation of recognition of Syracuse Titan Zane Rich as the 5-A 132LB
11 Wrestling State Champion

12 Mayor Nagle stated that Mr. Rich is not present this evening and she directed staff to add the proclamation to the
13 next business meeting agenda.

14
15 5. Approval of minutes.

16 The minutes of the Special Meeting of February 28, 2012 were reviewed.

17 COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL
18 MEETING OF FEBRUARY 28, 2012 AS PRESENTED. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

19 The minutes of the Special Meeting of March 31, 2012 were reviewed.

20 COUNCILMEMBER PETERSON MADE A MOTION TO APPROVE THE MINUTES OF THE SPECIAL
21 MEETING OF MARCH 31, 2012 AS PRESENTED. COUNCILMEMBER JOHNSON SECONDED THE MOTION.

22 COUNCILMEMBER LISONBEE MADE AN AMENDED MOTION TO APPROVE THE MINUTES OF THE
23 SPECIAL MEETING OF FEBRUARY 28, 2012 AS AMENDED. A

24 Councilmember Lisonbee stated that there are a couple of corrections that she would like to see made. She stated
25 that on page six of the minutes there is a reference to Planning Commissioner that should be changed to read Planning
26 Commission. She added that she is referred to as “he” in the transcription of comments made by City Attorney Carlson. She
27 stated that she would like to see those two errors corrected.

1 Mayor Nagle asked if anyone wished to second Councilmember Lisonbee’s amended motion. COUNCILMEMBER
2 SHINGLETON SECONDED THE MOTION; ALL VOTED IN FAVOR OF THE AMENDED MOTION.

3 Mayor Nagle called for a vote on the original motion to approve the minutes. ALL VOTED IN FAVOR.
4

5 6. Public Comments

6 Terry Palmer, 2486 W. 1500 S., stated that he graduated from the University of Arizona with a double major in
7 political science and economics. He stated that he adheres to the philosophies of Adam Smith – governments are set up by
8 the people for the benefit of the people. He stated he has also owned his own business in Syracuse for 31 years. He stated
9 that he has always been vocally involved in local governments to keep them from becoming too powerful and overreaching
10 their designated tasks. He stated that he writes letters to the editor of the Standard-Examiner and The Islander. He stated he
11 also voices his opinion at City Council meetings periodically and he is thankful for that opportunity. He stated that tonight he
12 would like to address he has a concern with Title Two of the City Code. He stated the City has a Council-Mayor form of
13 government, known as a six-member form of government. He stated that in this government powers are given to the Mayor
14 and the City Council. He added that in all city governments there will be friction between Councilmembers and the City has
15 had its share of that. He stated there will also be friction between the Mayor and City Council; that is the nature of the beast.
16 He stated “we” all have different desires and beliefs. He stated that because of “our” desires to make the world better, “we”
17 have the tendency to increase “our” own power so that “we” can make “our” agenda easier to accomplish. He stated that he
18 found a concern in Title Two in Section 2.05.070(10). He stated that prior to 2011 the Title included duties for the City
19 Recorder and it read as follows: Additional Duties. The City Recorder shall perform such other and further duties as the City
20 Council may provide by ordinance, resolution, regulation, or directive. He stated that after January 2011, the word
21 “directive” was deleted. He stated that if the only way a Councilmember can communicate with a City Recorder is by
22 passing an ordinance, resolution, or regulation that must mean that communication has stopped; unless all communications
23 with the City Recorder must go through the Mayor. He stated that if that is the case, the City is violating Section 2.03.060,
24 which states that the Mayor, by statute, cannot be the City Recorder. He stated that he understands that the Mayor is not
25 acting as the City Recorder, but she would be the only member of the Governing Body that can communicate with the City
26 Recorder. He stated that it appears that the City Councilmembers have been stripped of their ability to communicate with the
27 City Recorder and he wonders why this has been done. He stated that “we” live in a nation where the current President is
28 usurping the power from the legislative branch. He stated this concerns him and it should concern everyone. He stated there

1 must be a balance of power locally as well as on the federal level; otherwise we lose our freedom. He stated that he
2 recommends that the City Code be changed to read as it was previously written.

3 Mayor Nagle asked City Recorder Brown if she had anything to add in response to Mr. Palmer's comments, to
4 which Ms. Brown answered no. Mayor Nagle stated that she wanted to point out that it is the practice to have the Council
5 communicate directly with Ms. Brown and they do so on a constant basis without including the Mayor in their
6 correspondence. She stated that occurs daily.

7 John Lewis, 2330 S. 950 W., stated that he was present two weeks ago when Scott Holt addressed the City Council
8 regarding his concerns about Title Two and how it was enacted. He stated that he is asking the five members of the City
9 Council to put the issue on an agenda and address the issues that he discussed. He stated that he wants the rule of law to
10 apply to all aspects of City government and if Title Two was enacted outside of the guidelines of the law, he wants that
11 resolved to avoid legal action that will be taken against the City.

12 Ms. Brown stated that she would like to have an opportunity to respond to Mr. Lewis' comments. She stated that it
13 is her understanding that after the March 27 meeting when Mr. Holt addressed the Council about some issues that he had
14 regarding Title Two, City Attorney Carlson approached Mr. Holt and asked him for the specific details of his concern. She
15 stated that Mr. Holt told Mr. Carlson that there had been a change in the Mayor's duties in that the Mayor was now had the
16 ability to dismiss Department Heads, which was not a duty of the Mayor previously. She stated that staff conducted some
17 research on that issue and found that the Mayor had always had the ability to terminate a Department Head, but that duty was
18 listed in a different section of Title Two. She explained that during recodification, the duty was moved to appropriate section
19 that also included the remaining duties of the Mayor. She stated that if that is the only concern that Mr. Holt has, she wanted
20 to reiterate that staff has researched the issue and wanted to communicate that the ability to terminate a Department Head
21 always belonged to the Mayor. She stated that staff wanted to get those comments on the record so that the public does not
22 think that staff is not properly responding to the issue that was raised.

23 Scott Holt, 1123 W. 350 S., stated that he has also been a practicing attorney for 35 years so he has a little bit of
24 knowledge about some of these things. He stated that once an ordinance is changed, the state law must be followed. He
25 stated that according to State Law, any change to the powers of the Mayor, whether adding or subtracting powers, must be
26 done with a certain vote and formality. He stated the record clearly indicates that did not take place when Title Two was
27 supposedly enacted and changed. He stated moving the duty from one section to another is simply a "gloss-over". He stated
28 that he mentioned that issue to counsel when he asked him about it since he did not have the ordinances in front of him. He

1 stated that he assumes that since Mr. Carlson is the City Attorney, he should have the record of how the ordinance read
2 before and what changes were made upon adoption of the new Title Two. He stated he used the Department Head issue as an
3 example because that was the only one he could remember off the top of his head. He stated that he figured he did not need
4 to do Mr. Carlson's job since he is the City Attorney and he has the ability to compare the previous ordinance with the
5 current version. He stated that to "gloss-over" and say that something was moved from one section to another, but the
6 powers did not change or increase, is "bologna". He stated that he thinks the Council needs to get on top of this and address
7 it. He stated that everything the Mayor does according to Title Two is challengeable and he does not want taxpayer dollars
8 being spent to defend a lawsuit. He stated the Council really needs to address the issue.

9
10 7. Proposed Proclamation declaring May as Foster Care Month in Syracuse City

11 Mayor Nagle stated that the City was contacted and asked to participate in this cause. She explained the City has
12 joined with many cities across the Wasatch Front and across the State in issuing this proclamation. She then read the
13 proclamation for the record as follows:

14 **WHEREAS,** the family, serving as the primary source of love, identity, self-esteem, and support is the very
15 foundation of our community; and

16
17 **WHEREAS,** in Syracuse City, there are children and youth in foster care who are provided with a safe, secure,
18 and stable home along with the compassion and nurture of a foster family; and

19
20 **WHEREAS,** foster families, who open their homes and hearts to children whose families are in crisis, play a
21 vital role in helping children and families heal and reconnect. They also assist children in
22 reaching successful adulthood; and

23
24 **WHEREAS,** dedicated foster families frequently adopt children in foster care, which often results in an
25 increased need for more foster families; and

26
27 **WHEREAS,** the foster care "system" is only as good as those who choose to be a part of it.

1 ❖ the months of May and June were selected for this display of patriotism because during these months, we
2 celebrate Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day/Week, National Day
3 of Prayer, Memorial Day, Navy Day, Army Day and Flag Day;

4
5
6 **NOW THEREFORE**, I, Jamie Nagle, Mayor of the City of Syracuse do hereby proclaim May 2012 as Military
7 Appreciation Month in Syracuse City and encourage all citizens to join me in showing our gratitude by the
8 appropriate display of flags and ribbons during the designated period.

9 Mayor Nagle stated that she would like to go a step further and issue a challenge to everyone present; when
10 someone sees a military member dressed in their military dress in this City in the month of May, it would be wonderful – if
11 that person has the means – to buy the military members lunch or go out of the way to thank them for the sacrifice and
12 service that they gave. She stated that she was so fortunate to visit the Air Base over the weekend and watch the 388th and
13 419th squadrons come home from a deployment to Korea; it was a humbling and overwhelming experience. She stated it
14 humbles her to know the sacrifices that the men and women in the military make every day. She then stated that there are
15 three people present this evening that she wanted to personally honor. She stated that Bob VanVelkinburgh has lived in
16 Syracuse City for a number of years. She stated that he attends nearly every City Council meeting and he is a veteran of
17 World War II. She stated that he flew B-17s during the war and then he came home and swept his wife off her feet and they
18 moved to Utah; he is a tremendous citizen and there are many like him in the City. She then stated that Senior Master
19 Sergeant Jeff Garcia is also present and he recently received recognition as the First Sergeant of the 388th squadron. She
20 stated that Commanding Officer Colonel Howard is present as well. She stated that she would like to invite all three citizens
21 that approach and receive the recognition from the Council and the residents present.

22 Mayor Nagle then stated that May 19 has been designated as a day to celebrate with the 388th squadron and their
23 families. She stated that the celebration will be held at Centennial Park and everyone is invited to attend and tell the men and
24 women of the military thank you for preserving the freedoms that everyone enjoys today.

25
26 9. Proposed Proclamation declaring April 27, 2012 as Arbor Day in
27 Syracuse City.

1 Syracuse City has been certified as a Tree City USA by the Utah Division of Forestry, Fire, and State Lands. In or
2 to be recertified as a Tree City USA City each year the Council is asked to adopt a Proclamation designating a specific day as
3 Arbor Day in Syracuse City.

4 COUNCILMEMBER PETERSON MADE A MOTION TO ADOPT PROPOSED PROCLAMATION
5 DECLARING APRIL 27, 2012 AS ARBOR DAY IN SYRACUSE CITY. COUNCILMEMBER SHINGLETON
6 SECONDED THE MOTION; ALL VOTED IN FAVOR.

7
8 10. Authorize Administration to adjust utility accounts by writing
9 off bankruptcies.

10 COUNCILMEMBER SHINGLETON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO ADJUST
11 UTILITY ACCOUNTS BY WRITING OFF BANKRUPTCIES TOTALING \$2,385.75. COUNCILMEMBER PETERSON
12 SECONDED THE MOTION; ALL VOTED IN FAVOR.

13
14 11. Proposed Ordinance 12-05 amending various provisions of Title 10,
15 the land use ordinance relating to signs.

16 To provide the opportunity for local businesses to better advertise through signage, further clarify and enhance
17 language and definitions, and anticipate upcoming signage requests, staff and the Syracuse City Planning Commission have
18 proposed revisions to the sign ordinance. On April 3, 2012, the Syracuse City Planning Commission held a public hearing
19 regarding the proposed amendments to the Sign and Lighting Regulations ordinance; no comments were received. On April
20 3, 2012, the Syracuse City Planning Commission approved recommendation to the Syracuse City Council the attached
21 amendments to Title Ten, Chapter Nine, Sign and Lighting within the Syracuse City Code. The primary amendments to this
22 ordinance include the following: general language and definition changes and inclusions, alphabetization and adjustment of
23 content locations, increase in the amount of an electronic message sign total area, removal of specific requirements for lights
24 or lighted signs, requirement to have off-premise signs be Syracuse businesses, amendment of specific sign sizes, and the
25 removal of the restriction for single tenant pylon or pole signs in the Town Center. The Community & Economic
26 Development Department hereby recommends, following recommendation from the Syracuse City Planning Commission,
27 that the Mayor and City Council amend Title Ten, Chapter Nine Sign and Lighting Regulations within the Syracuse City
28 Code.

1 COUNCILMEMBER JOHNSON MADE A MOTION TO ADOPT PROPOSED ORDINANCE 12-05
2 AMENDING VARIOUS PROVISIONS OF TITLE 10, THE LAND USE ORDINANCE, RELATING TO SIGNS.
3 COUNCILMEMBER DUNCAN SECONDED THE MOTION; ALL VOTED IN FAVOR.

4 Councilmember Shingleton stated that he would like to say that staff did a very good job on this recommendation.
5 He stated that updating the sign regulations makes the City much more competitive in the arena of getting businesses to
6 locate in the City. He stated this will give businesses much more leeway to advertise their businesses and that was sorely
7 lacking in the City Code over the past several years.

8
9 12. Authorize Administration to execute the Lease Financing
10 Agreement with Zion's Bank for street lighting project; set public
11 hearing for April 24, 2012 to consider related budget opening.

12 The proposed lease agreement will be between Zion's Bank and the City for the street lighting project that was
13 approved at the March 27, 2012 meeting. The term of the lease is eight years with semi-annual payments to be made in April
14 and October of each year. The first payment will be paid on October 2012 with the final payment scheduled to be paid in
15 April 2020. The interest rate is a fixed 3.15% rate over the life of the lease agreement.

16 Mr. Marshall reviewed the staff memo and further explained that this lease is related to all the agenda items the
17 Council has considered in order to move forward with the street light conversion. He provided a brief background on the
18 project and explained that the City is working with Siemens Group on the overall project. He stated that the interest rate is
19 currently locked until Friday and if this agreement is not executed before Friday the City will lose the opportunity to finance
20 the project at this low rate.

21 COUNCILMEMBER PETERSON MADE A MOTION TO AUTHORIZE ADMINISTRATION TO EXECUTE
22 THE LEASE FINANCING AGREEMENT WITH ZION'S BANK FOR STREET LIGHTING PROJECT; SET PUBLIC
23 HEARING FOR APRIL 24, 2012 TO CONSIDER RELATED BUDGET OPENING. COUNCILMEMBER JOHNSON
24 SECONDED THE MOTION.

25 Councilmember Lisonbee stated that the lease is a very lengthy document that was received only an hour before
26 tonight's work session. She stated that she understands this is related to the agreement approved by the Council at the March
27 meeting and in that agreement there are some stipulations that various requirements be met and if those requirements are
28 not met Siemens will be financially responsible. She asked if those issues are appropriately addressed in this lease agreement

1 or was it only necessary to address them in the agreement with Siemens. Mr. Marshall stated that the contract approved by
2 the Council on March 27 reference the requirements that Councilmember Lisonbee is referencing. He stated that agreement
3 is being backed by this agreement with Zion's Bank. He stated that if the savings promised throughout the investigation of
4 the street lighting project do not come to fruition, Siemens will pay the City the difference through a lump sum payment. He
5 then added that the City originally planned to start this project in July in conjunction with the start of the new fiscal year. He
6 stated, however, that since the contract was approved ahead of schedule the City will proceed with the project now in order to
7 begin realizing savings as soon as possible. He noted that the budget opening that will be considered by the Council at the
8 April 24 meeting will adjust the current fiscal year budget to allow for the down payment of the project and the depositing of
9 the money into the escrow account held by Siemens. Councilmember Lisonbee asked where the money for the down
10 payment will come from. Mr. Marshall stated that it will be funded by the Street Lighting Fund. Councilmember Lisonbee
11 asked how that fund is funded. Mr. Marshall stated that there is a street lighting fee on the utility bill and the proceeds from
12 that fee fund the Street Lighting Fund.

13 Councilmember Shingleton inquired as to the interest rate for the lease agreement. Mr. Marshall stated that the rate
14 of 3.15 percent was locked when the process was first started.

15 Mayor Nagle stated there has been a motion and a second to authorize the execution of the lease agreement and she
16 called for a vote. ALL VOTED IN FAVOR.

17
18 13. Councilmember Reports.

19 Councilmember Lisonbee asked if Ms. Brown can provide her with the contact information for the contact person
20 associated with each assignment she received upon adoption of the recent Councilmember assignments resolution. She then
21 stated that she would also like to add an item to a future agenda to allow the Council to discuss and address the concerns
22 regarding Title Two that were raised by the citizens that spoke during public comments. She then stated that this meeting has
23 been a good meeting; it was fun to see all the proclamations that were brought forward. She also is excited about the changes
24 to the signage regulations and she thanked the Planning Commission for their work on that issue.

25 Councilmember Shingleton stated that he agreed with what has been said this evening. He stated he wanted to again
26 compliment the military and also compliment the staff for the great job they have done on Title Four. He stated that things
27 are moving forward; many things are getting accomplished and the meeting this evening has been a good meeting.

1 Councilmember Duncan stated that the Council and administration met in a budget retreat on March 31 and he
2 wanted to thank the Department Heads for a very professional job done to assemble the meeting and present the information
3 that was presented. He stated there was a lot of information presented and it is a lot to digest, but it is very helpful to have.
4 He stated he would also like to echo Councilmember Lisonbee's requests that Ms. Brown provide him with contact
5 information for his assignments and that an agenda item be added to the next agenda to address the Title Two concerns that
6 have been raised. He stated he would also like to thank the Planning Commission and staff for their wonderful work on Title
7 Four. He stated that a lot of work has gone into it and it will help the City to move forward. He then stated this has been a
8 very positive meeting and that is needed in this City.

9 Councilmember Peterson stated that he will be attending the Utah League of Cities and Towns (ULCT) conference
10 tomorrow through Friday and he will provide a report on his attendance at the conference at the next meeting.

11 Councilmember Johnson stated that he wanted to remind everyone that on April 26 there will be an open house and
12 panel discussion with the Ninigret developer. He stated that all citizens are invited to attend and ask any question they have
13 about the potential development. He then stated that he would also like to give accolades to the Planning Commission for
14 their hard work. He stated that he feels that the Planning Commission does not always receive the recognition they deserve
15 for the work they do. He stated that each person on the Commission has their own special talents and different abilities and
16 they accomplish things that are great for the City. He then stated that the budget retreat was a good meeting and there are
17 good things happening. He stated that he anticipates that the Council will have some good additional discussions about the
18 budget over the next couple of months.

19

20 14. Mayor Report.

21 Mayor Nagle stated that she wanted to thank the staff from the Recreation Department for their organization of
22 another successful Easter Egg Hunt. She stated that she also wanted to go on record and thank City Manager Rice and his
23 staff for all the great things they have accomplished over the past year. She stated a tremendous amount of work has been
24 done to turn around the finances of the City; a lot of that has to do with Finance Director Marshall's analytical work on the
25 budget and Mr. Rice's leadership as well as the rest of the employees pulling together and working as a team. She stated it is
26 amazing what has been done and she again commended the staff and thanked them for their positive efforts going forward.
27 She then stated she wanted to excuse Mr. Rice from tonight's meeting; he is attending the Utah City Managers Association
28 (UMCA) Conference in St. George, Utah.

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15. City Manager Report.

Acting City Manager Marshall stated that he added to the Council’s packet the financial statements through the end of March. He stated the expenses for each Department in the City are below average and what was budgeted and the revenues are being realized above what was budgeted. He stated that means the City is on track to exceed expectations this year.

At 7:52 p.m. COUNCILMEMBER SHINGLETON MADE A MOTION TO ADJOURN. COUNCILMEMBER PETERSON SECONDED THE MOTION; ALL VOTED IN FAVOR.

Jamie Nagle
Mayor
Date approved: _____

Cassie Z. Brown, CMC
City Recorder



COUNCIL AGENDA

April 24, 2012

Agenda Item #3 Public Hearing: Proposed Resolution R12-14
Amending the Budget for the Fiscal Year
Ending June 30, 2012.

Factual Summation

- Please see the attached proposed resolution.
- The attached document itemizes recommended budget line item changes to revenue and expenditures for all city funds. Here are the changes:
 - The biggest item in this budget opening is for the council to authorize payment to Siemens LLC and Rocky Mountain Power for the street lighting project that will happen over the next few months. Last council meeting the bank lease was authorized to fund the project. This budget opening authorizes administration to execute those funds and begin the street lighting project. The total bank lease was for \$620,268. The total purchase price for the project is \$680,268. This amount is made up of a payment of \$167,232 for the purchase of 312 street light poles that are currently owned by Rocky Mountain Power. It also includes payment to Siemens in the amount of \$513,036 for labor, materials, and overhead to complete the street light installation project.
 - The fire department was awarded additional grant funding through the division of fire, forestry, and state lands in the amount of \$14,888. This grant has a 50% match requirement. Also, an extension was awarded for our communications grant through FEMA. The award was for \$5,105 with a 5% match. Both of these grants have been added into the budget for this budget opening. This increase in expenditures can be offset with an expected increase in ambulance revenue.
 - The initial estimates for our 1700 South Culinary Waterline Phase I and II projects were low. We anticipate the costs to come in at a combined total of approximately \$350,000 instead of \$320,000.
 - There is also an increase in the garbage operating fund due to increased participation in the program. The additional revenues cover the increase costs in the fund.

RESOLUTION R12-14

A RESOLUTION ADJUSTING THE SYRACUSE CITY BUDGET FOR FISCAL YEAR ENDING JUNE 30, 2012.

WHEREAS, the Uniform Budgetary Procedures set forth in State Statute 10-6-128 allow for amendments and increases to individual fund budgets; and

WHEREAS, on April 24, 2012, the City Council held a public hearing to allow interested persons in attendance an opportunity to be heard for or against the proposed budgetary changes; and

WHEREAS, the City Council has determined that approval of the budgetary amendments will promote the orderly operation of the City;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF SYRACUSE DAVIS COUNTY, STATE OF UTAH, AS FOLLOWS:

SECTION 1: Amendments. The following adjustments to the Syracuse City Budget are hereby made for the Fiscal Year 2012 operating budget.

- See attachment

SECTION 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

SECTION 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 24th DAY OF APRIL, 2012.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor

Syracuse City

FY 2012 Budget Adjustments



	<u>Original Budget</u>	<u>Amended Budget</u>	<u>Increase / (Decrease)</u>
General Fund			
<u>Revenue adjustments:</u>			
Ambulance Revenue	290,000.00	300,000.00	10,000.00
State Grant - DFFSL (Various Equipment)	-	7,444.00	7,444.00
Federal Grant - FEMA (Communications equipment)	-	4,750.00	4,750.00
			<u>22,194.00</u>
<u>Expenditure adjustments:</u>			
Fire Department:			
Grant Funded Expenditures (\$5,105 - FEMA equipment) (\$14,888 - FFSL equipment)	80,650.00	100,643.00	19,993.00
			<u>19,993.00</u>
	<u>Revenue</u>	<u>Expenses</u>	
General Fund net change	22,194.00	19,993.00	2,201.00
Beginning fund shortage			(133,568.00)
			<u>(131,367.00)</u>
Overall fund deficit to come from fund balance			
Street Lighting Fund			
<u>Revenue adjustments:</u>			
Capital Lease Proceeds (Street Lighting Project)	-	620,268.00	620,268.00
			<u>620,268.00</u>
<u>Expenditure adjustments:</u>			
Street Light Installation	22,000.00	7,000.00	(15,000.00)
Capital Outlay (RMP - \$167,232 - Purchase of Poles) (Siemens - \$513,036 - Labor, Street Lights Fixtures, Overhead, & Profit)	-	680,268.00	680,268.00
			<u>665,268.00</u>
	<u>Revenue</u>	<u>Expenses</u>	
Street Lights Fund net change	620,268.00	665,268.00	(45,000.00)
Beginning fund shortage			(6,100.00)
			<u>(51,100.00)</u>
Overall fund deficit to come from fund balance			

Culinary Water Impact Fee Fund

Expenditure adjustments:

Capital Projects	320,000.00	350,000.00	30,000.00
(The initial estimate for phase I and II were a little low)			
			<u>30,000.00</u>

	<u>Revenue</u>	<u>Expenses</u>	
Cul Water Impact Fee Fund net change	-	30,000.00	(30,000.00)
Beginning fund shortage			(218,500.00)
			<u>(248,500.00)</u>

Garbage Operating Fund

Revenue adjustments:

Green Waste Recycling	62,400.00	97,000.00	34,600.00
(More participation that anticipated)			
			<u>34,600.00</u>

Expenditure adjustments:

Green Waste Collection Fees	57,600.00	70,000.00	12,400.00
			<u>12,400.00</u>

	<u>Revenue</u>	<u>Expenses</u>	
Garbage Operating Fund net change	34,600.00	12,400.00	22,200.00
Beginning fund overage			8,146.00
			<u>30,346.00</u>

MBA Fund

Expenditure adjustments:

Bond Fees	10,510.00	11,010.00	500.00
			<u>500.00</u>

	<u>Revenue</u>	<u>Expenses</u>	
MBA Fund net change	-	500.00	(500.00)
Beginning fund shortage			(2,393.00)
			<u>(2,893.00)</u>



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Forestry, Fire and State Lands

RICHARD J. BUEHLER
State Forester/Division Director

February 8, 2012

Craig Cottrell
Nancy McKay
Syracuse Fire Dept
1869 South 3000 West
Syracuse, UT 84075-9057

Dear Chief Cottrell:

The Utah Fire Department Assistance Grant has remaining 2011 funds available. Department of Interior, RFA funds were not available this year. Also, the Utah Fire and Rescue Academy funds is a **50/50 match** this year. Your fire department has been awarded the following matching grant(s) to assist with the purchase of the following item(s):

50% Matching funds		
U.S.F.S. VFA Funds		
Training	0	
PPE	0	
Radios/ Communication	0	
Equipment	0	
U.S.F.S. VFA Total	\$0	
Utah Fire & Rescue Academy Funds		
Training	0	
PPE	0	
Radios/ Communication	0	
Equipment	7,444	
UFRA Total	\$7,444	
Grand Total	\$7,444	

Any substitutions or changes from your original request must be approved in advance.

These are matching grants. Grant funds will cover the purchase price for items awarded up to the amount awarded. You must provide the required match. The matching portion may be in hard dollars or in-kind services. Rates for in-kind services are calculated at locally acceptable rates for similar services. If rates are not available for a particular service the match can be calculated at \$21.36 per hour. If you have questions about what qualifies as in-kind services please contact this office.



If you have been awarded funds for wildland PPE or equipment you may purchase these items from the General Services Administration (GSA) through the State Foresters office. Simply complete the enclosed GSA order form and submit it to Jane Martinez at the address below or by fax (801-533-4111). GSA orders need to be submitted to this office by **February 29, 2012**. If PPE items are not purchased through GSA, these items will only be reimbursed at the GSA rate. Orders received after this date will not be considered. **Please** attach to the order form your matching portion of in-kind services.

You will need to make your own arrangements for equipment and/or PPE purchases from other sources. Reimbursement will be made upon proof-of-purchase (i.e. photocopies of invoice(s)). Send copies of invoice(s) to this office by **March 16, 2012** for reimbursement.

All expenditures must be recorded and submitted on the enclosed "Request for Reimbursement" form. **Proof(s)-of -purchase must be received by this office by March 16, 2012**. To receive reimbursement for items purchased send the "Request for Reimbursement" form and copies of invoices to:

Utah Division of Forestry, Fire & State Lands
c/o Jane Martinez
1594 West North Temple, Suite 3520
PO Box 145703
Salt Lake City, UT 84114-5703

Fillable versions of the GSA order form and the Request for Reimbursement form are available to download at: www.forestry.utah.gov/grants/grants.php

If you have any questions or need clarification, please contact Jane Martinez at 801-538-5427 or email janemartinez@utah.gov .

Sincerely,



Dick Buehler
State Forester/Director



COUNCIL AGENDA

April 24, 2012

Agenda Item #4 Authorize Administration to execute Fiscal Year (FY) 2012-2013 Employee Benefits Contract.

Factual Summation

- Any questions regarding this agenda item may be directed at Finance Director Steve Marshall.
- Administration requests authorization from the Mayor and Council to approve moving forward with the following vendors for our full-time employee benefits:
 - We propose that the city use Select Health for our medical carrier for the FY2013 budget year. They have been our vendor over the past few years and have provided great services to the City.
 - We propose that the city change to Humana Dental for our dental carrier for the FY2013 budget year. This new vendor has a bigger network than our existing provider and can provide better benefits at a lower cost.
 - We propose that the city use Lincoln Financial for our disability insurance carrier for the FY2013 budget year.
 - We propose that the city use Opticare for our vision insurance carrier for the FY2013 budget year. They have been our vendor over the past few years and have provided great services to the City.
 - We propose that the city use Bloomquist Hale for our employee assistance program (EAP) for the FY2013 budget year. They will provide some valuable assistance to full-time employees who need assistance in a variety of areas including work life & wellness, financial counseling, and crisis services.



COUNCIL AGENDA

April 24, 2012

Agenda Item “5”

Authorize Administration to execute the Amendment to Interlocal Cooperation Agreement between Davis County and the City of Syracuse for Animal Control Services.

Factual Summation

- Any questions regarding this item may be directed at City Recorder Cassie Brown.
- Please see the attached agreement.



Davis
COUNTY

Animal Care & Control

1422 East 600 North - Fruit Heights, Utah 84037
Telephone: (801) 444-2200 - TDD: (801) 451-3228 - Fax: (801) 444-2212

Mayors & City Administrators,

I want to thank all of the cities for the working relationship we have with you. I appreciate the communication and feedback that has been given to me this past year. All of us here are thankful to you for allowing us to serve you.

Attached you will find the contract addendum for your city that shows the amount due for Animal Care & Control services in 2011, the spreadsheets listing the call amounts, the amount due and this letter .

In reference to the two attached spreadsheets. One is for all calls excluding wildlife calls and the other tab is for the wildlife calls, please see both.

The County did not increase the amount due from the cities this year. The city's fee increased or decreased based on the number of calls that were in that city in 2011.

Wildlife calls are separate and are charged a \$25.75 fee per call. This fee is also remaining the same as 2011.

Please print the contract addendum, sign it & mail the signed contract addendum to me. (Address is above) I will place a cover sheet on it and forward it to the County Attorney where it is reviewed and placed before the County Commissioners. After all of the signatures are collected, I will make a copy of the original and sent it to you. . (If you want a signed original, please print TWO copies and sign both. I will have one sent to you when it is signed by the County Commission.)

If you have any questions, concerns or comments please contact me,

Thank You,

Clint Thacker
Director
Davis County Animal Care & Control
801-444-2204

**AMENDMENT TO INTERLOCAL COOPERATION AGREEMENT
BETWEEN DAVIS COUNTY AND THE CITY OF SYRACUSE FOR
ANIMAL CONTROL SERVICES**

This Amendment is made and entered into this day by and between DAVIS COUNTY, a political subdivision of the State of Utah, which shall be called the "County" in this Amendment, and SYRACUSE CITY, a municipal corporation of the State of Utah, which shall be called the "City" in this Amendment.

This Amendment is made and entered into by and between the parties based, in part, upon the following recitals:

A. The parties previously entered into an Inter-local Cooperation Agreement between Davis County and the City of SYRACUSE for Animal Control Services for the Calendar Years 2009 - 2014 ("Agreement") dated June 23, 2009, and which is labeled Davis County Contract No. 2009-275, and by which the County agreed to provide animal services to the City. The term of that agreement is for the five-year period from dated January 1, 2009, to December 31, 2013.

B. Paragraph 5 of the Agreement specified the amount of compensation to be paid by the City to the County for the calendar year 2009 and further provided that the compensation amount shall be reviewed annually and adjusted by a written amendment to the Agreement as may be agreed upon by the County and the City. The County and the City have agreed to the adjusted compensation specified in this Amendment.

Now therefore in consideration of the terms set forth in this Amendment, the parties hereto do hereby agree as follows:

1. Compensation and Costs

Paragraph 5 of the Agreement is amended to read:

A. The City shall pay compensation in the amount of Forty Thousand Five Hundred Sixty Three Dollars and Seventy Seven Cents (\$40,563.77) to the County for all animal care services provided and performed by the County under this Agreement with the express exception of picking up and euthanizing wild nuisance animals, such as raccoons and skunks, trapped by City or City residents which shall be compensated as set forth below in Paragraph B of this section.

(1) The compensation shall be payable in twelve (12) equal monthly installments of Three Thousand Three Hundred Eighty Dollars and Thirty One Cents (\$3,380.31) with the first monthly payment due on or before January 1, 2012, and subsequent payments due on or before the 1st day of each month thereafter until paid in full.

(2) The County shall submit monthly invoices to the City for Compensation for its services and reimbursement of any itemized costs incurred by the County and approved in writing by the City under this Agreement. The city shall render payment for such approved invoices within thirty (30) days after receipt of each such invoice or the resolution of any question or dispute regarding an invoice.

(3) The compensation amount shall be reviewed annually adjusted by a written amendment to this Agreement as may be agreed upon by the City and County.

B. The City shall pay County annual compensation in the amount of One Thousand Three Hundred Ninety Dollars and Fifty Cents (\$1,390.50) for nuisance pick up and/or

euthanization by the County within the confines of the City under Paragraph 1. C. of this Agreement.

(1) Annual costs/fees for this service may change from year to year based on the level of nuisance animal service provided to City by County during the last year and notice of said changes will be provided to City prior to the renewal time of this Agreement.

(2) The County shall submit quarterly invoices to the City for One Quarter (25%) of the annual fee established under this Agreement for the pick-up and euthanization of wild nuisance animals.

(3) The City shall render payment within thirty (30) days after receipt of each such invoice.

2. Continuing Effect of Contract for Services

Except to the extent specifically modified by this Amendment, the terms and conditions of the Agreement, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have executed this Amendment in duplicate, each of which shall be deemed an original.

Dated this __ day of _____, 2012.

DAVIS COUNTY

By: _____
P. Brett Millburn, Chairperson
Davis County Board of County Commissioners
Date: _____, 2012

ATTEST:

Steve S. Rawlings

Davis County Clerk/Auditor

CITY OF _____

By: _____
Mayor

Date: _____, 2012

ATTEST:

City Recorder

Attorney Review

The undersigned, being the authorized attorney for City of _____, reviewed this Inter-local Cooperation Agreement and found it to be in proper form and compliance with applicable law.

City Attorney

Attorney Review

The undersigned, being the authorized attorney for Davis County, reviewed this Inter-local Cooperation Agreement and found it to be in proper form and compliance with applicable law.

Deputy Davis County Attorney

ACTUAL TOTAL SERVICE CALLS FOR ALL CITIES (EXCLUDING WILDLIFE)

TOTAL FEES REQUESTED FROM CITIES FOR 2012

2011 Cities Fee 2012 Cities Fee
 \$ 567,206.91 \$ 567,206.91

Service Call Stats Taken - 2009 to 2011

City	Calls for Service			Annual Averages		% of 2 Yr. Average		City Fee		
	2009	2010	2011	Avg 09/10	Avg 10/11	% of 09/10	% of 10/11	2011	2012	
BOUNTIFUL	1639	1841	1933	1740	1887	9.90%	10.61%	\$56,167.09	\$ 60,199.64	
CENTERVILLE	575	585	727	580	656	3.30%	3.69%	\$18,722.36	\$ 20,927.91	
CLEARFIELD	2480	2067	2076	2274	2072	12.94%	11.65%	\$73,388.44	\$ 66,085.61	
CLINTON	1506	1264	1255	1385	1260	7.88%	7.08%	\$44,707.71	\$ 40,180.94	
FARMINGTON	849	969	1312	909	1141	5.17%	6.41%	\$29,342.46	\$ 36,384.57	
FRUIT HEIGHTS	262	260	333	261	297	1.49%	1.67%	\$8,425.06	\$ 9,459.03	
BOYER HILL	615	535	160	575	348	3.27%	1.95%	\$18,560.96	\$ 11,086.05	
KAYSVILLE	1097	1198	1412	1148	1305	6.53%	7.34%	\$37,041.23	\$ 41,632.50	
LAYTON	4383	4330	4693	4357	4512	24.79%	25.37%	\$140,627.54	\$ 143,927.22	
NSL	646	605	710	626	658	3.56%	3.70%	\$20,191.10	\$ 20,975.76	
SOUTH WEBER	281	354	341	318	348	1.81%	1.95%	\$10,248.88	\$ 11,086.05	
SUNSET	496	539	501	518	520	2.95%	2.92%	\$16,704.87	\$ 16,589.20	
SYRACUSE	1419	1164	1379	1292	1272	7.35%	7.15%	\$41,689.54	\$ 40,563.77	
WEST BOUNTIFUL	389	510	421	450	466	2.56%	2.62%	\$14,509.83	\$ 14,850.52	
WEST POINT	799	547	595	673	571	3.83%	3.21%	\$21,724.40	\$ 18,216.21	
WOODS CROSS	459	480	463	470	472	2.67%	2.65%	\$15,155.43	\$ 15,041.93	
Total Calls	17895	17248	18311	17572	17780	100.00%	100.00%	\$567,206.91	\$ 567,206.91	
								With HAFB		\$ 573,590.43

HAFB omitted based on Federal reimbursement rate of \$6,383.52 annual. (\$531.93 monthly)

Forecast Total Service Calls for All Cities Wildlife

TOTAL FEES REQUESTED FROM CITIES FOR 2011

2012 Wildlife Rate/Call: \$25.75

City	Actual Wildlife Calls for Service					City Fees Due for Wildlife Calls		% of Total			
	2006	2007	2008	2009	2010	2011	2008	2009	2010	2011	2012
BOUNTIFUL	137	144	184	192	207	304	\$3,800.00	\$4,738.00	\$5,195.52	\$5,330.25	\$ 7,828.00
BOYER HILL	6	13	7	2	2	0		\$180.25	\$41.23	\$51.50	\$ -
CENTERVILLE	64	58	88	102	88	92	\$1,440.00	\$2,266.00	\$2,762.70	\$2,266.00	\$ 2,369.00
CLEARFIELD	87	65	53	93	93	71	\$1,200.00	\$1,364.75	\$2,515.29	\$2,394.75	\$ 1,828.25
CLINTON	31	26	31	43	29	12	\$840.00	\$798.25	\$1,154.56	\$746.75	\$ 309.00
FARMINGTON	280	269	234	224	275	218	\$6,840.00	\$6,025.50	\$6,061.44	\$7,081.25	\$ 5,613.50
FRUIT HEIGHTS	70	79	21	81	95	72	\$1,440.00	\$540.75	\$2,185.42	\$2,446.25	\$ 1,854.00
KAYSVILLE	289	263	204	237	286	268	\$5,480.00	\$5,253.00	\$6,391.32	\$7,364.50	\$ 6,901.00
LAYTON	574	368	284	499	471	431	\$10,360.00	\$7,313.00	\$13,483.62	\$12,128.25	\$ 11,098.25
NSL	38	22	35	35	46	27	\$240.00	\$901.25	\$948.39	\$1,184.50	\$ 695.25
SOUTH WEBER	56	35	16	20	52	54	\$1,320.00	\$412.00	\$536.05	\$1,339.00	\$ 1,390.50
SUNSET	6	8	3	2	3	0	\$160.00	\$77.25	\$41.23	\$77.25	\$ -
SYRACUSE	69	79	46	41	55	54	\$1,520.00	\$1,184.50	\$1,113.33	\$1,416.25	\$ 1,390.50
WEST BOUNTIFUL	115	77	89	104	58	39	\$3,120.00	\$2,291.75	\$2,803.93	\$1,493.50	\$ 1,004.25
WEST POINT	91	40	28	43	58	33	\$1,640.00	\$721.00	\$1,154.56	\$1,493.50	\$ 849.75
WOODS CROSS	32	6	26	29	22	15	\$680.00	\$669.50	\$783.45	\$566.50	\$ 386.25
	1945	1552	1349	1747	1840	1690	\$40,080.00	\$34,736.75	\$49,182.05	\$47,380.00	\$ 43,517.50



COUNCIL AGENDA

April 24, 2012

Agenda Item “6”

Proposed Resolution R12-15 authorizing the application for Land Water Conservation Fund Grant for the development of Centennial Park Phase Two: Sunshine Playground.

Factual Summation

- Any questions regarding this item may be directed at Parks and Recreation Director Kresta Robinson.
- Please see the attached Proposed Resolution.

RESOLUTION NO. R12-15

A RESOLUTION OF THE SYRACUSE CITY COUNCIL AUTHORIZING THE APPLICATION FOR LAND WATER CONSERVATION FUND GRANT FOR THE DEVELOPMENT OF CENTENNIAL PARK PHASE TWO: SUNSHINE PLAYGROUND.

WHEREAS, Syracuse City has determined that providing for the public need includes consideration of the special circumstances of all children residing within the City to the extent practicable; and

WHEREAS, on April 13, 2010 the Syracuse City Council adopted a resolution to set aside a portion of Centennial Park for the application of privately obtained grant funding to build accessible public improvements; and

WHEREAS, a non-profit entity has been established to oversee all privately obtained grant funding and that entity is desirous of making application for funding through the Land Water Conservation Fund; and

WHEREAS, before application can be made for the funding, it is necessary for the Governing Body of Syracuse City to adopt a resolution giving consent.

NOW, THEREFORE, BE IT RESOLVED THAT THE SYRACUSE CITY COUNCIL AGREES AND AUTHORIZES THAT:

Section 1. Consent. Application can be made to the Land and Water Conservation Grant Fund Program to request funding for the development of Centennial Park Phase Two: Sunshine Playground.

Section 2. Severability. If any section, part or provision of this Resolution is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Resolution, and all sections, parts and provisions of this Resolution shall be severable.

Section 3. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF SYRACUSE CITY, STATE OF UTAH, THIS 24th DAY OF APRIL, 2012.

SYRACUSE CITY

ATTEST:

Cassie Z. Brown, City Recorder

By: _____
Jamie Nagle, Mayor