

CITY COUNCIL MEETING NOTICE AND AGENDA

Notice is given that the Farmington City Council will hold a regular meeting on **Tuesday, November 14, 2023** at City Hall 160 South Main, Farmington, Utah. A work session will be held at 5:30 pm in Conference Room 3 followed by the regular session at 7:00 pm in the Council Chambers. The link to listen to the regular meeting live and to comment electronically can be found on the Farmington City website www.farmington.utah.gov. If you wish to email a comment for any of the listed public hearings, you may do so to dcarlile@farmington.utah.gov

WORK SESSION – 5:30 p.m.

- West Davis Corridor improvements discussion
- STACK Real Estate presentation
- Show and Tell of new Ambulance

REGULAR SESSION – 7:00 p.m.

CALL TO ORDER:

- Invocation – Scott Isaacson, Councilmember
- Pledge of Allegiance – Amy Shumway, Councilmember

PRESENTATION:

- Farmington City Presents Annie Jr
- FY24 – 1st Quarter Financial Report 4

BUSINESS:

- Award Contract to GSBS for Rock Mill Master Plan Development 17
- Need-Based Assistance Program for Utility Bills 51
- Amendments regarding Foothill Development Standards 57

SUMMARY ACTION:

- Adoption of Personnel Manual & Authorization to City Manager to make amendments hereafter 79
- Procurement Policy and Municipal Code Amendment 271
- Appeal Authority Consolidation and Removal of References to Board of Adjustment 285
- Text amendments modifying the Subdivision process 338
- Remove Financial Institutions as an allowed use in zoning districts where currently permitted 404
- Minutes Approval for 10-3-23 and 10-17-23 412 & 421

GOVERNING BODY REPORTS:

- City Manager Report
- Mayor Anderson & City Council Reports

ADJOURN

CLOSED SESSION – Minute motion adjourning to closed session, for reasons permitted by law.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability, please contact DeAnn Carlile, City recorder at 801-939-9206 at least 24 hours in advance of the meeting.

I hereby certify that I posted a copy of the foregoing Notice and Agenda at Farmington City Hall, Farmington City website www.farmington.utah.gov and the Utah Public Notice website at www.utah.gov/pmn. Posted on November 8, 2023

CITY COUNCIL AGENDA

For Council Meeting:
November 14, 2023

WORK SESSION:

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CITY COUNCIL AGENDA

For Council Meeting:
November 14, 2023

PRESENTATION:

- FY24 – 1st Quarter Financial Report

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Kyle Robertson
Date: November 8, 2023
Subject: **FY24 Quarter #1 (09/30/23) Financial Report**

RECOMMENDATION

Review the following narrative and attached schedule. This report is for informational purposes only.

NARRATIVE

September 30, 2023 marked the end of the first quarter of FY24. See below a few noteworthy items:

Ongoing items:

- Sales tax is coming in lower than expected. The City received one sales tax distribution during Q1 (for July's sales). This distribution was 3.8% higher than last year's July. However, Administration budgeted an 8% increase in sales tax revenue for all of FY24, based on information available during the budgeting process. Administration will continue to carefully monitor sales tax.
- Revenue from utility billings are on target to meet or exceed expectations for FY24.
- Operating costs are on pace with budgeted amounts; Administration has no concerns regarding expenditures at this time.

One-time items:

- The proceeds from the sale of City property to Weber State were received during September.
- Approximately \$2 million was spent on the business park roads during FY24 Q1.
- The City made its first payment towards the design of the new fire station.

Respectfully submitted,



Kyle Robertson

Review and concur,



Brigham Mellor

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
GENERAL FUND			
GF - Administrative Department			
REVENUE	(1,363,047)	(16,897,960)	8.1%
Charges for Services Revenue	(62,942)	(134,960)	46.6%
Cost Sharing, Contributions Received	0	0	...
Interest & Investment Earnings	(280,023)	(50,000)	560.0%
Intergovernmental	0	0	...
Licenses, Permits, Fees Received	(3,450)	(82,500)	4.2%
Misc Revenue	(4,889)	(24,500)	20.0%
Taxes Received	(1,011,743)	(14,376,000)	7.0%
Transfers In	0	(2,230,000)	0.0%
EXPENDITURE	377,479	6,072,428	6.2%
Payroll	192,422	808,184	23.8%
Supplies & Services Expense	185,057	637,778	29.0%
Capital Outlay, Projects	0	6,000	0.0%
Transfers Out	0	4,620,467	0.0%
Grants, Contributions by City	0	0	...
GF - Buildings Department			
REVENUE	(251,582)	(725,000)	34.7%
Licenses, Permits, Fees Received	(251,582)	(725,000)	34.7%
EXPENDITURE	132,091	728,972	18.1%
Payroll	55,759	245,413	22.7%
Supplies & Services Expense	64,427	252,100	25.6%
Capital Outlay, Projects	11,904	231,459	5.1%
GF - Community Development Department			
REVENUE	(23,397)	(94,500)	24.8%
Licenses, Permits, Fees Received	(23,397)	(94,500)	24.8%
EXPENDITURE	334,615	1,511,474	22.1%
Payroll	230,197	1,028,865	22.4%
Supplies & Services Expense	104,418	482,609	21.6%
Capital Outlay, Projects	0	0	...

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
GF - Economic Development Department			
EXPENDITURE	6,509	171,740	3.8%
Payroll	0	0	...
Supplies & Services Expense	6,509	171,740	3.8%
Capital Outlay, Projects	0	0	...
GF - Engineering Department			
REVENUE	(1,600)	(12,000)	13.3%
Charges for Services Revenue	(1,600)	(12,000)	13.3%
EXPENDITURE	40,776	223,908	18.2%
Payroll	38,536	170,408	22.6%
Supplies & Services Expense	2,241	53,500	4.2%
Capital Outlay, Projects	0	0	...
GF - Fire Department			
REVENUE	(20)	(304,000)	0.0%
Intergovernmental	(20)	(304,000)	0.0%
EXPENDITURE	624,111	2,803,104	22.3%
Payroll	587,237	2,519,322	23.3%
Supplies & Services Expense	36,874	250,682	14.7%
Capital Outlay, Projects	0	33,100	0.0%
GF - Legislative Department			
EXPENDITURE	45,785	158,072	29.0%
Payroll	19,768	79,072	25.0%
Supplies & Services Expense	26,018	79,000	32.9%
GF - Parks & Cemetery Department			
REVENUE	(8,653)	(40,000)	21.6%
Charges for Services Revenue	(8,233)	(40,000)	20.6%
Cost Sharing, Contributions Received	0	0	...
Misc Revenue	(420)	0	...
EXPENDITURE	336,699	1,448,912	23.2%
Payroll	256,557	944,712	27.2%
Supplies & Services Expense	80,142	476,300	16.8%
Capital Outlay, Projects	0	27,900	0.0%

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
GF - Police Department			
REVENUE	(37,898)	(432,180)	8.8%
Charges for Services Revenue	(125)	(187,530)	0.1%
Cost Sharing, Contributions Received	(37,773)	(167,000)	22.6%
Interest & Investment Earnings	0	(1,500)	0.0%
Intergovernmental	0	(76,150)	0.0%
EXPENDITURE	1,035,728	4,929,006	21.0%
Payroll	888,758	4,267,375	20.8%
Supplies & Services Expense	137,256	647,130	21.2%
Capital Outlay, Projects	9,714	14,500	67.0%
GF - Streets Department			
REVENUE	(99,130)	(23,000)	431.0%
Charges for Services Revenue	(75)	(4,000)	1.9%
Cost Sharing, Contributions Received	0	0	...
Licenses, Permits, Fees Received	(99,055)	(19,000)	521.3%
EXPENDITURE	164,168	958,904	17.1%
Payroll	129,667	597,004	21.7%
Supplies & Services Expense	34,501	347,400	9.9%
Capital Outlay, Projects	0	14,500	0.0%
GF - Legal			
EXPENDITURE	111,949	577,012	19.4%
Payroll	76,508	326,975	23.4%
Supplies & Services Expense	35,441	250,037	14.2%
Capital Outlay, Projects	0	0	...

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
SPECIAL REVENUE (RDA) FUNDS			
20 - US89 RDA			
REVENUE	0	(189,000)	0.0%
Interest & Investment Earnings	0	(6,000)	0.0%
Investment value increase/decrease	0	0	...
Taxes Received	0	(183,000)	0.0%
Transfers In	0	0	...
EXPENDITURE	0	184,805	0.0%
Payroll	0	0	...
Supplies & Services Expense	0	8,900	0.0%
Capital Outlay, Projects	0	0	...
Debt service, lease payments	0	175,905	0.0%
Transfers Out	0	0	...
22 - Station Park RDA			
REVENUE	0	(462,000)	0.0%
Interest & Investment Earnings	0	(7,000)	0.0%
Investment value increase/decrease	0	0	...
Taxes Received	0	(455,000)	0.0%
EXPENDITURE	2,735	15,000	18.2%
Supplies & Services Expense	2,735	15,000	18.2%
Capital Outlay, Projects	0	0	...
Transfers Out	0	0	...

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
DEBT SERVICE FUNDS			
30 - RAP Tax Bond			
REVENUE	(62,445)	(652,000)	9.6%
Interest & Investment Earnings	0	(2,000)	0.0%
Investment value increase/decrease	0	0	...
Taxes Received	(62,445)	(650,000)	9.6%
EXPENDITURE	0	687,603	0.0%
Supplies & Services Expense	0	700	0.0%
Debt service, lease payments	0	386,903	0.0%
Transfers Out	0	300,000	0.0%
31 - Police Sales Tax Bond			
REVENUE	0	(1,000)	0.0%
Interest & Investment Earnings	0	(1,000)	0.0%
Investment value increase/decrease	0	0	...
Transfers In	0	0	...
EXPENDITURE	0	72,684	0.0%
Supplies & Services Expense	0	100	0.0%
Debt service, lease payments	0	72,584	0.0%
34 - Buildings G.O Bond			
REVENUE	0	0	...
Interest & Investment Earnings	0	0	...
Investment value increase/decrease	0	0	...
Taxes Received	0	0	...
EXPENDITURE	0	0	...
Supplies & Services Expense	0	0	...
Debt service, lease payments	0	0	...
Transfers Out	0	0	...
35 - Park G.O. Bond			
REVENUE	0	(410,000)	0.0%
Interest & Investment Earnings	0	(1,000)	0.0%
Investment value increase/decrease	0	0	...
Taxes Received	0	(409,000)	0.0%
EXPENDITURE	54,902	410,000	13.4%
Supplies & Services Expense	250	2,000	12.5%
Debt service, lease payments	54,652	408,000	13.4%

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
CAPITAL IMPROVEMENT FUNDS			
11 - Class C Roads			
REVENUE	(209,981)	(1,542,000)	13.6%
Charges for Services Revenue	0	0	...
Financing Proceeds	0	0	...
Interest & Investment Earnings	0	(2,000)	0.0%
Intergovernmental	(152,689)	(900,000)	17.0%
Investment value increase/decrease	0	0	...
Taxes Received	(57,292)	(640,000)	9.0%
EXPENDITURE	(67,710)	1,542,000	-4.4%
Supplies & Services Expense	304	90,000	0.3%
Capital Outlay, Projects	(68,015)	1,452,000	-4.7%
Transfers Out	0	0	...
37 - Capital Improvement - Gov Buildings			
REVENUE	(39,568)	(825,400)	4.8%
Charges for Services Revenue	(1,600)	0	...
Devel/Impact Fees Received	(37,968)	(355,400)	10.7%
Interest & Investment Earnings	0	(4,500)	0.0%
Investment value increase/decrease	0	0	...
Misc Revenue	0	0	...
Transfers In	0	(465,500)	0.0%
EXPENDITURE	546	965,500	0.1%
Supplies & Services Expense	546	0	...
Capital Outlay, Projects	0	965,500	0.0%
Transfers Out	0	0	...

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
38 - Capital Improvement - Streets			
REVENUE	(213,762)	(3,202,000)	6.7%
Charges for Services Revenue	0	0	...
Cost Sharing, Contributions Received	(167,684)	0	...
Devel/Impact Fees Received	(46,078)	(2,621,000)	1.8%
Financing Proceeds	0	0	...
Interest & Investment Earnings	0	(175,000)	0.0%
Investment value increase/decrease	0	0	...
Misc Revenue	0	0	...
Sale of Assets	0	0	...
Transfers In	0	(406,000)	0.0%
EXPENDITURE	2,295,976	838,253	273.9%
Supplies & Services Expense	97,340	126,000	77.3%
Capital Outlay, Projects	2,181,450	646,000	337.7%
Debt service, lease payments	17,186	66,253	25.9%
39 - Capital Equipment Fund			
REVENUE	0	(1,437,152)	0.0%
Financing Proceeds	0	0	...
Interest & Investment Earnings	0	(2,000)	0.0%
Investment value increase/decrease	0	0	...
Sale of Assets	0	(15,000)	0.0%
Transfers In	0	(1,420,152)	0.0%
EXPENDITURE	508,199	1,556,152	32.7%
Capital Outlay, Projects	508,199	1,525,240	33.3%
Debt service, lease payments	0	30,912	0.0%
40 - Real Estate Fund			
REVENUE	(5,401,170)	(5,705,000)	94.7%
Cost Sharing, Contributions Received	0	0	...
Interest & Investment Earnings	0	(5,000)	0.0%
Investment value increase/decrease	0	0	...
Sale of Assets	(5,401,170)	(5,700,000)	94.8%
Transfers In	0	0	...
EXPENDITURE	0	5,700,000	0.0%
Capital Outlay, Projects	0	0	...
Transfers Out	0	5,700,000	0.0%

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
42 - Capital Improvements - Parks			
REVENUE	(75,882)	(9,134,300)	0.8%
Charges for Services Revenue	(3,000)	0	...
Cost Sharing, Contributions Received	0	0	...
Devel/Impact Fees Received	(72,882)	(4,130,000)	1.8%
Financing Proceeds	0	0	...
Interest & Investment Earnings	0	(14,000)	0.0%
Intergovernmental	0	0	...
Investment value increase/decrease	0	0	...
Misc Revenue	0	0	...
Transfers In	0	(4,990,300)	0.0%
EXPENDITURE	124,280	1,682,194	7.4%
Supplies & Services Expense	36,373	335	10857.8%
Capital Outlay, Projects	87,907	1,510,300	5.8%
Debt service, lease payments	0	171,559	0.0%
Transfers Out	0	0	...
43 - Capital Fire			
REVENUE	(104,119)	(255,600)	40.7%
Devel/Impact Fees Received	(104,119)	(250,600)	41.5%
Interest & Investment Earnings	0	(5,000)	0.0%
Investment value increase/decrease	0	0	...
Transfers In	0	0	...
EXPENDITURE	34,774	657,074	5.3%
Supplies & Services Expense	34,774	600,000	5.8%
Capital Outlay, Projects	0	0	...
Debt service, lease payments	0	57,074	0.0%
PERMANENT FUND			
48 - Cemetery Perpetual Fund			
REVENUE	(9,036)	(8,500)	106.3%
Charges for Services Revenue	(9,036)	(7,500)	120.5%
Interest & Investment Earnings	0	(1,000)	0.0%
Investment value increase/decrease	0	0	...
EXPENDITURE	0	0	...
Capital Outlay, Projects	0	0	...
Transfers Out	0	0	...

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
ENTERPRISE FUNDS			
51 - Water Fund			
REVENUE	(1,171,365)	(6,269,200)	18.7%
Charges for Services Revenue	(780,253)	(2,827,200)	27.6%
Devel/Impact Fees Received	(279,848)	(3,325,000)	8.4%
Developer Contributions of Infrastructure	0	0	...
Financing Proceeds	0	0	...
Financing Proceeds - Interest earnings	(96,589)	0	...
Interest & Investment Earnings	0	(22,000)	0.0%
Investment value increase/decrease	0	0	...
Misc Revenue	(14,675)	(5,000)	293.5%
Sale of Assets	0	(90,000)	0.0%
EXPENDITURE	556,118	13,375,652	4.2%
Payroll	240,843	1,224,952	19.7%
Supplies & Services Expense	163,414	1,022,550	16.0%
Capital Outlay, Projects	151,860	10,582,500	1.4%
Debt service, lease payments	0	545,650	0.0%
52 - Sewer Fund			
REVENUE	(801,920)	(2,563,000)	31.3%
Charges for Services Revenue	(801,920)	(2,553,000)	31.4%
Interest & Investment Earnings	0	(10,000)	0.0%
Investment value increase/decrease	0	0	...
Misc Revenue	0	0	...
EXPENDITURE	424,615	2,431,627	17.5%
Payroll	9,453	41,127	23.0%
Supplies & Services Expense	415,161	2,360,500	17.6%
Capital Outlay, Projects	0	30,000	0.0%
Transfers Out	0	0	...

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
53 - Garbage Fund			
REVENUE	(524,731)	(2,022,300)	25.9%
Charges for Services Revenue	(524,731)	(2,012,300)	26.1%
Interest & Investment Earnings	0	(10,000)	0.0%
Investment value increase/decrease	0	0	...
Misc Revenue	0	0	...
EXPENDITURE	307,090	2,004,673	15.3%
Payroll	36,024	146,212	24.6%
Supplies & Services Expense	271,066	1,818,461	14.9%
Capital Outlay, Projects	0	40,000	0.0%
54 - Storm Water Fund			
REVENUE	(347,103)	(2,388,000)	14.5%
Charges for Services Revenue	(265,054)	(1,027,000)	25.8%
Cost Sharing, Contributions Received	0	0	...
Devel/Impact Fees Received	(76,944)	(1,291,000)	6.0%
Financing Proceeds	0	0	...
Interest & Investment Earnings	0	(65,000)	0.0%
Investment value increase/decrease	0	0	...
Licenses, Permits, Fees Received	(4,105)	(5,000)	82.1%
Misc Revenue	(1,000)	0	...
Sale of Assets	0	0	...
EXPENDITURE	730,180	2,778,537	26.3%
Payroll	122,489	658,599	18.6%
Supplies & Services Expense	31,620	264,938	11.9%
Capital Outlay, Projects	576,072	1,825,000	31.6%
Debt service, lease payments	0	0	...
Transfers Out	0	30,000	0.0%

FY24 Q1 Report by Category

*Revenues are shown as negative.

	Q1 YTD	Sum of FY24 Amended Budget	Q1 as a % of Budget
55 - Ambulance Fund			
REVENUE	(139,098)	(1,052,000)	13.2%
Charges for Services Revenue	(139,098)	(1,042,000)	13.3%
Interest & Investment Earnings	0	(10,000)	0.0%
Intergovernmental	0	0	...
Investment value increase/decrease	0	0	...
Misc Revenue	0	0	...
Sale of Assets	0	0	...
EXPENDITURE	129,804	1,254,060	10.4%
Payroll	81,919	360,848	22.7%
Supplies & Services Expense	47,885	313,212	15.3%
Capital Outlay, Projects	0	80,000	0.0%
Write-off of Uncollectibles	0	500,000	0.0%
56 - Transportation Utility Fund			
REVENUE	(178,197)	(755,000)	23.6%
Interest & Investment Earnings	0	(5,000)	0.0%
Investment value increase/decrease	0	0	...
Licenses, Permits, Fees Received	(178,197)	(750,000)	23.8%
Misc Revenue	0	0	...
EXPENDITURE	27,891	668,000	4.2%
Supplies & Services Expense	530	5,000	10.6%
Capital Outlay, Projects	27,361	663,000	4.1%
60,67 - Recreation and Special Events			
REVENUE	(308,526)	(2,203,650)	14.0%
Charges for Services Revenue	(307,650)	(1,032,235)	29.8%
Cost Sharing, Contributions Received	0	(2,650)	0.0%
Interest & Investment Earnings	0	(6,000)	0.0%
Investment value increase/decrease	0	0	...
Misc Revenue	(876)	(24,250)	3.6%
Sale of Assets	0	0	...
Transfers In	0	(1,138,515)	0.0%
EXPENDITURE	642,773	2,603,030	24.7%
Payroll	429,281	1,626,482	26.4%
Supplies & Services Expense	203,004	910,915	22.3%
Capital Outlay, Projects	10,488	65,633	16.0%

CITY COUNCIL AGENDA

For Council Meeting:
November 14, 2023

BUSINESS: Award Contract to GSBS for Rock Mill Master Plan Development

GENERAL INFORMATION:

See staff report prepared Colby Thackeray, Parks & Recreation Director



CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Colby Thackeray
Date: November 14, 2023
Subject: Award Contract To GSBS For Rock Mill Master Plan Development

RECOMMENDATION

Approve the Contract and proposal from GSBS for the "Master Plan For Historical Property Development And Preservation Of The Rock Mill" for \$185,518.

BACKGROUND

The City received five proposals for the "Master Plan For Historical Property Development And Preservation Of The Rock Mill." Projects range from \$80,200 to \$276,110 as shown below.

Bidder	Bid (Master Plan/Market Research Portion)
GSBS	\$185,518
CRSA	\$276,110
Blu Line Designs	\$80,200
Landmark	\$172,708
FFKR	\$261,160



Farmington City recognizes the value of its rich heritage and the importance of preserving its historical properties. The primary objective of the "Master Plan for Historical Property Development and Preservation" is to breathe new life into a 6.5-acre historic property situated at the mouth of Farmington Canyon. At the core of this project is the commitment to:

1. Emphasize and preserve the property's historical attributes.
2. Ensure sustainable development in harmony with environmental standards.

3. Generate revenue while offering social and economic benefits to the local community.
4. Propose a phased construction approach for practical execution and enhanced public accessibility.

After a meticulous review of all submissions, the City staff unanimously concurred that GSBS's proposal stood out for its comprehensiveness and alignment with our objectives. Significantly, it's worth highlighting that GSBS is presently spearheading a project of striking similarity: the Allen Park ("Hobbitville") Adaptive Reuse Plan in Salt Lake City. Their current engagement further underscores their expertise and capability in fulfilling our vision for the project.

SUPPLEMENTAL INFORMATION

1. GSBS Proposal
2. GSBS Contract

Respectfully submitted,



Colby Thackeray
Parks & Recreation Director

Review and concur,



Brigham Mellor
City Manager



RESPONSE TO REQUEST FOR PROPOSALS LAND PLANNING & ARCHITECTURE SERVICES FOR

City of Farmington

**THE DEVELOPMENT AND PRESERVATION
OF A 10-ACRE HISTORICAL PROPERTY**

SEPTEMBER 29, 2023

September 29, 2023

FARMINGTON CITY
 160 South Main Street | Farmington, UT 84025

Re: *Land Planning & Architecture Services for the development and preservation of a 10-acre historical property.*

To Nancy Thacker and the Selection Committee:

In a city that's known for its historic homes, Farmington's Rock Mill stands apart, both figuratively and literally. Quietly overlooking the city on an amazing site, it's a Pioneer-era asset few communities can equal—and it has so much potential. We're happy the city now owns it and can plan a future for it that benefits all your citizens.

We're just the firm to help you do that, with a unique combination of in-house skillsets to make the planning process run smoothly and ensure the outcome is both visionary and actionable. Here are a few things about us that will benefit Farmington:

- **We have the essential disciplines under one roof.** We're unique in that way. With a robust **Planning** practice (we recently completed the Farmington Station Area Plan), a seasoned **Historical Architecture** practice, and a deep **Landscape Architecture** practice, we can manage every aspect of this project with fewer moving parts.
- **We have current projects almost exactly like this.** One of those projects, Allen Park in SLC (aka "Hobbitville"), is almost spot on—formerly private acreage with historic structures, recently acquired by the city. It's a master plan that requires robust public engagement, historical preservation, landscape design, and riparian and ecological site considerations. It's one of our case studies. A second current project that's remarkably similar is in a neighboring state, but, an NDA prohibits us from sharing details.
- **We have a strong set of consultants.** It requires a true team to get this once-in-a-generation opportunity right. We've selected consultants who know their stuff and have high standards. Spencer Howell, our mechanical engineer, lives in Farmington and has a personal stake in the future of Rock Mill.

- **We have a successful partnership history with you.** You're our most important team member. Our previous success together has us eager to do more with you. We know you're smart, communicative, and willing to roll up your sleeves.

In an era of rapid growth in Davis County, Farmington has worked hard to retain its character. That makes this project even more important for you and exciting for us. Setting aside premium open land, preserving its historical significance, and making it a more useful amenity for residents is both laudable and visionary. Working together with you, we're confident we can craft a master plan that the citizens of Farmington will embrace—leading to a new community space they'll truly cherish.

On a personal note, I'm very excited for this opportunity. I live just a few miles from Rock Mill and spend a lot of time riding and coaching a mountain-bike team from Kaysville at the Farm. Thank you for considering our credentials. We affirm that we will adhere to all standards and specifications of the City, County, and State, and look forward to hearing from you soon.

Kind Regards,



Travis Sheppard
PRINCIPAL IN CHARGE

P: 801.521.8600 | **E:** tshppard@gsbsarchitects.com

COMPANY OVERVIEW

GSBS Architects has a long history of serving municipal clients by helping them effectively plan for the future and make the most of city assets. We are a multidisciplinary firm that brings together related professionals and expertise to address planning from diverse viewpoints. We approach every project as a collaboration with you, the community, and our teammates. By looking at the Rock Mill Park area and facilities through the lens of this collaboration, you get holistic solutions that add value to your community.

Stakeholder engagement is the foundation of the planning process. We have pioneered the use of tools such as GIS, Social Pinpoint, and custom project websites to provide clear information to stakeholders and, in turn, receive their questions, comments, and concerns. Our interactive strategies will be tailored to the specific needs of this project and the Farmington community.

Local places planned or designed by GSBS include your own Farmington Station, Salt Lake City's Ballpark Station, Herriman Towne Center, Regent Street in Downtown Salt Lake City, and McClelland Street in Sugarhouse. Although distinctly individual, each capitalizes on public realm investments, creates a sense of place, and bolsters economic opportunity. GSBS is a leader in placemaking and we look forward to working with you to create an exciting, implementable plan for creating "place" in Farmington.

At GSBS, we view each project and client as an opportunity to evolve our skills and broaden our understanding. We have included the three project case studies you asked for but have also included this brief sampling of other relevant projects. From each of these we have learned important lessons that will inform and enrich our planning and design for Rock Mill Park.

FARMINGTON STATION AREA PLAN

This project evaluated 550 acres of land around the Farmington Frontrunner station. We used dual-language community outreach research and provided urban design guidelines and recommendations of highest and best uses for the area.

SANDY PARKS, RECREATION, AND OPEN SPACE PLAN

The City of Sandy is leveraging the consulting and public engagement expertise of GSBS to develop multiple plans at once: a general plan update, six small area plans, five station area plans, and a park and recreation system master plan.

EULESS PARKS PLANNING

After evaluating the Eules, TX Park system, the City retained GSBS to develop masterplans for the four city parks in most need of renovation. Three of those plans have been implemented and a fourth is currently in construction.

SPRINGVILLE COMMUNITY PARK MASTER PLAN

Springville Community Park is a masterplanned destination park designed to be implemented in 10 phases. With approximately 45 acres of park land, its amenities include: playgrounds, picnic areas, pavilions, restrooms, trails, an urban fishery, seven play fields, four ball fields, sport courts, and a splash pad.

HIGHLAND PARK

Highland Park is 19 acres of outdoor amenities for all ages and includes sport fields/courts, play structures, picnic pavilions, and trails. A custom signage package for this park was developed as a prototype for all South Jordan Parks.

FT. WORTH BOTANIC GARDEN, ROCK SPRINGS PARK RESTORATION

Rock Springs Park is the oldest portion of the famed Fort Worth Botanic Garden. This project replanted the park with native vegetation and restored the spring pools. Historic rock structures throughout the park were repaired or replicated, and informed the design of new accessible walkways, bridges, lookouts, and crossings.

HERRIMAN J. LYNN CRANE PARK

GSBS led a public engagement process that informed the design of a park that has become the center of community in Herriman, with an ice ribbon, splash pad, shade pavilion, fire pit, open play area, amphitheater, and stream for water play or relaxation. A History Walk displays Herriman's heritage through plaques, statues, signage, plantings, hardscapes, water features, and rock sculptures.

SALT LAKE CITY & COUNTY BUILDING

Following the March 2020 earthquake, GSBS was hired to assess the damage to the historic Salt Lake City & County building and prepare a thorough remediation and repair scope, which included nine separate selective demolition plans.

THIS IS THE PLACE STATE PARK

GSBS led the historical reconstructions of significant structures dating back to the pre-1870's. Projects included the Pine Valley Chapel, Dinwoodey Cabinet Shop/Furniture Store, and Manti Grist Mill. We strove for the maximum historical accuracy while meeting building codes, site conditions and the budget.

MURRAY CITY PARK

GSBS has been working with Murray City since 2007 to systematically replace aging amenities and infrastructure in its premier city park. We have reclaimed green space, and redesigned and implemented new signage, pavilions, shade structures, restroom facilities, and pedestrian circulation.

REGENT STREET

Regent Street is a key element in Salt Lake City's new Regent and Main Arts District. GSBS led the collaborative design process that included landscape architecture, branding, and community engagement. Together we identified a vision and design language to revitalize this forgotten block.

FT. WORTH LOG CABIN VILLAGE

GSBS recently completed an accessibility analysis of this educational park in Fort Worth. The heavily wooded, 3-acre park consists of nine historic log cabin structures, associated pathways, and museum displays. This is a precursor to accessibility upgrades in many Fort Worth park facilities.

BAILEY LAKE PARK

Bailey Lake Park in Burleson, TX is a popular park. We added a fishing pier, picnic pavilion with restrooms, and lakeside walking trail along with trail extensions that connect to Burleson's greater trail system.



FT. WORTH BOTANIC GARDEN



HERRIMAN J. LYNN CRANE PARK



SPRINGVILLE COMMUNITY PARK

PROJECT UNDERSTANDING

Congratulations on your foresight in purchasing the Rock Mill Park property and your desire to preserve its history while also creating a flourishing asset for your park system. We believe these two ideas are compatible and complementary and are excited to explore these opportunities with you and the Farmington community. We know there are many goals and subgoals surrounding the future of this property, but we believe these can all be summed up in one idea—creating a Place.

PLACEMAKING PHILOSOPHY

Placemaking is a design and development process that maximizes value for all users and participants in a space. For a park that means designing to encourage the programmed and opportunistic activities most important to the individuals and groups using it. For an event or multiuse facility that means bringing a deep understanding of those who will use or visit, and providing an amenity-rich environment that facilitates well-being and community. Placemaking design provides opportunities for users to establish emotional connections—to feel that this is THEIR space—ensuring sustainable viability for the long term. GSBS combines extraordinary planning and design with placemaking best practices to connect the built and natural environments with the people. Connection is what draws people in, makes them stay, and want to come back.

CREATING VALUE

Value is realized through the development of designs and strategies that create long-lived communities, places, and buildings. Our placemaking process is based on nine principles for developing successful places:

- Create an enduring and memorable public realm
- Integrate multiple uses
- Capture the benefits of activity density
- Connect to the existing fabric of the community
- Invest for sustainability and longevity
- Commit to appropriate management and programming
- Respect real estate and retail market realities
- Share the risk; share the reward
- Plan for development and financial complexity

Implementing these nine principles activates community assets that increase activity and investment and attract visitors and residents. GSBS believes parks, recreation, trails, public art, and historic preservation have a dramatic and measurable positive impact on the quality of life in a community. We believe in the power of these things to build the connections that make communities and citizens stronger, healthier, and happier.



PROJECT APPROACH

Successful plans that adapt a site for a new public purpose are built on a two-part foundation: a comprehensive understanding of current conditions—physical, environmental, demographic, and cultural—and a clear expression of the community’s vision for the future. Getting these two foundational elements right means that the technical aspects run more smoothly and that community support will sustain the project through funding and implementation. GSBS’ process focuses on both foundational elements to ensure that the Rock Mill Park plan will meet both community and city goals.

PROJECT MANAGEMENT

TRAVIS SHEPPARD | GSBS Principal-in-Charge

Travis is our in-house historic architecture expert and brings passion for and sensitivity to the preservation of community heritage. He has worked on such notable historic sites as the Governor’s Mansion and Salt Lake City’s Allen Park. He is supported by subject matter experts in the critical areas that form the foundation for this plan:

BEN RODES | GSBS Project Manager

Landscape design, public amenities, and project management

CHRISTINE RICHMAN | GSBS Planning

Community and stakeholder engagement

KIRK HUFFAKER | Kirk Huffaker Preservation Strategies

Historical preservation and architectural design

Together with the planners, architects, landscape architects, and experiential designers of GSBS, the engineering and riparian expertise of **Bowen Collins Associates**, structural engineering support of **ARW Engineers**, and the cost estimating of **Construction Control Corporation**, we will work closely with you to complete the Farmington Historical Site Master Plan on schedule and on budget.



Our approach to planning involves working through three critical stages:



WHAT YOU HAVE

EXISTING CONDITIONS ANALYSIS & INVENTORY

The planning process begins with a review of work completed to date, onsite reviews and documentation, and internal and external stakeholder interviews. This builds the necessary foundation for understanding the opportunities and constraints for future actions. We will review all applicable, existing Farmington Planning documents to identify how this park fits into the overarching goals of Farmington and your park system. These documents will also give us a feel for the concerns and desires of Farmington citizens in other aspects of municipal service and will identify elements that could and should be addressed in the plan.

APPROACH TO HISTORICAL ELEMENTS

The critical step to integrating historical and cultural, landscape and structural elements in the final Rock Mill Park Plan occurs early in the planning process. The GSBS team will map the critical landscape and structural elements as part of the baseline planning process. In addition, GSBS, assisted by ARW Structural Engineers, will complete an assessment of the Event Center to evaluate its current condition, historical significance, and any remediation needed to suit it for childcare or other public uses. Our team also includes Kirk Huffaker, Utah expert on historic

architecture preservation. Besides his insight into preservation strategies for the Rock Mill Park facilities, he also brings experience with adaptive reuse of historic properties including 22 years' operating an event venue in a public park.

This baseline understanding is important, for both the project team and the community, to inform options for the future—options that balance competing community priorities and cost. The GSBS team specializes in projects requiring this type of balance. Our process finds solutions that are embraced by stakeholders and the community as a fair approach to the future.

SITE ELEMENTS

Concurrently, we will inventory park amenities and site features to evaluate their condition. Internally we will use proven business assessment tool, SWOT (Strengths/Weaknesses/Opportunities/Threats), to develop a framework for strategic park planning. A thorough analysis will help us identify obstacles and opportunities and give us a solid working understanding of the property. We will also assemble existing contextual site information, plans, and maps to generate a working set of context documents. These context documents will also show infrastructure, utilities, waterways, existing structures, connectivity to the larger community, microclimate, and other contextual elements. These will be used throughout the design process and will form the basis of the communication illustrations.

WHAT YOU WANT/NEED

VISION AND OPPORTUNITY

The path forward must combine community vision and goals with the practical realities of the site. Our process has been proven to clearly communicate opportunities and constraints, engage meaningfully and dynamically with stakeholders, and generate actionable ideas to balance competing needs. Our planning process is iterative as we learn and build from data analysis and community feedback.



Our first tasks in the process are to understand and assess the situation, identify stakeholders and key issues, and create clear and concise information materials about the planning process. The objectives of the Stakeholder Engagement Plan are:

- Cohesive theme, graphic materials, and launch strategy to raise public awareness of the process
- Information, graphics, and meeting materials that clearly communicate the project's goals and process
- Opportunities for all members of the community to provide inspired and actionable input to the process
- Significant community and stakeholder support and consensus

And most importantly,

- A final unified community vision for the future of Rock Mill Park

From the unified community vision, we will establish clear design guideposts that will govern design decisions during concept development. The guideposts capture the community's aspirations and create a framework for their implementation. Design decisions are measured against the guideposts to determine how well they move the project toward established goals and the unified vision.

PUBLIC OUTREACH

Outreach to a wide range of stakeholders and community members is key to any successful public consultation process. Reaching out to underrepresented groups is an important part of that process. We will work with City staff to identify those groups and how best to reach them. It can be difficult to engage those who don't have a direct connection to the project, so our outreach must quickly and effectively communicate what the effort is and why it is important to every Farmington resident, regardless of demographic.

We use several tactics to generate input in-person and through virtual participation. Through experience, we have learned what works, and what doesn't work. We feel that offering multiple avenues for input gives us the best insight to drive results.

The first tool we deploy is Social Pinpoint. Social Pinpoint is a web-based map and idea wall dedicated to your project where residents and other stakeholders can drop a pin and give us feedback about specific park elements or start a conversation with other visitors to the site about their vision for this park and the structures within it. As an example of the success of this tool, when we launched the Social Pinpoint Map for our South Salt Lake City General Plan we received well over 700 individual



comments. This is an extraordinary result compared to a traditional open-house setting where sometimes only a few dozen citizens may drop by—and they’re the same ones who always show up.

The second tool we deploy is a survey, accessed through the web-based tool, that allows us to ask more specific questions about Rock Mill Park and its future place within your broader park system.

The input received through the web-based tools is supplemented with focus group discussions. We propose to conduct several focus group meetings (either over Zoom or in person) to “drill down” on the ideas and concepts identified on the map and in the survey. Focus groups provide us with a more robust and nuanced understanding of needs and desires. We will reconnect with the original focus group members later in the process to review draft goals, objectives, and strategies and verify that their input is accurately reflected in the final plan and concepts. These follow-up meetings generate support for the draft plan as it moves through the review and approval process.

HOW YOU GET THERE

Stage 3 brings all of the information together to provide you with a comprehensive plan for the future as well as an implementation plan that corresponds with your budget constraints and opportunities. We have experience balancing transformative public vision into realizable steps. A phased approach makes wise and strategic use of funds as they are available and helps maintain community enthusiasm throughout implementation. We also have the graphic design capability in house to create visual materials that effectively and persuasively communicate the final plans and designs. The final Rock Mill Master Plan deliverable will be a culmination of the analysis of our team’s expertise combined with stakeholder feedback, which will then be interpreted through creative design into concepts for Rock Mill Park.



TRAVIS SHEPPARD AIA, LEED AP

Principal in Charge/Historic Architect | GSBS Architects

Travis brings great knowledge and motivation to the projects in which he is involved. His experience working on historic building projects spans over 20 years. His systematic approach to these sensitive projects helps preserve the original architectural style of the buildings, improves the end user’s experience, and protects the owners from pitfalls common to historic building projects. Travis is a personable negotiator who likes to build consensus and to approach projects as an expert counselor and advisor.

EDUCATION

Master of Architecture, University of Utah
 Bachelor of Architecture, University of Utah

LICENSES & REGISTRATIONS

Registered Architect: UT
 U.S. Green Building Council LEED
 Accredited Professional

PROJECT NAME

- Allen Park Adaptive Reuse Plan

- Salt Lake City & County Building Earthquake Damage Assessment & Seismic Repairs

- Fisher Mansion Stabilization

- Kearns Block Master Plan

- Kearns Mansion Windows & Roof Restoration

- Historic Henderson Building (GSBS Office) Seismic Repairs & Tenant Improvement

- Historic Utah State Capitol Complex IDIQ

- Historic LDS Mesa Temple Renovation
Winner of AIA Utah Design Excellence Award 2023 - Historic Restoration

- LDS Bountiful Temple Baptistry Remodel

- Historic LDS Salt Lake Temple Projects

- Union Pacific Depot Renovation



BEN RODES PLA, ASLA

Project Manager/Landscape Architect | GSBS Architects

With Ben’s background in Landscape Architecture, master planning, and community planning, he brings a diverse skillset to all projects he encounters. Whether it be designing a community park, or a city streetscape he excels at creating functional form within the built environment. Spending his entire life in the mountains and the ecosystems of the Northwest he responds to clients’ needs in a manner sensitive to the site’s bioregion and environment. Ben is passionate about community and believes that great design transforms outdoor spaces and builds stronger more resilient communities in both urban and rural settings.

EDUCATION

Bachelor of Landscape Architecture,
University of Idaho

LICENSES & REGISTRATIONS

Licensed Landscape Architect: UT
American Society of Landscape Architects

PROJECT NAME

- Japantown Design Guidelines
APA Utah Beehive Award of Excellence

- Allen Park Adaptive Reuse Plan

- Gallivan 20 Year Plaza Design

- Sandy City Parks Master Plan Update

- Sandy City Localscapes

- Salt Lake City Library Rooftop Garden

- Wilshire Park Renovation

- YMCA Camp Mill Hollow

- Wasatch Community Gardens Campus

- Kinderplatz Nature Reserve and Outdoor Learning Space

- Murray Pavilions Replacement

- Daybreak Park



CHAD FARLEY AIA

Project Architect | GSBS Architects

Chad is a strong proponent of adaptive reuse and historic preservation. He believes that thoughtful design within existing conditions can improve building performance with modern technology while still celebrating and preserving historic architecture. As project architect, he is focused on productive communication between the client, design team, and ultimately the contractor. This allows for an open discussion of ideas, clear and efficient drawings, accurate bidding, and strong communication of design intent to those performing the work.

EDUCATION

Master of Architecture, University of Utah

Bachelor of Interior Design,
Brigham Young University

LICENSES & REGISTRATIONS

Licensed Architect: UT

PROJECT NAME

Fisher Mansion Stabilization

Historic LDS Mesa Temple Renovation

Winner of AIA Utah Design Excellence Award 2023 - Historic Restoration

Glendinning Demo & Parking Security

Historic Utah State Capitol Complex IDIQ

Kearns Block Phase 1

Capitol House & Senate Door Replacements

White Chapel Interior Improvements

Elections Office Improvements

Exterior Stone

LDS Bountiful Temple Improvements

VA Clinic Tenant Improvement, St. George

VA Clinic Tenant Improvement, Elko

VA Clinic Tenant Improvement, Ogden

VA Clinic Tenant Improvement, Orem



CHRISTINE RICHMAN AICP

Planning | GSBS Architects

Christine believes that a key component of successful developments and communities is long-term economic sustainability. She specializes in finding creative solutions to difficult economic development, planning and government issues and problems. She is skilled at identifying the core issue and developing solutions that meet the needs of disparate interests. Flexible, incremental development concepts are her specialty. Her strategies can be implemented over time in response to market factors while maintaining an cohesive identity. Her projects include real estate market analysis, redevelopment planning and tax increment area creation, master planning, economic development strategic planning and economic impacts analysis.

EDUCATION

Master of Business Administration,
University of Utah

Master of Arts, English Literature,
University of Utah

AFFILIATIONS

Urban Land Institute, Public/Private
Partnership Council

American Planning Association, Member
AICP Certification #027551

Governor’s Transportation & Communities
Committee

Wasatch Front Regional Council Regional
Growth Commissions, Member

Community Development Finance Institution,
Board Member

PROJECT NAME

- Allen Park Adaptive Reuse Plan

- Japantown Design Guidelines
APA Utah Beehive Award of Excellence

- Kearns Block (Historic Governor’s Mansion) Master Plan

- Sandy City General Plan Update

- Magna General Plan Update

- South Salt Lake General Plan Update

- Saratoga Springs General Plan Update

- Cottonwood Heights General Pan

- Sandy City Parks Master Plan

- Murray & Millcreek Station Area Plan

- Regent Street Improvements

- Park City Rail Trail Master Plan

- Salt Lake City Ballpark Station Area Plan



KIRK HUFFAKER

Architectural Historian | Kirk Huffaker Preservation Strategies

Kirk works with owners, developers, communities, and organizations on a wide range of solutions and products that save and rehabilitate historic places. Prior to 2019, he was a preservation advocate at Preservation Utah for 22 years, Utah’s statewide nonprofit preservation organization, serving as its Executive Director for 12 years. He has extensive experience in adaptive reuse of historic sites and how to balance new uses with preservation strategies. He can also conduct market research around historic sites becoming cultural assets and their particular operational requirements. Kirk’s role in this project will encompass advising on the treatment of historic character-defining features in future phases of design.

EDUCATION

Masters of Science, Historic Preservation
 Planning Eastern Michigan University
 Bachelor of Art, Geography, English,
 Augustana College

LICENSES & REGISTRATIONS

American Society of Civil Engineers (ASCE)
 Member, ASCE 41 Committee Member
 Structural Engineers Association of Utah (SEAU)
 Member, Seismic Committee
 American Concrete Institute (ACI) Member
 Earthquake Engineering Research Institute
 (EERI) Member

PROJECT NAME

- Allen Park, Salt Lake City–Cultural Landscape Report and Architectural Inventory & Evaluation

- Asheville/Buncombe County, NC–Historic Properties Redevelopment Program Planning

- Block 407, Salt Lake City–Master Plan, Cultural Landscape Report, Historic Structures Report

- Cramer House, Salt Lake City–Rehabilitation planning: guidance on specifications, structural assessment,

- Denver & Rio Grande Western Railroad Depot, Salt Lake City–Public Market Feasibility Study

- Pioneer Park, Salt Lake City–Cultural Landscape Report

- Salt Lake City & County Building, Salt Lake City–Earthquake repairs; Evaluation of sand-textured paint

- Kearns (Utah Governor’s) Mansion, Salt Lake City–Historic window rehabilitation and security enhancement, copper roof and internal gutter replacement

- Dryborough Neighborhood, New Bern, NC–Revolving Fund Feasibility Study

- Ercanbrack-Wolf Adobe House, Goshen–Preservation Plan

- Gilgal Sculpture Garden, Salt Lake City–ADA accessibility plan scoping (August 2020)

- Intro SLC, Salt Lake City–Preservation Plan Phase I



SPENCER W. HOWELL

Mechanical Engineer | VBFA

EDUCATION

Bachelor of Science, Mechanical Engineering,
University of Utah

LICENSES & REGISTRATIONS

- Licensed Professional Engineer:
UT, ID, NV, & WY
- American Society of Heating,
Refrigerating and Air-Conditioning
Engineers Member (ASHRAE)
- American Council of Engineering
Companies Member (ACEC)
- U.S. Green Building Council Firm
Member (USGBC)
- International Institute of Ammonia
Refrigeration Member (IIAR)

PROJECT NAME

- Kearns Block Improvements
- Davis County Legacy Events Center
- Davis County Emergency Operations Center
- Historic Trolley Square Central Plant Study
- Historic Trolley Square Momentum Gym
- SLCo Wheeler Historic Farm Barn HVAC
- Visit Salt Lake Remodel
- Sandy Amphitheater Remodel
- Utah Raptor State Park Energy Engineering
- Blackrock Events Center, Coeur d'Alene, Idaho
- Millcreek Youth Center
- Ivins City Hall
- SLCo Kearns Senior Center
- Wasatch Academy, Salt Lake City, Utah
- University of Utah Farmington Health Center



MATTHEW C. MCBRIDE

Associate Principal | ARW Engineers

EDUCATION

Bachelor of Science, Civil Engineering,
Utah State University

Masters of Science, Structural Engineering,
University of Wyoming

LICENSES & REGISTRATIONS

- American Society of Civil Engineers
(ASCE) Member, ASCE 41
Committee Member
- Structural Engineers Association
of Utah (SEAU) Member, Seismic
Committee
- American Concrete Institute (ACI)
Member
- Earthquake Engineering Research
Institute (EERI) Member

PROJECT NAME

- Salt Lake City & County Building Remodel
& Seismic Repairs
- Historic LDS Salt Lake Temple Evaluation,
Rehabilitation, & Reconstruction
- Historic LDS St. George Temple Evaluation,
Rehabilitation, & Reconstruction
- Ogden Temple Seismic Upgrade & Remodel
- Ogden Tabernacle Seismic Upgrade & Remodel
- Ogden City Municipal Amphitheater
- Logan City Public Works Seismic Evaluation
- Boyle Building Seismic Evaluation & Upgrade
- Ogden City School District Seismic Evaluation
- Weber State University Promontory Tower
Evaluation
- Fleming Distribution Remodel & Seismic Upgrade
- Montpelier Tabernacle Remodel & Seismic Upgrade



KIRK BAGLEY

Civil Engineer | Bowen Collins & Assoc.

EDUCATION

Bachelor of Science, Civil Engineering,
Utah State University

LICENSES & REGISTRATIONS

Professional Licensed Engineer:
UT, NE, & KA

PROJECT NAME

Utah State Capitol Restoration Master Plan

Tooele Valley Airport Master Plan

South Valley Regional Airport Master Plan

Governor's Mansion Master Plan

Harvey Park

780 East Trailhead

1100 North Trailhead

Canyon Road Trailhead

Highland Glen Trailhead

Mitchell Hollow Park Trailhead

Bull River Road Trailhead

10400 Park

Murdock Canal Trail

Legacy Event Center



NOLAN JOHNSON

Electrical Engineer | Heath Engineering Co.

EDUCATION

Bachelor of Science, Electrical Engineering,
University of Wyoming

LICENSES & REGISTRATIONS

Professional Licensed Engineer:
UT, AZ, CO, ID, IA, NM, & SD

Illuminating Engineering Society
(IES)

International Association of
Electrical Inspectors (IAEI)

Utah Engineers Council (UEC)

PROJECT NAME

Alta Club Renovation

Solitude Roundhouse Reconstruction

Brian Head Restoration Project

Stein Eriksen Lodge PH VI Expansion

Hand in Hand American Heros Camp

Clearfield Aquatic Center

Tollgate/Cobble Creek Girls Camp

Beaver Ridge Camp

Priesthood Restoration Site

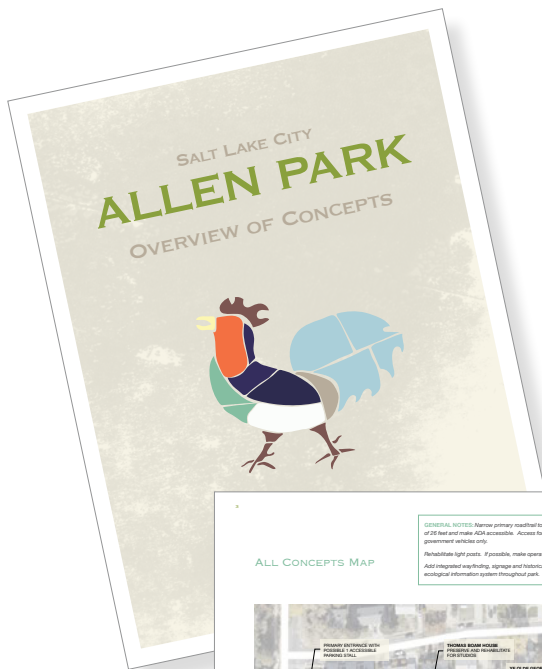
Red Butte Gardens Orangerie

Sienna Hills Pool House

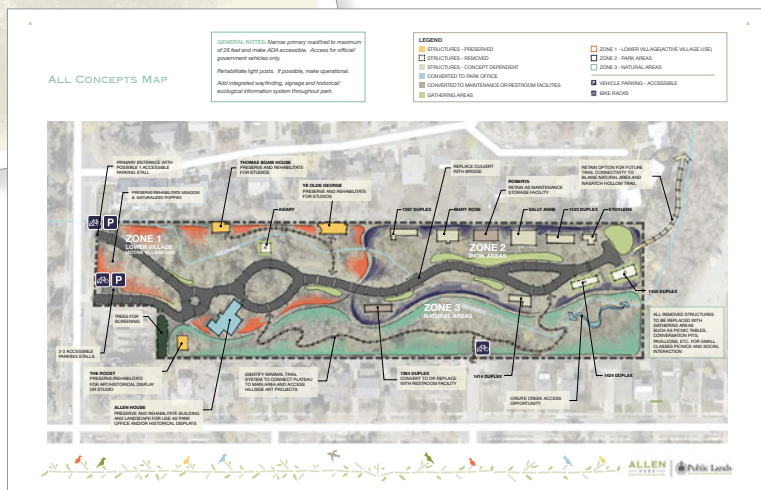
Duchesne Fair Grounds

Upgrade/Remodel San Felipe Beach Club,
San Felipe Mexico

Bountiful City Pavilion



ALLEN PARK ADAPTIVE REUSE PLAN SALT LAKE CITY, UTAH



Salt Lake City’s Allen Park holds a special place in the hearts of Salt Lake citizens. Knowing that, the City purchased the 7-acre site in 2020 with an eye to preserving its unique character and retaining it as an asset to the City’s park system. Their goals for the property encompassed many aspects but can be summed up by this statement from the City: “By creating an open, public pedestrian park highlighting the unique history, ecological integrity and regenerative expression of the site, Allen Park will become a one-of-a-kind regional attraction for the residents of Salt Lake City and beyond.”

The City’s vision in purchasing the property was:

- Save one of the few large parcels of open space left on the east side of the City
- Preserve important City history and Allen Park as a cultural resource
- Protect and enhance the Emigration Creek riparian corridor
- Control the creek’s water flow
- Preserve the potential to connect trails through Allen Park
- Create a new park with an active community use

In 2023 the City selected the GSBS Team to create an Adaptive Reuse Master Plan for Allen Park. A Cultural Landscape Report the City had previously commissioned informed our approach to this historic site and its unique structures, art, and wildlife.

Our first step was a physical analysis of the park. This included a complete structural and preservation evaluation of the 15 structures within the park, an inventory of the landscape architecture and art elements, and an analysis of the health of Emigration Creek and the wildlife that call the park home. Concurrent to evaluating the physical conditions of the park, the team began crafting an extensive public engagement campaign to gather public feedback on the park’s potential uses.

Three design concepts were developed and are currently being vetted by the City and citizens. The best way to illustrate the GSBS team’s process in action is for you to participate in it. Below are the links to the Allen Park public engagement website and the Overview of Allen Park Concepts where you can view the plans and see real-time citizen feedback.

I just wanted to thank you for your great work thus far with the City on the Allen Park plan. We appreciate your team’s approach and professionalism in handling some of these sensitive issues. I feel we are on a good path to develop a plan for improving and rehabilitating Allen Park for many generations to come.

- Tyler Murdock, Deputy Director

-Planning, Trails And Natural Lands Department Of Public Lands
Salt Lake City Corporation

www.allenparkslc.org

[Overview of Allen Park Concepts](#)



“GSBS effectively brought together a complex group of stakeholders and successfully distilled a lot of information into the end product.”

- Jeff Wrigley, Project Manager, DFCM

KEARNS BLOCK MASTER PLAN

SALT LAKE CITY, UTAH

Kearns Block is a five-acre block located on South Temple that was originally a grand boulevard of historic mansions. The block is home to the historic Kearns Mansion (the Utah Governor’s Mansion) and Carriage House and Glendinning Home with state-owned associated parking, as well as three privately owned apartment buildings on the northwest corner of the block. The Kearns Mansion and Carriage House were bequeathed to the State of Utah in 1937 to be used as the official governor’s residence. The Glendinning Home houses the Utah Division of Arts and Museums and includes division offices and a public art gallery. There are three privately owned buildings on the northwest corner of the block which are currently occupied as apartment buildings.

PROJECT SCOPE

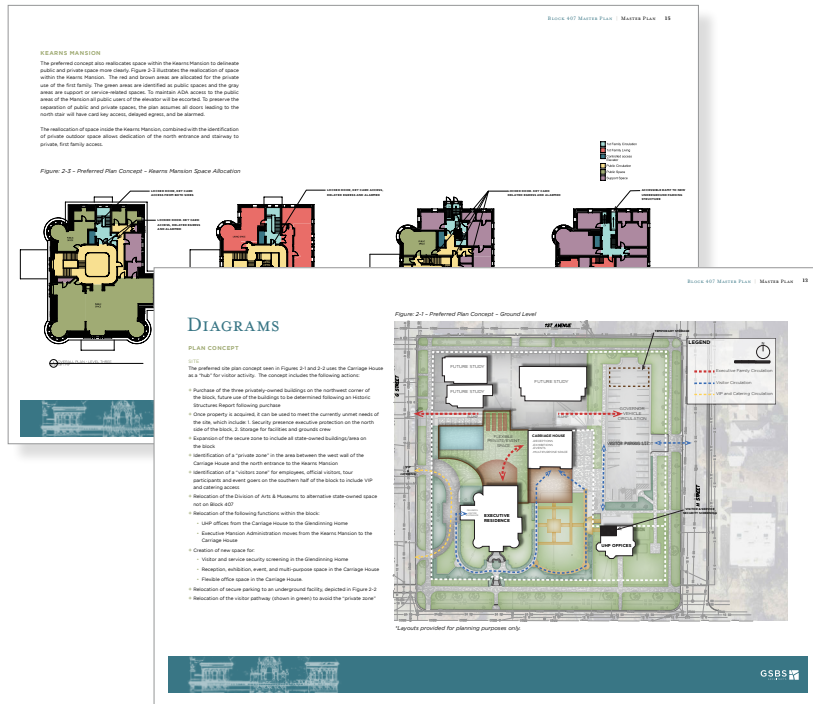
In fall 2021, the Utah State Division of Facilities and Construction Management identified a need for a long-term approach to maintenance, use, and security on the block and specifically at the Kearns Mansion. The plan identifies both recurring maintenance and upkeep on systems and finishes within and on the Kearns Mansion, Carriage House, and Glendinning Home, and ongoing maintenance and upkeep for the landscaping and site.

In addition to ongoing maintenance, the Executive Residence Commission requested a plan to identify strategies to improve the utilization of the buildings for public functions and as the private residence of the first family and improve overall safety on the block. To fulfill this scope the following studies and reports were completed:

- Cultural Landscape Report
- Historic Structures Report
- Design Basis Threat Analysis
- LIDAR Scanning, and
- Cost Estimating of identified needs and projects

PLANNING PHASES

This plan was developed using three components as the base:



SURVEY

The survey phase identified and documented existing conditions at and in each of the state-owned buildings as well as on the site. This phase included identifying all structures on the block and the current condition of their materials and systems. Security analysis was also performed to identify potential threats to occupants and visitors.

ANALYSIS

During the analysis phase the consulting team evaluated each of the elements surveyed to identify current conditions and anticipated lifespan.

VISION

Concurrent with the building and site analyses, the consulting team worked closely with the Steering Committee and other stakeholders to identify:

- A vision statement and primary goals to guide decision making
- Strategies to implement the recommendations of previous planning reports
- Key considerations for private and public spaces in each of the buildings and the site

MASTER PLAN

The Kearns Block Master Plan sets out a series of recommended actions and projects to meet the goals of the State of Utah relating to the needs of the Kearns Mansion and Carriage House, Glendinning Home, and the surrounding site. The recommendations fall into two primary categories:

- Actions to improve the overall functionality of state-owned buildings and property
- Projects to maintain and preserve the historic buildings and property

The plan identifies the long-term vision for the historic buildings and recommends actions and projects for implementation and a maintenance/preservation schedule. Cost estimates were included for immediate or short-term recommendations, while projects in the next 3-20-year timeframe were recommended to become part of the State's ongoing capital budgeting process.

Recommended actions and projects address:

- Improving separation between public and private spaces both inside the buildings and on site
- Needs identified in the Design Basis Threat Analysis
- Meeting current building codes
- ADA Accessibility
- Establishing design standards which can be applied to future repairs or replacements
- A schedule for renovation/replacement projects of surveyed elements and systems
- Opportunities to improve energy efficiency and include sustainable elements





JAPANTOWN DESIGN GUIDELINES

SALT LAKE CITY, UTAH

Redevelopment and progress in Salt Lake City's downtown threatened an important piece of its cultural history. The Japantown area near the Salt Palace Convention Center was once a thriving center of commerce and culture for Salt Lake's Japanese American community. Salt Lake City and Salt Lake County have worked with this community to support revitalization of the area for many years. A potential new development in the area warranted a fresh look at those efforts. Working closely with Japanese American community and the SLC Redevelopment Agency (RDA), GSBS led an effort to re-envision the area, celebrate and preserve its history, and secure it a permanent place in the cultural fabric of Salt Lake City.

PROCESS

Through a comprehensive and inclusive public engagement process, as well as the review and incorporation of prior plans and studies, we identified a set of design guidelines to guide future development in Japantown. A series of stakeholder meetings identified critical information from impacted organizations, with various technical meetings focused on creating an implementable design through a phased funding strategy. The community-driven process was guided and overseen by a Working Group of Japantown Representatives, property owners on the street, Salt Lake County, Salt Lake City, and the SLC RDA.



Broader community meetings identified the right balance between acknowledging the past, including past mistreatment of the community, and looking forward to a hopeful future. This balance is expressed in the vision statement for Japantown.

In addition to responding to community vision, the project evaluated the physical and technical constraints of creating a festival street adjacent to the loading docks of the Salt Palace Convention Center in an area that has been treated as “back of house” for decades. The Japanese American community’s use of the street for cultural festivals also constrained some opportunities for reimagining the area. The final design concept balances all of these influences.

Importantly, the concept is intended to be phased as funding becomes available. The phasing maximizes impact and minimizes the need to “undo” improvements as funding for the next phase is available.

RESULT – DESIGN GUIDE

As the result of a multi-year community driven design process, the Japanese American Community of Salt Lake City now has a design concept for streetscape improvements and a Design Guide to govern infrastructure investments on Japantown Street. The Design Guide accounts for normal street functions, but also incorporates cultural activities and local sensitivities.

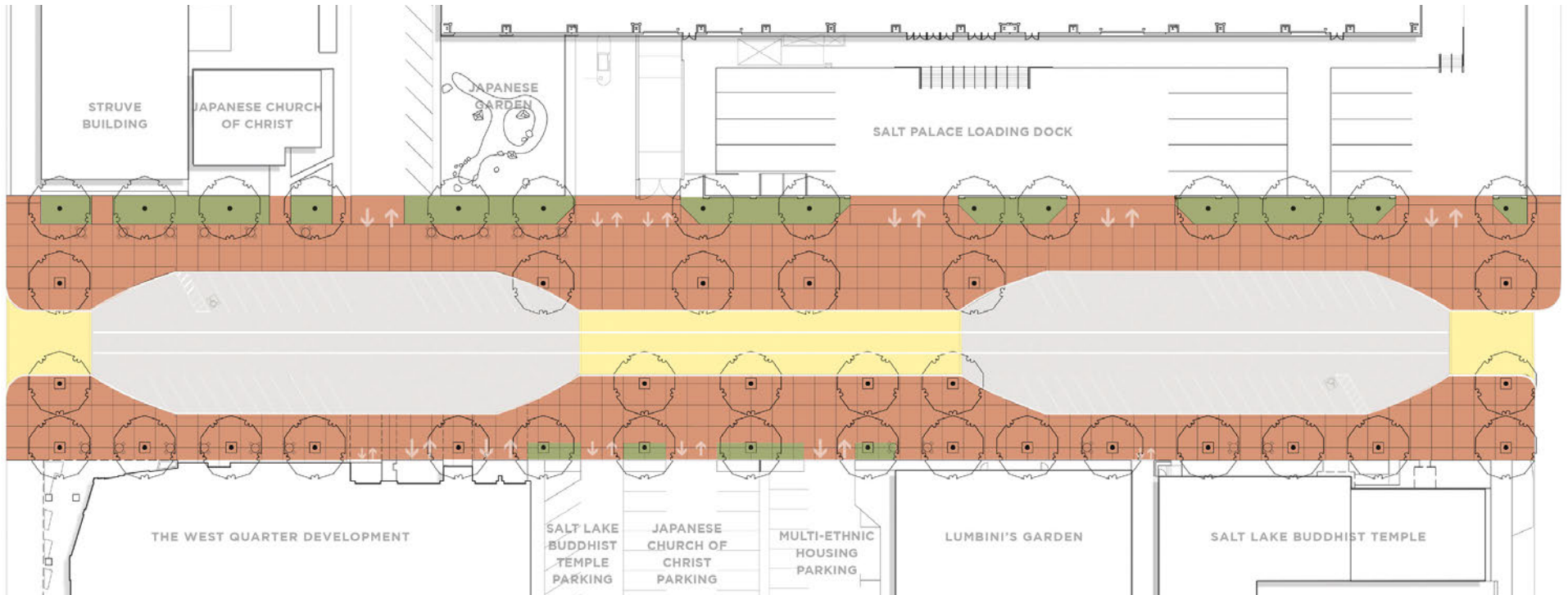
The RDA recently partnered with GSBS on the Japantown Design Strategy which was an extensive community engagement and design concept project with multiple stakeholders and many moving parts. GSBS’s dedication to the community, project, and RDA as the client showed at every turn as the GSBS team was reliable, professional, willing to adjust at a moment’s notice, and produced excellent final deliverables.

Also, the COVID-19 pandemic hit as the project was in full swing, and GSBS was able to pivot quickly and efficiently to move community engagement online, and even worked with the community to ensure that the less tech-savvy members were still able to participate.

Overall, the RDA appreciates GSBS’s teamwork ability and the client/firm relationship we were able to build and rely on throughout the project and would recommend their firm.

- Danny Walz, Director,
Redevelopment Agency of Salt Lake City

300 WEST



200 WEST

Over the course of the 15-month design process (including a temporary pause due to the COVID-19 pandemic), the Design Team met with the Japantown representatives of the Working Group, a larger community-based Subcommittee and the Japanese American Community to generate a project vision, design guideposts and priorities, and ultimately, a preferred design concept and phasing. The Community donated more than 300 hundred hours of their personal time to the design process by attending 66 hours of Working Group, Subcommittee, and Japantown Community meetings.

RESULT – DESIGN CONCEPT

The design concept brings together the preferred elements and the design vision and guideposts of this design process. In addition to the preferred elements and design vision, the Community indicated that the design concept should also facilitate community festivals and events as currently staged including required fire lanes and access corridors,

preserve the current number of on-street parking stalls, and enhance pedestrian safety in a shared street design.

The design concept improves upon the current right-of-way on Japantown Street by narrowing the road from four lanes of travel to two lanes of travel with a center turn lane.

RESULT – IMPLEMENTATION

The first round of funding was recently allocated to implement the design concept. Additional funding for implementation will occur over time based on funding requests from the Community to potential funding partners including but not limited to the City, the Redevelopment Agency of Salt Lake City, Salt Lake County, the State of Utah, and other private granting agencies.



REFERENCES

ALLEN PARK ADAPTIVE REUSE PLAN

OWNER:

Salt Lake City Corporation

CONTACT:

Troy Anderson, Building Services Manager

P: 801.535.7770 | **E:** t.anderson@slcgov.com

KEARNS BLOCK MASTER PLAN

OWNER:

State of Utah

CONTACT:

Jim Russell, Director of DFCM

P: 801.957.7230 | **E:** jimrussell@utah.gov

JAPANTOWN GUIDELINES

OWNER:

Salt Lake City Corporation

CONTACT:

Corinne Piazza, Project Manager for RDA

P: 801.535.7240 ext. 7254 | **E:** corinne.piazza@slcgov.com

SCHEDULE

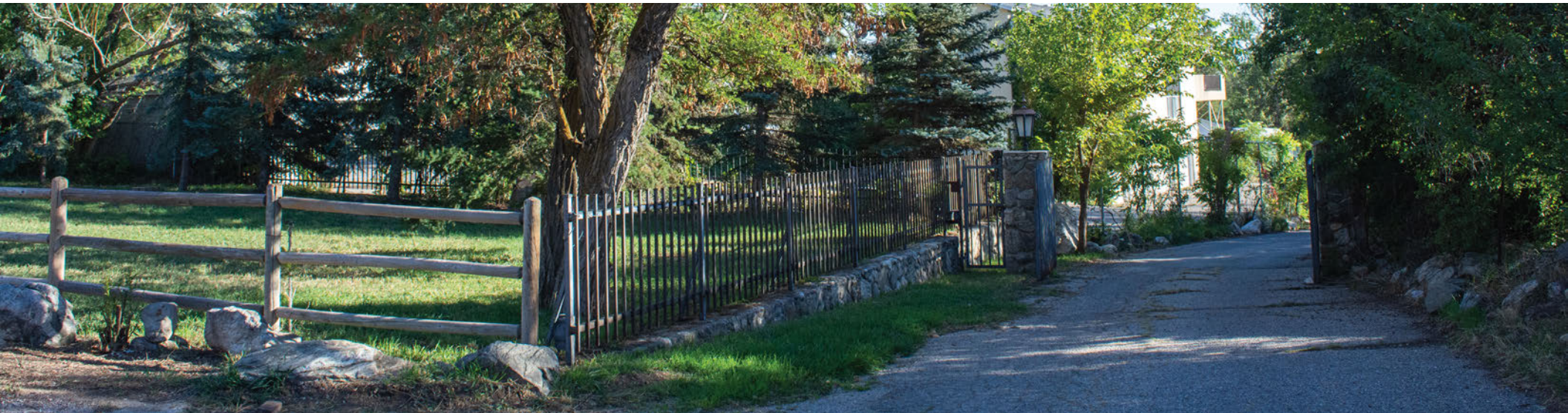
The following proposed schedule is one that has worked successfully for us on similar projects. It is dependent on many factors such as the availability of staff, required presentations to council, extent and timing of public engagement, etc. A clearer understanding of your priorities will allow us to arrive at a mutually acceptable schedule.

		MONTHS	1	2	3	4	5	6	7	8	9	10	11	12	
PROJECT MANAGEMENT		Kick Off	.												
		Project Management Committee Meetings	.	.	.	.	.	.	.	.	.	.	.
		Technical Committee Meetings		.					.		.				
1	SITE ANALYSIS & MARKET RESEARCH														
	<i>Analysis</i>														
	Site Inventory & Analysis/Historical Structure Evaluation/Precedent Study														
	Short-term preservation and maintenance needs analysis														
	<i>Outreach</i>														
	First Stakeholder Meetings			.											
		City Council Briefing		.											
2	COMMUNITY ENGAGEMENT & CONCEPT DEVELOPMENT														
	<i>Analysis</i>														
	Website development & update														
	Community Engagement Information development														
	Evaluation criteria development														
	Concept development with renderings/graphics									.	.	.			
	<i>Outreach</i>														
	Website based comments & surveys/ In-person events							
		Community conversations			.						.				
		Community event			.						.				
3	MASTER PLAN DEVELOPMENT														
	<i>Analysis</i>														
	Development of preferred option/Phasing Strategy/Cost Estimating														
	Draft document/Document Review														
	<i>Outreach</i>														
	Draft & final materials available for review on website														
		City Council Briefing												.	
4	LANDSCAPE/RECEPTION CENTER DESIGN & CONSTRUCTION														
	Duration dependent on Master Plan Adoption														

. represents events and meetings

FEE PROPOSAL

TASK	COST BREAKDOWN
Project Management	\$17,680
Site Analysis & Market Research	\$46,508
Community Engagement & Concept Development	\$28,080
Master Plan Development	\$93,250
Total	\$185,518
Landscape/Reception Center Design & Construction	To be confirmed at the completion of the Master Plan
Estimated Architectural Fee	9.50% Total Building Construction cost
Estimated Landscape Architectural Fee	5.75% Total Landscape Construction cost



Professional Services Agreement

THIS PROFESSIONAL SERVICES AGREEMENT is made and entered into as of the 11th day of October, 2023 by and between GSBS, PC dba as GSBS Architects, hereinafter referred to as "Consultant" and Farmington City, hereinafter referred to as "Client."

1. CONSULTANT'S SERVICES

- a. Consultant will provide to Client the services described below related to the development and preservation of a ten-acre parcel of property known as the future Tom Owens Park:

- i. *Site Analysis:*

1. *Conduct a review of the property's current state, including an assessment of the historical, cultural, ecological, and physical characteristics of the Reception Center and landscapes.*
 2. *(1) Presentation of the Site Analysis*

- ii. *Market Research:*

1. *Perform an analysis to identify potential uses for the property, considering regional trends, community needs, and competitive landscapes.*
 2. *(1) Presentation of the Market Research*
 3. *Community Engagement:*
 - a. *The creation of a website*
 - b. *(3) Open houses*
 - c. *(2) Public Surveys*
 - d. *(6) Stakeholder Interviews*
 4. *(1) Presentation to the Planning Commission*
 5. *(1) Presentation to the City Council*

- iii. *Concept/Schematic Design:*

1. *Provide (3) concepts for the site landscape*
 2. *Provide (3) concepts for the Reception Center*
 3. *(1) Presentation of concepts*
 4. *Provide a schematic landscape plan for the site*
 5. *Provide a schematic plans and elevations for the Reception Center*
 6. *(1) Presentation of Schematic Designs*

- iv. *Master Plan:*

1. *Provide a master plan outlining recommended uses, design guidelines, preservation strategies, a schematic rendering of the site, a schematic rendering of the Reception Center, a cost estimate of the construction costs based on the Schematic Designs, a phased development plan, and a sustainable maintenance plan.*
 2. *(1) Presentation of the Master Plan*

- v. *Project Coordination Meetings:*

1. *(6) Coordination meetings in addition to presentations*

2. CONSULTANT'S RESPONSIBILITIES

- a. The Consultant shall perform its services consistent with the professional skill and care ordinarily provided by professionals practicing in the same or similar locality under the same or similar circumstances. The Consultant shall perform its services as expeditiously as is consistent with such professional skill and care and the orderly progress of the Project.
- b. The Consultant shall designate a representative authorized to act on the Consultant's behalf. The Consultant shall not replace its identified representative without the Client's approval, which shall not unreasonably be withheld.

The Consultant designates:

Travis Sheppard
tsheppard@gbsarchitects.com

- c. The Consultant shall recommend to the Client the appropriate investigations, analyses, reports, and the services of other consultants that are necessary for the proper execution of the Consultant's services. The Consultant shall review the information provided by the Client and promptly notify the Client if the Consultant needs further information to perform its services.
- d. The Consultant shall coordinate its services with those of the Client's other consultants for the Project, if any.
- e. The Consultant shall provide copies of the Instruments of Service, and other necessary information to the Client in the format the Client requires.
- f. The Consultant shall submit a schedule for the performance of the Consultant's services, which may be adjusted as the Project proceeds. The Consultant's schedule shall allow reasonable time for the Client to review the Consultant's submittals. Once approved by the Client, time limits established by the schedule shall not, except for reasonable cause, be exceeded by the Consultant.
- g. The Consultant shall be entitled to rely on the accuracy and completeness of services and information furnished by the Client. The Consultant shall provide prompt written notice to the Client if the Consultant becomes aware of any errors, omissions or inconsistencies in such services or information.
- h. The Consultant is an independent contractor, responsible for methods and means used in performing the Consultant's services under this Agreement, and is not an employee, agent or partner of the Client. This agreement shall not be deemed to create a relationship of employment, partnership or joint venture between Consultant and Client.

3. CLIENT'S RESPONSIBILITIES

- a. The Client shall designate a representative authorized to act on the Client's behalf. The representative shall render decisions in a timely manner pertaining to documents submitted by the Consultant in order to avoid unreasonable delay in the orderly and sequential progress of the Consultant's services.

The Client designates:

Nancy Thacker
nthacker@farmington.utah.gov

- b. Prompt written notice shall be given by the Client to the Consultant if the Client observes or otherwise becomes aware of any fault or defect with respect to the Consultant's services for the Project.

4. ADDITIONAL SERVICES

- a. Additional Services may be provided after execution of this Agreement without invalidating the Agreement. Upon recognizing the need to perform Additional Services that may arise as the Project proceeds, the Consultant shall notify the Client. The Consultant, however, shall not proceed to provide such services until the Consultant receives the Client's written authorization. The Client has no obligation to compensate the Consultant for any Additional Services performed without such written authorization. Any Additional Services provided in accordance with this section shall entitle the Consultant to additional compensation and an appropriate adjustment to the Project schedule to be negotiated at the time the need for additional services becomes apparent.

5. COPYRIGHTS AND LICENSES

- a. Reports, presentations, graphical depictions, drawings, specifications, and other documents, including those in electronic form, prepared by the Consultant for the Project are Instruments of Service, and the Consultant shall be deemed the author and owner of any such Instruments of Service and shall retain all common law, statutory and other reserved rights, including copyrights. Provided that the Client

has paid the Consultant in full for any and all services rendered pursuant to this Agreement, the Client and Client's successors in interest, if any, shall have the right to retain copies, including reproducible copies of such Instruments of Service for information, reference, and use in connection with the Project. Such use by the Client shall include publication of Instruments of Service online, including on websites operated by the State of Utah.

- b. The Consultant and the Owner warrant that in transmitting Instruments of Service, or any other information, the transmitting party is the copyright owner of such information or has permission from the copyright owner to transmit such information for its use on the Project.
- c. The Consultant agrees that it is solely responsible for having sufficient licenses or copyrights for all content used in the Instruments of Service, and will hold the Client harmless and agree to indemnify and defend the Client, if the Client receives any claim made by a copyright holder related to the Client's publication of the Instruments of Service.

6. CLAIMS AND DISPUTES

- a. Any claim, dispute or other matter in question arising out of or related to this Agreement or breach thereof shall be subject to mediation as a condition precedent to binding dispute resolution.
- b. If the parties do not resolve a dispute through mediation, the claim, dispute or other matter in question shall be resolved in a court of competent jurisdiction.
- c. THE CONSULTANT AGREES AND COVENANTS TO HOLD HARMLESS AND INDEMNIFY THE CLIENT FROM ANY CLAIMS, LOSSES, INJURY, AND EXPENSES PROXIMATELY CAUSED BY THE NEGLIGENT CONDUCT OR OMISSIONS THAT CONSTITUTE A FORM OF TORTIOUS BEHAVIOR ON THE PART OF THE CONSULTANT, ITS OFFICERS, EMPLOYEES, OR AGENTS IN THE EXECUTION OF THE WORK PERFORMED IN ACCORDANCE WITH THIS AGREEMENT, OR WHICH CONSTITUTES A BREACH OF THIS AGREEMENT.
- d. THE CLIENT AGREES AND COVENANTS TO HOLD HARMLESS AND INDEMNIFY THE CONSULTANT FROM ANY CLAIMS, LOSSES, INJURY, AND EXPENSES PROXIMATELY CAUSED BY THE NEGLIGENT CONDUCT OR OMISSIONS THAT CONSTITUTE A FORM OF TORTIOUS BEHAVIOR ON THE PART OF THE CLIENT, ITS OFFICERS, EMPLOYEES, OR AGENTS IN THE EXECUTION OF THE WORK PERFORMED IN ACCORDANCE WITH THIS AGREEMENT, OR WHICH CONSTITUTES A BREACH OF THIS AGREEMENT.
- e. Prior to commencement of work the Consultant shall provide a current certificate of insurance to the Client demonstrating that Consultant has in effect worker's compensation coverage, automobile liability coverage, professional errors and omissions, and general liability coverage, listing the Client as a named insured. The professional errors and omissions and general liability coverage shall provide a minimum of \$1,000,000 coverage per occurrence and \$2,000,000 aggregate. The worker's compensation and automobile liability policies shall provide at least statutory minimum coverage. A copy of the insurance certificate is attached to this Agreement.

7. TERMINATION

- a. The Client may terminate this Agreement upon not less than seven days' written notice to the Consultant for the Client's convenience and without cause. The Client shall compensate the Consultant for services performed prior to termination, Reimbursable Expenses incurred, and costs attributable to termination, including the costs attributable to the Consultant's termination of sub-consultant agreements.

- b. Either party may terminate this Agreement upon not less than seven days' written notice should the other party fail substantially to perform in accordance with the terms of this Agreement through no fault of the party initiating the termination.
- c. If the Client fails to make payments to the Consultant in accordance with this Agreement, such failure shall be considered substantial nonperformance and cause for termination or, at the Consultant's option, cause for suspension of performance of services under this Agreement. If the Consultant elects to suspend services, the Consultant shall give seven days' written notice to the Client before suspending services. In the event of a suspension of services, the Consultant shall have no liability to the Client for delay or damage caused the Client because of such suspension of services. Before resuming services, the Client shall pay the Consultant all sums due prior to suspension and any expenses incurred in the interruption and resumption of the Consultant's services. The Consultant's fees for the remaining services and the time schedules shall be equitably adjusted.

8. CONFIDENTIALITY

- a. If the Consultant or Client receives information specifically designated as "confidential" or "business proprietary," the receiving party shall keep such information strictly confidential and shall not disclose it to any other person except as set forth in this Agreement. This confidentiality obligation shall survive the termination of this Agreement.
- b. The receiving party may disclose "confidential" or "business proprietary" information after 7 days' notice to the other party, when required by law, arbitrator's order, or court order, including a subpoena or other form of compulsory legal process issued by a court or governmental entity, or to the extent such information is reasonably necessary for the receiving party to defend itself in any dispute. The receiving party may also disclose such information to its employees, consultants, or contractors in order to perform services or work solely and exclusively for the Project, provided those employees, consultants and contractors are subject to the restrictions on the disclosure and use of such information as set forth in this Section 8.

9. MISCELLANEOUS PROVISIONS

- a. This Agreement shall be governed by the laws of the State of Utah.
- b. The Consultant and Client agree that the provisions of this Agreement shall be binding on heirs, permitted assigns and successors and agents.
- c. The invalidity of any provision of the Agreement shall not invalidate the Agreement or its remaining provisions. If it is determined that any provision of the Agreement violates any law, or is otherwise invalid or unenforceable, then that provision shall be revised to the extent necessary to make that provision legal and enforceable. In such case the Agreement shall be construed, to the fullest extent permitted by law, to give effect to the parties' intentions and purposes in executing the Agreement.
- d. The Consultant, by executing this Agreement, certifies that its Proposal was arrived at independently and was submitted with collusion with, and without any agreement, understanding or planned common course of action with any other vendor, city official or city agent, that was designed to limit independent and fair bidding or competition. The Contractor further recognizes that any such collusion jeopardizes this Agreement and any payments received or owed. Pursuant to Utah Code Ann. §10-3-1312, any transaction resulting from collusion may result in voided or rescinded Agreement, without returning any part of consideration received by the Client or providing compensation for the work provided.
- e. Pursuant to Utah Code Ann. §63G-12-302, the Consultant certifies that it is registered with and participates in Status Verification System (such as E-Verify), as defined in the Utah Code, to verify the work eligibility status of its new employees that are employed in the State of Utah. The Consultant further agrees that it will require any subcontractor performing work on this project to similarly certify that it is registered

with and participate in a state-approved Status Verification System. The Consultant will, within five days of receiving a written request, provide proof of enrollment and participation in a Status Verification System to the Client.

10. COMPENSATION

- a. For the Consultant's Services as described under Article 1, the Client shall compensate the Consultant as follows:

A stipulated sum of \$185,518.

- b. Reimbursable Expenses are in addition to compensation for the Consultant's Services and include expenses incurred by the Consultant in the interest of the Project including, but not limited to, the expense of transportation in connection with the Project; expenses in connection with authorized out-of-town travel; expense of reproductions and postage. For Reimbursable Expenses, a multiple of 1.1 times the expenses incurred by the Consultant in the interest of the Project.
- c. Unless otherwise agreed, payments for services shall be made monthly in proportion to services performed. Payments are due and payable upon presentation of the Consultant's invoice. Amounts unpaid 30 days after the invoice date shall bear interest at the rate of 18% per annum.

11. SCOPE OF THE AGREEMENT

- a. This Agreement represents the entire and integrated agreement between the Client and the Consultant and supersedes all prior negotiations, representations or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both the Client and Consultant.
- b. This Agreement is comprised of the following documents identified below:
 - i. This Professional Services Agreement
 - ii. Certificate of Insurance



Consultant (Signature)

Kevin B. Miller, President/CEO
(Printed name and title)

Client (Signature)

(Printed name and title)



GSBSPCG-01

LANDERSON

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

11/2/2023

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER American Insurance & Investment Corp. 448 South 400 East Salt Lake City, UT 84111	CONTACT NAME: Lori Anderson PHONE (A/C, No, Ext): (801) 364-3434 642 FAX (A/C, No): (801) 355-5234 E-MAIL ADDRESS: Lori.Anderson@american-ins.com														
INSURED GSBS PC, GSBS Architects GSBS/Richman Consulting 375 W 200 S, Ste 100 Salt Lake City, UT 84101	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: center;">INSURER(S) AFFORDING COVERAGE</th> <th style="text-align: center;">NAIC #</th> </tr> </thead> <tbody> <tr> <td>INSURER A : Hartford Underwriters Ins. Co.</td> <td style="text-align: center;">30104</td> </tr> <tr> <td>INSURER B : Hartford Ins Co of IL</td> <td style="text-align: center;">38228</td> </tr> <tr> <td>INSURER C : Berkley Insurance Company</td> <td style="text-align: center;">32603</td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </tbody> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Hartford Underwriters Ins. Co.	30104	INSURER B : Hartford Ins Co of IL	38228	INSURER C : Berkley Insurance Company	32603	INSURER D :		INSURER E :		INSURER F :	
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COVERAGES**CERTIFICATE NUMBER:****REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PROJECT <input type="checkbox"/> LOC OTHER:			34SBWAP1SG8	1/1/2023	1/1/2024	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			34SBWAP1SG8	1/1/2023	1/1/2024	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			34SBWAP1SG8	1/1/2023	1/1/2024	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N <input checked="" type="checkbox"/> N	N / A	34WEGAP1ZME	1/1/2023	1/1/2024	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 1,000,000 E.L. DISEASE - EA EMPLOYEE \$ 1,000,000 E.L. DISEASE - POLICY LIMIT \$ 1,000,000
C	Prof Liab-Claim Made			AEC906396208	2/4/2023	2/4/2024	Each Claim Limit
C	Retro Date 4/9/1978			AEC906396208	2/4/2023	2/4/2024	Aggregate Limit

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

CERTIFICATE HOLDER**CANCELLATION**

Farmington City

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

CITY COUNCIL AGENDA

For Council Meeting:
November 14, 2023

BUSINESS: **Need-Based Assistance Program for Utility Bills**

GENERAL INFORMATION:

See staff report prepared Paul Roberts, City Attorney

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Paul Roberts, City Attorney
Date: November 14, 2023
Subject: **Need-Based Assistance Program for Utility Bills**

The Mayor has requested a proposal from staff to establish a need-based assistance program for utility bills, funded by voluntary donations by other customers within Farmington City, and the Council has supported the notion.

This report presents information requested during our September work meeting, along with an amended proposed ordinance.

RECOMMENDATION(S)

Staff supports the proposed program.

RECOMMENDED MOTION LANGUAGE: "I move that the Council adopt the ordinance enacting section 9-1-320 of the Farmington Municipal Code related to need-based assistance for utility bills."

BACKGROUND

It is proposed that the Council establish a fund of voluntary donations to aid Farmington residents in need with their water bills.

As discussed in September, the core components of this program we are attempting to achieve are (in descending order of importance):

1. Funded entirely by voluntary donations and not tax dollars
2. Administered fairly
3. Limited burden on staff in assessing eligibility and disbursing funds

After our discussion in September, several questions arose:

1. Is the use of HEAT application process viable for us to use, as well?

2. Is the HEAT selection criteria too limited in scope? For instance, Councilmember Shumway noted that refugees would not qualify for HEAT assistance.
3. Are Farmington residents utilizing the HEAT program?
4. Do we have the capability to solicit donations through the utility billing software?

Application Process

The ordinance contemplates utilizing the State of Utah's HEAT program to screen for need. HEAT is administered in our county by Futures Through Training, located in Ogden. Some highlights of their process include:

- The HEAT application season runs from October through September. During the month of October, applications are focused on the disabled, elderly and families with small children. In November, the application process opens for all households.
- Applications are accepted and processed throughout the year, even if HEAT's funds have been exhausted for the season. Only one application may be submitted within a season, per household.
- The application process takes approximately 6-8 weeks.
- Every applicant receives a letter from HEAT which indicates their eligibility. The letter will clearly state whether they are qualified for assistance.

In my conversation with the Futures Through Training representative, she indicated that they would not consider referrals from the City to be a burden at all. Outreach is a part of their program.

Scope Concerns

We anticipate that the program, if successful, will be refined and modified based upon experiences and capacity. But as we have reasonably anticipated a population with extreme needs that would be missed by the program, it makes sense to widen the net sufficient to include them, if the council agrees.

The amended ordinance includes a second manner in which a person may qualify under the City's program: by presenting a letter requesting assistance for a refugee family provided by a case worker with the Utah Department of Workforce Services Refugee Services office, if they would not be qualified for assistance under the HEAT program. Requiring a referral from Refugee services provides a similar – if less rigorous – screening mechanism. A family is only assigned a case worker at the Refugee Services office if they are confirmed to be a refugee, and the case worker would presumably not provide that letter if the family did not have the need.

The Council also discussed the possibility of having a committee for cases deemed ineligible for assistance. This approach is problematic from an administrative law

approach because it would largely be left to the discretion of the reviewing body to determine eligibility. If one household was provided assistance, when another was not, then the committee would need to identify objective factors explaining the decisions. The possibility of accusations of bias or discrimination could become a challenge for that committee's work. Alternatively, the city would need to promulgate regulations and standards which would likely be similar those generated for the HEAT program. As such, I recommend against utilizing a standing review committee. On a final note, the Council does retain the power to address overages and shutoff notices as a legislative body; this serves as an additional stopgap measure to prevent shutting off water for those in need.

Utilization of HEAT program by Farmington Residents

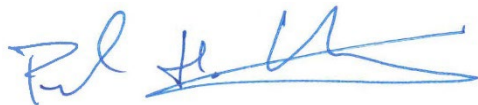
In my conversation with the Futures Through Training representative, she indicated that numerous Farmington residents do indeed use the HEAT program, although she could not provide an exact number for me.

Software Question

We have heard back from our new billing software company, Invoice Cloud, which indicated that it does have the capability to add voluntary donations to the billing system. Staff is working with them to get this up and running, should the Council approve this ordinance.

If approved, we anticipate that the initial period will be to build up funds and establish reasonable projections, in order for the Council to adopt programmatic direction for the beginning of assistance in July 2024. Sufficient donations could move up the launch date, if so directed by the Council.

Respectfully submitted,



Paul Roberts
City Attorney

Review and concur,



Brigham Mellor
City Manager

ORDINANCE NO: _____

**AN ORDINANCE ESTABLISHING A PROGRAM FOR NEED-BASED ASSISTANCE
FOR FARMINGTON CITY UTILITY BILLS**

WHEREAS, the City provides certain utilities to its residents and bills the costs of those utilities to the households that utilize them: and

WHEREAS, the City Council finds that there are likely multiple households with limited financial resources to cover all costs of utility bills; and

WHEREAS, the Council finds that it is in the best interest for the welfare of its citizenry to establish a program in which other utility customers may voluntarily donate funds to aid those households with limited financial resources; and

WHEREAS, the code proposed to be adopted includes requirements that households be screened for need through other agencies; and

WHEREAS, the ordinance and program are designed to be efficient and helpful to the residents most in need,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1: Adoption. The City Council adopts section 9-1-320 of the Farmington Municipal Code, as attached to this Ordinance.

Section 2: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 3: Effective Date. This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, THIS __TH DAY OF _____ 2023.**

ATTEST:

FARMINGTON CITY

DeAnn Carlile, City Recorder

Brett Anderson, Mayor

9-1-320: NEED-BASED ASSISTANCE FOR UTILITY BILLS; TRUST FUND:

- A. The City may establish a trust fund to receive voluntary donations from customers or other individuals in order to assist eligible households with utility bill payments.
- B. The trust fund established by the City will be limited in its use for need-based utility bill assistance for Farmington utility customers and may not be accessed for any other government purpose.
- C. A household located within Farmington City establishes eligibility for participation in the city's need-based assistance program by:
 - 1. Presenting a letter confirming eligibility to receive assistance through the Home Energy Assistance Target program operated by the Utah Department of Workforce Services; or
 - 2. If the household is a refugee household that does not qualify for assistance under the Home Energy Assistance Target program, presenting a letter from a case worker from the Utah Department of Workforce Services Refugee Services Office requesting assistance, which letter must include information regarding the household's needs.
- D. Eligibility expires one (1) year after it is established by the household, as provided in subsection C of this section.
- E. Eligibility to participate in the program does not guarantee specific assistance; funds will be disbursed on a programmatic basis, as directed by the Council. Once trust fund amounts are exhausted in a given fiscal year, then assistance will not be available until the following fiscal year, unless specifically authorized by the Council.

CITY COUNCIL AGENDA

For Council Meeting:
November 14, 2023

BUSINESS: Amendments regarding Foothill Development Standards

GENERAL INFORMATION:

See staff report prepared David Petersen, Community Development Director.

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: David Petersen – Community Development Director
Date: 11/14/2023
Subject: Zone Text Amendments regarding Foothill Development Standards.
(ZT-14-23)

RECOMMENDATION

Move the City Council adopt the enclosed enabling ordinance approving the proposed changes to Chapter 30 (Foothill Development Standards) of the Zoning Ordinance and modifying a definition related to the meaning of “Accessory Building” in Chapter 2 of the same Title.

Findings:

1. The changes better implement the purpose of the foothill standards set forth in Section 11-30-010;
2. The amendment makes Chapter 30 more user friendly because no longer does and applicant, or staff, have to “hunt” for required reports and plans intermixed here and there with review and approval procedures, and vice versa, but the two sections are now separate.
3. References as to who approves what plans are now consistent with the underlying zone, state law, and other sections of the City code.
4. The changes improve the definition and standards related to “Useable Land”.
5. The updates to Chapter 30 include language from ordinances in other communities which improve the final document.
6. As per Section 11-6-020 D. of the Zoning Ordinance, the proposed amendments are: a) reasonably necessary; b) in the public interest; and c) consistent with the city general plan and are harmony with the objectives and purpose of Title 11.

BACKGROUND

Recent applications of the City’s decades old foothill development standards revealed that Chapter 30 of the Zoning Ordinance can be a better document. City staff presented major changes to the Planning Commission for its consideration and recommendation to the City Council. These changes included, among other things:

- o Review and approval procedures, which are no longer at the end of the Chapter, are more consistent with the City's subdivision, PUD, and site plan review processes; moreover, the review and approval body related to foothill standards is also now consistent with other City processes.
- o Required reports and plan provisions are now part of the review and approval procedures instead of imbedded here and there with development standards.
- o Development standards are not encumbered by items that are not development standards.
- o There is a new section related to "Architectural Design" (similar to what is found in other municipalities) for Planning Commission and City Council consideration.

The proposed reorganization of the Chapter is summarized in the table below:

Chapter 30 Reorganization Summary		
Section	Existing	Proposed
11-30-010	Purpose	Purpose
11-30-020	Definitions	Definitions
11-30-030	Scope and Application	Scope and Application
11-30-040	Density, Lot Size, Width And Characteristics	Density, Lot Size, Set Back, Width And Characteristics
11-30-050	Required Plans And Development Standards	Review And Approval Procedure, And Required Reports and Plans
11-30-060	Bonding Requirements	Development Standards
11-30-070	Review And Approval Procedure	Architectural Design
11-30-080	N/A	Bonding Requirements

The enclosed enabling ordinance shows amendments proposed by staff, and it also incorporates additional modifications prepared and recommended by the Planning Commission on August 17, September 7, October 5, and October 19, 2023.

Supplemental Information

1. Enabling Ordinance

Respectfully submitted,

David E. Petersen

David Petersen
Community Development Director

Review and concur,

A handwritten signature in black ink, appearing to be 'Brigham Mellor', written in a cursive style.

Brigham Mellor
City Manager

**FARMINGTON CITY, UTAH
ORDINANCE NO. 2023-**

AN ORDINANCE AMENDING CHAPTERS 30 AND SECTION 11-2-020, FOOTHILL DEVELOPMENT STANDARDS AND DEFINITIONS OF WORDS AND TERMS, OF THE FARMINGTON CITY ZONING ORDINANCE IMPROVING THE ORGANIZATION, IMPLEMENTATION AND WORDING OF EXISTING STANDARDS AND DEFINITIONS, AND MAKING THE TEXT THEREOF CONSISTENT WITH UNDERLYING ZONES, STATE LAW, AND OTHER SECTIONS OF THE FARMINGTON CITY CODE. (ZT-14-23)

WHEREAS, the Planning Commission has held a public hearing in which the text for Chapter 30, and a definition set forth in Section 11-2-020, of the Zoning Ordinance was thoroughly reviewed and has recommended that this ordinance be approved by the City Council; and

WHEREAS, the Farmington City Council has also held a public meeting pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. Chapter 30 of the Farmington City Zoning Ordinance is hereby amended as set forth in **Exhibit “A”** attached hereto and by this reference made a part hereof.

Section 2. Amendment. The term “Accessory Building or Use” set forth in Section 11-2-020 of the Farmington City Zoning Ordinance is amended as follows:

~~ACCESSORY BUILDING, STRUCTURE, OR USE:~~ A building, **structure**, or use ~~clearly~~ incidental, customarily appropriate, and subordinate to the main use of the building or property.

Section 3. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 4. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 14th day of November, 2023.

FARMINGTON CITY

ATTEST:

Brett Anderson, Mayor

DeAnn Carlile, City Recorder

Exhibit A

CHAPTER 30 FOOTHILL DEVELOPMENT STANDARDS

SECTION:

11-30-010: Purpose

11-30-020: Definitions

11-30-030: Scope And Application

11-30-040: Density, Lot Size, ~~Set Back, Width~~ And Characteristics

11-30-050: Review And Approval Procedures, And Required Reports and Plans

~~11-30-0560: Required Plans And Development Standards~~

11-30-070: Architectural Design

~~11-30-0680: Bonding Requirements~~

~~11-30-070: Review And Approval Procedure~~

11-30-010: PURPOSE:

A. The city council of Farmington City, Utah, deems that in order to preserve the peace, health, safety and welfare, and promote the best interest of the inhabitants of Farmington City, that this chapter be enacted to provide standards, guidelines and criteria for minimizing flooding, erosion and other environmental hazards in designated foothill areas of the city. In addition, these standards are intended to protect the natural scenic character of the foothills, and those areas of the foothills which are not suitable for development, while ensuring the efficient expenditure of public funds.

B. The standards, guidelines and criteria established by this chapter are further intended to:

1. Minimize grading and earthwork and ensure grading which will eliminate sharp angles at the top and at the toe of cut and fill slopes, both with respect to building sites and to road cross-sections.

2. Protect the public from natural hazards of stormwater runoff and erosion.

3. Minimize the threat and consequential damage of fire in foothill areas.

4. Preserve natural features, wildlife habitat and open space.

5. Retain trees and other native vegetation (except in those cases where a high fire hazard results) which stabilizes steep hillsides, retains moisture, prevents erosion and enhances the beauty of the natural landscape.

6. Implement early temporary or permanent planting of vegetation, or both, wherever appropriate to maintain necessary cut and fill slopes, stabilizing them by plant roots and concealing the raw soil from view.

7. Preserve public access to mountain areas and natural drainage channels.
8. Retain natural features, such as drainage channels, streams, ridgelines, rock outcroppings and vegetation.
9. Preserve and enhance visual and environmental quality; **place greater regard for the view of the foothills as well as the view from the foothills.**
10. Ensure an adequate transportation system for the total foothill area in compliance with the approved street plans of the city. Street design should, insofar as possible, be compatible with existing topography by minimizing cuts, fills or other visible scars.
11. Encourage a variety of development, designs and concepts compatible with the natural terrain of the foothill areas which will preserve open space and the natural landscape.
12. **Enable lot layouts and structure designs which will aid the objective of reducing excavation and natural topographic disturbance.**
13. Establish land use management criteria that will encourage protection of natural elements while allowing a harmonious and satisfying residential environment.

C. To achieve the intent of this chapter, it is recommended that professionals, qualified in each of the disciplines addressed herein, be utilized to stimulate creative and appropriate designs in the foothill area. (Ord. 1993-17, 4-21-1993)

11-30-020: DEFINITIONS:

Terms used in this chapter are defined as set forth below and are in addition to those defined in chapter 2 of this title. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive.

ALL WEATHER SURFACE: A concrete or asphalt surface.

AVERAGE SLOPE: Means and is determined by the use of the following formula:

$$S = \frac{.00229(I)(L)}{A}$$

S = Average slope of the site before development or construction.

.00229 = The conversion factor of square feet to acres.

I = Contour interval in feet of the topographic mapping.

L = Summation of the length of all contour lines in feet.

A = Total number of acres in the slope district.

A. The average slope may be calculated by other means which are acceptable to the city engineer and planning commission.

B. In the determination of the average slope of a slope district, the area (A) in the formula above **need shall** not include the area of lands having a greater slope than thirty percent (30%). ~~If such areas are excluded, their acreage shall not be included as part of the total area of the development site for~~

~~purposes of determining the number of dwelling sites allowed, but may be included with individual building lots.~~

DEVELOPMENT ACRES, GROSS: The **entire** total area of the development, to include all transportation land or other nonresidential uses.

DEVELOPMENT ACRES, NET: The gross acreage less transportation land and open space.

DEVELOPMENT SITE: The total perimeters of:

- A. A subdivision, as defined in the Farmington City subdivision ordinance.
- B. A planned unit development, as defined in this title.
- C. A tract, lot, or parcel of land intended to be used as a **residential**, commercial, public, quasi-public, utility or other building site.

IMPERVIOUS MATERIALS: Matter which is impenetrable by moisture.

INSTITUTIONAL BUILDINGS: Means and shall include churches, schools, hospitals, public and quasi-public buildings.

OFF SITE: Any area or improvement within public rights of way ~~or public utility easements~~, or outside the boundaries of the development.

ON SITE: Any area or improvement on private property.

OPEN SPACE: That space designated as undevelopable or as common open space areas used for visual relief or recreational purposes.

SLOPE DISTRICT: An area of at least three (3) acres where the area that is the development site is ten (10) acres or more and a minimum of one acre if the development site is less than ten (10) acres. The term "slope district" describes areas within a development site (or the entire development site if it qualifies under the definition) which are distinguishable as areas of consistent topography. Slope districts are classified by the following breakdown:

- 0 - 12.0 percent
- 12.1 - 20.0 percent
- 20.1 - 30.0 percent
- Over 30 percent

TRANSPORTATION LAND: Land used for automobile, bicycle or pedestrian circulation.

UNDERLYING ZONE: The zone in which the parcel lies on the Farmington City zoning map.

USABLE LAND: Land included within a lot, no part of which has a slope exceeding thirty percent (30%). **This space may be no less than fifty feet (50') in width at any given point. This usable area must be undisturbed or virgin slope. Certain limited foothill areas may be considered man-made "anomalies" such as gravel pit operations, fire break roads, secondary water pipelines, culinary water facilities, public service provider improvements and related roads, or other artificial disturbances based upon size, location, and history of slope having previously been permitted by the federal government, the State, Davis County, Farmington City, or other public entity, and may be included within the usable area as may be determined by the City. All main buildings, and accessory buildings and structures (including retaining walls, fences and walls), shall be built on useable land only.**

VEGETATION: Orchards, trees, shrubs, lawn, grass and perennial growth, and those plants native to the site. (Ord. 1993-17, 4-21-1993)

11-30-030: SCOPE AND APPLICATION:

A. The provisions of this chapter shall apply to all lands in Farmington City that lie within the area designated with zones having a suffix "F" on the official zoning map of Farmington City.

B. This chapter makes additional provisions to those set forth in the subdivision ordinance and other chapters of this title (**the zoning ordinance**). In the event of conflict, the more restrictive provisions shall apply.

C. Detailed reports and plans are required in the following sections of this chapter which must be approved by the city before any construction, **excavation, and grading** will be permitted in foothill zones.

D. Development of individual **un-platted lots and parcels, or platted residential lots and parcels** located in an approved subdivision, shall comply with conditions, standards and requirements established through the **site plan and/or** subdivision approval process. ~~Site specific plans, necessary to achieve the purpose of this chapter, may also be required for residential lots which are not located in a recorded subdivision.~~ (Ord. 1993-17, 4-21-1993)

11-30-040: DENSITY, LOT SIZE, **SET BACK**, ~~WIDTH~~ AND CHARACTERISTICS:

A. Scope: The ~~City planning commission and city council~~ shall approve the overall density of any development site based on the **subdivision plans and/or** site plans as provided for in this chapter.

B. Residential Density: The maximum density for each gross development acre in residential subdivisions or planned unit developments shall be determined by reference to the following table and the underlying zone:

Slope District Average Slope (%)	Maximum Density Dwelling Units/Gross Acre
0 - 12.0	4.0
12.1 - 20.0	2.8
20.1 - 30.0	1.6
More than 30.0	No development allowed.

C. Planned Unit Developments: The maximum density with respect to dwelling units per gross acre shall be the same in a PUD as in any other single-family subdivision. However, at the discretion of the city, density bonuses may still be approved as outlined in the PUD chapter of this title.

D. Lot Size Conditions: When lot lines cross slope district boundaries, the lot size will be determined by the average slope of the usable land within the building lot. The ~~City planning commission~~ may require larger lots than the minimum depending upon the natural conditions (slope, vegetation, soils, etc.) of the site to assure each lot contains a suitable building site.

F. **Front Yard Setback.** The minimum front yard setback in the Foothill Overlay Zone may be reduced by the Zoning Administrator during the site plan review process to not less than 20 feet, provided the average slope of the lot exceeds 20% and as recommended by the City Engineer.

E. **Maximum Impervious Material Coverage:** The maximum impervious material coverage that shall be allowable on residential lots shall be thirty five percent (35%) of the total lot area or five thousand (5,000) square feet, whichever is smaller, including the main building, accessory buildings, patios and driveways, ~~but the maximum impervious material coverage may exceed thirty five percent (35%) or five thousand (5,000) square feet if the city council approves it after receiving the recommendation and approval of the planning commission.~~

G. **Maximum Impervious Material Exception.** The maximum allowable impervious material coverage of a lot may be allowed to exceed 5, 000 square feet as a special exception subject to the process set forth in Chapter 3 of this Title and upon a recommendation of the City Engineer and the approval of the applicable land use authority for the subject application (i.e. subdivision, site plan, or building permit).

Any applicant seeking a special exception to exceed 5, 000 square feet of impervious material coverage per lot shall be required to provide on-site detention/retention as required by local or state statutes and appropriately sized outflow orifice plates for the additional impervious area (over 5, 000 square feet) in accordance with City Engineer recommended detention/retention volume calculations for a 100-year storm event. The applicant shall be required to provide engineered drawings and specifications for the proposed detention/retention and drainage to qualify for the exception. Upon acceptance and approval of the engineering documents, the applicant shall enter into a maintenance agreement, as deemed acceptable by the City. Such maintenance agreement shall be recorded against the subject property as a condition of granting an increase impervious material allowance. For purposes of calculating the permissible lot coverage percentage, lot areas that exceed 30% slope shall be excluded and shall not be used in calculating the allowable impervious coverage area.

H. **Usable Land:**

1. ~~Single family dwellings~~ **Dwellings, other buildings and structures, including retaining walls, fences, and walls,** shall be located only upon areas constituting usable land, which area shall be fully contiguous and shall be at least five thousand (5,000) square feet in size. The ~~City planning commission~~ may require usable areas larger than five thousand (5,000) square feet to ensure that **dwellings, other buildings and structures, including retaining walls, fences, and walls,** can be located acceptable distances from geological hazards.

2. All accessory **buildings, structures, and uses, including retaining walls,** shall be located upon usable land.

3. All fences and walls shall be located on useable land and in areas less than twenty percent (20%) slope before and after grading and excavation [note: grading and excavation is not allowed in areas with slopes over 30%]. Fences may be approved in areas with slopes between twenty and thirty percent (20% to 30%) if approved as a special exception.

4. As defined above, the slope of usable land shall be thirty percent (30%) or less. **Areas with slopes districts of over thirty percent (30%) shall be:**

a. Placed in permanent open space, maintained by a responsible legal entity, such as a homeowners' association; **or**

b. Platted with adjacent approved building lots with an open space easement, or platted into building lots **with an open space easement,** each of which contains adequate usable land.

c. Subject to such other proposals that may be prepared by the developer and approved by the ~~City planning commission~~. (Ord. 1993-17, 4-21-1993)

5. Grading, land disturbance and/or excavation of an area with slopes less than thirty percent (30%) is allowed, but only upon, or after, the issuance of a building permit by the City for a main building. Grading, land disturbance and/or excavation of areas with slopes thirty percent (30%) or greater is prohibited unless it is for streets and ways provided herein, and in the case of private driveways may only be allowed upon the issuance of a building permit by the City for a main building.

11-30-050 REVIEW AND APPROVAL PROCEDURES, AND REQUIRED REPORTS AND PLANS

A. Subdivisions, Planned Unit Developments (PUD's), building permits, and site plan proposals for subdivision, PUDs, or site plan development within the Foothill Overlay Zone shall comply with all provisions regarding the same as set forth in the Subdivision Ordinance and the Zoning Ordinance.

B. Schematic Approval. In addition to the requirements set forth in the Subdivision Ordinance and the Zoning Ordinance, proposals for schematic approval of a subdivision, PUD, or Site Plan within the Foothill Overlay Zone shall include the following:

1. Location of the proposed Planned Unit Development, Subdivision, or Site Plan, with identification of abutting streets.

2. A slope district map reflecting existing slope conditions prior to development at a scale of 1" = 100' and an estimate of the average slope of the proposed development.

3. A topographic contour map, tied to a land base survey, delineating areas within the development site with slopes of less than 10%, areas between 10% and 20%, areas between 21% and 30%, and areas greater than 30%, shall be designated topographic contours at two-foot intervals for slopes up to 20%- and five-foot intervals for slopes greater than 20%.

4. The total acreage of the site, number of lots and proposed total density and slope district density for residential developments.

5. The location and approximate size of the proposed lots and/or site.

6. A general street location, width, and grade of all proposed streets and radius of any cul-de-sac.

7. Location of known hazards (i.e., faults, drainage, rock fall, landslide, slump, etc.).

8. Soil type and general description of soil types to a depth of five feet.

9. Existing vegetation-type map.

C. Preliminary Approval. In addition to the information as required for preliminary plat approval under the Subdivision Ordinance, proposals for preliminary approval of a subdivision, Planned Unit Development, or site plan in the Foothill Overlay Zone shall be required to include the reports and plans as set forth in the sub-paragraphs of this section. All reports and plans submitted herein, shall be prepared by persons or firms either licensed to practice their specialty or expertise in the State of Utah, if such

license for practice is required, or by one having demonstrable expertise in such field of practice if such license is not required.

In addition to meeting the standards set forth in this chapter, the Subdivision Ordinance, and Zoning Ordinance, and the reports and plans below, proposals for preliminary approval shall be consistent with remaining development standards in this Chapter. Notwithstanding the results of preliminary consideration, final approval may result in less lots, a revised street configuration, modified usable areas, etc. In the event this occurs, the results of final approval shall prevail over preliminary approval.

1. Soil Characteristics Report: The soil report shall be prepared by a civil engineer specializing in soil mechanics and licensed by the state of Utah and shall be based upon adequate test borings and excavations. This report shall contain data regarding the nature, distribution and strength of soils within the project area to a depth of ten feet (10'). The soil report shall include, but not limited to:

- a. Unified classification of all soils encountered on the site with an estimate of their susceptibility to erosion, liquid limit, shrink-swell potential and general suitability for development.
- b. A statement as to whether or not groundwater was encountered in any of the test borings and at what elevation it was encountered and an estimate of the normal highest elevation of the season high groundwater table.
- c. Flood history and potential.
- d. Proximity to known floodplains and drainage channels.
- e. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements.
- f. Topographic contours.
- g. Soil reports must be current unless approved otherwise by the City Engineer.

2. Vegetation and Revegetation Plan: This plan shall include a slope stabilization and revegetation report which shall include, but not be limited to:

- a. Location and identification of existing vegetation;
- b. The vegetation to be removed and the method of disposal.
- c. The vegetation to be planted.
- d. Maintenance and irrigation plan consistent with landscape plan standards set forth in Chapter 7 of this Title.
- e. Slope stabilization measures to be installed while new vegetation is being established, including, among other things, erosion control blankets;
- f. Analysis of the environmental effects of such operations including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.
- g. Topsoil stockpile areas will be designated.
- ~~e. Solar orientation is recommended for review.~~

3. Geology Report: A geology report shall be prepared by a geotechnical engineer licensed by the state of Utah. A geologic map shall accompany the report. Mapping shall reflect careful attention to the rock composition, structural elements and surface and subsurface distribution of the earth materials exposed or inferred within both bedrock and surficial deposits. A clear distinction shall be made between observed and inferred features and/or relationships. The geology report shall include the following information, including but not limited to:

a. Habitable structures may not be built within a minimum of 50 feet of a center line of a zone of deformation with respect to known active faults. The City may reduce the required setback provided herein from faults that are determined to be secondary, or a lesser significant classified deformation area, upon receiving recommendation from the City Engineer and based upon a geotechnical/geologic report submitted by the applicant. In no event shall the fault line setback be reduced to less than 30 feet from the center line of the fault or zone of deformation. If reduction is approved, a plat note and delineation of the fault line and deformation area shall be provided on the subdivision plat. The City may also require a notice of geologic hazard and/or a waiver of liability agreement to be provided by the applicant in a form acceptable to the City. The zone of deformation is defined as area of variable width adjacent to a fault where it is determined that ground rupture is likely to occur. A greater setback may be required by the City where deemed necessary to protect public health and safety. Off-site improvement design will be reviewed and approved or denied by the City Engineer.

b. Definition of any zones of deformation with respect to active faults and other mass movements of soil and rock.

c. Identification of natural and manmade anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site.

d. Location of the depth to bedrock and geological evaluation if bedrock is within ten feet (10') of the surface.

e. Written recommendations for construction of proposed structures or public improvements to minimize or avoid impacts of potential geologic hazards.

f. Flood erosion potential and/or deposition soil material if floodways exist on the property.

g. Determination of ground water characteristics.

4. Grading, Drainage, and Erosion Control Plan: The area of the watershed shall be used to determine the amount of storm water runoff generated before and after construction. A drainage and erosion control plan shall be prepared by a professional engineer licensed by the state of Utah. The plan shall be sufficient to determine the erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall include a stormwater management, erosion control and grading details describing the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be controlled during and after construction. In addition, developments in which the total area is over one acre shall submit a plan for erosion and sediment control which is consistent with current federal NPDES regulations. In a phased development, the area of all phases shall be used to compute the total area and the NPDES plan shall be prepared and submitted with the first phase of development. The plan shall include, but not be limited to, the following information:

a. The "rational method", or other stormwater computation method as approved by the city engineer, shall be used in computing runoff. The basic formula for the "rational method" is:

Q = CIA in which:

Q = Runoff in cubic feet per second (cfs)

C = Coefficient of runoff or the portion of stormwater that runs off a given area. The following are typical examples of land use ranges for C value. The actual C value used shall be approved by the city engineer:

Industrial and commercial .80 - .90

Residential .30 - .40

Parks .15 - .25

Agricultural .10 - .20

I = Average rainfall intensity, based on Davis County data for the Farmington City area, during time of concentration for 100-year return period in inches per hour. The time of concentration shall be defined as the time required for water to flow from the highest to the lowest points of the drainage basin under consideration.

A = Drainage area in acres.

b. Maps of the development site shall be provided by the developer to the City Engineer defining the boundaries of any 100-year flood plain and the limits of the watershed.

c. The grading plan shall show present topography to include elevations, lines and grades including the location and depth of all proposed fills and cuts of the finished earth surfaces using a contour interval of five feet or less. Access or haul road location, treatment and maintenance requirements shall be included. All cuts and fills shall be designed and constructed in such a way that they produce the minimum disturbance to the natural grade and character of the foothill area.

d. An appropriate scale shall be used which most clearly presents the proposed action.

e. The proposed area to be graded shall be clearly delineated on the plan and the area amount stated in square feet.

f. All calculations and proposed details used for design and construction of debris basins, impoundments, diversions, dikes, waterways, drains, culverts and any other water management or soil erosion control measures shall be shown. Calculations shall employ predictions of soil loss sheet erosion using the Universal Soil Loss Equation or appropriate equivalent. Equations should include factors of:

1. Rainfall intensity and energy
2. Soil erodibility
3. Land slope and length of slope or topography
4. Condition of the soil surface and land management practices in use
5. Surface cover; grass, woodland, crops, pavements, etc.
6. Methods intended to be employed to control increased erosion during construction phase.

g. The plan shall show existing details and contours at two foot (2') contour intervals where terrain will not be modified and proposed details and contours at two foot (2') intervals where terrain modifications are proposed.

h. The proposed area to be graded shall be clearly delineated on the plan and the area amount stated in square feet.

i. Grading plans shall include slope district maps for the development site. Two (2) maps shall be prepared. The first shall represent the predevelopment slope districts and the second shall represent post development slope districts.

j. Analysis of the environmental effects of such operations, including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.

D. Final Approval. To ensure proper development of subdivisions, PUD's site plans within the Foothill Overlay Zone and compliance with foothill standards, final approval shall be required by the City. Final approval shall include the information required in the Subdivision Ordinance, Zoning Ordinance, and any other requirements imposed by the City as required to meet applicable provisions of this Chapter. Final approval shall include, along with improvement drawings, spot elevations on all site and/or lot corners or contour grading plans of all lot frontages. The City may require the staking of lots, or a site, to ensure compliance with development standards.

E. Building Permits. Proposals for approval of main buildings, accessory buildings and structures, including retaining walls, fences, and walls, upon a lot or parcel within the Foothill Overlay Zone shall be required to file a site plan drawn to a scale of at least 1" to 10' which site plan shall meet the standards of the Zoning Ordinance and show lot lines, existing and proposed contours at two-foot intervals, location of proposed main building, accessory buildings and structures, including retaining walls, etc., walks, driveways, patio areas, and vegetative, drainage, and erosion controls. Site plans shall be reviewed and approved by the Zoning Administrator and City Engineer, and/or their designees. Additional reports as set forth herein may be required by the Zoning Administrator and reviewed by the City for approval when deemed appropriate by the Zoning Administrator.

F. Approval Condition. No grading, construction, or development shall be conducted within the Foothill Overlay Zone and no building permit shall be issued until final plat approval has been granted by the City Council for subdivision or PUD development and/or until final site plan approval has been granted by the City for a main building on a parcel and/or lot within the Foothill Overlay Zone. The approved site plan for a main building on a parcel and/or lot shall be attached to the building permit for the same.

11-30-060: DEVELOPMENT STANDARDS:

The development standards and provisions set forth in this Section shall be required in connection with all building and construction in the Foothill Overlay Zone, and schematic, preliminary, and final approval where applicable. ~~The planning commission shall require the following reports and plans to be provided by the applicant. All reports and plans submitted herein, and shall be met-prepared~~ by persons or firms licensed or certified to practice their specialty in the state of Utah, if the required expertise is in their field of practice:

A. Drainage And Erosion Control Plan: ~~A drainage and erosion control plan shall be prepared by a professional engineer licensed by the state of Utah. The plan shall be sufficient to determine the erosion control measures necessary to prevent soil loss during construction and after project completion. The plan shall include a stormwater management, erosion control and grading details describing the methods by which surface water, natural drainages, flooding, erosion and sedimentation loss will be controlled during and after construction. In addition, developments in which the total area is over one acre shall submit a plan for erosion and sediment control which is consistent with current federal NPDES~~

regulations. In a phased development, the area of all phases shall be used to compute the total area and the NPDES plan shall be prepared and submitted with the first phase of development. The plan shall include the following information:

~~1.~~ The "rational method", or other stormwater computation method as approved by the city engineer, shall be used in computing runoff. The basic formula for the "rational method" is:

$Q = CIA$ in which:

Q = Runoff in cubic feet per second (cfs)

C = Coefficient of runoff or the portion of stormwater that runs off a given area. The following are typical examples of land use ranges for C value. The actual C value used shall be approved by the city engineer:

Industrial and commercial .80—.90

Residential .30—.40

Parks .15—.25

Agricultural .10—.20

I = Average rainfall intensity, based on Davis County data for the Farmington City area, during time of concentration for 10-year return period in inches per hour. The time of concentration shall be defined as the time required for water to flow from the highest to the lowest points of the drainage basin under consideration.

A = Drainage area in acres.

1. Lots shall be arranged so as to ensure adequate setbacks from drainage channels. The flow from a 100-year storm shall be the basis for calculating setbacks. No dwelling shall be allowed within the 100-year floodplain. **All structures shall comply with Chapter 31 Flood Damage Prevention.**
2. Erosion control measures on the development site shall be required to minimize the increased solids loading in runoff from such areas during and after construction. All erosion prevention devices, detention ponds and stormwater facilities shall be constructed ~~as part of the first facility improvements on the development site and~~ according to the following standards:
 - a. Such facilities shall be designed so as to detain safely and adequately the maximum expected stormwater runoff for a 100-year storm for a sufficient length of time so as to prevent flooding and erosion during stormwater runoff flow periods.
 - b. The existing natural drainage system shall be utilized to the extent possible in its natural state.
 - c. Where drainage channels are required, wide shallow swales lined with appropriate vegetation shall be used instead of cutting narrow, deep drainage ditches.
 - d. Flow retarding devices, such as detention ponds, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development.
3. Water from natural drainage channels shall be allowed to continue through the development site.

B. Grading, cuts, and fills: A grading plan shall be prepared by qualified professionals licensed by the state of Utah and shall comply with the following standards:

~~1. The grading plan shall show present topography and proposed modifications to include elevations, lines and grades including the location and depth of all proposed cuts and fills of the finished earth surfaces. All cuts and fills shall be designed and constructed in such a way that they produce the minimum disturbance to the natural grade and character of the foothill area.~~

~~2. The plan shall show existing details and contours at two foot (2') contour intervals where terrain will not be modified and proposed details and contours at two foot (2') intervals where terrain modifications are proposed. The plan shall be drawn at a scale of one inch equals twenty feet (1" = 20').~~

~~3. The proposed area to be graded shall be clearly delineated on the plan and the area amount stated in square feet.~~

~~4. Grading plans shall include slope district maps for the development site. Two (2) maps shall be prepared. The first shall represent the predevelopment slope districts and the second shall represent postdevelopment slope districts.~~

~~5. Topsoil stockpile areas shall be designated.~~

6. The developer is responsible for interim stabilization of all disturbed areas during the period of construction to prevent off site erosion effects, and for final stabilization once construction is completed. Lot owners or homeowners' associations are responsible for stabilization of building sites and lots upon taking possession of such.

7. All permanent fills slopes shall be constructed to prevent settlement, sliding or erosion damage to streets, curbs, gutters, sidewalks or buildings.

8. All cuts and fills and degrees of compaction shall comply with standards of the international building code and all applicable Construction Codes.

9. The top and bottom edges of slopes caused by an excavation or fill up to ten (10) vertical feet shall be at least ~~five (5)~~ three (3) horizontal feet from property lines or public right of way lines.

~~10. Grading of the lot or parcel which is related to creation of the primary building site or construction of the structure shall not extend more than thirty feet (30'), horizontally, in front, to the rear, or to the side of the proposed structure, unless a greater distance is approved by the planning commission upon a showing by the developer that a greater distance will not be contrary to the purposes of this chapter.~~

10. All structures except retaining walls or soil stabilization improvements shall have a setback from the crest of the fill or base of the cut of a minimum distance equal to the depth of the fill or the height of the cut, unless a structurally sound retaining wall is built for the cut or fill slope. Retaining walls may be a part of the dwelling unit.

11. Retaining walls shall be used to retain existing slope or graded slope as may be approved by the City Engineer. The height of necessary and approved retaining walls shall be a maximum of eight feet. Extensive "rear yard" retaining walls built for the purpose of leveling a yard by backfilling, are expressly prohibited. The maximum vertical height of all cuts or fills shall be 10 feet. Fills for slumps or other natural depressions may exceed 10 feet with City approval. A series of wall retaining the same hillside within thirty (30) horizontal feet of each other shall be considered one (1) wall.

12. Excess cut material resulting from road construction or utility installation shall be removed from the site. Access or haul road location, treatment and maintenance requirements shall be designated on the grading plan. Where permanent roads or roadbeds are to be used during construction and stormwater inlets have already been installed, they shall be protected to prevent sediment from entering the stormwater system. If temporary haul roads are proposed, the plan shall include a description of the method for controlling erosion and dust during the period of the road's operation and restoration of the area once hauling is completed.

~~13. Analysis of the environmental effects of such operations, including effects on slope stability, soil erosion, water quality, fish and wildlife, and fire hazard.~~

13. All repair measures for disturbed areas shall be made not later than thirty (30) days after the disturbance is made, except revegetation which shall take place at the earliest planting season thereafter.

C. **Vegetation and Revegetation Plan:** The revegetation plan shall include a slope stabilization and revegetation report which shall include:

~~1. Location and identification of existing vegetation;~~

1. ~~The vegetation to be removed and the method of disposal.~~ **Vegetation shall be removed only when absolutely necessary (e.g., for the construction of buildings, roads and filled areas), as approved by the City Engineer.**

2. All areas of the development site cleared of natural vegetation in the course of construction shall be replanted with vegetation possessing erosion control characteristics at least equal to the natural vegetation which was removed;

3. The vegetation to be planted, **or** new plantings, shall be protected with mulch material and fertilized in conjunction with a planting and watering schedule.

4. Persons or firms having expertise in the practice of revegetation (i.e., licensed landscape architects or nurserymen) shall supervise the planning and installation of revegetation cover for the total development site; **and**

~~6. Slope stabilization measures to be installed while new vegetation is being established; and~~

5. All revegetation of disturbed areas shall be made not later than thirty (30) days after the disturbance is made or at the earliest planting season thereafter.

D. **Geology:** ~~A geology report shall be prepared by a geotechnical engineer licensed by the state of Utah. A geologic map shall accompany the report. Mapping shall reflect careful attention to the rock composition, structural elements and surface and subsurface distribution of the earth materials exposed or inferred within both bedrock and surficial deposits. A clear distinction shall be made between observed and inferred features and/or relationships. The geology report shall include the following information:~~

~~1. Definition of any zones of deformation with respect to active faults and other mass movements of soil and rock.~~

12. No habitable structures or off-site improvements shall be built on any identified major or minor secondary faults.

~~3. Identification of anomalies of the terrain or characteristics of the geological materials which would have any potential impact upon the use of the site.~~

24. No structures or off-site improvements shall be allowed on any **area known to be an active landslide area, verified by the City Engineer or State Geologist.**

35. Problems associated with development on or near perched groundwater and shallow groundwater must be mitigated.

46. No structures shall be allowed in any rockfall zone. Off site improvements may be allowed through special **exception approval** by the planning commission, if the danger is mitigated.

~~7. Location of the depth to bedrock if bedrock is within ten feet (10') of the surface.~~

~~8. Written recommendations for construction of proposed structures or public improvements to minimize or avoid impacts of potential geologic hazards.~~

~~9. Flood erosion and/or deposition potential if floodways exist on the property.~~

~~E. Soil Characteristics Report: The soil report shall be prepared by a civil engineer specializing in soil mechanics and licensed by the state of Utah and shall be based upon adequate test borings and excavations. This report shall contain data regarding the nature, distribution and strength of soils within the project area to a depth of ten feet (10'). The soil report shall include:~~

~~1. Unified classification of all soils encountered on the site with an estimate of their susceptibility to erosion, liquid limit, shrink-swell potential and general suitability for development.~~

~~2. A statement as to whether or not groundwater was encountered in any of the test borings and at what elevation it was encountered and an estimate of the normal highest elevation of the season-high groundwater table.~~

~~3. Flood history and potential proximity to known floodplains and drainage channels.~~

~~4. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements.~~

F. Fire Protection:

1. All developed areas, **including individual lots and parcels**, shall have an approved water supply which meets minimum firefighting requirements.

2. **All water, sewer and utilities must be installed in accordance with the Subdivision Ordinance.**

3. Each development site proposal and building permit for private lots, flag lots, and where the front setback is greater than fifty feet (50'), shall be reviewed by the Farmington City fire department to determine whether it complies with the international fire code **and applicable Construction codes, but not limited to, provisions regarding Access Roadways for Fire Apparatus** in reference to, **among other things**, required vertical driveway clearance. Developments which do not, will be disapproved.

G. Streets And Ways:

1. The street standards and specifications of Farmington City shall apply to all developments, except where conditions related to proper development of foothill areas necessitate altering these standards as described below and elsewhere in this chapter.

2. Streets, roadways and private accessways shall follow as nearly as possible the natural terrain. Roads and other vehicular routes shall not cross property having a slope greater than thirty percent (30%) unless, after review by the ~~City planning commission~~, it is determined that:

- a. Appropriate engineering measures, consistent with the purpose of this chapter, can be taken to minimize the impact of cuts and fills; and
- b. The environment and aesthetics of the area will not be significantly affected.

3. The following table lists standard improvements with established standards. The exceptions listed may be specifically approved by the ~~city council~~ only after careful review of each individual application ~~and after receiving a recommendation from the planning commission~~:

Improvement	Established Standard	Maximum Exception
Collector road width	660 foot right of way	50 foot right of way
Cul-de-sac right of way	50 foot radius	46 foot radius
Horizontal curve	250 foot minimum radius for 30 miles per hour design speed	125 foot minimum radius for 25 miles per hour design speed
Local-Minor road width	56-50 foot right of way	42 foot right of way
Road grade	10% on collector streets 12% on local streets	12% on collector streets 14% on local streets (maximum length of street segments at increased grades shall be specifically approved by the city council)

4. The developer shall dedicate to the city a slope easement for any cut or fill slope created by construction of a street in the foothill overlay zone which is not contained within the public right of way.

5. Points of access shall be provided to all developed and nondeveloped areas for emergency firefighting equipment. Driveways shall not exceed a slope of fourteen percent (14%) and shall have direct access to a public street, **unless such direct access (not the slope) is approved otherwise as set forth in Chapter 32 of the Zoning Ordinance.**

6. Development sites which are located near canyon trails will provide reasonable access to those trails. Parking areas may be required by the ~~City planning commission~~ at trailheads.

7. The impervious surface for streets and ways within the gross development site shall not exceed twenty percent (20%).

8. Variations of the street design standards developed to solve special foothill visual and functional problems may be presented to the ~~City planning commission~~ for consideration. Examples of such variations may be the use of split roadways or one-way streets for short sections in steeply sloped areas without intersections to avoid deep cuts, also, modifications of surface drainage for curb, gutter and sidewalk design and other innovative designs may be considered in foothill developments.

H. On Site Development: The developer, or in the case of single- family and two-family dwellings, the owner, shall be fully responsible for making all improvements in accordance with the approved plans. The property owner shall be responsible for maintaining all improvements made in accordance

with the site development approval. (Ord. 1993-17, 4-21-1993; amd. Ord. 2005-11, 4-6-2005; 2016 Code; Ord. 2022-8, 1-18-2022)

11-30-070: ARCHITECTURAL DESIGN:

For non-conventional subdivisions, the City may require the following:

A. The design of buildings proposed for construction in the Foothill Overlay Zone is encouraged to be visually compatible with the natural beauty of the foothills and canyon areas. The use of building materials in colors that will blend harmoniously with the natural settings is suggested.

B. The City may review the design and comment on the specified exterior materials and colors for all structures other than single-family dwellings. Prohibition of cedar shake roofing materials, the installation of chimney screens and sprinkling systems, as well as other fire protection measures may be required by the City as may be recommended by the Farmington City Fire Department.

11-30-0860: BONDING REQUIREMENTS:

The developer or lot owner may be required to guarantee the completion of revegetation projects, the stabilization of grading sites, construction of stormwater runoff facilities, and other requirements of this section by submitting to the city a bond in a form acceptable to the city attorney. If such bond is required, it shall be calculated and administered as set forth in section 12-6-160 of this code. (Ord. 1993-17, 4-21-1993)

~~11-30-070: REVIEW AND APPROVAL PROCEDURE:~~

~~—A. Subdivision Applications: Subdivision applications in designated foothill areas shall be reviewed according to procedures established in the Farmington City subdivision ordinance.~~

~~—B. Planned Unit Developments: Planned unit development (PUD) applications in designated foothill areas shall be reviewed according to procedures established in the Farmington City subdivision ordinance and shall also comply with additional standards contained in the PUD chapter of this title.~~

~~—C. Conditional Use Applications: Conditional use applications in designated foothill areas shall be reviewed according to procedures and standards established in the conditional use and/or site development chapters of this title.~~

~~—D. Permitted Uses: Permitted uses in designated foothill areas shall be reviewed according to procedures and standards established in the site development chapter of this title. (Ord. 1993-17, 4-21-1993)~~

CITY COUNCIL AGENDA

For Council Meeting:
November 14, 2023

SUMMARY ACTION:

1. Adoption of Personnel Manual & Authorization to City Manager to make amendments hereafter.
2. Procurement Policy and Municipal Code Amendment
3. Appeal Authority Consolidation and Removal of References to Board of Adjustment
4. Text amendments modifying the Subdivision process
5. Remove Financial Institutions as an allowed use in zoning districts where currently permitted
6. Minutes Approval for 10-3-23 and 10-17-23

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Paul Roberts, City Attorney
Date: November 14, 2023
Subject: **ADOPTION OF PERSONNEL MANUAL & AUTHORIZATION TO CITY MANAGER TO MAKE AMENDMENTS HEREAFTER**

Accompanying this staff report is a resolution adopting the attached personnel manual. The resolution also authorizes Brigham to authorize most amendments to the personnel manual without returning to the council for specific direction.

RECOMMENDATION(S)

Staff recommends adoption of the amended personnel manual, along with the resolution authorizing the City Manager to amend it as the need arises in the future.

Recommended Motion Language: "I move that the City Council approve the resolution adopting the Farmington City Government Policy Manual and authorizing the City Manager to make amendments to it in the future."

BACKGROUND

About one year ago, the City Council authorized the execution of an agreement with Lexipol to house the City's Personnel Manual. Lexipol already houses our Police and Fire Department Manuals. Staff and a Lexipol representative have gone through all city personnel policies and either transferred them, rewrote them, or adopted a new section where one did not previously exist. The process required the review of the entire manual by the HR Manager, City Attorney, Finance Director, Assistant City Manager, and City Manager.

Once adopted, the manual will be available to all employees online. Lexipol attorneys will periodically recommend changes to the manual when case law, legislation or other developments occur, particularly related to the policies marked "State" or "Federal". The City retains the right to amend its policies in any way it wishes, but their recommendations are helpful and usually adopted.

In order to facilitate the regular amendment of the manual, it is also recommended that the Council give explicit authority to the City Manager to amend the personnel manual as the need arises. There are a few categories of policies for which he would need to obtain City Council approval: those that would impact the budget through increased benefits (such as declaring additional holidays) or compensation (such as by changing overtime policies).

Even after adoption and promulgation of these policies, our work with Lexipol is not done; we will now begin working on a procedures manual to compliment the policies adopted. The procedures manual will not be presented to the Council, unless requested.

Respectfully submitted,



Paul Roberts
City Attorney

Review and concur,



Brigham Mellor
City Manager

RESOLUTION NO: _____

A RESOLUTION ADOPTING THE FARMINGTON CITY GOVERNMENT POLICY MANUAL AND AUTHORIZING THE CITY MANAGER TO AMEND IT HEREAFTER

WHEREAS, the City Council provides policy oversight and direction for city officials and employees; and

WHEREAS, the City Council has been presented with the Farmington City Government Policy Manual by staff; and

WHEREAS, the City Council finds that the policies contained therein are appropriate and will lead to more effective service to our residents; and

WHEREAS, the City Council finds that expeditious amendment to the Policy Manual by the City Manager is acceptable to the Council, under the conditions described herein,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:

Section 1: Adoption of Farmington City Government Policy Manual. Farmington City Council hereby adopts the Farmington City Government Policy Manual, attached to this Resolution, as the governing policy document for City personnel.

Section 2: Revocation of Farmington City Personnel Policies and Procedures Manual. The previously adopted Personnel Policies and Procedures Manual is hereby revoked as a governing policy document for City personnel.

Section 3: Future Amendment. The City Council hereby authorizes the City Manager to amend the Farmington City Government Policy Manual as the need arises, without prior consultation with the City Council. However, prior to amending any section that impacts the budget due to an increase in benefits or compensation to employees, the City Manager must receive authorization from the City Council prior to making those amendments.

Section 4: Severability. If any section, clause, or provision of this Resolution is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 5: Effective Date This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH, THIS ___ TH DAY OF NOVEMBER 2023.

ATTEST:

FARMINGTON CITY

DeAnn Carlile, City Recorder

Brett Anderson, Mayor

CITY MANAGER PREFACE

This Manual is provided for general guidance only. As the world is an ever-changing landscape, so too does our Farmington Municipal organization continue to change. Even the best policy manual is no substitute for good judgment and common sense. Application of Self-awareness, Motivation, Empathy, Self-regulation, and Social Skills (SMESS-iness) is paramount to success in this organization and is key to providing exemplary public services in this community. We are a staff of emotionally intelligent and caring professionals. The policies and procedures expressed in this manual, as well as those in any other personnel material which may be issued from time to time, do not create a binding contract or any other obligation or liability on the City. The City reserves the right to change these policies and procedures at any time, formally or informally, with or without notice, for any reason. The City also reserves the right to take any employment action it deems appropriate. The prohibitions set forth in this Manual do not create an express or implied contract with any person.

Excellence is what we strive for, and it is a byproduct of habitual repeated performance.

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Farmington City

Government Policy Manual

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Chapter 1 - Role and Authority

Policy Manual

100.1 PURPOSE AND SCOPE

The manual of the City is hereby established and shall be referred to as the Policy Manual or the manual. The manual is a statement of the current policies, procedures, rules, and guidelines of this city. All employees are to conform to the provisions of this manual.

All prior and existing manuals, orders, and regulations that are in conflict with this manual are rescinded, except to the extent that portions of existing manuals, orders, and other regulations that have not been included herein shall remain in effect where they do not conflict with the provisions of this manual.

100.2 POLICY

Except where otherwise expressly stated, the provisions of this manual shall be considered as guidelines. It is recognized that circumstances may arise that warrant departure from these guidelines. It is the intent of this manual to be viewed from an objective standard, taking into consideration the sound discretion entrusted to employees of this city under the circumstances reasonably available at the time.

These policies and procedures shall apply to all City employees, except where otherwise specifically excluded. These policies and procedures do not apply to members of councils, volunteer boards and commissions or persons engaged under contract to supply professional or technical services. These policies and procedures are in addition to any other City-approved policies and procedures or operational standards.

100.2.1 DISCLAIMER

The provisions contained in the Policy Manual are not intended to create an employment contract nor any employment rights or entitlements. The policies contained within this manual are for the internal use of the City and shall not be construed to create a higher standard or duty of care for civil or criminal liability against the City, its officials, or its employees. Violations of any provision of any policy contained within this manual shall only form the basis for administrative action, training, or discipline. The City reserves the right to revise any policy content, in whole or in part.

100.3 AUTHORITY

The City Manager shall be considered the ultimate authority for the content and adoption of the provisions of this manual and shall ensure compliance with all applicable federal, state, and local laws, rules, and ordinances. The City Manager or the authorized designee is authorized to issue directives, which shall modify those provisions of the manual to which they pertain. Directives from the City Manager or the authorized designee shall remain in effect until such time as they may be permanently incorporated into the manual.

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100.4 SAVINGS CLAUSE

If any provision of these policies and procedures or the application thereof is found to be in conflict with any State or Federal law, the conflicting part is hereby declared inoperative to the extent of the conflict, but such conflict shall not affect the operation of the remainder of these policies and procedures or any of their application. In the event of a conflict between any of the provisions set forth herein, the more specific provision shall apply.

100.5 ADMINISTRATION

The day-to-day management of personnel activities and operations within the City and the administration of these policies and procedures is the responsibility of the City Attorney, under the direction of the City Manager. Department Heads are responsible for implementing these policies and procedures within their departments, as applicable, under the direction of the City Manager.

100.6 DEFINITIONS

The following words and terms shall have these assigned meanings throughout the Policy Manual, unless it is apparent from the content that they have a different meaning:

Elected official - Any individual who serves in the City government based upon selection by a public vote, as well as any individual who is appointed or otherwise selected to fill such a position that has been vacated prior to the conclusion of the elected individual's term.

Employee - Any person employed by the City, including:

- Full- and part-time employees.
- Appointed personnel. This does not include persons appointed to fill an elected official vacancy, or members of volunteer boards and commissions.

Manual - The City Policy Manual.

May - Indicates a permissive, discretionary, or conditional action.

Shall or **will** - Indicates a mandatory action.

Should - Indicates a generally required or expected action, absent a rational basis for failing to conform.

Supervisor - A person in a position of authority that may include responsibility for hiring, transfer, suspension, promotion, discharge, assignment, reward, or discipline of other city employees, directing the work of other employees, or having the authority to adjust grievances. The supervisory exercise of authority may not be merely routine or clerical in nature but requires the use of independent judgment.

The term "supervisor" may also include any person (e.g., lead or senior worker) given responsibility for the direction of the work of others without regard to a formal job title, rank, or compensation.

Volunteer Boards and Commissions – Boards whose members are appointed by the city council and who serve without compensation or nominal stipends on various boards or commissions in the City. These board members and commissioners serve at the pleasure of the council.

100.7 ISSUING THE POLICY MANUAL

An electronic version of the Policy Manual will be made available to all employees on the city network for viewing and printing. No changes shall be made to the manual without authorization from the City Manager or the authorized designee.

Each employee shall acknowledge having access to and having the opportunity to review the Policy Manual and any directives issued by the City Manager or the authorized designee. Employees shall seek clarification as needed from an appropriate supervisor for any provisions that they do not fully understand.

100.8 PERIODIC REVIEW OF THE POLICY MANUAL

The City Manager will ensure that the Policy Manual is periodically reviewed and updated as necessary.

100.9 REVISIONS

All revisions to the Policy Manual will be provided to each employee on or before the date the policy becomes effective. Each employee will be required to acknowledge having reviewed the revisions and shall seek clarification from an appropriate supervisor as needed.

Employees are responsible for keeping abreast of all Policy Manual revisions.

All city employees suggesting revision of the contents of the Policy Manual shall forward their written suggestions to their supervisors, who will consider the recommendations and forward them to the City Manager as appropriate.

Standards of Conduct for Elected Officials

101.1 PURPOSE AND SCOPE

This policy establishes standards of conduct expected of all elected officials. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct.

101.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that an elected official's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

101.2 POLICY

Elected officials of the City are expected to conduct themselves with the utmost professional integrity and objectivity. The service of every elected official of the City shall be based on conduct that reasonably conforms to the guidelines in this policy.

101.3 UNLAWFUL DIRECTIVES

Elected officials should not knowingly direct action or inaction that, if carried out, would result in a violation of any law or city policy. Elected officials should not make new commands that conflict with any previous command without making reasonable clarification that the new command is intended to countermand the earlier command.

101.4 GENERAL STANDARDS

Elected officials should conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules.

Elected officials should familiarize themselves with policies and procedures applicable to their conduct and the conduct of all employees under their supervision.

101.5 ETHICS

Elected officials should avoid engaging in the following conduct:

- (a) Using one's status as an elected official of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrong or unlawful exercise of authority for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) Acceptance of fees, gifts, money, tangible or intangible personal property, or any service, gratuity, favor, entertainment, hospitality, loan, promise, or any other thing of value from any person, business, or organization that is doing business with, or seeking to do business with, the City, or contrary to the rules of this city or laws of the state.

Standards of Conduct for Elected Officials

- (d) Offer or acceptance of a bribe or gratuity.
- (e) Misappropriation or misuse of public funds, property, personnel, or services.
- (f) Any other failure to abide by the standards of ethical conduct.

101.6 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Elected officials should not discriminate against, oppress, or provide favoritism to any person based on a classification or status protected by law.

101.7 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

Elected officials should avoid:

- (a) Unauthorized or inappropriate release of confidential or protected information, materials, data, forms, or reports obtained as a result of the elected official's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of the elected official's position with this city for personal or financial gain.
- (c) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.
- (d) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (e) Using city resources for campaign or other political purposes.

101.8 CONFLICTS OF INTEREST

Elected officials shall follow all laws regarding actual and perceived conflicts of interest and should avoid the appearance of actual or perceived conflicts of interest.

Elected officials should avoid directly supervising any employee who is a relative or with whom they are involved in a personal or business relationship. Elected officials should also avoid participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.

101.9 ETHICAL COMPLIANCE DOCUMENTATION

Elected officials should ensure that all required documentation pertaining to ethics, conflicts of interest, or any other matter related to conduct are timely completed and submitted to the appropriate authorities.

Standards of Conduct for Elected Officials

101.10 OUTSIDE EMPLOYMENT

Elected officials should avoid maintaining any outside employment or accepting any appointment that creates an actual or perceived conflict of interest or that inhibits their ability to competently complete the requirements of the office to which they have been elected. All laws related to the maintenance of outside employment for elected officials should be observed.

Standards of Conduct for All Employees

102.1 PURPOSE AND SCOPE

This policy establishes standards of conduct that are consistent with the values and mission of the City and are expected of all employees. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning conduct. In addition to the provisions of this policy, employees are subject to all other provisions contained in this manual, as well as any additional guidance on conduct that may be disseminated by this city or an employee's supervisor.

102.1.1 DEFINITIONS

Definitions related to this policy include:

Conflict of interest - Any actual, perceived, or potential conflict in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by a personal or business relationship. It includes conflicts defined and prohibited by state law.

102.2 POLICY

The continued employment or appointment of every employee of the City shall be based on conduct that reasonably conforms to the guidelines set forth herein. Failure to meet the guidelines set forth in this policy, whether during work hours or non-work hours, may be cause for disciplinary action.

102.3 GENERAL STANDARDS

Employees shall conduct themselves in accordance with the federal and state constitutions and all applicable laws, ordinances, and rules enacted or established pursuant to legal authority.

Employees shall familiarize themselves with policies and procedures and are responsible for compliance with each. Employees should seek clarification and guidance from supervisors in the event of any perceived ambiguity or uncertainty.

Discipline may be initiated for any good cause. It is not mandatory that a specific policy or rule violation be cited to sustain discipline. This policy is not intended to cover every possible type of misconduct.

102.4 CAUSES FOR DISCIPLINE

The following are illustrative of causes for disciplinary action. This list is not intended to cover every possible type of misconduct and does not preclude the recommendation of disciplinary action for violation of other rules, standards, or ethics, and specific action or inaction that is detrimental to the city's ability to effectively serve the public.

Certain City employees are at-will employees of the City and are subject to termination by the City with or without cause.

Standards of Conduct for All Employees

102.4.1 LAWS, RULES, AND ORDERS

- (a) Violation of, or ordering or instructing a subordinate to violate, any policy, procedure, rule, order, directive, or requirement, or failure to follow instructions contained in city manuals.
- (b) Disobedience of any lawful direction or order.
- (c) Violation of federal, state, local, or administrative laws, rules, or regulations.

102.4.2 ETHICS

- (a) Using or disclosing one's status as an employee of the City in any way that could reasonably be perceived as an attempt to gain influence or authority for non-city business or activity.
- (b) The wrongful or unlawful exercise of authority on the part of any employee for malicious purpose, personal gain, willful deceit, or any other improper purpose.
- (c) The receipt or acceptance of a reward, fee, or gift from any person for service incident to the performance of the employee's work with the City.
- (d) Acceptance of fees, gifts, or money contrary to the rules of this city and/or laws of the state.
- (e) Offer or acceptance of a bribe or gratuity.
- (f) Any other failure to abide by the standards of ethical conduct.

102.4.3 DISCRIMINATION, OPPRESSION, OR FAVORITISM

Unless required by law or policy, discriminating against, oppressing, or providing favoritism to any person because of actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, economic status, cultural group, veteran status, marital status, and any other classification or status protected by law, or intentionally denying or impeding another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing the conduct is unlawful.

102.4.4 RELATIONSHIPS

- (a) Unwelcome solicitation of a personal or sexual relationship during work hours or through the use of one's official capacity.
- (b) Engaging in sexual activity during work hours, including but not limited to sexual intercourse, excessive displays of public affection, or other sexual contact.
- (c) Establishing or maintaining an inappropriate personal or financial relationship as a direct result of any official business.
- (d) Associating with or joining a criminal gang, organized crime, and/or criminal syndicate when the employee knows or reasonably should know of the criminal nature of the organization.

Standards of Conduct for All Employees

102.4.5 ATTENDANCE

- (a) Leaving the job to which the employee is assigned during work hours without reasonable excuse and proper permission and approval.
- (b) Unexcused or unauthorized absence or tardiness.
- (c) Excessive absenteeism or abuse of leave privileges.
- (d) Failure to report to work or to the place of assignment at the time specified and fully prepared to work without reasonable excuse.

102.4.6 UNAUTHORIZED ACCESS, DISCLOSURE, OR USE

- (a) Unauthorized and inappropriate intentional release of confidential or protected information, materials, data, forms, or reports obtained as a result of the employee's position with this city.
- (b) The use of any information, photograph, video, or other recording obtained or accessed as a result of employment or appointment to this city for personal or financial gain or without the express authorization of the City Manager or the authorized designee.
- (c) Loaning, selling, allowing unauthorized use, giving away, or appropriating any city badge, uniform, identification card, or property for personal use, personal gain, or any other improper or unauthorized use or purpose.
- (d) Using city resources in association with any portion of an independent civil action. These resources include but are not limited to personnel, vehicles, equipment, and non-subpoenaed records.

102.4.7 EFFICIENCY

- (a) Neglect of duty.
- (b) Unsatisfactory work performance, including but not limited to failure, incompetence, inefficiency, or delay in performing and/or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable and bona fide excuse.
- (c) Concealing, attempting to conceal, removing, or destroying defective or incompetent work.
- (d) Unauthorized sleeping during work hours or assignments.
- (e) Failure to notify the City within 48 hours of any change in name or contact numbers.
- (f) Failure to notify a supervisor of changes in relevant personal information (e.g., information associated with benefits determination) in a timely fashion.

102.4.8 PERFORMANCE

- (a) Failure to disclose or misrepresenting material facts or making any false or misleading statement on any application, examination form, or other official document, report, or form, or during the course of any work-related investigation.

Standards of Conduct for All Employees

- (b) The falsification of any work-related records, making misleading entries or statements with the intent to deceive, or the willful and unauthorized removal, alteration, destruction, and/or mutilation of any city record, public record, book, paper, or document.
- (c) Failure to participate in investigations, or giving false or misleading statements, or misrepresenting or omitting material information to a supervisor or other person in a position of authority, in connection with any investigation or in the reporting of any city-related business.
- (d) Being untruthful or knowingly making false, misleading, or malicious statements that are reasonably calculated to harm the reputation, authority, or official standing of this city or its employees.
- (e) Disparaging remarks or conduct concerning duly constituted authority to the extent that such conduct disrupts the efficiency of this city or subverts the good order, efficiency, and discipline of this city or that would tend to discredit any of its employees.
- (f) Unlawful gambling or unlawful betting at any time or any place. Legal gambling or betting under any of the following conditions:
 - 1. While on city premises.
 - 2. At any work site, during work hours, or while using any city equipment or system.
- (g) Improper political activity, including:
 - 1. Unauthorized attendance during work hours at official legislative or political sessions.
 - 2. Solicitations, speeches, or distribution of campaign literature for or against any political candidate or position during work hours or on city property except as expressly authorized by city policy, an employment agreement or contract, or the City Manager or the authorized designee.
- (h) Engaging in political activities during work hours except as expressly authorized by city policy, any employment agreement or contract, or the City Manager or the authorized designee.
- (i) Any act that brings discredit to this city.
- (j) Failure to promptly notify the Department Head and City Manager of any occurrence which is likely to give rise to a lawsuit, receiving a notice of a claim, or receiving notice of being sued because of an incident related to employment with the City.

102.4.9 CONDUCT

- (a) Failure to promptly and fully report activities on the employee's part or the part of any other employee where such activities resulted in contact with any law enforcement agency or that may result in criminal prosecution or discipline under this policy.
- (b) Unauthorized or unlawful fighting, or threatening or attempting to inflict unlawful bodily harm on another.
- (c) Engaging in horseplay that reasonably could result in injury or property damage.

Standards of Conduct for All Employees

- (d) Discourteous, disrespectful, or discriminatory treatment of any member of the public or any employee of the City.
- (e) Use of obscene, indecent, profane, or derogatory language during work hours or in uniform.
- (f) Criminal, dishonest, or disgraceful conduct that adversely affects the employee's relationship with the City.
- (g) Unauthorized possession of, loss of, or damage to city property or the property of others or endangering it through carelessness or maliciousness.
- (h) Attempted or actual theft of city property; misappropriation or misuse of public funds, property, personnel, or the services or property of others; unauthorized removal or possession of city property or the property of another person.
- (i) Activity that is incompatible with an employee's conditions of employment or appointment as established by law or that violates a provision of any employment agreement or contract, including fraud in securing the appointment or hire.
- (j) Initiating any civil action for recovery of any damages or injuries incurred in the course and scope of employment or appointment without first notifying the City Manager or the authorized designee of such action.
- (k) Any other conduct that any employee knows or reasonably should know is unbecoming an employee of this city, is contrary to good order, efficiency, or morale, or tends to reflect unfavorably upon the City or its employees.

102.4.10 SAFETY

- (a) Failure to observe or violating city safety standards or safe working practices.
- (b) Failure to maintain current licenses or certifications required for the assignment or position (e.g., driver's license, first aid).
- (c) Failure to maintain good physical condition sufficient to adequately and safely perform the work assigned, if applicable.
- (d) Unsafe firearm or other weapon handling, including loading or unloading firearms in an unsafe manner.
- (e) Carrying, while on the premises of the work site, any firearm or other weapon that is not authorized by law or the member's appointing authority.
- (f) Unsafe or improper driving habits or actions in the course of employment or appointment.
- (g) Any personal action contributing to a preventable traffic accident.
- (h) Concealing or knowingly failing to report any on-the-job or work-related accident or injury as soon as practicable but within 24 hours.

Standards of Conduct for All Employees

102.4.11 INTOXICANTS

- (a) Reporting for work or being at work while intoxicated or when the employee's ability to work is impaired due to the use of alcohol, medication, or drugs, whether legal, prescribed, or illegal.
- (b) Possession or use of alcohol during work hours.
- (c) Unauthorized possession, use of, or attempting to bring a controlled substance, illegal drug, or non-prescribed medication to work.

Chapter 2 - Organization and Administration

Electronic Mail

200.1 PURPOSE AND SCOPE

This policy establishes guidelines for the proper use and application of the electronic mail (email) system provided by the City.

200.2 POLICY

Employees shall use email in a professional manner in accordance with this policy and current public records laws.

200.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

200.4 RESTRICTIONS ON USE OF EMAIL

Messages transmitted over the email system are restricted to official business activities, or shall only contain information that is essential for the accomplishment of business-related tasks or for communications that are directly related to the business, administration, or practices of the City.

Sending derogatory, defamatory, obscene, disrespectful, sexually suggestive, harassing, or any other inappropriate messages on the email system is prohibited and may result in discipline.

Email messages addressed to all City employees are only to be used for official business-related items that are of particular interest to all users. In the event that an employee has questions about sending a particular email communication, the employee should seek prior approval from a supervisor.

The email system may not be used to solicit purchases or sale of personal items or non-business items from other city employees, nor to solicit donations for fundraisers not approved by the City.

It is a violation of this policy to transmit a message under another employee's name or email address or to use the password of another to log into the system unless directed to do so by a supervisor.

200.5 EMAIL RECORD MANAGEMENT

Email may, depending upon the individual content, be a public record and must be managed in accordance with the established records retention schedule and in compliance with state law.

Each employee is responsible for the appropriate retention of records in their possession. The City Recorder should ensure that policies governing email messages are clear so that records are retained and recoverable as outlined in the Records Maintenance and Release Policy.

Information Technology Use

201.1 PURPOSE AND SCOPE

This policy provides guidelines for the proper use of city information technology resources, including computers, electronic devices, hardware, software, and systems.

201.1.1 DEFINITIONS

Definitions related to this policy include:

Computer system - All computers (on-site and portable), electronic devices, hardware, software, and resources owned, leased, rented, or licensed by the City that are provided for official use by its employees. This includes all access to, and use of, Internet Service Providers (ISP) or other service providers provided by or through the City or city funding.

Hardware - Includes but is not limited to computers, computer terminals, network equipment, electronic devices, telephones (including cellular and satellite), pagers, modems, or any other tangible computer device generally understood to comprise hardware.

Software - Includes but is not limited to all computer programs, systems, and applications, including shareware. This does not include files created by the individual user.

Temporary file, permanent file, or file - Any electronic document, information, or data residing or located, in whole or in part, on the system, including but not limited to spreadsheets, calendar entries, appointments, tasks, notes, letters, reports, messages, photographs, or videos.

201.2 POLICY

It is the policy of the City that employees shall use information technology resources, including computers, software, and systems, that are issued or maintained by the City in a professional manner and in accordance with this policy.

201.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published, shared, transmitted, or maintained through file-sharing software or any internet site that is accessed, transmitted, received, or reviewed on any city computer system. Any data created on City systems is and remains City property.

The City reserves the right to access, audit, and disclose, for whatever reason, any message, including attachments, and any information accessed, transmitted, received, or reviewed over any technology that is issued or maintained by the City, including the city email system, computer network, and/or any information placed into storage on any city system or device. This includes records of all key strokes or web-browsing history made at any city computer or over any city network. The fact that access to a database, service, or website requires a username or password will not create an expectation of privacy if it is accessed through city computers, electronic devices, or networks.

Information Technology Use

201.4 RESTRICTED USE

Employees shall not access computers, devices, software, or systems for which they have not received prior authorization or the required training. Employees shall immediately report unauthorized access or use of computers, devices, software, or systems by another employee to their supervisors.

Employees shall not use another person's access passwords, logon information, and other individual security data, protocols, and procedures unless directed to do so by a supervisor.

201.4.1 SOFTWARE

Employees shall not copy or duplicate any copyrighted or licensed software except for a single copy for backup purposes, in accordance with the software company's copyright and license agreement.

To reduce the risk of a computer virus or malicious software, employees shall not install any unlicensed or unauthorized software on any city computer. Employees shall not install personal copies of any software on any city computer.

No employee shall knowingly make, acquire, or use unauthorized copies of computer software that is not licensed to the City while on city premises, computer systems, or electronic devices. Such unauthorized use of software exposes the City and involved employees to severe civil and criminal penalties.

Introduction of software by employees should only occur as a part of the automated maintenance or update process of city-approved or installed programs by the original manufacturer, producer, or developer of the software. Any other introduction of software requires prior authorization from a supervisor and a full scan for malicious attachments.

201.4.2 HARDWARE

Access to technology resources provided by or through the City shall be strictly limited to city-related activities. Data stored on or available through city computer systems shall only be accessed by authorized employees who have a legitimate city-related purpose to access such data. Any exceptions to this policy must be approved by a supervisor.

201.4.3 INTERNET USE

The safety and security of the City's network and resources must be considered at all times.

Internet access provided by or through the City shall be limited to city-related activities, except as provided in the Personal Use of Technology Resources section. Internet sites containing information that is not appropriate or applicable to city use and that shall not be intentionally accessed include but are not limited to adult forums, pornography, gambling, chat rooms, and similar or related internet sites. Certain exceptions may be permitted with the express approval of a supervisor as a function of an employee's assignment. The City utilizes software that blocks access to known unacceptable sites and monitors all internet user activity. An employee may make a request to their supervisor, provided that the request is in writing, to removed a blocked site from the internet filtering system.

Information Technology Use

Downloaded information from the internet shall be limited to messages, mail, and data files. Any executable or binary files may not be downloaded or installed without prior permission from IT and without being properly scanned for viruses.

201.4.4 USE DURING NON-WORK HOURS

Employees shall only use technology resources provided by the City during work hours unless authorized by a supervisor or as provided in the Personal Use of Technology Resources section.. This includes the use of telephones, cell phones, texting, email, or any other off-the-clock work-related activities. This also applies to personally owned devices that are used to access city resources.

Refer to the Personal Communication Devices Policy for guidelines regarding use of personally owned technology during non-work hours.

201.4.5 PERSONAL USE OF TECHNOLOGY RESOURCES

Authorized personnel may use City computers, laptops, iPads, etc. at home for personal, de minimis purposes. Such personal use is considered de minimis so long as it does not result in a cost to the City, does not compromise security or integrity of City information or software, or violate any City rule or policy. City technology resources are only to be used by Farmington City employees.

Limited personal use of City technology resources during work hours may be allowed as long as it does not affect employee productivity.

Permission for the personal use of technology resources may be revoked by a supervisor at any time, with or without cause.

201.4.6 USE OF DEPARTMENT CELLULAR PHONES

Employees who have a City-owned cellular phone assigned to them may utilize it for personal purposes during work and non-work hours. The use of the phone must be reasonable and not utilized in a way that compromises security or violates City policy. Employees may be charged for damage to phones incurred during personal use of the device.

201.4.7 INAPPROPRIATE USE OF TECHNOLOGY RESOURCES

Employees shall not use City technology resources for any inappropriate use, including, but not limited to the following:

- (a) Engaging in political activity.
- (b) Furthering personal business interests;
- (c) Offensive, harassing, derogatory, discriminatory, vulgar, obscene, or threatening communications, including disparagement of others.
- (d) Verbal abuse, slander or defamation.
- (e) Creating, distributing, viewing or soliciting sexually oriented messages, materials or images including but not limited to any form of pornographic or otherwise immoral, unethical, or offensive internet sites.

Information Technology Use

- (f) Electronic dissemination or printing of copyrighted materials including articles and software in violation of copyright laws.
- (g) Downloading and installing any personal software that may pose a threat to computer and other electronic systems and which are not necessary for the purpose of conducting normal City business.
- (h) Using City resources to participate in personal political activity while on City time or while discharging City responsibilities.
- (i) Participating in, viewing or accessing any form of illegal online content or services including but not limited to gambling, academic cheating, criminal activity, illegal drugs, illegal software, etc.
- (j) Making jokes or comments which could offend someone on the basis of gender, race, age, religion, national origin, disability, sexual orientation or gender identity.

201.5 PROTECTION OF SYSTEMS AND FILES

All employees have a duty to protect the computer system and related systems and devices from physical and environmental damage and are responsible for the correct use, operation, care, and maintenance of the computer system.

Employees shall ensure city computers and access terminals are not viewable by unauthorized users. Computers and terminals should be secured, users logged off, and password protections enabled whenever the user is not present. Access passwords, logon information, and other individual security data, protocols, and procedures are confidential information and are not to be shared. Password length, format, structure, and content shall meet the prescribed standards required by the computer system or as directed by a supervisor and shall be changed at intervals as directed.

It is prohibited for an employee to allow an unauthorized user to access the computer system at any time or for any reason. Employees shall promptly report any unauthorized access to the computer system or suspected intrusion from outside sources (including the internet) to a supervisor.

Employees will be required to attend cybersecurity training annually to learn techniques on recognizing and avoiding security breaches when using internet, email and other communication.

201.6 INSPECTION AND REVIEW

A supervisor or the authorized designee has the express authority to inspect or review the computer system, all temporary or permanent files, related electronic systems or devices, and any contents thereof, whether such inspection or review is in the ordinary course of supervisory duties or based on cause.

Reasons for inspection or review may include but are not limited to computer system malfunctions, problems, or general computer system failure, a lawsuit against the City involving one of its employees or an employee's duties, an alleged or suspected violation of any city policy, a request for disclosure of data, or a need to perform or provide a service.

Information Technology Use

Qualified staff may extract, download, or otherwise obtain any and all temporary or permanent files residing or located in or on the city computer system when requested by a supervisor or during the course of regular duties that require such information.

Local Government Use of Social Media

202.1 PURPOSE AND SCOPE

This policy provides guidelines to ensure that any use of social media on behalf of the City is consistent with the City mission.

This policy does not address all aspects of social media use. Specifically, it does not address:

- Personal use of social media by city employees (see the Speech, Expression, and Social Networking Policy).
- Use of social media in personnel processes (see the Recruitment and Selection Policy).
- Use of social media as part of an investigation, other than disseminating information to the public on behalf of this city.

202.1.1 DEFINITIONS

Definitions related to this policy include:

Social media - Any of a wide array of internet-based tools and platforms that allow for the sharing of information, such as the city website or social networking services.

202.2 POLICY

The City will use social media as a method of effectively informing the public about city services, issues, investigations, recruitment, and other relevant events.

The use or access of social media should be done in a manner that protects the constitutional rights of all people.

202.3 AUTHORIZED USERS

Only employees authorized by the City Manager or the authorized designee may utilize social media on behalf of the City. Authorized employees shall use only city-approved equipment during the normal course of duties to post and monitor city-related social media, unless they are specifically authorized to do otherwise by their supervisors.

The City Manager may develop specific guidelines identifying the type of content that may be posted. Any content that does not strictly conform to the guidelines should be approved by a supervisor prior to posting.

Requests to post information over city social media by employees who are not authorized to post should be made through the appropriate supervisory channels.

202.4 AUTHORIZED CONTENT

Only content that is appropriate for public release, that supports the City mission, and that conforms to all city policies regarding the release of information may be posted. Examples of appropriate content include:

Local Government Use of Social Media

- (a) Announcements.
- (b) Tips and information related to crime prevention.
- (c) Requests for information.
- (d) Community engagement information.
- (e) Real-time safety information that is related to in-progress crimes, geographical warnings, or disaster information.
- (f) Traffic information.
- (g) Media releases.
- (h) Recruitment of personnel.

202.4.1 INCIDENT-SPECIFIC USE

In instances of active incidents where speed, accuracy, and frequent updates are paramount (e.g., crime alerts, public safety information, traffic issues), the City Manager or the authorized designee will be responsible for the compilation of information to be released.

202.5 PROHIBITED CONTENT

Content that is prohibited from posting includes but is not limited to:

- (a) Content that is abusive, discriminatory, inflammatory, or sexually explicit.
- (b) Any information that violates individual rights, including confidentiality and/or privacy rights and those provided under state, federal, or local laws.
- (c) Any information that could compromise an ongoing investigation.
- (d) Any information that could tend to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (e) Any information that could compromise the safety and security of city operations, employees of the City, or the public.
- (f) Any content posted for personal use.
- (g) Any content that has not been properly authorized by this policy or a supervisor.

Any employee who becomes aware of content on this city's social media sites that the employee believes is unauthorized or inappropriate should promptly report such content to a supervisor. The supervisor will ensure its removal from public view and investigate the cause of the entry.

202.5.1 PUBLIC POSTING PROHIBITED

City social media sites may be designed and maintained to prevent posting of content by the public. When public posting of content or comments by the public is permitted on City social media sites, employees shall ensure that the civil rights of those posting content are respected.

The City may provide a method for members of the public to contact city employees directly.

Local Government Use of Social Media

202.6 MONITORING CONTENT

The City Manager will appoint a supervisor to review, at least annually, the use of city social media and report back on, at a minimum, the resources being used, the effectiveness of the content, any unauthorized or inappropriate content, and the resolution of any issues.

202.7 RETENTION OF RECORDS

The City Manager should work with the City Recorder to establish a method of ensuring that public records generated in the process of social media use are retained in accordance with established records retention schedules.

202.8 TRAINING

Authorized employees should receive training that, at a minimum, addresses legal issues concerning the appropriate use of social media sites, as well as privacy, civil rights, and dissemination and retention of information posted on city sites.

Subpoenas and Court Appearances

203.1 PURPOSE AND SCOPE

This policy establishes the guidelines for city employees who must appear in court. It will allow the City to cover any related work absences and keep the City Manager informed about relevant legal matters.

203.2 POLICY

Employees will respond appropriately to all subpoenas and any other court-ordered appearances.

203.3 SUBPOENAS

Only employees authorized to receive a subpoena on behalf of the City or any of its employees may do so.

203.3.1 SPECIAL NOTIFICATION REQUIREMENTS

Any employees who are subpoenaed to testify, agree to testify, or provide information on behalf or at the request of any party other than the City or the prosecutor shall notify their immediate supervisors without delay regarding:

- (a) Any civil case where the City or one of its employees, as a result of the employee's official capacity, is a party.
- (b) Any civil case where any other city, county, state, or federal unit of government or a member of any such unit of government, as a result of the member's official capacity, is a party.
- (c) Any criminal proceeding where the employee is called to testify or provide information on behalf of the defense.
- (d) Any civil action stemming from the employee's work activity or because of the employee's association with the City.
- (e) Any personnel or disciplinary matter when called to testify or to provide information by a government entity other than the City.

The supervisor will then notify the City Manager and the appropriate prosecuting attorney if applicable. The City Manager should determine if additional legal support is necessary.

No employee shall be retaliated against for testifying in any matter.

203.3.2 WORK-RELATED SUBPOENAS

The City will compensate employees who appear in their official capacities on matters arising out of their official duties.

The City should seek reimbursement for the employee's compensation for appearances on civil subpoenas through the attorney of record who subpoenaed the employee.

Subpoenas and Court Appearances

203.3.3 OTHER SUBPOENAS

Employees receiving valid subpoenas for actions unrelated to their employment or appointment with the City will not be compensated for their appearance. Arrangements for time off shall be coordinated through their immediate supervisors.

203.4 FAILURE TO APPEAR

Any employee who fails to comply with the terms of any properly served subpoena or court-ordered appearance may be subject to discipline. This includes properly served orders to appear that were issued by a state administrative agency.

203.5 COURTROOM PROTOCOL

When appearing in court, employees shall:

- (a) Be punctual, professionally dressed, and prepared to proceed immediately with the case for which they are scheduled to appear.
- (b) Observe all rules of the court in which they are appearing and remain alert to change in the assigned courtroom where their matter is to be heard.

203.5.1 TESTIMONY

Before the date of testifying, the subpoenaed employee should review relevant reports or documents in order to be prepared for court.

203.5.2 RECORDS

When an employee is directed by a subpoena to appear in court with records, that employee should notify the City Recorder promptly after receiving the subpoena that the specified records are needed for court.

Limited English Proficiency Services

204.1 PURPOSE AND SCOPE

This policy provides guidance to employees when communicating with individuals with limited English proficiency (LEP) (42 USC § 2000d).

204.1.1 DEFINITIONS

Definitions related to this policy include:

Authorized interpreter - A person who has been screened and authorized by the City to act as an interpreter and/or translator for others.

Interpret or interpretation - The act of listening to a communication in one language (source language) and orally converting it to another language (target language), while retaining the same meaning.

Limited English proficiency (LEP) individual - Any individual whose primary language is not English and who has a limited ability to read, write, speak, or understand English. These individuals may be competent in certain types of communication (e.g., speaking, understanding) but still exhibit LEP for other purposes (e.g., reading, writing). Similarly, LEP designations are context-specific; an individual may possess sufficient English language skills to function in one setting, but these skills may be insufficient in other situations.

Qualified bilingual employee - An employee of the City, designated by the City Manager or the authorized designee, who has the ability to communicate fluently, directly, and accurately in both English and another language. Bilingual employees may be fluent enough to communicate in a non-English language but may not be sufficiently fluent to interpret or translate from one language into another.

Translate or translation - The replacement of written text from one language (source language) into an equivalent written text (target language).

204.2 POLICY

It is the policy of the City to reasonably provide LEP individuals with meaningful access to services, programs, and activities, while not imposing undue burdens on the City or its employees.

The City will not discriminate against or deny any individual access to services, rights, or programs based upon national origin or any other protected interest or right.

204.3 LEP COORDINATOR

The City Manager or the authorized designee should delegate certain responsibilities to an LEP coordinator.

The responsibilities of the coordinator should include but not be limited to:

- (a) Coordinating and implementing all aspects of the city's LEP services to LEP individuals.

Limited English Proficiency Services

- (b) Developing procedures that will enable employees to access LEP services, including telephonic interpreters, and ensuring the procedures are available to all employees.
- (c) Maintaining and making available to employees, as appropriate, a list of all qualified bilingual employees and authorized interpreters. The list should include information regarding:
 - 1. Languages spoken.
 - 2. Contact information.
 - 3. Availability.
- (d) Ensuring signage stating that interpreters are available free of charge to LEP individuals is posted in appropriate areas and in the most commonly spoken languages.
- (e) Reviewing existing and newly developed documents to determine which are vital documents and should be translated, and into which languages the documents should be translated.
 - 1. Content on the city website should be included in this review and should be translated on the website, if appropriate.
- (f) Annually assessing demographic data and other resources, including contracted language services utilization data and data from government and community-based organizations, to determine if there are additional documents or languages that are appropriate for translation.
- (g) Identifying standards and assessments to be used to qualify individuals as qualified bilingual employees or authorized interpreters.
- (h) Periodically reviewing efforts of the City in providing meaningful access to LEP individuals, and, as appropriate, developing reports, developing new procedures, or recommending modifications to this policy.
- (i) Receiving and responding to complaints regarding city LEP services.
- (j) Ensuring appropriate processes are in place to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to city services, programs, and activities.
- (k) Requiring third parties providing city services, rights, or programs through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prohibit discrimination or denial of access or services based upon national origin or any other protected interest or right.

204.4 FOUR-FACTOR ANALYSIS

Because there are many different languages that employees could encounter, the City will utilize the four-factor analysis outlined in the U.S. Department of Justice (DOJ) Guidance to Federal Financial Assistance Recipients, available at the DOJ website, to determine which measures will provide meaningful access to its services and programs. It is recognized that contacts and

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circumstances will vary considerably. This analysis, therefore, must remain flexible and will require an ongoing balance of the following four factors, which are:

- (a) The number or proportion of LEP individuals eligible to be served or likely to be encountered by city employees, or who may benefit from programs or services within the jurisdiction of this city.
- (b) The frequency with which LEP individuals are likely to come in contact with city employees, programs, or services.
- (c) The nature and importance of the contact, program, information, or service provided.
- (d) The cost of providing LEP assistance and the resources available.

204.5 TYPES OF LEP ASSISTANCE AVAILABLE

Employees should never refuse service to an LEP individual who is requesting assistance, nor should they require an LEP individual to furnish an interpreter as a condition for receiving assistance. The City will make every reasonable effort to provide meaningful and timely assistance to LEP individuals through a variety of services.

The City will utilize all reasonably available tools, such as language identification cards, when attempting to determine an LEP individual's primary language.

LEP individuals may choose to accept city-provided LEP services at no cost, or they may choose to provide their own.

City-provided LEP services may include but are not limited to the assistance methods described in this policy.

204.6 WRITTEN FORMS AND GUIDELINES

Vital documents or those that are frequently used should be translated into languages most likely to be encountered. If English versions of any vital documents are published on the city website, the translated versions of the same document must also be posted on the website. The LEP coordinator will arrange to make all translated documents available to employees and other appropriate individuals, as necessary.

204.7 AUDIO RECORDINGS

The City may develop audio recordings of important or frequently requested information in a language most likely to be understood by those LEP individuals who are representative of the community being served.

204.8 QUALIFIED BILINGUAL EMPLOYEES

Bilingual employees may be qualified to provide LEP services when they have demonstrated through established city procedures a sufficient level of skill and competence to fluently communicate in both English and a non-English language. Employees utilized for LEP services

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must demonstrate knowledge of the functions of an interpreter/translator and the ethical issues involved when acting as a language conduit.

When a qualified bilingual employee is not available, personnel from another department who have been identified as having the requisite skills and competence may be requested.

204.9 AUTHORIZED INTERPRETERS

Any person designated by the City to act as an authorized interpreter and/or translator must have demonstrated competence in both English and the involved non-English language, must have an understanding of the functions of an interpreter that allows for correct and effective translation, and should not be a person with an interest in the transaction involving the LEP individual. A person providing interpretation or translation services may be required to establish the accuracy and trustworthiness of the interpretation or translation in a legal or other proceeding.

Authorized interpreters must pass a screening process established by the LEP coordinator that demonstrates their skills and abilities in the following areas:

- (a) The competence and ability to communicate information accurately in both English and in the target language.
- (b) Knowledge, in both languages, of any applicable specialized terms or concepts and of any particularized vocabulary or phraseology used by the LEP individual.
- (c) The ability to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (d) Knowledge of the ethical issues involved when acting as a language conduit.

204.9.1 SOURCES OF AUTHORIZED INTERPRETERS

The City may contract with authorized interpreters who are available over the telephone. Employees may use these services with the approval of a supervisor and in compliance with established procedures.

Other sources may include:

- Qualified bilingual employees of another department within the City.
- Individuals employed exclusively to perform interpretation services.
- Contracted in-person interpreters, such as court interpreters, among others.

204.9.2 COMMUNITY VOLUNTEERS AND OTHER SOURCES OF LANGUAGE ASSISTANCE

Language assistance may be available from community volunteers who have demonstrated competence in either monolingual (direct) communication and/or in interpretation or translation (as noted in above), and have been approved by the City to communicate with LEP individuals.

Where qualified bilingual employees or other authorized interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, employees must carefully consider the nature of the contact and the

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relationship between the LEP individual and the volunteer to ensure that the volunteer can provide neutral and unbiased assistance.

While family or friends of an LEP individual may offer to assist with communication or interpretation, employees should carefully consider the circumstances before relying on such individuals. For example, children should not be relied upon except in exigent or very informal and non-confrontational situations.

204.10 CONTACT AND DOCUMENTATION

Although all public contacts, services, and individual rights are important, this city will utilize the four-factor analysis to prioritize service to LEP individuals so that such services may be targeted where they are most needed, according to the nature and importance of the particular activity involved.

Whenever any employee of this city is required to complete a report or other documentation that involves a situation in which interpretation services were provided to any involved LEP individual, such services should be noted in the related report or documentation. Employees should document the type of interpretation services utilized and whether the individual elected to use services provided by the City or some other identified source.

204.11 RECEIVING AND RESPONDING TO REQUESTS FOR ASSISTANCE

The City will take reasonable steps to develop in-house language capacity by hiring or appointing qualified employees proficient in languages representative of the community being served.

204.11.1 EMERGENCY ASSISTANCE

City employees will make every reasonable effort to promptly accommodate LEP individuals who appear to be in need of emergency assistance. An employee who determines that a person in need of emergency assistance is an LEP individual should attempt to gather sufficient information to determine what type of assistance the person needs and to initiate an appropriate response to the situation. As soon as possible, if language assistance is still needed and the language is known, the employee should attempt to locate a qualified bilingual employee to assist with the situation.

If a qualified bilingual employee is not available or the employee is unable to identify the primary language used by the LEP individual, the employee should contact the contracted interpretation service for assistance.

204.12 COMMUNITY OUTREACH

Community outreach programs and other such services offered by this city are important to the ultimate success of local government and achievement of the city's mission. This city will continue to work with community groups, local businesses, and neighborhoods to provide equal access to such programs and services.

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204.13 TRAINING

To ensure that all employees who may have contact with LEP individuals are properly trained, the City will provide periodic training on this policy and related procedures, including how to access authorized telephonic and in-person interpreters and other available resources.

New employees should receive LEP training. Those who may have contact with LEP individuals should receive periodic refresher training. Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

204.13.1 TRAINING FOR AUTHORIZED INTERPRETERS

All employees on the authorized interpreter list must successfully complete prescribed interpreter training. To complete interpreter training successfully, an interpreter must demonstrate proficiency in and ability to communicate information accurately in both English and in the target language, demonstrate knowledge in both languages of any specialized terms or phraseology, and understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.

Employees on the authorized interpreter list must receive refresher training annually or they will be removed from the authorized interpreter list. This annual training should include language skills competency (including specialized terminology) and ethical considerations.

Authorized interpreters will receive annual refresher training.

ADA Compliance

205.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for equal access to local government services, programs, and activities for persons with disabilities in accordance with Title II of the Americans with Disabilities Act (ADA).

This policy also includes guidelines to provide effective communication with persons with disabilities and to protect the rights of individuals who use service animals in accordance with the ADA.

205.1.1 DEFINITIONS

Definitions related to this policy include (28 CFR 35.104):

ADA coordinator - The City Resource Manager is designated to coordinate the City's efforts to comply with the ADA (28 CFR 35.107) and shall be responsible for the administration of this policy.

Assistive devices, auxiliary aids, and services - Tools used to communicate with people who have a disability or impairment. They include but are not limited to the use of gestures or visual aids to supplement oral communication; a notepad and pen or pencil to exchange written notes; a computer or typewriter; an assistive listening system or device to amplify sound; a teletypewriter (TTY) or videophones (video relay service or VRS); taped text; qualified readers; or a qualified interpreter.

Disability or impairment - A physical or mental impairment that substantially limits a major life activity, including hearing or seeing, regardless of whether the person uses assistive devices, auxiliary aids, and services. Individuals who wear ordinary eyeglasses or contact lenses are not considered to have a disability (42 USC § 12102; 28 CFR 35.108).

Facility - All aspects of buildings, structures, sites, complexes, equipment, rolling stock or other conveyances, roads, walkways, parking areas, and other real or personal property (28 CFR 35.108).

Modification - Any change, adjustment, alteration, adaptation, or accommodation that renders a city service, program, or activity suitable for use, enjoyment, or participation by a person with a disability. This may include alteration of existing buildings and facilities.

A modification includes any change or exception to a policy, practice, or procedure that allows a person with a disability to have equal access to programs, services, and activities. It also includes the provision or use of assistive devices, auxiliary aids, and services.

Power-driven mobility device - Any mobility device powered by batteries, fuel, or other engine type used by persons with disabilities for mobility assistance, regardless of whether the device was primarily designed for that purpose (e.g., golf carts, Segway® PT, mobility scooters). For purposes of this policy, it does not include wheelchairs.

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Qualified interpreter - A person who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. Qualified interpreters include oral interpreters, transliterators, sign language interpreters, and intermediary interpreters.

Service animal - A dog that is trained to do work or perform tasks for the benefit of a person with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

Service animal also includes a miniature horse if the horse is trained to do work or perform tasks for persons with disabilities, provided the horse is housebroken, is under the handler's control, the building or facility can accommodate the horse's type, size, and weight, and the horse's presence will not compromise legitimate safety requirements necessary for safe operation of the facility (28 CFR 35.136(i)).

205.2 POLICY

It is the policy of the City that persons with disabilities have equal access to city services, programs, and activities.

The City will not discriminate against or deny any individual access to services, programs, or activities based upon disabilities.

Any questions, comments, requests, or complaints regarding this policy or the City's procedure should be addressed to the ADA Coordinator, Farmington City Offices, 160 South Main, Farmington, Utah, 84025

205.3 AMERICANS WITH DISABILITIES ACT (ADA) COORDINATOR

The responsibilities of the ADA coordinator include but are not limited to (28 CFR 35.130):

- (a) Coordinating efforts among each city department to provide equal access to services, programs, and activities including:
 - 1. Establishing procedures to provide for the performance of routine maintenance on buildings, facilities, or equipment that provide access to persons with disabilities (28 CFR 35.133).
- (b) Recommending amendments to this policy, as needed.
- (c) Coordinating a process of periodic self-evaluation. The process should include:
 - 1. Inspection of current city buildings and facilities to identify access issues.
 - 2. Review of current city services, activities, and programs for access issues.
 - 3. Assessment and update of current compliance measures.
 - 4. Identification of recurring areas of complaint for which new methods of modification should be considered.
 - 5. Review of the city's emergency programs, services, and activities as they apply to persons with disabilities.

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6. Recommendation of a schedule to implement needed improvements.
- (d) Acting as a liaison with local disability advocacy groups or other disability groups regarding access to city services, programs, and activities.
 - (e) Developing procedures for the review and processing of requests for assistance or modifications that will help employees provide persons with disabilities access to city services, programs, and activities, as appropriate.
 - (f) Providing notice to the public regarding the rights and protections afforded by the ADA (e.g., posters, published notices, handbooks, manuals, and pamphlets describing city services, programs, and activities and the availability of assistive devices, auxiliary aids, and services, as well as modifications) (28 CFR 35.106).
 - (g) Developing procedures for employees to access assistive devices, auxiliary aids, and services, including qualified interpreters, and making the procedures available, as appropriate.
 1. A list of qualified interpreter services with contact and availability information should be maintained and easily accessible to employees.
 - (h) Developing, implementing, and publishing appropriate procedures to provide for the prompt and equitable resolution of complaints and inquiries regarding discrimination in access to services, programs, and activities (28 CFR 35.107). The complaint procedures should include an appeal process.
 - (i) Requiring third parties providing city services, programs, or activities through contract, outsourcing, licensing, or other arrangement to establish reasonable policies and procedures to prevent discrimination against and denial of access to persons with disabilities.
 - (j) Developing and implementing procedures to provide that new construction and any alteration to an existing building or facility are undertaken in compliance with the ADA (28 CFR 35.151).
 - (k) Developing and implementing procedures to provide that new construction and alteration of city-maintained roadways, highways, and streets include curb ramps or other sloped areas to make pedestrian-level walkways accessible as required by law (28 CFR 35.150(d)(2); 28 CFR 35.151(i)).
 - (l) Coordinating with appropriate city staff to address the needs of persons with disabilities in the City's emergency disaster preparedness planning, including consideration of shelters and care facilities, transportation, means of evacuation, communication methods (e.g., warning and emergency notification systems), and post-disaster canvassing.

205.4 REQUESTS

The goal of any modification should be to allow the person to participate in the service, program, or activity the same as a person who does not have a disability.

Upon receiving a request for a modification, employees should make reasonable efforts to accommodate the request based on the preference of the person with the disability. Employees

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should not ask about the nature and extent of a person's disability, but should limit questions to information necessary to determine the need for a modification and the type of modification that is appropriate.

If the requested modification, or an alternative modification, can reasonably be made at the time of the request, the employee should make the modification. An employee who is unable to accommodate a request or unsure about whether a request should be accommodated, should contact a supervisor.

The supervisor should review and approve the request, if practicable and appropriate. Otherwise, the supervisor should document the requesting person's contact information and the modification being requested and forward the request to the ADA coordinator for processing as soon as reasonably practicable.

205.4.1 DENIAL OF A REQUEST

The following should be considered before denying a request for modification:

- (a) Requests for modifications should be approved unless complying with the request would result in (28 CFR 35.150):
 - 1. A substantial alteration of the service, program, or activity.
 - 2. An undue financial or administrative burden on the City.
 - 3. All resources available for use in the funding and operation of the service, program, or activity at issue should be considered in this determination.
 - 4. A threat to or the destruction of the historic significance of an historic property.
 - 5. A direct threat to the health or safety of others (28 CFR 35.139).
- (b) If any of these circumstances are present, the ADA coordinator should work with department staff and the person requesting the modification to determine if an alternative modification is available.
- (c) Where physical modification of an existing building or facility, or new construction, would be unfeasible or unduly burdensome, the ADA coordinator should work with department staff to determine whether alternative modifications are available. Alternative methods that should be considered include (28 CFR 35.150):
 - 1. Reassigning services, programs, or activities to accessible buildings or facilities.
 - 2. Utilizing technology, equipment, rolling stock, or other conveyances.
 - 3. Delivering the services, programs, or activities directly to a person with a disability by way of home visits or meeting the person at an accessible location.
 - 4. Any other means or methods that would make services, programs, or activities readily accessible.
- (d) If no alternative modification is appropriate, the ADA coordinator shall issue a written statement explaining why a modification of the public service, program, or activity will not be made (28 CFR 35.150).

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205.4.2 PERSONAL DEVICES AND ASSISTANCE

Although employees should make every effort to comply with requests, the provision of personal devices or assistance (e.g., wheelchairs, eyeglasses, hearing aids, personal assistance in eating or using the restroom) to persons with disabilities is not required (28 CFR 35.135).

205.4.3 SURCHARGES

Surcharges shall not be imposed upon persons with disabilities to cover the costs of providing modifications to public services, programs, and activities (28 CFR 35.130(f)).

205.5 MOBILITY DEVICES

Wheelchairs and manually powered mobility devices such as walkers, crutches, canes, and braces are permitted in any areas open to pedestrians.

Power-driven mobility devices other than wheelchairs may be restricted only if a legitimate safety interest is identified that warrants the restriction (28 CFR 35.130(h); 28 CFR 35.137).

An employee should not ask a person using a power-driven mobility device to terminate the use of the device or leave the area unless an imminent and legitimate safety issue is present. If an employee is concerned about the use of a power-driven mobility device by a person with a disability, the employee should contact a supervisor.

The determination of whether a reasonable modification should be made for the use of a power-driven mobility device within a public building or facility should be based on whether the device, given its size and speed, can be safely used within the particular building or facility taking into account the layout and design of the building or facility, the amount of pedestrian traffic present in the building or facility, and whether there is any risk of damage to the building or facility or its immediate environment as set forth in 28 CFR 35.137.

205.5.1 INQUIRIES REGARDING MOBILITY DEVICES

If an individual is using a power-driven mobility device other than a wheelchair, the employee may seek credible assurance from the individual that the device is needed because of a disability. Credible assurance of the device's necessity may be provided in one of the following ways (28 CFR 35.137):

- (a) Presentation of a valid, state-issued disability placard or card
- (b) Presentation of any other state-issued proof of disability
- (c) A verbal statement, not contradicted by observable fact, that use of the device is necessary for mobility purposes

205.6 COMMUNICATIONS WITH PERSONS WITH DISABILITIES

Employees should remain alert to the possibility of communication problems when engaging with persons with disabilities. When an employee knows or suspects an individual requires assistance to effectively communicate, the employee should identify the individual's choice of assistive device, auxiliary aid, and service.

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The individual's preferred communication method should be honored unless another effective method of communication exists under the circumstances (28 CFR 35.160).

Factors to consider when determining whether an alternative method is effective include:

- (a) The methods of communication usually used by the individual.
- (b) The nature, length, and complexity of the communication involved.
- (c) The context of the communication.

In emergency situations involving an imminent threat to the safety or welfare of any person, employees may use whatever assistive device, auxiliary aid and service reasonably appears effective under the circumstances. This may include, for example, exchanging written notes or using the services of a person who knows sign language but is not a qualified interpreter, even if the person who is deaf or hard of hearing would prefer a qualified sign language interpreter or another appropriate assistive device, auxiliary aid, and service. Once the emergency has ended, the continued method of communication should be reconsidered. The employee should inquire as to the individual's preference and give primary consideration to that preference.

205.6.1 TYPES OF ASSISTANCE AVAILABLE

Employees shall not refuse an available type of assistive device, auxiliary aid, and service to a person with a disability who is requesting assistance. The City will not require persons with disabilities to furnish their own assistive device, auxiliary aid, and service as a condition for receiving assistance. The City will make every reasonable effort to provide equal access and timely assistance to persons with disabilities through a variety of assistive devices, auxiliary aids, and services.

Persons with disabilities may choose to accept city-provided assistive devices, auxiliary aids, and services, or they may choose to provide their own.

City-provided assistive devices, auxiliary aids, and services may include but are not limited to the assistance methods described in this policy.

205.6.2 AUDIO RECORDINGS AND ENLARGED PRINT

The City may develop audio recordings to assist people who are blind or have a visual impairment with accessing important information. If such a recording is not available, employees may read aloud from the appropriate form or provide forms with enlarged print.

205.6.3 QUALIFIED INTERPRETERS

A qualified interpreter may be needed in lengthy or complex interactions (e.g., public meetings or hearings, special or emergency meetings, plan reviews) for individuals who normally rely on sign language or speechreading (lip-reading) to understand what others are saying. The qualified interpreter should not be a person with an interest in the exchange. A person providing interpretation services may be required to establish the accuracy and trustworthiness of the interpretation in a local government or legal proceeding.

Qualified interpreters should be:

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- (a) Available within a reasonable amount of time.
- (b) Experienced in providing interpretation services.
- (c) Familiar with the use of VRS and/or video remote interpreting services.
- (d) Certified in either American Sign Language (ASL) or Signed English (SE).
- (e) Able to understand and adhere to the interpreter role without deviating into other roles, such as counselor or legal adviser.
- (f) Knowledgeable of the ethical issues involved when providing interpreter services.

Employees should use city-approved procedures to request a qualified interpreter at the earliest reasonable opportunity or when it is reasonably apparent that an interpreter is needed. Persons with disabilities shall not be required to provide their own interpreters (28 CFR 35.160).

205.6.4 TTY AND RELAY SERVICES

The City will accept all TTY or TDD calls placed by those who are deaf or hard of hearing and received via a telecommunications relay service.

Note that relay services translate verbatim, so the conversation must be conducted as if speaking directly to the caller.

205.6.5 COMMUNITY VOLUNTEERS

Interpreter services may be available from community volunteers who have demonstrated competence in communication services, such as ASL or SE, and have been approved by the City to provide interpreter services.

When qualified interpreters are unavailable to assist, approved community volunteers who have demonstrated competence may be called upon when appropriate. However, city employees must carefully consider the nature of the interaction and the relationship between the person with the disability and the volunteer to be reasonably satisfied that the volunteer can provide neutral and unbiased assistance.

205.6.6 FAMILY AND FRIENDS

While family or friends may offer to assist with interpretation, employees should carefully consider the circumstances before relying on such individuals. The nature of the interaction and relationship between the person with the disability and the person offering services must be carefully considered to determine whether the family member or friend can provide neutral and unbiased assistance.

Children shall not be relied upon except in emergency or critical situations when there is no qualified interpreter reasonably available.

Adults may be relied upon when (28 CFR 35.160):

- (a) There is an emergency or critical situation and there is no qualified interpreter reasonably available.

ADA Compliance

- (b) The person with the disability requests that the adult interpret or facilitate communication and the adult agrees to provide such assistance, and reliance on that adult for such assistance is reasonable under the circumstances.

205.6.7 FIELD ENFORCEMENT CONSIDERATIONS

It is important that employees are able to effectively communicate with persons with disabilities even though the location of the communication may hinder the employee's ability to provide assistive devices, auxiliary aids, and other services in a prompt manner.

Employees involved in interactions with persons with disabilities that occur in the field and that could result in any type of civil or criminal enforcement action (e.g., issuing code enforcement citations, shutting off a utility service) should assess each situation to determine if communication assistance is necessary. The length, complexity, and importance of the communication, as well as the individual's preferred method of communication, should be considered when determining what, if any, resources should be used and whether a qualified interpreter or other service is needed.

205.7 SERVICE ANIMALS

Service animals that are assisting persons with disabilities are permitted in all city buildings and facilities and other areas where the general public is allowed. City employees are expected to treat people with service animals with the same courtesy and respect that the City affords to all members of the public (28 CFR 35.136).

205.7.1 IDENTIFICATION AND USE OF SERVICE ANIMALS

Some service animals may be readily identifiable. However, many do not have a distinctive symbol, harness, or collar.

Service animals may be used in a number of ways to provide assistance, including:

- (a) Guiding people who are blind or have low vision.
- (b) Alerting people who are blind or have low vision.
- (c) Retrieving or picking up items, opening doors, or flipping switches for people who have limited use of their hands, arms, or legs.
- (d) Pulling wheelchairs.
- (e) Providing physical support and assisting with stability and balance.
- (f) Doing work or performing tasks for people with traumatic brain injury, intellectual disabilities, or psychiatric disabilities, such as reminding a person with depression to take medication.
- (g) Alerting a person with anxiety to the onset of panic attacks, providing tactile stimulation to calm a person with post-traumatic stress disorder, assisting people with schizophrenia to distinguish between hallucinations and reality, and helping people with traumatic brain injury to locate misplaced items or follow daily routines.

ADA Compliance

205.7.2 INQUIRIES REGARDING SERVICE ANIMALS

If it is apparent or if an employee is aware that an animal is a service animal, the individual generally should not be asked any questions as to the status of the animal. If it is unclear whether an animal meets the definition of a service animal, the employee should ask the individual only the following questions (28 CFR 35.136(f)):

- (a) Is the animal required because of a disability?
- (b) What task or service has the service animal been trained to perform?

If the individual explains that the animal is required because of a disability and has been trained to work or perform at least one task, the animal meets the definition of a service animal and no further questions as to the animal's status should be asked. Employees should not question individuals about their disabilities nor should employees ask any individual to provide a license, certification, or identification card for a service animal.

205.7.3 CONTACT WITH SERVICE ANIMALS

Service animals are not pets. City employees should not interfere with the important work performed by a service animal by talking to, petting, or otherwise initiating contact with a service animal.

205.7.4 REMOVAL OF SERVICE ANIMALS

If a service animal is not housebroken or exhibits vicious behavior, poses a direct threat to the health of others, or unreasonably disrupts or interferes with normal business operations, an employee should notify an appropriate supervisor who may direct the handler to remove the animal from the premises. Barking alone is not a threat nor does a direct threat exist if the person takes prompt, effective action to control the service animal (28 CFR 35.136(b)).

Each incident must be considered individually, and past incidents alone are not cause for excluding a service animal. Removal of a service animal may not be used as a reason to refuse access to services, programs, or activities to a person with a disability. Employees are expected to provide all services that are reasonably available to a person with a disability, with or without a service animal.

205.8 WEBSITE ACCESS

The ADA coordinator should work with appropriate city employees to develop online content that is readily accessible to persons with disabilities. City web content should be developed in conformance with the most current guidelines issued by the U.S. Department of Justice.

Website content should also be made available to persons with disabilities in an alternative format upon request, if reasonably practicable.

ADA Compliance

205.9 DOCUMENTATION

Whenever any modification, assistive device, auxiliary aid, and service has been provided, the employee involved should document:

- (a) The type of modification, aid, or service provided.
- (b) Whether the individual elected to use an assistive device, auxiliary aid, and service provided by the City or some other identified source, if applicable.
- (c) Whether the individual's express preference for the modification, assistive device, auxiliary aid, and service was not honored, and the reason why an alternative method was used.

The documentation and any written communications exchanged should be maintained consistent with the Records Maintenance and Release Policy.

205.10 COMPLAINTS

An employee who receives a complaint or becomes aware of potential disability discrimination, an ADA violation, or a person's inability to access a city program, service, or activity should document the complaint and refer the matter to the ADA coordinator (28 CFR 35.107).

205.11 TRAINING

Employees who may have contact with persons with disabilities should receive periodic training on ADA compliance, to include:

- (a) Awareness and understanding of this policy and related procedures, related forms, and available resources.
- (b) Procedures for handling requests for modifications.
- (c) Accessing assistive devices, auxiliary aids, and services needed to communicate with persons with disabilities.
- (d) General requirements of the ADA, including modifying policies and practices, communicating with and assisting customers, accepting calls placed through alternative systems, and identifying alternate ways to provide access to programs, services, and activities as appropriate to the employee's job duties.

Training records should be maintained in each employee's personnel file in accordance with the established records retention schedule.

Emergency Management Plan

206.1 PURPOSE AND SCOPE

This policy addresses the preparation, maintenance, and activation of the city's emergency management plan.

206.2 POLICY

The City will prepare for large-scale emergencies within and outside its jurisdiction through planning, mutual cooperation with other agencies, and maintenance of an emergency management plan.

206.3 CITY RESPONSIBILITIES

The City Manager should designate a person responsible for the city's emergency management plan and the coordination with applicable local and state departments and entities for disaster planning, mitigation, response, and recovery efforts.

206.4 ACTIVATING THE EMERGENCY MANAGEMENT PLAN

The emergency management plan should include direction on how to activate the emergency management plan and who can activate it in response to a major emergency.

206.4.1 RECALL OF PERSONNEL

In the event that the emergency management plan is activated, all employees of the City are subject to immediate recall to service. Employees may also be subject to recall during extraordinary circumstances as deemed necessary.

Failure to promptly respond to an order to report to work may result in discipline.

206.5 LOCATION OF THE EMERGENCY MANAGEMENT PLAN

Copies of the emergency management plan should be available to appropriate personnel. All supervisors should familiarize themselves with the emergency management plan and assist employees in familiarizing themselves with the roles they will play when the plan is implemented.

206.6 EMERGENCY MANAGEMENT PLAN REVIEW

The City Manager or the authorized designee should review the emergency management plan at least once every two years and ensure that the plan conforms to any revisions made by the National Incident Management System (NIMS). The City Manager or the authorized designee should appropriately address any needed revisions.

206.7 TRAINING

The City should provide training on the emergency management plan for appropriate personnel. Training should incorporate a full or partial exercise or a tabletop or command discussion

Volunteers

207.1 PURPOSE AND SCOPE

This policy establishes the guidelines for volunteers to supplement and assist city personnel in their duties. Trained volunteers can augment city personnel and help complete various tasks.

207.1.1 DEFINITIONS

Definitions related to this policy include:

Volunteer - An individual who performs a service for the City without promise, expectation, or receipt of compensation for services rendered. This may include interns, persons providing administrative support, and individuals participating in school-sponsored, educational, or diversion programs, among others. Volunteers may be youths or adults.

207.2 POLICY

It is the policy of the City that volunteers be appointed, trained, and supervised to carry out specified tasks and duties in an effort to create an efficient local government and improve services to the community.

207.3 ELIGIBILITY

Requirements for participation as a volunteer for the City may include but are not limited to:

- (a) Residency in the City.
- (b) The ability to meet any necessary age requirements.
- (c) Possession of a valid driver's license, if the position requires vehicle operation.
- (d) Possession of liability insurance for any personally owned equipment, vehicles, or animals utilized during volunteer work.
- (e) No conviction of a felony, any crime of a sexual nature or against children, any crime related to assault or violence, any crime related to dishonesty, or any crime that would be inconsistent with volunteer service with the City.
- (f) The ability to meet physical requirements reasonably appropriate to the assignment.
- (g) A personal background history and character suitable for a person representing the City, as validated by a background investigation, as appropriate.

The City Manager may allow exceptions to these eligibility requirements based on organizational needs and the qualifications of the individual.

207.3.1 MINORS

Volunteers younger than age 14 must be accompanied by a parent or legal guardian during the performance of their volunteer assignments. Volunteers between the ages of 14 and 18 must have the written consent of a parent or guardian prior to volunteering.

Volunteers

207.4 RECRUITMENT, SELECTION, AND APPOINTMENT

The City shall endeavor to recruit and appoint only those applicants who meet the high ethical, moral, and professional standards set forth by this city.

207.4.1 RECRUITMENT

Volunteers should be recruited on a continuous and ongoing basis consistent with city policy on equal opportunity, nondiscriminatory employment. A primary qualification for participation in the application process should be an interest in and an ability to assist the City in serving the public.

207.4.2 SELECTION

Volunteer candidates may be required to successfully complete the following process prior to appointment as a volunteer:

- (a) Submit the appropriate written application.
- (b) Interview with a designated city official.
- (c) Successfully complete an appropriate-level background investigation or screening.

207.4.3 APPOINTMENT

Service as a volunteer with the City shall begin with an official notice of acceptance or appointment by the City Manager or an authorized designee. Notice may only be given by an authorized representative of the City.

No volunteer should begin any assignment until officially accepted for the position and all required screening and paperwork has been completed. At the time of final acceptance, each volunteer should complete all required enrollment paperwork and will receive a copy of the position description and agreement of service with the City.

All volunteers shall receive a copy of applicable volunteer orientation materials and shall be required to sign a volunteer agreement.

Volunteers serve at the discretion of the City Manager.

207.5 IDENTIFICATION AND DRESS CODE

As representatives of the City, volunteers are responsible for presenting a professional image to the community. Volunteers shall dress appropriately for the conditions and performance of their assignment.

Necessary safety equipment will be provided for each volunteer and uniforms may be provided, if appropriate for the volunteer position. When uniforms are provided, identification symbols worn by volunteers shall be different and distinct from those worn by city employees through the inclusion of "Volunteer" on the uniform.

Certain volunteers may be issued city identification cards to be carried at all times while in the performance of their assignment. The identification cards may be the standard city identification cards, except that "Volunteer" will be indicated on the cards.

Volunteers

207.6 PERSONNEL WORKING AS VOLUNTEERS

Qualified regular city personnel, when authorized, may also serve as volunteers. However, this city shall not utilize the services of volunteers in such a way that it would violate employment laws or employment agreements. Therefore, the volunteer coordinator should consult with the City Manager or the authorized designee prior to allowing regular city personnel to serve in a volunteer capacity (29 CFR § 553.100 et seq.).

207.7 RESPONSIBILITIES

Volunteers assist city personnel as needed. Volunteers may be assigned to one department to augment the support of paid personnel, but they may be reassigned as needed. Volunteers should be placed only in assignments or programs that are consistent with their knowledge, skills, and abilities and the needs of the City.

207.7.1 COMPLIANCE

Volunteers shall be required to adhere to all city policies and procedures. A copy of the policies and procedures will be made available to each volunteer upon appointment. The volunteer shall become thoroughly familiar with these policies.

Whenever a rule, regulation, or guideline in this Policy Manual refers to city employees, it shall also apply to a volunteer, unless by its nature it is inapplicable.

Volunteers are required to meet city-approved training requirements as applicable to their assignments.

207.7.2 VOLUNTEER MEETINGS

All volunteers are required to attend scheduled meetings. Any absences must be satisfactorily explained to the employee overseeing that volunteer's service.

207.8 TASK-SPECIFIC TRAINING

Task-specific training is intended to provide the required instruction and practice for volunteers to properly and safely perform their assignments. Training should correspond to the volunteer's assignment.

Volunteers will be provided with an orientation program to acquaint them with the policies of the City and procedures applicable to their assignments.

Volunteers should receive position-specific training to ensure they have adequate knowledge and skills to complete the required tasks, and should receive ongoing training as deemed appropriate by their supervisors or the volunteer coordinator.

Training should reinforce to volunteers that they shall not intentionally represent themselves as, or by omission imply that they are, full-time employees of the City. They shall always represent themselves as volunteers.

All volunteers shall comply with the standards of conduct and with all applicable orders and directives, either oral or written, issued by the City.

Volunteers

207.8.1 VOLUNTEER TRAINING MATERIALS

Volunteers will be issued training materials when necessary, based upon the volunteer assignment. The materials should outline the subject matter and skills necessary to properly function as a volunteer with the City. The volunteer shall become knowledgeable of the subject matter and proficient with the skills as set forth in the training materials.

207.9 SUPERVISION

Each volunteer must have a clearly identified supervisor who is responsible for direct management of that volunteer. This supervisor will be responsible for day-to-day management and guidance of the work of the volunteer and should be available to the volunteer for consultation and assistance.

Functional supervision of volunteers is the responsibility of the supervisor in charge of the volunteer's assignment. The following are some considerations that supervisors should keep in mind while supervising volunteers:

- (a) Take the time to introduce volunteers to employees on all levels.
- (b) Ensure volunteers have work space and necessary office supplies.
- (c) Make sure the work is challenging. Do not hesitate to give volunteers an assignment or task that will utilize these valuable resources.

A volunteer may be assigned as a supervisor of other volunteers, provided that the supervising volunteer is under the direct supervision of an employee.

207.9.1 EVALUATIONS

A volunteer will be considered a trainee until training has been satisfactorily completed. Volunteers who have completed their training should be evaluated annually using performance dimensions applicable to the assignment and authorities granted to that volunteer.

207.9.2 FITNESS FOR DUTY

No volunteer shall report for work or be at work when the volunteer's judgment or physical condition has been impaired due to illness or injury, or by the use of alcohol or drugs, whether legal or illegal.

Volunteers shall report to their supervisors any change in status that may affect their ability to fulfill their assignments.

207.10 INFORMATION ACCESS

With appropriate security clearance, a volunteer may have access to or be in the vicinity of confidential or protected information, including but not limited to legal materials, financial data, or information portals. Unless otherwise directed by a supervisor, the responsibilities of the position, or policy, all such information shall be considered confidential. Only that information specifically identified and approved by authorized employees shall be released. Confidential information shall be given only to persons who have a need and a right to know as determined by city policy and supervisory personnel.

A volunteer whose assignment requires the use of, or access to, confidential or protected information will be required to obtain the necessary security clearance, which may include a

Volunteers

criminal background check and/or the submission of fingerprints to the appropriate state agency. Volunteers working this type of assignment will receive training in data practices and be required to sign a nondisclosure agreement before being given an assignment with the City. Subsequent unauthorized disclosure of any confidential information verbally, in writing, or by any other means by the volunteer is grounds for immediate dismissal and possible criminal prosecution.

Volunteers shall not address public gatherings, appear on radio or television, prepare any article for publication, act as correspondents to newspapers or other periodicals, release or divulge any information concerning the activities of the City, or maintain that they represent the City in such matters without permission from the proper city personnel.

207.10.1 RADIO USAGE

Any volunteer who operates city radios while acting in the capacity of a volunteer should receive appropriate training on radio usage.

207.11 EQUIPMENT

Any property or equipment issued by the City shall be for official and authorized use only. Any property or equipment issued to a volunteer shall remain the property of the City and shall be returned at the termination of service.

207.11.1 VEHICLE USE

Any volunteer who operates any vehicle while acting in the capacity of a volunteer shall receive training in safe driving. The specific training and course of study shall be determined by the volunteer coordinator and supervisor in charge of the volunteer's assignment.

Volunteers whose assignments require the use of a vehicle must first complete:

- (a) A driving safety briefing and, if necessary to the volunteer position, a city-approved driver safety course.
- (b) Verification that the volunteer possesses a valid driver's license.
- (c) Verification that the volunteer carries current vehicle insurance.

The employee responsible for the volunteer should ensure that all volunteers receive safety briefing updates and license and insurance verification at least once a year.

When operating city vehicles, volunteers shall obey all rules of the road, including seat belt requirements.

Volunteers should not operate marked law enforcement or other emergency operation vehicles unless there is a prominently placed sign indicating that the vehicle is out of service.

Volunteers are not authorized to operate city vehicles while using the vehicle's emergency equipment (e.g., emergency lights, siren).

207.12 DISCIPLINARY PROCEDURES/TERMINATION

If a volunteer becomes the subject of a complaint or administrative investigation, the matter may be investigated in accordance with city procedures applicable to regular employees.

Volunteers

Volunteers are considered at-will and may be removed from service at the discretion of the City Manager or the authorized designee, with or without cause. Volunteers shall have no property interest in their continued appointments or due process interest in an administrative investigation. However, if removed for alleged misconduct, the volunteer will be afforded an opportunity solely to clear the volunteer's name through a liberty interest hearing, which shall be limited to a single appearance before the City Manager or the authorized designee.

Volunteers may resign from volunteer service with the City at any time. It is requested that volunteers who intend to resign provide advance notice and a reason for their decision.

Chapter 3 - Facilities

Key and Electronic Access Device Controls

300.1 PURPOSE AND SCOPE

The control and accountability of keys is important to maintain a safe and secure environment for employees and members of the public.

300.1.1 DEFINITIONS

Definitions related to this policy include:

Key - All electronic or mechanical devices used to access or exit city buildings and facilities. It includes proximity cards, key fobs, and other electronic access devices.

300.2 POLICY

It is the policy of the City that all keys used to access local government buildings and facilities are inventoried and controlled.

300.3 KEY IDENTIFICATION

All keys that open any doors or locks to city buildings or facilities should be marked with unique identification codes that will allow for quick inventory. Keys that are bundled together as a set should be numbered or coded with a tag to identify that set and the number of keys on the ring. The identifying numbers or codes on keys should not correspond to numbers/codes on locks.

A separate secure document identifying all keys will be maintained by the City Manager or the authorized designee.

300.4 KEY CONTROL

Keys may be issued to employees or accessed and checked out by authorized employees from secure designated areas. Keys issued to or accessed and checked out by employees shall be limited to only those keys necessary for the employee's position.

Employees shall not loan a key or key set to another person. All keys must be issued or checked out through the control process. Employees shall not possess any key for which they have not been authorized.

All keys issued or checked out to employees remain the property of the City. Employees shall not duplicate, mark, alter, or manufacture any key without written authorization from the City Manager or the authorized designee.

The City Manager or the authorized designee should regularly inventory all city keys.

300.5 LOCK POLICY

All city buildings and facilities should be kept locked during non-operating hours. Employees shall not leave public entrances to city buildings and facilities unlocked or propped open during non-operating hours. Employees should never leave non-public entrances to city buildings and facilities unlocked or propped open.

Key and Electronic Access Device Controls

300.6 TESTING

The City Manager or the authorized designee should periodically test locks to doors and gates for proper function and document the testing.

300.7 EMERGENCY KEY SET

At least one key set containing every key for city buildings and facilities should be kept separate from all of the other key sets in a secure location and made accessible only to the City Manager or the authorized designee in the event of an emergency.

300.8 MISSING KEYS

Any employee who discovers that a key or key set is missing shall report it to a supervisor as soon as reasonably practicable. If a reasonable effort to locate the key fails, the supervisor shall notify the City Manager or the authorized designee regarding the loss of the key, when it was discovered, and the circumstances involved.

The City Manager or the authorized designee will determine whether to re-key any locks that may have been compromised, and whether this should be done immediately.

300.9 DAMAGED KEYS OR LOCKS

Malfunctioning or damaged keys or locks shall be promptly reported to a supervisor. No part of a broken key should be left in the lock. All portions of the damaged key must be turned in to a supervisor, who will provide a replacement key as needed. Damaged locks should be replaced or repaired as soon as practicable. Appropriate security measures should be taken until such time as the lock is properly restored.

300.10 KEY CONTROL RECORDS

The City Manager or the authorized designee will maintain documentation for the accounting and security of all keys and key sets. Key control measures should be documented by the designated employee and the records retained in accordance with established records retention schedule.

Public Safety Video Surveillance System

301.1 PURPOSE AND SCOPE

This policy provides guidance for the placement and monitoring of city public safety video surveillance, as well as the storage and release of the captured images.

301.2 POLICY

The City operates a public safety video surveillance system to enhance public safety and security in public areas. Cameras may be placed in strategic locations to help safeguard against potential threats to the public, to help manage emergency response situations during natural and man-made disasters, and to assist city officials in providing services to the community.

Video surveillance in public areas will be conducted in a legal and ethical manner while recognizing and protecting constitutional standards of privacy.

301.3 OPERATIONAL GUIDELINES

Only city-approved video surveillance equipment shall be utilized. Employees authorized to monitor video surveillance equipment should only monitor public areas and public activities where no reasonable expectation of privacy exists. The City Manager or the authorized designee shall approve all proposed locations for the use of video surveillance technology and should consult with and be guided by legal counsel as necessary in making such determinations.

301.3.1 PLACEMENT AND MONITORING

Camera placement will be guided by the underlying purpose or strategy associated with the overall video surveillance plan. As appropriate, the City Manager or the authorized designee should confer with any appropriate city department and designated community groups when evaluating camera placement. Environmental factors, including lighting, location of buildings, and presence of vegetation or other obstructions, should also be evaluated when determining placement.

Generally, cameras should only record video images and not sound. The public safety video surveillance system may be useful for the following purposes:

- (a) To prevent, deter, and identify criminal activity.
- (b) To respond to critical incidents.
- (c) To augment resources in a cost-effective manner.
- (d) To monitor pedestrian and vehicle traffic activity.

Images from each camera should be recorded in a manner consistent with the underlying purpose of the particular camera. When activity warranting further investigation is reported or detected at any camera location, the available information should be preserved and the appropriate department should be notified in a timely manner.

The City Manager or the authorized designee may authorize video feeds from the public safety video surveillance system to be forwarded to a specified location for monitoring by

Public Safety Video Surveillance System

law enforcement, government agencies, road or traffic crews, or fire or emergency operations personnel.

Unauthorized recording, viewing, reproduction, dissemination, or retention of anything documented by public safety surveillance equipment is prohibited.

301.3.2 CAMERA MARKINGS

All public areas monitored by public safety surveillance equipment should be marked in a conspicuous manner with appropriate signs to inform the public that the area is under surveillance by the City. Signs should be well lit, placed appropriately, and without obstruction to ensure visibility.

301.3.3 INTEGRATION WITH OTHER TECHNOLOGY

The City may elect to integrate its public safety video surveillance system with other technology to enhance available information. Integration with video-based analytical systems may be considered based upon availability and the nature of the surveillance strategy.

The City should evaluate the availability and propriety of networking or otherwise collaborating with appropriate private sector entities and should evaluate whether the use of certain camera systems requires additional safeguards.

301.4 VIDEO SUPERVISION

Supervisors should monitor video surveillance access and usage to ensure employees follow city policy and applicable laws. Supervisors should ensure such use and access is appropriately documented.

301.4.1 VIDEO LOG

A log should be maintained at all locations where video surveillance monitors are located. The log should be used to document all persons not assigned to the monitoring locations who have been given access to view or monitor images provided by the video surveillance cameras. The logs should, at a minimum, record the:

- (a) Date and time access was given.
- (b) Name and department of the person being given access to the images.
- (c) Name of the person authorizing access.
- (d) Identifiable portion of images viewed.

301.4.2 PROHIBITED ACTIVITY

Public safety video surveillance systems will not intentionally be used to invade the privacy of individuals or observe areas where a reasonable expectation of privacy exists.

Public safety video surveillance equipment shall not be used in an unequal or discriminatory manner and shall not target individuals or groups based solely on actual or perceived characteristics such as race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, economic status, age, cultural group, or disability.

Public Safety Video Surveillance System

Video surveillance equipment shall not be used to harass, intimidate, or discriminate against any individual or group.

301.5 STORAGE AND RETENTION OF MEDIA

All downloaded media shall be stored in a secure area with access restricted to authorized persons. All actions taken with respect to preservation or retention of media shall be appropriately documented.

The type of video surveillance technology employed and the manner in which recordings are used and stored will affect retention periods. The recordings should be stored and retained in accordance with this policy and the established records retention schedule.

301.5.1 EVIDENTIARY INTEGRITY

Any recording that has been identified as evidence, or that could be relevant to pending or reasonably anticipated investigations or legal action, shall be preserved in a manner that retains its original content.

301.6 RELEASE OF VIDEO IMAGES

All recorded video images gathered by the public safety video surveillance equipment are for the official use of the City.

Requests for recorded video images from the public or the media shall be processed in the same manner as requests for public records.

Requests for recorded images from other government entities shall be processed as a request to share a record under the Utah Government Records Access and Management Act.

Recorded video images that are the subject of a court order or subpoena shall be processed in accordance with the established city subpoena process.

301.7 VIDEO SURVEILLANCE AUDIT

The City Manager or the authorized designee will conduct an annual review of the public safety video surveillance system. The review should include an analysis of the cost, benefit, and effectiveness of the system, including any public safety issues that were effectively addressed and any systemic operational or administrative issues that were identified, including those related to training, discipline, or policy.

The results of each review shall be appropriately documented and maintained by the City Manager or the authorized designee and other applicable advisory bodies. Any recommendations for training or policy should be promptly addressed.

301.8 TRAINING

All city employees authorized to operate or access public safety video surveillance systems should receive appropriate training. Training should include guidance on the use of cameras and a review

Public Safety Video Surveillance System

of relevant policies and procedures. Training should also address state and federal law related to the use of video surveillance equipment and privacy.

Use of Public Facilities

302.1 PURPOSE AND SCOPE

This policy provides guidance regarding the permitting process for the use of city facilities by members of the public.

This policy does not apply to spontaneous expressive activities such as demonstrations or to expressive activities of groups of fewer than 50 people. Nor does it apply to other gatherings of fewer than 50 persons when the department head has developed appropriate nondiscriminatory application or request processes for the use of city facilities under the control of the department head.

302.1.1 DEFINITIONS

Definitions related to this policy include:

Applicant - Any individual, group, or organization seeking approval to use city facilities.

Facilities - Any buildings, rooms, structures, sites, complexes, parks, roads, walkways, parking areas, equipment, and other real or personal property owned or leased by the city that are made available for use by the general public.

302.2 POLICY

It is the policy of the City to make certain facilities available for public use in a fair and equitable manner based on an established application and permitting process.

302.3 PERMIT PROCESS

The City Manager or the authorized designee should develop, implement, and maintain a permitting process for the use of city facilities. The process should include:

- (a) A standardized application and reservation system.
- (b) An application submittal period and review process.
- (c) A method of communicating confirmations and denials of applications, as well as an appeals process for denials.
- (d) Permit forms for facility use.
- (e) A fee schedule for facility use and for payment of deposits, balances due, and refunds.
- (f) A nondiscriminatory process for establishing how much liability insurance will be required from applicants.
- (g) A process for making changes to existing reservations and for cancellations.
- (h) The designation of city employees responsible for enforcing permit terms.
- (i) Rules and regulations for facility use (e.g., cleaning, smoking/vaping, alcohol use, food and beverage sales or service, insurance coverage).

Use of Public Facilities

- (j) A process for determining when free speech expression areas will be necessary and a process for designation and monitoring of such areas, when used.

The City Manager should also adopt and maintain city requirements related to facility use permits, including duration of use, traffic control, and noise limitations.

302.3.1 APPLICATION REVIEW

- (a) The following should be considered when determining whether to grant or deny an application for facility use:
 1. The application should be complete and not contain false or misleading information.
 2. The activity or event should not pose unreasonable health or safety risks.
 3. Appropriate ancillary facilities such as parking and sanitary facilities should be available and adequate for the activity or event.
 4. The activity or event should not pose an unreasonable risk of damage to city facilities.
 5. An application should be denied if the applicant has damaged city facilities in the past and has failed to pay for the damages.
 6. Adequate supervision and security personnel for the activity or event should be provided by the applicant.
- (b) When determining whether to grant or deny an application for facility use, the City shall not consider an applicant's:
 1. Actual or perceived classification or status protected by law, such as religion, race, or gender identity or expression.
 2. Political, social, or ideological beliefs.
 3. Viewpoint, message, or program content and any anticipated response.

302.3.2 PERMIT TERMS

Permits should contain the applicant's agreement to:

- (a) Return the facilities to their original condition and assume responsibility for any damage or loss sustained.
- (b) Comply with all federal, state, and local laws, regulations, and ordinances, as well as all permit requirements and conditions imposed by the City.
- (c) Refrain from promoting, permitting, or engaging in illegal activity.
- (d) Obtain a general liability insurance policy in the amount required naming the City as an additional insured and identifying the policy as primary to the city's insurance coverage.
- (e) Make it clear to the public that the activity or event is the applicant's and that any message is not endorsed or made by the City.

Use of Public Facilities

Permits should also contain notice to the permittee that failure to comply with permit terms may result in enforcement action and denial of future applications.

302.4 DISTURBANCES OR CRIMINAL ACTIVITY

Non-law enforcement employees should not attempt to physically control a person or group that is creating a disturbance or engaging in criminal activity on city property during a permitted activity or event. Such instances, as well as unapproved demonstrations or acts of civil disobedience, should be reported to law enforcement for handling.

302.5 RECORDS

All records created and submitted during and related to the permitting process should be maintained in accordance with the established records retention schedule.

Holiday Displays

303.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on holiday displays by the City.

The use of city facilities by members of the public or private groups is addressed in the Use of Public Facilities Policy.

Memorials on city property are addressed in the Memorials on Public Property Policy.

303.2 POLICY

It is the policy of the City that city seasonal temporary holiday displays be appropriate and lawful.

303.3 RESPONSIBILITIES

The City Manager should review and approve each city holiday display.

The City Manager's review should be completed prior to installation of the display and should include a review of the following:

- (a) The location of the display, including the types of structures and properties immediately adjacent to the display.
- (b) The manner and format in which the different secular and non-secular decorations will be displayed.
- (c) Whether the display complies with the criteria set forth in this policy.

If the City Manager has any concerns regarding the content of the display, counsel should be consulted prior to proceeding.

303.4 REVIEW CRITERIA

A city holiday display should not have an overall effect of supporting or endorsing a religion or denigrating or inhibiting any religion or religious belief. When reviewing a proposed display, the City Manager should consider the following:

- (a) The holiday display should:
 1. Have a primary purpose that is secular.
 2. Recognize the celebration of the holidays and/or seasonal traditions (e.g., lights, snowflakes, Santa Claus in the winter; bunnies, baskets, eggs in the spring).
 3. Include religious symbols only if they are accompanied by numerous other non-religious holiday items and in a non-religious setting.
- (b) The holiday display should not:
 1. Include religious symbols (e.g., a nativity scene, a cross, a menorah) alone or in a setting that focuses on or draws attention to a specific religion or the religious nature of a symbol.

Holiday Displays

2. Be placed in any location that makes it appear that the display endorses a religion (e.g., on property adjacent to a church, other religious institution, or area connected to a religion; on city property that has a statue, monument, or sign that in combination with a holiday display might appear to endorse a religion).
3. Be used for any religious practices or ceremonies.

Memorials on Public Property

304.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance on the review and approval of city memorials and the relocation, alteration, or removal of existing memorials on city property.

This policy addresses memorials established by the City and memorials requested or donated by members of the public.

This policy does not apply to the following:

- (a) Works of art that are not memorial or commemorative in nature
- (b) Signage or plaques placed on city property for the purpose of acknowledging a donor or sponsor
- (c) Historical markers or placards that provide information to the public

Temporary displays on city property are addressed in the Holiday Displays and the Use of Public Facilities policies.

304.1.1 DEFINITIONS

Definitions related to this policy include:

Memorial - A permanent monument, museum, building, garden, plaque, sculpture, or the like intended to commemorate or preserve the memory of a person, group, action, or event.

304.2 POLICY

It is the policy of the City that memorials on city property be considered and approved pursuant to this policy.

304.3 RESPONSIBILITIES

The City Manager or the authorized designee should:

- (a) Establish procedures for the submission, review, and approval of requests by members of the public for new city memorials or for the removal, alteration, or relocation of existing memorials. The procedures should include:
 - 1. That all requests be submitted in writing.
 - 2. For new memorials, that the request includes detailed information regarding the form and substance of the proposed memorial, the proposed location, and the proposed source of funding.
 - (a) The proposed memorial should be presented either in fully finished form or in a model prior to final acceptance by the City.
 - 3. For existing memorials, that the request includes the reason for the requested removal, relocation, or alteration.
 - (a) Requests for relocation should identify the new proposed location.

Memorials on Public Property

- (b) Requests for alteration should detail the type and form of the proposed alteration.
 - 4. Review by any appropriate department.
 - 5. The opportunity for input from members of the public.
 - 6. The opportunity for the City to ask the requester for modifications to a proposed memorial, relocation, or alteration consistent with this policy.
 - 7. That any denial of a request be documented.
 - 8. An appeal process to the City Manager or the governing body for application denials or modification requests.
- (b) Provide notice to members of the public making requests that:
- 1. For new memorials, the memorial becomes the property of the City upon installation.
 - 2. The City may deny any request after a review of the request under the procedures established by this policy.
 - 3. The City will make a final determination as to the location of all new or relocated memorials within the City.
 - 4. Existing memorials on city property do not establish a precedent for any future approvals.
- (c) Adopt and maintain additional city requirements relating to new memorials or the removal, alteration, or relocation of existing memorials.
- 1. Requirements may include size, material quality, and appearance standards.
- (d) Coordinate a process for the periodic review of existing memorials to consider whether:
- 1. Relocation, alteration, or removal is appropriate. This process should include the evaluation of the overall condition of the memorial and whether there are any reasons to consider the relocation, alteration, or removal of the memorial.
 - 2. Designation as a historic landmark or district under federal, state, or local laws or guidelines is appropriate for any memorials.
- (e) Create a list of all memorials within the City that includes the type of memorial, the current location of the memorial, and any specific maintenance, safety, or access information relevant to the memorial.

304.4 CONSIDERATIONS FOR NEW MEMORIALS

The following criteria should be considered for all new memorials:

- (a) The memorial should:
 - 1. Support or promote the common history of the City, local culture, civic identity, or mission of the City.
 - 2. Be of historical or social significance.

Memorials on Public Property

3. Be located in an area that is connected with the person or event being commemorated.
 4. Be compatible with the area surrounding the proposed location.
 - (a) The size, content, and appearance of the memorial should improve or otherwise enhance the social and physical environment of the surrounding area.
 5. Comply with any additional city requirements related to memorials.
- (b) The memorial should not:
1. Present unreasonable maintenance, security, environmental, or access issues.
 2. Be offensive to a reasonable person.
 3. Reasonably appear to be promoting, favoring, or inhibiting any religion or political affiliation.

Consideration should be given to how the memorial corresponds with other memorials in the immediately surrounding area and in the City generally.

304.5 CONSIDERATIONS FOR THE REMOVAL, ALTERATION, OR RELOCATION OF EXISTING MEMORIALS

The following criteria should be applied to all cases where the removal, alteration, or relocation of a memorial is being considered, whether initiated by a request from members of the public or internally by city officials or staff.

- (a) The memorial should be removed, altered, or relocated, as appropriate, if:
1. The memorial has deteriorated to the extent that it cannot be safely maintained in its current location.
 2. Security issues make the current location unreasonable.
 3. The memorial is damaged beyond reasonable repair.
 4. Social or environmental changes to the location or surrounding area have made the memorial no longer appropriate for the location.
 5. The memorial is no longer sufficiently connected to the common history, local culture, or mission of the City.
 6. A more appropriate alternative location for the memorial is reasonably available.
- (b) The memorial should not be removed, altered, or relocated:
1. If federal, state, or local laws restrict the removal, alteration, or relocation of the memorial.
 2. Without appropriate pre-approvals from federal, state, or local officials, as required.
 3. If removal, alteration, or relocation is not consistent with additional requirements adopted or maintained by the City Manager.

Memorials on Public Property

4. Without final approval of the City's governing body.

304.6 DAMAGE OR DETERIORATION

Employees who observe damage to or significant deterioration of an existing memorial should report the damage to a supervisor. Appropriate repairs may be made with supervisory approval.

If damage or deterioration to a memorial reasonably appears to present a safety issue, access to the memorial should be restricted and a supervisor should be immediately notified.

304.7 DOCUMENTATION

The following should be created and maintained consistent with the established records retention schedule:

- (a) The list of memorials within the City.
- (b) Documentation relating to the approval of any new memorials.
- (c) Documentation relating to the removal, relocation, or alteration, of any memorial, including the reason for the action, and whether the memorial has been stored or otherwise disposed of.

Flags

305.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the proper display of flags at city facilities.

305.2 POLICY

It is the policy of the City to display flags in compliance with federal and state laws and local ordinances.

305.3 DISPLAY OF FLAGS

Flags flown at city facilities will be displayed in the following order of prominence:

- (a) The United States flag
- (b) Flags of foreign governments recognized by the United States when flown with the United States flag
- (c) The state flag
- (d) The city flag
- (e) The department flag
- (f) Any commemorative flags

305.4 DISPLAYING THE FLAG OF THE UNITED STATES

Federal law providing for the use and the display of the United States flag is contained in Title 4 Chapter 1 of the United States Code, commonly referred to as the "Flag Code." The City will display the flag of the United States in accordance with the provisions of 4 USC § 1 through 4 USC § 10.

305.4.1 DISPLAY OF THE UNITED STATES FLAG IN DAILY OPERATIONS

Employees should consult the Flag Code for guidance whenever the flag of the United States is to be displayed in any manner. This is to ensure that the display is presented in accordance with the Flag Code and as follows:

- (a) The United States flag should be conspicuously posted on all city facilities during hours of operation.
- (b) It is the universal custom to display the flag only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness (4 USC § 6).
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed (4 USC § 6).
- (d) The United States flag may only be flown at half-staff by Presidential or Gubernatorial decree, and on Memorial Day until noon (4 USC § 7).

Flags

Whenever the United States flag is displayed in conjunction with other flags or symbols it should occupy the "Place of Honor" (4 USC § 7).

305.5 DISPLAY OF THE STATE FLAG

When displayed, the City will display the state flag prominently and in the proper position of honor in accordance with the United States Flag Code.

305.5.1 DISPLAY OF THE STATE FLAG IN DAILY OPERATIONS

Employees should review state law for guidance whenever the flag is to be displayed in any manner to ensure that the display is presented appropriately. Displays of the flag should be consistent with the following protocol:

- (a) The flag may be conspicuously posted on all city facilities during hours of operation.
- (b) Generally, the flag should be displayed only from sunrise to sunset on buildings and on a stationary flagstaff in the open. However, the flag may be displayed 24 hours a day if it is properly illuminated during the hours of darkness.
- (c) The flag should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
- (d) The flag shall be flown at half-staff whenever the flag of the United States is flown at half-staff, and may only be flown at half-staff at other times by order of the Governor.
- (e) Whenever the flag is displayed in conjunction with the United States flag, the United States flag shall occupy the position of first honor (4 USC § 7). When the flag is displayed in conjunction with other flags or symbols, it should occupy the position of honor.

305.6 DISPLAY OF COMMEMORATIVE OR UNOFFICIAL FLAGS

City flag displays, including but not limited to flagstaffs, are not intended to serve as a forum for free expression by the public. The display of flags is a form of government speech by City leaders and the governing body. Commemorative flags or flags not identified in this policy, including flags of a government not recognized by the United States, should not be displayed by the City without prior approval from the City Manager.

Chapter 4 - Equipment

Local Government-Owned and Personal Property

400.1 PURPOSE AND SCOPE

This policy addresses the care of city-owned property and the role of the City when personal property, the property of another person or entity, or city-owned property is damaged or lost.

400.2 POLICY

The City will ensure that employees are issued appropriate property and equipment necessary for the employee's job function. The City will take steps to minimize the cost associated with maintaining city property, including personal property authorized for use in the employee's duties.

400.3 LOCAL GOVERNMENT-ISSUED PROPERTY

Supervisors should document all property and equipment issued by the City in the appropriate file at the time of issuance. Receipt of issued items valued at over five-hundred dollars (\$500.00) shall be acknowledged by the receiving employee's signature. Upon separation from the City, all issued property and equipment, including identification badges, keys and supplies, shall be returned unless other arrangements have been authorized by the supervisor. Documentation of the return shall be acknowledged by the signature of a supervisor.

400.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall be responsible for the safekeeping, serviceable condition, proper care, proper use, and replacement of city property that has been assigned or entrusted to them.

- (a) Employees shall promptly report, through their supervisors, any loss of, damage to, or unserviceable condition of any city-issued property or equipment.
- (b) The use of damaged or unserviceable property should be discontinued as soon as practicable, and the item replaced with a comparable item as soon as available.
- (c) Except when otherwise directed by a supervisor or when exigent circumstances exist, city-issued property shall only be used by those to whom it was assigned. Use should be limited to official purposes and in the capacity for which it was designed.
- (d) City-issued property shall not be thrown away, sold, traded, donated, destroyed, or otherwise disposed of without prior approval.
- (e) Employees should obtain a supervisor's approval before any attempt to repair damaged or unserviceable property, unless the repair is of a minor or temporary nature.

400.4 PERSONAL PROPERTY

Personal property or equipment shall not be carried during work hours or used for work-related purposes without prior approval by the City Manager or appropriate supervisor. The employee should submit a request that includes a description of the property and the reason and length of time it will be used. Personal property of the type routinely carried (e.g., cell phone, wallet, sunglasses) is excluded from this requirement (see the Personal Communication Devices Policy).

Local Government-Owned and Personal Property

The City will not replace or repair property that is not reasonably required as part of work.

400.4.1 FILING CLAIMS FOR PERSONAL PROPERTY

An employee requesting reimbursement for damage to, or loss of, personal property must submit the request in writing to the employee's immediate supervisor.

Upon review by the supervisor and a finding that no misconduct or negligence was involved, repair or replacement may be recommended to the Department Head or the authorized designee, who will then oversee the repair or replacement.

400.5 SUPERVISOR RESPONSIBILITIES

The supervisor receiving a report that property, including personal property authorized for use, has been damaged should conduct an investigation and direct a memo to the Department Head or the authorized designee. The memo should include the result of the investigation and whether reasonable care was taken to prevent the loss, damage, or unserviceable condition.

In cases where the supervisor has reason to believe that misconduct or negligence was involved in the loss, damage, or unserviceable condition of property, the supervisor should consider whether disciplinary or other corrective action would be appropriate.

400.6 DAMAGE TO PROPERTY OF ANOTHER PERSON OR ENTITY

Employees who intentionally or unintentionally damage or cause to be damaged the real or personal property of another person or entity while performing any city function shall promptly report the damage to a supervisor.

400.6.1 DAMAGE BY OTHERS

Employees who observe damage to the real or personal property of the City should report the damage as follows:

- (a) A verbal report should be made to the employee's immediate supervisor and to the employee or department responsible for the property as soon as practicable.
- (b) A written report should be submitted before the end of the following workday or as otherwise directed by the supervisor.

Personal Communication Devices

401.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for the use of mobile telephones and other communication devices, whether issued or funded by the City or personally owned, during work hours or when used for authorized work-related purposes.

This policy generically refers to all such devices as Personal Communication Devices (PCDs) but is intended to include all mobile telephones, personal digital assistants (PDAs), wireless-capable tablets and similar wireless two-way communications, and/or portable internet access devices. PCD use includes but is not limited to placing and receiving calls, text messaging, blogging and microblogging, emailing, using video or camera features, playing games, and accessing sites or services on the internet.

401.2 POLICY

The City allows employees to utilize city-issued or funded PCDs and to possess personally owned PCDs in the workplace, subject to certain limitations. Any PCD used during work hours, or during non-work hours in any manner reasonably related to the business of the City, will be subject to monitoring and inspection consistent with the standards set forth in this policy

Employees are advised and cautioned that the use of a personally owned PCD for business-related purposes may subject the employee and the employee's PCD records to civil or criminal discovery or disclosure under applicable public records laws

Employees who have questions regarding the application of this policy or the guidelines contained herein are encouraged to seek clarification from supervisory staff.

401.3 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to any communication accessed, transmitted, received, or reviewed on any PCD issued or funded by the City and shall have no expectation of privacy in their location should the device be equipped with location detection capabilities (see the Information Technology Use Policy for additional guidance).

401.4 LOCAL GOVERNMENT-ISSUED PCD

Depending on an employee's assignment and the needs of the position, the City may, at its discretion, issue or fund a PCD for the employee's use to facilitate work performance. City-issued or funded PCDs may be used for incidental personal business during or after work hours. Personal use is "incidental" if the value provided to the City by the PCD substantially outweighs the personal benefit received by the employee. Such devices and the associated telephone number, if any, shall remain the sole property of the City and shall be subject to inspection or monitoring (including all related records and content) at any time without notice and without cause

Personal Communication Devices

Generally, the PCD will be either secured in the workplace at the completion of the workday or turned off when leaving the workplace. The PCD may be taken home if the employee may be telecommuting or would need to access the PCD during non-work hours due to unforeseen circumstances.

401.5 PERSONALLY OWNED PCD

Employees may carry a personally owned PCD during work hours, subject to the following conditions and limitations:

- (a) Permission to carry a personally owned PCD may be revoked if it is used contrary to provisions of this policy.
- (b) The City accepts no responsibility for loss of or damage to a personally owned PCD.
- (c) The PCD and any associated services shall be purchased, used, and maintained solely at the employee's expense.
- (d) The device should not be used for work-related purposes except in exigent circumstances (e.g., unavailability of internal communication systems). Employees will have a reduced expectation of privacy when using a personally owned PCD in the workplace and have no expectation of privacy with regard to any city business-related communication.
 - 1. Employees may use personally owned PCDs during work hours for routine administrative work as authorized by the City Manager.
- (e) The device shall not be utilized to record or disclose any city business-related information, including photographs, video, or the recording or transmittal of any information or material obtained or made accessible as a result of employment or appointment with the City, without the express authorization of the City Manager or the authorized designee.
- (f) Use of a personally owned PCD for work-related business constitutes consent for the City to access the PCD to inspect and copy data to meet the needs of the City, which may include litigation, records retention and release obligations, and internal investigations. If the PCD is carried during work hours, employees will provide the City with the telephone number of the device. All work-related documents, emails, photographs, recordings, or other public records created or received on an employee's personally owned PCD should be transferred to the City and deleted from the employee's PCD as soon as reasonably practicable but no later than the end of the employee's workday.
- (g) All work-related documents, emails, photographs, recordings, or other public records created or received on an employee's personally owned PCD should be transferred to the City and deleted from the employee's PCD as soon as reasonably practicable.

Except with prior express authorization from their supervisors, employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned PCD during non-work hours. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing employment agreements,

Personal Communication Devices

or if the employee has prior express authorization from a supervisor, the employee may engage in city business-related communications. Should employees engage in such approved communications or work during non-work hours, employees entitled to compensation shall promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Employees who independently document city-related business activities conducted during non-work hours in any manner shall promptly provide the City with a copy of such records to ensure accurate record keeping.

401.6 USE OF PCD

The following protocols shall apply to all PCDs that are carried during work hours or used to conduct city business:

- (a) A PCD may not be used to conduct personal business during work hours, except for brief personal communications. Employees shall endeavor to limit their use of PCDs to authorized break times, unless an emergency exists.
- (b) Employees may use a PCD to communicate with other personnel in situations where the use of city-provided communications methods is either impracticable or not feasible. PCDs should not be used as a substitute for, as a way to avoid, or in lieu of regular city-provided communications methods.
- (c) Employees are prohibited from taking pictures, audio or video recordings, or making copies of any such picture or recording media within the scope of their employment unless it is directly related to official city business. Employees may not use personally-owned PCDs to generate photos, audio or videos of any circumstances that would violate an individual's privacy, such as crime scenes, records that include personal identifying information, or other sensitive circumstances. Disclosure of any such information to any third party through any means, without the express authorization of the City Manager or the authorized designee, may result in discipline.
- (d) Using PCDs to harass, threaten, coerce, or otherwise engage in inappropriate conduct with any third party is prohibited. Any employee having knowledge of such conduct shall promptly notify a supervisor.

401.7 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring that employees under their supervision are provided appropriate training on the use of PCDs consistent with this policy.
- (b) Monitoring to the extent practicable, PCD use in the workplace and taking prompt corrective action if an employee is observed or reported to be improperly using a PCD.
 - 1. An investigation into improper conduct should be promptly initiated when circumstances warrant.
 - 2. Before conducting any administrative search of an employee's personally owned device, supervisors should consult with the City Manager or the authorized designee.

Personal Communication Devices

401.8 OFFICIAL USE

Employees are reminded that PCDs are not secure devices and conversations may be intercepted or overheard. Caution should be exercised while utilizing PCDs to ensure that sensitive information is not inadvertently transmitted. As soon as reasonably possible, employees shall conduct sensitive or private communications on a land-based or other city communications network.

401.9 USE WHILE DRIVING

- (a) Employees must adhere to all federal, state or local rules and regulations regarding the use of cellular phones while driving.
- (b) The use of a cell phone while driving presents a hazard to the driver, other employees and the general public. Hands free devices mitigate some of those hazards, and should be utilized if phone calls during vehicle operation is reasonably anticipated.
- (c) Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is heavy traffic, inclement weather or the employee is driving in an unfamiliar area.
- (d) Under no circumstances are employees allowed to place themselves or others at risk to fulfill City business needs.

Vehicle Maintenance

402.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that city vehicles are appropriately maintained.

402.2 POLICY

The City will service department vehicles to ensure they remain operational and maintain their appearance, as resources allow.

402.3 GENERAL DUTIES

Employees are responsible for assisting in maintaining city vehicles so that they are properly equipped, maintained, and refueled and present a clean appearance.

402.4 DEFECTIVE VEHICLES

When a vehicle becomes inoperative or in need of repair that affects the safety of the vehicle, that vehicle shall be removed from service. Proper documentation shall be promptly completed by the employee who becomes aware of the defective condition and forwarded to a supervisor for action.

Documents describing the correction of the safety issue shall be promptly filed by the supervisor with the vehicle history.

No repair or other alteration to the vehicle shall be made without authorization from their supervisor. Any suspicions regarding mechanical problems or any equipment breakdown, defect or failure involving a City vehicle shall be reported immediately to their supervisor.

402.4.1 DAMAGE OR POOR PERFORMANCE

Vehicles that may have been damaged or perform poorly shall be removed from service for inspections and repairs as soon as practicable. No supervisor should knowingly require a subordinate to operate an unsafe vehicle or equipment.

402.4.2 SEVERE USE

Vehicles operated under severe-use conditions, which include operations for which the vehicle is not designed or that exceed the manufacturer's parameters, should be removed from service and subjected to a safety inspection as soon as practicable. Such conditions may include rough roadway or off-road driving, hard or extended braking, and severe weather exposure.

402.4.3 VEHICLE ABUSE

Any employee abusing a City vehicle shall be subject to disciplinary action. Vehicle abuse includes any intentional or unintentional misuse or misapplication of any City vehicle for a purpose other than that for which it was intended. Vehicle abuse shall include, but shall not be limited to, failure to provide proper maintenance of the vehicle such as checking the oil, tires, and windows, and failure to observe normal driver responsibility.

Vehicle Maintenance

402.4.4 REMOVAL OF WEAPONS

Only authorized firearms, weapons, or control devices shall be carried in city vehicles. Any authorized firearms, weapons, and control devices shall be removed from a vehicle and properly secured prior to the vehicle being released for maintenance, service, or repair.

402.5 VEHICLE REFUELING

Generally, vehicles should not be operated with less than one-quarter tank of fuel. Vehicles should not be returned to the pool or the assigned department at the end of the workday with less than one-quarter tank of fuel. Vehicles shall only be refueled at an authorized location.

402.6 WASHING OF VEHICLES

Vehicles shall be kept clean at all times and, weather conditions permitting, shall be washed as necessary to maintain the professional appearance of the City.

Employees using a vehicle shall remove any trash or debris at the end of their workday. Confidential material should be placed in a designated receptacle that has been provided for shredding this material.

Vehicle Use

403.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for employees who use vehicles for city business. This policy does not create or imply any contractual obligation by the City to provide assigned vehicles.

Individual department heads may have additional policies for vehicle use to address specific vehicles (e.g., emergency vehicles) and duty assignments (e.g., law enforcement undercover work).

403.2 POLICY

The City authorizes the use of certain vehicles for official city business to enhance operational efficiency and requires that vehicles are operated in a safe and legal manner.

City vehicles are not to be taken outside of the City limits without supervisor/Department Head approval. Any questionable situations should be cleared with the City Manager or the authorized designee.

403.3 USE OF VEHICLES

403.3.1 VEHICLE ASSIGNMENTS

City vehicles may be assigned to individual employees at the discretion of the City Manager or the authorized designee. Vehicles may be assigned for partial or full workday use and/or take-home use. Vehicle assignments may be changed or suspended at any time. Permission to take home a vehicle may be withdrawn at any time.

Vehicle assignments shall be based on the employee's job description, essential functions, and employment status. Vehicles may be reassigned or utilized by other city employees at the discretion of the City Manager or the authorized designee.

The City Manager or the authorized designee is responsible for creating a vehicle assignment roster each day and for maintaining the rosters in accordance with the established records retention schedule.

403.3.2 USE AGREEMENT AND DRIVER'S LICENSE VERIFICATION

Each employee using a City vehicle shall sign a Vehicle Use Agreement and Driver's License Verification Form prior to using a City vehicle, and shall carry a valid Utah driver's license corresponding to the type of vehicle being operated. Prior to driving a City vehicle and as a condition of continued authority to drive a City vehicle, the City shall have the right to review the driving records of such employees in order to identify unsafe or uninsurable drivers. City employees with poor driving records may be prohibited from driving City vehicles or may be required to obtain "high risk" insurance as provided in this Chapter.

Vehicle Use

403.3.3 EMPLOYEE RESPONSIBILITIES

Employees operating a vehicle as part of their job with the City shall:

- (a) Possess a valid driver's license.
 - 1. Employees shall report any suspensions or revocations of their license and any changes to driving privileges as soon as practicable and before any subsequent city vehicle use or personal vehicle use for city business.
 - 2. Employees must possess a valid commercial driver's license or special class license when applicable.
- (b) Provide the city with a driver's history report upon request.
- (c) Possess appropriate insurance as required for personal vehicles used for city business.
 - 1. Employees shall notify a supervisor if their automobile insurance has been canceled, declined, or not renewed.
 - 2. The private insurance of employees using their personal vehicles under this policy shall be considered the primary insurance for any accidents or damage.
- (d) Notify a supervisor of any citations or arrests for motor vehicle-related violations or offenses as soon as practicable.
- (e) Obey all traffic laws.
- (f) Be responsible for any citation or parking ticket received for non-compliance with such regulations.
- (g) Maintain any personal vehicles used for city business in safe working order.

403.3.4 INSPECTIONS

Employees shall be responsible for inspecting the interior and exterior of any assigned city vehicle. If the vehicle is assigned for the workday, it should be inspected before use and at the conclusion of the workday. If the vehicle is assigned for less than a workday, it should be inspected before use and upon conclusion of use. Any previously unreported damage, mechanical problems, unauthorized contents, or other problems with the vehicle shall be promptly reported to a supervisor and documented as appropriate.

All city vehicles are subject to inspection and/or search at any time by a supervisor without notice and without cause. No employee assigned to or operating such vehicle shall be entitled to any expectation of privacy with respect to the vehicle or its contents.

403.3.5 SECURITY AND UNATTENDED VEHICLES

Unattended vehicles should be locked and secured at all times to safeguard any city equipment prior to parking or leaving the vehicle.

403.3.6 VEHICLE LOCATION SYSTEM

City vehicles, at the discretion of the City Manager, may be equipped with a system designed to track the vehicle's location. While the system may provide vehicle location and other information,

Vehicle Use

employees are not relieved of their responsibility to use any required communication practices to report their location and status.

Employees shall not make any unauthorized modifications to the system. If an employee finds that the system is not functioning properly at any time, the employee should notify a supervisor as soon as reasonably practicable.

System data may be accessed by supervisors at any time. However, access to historical data by other than supervisors will require City Manager approval. Employees do not have an expectation of privacy in a City vehicle's location or historical date.

All data captured by the system shall be retained in accordance with the established records retention schedule.

403.3.7 KEYS

Employees who are assigned a specific vehicle should be issued keys for that vehicle. Employees shall not duplicate keys or share them with any person except another employee authorized to use that vehicle. The loss of a key shall be promptly reported in writing to the employee's supervisor.

403.3.8 AUTHORIZED PASSENGERS

Except as otherwise provided herein regarding take-home vehicles, non-City persons may only ride in City vehicles in connection with official City business and when accompanied by a City employee. No other persons such as family or friends of employees or strangers are permitted to ride in City vehicles unless otherwise authorized by the City Manager.

403.3.9 PARKING

Employees should obey parking regulations at all times.

City vehicles should be parked in assigned spaces. Employees shall not park personal vehicles in spaces assigned to city vehicles or in other parking areas that are not so designated unless authorized by a supervisor.

403.3.10 ACCESSORIES AND/OR MODIFICATIONS

There shall be no modifications, additions, or removal of any equipment or accessories from city vehicles without written permission from the City Manager or the authorized designee.

403.4 UNSCHEDULED TAKE-HOME USE

Employees may take home city vehicles only with prior approval of a supervisor and shall meet the following criteria:

- (a) The circumstances are unplanned and were created by the needs of the City.
- (b) Other reasonable transportation options are not available.
- (c) The employee lives within a reasonable distance (generally not to exceed a 60-minute drive time) of the city limits.
- (d) Off street parking will be available at the employee's residence.

Vehicle Use

- (e) The vehicle will be locked when not attended.
- (f) All portable city equipment will be removed from the interior of the vehicle and properly secured in the residence when the vehicle is not attended, unless the vehicle is parked in a locked garage.

When such circumstances occur, the City Manager or the authorized designee shall document the unscheduled take-home use in the vehicle assignment roster.

403.5 ASSIGNMENT OF TAKE-HOME VEHICLES

Assignment of take-home vehicles should be based on the location of the employee's residence, the nature of the employee's job, whether the employee performs work outside of regular business hours, the employee's employment status, and available resources.

Employees are cautioned that under federal and local tax rules, personal use of a city vehicle may create an income tax liability for the employee. Questions regarding tax rules should be directed to the employee's tax adviser.

Travel to and from the home will not be considered work time unless the employee is responding to and from an emergency as part of the employee's duties.

403.5.1 TAKE-HOME VEHICLE USE

In general, City vehicles are not permitted to be taken home or used for person use by employees. Specific job positions are permitted to use City vehicles for commuting to and from work. Employees taking a City vehicle home shall adhere to the following conditions:

- (a) Vehicles shall only be used for work-related purposes and shall not be used for personal reasons, unless special circumstances exist and the City Manager or the authorized designee gives prior authorization.
- (b) Vehicles are to be parked off-street at the employee's residence unless prior arrangements have been made with the City Manager or the authorized designee. If the vehicle is not secured inside a locked garage, all removeable city equipment shall be removed and properly secured in the residence.
- (c) The most direct route to and from the employee's home shall be taken, taking into consideration existing traffic conditions.
- (d) The vehicle shall be returned to the City when the employee is suspended from duty, placed on administrative leave, or upon the request of the supervisor or City Manager.
- (e) As per federal regulations, de minimis use of a take-home City vehicle is permitted, such as stopping for a personal errand on the way between the workplace and the employee's home. Dropping off or picking up children at school or daycare as part of the commute is permissible, so long as it does not extend the length of the commute by more than a de minimis amount.
- (f) Notwithstanding the foregoing, police officers who are authorized to take a City vehicle home may utilize such vehicle for personal use, including the transporting of family members during off-duty hours, in accordance with all other applicable provisions of this policy and Police Department Policies and Procedures.

Vehicle Use

- (g) Vehicles are to be secured at the employee's residence or the appropriate city facility, at the discretion of the employee's supervisor, when an employee will be away (e.g., on vacation) for periods exceeding one week.
 - 1. If the vehicle remains at the employee's residence, the City shall have access to the vehicle.

403.6 DAMAGE, ABUSE, AND MISUSE

When any city vehicle is involved in a traffic accident or otherwise incurs damage, the involved employee shall promptly notify a supervisor. Any traffic accident report shall be filed with the agency having jurisdiction, with a copy provided to the City Manager or the authorized designee.

Damage to any city vehicle that was not caused by a traffic accident shall be immediately reported during the shift or workday in which the damage was discovered and documented in memorandum format, which shall be forwarded to the City Manager or the authorized designee. An administrative investigation should be initiated to determine if there has been any vehicle abuse or misuse.

403.7 TOLL ROAD USAGE, FUEL, AND MILEAGE

With the exception of take-home vehicles driven to and from the employee's residence, employees may submit for reimbursement from the City for toll fees and fuel expenses incurred in the course of using personal vehicles for official business. In lieu of fuel expenses, employees may submit for reimbursement for mileage accrued on personal vehicles used for city business.

Vehicle Safety Restraints/Safety Belts

404.1 PURPOSE AND SCOPE

This policy establishes guidelines for the use of safety belts and child restraints. This policy will apply to all employees operating or riding in city vehicles.

Individual department policies may provide additional guidance.

404.1.1 DEFINITIONS

Definitions related to this policy include:

Child restraint system - An infant or child passenger restraint system that meets Federal Motor Vehicle Safety Standards (FMVSS) and regulations set forth in 49 CFR 571.213.

404.2 POLICY

It is the policy of the City that employees use safety and child restraint systems to reduce the possibility of death or injury in a motor vehicle accident.

404.3 WEARING OF SAFETY RESTRAINTS

All employees shall wear properly adjusted safety restraints at all times when operating or riding in a seat equipped with restraints, in any vehicle owned, leased, or rented by this city, or in any privately owned vehicle when conducting city business. The employee driving such a vehicle shall ensure that all other occupants, including those who are not employees of the City, are properly restrained.

Under certain circumstances, employees or passengers are not required to utilize safety belts, such as paramedics administering medical treatment to a patient in an ambulance. Department Heads may authorize deviations from this policy when circumstances are appropriate for such a deviation.

404.4 TRANSPORTING CHILDREN

Child passengers shall be transported using an approved child restraint system in compliance with federal and state law.

404.5 INOPERABLE SAFETY BELTS

City vehicles shall not be operated when the safety belt in the driver's position is inoperable. Persons shall not be transported in a seat in which the safety belt is inoperable.

City vehicle safety belts shall not be modified, removed, deactivated, or altered in any way, except by the vehicle maintenance and repair staff, who shall do so only with the express authorization of the City Manager or the authorized designee.

Employees who discover an inoperable restraint system shall report the defect to the appropriate supervisor. Prompt action will be taken to replace or repair the system.

Vehicle Safety Restraints/Safety Belts

404.6 VEHICLES MANUFACTURED WITHOUT SAFETY BELTS

Vehicles manufactured and certified for use without safety belts or other restraint systems are subject to the manufacturer's operator requirements for safe use.

404.7 VEHICLE AIRBAGS

In all vehicles equipped with airbag restraint systems, the system will not be tampered with or deactivated, except when transporting children as written elsewhere in this policy. All equipment installed in vehicles equipped with airbags will be installed as per the vehicle manufacturer specifications to avoid the danger of interfering with the effective deployment of the airbag device.

Personal Protective Equipment

405.1 PURPOSE AND SCOPE

This policy addresses the use of personal protective equipment (PPE) provided by the City.

405.1.1 DEFINITIONS

Definitions related to this policy include:

Personal protective equipment (PPE) - Equipment that protects a person from serious workplace injuries or illnesses resulting from contact with chemical, radiological, physical, electrical, mechanical, or other workplace hazards.

405.2 POLICY

The City endeavors to protect employees by supplying certain PPE as provided in this policy.

405.3 SUPERVISOR RESPONSIBILITIES

Supervisors are responsible for identifying and making available PPE appropriate for the work environment.

405.4 EMPLOYEE RESPONSIBILITIES

Employees are required to use PPE pursuant to their training.

Employees are responsible for proper maintenance and storage of issued PPE. PPE should be stored in an appropriate location so that it is available when needed.

Any employee who identifies hazards in the workplace is encouraged to utilize the procedures in the Illness and Injury Prevention Policy to recommend new or improved PPE or additional needs for PPE.

405.5 EQUIPMENT PROCUREMENT AND USE

PPE shall meet or exceed any applicable requirements. Federal or other nationally recognized standards should be used as a guide for the procurement, use, maintenance, and storage of the following safety-related equipment in the absence of other mandatory requirements:

- (a) Hearing protection (29 CFR 1910.95)
- (b) Eye protection (29 CFR 1910.133)
- (c) Respiratory protection (29 CFR 1910.134)
- (d) Head protection (29 CFR 1910.135)
- (e) Foot protection (29 CFR 1910.136)
- (f) Electrical protective equipment (29 CFR 1910.137)
- (g) Hand protection (29 CFR 1910.138)
- (h) Personal fall protection systems (29 CFR 1910.140)

Personal Protective Equipment

405.6 RECORDS

Supervisors are responsible for maintaining records of all:

- (a) PPE training.
- (b) PPE procurement and distribution.
- (c) Fit tests and medical evaluations related to respiratory protection equipment, when applicable. Medical evaluation questionnaires and any physical examination results related to respirator use shall be maintained in a separate confidential medical file.

The records shall be maintained in accordance with the city records retention schedule.

405.7 TRAINING

Employees should be trained in the hazards to which they may be potentially exposed during routine and emergency situations.

All employees should be trained in the proper use and maintenance of PPE issued to them, including when the use is appropriate; how to put on, remove, and adjust PPE; how to care for PPE; and the limitations of each device (29 CFR 1910.132).

Employees issued respiratory PPE should attend annual training on the proper use of respiratory protection devices (29 CFR 1910.134).

Physical Asset Management

406.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for maintaining a system of inventory and accountability over the city's physical assets. This policy does not address management of intangible assets (e.g., intellectual property), fluid assets (e.g., cash, stocks, marketable securities), real property, or natural assets (e.g., water, air quality, minerals).

Individual department heads may have additional policies for department-specific assets.

406.1.1 DEFINITIONS

Definitions related to this policy include:

Physical assets – All tangible items with an initial purchase value greater than five-hundred dollars (\$500.00), including but not limited to materials, machinery, tools and equipment, vehicles, office supplies, and furniture.

406.2 POLICY

It is the policy of this city to accurately inventory, maintain, and dispose of its physical assets in a manner that controls costs, avoids waste, and promotes the mission of the City.

406.3 RESPONSIBILITIES

The Department Heads are responsible for the inventory, maintenance, and disposal of city physical assets within the control of that Department, including:

- (a) Maintaining compliance with federal, state, and local laws regarding physical asset management, inventory control, and reporting requirements.
- (b) Developing procedures for the implementation of this policy, including:
 1. Procedures for disposal of all city-owned physical assets in accordance with federal, state, and local law.
 2. Procedures for safe disposal of hazardous waste.
 3. Procedures for inter-department transfers of physical assets.
 4. Procedures for each department to inventory assets as according to internal reporting deadlines.
- (c) Tracking the city's physical assets and maintain accurate and complete records related to these assets, including a recordkeeping system to account for the movement, storage, maintenance and use, loss, damage, destruction and surplus of physical assets.

406.4 IDENTIFICATION AND TAGGING

When feasible, physical assets should be tagged using a bar code or other system to identify and locate the items. Tags should be affixed in the same manner and location on each item,

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when feasible. The following information regarding the tagged item should be maintained using the inventory control system and method of recordkeeping, as applicable:

- (a) A description of the item, including but not limited to:
 - 1. Make, model, and serial number
 - 2. Physical dimensions and weight
 - 3. Color, material, and other physically distinct qualities
 - 4. Warranty and/or recall information, if any
- (b) The department and specific location where the item can be found
- (c) The acquisition date of the item, as well as the amount and funding source for the acquisition
- (d) The intended and actual use of the item
- (e) The expiration of an item's lease or loan terms

406.5 SURPLUS OR OBSOLETE ASSETS

A department that no longer utilizes a physical asset should have the asset identified as surplus or obsolete. If the physical asset retains value that may be utilized by another department, the item should be stored as surplus or transferred in accordance with the procedures established pursuant to this policy. If the physical asset is deemed obsolete, the item shall be disposed of in accordance with this policy.

406.5.1 STORAGE

When practicable, physical assets that retain value but are not being utilized should be stored in lieu of disposal. Physical assets in storage are subject to routine inventory and revaluation. If the physical asset's value is less than the cost of storage, the City should pursue disposal of the item in accordance with this policy.

406.6 LOSS, DAMAGE, OR DESTRUCTION

Circumstances surrounding loss, damage, or destruction of the city's physical assets shall be promptly reported to and investigated by the City Manager or the authorized designee for purposes of inventory, valuation, and recordkeeping. Otherwise, loss, damage, or destruction of such assets shall be handled in accordance with the Local Government-Owned and Personal Property Policy.

406.7 USAGE MONITORING

Physical asset performance should be regularly monitored for functionality, utility, wear-and-tear, and cost-effectiveness. Usage monitoring of the city's physical assets should include the duration of use (e.g., daily use and number of hours in use), user satisfaction, costs of operating the asset, and the asset's contribution to employee performance and overall productivity.

Physical Asset Management

406.8 MAINTENANCE

Routine maintenance of physical assets should be proactive to limit interruption of the city's daily operations. Employees should report any physical asset performance issues to a supervisor.

Maintenance requests and reports shall be recorded in the inventory control and recordkeeping system implemented by the physical asset management plan. The City Manager or the authorized designee shall routinely evaluate maintenance expenditures to determine whether continued maintenance is beneficial.

406.9 DISPOSAL

Physical assets slated for disposal should be evaluated for salvage value (e.g., items containing reusable materials like aluminum or copper) or transfer or storage in accordance with this policy.

406.10 INVENTORY AND REPORTS

Routine inventory of physical assets should be conducted for purposes of loss control, revaluation, retagging, documenting asset movement and condition, disposition and acquisition planning, and obtaining adequate insurance coverage.

All internal controls and inventories related to physical asset management shall be accurately documented and subject to both internal and external audit. Inventory reports should include an explanation of any discrepancies from the previous period.

All inventory documentation shall be retained and stored in accordance with the records retention schedule.

406.11 TRAINING

Employees and supervisors accountable for the proper care, use, transfer, maintenance, storage, loss, and disposition of all city physical assets should receive training regarding their responsibilities.

City Cellular Phones

407.1 PURPOSE AND SCOPE

The purpose of this policy is to maximize the ethical use of cell phones as a business tool.

- (a) Department Heads may authorize the purchase of cell phone(s), accessories and plan(s) for City use by designated full-time positions that best meet the needs of the City. City-owned cell phones shall be primarily for City business. Personal calls, texts and data use are allowed with no reimbursement required as long as there are adequate minutes available for City business and the minutes used are within the allotted minutes for the plan. If minutes used exceed those allotted by the plan due to personal use, the employee is required to reimburse the City for the excess charges.
- (b) Costs associated with applications downloaded for personal use to Farmington City cell phones are the financial responsibility of the user to whom the cell phone was assigned.
- (c) Downloaded applications should not be offensive, harassing, discriminatory or illegal in content. Applications with security vulnerabilities should be uninstalled.
- (d) Employees shall not use City-owned cell phones for personal commercial purposes, political activity or any other activity that could be considered a violation of these policies and procedures.
- (e) Use of City-issued cellular phones must be consistent with City policies governing cyber-security. Any theft, loss, access or unauthorized disclosure of proprietary information or customer personal information must be reported to a supervisor as soon as possible.

407.2 POLICY

Cell phones are provided to select employees upon approval of the Department Head to enhance City business communications, improve efficiency and facilitate emergency management operations.

407.3 USE OF CELL PHONES WHILE DRIVING

- (a) Employees must adhere to all federal, state or local rules and regulations regarding the use of cellular phones while driving. Accordingly, employees must not use cell phones if such conduct is prohibited by law, regulation, or other ordinances.
- (b) The use of a cell phone while driving may present a hazard to the driver, other employees and the general public. This policy is meant to ensure the safe operation of City vehicles and the operation of private vehicles while an employee is at work and conducting City business. Safety must come before all other concerns.
- (c) Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not

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an option, employees are expected to keep the call short, refrain from discussion of complicated or emotional issues and keep their eyes on the road. Special care should be taken in situations where there is heavy traffic, inclement weather or the employee is driving in an unfamiliar area.

- (d) Under no circumstances are employees allowed to place themselves or others at risk to fulfill City business needs.

Unmanned Aerial System (UAS) Operations

408.1 PURPOSE AND SCOPE

The purpose of this policy is to establish guidelines for City use of unmanned aerial systems (UAS) and for the storage, retrieval and dissemination of images and data captured by UAS. This policy applies to all City departments and divisions, including employees, vendors and volunteers working on behalf of the City. The Farmington Police Department and the Farmington City Fire Department may adopt separate policies for UAS use in accordance with State and Federal law and regulations not consistent with this policy.

408.2 POLICY

- (a) Farmington City departments or division may use UAS to enhance City services through the efficient use of City resources.
- (b) Farmington City departments or divisions shall coordinate UAS use with the Farmington City UAS Program Coordinator, including participation in any public notification database, following established safety protocols, coordinating approval of UAS use within a restricted area, and processing and redacting data.
- (c) Any City use of UAS will be in strict accordance with State and Federal law and regulations and Farmington City policy. To review Federal Aviation Authority (FAA) requirements for the registration and use of UAS by the City, please refer to <https://www.faa.gov/uas/>.
- (d) Engaging in the unauthorized use of a UAS or unauthorized use of data captured by a UAS may subject an officer or employee to discipline, up to and including termination of employment.
- (e) City employees operating UAS for City purposes shall sign a form acknowledging that they have read and understand this policy. Such forms shall be made available and kept on file by the UAS Program Coordinator.
- (f) Authorized City uses of UAS include uses for public safety, disaster response and recovery, emergency response, search and rescue, construction management, environmental monitoring and documentation, inspections, mapping, marketing, and special events.
- (g) Departments or divisions may operate a city-owned UAS in compliance with this policy or utilize the services of an approved contractor maintained by the Program Coordinator.
- (h) City employees may not operate UAS for City purposes other than city-owned UAS in conformance with this policy.
- (i) City employees may not collect or obtain UAS footage for City purposes other than in conformance with this policy.
- (j) City-owned UAS must have a global positioning system. The software and firmware used to operate a UAS must be up to date and maintained.

Unmanned Aerial System (UAS) Operations

- (k) UAS must be operated in a safe manner. UAS should not be operated in a way that causes personal injury or property damage. UAS must be programmed in such a way that if it loses GPS signals it will hover in place. Additionally, UAS that lose a signal to a remote operator or when low power is detected should be set to return to home/origin.
- (l) UAS operators must obtain a remote pilot certification from the FAA and must comply with all other FAA requirements.
- (m) UAS may not be used within five miles of an airport, in any FAA no-fly zone, or in any other restricted areas unless approved by the appropriate authority. City UAS operations must comply with FAA rules.
- (n) Farmington City shall maintain appropriate insurance coverage for UAS use.

408.3 PRIVACY

Departments or divisions using UAS must have an authorized purpose to collect information using a UAS, or to use UAS-collected information. Information incidentally collected that could be used to identify persons or private information shall be designated as private under records law.

408.4 PROHIBITED USE

UAS equipment shall not be used to conduct random surveillance activities or to target persons based solely on individual characteristics, such as but not limited to race, ethnicity, national origin, religion, disability, gender, sexual orientation, or gender identity.

408.5 RETENTION OF UAS DATA

- (a) Data collected by UAS shall be classified and retained consistent with City records policy and the Utah Government Records Access and Management Act, Utah Code Ann. § 63G-2-101 et seq.
- (b) An employee may not maintain a separate archive of raw, unprocessed UAS data once the business purpose is accomplished.
- (c) A department or division must restrict access to any raw UAS footage it retains to authorized staff.
- (d) Distribution of raw UAS data is restricted to authorized persons for the purpose of redacting and processing data only. In all other circumstances, the City may not exchange raw, unprocessed UAS collected data between departments or disclose such data to the public except for exigent public safety needs or as required by law.
- (e) Departments or divisions may store raw, unprocessed UAS data up to a maximum of one year. Exceptions to this retention schedule must be supported with documentation and a clear rationale, and approved by the City Recorder and Legal department.

408.6 DATA COLLECTED BY PRIVATE CITIZEN

Except as authorized by Utah law for public safety purposes, in order to ensure data is legally obtained and used with permission, departments or divisions may not accept or review data

Unmanned Aerial System (UAS) Operations

captured by a private citizen. The use of any UAS data captured by a third party must be through an approved vendor consistent with this policy.

Chapter 5 - Records and Documents

Records Maintenance and Release

500.1 PURPOSE AND SCOPE

This policy provides guidance on the maintenance and release of city records. Protected information is separately covered in the Protected Information Policy.

500.2 POLICY

The City is committed to providing public access to records in a manner that is consistent with state public records laws.

500.3 CITY RECORDER

The responsibilities of the City Recorder include but are not limited to:

- (a) Managing the records management system for the City, including the retention, archiving, release, and destruction of city public records.
- (b) Maintaining and updating the applicable records retention schedule, including:
 1. Identifying the minimum length of time records must be kept.
 2. Identifying the city department responsible for the original record.
- (c) Establishing rules regarding the inspection and copying of public records as reasonably necessary for the protection of such records.
- (d) Identifying records or portions of records that are confidential under state or federal law and not open for inspection or copying.
- (e) Establishing rules regarding the processing of subpoenas for the production of records.
- (f) Ensuring the availability of a current schedule of fees for public records as allowed by law.
- (g) Preparing and making available to the public the records request process, to include the cost of inspecting or obtaining copies.

500.4 PROCESSING REQUESTS FOR PUBLIC RECORDS

Any employee who receives a request for any record shall route the request to the City Recorder or the authorized designee. Departments with high volumes of records request, such as the Police Department, may maintain their own record of requests without routing it through the City Recorder.

500.4.1 REQUESTS FOR RECORDS

The processing of requests for any record is subject to the following:

- (a) All requests should be made in writing or on a form supplied by the City.
- (b) Clarification may be sought if the request is unreasonably broad or unclear.

Records Maintenance and Release

- (c) Inspection of records should be during regular business hours unless otherwise authorized by the City Recorder.
- (d) Records should be made available in the format in which they are stored. Records may also be made available in a specific format requested and a fee charged for reasonable costs of any required processing.
- (e) Records should be provided or a denial provided to a requester within the period of time established by state law.
 - 1. If a delay in providing records is anticipated, the requester should be provided a written response with the reason for the delay and the anticipated date the records will be provided.
- (f) Fees should be charged as allowed by law and established by the City.
 - 1. Crime victims are not charged fees for record requests associated with policy reports addressing the crime for which they were victimized.
- (g) The City is not required to create records that do not exist.
- (h) When a record contains material with release restrictions and material that is not subject to release restrictions, the restricted material shall be redacted and the unrestricted material released.
 - 1. A copy of the redacted release should be maintained in the city file for proof of what was actually released and as a place to document the reasons for the redactions. If the record is audio or video, a copy of the redacted audio/video release should be maintained in the city-approved media storage system and a notation should be made in the file to document the release and the reasons for the redacted portions.

500.4.2 DENIALS

The denial of a request for records should be documented and include:

- (a) A description of the records requested.
- (b) The specific reasons for the denial.
- (c) The name, title, and signature of the City Recorder or other authorized records officer.
- (d) The procedure to appeal the denial.

500.5 RELEASE RESTRICTIONS

Employees with concerns about releasing information kept on government files should consult with the City Recorder or the City Attorney. Examples of release restrictions include:

- (a) Any personal identifying information, including an individual's photograph; Social Security and driver identification numbers; address, and telephone number; and medical or disability information that is contained in any city record, except as authorized by the City, and only when such use or disclosure is permitted or required by law to carry out a legitimate government purpose.
- (b) Certain personnel information, including but not limited to an employee's residential address and telephone number, Social Security number, marital status, medical

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- history, confidential recommendations for employment, and performance evaluation history.
- (c) Records pertaining to internal investigations and disciplinary matters, including but not limited to complaints and other records relating to allegations of discrimination, harassment, or retaliation, until the investigation is complete or is made part of the official record of any hearing or court proceeding.
 - (d) Shared records from other governmental entities.
 - (e) Audio and video recordings obtained through use of body-worn cameras by law enforcement officers in privately owned areas, except as provided by statute.
 - (f) Certain concealed firearm license/permit information of an applicant.
 - (g) Records concerning security plans, procedures, assessments, measures, or systems, and other records relating to the security of persons, structures, facilities, infrastructure, or information technology systems that could reasonably be expected to be detrimental to the public's safety or welfare.
 - (h) Records pertaining to strategy or negotiations related to labor relations, employment contracts, or collective bargaining and related arbitration proceedings.
 - (i) Drafts, notes, recommendations, or intra-governmental memorandums pertaining to the development of resolutions, regulations, statements of policy, management directives, ordinances, or amendments prepared by or for the City.
 - (j) Records where disclosure would be detrimental to the best interests of the public.
 - (k) Records pertaining to pending or potential litigation that are not records of any court.
 - (l) Any other information that may be appropriately denied as provided in federal or state law.

500.6 SUBPOENAS AND DISCOVERY REQUESTS

Any employee who receives a subpoena duces tecum or discovery request for records should promptly contact a supervisor and the City Recorder for review and processing. While a subpoena duces tecum may ultimately be subject to compliance, it is not an order from the court that will automatically require the release of the requested information.

Generally, discovery requests and subpoenas should be referred to the City Manager or the authorized designee.

All questions regarding compliance with any subpoena duces tecum or discovery request should be promptly referred to the City Manager or legal counsel so that a timely response can be prepared.

500.7 SECURITY BREACHES

Employees who become aware that any city records system may have been breached should notify the City Recorder as soon as practicable.

The City Recorder shall ensure any required notice of the breach is given.

Records Maintenance and Release

If the breach reasonably appears to have been made to protected information covered in the Protected Information Policy, the City Recorder should promptly notify the appropriate employee designated to oversee the security of protected information (see the Protected Information Policy).

500.8 EXPUNGEMENT

The City Recorder shall review all court orders and other filings that pertain to the expungement or sealing of records for appropriate action. Once a record is expunged or sealed, employees shall respond to any inquiry as though the record did not exist.

500.9 TRAINING

Employees authorized to manage, release, or facilitate public access to city records should receive training that includes identification of material appropriate for release or public access and the city systems and procedures guiding such release and access.

Protected Information

501.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the access, transmission, release, and security of protected information by employees of the City. This policy addresses the protected information that is used in the day-to-day operation of the City and not the public records information covered in the Records Maintenance and Release Policy.

501.1.1 DEFINITIONS

Definitions related to this policy include:

Protected information - Any information or data that is collected, stored, or accessed by employees of the City and is subject to any access or release restrictions imposed by law, regulation, order, or use agreement. This includes all information contained in federal, state, or local databases that is not accessible to the public.

501.2 POLICY

Employees of the City will adhere to all applicable laws, orders, regulations, use agreements, and training related to the access, use, dissemination, and release of protected information.

501.3 RESPONSIBILITIES

The City Recorder is the records officer of the City and should provide training and assistance to employees of the City regarding the use of protected information, including:

- (a) Overseeing employee compliance with this policy and with requirements applicable to protected information.
- (b) Developing, disseminating, and maintaining procedures necessary to comply with any requirements for the access, use, dissemination, release, and security of protected information.
- (c) Developing procedures to ensure training and certification requirements are met.
- (d) Resolving specific questions that arise regarding authorized recipients of protected information.
- (e) Implementing security practices and procedures to comply with requirements applicable to protected information.

501.4 ACCESS TO PROTECTED INFORMATION

Protected information shall not be accessed in violation of any law, order, regulation, use agreement, city policy, or training. Only those employees who have completed applicable training and met any applicable requirements, such as a background check, may access protected information, and only when the employee has a legitimate work-related reason for such access.

Unauthorized access, including access for other than a legitimate work-related purpose, is prohibited.

Protected Information

501.5 RELEASE OR DISSEMINATION OF PROTECTED INFORMATION

Protected information may be released only to authorized recipients who have both a lawful right to know and need to know.

An employee who is asked to release protected information that should not be released should refer the requesting person to a supervisor or to the City Recorder for information regarding a formal request.

501.6 JOB REFERENCES

When prospective employers make inquiry regarding a current or former employee's work history and performance, that employee's Department Head or Human Resources shall only state the dates of employment and position held unless the employee authorizes the City, in writing, to release additional information, or the City is otherwise required to release additional information by law.

501.7 SECURITY OF PROTECTED INFORMATION

The City Manager oversees the security of protected information, including:

- (a) Developing and maintaining security practices, procedures, and training.
- (b) Maintaining compliance with any federal, state, and local requirements pertaining to the security of protected information.
- (c) Establishing procedures to provide for the preparation, prevention, detection, analysis, and containment of security incidents, including cyberattacks.
- (d) Ensuring that all breach of security incidents are tracked, documented, and reported by employees to the City Manager and appropriate authorities.

501.7.1 EMPLOYEE RESPONSIBILITIES

Employees accessing or receiving protected information shall ensure the information is not accessed or received by persons who are not authorized to access or receive it. This includes not leaving protected information, such as documents or computer databases, accessible to others when it is reasonably foreseeable that unauthorized access may occur (e.g., on an unattended table or desk, in or on an unattended vehicle, in an unlocked desk drawer or file cabinet, on an unattended computer terminal).

501.8 TRAINING

All employees authorized to access or release protected information shall complete a training program that complies with any protected information system requirements and identifies authorized access and use of protected information, as well as its proper handling and dissemination.

Personnel Records

502.1 PURPOSE AND SCOPE

This policy governs maintenance and access to personnel records. Personnel records include any file maintained under an individual employee's name.

502.2 POLICY

It is the policy of the City to maintain personnel records and preserve the confidentiality of personnel records pursuant to the Constitution and the laws of this state.

502.3 PERSONNEL FILE

The Human Resources Office shall maintain personnel records for each employee of the City. The Human Resources Records may be kept in a paper and/or electronic format. A personnel file shall be maintained as a record of a person's employment/appointment with this city. The personnel file should contain, at a minimum:

- (a) Employment application.
- (b) Personal data, including photographs, marital status, names of family members, educational and employment history, or similar information.
- (c) Election of employee benefits.
- (d) Personnel action reports reflecting assignments, promotions, and other changes in employment/appointment status.
- (e) Probationary status.
- (f) Original performance evaluations.
- (g) Salary change forms.
- (h) Compensation.
- (i) Leave.
- (j) Discipline records, including copies of sustained personnel complaints. Investigative files supporting the discipline may be maintained by the employee's department.
- (k) Employee evaluations after the employee has had the opportunity to read and sign the evaluation.
 - 1. Once an employee has had an opportunity to read and initial any adverse comment, the employee shall be given the opportunity to respond in writing to the adverse comment.
 - 2. Any employee response shall be attached to and retained with the original adverse comment.
 - 3. If an employee refuses to initial or sign an adverse comment, at least one supervisor should note the date and time of such refusal on the original

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comment. Such a refusal, however, shall not be deemed insubordination, nor shall it prohibit the entry of the adverse comment into the employee's file.

- (l) Commendations and awards.
- (m) Any other information, the disclosure of which would constitute an unwarranted invasion of personal privacy.

502.4 DEPARTMENT, DIVISION, OR AGENCY FILE

Department files may be separately maintained internally by an employee's supervisor for the purpose of completing timely performance evaluations. The file may contain supervisor comments, notes, notices to correct, and other materials that are intended to serve as a foundation for the completion of timely performance evaluations.

502.5 TRAINING FILE

An individual training file should be maintained for each employee whose position requires specialized training or certification. Training files should contain records of all training; original or photocopies of available certificates, transcripts, diplomas, and other documentation; and education and firearms qualifications, as applicable. Training records may also be created and stored remotely, either manually or automatically.

- (a) The involved employee is responsible for providing an immediate supervisor with evidence of completed training/education in a timely manner.
- (b) Supervisors should ensure that copies of such training records are placed in the employee's training file.

502.6 MEDICAL FILE

A medical file shall be maintained separately from all other personnel records and shall contain all documents relating to the employee's medical condition and history, including but not limited to:

- (a) Materials relating to a medical leave of absence, including leave under the Family and Medical Leave Act (FMLA).
- (b) Documents relating to workers' compensation claims or the receipt of short- or long-term disability benefits.
- (c) Fitness-for-duty examinations, psychological and physical examinations, follow-up inquiries, and related documents.
- (d) Medical release forms, doctor's slips, and attendance records that reveal an employee's medical condition.
- (e) Any other documents or materials that reveal the employee's medical history or medical condition, including past, present, or future anticipated mental, psychological, or physical limitations.

Personnel Records

502.7 SECURITY

Personnel records should be maintained in a secured location and locked either in a cabinet or access-controlled room. Personnel records maintained in an electronic format should have adequate password protection.

Personnel records are subject to disclosure only as provided in this policy, the Records Maintenance and Release Policy, or according to applicable discovery procedures.

Nothing in this policy is intended to preclude review of personnel records by the City Manager or representatives of the City in connection with official business.

The City Manager, Department Head, Human Resource, Finance Director and the City's legal representative or the authorized representatives may review appropriate Human Resources Records as necessary. Employees should be aware that under Utah State Law, portions of their Human Resources Records may be public information.

502.7.1 REQUESTS FOR DISCLOSURE

Any employee receiving a request for a personnel record shall promptly notify the City Recorder or other person charged with the maintenance of such records.

Upon receipt of any such request, the responsible person shall notify the affected employee as soon as practicable that such a request has been made.

The responsible person shall further ensure that an appropriate response to the request is made in a timely manner, consistent with applicable law. In many cases, this may require assistance of available legal counsel.

All requests for disclosure that result in access to an employee's personnel records shall be logged in the corresponding file.

502.8 EMPLOYEES' ACCESS TO THEIR PERSONNEL RECORDS

Employees may request access to their own personnel records during the normal business hours of those responsible for maintaining such files.

Employees may be restricted from accessing files containing certain information (e.g., ongoing investigations to the extent that it could jeopardize or compromise the investigation).

502.9 RETENTION AND PURGING

Personnel records shall be maintained in accordance with the established records retention schedule of the State of Utah:

- (a) During the preparation of each employee's performance evaluation, all personnel complaints and disciplinary actions should be reviewed to determine the relevancy, if any, to progressive discipline, training, and career development. Each supervisor responsible for completing the employee's performance evaluation should determine whether any prior sustained disciplinary file should be retained beyond the required period for reasons other than pending litigation or other ongoing legal proceedings.

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- (b) If a supervisor determines that records of prior discipline should be retained beyond the required period, approval for such retention should be obtained from the City Manager.
- (c) If, in the opinion of the City Manager, a personnel complaint or disciplinary action maintained beyond the required retention period is no longer relevant, all records of such matter may be destroyed in accordance with the established records retention schedule.

Chapter 6 - Personnel

Recruitment and Selection

600.1 PURPOSE AND SCOPE

This policy provides a framework for employee recruiting efforts and identifying job-related standards for the selection process. This policy supplements other city rules governing employment practices.

600.2 POLICY

In accordance with applicable federal, state, and local law, the City provides equal opportunities for applicants and employees, regardless of actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law. The City does not show partiality or grant any special status to any applicant, employee, or group of employees unless otherwise required by law.

The City will recruit and hire only those individuals who demonstrate a commitment to service and who possess the traits and characteristics that reflect personal integrity and high ethical standards.

600.3 RECRUITMENT

The City Manager should employ a comprehensive recruitment and selection strategy to recruit and select employees from a qualified and diverse pool of candidates.

The strategy should include:

- (a) Identification of racially and culturally diverse target markets.
- (b) Use of marketing strategies to target diverse applicant pools.
- (c) Expanded use of technology and maintenance of a strong internet presence. This may include an interactive city website and the use of city-managed social networking sites, if resources permit.
- (d) Expanded outreach through partnerships with media, community groups, local colleges, universities, and the military.
- (e) Posting and outreach within the City for internal candidates, when applicable and/or required.
- (f) Use of local, state, or national professional organizations (e.g., National League of Cities, National Association of Counties, American Society for Public Administration).

The City should avoid advertising, recruiting, and screening practices that tend to stereotype, focus on homogeneous applicant pools, or screen applicants in a discriminatory manner.

The City strives to facilitate and expedite the interview and selection process, and should periodically inform candidates of their status in the recruiting process.

Recruitment and Selection

600.4 SELECTION PROCESS

The City should actively strive to identify a diverse group of candidates who have in some manner distinguished themselves as being outstanding prospects. Minimally, the City should employ a comprehensive screening, background investigation, and selection process that assesses the candidates' aptitude for the position and includes review and verification of the following:

- (a) A comprehensive application for employment (including previous employment, references, current and prior addresses, education, and military record)
- (b) Driving record (if applicable to the position)
- (c) Reference checks
- (d) Employment eligibility, including U.S. Citizenship and Immigration Services (USCIS) Employment Eligibility Verification Form I-9 and acceptable identity and employment authorization documents. This required documentation should not be requested until a candidate is hired. This does not prohibit obtaining documents required for other purposes
- (e) Information obtained from public internet sites (consistent with the REVIEW OF SOCIAL MEDIA SITES subsection in this policy).
- (f) Financial history consistent with the Fair Credit Reporting Act (FCRA) (15 USC § 1681 et seq.)
- (g) Local, state, and federal criminal history record checks
- (h) Medical and/or psychological examination, as applicable and legally permissible (may only be given after a conditional offer of employment)
- (i) Review board or selection committee assessment

600.4.1 VETERAN PREFERENCE

The City will provide any veteran preference required by law.

600.5 BACKGROUND INVESTIGATION

Every candidate shall undergo a background investigation to verify the candidate's application information and ability to perform duties relevant to the position.

600.5.1 NOTICES

Background investigators should ensure that investigations are conducted and notices provided in accordance with the requirements of the FCRA and applicable state law (15 USC § 1681d).

600.5.2 REVIEW OF SOCIAL MEDIA SITES

Due to the potential for accessing unsubstantiated, private, or protected information, the City should not require candidates to provide passwords, account information, or access to password-protected social media accounts.

The City should consider utilizing the services of an appropriately trained and experienced third party to conduct open source, internet-based searches and/or review information from social media sites to ensure that:

Recruitment and Selection

- (a) The legal rights of candidates are protected.
- (b) Material and information to be considered are verified, accurate, and validated.
- (c) The City fully complies with applicable privacy protections and local, state, and federal law.

Regardless of whether a third party is used, the City Manager or the authorized designee should ensure that potentially impermissible information is not available to any person involved in the candidate selection process.

600.5.3 RECORDS RETENTION

The background report and all supporting documentation should be maintained in accordance with the established records retention schedule.

600.5.4 DOCUMENTING AND REPORTING

The background investigator should summarize the results of the background investigation in a report that includes sufficient information to allow the reviewing authority to decide whether to extend a conditional offer of employment. The report should not include any information that is prohibited from use, including that from social media sites, in making employment decisions. The report and all supporting documentation should be included in the candidate's background investigation file.

600.6 EMPLOYMENT STANDARDS

All candidates shall meet any minimum standards required by state and local law. Candidates will be evaluated based on merit, ability, competence, and experience, in accordance with the high standards of integrity and ethics valued by the City and the community.

Validated, job-related, and nondiscriminatory employment standards should be established and maintained for each job classification and should minimally identify the training, abilities, knowledge, and skills required to perform the position's essential duties in a satisfactory manner. Each standard should include performance indicators for candidate evaluation.

600.7 JOB DESCRIPTIONS

The City may prepare job descriptions setting forth the essential functions and duties of positions of employment with the City.

The City may prepare a classification plan setting forth the positions, pay grades and salary ranges for City positions.

600.8 PROBATIONARY PERIODS

The City Manager or the authorized designee should coordinate with supervisors to identify positions subject to probationary periods and procedures for:

- (a) Appraising performance during probation.
- (b) Assessing the level of performance required to complete probation.

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- (c) Extending probation.
- (d) Documenting successful or unsuccessful completion of probation.

Probation may be extended by a Department Head if the employee is not meeting expectations, has not made progress toward gaining credentials ultimately required for the position or has violated policy.

Unless extended by a Department Head in writing prior to the expiration of the probationary period, employees who have been employed full-time by the City for twelve consecutive months are no longer probationary employees.

Performance Evaluations

601.1 PURPOSE AND SCOPE

This policy provides guidelines for the City performance evaluation system.

601.2 POLICY

The City shall use a performance evaluation system to measure, document, and recognize work performance. The performance evaluation will serve as an objective guide for the recognition of good work and the development of a process for improvement.

The City evaluates employees in a nondiscriminatory manner based upon job-related factors specific to the employee's position, without regard to actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

601.3 TYPES OF EVALUATIONS

The City shall use the following types of evaluations:

Probationary - An evaluation that should be completed on probationary employees on a quarterly basis. The results of this evaluation shall become a permanent part of the employee personnel file.

Regular - An evaluation that should be completed by the employee's immediate supervisor.

When an employee transfers to a different assignment in the middle of an evaluation period and less than six months has transpired since the transfer, the evaluation should be completed by the current supervisor with input from the previous supervisor.

Special - An evaluation that may be completed at any time the supervisor and City Manager or the authorized designee determine an evaluation is necessary to address less than standard performance. The evaluation may include a plan for follow-up action (e.g., performance improvement plan (PIP), remedial training, retraining).

601.3.1 RATINGS

When completing an evaluation, the supervisor will identify the rating category that best describes the employee's performance. The definition of each rating category is recommended to be as follows:

Exceptional - Truly extraordinary across the board; goes above and beyond. Work had a far-reaching impact in moving the department or city toward a common goal.

Highly Effective - Consistently demonstrates a high level of performance. Looks for opportunities to grow and makes suggestions to improve the department.

Meets expectations - Consistently demonstrates acceptable level of work expectations; dependable and gets the job done. Effectively prioritizes work.

Performance Evaluations

Needs improvement - Requires more supervision in order to accomplish job. For instance, a new employee who is new to their role and are still learning the skills of the position, or an employee who requires frequent monitoring for quality or punctuality.

Unsatisfactory - Fails to meet job expectations, increasing the workload of co-workers or supervisors. It is inadequate or undesirable performance that cannot be allowed to continue.

Supervisor comments may be included in the evaluation to document the employee's strengths, weaknesses, and requirements for improvement. Any job dimension rating marked as unsatisfactory shall be substantiated with supervisor comments.

601.3.2 PERFORMANCE IMPROVEMENT PLAN

Employees who receive an unsatisfactory rating may be subject to a PIP. The PIP shall delineate areas that need improvement, any improvement measures, and a timetable in which to demonstrate improvement. The issuing supervisor shall meet with the employee to review the employee's performance and the status of the PIP at least monthly.

601.4 EVALUATION PROCESS

Supervisors should meet with the employees they supervise at the beginning of the evaluation period to discuss expectations and establish performance standards. Each supervisor should discuss the tasks of the position, standards of expected performance, and the evaluation criteria with each employee.

Performance evaluations cover a specific period and should be based upon documented performance dimensions that are applicable to the duties and authorities granted to the employee during that period. Evaluations should be completed by each employee's immediate supervisor. Other supervisors directly familiar with the employee's performance during the rating period should be consulted by the evaluating supervisor for input.

Assessment of an employee's job performance is an ongoing process. Continued coaching and feedback provides supervisors and employees with opportunities to correct performance issues as they arise and to acknowledge good work. Periodic discussions with the employee during the course of the evaluation period are encouraged. Supervisors should document all discussions in the prescribed manner. During the performance review process, the supervisor, together with the employee, may review the current accuracy of the job description. If changes are required the supervisor should take action to ensure that the job description is processed through management, and an assessment made relative to the impact of the changes on the value of the job and job classification.

Non-probationary employees demonstrating substandard performance shall be notified in writing as soon as possible in order to have an opportunity to remediate the issues. Such notification should occur at the earliest opportunity, with the goal being a minimum of 90 days' written notice prior to the end of the evaluation period for annual reviews; or 30 days written notice for quarterly reviews.

Performance Evaluations

All supervisors shall receive training on performance evaluations within one year of a supervisory appointment.

601.5 EVALUATION FREQUENCY

Supervisors shall evaluate all employees they supervise at least annually.

Those employees who are required to successfully complete a probationary period should be evaluated quarterly.

601.6 EVALUATION INTERVIEW

When the supervisor has completed an evaluation, a private discussion of the evaluation should be scheduled with the employee. The supervisor should discuss the evaluation ratings and respond to any questions the employee may have. The supervisor should provide relevant counseling regarding advancement, specialty positions, and training opportunities. Any performance areas in need of improvement and goals for reaching the expected level of performance should be identified and discussed. If the employee has reasonable objections to any of the ratings, the supervisor may make appropriate adjustments to the evaluation. The reason for such adjustments shall be documented.

Employees may write comments in an identified section of the evaluation. The supervisor and employee will sign and date the evaluation.

601.7 APPEAL

An employee who disagrees with an evaluation may provide a formal written response that will be attached to the evaluation, or may file a grievance pursuant to the Grievances Policy.

601.8 CHAIN OF REVIEW

The signed performance evaluation and any employee attachment should be forwarded to the City Manager or the authorized designee. The City Manager or the authorized designee shall review the evaluation for fairness, impartiality, uniformity, and consistency, and shall consider any written response or grievance made by the employee.

The City Manager or the authorized designee should evaluate the supervisor on the quality of ratings given.

601.9 RETENTION AND DISTRIBUTION

The original performance evaluation and any original correspondence related to an appeal shall be maintained in accordance with the Personnel Records Policy.

A copy of the evaluation and any documentation of a related appeal shall be provided to the employee.

Discriminatory Harassment

602.1 PURPOSE AND SCOPE

The purpose of this policy is to prevent city employees from being subjected to discriminatory harassment, including sexual harassment and retaliation. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

602.2 POLICY

The City is an equal opportunity employer and is committed to creating and maintaining a work environment that is free of all forms of discriminatory harassment, including sexual harassment and retaliation. The City will not tolerate discrimination against an employee in hiring, promotion, discharge, compensation, fringe benefits, and other privileges of employment. The City will take preventive and corrective action to address any behavior that violates this policy or the rights and privileges it is designed to protect.

The nondiscrimination policies of the City may be more comprehensive than state or federal law. Conduct that violates this policy may not violate state or federal law but still could subject an employee to discipline.

602.3 DEFINITIONS

Definitions related to this policy include:

602.3.1 DISCRIMINATION

The City prohibits all forms of discrimination, including any employment-related action by an employee that adversely affects an applicant or employee and is based on actual or perceived race, ethnicity, national origin, religion, sex, sexual orientation, gender identity or expression, age, disability, pregnancy, genetic information, veteran status, marital status, and any other classification or status protected by law.

Discriminatory harassment, including sexual harassment, is verbal or physical conduct that demeans or shows hostility or aversion toward an individual based upon that individual's protected class. It has the effect of interfering with an individual's work performance or creating a hostile or abusive work environment.

Conduct that may, under certain circumstances, constitute discriminatory harassment can include making derogatory comments; making crude and offensive statements or remarks; making slurs or off-color jokes; stereotyping; engaging in threatening acts; making indecent gestures, pictures, cartoons, posters, or material; making inappropriate physical contact; or using written material or city equipment and/or systems to transmit or receive offensive material, statements, or pictures. Such conduct is contrary to city policy and to a work environment that is free of discrimination.

602.3.2 RETALIATION

Retaliation is treating a person differently or engaging in acts of reprisal or intimidation against the person because the person has engaged in protected activity, filed a charge of discrimination,

Discriminatory Harassment

participated in an investigation, or opposed a discriminatory practice. Retaliation will not be tolerated.

602.3.3 SEXUAL HARASSMENT

The City prohibits all forms of discrimination and discriminatory harassment, including sexual harassment. It is unlawful to harass an applicant or an employee because of that person's sex.

Sexual harassment includes but is not limited to unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- (a) Submission to such conduct is made either explicitly or implicitly as a term or condition of employment, position, or compensation.
- (b) Submission to, or rejection of, such conduct is used as the basis for any employment decisions affecting the employee.
- (c) Such conduct has the purpose or effect of substantially interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

602.3.4 ADDITIONAL CONSIDERATIONS

Discrimination and discriminatory harassment do not include actions that are in accordance with established rules, principles, or standards, including:

- (a) Acts or omission of acts based solely upon bona fide occupational qualifications under the Equal Employment Opportunity Commission and any related state agency guidelines.
- (b) Bona fide requests or demands by a supervisor that an employee improve work quality or output, that the employee report to the job site on time, that the employee comply with City or department rules or regulations, or any other appropriate work-related communication between supervisor and employee.

602.4 RESPONSIBILITIES

This policy applies to all city employees, who shall follow the intent of these guidelines in a manner that reflects city policy, professional standards, and the best interest of the City and its mission.

Employees are encouraged to promptly report any discriminatory, retaliatory, or harassing conduct or known violations of this policy to a supervisor. Any employee who is not comfortable with reporting violations of this policy to an immediate supervisor may make the report to a higher-ranking supervisor or manager. Complaints may also be filed with the City Manager.

Any employee who believes, in good faith, that the employee has been discriminated against, harassed, or subjected to retaliation, or who has observed harassment, discrimination, or retaliation, is encouraged to promptly report such conduct in accordance with the procedures set forth in this policy.

Supervisors and managers receiving information regarding alleged violations of this policy shall determine if there is any basis for the allegation and shall proceed with a resolution as stated below.

Discriminatory Harassment

602.4.1 QUESTIONS OR CLARIFICATION

Employees with questions regarding what constitutes discrimination, sexual harassment, or retaliation are encouraged to contact a supervisor, a manager, or the City Manager for further information, direction, or clarification.

602.4.2 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors and managers shall include but are not limited to:

- (a) Continually monitoring the work environment and striving to ensure that it is free from all types of unlawful discrimination, including harassment or retaliation.
- (b) Taking prompt, appropriate action within their work units to avoid and minimize the incidence of any form of discrimination, harassment, or retaliation.
- (c) Ensuring that their subordinates understand their responsibilities under this policy.
- (d) Ensuring that employees who make complaints or who oppose any unlawful employment practices are protected from retaliation and that such matters are kept confidential to the extent possible.
- (e) Making a timely determination regarding the substance of any allegation based upon all available facts.
- (f) Notifying the City Manager in writing of the circumstances surrounding any reported allegations or observed acts of discrimination, harassment, or retaliation no later than the next business day.

602.4.3 SUPERVISOR'S ROLE

Supervisors and managers shall be aware of the following:

- (a) Behavior of supervisors and managers should represent the values of the City and professional standards.
- (b) False or mistaken accusations of discrimination, harassment, or retaliation can have negative effects on the careers of innocent employees.

Nothing in this section shall be construed to prevent supervisors or managers from discharging supervisory or management responsibilities, such as determining assignments, evaluating or counseling employees, or issuing discipline in a manner that is consistent with established procedures.

602.5 INVESTIGATION OF COMPLAINTS

Various methods of resolution exist. During the pendency of any such investigation, the supervisor of the involved employee should take prompt and reasonable steps to mitigate or eliminate any continuing abusive or hostile work environment. All complaints of discrimination, retaliation, or harassment should be fully documented and promptly and thoroughly investigated.

602.5.1 SUPERVISORY RESOLUTION

Employees who believe they are experiencing discrimination, harassment, or retaliation should be encouraged to inform the individual that the behavior is unwelcome, offensive, unprofessional,

Discriminatory Harassment

or inappropriate. However, if the employee feels uncomfortable or threatened or has difficulty expressing the employee's concern, or if this does not resolve the concern, assistance should be sought from a supervisor or manager who is a rank higher than the alleged transgressor.

602.5.2 FORMAL INVESTIGATION

If the complaint cannot be satisfactorily resolved through the supervisory resolution process, a formal investigation will be conducted.

The person assigned to investigate the complaint will have full authority to investigate all aspects of the complaint. Investigative authority includes access to records and the cooperation of any employees involved. No influence will be used to suppress any complaint and no employee will be subject to retaliation or reprisal for filing a complaint, encouraging others to file a complaint, or for offering testimony or evidence in any investigation.

Formal investigation of the complaint will be confidential to the extent possible and will include but is not limited to details of the specific incident, frequency and dates of occurrences, and names of any witnesses. Witnesses will be advised regarding the prohibition against retaliation, and that a disciplinary process, up to and including termination, may result if retaliation occurs.

Employees who believe they have been discriminated against, harassed, or retaliated against because of their protected status are encouraged to file a complaint with their immediate supervisor but may also file a complaint directly with the City Manager.

602.5.3 ALTERNATIVE COMPLAINT PROCESS

No provision of this policy shall be construed to prevent any employee from seeking legal redress outside the City. Employees who believe that they have been harassed, discriminated, or retaliated against are entitled to bring complaints of employment discrimination to federal, state, and/or local agencies responsible for investigating such allegations. Specific time limitations apply to the filing of such charges. Employees are advised that proceeding with complaints under the provisions of this policy does not in any way affect those filing requirements.

602.6 DOCUMENTATION OF COMPLAINTS

All complaints or allegations shall be thoroughly documented on the appropriate forms and in a manner designated by the City Manager. The outcome of all reports shall be:

- (a) Approved by the City Manager.
- (b) Maintained in accordance with the established records retention schedule.

602.6.1 NOTIFICATION OF DISPOSITION

The complainant and/or victim will be notified in writing of the disposition of the investigation and the actions taken to remedy or address the circumstances giving rise to the complaint.

602.7 TRAINING

All new employees shall be provided with a copy of this policy as part of their orientation. The policy shall be reviewed with each new employee. The employee shall certify by signing the prescribed

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form that the employee has been advised of this policy, is aware of and understands its contents, and agrees to abide by its provisions during the employee's term with the City.

All employees shall receive annual training on the requirements of this policy and shall certify by signing the prescribed form that they have reviewed the policy, understand its contents, and agree that they will continue to abide by its provisions.

Grievances

603.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidelines for the city grievance system. The grievance system is intended to facilitate communication and to promptly and equitably address employee grievances in the workplace.

603.1.1 GRIEVANCE DEFINED

A grievance is a difference of opinion or dispute regarding the meaning, interpretation, or application of any of the following:

- Current employment agreements
- This Policy Manual
- Rules and regulations governing personnel practices or working conditions
- Workplace issues that do not amount to misconduct such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of members

Specifically outside the category of grievances are complaints related to allegations of discrimination or harassment subject to the Discriminatory Harassment Policy. Also outside the category of grievances are personnel complaints regarding any allegation of misconduct or improper job performance against any city employee that, if true, would constitute a violation of city policy or federal, state, or local law. It also excludes complaints regarding, job classifications, wage rate assignments, job description content and work assignments (unless to a reasonable person they would violate safety regulations or cross other State or Federal standards.

603.2 POLICY

It is the policy of the City to provide a just and equitable system for the prompt handling of employee grievances without discrimination, coercion, restraint, or retaliation against any employee who submits or is otherwise involved in a grievance.

603.3 PROCESS

STEP 1

An employee with a grievance or request shall first go to his/her immediate supervisor with a written statement describing the conditions or circumstances and the remedy desired. If a remedy cannot be agreed to within seven (7) days, or if there is no action taken by the supervisor within seven (7) days, the employee shall provide the department head with a copy of the grievance for further processing. If the department head is the immediate supervisor, skip to step three.

STEP 2

Whenever a grievance is directed to the attention of the department head, the department head should, within a reasonable time, discuss all relevant circumstances with the employee and

Grievances

the immediate supervisor and resolve the grievance to the extent the department head deems advisable and possesses authority. This decision of the department head should be provided to the employee in writing within a reasonable time frame.

STEP 3

If the employee is unsatisfied with the decision of the department head, the employee shall deliver the written decision of the department head, along with a written statement from the employee, to the City Manager. The City Manager should investigate the matter within a reasonable time. The City Manager should render a written decision to the employee within a reasonable time frame.

603.4 GRIEVANCE RECORDS

At the conclusion of the grievance process, all documents pertaining to the process shall be forwarded to the City Manager or the authorized designee for inclusion in a secure file for all written grievances.

603.5 POLICY OR TRAINING IMPLICATIONS

If an employee who participates in the grievance review process identifies any issue that may warrant an immediate revision to this Policy Manual, a procedural change, or an immediate training need, the employee should promptly notify the City Manager in the memorandum.

603.6 GRIEVANCE AUDITS

The City Manager may designate an employee to perform an audit of grievances filed during the prior audit period to evaluate whether any change in policy, procedure, or training may be appropriate to avoid future grievances. The evaluation should be documented in a confidential memorandum to the City Manager without including any identifying information about any individual grievance. The evaluation should be documented in a confidential memorandum to the City Manager without including any identifying information about any individual grievance.

Anti-Retaliation

604.1 PURPOSE AND SCOPE

This policy prohibits retaliation against employees who identify workplace issues, such as fraud, waste, abuse of authority, gross mismanagement, or any inappropriate conduct or practices, including violations that may pose a threat to the health, safety, or well-being of employees.

This policy does not prohibit actions taken for nondiscriminatory or non-retaliatory reasons, such as discipline for cause.

These guidelines are intended to supplement and not limit employees' access to other applicable remedies. Nothing in this policy shall diminish the rights or remedies of an employee pursuant to any applicable federal law, provision of the U.S. Constitution, state and local law, ordinance, or current employment agreement.

604.2 POLICY

The City has a zero tolerance for retaliation and is committed to taking reasonable steps to protect from retaliation employees who, in good faith, engage in permitted behavior or who report or participate in the reporting or investigation of workplace issues. All complaints of retaliation will be taken seriously and will be promptly and appropriately investigated.

604.3 RETALIATION PROHIBITED

No employee may retaliate against any person for engaging in lawful or otherwise permitted behavior; for opposing a practice believed to be unlawful, unethical, discriminatory, or retaliatory; for reporting or making a complaint under this policy; or for participating in any investigation related to a complaint under this or any other policy.

Retaliation includes any adverse action or conduct, including but not limited to:

- Refusing to hire or denying a promotion.
- Extending the probationary period.
- Unjustified reassignment of duties or change of work schedule.
- Real or implied threats or other forms of intimidation to dissuade the reporting of wrongdoing or filing of a complaint, or as a consequence of having reported or participated in protected activity.
- Taking unwarranted disciplinary action.
- Spreading rumors about the person filing the complaint or about the alleged wrongdoing.
- Shunning or unreasonably avoiding a person because the person has engaged in protected activity.

Anti-Retaliation

604.4 COMPLAINTS OF RETALIATION

Any employee who feels retaliated against in violation of this policy should promptly report the matter to any supervisor, or the City Manager or the authorized designee.

Employees shall act in good faith, not engage in unwarranted reporting of trivial or minor deviations or transgressions, and make reasonable efforts to verify facts before making any complaint in order to avoid baseless allegations. Employees shall not report or state an intention to report information or an allegation knowing it to be false or with willful or reckless disregard for the truth or falsity of the information, or otherwise act in bad faith.

Investigations are generally more effective when the identity of the reporting employee is known, thereby allowing investigators to obtain additional information from the reporting employee. However, complaints may be made anonymously. All reasonable efforts shall be made to protect the reporting employee's identity. However, confidential information may be disclosed to the extent required by law or to the degree necessary to conduct an adequate investigation and make a determination regarding a complaint. In some situations, the investigative process may not be complete unless the source of the information and a statement by the employee are part of the investigative process.

604.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Ensuring complaints of retaliation are investigated.
- (b) Receiving all complaints in a fair and impartial manner.
- (c) Documenting the complaint and any steps taken to resolve the problem.
- (d) Acknowledging receipt of the complaint, notifying the City Manager or the authorized designee, and explaining to the employee how the complaint will be handled.
- (e) Taking appropriate and reasonable steps to mitigate any further violations of this policy.
- (f) Monitoring the work environment to ensure that any employee making a complaint is not subjected to further retaliation.
- (g) Periodic follow-up with the complainant to ensure that retaliation is not continuing.
- (h) Not interfering with or denying the right of an employee to make any complaint.
- (i) Taking reasonable steps to accommodate requests for assignment or schedule changes made by an employee who may be the target of retaliation if it would likely mitigate the potential for further violations of this policy.

604.6 COMPLAINT PROCESS

The City Manager should communicate to all supervisors the prohibition against retaliation.

Supervisors shall treat all complaints as serious matters and shall ensure that prompt actions take place, including but not limited to:

Anti-Retaliation

- (a) Communicating to all employees the prohibition against retaliation.
- (b) The timely review of complaint investigations.
- (c) Remediation of any inappropriate conduct or condition and instituting measures to eliminate or minimize the likelihood of recurrence.
- (d) The timely communication of the outcome to the complainant.

604.7 WHISTLE-BLOWING

Employees who believe they have been the subject of retaliation for engaging in protected behaviors should promptly report it to a supervisor. Supervisors should refer the complaint to the City Manager or the authorized designee for investigation.

604.8 RECORDS RETENTION AND RELEASE

The City Recorder shall ensure that documentation of investigations is maintained in accordance with the established records retention schedules.

604.9 TRAINING

This policy should be reviewed with each new employee.

All employees should receive periodic refresher training on the requirements of this policy.

Drug-and Alcohol- Free Workplace

605.1 PURPOSE AND SCOPE

The purpose of this policy is to establish clear and uniform guidelines regarding drugs and alcohol in the workplace (41 USC § 8103).

605.2 POLICY

It is the policy of the City to provide a drug- and alcohol-free workplace for all employees.

605.3 GENERAL GUIDELINES

Alcohol and drug use in the workplace or on city time can endanger the health and safety of city employees and the public.

Employees who have consumed an amount of an alcoholic beverage or taken any medication, or combination thereof, that would tend to adversely affect their mental or physical abilities shall not report for work. Affected employees shall notify an appropriate supervisor as soon as they are aware of an inability to report to work. If the employee is unable to make the notification, every effort should be made to have a representative contact the supervisor in a timely manner. If the employee is adversely affected while at work, the employee shall be immediately removed and released from work (see the Work Restrictions section in this policy).

All such activities prohibited by law shall be reported to the Police Department and may result in criminal prosecution.

605.3.1 USE OF MEDICATIONS

Employees should not use any medications that will impair their ability to safely and completely perform their work. Any employee who is medically required or has a need to take any such medication shall report that need to an immediate supervisor prior to commencing any work. Reasonable restrictions on the timing of taking impairing medications may be put into place in order to ensure a safe work environment.

605.3.2 MEDICAL CANNABIS

Except as provided herein, an employee's use of medical cannabis in accordance with Utah law is treated the same manner as any prescribed medication. Any employee whose use of medical cannabis has led to an impairment of their ability to safely and completely perform their work shall follow the requirements of the General Guidelines section above.

The use of medical cannabis may be prohibited if allowing it would jeopardize federal funding, a federal security clearance, or any other federal background determination required for the employee's position; if the employee's position is dependent on a license or peace officer certification that is subject to federal regulations; or if the employee uses medical cannabis during the 12 hours that immediately precede the employee's shift, or during the employee's shift.

Drug-and Alcohol- Free Workplace

605.4 EMPLOYEE RESPONSIBILITIES

Employees shall report for work in an appropriate mental and physical condition. Employees are prohibited from purchasing, manufacturing, distributing, dispensing, possessing, or using controlled substances or alcohol on city premises or on city time (41 USC § 8103). The lawful possession or use of prescribed medications or over-the-counter remedies is excluded from this prohibition.

Employees shall notify a supervisor immediately if they observe behavior or other evidence that they believe demonstrates that a fellow employee is impaired during work hours due to drug or alcohol use.

Employees are required to notify their immediate supervisors of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction (41 USC § 8103).

Off-the -job drug use and/or alcohol consumption, which affects an employee's job performance, jeopardizes the safety of employees, the public, or city equipment or results in behavior that is a discredit to the City, is prohibited. Any employee who is called back to work during non-scheduled work hours and has recently consumed alcohol or drugs which impair his/her ability to safely perform his/her duties shall notify the supervisor of the impairment and shall not report to work.

An employee who is convicted of a drug or alcohol related offense shall provide notice to the City in writing of the conviction.

605.5 EMPLOYEE ASSISTANCE PROGRAM

There may be available a voluntary employee assistance program to assist those who wish to seek help for alcohol and drug problems (41 USC § 8103). Insurance coverage that provides treatment for drug and alcohol abuse also may be available. Employees should contact the City Manager or the authorized designee, their insurance providers, or the employee assistance program for additional information. It is the responsibility of each employee to seek assistance before alcohol or drug problems lead to performance problems.

605.6 WORK RESTRICTIONS

If an employee informs a supervisor of having consumed any alcohol, drug, or medication that could interfere with a safe and efficient job performance, the employee may be required to obtain clearance from a physician before continuing to work.

If the supervisor reasonably believes, based on objective facts, that an employee is impaired by the consumption of alcohol or other drugs, the supervisor shall prevent the employee from continuing work and shall ensure that the employee is safely transported away from the workplace.

605.7 SCREENING TESTS

A supervisor may require an employee to submit to a screening under any of the following circumstances:

Drug-and Alcohol- Free Workplace

- (a) The supervisor reasonably believes, based upon objective facts, that the employee is under the influence of alcohol or drugs that are impairing the employee's ability to perform work safely and efficiently.
- (b) The employee uses property owned or approved by the City in a manner that results in injury, death, or substantial property damage.
- (c) The employee drives a motor vehicle in the performance of the employee's work and becomes involved in an incident that results in bodily injury, death, or substantial damage to property.

605.7.1 SUPERVISOR RESPONSIBILITIES

The supervisor shall prepare a written record documenting the specific facts that led to the decision to require the test, and shall inform the employee in writing of the following:

- (a) The test will be given to detect either alcohol or drugs, or both.
- (b) The result of the test is not admissible in any criminal proceeding against the employee.
- (c) The employee may refuse the test, but refusal may result in dismissal or other disciplinary action.

605.7.2 DISCIPLINE

An employee may be subject to disciplinary action if the employee

- (a) Fails or refuses to submit to a screening test.
- (b) After taking a screening test that indicates the presence of a controlled substance, fails to provide proof, within 72 hours after being requested, of having taken the controlled substance as directed, pursuant to a current and lawful prescription or cannabis recommendation from a qualified medical provider, issued in the employee's name.

An employee who is injured in a work-related accident and is found to be in violation of any of the above provisions may have their worker's compensation disability benefits reduced.

605.8 COMPLIANCE WITH THE DRUG-FREE WORKPLACE ACT

No later than 30 days following notice of any drug statute conviction for a violation occurring in the workplace involving an employee, the City will take appropriate disciplinary action, up to and including dismissal, and/or requiring the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program (41 USC § 8104).

605.9 CONFIDENTIALITY

The City recognizes the confidentiality and privacy due to its employees. Disclosure of any information relating to substance abuse treatment, except on a need-to-know basis, shall only be with the express written consent of the employee involved or pursuant to lawful process.

Drug-and Alcohol- Free Workplace

The written results of any screening tests and all documents generated by the employee assistance program are considered confidential medical records and shall be maintained in the employee's confidential medical file in accordance with the Personnel Records Policy.

Communicable Diseases

606.1 PURPOSE AND SCOPE

This policy provides general guidelines to assist in minimizing the risk of employees contracting and/or spreading communicable diseases.

606.1.1 DEFINITIONS

Definitions related to this policy include:

Communicable disease - A human disease caused by microorganisms that are present in and transmissible through human blood, bodily fluid, or tissue, or by breathing or coughing. These diseases commonly include but are not limited to hepatitis B virus (HBV), HIV, and tuberculosis.

Exposure - When an eye, the mouth, a mucous membrane, or non-intact skin comes into contact with blood or other potentially infectious materials, or when these substances are injected or infused under the skin; when an individual is exposed to a person who has a disease that can be passed through the air by talking, sneezing, or coughing (e.g., tuberculosis), or the individual is in an area that was occupied by such a person. Exposure only includes those instances that occur due to an employee's position with the City. (See the exposure control plan for further details to assist in identifying whether an exposure has occurred.)

606.2 POLICY

The City is committed to providing a safe work environment for its employees. Employees should be aware that they are ultimately responsible for their own health and safety.

606.3 EXPOSURE CONTROL OFFICER

The City should develop an exposure control plan that includes:

- (a) Exposure prevention and decontamination procedures.
- (b) Procedures for when and how to obtain medical attention in the event of an exposure or suspected exposure.
- (c) The provision that city employees will have no-cost access to personal protective equipment (PPE) (e.g., gloves, face masks, eye protection, pocket masks) that is appropriate for each employee's position and risk of exposure.
- (d) Identification of exposure risks and reasonable efforts to reduce additional exposure.
- (e) Compliance with all relevant laws or regulations related to communicable diseases which may include the following:
 1. Responding to requests and notifications regarding exposures covered under the Ryan White law (42 USC § 300ff-133; 42 USC § 300ff-136)
 2. Bloodborne pathogen precautions, including exposure determination, if required (29 CFR 1910.1030)

606.4 EXPOSURE PREVENTION AND MITIGATION

Communicable Diseases

606.4.1 GENERAL PRECAUTIONS

All employees are expected to use good judgment and follow training and procedures related to mitigating the risks associated with communicable disease. This includes but is not limited to (29 CFR 1910.1030):

- (a) Stocking disposable gloves, antiseptic hand cleanser, CPR masks, or other specialized equipment in the work area or city vehicles, as applicable.
- (b) Wearing city-approved disposable gloves when contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin can be reasonably anticipated.
- (c) Washing hands immediately or as soon as feasible after removal of gloves or other PPE.
- (d) Treating all human blood and bodily fluids/tissue as if it is known to be infectious for a communicable disease.
- (e) Using an appropriate barrier device when providing CPR.
- (f) Using a face mask or shield if it is reasonable to anticipate an exposure to an airborne transmissible disease.
- (g) Decontaminating non-disposable equipment (e.g., clothing, shoes, work equipment) as soon as possible if the equipment is a potential source of exposure.
 - 1. Clothing that has been contaminated by blood or other potentially infectious materials should be removed immediately or as soon as feasible and stored/decontaminated appropriately.
- (h) Handling all sharps and items that cut or puncture (e.g., needles, broken glass, razors, knives) cautiously and using puncture-resistant containers for their storage and/or transportation.
- (i) Avoiding eating, drinking, smoking, applying cosmetics or lip balm, or handling contact lenses where there is a reasonable likelihood of exposure.
- (j) Disposing of biohazardous waste appropriately or labeling biohazardous material properly when it is stored.

606.4.2 IMMUNIZATIONS

Employees who could be exposed to HBV due to their positions may receive the HBV vaccine and any routine booster at no cost (29 CFR 1910.1030). Additional immunizations may also be required or provided.

606.5 POST EXPOSURE

606.5.1 INITIAL POST-EXPOSURE STEPS

Employees who experience an exposure or suspected exposure shall (29 CFR 1910.1030):

- (a) Begin decontamination procedures immediately (e.g., wash hands and any other skin with soap and water, flush mucous membranes with water).
- (b) Obtain medical attention as appropriate.

Communicable Diseases

- (c) Notify a supervisor as soon as practical.

606.5.2 REPORTING REQUIREMENTS

Supervisors should investigate every exposure or suspected exposure that occurs as soon as possible following the incident. Supervisors should document the following information (29 CFR 1910.1030):

- (a) Identification of the employee exposed
- (b) Date and time of incident
- (c) Location of incident
- (d) Potentially infectious materials involved and the source of exposure (e.g., identification of the person who may have been the source)
- (e) Work being done during exposure
- (f) How the incident occurred or was caused
- (g) PPE in use at the time of the incident
- (h) Actions taken post-event (e.g., clean-up, notifications)

Supervisors should advise their employees that disclosing the identity and/or infectious status of a source to the public or to anyone who is not involved in the follow-up process is prohibited. Supervisors should complete the incident documentation in conjunction with other reporting requirements that may apply (see the Work-Related Illness and Injury Reporting and Illness and Injury Prevention policies).

606.5.3 MEDICAL CONSULTATION, EVALUATION, AND TREATMENT

City employees have the opportunity to have a confidential medical evaluation immediately after an exposure and follow-up evaluations as necessary.

The City should request a written opinion/evaluation from the treating medical professional that contains only the following information (29 CFR 1910.1030):

- (a) Whether the employee has been informed of the results of the evaluation.
- (b) Whether the employee has been notified of any medical conditions resulting from exposure to blood or other potentially infectious materials that require further evaluation or treatment.

No other information should be requested or accepted by the City.

606.5.4 COUNSELING

The City should provide the employee, and the employee's family if necessary, the opportunity for counseling and consultation regarding the exposure.

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606.5.5 SOURCE TESTING

Testing a person for communicable diseases when that person was the source of an exposure should be done when it is desired by the exposed employee or when it is otherwise appropriate. It is the responsibility of the exposed employee's supervisor to ensure testing is sought.

Source testing may be achieved by:

- (a) Obtaining consent from the individual.
- (b) Requesting assistance from local health authorities to obtain testing.
- (c) Acquiring a court order in accordance with state law.

Since there is the potential for overlap between the different manners in which source testing may occur, the employee's supervisor is responsible for coordinating the testing to prevent unnecessary or duplicate testing.

The employee's supervisor should seek the consent of the individual for testing and consult the City Manager to discuss other options when no statute exists for compelling the source of an exposure to undergo testing if the individual refuses.

606.6 CONFIDENTIALITY OF REPORTS

Medical information shall remain in confidential files and not be disclosed to anyone without the employee's written consent (except as required by law). Test results from persons who may have been the source of an exposure are to be kept confidential as well (29 CFR 1910.1030).

606.7 TRAINING

Training regarding communicable diseases should be provided to employees commensurate with the requirements of their position. The training (29 CFR 1910.1030):

- (a) Should be provided at the time of initial assignment to tasks where an occupational exposure may take place and at least annually after the initial training.
- (b) Should be provided whenever the employee is assigned new tasks or procedures affecting potential exposure to communicable disease.
- (c) Should provide guidance on what constitutes an exposure, what steps can be taken to avoid an exposure, and what steps should be taken if a suspected exposure occurs.

Smoking and Tobacco Use

607.1 PURPOSE AND SCOPE

This policy establishes limitations on smoking and the use of tobacco products by employees and others during work hours or while in city facilities or vehicles.

For the purpose of this policy, smoking and tobacco use includes but is not limited to any tobacco product, such as cigarettes, cigars, pipe tobacco, snuff, tobacco pouches, and chewing tobacco, as well as any device that is intended to simulate smoking, such as an electronic cigarette or personal vaporizer.

607.2 POLICY

The City recognizes that smoking and tobacco use is a health risk and can be offensive to others. All forms of smoking and tobacco use also present an unprofessional image for the City and its employees. Therefore, all forms of smoking and tobacco use are prohibited by employees and visitors in all city facilities, buildings, and vehicles, and as is further outlined in this policy.

607.3 SMOKING AND TOBACCO USE

Smoking and tobacco use by employees are prohibited any time employees are in public view representing the City, including when wearing a uniform or other identifying insignia on the employee's clothing.

It is the responsibility of employees to ensure that no person under their supervision or control smokes or uses any tobacco product on city property or inside city facilities and vehicles.

No employee shall smoke or vape near any entrance, window, or other location where other persons may be subject to breathing smoke or vapor.

607.4 POSTING

Signs or other notices should be posted at appropriate locations to notify employees and the public where smoking and tobacco use is prohibited.

Meal Periods and Breaks

608.1 PURPOSE AND SCOPE

This policy provides general guidance regarding meal periods and breaks for employees.

608.2 POLICY

It is the policy of the City to provide meal periods and breaks to employees in accordance with the law and any employment agreements.

608.3 MEAL PERIODS

Meal periods shall be arranged with supervisors and take into account the needs of the employee, co-workers and the department's need for coverage. Normally, employees are allowed a one (1) hour lunch period in conjunction with the employee's work schedule or shift. The lunch break will be taken on the employees' own time; therefore, it will not be compensated. Shorter lunch periods may be approved by the Department Head.

Emergency response employees shall remain on-duty subject to call during meal periods. All other employees are not on-duty during meal periods unless directed otherwise by a supervisor.

608.4 BREAKS

Breaks should be taken near the midpoint of each four-hour work period. Only one fifteen-minute break should be taken during each four hours of work. No breaks should be taken during the first or last hour of an employee's shift unless approved by a supervisor on a temporary or one-time basis.

Emergency response employees shall remain on-duty subject to call during breaks. All other employees are not on-duty during breaks unless directed otherwise by a supervisor.

Lactation Breaks

609.1 PURPOSE AND SCOPE

The purpose of this policy is to provide reasonable accommodations to employees desiring to express breast milk for the employee's infant child.

609.2 POLICY

It is the policy of the City to provide, in compliance with the Fair Labor Standards Act (FLSA), reasonable break time and appropriate facilities to accommodate any nonexempt employee desiring to express breast milk for a nursing child for up to one year after the child's birth (29 USC § 207).

609.3 LACTATION BREAK TIME

A rest period should be permitted each time the employee has the need to express breast milk (29 USC § 207). In general, lactation breaks that cumulatively total 30 minutes or less during any four-hour work period or major portion of a four-hour work period would be considered reasonable. However, individual circumstances may require more or less time.

Lactation breaks, if feasible, should be taken at the same time as the employee's regularly scheduled rest or meal periods. While a reasonable effort will be made to provide additional time beyond authorized breaks, any such time exceeding regularly scheduled and paid break time will be unpaid.

Employees desiring to take a lactation break shall notify a supervisor prior to taking such a break. Such breaks may be reasonably delayed if they would seriously disrupt city operations.

Once a lactation break has been approved, the break should not be interrupted except for emergency or exigent circumstances.

609.4 PRIVATE LOCATION

The City will make reasonable efforts to accommodate employees with the use of an appropriate room or other location to express milk in private. Such room or place should be in proximity to the employee's work area and shall be other than a bathroom or toilet stall. The location must be shielded from view and free from intrusion from coworkers and the public (29 USC § 207).

Employees occupying such private areas shall either secure the door or otherwise make it clear to others that the area is occupied with a need for privacy. All other employees should avoid interrupting an employee during an authorized break, except to announce an emergency or other urgent circumstance.

Authorized lactation breaks for employees assigned to the field may be taken at the nearest appropriate private area.

Lactation Breaks

609.5 STORAGE OF EXPRESSED MILK

Upon request, the City shall provide access to a clean and well-maintained refrigerator or freezer for the temporary storage of expressed breast milk. Any employee storing expressed milk in any authorized refrigerated area shall clearly label it as such and shall remove it when the employee's workday ends.

Payroll Records

610.1 PURPOSE AND SCOPE

This policy provides the guidelines for completing and submitting payroll records of city employees who are eligible for the payment of wages.

610.2 POLICY

The City maintains timely and accurate payroll records.

610.3 RESPONSIBILITIES

Employees are responsible for the accurate completion and timely submission of their payroll records for the payment of wages.

Supervisors are responsible for approving the payroll records of employees under their supervision.

610.4 TIME REQUIREMENTS

Employees who are eligible for the payment of wages are paid on a scheduled, periodic basis, generally on the same day or date each period, with certain exceptions, such as holidays. Payroll records shall be completed and submitted as established by the city payroll procedures.

610.5 RECORDS

The City shall maintain accurate and timely payroll records as required by 29 CFR 516.2 for a minimum of three years (29 CFR 516.5).

Overtime Compensation

611.1 PURPOSE AND SCOPE

This policy establishes guidelines and procedures regarding overtime for employees, in conformance with the Fair Labor Standards Act (FLSA) (29 USC § 201 et seq.).

611.2 POLICY

The City will compensate nonexempt employees who work authorized overtime either by payment of wages or by the accrual of compensatory time (29 CFR 553.22). Employees who are salary exempt from FLSA are not compensated for overtime worked.

611.3 COMPENSATION

Payment of wages to nonexempt employees for overtime, or accrual of compensatory time in lieu of compensation for overtime worked, shall be at the rate of not less than one and one-half hours for each hour of employment for which overtime compensation is required (29 USC § 207(o)(1)).

Short periods of time worked at the end of the normal workday (e.g., less than one hour in duration) may be handled informally by an agreement between the supervisor and the employee. In such cases, the supervisor shall document the time worked beyond the normal workday and schedule a subsequent adjustment of work time within the same work period that the overtime was worked, rather than submit a request for overtime compensation (29 USC § 207(o)).

Exempt employees may be eligible for administrative leave, which may be granted at the discretion of the exempt employee's immediate supervisor.

611.4 REQUESTS FOR OVERTIME COMPENSATION

611.4.1 EMPLOYEE RESPONSIBILITIES

Generally, no employee is authorized to work overtime without the prior approval of a supervisor. If circumstances do not permit prior approval, approval shall be sought as soon as practicable during the overtime shift and in no case later than the end of the shift in which the overtime is worked.

Nonexempt employees shall:

- (a) Obtain supervisory approval, verbal or written.
- (b) Record the actual time worked in an overtime status using the city-approved form or method. Informal notations on reports, logs, or other forms not approved for overtime recording are not acceptable.
- (c) Submit the request for overtime compensation pursuant to city payroll procedures.

611.4.2 SUPERVISOR RESPONSIBILITIES

Supervisors shall:

- (a) Prior to authorizing an employee to work overtime, evaluate the need for the overtime.

Overtime Compensation

1. Supervisors should not authorize any request to work overtime if the overtime would not be an appropriate use of city resources.
- (b) Upon receipt of a request for overtime compensation, confirm that the overtime was authorized and then verify the actual time worked.
 1. Supervisors identifying any unauthorized overtime or discrepancy shall initiate an internal investigation.
- (c) After verifying and approving the overtime amount, promptly forward the request for compensation to the employee's department director for final approval.

Supervisors may not authorize or approve their own overtime.

611.5 VARIATION IN TIME REPORTED

When two or more employees are assigned to the same activity and the amount of time for which overtime compensation is requested varies among the employees, the City Manager, authorized designee, or other approving supervisor may require each employee to include the reason for the variation on the overtime compensation request.

611.6 REQUESTING USE OF COMPENSATORY TIME

Employees who have accrued compensatory time shall be allowed to use that time for time off within a reasonable period after making a request, if the request does not unduly disrupt city operations (29 USC § 207(o)). Requests to use compensatory time will be submitted to the employee's supervisor at least 24 hours in advance of its intended use. Supervisors may make exceptions in unusual or extraordinary circumstances.

Supervisors shall not unreasonably deny employee requests to use compensatory time (29 CFR 553.25).

Work-Related Illness and Injury Reporting

612.1 PURPOSE AND SCOPE

The purpose of this policy is to provide guidance regarding timely reporting of work-related conditions such as a physical injury or an occupational illness.

612.1.1 DEFINITIONS

Definitions related to this policy include:

Work-related condition - Any significant medical or mental condition suspected to have been caused by an employee's service to the City. Any condition that would reasonably require some form of treatment should be considered significant.

612.2 POLICY

The City will address work-related conditions and will comply with applicable state workers' compensation requirements.

612.3 RESPONSIBILITIES

612.3.1 EMPLOYEE RESPONSIBILITIES

Employees shall report work-related conditions as soon as practicable, but within 24 hours, to a supervisor or Department Head, and seek medical care when appropriate.

612.3.2 SUPERVISOR RESPONSIBILITIES

A supervisor learning of any work-related condition should:

- (a) Ensure the employee receives medical care as appropriate.
- (b) Notify Human Resources
 1. Within one business day of notification of a work-related condition, except as provided in this section; and
 2. Within eight hours of a fatality and/or serious injury during business hours, and as soon as practicable for serious injuries occurring during non-business hours. Serious injury shall include amputations, fractures of major bones, hospitalization, and death.
- (c) Determine whether the Illness and Injury Prevention Policy applies and take additional action as required.
- (d) Review the report for accuracy and forward to Human Resources for a determination of whether the work-related condition is required to be reported to the state or workers' compensation entity and whether any additional action should be taken.
- (e) Forward the report to the City Manager or the authorized designee to be maintained in the employee's confidential medical file.

Work-Related Illness and Injury Reporting

612.4 OTHER ILLNESS OR INJURY

Work-related conditions that do not qualify for workers' compensation reporting shall be documented on the designated report of injury form, which shall be signed by a supervisor. A copy of the completed form shall be forwarded to Human Resources or the authorized designee.

Unless the injury is extremely minor, the affected employee shall sign the form indicating no desire for medical treatment. The employee shall not be required to sign the form if the employee seeks medical treatment. Signing the form does not preclude the employee's ability to later seek medical attention.

612.5 SETTLEMENT OFFERS

When an employee experiences a work-related condition that is caused by another person and is subsequently contacted by that person, that person's agent, an insurance company, or an attorney and offered a settlement, the employee shall take no action other than to submit a written report of this contact to a supervisor as soon as possible.

612.5.1 NO SETTLEMENT WITHOUT PRIOR APPROVAL

No less than 10 days prior to accepting and finalizing the settlement of any third-party claim arising out of or related to a work-related condition, the employee shall provide the City Manager or the authorized designee with written notice of the proposed terms of such settlement. In no case shall the employee accept a settlement without first providing written notice to the City Manager or the authorized designee. The purpose of such notice is to permit the City to determine whether the offered settlement will affect any claim the City may have regarding payment for damage to equipment or reimbursement for wages against the person who caused the work-related condition, and to protect the city's right of subrogation, while ensuring that the employee's right to receive compensation is not affected.

Temporary Modified- Duty Assignments

613.1 PURPOSE AND SCOPE

This policy establishes procedures for providing temporary modified-duty assignments. This policy is not intended to affect the rights or benefits of employees under federal or state law, city rules, or applicable employment agreements. For example, nothing in this policy affects the obligation of the City to engage in a good faith, interactive process to consider reasonable accommodations for any employee with a temporary or permanent disability that is protected under federal or state law.

613.2 POLICY

Subject to operational and business considerations, the City may identify temporary modified-duty assignments for employees who have a work-related injury or medical condition resulting in temporary work limitations or restrictions. A temporary assignment allows the employee to work, while providing the City with a productive employee during the temporary period.

613.3 GENERAL CONSIDERATIONS

Priority consideration for temporary modified-duty assignments will be given to employees with work-related injuries or illnesses that are temporary in nature. Employees having disabilities covered under the Americans with Disabilities Act (ADA) or state law shall be treated equally, without regard to any preference for a work-related injury.

No position should be created or maintained as a temporary modified-duty assignment.

Temporary modified-duty assignments are a management prerogative and not an employee right. The availability of temporary modified-duty assignments will be determined on a case-by-case basis, consistent with the operational and business needs of the City and the department in which the employee works. Temporary modified-duty assignments are subject to continuous reassessment, with consideration given to operational and business needs and the employee's ability to perform in a modified-duty assignment. Employees assigned to temporary modified-duty assignments are expected to be busy and engaged in their assignment; the assignment may be rescinded if the employee is not accomplishing the work or the assignment is not advancing the needs of the department.

The City Manager or the authorized designee may restrict employees working in temporary modified-duty assignments from wearing a uniform, operating a city vehicle, or engaging in outside employment.

Temporary modified-duty assignments should generally not exceed a cumulative total of 1,040 hours in any one-year period.

Employees who refuse a temporary modified-duty assignment offer are permitted to use available approved leave, if eligible.

Temporary Modified- Duty Assignments

613.4 PROCESS

Employees may request a temporary modified-duty assignment for short-term injuries or illnesses.

Employees seeking a temporary modified-duty assignment should submit a written request to their immediate Department Head or the authorized designees. The request should, as applicable, include a certification from the treating medical professional containing:

- (a) An assessment of the nature and probable duration of the illness or injury.
- (b) The prognosis for recovery.
- (c) The nature and scope of limitations and/or work restrictions.
- (d) A statement regarding any required workplace accommodations, mobility aids, or medical devices.
- (e) A statement that the employee can safely perform the duties of the temporary modified-duty assignment.

Department Heads will make a recommendation to the City Manager or the authorized designee regarding temporary modified-duty assignments that may be available based on the needs of the City and the limitations of the employee.

Requests for a temporary modified-duty assignment of 20 hours or less per week may be approved and facilitated by the Department Head, with notice to the City Manager.

613.5 ACCOUNTABILITY

Written notification of assignments, work schedules, and any restrictions should be provided to employees assigned to temporary modified-duty assignments and their supervisors. Those assignments and schedules may be adjusted to accommodate city operations and the employee's medical appointments, as mutually agreed upon by the employee and the employee's supervisor.

613.5.1 EMPLOYEE RESPONSIBILITIES

The responsibilities of employees assigned to temporary modified duty include but are not limited to:

- (a) Communicating and coordinating any required medical and physical therapy appointments in advance with their supervisors.
- (b) Promptly notifying their supervisors of any change in restrictions or limitations after each appointment with their treating medical professionals.
- (c) Communicating a status update to their Department Head no less than once every 30 days while assigned to temporary modified duty.
- (d) Submitting a written status report to the City Manager or the authorized designee that contains a status update and anticipated date of return to full duty when a temporary modified-duty assignment extends beyond 60 days.

Temporary Modified- Duty Assignments

613.5.2 SUPERVISOR RESPONSIBILITIES

The employee's immediate supervisor should monitor and manage the work schedule of those assigned to temporary modified duty.

The responsibilities of supervisors include but are not limited to:

- (a) Periodically apprising the City Manager or the authorized designee of the status and performance of employees assigned to temporary modified duty.
- (b) Ensuring that temporary modified duties are legitimately advancing the mission of the Department and City, and that the employee is engaged in productive work.
- (c) Notifying the City Manager or the authorized designee and ensuring that the required documentation facilitating the employee's return to full duty is received from the employee.
- (d) Ensuring that employees returning to full duty have completed any required training and certification.

613.6 MEDICAL EXAMINATIONS

Prior to returning to full-duty status, employees shall be required to provide certification from their treating medical professionals stating that they are medically cleared to perform the essential functions of their jobs without restrictions or limitations.

The City may require a fitness-for-duty examination prior to returning an employee to full-duty status.

613.7 PREGNANCY

If an employee is temporarily unable to perform regular duties due to a pregnancy, childbirth, or a related medical condition, the employee will be treated the same as any other temporarily disabled employee (42 USC § 2000e(k)). The employee is responsible, with the advice of their medical care provider, to determine how long the employee will continue working in their regularly assigned position. An employee is not required to accept a temporary modified duty assignment. The employee may request a temporary modified duty assignment at any time during her pregnancy pursuant to the advice of the employee's medical care provider. A pregnant employee shall not be involuntarily transferred to a temporary modified-duty assignment.

Nothing in this policy limits a pregnant employee's right to a temporary modified-duty assignment if required under state law.

613.7.1 NOTIFICATION

Pregnant employees should notify their Department Head and Human Resources as soon as practicable and provide a statement from their medical providers identifying any pregnancy-related job restrictions or limitations. If at any point during the pregnancy it becomes necessary for the employee to take a leave of absence, such leave shall be granted in accordance with the city's personnel rules and regulations regarding family and medical care leave.

Temporary Modified- Duty Assignments

As part of the notice to the Department Head and Human Resources, the employee must submit a Medical Release-Pregnancy Form signed by their medical care provider that verifies the employee is pregnant, identifies any physical restrictions to apply during the temporary modified duty assignment, and states how long the restrictions apply.

613.8 PROBATIONARY EMPLOYEES

Probationary employees who are assigned to a temporary modified-duty assignment may have their probation extended by a period of time equal to their assignment to temporary modified duty.

613.9 MAINTENANCE OF CERTIFICATION AND TRAINING

Employees assigned to temporary modified duty shall maintain all certification, training, and qualifications appropriate to both their regular and temporary duties, provided that the certification, training, or qualifications are not in conflict with any medical limitations or restrictions. Employees who are assigned to temporary modified duty shall inform their supervisors of any inability to maintain any certification, training, or qualifications.

Speech, Expression, and Social Networking

614.1 PURPOSE AND SCOPE

This policy is intended to address issues associated with the use of social networking sites, and provides guidelines for the regulation and balancing of employee speech and expression with the needs of the City.

This policy applies to all forms of communication, including but not limited to film, video, print media, public or private speech, and use of all internet services, including the web, email, file transfer, remote computer access, news services, social networking, social media, instant messaging, blogs, forums, video, and other file-sharing sites.

Nothing in this policy is intended to prohibit or infringe upon any communication, speech, or expression that is protected under law. This includes speech and expression protected under state or federal constitutions as well as labor or other applicable laws. For example, this policy does not limit an employee from speaking as a private citizen, including acting as an authorized member of an employee group, about matters of public concern, such as misconduct or corruption.

Employees are encouraged to consult with their supervisors regarding any questions arising from the application or potential application of this policy.

614.2 POLICY

Employees of public entities occupy a trusted position in the community, and thus, their statements have the potential to contravene the policies and performance of the City. Due to the nature of the work and influence associated with local government employees, it is necessary that city personnel be subject to certain reasonable limitations on their speech and expression. To achieve its mission and efficiently provide service to the public, the City will carefully balance the individual employee's rights against the needs and interests of the City when exercising a reasonable degree of control over its employees' speech and expression.

City employees may engage in limited personal use of social media sites (Instagram, Facebook, Twitter, Blogs, etc.) during working hours as approved by their supervisor, provided it doesn't interfere with normal work. Employees acknowledge that excessive use of social media sites may result in disciplinary action, up to and including termination.

614.3 PROHIBITED SPEECH, EXPRESSION, AND CONDUCT

Employees should demonstrate sound judgment in speech, expression, and conduct that relates to or affects the City. In order to meet the safety, performance, and public-trust needs of the City, the following are prohibited unless the speech is otherwise protected (e.g., an employee is speaking as a private citizen, including acting as an authorized member of an employee group, on a matter of public concern):

- (a) Speech or expression that is disruptive to the work environment, undermines authority, and is destructive to close working relationships.

Speech, Expression, and Social Networking

- (b) Speech or expression made pursuant to an official duty that tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees.
- (c) Knowingly or recklessly false speech or expression that, while not made pursuant to an official duty, is significantly linked to, or related to, the City and tends to compromise or damage the mission, function, reputation, or professionalism of the City or its employees. Examples may include:
 - 1. Making a false accusation of wrongdoing without exercising reasonable caution to verify the truth of the matter.
 - 2. Intentionally misrepresenting on social media actions taken by the City that would damage the city's reputation.
- (d) Speech or expression of any form that could reasonably be foreseen as having a negative impact on the safety of city employees. Use or disclosure, through whatever means, of any information, photograph, video, or other recording obtained or accessible as a result of employment or appointment with the City for financial or personal gain, or any disclosure of such materials without the express authorization of the City Manager or the authorized designee.
 - 1. When speaking out on issues of public concern, employees must make it clear that their personal opinions are their own and do not represent the official policy or position of the City. City employees are cautioned that speech on or off-duty made pursuant to their official duties-that is, that owes its existence to the employee's professional duties and responsibilities-is not protected speech under the First Amendment and may form the basis for discipline if deemed detrimental to the City.
- (e) Posting, transmitting, or disseminating any photographs, video or audio recordings, likenesses or images of city logos or trademarks, emblems, uniforms, badges, patches, marked vehicles, equipment, or other material that specifically identifies the City on any personal or social networking or other website or web page, without the express authorization of the City Manager or the authorized designee.
- (f) Using social media sites for internal business communications or disagreements among fellow employees.
- (g) Discussing or commenting on City business or information that has not yet been made public such as unannounced strategies or projects, potential property acquisitions or divestitures, legal or regulatory matters affecting the City and other similar subjects that could negatively affect the City.
- (h) Sharing anything via social media sites that violates the right to privacy of an employee, customer or other person with whom the City does business.

Employees must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the employee (e.g., social or personal website).

Speech, Expression, and Social Networking

614.3.1 UNAUTHORIZED ENDORSEMENTS AND ADVERTISEMENTS

While employees are not restricted from engaging in the following activities as private citizens or as authorized members of employee groups, employees may not represent the City or identify themselves in any way that could be reasonably perceived as representing the City in order to do any of the following, unless specifically authorized by the City Manager or the authorized designee:

- (a) Endorse, support, oppose, or contradict any political campaign or initiative.
- (b) Endorse, support, oppose, or contradict any social issue, cause, or religion.
- (c) Endorse, support, or oppose any product, service, company, or other commercial entity.
- (d) Appear in any commercial, social, or nonprofit publication; in any motion picture, film, video, or public broadcast; or on any website.

Additionally, when it can reasonably be construed that an employee, acting in an individual capacity or through an outside group or organization, including as an authorized member of an employee group, is affiliated with this city, the employee shall give a specific disclaiming statement that any such speech or expression is not representative of the City.

Employees retain their rights to vote as they choose, to support candidates of their choice, and to express their opinions as private citizens, including as authorized members of employee groups on political subjects and candidates at all times during non-work hours. However, employees may not use their official authority or influence to interfere with or affect the result of elections or nominations for office. Employees are also prohibited from directly or indirectly using their official authority to coerce, command, or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes (5 USC § 1502).

614.4 PRIVACY EXPECTATION

Employees forfeit any expectation of privacy with regard to emails, texts, or anything published or maintained through file-sharing software or any internet site (e.g., Facebook, Twitter, LinkedIn) that is accessed, transmitted, received, or reviewed on any city technology system (see the Information Technology Use Policy for additional guidance).

However, the City may not require an employee to disclose a personal username or password or to open a personal social website, except when legally permitted and relevant to the investigation of allegations of work-related misconduct.

614.5 CONSIDERATIONS

In determining whether to grant authorization of any speech or conduct that is prohibited under this policy, the factors that the City Manager or the authorized designee should consider include:

- (a) Whether the speech or conduct would negatively affect the efficiency of delivering public services.
- (b) Whether the speech or conduct would be contrary to the good order of the City or the efficiency or morale of its employees.

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- (c) Whether the speech or conduct would reflect unfavorably upon the City.
- (d) Whether the speech or conduct would negatively affect the appearance of impartiality in the performance of the employee's duties.
- (e) Whether similar speech or conduct has been previously authorized.
- (f) Whether the speech or conduct may be protected and outweighs any interest of the City.

614.6 TRAINING

Subject to available resources, the City should provide training regarding the limitations on speech, expression, and use of social networking to all employees.

Illness and Injury Prevention

615.1 PURPOSE AND SCOPE

The purpose of this policy is to establish an ongoing and effective plan to reduce the incidence of illness and injury for employees of the City.

This policy specifically applies to illness and injury that results in lost time or that requires medical treatment beyond first aid. Although this policy provides the essential guidelines for a plan that reduces illness and injury, each department within the City may set its own related policies or procedures that do not conflict with this policy.

615.2 POLICY

The City is committed to providing a safe environment for its employees and to minimizing the incidence of work-related illness and injuries. The City should establish and maintain an illness and injury prevention plan and provide tools, training, and safeguards designed to reduce the potential for accidents, injuries, and illness. It is the intent of the City to comply with all laws and regulations related to occupational safety.

615.3 ILLNESS AND INJURY PREVENTION PLAN

The City Manager or the authorized designee is responsible for developing an illness and injury prevention plan that should include:

- (a) Workplace safety and health training programs.
- (b) Review of city workplace safety policies and procedures of each department.
- (c) Regularly scheduled safety meetings.
- (d) Posted or distributed safety information.
- (e) A system for employees to anonymously inform management about workplace hazards.
- (f) Establishment of a safety and health committee that will:
 1. Meet regularly.
 2. Include representation from each department.
 3. Prepare a written record of safety and health committee meetings.
 4. Review the results of periodic scheduled inspections.
 5. Review investigations of accidents and exposures.
 6. Make suggestions to supervisors for the prevention of future incidents.
 7. Review investigations of alleged hazardous conditions.
 8. Submit recommendations to assist in the evaluation of employee safety suggestions.

Illness and Injury Prevention

9. Assess the effectiveness of efforts made by the City to meet applicable standards.
- (g) Establishing a process to ensure illnesses and injuries are reported as required under state law.

615.4 MANAGER/ADMINISTRATOR RESPONSIBILITIES

The responsibilities of the City Manager or the authorized designee include but are not limited to:

- (a) Managing and implementing a plan to reduce the incidence of employee illness and injury.
- (b) Ensuring that a system of communication is in place that facilitates a continuous flow of safety and health information between supervisors and employees. This system shall include:
 1. New employee orientation that includes a discussion of safety and health policies and procedures.
 2. Regular employee review of the illness and injury prevention plan.
- (c) Ensuring that all safety and health policies and procedures are clearly communicated and understood by all employees.
- (d) Taking reasonable steps to ensure that all employees comply with safety rules in order to maintain a safe work environment. This includes but is not limited to:
 1. Informing employees of the illness and injury prevention guidelines.
 2. Recognizing employees who perform safe work practices.
 3. Ensuring that the employee evaluation process includes employee safety performance.
 4. Ensuring compliance with any applicable safety standards related to:
 - (a) Communicable diseases
 - (b) Personal Protective Equipment (PPE) (see the Personal Protective Equipment Policy)
 - (c) Emergency Action Plan
 - (d) Walking-working surfaces
- (e) Making available a form to document inspections, unsafe conditions or unsafe work practices, and actions taken to correct unsafe conditions and work practices.
- (f) Making available a form to document individual incidents or accidents.
- (g) Making available a form to document the safety and health training of each employee. This form will include the employee's name or other identifier, training dates, type of training, and training providers.
- (h) Conducting and documenting a regular review of the illness and injury prevention plan.

Illness and Injury Prevention

615.5 SUPERVISOR RESPONSIBILITIES

Supervisor responsibilities include but are not limited to:

- (a) Ensuring employee compliance with illness and injury prevention guidelines and answering questions from employees about this policy.
- (b) Training, counseling, instructing, or making informal verbal admonishments any time safety performance is deficient. Supervisors may also initiate discipline when it is reasonable and appropriate.
- (c) Establishing and maintaining communication with employees on health and safety issues. This is essential for an injury-free, productive workplace.
- (d) Completing required forms and reports relating to illness and injury prevention and submitting such forms and reports to the City Manager.
- (e) Notifying the City Manager or the authorized designee when:
 1. New substances, processes, procedures, or equipment that present potential new hazards are introduced into the work environment.
 2. New, previously unidentified hazards are recognized.
 3. Work-related illnesses and injuries occur.
 4. New and/or permanent or intermittent employees are hired or reassigned to processes, operations, or tasks for which a hazard evaluation has not been previously conducted.
 5. Workplace conditions warrant an inspection.

615.6 HAZARDS

All employees should report and/or take reasonable steps to correct unsafe or unhealthy work conditions, practices, or procedures in a timely manner. Employees should make their reports to a supervisor (as a general rule, their own supervisors).

Supervisors should make reasonable efforts to correct unsafe or unhealthy work conditions in a timely manner, based on the severity of the hazard. These hazards should be corrected when observed or discovered, when it is reasonable to do so. When a hazard exists that cannot be immediately abated without endangering employees or property, supervisors should protect or remove all exposed employees from the area or item, except those necessary to correct the existing condition.

Employees who are necessary to correct the hazardous condition shall be provided with the necessary protection.

All significant actions taken and dates they are completed shall be documented on the appropriate form. This form should be forwarded to the City Manager or the authorized designee.

The City Manager or the authorized designee will take appropriate action to ensure the illness and injury prevention plan addresses potential hazards upon such notification.

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615.7 INSPECTIONS

Safety inspections are crucial to a safe work environment. These inspections identify and evaluate workplace hazards and permit mitigation of those hazards. A hazard assessment checklist should be used for documentation and to ensure a thorough assessment of the work environment.

The City Manager or the authorized designee should ensure that the appropriate documentation is completed for each inspection.

615.7.1 EQUIPMENT

Employees are charged with daily inspections of their assigned equipment or work environment, as applicable, prior to beginning their workday. Employees should complete the appropriate form if an unsafe condition cannot be immediately corrected. Employees should forward this form to their supervisors.

615.8 INVESTIGATIONS

Any employee sustaining any work-related illness or injury, as well as any employee who is involved in any work-related accident or hazardous substance exposure, shall report such event as soon as practicable to a supervisor. Employees observing or learning of a potentially hazardous condition are to promptly report the condition to their immediate supervisors.

A supervisor receiving such a report should personally investigate the incident or ensure that an investigation is conducted. Investigative procedures for workplace accidents and hazardous substance exposures should include:

- (a) A visit to the accident scene as soon as possible.
- (b) An interview of the injured employee and witnesses.
- (c) An examination of the workplace for factors associated with the accident/exposure.
- (d) Determination of the cause of the accident/exposure.
- (e) Corrective action to prevent the accident/exposure from reoccurring.
- (f) Documentation of the findings and corrective actions taken.

Additionally, the supervisor should proceed with the steps to report a work-related injury, as required under the Work-Related Illness and Injury Reporting Policy, in conjunction with this investigation to avoid duplication and ensure timely reporting.

615.9 TRAINING

Employees, including supervisors, should be provided with training on general and job-specific workplace safety and health practices. Training should be provided:

- (a) To supervisors to familiarize them with the safety and health hazards to which employees under their immediate direction and control may be exposed.
- (b) To all employees with respect to hazards specific to each employee's job assignment.
- (c) To all employees given new job assignments for which training has not previously been provided.

Illness and Injury Prevention

- (d) Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
- (e) Whenever the City is made aware of a new or previously unrecognized hazard.

615.9.1 TRAINING TOPICS

Training topics should include, as applicable:

- (a) Reporting unsafe conditions, work practices, and injuries, and informing a supervisor when additional instruction is needed.
- (b) Use of appropriate clothing, including gloves and footwear.
- (c) Use of respiratory equipment.
- (d) Availability of toilet, hand-washing, and drinking-water facilities.
- (e) Provisions for medical services and first aid.
- (f) Handling of bloodborne pathogens and other biological hazards.
- (g) Prevention of heat and cold stress.
- (h) Identification and handling of hazardous materials, including chemical hazards to which employees could be exposed, and review of resources for identifying and mitigating hazards (e.g., hazard labels, Safety Data Sheets (SDS)).
- (i) Mitigation of physical hazards.
- (j) Identification and mitigation of ergonomic hazards, including working on ladders or in a stooped posture for prolonged periods.
- (k) Back exercises/stretchers and proper lifting techniques.
- (l) Avoidance of slips and falls.
- (m) Good housekeeping and fire prevention.
- (n) Other job-specific safety concerns.

615.10 RECORDS

Records and training documentation relating to illness and injury prevention will be maintained in accordance with the established records retention schedule.

Workplace Violence

616.1 PURPOSE AND SCOPE

The purpose of this policy is to make clear that the City does not tolerate any direct or implied threats of violence or violent behavior in the workplace or any act or behavior that is or can be perceived as threatening, hostile, and/or violent.

616.2 POLICY

It is the policy of the City to provide and maintain a safe work environment for its employees, volunteers, and members of the public.

In responding to any violent behavior in the workplace, the City is committed to providing protection to all involved parties, including protection from future physical and/or mental harm and the protection of the legal rights of victims, witnesses, and those instigating the harm.

616.3 PROHIBITED BEHAVIOR

No employee shall engage in, encourage, or promote violent behavior toward any person while conducting city business or on city property.

No employee engaged in city business shall carry or possess weapons or explosives unless either:

- (a) Permitted by city policy.
- (b) State or local law prohibits the City from restricting the possession of the weapon or explosive.

This policy does not apply to prevent the use of force necessary to defend the employee or another person, nor to the reasonable use of force necessary to further official duties, such as a police officer using force in making an arrest. The reasonable use of force in official capacity is governed by other policies.

616.4 REPORTING AND INVESTIGATING

616.4.1 EMPLOYEE RESPONSIBILITY

If an employee is a potential/actual victim or a witness of a workplace violent event, the employee shall promptly contact their supervisor or Department Head (as available) when immediate intervention is necessary. The employee should make every effort not to escalate the situation and to safely remove themselves from the incident if it is not a required job duty. When the situation is dangerous, the employee shall immediately call 911. Reporting may also be made to Human Resources or the City Manager. The supervisor or Department Head notified shall immediately notify the City Manager.

Whenever possible, the employee shall document specific information regarding the violence and provide to the written documentation to their supervisor and the City Manager. Dates,

Workplace Violence

times, places, specific types of violence, and names of any witnesses should be included in the documentation.

If the violence or threat of violence is from an outside source, the City Manager or the authorized designee, in conjunction with the Chief of Police, Department Head and the employee, shall take whatever reasonable steps are necessary.

616.4.2 SUPERVISOR AND MANAGER/ADMINISTRATOR RESPONSIBILITIES

Upon receipt of a report of potential or actual workplace violence, supervisors shall gather as much information as possible to assess and determine the severity and potential of the situation. If the report is found to be credible, the City Manager or the authorized designee shall be notified as soon as practicable and appropriate action taken.

Local law enforcement personnel shall be notified immediately of all threatening or violent behavior.

616.4.3 INVESTIGATION

If the source of this policy violation is another employee, notification to the City Manager and Human Resources will initiate the following investigative procedure:

- (a) An investigative team shall be designated by the City Manager to investigate the complaint and prepare a report of their findings of fact.
- (b) The investigation and report shall be completed within ten (10) working days from when the complaint was received.
- (c) After completion of the report, the team shall provide a copy of their findings to all involved employees.
- (d) The employee(s) will have one (1) business day from receipt of the findings to respond.
- (e) The report and responses will then be provided to the City Manager for review with the employee's Department Head and Human Resources to take whatever personnel actions that may be deemed appropriate.
- (f) Nothing in this policy shall prohibit a supervisor from taking immediate action to ensure or secure safety in the workplace free from violence or the threat thereof. Those actions may include but are not limited to temporary reassignment or administrative leave.
- (g) No city official or employee shall harass, coerce, intimidate, threaten or discipline an employee who exercises their rights under this policy.

City employees are required to cooperate in any investigation.

616.4.4 REPORTING NON-WORK-RELATED THREATENING OR VIOLENT BEHAVIOR

City employees who are victims of domestic violence or other threatening behavior outside of the workplace, or who believe they are potential victims of such behavior and fear it may enter the workplace, are encouraged to report the situation as soon as possible to their supervisors.

Supervisors receiving any such report shall contact the City Manager or the authorized designee as soon as practicable so that any appropriate safety measures or plans may be developed.

Workplace Violence

616.5 RETALIATION PROHIBITED

Any form of retaliation against an employee for making a report concerning violent behavior in the workplace is prohibited.

Any employee who becomes aware of any retaliation or threatened retaliation shall immediately notify a supervisor.

616.6 RESTRAINING ORDERS

Employees who obtain a restraining order listing their workplace, person, or the City property as a protected area must provide a copy of the restraining order to their immediate supervisor or the City Manager or the authorized designee. The City needs this information in order to provide a safe workplace.

616.7 FOLLOW-UP ACTION

Any employee reported to have exhibited violent or potentially violent behavior will be afforded all rights provided by law and applicable employment agreements before the City takes any disciplinary action.

Actions that may be taken when an employee has been found to have violated this policy include but are not limited to the following:

- Mandatory participation in counseling
- Placing the employee on paid administrative leave pending investigation into an alleged threat or act
- Corrective/disciplinary action up to and including termination
- Criminal arrest and prosecution
- Special procedures, such as job relocation or initiation of a court order

If, upon investigation, it is determined that an allegation is false or was made maliciously, the employee who provided the false information will be subject to disciplinary action, up to and including termination, as well as possible criminal arrest and prosecution.

616.8 LEGAL ACTION

The City Manager or the authorized designee, in consultation with legal counsel, will determine if a temporary restraining order or injunction should be sought on behalf of the City to reduce future or threatened violent behavior in the workplace.

616.9 CORRECTIVE ACTIONS

At the completion of the investigation and a review of the incident, or in the case of a threat of violence, non-disciplinary corrective actions should be implemented or requested to ensure overall workplace safety. These actions may include but are not limited to:

- Placing the involved employee on administrative leave pending further review and determination of permanent action.

Workplace Violence

- Administrative leave would be unpaid in the case of a volunteer.
- Reassigning the employee to a different work location.
- Referring the employee to conflict resolution training sessions.
- Referring the employee to the employee assistance program (EAP).
- Modifying workstation designs and office traffic flow patterns.
- Requiring the employee to attend a fitness-for-duty evaluation.
- Developing specific workplace violence procedures for incident response, prevention, and corrective actions.

616.10 WORKPLACE VIOLENCE PREVENTION

All city employees are responsible for assisting in the prevention of violence in the workplace.

The City will provide appropriate training to employees regarding workplace violence.

In the event a violent incident occurs in the workplace, the City Manager or the authorized designee is responsible for ensuring that all responsibilities have been met and actions carried out, as detailed in this policy, and shall review the results of any investigation and ensure appropriate action is taken. Information gathered during an investigation should be used for the continuous improvement of policies and procedures to prevent workplace violence.

Outside Employment

617.1 PURPOSE AND SCOPE

This policy provides guidelines for full-time city employees who seek to engage in authorized outside employment.

617.1.1 DEFINITIONS

Definitions related to this policy include:

Outside employment - Duties or services performed by employees of the City for another employer, organization, or individual when wages, compensation, or other consideration for such duties or services is received. Outside employment also includes duties or services performed by those employees who are self-employed and receive compensation or other consideration for services, products, or benefits rendered.

617.2 POLICY

City employees shall obtain written approval from the City Manager or the authorized designee prior to engaging in any outside employment. Approval of outside employment shall be at the discretion of the City Manager or the authorized designee in accordance with the provisions of this policy. Failure to obtain prior written approval for outside employment, or engaging in outside employment that is prohibited by this policy, may lead to disciplinary action.

617.3 OUTSIDE EMPLOYMENT

Full-time employees who have accepted outside employment are not eligible for paid sick leave when the absence is used to work on the outside job or is the result of an injury sustained on that job. Fraudulent use of sick leave is cause for disciplinary action.

Employees who are injured or killed while working at the outside employment are not covered under the City's worker's compensation and may not be covered under other insurance which specifically applies to employment with Farmington City.

617.3.1 REQUEST AND APPROVAL

Full-time employees must submit a written request to engage in outside employment to their Department Head. The request will then be forwarded to the City Manager or the authorized designee for consideration.

If approved, the employee will be provided with a written notification of approval. Unless otherwise indicated in writing, approval for outside employment will be valid through the end of the calendar year in which the request is approved. Employees seeking to continue outside employment must submit a new request at the start of each calendar year.

617.3.2 DENIAL

An employee whose request for outside employment has been denied should be provided with a written notification of the reason at the time of the denial.

Outside Employment

617.3.3 REVOCATION

An employee whose approval for outside employment is revoked or suspended should be provided with a written notification of the reason for revocation or suspension.

Approval for outside employment may be revoked or suspended:

- (a) When a supervisor determines the employee's performance is failing to meet standards and the outside employment may be related to the deficient performance.
 - 1. Approval for the outside employment may be re-established when the employee's performance has reached a satisfactory level and with a supervisor's authorization.
- (b) When an employee's conduct or outside employment conflicts with city policy or any law.
- (c) When the outside employment creates an actual or apparent conflict of interest with the City.
 - 1. Employees who think that there may be a conflict should discuss their outside employment with their Department Head for clarification and should contact the City Recorder to obtain a copy of the City's disclosure statement. The employee should review the disclosure statement and determine if it should be completed and filed with the City Recorder. The City has the right to deny any employment which it determines to be a conflict of interest or impact the ability of the full-time employee to perform the duties of their job.

617.3.4 APPEAL

If an employee's request for outside employment is denied or if previous approval is revoked or suspended, the employee may file a written notice of appeal with the City Manager or the authorized designee within 10 days of receiving notice of the denial, revocation, or suspension.

A revocation or suspension will only be implemented after the employee has completed the appeal process.

If the employee's appeal is denied, the employee may file a grievance as provided in the Grievances Policy.

617.4 REQUIREMENTS

617.4.1 PROHIBITED OUTSIDE EMPLOYMENT

The City reserves the right to deny any request for outside employment that involves:

- (a) The use of city time, facilities, equipment, or supplies.
- (b) The use of any city badge, uniform, or influence for private gain or advantage.
- (c) The employee's receipt or acceptance of any money or other consideration for the performance of duties or services required or expected of the employee in the normal course of employment or appointment.
- (d) The performance of duties or services that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement of any other employee of the City.

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- (e) Demands upon the employee's time that would render the employee's work performance for the City deficient or substandard.
- (f) Conducting outside business during paid working time to include telephone calls, consultations, etc.
- (g) Activities that may conflict with any other policy or rule of the City.

617.4.2 LOCAL GOVERNMENT RESOURCES

Employees are prohibited from using any city equipment or resources in the course of, or for the benefit of, any outside employment. This shall include the prohibition against employees using their position with the City to gain access to official records or databases.

617.4.3 REVIEW OF FINANCIAL RECORDS

Unless prohibited by law under the circumstances, prior to approving outside employment, the City Manager or the authorized designee may request that an employee provide a copy of personal financial records for review if it is determined that a conflict of interest may exist. Failure or refusal by the employee to provide such records may result in denial of the outside employment.

If, after approving a request for outside employment, the City obtains information that a financial conflict of interest exists, the City Manager or the authorized designee may request that the employee provide a copy of personal financial records for review. Failure or refusal by the employee to provide such records may result in revocation or suspension of approval of the outside employment pursuant to this policy.

617.4.4 CHANGES IN OUTSIDE EMPLOYMENT STATUS

Employees who terminate their outside employment shall promptly submit written notification of such termination to their immediate supervisor. Any subsequent request for renewal or continued outside employment must thereafter be processed and approved through the procedures set forth in this policy.

Employees shall also promptly submit in writing to their immediate supervisor any material changes in outside employment, including any change in the number of hours, type of work, or the demands of any approved outside employment. Employees who are uncertain whether a change in outside employment is material are advised to report the change.

617.4.5 LEAVE OR RESTRICTED DUTY STATUS

Employees who are placed on leave or other restricted duty status shall inform their immediate supervisors in writing within five days as to whether they intend to continue their outside employment while on such leave or restricted status. The immediate supervisor shall review the duties of the outside employment, along with any related orders (e.g., administrative, medical), and make a recommendation to the City Manager or the authorized designee regarding whether such employment should continue.

In the event that the City Manager or the authorized designee determines that the outside employment should be discontinued, or if the employee fails to promptly notify an immediate

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supervisor of the employee's intention regarding outside employment, a notice revoking approval of the outside employment will be forwarded to the employee and a copy attached to the original outside employment request.

Criteria for revoking approval due to leave or restricted duty status include but are not limited to:

- (a) The outside employment is medically detrimental to the total recovery of the employee.
- (b) The outside employment requires performance of the same or similar physical ability as would be required in the employee's city job.
- (c) The employee fails to give timely notice of intent regarding outside employment to an immediate supervisor.

When the employee returns to full duty with the City, a written request may be submitted to the City Manager or the authorized designee to approve the outside employment request.

Personal Appearance Standards

618.1 PURPOSE AND SCOPE

This policy provides guidelines for the personal appearance of city employees.

Dress code requirements for uniformed and non-uniformed employees are addressed in the Dress Code Policy.

618.2 POLICY

City employees shall maintain their personal hygiene and appearance to project a professional image that is appropriate for public service and for the department in which they work. Personal appearance standards are primarily based on safety requirements, appearance conformity, and the social norms of the community served, while considering matters important to city employees.

618.3 GROOMING

The following appearance standards shall apply to all employees unless the employee's supervisor has granted an exception.

618.3.1 PERSONAL HYGIENE

All employees must maintain proper personal hygiene. Examples of improper personal hygiene include but are not limited to dirty fingernails, bad breath, body odor, and dirty or unkempt hair. Supervisors are responsible to notify employees of hygiene concerns that affect city business or other employees.

Employees should adhere to the following general guidelines in their personal appearance when presenting to work. Employees may be subject to additional personal hygiene standards set forth in supplemental policies established by each department.

- (a) Hair shall be neatly trimmed or arranged.
- (b) Facial hair (e.g., beards, sideburns, mustaches, eyebrows) must be clean and well-groomed. Facial hair for certain employees may be prohibited if it creates a safety hazard (i.e., facial hair for employees who regularly wear certain types of respirators).
- (c) Fingernails should be clean and neatly trimmed to a length that does not present a safety concern.

618.4 APPEARANCE

618.4.1 JEWELRY

For the purpose of this policy, jewelry refers to rings, earrings, necklaces, bracelets, wristwatches, and tie tacks or tie bars. Jewelry shall present a professional image and may not create a safety concern for the employee or others. Jewelry that depicts racial, sexual, discriminatory, gang-related, or obscene language is not allowed.

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618.4.2 TATTOOS

At no time while an employee is representing the City in any official capacity shall any offensive tattoo or body art be visible. Examples of offensive tattoos include but are not limited to those that exhibit or advocate discrimination; those that exhibit gang, supremacist, or extremist group affiliation; and those that depict or promote drug use, sexually explicit acts, or other obscene material.

618.4.3 RESERVED

618.4.4 GLASSES AND CONTACT LENSES

Eyeglasses and sunglasses shall present a professional image. Contact lenses with designs that change the normal appearance of the eye and that are not medically required are prohibited during work hours and while representing the City in any official capacity.

618.4.5 COSMETICS AND FRAGRANCES

Cosmetics shall present a professional image. Use of cologne, perfume, aftershave lotion, and other items used for body fragrance shall be kept to a minimum.

618.5 EXEMPTIONS

City employees may request exemptions from portions of this policy when application would affect a disability, a religious practice or belief, or other protected characteristics. Requests for exemptions should be addressed to the City Manager or the authorized designee. The City Manager should be advised any time a request for accommodation is denied.

Dress Code

619.1 PURPOSE AND SCOPE

This policy provides dress code guidelines for city employees.

Other related topics are addressed in the Local Government-Owned and Personal Property and Personal Appearance Standards policies.

619.2 POLICY

It is the policy of the City that uniformed employees are readily identifiable to the public through the proper use and wearing of city uniforms and that the appearance of all employees is suitable and appropriate for their position.

619.3 WORK ATTIRE FOR NON-UNIFORMED EMPLOYEES

Non-uniformed employees shall dress in a manner appropriate for their position and any department-specific standards. The following guidelines apply to all non-uniformed employees:

- (a) Clothing shall fit properly, be clean and free of stains, and not be damaged or excessively worn.
- (b) Employees assigned primarily to an office environment, including management, administrative, and support positions, shall wear business-appropriate attire.
- (c) Variations from this policy are allowed at the discretion of the employee's immediate supervisor or the head of the department based upon the employee's assigned job duties.
- (d) No item of civilian attire that would adversely affect the reputation of the City or employee morale may be worn during work hours.
- (e) The following items shall not be worn during work hours or when representing the City in any official capacity, unless part of an official city uniform:
 1. Clothing that reveals cleavage, the back, chest, stomach, or buttocks
 2. Exposed undergarments
 3. Swimsuits, tank tops, tube tops, or halter tops
 4. Spandex-type pants or transparent clothing
 5. Clothing, buttons, or pins displaying racial, sexual, discriminatory, gang-related, or obscene language

619.4 UNIFORMS

The City will provide uniforms for all employees who are required to wear them in the manner, quantity, and frequency agreed upon in the respective employee group's employment agreement, if applicable. The City may provide other employees with uniforms at the direction of the City Manager.

Dress Code

The City Manager or the authorized designee shall maintain and update uniform and equipment specifications, which should be consulted by employees as needed. Uniforms shall be worn as described therein and as specified in this policy and any supplemental department policies.

The following shall apply to those employees assigned to wear city-issued uniforms:

- (a) Uniforms and equipment shall be maintained in a serviceable condition and shall be ready at all times for immediate use. Uniforms shall be neat, clean, and appear professionally pressed, as necessary for the position.
- (b) Uniforms shall be worn in compliance with any applicable city specifications.
- (c) Uniforms are only to be worn during work hours, at official city functions or events, while in transit to or from work, or when authorized by the City Manager or the authorized designee.
- (d) Employees are not to purchase or drink alcoholic beverages while wearing any part of city-issued uniforms.
- (e) Supervisors shall monitor employee compliance with this policy through periodic inspections of employees within their department who wear a city-issued uniform.

All uniforms and equipment issued to city employees shall be returned to the City upon termination or resignation.

619.5 UNAUTHORIZED UNIFORMS, EQUIPMENT, AND ACCESSORIES

City employees may not wear any uniform item, accessory, or attachment other than while conducting city business unless specifically authorized by the City Manager or the authorized designee.

Family and Medical Leave

620.1 PURPOSE AND SCOPE

The purpose of this policy is to provide general guidance for managing unpaid leave for eligible employees for qualified medical and family reasons, including (29 USC § 2612):

- The birth, adoption, or foster care placement of a child.
- To care for an immediate family member (spouse, child, or parent) with a serious health condition.
- When an employee is unable to work because of the employee's own serious health condition.
- To care for a spouse, son, daughter, parent, or next of kin who is a service member of the United States Armed Forces and who has a serious injury or illness incurred in the line of duty.

This policy does not address all possible situations and circumstances that may arise when an employee requests leave for family or medical reasons. As these leave situations arise, supervisors should consult with the City Manager or authorized designee to obtain specific guidance regarding leave rights and obligations.

Nothing in this policy supersedes any provision of any employment agreement, civil service or other local rule, or any law that provides greater family or medical leave rights.

620.1.1 DEFINITIONS

Definitions related to this policy include:

Child - A child under 18 years of age, or 18 years of age or older who is incapable of self-care because of a mental or physical disability (29 USC § 2611; 29 CFR 825.102; 29 CFR 825.122). An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, or foster child; stepchild; or a child for whom the employee is standing in loco parentis (in place of a parent).

FMLA - The federal Family and Medical Leave Act (29 USC § 2601 et seq.).

Qualified health care professional - A physician, surgeon, doctor of osteopathy, podiatrist, dentist, psychologist, optometrist, nurse practitioner, nurse midwife, clinical social worker, or physician assistant duly licensed and authorized to practice medicine; chiropractors for some purposes; any health care provider from whom the city benefits plan will accept certification of the existence of a serious health condition to substantiate a claim for benefits (29 CFR 825.125).

Spouse - The person with whom an employee has entered into a marriage defined or recognized by the location in which the marriage was entered into (29 USC § 2611(13); 29 CFR 825.102; 29 CFR 825.122).

Family and Medical Leave

620.2 POLICY

It is the policy of the City to manage unpaid leave for eligible employees for qualified medical and family reasons in compliance with federal law and any applicable employment agreement.

620.3 ELIGIBLE EMPLOYEES

Employees are eligible for FMLA after working for the City for at least one year and completing 1,250 hours over the 12 months prior to the commencement of the leave (29 USC § 2611; 29 CFR 825.110). Employees may not be eligible for leave if there are fewer than 50 other employees within 75 miles of the employee's work site.

620.4 TYPE AND DURATION OF LEAVE

Generally, eligible employees are entitled under FMLA to 12 workweeks of unpaid leave during a 12-month period (29 USC § 2612; 29 CFR 825.100). Up to 26 weeks of unpaid leave during a single 12-month period may be available to care for certain injured military service members. The 12-month period is measured backward from the date leave is taken and continuously with each additional leave day taken.

620.4.1 SERIOUS HEALTH CONDITIONS

Eligible employees may take up to 12 weeks of leave to care for a spouse, child, or parent with a serious health condition or when the employee is unable to work because of the employee's own serious health condition (29 USC § 2612(a)(1); 29 CFR 825.200).

If both spouses are employed by the City, the combined number of workweeks to care for a sick parent is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.201).

Generally, a serious health condition is an illness, injury, impairment, or physical or mental condition that involves (29 USC § 2611; 29 CFR 825.113):

- An overnight stay in a hospital, hospice, or residential medical care facility (29 CFR 825.114).
- Continuing treatment by a qualified health care professional due to a serious health condition of more than three full consecutive calendar days (29 CFR 825.115(a)).
- Any period of incapacity due to pregnancy complications or prenatal care (29 CFR 825.115(b)).
- A chronic condition that requires treatment (29 CFR 825.115(c)).
- A permanent condition for which treatment may not be effective (such as Alzheimer's or the terminal stages of a disease) (29 CFR 825.115(d)).
- Any period of absence to receive multiple treatments, including any recovery period, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days without medical intervention or treatment (such as cancer chemotherapy or physical therapy for arthritis) (29 CFR 825.115(e)).

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620.4.2 BIRTH OR PLACEMENT OF A CHILD

Eligible employees may take up to 12 weeks of leave for the birth, adoption, or foster care placement of a child of the employee (29 USC § 2612; 29 CFR 825.200). The leave must be concluded within one year of the birth or placement of the child (29 CFR 825.120; 29 CFR 825.121).

If both parents are employed by the City, the combined number of workweeks of leave is limited to 12 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.120; 29 CFR 825.121).

620.4.3 MILITARY EXIGENCY LEAVE

Eligible employees may take service member leave of up to 12 weeks for qualifying exigencies occurring because a spouse, child, or parent is on covered active duty or has been notified of an impending order to active duty (29 USC § 2612(a)(1)(E); 29 CFR 825.200). This type of leave is available to a family member of a person in the National Guard, Reserves, or members of the regular Armed Forces deployed to a foreign country. Qualifying exigencies include (29 CFR 825.126):

- Addressing issues that arise from a short notice (seven or less days) deployment.
- Attending military events related to the active duty or call to duty.
- Attending family support or assistance programs.
- Making child care or educational arrangements or attending school activities arising from active duty or a call to active duty.
- Making financial and legal arrangements.
- Spending time with a military member who is on short-term rest-and-recuperation leave during a period of deployment.
- Attending post-deployment activities.
- Addressing issues that arise from the death of a military member, such as making funeral arrangements.
- Caring for a military member's parent who is incapable of self-care, such as providing care on an immediate-need basis or arranging for alternative care.

620.4.4 MILITARY CAREGIVER LEAVE

Eligible employees may take up to 26 weeks of leave in a single 12-month period to care for a spouse, son, daughter, parent, or next of kin who has incurred an injury or illness in the line of duty while on active duty in the Armed Forces, provided that such injury or illness may render the family member medically unfit to perform work (29 USC § 2612; 29 CFR 825.200).

Military caregiver leave is also available to family members of covered veterans who were members of the Armed Forces, including the National Guard or Reserves, at any point in the five years preceding the date on which the veteran undergoes medical treatment, recuperation, or therapy (29 USC § 2612; 29 CFR 825.127).

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During the single 12-month period, employees are entitled to no more than a combined total of 26 weeks of FMLA leave. In any case in which both spouses are employed by the City, the combined number of workweeks of leave is limited to 26 workweeks during any 12-month period (29 USC § 2612(f); 29 CFR 825.127).

Service member FMLA leave runs concurrent with other leave entitlements provided under federal, state, and local law. Where FMLA leave qualifies as both military caregiver leave and care for a family member with a serious health condition, the leave will be designated as military caregiver leave first.

620.4.5 INTERMITTENT LEAVE

An employee may take leave for the employee's own serious health condition, for the serious health condition of the employee's spouse, child, or parent, or to care for a covered service member with a serious injury or illness, intermittently or on a reduced schedule if medically necessary, and if that medical need can best be accommodated by an intermittent schedule as defined in federal law (29 USC § 2612(b); 29 CFR 825.202; 29 CFR 825.124).

Leave due to a military exigency may be taken on an intermittent or reduced leave schedule (29 CFR 825.202).

Intermittent leave for the birth, adoption, or foster care placement of a child is only available if granted at the discretion of the City Manager, unless the employee has a serious health condition in connection with the birth or if the newborn child has a serious health condition (29 CFR 825.120; 29 CFR 825.121).

Intermittent leave for any employee shall be tracked and calculated.

620.4.6 PREGNANCY DISABILITY LEAVE

Pregnant employees who are disabled by pregnancy may be entitled to a disability leave in addition to any FMLA leave. The duration of leave is dependent on the circumstances. The City Manager shall defer to a pregnant employee's qualified health care professional in assessing the employee's ability to work.

620.5 EMPLOYMENT BENEFITS WHILE ON LEAVE

While on leave, employees will continue to be covered by any group health insurance to the same extent that coverage is provided while the employee is on the job (29 USC § 2614(c); 29 CFR 825.209). However, employees will not continue to be covered under non-health benefit plans.

Employees are responsible for any health plan employee contributions while on leave (29 CFR 825.210). Employee contribution rates are subject to any change in rates that occurs while the employee is on leave. If an employee fails to return to work after the leave entitlement has been exhausted or expires, the City may recover its share of health plan premiums for the entire leave period unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member that would entitle the employee to leave, or because of circumstances beyond the employee's control (29 CFR

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825.213). The City may recover premiums through deduction from any sums (e.g., unpaid wages, vacation pay).

Employees may not earn additional time off while on unpaid leave.

620.6 SUBSTITUTION OF PAID ACCRUED LEAVES

Subject to applicable employment agreements and civil service rules, employees are required to exhaust all applicable paid accrued leave before taking unpaid leave. Paid accrued leave includes vacation leave, sick leave, personal leave, and compensatory time earned in lieu of overtime, pursuant to the Fair Labor Standards Act, during FMLA leave. Employees may not use paid accrued leave to extend FMLA leave beyond 12 workweeks per year.

620.7 USE OF FMLA LEAVE

If an employee takes a leave of absence for any reason that is FMLA qualifying, the City may designate that non-FMLA leave as running concurrently with the employee's 12-week FMLA leave entitlement. The City will generally invoke FMLA time for any eligible employee who is away from work for at least five workdays for any of the qualifying situations listed above.

620.8 PROCEDURES

The following procedures will apply for all employees requesting leave under FMLA:

- (a) When a leave is requested for a medical or other FMLA-related treatment appointment, the employee must make a reasonable effort to schedule the appointment at a time that minimizes disruption to city operations (29 USC § 2612; 29 CFR 825.302).
- (b) An employee who wishes to take FMLA leave must provide Human Resources with 30 days' advanced notice when the leave is foreseeable or as soon as practicable if the need for leave is not foreseeable (29 USC § 2612; 29 CFR 825.302; 29 CFR 825.303).
- (c) At the time of the request, the employee must complete an FMLA request form.
- (d) As part of this leave, the employee must first use all accrued sick leave and may use accrued vacation hours.
- (e) If the employee's accrued vacation and sick hours are exhausted before the employee is able to return to work, they shall be placed on a leave without pay for the remaining time up to the twelve (12) week limit. During this time, the City shall continue to pay its portion of the health and life insurance premium, and the employee must make arrangements with Human Resources to continue to pay the employee's portion of the insurance premium, if any. The employee shall not accrue any other benefits while on the leave of absence.

Requests for medical leave shall be accompanied by a qualified health care professional statement, including the date on which the serious health condition began and the estimated date of return to work (29 USC § 2613; 29 CFR 825.302).

Once the leave is requested or designated by the City, the supervisor should forward the request and any medical certifications to the City Manager or the authorized designee and ensure the

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employee is provided the necessary forms and FMLA information and required notices within five business days (29 CFR 825.300).

Employees will complete and submit a written request for FMLA to Human Resources. The request must be accompanied with a health care provider's certification that the illness of the employee or family member necessitates the leave. The request must state the date on which the serious health condition commenced, the probable duration of the condition and the appropriate medical facts about the condition. Human Resources shall notify the employee in writing when the leave has been approved (29 CFR 825.305; 29 CFR 825.308; 29 CFR 825.309; 29 CFR 825.310).

Employees shall be required to periodically report on their status and intent to return to work (29 USC § 2614; 29 CFR 825.311). This may assist in avoiding a delay in reinstatement when the employee is ready to return to work.

Employees returning from a medical leave for the employee's own serious health condition will be required to present medical verification from a qualified health care professional of the employee's ability to return to work and a list of any restrictions that need to be accommodated (29 USC § 2614; 29 CFR 825.100; 29 CFR 825.312).

620.9 REINSTATEMENT FOLLOWING LEAVE

Generally, employees returning from FMLA leave within the qualified period will be restored to their original job or to an equivalent job with equivalent pay and benefits (but not seniority), unless the employee would not otherwise have been employed at the time reinstatement is requested (e.g., in the case of a layoff) (29 USC § 2614; 29 CFR 825.214; 29 CFR 825.216).

If the same position is no longer available, such as in a layoff, the employee will be entitled to a position that is comparable in pay, job content, and promotional opportunities and geographic location, if such a comparable position exists.

If upon return from leave an employee is unable to perform the essential functions of the job because of a physical or mental disability, the supervisor should work with the City Manager or the authorized designee to engage in an interactive process with the employee to identify a potential reasonable accommodation.

After exhausting paid FMLA leave, non-paid leave will continue until the conclusion of the protected 12- or 26-week time limit. Following the protected leave, the City Manager or the authorized designee in consultation with the legal counsel will determine whether non-FMLA leave should apply.

620.10 RESPONSIBILITY

The responsibilities of the City Manager or the authorized designee include but are not limited to (29 CFR 825.108; 29 CFR 825.110; 29 CFR 825.112; 29 CFR 825.300; 29 CFR 825.301):

- (a) Attempting to determine whether an employee absence of four or more days may qualify as FMLA leave.
- (b) Determining if an employee is eligible for FMLA leave.

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- (c) Determining if leave is for an FMLA-qualifying reason.
- (d) Granting or denying a request for FMLA leave and providing designation notice to the employee within five business days of designation.
- (e) Providing eligibility notice to the employee within five business days of the request for FMLA leave or when acquiring knowledge that an employee's leave may be for FMLA.
 - 1. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.
- (f) Providing a written rights and responsibilities notice each time the eligibility notice is provided to an employee.

The City Manager or the authorized designee should work with legal counsel regarding questions relating to leave or reinstatement from leave under this policy.

620.11 RECORDS

The City will maintain leave-related records as required by 29 CFR 825.500 for at least three years and in compliance with the city's established records retention schedule.

Records and documents related to doctor certifications and other medical information created for purposes of complying with FMLA and this policy shall be maintained as confidential medical records in separate files from employee personnel files.

620.12 NOTICE TO EMPLOYEES

The City Manager or the authorized designee should ensure that a notice explaining the FMLA's provisions and procedures is prominently posted in conspicuous places in the City where it can be readily seen by all employees and applicants for employment. Electronic posting is sufficient as long as the other posting requirements have been met as provided by 29 CFR 825.300 (29 CFR 825.300).

Sick Leave

621.1 PURPOSE AND SCOPE

This policy provides general guidance regarding the use and processing of sick leave. Additional terms for the use of sick leave for eligible employees may be covered in another applicable city policy or employment agreement.

This policy is not intended to cover all types of sick leave. For example, employees may be entitled to additional paid or unpaid leave for certain family and medical reasons as addressed in the Family and Medical Leave Policy.

621.2 POLICY

It is the policy of the city to provide eligible employees with a sick leave benefit.

621.3 USE OF SICK LEAVE

Sick leave is intended to be used for qualified absences. Sick leave is not considered vacation. Abuse of sick leave may result in discipline, denial of sick leave benefits, or both.

Employees on sick leave shall not engage in other employment or self-employment or participate in any sport, hobby, recreational activity, or other activity that may impede recovery from the injury or illness (see the Outside Employment Policy).

Qualified appointments should be scheduled during an employee's non-working hours when it is reasonable to do so. Leave requests for appointments during working hours may be denied if the employee's absence will be disruptive to city functions and staffing levels.

621.3.1 NOTIFICATION

All employees should notify the appropriate supervisor as soon as they are aware that they will not be able to report to work and no less than one-half hour before the start of their scheduled shifts. If, due to an emergency, an employee is unable to contact the supervisor, every effort should be made to have a representative for the employee contact the supervisor.

When the necessity to be absent from work is foreseeable, such as planned medical appointments or treatments, the employee shall, whenever possible and practicable, provide the City with no less than 10 days' notice of impending absence.

Upon return to work, employees are responsible for ensuring their time off was appropriately accounted for, and for completing and submitting the required documentation describing the type of time off used and the specific amount of time taken.

621.4 EXTENDED ABSENCE

Employees absent from work for more than three consecutive days may be required to furnish a statement from a health care provider or verification supporting the need to be absent and/or

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the ability to return to work. Employees on an extended absence shall, if possible, contact their supervisor at specified intervals to provide an update on their absence and expected date of return.

Nothing in this section precludes a supervisor from requiring, with cause, a health care provider's statement for an absence of three or fewer days.

621.5 SUPERVISOR RESPONSIBILITIES

The responsibilities of supervisors include but are not limited to:

- (a) Monitoring and regularly reviewing the attendance of employees to ensure that the use of sick leave and absences is consistent with this policy.
- (b) Attempting to determine whether an absence of four or more days may qualify as family medical leave and consulting with legal counsel or the City Manager as appropriate.
- (c) Addressing absences and sick leave use in the employee's performance evaluation when excessive or unusual use has:
 - 1. Negatively affected the employee's performance or ability to complete assigned tasks.
 - 2. Negatively affected city operations.
- (d) When appropriate, counseling employees regarding excessive absences and/or inappropriate use of sick leave.
- (e) Referring eligible employees to an available employee assistance program when appropriate.

Travel Reimbursement Policy

622.1 PURPOSE AND SCOPE

The purpose of this policy is to set guidelines for submission and reimbursement of city travel-related expenses. This policy applies to all employees and elected officials who incur travel expenses on behalf of the City.

622.1.1 DEFINITIONS

Definitions related to this policy include:

Travel expenses - Eligible expenses for travel, lodging, meals, and registration fees associated with participation in approved training programs, conventions, seminars, memorials, and other events that relate to an employee's or elected official's responsibilities, training, and/or education, or that serve a direct city purpose.

622.2 POLICY

It is the policy of the City to pay for reasonable and necessary work-related travel expenses for employees and elected officials.

622.3 COORDINATOR

The City Manager should designate an employee to develop and maintain procedures related to this policy. Procedures should include:

- (a) Detailed processes for submitting pre-approvals and travel reimbursement requests.
- (b) Reviewing and maintaining necessary forms and documentation.
- (c) Periodic audits to review compliance with this policy.

622.4 EXPENSE GUIDELINES

622.4.1 TRANSPORTATION

All travel should be by the most cost-effective means possible, considering distance, location, and type. The following forms of travel should be considered:

- (a) City vehicle
 1. The use of city vehicles for transportation is preferred, if a vehicle is available.
 2. When using a city vehicle, the fuel, tolls, and reasonable parking expenses (e.g., valet should not be used unless there is no other option) will be reimbursed.
- (b) Private vehicle
 1. When using a private vehicle, reimbursement will be at the current IRS mileage rate.
- (c) Rental vehicle, train, and air

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1. Employees or elected officials should obtain approval from the City Manager or the authorized designee before booking a rental vehicle, train fare, or airfare.
2. Full reimbursement may not be approved if the employee or elected official does not obtain advance approval and/or does not purchase the most economical fare.

622.4.2 ACCOMMODATIONS

If travel requires the employee or elected official to stay overnight, the employee or elected official should arrange lodging and request approval from the City Manager or the authorized designee before departure.

Lodging should be at or near the event at standard rates. Employees or elected officials should make all reasonable efforts to get the best rates possible, including researching whether government rates are available and whether tax-exempt certificates are accepted or assignments of rights to refund are provided. Employees or elected officials are expected to take reasonable steps to provide or obtain the forms for tax exemption, when applicable, and submit the forms to the City in a timely manner.

622.4.3 MEALS

Employees or elected officials traveling on city business may choose meal cost reimbursement according to per diem rates adopted by the City.

If meals are provided as part of a training or conference, those meals are not eligible for cost reimbursement, even if the employee declines the provided meal, unless dietary concerns prohibited an employee from eating the provided meal.

622.4.4 PROHIBITED EXPENSES

Expenses not eligible for reimbursement include but are not limited to:

- (a) Expenses for any non-employee or non-elected official.
- (b) Non-business-related telephone calls.
- (c) Entertainment expenses unless pre-approved by the City Manager or the authorized designee.
- (d) Alcoholic beverages.
- (e) Outside meals if the conference/event lodging reservation includes a meal package.
- (f) Any travel-related expense that is covered by another source.

622.5 APPROVALS

All travel should be pre-approved by the City Manager or the authorized designee. Once travel has been completed, the employee or elected official should submit requests for travel expense reimbursement:

- (a) To the City Manager or the authorized designee for review and approval as soon as practicable, but no later than 14 days after completion of travel.

Travel Reimbursement Policy

- (b) On a city form. The form should contain a statement that the expenses were incurred by the traveler as necessary for the performance of official duties and shall be verified by a written declaration that all information is true and correct.
- (c) With an attached receipt or other documentation of the expense.

Upon receipt of a request for reimbursement, the City Manager or the authorized designee should review and process the request as appropriate. If additional information is needed to process the request, the employee should be given an opportunity to provide the information. If a request for reimbursement is denied, the reason for the denial should be provided in writing, and the employee should have an opportunity to respond.

If an employee fails to follow the required processes and obtain appropriate approvals, reimbursement of travel expenses may be denied.

Petty Cash Management

623.1 PURPOSE AND SCOPE

This policy provides for the establishment and administration of a city petty cash fund.

623.2 POLICY

The City will establish, administer, and maintain a petty cash fund according to this policy.

623.2.1 DEFINITIONS

Definitions related to this policy include:

Custodian - The individual designated by the City Treasurer, or the authorized designee, as having custody of and responsibility for maintaining the petty cash fund.

Petty cash fund - A reserve of money (currency and coins) established to make small purchases when payment by purchase order or voucher is not practical.

623.3 RESPONSIBILITIES

623.3.1 CITY TREASURER RESPONSIBILITIES

The City Treasurer, or the authorized designee, is responsible for establishing and maintaining procedures for the operation of a petty cash fund consistent with state and local law. The procedures should include but are not limited to:

- (a) Designation of a petty cash custodian.
- (b) Initial and replenishment fund amounts. The petty cash fund should not exceed the amount established by the City.
- (c) Maximum dollar amount for purchases.
- (d) A sample petty cash voucher for use by employees to request cash from the custodian. The petty cash vouchers should be sequentially numbered and include space for the following information:
 1. The date of the disbursement
 2. The amount disbursed or reimbursed
 3. The budget expense account
 4. The vendor name
 5. The signature of the employee receiving petty cash
- (e) A petty cash ledger for use by the custodian. The ledger may be maintained electronically or by hand and should require the following information for all transactions:
 1. The name of the employee receiving cash
 2. The amount disbursed to the employee

Petty Cash Management

3. The reason for the disbursement
 4. The amount of any cash returned
 5. The amount of any cash received to replenish the account
 6. A copy of any purchase receipt
- (f) A requirement that the custodian provide a full accounting and reconciliation of all fund transactions to the City Treasurer or authorized designee, which the City Treasurer or authorized designee should then review and approve according to the petty cash procedures before authorizing replenishment of the petty cash fund.
- (g) A requirement that the petty cash fund be audited by the City Treasurer's authorized designee at least quarterly and that the results of the audit are provided to the City Treasurer.
- (h) Creation of disciplinary guidelines for situations where the custodian has violated this policy or applicable procedures, or where an employee is found to have provided false information for the purpose of obtaining petty cash funds, including referral to law enforcement when the facts indicate that a crime may have occurred.
- (i) Designation of a physical location for each petty cash fund. The fund should be secured in the following manner:
1. A lockbox with a key or combination lock.
 2. The lockbox should then be stored in a safe, securable drawer, cabinet, or locker.
 3. The safe, securable drawer, cabinet, or locker should be in a securable room or office with restricted access.

623.3.2 PETTY CASH CUSTODIAN RESPONSIBILITIES

The custodian's responsibilities should include but are not limited to:

- (a) Maintaining the fund according to this policy, petty cash procedures, and state and local laws.
- (b) Remaining familiar with applicable state and local laws relating to petty cash funds and proposing related updates to procedures as necessary.
- (c) Requesting replenishment funds from the City Treasurer, or the authorized designee, when the funds in the account fall below the established replenishment amount or requesting funds needed to bring the fund back to the maximum allowable amount.
- (d) Receiving funds for replenishment only from funds approved and allocated from the city accounts or from returned, unused funds properly issued to employees.
- (e) Maintaining the petty cash ledger according to this policy and the petty cash procedures.
- (f) When someone other than the custodian will be handling a petty cash fund, accounting for all petty cash and vouchers before transferring petty cash responsibilities to the alternate custodian.

Petty Cash Management

623.4 PETTY CASH VOUCHERS

The City Treasurer or authorized designee should maintain an appropriate stock of petty cash vouchers and provide them to the custodian as requested.

Equal Opportunity Employer

624.1 PURPOSE AND SCOPE

The purpose of this policy is to affirm the City's commitment towards equal employment opportunities. Nothing in this policy is intended to create a legal or employment right or duty that is not created by law.

624.2 POLICY

- (a) Farmington City provides equal employment opportunities to all employees and applicants for employment without regard to race, color, creed, ancestry, national origin, citizenship, sex or gender (including pregnancy, childbirth, and pregnancy-related conditions), gender identity or expression (including transgender status), sexual orientation, marital status, religion, age, disability, genetic information, service in the military, or any other characteristic protected by applicable federal, state, or local laws and ordinances. Equal employment opportunity applies to all terms and conditions of employment, including hiring, placement, promotion, termination, layoff, recall, transfer, leave of absence, compensation, and training.
- (b) Farmington City expressly prohibits any form of unlawful employee harassment or discrimination based on any of the characteristics mentioned above. Improper interference with the ability of other employees to perform their expected job duties is absolutely not tolerated.
- (c) Farmington City will endeavor to make a reasonable accommodation of an otherwise qualified applicant or employee related to an individual's physical or mental disability, sincerely held religious beliefs and practices, and/or any other reason required by applicable law, unless doing so would impose an undue hardship upon Farmington City's business operations.
- (d) Any employees with questions or concerns about equal employment opportunities in the workplace are encouraged to bring these issues to the attention of the HR Manager. The City will not allow any form of retaliation against individuals who raise issues of equal employment opportunity. Employees who feel they have been subjected to any such retaliation should bring it to the attention of the HR Manager. (See Anti Retaliation Policy)
- (e) Retaliation means adverse conduct taken because an individual reported an actual or a perceived violation of this policy, opposed practices prohibited by this policy, or participated in the reporting and investigation process described below. "Adverse conduct" includes but is not limited to:
 - 1. Shunning or avoiding an individual who reports harassment, discrimination, or retaliation;
 - 2. Express or implied threats or intimidation intended to prevent an individual from reporting harassment, discrimination, or retaliation; or

Equal Opportunity Employer

3. Denying employment benefits because an applicant or employee reported harassment, discrimination, or retaliation or participated in the reporting and investigation process.
 - (f) Other examples of retaliation include firing, demotion, denial of promotion, unjustified negative evaluations, increased surveillance, harassment, and assault.

Fitness and Wellness

625.1 PURPOSE AND SCOPE

The purpose of the Fitness and Wellness Program is to encourage, motivate, and challenge employees to take an active interest in their physical performance capability and to promote general employee health and well-being.

625.2 POLICY

The City has established a voluntary fitness and wellness program that is available to all city employees.

625.3 FITNESS AND WELLNESS COORDINATOR

The City Manager or the authorized designee should appoint a fitness and wellness coordinator. The fitness and wellness coordinator should be responsible for:

- (a) Establishing program components.
- (b) Administering the program.
- (c) Managing the delivery of education and services.
- (d) Communicating fitness and wellness opportunities to employees.
- (e) Maintaining records of program successes and participation rates. Names of participants should not be included.
- (f) Managing the program within the established budget.

625.4 TRAINING

Training documentation related to the fitness and wellness coordinator position should be maintained in the employee's training file.

Conflict of Interest

626.1 PURPOSE AND SCOPE

The purpose of this policy is to assist employees in recognizing and avoiding potential conflicts of interest, thereby ensuring effective and ethical operating practices on the part of the City.

626.1.1 DEFINITIONS

Definitions related to this policy include:

Business relationship - A situation when an employee serves as an employee, independent contractor, compensated consultant, owner, board member, shareholder, or investor in an outside business, company, partnership, corporation, venture, or other transaction where the employee's annual interest, compensation, investment, or obligation is greater than \$250. This includes business relationships as defined by state law.

Conflict of interest - Any actual, perceived, or potential conflict of interest in which it reasonably appears that an employee's action, inaction, or decisions are or may be influenced by an employee's personal or business relationship. This includes conflicts defined and prohibited by state law.

Direct Supervision – A supervisor to whom the employee immediately reports. This does not include any person in the line of supervision above that immediate supervisor.

626.2 POLICY

Employees of the City are expected to conduct themselves with the utmost professional integrity and objectivity. Employees will guard against actual or perceived conflicts of interest to ensure the fair and equitable treatment of city employees and the public and the safeguarding of public assets, and thereby maintain the trust of the public and city employees.

626.3 CONFLICT OF INTEREST

It is the policy of Farmington City is to comply with provisions of the "Municipal Officers' and Employees' Ethics Act" as set forth in Utah Code Ann. § 10-3-1301, et seq., as amended.

626.4 RESTRICTED DUTIES AND ASSIGNMENTS

The City prohibits the following types of personal or business relationships among employees:

- (a) Employees are prohibited from directly supervising, occupying a position in the line of supervision, or being directly supervised by any other employee who is a relative or with whom they are involved in a personal or business relationship.
 1. If circumstances require that such a supervisor/subordinate relationship exist temporarily, the supervisor should make every reasonable effort to defer matters pertaining to the involved employee to an uninvolved supervisor.
 2. When personnel and circumstances permit, the City will reasonably attempt to avoid placing such employees in supervisor/subordinate situations. The City,

Conflict of Interest

however, reserves the right to transfer or reassign any employee to another position within the same classification to avoid conflicts with any provision of this policy.

- (b) Employees are prohibited from participating in, contributing to, or recommending promotions, assignments, performance evaluations, transfers, or other personnel decisions affecting an employee who is a relative or with whom they are involved in a personal or business relationship.
- (c) Whenever possible, trainers should not be assigned to train relatives. Trainers are prohibited from entering or maintaining personal or business relationships with any employee they are assigned to train until such time as the training has been successfully completed and the employee is off probation.
- (d) This policy does not prohibit the employment of relatives in part-time or seasonal positions within the City, so long as the relative who is a full-time employee does not provide direct supervision to the relative.

626.4.1 EMPLOYEE RESPONSIBILITY

Employees shall follow all laws regarding actual or perceived conflicts of interest and should avoid situations that create the appearance of an actual or perceived conflict of interest. Employees should take reasonable steps to address a perception of a conflict of interest when such a perception is reasonably foreseeable and avoidable (e.g., deferring a decision to an uninvolved employee).

Whenever any employee is placed in circumstances that would require the employee to take enforcement action or to provide official information or services to any relative or individual with whom the employee is involved in a personal or business relationship, that employee shall promptly notify an uninvolved immediate supervisor.

In the event that no uninvolved supervisor is immediately available, the employee shall promptly notify the City Manager to have another uninvolved employee either relieve the involved employee or, minimally, remain present to witness the action.

626.4.2 SUPERVISOR RESPONSIBILITY

Upon being notified of or otherwise becoming aware of any circumstance that could result in or constitute an actual or potential violation of this policy, a supervisor should take all reasonable steps to promptly mitigate or avoid such violations whenever possible.

Supervisors should also promptly notify the City Manager of such actual or potential violations.

626.5 NEPOTISM

It is the policy of the City to comply with the provisions of Title 52, Chapter 3, of the Utah Code Annotated, as amended regarding the prohibition of employment of relatives.

- (a) It shall be the policy and practice of the City to avoid nepotism and/or the appearance of nepotism in its employment practices, including, but not limited to, recruitment, selection, promotion and compensation, and to comply with all applicable laws relating to the employment of relatives. This policy shall apply to all public officers, as defined

Conflict of Interest

in Utah Code Ann. § 52-3-1, including full-time, part-time, and temporary employees of the City.

- (b) All applicants at time of potential employment with the City will be required to disclose any potential conflicts of family relationships they are aware of who are employed by Farmington City. Failure to disclose is grounds for disciplinary action, up to and including, but not limited to termination.

INDEX / TOPICS

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Shannon Harper, City Treasurer
Date: November 14, 2023
Subject: **Procurement Policy and Municipal Code Amendment**

RECOMMENDATION

Staff recommends adopting the proposed Procurement Policy as well as the proposed changes to chapter 3-6 of the Farmington City Municipal Code.

Suggested Motion Language: "I move that the Council adopt the Ordinance adopting the Farmington City Procurement Policy and amending chapter 3-6 of the Municipal Code."

BACKGROUND

Currently, City procurement policy is based on the language found in chapter 3-6 the Municipal Code, which was last updated in 2012. Staff suggests having a formal Procurement Policy to work alongside the Code. As part of this change, staff recommends increasing the existing purchasing thresholds to be in line current spending practices. Also, the updated Code will reference the newly adopted Policy where appropriate.

Respectfully submitted,



Shannon Harper
City Treasurer

Review and concur,



Brigham Mellor
City Manager



FARMINGTON CITY PROCUREMENT POLICY

GENERAL PROVISIONS

1. *Purchasing Agent Designated.* The City Manager or appointed designee is hereby appointed and designated as the Farmington City purchasing agent. The Purchasing Agent may from time to time appoint another person to undertake all or some of the duties of the Purchasing Agent set forth herein or appointed to them.
2. *Authority to Enter into and Execute Contracts.* All contracts are to follow the approval thresholds as outlined in “Authorization Requirements for Purchases” in this policy. All contracts must be reviewed by the City Attorney prior to execution and approved ‘as to form’. All contracts in violation of this provision are considered void and may result in the personal obligation and liability of persons at fault for such violations.
3. *Competitive Procurement.* Unless exempted by this policy, all purchases and contracts shall be awarded on a competitive basis, as required by this resolution and applicable State and Federal law.
4. *Participation in State Procurement Unit Agreement and Contracts.* Pursuant to Utah Code 63G-6a-2105, Farmington City may make purchases from or participate in state public procurement unit agreements and contracts, pursuant to the terms of said agreements and contracts without soliciting additional procurement options.
5. *Unethical Purchasing Practices.* Failure of any agent, officer or employee to comply with ethical purchasing requirements may result in suspension, termination, being personally liable for the purchase and/or criminal prosecution. All agents, officers and employees engaged in the procurement process for Farmington City will maintain high ethical behavior in agreement with Utah Code 67-16, Utah Public Officers’ and Employees’ Ethics Act and avoid the following practices:
 - a. Dividing a procurement to avoid following policy (see Utah Code 63G-6a-2404.3)

- b. Kickbacks and Gratuities (see Utah Code 63G-6a-2404, 67-16-5 through 67-16-6)
 - c. Failure to Disclose conflicts (see Utah Code 63G-6a-1205 & 67-16-9)
 - d. Cost-plus-a-percentage-of-cost contracts (see Utah Code 63G-6a-1205)
6. Farmington City purchases are not subject to sales tax. For vendors requiring documentation of tax exempt status, a TC-712G Exemption Certificate for Governments and Schools may be obtained from the Finance and Administrative Services office.
7. When a procurement involves the expenditure of State or Federal funds, Farmington City shall comply with the applicable State and Federal laws and regulations.

AUTHORIZATION REQUIREMENTS FOR PURCHASES

1. *Purchases up to \$20,000.* All procurements of services and goods in an amount less than \$20,000 may be approved by the Department Head, provided such procurements have been budgeted for within the department and are in line with the budgeted purposes and responsibilities of said department.
2. *Purchases over \$20,000.* All procurements of services and goods in an amount over \$20,000 must have a purchase order approved by the Department Head and Purchasing Agent prior to initiating the purchase. Descriptions of items or services will use sufficient and descriptive terminology to allow the reviewer to understand what is being purchased and why. Part numbers by themselves are not sufficient.
3. *Purchases over \$75,000.* All procurements of services and goods in an amount over \$75,000 must have a purchase order approved by the Department Head and Purchasing Agent prior to initiating the purchase. Documentation of the solicitation of three quotes or reference to the exemption of those requirements must be attached. (See telephone quote sheet at the end of this policy).
4. *Purchases over \$125,000.* All procurements of services and goods in an amount over \$125,000 must be put out for competitive bid to be prepared and approved by the Department Head, Purchasing Agent and City Council (See section of Competitive Bids for requirements). Purchases over \$125,000 require a written contract to be approved in an open meeting.
5. *Avoidance of approval and written contract requirements.* Purchases shall not be divided into smaller purchases for the purpose of evading the approval process required by this policy, or for the purpose of avoiding the need to obtain a written contract.
6. *Competitive Sealed Bids- When Required*

- a. All procurements of goods which are reasonably anticipated to exceed \$125,000 shall be obtained by competitive sealed bidding. The City Council may also require competitive sealed bidding for the procurement of goods and services for any amount.
 - b. In the event that bids exceed available funds and the lowest responsive and responsible bid does not exceed funds available by more than ten percent (10%), the Council may, where time or economic considerations preclude re-solicitation of work of a reduced scope, negotiate an adjustment of the bid price, including changes in the bid requirements, with the lowest responsive and responsible bidder, in order to bring the bid within the amount of available funds.
 - c. *Content of Invitation for Bids.* An invitation for bids shall:
 - i. State that the City is seeking bids for a procurement;
 - ii. Contain information on how to contact the person with the most knowledge about the procurement;
 - iii. State the period of time during which bids will be accepted;
 - iv. Describe the manner in which a bid shall be submitted;
 - v. State the address at which a bid may be submitted, and the person to whom the bid should be submitted;
 - vi. Describe the goods or services sought to be procured;
 - vii. List or refer to the objective criteria that will be used to evaluate the bids.
 - viii. To the extent possible, include or reference significant contractual terms and conditions.
 - ix. State the date, time and place for the public opening of all bids.
 - x. An invitation to bid may require attendance at a pre-bid meeting for the purpose of obtaining additional information relevant to the bid. The invitation shall list the time, date and place of any pre-bid meeting that will take place.
 - xi. An invitation to bid may require that a bidder obtain additional specifications and objective criteria too lengthy to publish in the invitation for bids. The invitation to bid shall indicate where such information may be obtained.
7. All invitations for sealed bids shall be published online using a bidding website at least 15 days prior to the deadline for submission of a bid.
8. All sealed bids shall be opened by the Purchasing Agent or designated representative in an open public meeting, before one or more witnesses, at the time and place indicated in the invitation for bids. The name of the bidder and the

amount of each bid shall be recorded and made available to the public. Bids shall not be accepted after the time for submission of a bid has expired.

9. The City Council shall reject bids from further evaluation that are: incomplete, illegible, conditional, modify bid requirements, contain additional terms or conditions, divide bid into parts, failed to attend required pre-bid meetings, fail to confirm requirements or specifications, the bidder has a pending dispute with the City on a previous project or where the City Council reasonably concludes that the bidder is unable to satisfactorily fulfill the bid requirements or has engaged in unlawful or unethical conduct in attempting to secure the bid. Any bidder whose bid has been rejected may obtain from the purchasing agent a written finding stating the specific reason the bid was rejected.
10. The City Council shall award the bid/contract to the lowest qualified bidder or the bidder who best satisfies the objective criteria described in the invitation for bids which may include: Experience, performance ratings, inspection of workmanship, suitability, quality, likely compatibility with existing assets or practices, availability, warrantee, references, licensure, proximity or other criteria reasonably specified in the invitation to bid.
11. Tied bids may be resolved using any reasonable criteria and at the sole discretion of the City Council.
12. Farmington City may cancel the bid process or reject all bids in whole or in part if it determines that; no bids met bid requirements, there are insufficient funds, the item is no longer needed or the specifications or timing does not meet Farmington City's current needs or long-term plans. In the event of a bid cancellation the City Council shall publicly state the reason for the cancellation and make that information available for public inspection.
13. Exemptions from competitive bid requirements may include the following: Sole source providers, service contracts with professionals or specialists, emergency purchases. The purchasing agent shall sufficiently document the reason for not competitively bidding the procurement..
14. Protests to the bidding process shall be submitted to the Purchasing Agent in writing within 5 days. The Purchasing Agent will respond to the protest within 5 days of receiving the complaint. The Purchasing Agent's decision may be appealed to the City Council in writing within 5 days. The City Council may address the appeal at its next regularly scheduled meeting or hold a special meeting to evaluate the merits of the protest appeal.

QUOTE SHEET

Completed By (Employee Name): _____

Product or Service Requested: (Include specific project requirements such as required completion date etc.)

VENDOR #1:

Company Name:

Person Contacted: _____ Date Contacted: _____

Method of Contact: Phone E-mail In-person Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid) _____

VENDOR #2:

Company Name:

Person Contacted: _____ Date Contacted: _____

Method of Contact: Phone E-mail In-person Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid) _____

VENDOR #3:

Company Name:

Person Contacted: _____ Date Contacted: _____

Method of Contact: Phone E-mail In-person Other:

Contact Information: Phone: _____ Address: _____

Amount Quoted: (Or attach vendor's written proposal or bid) _____

ORDINANCE NO: _____

**AN ORDINANCE ADOPTING THE FARMINGTON CITY PROCUREMENT POLICY
AND AMENDING CHAPTER 3-6 OF THE MUNICIPAL CODE**

WHEREAS, the City Council establishes policy related to the procurement of goods and services to advance government purposes: and

WHEREAS, Utah law permits municipalities to establish purchasing procedures pursuant to Utah Code Ann. § 10-6-122(1); and

WHEREAS, the City Council finds that the categories of purchases that require formal and informal bidding are in need of adjustment; and

WHEREAS, the City Council finds that the procurement policy adopted by this ordinance renders some portions of the existing city code redundant,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1: Adoption of Procurement Policy. The City Council adopts the Farmington City Procurement Policy, attached to this Ordinance, as the governing policy for procurement in Farmington City.

Section 2: Amendment of Code. The City Council adopts the amendments to chapter 3-6 of the Farmington City Municipal Code, as provided in Exhibit A.

Section 3: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 4: Effective Date. This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, THIS __TH DAY OF _____ 2023.**

ATTEST:

FARMINGTON CITY

DeAnn Carlile, City Recorder

Brett Anderson, Mayor

CHAPTER 6 PROCUREMENT AND SURPLUS PROPERTY

3-6-010: Compliance

3-6-020: Purchasing Agent

3-6-030: Budget Limitation

~~3-6-040: Purchase Requisition (Reserved)~~

3-6-050: Classification Of Expenditures

3-6-060: ~~Formal~~ Bidding Procedures

~~3-6-070: Informal Bidding Procedure (Reserved)~~

3-6-080: Additional Data

3-6-082: Retention Of Bids

3-6-084: Restrictions On Architect Or Engineering Services

3-6-090: Delivery

3-6-100: Surplus Property Definitions

3-6-110: Disposal Of Surplus Property

3-6-115: Use Of Recycled Goods

3-6-010: COMPLIANCE:

All expenditures of the city shall conform to the procurement policies and procedures adopted by the city and all applicable provisions of state law, including, but not limited to, the uniform fiscal procedures act set forth at Utah Code Annotated section 10-6-101 et seq., as amended, and the Utah procurement code as set forth at Utah Code Annotated section 63-56-101 et seq., as amended. Any expenditures of the city involving federal assistance funds shall comply with applicable federal law and regulations. Any expenditures of the city involving the construction, maintenance or improvement projects of a class C road shall comply with applicable provisions of the state highway code, including, but not limited to, Utah Code Annotated sections 72-6-108 and 72-6-109, as amended. Included in this chapter is the designation of the city manager as the purchasing agent of the city. This designation and powers are contained herein.

3-6-020: PURCHASING AGENT:

The city manager is hereby designated as the purchasing agent for the city. The purchasing agent shall be subject to the direction and supervision of the city council and shall have the powers and duties concerning procurement as established in this chapter and the authority to delegate such powers and duties, including, but not limited to:

A. Administer and interpret the procurement system provided herein, in accordance with any rules and regulations established by the city;

- B. Procure or supervise the procurement of all supplies, services and construction needed by the city, including preparation of specifications and negotiation of contracts connected therewith;
- C. Exercise general supervision and control over all inventories or supplies of the city and the inspection of and accounting for all such inventories or supplies;
- D. Prepare and maintain forms and reports as are reasonably necessary to the operation of the chapter and other rules and regulations of the city;
- E. Keep generally informed of current developments in the field of procurement, including, but not limited to, market conditions and new products; and
- F. Recommend to the city council from time to time such new or revised procurement rules and regulations as are desirable and in conformance with other statutory requirements.

3-6-030: BUDGET LIMITATION:

All expenditures or encumbrances made by the city for supplies, services or construction shall be made in accordance with the uniform fiscal procedures act for Utah cities, set forth at Utah Code Annotated section 10-6-101 et seq., as amended. Except as provided in said act or herein, all expenditures or encumbrances shall be made or incurred within the appropriate budget limitations adopted or subsequently amended by the city. The city manager or designee is authorized to approve certain transfers of funds from one expenditure account to another within a department or an excess expenditure of one or more line items, provided the total of all excess expenditures or encumbrances do not exceed the total unused appropriations within the department at the close of the budget year, in accordance with Utah Code Annotated section 10-6-124, as amended. The city manager may not make adjustments to capital funds budgets without prior approval from the city council.

~~3-6-040: PURCHASE REQUISITION: (Reserved)~~

~~Before any order may be placed for the purchase of any supply, service or construction having a unit value in excess of three thousand dollars (\$3,000.00), a purchase requisition form shall be submitted to the purchasing agent. The purchasing agent shall review all purchase requisitions and determine whether the expenditure requested is for a city purpose, properly budgeted, and in compliance with city ordinances and state law. If the purchasing agent determines the expenditure requested complies with these requirements, he or she shall sign the purchase requisition and initiate the appropriate procedures set forth herein for procurement of the supply, service or construction. A purchase requisition shall not be required for service contracts entered into between the city and the contracting party specifying the cost of service.~~

3-6-050: CLASSIFICATION OF EXPENDITURES:

A. Large Expenditures: Except as otherwise provided herein, any expenditure of the city of one-hundred twenty five thousand dollars (\$125,000.00) or more shall be referred to as a "large expenditure" and shall be made pursuant to formal bidding procedures set forth in ~~section 3-6-060 of this chapter~~ the procurement policies and procedures adopted by the city council.

B. Small Expenditures: Except as otherwise provided herein, any expenditure of the city of less-greater than ~~twenty-seventy-five~~ thousand dollars (\$~~2575,000.00~~) but less than one-hundred twenty-five thousand dollars (\$125,000.00) shall be referred to as a "small expenditure" and may be made pursuant to either formal or informal bidding procedures set forth in the procurement policies and procedures adopted by the city council ~~section 3-6-060 of this chapter or pursuant to informal bidding procedures set forth in section 3-6-070 of this chapter~~. It shall be unlawful to artificially divide a purchase or expenditure so as to constitute a small expenditure under this section.

C. Exempt Expenditures: The following expenditures of the city shall be referred to as "exempt expenditures" and may be made without formal or informal bidding procedures, but should be made with as much competition as practicable under the circumstances. Detailed explanations of each exempt expenditure shall be provided in procurement policies and procedures adopted by the council. ~~The purchasing agent should maintain a record of expenditures made hereunder, other than minor expenditures, documenting information such as the supplier's name, the amount and type of expenditure, and the supplies, services or construction procured.~~

1. Minor: Any expenditure amounting to less than three seventy-five thousand dollars (\$375,000.00). ~~Such minor expenditures may be made by department heads and the finance director as authorized or delegated by the city manager. Chairpersons of volunteer committees are not considered department heads as referred to herein, but shall be permitted to make minor expenditures amounting to less than two hundred fifty dollars (\$250.00), but only when authorized or delegated by the city manager.~~

2. Single-Sole Source: Any expenditure for goods or services which by their nature are not reasonably adapted to award by competitive bidding. ~~These expenditures include, but are not limited to, goods or services which can only be purchased from a single source, contracts for additions to and repair and maintenance of equipment already owned by the city which may be more efficiently added to, repaired or maintained by a certain person or firm, and equipment which, by reason of the training of the personnel or an inventory of replacement parts is compatible with the existing equipment owned by the city. The purchasing agent or his or her designee shall make a written determination that there is only one source for the required supply, service or construction.~~

3. Professional Services: Any expenditure for professional services which by their nature are not reasonably adapted to award by competitive bidding, which. ~~Such expenditures shall be authorized awarded at the discretion of the city council~~ based on the city council's evaluation of ~~the~~ professional qualifications, service ability, experience, cost of services and other applicable criteria.

4. Emergency: Any expenditure made under the existence of an emergency condition threatening the public health, welfare or safety. ~~The purchasing agent or his or her designee shall prepare a written determination of the basis for the emergency and the selection of the particular supplier or contractor.~~

5. State BiddingContract: Any expenditure for which competitive bidding or price negotiation has already occurred on the state level.

6. Interlocal CooperationCooperative Agreement: Any expenditure made in conjunction with an agreement approved by resolution of the city council between the city and another city or governmental entity.

7. Special Sale: Any expenditure made in conjunction with any public auction, closeout sale, bankruptcy sale or other similar sale when the purchasing agent determines in writing that such purchase may be made at a cost below the market cost for the same or similar goods.

8. Exchanges: Any exchange of supplies, materials, property or equipment between the city and other public or private party made by mutual agreement of the respective parties.

3-6-060: ~~FORMAL~~ BIDDING PROCEDURES:

A. Procedures for the soliciting and processing bids both formally and informally shall be established in the procurement policies and procedures adopted by this city council. Such policies shall be interpreted to conform to applicable federal and state requirements and if found to be in conflict with such requirements, the federal or state requirements shall be followed. Except as otherwise provided herein, all large expenditures shall be made by written contract or purchase requisition between the city and the lowest responsible bidder according to the following procedure:

~~—A.— Specifications: Specifications should be prepared by the purchasing agent when he or she deems them appropriate and practical, which specifications shall be submitted to the city council for approval and authorization prior to any advertisement for bids.~~

~~—B.— Invitation For Bids: An invitation for bids shall be prepared by or under the direction of the purchasing agent, which invitation shall:~~

~~—1.— Describe the goods or services to be purchased or work to be performed;~~

~~—2.— Set forth all contract terms, conditions and bond requirements applicable to the purchase or work;~~

~~—3.— Set forth the criteria that will be used to evaluate the bid;~~

~~—4.— State where plans, specifications and other information may be obtained;~~

~~—5.— State the time and place of the bid opening; and~~

~~—6.— Reserve for the city the right to reject any and all bids for any reason without liability.~~

~~—C.— Notice: The invitation for bids shall be published at least twice in a newspaper of general circulation in the jurisdiction of the city at least five (5) days prior to the opening of bids. In the event there is no newspaper of general circulation printed or published within the jurisdiction of the city, the notice shall be posted at least five (5) days prior to the opening of bids in at least three (3) public places in the city which notice shall remain posted for at least three (3) days.~~

~~—D.— Amending Invitation: The invitation to bid may be amended, supplemented or canceled at any time prior to the opening of bids when the purchasing agent determines that such action is in the best interest of the city. The reasons for the amendment or cancellation of the invitation shall be in writing and shall be made a part of the city's records.~~

~~—E.— Sealed Bids: All bids shall be received by the city in sealed envelopes labeled "Bid For (Item)" which shall not be opened prior to the time set for opening of the bids, except as provided in subsection F of this section.~~

~~—F.— Correction Of Bids: The purchasing agent may permit correction or withdrawal of inadvertently erroneous bids in appropriate circumstances; provided, that no changes in bid prices or other provisions of bids which are prejudicial to the interest of the city or fair competition shall be permitted. Any decision to permit the correction or withdrawal of bids shall be supported by a written determination prepared by the purchasing agent.~~

~~—G.— Opening Bids: The bids shall be opened publicly by the purchasing agent in the presence of one or more witnesses at the time and place designated in the invitation for bids.~~

~~—H.— Recording Bids: The amount of each bid and the name of the bidder shall be read aloud as the bids are opened, and such information shall be recorded and open to public inspection during regular business hours for a period of not less than thirty (30) days after the bid opening.~~

~~I. B. Evaluating Bids: The b~~Bids shall be evaluated within a reasonable time by the purchasing agent to determine the lowest responsible bidder based upon the following objectively measurable criteria as set forth in the invitation for bids:

1. Price: The total price of the bid.
2. Quality: The overall quality of the goods or work to be provided and/or the ability, capacity and skill of the bidder to provide any services or work required.
3. Conditions: The number and scope of any conditions or qualifications set forth in the bid.
4. Time: The time limit within which the bidder can provide the goods, services or work.
5. Reputation: The character, integrity, reputation, judgment, experience and efficiency of the bidder and the quality of previous goods, services or work obtained from the bidder.
6. Compliance: The previous and existing compliance by the bidder with laws and ordinances relating to the goods, services or work.
7. Financial Resources: The sufficiency of the financial resources and ability of the bidder to provide the goods, services or work.
8. Future Service: The ability of the bidder to provide future maintenance and service and the local availability of parts, materials, etc.

~~J. Determination: The purchasing agent shall determine the lowest responsible bidder and communicate such determination, in writing, to the city council. The city council may accept, reject or modify the purchasing agent's determination and thereupon award the contract or reject any and all bids. All information relating to the selection of the lowest responsible bidder shall be retained by the city in accordance with the city government records access and management ordinance.~~

~~K. Cancellation And Rejection Of Bids: The city reserves the right to cancel an invitation for bids or to reject any or all bids for any reason. Such cancellation or rejection shall be in writing and shall be made part of the city records. In the event all bids are rejected and the city determines to make the improvement or purchase, it shall advertise anew as provided herein. If after twice advertising, no satisfactory bid is received, the city council may proceed to negotiate or make the improvement or acquisition or enter such other agreements as it deems necessary or desirable.~~

~~L. Tie Bids: If two (2) or more bids received are for the same total amount or unit price, quality and service being equal, and if the public interest will not permit the delay of readvertising for bids, the city council shall accept the lowest bid made by and after negotiation with the tie bidders after the time of the bid opening.~~

~~M. Bonds: Prior to entering any contract hereunder, the city council may require performance and payment bonds to be provided in such form and amounts as required by law and by the city council as reasonably necessary to protect the best interest of the city.~~

~~N. Responsibility Of Bidder: The purchasing agent may request additional information with respect to the responsibility of a bidder. The unreasonable failure of a bidder to promptly supply information in connection with a request of the purchasing agent regarding responsibility may be grounds for a determination of a nonresponsibility and/or nonresponsiveness of the bidder.~~

3-6-070: INFORMAL BIDDING PROCEDURE: (Reserved)

~~Except as otherwise provided herein, all small expenditures of the city may be awarded to the lowest responsible bidder according to the formal bidding procedure set forth above or to the lowest responsible bidder according to the following procedure:~~

~~—A.— Invitation Of Bids: The purchasing agent shall invite bids from at least three (3) potential, responsible providers of the supplies, services or construction needed or desired. Such invitations may be made in writing or orally, including by telephone, and shall be made without unfair favoritism or bias. A record of all invitations and bids made hereunder shall be kept by the purchasing agent.~~

~~—B.— Evaluation: The purchasing agent shall evaluate the bids to determine the lowest responsible bidder based upon the criteria set forth in section 3-6-060 of this chapter.~~

~~—C.— Determination: The purchasing agent shall determine the lowest responsible bidder and award the contract to such bidder, unless otherwise directed by the city council. All information relating to the bids obtained and the selection of the lowest responsible bidder shall be retained by the city in accordance with the city government records access and management ordinance.~~

3-6-080: ADDITIONAL DATA:

Any additional relevant data pertaining to the selected bidder shall be added to the purchase ~~requisition order~~ or contract documents. If required by law, a written contract shall be entered into between the city and the selected bidder. Contracts involving construction work shall further provide for a bid security in the amount equal to at least five percent (5%) of the amount of the bid, which bid security shall be provided in a form specified by the purchasing agent ~~and~~/or the bid documents.

3-6-082: RETENTION OF BIDS:

Whenever the city is required by state law to receive bids for purchases, construction, repairs or any other purpose requiring the expenditure of funds, the city shall keep on file all bids received, together with proof of advertisement by publication or otherwise, in accordance with Utah Code Annotated section 10-6-122, as amended.

3-6-084: RESTRICTIONS ON ARCHITECT OR ENGINEERING SERVICES:

When the city elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process, the city may not award the contract for such services solicited to a higher education entity or any part of one, in accordance with and subject to the provisions of Utah Code Annotated section 10-7-20.5, as amended. When the city engages the services of a professional architect, engineer or surveyor and considers more than one such professional for the engagement, the city shall comply with applicable provisions of Utah Code Annotated section 10-7-86, as amended.

3-6-090: DELIVERY:

When supplies ordered are delivered, the purchasing agent, or the employee who requested the supplies, shall inspect the supplies received to assure that the correct quantity and quality have been delivered. If the supplies delivered are satisfactory, the supplies shall be accepted and a copy of the packing slip, invoice or other delivery document shall be stapled to the purchase ~~requisition order~~ and forwarded to the appropriate employee for review, payment and filing.

3-6-100: SURPLUS PROPERTY DEFINITIONS:

A. "Significant parcel of real property" shall mean a parcel of one acre or more in size or a parcel having a value of more than one hundred thousand dollars (\$100,000.00) as determined by the city council.

B. "Reasonable notice" shall mean publishing a notice of the proposed disposition and of a public hearing before the city council to consider such disposition ~~once in a newspaper of general circulation within the city~~ on the city's website and the Utah public notice.

3-6-110: DISPOSAL OF SURPLUS PROPERTY:

A. Authority: The city shall have the authority to sell, lease, convey and dispose of real and personal property for the benefit of the city as provided by Utah Code Annotated section 10-8-2, as amended.

B. Requirements: Before the city may dispose of a significant parcel of real property, the city shall:

1. Provide reasonable notice of the proposed disposition at least fourteen (14) days before a scheduled meeting at which the city will hear public comment; and

2. Hold a meeting at which the city council accepts public comment on the proposed disposition.

C. Conditions, Limitations: All disposal, leases or subleases of such property of the city other than a significant parcel of real property, shall be made, as nearly as possible, under the same conditions and limitations as required by city ordinances and state law for the purchase or sale of property.

D. Methods Of Sale: The city council may also authorize at its discretion and under such terms and conditions as it may deem desirable, fair and appropriate, considering intended use, property tax value and the interests of the city, the sale of any surplus property, through public auction or other method designed to best serve the interests of city residents and produce a fair return; the trade or exchange of any surplus property; and the lease or sublease of any surplus property.

3-6-120: USE OF RECYCLED GOODS:

The procurement officer or other person responsible for purchasing supplies for the city shall give recycled items consideration when inviting bids and purchasing supplies in accordance with applicable provisions of Utah Code Annotated sections 10-7-87, as amended, and 11-37-101, as amended.

CITY COUNCIL STAFF REPORT

BUSINESS MEETING

To: City Council, Mayor
From: Paul Roberts, City Attorney
Date: November 7, 2023
Subject: APPEAL AUTHORITY CONSOLIDATION & REMOVAL OF REFERENCES TO BOARD OF ADJUSTMENT

SUMMARY

The attached ordinance does the following:

- Moves nearly all administrative appeals to the administrative hearing officer (AHO)
- Standardizes the administrative hearing process by creating Chapter 3-7
- Eliminates references to the Board of Adjustment

RECOMMENDATION

The Planning Commission unanimously recommended that all administrative appeals in the land development context that can be referred to the AHO, should be referred to the AHO.¹

Staff recommends that the Council adopt the attached ordinance.

Proposed Motion Language: "I move that the City Council adopt the ordinance establishing administrative hearing procedures, removing references to the board of adjustment, and making amendments throughout the code related to administrative appeals."

BACKGROUND

The redlined text accompanying this ordinance moves the vast majority of administrative appeals to the AHO. It is hoped that having a consistent appeal authority, and a consistent administrative appeal process, that those who participate will receive due process consistently.

¹ Legislative decisions are not subject to administrative appeals – those must be challenged in court through judicial review or through the ballot box via referendum.

The changes include a more standardized appeal period – ten calendar days. This matches the minimum amount of time provided for employee appeals and nuisance abatement orders, under Utah law.² There are some provisions for longer appeal periods, when state law dictates it.

Uniform Procedures for Administrative Hearings

With so many types of appeals coming before the AHO, it should be helpful to have code that governs procedures for administrative hearings generally. The new chapter 3-7 establishes those procedures. The substance of the draft have not changed since the work session discussion in October.

The code includes:

- Parameters for AHO appointment
- A list of the AHO's powers and remedies that may be imposed.
- Procedures for requesting an administrative hearing.
- Uniform timing for appeals- 10 calendar days following the decision subject to the appeal.
- Procedures for the hearing, including limited pre-hearing motions and filings.
- Burdens of proof for various proceedings.
- Lays out the standard of review by the district court, including a requirement for the appealing party to pay costs of record creation and conveyance.
- A list of matters to be appealed to the AHO, to clear up confusion over whether specific issues are heard by the AHO or someone else.

Elimination of References to Board of Adjustment

The ordinance also removes references to the board of adjustment. State law no longer requires one, and we have found the AHO is doing well with the matters that have been referred to him.

Respectfully submitted,



Paul Roberts
City Attorney

Review and concur,



Brigham Mellor
City Manager

² E.g., Utah Code Ann. § 10-3-1106(3)(a); § 10-11-1(4)(a).

ORDINANCE NO: _____

**AN ORDINANCE ADOPTING ADMINISTRATIVE HEARING PROCEDURES,
REMOVING REFERENCES TO THE BOARD OF ADJUSTMENT AND MAKING
AMENDMENTS RELATED TO ADMINISTRATIVE APPEALS.**

WHEREAS, Farmington City officials are required to make decisions in the administration of policy and laws enacted by this City Council: and

WHEREAS, those who are aggrieved by administrative decisions should have access to an appellate process to challenge adverse decisions, as provided in our code; and

WHEREAS, such appeals will be more efficient and fair when governed by uniform administrative procedures; and

WHEREAS, state law no longer requires the formation of a Board of Adjustment and allows for an administrative hearing officer to consider matters that previously were heard by the Board of Adjustment; and

WHEREAS, multiple provisions of our code require amendment in order to consolidate appeal authority for most administrative decisions in the administrative hearing officer; and

WHEREAS, the Farmington City Planning Commission has recommended that the City Council adopt changes to ordinances that touch upon land development, as provided in the attached text amendments,

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
FARMINGTON CITY, STATE OF UTAH, AS FOLLOWS:**

Section 1: Amendment. Sections 1-6-130, 3-3-020, 3-4-050, 5-11-090, 6-3-010, 6-3-020, 6-3-050, 6-4-030, 6-6-120, 6-6-150, 6-6-160, 6-6-170, 7-9-110, 7-11-060, 8-5-032, 8-5-190, 9-1-300, 9-3-110, 9-5-080, 11-4-070, 11-4-090, 11-5-010, 11-5-050, 11-5-070, 11-5-080, 11-6-020, 11-6-030, 11-9-030, 11-18-070, 11-18-080, 11-19-070, 11-25-080, 11-28-120, 11-28-230, 11-31-070, 11-31-080, 11-35-070, 11-36-060, 11-39-090, 11-42-140, 12-1-070, 14-8-050, 15-1-050, 15-7-020, 15-7-040, and 16-1-040 are amended as provided in Exhibit A.

Section 2: Repeal. Sections 1-6-140, 1-6-150, 1-6-160, 1-6-170, 1-6-180, 1-6-190, 6-3-060, 6-3-070, 6-3-080, 11-5-020, 11-5-030, 11-5-040, 11-5-045, and 11-5-060 are amended as provided in Exhibit A.

Section 3: Enactment. Chapter 3-7 is hereby enacted as provided in Exhibit A.

Section 4: Severability. If any section, clause, or provision of this Ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby and shall remain in full force and effect.

Section 5: Effective Date. This Ordinance shall become effective immediately upon its passage.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF FARMINGTON CITY,
STATE OF UTAH, THIS __TH DAY OF _____ 2023.**

ATTEST:

FARMINGTON CITY

DeAnn Carlile, City Recorder

Brett Anderson, Mayor

AMENDMENTS OF CODES NOT RELATED TO DEVELOPMENT

1-6-130: REQUEST FOR ADMINISTRATIVE HEARING:

Any responsible person served with a civil citation or notice of violation shall have the right to request an administrative hearing before a the administrative hearing officer by filing a written request for hearing with the city recorder within ten (10) calendar days from the date of service of the civil citation or notice of violation. ~~Such written request for hearing shall be filed with the city recorder within ten (10) days from the date of service of the civil citation or other specified date set forth therein. The appeal shall be conducted in accordance with chapter 3-7 of this code, with the administrative hearing officer hearing such appeals. Failure to request an administrative hearing as provided herein within ten (10) days from the date of service of the civil citation or other specified time frame shall constitute a waiver of the right to an administrative hearing and the right to an appeal.~~

1-6-140: SCHEDULING ADMINISTRATIVE HEARING: (Reserved)

~~Upon receipt of a request for an administrative hearing, the city manager shall appoint, contract with or hire a hearing officer to hear the matter. As soon as practicable after being appointed, the hearing officer shall schedule a date, time and place for the administrative hearing and shall send written notice of same to the responsible person(s). Notice of the hearing shall be served on the responsible person(s) in accordance with the provisions of section 1-6-060 of this chapter.~~

1-6-150: ADMINISTRATIVE HEARING PROCEDURES: (Reserved)

~~Administrative hearings are intended to be informal in nature. Formal rules of evidence and discovery shall not apply; provided, all persons shall be afforded due process of law, including adequate notice, an opportunity to be heard, and adequate explanation of the reasons justifying any action. The city shall bear the burden of proof to establish the existence of a violation of this code. Such proof shall be established by a preponderance of the evidence. All administrative hearings shall be open to the public and shall be recorded. The responsible person shall have the right to be represented by an attorney. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, address and telephone number shall be given to the city at least one day prior to the hearing. If such notice is not given, the hearing may be continued at the city's request, and all costs of the~~

~~continuance shall be assessed to the responsible person. The burden to prove any raised defenses shall be upon the party raising any such defense.~~

~~1-6-160: FAILURE TO ATTEND ADMINISTRATIVE HEARING: (Reserved)~~

~~A responsible person who fails to appear at an administrative hearing shall be deemed to have waived the right to such hearing, the adjudication of issues related to the hearing, and the right to appeal; provided, that proper notice of the hearing has been given as provided in section 1-6-060 of this chapter.~~

~~1-6-170: ADMINISTRATIVE ORDER: (Reserved)~~

~~After holding the administrative hearing, the hearing officer shall issue a written administrative order affirming, rejecting or modifying the civil citation and/or civil penalties. The administrative order shall become final on the date of signing by the hearing officer. The administrative order shall be served on all parties in accordance with the provisions of section 1-6-060 of this chapter.~~

~~1-6-180: APPEAL OF ADMINISTRATIVE HEARING ORDER: (Reserved)~~

~~Any responsible person adversely affected by a final administrative order may file a petition for review in the district court. Any such appeal shall be filed within thirty (30) days after the administrative order is final. In the petition, the plaintiff may only allege that the administrative order was arbitrary, capricious or illegal. The court shall presume the administrative order is valid, review the record to determine whether the order was arbitrary, capricious or illegal, and affirm the order if it is supported by substantial evidence in the record. The record of the proceedings shall be transmitted to the reviewing court. The filing of the petition does not stay execution of an administrative order, unless so ordered by the hearing officer.~~

~~1-6-190: FAILURE TO COMPLY: (Reserved)~~

~~It shall be unlawful for a responsible person to fail to comply with any notice of violation, civil citation or administrative order, or to pay the required civil penalties as imposed hereunder. A violation of this section shall be a class B misdemeanor.~~

3-3-020: GENERAL RULES FOR BOARDS AND COMMITTEES:

Unless otherwise provided by law or these ordinances, such as title 11 of this code regarding the planning commission ~~and board of adjustment~~, the following rules shall apply to city agencies, boards, bureaus, committees or commissions, which are hereinafter collectively referred to as "committees":

- A. Advisory: Committees shall be advisory boards only unless otherwise specifically authorized by ordinance or resolution.
- B. Number Of Members: Committees shall consist of a number of members as the city council shall provide by ordinance or resolution.
- C. Removal Of Members: Committee members may be removed from office with or without cause by a majority vote of the city council.
- D. Vacancies: A vacancy occurring on any committee for any reason shall be promptly filled by a replacement appointed in the same manner as the original appointment for the remainder of the unexpired term.
- E. No Compensation: Committee members shall receive no compensation for their services, but may be reimbursed for reasonable expenses incurred in the performance of their duties, and except as otherwise provided, shall be deemed volunteers for purposes of governmental immunity.
- F. Funding: Committees may receive funds by an annual appropriation in the city budget, by government, corporate or private grants or donations, and from proceeds of approved committee functions, which funds shall be held and managed as directed by the city council.
- G. Council Liaison Member: The mayor, with the advice and consent of the city council, may appoint a city council member to any committee to serve as liaison between the city council and the committee. The selection of council member shall be approved by the city council by resolution. The council member shall serve in an advisory capacity only and shall have no voting or other authority. The council member shall serve as a liaison for a term of two (2) years.
- H. Chairperson: The chairperson of each committee, or his or her designee, shall give a report to the city council regarding the committee's activities and proposals. Such reports shall be provided at least annually and more frequently as requested or directed by the city council.

3-4-050: EMPLOYEE APPEAL BOARD:

- A. Appeal Authority: The Administrative Hearing Officer for Farmington City is designated as the appeal authority for any appeal of an employee that is terminated, suspended for greater than two days, or transferred into a position with less remuneration, and which employee is not exempt under Section 3-4-045 of this

Code. In the case of a conflict of interest or unavailability, the City Manager may appoint a provisional hearing officer to oversee the proceedings.

B. Filing of Appeal: An employee who is not exempt under section 3-4-045 who wishes to file an appeal of a disciplinary action described in section 3-4-040 must submit a written notice of appeal, describing in detail the grounds for the appeal with any supporting documentation, to the City Recorder within ~~five business~~ ten calendar days following the disciplinary action giving rise to the appeal, or an employee will be deemed to have waived all appeal rights.

C. Proceedings: Hearings and decisions of the administrative hearing officer shall be held and rendered as soon as reasonably practicable, with no unreasonable delay.

1. Both the appealing employee and the city shall be entitled to appear at the appeals hearing, to be represented by counsel, to have the hearing open to the public, to confront witnesses whose testimony is offered during the hearing, and to examine the evidence to be considered by the administrative hearing officer.

2. The administrative hearing officer may request the appointment of independent medical or other technical experts, in the administrative hearing officer's sole discretion, if the administrative hearing officer believes that the expert's opinion is necessary for the resolution of the case.

3. All documentation to be presented at the appeals hearing shall be made available by each party upon written request of the party seeking the documentation at least six business days prior to the scheduled hearing date; all request for documents shall be considered to be ongoing up to and through the time of the hearing.

4. Any party may, no later than four business days prior to the date of the appeal hearing or cutoff date for a decision, submit to the administrative hearing officer a written brief, no more than ten pages in length, with supporting documentation, which articulates that party's arguments and position regarding the subject matter of the appeal.

5. Copies of any written brief shall be concurrently forwarded to the opposing party, and a reply brief may be submitted in response no later than two business days prior to the hearing date or cutoff date for a decision.

D. Governing Rules: The Utah Rules of Evidence, Utah Rules of Civil Procedure and Utah Administrative Code do not apply to administrative hearings. Hearings are conducted to be fundamentally fair to the parties and to provide due process. The administrative hearing officer may entertain objections in order to maintain decorum and to address issues of relevance.

E. Hearsay Evidence: There is no rule against the admission or consideration of hearsay evidence in appeal proceedings. A decision may not be based solely upon hearsay evidence.

F. Pre-Hearing Motions: With the exception of a request for an order requiring the release of documents which have been requested or scheduling matters, no pre-hearing motions shall be entertained by the administrative hearing officer.

G. Record: An audio recording of the hearing shall be kept and all exhibits received in evidence at the hearing shall be maintained.

H. Decision: The administrative hearing officer shall, within fifteen (15) calendar days of the conclusion of the hearing, transmit the decision to the employee, the department director, the human resource manager and the city recorder for certification. The city recorder shall certify the decision by placing the city's official seal on the document, and the date of certification.

I. District Court Appeal: The written ruling of the administrative hearing officer shall be the final administrative decision of the city and the decision may be appealed by either party to the Utah Court of Appeals within thirty (30) calendar days from the date on which the administrative hearing officer's decision is certified by the City Recorder.

Chapter 3-7 Administrative Hearings

3-7-010 Purpose; Due Process:

(A) For municipal actions particularly defined and designated in this code in which an adverse decision by a city official result in detriment to a person, it is the purpose of this chapter to afford that person due process of law by way of an administrative hearing.

(B) Due process shall require notice of applicable hearings, the opportunity to be heard, a hearing before a fair and impartial official, the right to present evidence, the right to cross-examine any witnesses presented by the city, the right to be represented by an attorney or other advocate, the right to receive an adequate explanation of the reasons justifying the administrative order, and the right to petition the district court for review of the administrative order. In the context of an enforcement action, due process also includes notice of alleged violations, served upon the responsible person.

3-7-020 Definitions:

- (A) “Business License Official” is the city official described in Section 6-1-030 of the Farmington Municipal Code.
- (B) “District court” means a district court of the State of Utah with jurisdiction over Farmington City.
- (C) “Enforcement action” means a citation, notice or order identifying a condition or action in violation of any provision of the Farmington Municipal Code, which either:
 - (1) Imposes a monetary penalty upon the recipient;
 - (2) Includes the city’s intention to abate a nuisance; or
 - (3) Orders the property owner to rehabilitate or demolish a structure pursuant to the Abatement of Dangerous Buildings Code, indicated in section 10-2-100 of this code.
- (D) “Enforcement official” means any city employee or official authorized by code or by the City Manager to enforce provisions of the Farmington Municipal Code.
- (E) “Land use application” has the same definition as provided in Chapter 10-9a of the Utah Code, as amended.
- (F) “Land use regulation” has the same definition as provided in Chapter 10-9a of the Utah Code, as amended.
- (G) “Zoning Administrator” is the city official described in Section 11-4-030 of the Farmington Municipal Code.

3-7-030 Administrative Hearing Officer:

- (A) The administrative hearing officer shall be law trained or have significant experience with the requirements and operation of administrative hearing processes. The person shall be free from bias or conflict of interest that might affect impartiality of decisions.
- (B) The administrative hearing officer for Farmington City shall be appointed by the City Manager. In the case of a conflict of interest or major scheduling conflict with the appointed administrative hearing officer, the City Manager may appoint an administrative hearing officer on a provisional basis.
- (C) The administrative hearing officer shall serve for a term of two years, and during that two-year term, shall be subject to removal by the City Manager only for cause. Provisional administrative hearing officers only serve until the case for which they were appointed is completed.

(D) The administrative hearing officer shall be compensated for time spent preparing for hearings, conducting hearings and preparing orders. Rates of compensation shall be established via written agreement.

3-7-040 Powers:

(A) The administrative hearing officer shall have authority to hold an administrative hearing for any matter that comes before the officer. In cases involving strictly legal interpretations, the administrative hearing officer may render a decision based upon briefs filed by both parties.

(B) The administrative hearing officer may continue a hearing for good cause shown by one of the parties or if the administrative hearing officer independently determines that due process has not been adequately afforded to a party.

(C) At the request of any party to an administrative hearing, an administrative hearing officer may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness or the admission of evidence is deemed helpful by the administrative hearing officer to decide issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena.

(D) The administrative hearing officer may modify civil fees or fines upon a finding of good cause. The administrative hearing officer may reduce the fines to what is just and equitable under the circumstances; however, in connection with an appeal regarding an itemized statement of costs, the administrative hearing officer may not order the responsible person to pay less than actual costs incurred by the City and shall require the responsible person to pay the administrative fees established in the consolidated fee schedule.

(E) The administrative hearing officer shall have the authority to reverse or modify the decision of any city official whose decision is within the administrative hearing officer's jurisdiction.

(F) The administrative hearing officer has continuing jurisdiction over the subject matter of an administrative hearing for the purposes of: granting a continuance; ordering compliance by issuing administrative orders; ensuring compliance of that order; authorizing the city to enter upon private property to abate a violation; authorizing the demolition of a dangerous structure; modifying an administrative order; assessing costs of abatement; assessing civil fines; or, in the case of extraordinary circumstances, granting a new hearing.

(G) An administrative hearing officer shall not make any order that would require or allow a person to violate state law or city code.

3-7-050 Request for Administrative Hearing:

(A) Where the right to an administrative hearing has been established under this code, a person having that right may request an administrative hearing, if the request is filed within ten (10) calendar days from the date of service of:

- (1) Administrative citations or Notices of Violation issued by an enforcement official;
- (2) An itemized statement of cost; or
- (3) Notice of any other municipal action where the right to an administrative appeal is provided under any provision of this code.

(B) In all cases except enforcement actions, a person is required to file their appeal within ten (10) calendar days from the date on which the party received actual or constructive notice that an administrative decision has been made. Appeals after that date are untimely and the person has waived any right to appeal that decision.

(C) Failure to request an administrative hearing within ten (10) calendar days from the date of service of any of the notices in subsection (A) or (B) of this section shall constitute a waiver of the right to an administrative hearing and the right to an appeal.

(D) The request for administrative hearing shall be made in writing and shall be accompanied by a filing fee to be established in the consolidated fee schedule. The fee shall not be waived, but the administrative hearing officer may order the fee to be refunded in cases where the officer reverses the administrative decision made by the city official.

(E) The request shall:

- (1) Be in writing;
- (2) Contain a legible, plain statement of the reason or reasons that the person requesting the hearing is entitled to relief from the municipal action;
- (3) Be accompanied by a copy of the notice, citation or statement sought to be appealed;

- (4) Contain the name of the person requesting the hearing, an email address to which all notices and orders may be delivered, and a physical mailing address;
 - (5) Be dated and signed by the person requesting the hearing; and
 - (6) Be filed with the City Recorder or an individual assigned by the City Recorder to receive administrative appeals.
- (F) The City may initiate an administrative hearing by service and filing of a notice of violation or other document that summons an individual to an administrative hearing.

3-7-060 Scheduling Administrative Hearing:

- (A) Within ten (10) business days of receiving a request for an administrative hearing or the service of a notice of violation requiring a hearing, the administrative hearing officer shall schedule a date, time and place for the administrative hearing.
- (B) Notice shall be provided using the email address provided by the appellant. If no email address is available for a party, then mailing a copy to the appellant's address shall be deemed served on the third day following the date of mailing.
- (C) Hearings shall be scheduled as expeditiously as is reasonable, taking into consideration the schedules of parties and witnesses and the complexity of the matter to be considered.
- (D) Upon service of a notice of violation and summons, the person receiving the service shall be required to attend the administrative hearing at the appointed date and time.
- (E) No adverse action, except for emergency abatements, shall take place pending the administrative hearing.
- (F) The administrative hearing officer may reschedule the hearing to a date and time more convenient to the hearing officer or either party, in the hearing officer's discretion.

3-7-070 Administrative Hearing Process:

- (A) Administrative hearings are informal in nature. Formal rules of evidence and discovery shall not apply. However, upon request made in writing reasonably in advance of a hearing, the city shall provide to a person requesting a hearing the opportunity to review documents, photographs or other tangible

evidence it intends to present at the hearing and shall provide a list of the witnesses it intends to call at the hearing. Failure to request this review shall not be a basis for a continuance.

- (B) If an administrative hearing involves a complainant for nuisance violations, the complainant's information shall not be released or disclosed unless the complainant is a witness at the hearing.
- (C) Parties shall have the opportunity to cross-examine witnesses and present evidence in support of their position. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be provided by any witness or party via electronic means.
- (D) Administrative hearings shall be open to the public and audio-recorded.
- (E) All parties shall have the right to be represented by an attorney or other advocate. If an attorney will be representing a responsible person at a hearing, notice of the attorney's name, email, address, and telephone number shall be given to the city attorney at least one day prior to the hearing. If such notice is not given, the hearing may be continued at the city's request, and all costs associated with the continuance shall be assessed against the person requesting the hearing.
- (F) Administrative hearings may be held on Monday through Friday, excluding holidays, between the hours of 8:00 am and 9:00 pm. Lengthy hearings may extend beyond 9:00 pm at the administrative hearing officer's discretion, with consent of both parties.
- (G) The parties may stipulate to certain or all factual issues and present purely legal questions to the administrative hearing officer. In the absence of a written stipulation or stipulation made in the presence of the administrative hearing officer, facts will be established through the presentation of evidence by the parties.
- (H) Ex parte communication with the administrative hearing officer regarding the substance of a matter pending before the officer is prohibited.
- (I) Parties may, at least three (3) business days prior to the scheduled hearing, file a brief with the administrative hearing officer addressing legal issues. Such briefs must be filed electronically via email and the brief shall be provided contemporaneously to the other party. A party may file an opposing brief in response to a brief filed by the other party, at least twenty-four (24) hours prior to the hearing.

3-7-080 Burdens of Proof:

In administrative hearings, the burdens of proof and persuasion shall be borne by the same party, unless otherwise indicated in the code. Burdens of proof in an administrative review are:

- (A) For enforcement actions, including civil citations and notices of violation, the burden of proof is on the City to demonstrate by a preponderance of the evidence that a violation of the code exists and that the individual given notice bears responsibility for it.
- (B) For abatements of nuisances, or the elimination of dangerous conditions, the burden of proof is on the City to demonstrate by a preponderance of the evidence that the nuisance or dangerous condition exists and that the individual given notice bears responsibility for it.
- (C) For orders to rehabilitate or demolish a structure, the burden of proof is on the City to demonstrate by a preponderance of the evidence that the conditions alleged in the notice exist and that the structure constitutes a dangerous building, as provided in Section 10-2-100 of this code. If a responsible person is given an opportunity to rehabilitate the property by the administrative hearing officer, then a review hearing shall be scheduled, at which time the burden of proof is on the responsible person to demonstrate that the building has been sufficiently rehabilitated to the extent that it is no longer a dangerous building.
- (D) For reviews of City actions regarding land use applications, the appellant bears the burden of demonstrating by a preponderance of the evidence that the administrative action was arbitrary, capricious or illegal.
- (E) For variances, the burden of proof is upon the applicant to demonstrate by a preponderance of the evidence that all necessary conditions justifying the variance have been met.
- (F) For determinations of legal nonconformity, the burden of proof is upon the applicant to demonstrate by a preponderance of the evidence that the nonconforming use or structure lawfully existed and was not abandoned by that person or any predecessor in interest.
- (G) For reviews of other city administrative actions that have a right to appeal within this code, the appellant shall bear the burden of demonstrating by a preponderance of the evidence that the administrative action was arbitrary, capricious or illegal.
- (H) For employee appeals, the burden of proof is as provided in section 3-4-055 of this code.

3-7-090 Failure to Attend Administrative Hearing:

A person who fails to appear at an administrative hearing shall be deemed to have waived all rights in connection with the hearing, including the right to petition the district court for relief from the administrative order or action that was subject to appeal. Provided that proper notice of the hearing has been provided under section 3-7-050, an administrative order may be entered against a person based upon their failure to appear.

3-7-100 Administrative Orders:

- (A) Unless otherwise required by another provision of city code, within fifteen (15) business days after all evidence and testimony are presented, the administrative hearing officer shall issue a written administrative order that affirms or rejects the violation, appeal or application. The administrative hearing officer may modify an administrative action if the officer finds that the city official's action was arbitrary, capricious or illegal in some fashion.
- (B) The administrative order shall specify the evidence supporting the administrative hearing officer's decision and the action required to satisfy the order.
- (C) The administrative hearing officer may issue an oral ruling at the hearing and assign the party who prevails at the administrative hearing to prepare a draft order. If this is done, then the prevailing party shall send a copy of the draft order to the opponent within seven (7) business days after receiving the assignment, and the opponent shall have three (3) business days after it is sent to raise an objection to the form of the proposed order. The administrative hearing officer may enter an order without conducting a hearing on the objection.
- (D) An administrative order may:
 - (1) Order a person to cease violating this code and to take necessary corrective actions;
 - (2) Authorize city officials or their agents to enter the property and abate all violations, including the removal of animals in violation of an applicable code requirement. All abatement orders shall order the responsible person to pay to the city the actual costs of the abatement and the administrative fee associated with managing the abatement.

- (3) Authorize the demolition of a dangerous building;
- (4) Revoke any permit or license issued by the city;
- (5) Establish specific deadlines for payments of fees and costs, and condition the total or partial assessment of civil fees on the responsible person's ability to take necessary corrective actions by specified deadlines. Such fees shall continue to accrue until the responsible person complies with the administrative hearing officer's decision and corrects the violation;
- (6) Take any action reasonably necessary to obtain compliance with the applicable city ordinances;
- (7) Impose civil fines for failure to abate a violation of city code by a stated deadline, which shall continue to accrue additional fines until the responsible person complies with the administrative hearing officer's decision and corrects the violation, except that the accrued fine shall not exceed one-thousand dollars (\$1,000.00) per day; and
- (8) Schedule review hearings as necessary or requested by the city to ensure compliance with an administrative order;
- (E) An administrative order is final on the date it is signed by the administrative hearing officer.
- (F) The administrative hearing officer shall transmit the final order to the city, which shall transmit it to all other parties within two (2) business days of receiving it. A delay in transmission shall extend the deadline for a petition for review by the number of days beyond two (2) days it was not transmitted.

3-7-110 Failure to Comply:

- (A) It shall be unlawful for any person to fail to comply with the terms and deadlines set forth in a final administrative order.
- (B) A violation of this section shall be a class B misdemeanor.
- (C) Upon failure of a person to comply with the terms and deadline set forth in the administrative order, the city may use all appropriate legal means to recover civil penalties and administrative costs necessary to obtain compliance.

3-7-120 Petition to Review:

- (A) Any person adversely affected by a final administrative order made in the exercise of the provisions of this chapter may file a petition for review in the district court.
- (B) The petition shall be barred unless it is filed within thirty (30) calendar days after the administrative order is final.
- (C) In the petition, the person may only allege that the administrative order was arbitrary, capricious or illegal.
- (D) The reviewing court shall:
- (1) Presume that the administrative order is valid;
 - (2) Review the record to determine whether the order was arbitrary, capricious or illegal; and
 - (3) Affirm the administrative order if it is supported by substantial evidence in the record.
- (E) The party seeking judicial review is responsible for all costs of record preparation. Within ninety (90) calendar days after submitting the petition for review, the party filing the petition shall request a copy of the record of the proceedings, including minutes, exhibits, findings, orders, and a transcript of the hearing.
- (1) The city shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs.
 - (2) The petitioning party's failure to request copies of the record, or to pay the full costs for the record, within ninety (90) calendar days after the petition for review was filed shall be grounds for dismissal of the petition.
 - (3) Upon receipt of the payment of all required costs, the city shall arrange for the compilation of a true and correct copy of the administrative hearing transcript and transmit it and all other record materials to the reviewing court.
- (F) If a transcript of the administrative hearing cannot be prepared because no such recording exists or is inadequate to prepare a transcript, the district court may, in its discretion, remand the matter to the administrative hearing officer for a supplemental proceeding to complete the record. The district

court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

- (G) If there is a record, court review is limited to the record of the proceeding. The court may not accept or consider any evidence outside the record unless that evidence was offered to the administrative hearing officer and the court determines that the administrative hearing officer improperly excluded it.
- (H) If there is no record of the proceedings, the court may call witnesses and take evidence as a de novo review.
- (I) The filing of a petition for review with the district court does not stay execution of an administrative order. Before filing a petition, a person may request the administrative hearing officer to stay an administrative order. Upon receipt of the request to stay, the administrative hearing officer may order the administrative order to be stayed pending district court review if the administrative hearing officer finds such stay is in the best interest of the city.

3-7-130 Matters Heard by Administrative Hearing Officer:

The administrative hearing officer is authorized to review the following matters:

- (A) Violations of municipal code, including:
 - (1) Civil citations;
 - (2) Notices of Violation;
 - (3) Abatement notices;
 - (4) Orders to rehabilitate or demolish a dangerous building;
 - (5) Storm water and illicit discharge violations; and
 - (6) Costs and fees related to abatements;
- (B) Appeals from land use applications and administrative land use decisions, including:
 - (1) Conditional Use Permits;
 - (2) Zoning interpretations;
 - (3) Temporary land use or temporary use of structure;

- (4) Home occupation permits;
- (5) Preliminary and final subdivisions plats, both minor and major;
- (6) Sign permits;
- (7) Land disturbance permits;
- (8) Boundary line and lot line adjustments;
- (9) Final site plan reviews;
- (10) Project master plan interpretations;
- (11) Condominium plats, final and amended;
- (12) Development plan reviews;
- (13) Architectural compliance decisions;
- (14) Decisions by Planning Commission related to uses within the commercial recreation zone;
- (15) Flood damage prevention decisions by zoning administrator;
- (16) Historic district decisions by the zoning administrator;
- (17) Building and fire code interpretations; and
- (18) Impact fee challenges;
- (C) Variances and applications for legal nonconformity, in which case the administrative hearing officer conducts the sole administrative review on the behalf of the city;
- (D) Business licensing decisions, including:
 - (1) Denial of business licenses and permits;
 - (2) Suspension or revocation of business licenses and permits;
 - (3) Home occupation permits;
 - (4) Regulatory fee challenges; and
 - (5) Any decision rendered by the Business License Official having a direct financial impact on the business owner;
- (E) Reasonable accommodations;

(1) Related to land use barriers to individuals with disabilities;

(2) Related to employees of the city; and

(3) Related to public facilities;

(F) Employee appeals, as provided in chapter 3-4 of this code;

(G) Urban forestry orders; and

(H) Administrative actions for which a right of appeal is indicated in this code, and which is not designated as being appealed to another individual or body.

6-3-010: DENIAL OF A BUSINESS LICENSE:

After a person has made application to the city for a business license, the application may be denied for any of the following reasons:

- (A) Unqualified Applicant: The applicant does not meet the qualifications for a license as provided under this title;
- (B) Returned Check; Nonpayment: For a new application, nonpayment of a returned check for the required license fees at the time the application is made. For a business license renewal application, nonpayment of the required license fees plus penalty three (3) months after it is due;
- (C) Disapproval Of Authority: Any reviewing department, division or agency of the city provided for in this title has disapproved the application pursuant to any applicable provision of this code;
- (D) False, Incomplete Application: False or incomplete information given on the application;
- (E) Noncompliance With Zoning: Noncompliance with the zoning code, or with any requirement or condition set ~~by the planning commission or planning and zoning division, if applicable, under as part of~~ a conditional use permit, variance or special exception or by the board of adjustment or planning and zoning division, if applicable, granting a variance or special exception;
- (F) Noncompliance With Statutes: Noncompliance with any city, state or federal statutes or any health department regulations governing the applicant's proposed business;
- (G) Any Other Reason: Any other reason expressly provided for in this title.

6-3-020: REASONS FOR SUSPENSION OR REVOCATION:

An existing business license may be suspended or revoked for any of the following reasons:

- (A) Unqualified: The licensee does not now meet the qualifications for a license as provided under this title;
- (B) False, Incomplete Application: False or incomplete information given on an application;

- (C) Violations: The licensee has violated or is violating any provision of this title or provision of this code, state or federal statutes or regulations governing the licensee's business;
- (D) Fraud, Deceit: The licensee has obtained or aided another person to obtain a license by fraud or deceit;
- (E) Failure To Pay Taxes, Fees: The licensee has failed to pay any taxes or fees to the city when due;
- (F) Access Refused: The licensee has refused authorized representatives of the city access to the licensed premises for the purpose of an inspection or has interfered with such representatives while in the performance of their duty in making such inspection;
- (G) Noncompliance With Zoning, City Council: The licensee is not complying with zoning codes or a requirement or condition as part of a set by the planning commission or planning and zoning division, if applicable, under a conditional use permit, variance, special exception or other agreement with the city; by the board of adjustment or planning and zoning division, if applicable, granting a variance or special exception; by the city council, or by agreement;
- (H) Agent, Employee Violation: Violation of this title by the agents or employees of a licensee and violations of any other laws by the agents or employees committed while acting as an agent or employee of the licensee; or
- (I) Any Other Reason: Any other reason expressly provided for by ordinance.

6-3-050: APPEAL PROCEDURE:

- (A) ~~Filing:~~ Appeals of the business license official's decision to deny, suspend or revoke a license may be made by filing a written notice of appeal with the city ~~manager recorder~~ within ~~fifteen ten (1510)~~ calendar days of receipt of the notice of denial, suspension or revocation. All appeals shall be conducted in accordance ~~with the provisions of Utah Code Annotated section 10-3-703.7 chapter 3-7 of this code, and the city manager is hereby designated an administrative law judge for the purpose of hearing such appeals.~~
- (B) ~~Notice In Writing:~~ The notice of appeal shall be in writing and shall set forth with specificity the reasons for which the appeal is taken.

- (C) If the denial, suspension or revocation appealed from is based on a finding by the building department or fire department that the business was or would be in violation of any uniform construction codes or on a finding by the county health department that the business was or would be in violation of any county health department regulations, then that finding shall be binding upon the administrative hearing officer, and the hearing officer's decision may be based only on whether the license was properly denied, suspended, or revoked because of the building department, fire department or county health department finding.
- (D) If the denial, suspension or revocation appealed from is based on a determination by the business license official that grounds existed pursuant to this code, the administrative hearing officer may examine the factual nature of the grounds and determine whether such grounds are sufficient to sustain the decision of the business license official.
- (E) The administrative hearing officer does not have the authority to waive compliance with applicable provisions of the business license ordinances, nor can the manager extend deadlines set forth in the ordinances or change the substance or form of the ordinances.

6-3-060: HEARING:(Reserved)

- ~~—A.— Time Limit: The hearing shall be at a time, place, and day set by the city manager, but not later than twenty one (21) days after receipt of the notice of appeal.~~
- ~~—B.— License Official Presentation: At the hearing, the business license official or his or her designee shall present the reasons for the decision to deny, suspend or revoke the license.~~
- ~~—C.— Applicant Presentation: The applicant or licensee, in person or through his or her attorney, may then present any evidence showing reason why the decision was in error.~~
- ~~—D.— Witnesses: All witnesses shall be sworn to testify truthfully. Either party is entitled to confront and cross examine any witnesses.~~
- ~~—E.— Evidence: Any oral or documental evidence may be received, but the city manager shall exclude all privileged, irrelevant, immaterial or unduly repetitious evidence.~~

~~—F.— Appeal Based On Uniform Codes Violation: If the denial, suspension or revocation appealed from is based on a finding by the building department or fire department that the business was or would be in violation of any uniform construction codes or on a finding by the county health department that the business was or would be in violation of any county health department regulations, then that finding shall be binding upon the city manager, and the manager's decision may be based only on whether the license was properly denied, suspended, or revoked because of the building department, fire department or county health department finding.~~

~~—G.— Appeal Based On Business License Official Determination: If the denial, suspension or revocation appealed from is based on a determination by the business license official that grounds existed pursuant to this code, the city manager may examine the factual nature of the grounds and determine whether such grounds are sufficient to sustain the decision of the business license official.~~

~~—H.— Limitation Of City Manager Authority: The city manager does not have the authority to waive compliance with applicable provisions of the business license ordinances, nor can the manager extend deadlines set forth in the ordinances or change the substance or form of the ordinances~~

~~6-3-070: DECISION OF CITY MANAGER: (Reserved)~~

~~The city manager, after hearing all the evidence, shall announce its decision within fifteen (15) days from the date of hearing. The manager may affirm, reverse or modify the decision of the business license official. The decision shall be in writing and shall be based upon findings of fact.~~

~~6-3-080: APPEAL OF CITY MANAGER DECISION: (Reserved)~~

~~—A.— Petition For Review: Any decision of the city manager made pursuant to the provisions of this chapter may be appealed by any aggrieved party by filing a petition for review of the administrative decision with the district court within thirty (30) days from the date on which the administrative decision is made.~~

~~—B.— Allegations Permitted: In such petition for review, the petitioner may only allege that the city manager's decision was arbitrary, capricious or illegal.~~

6-4-030: SOLICITORS:

~~(A)(E)~~ Application For Certificate Of Registration, Review, Issuance, Denial:

- (12) Appeal: An applicant whose registration is denied by the licensing officer or a registered solicitor whose certificate of registration is revoked by the licensing officer shall have the right to appeal such denial ~~or revocation to the council at a meeting to be held no later than twenty (20) business days following the city's receipt of the applicant's notice of appeal. The notice of appeal shall be in writing and shall be delivered either in person upon written receipt or by certified U.S. mail to the Farmington City by filing a written notice of appeal with city~~ recorder, with a copy to the licensing officer, within ten (10) ~~business calendar~~ days of the applicant's or registered solicitor's receipt of the decision from which the appeal is taken. Such notice of appeal shall identify the applicant or registered solicitor, set forth the decision of the licensing officer that is being appealed, and state the grounds for appeal. ~~Within ten (10) business days of the meeting at which the applicant's or registered solicitor's appeal is heard, the city council shall issue a decision either affirming or reversing the actions of the licensing officer in denying an applicant's registration or revoking the registered solicitor's certificate of registration. The appeal shall be conducted in accordance with chapter 3-7 of this code.~~

6-6-120: ISSUANCE OF LICENSE:

- (1) Appeal: An applicant may appeal the decision of the director regarding a denial ~~to the city council~~ by filing a written notice of appeal with the city recorder within ten (10) ~~calendar~~ days from receipt of the notice of denial. The notice of appeal shall be accompanied by a memorandum or other writing setting out fully the grounds for such appeal and all arguments in support thereof. ~~The appeal shall be conducted in accordance with chapter 3-7 of this code. The director may, within fifteen (15) days from the date of filing of the notice of appeal, submit a responsive staff report to the city council. After reviewing such report, as well as the director's written decision, if any, and exhibits submitted to the director, the city council shall vote either to uphold or overrule the director's decision. Such vote shall be taken within twenty one (21) calendar days after the date on which the city recorder receives the notice of appeal.~~ The status quo immediately prior to denial of the license shall be maintained during the pendency of the appeal. Judicial review of ~~a denial by the director and city council~~ the administrative hearing officer's order may be

made pursuant to section [6-6-170](#) of this chapter. The status quo shall continue to be maintained during the pendency of judicial review.

6-6-150: SUSPENSION:

- (B) Appeal: A licensee may appeal the suspension of a license to the ~~administrative hearing officer~~[city council](#) in accordance with the procedure set forth in section [6-6-120](#) of this chapter. Notwithstanding any other provisions of this section, in the event a licensee appeals the suspension of a license, the status quo immediately prior to suspension shall be maintained throughout the pendency of the appeal, up to and including judicial review on the merits as set forth in section [6-6-170](#) of this chapter.

6-6-160: REVOCATION:

- (C) Term Of Revocation; Appeal: When the director revokes a license, the revocation shall continue for one year, and the licensee shall not be issued a license for one year from the date ~~the~~ revocation became effective. A licensee may appeal the revocation of a license to the ~~city council~~[administrative hearing officer](#) in accordance with the procedure set forth in section [6-6-120](#) of this chapter. Notwithstanding any other provision of this section, in the event the licensee appeals the revocation of a license, the status quo immediately prior to revocation shall be maintained throughout the pendency of the appeal, up to and including judicial review on the merits as set forth in section [6-6-170](#) of this chapter.

6-6-170: JUDICIAL REVIEW:

Within thirty (30) ~~calendar~~ days of ~~entry of an administrative order upholding a denial of an initial or renewal application, by the director and city council,~~ or suspension or revocation of a license by the director, the applicant or licensee may seek prompt judicial review of such administrative action in ~~any court of competent jurisdiction~~[the district court](#).

7-9-110: APPEAL:

Any person aggrieved by the issuance of a notice of violation may request an appeal hearing by filing a written appeal with the ~~community development director~~[city recorder](#) within ten (10) ~~calendar~~ days from the date of the notice of violation. ~~The appeal shall be conducted in accordance with chapter 3-7 of this code. The community development director shall hold an appeal hearing on the matter within a reasonable time from receipt of the appeal. The community development director~~

~~may sustain, modify or reverse the notice of violation and shall issue a written decision regarding the matter.~~

7-11-060: RIGHT TO CONTEST NOTICE:

Any owner receiving a notice pursuant to section [7-11-040](#) of this chapter may contest the notice by filing a written petition for review ~~with the city manager~~ within ~~fifteen-ten~~ (15/10) days of receipt of the notice. ~~The appeal shall be conducted in accordance with chapter 3-7 of this code.~~ The ~~city manager~~administrative hearing officer may rescind a notice if it is shown that the person who received the notice was not the legal owner of the property on the relevant date, ~~or~~ that compliance with this chapter would have presented an imminent and irreparable injury to persons or property, or similar mitigating circumstances.

8-5-032: APPLICATION REVIEW AND APPROVAL:

- (D) Appeals: The disapproval or denial of an application by the public works director may be appealed by the applicant ~~to the city manager~~ by filing ~~of~~ a written notice of appeal with the city recorder within ten (10) calendar days of the action of the public works director. ~~The appeal shall be conducted in accordance with chapter 3-7 of this code.~~~~The city manager shall hear such appeal as soon as practicable, if written request therefor is timely filed, and render his or her decision within three (3) weeks following notice of such appeal. Any final decision of the city manager issued hereunder may be appealed to the city council by filing a written notice of appeal within ten (10) days from the date of the final decision issued by the city manager. The city council shall hear such appeal as soon as practicable, if written request therefor is timely filed, and render its decision within three (3) weeks following notice of such appeal.~~

8-5-190: APPEAL OF SUSPENSION, REVOCATION OR STOP WORK ORDER:

Any suspension, revocation or stop order by the public works director may be appealed by the permittee by filing a written notice of appeal with the city ~~council~~recorder within ten (10) calendar days of the action of the public works director. The appeal shall be conducted in accordance with chapter 3-7 of this code.~~The city council shall hear such appeal, if written request therefor is timely filed,~~

~~as soon as practicable, and render its decision within a reasonable time following filing of notice of appeal.~~

9-1-300: 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 with the city recorder within ~~fifteen-ten (1510)~~ calendar days from the date of the decision. The appeal shall be conducted in accordance with chapter 3-7 of this code.

9-3-110: APPEAL:

Any person or entity purporting to be unfairly dealt with, suffering any hardship, or otherwise aggrieved by the provisions of this chapter may file a written notice of appeal with the city recorder within ten (10) calendar days from the date of the decision., ~~shall be entitled to appeal to the Farmington City council, which shall have the power to resolve any hardships or grievances under any of the provisions hereof. The appeal shall be conducted in accordance with chapter 3-7 of this code.~~

9-5-080: APPEALS:

- (A) Any person who disputes the amount of the fee, or disputes any determination made by or on behalf of the City pursuant to and by the authority of this chapter, may petition the ~~Mayor~~ administrative hearing officer for a hearing on a revision or modification of such fee or determination. Such petitions may be filed only once in connection with any fee or determination, except upon a showing of changed circumstances sufficient to justify the filing of such additional petition.
- (B) Such petitions shall be in writing, filed with the ~~C~~city ~~R~~recorder within thirty (30) calendar days of the date of the utility bill containing the disputed charge or the date of the challenged determination. The facts and figures shall be submitted in writing or orally at ~~an the~~ administrative hearing ~~scheduled by the Mayor, or the Mayor's designee~~. The petitioner shall have the burden to prove that the amount of the fee is in error.
- ~~(C) Within sixty (60) days of filing the petition, the Mayor, or the Mayor's designee, shall make findings of fact based on all relevant information, shall make a determination based upon such findings and, if appropriate, modify~~

~~such fee or determination accordingly. Such determination by the Mayor, or the Mayor's designee, shall be considered a final order.~~

14-8-050: SPECIAL PERMIT:

- (K) Appeal: Any determination made by the zoning administrator relative to the issuance, denial or revocation of a permit hereunder may be appealed to the ~~city council~~administrative hearing officer by any affected person by filing, within ten (10) calendar days from the date of said determination, a written notice of appeal setting forth the grounds for the appeal and any other pertinent information. Such notice of appeal shall be filed by delivering ~~an original and three (3) copies~~a written notice of appeal to the city ~~manager recorder~~ during regular business hours. ~~The city manager shall forthwith forward the appeal to the city council. Upon receipt of the appeal, the city council shall thoroughly and objectively review the matter and, within twenty (20) days of receipt of the appeal, shall issue a written decision stating the reasons for the decision.~~

16-1-040: APPEALS:

Except as otherwise specifically provided herein, any person aggrieved by a final decision of any designee of the city manager interpreting or administering the provisions of this title may appeal such decision ~~to the city manager~~ by filing a written notice of appeal with the city recorder within ~~fifteen ten (1510)~~ calendar days from the date of the decision being appealed and stating the specific grounds for the appeal. The appeal shall be conducted in accordance with chapter 3-7 of this code. ~~The city manager may hold a hearing on the appeal. If the person or entity is not satisfied with the city manager's decision, a further appeal may be made to the city council. The appeal to the city council shall follow the same procedure as the appeal to the city manager. The city council's decision shall be final and binding on all parties.~~

AMENDMENTS TO CODES RELATED TO DEVELOPMENT

5-11-090: IMPACT FEE CHALLENGES AND APPEALS:

Any challenge to the fees imposed by the City shall comply with the provisions of Utah Code Annotated sections 11-36a-701, et seq., as amended. Administrative appeals of the impact fees imposed by the City shall follow the procedures of this section and chapter 3-7 of this code.

A. Within ~~thirty (30) days after paying an impact fee~~ the time limits established in section 11-36a-702 of the Utah Code, any person or entity who has paid the fee and wishes to challenge the fee shall file a written appeal with the City by delivering a copy of such appeal to the City Recorder ~~and the Community Development Director~~, setting forth, in detail, all grounds for the appeal and all facts relied upon by the appealing party with respect to the fees appealed.

B. Upon receipt of the appeal, the City shall schedule a hearing on the appeal before the ~~City Council~~ administrative hearing officer at which time the appeal will be heard. The administrative hearing officer ~~City Council~~ shall ~~thereafter~~ render its decision on the appeal within thirty (30) days of the filing of the appeal. ~~An applicant may request that the City appoint a hearing officer to hear an appeal of an impact fee. The City shall appoint a hearing officer qualified to hear an appeal of an impact fee and the applicant shall bear the cost associated with the appointment and work of the hearing officer.~~

11-4-070: COMPLETION OF REQUIRED IMPROVEMENTS:

E. Existing Buildings: The building official may require a bond on any alteration or remodel of any existing building if, within his discretion, such alteration or remodel could potentially cause damage to existing public improvements. Any ruling of the building inspector regarding the amount of required bond or the release date of the bond on remodels or alterations may be appealed to the city manager, by filing a written notice of appeal with the city recorder within ten (10) calendar days of the ruling. Appeals shall proceed as provided in chapter 3-7 of this code. The purpose of a bond on any alteration or remodel, if required, shall be for the sole purpose of warranting the maintenance of public improvements, and not for the purpose of assuring construction completion for which the permit was taken out. Said bond shall be released immediately after the risk of damaging public improvements has passed.

11-4-090: RIGHT OF APPEAL:

Any person with standing who is aggrieved by any decision of the zoning administrator or the planning commission in the administration of this title may appeal such decision in accordance with the provisions of this section:

~~—A. From Zoning Administrator: An appeal of an action or decision of the zoning administrator made in the administration of this title may be made as outlined in section 11-5-060 of this title.~~

~~BA. From Planning Commission: Land Use Appeal Authority: An appeal of an action or decision of the zoning administrator or planning commission made in the administration of this title shall be made to the city council~~administrative hearing officer~~. Such appeals must be taken within ~~fifteen~~ten (15~~10~~) calendar days of the action or decision by filing a written notice with the city ~~manager~~recorder, unless otherwise specified in this code or the Utah Code. The appeal shall ~~specify~~ing the grounds for appeal. Only those grounds specified in the appeal shall be considered by the ~~city council~~administrative hearing officer.~~

~~CB. Stay Of Proceedings: An appeal stays all proceedings in furtherance of the action appealed from unless the planning commission certifies to the city council~~administrative hearing officer~~ that, by reason of fact stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the appropriate appeal body or by the district court on application and notice and on due cause shown.~~

~~DC. The appeal shall be conducted in accordance with chapter 3-7 of this code.
Public Hearing By City Council: The city council shall schedule a public hearing to hear the appeal. Notice of the hearing shall be given at least fifteen (15) days prior to the hearing. Notice of the hearing shall be made as required by law. The city council may modify the order, requirement, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the planning commission. A concurring vote of a simple majority of the total membership of the council shall be necessary to act on the appeal.~~

~~—E. Further Relief: Any person aggrieved by or affected by any decision of the city council may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the rendering of such decision.~~

CHAPTER 5: BOARD OF ADJUSTMENT APPEALS, VARIANCES AND NONCONFORMITIES

11-5-010: CREATION DESIGNATION OF LAND USE APPEAL AUTHORITY:

~~A board of adjustment is hereby created~~Except as otherwise provided in this title, the administration hearing officer appointed pursuant to section 3-7-030 of this code is the land use appeal authority, pursuant as required by ~~to~~ Utah Code Annotated section 10-9a-701 et seq., as amended. Appeals shall proceed as provided in chapter 3-7 of this code.

11-5-020: BOARD MEMBERS: (Reserved)

~~—A.— Appointment: The board of adjustment shall consist of five (5) members and two (2) alternate members, each to be appointed by the mayor, with the advice and consent of the city council. Each member shall serve for a term of five (5) years, with the terms beginning on January 1 and so arranged that the term of not more than one member will expire each year. Terms of each of the members shall expire December 31 in the last year of the term. Alternate members shall serve a term of one year, beginning on the day of appointment. Any member or alternate member may be removed for cause by the city council, upon written charges and after public hearing, if such public hearing is requested.~~

~~—B.— Vacancies: Vacancies on the board occurring for reasons of death, resignation, removal or disqualification shall be promptly filled by the city council for the unexpired term of such member.~~

~~—C.— Planning Commission Member: One member, but not more than one, of the planning commission shall be a member of the board of adjustment. The planning commission member appointed to the board shall serve for one calendar year and may be reappointed for additional terms.~~

11-5-030: ORGANIZATION AND MEETINGS: (Reserved)

~~—A.— Chairperson: At the beginning of each year, the board of adjustment shall elect one of its members to act as chairperson for the year. At meetings where the chairperson is absent, the board shall elect a temporary or acting chairperson for that particular meeting.~~

~~—B.— Meetings: Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. The chairperson, or in his/her absence, the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.~~

~~—C. Records: The board shall keep minutes of its proceedings showing the members present and the vote of each member upon each question. The board shall also keep records of its examinations and other official actions. Records of the board shall be filed in the city office and be available for public review.~~

~~—D. Decisions: All decisions of the board shall be based upon the finding of fact and every finding shall be supported in the record of the meetings of the board. The concurring vote of three (3) members of the board shall be necessary to decide in favor of the applicant on any matter before the board.~~

~~—E. Rules Of Procedure: The board of adjustment may adopt rules of procedure not inconsistent with this title and/or state law.~~

11-5-040: ~~POWERS AND DUTIES OF BOARD~~ APPEAL AUTHORITY:

The ~~board of adjustment~~ appeal authority shall have the power and duty to hear and decide, through processes identified in chapter 3-7 of this code:

~~—A. Appeals: The board shall hear and decide appeals from any order, requirement, determination or decision of the zoning administrator, city planner or planning commission. Such appeals may be made by any person with standing who is aggrieved, or by any officer, department, or board ~~or bureau~~ of the city which is affected by such order, requirement, decision or determination. ~~The appeal shall be made in accordance with section 11-5-060 of this chapter and the rules adopted by the board.~~~~

~~—B. Nonconforming Uses: Nonconforming use determinations, other than those decided by the zoning administrator as provided in this title, and applications for the expansion of a nonconforming use shall be determined by the board. These determinations shall be made as provided in section 11-5-070 of this chapter, state law and the rules adopted by the board.~~

~~—C. Variances: The board shall have the power to hear and decide all applications for variance from this title, except for allowing a use in a zone which is not specifically listed as a permitted or conditional use, such decisions shall be made in accordance with section 11-5-080 of this chapter, state law and the rules adopted by the board.~~

11-5-045: ~~HEARING OFFICER:~~ (Reserved)

The city manager, at his or her sole discretion, and with the advice of the community development director, may appoint a hearing officer to act in the place of the board of adjustment. Once appointed, the hearing officer shall have all the powers and duties of the board of adjustment set forth in this chapter and elsewhere in this title and the Farmington City code.

11-5-050: ZONING ADMINISTRATOR'S DETERMINATIONS:

The zoning administrator may decide certain matters as designated by ~~the board code~~, consistent with guidelines established by this chapter, ~~and~~ state law ~~and rules adopted by the board~~. Pursuant to that authority, the zoning administrator may decide all cases which are routine in nature, uncontested and do not impact the character of the neighborhood; or are primarily brought about as a result of recent changes in this title which create a large number of nonconforming structures or uses. The specific types of decisions the zoning administrator is authorized to make shall include:

- A. Setback Variances: Variances to setback requirements in which the proposed reduction is not more than twenty five percent (25%) of the normal required setback;
- B. Parking Variances: Variances to parking requirements where a reduction in the number of parking spaces is not more than ten percent (10%) of the normal requirement;
- C. Nonconforming Use Determination: Determination of a nonconforming use which can be verified by substantial evidence. "Substantial evidence", for the purpose of this section, shall mean official documents, such as written correspondence from a public body or agency, receipts, permits, tax notices or other property information which may establish the truth of the matter asserted by the applicant;
- D. Additions, Alterations: Consider additions or alterations to existing buildings or structures which are nonconforming as to yard regulations, provided the addition follows the existing wall lines and does not increase the extent of the nonconformity;
- E. Change In Status: Consider a change in status of a nonconforming use to a less intense use than that which exists;
- F. Final Review And Approval: Final review and approval of plans where the ~~board appeal authority~~ has required that a final plan be submitted, which includes all requirements imposed by the ~~board appeal authority~~ as conditions of granting an approval.

A person aggrieved by a zoning administrator's decision under this section may file an appeal to the Appeal Authority by filing a written appeal with the city recorder within ten (10) business days from the date of the zoning administrator's decision.

11-5-060: APPEALS:(Reserved)

~~Appeal may be made to the board of adjustment by the city or any person aggrieved by a final decision, determination or requirement of the zoning administrator made under the provisions of this title. All appeals shall be made as follows:~~

~~—A. Filing: The appeal shall be made within fifteen (15) days of the action or decision being appealed from by filing a written notice of appeal, along with a designated fee, with the zoning administrator and board of adjustment;~~

~~—B. Notice Of Appeal: The notice of appeal shall specify, in detail, the action and grounds upon which the applicant or other interested parties deem themselves aggrieved. A notice which fails to specify grounds for appeal may be summarily dismissed by the board with or without prejudice;~~

~~—C. Records: All papers constituting the record upon which the action being appealed is based shall be transmitted to the board of adjustment;~~

~~—D. Notice; Hearing; Decision: The board of adjustment shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Public notice of the appeal hearing shall be given as required by law and according to policies adopted by the board. Written notice of the date set for hearing shall be mailed to the appellant at least seven (7) days prior to the hearing. An applicant may appear in person or may be represented by an attorney or other authorized agent at any meeting of the board. Written authorization shall be required for an agent. After hearing the appeal, the board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from. An affirmative vote of three (3) members of the board shall decide any matter under consideration;~~

~~—E. Stay Of Proceedings: The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the board. Said stay shall exist unless the zoning administrator certifies to the board, after the notice of appeal has been filed, that by reason of facts stated in the notice, the stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by restraining order granted by the district court on application, notice and due cause shown;~~

~~—F. Further Relief: The city, or any person aggrieved by any decision of the board, may bring and maintain a plenary action for relief in any court of competent jurisdiction, provided the petition for such relief is presented to the court within thirty (30) days after the date of the hearing at which the decision of the board was rendered.~~

11-5-070: NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND:

- A. Determinations Of Nonconforming Buildings And Uses: All matters regarding the nonconforming use of buildings and land shall be determined by the

~~board of adjustment~~administrative hearing officer, except as otherwise provided herein. Upon application, ~~and after a public hearing on the matter, and conducting a hearing on the matter,~~ the ~~board~~administrative hearing officer shall determine if the use or building is nonconforming in respect to the provisions of this title. The zoning administrator may determine routine and uncontested requests to verify nonconforming uses as provided in section [11-5-050](#) of this chapter ~~and according to rules adopted by the board.~~

- B. Nonconforming Lots Of Record: The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the development of any lot or parcel of land for a use allowed in the zone in which the lot or parcel is located; provided, that the property has access to a public street and is a legally divided lot, held in separate ownership, at the time such requirements became effective. The zoning administrator shall make a determination as to the nonconformity of such lots based on documentation submitted by the lot owner. Reduction in required yards for such lots shall require variances, which shall be requested and processed as outlined in this chapter.
- C. Nonconforming Use Of Open Land: A nonconforming use of land lawfully existing on the effective date of this title may be continued, provided such nonconforming use shall not be expanded or extended into any other open land, except as provided herein. The ~~board~~administrative hearing officer, after holding a public hearing, may allow the expansion of a nonconforming use of land, provided such change is in harmony with the surrounding neighborhood and meets the intent of the master plan and this title. Reasonable conditions may be attached to the approval in order to ensure neighborhood compatibility. If said nonconforming use is discontinued for a continuous period of one year or more, the use shall be considered to be abandoned and any future use of such land shall conform to the provisions of the zone in which it is located.
- D. Alteration Of Nonconforming Buildings And Structures: Buildings and structures which are determined to be nonconforming in respect to setbacks or height may be continued. Additions or structural alterations may be made to the extent that they are required by law. In addition, the ~~board~~administrative hearing officer, after ~~holding~~conducting a ~~public~~hearing on the matter, may allow an enlargement or structural alteration, provided such change is in harmony with the surrounding neighborhood and meets the intent of the master plan and this title. Reasonable conditions may be attached to the approval in order to ensure neighborhood compatibility. If a nonconforming building or structure is removed or destroyed, every future

use of the land on which the building or structure was located shall conform to the provisions of this title.

- E. Nonconforming Use Of Structures And Buildings: The nonconforming use of any structure or building lawfully existing on the effective date of this title or amendment may be continued as provided in this chapter. A nonconforming use may be extended to include the entire floor area of the existing structure or building in which it was conducted at the time the use became nonconforming. If said nonconforming use is discontinued for a continuous period of one year or more, the use shall be considered abandoned and any future use of such structures and buildings shall conform to the provisions of the zone in which they are located.
- F. Change In Status Of Nonconforming Use: A nonconforming use may be succeeded, upon approval by the zoning administrator, by a less intense and more restrictive nonconforming use of a more desirable nature. Such change must be effected within one year from the first day on which the previous use is discontinued. After a change to a less intensive use occurs, the use shall not change back to a more intensive use.
- G. Reconstruction Of Nonconforming Building Or Structure Partially Destroyed:
 - 1. A nonconforming building or structure, other than a dwelling of two (2) dwelling units or less, damaged or destroyed to the extent of not more than fifty percent (50%) of its reasonable replacement value at the time of its destruction by fire, explosion, other casualty, act of God or action of a public enemy, may be restored. Occupancy or use of such building or structure which existed at the time of such partial destruction may be continued subject to the provisions of this chapter.
 - 2. A nonconforming dwelling of two (2) dwelling units or less which has been damaged or destroyed by fire, explosion, other casualty, act of God or action of a public enemy, may be restored or reconstructed to the same nonconforming building or structure as existed before such damage or destruction, provided there is no increase in any nonconformity. The city must issue a building permit for such restoration or reconstruction within one year of the damage or destruction, and construction shall be carried on without interruption.
- H. Amortization Of Nonconforming Uses: The ~~board~~administrative hearing officer may provide for the timely modification or removal of a nonconforming use of land for open storage or signs deemed to be incompatible with the surrounding neighborhood. A reasonable period may

be granted in which the nonconforming use shall be modified or removed to comply with the master plan and this title.

11-5-080: VARIANCES:

- A. Authorized: The ~~board of adjustment~~administrative hearing officer may authorize upon appeal, variance from the provisions of this title where it can be shown that due to special circumstances the literal enforcement of this title would result in undue hardship to the property owner. ~~Special circumstances that warrant a variance shall apply to a specific parcel of property and include such things as exceptional narrowness, shallowness or shape of the property; exceptional topographic conditions; or other extraordinary and exceptional situations or conditions. Hardship, as used herein, shall be distinguished from a mere inconvenience to the property owner or a desire to reduce financial costs.~~ In granting a variance, the ~~board~~administrative hearing officer may affix any conditions it feels are necessary to carry out the intent of this title.
- B. Variance Criteria: Unless otherwise provided in this title, the ~~board~~administrative hearing officer may grant a variance from the requirements of any provision of this title to the extent that such a grant shall be consistent with the ~~provisions limitations and requirements of of this section~~section 10-9a-702 of the Utah Code, as amended.
- C. Hardship, as used herein, shall be distinguished from a mere inconvenience to the property owner or a desire to reduce financial costs. Personal, family or financial difficulties, loss of prospective profits or neighboring violations of the zoning code are not hardships justifying a variance.
- D. Special circumstances that warrant a variance shall apply to a specific parcel of property and include such things as exceptional narrowness, shallowness or shape of the property; exceptional topographic conditions; or other extraordinary and exceptional situations or conditions.
- E. Each case shall be considered only on its individual merits; a previous variance ~~or examples of noncompliance by other properties~~ shall not be deemed to set a precedent ~~or require the granting of a variance in the case before the administrative hearing officer.~~

~~1. The appeal authority may grant a variance only if:~~

~~a. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;~~

~~— b. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;~~

~~— c. Granting a variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;~~

~~— d. The variance will not substantially affect the general plan and will not be contrary to the public interest; and~~

~~— e. The spirit of this title is observed and substantial justice done.~~

~~— 2. Variances must also meet the following criteria:~~

~~— a. In determining whether or not enforcement of this title would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship unless the alleged hardship:~~

~~— (1) Is located on or associated with the property for which the variance is sought; and~~

~~— (2) The circumstance is peculiar to the property and not from conditions that are general to the neighborhood.~~

~~— b. In determining whether or not enforcement of this title would cause unreasonable hardship, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic. In this context, personal, family or financial difficulties, loss of prospective profits or neighboring violations are not hardships justifying a variance.~~

~~— c. In determining whether or not there are special circumstances attached to the property, the appeal authority may find that special circumstances exist only if the special circumstances:~~

~~— (1) Relate to the hardship complained of; and~~

~~— (2) Deprive the property of privileges granted to other properties in the same zone.~~

~~— C. Additional: Additional variance standards and criteria:~~

~~— 1. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.~~

~~— 2. Variances run with the land.~~

~~— 3. The variance will not authorize a use other than those uses specifically allowed as permitted or conditional uses in the zone in which the subject property is located.~~

~~— 4. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:~~

~~— a. Mitigate any harmful effects of the variance; or~~

~~— b. Serve the purpose of the standard or requirement that is waived or modified.~~

11-6-020: PROCEDURE FOR PROPOSED AMENDMENTS:

- A. Interested Parties: Proposed amendments to this title or zoning map may be initiated by the city council, planning commission, ~~board of adjustment zoning administrator~~ or any other interested party.
- B. Application: Proposed amendments submitted by interested parties as provided herein, other than the city council, planning commission or ~~board of adjustment zoning administrator~~, shall be submitted to the city planner for consideration by the planning commission in the form of an application containing, at a minimum, the following information:
 - 1. The name and address of applicant and the name and address of every person or company that the applicant represents;
 - 2. The requested amendment and the reasons therefor;
 - 3. If the proposed amendment requires a change in the zoning map, the application shall include an accurate property map showing all areas which would be affected by the proposed amendment, all abutting properties and the present and proposed zoning classifications; and an accurate legal description of the area to be rezoned and approximate common address; and
 - 4. If the proposed amendment would require a change in the text of the ordinance, the application shall include the chapter and section, and a draft of the proposed wording that is desired.

11-6-030: FEES AND COSTS:

Proposed amendments submitted by interested parties other than the city council, planning commission or ~~board of adjustment~~zoning administrator, shall be accompanied by the appropriate fee as set forth in the city fee schedule adopted by the city by resolution.

11-9-030: ZONING BOUNDARY INTERPRETATION:

Where uncertainty exists with respect to the boundaries of the various zones, the following rules shall apply:

- A. Where the indicated boundaries on the zoning map are approximately street, railroad or public or private rights of way, or alley lines, the centerline of said rights of way shall be construed to be the zone boundaries.
- B. Where the indicated boundaries are approximately lot lines, said lot lines shall be construed to be the zone boundaries unless otherwise indicated.
- C. Where the indicated boundaries are approximately canals, watercourses or other clearly defined natural features, the centerlines of such features shall be construed to be the zone boundaries unless otherwise indicated.
- D. In the absence of any street, land survey, lot, canal, watercourse or other natural feature, the zone boundary shall be determined by the use of scale or measurement shown on the map.
- E. Where uncertainty continues to exist, the ~~board of adjustment~~zoning administrator shall interpret the map, subject to appeal to the administrative hearing officer as provided in chapter 3-7 of this code.

11-18-070: Development Plan Review: [Mixed Use Districts]

B. 4. c. Review by the community development department at the design development phase shall be ~~competed~~completed within thirty (30) days after the submission of a complete application. The planning office shall make a determination of consistency of the application with the adopted plans, standards and criteria and any applicable rules and regulations and guidelines and shall make a recommendation to the city planner/zoning administrator or the SPARC. The city planner/zoning administrator shall have fifteen (15) days to approve, approve with conditions, continue for further study, or deny the application; or determine if review by the planning commission is necessary according to the conditions stated above.

B. 4. e. Any person or entity aggrieved by the decision of the city planner/zoning administrator and/or the planning commission in the administration of this development plan review process may appeal such decision ~~to the city council. Such appeals must be taken within fifteen (15) days of the action or decision by filing a written notice with the city recorder, specifying the grounds for appeal. Only those grounds specified in the appeal shall be considered by the city council. as provided in chapter 3-7 of this code.~~

~~An appeal stays all proceedings in furtherance of the action appealed from unless the city planner/zoning administrator certifies to the city council that, by reason of fact stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the appropriate appeal body or by the district court on application and notice and on due cause shown.~~

~~The city council shall schedule a public hearing to hear the appeal. Notice of the hearing shall be given at least ten (10) days prior to the hearing. Notice of the hearing shall be made as required by law. The city council may modify the order, requirement, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the city planner/zoning administrator. A concurring vote of a simple majority of the total membership of the council shall be necessary to act on the appeal.~~

11-18-080: Project Master Plan: [PMP]

N. Appeals Of Decision: The final decision of the planning commission to approve, approve with conditions or deny a PMP may be appealed to the ~~city council~~and use appeal authority as ~~set forth in this title~~provided in chapter 3-7 of this code.

11-19-070: Design Standards: [CMU]

E. Architectural Review: Prior to the issuance of a building permit for any conditional or permitted use, the planning director must review the proposed plans for compliance with the design standards of this chapter. ~~Appeals of staff actions on architectural compliance shall be heard by the planning commission.~~

11-25-080: OTHER REGULATIONS: [C-R Zone]

I. Appeal: Decisions of the planning commission may be appealed by any person to the ~~Farmington City council~~and use appeal authority by filing an appeal in

~~accordance with chapter 3-7 of this code with the city recorder within fifteen (15) days after the date of the meeting at which the planning commission renders its decision. The city manager may exercise the right of appeal on behalf of the city, and shall ensure a copy of the appeal is provided to the applicant. Similarly, within said fifteen (15) days, the city council may, by its own initiative, give notice of its intent to review any action by the planning commission as if on appeal.~~

~~J. Stay Of Proceedings: Filing of an appeal or council's notice of intent to review stays the issuance of permits. Appeals shall be conducted in accordance with chapter 3-7 of this code. The council's review shall be conducted as a public hearing within thirty (30) days of appeal. Parties and the planning commission shall be given at least ten (10) days' written notice of the hearing date. After the hearing, the city council may uphold, modify or reverse the decision of the planning commission and impose any conditions they deem necessary. The decision of the city council shall be final. A site plan approval affirmed by the city council shall be effective immediately.~~

11-28-120: TEMPORARY USE OF LAND AND STRUCTURES:

(D) 5. Appeal: An appeal of any determination of the city planner may be made to the ~~planning commission~~ land use appeal authority in accordance with chapter 3-7 of this code. ~~Such request shall be filed within ten (10) working days after a final determination by the city planner. The request shall state the specific reasons why the determination should be reversed or modified~~

11-28-230: DEMOLITIONS:

(I) Appeal:

1. An appeal of an action or decision of the Zoning Administrator made in the administration of this section shall be made to the ~~City Council~~ land use appeal authority in accordance with chapter 3-7 of this code.

~~— a. Such appeals must be taken within fifteen (15) days of the action or decision by filing a written notice with the City Manager, specifying the grounds for appeal. Only those grounds specified in the appeal shall be considered by the City Council.~~

~~— b. An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the City Council that, by reason of fact stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the appropriate appeal body or by the District Court on application and notice and on due cause shown.~~

~~— c. The City Council shall schedule a public hearing to hear the appeal. Notice of the hearing shall be given at least fifteen (15) days prior to the hearing. Notice of the hearing shall be made as required by law. The City Council may modify the order, requirement, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all the powers of the Zoning Administrator. A concurring vote of a simple majority of the total membership of the Council shall be necessary to act on the appeal.~~

~~— d. Any person aggrieved by or affected by any decision of the City Council may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the rendering of such decision.~~

2. Any appeal of an action or decision of the building official made in administration of this section shall be appealed as set forth in title 10, chapter 8 of this Code, and as set forth in the International Building Code, including, but not limited to, the International Residential Code.

11-31-070: APPEAL PROCEDURE: [Flood Damage Prevention]

- A. Filing Appeal: Any person adversely affected by a final decision of the zoning administrator made in the administration or interpretation of this chapter may, within the time provided herein, appeal that decision ~~to the city council by alleging that there is error in any such final order requirement, decision or determination made by the zoning administrator in the administration or interpretation of this chapter. Appeals filed hereunder shall be in writing and shall be filed with the city recorder within thirty (30) days of the decision which is appealed. as provided in chapter 3-7 of this code. The appeal shall include any required city appeal forms and shall set forth, at a minimum: the name, address and telephone number of the appellant; the decision being appealed; the grounds for appeal; and a description of the alleged error in the decision or determination of the zoning administrator. Only decisions of the zoning administrator applying this chapter may be appealed to the city council as provided herein.~~ Appeals may not be used to waive or modify the terms or requirements of this chapter.
- B. Hearing: ~~After the appeal application is deemed complete, the city recorder shall schedule the matter to be heard by the city council. Prior to the appeal hearing, the city recorder shall transmit all papers constituting the record of the decision or action being appealed to the city council and the appellant. The city council shall review the record of the decision or action of the zoning administrator and provide the appellant an opportunity to be heard~~

~~regarding the appeal.~~ In reviewing the appeal, the ~~city council~~appeal authority shall consider and review all relevant technical evaluations and the specific factors set forth in subsection 11-31-060(B) of this chapter. ~~The city council shall decide the matter in accordance with the standard of review set forth in subsection C of this section.~~

- ~~C.— Decision: The city council may affirm or reverse the decision of the zoning administrator, in whole or in part, or may remand the administrative decision to the zoning administrator. The city council is also authorized to impose additional conditions as part of its determination of the appeal as necessary to conform with the purposes and intent of this chapter. The city council shall review the administrative decision of the zoning administrator for correctness in determining whether there is substantial evidence in the record to support the order, decision or determination. The appellant shall have the burden of proving that an error has been made. The city council shall issue a written decision.~~
- ~~D.— Record: A record of all appeals shall be maintained by the city in accordance with the Utah Government Records Access and Management Act, as amended.~~

11-31-080: VARIANCE PROCEDURE: [Flood Damage Prevention]

- A. ~~Board Of Adjustment: The Farmington City Board of Adjustment~~land use appeal authority is hereby designated to hear and decide whether to grant a variance upon request by an applicant in accordance with chapter 3-7 of this code.
- ~~B.— Hearing; Decision: The applicant shall have the right to a hearing before the Board of Adjustment on the question of whether or not the request for the variance fulfills the variance requirements of this chapter. Within thirty (30) days following conclusion of said hearing, the board of adjustment shall render a decision denying the variance, granting the variance, or granting the variance with conditions.~~
- ~~C.— Further Appeal: Those aggrieved by the decision of the Board of Adjustment may appeal such decision to the second district court, Davis County, Utah, as provided by law.~~
- ~~D.B. Record: The city shall maintain a record of all variance actions, including justification for their issuance. The zoning administrator shall report any variances to the federal emergency management agency upon request.~~

E.C. Considerations: In reviewing applications for a variance, the ~~Board of Adjustment~~appeal authority shall consider all technical evaluations, those specific factors established in subsection 11-31-060B of this chapter, the intent and purpose of this chapter, and the following conditions:

1. Due to the dangers caused by flooding to human life and property and the costs and hardship caused thereby, only under limited circumstances may variances be granted in Farmington City. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to human life and public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
2. In limited instances, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ($\frac{1}{2}$) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood elevation, providing the factors of subsection 11-31-060B of this chapter have been fully considered. As the lot size increases beyond the one-half ($\frac{1}{2}$) acre, the technical justification required for issuing the variance increases.
3. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the national register of historic places, without regard to the procedures set forth in the remainder of this chapter.
4. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
5. Variances shall only be issued when a determination has been made that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6. Variances issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use may only be granted provided the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
7. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased risk to life and property and an increase in premium rates for flood insurance, which may be substantial and will be commensurate with the risk of construction below the base flood level. Insurance rates may amount up to as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage. This notice shall be maintained with a record of all variance actions as required in subsection D of this section.
8. All variances shall include a condition that the applicant sign an assumption of risk and waiver of liability agreement, in a form acceptable to the city, absolving Farmington City of any and all liability in the event flood damage occurs to that portion of a structure for which the variance is granted. This agreement shall be recorded in the office of the Davis County recorder, shall run with the land, and shall be binding upon all future owners thereof.
9. The ~~board of adjustment~~appeal authority may attach such conditions to the granting of variances as it deems necessary and which fulfill the criteria of the variance provisions of this chapter.

11-35-070: APPEAL: [Home Occupation]

Any person or entity denied a home occupation business license shall have the right to appeal such denial to the ~~City Council~~land use appeal authority if a written request for an appeal is made to the City within ~~thirty ten (3010)~~ calendar days of the denial, in accordance with chapter 3-7 of this code.

11-36-060: NOTICES, HEARING AND ORDERS: [Trailer and Campground Areas]

- A. Notice Of Violation: Whenever the health authority determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter, or regulations issued hereunder, the health

authority shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issues;
3. Allow a reasonable time for the performance of any act it requires;
4. Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any other method authorized or required by the laws of this state;
5. Contain an outline of remedial action, which, if taken, will effect compliance with the provisions of this chapter and regulations issued hereunder.

~~B. Hearing Appeal: Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or regulation issued hereunder, may appeal that notice in accordance with chapter 3-7 of this code, request and shall be granted a hearing on the matter before the Farmington City council; provided, that such person shall file in the office of the health authority a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten (10) days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection E of this section. Upon receipt of such petition, the health authority shall set a time and place for such hearing, and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard, and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten (10) days after the day on which the petition was filed; provided, that upon application of the petitioner, the health authority may postpone the date of the hearing for a reasonable time beyond such ten (10) day period when in his judgment the petitioner has submitted good and sufficient reasons for such postponement.~~

~~C.B. Findings By City Council: After such hearing, the Farmington City council shall make findings as to compliance with the provisions of this chapter and regulations issued hereunder and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in this section. Upon failure to comply with any order sustaining or modifying a~~

notice, the permit or license of the travel trailer parking area affected by the order shall be revoked.

~~D.—Record: The proceedings at such a hearing, including the findings and decision of the health authority, and together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Farmington City council, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the Farmington City council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.~~

E.C. Emergency Action: Whenever the health authority finds that an emergency exists which requires immediate action to protect the public health, the health authority may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as the health authority may deems necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon ~~filing an appeal petition to the Farmington City council~~ shall be afforded a hearing as soon as possible. The provision of this section shall be applicable to such hearing and the order issued thereafter.

11-39-090: APPEALS: [Historic Buildings & Sites]

A. From Zoning Administrator: Any person adversely affected by any final decision of the zoning administrator in the administration of this chapter may appeal such decision ~~as set forth in section 11-5-060 of this title~~ to the land use appeal authority in accordance with chapter 3-7 of this code.

B. From Historic Preservation Commission: Any person adversely affected by any final decision of the historic preservation commission in the administration of this chapter may appeal such decision to the city council in accordance with the provisions of this section.

1. Appeals shall be taken within ~~fifteen~~ ten (1510) business days of a written decision by filing a written notice with the city ~~manager~~ recorder, specifying the grounds for appeal. Only grounds specified in the appeal shall be considered by the council.

2. An appeal stays all proceedings in furtherance of the action appealed from unless the historic preservation commission certifies to the city council that, by

reason of fact stated in the certificate, a stay would cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which may be granted by the appropriate appeal body or by the district court on application and notice and on due cause shown.

3. The city council shall ~~schedule a public hearing to hear the appeal~~consider the appeal during a public meeting. Notice of the ~~hearing public meeting~~ shall be given to the person appealing the decision at least ~~fifteen ten (1510)~~ calendar days prior to the ~~hearing meeting~~. ~~Notice of the hearing shall be made as required by law~~. The city council may modify the order, requirement, decision or determination appealed from and may make such determination as ought to be made and to that end shall have all powers of the historic preservation commission. A concurring vote of a simple majority of the total membership of the council shall be necessary to act on the appeal.

C. From City Council: Any person adversely affected by any final decision of the city council designating a historic resource to the register, or regarding an appeal from a decision of the historic preservation commission in the administration of this chapter, may have and maintain a plenary action for relief therefrom in a court of competent jurisdiction; provided a petition for such relief is presented to the court within thirty (30) calendar days after the rendering of such decision.

11-42-140: APPEALS:

A. Permitted; Procedure: Appeal may be made to the ~~shade tree~~ commissionland use appeal authority by the city or any person aggrieved by a final decision, determination, or requirement of the urban forester made under the provisions of this chapter. in accordance with chapter 3-7 of this code. ~~All appeals shall be made as follows:~~

- ~~1. Filing; Fee: The appeal shall be made within fifteen (15) days of the action or decision being appealed from by filing a written notice of appeal, along with a designated fee, with the urban forester and the shade tree commission;~~
- ~~2. Statement Of Grounds For Appeal: The notice of appeal shall specify, in detail, the action and grounds upon which the applicant or other interested parties deem themselves aggrieved. A notice which fails to specify grounds for appeal may be summarily dismissed by the commission with or without prejudice;~~

- ~~3.—Records Transmitted: All papers constituting the record upon which the action being appealed is based shall be transmitted to the shade tree commission;~~
 - ~~4.—Hearing; Notice; Decision: The shade tree commission shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Public notice of the appeal hearing shall be given as required by law and according to policies adopted by the commission. Written notice of the date set for hearing shall be mailed to the appellant at least seven (7) days prior to the hearing. An applicant may appear in person or may be represented by an attorney or other authorized agent at any meeting of the commission. Written authorization shall be required for an agent. After hearing the appeal, the commission may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from. An affirmative vote of four (4) members of the commission shall decide any matter under consideration;~~
 - ~~5.—Stay Of Proceedings: The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the commission. Said stay shall exist unless the urban forester certifies to the commission, after the notice of appeal has been filed, that by reason of facts stated in the notice, the stay would cause imminent peril to life or property. In such a case, proceedings shall not be stayed except by restraining order granted by the district court on application, notice and due cause shown;~~
- ~~I. Further Appeal To City Council: Any person adversely affected by any final decision of the shade tree commission in the administration of this chapter may appeal such decision to the city council in accordance with the provisions set forth in section 11-4-090 of this title.~~

12-1-070: APPEALS OF PLANNING COMMISSION DECISIONS FROM SUBDIVISION ORDINANCE REVIEW:

- ~~A.—A.—City Council: Except as provided in section 12-1-075 of this code, A appeal may be made to the land use appeal authority~~city council~~ from any decision, determination or requirement of the ~~planning commission~~land use authority reviewing a preliminary or final plat under this title, as provided in chapter 3-7 of this code. ~~by filing with the city recorder a notice thereof in writing within fifteen (15) days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which~~~~

~~the subdivider, or other interested person, deems himself or herself aggrieved.~~ In the event of an appeal, application deadlines set forth in this title shall be extended to incorporate the time necessary to hear and consider such appeals.

B. ~~Appeals are not available from recommendations made by the planning commission. The City Council considers recommendations and acts as land use authority on those occasions.~~~~Hearing: The city recorder shall set the appeal for hearing before the city council to be held within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the city council. The appellant shall be notified of the appeal hearing date at least seven (7) days prior to the hearing. After hearing the appeal, the city council may affirm, modify or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of this title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the city council.~~

15-7-040: APPEALS:

Appeals ~~may be made~~ to the ~~board of adjustment land use appeal authority, as provided for in the zoning ordinance, may be made~~ by any person aggrieved by ~~the city's action on a sign permit application, as provided in chapter 3-7 of this code an officer, department or board of the city in making application for a sign permit.~~

15-1-050: VARIANCES:

The ~~board of adjustment~~~~administrative hearing officer~~ may authorize a variance from this title in accordance with the provisions of section [11-5-080](#) of this code.

15-7-020: VIOLATIONS:

- A. Order Of Violation: If it is determined that a violation of this title exists, the zoning administrator shall issue a written order to the alleged violator. The order shall specify those sections of the city ordinances of which the individual may be in violation and shall state that the individual has ~~fifteen~~ ~~ten (1510)~~ business days from the date of the order in which to correct the alleged violation or to appeal to the ~~board of adjustment~~~~administrative hearing officer~~.

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Lyle Gibson – Assistant Community Development Director
Date: 11/14/2023
Subject: Text amendments modifying the Subdivision process. (ZT-12-23)

RECOMMENDATION

Move the City Council approve the enclosed enabling ordinance updating multiple sections of Title 11 and replacing Title 12, Subdivisions defining modified subdivision approval requirements and process.

Findings:

- 1. The proposed changes will bring the city ordinances into compliance with processes mandated by the State of Utah.**
- 2. The proposed text amendments clarify when steps are optional and when processes are required based on different application types.**
- 3. The proposed changes will help clarify which items must be submitted during the process for a complete application and clarifies the review process for both city staff and applicants.**
- 4. As proposed, the process considered by the text amendments will keep legislative decisions in the hands of the legislative body and keep more technical or administrative issues with administrative bodies for review and consideration.**

BACKGROUND

During the 2023 Utah State Legislative Session, a new law was passed in the form of SB174 which required cities throughout the state comply with certain provisions related to how subdivisions are reviewed and approved. The bill's requirements are directed at residential subdivisions in an effort to increase the supply of housing in the State; however, Changes are being proposed at a larger scale to create some consistency when considering any subdivision type and to more clearly delineate which processes include administrative or legislative decision making.

In brief, there are 2 types of subdivisions that are generally considered in Farmington City.

- 1. Conventional Subdivision: a subdivision which meets the zoning requirements without any deviation from development standards or any variation from what is identified by the zoning as conventional lots. This type of subdivision approval and review is entirely administrative. Verifying whether or not it meets the zoning and does not have legislative discretion.**
- 2. Non-Conventional Subdivision - Planned Unit Development (PUD) / Conservation Subdivision / Alternate Lot Size Subdivision / Project Master Plan (PMP): these subdivisions all include elements of legislative discretion meaning that the city does not have to approve the requests or project as proposed and the regulations for development of the subdivision are most often memorialized in a Development Agreement (DA) with the city or on occasion through conditions imposed as part of a motion by the City Council.**

After multiple meetings and opportunities for input from the Planning Commission, the process under consideration would put the review of purely residential subdivisions under the purview of city staff as long as they are conventional in nature. The Planning Commission and City Council will be involved in the initial step of non-conventional subdivisions which include legislative type decisions. The PC will also have the administrative function of ensuring a non-conventional preliminary plat follows the parameters established by the city council.

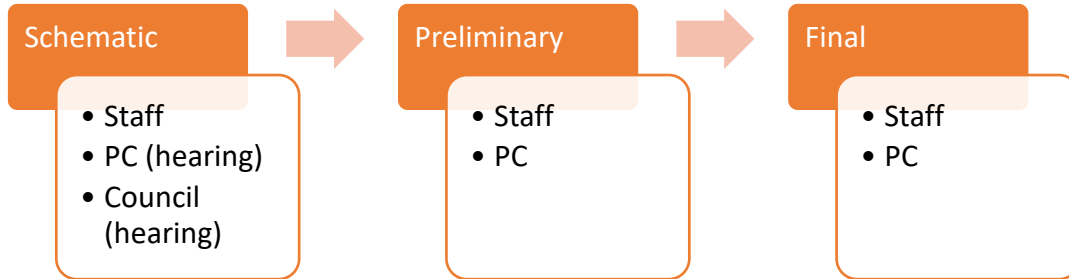
The updated ordinances clarify when a concept or schematic review is required, what items must be submitted for each level of review, and what the appeals process looks like when disputes arise around technical standards and specifications.

In order to add the required elements from the State, and taking the opportunity for improving the Subdivision ordinance, a large restructuring of the ordinance is proposed for better flow and clarity when using the city's code.

A visual comparison of the proposed changes follows:

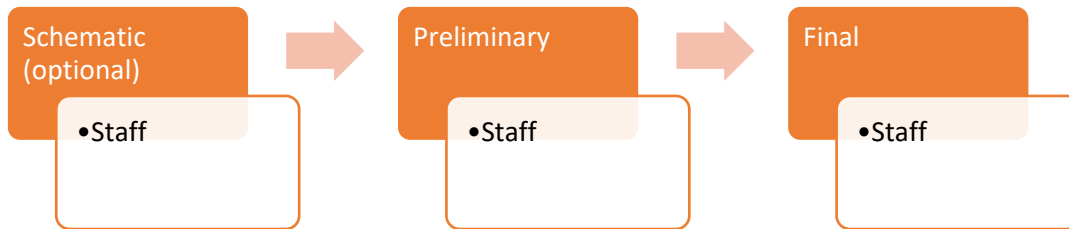
Conventional Subdivisions

Current Process



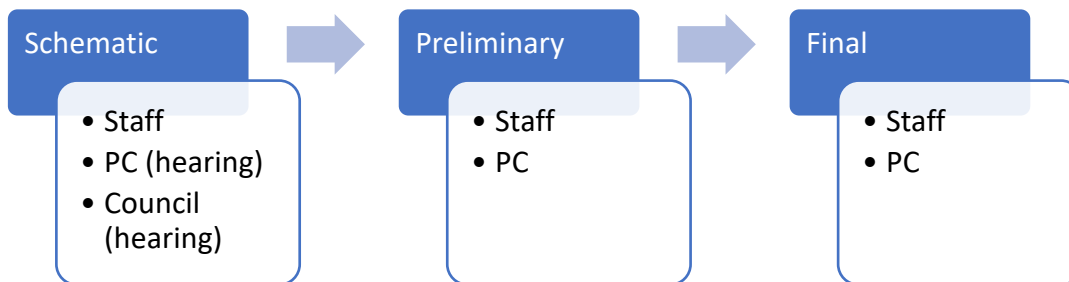
Proposed Process – Single Family/Two Family/Townhomes

The Planning Commission could function as the Land Use Authority at the Preliminary level.

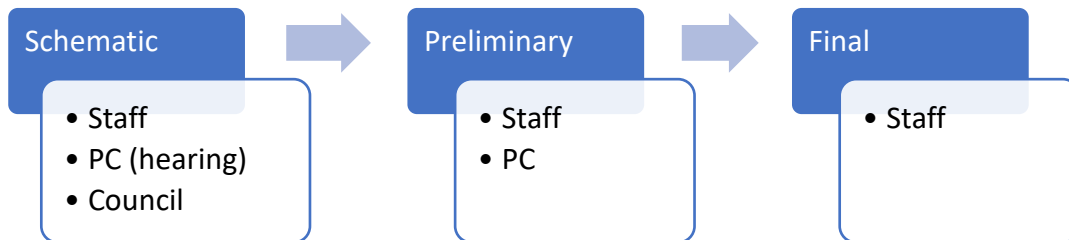


PUD / Conservation Subdivisions / Alternate Lot Size / PMP (DAs)

Current Process



Proposed Process



Overview of Title 12 restructure

Current Title 12 Outline with notes for proposed changes...

TITLE 12 SUBDIVISION REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

CHAPTER 2 CONTROL AND APPLICATION

CHAPTER 3 SCHEMATIC PLAN

- Outlines optional for 'Minor Subdivisions', required for 'Major Subdivisions'

CHAPTER 4 SUBDIVISION BY METES AND BOUNDS

- These are conventional subdivisions which simply splits a lot into 2 lots so does not require a plat.
- Planning Department and DRC would review these from start to finish as there are not variations from conventional standards.

CHAPTER 5 MINOR SUBDIVISIONS

- This would reference or match Utah Code 10-9a-604.1 and 604.2
 - o Applicable to single family, two-family, and townhome development
- Put Planning Department as Land Use Authority over conventional/standard subdivisions. (no public meetings)
- Planning Department and DRC would review subdivisions of all sizes start to finish if there are not variations from conventional standards.

CHAPTER 6 MAJOR SUBDIVISIONS

- All subdivisions which request variation from typical standards, PUD, alternate lot size process identified here.

CHAPTER 7 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

CHAPTER 8 PUBLIC IMPROVEMENTS

CHAPTER 9 LOT CONSOLIDATION AND BOUNDARY ADJUSTMENT

- Currently falls within purview of staff, these are reduction in lots or fence line adjustments which maintain compliance with conventional lots. This may be done either

NEW - CHAPTER 10 DEVELOPMENT STANDARDS

- Adopt existing (soon to be updated) standards by ordinance.

Reduces from 9 chapters to only 7.

Restructured Title 12 Outline

TITLE 12 SUBDIVISION REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

CHAPTER 2 CONTROL AND APPLICATION

CHAPTER 3 CONVENTIONAL SUBDIVISIONS

- For all subdivisions meeting standards of zone where requested – including meets and bounds subdivisions.
- This references Utah Code 10-9a-604.1 and 604.2
- Spells out Schematic Plan option
- Outlines Preliminary and Final Plat process.
- Put Planning Department as Land Use Authority over conventional/standard subdivisions. (no public review)
- Planning Department and DRC would review conventional subdivisions of all sizes start to finish.

CHAPTER 4 NON-CONVENTIONAL SUBDIVISIONS

- All subdivisions which request variation from typical standards, Conservation, PUD, alternate lot size, etc.
- Outlines process, Schematic, Preliminary Final. Who is land use authority over each.
- PC hold hearing and recommends Schematic, Council approves schematic.
- PC approves Preliminary
- Staff approves Final

CHAPTER 5 GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

CHAPTER 6 PUBLIC IMPROVEMENTS

CHAPTER 7 LOT CONSOLIDATION AND BOUNDARY ADJUSTMENT

- Currently falls within purview of staff, these are reduction in lots or fence line adjustments which maintain compliance with conventional lots.

NEW - CHAPTER 8 DEVELOPMENT STANDARDS

- Adopt existing (soon to be updated) standards by ordinance.

Review and concur,

Respectfully submitted,



Lyle Gibson
Assistant Community Development Director



Brigham Mellor
City Manager

Supplemental Information

1. Enabling Ordinance

**FARMINGTON CITY, UTAH
ORDINANCE NO. 2023-XX**

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF TITLE 11, AND REPLACING TITLE 12 WITH AN UPDATED SUBDIVISION PROCESS AND NEW REVIEW REQUIREMENTS. (ZT-12-23)

WHEREAS, the State of Utah adopted legislation in the form of SB 174 during the 2023 legislative session which required cities adopt certain processes related to the subdivision review process in order to make administrative reviews more uniform across the State and faster in an effort to foster more housing production; and

WHEREAS, the Subdivision Ordinance has been reviewed and reworked in order to comply with requirements of the State of Utah, but also to better serve the development community and reviewing staff by clarifying the process and order of review; and

WHEREAS, the creation of distinct processes for subdivisions which include legislative action and those which do not will reduce risk in decision making by focusing public input and political process where it is relevant; and

WHEREAS, the Farmington City Planning Commission has held a public hearing pursuant to notice as required by law and made recommendation of the ordinance included herein; and

WHEREAS, the Farmington City Council has deemed it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. Multiple Sections of Title 11, Planning and Zoning, of the Farmington City Ordinance are hereby amended and Title 12, Subdivisions is hereby replaced as set forth in **Exhibit “A”** attached hereto and by this reference made a part hereof

Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 16th day of November, 2023.

FARMINGTON CITY

ATTEST:

Brett Anderson, Mayor

DeAnn Carlile, City Recorder

Exhibit "A"

Title 11: Planning and Zoning

Chapter 11-3: Planning Commission

11-3-040: FUNCTIONS AND DUTIES:

It shall be the function of the Planning Commission to oversee the proper development of property within the City in accordance with pertinent City ordinances and provisions of Utah Code Annotated title 10, chapter 9a, as amended. The duties of the Planning Commission shall include, but shall not be limited to, the following:

- A. Prepare and recommend a General Plan, street plan, zoning map, zoning ordinances, and any other relevant proposals or recommendations to the City Council for the proper development of property within the City;
- B. Prepare and recommend any additions, changes or amendments to the City's General Plan, street plan, zoning map, zoning ordinances or other relevant items to the City Council for the proper development of the City;
- C. Administer the provisions of the zoning ordinances;
- D. Recommend subdivision ordinances and regulations and amendments thereto to the City Council;
- E. ~~Recommend approval or denial of~~Review non-conventional subdivision applications;
- F. Advise the City Council on matters requested by the City Council;
- G. Hear or decide any matter that the City Council designates, including the approval or denial of, or recommendations to approve or deny, conditional use permits;
- H. Prepare and recommend programs for public improvements and the financing thereof to the City Council; and
- I. Exercise any other powers that are necessary to enable the Planning Commission to perform its function or that are delegated to it by the City Council.

Chapter 11-4 Administration

11-4-020: CITY PLANNER:

There is hereby created the office of city planner. The city planner shall be appointed by the city manager, with advice from the planning commission and with the advice and upon the consent of the governing body. The city planner shall receive and review applications for development approval as required by this title and title 12 of this code. The city planner may set the agenda for planning commission meetings.

TITLE 12 SUBDIVISION REGULATIONS

CHAPTER 1 GENERAL PROVISIONS

SECTION:

[12-1-010](#): Short Title

[12-1-020](#): Purpose

[12-1-030](#): Interpretation

[12-1-040](#): Definitions

[12-1-050](#): Considerations

[12-1-060](#): General Responsibilities

[12-1-070](#): Appeals from Subdivision Improvement Plan Decisions

[12-1-080](#): Judicial Review Of City Council Decisions

12-1-010: SHORT TITLE:

This title shall be known as the *FARMINGTON CITY SUBDIVISION ORDINANCE* and may be referenced as this title.

12-1-020: PURPOSE:

A. Purpose: The purpose of this title, and any rules, regulations and specifications hereafter adopted, are to promote and protect the public health, safety and general welfare through provisions designed to:

1. Provide for the harmonious and coordinated development of the city, and to assure sites suitable for building purposes and human habitation.
2. Ensure adequate open space for traffic, recreation, light, and air.
3. Facilitate the conservation of, or production of, adequate transportation, water, sanitation, drainage and energy resources.
4. Avoid scattered and premature subdivisions which would cause insufficient public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.
5. Preserve outstanding natural, cultural or historic features.

B. Intent: This title is designed to inform the subdivider and public of the requirements and conditions necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are expressly delineated in this title or other applicable ordinances. However, since it is impossible to cover every possibility, and there are some aspects which do not lend themselves to being easily articulated, this title allows the ~~planning commission and~~ city council to impose reasonable conditions upon a subdivider proposing a non-conventional subdivision in addition to those expressly required, so long as such conditions do not conflict with any requirements set forth in this title or other applicable ordinances.

12-1-030: INTERPRETATION:

In their interpretation and application, the provisions of this title shall be considered as minimum requirements. Where the provisions of this title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of this title, the provision of such statute, other regulation, ordinance or covenant shall prevail. The provisions of this title are not intended to abrogate any easement, covenant, or any other private agreement or restriction which is not inconsistent with these regulations.

12-1-040: DEFINITIONS:

Whenever any word or phrase used in this title is not defined herein, but is defined in related sections of Utah Code Annotated or in the Farmington City zoning ordinance, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is mandatory and the term "may" is permissive. The following terms as used in this title shall have the respective meanings hereinafter set forth:

AGRICULTURAL USE: Land used for the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural, industry or business.

ALLEY: A public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.

APPLICANT: The owner of land proposed to be subdivided or such owner's duly authorized agent.

BOND: An agreement to install improvements secured by cash, a letter of credit, or escrow funds on deposit in a financial institution, or with the city, in an amount corresponding to an engineering estimate and in a form satisfactory to the city attorney.

CAPITAL PROJECT: An organized undertaking which provides, or is intended to provide, the city with a capital asset. "Capital asset" is defined according to generally accepted accounting principles.

CITY: Farmington City.

CITY COUNCIL: The city council of Farmington City.

CITY MANAGER: The city manager of Farmington City.

CONDOMINIUM: Property conforming to the definition set forth in Utah Code Annotated section 57-8-3, as amended. A condominium is also a "subdivision" subject to these regulations.

CONSOLIDATED FEE SCHEDULE: The schedule of fees adopted periodically by resolution of the city council setting forth the various fees charged by the city.

Conventional Subdivision: Any exclusively residential subdivision of property for single family, two-family, or townhome development which meets all development standards adopted by ordinances and all minimum lot size and frontage requirements identified by the applicable zoning district.

CUL-DE-SAC: A minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.

DEDICATION OF LAND: Refers to land set aside by the subdivider to be used by the public, such land being conveyed to the city or other governmental entity.

DEVELOPER: As the case may be, either: a) an applicant for subdivision approval; b) an applicant for a building permit or another permit issued; or c) the owner of any right, title or interest in real property for which subdivision approval or site plan approval is sought.

DWELLING UNIT: One or more rooms in a dwelling, designed for or occupied by one family for living or sleeping purposes and having one, but not more than one, kitchen or set of fixed cooking facilities, other than hot plates or other portable cooling units or wet bars.

EASEMENT: A nonprofitable interest in property owned by another that entitles its holder to specific use on, under or above said property.

FINAL PLAT: A map of a subdivision, required of all major subdivisions, which is prepared for final approval and recordation, which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being in conformity with the ordinances of the city and the municipal land use development and management act, set forth at Utah Code Annotated title 10, chapter 9a, as amended.

FLAG LOT: A lot that has been approved by the city with access provided to the bulk of the lot by means of a narrow corridor.

FLOOD DAMAGE PREVENTION ORDINANCE: The Farmington City flood control and storm drainage ordinance, as amended.

FLOOD, 100-YEAR: A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

FLOOD, 10-YEAR: A flood having a ten percent (10%) chance of being equaled or exceeded in any given year.

FLOODPLAIN, 100-YEAR: That area adjacent to a drainage channel which may be inundated by a 100-year flood.

FREEWAY: A street with fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four (4) travel lanes.

GENERAL PLAN: The document adopted by the city which sets forth general guidelines for proposed future development of land within the city, as provided in Utah Code Annotated title 10, chapter 9a, as amended. "General plan" includes what is also commonly referred to as a "master plan".

LOT: A parcel of land occupied or capable of being occupied by one building or a group of buildings, together with such yards, open spaces and yard areas as are required by this title and the Farmington City zoning ordinance, and having frontage on a public street equal to fifty percent (50%) of the minimum required frontage for the lot, except for flag lots.

LOT SPLIT: The division of a property which may be divided into no more than two (2) legal size lots.

MAJOR STREET PLAN: The plan which defines the future alignments of streets and their rights of way, including maps or reports or both, which has been approved by the planning

commission and city council. Also known as an "official map" as referred to in the Utah municipal land use development act.

NATURAL DRAINAGE COURSE: Any natural watercourse which is open continuously for flow of water in a definite direction or course.

Non-Conventional Subdivision: Any subdivision which is not a Conventional Subdivision, including but not limited to 1 or more of the following processes or considerations:

- a. Planned Unit Development (PUD).
- b. Conservation Subdivision,
- c. Subdivision which includes alternative lot sizes and frontages, or which deviates from development standards for public improvements,
- d. Subdivision which includes Commercial, Industrial, or Multifamily Development
- e. Any subdivision requiring a Project Master Plan (PMP) or similar approval memorialized by a development agreement. ~~subdivisions~~

OWNER: The owner in fee simple of real property as shown in the records of the Davis County recorder's office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, limited liability company, trust, private corporation, public or quasi-public corporation, or any combination thereof.

PARCEL OF LAND: A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.

PLANNED UNIT DEVELOPMENT: A development designed pursuant to the planned unit development ordinance set forth in the Farmington City zoning ordinance. Such development is a subdivision and shall comply with the applicable provisions of these regulations.

PLANNING COMMISSION: The Farmington City planning commission.

PLANNING DEPARTMENT: The planning department of Farmington City.

PRELIMINARY PLAT: The initial map of a proposed land division or subdivision required for major subdivisions.

PROTECTION STRIP: A strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

PUBLIC IMPROVEMENTS: Streets, curb, gutter, sidewalk, water and sewer lines, storm sewers, and other similar facilities which are required to be dedicated to the city in connection with subdivision, conditional use, or site plan approval.

PUBLIC WAY: Any road, street, alley, lane, court, place, parkway, walk, public easement, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right of way.

PUBLIC WORKS DEPARTMENT: The public works department of Farmington City.

RESERVATION OF LAND: Refers to land set aside for common use within a subdivision, such land to be developed and maintained by the subdivider or by the residents of the subdivision.

RIGHT OF WAY: A strip of land used or intended to be used for a street, sidewalk, sanitary or storm sewer, drainage, utility, railroad, or other similar use.

SCHEMATIC PLAN: A sketch prior to the preliminary plat for major subdivisions or prior to final plat in the case of minor subdivisions to enable the subdivider to save time and expense in reaching general agreement with the planning and zoning division as to the form of the plat and the objectives of these regulations.

SIDEWALK: A passageway for pedestrians, excluding motor vehicles.

STREET, DEAD END: A street with only one outlet which is intended to be extended at a future time to connect with other streets and to provide future access for abutting properties.

STREET, LOCAL: A street for which the principal function is access to abutting land. Traffic movement is a secondary function.

STREET, MAJOR COLLECTOR: A street which carries traffic from minor streets and minor collector streets to the arterial street system. The primary function of such streets is the movement of traffic. Providing access to abutting properties is a secondary function.

STREET, MINOR ARTERIAL: A street for which the principal function is movement of large volumes of traffic from collector streets to freeways. Providing access to abutting land is a secondary function.

STREET, MINOR COLLECTOR: A street which carries traffic from minor streets to the collector and major street system. Such streets include the principal entrance streets of residential developments and the primary circulating streets within such developments.

STREET, PRIVATE: A privately owned and maintained way used, or intended to be used, for passage or travel by motor vehicles and to provide access to abutting properties.

STREET, PUBLIC: A public way, having a width of at least fifty feet (50'), used or intended to be used for passage or travel by motor vehicles and to provide access to abutting properties, which has been accepted and is maintained by the city.

SUBDIVIDER: The owner of the real property proposed to be subdivided, including any successors or assigns.

SUBDIVISION: Any land that is divided, redivided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision. Subdivision includes the division or development of land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument, and divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural and industrial purposes.

~~**SUBDIVISION, MAJOR:** All subdivisions of ten (10) or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities.~~

~~**SUBDIVISION, MINOR:** Any subdivision of land that results in nine (9) or fewer lots; provided, that each lot thereby created has frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets.~~

SURVEY MONUMENT: A mark affixed to a permanent object along a line of survey to furnish a survey control.

UTILITIES: Includes culinary water lines, pressure and gravity irrigation lines, sanitary and storm sewer lines, subsurface drainage systems, electric power, natural gas and telephone transmission lines, cable television lines, and underground conduits and junction boxes.

WATER AND SEWER IMPROVEMENT DISTRICTS: The Farmington City area pressure irrigation district and the Central Davis sewer district, and any other water or sewer improvement district existing or hereinafter organized, whichever has jurisdiction over the land proposed to be subdivided.

ZONING ORDINANCE: The Farmington City zoning ordinance, as amended.

12-1-050: CONSIDERATIONS:

A. General Plan: The general plan shall guide the use of all land within the corporate boundaries of the city. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the land uses shown and the standards established in the general plan, the zoning ordinance and other applicable ordinances.

B. Natural Landscape: Trees, native land cover, natural watercourses and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with the foothill development ordinance. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names. (Ord. 1996-24, 6-19-1996)

C. Community Facilities: Community facilities, such as parks, recreation areas, trails and transportation facilities shall be provided in the subdivision in accordance with general plan standards, this title, and other applicable ordinances and resolutions. This title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy, the subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements and other public purposes as specified. (Ord. 2006-28, 4-19-2006)

12-1-060: GENERAL RESPONSIBILITIES:

A. Subdivider: The subdivider shall prepare a plat consistent with the standards contained herein and shall pay for the design and inspection of the public improvements required. The city shall process said plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until the necessary approvals as outlined herein have been obtained.

B. Planning Department: The planning department shall review the plats for design; for conformity to the master plan and to the zoning ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this title. The City Planner or designee shall be the land use authority as it pertains to preliminary and final plat for conventional subdivisions creating lots for single-family, two-family dwellings, and townhomes. The City Planner or designee shall also serve as the land use authority for all final subdivision plats and subdivisions by metes and bounds.

C. Other Agencies: Plats of proposed subdivisions may be referred by the planning department to such city departments and special districts, governmental boards, bureaus, utility companies and other agencies which will provide public and private facilities and services to the

subdivision for their information and comment. The planning department shall decide which agencies to refer proposed subdivision plats to. ~~Subdividers shall be responsible for distributing plans to and coordinating the comments received from all public and private entities.~~

D. Public Works And Engineer: The public works department and city engineer shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this title and other applicable ordinances and shall be responsible for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with transportation planning in the planning department.

E. Planning Commission: The planning commission shall act as an advisory agency to the city council as set forth herein. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the master plan and zoning ordinance, and other pertinent documents. The planning commission shall recommend approval, approval with conditions, or disapproval of schematic plans when applicable, and minor plats to the city council. The planning commission shall act as the land use authority and has final jurisdiction in the approval of ~~subdivisions by metes and bounds,~~ preliminary plats ~~plats and final subdivision plats~~ for non-conventional subdivisions.

F. City Attorney: The city attorney shall verify, prior to recordation of a plat, that the form of the final plat is correct and acceptable, that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report submitted by the subdivider.

~~—G.—City Manager: The city manager acts as liaison between the planning commission, planning department staff, and the city council. Prior to preliminary approval for a subdivision, the city manager may review the proposed plat and receive written comments from the city council on the plat. The comments may then be forwarded to the planning commission for evaluation. Upon final approval by the planning commission, the plat will be sent to the city manager who will present it to the city council.~~

H.G. City Council: The city council has final jurisdiction as the land use authority in the approval of schematic plans when applicable, and minor subdivision plats, and the establishment of requirements and design standards for public improvements by ordinance or development agreement, and the acceptance of lands and public improvements that may be proposed for dedication, and shall consider appeals regarding the administration of this title as provided herein.

12-1-070: APPEALS FROM SUBDIVISION IMPROVEMENT PLAN DECISIONS:

- A. Appeals from review comments made related to subdivision improvement plans during the review cycle described in Section 12-6-130 of this Title may be made by filing a written notice of appeal to the City Recorder within fifteen (15) days of denial of the final plat by the City Engineer.
- B. Upon receiving the appeal, the City Engineer and the appellant shall, unless otherwise agreed by the City and appellant, designate a licensed engineer to serve on a three-member panel described in Utah Code Ann .§ 10-9a-508(5)(d). Neither engineer designated may have an interest in the application subject to appeal. Any engineer employed by or working at a firm retained by the city or appellant to review, modify or draft plans is considered to have an interest in the application and are not eligible to serve.

- C. The two designated engineers shall confer and designate one additional licensed engineer.
- D. The land use applicant is responsible for payment of fifty percent (50%) of the cost of the panel and an appeal fee designated on the City's consolidated fee schedule.
- E. The panel shall hear arguments and exhibits provided by the parties and render a written decision supported by applicable codes and the City's adopted construction standards and specifications. The panel may not overrule the City's adopted construction standards and specifications unless a state law expressly overrides a provision of those standards.

The panel's decision may be reviewed by a district court by either party, by filing a petition for review within thirty days after the date on which the decision is final.

12-1-080: JUDICIAL REVIEW ~~OF CITY COUNCIL DECISIONS~~:

Any person with standing aggrieved by any decision of the ~~city council~~ appeal authority or the City Council under this title may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the rendering of the decision by the ~~city council~~ appeal authority or council. No person may challenge in district court any land use decision made by the city under this title until that person has exhausted his or her administrative remedies as provided herein.

CHAPTER 2 CONTROL AND APPLICATION

SECTION:

[12-2-010](#): Subdivision Control

[12-2-020](#): Required Plat Approval

[12-2-030](#): Transfer Of Land

[12-2-040](#): Transfer Of Land; Voidable

[12-2-045](#): Building Permits

[12-2-047](#): Certificates Of Occupancy

[12-2-050](#): Penalties

12-2-010: SUBDIVISION CONTROL:

It shall be unlawful for any owner, or agent of the owner, of any land within the corporate limits and jurisdiction of the city to subdivide such land unless and until:

A. Plat: A plat, or metes and bounds description(s) based upon a survey as specified in chapter 4 of this title, of such subdivision is made in accordance with the requirements set forth herein;

B. Approval: Approval of such plat or metes and bounds description(s) based upon a survey is secured as provided herein; and

C. Recording: The approved plat, or metes and bounds description(s) based on a survey as approved herein, is recorded in the office of the Davis County recorder by the city recorder or, in the case of a metes and bounds description, by the subdivider.

12-2-020: REQUIRED PLAT APPROVAL:

No plat of any subdivision shall be recorded in the county recorder's office until it has been submitted and approved as provided herein by the planning commission, or the city council in the case of minor plats, and such approvals are entered in writing on the plat by the mayor and chair of the planning commission. A plat shall not be approved if such plat is in conflict with any provision or portion of the general plan, major street plan, zoning ordinance, this title or any other state law or city ordinance.

12-2-030: TRANSFER OF LAND:

Land shall not be transferred, sold or offered for sale, nor shall a building permit be issued for a structure thereon, until the final subdivision plat is recorded in the Davis County recorder's office in accordance with this title and any applicable provisions of state law, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein.

12-2-040: TRANSFER OF LAND; VOIDABLE:

No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in bankruptcy, within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of

conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee.

12-2-045: BUILDING PERMITS:

A. Requirements: No building permit shall be issued for any structure within a subdivision until the final subdivision plat is recorded in the Davis County recorder's office, a bond is provided acceptable to the city ensuring the adequate installation of required public improvements and utilities, and the required improvements and utilities have been installed and are operable as provided herein. No building permit shall be issued for any structure within a subdivision until all sanitary sewer, storm sewer, culinary water lines, pressure irrigation (if applicable), fire hydrants, curb and gutter, streets, other underground utilities located under the street surface, and required grading and drainage improvements, are installed and fully functional, as determined by the city, providing continuous access and/or service to the lot. Notwithstanding the foregoing, for condominium projects only, permits for footings and foundations which are accompanied by a certificate of survey by a licensed surveyor verifying its location, may be issued by the city council, subject to compliance with applicable requirements, including adequate access for emergency vehicles, prior to the installation of utilities and street improvements. For purposes of this section, street improvements shall require asphalt or concrete hard surfacing of the streets, except as otherwise provided in subsection B of this section.

B. Issuance Prior To Street Surfacing: A building permit may be issued by the city for the construction of a structure within a subdivision prior to application of hard surfacing of the streets within the subdivision under the following conditions:

1. The street improvements are being constructed during the months when cold weather prohibits the laying of a hard surface on the street.

2. The streets shall be completed with all utilities, rough grading, and all weather road base sufficient for emergency vehicle access and construction traffic. Sufficiency of the road base, including road base gradation and thickness, shall be determined by the city engineer upon review and consideration of applicable soils reports, drainage factors and existing topographic conditions of the property.

3. The developer enters into an agreement with the city that the developer will take responsibility to ensure that the road is accessible for emergency vehicles and construction traffic at all times, including snow removal and other required maintenance.

4. The developer enters into an agreement with the city that developer will hard surface the road as soon as weather permits and as authorized by the city. If developer fails to do so, the city can declare the developer in default of the applicable improvements bond agreement and may withdraw any or all of the funds from the bond and cause the improvements to the street to be constructed, completed and/or repaired in accordance with the terms and procedures set forth in the bond agreement for the withdrawal of funds.

5. The building contractor, property owner and building permit applicant enters into an assumption of risk agreement acknowledging the lack of hard surface streets within the subdivision and developer's obligation regarding maintenance and access of the same and assuming the risk of proceeding with construction under such circumstances pursuant to the terms and conditions set forth herein.

6. No certificate of occupancy shall be granted by the city for any structure within the subdivision until all streets are hard surfaced.

12-2-047: CERTIFICATES OF OCCUPANCY:

No building within a subdivision shall be occupied until a certificate of occupancy has been issued for such structure by the city. No certificate of occupancy shall be issued for any structure within a subdivision by the city until all required improvements for the subdivision are complete, including the hard surfacing of the streets, all required street signs are installed for the subdivision and house numbers are placed on the structure, all required utilities are installed providing service to the structure, and all other applicable ordinance provisions have been satisfied.

12-2-050: PENALTIES:

It shall be a class C misdemeanor for any person to fail to comply with the provisions of this title. In addition to any criminal prosecution, the city may pursue any other legal remedies provided by law to ensure compliance with this title, including, but not limited to, instituting an injunction, mandamus, abatement or other appropriate actions, or proceedings to prevent, enjoin, abate or remove the unlawful use or act.

CHAPTER 3
CONVENTIONAL SUBDIVISIONS
SCHEMATIC PLANS

SECTION:

12-3-010: Purpose

12-3-020: Applicability

12-3-030: Process

12-3-040: Administrative Land Use Authority

12-3-010**12-3-050: Schematic Plan**

12-3-020: Vested Rights

12-3-040: Submission

12-3-050: Notification

12-3-060: Review By The Planning Commission

12-3-070: Approval By The City Council

12-3-080: Expiration Of Schematic Plan Approval

12-3-060: Preliminary Plat

12-3-065: Review of Preliminary Plat

12-3-070: Final Plat

12-3-080: Subdivisions by Metes and Bounds

12-3-010: PURPOSE

A conventional subdivision as defined in [section 12-1-040 of this Code](#) is a subdivision which is designed to meet all the standard criteria of the zoning district where it is proposed. As such, the review of a conventional subdivision is administrative in nature and an exercise in verifying whether or not the existing codified standards have been met ~~or not~~. These types of subdivision are not subject to opinion or preference and are therefore under the purview of the City Planner to provide simplicity and efficiency to the review process ~~while avoiding undue requirements that may arise as preference issues through a public process.~~

12-3-020: APPLICABILITY

The conventional subdivision process shall be applied to those subdivision types defined by [FMC-section 12-1-040 of this Code](#) as a conventional subdivision including the subdivision of property for single family, two family, and townhome development by plat or metes and bounds as further described in this title.

12-3-030: PROCESS:

The process for review and approval of a conventional subdivision shall follow section 10-9a-604.1 and 604.2 of the Utah State Code, as amended. The specific requirements for applications for preliminary and final plat applications are as established in sections 12-7-110065 and 12-75-120130 of this Title.

12-3-040: ADMINISTRATIVE LAND USE AUTHORITY:

The City Planner:

- A. The City Planner is hereby designated as the land use authority for both preliminary and final plat approvals for conventional subdivisions, including subdivisions by metes and bounds; and
- B. The City Planner shall oversee review of all schematic plans when submitted; and is hereby given authority to give final approval of all preliminary subdivision plats, final plats and approval of metes and bounds subdivisions which are defined as conventional subdivisions.

12-3-010050: SCHEMATIC PLAN:

(A) OPTIONAL SUBMITTAL FOR CONVENTIONAL SUBDIVISIONS: A schematic plan ~~shall be required~~ is not required, but is encouraged of all subdividers when pursuing a conventional subdivision. This provides the subdivider with an opportunity to consult with and receive assistance from the city regarding the regulations and design requirements applicable to the subdivision of property and facilitates resolution of problems and revisions before the preparation of a preliminary plat or more detailed documentations and plans. The schematic plan should be based on an accurate survey showing boundaries, topography, important physical features, adjacent properties and the sketch of the proposed subdivision. The applicant or applicant's duly authorized agent shall submit an application to the city planning department for schematic plan approval and at the same time, the applicant shall pay an application fee as provided in the city's consolidated fee schedule.

(B) ~~**STAFF CANNOT BIND SCHEMATIC PLAN DOES NOT BIND CITY:**~~ The schematic plan requirement process is designed to provide the subdivider with helpful information and suggestions before the expense and time involved in preparing more detailed documentation a preliminary plat is incurred. However, for conventional subdivisions only the city council may bind the city and only the city manager and planning commission can make official recommendations to the city council. City employees and all other officers of the city act in advisory capacity ~~to the city council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations.~~ Employees and officers of the city may make recommendations, suggestions, and dispense information regarding city ordinances and the master plan, but such comments shall in no way whatsoever be binding on the city at the schematic level of review. ~~**12-3-030: VESTED RIGHTS:**~~ Submission of a schematic plan shall in no way confer any vested rights upon the subdivider. Vested rights may attach only upon the filing of a complete application for preliminary plat review of a conventional subdivision subdivision plan under chapter 4, 5, 6 or 7 of this title, and the subdivision being able to meet the requirements of this title and other applicable ordinances at the time of the application. However, if there is a compelling, countervailing public interest or the city has initiated proceedings to amend this title or other applicable ordinances at the time of the application, then there shall be no vested rights.

(C) 12-3-040: SUBMISSION:

~~Ai.~~ Requirements: The subdivider choosing to undergo Schematic plan review shall submit ~~two (2) copies~~ documentation as required by the applicable application form of the proposed schematic plan to the city planning department. The planning department will determine ~~if the appropriate plan is submitted~~, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, ~~and the subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities. An application has not been accepted by the city until the city issues a letter of acknowledgement.~~

~~Bii.~~ Items Included: The proposed schematic plan shall include the following items:

1. The proposed name of the subdivision.
2. A subdivision yield plan pursuant to title 11, chapter 12 of this code if a conservation subdivision or a planned unit development is proposed by the applicant.
3. A vicinity plan showing significant natural and manmade features on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than five feet (5'); and north arrow.
4. A proposed lot and street layout.
5. A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares.
6. A description of the size and location of sanitary sewer and stormwater drain lines and subsurface drainage.
7. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.
8. The total acreage of the entire tract proposed for subdivision.
9. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

(D) 12-3-050: NOTIFICATION:

A. Distribution Of Plan: The ~~subdivider, upon receipt of the letter of acknowledgment, planning department, after confirming receipt of a complete application,~~ shall distribute copies of the plan to such government departments and other agencies or advisors as in the opinion of the department ~~and the planning commission~~ may contribute to a decision in the best interest of the public.

~~—B.— Notice Of Planning Commission Review: The planning department shall mail to all owners of property located within three hundred feet (300') of the boundary of the proposed subdivision a written notice of the time, date and place where the planning commission will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.~~

~~—C.— Notice Of City Council Review: The planning department shall mail to all owners of property located within three hundred feet (300') of the boundary of the proposed subdivision a written notice of the time, date and place where the city council will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.~~

~~12-3-060: REVIEW BY THE PLANNING COMMISSION:~~

~~—A.— Scope Of Review: At the time and place specified in the written notice described in section 12-3-050 of this chapter, the planning commission shall review the submitted schematic plan and check compliance with the city master plan, zoning ordinance, this title, and other appropriate regulations. The planning commission may recommend approval or denial to the city council, and shall make findings regarding the submitted schematic plan, specifying any inadequacy in the information submitted, noncompliance with city regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the planning commission to evaluate the proposed subdivision and in making a recommendation to the city council.~~

~~—B.— Additional Information: The planning commission may require additional information, data or studies to be provided to the planning commission by the subdivider for the overall development before any recommendation is given by the planning commission to the city council and the planning commission may include requirements for the overall development as part of its findings on the concept plan. (Ord. 2000-13, 4-19-2000)~~

~~12-3-070: APPROVAL BY THE CITY COUNCIL:~~

~~—A.— Scope Of Approval: After receiving a recommendation from the planning commission, together with any information related thereto and at the time and place specified in the written notice described in section 12-3-050 of this chapter, the city council may grant or deny schematic plan approval for the proposed subdivision and may adopt, amend or reject any of the findings made by the planning commission regarding the submitted concept plan.~~

~~—B.— Denial: If the city council denies schematic plan approval, no further review of the proposed subdivision shall be made by the city council, and a new schematic plan submittal shall be required to reinitiate the subdivision process.~~

~~—C.— Limitation Of Approval: Granting of schematic plan approval by the city council shall not constitute an absolute approval or disapproval of the proposed subdivision, but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the city. (Ord. 2000-13, 4-19-2000)~~

~~12-3-080: EXPIRATION OF SCHEMATIC PLAN APPROVAL:~~

~~Once schematic plan approval has been granted, the subdivider may apply for preliminary plat approval consistent with the schematic plan. If preliminary plat approval for any portion of an approved schematic plan has not been obtained within twelve (12) months of the date on which schematic plan approval was granted, a resubmittal and reapproval of the schematic plan may be required by the city. (Ord. 2000-13, 4-19-2000)~~

CHAPTER 5 MINOR SUBDIVISIONS

SECTION:

12-5-010: Purpose

12-5-020: Requirements For Minor Subdivisions

12-5-030: Applicability

12-5-040: Schematic Plan Required

12-5-050: Minor Subdivision Application

12-5-060: Planning Department Review

12-5-070: Planning Commission Action

12-5-080: Expiration Of Final Approval

12-5-090: Bond Agreement

12-5-100: Plat Requirements

12-5-110: Recording Of Plat

12-5-010: PURPOSE:

The intent of this chapter is to provide an efficient review process for minor subdivisions. Minor subdivisions include those developments of less than ten (10) lots which also meet the requirements set forth herein. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined. (Ord. 1999-06, 2-3-1999)

12-5-020: REQUIREMENTS FOR MINOR SUBDIVISIONS:

A subdivider of property located within Farmington City may submit an application for a minor subdivision; provided, that the property to be subdivided meets the following conditions:

- ~~—A. Less than ten (10) lots shall be created in the subdivision;~~
- ~~—B. The subdivision shall not require the dedication of any land for public streets or other public purposes;~~
- ~~—C. The area to be subdivided shall be immediately adjacent to existing public streets and utilities and shall not require the extension of any such streets or utilities. The subdivider shall be required to complete any public improvements on an existing street which are not in place at the time the application to develop a minor subdivision is made. Such improvements shall include any necessary storm drainage facilities, high back curb, gutter, sidewalk and/or asphalt paving;~~
- ~~—D. The subdivision is not traversed by the mapped lines of a proposed street as shown in the general plan;~~
- ~~—E. The proposed minor subdivision shall conform to the general character of the surrounding area. New lot lines shall conform to the general pattern of existing lot lines;~~
- ~~—F. Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the zoning ordinance; and~~

~~—G. Utility easements shall be dedicated. (Ord. 1999-06, 2-3-1999)~~

~~12-5-030: APPLICABILITY:~~

~~The procedures set forth in this chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions to the contrary. (Ord. 1999-06, 2-3-1999)~~

~~12-5-040: SCHEMATIC PLAN REQUIRED:~~

~~Prior to filing a minor subdivision application, all subdividers of proposed minor subdivisions within Farmington City shall be required to complete a schematic plan as set forth in this title. (Ord. 1999-06, 2-3-1999)~~

~~12-5-050: MINOR SUBDIVISION APPLICATION:~~

~~All subdividers of proposed minor subdivisions within Farmington City shall submit a minor subdivision application to the city planner on a form approved by the city. The application shall include one reproducible copy and two (2) prints of a plat meeting the requirements of section 12-5-100 of this chapter. If public improvements, as specified within this chapter, are required, the application shall be accompanied by improvement drawings for such improvements. The city planner may also, upon advice from the city engineer, require that a soil report meeting the requirements set forth in section 12-6-040 of this title be provided. At the time the application is submitted, the subdivider shall pay the appropriate application fee as set forth in the city's consolidated fee schedule. The planning department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, and the subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities. (Ord. 2006-28, 4-19-2006)~~

~~12-5-060: PLANNING DEPARTMENT REVIEW:~~

~~Within a reasonable time after receipt of a minor subdivision application and comments and/or approval from all appropriate reviewing entities, the planning department shall include the application on the planning commission agenda and prepare a report on the application's compliance with the general plan, city ordinances, rules and regulations. The subdivider's application and the report of the city planning department shall then be presented to the planning commission. (Ord. 2006-28, 4-19-2006)~~

~~12-5-070: PLANNING COMMISSION ACTION:~~

~~—A. Scope Of Action: Within a reasonable time following the receipt of an application for minor subdivision approval from the planning department, the planning commission shall act thereon. The planning commission shall assure that the plat is in conformity with the requirements of this chapter and title, other applicable ordinances or regulations, and any conditions of approval deemed necessary by the planning commission. If the planning commission finds that the proposed plat complies with the requirements of this title and that it is satisfied with the plat of the subdivision, it shall approve or approve with conditions the minor plat subdivision.~~

~~—B. Disapproval: If the planning commission determines that the proposed plat is not in conformity with the ordinances of the city or any reasonable conditions imposed, it shall not approve the plat, specifying the reasons for such disapproval. If a proposed plat is disapproved by the planning commission, no further plat shall be submitted and a new minor subdivision application shall be required to initiate minor subdivision approval, including the payment of the required fee. (Ord. 2016-07, 2-16-2016)~~

~~12-5-080: EXPIRATION OF FINAL APPROVAL:~~

~~If the plat is not recorded within six (6) months from the date of planning commission approval, such approval shall be null and void. This time period may be extended for additional six (6) month periods by the city manager. The subdivider must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the city. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, park fees, flood control fees, as well as the amounts the city uses to estimate bonds to insure completion of improvements have increased, the city manager may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting the extension. (Ord. 2016-07, 2-16-2016)~~

~~12-5-090: BOND AGREEMENT:~~

~~In the event public improvements are required within the subdivision, the subdivider shall comply with the bond requirements of section 12-6-160 of this title. (Ord. 1999-06, 2-3-1999)~~

~~12-5-100: PLAT REQUIREMENTS:~~

~~—A.—Contents: Each plat submitted under this chapter shall, at a minimum, contain the following:~~

- ~~—1.— The boundaries, courses and dimensions of the parcels of ground to be subdivided;~~
- ~~—2.— The number, temporary address and length and width of the blocks and lots intended for sale;~~
- ~~—3.— Existing right of way and easement grants of record for underground facilities, as defined in Utah Code Annotated section 54-8a-2, and for other utility facilities;~~
- ~~—4.— An acknowledgment from the owner(s) of the property to be subdivided acknowledging the preparation of the plat and the owner's consent to subdivide the parcel as shown on the plat;~~
- ~~—5.— A certification from the surveyor preparing the plat; and~~
- ~~—6.— Signatures from owners or operators of all underground facilities and utility providers approving of the plat and the dedication of the required easements thereon.~~

~~—B.—Additional Requirements: In addition to the plat requirements of subsection A of this section, the planning commission and city council may require that the plat comply with any of the requirements set forth in section 12-6-110 of this title. (Ord. 1999-06, 2-3-1999)~~

12-3-060: PRELIMINARY PLAT

An applicant shall submit plans and documents as outlined in Section 12-5-110 of this Title.

12-3-065: REVIEW OF PRELIMINARY PLAT

The planning department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, and the planning department shall distribute plans for comment to all appropriate public and private entities. An application has not been accepted by the city until the city issues a letter of acknowledgement. After 15 business days from the date of [a complete application](#) the letter of acknowledgement, each of the public agencies and utilities will provide their review comments to the subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the subdivider a

written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, water and sewer improvement districts, the public works department, the city engineer and the fire department. The planning department will also provide the city manager with one full set of plans for comment and review. The subdivider shall be required to address each comment made by a reviewing entity, either modifying the plans or indicating their objection to the review comment, citing code authority for their objection. Failure to address each comment shall be grounds for rejection of the re-submission, and a subsequent review cycle may not begin until those comments are addressed. The process of accepting an application and completing a review may occur as many as 4 times, after which the applicant shall be entitled to remedies as specified in Utah Code 10-9a-604.2 incorporated herein.

12-3-070: FINAL PLAT SUBMITTAL REQUIREMENTS

An applicant shall submit plans and documents as outlined in Section 12-5-110 of this Title.

CHAPTER 4 **SUBDIVISION BY METES AND BOUNDS**

SECTION:

12-4-010: Purpose

12-4-020: Metes And Bounds Subdivisions; When Permitted

12-4-030: Application

12-4-040: City Planner Review

12-4-050: Planning Commission Review

12-4-060: Requirements

12-4-070: Statement Of Approval

12-3-010080:

(A) PURPOSE:

The intent of this chapter-section is to allow the division of lots located in agricultural and residential zones into two (2) lots through the recording of approved deeds in restricted situations rather than requiring the recording of a subdivision plat.

12-4-020: (B) METES AND BOUNDS SUBDIVISIONS; WHEN PERMITTED:

An owner or developer of property consisting of a single parcel of land or lot located within any zone may subdivide the parcel of land or lot into not more than two (2) lots for residential dwellings or accessory buildings related to the primary use by recording deeds containing metes and bounds descriptions of the lots without the necessity of recording a plat; provided, that:

A. The area to be divided is immediately adjacent to existing streets and utilities and does not involve the extension of any such streets or utilities;

B. The area to be divided is not traversed by the mapped lines of a proposed street as shown in the comprehensive general plan and does not require the dedication of any land for street or other public purposes;

C. The proposed lots conform to the city's zoning regulations and comprehensive general plan for the area;

D. No remnant parcels are created which, due to size, configuration or location, cannot be developed under the provisions of the Farmington City zoning ordinance;

E. No land immediately adjacent to the parcel of land or lot has been divided by the recording of metes and bounds deeds within five (5) years of the date of the application; and

F. The division of the property is approved by the city as set forth in this chapter.

12-4-030: (C) APPLICATION:

An owner or subdivider wishing to divide a single parcel of land or lot within an agricultural or residential zone within the city into not more than two (2) lots shall submit an application to the city planner on a form approved by the city. The application shall ~~include one reproducible copy and two (2) prints of a preliminary layout of detail~~ the proposed boundaries of the property to be divided with a legal description prepared by a licensed surveyor. The application shall also be accompanied by any necessary plans for the installation of required public improvements and accompanying bond agreements. At the time the application is submitted, the applicant shall also pay the required application fee, as set forth in the city's consolidated fee schedule.

12-4-040: (D) CITY PLANNER REVIEW:

Upon receipt of the application, the city planner shall schedule a date for the application to be reviewed by the planning commission, which date shall not be more than sixty (60) days from the receipt of the application. ~~The city planner shall also review the application with applicable city departments to assure compliance with city ordinances and shall determine if the application should be submitted to the providers of any utility service for comment.~~

12-4-050: PLANNING COMMISSION REVIEW:

Upon review of all information submitted by the applicant and all comments or recommendations from city departments and utility providers, the city planner shall prepare a report on the application recommending either approval, approval with conditions or disapproval of the application, and shall submit such report to the planning commission for its consideration prior to the scheduled hearing. With the exception of applications for flag lots, which shall be reviewed and considered for approval by the city council after receiving a recommendation from the planning commission, the planning commission shall either approve the application, approve the application with conditions or deny the application. Such decision shall be made by the planning commission within a reasonable time after the hearing. (Ord. 1999-04, 1-6-1999)

12-4-060: (E) REQUIREMENTS:

A. Improvements: As a condition of approval of a metes and bounds subdivision, the applicant may be required to install or provide the following improvements, unless specifically waived in writing by the planning commission/city engineer:

1. Boundary monuments, established in accordance with standards set forth by the Davis County surveyor and Utah Code Annotated title 17, chapter 23;

2. Curb and gutter;

3. Sidewalk;

4. Asphalt or concrete paving of rights of way;

5. Appropriate storm drainage facilities; and

6. Public utility easements.

B. Installation: All required public improvements shall be installed in accordance with the provisions of chapter 8 of this title and the city construction standards and specifications.

C. Security: The installation of any required public improvements shall be secured as provided in ~~section 12-6-160~~Chapter 6 of this title.

12-4-070: (F)STATEMENT OF APPROVAL:

Upon approval of an application under this chapter and the performance of all required conditions by the applicant, the applicant shall submit to the city such proposed deeds as the applicant intends to record to accomplish the division of the property provided for under this chapter, along with one reproducible copy and two (2) prints of the record of survey map filed in accordance with Utah Code Annotated title 17, chapter 23. The city shall review such deeds to assure that they conform to the representations made in the application. Upon approval, the ~~chair of the planning commission~~city planner shall sign a statement to be attached to the deeds reflecting the city's approval of the division of the property into two (2) lots. ~~The chair of the planning commission shall not sign the statement until at least fifteen (15) days have passed from the date of approval from the planning commission. (Ord. 1999-04, 1-6-1999)~~

CHAPTER 46

MAJOR SUBDIVISIONSNON-CONVENTIONAL SUBDIVISIONS

SECTION:

12-46-010: Schematic Review

12-4-015: Preliminary Plat; Purpose

12-46-020: Application And Fees

12-46-030: Preliminary Plat; Preparation And Required Information

12-46-040: Soil Report

12-46-050: Evaluation Of Preliminary Plat

12-46-060: Planning Commission Action; Preliminary Plat

12-46-070: Notification Of Action

12-46-080: Effect Of Approval Of The Preliminary Plat

12-46-090: Final Plat; Purpose

12-46-100: Filing Deadline, Application And Fees

12-46-110: Final Plat; Preparation And Required Information

12-46-120: Data To Accompany Final Plat

12-46-130: Evaluation Of Final Plat

12-46-140: Planning Commission Action; Final Plat

12-46-150: Disapproval By The Planning Commission

12-46-160: Security Bond; Subdivider

12-46-170: Delay Agreement

12-46-180: Recording Of Plat

12-46-190: Expiration Of Final Approval

SCHEMATIC REVIEW

12-43-010: SCHEMATIC PLAN:

- A. A schematic plan shall be required of all subdividers pursuing a Non-Conventional Subdivision including bt not limited to 1 or more of the following:
- a. Planned Unit Development (PUD),
 - b. Conservation Subdivision,
 - c. Subdivision which includes or alternative lot sizes and frontages, or which deviates from development standards for public improvements,
 - d. Subdivision which includes Commercial, Industrial, or Multifamily Development
 - e. Any subdivision requiring a Project Master Plan (PMP) or similar approval memorialized by a development agreement. For subdivisions

B. This Schematic plan review provides the subdivider with an opportunity to consult with and receive assistance from the city regarding the regulations and design requirements applicable to the subdivision of property and facilitates resolution of problems and revisions before the preparation of a preliminary plat. The schematic plan should be based on an accurate survey showing boundaries, topography, important physical features, adjacent properties and the sketch of the proposed subdivision.

A.C. The applicant or applicant's duly authorized agent shall submit an application to the city planning department for ~~schematic~~ Schematic plan approval and at the same time, the applicant shall pay an application fee as provided in the city's consolidated fee schedule.

12-43-020: STAFF CANNOT BIND CITY:

~~The schematics~~ Schematic plan requirement review is designed to provide the subdivider with helpful information and suggestions before the expense and time involved in preparing a preliminary plat is incurred. or to provide exhibits for development agreements associated with certain applications. However, only the land use authority for the specific land use application only the city council may bind the city. For zoning applications and development agreements, and only the city manager and planning commission can make official recommendations to the city council. City employees and all other officers of the city act in advisory capacity to the city council and have no authority to make binding decisions or to make authoritative representations, approvals or determinations. Employees and officers of the city may make recommendations, suggestions, and dispense information regarding city ordinances and the master plan, but such comments shall in no way whatsoever be binding on the city.

12-43-030: VESTED RIGHTS:

Submission of a schematic plan shall in no way confer any vested rights upon the subdivider. Vested rights may attach only ~~upon the filing of a subdivision plan under chapter 4, 5, 6 or 7 of this title~~ as memorialized by approval of the City Council, such which approval may come in the form of a development agreement which has been approved by the City Council, and the subdivision being able to meet the requirements of this title and other applicable ordinances at the time of the application. However, if there is a compelling, countervailing public interest or the city has initiated proceedings to amend this title or other applicable ordinances at the time of the application, then there shall be no vested rights.

12-43-040: SUBMISSION:

A. Requirements: The subdivider ~~undergoing s~~ Schematic plan review shall submit documentation as required by the applicable application form ~~two (2) copies~~ of the proposed schematic plan to the city planning department. The planning department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, ~~and the subdivider shall distribute plans, accompanied by the letter, for comment to all appropriate public and private entities. An application has not been accepted by the city until the city issues a letter of acknowledgment.~~

B. Items Included: The proposed schematic plan shall include the following items: (Ord. 2006-28, 4-19-2006)

1. The proposed name of the subdivision.
2. A subdivision yield plan pursuant to title 11, chapter 12 of this code if a conservation subdivision or a planned unit development is proposed by the applicant.

3. A vicinity plan showing significant natural and manmade features on the site and within five hundred feet (500') of any portion of it; the property boundaries of the proposed subdivision; the names of adjacent property owners; topographic contours at no greater interval than five feet (5'); and north arrow.

4. A proposed lot and street layout.

5. A description of the type of culinary and irrigation water system(s) proposed; also, documentation of water rights and secondary water shares.

6. A description of the size and location of sanitary sewer and stormwater drain lines and subsurface drainage.

7. A description of those portions of the property which are included in the most recent flood insurance rate maps prepared by FEMA.

8. The total acreage of the entire tract proposed for subdivision.

9. Proposed changes to existing zoning district boundaries or zoning classifications or conditional use permits, if any.

12-43-050: NOTIFICATION:

A. Distribution Of Plan: The ~~subdivider, upon receipt of the letter of acknowledgment, planning department, after confirming receipt of a complete application,~~ shall distribute copies of the plan to such government departments and other agencies or advisors as in the opinion of the department ~~and the planning commission~~ may contribute to a decision in the best interest of the public.

B. Notice Of Planning Commission Review: (A)The planning department shall mail to all owners of property located within three hundred feet (300') of the boundary of the proposed subdivision a written notice of the time, date and place where the planning commission will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision.

~~C. Notice Of City Council Review: The planning department shall mail to all owners of property located within three hundred feet (300') of the boundary of the proposed subdivision a written notice of the time, date and place where the city council will review and consider the subdivision proposal. The written notice shall also advise the property owner that he/she has the right to be present and to comment on the proposed subdivision. (Ord. 2000-13, 4-19-2000)~~

12-43-060: REVIEW BY THE PLANNING COMMISSION:

A. Scope Of Review: (A)At the time and place specified in the written notice described in section [12-3-050](#) of this chapter, the planning commission shall review the submitted schematic plan and check compliance with the city master plan, zoning ordinance, this title, and other appropriate regulations. The planning commission may recommend approval or denial to the city council, and shall make findings regarding the submitted schematic plan, specifying any inadequacy in the information submitted, noncompliance with city regulations, questionable or undesirable design and/or engineering, and the need for any additional information which may assist the planning commission to evaluate the proposed subdivision and in making a recommendation to the city council.

B. Additional Information: The planning commission may require additional information, data or studies to be provided to the planning commission by the subdivider for the overall development before any recommendation is given by the planning commission to the city

council and the planning commission may include requirements for the overall development as part of its findings on the concept plan.

12-43-070: APPROVAL BY THE CITY COUNCIL:

A. Scope Of Approval: ~~(A)~~After receiving a recommendation from the planning commission, together with any information related thereto ~~and at the time and place specified in the written notice described in section 12-3-050 of this chapter~~, the city council may grant or deny schematic plan approval for the proposed subdivision and may adopt, amend or reject any of the findings made by the planning commission regarding the submitted concept plan. Such approval and any conditions or allowances deemed applicable by the City Council may be memorialized in a development agreement.

B. Denial: If the city council denies schematic plan approval, no further review of the proposed subdivision shall be made by the city council, and a new ~~schematic plan~~ submittal shall be required to reinitiate the subdivision process.

C. Limitation Of Approval: Granting of schematic plan approval by the city council shall not constitute an absolute approval or disapproval of the proposed subdivision, but is intended to give the subdivider general guidance as to the requirements and constraints for subdivider's proposed subdivision within the city.

12-3-080: EXPIRATION OF SCHEMATIC PLAN APPROVAL:

~~Once schematic plan approval has been granted, the subdivider may apply for preliminary plat approval consistent with the schematic plan. If preliminary plat approval for any portion of an approved schematic plan has not been obtained within twelve (12) months of the date on which schematic plan approval was granted, a resubmittal and reapproval of the schematic plan may be required by the city. (Ord. 2000-13, 4-19-2000)~~

PRELIMINARY PLAT REVIEW

12-46-0810: PRELIMINARY PLAT; PURPOSE:

The purpose of the preliminary plat is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this title and any other applicable ordinances.

12-6-0920: APPLICATION AND FEES:

The subdivider of a ~~major non-conventional~~ subdivision, shall schedule a meeting with the planning department where the city planner and city engineer or their representative will review submission requirements with the applicant, after completing the schematic plan ~~required by this title~~ as applicable, the subdivider shall then file an application for preliminary plat approval with the planning department on a form prescribed by the city, together with ~~one reproducible copy and two (2) prints of the preliminary plat~~ the documentation requested on the form. After submitting the application form and requested documentation, the submittal shall be reviewed by the city planner and city engineer or their representative to determine if all required documentation has been provided. If all requirements for an application are met, a letter of acknowledgment will be provided by the planning department. ~~At the same time,~~ the subdivider shall then pay an application fee as published in the consolidated fee schedule of the city to complete the application. ~~The planning department will determine if the appropriate plan is submitted,~~ if the application is has been determined to be complete and if all the fees have

been paid. ~~If all requirements are met, a letter of acknowledgment will be provided by the planning department, and the subdivider-planning department shall distribute plans, accompanied by the letter,~~ for comment to all appropriate public and private entities. An application has not been fully accepted by the city or deemed complete until the city issues a letter of acknowledgement and all fees have been paid. (Ord. 2006-28, 4-19-2006)

12-46-030100: PRELIMINARY PLAT; PREPARATION AND REQUIRED INFORMATION:

An applicant shall submit plans and documents as outlined in Section 12-5-110 of this Title.

12-46-050110: EVALUATION OF PRELIMINARY PLAT:

The planning department will determine if the appropriate plan is submitted, if the application is complete and if all the fees have been paid. If all requirements are met, a letter of acknowledgment will be provided by the planning department, and the ~~subdivider-planning department~~ shall distribute plans for comment to all appropriate public and private entities. An application has not been accepted by the city until the city issues a letter of acknowledgement. After 15 business days from the date of a complete application After reviewing the plans, each of the public agencies and utilities will provide ~~the acknowledgment letter~~ their review comments to the subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the subdivider a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, water and sewer improvement districts, the public works department, the city engineer and the fire department. The planning department will also provide the city manager with one full set of plans for comment and review. The subdivider shall be required to address each comment made by a reviewing entity, either modifying the plans or indicating their objection to the review comment, citing code authority for their objection. Failure to address each comment shall be grounds for rejection of the re-submission, and a subsequent review cycle may not begin until those comments are addressed. (~~Ord. 2006-28, 4-19-2006~~)

12-46-060120: PLANNING COMMISSION ACTION; PRELIMINARY PLAT:

A. Scope Of Action: Within a reasonable time after ~~the filing of a~~ satisfying all applicable reviewing entities during the preliminary plat review ~~preliminary plat of a subdivision and any other information required,~~ the planning commission shall act thereon. If the planning commission finds that the proposed plat complies with the requirements of this chapter and that it is satisfied with the plat of the subdivision, it shall approve, or approve with conditions, the plat. If the planning commission finds that the proposed plat does not meet the requirements of this title or other applicable ordinances, it shall deny approval of such plat.

B. Findings: The planning commission may approve or deny the preliminary plat and shall make findings regarding the submitted plat, specifying any inadequacy in the information submitted, noncompliance with city regulations, inconsistencies with the schematic plan when applicable, and the need for any additional information which may assist the planning commission to evaluate the preliminary plat and in making a final determination.

C. Examination Of Plat: Upon receipt of the preliminary plat, the planning commission shall also examine the plat to determine whether the plat is consistent with the concepts set forth in the approved schematic plan when applicable and with all changes requested and all requirements imposed as conditions of acceptance. ~~In~~ in the event that the preliminary plat has

been altered substantially from the ~~approved~~ schematic plan approved by the City Council, at the discretion of the planning commission chair, with the recommendation of the planning department, the chair may suspend planning commission review of the preliminary plat and require that the subdivider resubmit the plan subject to the schematic plan review process, or require a public hearing as part of the commission's consideration of preliminary plat. The chair may also defer such decisions related to schematic plan resubmittal ~~and/or~~ preliminary plat review to the planning commission for its approval. Any public hearing in consideration of a preliminary plat shall meet the notice requirements of section 12-3-050 of this title.

D. Substantial Change: The planning commission shall determine whether a proposed modification to an approved schematic plan is a "substantial" change. Alterations of the following types shall define a substantial change:

1. A significant change to the roadway alignment or configuration;
2. Significant changes to lot areas or lot configuration;
3. Any increase to the number of lots;
4. Any change to the configuration and amount of open space required;
5. A significant change to culinary water, sanitary sewer, or storm drain plans related to the application;
6. Any deviation from the approved schematic plan as determined by the provisions set forth in this title;
7. A modification of any other aspect of the schematic plan that would significantly change its character. (Ord. 2015-06, 2-17-2015)

12-64-070130: NOTIFICATION OF ACTION:

The planning department shall notify the subdivider, in writing, of the action taken by the planning commission. One copy of the plat and accompanying conditions, if applicable, and the minutes of the planning commission meeting shall be retained in the permanent file of the planning commission. Notification of the approval of the preliminary plat shall be authorization for the subdivider to proceed with the preparation of detailed plans and specifications for the improvements required by city ordinances and the planning commission, and with the preparation of the final plat. (Ord. 1996-24, 6-19-1996)

12-46-080140: EFFECT OF APPROVAL OF THE PRELIMINARY PLAT:

Approval of the preliminary plat shall in no way relieve the subdivider of the responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards. (Ord. 1996-24, 6-19-1996)

FINAL PLAT REVIEW

12-46-0901500: FINAL PLAT; PURPOSE:

The purpose of the final plat is to require formal approval by ~~the planning commission~~ city staff before a major subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all respects ~~be in compliance~~ compliance with the provisions of this title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure. Pursuant to Utah Code Annotated section 10-9a-604, as amended, the planning commission designates the planning commission chair as its agent to sign final subdivision plats. The planning commission chair shall not sign any final plat until such plat has been approved by ~~the planning~~

~~commission~~city staff in accordance with the provisions set forth herein. (Ord. 2015-06, 2-17-2015; amd. 2016 Code)

12-46-100160: FILING DEADLINE, APPLICATION AND FEES:

The subdivider shall file an application for final plat approval with the community development department on a form prescribed by the city along with all documentation requested within the application form, together with one reproducible copy and prints of the final plat, . After submitting the application form and requested documentation, the submittal shall be reviewed by the city planner and city engineer or their representative to determine if all required documentation has been provided. If all requirements for an application are met, a letter of acknowledgment will be provided by the planning department. Upon receipt of the acknowledgement letter, the subdivider shall the number of which shall be determined by city staff, and pay all required fees. Upon receipt of all required documentation and applicable fees, the final plat application shall be considered complete and accepted by the city. The preliminary plat shall become null and void unless the subdivider submits a complete application for and obtains final plat approval for all phases encompassing the area of the preliminary plat within twelve (12) months after approval or conditional approval of the preliminary plat by the planning commission, except as otherwise provided for by written agreement with the city. This time period may be extended for up to twelve (12) months for good cause shown if the subdivider petitions the planning commission in writing for an extension prior to the expiration date of the preliminary plat together with any applicable fees. Only one extension of the preliminary plat approval may be granted. ~~In~~in the event the final plat approval expires, or the city does not grant an extension of final plat approval, or the city does not reapprove a previously approved final plat, the preliminary plat approval shall also expire, unless twelve (12) months has not lapsed from the date of its approval and/or a twelve (12) month extension of time has been granted as provided herein. (Ord. 2011-10, 5-17-2011)

12-46-110170: FINAL PLAT; PREPARATION AND REQUIRED INFORMATION:

An applicant shall submit plans and documents as outlined in Section 12-5-110 of this Title.

12-6-160: SECURITY BOND; SUBDIVIDER:

~~Prior to the installation of or any work on any required public improvements, the subdivider shall enter into a security bond agreement acceptable to the city to insure completion of all public improvements required to be installed in the subdivision. The bond agreement shall be in a form and contain such provisions as approved by the city attorney. The bond agreement shall include, but not be limited to, the following:~~

- ~~—A.—Incorporation: Incorporation by reference of the final plat and all accompanying data required herein which is used to compute the cost of the improvements by the city engineer;~~
- ~~—B.—Completion Of Improvements: Completion of the improvements within a period of time not to exceed two (2) years from the date the bond agreement is executed;~~
- ~~—C.—Satisfactory Completion: The improvements shall be completed to the satisfaction of the city and according to city standards, as established by the city engineer and as specified in chapter 8 of this title;~~
- ~~—D.—Amount: The bond amount shall be equal to one hundred twenty percent (120%) of the city engineer's estimated cost of the public improvements to be installed;~~

~~—E.— Exclusive Control By City: The city shall have exclusive control over the bond proceeds and they may be released only upon written approval of the city manager;~~

~~—F.— Reduction: The bond proceeds may be reduced upon request of the subdivider as the improvements are installed. The amount of the reduction shall be determined by the city. Such requests may be made only once every thirty (30) days and no reductions shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with city standards. All reductions shall be by the written authorization of the city manager;~~

~~—G.— Deficiency In Bond Proceeds: If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to city standards for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision or development until the improvements are completed or, with city council approval, a new bond, satisfactory to the city, has been executed and delivered to the city to ensure completion of the remaining improvements;~~

~~—H.— Deductions For Failure: If, upon written demand by the city after expiration of the time period, bond proceeds are not transferred to the city within thirty (30) days, the city's costs of obtaining the proceeds, including attorney fees and court costs, shall be deducted from the bond proceeds;~~

~~—I.— Reimbursement To City: Upon receipt of the bond proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the city for the costs of administration incurred by the city in obtaining the completion of the improvements;~~

~~—J.— Nonliability: The subdivider shall agree to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements as complete;~~

~~—K.— Type Of Bond Agreement: The bond agreement shall be one of the following types as dictated by the city:~~

~~—1.— A cash bond agreement accompanied by a cashier's check or a money market certificate made payable only to the city;~~

~~—2.— An escrow bond agreement and an escrow account with a financial institution federally insured; or~~

~~—3.— A letter of credit bond agreement accompanied by an irrevocable letter of credit with a financial institution federally insured;~~

~~—L.— Right Of Rejection: The city reserves the right to reject any bond. The bonds required by this section are for the sole benefit of the city. The bonds are not for the benefit of any individual citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision or project;~~

~~—M.— Extension: The time period for the completion of the required public improvements may be extended in the following manner upon approval of the city council:~~

~~—1.— The subdivider may submit a new bond for approval;~~

~~—2.— The existing bond may be extended upon payment, by the subdivider, of the actual administrative costs incurred in reevaluating the sufficiency of the bond amount. (Ord. 2015-06, 2-17-2015)~~

12-6-170: DELAY AGREEMENT:

~~In lieu of the bond requirements outlined above, at the city's sole option, the subdivider may be permitted to execute an agreement, in a form acceptable to the city attorney, delaying the installation of any or all of the public improvements required pursuant to this title. (Ord. 2015-06, 2-17-2015)~~

~~**12-6-180: RECORDING OF PLAT:**~~

~~After planning commission approval, completion of the required public improvements or filing of the bond agreement described herein, and signing of the plat by the planning commission chair and the mayor, the plat shall be presented by the city recorder to the Davis County recorder for recordation. (Ord. 2015-06, 2-17-2015)~~

~~**12-6-190: EXPIRATION OF FINAL APPROVAL:**~~

~~If the plat is not recorded within six (6) months from the date of planning commission approval, such approval shall be null and void. This time period may be extended for additional six (6) month periods by the city manager. The subdivider must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the city. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, parks fees, flood control fees, as well as the amounts the city uses to estimate bonds to ensure completion of improvements, have increased, the city manager may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting the extension.~~

CHAPTER 75

GENERAL REQUIREMENTS FOR ALL SUBDIVISIONS

SECTION:

[12-57-010](#): Subdivision Layout

[12-57-020](#): Blocks

[12-57-030](#): Lots

[12-57-040](#): Streets

[12-57-050](#): Protection Strips

[12-57-060](#): Dedication And Reservation

[12-57-070](#): Landscaping

[12-57-080](#): Utilities And Easements

[12-57-090](#): Watercourses

[12-57-100](#): Warranty Period

[12-57-110](#): Preliminary Plat Application Requirements

[12-57-120](#): Final Plat Application Requirements

12-57-010: SUBDIVISION LAYOUT:

- A. Conformance To Plan: The subdivision layout shall conform to the official master plan.
- B. Preservation Of Features: Where trees, groves, waterways, scenic points, historic spots or other city assets and landmarks, as determined by the city, are located within a proposed subdivision, every reasonable means shall be provided to preserve these features.
- C. Adjoining Existing Street: Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the major street plan, such part of the public way shall be platted, dedicated and improved by the subdivider in the location and at the width specified.
- D. Railroad Right Of Way: Where a railroad right of way abuts a subdivision, the plat shall make provisions for future grade separations whenever the city shall find such a requirement to be necessary. (Ord. 1996-24, 6-19-1996)

12-57-020: BLOCKS:

- A. Double Frontage: Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions.
- B. Width; Variation: The width of each block shall be sufficient for an ultimate layout of two (2) tiers of lots therein of a size required by the provisions of this title, unless the general layout of the vicinity, lines of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement.
- C. Length: The maximum length of blocks shall be one thousand feet (1,000') and the minimum length of blocks shall be four hundred feet (400'). In blocks over eight hundred feet (800') in length, a dedicated walkway through the block, at approximately the center of the

block, may be required. Such walkways shall be not less than ten feet (10') in width. (Ord. 1996-24, 6-19-1996)

12-57-030: LOTS:

A. General Requirements: All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots, and no building permit shall be issued for any lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions. (Ord. 1996-24, 6-19-1996)

B. Frontage; Private Streets: All lots or parcels created by the subdivision shall have frontage on a dedicated street, improved to standards hereinafter required, equal to at least fifty percent (50%) of its minimum required width, except for flag lots which shall have a minimum of twenty eight feet (28') of frontage. Private streets shall not be permitted unless the planning commission finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein. All private streets shall meet Farmington City development standards as it pertains to standard street intersections, typical cul-de-sac and standard roadway sections. This includes, but is not limited to, submittals, quality control, site preparation, grading, excavating, backfilling and compaction, base course, asphalt/concrete, curbs, gutters, drive aprons and walks, slurry sealing, restoration of existing improvements, storm drainage systems, boundary markers and survey monuments, geotextiles and concrete reinforcement. Land designated as public right of way shall be separate and distinct from lots adjoining such right of way and shall not be included in the area of such lots. (Ord. 2016-07, 2-16-2016)

C. Area, Dimensions: The minimum area and dimensions of all lots shall conform to the requirements of the zoning ordinance for the district in which the subdivision is located.

D. Side Lines At Right Angles: The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curves, if such street is curved. Side lines of lots shall be approximately radial to the center of a cul-de-sac on which the lot faces. The planning commission may allow exceptions to this requirement where considerations for solar orientation are involved.

E. Corner Lots: Corner lots for residential use shall be platted ten feet (10') wider than interior lots in order to facilitate conformance with the required street setback requirements of the zoning ordinance.

F. Lot, Boundary Lines: A lot shall not be divided by a city limit line. Each such boundary line shall be made a lot line.

G. Remnants: Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or suitable for common open space, private utility or public purpose.

H. Lot Numbers: Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications. No block designations shall be used. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase 2 would be numbered 201, 202, 203, etc.

I. One Dwelling Per Lot: Except for group dwellings and planned unit developments, as specifically authorized by this title and the zoning ordinance, not more than one dwelling unit shall occupy any one lot. (Ord. 1996-24, 6-19-1996)

J. Flag Lots: Flag lots may be approved by the planning commission and the city council and are prohibited except to reasonably utilize an irregularly shaped parcel, to reasonably utilize land with severe topography, to provide for the protection of significant natural or environmentally sensitive areas, or to allow a property owner reasonable use and benefit of a parcel of land not otherwise developable. (Ord. 2016-07, 2-16-2016)

1. General Requirements: The creation of a flag lot is a subdivision, therefore all applicable subdivision ordinances, standards and regulations apply. Flag lots are for single-family residential dwellings only and are prohibited if the proposed flag lot will increase the number of access points onto a major thoroughfare. (Ord. 2016-23, 2-16-2016)

2. Design Requirements: The design requirements for a flag lot are as follows:

- a. A flag lot shall be comprised of a stem portion and a flag portion.
- b. The stem portion must be contiguous to a dedicated public street.
- c. All buildings can be placed on the flag portion only.
- d. The front yard shall be considered one of the two (2) sides of the flag portion that adjoins the stem and all buildings must face the front yard.
- e. A flag lot must comply with all requirements, standards and ordinances as determined by the underlying zone district in which it is located. This includes setbacks, building height, accessory buildings, minimum lot size, etc.
- f. Minimum lot size calculations exclude the stem and only take the flag portion of the lot into consideration.
- g. The stem shall be at least twenty eight feet (28') wide and no longer than one hundred fifty feet (150') long.
- h. The stem shall service one lot only.
- i. No more than two (2) flag lots shall be allowed in a subdivision.
- j. For back to back flag lots, a reduction of each stem to twenty feet (20') wide is permitted where the stems abut one another.
- k. The access drive shall be at least twenty feet (20') wide and no greater than a fifteen percent (15%) grade. The drive shall be paved with a hard surface, such as asphalt or concrete, and conform to all applicable fire code regulations, including access to fire hydrants, emergency access and turnarounds.
- l. The access drive must have a minimum of four feet (4') wide landscaped yard along both sides.
- m. All utilities and related services (including easements) shall be provided to the flag lot in accordance with the applicable regulations and ordinances adopted by the city. (Ord. 2016-07, 2-16-2016)

K. Circular Drive: On lots with available access only onto a major arterial, minor arterial or major collector street, a circular drive or some other type of vehicular maneuvering area shall be provided to enable vehicles to enter traffic moving forward rather than backing. The minimum depth of such lots shall be not less than one hundred ten feet (110'). (Ord. 2006-28, 4-19-2006)

12-57-040: STREETS:

A. Classification: All streets shall be designated and constructed with the appropriate street classification requirements specified herein:

STREET CLASSIFICATION

	<i>Major Arterial</i>	<i>Minor Arterial</i>	<i>Major Collector</i>	<i>Minor Collector</i>	<i>Important Local</i>	<i>Local</i>
ROW width	106 ft.	100 ft.	80 ft.	66 ft.	60 ft.	56 ft.
Width to back of curb	86 ft.	65 ft.	57 ft.	42 ft.	37 ft.	33 ft.

(Ord. 2014-07, 3-4-2014)

B. Study May Be Required: Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography or street layout, a transportation planning/engineering study may be required.

C. Street Names: The following principles shall govern street names in a subdivision:

1. Assignment: Street names, wherever practical, shall be assigned numerical names. Alphabetic names may be considered for streets of a meandering or diagonal nature or for other streets as specifically approved by the city council.

2. Continuation Of Existing Street: Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the city council to be surveyed, opened, widened or improved, the street shall be given the name established in said council order.

3. Duplication: The names of newly created streets of a noncontinuous or noncontiguous nature shall not duplicate or nearly duplicate the name of any streets in the city.

4. Name Designations: The words "Street", "Avenue", "Boulevard", "Place", "Way", "Court", or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the planning commission. Any street name incorporating one of the terms used above shall conform to the established definition of that term. Any named street shall also have the proper numerical coordinate as approved by the city building inspector.

D. Street Patterns: Street patterns in the subdivision shall be in conformity with a master street plan for the most advantageous development of adjoining areas and the entire neighborhood or district. In the event a master street plan does not exist, the subdivider shall prepare such a plan for review and approval by the planning commission and city council prior to consideration of a subdivision application. The following principles shall be observed:

1. Continuous; Alignment: Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect;

2. Extension To Boundary Lines: Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the planning commission, such extension is not desirable for the

coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts;

3. Dead End Streets: Dead end streets which exceed one lot depth in length shall have a forty foot (40') radius temporary turnaround area at the end. The turnaround shall have an all weather surface acceptable to the city. The following standards shall apply to dead end streets: (Ord. 1996-24, 6-19-1996)

a. Dead end streets shall serve as access for not more than twenty four (24) dwelling units and shall not exceed one thousand feet (1,000') in length. (Ord. 2006-63, 9-19-2006)

b. When a dead end street reaches its maximum length and/or maximum number of lots, it shall not be extended except to connect to another street which provides a second point of independent access.

c. Exceptions to the requirement for a second point of independent access may be granted by the city council, after receiving a recommendation from the planning commission, upon a finding that the topography or other physical conditions of the development site make it impossible to provide a second access which complies with street design standards established by the city and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services;

4. Nonconforming Dead End Streets: The provisions of this section shall not be construed to prevent construction on approved residential lots fronting on nonconforming streets exceeding one thousand feet (1,000') in length which existed prior to January 9, 1991. These streets include, but are not necessarily limited to, 1400 North Street, Summerwood Drive, Cherry Blossom Drive, Welling Way, and 1100 West Street (south of Shepard Lane). Extension of these nonconforming streets may be permitted, but shall be subject to the following standards and restrictions: (Ord. 1996-24, 6-19-1996)

a. Extension of a nonconforming street may be approved by the city council only after receiving recommendations from the planning commission, fire department, police department, public works department, and the city engineer. The fire department and/or police department may recommend additional conditions to facilitate public safety and emergency services; (Ord. 1996-24, 6-19-1996; amd. 2016 Code)

b. All streets shall be fully improved and shall be designed and constructed at locations shown on an approved street master plan;

c. A temporary turnaround, with a radius of forty feet (40'), shall be provided at the end of the street. The temporary turnaround shall have an all weather surface acceptable to the fire department; and (Ord. 1996-24, 6-19-1996)

d. Until such time as nonconforming streets can be connected to a second access, lots on such streets shall not be approved which are less than two (2) acres in size, unless the city council in consideration of all circumstances shall differently approve by resolution; (Ord. 1996-24, 6-19-1996; amd. 2016 Code)

5. Cul-De-Sac Standards: The following standards shall govern the development of cul-de-sacs:

a. Cul-de-sacs shall serve as access for not more than twenty four (24) dwelling units, shall not exceed one thousand feet (1,000') in length, and shall have a fully improved turnaround at the end with a minimum radius of forty two feet (42') to back of curb and fifty feet (50') to the right of way line. Exceptions to the maximum length or maximum number of lot

standards may be granted by the city council, after receiving a recommendation from the planning commission, upon a finding that the topography or other physical conditions of the development site make it impossible to develop the property any other way and that an increased street length and/or density will not unreasonably impact the ability to provide emergency and other public services; (Ord. 2006-63, 9-19-2006)

b. Transverse grades within the turnaround of a cul-de-sac shall not exceed five percent (5%);

c. If surface water drains into the cul-de-sac due to the grade of the street, necessary catch basins and drainage easements shall be provided;

d. Driveways, mailboxes, fire hydrants or any other obstruction at the terminal of a cul-de-sac shall be designed in such a way as to provide an area for the piling of snow;

6. Intersect At Right Angles: Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. "T" intersections rather than "cross" intersections shall be used wherever possible for minor streets; (Ord. 1996-24, 6-19-1996)

7. Alleys: Alleys shall not be permitted in residential subdivisions except when approved for access to lots abutting an arterial. Alleys in nonresidential subdivisions may be permitted;

8. Grade: The maximum grade for any street in the city shall be ten percent (10%). Where unusual and unique topographic or environmental conditions exist on a proposed development site, exceptions may be specifically approved by the city council to permit streets with grades up to, but not exceeding, twelve percent (12%) for collector streets and fourteen percent (14%) for local streets. Such exceptions may be granted only after careful review of each individual application and after receiving a recommendation from the planning commission. The maximum length of a street segment at grades steeper than ten percent (10%) shall also be determined, and specifically approved, by the city council. (Ord. 1996-24, 6-19-1996; amd. Ord. 2015-16, 5-26-2015; Ord. 2015-16A, 5-26-2015)

E. Adjacent To Major Streets, Freeways: Subdivisions adjacent to major streets and freeways shall be designed as specified in the major street plan and as determined by the planning commission. The following principles and standards shall be observed:

1. Design: Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on major streets. The number of intersecting streets along major streets shall be held to a minimum;

2. Sidewalks: Sidewalks along major streets shall be not less than five feet (5') in width;

3. Double Frontage Lot Bordering Major Street: When the rear line of a double frontage lot borders a major street, the subdivider may be required to execute and deliver to the city an instrument, deemed sufficient by the city attorney, prohibiting the right of ingress and egress from the street to the lot. The subdivider shall also be required to install such paving as necessary to construct the street or to bring it up to standard width and shall install curb, gutter and sidewalk, along the street. However, the city may for good cause waive the foregoing requirements. (Ord. 1996-24, 6-19-1996)

12-57-050: PROTECTION STRIPS:

Protection strips shall not be permitted under any circumstances. (Ord. 1996-24, 6-19-1996)

12-57-060: DEDICATION AND RESERVATION:

A. **Fee For Park Land:** In order to satisfy increased recreation facility needs created by new development, a fee shall be paid for the acquisition and development of park land. The fee shall be listed in the consolidated fee schedule and may be amended from time to time. The fee shall be deposited in a designated account with monies expended only for planned park and recreation facilities which will be of some demonstrable benefit to the subdivision for which fees have been assessed. The fee shall be paid prior to recordation of a subdivision plat.

B. **Dedication In Lieu Of Fee:** The planning commission may, at its discretion, require the dedication of land for park and recreation purposes in lieu of some or all of the fee. In subdivisions containing less than forty (40) lots the subdivider may be required to dedicate up to one twenty-fifth ($1/25$) of the total area of all lots for parks and recreation purposes in lieu of a fee. For subdivisions containing more than forty (40) lots, additional dedication may be required at the same ratio as for less than forty (40) lots. The subdivider shall be notified, prior to preliminary plat approval, if dedication of land is to be required in lieu of some or all of the fee.

C. **Requirement Of Excess Land:** When land in the subdivision in excess of that required by subsection B of this section is determined to be needed in order to meet the recreation needs of the city, the subdivider shall not be required to hold such excess land for more than one year without payment being made on the basis of land and improvement costs.

D. **Suitable Land:** All land to be dedicated for park or recreational purposes shall be found to be suitable by the planning commission, the planning department, public works department and recreation department as to location, parcel size and topography for the park and recreation purposes for which it is indicated in the master plan or any planned community plan. Such purposes may include active recreation facilities, such as playgrounds, play fields, pedestrian or bicycle paths, areas of particular natural beauty and wooded areas to be developed or left in their natural state.

E. **Preservation Conditions:** When park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance and use of such areas as deemed necessary by the planning commission to assure preservation of the intended use.

F. **Commercial, Industrial Subdivisions:** The provisions of this section shall not normally apply to commercial or industrial subdivisions; however, the planning commission may recommend as a condition of approval, that a commercial or industrial subdivider dedicate to the city that portion of a streambed or drainage channel falling within an industrial subdivision when such portion forms part of an open space network designated in the master plan or a planned community plan.

G. **Applicability To Conditional Use Subdivisions:** In addition to subdivisions, the provisions of this section requiring the payment of a fee, or dedication in lieu of a fee, shall apply to all residential developments which require conditional use approval. Such developments shall include, but not be limited to, condominiums, planned unit developments and dwelling groups. However, open space normally provided in these types of developments may apply toward the required fee or dedication of land up to a maximum of fifty percent (50%) of the required fee. The percentage of credit shall be determined by the planning commission prior to final approval of a development plan. The fee shall be paid prior to issuance of a building permit for the first dwelling unit in the development.

H. **Hearing For Modification:** If the subdivider or developer feels that the impact of the proposed subdivision or other residential development is substantially different than that presumed by this section, the subdivider or developer may apply for a hearing before the city

council to request a modification of the fee, or in lieu of dedication requirement of this section. The request for the hearing shall be made prior to the final approval by the planning commission of the subdivision or conditional use approval of the residential development. The planning commission may recommend the modification only if the subdivider or developer proves that what is required under this section bears no reasonable relationship to the need for parks and recreation facilities created by the subdivision or development. If the planning commission recommends such a modification, the request shall be submitted to the city council for final determination. If the planning commission finds that no modification is warranted, that finding may be appealed as provided in the appeal provisions provided in chapter 1 of this title. (Ord. 1996-24, 6-19-1996)

12-57-070: LANDSCAPING:

A. Special Treatment: Whenever, in the opinion of the planning commission, the cuts and fills in a hillside subdivision are of sufficient size or visibility to demand special treatment, the subdivider shall be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance.

B. Preservation: The subdivision shall be so designed as to either preserve, or provide for, the greatest amount of on site vegetation.

C. Foothill Overlay: Subdivisions in the foothill overlay zones shall comply with all provisions of the city foothill development ordinance. (Ord. 1996-24, 6-19-1996)

12-57-080: UTILITIES AND EASEMENTS:

A. Underground Utilities: All utilities shall be provided through underground service, except where existing utilities are already in place.

B. Easements: Utility easements shall be provided within the subdivision as required for public utility purposes. All lots shall have a front yard easement of ten feet (10'). Additional easements, or increased width of easements, may be required as necessary to provide for adequate utility service and/or drainage within the subdivision and to or from adjoining parcels. (Ord. 2010-20, 5-18-2010)

12-57-090: WATERCOURSES:

The subdivider shall dedicate a right of way for storm drainage conforming substantially with the lines of any natural watercourse or channel, stream, creek, irrigation ditch or floodplain that enters or traverses the subdivision, as determined by Davis County flood control and/or the city engineer. The subdivider shall also dedicate acceptable rights of way for any pipe, conduit, channel, and retention or detention area as approved by the city engineer for flood control. (Ord. 1996-24, 6-19-1996)

12-57-100: WARRANTY PERIOD:

The warranty period shall commence upon the date that all improvements required by the city to be installed within the subdivision have been completed to the satisfaction of the city and a final inspection thereof has been made approving the same. The warranty period shall commence at that date and shall continue for a period of one year thereafter. If any deficiencies are found by the city during the warranty period in materials or workmanship, the subdivider shall promptly resolve such defects or deficiencies and request the city engineer to reinspect the improvements. At the end of the two (2) year warranty period, the subdivider shall request the city engineer to make a final warranty period inspection of all improvements. If the city engineer verifies that the improvements are acceptable, the city engineer shall notify the city manager, who shall refer the matter to the city council. The city council shall then review the matter and

upon approval of the same shall release the balance of the security posted by the subdivider under the bond agreement. (Ord. 2012-23, 6-5-2012)

12-5-110: Preliminary Plat Application Requirements:

The following shall be submitted with an application for ~~for review and consideration of a~~ preliminary plat in order to constitute a complete application, unless waived in writing by the city engineer:

Format and General Items

- (1) _____ All engineering and ~~or~~ surveying documents shall be stamped by engineer or land surveyor in accordance with the procedures of the Utah State Board for Professional Registration.
- (2) _____ The words "Preliminary Plat - Not To Be Recorded" shall be shown on the plat. (~~Ord. 1996-24, 6-19-1996~~)
- (3) _____ A title block showing:
 - (a) _____ Name of the subdivision.
 - (b) _____ Type of development (residential, commercial, PUD, PRD, etc.).
 - (c) _____ Name and address of owner of record, developer and designer.
 - (d) _____ Name and address of engineer or land surveyor.
 - (e) _____ Date of preparation.
 - (f) _____ Tabulation of acres, lots, open space and units per acre.
- (4) _____ Graphic and written scale at no more than one (1) inch equals one hundred (100) feet or as recommended by City Engineer.
- (5) _____ North arrow.
- (6) _____ Township and Range, section lines, and other monuments.
- (7) _____ Vicinity map at a scale of one (1) inch equals one thousand (1,000) feet.
- (8) _____ Topographic contour intervals of no greater than two (2) feet, unless otherwise specified by City Engineer.
- (9) _____ Surveyed boundary of the subdivision.
- (10) _____ Location and names of adjacent properties/property owners and platted subdivisions.
- (11) _____ Location of zoning boundary lines within and adjacent to the proposed subdivision.
- (12) _____ Location, height and type of existing fence lines within and contiguous to the subdivision.
- (13) _____ Location, use, and dimensions of all existing buildings within the proposed subdivision. Indicate which buildings are to remain and which are to be removed.
- (14) _____ Location of all proposed lots including:
 - (a) _____ Lot dimensions.
 - (b) _____ Lot frontage.
 - (c) _____ Lot area (square feet).
 - (d) _____ Building setback lines (building envelopes).
- (15) _____ Lots consecutively numbered or lettered in alphabetical order.
- (16) _____ Location of existing features within and contiguous to the proposed subdivision including:
 - (a) _____ Existing public utility, drainage, and sewerage easements.
 - (b) _____ Existing dedications.
 - (c) _____ Deed restrictions
 - (d) _____ Existing utilities including power lines/poles (must identify ownership of lines), telephone, cable, gas, fiber optic, etc. Indicate whether they are to remain or be re-located. If they are to be relocated, show the proposed new location.
 - (e) _____ Irrigation ditches.
 - (f) _____ Drain pipes, drainage channels, and culverts.
 - (g) _____ Railroads.
 - (h) _____ Bridges.
 - (i) _____ Water bodies, springs or water sources within twenty-five hundred (2,500) feet.
 - (j) _____ Wells (show and label whether the well is to remain or be abandoned - if the well is to be abandoned, add a note on the plans stating "existing well to be abandoned and capped by

a certified well driller and documentation provided to Farmington City”).

(k) Equestrian, pedestrian and bicycle trails.

(17) Location and dimensions of any common space or open space areas including property to be set aside for parks, playgrounds, trails, or other public or private uses, with a designation of the purpose of those areas, and conditions, if any, of the dedication or reservation.

(18) Location and extent of all cuts and fills exceeding (3) three feet anywhere on the project site and any associated retaining walls.

Roads

(19) The location and width of all existing and proposed roads, rights-of-way, alleys, and other public ways (all main roads must comply with the Farmington City Master Transportation Plan).

(20) Cross sections of all existing and proposed roads (include road dimensions and location of utilities within the road.)

(21) Proposed names of all new roads.

(22) Location of all existing and proposed curb, gutter and sidewalk within the subdivision including:

(a) An indication of the grades, TBC elevations.

(b) Flow arrows showing direction of storm water surface flows.

(23) Location of any necessary temporary turnaround easements for emergency access on dead end roads.

(24) Provide a circulation plan that includes information on cul-de-sac lengths, block lengths, and connectivity.

(25) Provide road centerline elevations.

(26) Not more than 24 units off of a single point of access and provision for future access to adjacent vacant parcels. Dead end streets shall not exceed one thousand (1,000) feet in length.

(27) Street intersection offsets of not less than 150 feet.

(28) Do not exceed 12% slope.

(29) Minimum TBC slope of 0.50%.

(30) Minimum cul-de-sac slope of 0.60%.

(31) Cul-de-sac radius point to the property line shall measure 53.5 feet.

(32) If adjacent to a state road specify UDOT access size and location (UDOT approval will be required at final plat).

Water

(33) Location, type and size of existing and proposed culinary water lines (including existing lines adjacent to and/or affected by the proposed subdivision).

(34) Water lines typically located on the north/east sides of the road.

(35) Water lines and laterals separated 10 feet from sewer.

(36) Water lines buried no deeper than 4 feet to top of pipe.

(37) Show in plan and profile views. Depict any and all utility crossings.

(38) Water lines to have a minimum vertical, edge of pipe to edge of pipe, spacing of 18 inches for all sewer and water crossings.

(39) A note stating that all fire hydrants are to be Clow.

(40) A note that valves are to be Mueller or Clow.

(41) Show water meters in the park strip.

(42) Show sizes for all water meters.

(43) A note stating that all water meters in driveways shall be installed with a 30 inch meter box with a traffic rated lid.

(44) Valves are placed to isolate a maximum of 15 residential lots.

(45) Culinary water is located on the opposite side of the street from secondary water.

(46) Fire hydrants are spaced within 300 feet of each other.

(47) Fire hydrants are to be placed at intersections and dead end streets.

(48) Fire hydrants are typically located on property lines on the same side of the road as the culinary water mains.

Secondary Water/Irrigation Systems

(49) Must have a secondary water connection.

(50) Location, type and size of existing and proposed irrigation water lines (including existing lines adjacent to

and/or affected by the proposed subdivision).

- (51) Located on the opposite side of the street from culinary water.
- (52) Show in plan and profile views. Depict any and all utility crossings.
- (53) Must be reviewed and approved by the jurisdictional authority.
- (54) Secondary water meters shown in the park strip.

Irrigation Ditches

- (55) A written statement from the appropriate agency (such as irrigation companies, private land owners, etc.) regarding the effect of the proposed subdivision on any irrigation channels or ditches and any piping or other mitigation required.
- (56) The location, size and grade of any required piping for irrigation ditches as per the irrigation company requirements.

Sewer

- (57) Sewer lines typically located on the south/west sides of the road.
- (58) Location, type, rim elevation, slope and size of existing and proposed sewer lines (including existing lines adjacent to and/or affected by the proposed subdivision).
- (59) Easements for any necessary offsite water or sewer easements across privately owned land.
- (60) Sewer separated 6 feet from all other utilities except culinary water where 10 feet is required. Including all laterals.
- (61) Sewer deeper than 12 feet shall be PVC pipe Schedule 80 with solvent weld joints.
- (62) Manholes with 3 or more pipes shall be 60 inch diameter.
- (63) No acute angles allowed in relationship to changes in flow direction in manholes.
- (64) Laterals designed to connect ~~ion in~~ to the upper quadrant of the sewer main.
- (65) Maximum spacing of manholes is 400 feet.
- (66) Show in plan and profile views. Depict any and all utility crossings.
- (67) Sewer lines to have a minimum vertical, edge of pipe to edge of pipe, spacing of 18 inches for all sewer and water crossings.
- (68) Sewer cleanouts are required on laterals that are 100 feet or longer, and at bends.

Drainage

- (69) Drainage system calculations and an explanatory narrative stamped and signed by a licensed engineer.
 - (a) Provide a drainage study showing calculations for the 25- and 100-year flood events.
 - (b) Size detention basins for the 100-year flood event.
 - (c) Basins must retain the 80th percentile storm.
 - (d) Design storm drain lines using the 25-year flood event.
 - (e) Show capacity and designed flow for all existing culverts, drainage swells, storm drain lines and back yard drains.
 - (f) Show high water elevation lines for basins, streams, waterways, 100-year flood inundation zone, or any area subject to flooding.
- (70) Existing and proposed storm drainage improvements including:
 - (a) Major drainage facilities, outfalls, and discharge.
 - (b) Drainage pipe locations, sizes, type, rim elevations, invert elevations, slopes, and depths.
- (71) Location of detention/retention basins with an indication that the basin(s) will include the following:
 - (a) Minimum 1-foot freeboard.
 - (b) 3:1 slopes or flatter.
 - (c) Grass covering with underground sprinkler system or xeriscaping.
 - (d) Designation of the purpose and conditions, if any, of the dedication or reservation.
 - (e) Information on who will be owning and maintaining the detention basins.
- (72) A written statement from the appropriate agency accepting responsibility for all surface and subsurface drainage, which is directed into channels owned, by the agency (such as irrigation companies, private land owners, etc.).
- (73) Easements for any necessary offsite and onsite drainage easements across privately owned land.
- (74) Drainage Report section describing how Low Impact Development (LID) is being incorporated into the site and how storm water quality will be improved.
- (75) Flood control and stream alteration permits

(76) Show storm drain system in plan and profile views. Depict any and all utility crossings.

(77) Provide a lot grading and drainage plan depicting individual lot grading with arrows.

Sensitive Lands

(78) Identification of natural features or sensitive lands including, but not limited to:

(a) Wetlands.

(b) Floodplains, floodways and areas that would be covered in water in a 100-year storm event.

(c) Areas where ground water rises periodically to within two (2) feet of the surface of the ground.

(d) Slopes exceeding thirty (30) percent marked non-buildable.

(e) Vegetation areas (including ~~name~~ species and size of all existing trees and shrubs which could be incorporated into the subdivision).

(f) Threatened or endangered species habitat areas.

(79) A letter from the Army Corp of Engineers regarding any wetland areas within boundaries of the proposed plat.

Buffering

(80) The proposed treatment of the perimeter of the development, including materials and techniques used, such as:

(a) Fences;

(b) Berms;

(c) Walls.

(81) Provide a note on the preliminary plat which states that the following items will be reviewed at the time of Final Plat review ~~(because these items will be reviewed with the final plat, please do not show them on the Preliminary Plat):~~

(a) All pipe types, specific locations & details (bends, detector tape etc.).

(b) Valves.

(c) Blowoffs including size type & protection.

(d) Manholes, boxes and related details.

(e) Water & sewer service details.

(f) Fire hydrant details.

(g) Street lights/street signs/traffic signs.

(h) Power line extensions & dome/transformer locations.

(i) Lot addresses

(j) Subdivision monumentation and lot corner markers.

Other Required documents

(82) Landscaping plan for all park, open space, and common ownership areas including:

(a) Location, name and size of all proposed trees, shrubs, and plants.

(b) Indication of proposed seed mix for grass areas (previously accepted seed mixes have included: 18% "Bluestar" Kentucky Bluegrass, 19% "Marquis" Kentucky Bluegrass, 17% "Newport" Kentucky Bluegrass, 17% "Touchdown" Kentucky Bluegrass, 16% "APM" Perennial Ryegrass, 13% "Accent" Perennial Ryegrass).

(c) Indication of proposed irrigation facilities (underground sprinkler system).

(d) Location of the clear view area at all street intersections (a triangular area formed by a line connecting the property lines at points 35 feet in each direction from the intersection) and an indication that no landscaping or other obstruction in excess of 3 feet above finished grade shall be allowed in the clear view area.

(83) A development phasing schedule (if applicable) including the sequence for each phase; approximate size in area of each phase; and, proposed phasing of construction of public improvements, recreation and common open space areas.

A signed statement acknowledging the following:

(a) Applicant and ~~or~~ Applicant's engineer/surveyor has a copy of the latest Farmington City Design Standards and Public Improvements Specifications Manual; and

- (b) Applicant and/or Applicant's engineer/surveyor has reviewed Farmington City's existing and master plan utility maps (available for review at the Planning Department Office).
- (84) Soil Report:
- (a) Form: A soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the state of Utah, shall be required prior to preliminary approval of any subdivision plat. The soil report shall include, among other things, a description of the soil types and characteristics on the site, describe whether or not groundwater was encountered in any of the test borings and at what elevation it was encountered, recommendations for road designs, slope stability studies, percolation rates, and shall identify the location of any seismic zones or flood zones on the property.
- (b) Investigation: If the soil report indicates the presence of critically expansive soils, high water table, the presence of toxic or hazardous waste, or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water, premature deterioration of the public improvements, or which would represent a public health hazard, a soil investigation of each lot in the subdivision may be required by the city engineer. The soil investigation shall recommend corrective actions intended to prevent damage to proposed structures and/or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application.

12-5-120: Final Plat Application Requirements:

The following items shall be submitted for review and consideration of the Final Plat, unless waived in writing by the city engineer:

Format and General Items

- (1) A title block which contains the following:
- (a) Name of the subdivision.
- (b) Type of development (residential, commercial, PUD, PRD, etc.).
- (c) Surveyor's certificate that has been signed and dated, showing the name and registration number of the surveyor responsible for making the survey.
- (d) A legal description of the subdivision boundaries that include the quarter-quarter section, section, township, range, principal median and the County of its location.
- (e) The owner's dedication that includes the dedication of all public ways or spaces. The owner's dedication shall be signed by every person having a security interest in the subdivision property, dated, and notarized and should include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
- (f) Signature blocks prepared for the dated signatures for the following:
- (i) City Council;
- (ii) City Recorder;
- (iii) City Engineer;
- (iv) City Attorney;
- (v) Planning Commission;
- (vi) respective irrigation water district;
- (vii) Central Davis Sewer District;
- (viii) affected gas pipeline company (if applicable) (Ord. 2015-16, 5-26-2015).
- (2) Graphic and written scale at no more than one (1) inch equals one hundred (100) feet or as recommended by City Engineer.
- (3) The basis of bearings used and a north point.
- (4) Township and Range, section lines, and other monuments.
- (5) Vicinity map on the first sheet locating the subdivision showing prominent landmarks.
- (6) The exterior boundaries of the platted areas giving lengths and bearings of the boundary lines. All

- subdivisions must have proper closure.
- (7) If the subdivision is adjacent to a waterway or any other area which is subject to flooding, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any lots subject to inundation by a 100-year flood.
 - (8) Location of existing easements or right-of-way, including those contiguous to the platted area, their nature, width, and the book and page number of their recording in the County's records.
 - (9) Location of proposed easements including any required easements for water, sewer, drainage or irrigation, temporary turnaround easements and a ten (10) foot public utility easement shown on the front of each lot and any side or rear of a lot adjacent to a road right of way.
 - (10) All lots, blocks, rights-of-way and easements (including open space) created by the subdivision with their boundary, bearings, lengths, widths, name, number, or purpose. For curved boundaries the curve radius, central angle, and length of arc shall be given.
 - (11) Indication of lot areas (square feet).
 - (12) Lots consecutively numbered or lettered in alphabetical order.
 - (13) Proposed addresses shown on each lot (corner lots should include two addresses) as obtained from Farmington City Planning Department.
 - (14) All proposed new streets named or numbered in accordance with the street naming and numbering system of the City.
 - (15) Location and names of adjacent properties/property owners and platted subdivisions.
 - (16) Location of zoning boundary lines within and adjacent to the proposed subdivision.
 - (17) Location of all existing homes or buildings within the proposed subdivision that are to remain.
 - (18) All existing monuments found during the course of the survey (including a physical description such as "brass cap").
 - (19) All monuments erected, corners, and other points established in the field. The monuments shall be made of brass and the legend shall indicate the diameter, length, and weight of the monuments All exterior boundary angle points of the subdivision and lot corners shall be marked in accordance with the Farmington City Design Standards and Public Improvements Specifications including brass pins in the BOC for all front property lines.
 - (20) A detail diagram showing typical setbacks for a corner and interior lot and a typical 35' clear view area (sight triangle) on the corner lot.

Required Notes on the Final Plat

- (21) A notation of the distance (shown as a dimension and note on the plat) from the centerline of each existing road right-of-way (centerline of existing asphalt) to the new property line of the subdivision.
- (22) A summary of total project acreage, total acreage in lots, total number of units, total acreage of open space or other dedicated parcels, and total acreage in roads and lane miles of road.
- (23) A notation of any limited access restrictions on the lots that are affected.
- (24) If a detention pond is required, note the capacity of the pond on the final plat.
- (25) If there is no detention pond on the plat, provide a note explaining how detention is handled.
- (26) If surface drainage is to be directed onto a privately owned area for detention or retention as part of the storm drainage system, show an easement around the detention/retention area on the final plat with the following note on the easement area: "Permanent detention/retention (whichever is applicable) facility to be owned and maintained by the owners of this property not to be altered without approval by Farmington City Council and City Engineer".
- (27) If the proposed subdivision is adjacent to or in close proximity to an existing agricultural area or activity, the following note regarding the Right to Farm must be added to the Final Plat: "This area is subject to the normal everyday sounds, odors, sights, equipment, facilities, and all other aspects associated with an agricultural lifestyle. Future residents should also recognize the risks inherent with livestock."
- (28) If a temporary turnaround is required, add the following note on the final plat with reference to the turnaround: "temporary asphalt turnaround with appropriate road base, and no above ground utilities allowed in the turnaround area. A letter will be provided to the Building Division prior to issuance of a building permit for the affected lot stating that the homeowner/lot buyer is aware of the temporary turnaround on their property and that it is to remain unaltered and no parking allowed until the City approves removal of the turnaround."

- (29) For PRD and PUD subdivisions, note any exceptions to minimum home size requirements, setbacks, and note that all homes are required to meet the architectural requirements contained in the Development Code including product mix on home elevations.
- (30) For subdivisions with trails, a note stating that the trail location(s) must be staked and reviewed by the Parks and Planning Divisions prior to installation.
- (31) For subdivisions with common area where an HOA is involved, add the following note in the owner's dedication area of the title block: "Pursuant to Utah Code 10-9a-604 (D), the owner(s) hereby convey all common areas shown on this plat as indicated hereon to the (insert name of HOA and their mailing address)."
- (32) A note shall be placed on the final plat indicating that a soil report has been prepared and submitted to the city for the proposed subdivision.
- (33) A note stating that only 1 culinary water meter or 1 secondary water meter shall be allowed in a driveway.
- (34) All culinary water meters located in driveways shall have a 30 inch meter box with a traffic rated lid.
- (35) Wells (show and label whether the well is to remain or be abandoned - if the well is to be abandoned, add a note on the plans stating "existing well to be abandoned and capped by a certified well driller and documentation provided to Farmington City").

Construction Drawings

- (36) Final construction/plan & profile drawings of all required public improvements consistent with Farmington City Design Standards and Public Improvement Specifications. An engineer or land surveyor must stamp all construction drawings in accordance with the procedures of the Utah State Board for Professional Registration. Construction drawings shall include:
- (a) Each sheet shall contain a signature box for the city engineer.
 - (b) An overall public improvement plan or index sheet that includes a summary of all improvement and utility information (this sheet is used by City Staff to prepare the bond for public improvements).
 - (c) Location, pipe type (pipe type may be noted in a utility legend), and size of existing and proposed culinary and pressurized irrigation lines and associated fire hydrants, valves, and blowoffs (note where bends are required on water lines).
 - (d) Location, depth, pipe type (pipe type may be noted in a utility legend), and slope of all drainage, and sewer lines, including the location and proper spacing of all boxes, manholes and other improvements.
 - (e) A note stating that all mechanical joints require a mega lug or other approved equal joint restraint.
 - (f) Location of water and sewer service laterals for each lot including the location of the laterals in relation to each other (water laterals must be located at the center of the lot and sewer laterals 10 feet downstream from the water laterals).
 - (g) On each corner lot, add a label stating "front" to indicate which street frontage is considered the front of the lot (the front of the lot must be consistent with the location of the water and sewer service laterals).
 - (h) Details of detention basin(s) including:
 - (i) Piping and orifices.
 - (ii) A note stating that the bottom of the basin will be sloped towards the outlet.
 - (iii) Cross section of detention pond.
 - (iv) 100 year water level.
 - (v) Capacity of detention pond in cubic feet.
 - (vi) Minimum 1 foot freeboard.
 - (vii) 3:1 slopes or flatter.
 - (viii) Grass covering and underground sprinkler system or approved xeriscaping.
 - (i) If the placement of irrigation system improvements is required, show all irrigation improvements including piping, head gates, boxes, grates etc. (in conformance with letter issued by the irrigation company) and provide a signature block for the irrigation company on all applicable construction drawing sheets.

- (j) Cross sections of all roads including pavement design, base and sub base amounts and location of utilities within the street right of way (please note that base and sub base should be shown and labeled extending 1 foot beyond the back of curb).
 - (k) All roads must have a minimum standard of 3 inches of asphalt with 12 inches or road base, unless the soils report requires a higher level of strength ratio. A note stating all concrete shall have fiber.
 - (l) Sidewalk shall be installed along the entire frontage of the property. The developer must provide sidewalk access to adjacent amenities when required by the City Engineer. This may require the installation of sidewalk off site.
 - (m) Location of proposed underground power , domes and transformers.
 - (n) Location of existing power infrastructure and ownership.
 - (o) Location, type, and height of existing fencing and new fencing, berming or other buffering to be installed as part of the development.
 - (p) Street signs and traffic control signs.
 - (q) Show existing and proposed streetlights. Proposed streetlights are to be shown in the park strip. Street lights shall be installed at intersections and spaced at 350 feet. Streetlights are to be installed per city standards.
 - (r) Location of USPS gang box/mailbox locations (applicant must meet with a Post Office representative to determine locations).
 - (s) All other specifications, details, and references required by the Design Standards and Public improvements Specifications and Standard Drawings.
- (37) Construction drawings are to include the following notes:
- (a) A note stating the developer will install all streetlights unless otherwise directed by the City Engineer.
 - (b) A note stating that all construction is to be done as per the latest edition of the Farmington City Design Standards and Public Improvements Specifications.
 - (c) _____
 - (d) A note stating that all fire hydrants are to be Clow.
 - (e) A note that valves are to be Mueller or Clow.
 - (f) A note stating that all water meters in driveways shall be installed with a 30 inch meter box with a traffic rated lid.
- (38) Landscaping plan for all park, open space, and common ownership areas including:
- (a) A table indicating the percent of the site to be landscaped.
 - (b) Planting areas with a list of the name, number and size of plants designated for each area.
 - (c) Location, name and size of all existing and proposed trees and shrubs.
 - (d) Location and sizes of proposed irrigation facilities adequate to maintain the planting areas.
 - (e) Location of the clear view area at all street intersections (a triangular area formed by a line connecting the property lines at points 30 feet in each direction from the intersection of the two street property lines) and an indication that no landscaping or other obstruction in excess of 3 feet above top back of curb shall be allowed in the clear view area unless otherwise approved by the City Transportation Engineer. Trees must be planted outside of the sight triangle with branches trimmed to 10 feet above the top back of curb.

Other Required Items

- (39) Long Term Stormwater Maintenance Plan and Agreement for all privately owned stormwater infrastructure.
- (40) Letters from the Utah Department of Environmental Quality regarding any proposed exceptions to requirements of R309-500 through 550

Required Items Prior to Recording of Plat

- (41) . Bonded for the project. Bond amounts are provided by Farmington City Engineering.
- (42) A final copy of any restrictive covenants (CC&Rs), reservations, or private easements.
- (43) Evidence that all property taxes are current and that roll back taxes have been paid, and that no other debts or obligations are outstanding and no liens or encumbrances are placed on the property.

- (44) If the property has been in greenbelt, verification from the title company that all roll-back taxes have been paid.
- (45) A preliminary title report covering all the property located within the subdivision. The report shall be prepared or updated within thirty (30) days of the date of recording of the Final Plat.
- (46) Warranty deed/title insurance on property dedicated to the City (open space, detention, City park property, City trails, some road dedication). Title insurance policies on each.
- (47) Prepared easements for any necessary offsite water, sewer, or drainage easements across privately owned land, or for temporary turnarounds. Farmington City requires a minimum of 20 feet on through property easements
- (48) A copy of any necessary deeds or boundary line agreements necessary for recording of the Final Plat.
- (49) Any required UDOT approvals for access, etc.
- (50) _____
- (51) An electronic (computer disc or email) copy of the proposed Final Plat and Construction Drawings in a format acceptable to the City Engineer (PDF, DGN or DXF).
- (52) During the DRC review process, the proposed property lines along existing streets must be staked for review by staff.
- (53) Prior to the pre-construction meeting, the developer will provide 6 copies of the approved set of drawings, obtained a SWPPP, bonded for the project and or obtained an excavation permit. When changes need to be made to a check set, revise the affected sheets only. All these must be completed prior to the preconstruction meeting being scheduled.

~~—A.—Requirements: The final plat shall consist of a sheet of approved mylar to the outside or trim line dimensions of nineteen inches by thirty inches (19" x 30"), and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inch (1¹/₂" on the left margin of the sheet for binding, and not less than a one-half inch (¹/₂" margin in from the outside or trim line around the other three (3) edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the mylar with approved waterproof black drawing ink. (Ord. 2010-20, 5-18-2010)~~

~~—B.—Scale: The final plat shall be drawn at a scale of not less than one inch equaling one hundred feet (1" = 100'), and the workmanship on the finished drawing shall be neat, clear and readable.~~

~~—C.—Signatures; Small Scale Vicinity Map: The plat shall be signed by all required and authorized parties and the final drawings shall contain all information set forth in this section. The location of the subdivision within the city shall be shown by a small scale vicinity map on the first sheet. (Ord. 1996-24, 6-19-1996)~~

~~—D.—Name, Unit Number: The title of each sheet of the final plat shall consist of the approved name and unit number of the subdivision in bold letters, and if applicable, the words "a Planned Unit Development (PUD)" or "a Conservation Subdivision", followed by the words "Farmington City" at the top of the sheet. (Ord. 2011-10, 5-17-2011)~~

~~—E.—Coordinates: Wherever the city engineer has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation.~~

~~—F.—Boundary Survey: An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, shall close within a tolerance of one foot (1') to twenty thousand feet (20,000') of perimeter.~~

~~—G. Monuments, Lines: The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.~~

~~—H. Dedications, Lots: All lots, blocks and parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. The square footage of each lot shall be shown. Parcels offered for dedication other than for streets or easements shall be designated by letter. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two (2) or more sheets, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase 2 would be numbered 201, 202, 203, etc.~~

~~—I. Right Of Way Lines: The plat shall show the right of way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within fifty feet (50') of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.~~

~~—J. Street Names, Numbers: All streets within the subdivision shall be assigned a name. Numerical names are preferred. Streets which have an alphabetic name shall also be assigned a coordinate reference number which conforms to the numbering system adopted by the city. All numbering shall be accomplished by the city building official.~~

~~—K. Easements: The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified.~~

~~—L. High Water Lines: If the subdivision is adjacent to a waterway or any other area which is subject to flooding, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any lots subject to inundation by a 100-year flood.~~

~~—M. Boundary Identification: The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the city engineer. The following required monuments shall be shown on the final plat:~~

~~—1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;~~

~~—2. All right of way monuments at angle points and intersections as approved by the city engineer. (Ord. 1996-24, 6-19-1996)~~

~~—N. Identification; Certificates: The title sheet of the map shall show the name of the engineer or surveyor, the scale of the map and the number of sheets. The following certificates,~~

acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate: (Ord. 2010-20, 5-18-2010)

- ~~—1. Registered land surveyor's "certificate of survey";~~
- ~~—2. Owner's dedication certificate;~~
- ~~—3. Notary public's acknowledgment for each signature on the plat;~~
- ~~—4. A description of all property being subdivided with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the county and commence from section corners of known location, bearing and distance. The description shall also include reference to any vacated area with the vacation ordinance number indicated; (Ord. 1996-24, 6-19-1996)~~
- ~~—5. Blocks for authorized signatures of the planning commission, city engineer, respective irrigation water district, Central Davis sewer district, city attorney and city council shall be provided along the bottom or right side of the plat. A block for the Davis County recorder shall be provided in the lower right corner of the plat. Additionally, for any plat that has gas pipelines traversing its boundaries, the plat shall have a signature block for each affected gas pipeline company. (Ord. 2015-16, 5-26-2015)~~
- ~~—6. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this title or by the city attorney;~~
- ~~—7. Prior to recordation of the plat, the subdivider shall submit a current title report to be reviewed by the city attorney. A "current" title report is considered to be one which is prepared and dated not more than thirty (30) days before the proposed recordation of the final plat.~~
- ~~—O. Soil Report: A note shall be placed on the final plat indicating that a soil report has been prepared and submitted to the city for the proposed subdivision in accordance with the provisions of this title.~~
- ~~—P. Land Reserved In Private Ownership: When a subdivision contains lands which are reserved in private ownership for community use, the subdivider shall submit with the final plat, the name, proposed articles of incorporation and bylaws of the owner or organization empowered to own, maintain and pay taxes on such lands.~~
- ~~—Q. Addresses: An address shall be placed on each lot shown on the final plat. Addresses shall conform to the established grid system for Davis County and shall include optional addresses for corner lots. (Ord. 1996-24, 6-19-1996)~~

~~12-6-120: DATA TO ACCOMPANY FINAL PLAT:~~

~~At the time a final plat of a subdivision is submitted to the city, the subdivider shall also submit the following documents:~~

- ~~—A. Calculation, Traverse Sheets: Calculation and traverse sheets giving bearings, distances and coordinates of the boundary of the subdivision and blocks and lots as shown on the final plat.~~
- ~~—B. Data, Assumptions, Computations: Design data, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section and profile sheets for all public improvements.~~

~~12-56-130: EVALUATION OF FINAL PLAT:~~

A. Planning Department: The planning department will determine if the final plat submission is complete and if all the fees have been paid. If all requirements are met, ~~a letter of acknowledgment will be provided by the planning department and all fees have been been~~, and the ~~subdivider-planning department~~ shall distribute plans, ~~accompanied by the letter~~, for comment to all appropriate public and private entities.

B. Reviewing Entities: ~~Reviewing entities shall review plans within 20 calendar business days of distribution.~~ After reviewing the plans, each of the public agencies and utilities will provide the ~~acknowledgment letter~~ their review comments to the subdivider indicating whether the plans are acceptable or need to be revised, and may forward to the subdivider a written report of its findings and recommendations. These agencies shall include, but are not necessarily limited to, water and sewer improvement districts, the public works department, the city engineer and the fire department.

C. Additional Reviews: In cases where subdivider's submission or plat is incomplete, incorrect or otherwise fails to comply with Farmington City ordinances and/or development standards as determined by the city and where such failure makes additional or repeat reviews on the part of the city engineer and/or other consultants to the city necessary, subdivider shall be required to resubmit the plans to those reviewing entities that will be affected by changes. The subdivider shall be required to address each comment made by a reviewing entity, either modifying the plans or indicating their objection to the review comment, citing code authority for their objection. Failure to address each comment shall be grounds for rejection of the re-submission, and a subsequent review cycle may not begin until those comments are addressed. ~~Reviewing entities shall be allowed an additional 20 business days to review after each complete submittal or complete resubmittal.~~ After reviewing the plans, each of the public agencies and utilities will provide ~~the acknowledgment letter~~ their comments to the subdivider indicating whether the plans are acceptable or need to be revised. This process shall continue for as many as 4 review cycles or until all reviewing entities have accepted the plans. Approval by all reviewing entities shall be cause for the city engineer to give final approval of a final plat application. If a developer does not address all comments identified in acknowledgment letters from reviewers by the 4th Final Plat review cycle, the application shall be denied, after which the applicant shall be entitled to the remedies as specified in 10-9a-604.2 incorporated herein.

~~—D.— Report To Planning Commission: Within a reasonable time after receipt of a final plat and approval or comments from all appropriate reviewing entities, the planning department shall include the final plat on the planning commission agenda and prepare a report on the plat's compliance with the general plan, city ordinances, rules and regulations. The plat and the report of the city planning department shall then be presented to the planning commission. (Ord. 2006-28, 4-19-2006)~~

12-6-140: PLANNING COMMISSION ACTION; FINAL PLAT:

~~—A.— Scope: The planning commission shall not be bound by the recommendations of the city departments or the city manager, and may set its own conditions and requirements consistent with this title.~~

~~—B.— Examination Of Plat: Upon receipt of the final plat, the planning commission shall examine the plat to determine whether the plat conforms with the preliminary plat and with all changes requested and all requirements imposed as conditions of acceptance. If the planning commission determines that the plat is in conformity with the preliminary plat, the requirements of this title, other applicable ordinances and any reasonable conditions as recommended by the city departments, city manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat. (Ord. 2015-06, 2-17-2015)~~

12-6-150: DISAPPROVAL BY THE PLANNING COMMISSION:

If the planning commission determines that the final plat is not in conformity with this title or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval. Within one year after the planning commission has disapproved any plat, the subdivider may file with the planning department a plat altered to meet the requirements of the planning commission. No plat shall have any force or effect until the same has been approved by the planning commission. (Ord. 2015-06, 2-17-2015)

12-5-160: SECURITY BOND; SUBDIVIDER:

Prior to the installation of or any work on any required public improvements, the subdivider shall enter into a security bond agreement acceptable to the city to insure completion of all public improvements required to be installed in the subdivision. The bond agreement shall be in a form and contain such provisions as approved by the city attorney. The bond agreement shall include, but not be limited to, the following:

A. Incorporation: Incorporation by reference of the final plat and all accompanying data required herein which is used to compute the cost of the improvements by the city engineer;

B. Completion Of Improvements: Completion of the improvements within a period of time not to exceed two (2) years from the date the bond agreement is executed;

C. Satisfactory Completion: The improvements shall be completed to the satisfaction of the city and according to city standards, as established by the city engineer and as specified in chapter 8 of this title;

D. Amount: The bond amount shall be equal to one hundred twenty percent (120%) of the city engineer's estimated cost of the public improvements to be installed;

E. Exclusive Control By City: The city shall have exclusive control over the bond proceeds and they may be released only upon written approval of the city manager;

F. Reduction: The bond proceeds may be reduced upon request of the subdivider as the improvements are installed. The amount of the reduction shall be determined by the city. Such requests may be made only once every thirty (30) days and no reductions shall be authorized until such time as the city has inspected the improvements and found them to be in compliance with city standards. All reductions shall be by the written authorization of the city manager;

G. Deficiency In Bond Proceeds: If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to city standards for whatever reason, including previous reductions, the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision or development until the improvements are completed or, with city council approval, a new bond, satisfactory to the city, has been executed and delivered to the city to ensure completion of the remaining improvements;

H. Deductions For Failure: If, upon written demand by the city after expiration of the time period, bond proceeds are not transferred to the city within thirty (30) days, the city's costs of obtaining the proceeds, including attorney fees and court costs, shall be deducted from the bond proceeds;

I. Reimbursement To City: Upon receipt of the bond proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the city for the costs of administration incurred by the city in obtaining the completion of the improvements;

J. Nonliability: The subdivider shall agree to hold the city harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the city certifies the improvements as complete;

K. Type Of Bond Agreement: The bond agreement shall be one of the following types as dictated by the city:

1. A cash bond agreement accompanied by a cashier's check or a money market certificate made payable only to the city;

2. An escrow bond agreement and an escrow account with a financial institution federally insured; or

3. A letter of credit bond agreement accompanied by an irrevocable letter of credit with a financial institution federally insured;

L. Right Of Rejection: The city reserves the right to reject any bond. The bonds required by this section are for the sole benefit of the city. The bonds are not for the benefit of any individual citizen or identifiable class of citizens, including the owners or purchasers of lots within the subdivision or project;

M. Extension: The time period for the completion of the required public improvements may be extended in the following manner upon approval of the city council:

1. The subdivider may submit a new bond for approval;

2. The existing bond may be extended upon payment, by the subdivider, of the actual administrative costs incurred in reevaluating the sufficiency of the bond amount.

12-5-170: DELAY AGREEMENT:

In lieu of the bond requirements outlined above, at the City Council's sole option, the subdivider may be permitted to execute an agreement, in a form acceptable to the city attorney, delaying the installation of any or all of the public improvements required pursuant to this title, such an agreement may require the payment of a fee in lieu of installation of the improvements.

12-5-180: RECORDING OF PLAT:

After city engineer approval, completion of the required public improvements or filing of the bond agreement described herein, and signing of the plat by the planning commission chair and the mayor, the plat shall be presented by the city to the Davis County recorder for recordation.

12-5-190: EXPIRATION OF FINAL APPROVAL:

If the plat is not recorded within six (6) months from the date of city engineer approval, such approval shall be null and void. This time period may be extended for additional six (6) month periods by the city manager. The subdivider must petition for an extension, prior to the expiration of the original six (6) months, or an extension previously granted. An extension may be granted only if it is determined that it will not be detrimental to the city. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, parks fees, flood control fees, as well as the amounts the city uses to estimate bonds to ensure completion of improvements, have increased, the city manager may require that the bond estimate be recalculated and that the subdivider pay any applicable fee increases as a condition of granting the extension.

CHAPTER 86 PUBLIC IMPROVEMENTS

SECTION:

[12-68-010](#): Design Standards

[12-68-020](#): Required Improvements

[12-68-030](#): Curb, Gutter, Sidewalk And Asphalt Paving

[12-68-040](#): Storm Drainage

[12-68-050](#): Underground Utilities And Sanitary Sewer

[12-68-060](#): Fencing Or Piping Of Hazards

[12-68-070](#): Monuments

[12-68-080](#): Completion

[12-68-090](#): Payback Or Pioneering Agreements For Improvements

[12-68-100](#): Administrative Review For Public Street Standards Not Listed

12-68-010: DESIGN STANDARDS:

A. Preparation: Standards for design, construction, specifications and inspection of street improvements, water distribution systems, storm drainage and flood control facilities shall be prepared by the city engineer. Standards for fire hydrants shall be prepared by the fire department. Standards for sewage disposal facilities shall be prepared by the Central Davis County sewer improvement district. Standards for pressure irrigation systems shall be prepared by the Farmington City area pressure irrigation district. All such standards for design and construction of public improvements and amendments thereto, which are under the control of the city, shall be approved and adopted by the city council before becoming effective. All subdividers shall comply with the approved standards required herein.

B. Streets, Blocks, Etc.: The design of the subdivision in relation to streets, blocks, lots, open spaces, and other design factors shall be in harmony with design standards recommended by the planning commission and other city staff and approved by the city council. (Ord. 1996-24, 6-19-1996)

12-68-020: REQUIRED IMPROVEMENTS:

A. Scope Of Requirements: The subdivider shall improve, or agree to improve, all streets, pedestrianways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not commence until improvement plans and profiles have been approved by the city and, if applicable, a bond agreement has been executed between the subdivider and the city as specified in chapter 6 of this title. As part of the street improvements, the subdivider shall deposit with the city sufficient sums to provide a slurry seal for the street as required by the city and additional sums to cover the cost of street signs and regulatory signs which the city determines are required for the subdivision. The city will utilize funds deposited for street signs to obtain the signs and install the same within the subdivision.

B. Installation; Inspection: Improvements shall be installed to permanent line and grade to the satisfaction of the city and in accordance with the standard specifications adopted by the city

council. Cost of inspection shall be paid by the subdivider as outlined in the consolidated fee schedule.

C. Nonresponsibility Of City: Notwithstanding the fact that the land on which the improvements will be located is dedicated at the time of the recording of a plat, the city shall not be responsible for the improvements, their construction or maintenance, until the warranty period specified in the bond agreement has expired, the improvements have been inspected, and the city certifies that they meet city standards. (Ord. 1996-24, 6-19-1996)

12-68-030: CURB, GUTTER, SIDEWALK AND ASPHALT PAVING:

High back curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and residential lots. High back curb, gutter and paving shall be required on all industrial property. At the discretion of the planning commission, sidewalks may also be required for industrial property. At the discretion of the city council, after receiving a recommendation from the planning commission, curb, gutter and sidewalk improvements may be omitted in major residential subdivisions where each lot has a frontage of at least one hundred fifty feet (150') and an average minimum lot size of one acre if adequate provisions have been made for stormwater runoff and pedestrian traffic. (Ord. 1996-24, 6-19-1996)

12-68-040: STORM DRAINAGE:

A. Site Grading: Site grading shall be performed taking into consideration the drainage patterns of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.

B. Requirements: In every subdivision, provision shall be made for the satisfactory drainage of stormwater by means of underground storm sewer pipes and/or surface drainage ditches. No stormwater lines may be connected or constructed so as to flow into sanitary sewers. Major natural drainage courses shall not be appreciably altered from their natural condition except for stabilization and erosion control. Subdividers shall be responsible for the drainage of after development stormwater in conformity with the city master storm drainage plan or as determined by the city engineer.

C. Installation Of Drains: Stormwater drains shall be installed as shown on the subdivision development plans. (Ord. 1996-24, 6-19-1996)

12-68-050: UNDERGROUND UTILITIES AND SANITARY SEWER:

A. Utilities, Sewers, Drains: All underground utilities, sanitary sewers and storm drains installed in streets or alleys should be constructed prior to the surfacing of such streets or alleys. Connections for all underground utilities, water lines, pressure irrigation lines, and sanitary sewers for each lot should be laid to a point which will eliminate the necessity for disturbing the street or alley improvements, when service connections thereto are made.

B. Wires, Cables: All telephone, electric power, cable television or other wires or cables shall be placed underground. Equipment appurtenant to the underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets and concealed ducts may be above ground. The subdivider shall make all necessary arrangements with the utilities involved for the installation of the underground facilities.

C. Water Mains, Hydrants: Water mains and fire hydrants connecting to the water system owned by the city shall be installed as approved by the city. Mains and individual lot services shall be of sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection as determined by the fire chief and as required under any applicable law, rule or regulation. Water system plans shall be reviewed and

approved by the Utah state health department prior to recordation of a subdivision. (Ord. 1996-24, 6-19-1996)

12-68-060: FENCING OR PIPING OF HAZARDS:

A. Requirements: The subdivider shall install a six foot (6') nonclimbable chainlink fence along all canals, waterways, nonaccess streets, open reservoirs or bodies of water, railroad rights of way, property in agricultural use or zoned for agricultural use and other such features of potentially hazardous nature which are on, cross or are contiguous to, the property being subdivided, except on those features which the planning commission shall determine would not be a hazard to life, or where the fence itself would create a hazard to the safety of the public. Fences required by this section shall comply with construction standards established by the city.

B. Irrigation Ditches: All irrigation ditches shall be piped, unless this requirement is waived by the city council. (Ord. 1996-24, 6-19-1996)

12-68-070: MONUMENTS:

Permanent monuments shall be furnished, accurately established, and set by the subdivider at such points as are necessary to definitely establish all lines of the plat except those defining rear property corners of individual lots which will be semipermanent. (Ord. 1996-24, 6-19-1996)

12-68-080: COMPLETION:

A complete improvement plan "as built" shall be filed with the city upon completion of said improvements. The "as built" plans shall be drawn on reproducible copies of the original tracings and certified as to accuracy and completeness by the subdivider's licensed engineer. (Ord. 1996-24, 6-19-1996)

12-68-090: PAYBACK OR PIONEERING AGREEMENTS FOR IMPROVEMENTS:

A. Definitions. As used in this section:

BENEFITTED PROPERTY:	A property that abuts or is adjacent to improvements that are installed by a developer, and which improvements directly benefit the abutting or adjacent property.
PAYBACK AGREEMENT:	An agreement between a developer and Farmington City governing the payment by the city for project improvements that are extended, expanded or improved beyond what is necessary for the development.
PIONEERING AGREEMENT:	An agreement between the developer and Farmington City governing the requirement for each benefitted property owner to pay for a portion of improvements that directly benefitted their property.

B. Payback Agreements. A payback agreement entered into between Farmington City and the developer who installs the improvements or facilities for water, storm sewer or roads is authorized, where the improvements installed are intended to extend, expand or improve the city's water system, storm sewers or roads beyond the improvements required to service or benefit the subdivision or development proposed by the developer. Such payback agreements shall be for project improvements and not system improvements as defined in the Utah impact fees act. The payback agreement is not mandatory, but may be used at the option of the city manager, upon approval of the payback agreement by the city council. The amount of the payback to the developer shall be determined by the city council after receiving a

recommendation from the city engineer after considering the improvements or facilities required or benefiting developer's development, and those facilities or improvements that are specifically oversized to provide for future development of non-abutting and adjacent projects.

C. Pioneering Agreements. Pioneering agreements for improvements that result in a benefitted property may be approved by the city council. The dollar amount of the payment to the developer shall be solely determined by the city under the direction of the city engineer after consideration of the portion of the improvements or facilities installed that benefit the developer's development, and the portion of the improvements or facilities that provide for future development of the benefitted property. The determination of the charge apportioned to each benefitted property owner shall be included in the pioneering agreement.

D. At the time the pioneering agreement is entered into with a developer, the developer is responsible to record a notice against the benefitted property with the County Recorder's Office and provide written notice to the owner of record of the benefitted property, which notice shall inform the benefitted property owners that at such time as they develop the benefitted property, they will be required to pay for a portion of the improvements previously installed.

E. Notice on the benefitted property owner shall be accomplished by delivery requiring a signature of a responsible person at the registered owner's address, or a signature of an individual who delivered the notice to a person at that address.

F. The notices shall include a copy of the approved pioneering agreement.

G. The pioneering agreement shall expire fifteen (15) years from the date of the pioneering agreement's execution, or at such time that the developer has recovered the costs specified in the pioneering agreement, whichever comes first.

H. Prior to recording a plat for a benefitted property under a pioneering agreement, the city shall require proof of payment of the amount described in this subsection, and may deny plat recordation until the city has received such proof.

I. Notwithstanding subsection 3 of this section, the city may proceed with plat recordation if the developer is non-responsive to the city's communications regarding the payment under the pioneering agreement, if the pioneering developer failed to comply with the requirements of this section, or if other extenuating circumstances indicate that plat recordation is appropriate.

J. A benefitted property owner that objects to the entry of a pioneering agreement shall file a notice of appeal to the city recorder within thirty (30) days of receiving notice under subsection (1) of this section. Failure to file a timely appeal waives the right of benefitted property owners, or their successors or assigns, to contest the agreement or the city's refusal to record the plat under subsection (B)(3).

K. Nonliability Of City: The city shall, in all cases, be immune and not liable for any payments to the developer if the payback or pioneering agreement is determined to be unenforceable. Agreements under this section shall not confer a benefit upon any third party and shall be in a form approved by the city council. The responsibility for payment of the required improvements or facilities shall rest entirely with the developer. The city shall not be responsible for collection of amounts from third parties. (Ord. 2000-21, 5-17-2000; amd. Ord. 2023-15, 3-14-2023)

12-68-100: ADMINISTRATIVE REVIEW FOR PUBLIC STREET STANDARDS NOT LISTED:

A. Consideration: The city engineer may review and approve street standards not listed in the Farmington City development standards but shall consider only modifications and

alternatives to standard street intersections, sidewalk locations, typical cul-de-sac and standard roadway sections, but not the elimination of sidewalks altogether. The city council, after receiving a recommendation from the planning commission, may waive the requirement to install sidewalks. The city engineer and/or the planning commission shall not consider changes to remaining standards, including, but not limited to, submittals, quality control, site preparation, grading, excavating, backfilling and compaction, base course, asphalt/concrete, curbs, gutters, drive aprons and walks, slurry sealing, restoration of existing improvements, storm drainage systems, boundary markers and survey monuments, geotextiles and concrete reinforcement. Notwithstanding the foregoing, amendments to the Farmington City development standards may be approved from time to time by resolution of the city council.

B. Application: An application requesting a street standard not listed shall be filed with the city planner. The application shall include a detailed description of the proposed standard and other such information as may be required.

C. Investigation: The city planner, city engineer, city public works director and any other city official, as required, shall conduct such investigations as are deemed necessary to compare the proposed standard with sound customary engineering and planning practices. Thereafter, a recommendation shall be provided to the city engineer or the planning commission.

D. Final Determination: The final determination by the city engineer or the city council and all information pertaining to it shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the office of the community development department. (Ord. 2009-11, 2-17-2009; amd. Ord. 2019-34, 11-12-2019)

CHAPTER 97

LOT CONSOLIDATION, ~~AND~~ BOUNDARY ADJUSTMENT, ~~AND~~ PLAT AMENDMENTS

SECTION:

[12-79-010](#): Purpose

[12-79-020](#): When Permitted

[12-79-030](#): Property Boundary Unaffected

[12-79-040](#): Applications

[12-79-050](#): Review

[12-79-060](#): Lot Consolidation Restrictions

[12-79-070](#): Boundary Adjustment Restrictions

[12-79-080](#): Statement Of Approval

[12-7-090](#): **Plat Amendments**

12-79-010: PURPOSE:

This chapter is intended to allow the consolidation of lots or adjustments of boundaries on lots within the city through an administrative process approved by the zoning administrator. (Ord. 2023-3, 1-3-2023)

12-79-020: WHEN PERMITTED:

A. Lot Consolidation: Two (2) abutting lots located within the same platted subdivision may be consolidated into a single lot if they share a common boundary and a common owner.

B. Boundary Adjustment: Two (2) abutting lots or parcels within the city may have their boundary adjusted if they share a common boundary and consent of both property owners is established by the applicant. (Ord. 2023-3, 1-3-2023)

12-79-030: PROPERTY BOUNDARY UNAFFECTED:

A. Unless otherwise provided by Utah or Davis County law, lot consolidation and boundary adjustments under this chapter that are made to platted lots shall not have the effect of adjusting any property boundary in the records of the county.

B. The application shall provide a notice to an applicant that property boundaries for platted lots are not affected by lot consolidation or boundary adjustments, which may impact the owner's ability to construct improvements on the adjusted lots. (Ord. 2023-3, 1-3-2023)

12-79-040: APPLICATIONS:

A. An applicant wishing to either combine two (2) lots, or to adjust a boundary between two lots or parcels, shall submit an application to the city planner on a form approved by the city. The application shall provide proof of ownership of both lots. At the time the application is submitted, the applicant shall pay the required application fee, as set forth in the city's consolidated fee schedule.

B. For boundary adjustments, the application must be accompanied by a survey and legal descriptions of the parcels with adjusted boundaries. The applicant shall also present proof of

ownership for properties, with an executed and notarized consent to the boundary adjustment for each property. (Ord. 2023-3, 1-3-2023)

12-79-050: REVIEW:

The city planner shall review the application for completeness, which review shall not exceed thirty (30) days. The applicant shall be notified as soon as practicable if the application is not accompanied by the required documentation. At the conclusion of the review period, the zoning administrator shall render a decision on the application. (Ord. 2023-3, 1-3-2023)

12-79-060: LOT CONSOLIDATION RESTRICTIONS:

A lot consolidation under this chapter shall not:

- A. Combine two (2) lots that do not share a common boundary line;
- B. Combine two (2) lots that are platted on different subdivision plats;
- C. Extinguish or modify any easements of record; or
- D. Create any new lots. (Ord. 2023-3, 1-3-2023)

12-79-070: BOUNDARY ADJUSTMENT RESTRICTIONS:

A boundary adjustment under this chapter shall not:

- A. Completely eliminate a lot;
- B. Result in a lot that does not conform to zoning or lot regulations of the city;
- C. Extinguish or modify any easements of record; or
- D. Create any new lots. (Ord. 2023-3, 1-3-2023)

12-79-080: STATEMENT OF APPROVAL:

A. Upon approval of the application, the applicant shall submit to the city such proposed deeds or records that will accomplish the lot combination or boundary adjustment.

B. The city planner shall review such submissions to assure they conform to the representations made in the application, and submit it to the zoning administrator for approval.

C. Upon approval, the zoning administrator shall sign a statement to be attached to the deeds reflecting the city's approval of the lot combination or boundary adjustment. (Ord. 2023-3, 1-3-2023)

12-7-090: PLAT AMENDMENTS

Process: Applications for an amendment to a Subdivision Plat shall be considered as outlined by Utah State Code Sections 10-9a-608 and 10-9a-609.

Land Use Authority: The City Council shall act as the Land Use Authority when considering an application for a Subdivision Plat Amendment.

CITY COUNCIL STAFF REPORT

To: Mayor and City Council
From: Lyle Gibson – Assistant Community Development Director
Date: 11/14/2023
Subject: Zone text amendments to remove financial institutions as an allowed use in zoning districts where currently permitted. (ZT-19-23)

RECOMMENDATION

Move the City Council approve the enclosed enabling ordinance enacting changes to multiple sections of Farmington City code removing financial institutions as an allowed use from multiple zoning districts.

Findings:

1. The proposed changes limit the amount of new financial institutions that may open within the community slowing the proliferation of the use and increasing the chance that other types of businesses will come into the community and reduce competition on key properties.

BACKGROUND

After seeing multiple applications for the construction of financial institutions on key corners on the city, the proposed ordinance is being proposed to at least for the time being put a halt on new construction of these institutions.

Existing financial institutions will be allowed to remain as non-conforming uses which limits their ability to expand.

As proposed, the ordinance would not permit financial institutions to open new locations in either new construction or existing spaces which are not already financial institutions. For example, one bank could replace another in the same building or space, but a bank could not take the place of an insurance office.

It is worth noting that property subject to previously approved development agreements which specifically permit financial institutions or ordinances as of a certain date would still permit financial institutions.

The Planning Commission voted unanimously in support of the proposed ordinance.

Recent applications:

US Bank – University Ave and Clark Lane – GMU zone

Key Bank – Market Street and Station Parkway – GMU zone

Existing institutions:

Utah First CU: 1100 West and Park Lane – GMU zone

Mountain America CU: Cabelas Drive and Station Parkway – GMU zone

Bank of America: Cabelas Drive and Station Parkway – GMU zone

Chase Bank: Station Parkway and Clark Lane – TMU zone

US Bank: Inside Smith’s – C zone

Wells Fargo: 12 W State Street - BR zone

Goldenwest CU: Lagoon Drive and 675 North – CMU zone

Horizon CU: 200 S and 200 W – BP zone

America First CU: inside Harmon’s Grocery Store – TMU zone

Zion’s Bank: Main Street and Somerset Street

Respectfully submitted,



**Lyle Gibson
Assistant Community Development Director**

Review and concur,



**Brigham Mellor
City Manager**

Supplemental Information

1. Enabling Ordinance

**FARMINGTON CITY, UTAH
ORDINANCE NO. 2023-**

AN ORDINANCE AMENDING MULTIPLE SECTIONS OF TITLE 11, PLANNING AND ZONING, TO REMOVE FINANCIAL INSTITUTIONS AS AN ALLOWED USE IN FARMINGTON CITY. (ZT-19-23)

WHEREAS, recent development has seen the proliferation of multiple new financial institutions on key properties; and

WHEREAS, the City is desirous to see a variety of other uses and buildings which better fit the vision and community offering a variety of services and amenities; and

WHEREAS, the City Council has held a public hearing pursuant to notice and as required by law and deems it to be in the best interest of the health, safety, and general welfare of the citizens of Farmington to make the changes proposed;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FARMINGTON CITY, STATE OF UTAH:

Section 1. Amendment. Multiple Sections of Title 11, Planning and Zoning, of the Farmington City Ordinance are hereby amended as set forth in **Exhibit “A”** attached hereto and by this reference made a part hereof

Section 2. Severability. If any provision of this ordinance is declared invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

Section 3. Effective Date. This ordinance shall take effect immediately upon publication or posting or 30 days after passage by the City Council, whichever comes first.

PASSED AND ADOPTED by the City Council of Farmington City, State of Utah, on this 14th day of November, 2023.

FARMINGTON CITY

ATTEST:

Brett Anderson, Mayor

DeAnn Carlile, City Recorder

Exhibit A

Chapter 14 – Business Park Zone (BP)

11-14-030: CONDITIONAL USES:

The following are conditional uses in the BP zone. No other conditional uses are allowed, except as provided by subsection 11-4-050F of this title:

- Any development which includes multiple buildings or is proposed on a site which is over one acre in size.
- Athletic or tennis club.
- Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.).
- ~~Financial institutions.~~
- Light manufacturing uses (fabrication, assembly, treatment or packaging operations conducted in a totally enclosed building using previously prepared materials).
- Outside storage.
- Public and quasi-public uses, other than administrative offices, developed on an undeveloped site (excluding those not specifically listed as a permitted or conditional use) and material additions or modifications on a developed site.
- Public utility substations, wireless transmission towers, except as specified in section 11-28-190 of this title, generating plants, pumping stations and buildings.
- Restaurants (traditional sit down only).
- Storage/warehousing, as an accessory use, as necessary to maintain a principal use.
- Temporary uses.
- Uses customarily accessory to a listed conditional use.

Business/Residential Zone (BR)

11-15-030: CONDITIONAL USES:

The following are conditional uses in the BR Zone. No other conditional uses are allowed, except as provided by subsection 11-4-050F of this title:

- Athletic/fitness center.
- Business and professional offices.
- Convenience store (sale of grocery items, nonprescription drugs and/or gasoline from building with less than 5,000 square feet gross floor area).
- Daycare, preschool, that are not home occupations.
- Fast food establishments, attached (walk in service only, no exterior walk up or vehicle drive-through service).
- ~~Financial institutions, excluding nonchartered financial institutions, as defined in section 11-2-020 of this title.~~
- Funeral home.
- Greenhouse/garden center (retail or wholesale).
- Hotels, motels and bed and breakfasts, all not to exceed five thousand (5,000) square feet in size.
- Mixed use development, as defined in section 11-18-030 of this title.
- Museums.
- Neighborhood grocery (grocery store not exceeding 15,000 square feet in gross floor area).
- Neighborhood service establishments (low impact retail and service uses, such as bakery, bookstore, dry cleaning, hairstyling, pharmacy, art supply/gallery, craft store, photocopy center, etc.).

- Pet store or pet grooming establishment.
- Public and quasi-public uses, except the following prohibited uses: correctional/detention facilities, halfway houses, drug or alcohol rehabilitation facilities, facilities for the treatment or confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities, including those which may allow or require that clients stay overnight or longer.
- Reception center.
- Residential facility for the elderly.
- Restaurant (traditional sit down).
- Small auto dealership.
- Temporary uses as set forth in subsection 11-28-120H1 of this title.

General Commercial Zone (C)

11-16-020: PERMITTED USES:

The following are permitted uses in the C zone. No other permitted uses are allowed, except as provided by subsection 11-4-050F of this title:

- Agriculture.
- Business and professional offices.
- Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.).
- Commercial testing laboratories.
- Data processing services.
- Fast food establishments, attached (walk in service only, no exterior walk up or vehicle drive-through service).
- ~~Financial institutions.~~
- Funeral home.
- Neighborhood service establishments (low impact retail and service uses, such as bakery, bookstore, dry cleaning, hairstyling, coin laundry, pharmacy, art supply/gallery, craft store, photocopy center, etc.).
- Printing/publishing services.
- Public or quasi-public administrative offices in an existing building (excluding portable/temporary buildings).
- Public park.
- Public utility lines and rights of way.
- Research and development activities.
- Research services.
- Seasonal fruit/produce vendor stands.
- Signs complying with provisions of the sign ordinance.
- Uses customarily accessory to a listed permitted use.

Mixed Use Districts:

11-18-050: USES:

A. Uses allowed in the TOD area are identified in table 18.3, "Allowable Land Uses", of this section. A development parcel may have more than one main building or dwelling, however each main building shall have its own zone lot.

B. More than one permitted use may be located on a development parcel and within a building (refer to "mixed use" and "development parcel", as defined herein).

TABLE 18.3

ALLOWABLE LAND USES

Key to allowable uses:

P - Permitted

N - Not permitted

<i>Mixed Use Districts</i>								
<i>OS</i>	<i>RMU</i>	<i>OMU</i>	<i>GMU</i>	<i>TMU</i>				
				<i>Mixed Use Districts</i>				
				<i>OS</i>	<i>RMU</i>	<i>OMU</i>	<i>GMU</i>	<i>TMU</i>
Commercial:								
Financial institutions (with the exception of nondepository institutions)				N	N	P¹	P¹	P

Restrictions:

1. Drive up window/drop off lane (including a porte-cochere) allowed only with special exception review by the Planning Commission as set forth in section 11-3-045 of this title, as to use, and not fixed dimensional standards; however, in the case of a lodging, the planning commission may approve variations from the standards of 11-18-160 including permission to allow off-street parking between the building and a secondary street by review of a special exception. For any use not listed as P¹, drive-up windows are expressly prohibited. No additional curb cut shall be added to accommodate the drive up/drop off lane.

Commercial Mixed Use zone (CMU)

11-19-040: ALLOWABLE USES:

The CMU zone provides for a broad variety of land uses. The purpose of the CMU zone is to provide for a mix of uses rather than a single type of use. The specific uses that will be allowed in a CMU zoned area will depend on the location and character of the property to be zoned, the mix and intensities of the uses proposed, and on the character of the surrounding neighborhoods and land uses, and will be determined through the review and approval of either a planned unit development pursuant to chapter 27 of this title, or as a planned center development pursuant to the conditional use permit process. Among the uses that may be considered for approval in the CMU zone as part of a planned center development are the following:

- Agriculture.
- Athletic or tennis club.
- Bed and breakfasts.
- Business and professional offices.
- Class A auto sales.
- Class A self-storage.
- Commercial complex (commercial center), with a maximum floor area of eighty thousand (80,000) square feet for any single tenant.
- Commercial indoor recreation (movie theater, video arcade, bowling alley, etc.).
- Commercial outdoor recreation, minor (family reunion center, outdoor reception facilities, picnic grounds, tennis courts, etc.).
- Commercial testing laboratories.
- Convenience store (sale of grocery items, nonprescription drugs and/or gasoline from building with less than 5,000 square feet gross floor area).
- Data processing services.
- Daycare/preschool center.
- Department store.
- Dwelling, multiple-family (minimum density: 5 units per acre; maximum density: 14 units per acre).
- Fast food, detached, with drive-through.
- ~~Financial institutions.~~
- Funeral home.
- Greenhouse/garden center (retail or wholesale).
- Hotels and motels.
- Medical clinics, offices and outpatient surgical facilities.
- Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry cleaning, hair styling, coin laundry, pharmacy, art supply/gallery, craft store, photocopy center, etc.).
- Printing/publishing services.
- Private school or hospital.
- Public and quasi-public uses, except the following prohibited uses: correctional/detention facilities, halfway houses, drug or alcohol rehabilitation facilities, facilities for the treatment or confinement of the mentally ill, homeless shelters, domestic violence shelters, and other similar facilities including those which may allow or require that clients stay overnight or longer.
- Public park.
- Reception center.
- Research services and development activities.
- Restaurants (traditional sit down).
- Specialty retail stores.

- Temporary uses.
- Uses customarily accessory to a listed allowable use.
- Veterinary hospital (no outdoor kennels).

Neighborhood Mixed Use zone (NMU)

11-20-040: ALLOWED USES:

The NMU zone provides for a broad variety of land uses. The purpose of the NMU zone is to provide for a mix of uses rather than a single type of use. The specific uses that will be allowed in an NMU zoned area will depend on the location and character of the property to be zoned, the mix and intensities of the uses proposed, and on the character of the surrounding neighborhoods and land uses, and will be determined through the review and approval of either a planned unit development pursuant to chapter 27 of this title, or as a planned center development pursuant to the conditional use permit process.

A. Specified: Among the uses that may be considered for approval as part of a planned center development are the following:

Agriculture.

Athletic or tennis club.

Bed and breakfasts.

Business and professional offices.

Church, temple, synagogue or other place of worship.

Convenience store (sale of grocery items, nonprescription drugs, no gasoline sales).

Daycare, preschool.

Dwellings, multiple-family with no more than four (4) units.

~~Financial institutions.~~

Fitness center.

Funeral home.

Home occupations as identified in section [11-35-040](#) of this title.

Medical or dental clinic.

Neighborhood grocery.

Neighborhood service establishments (low impact retail and service uses such as bakery, bookstore, dry cleaning, hairstyling, coin laundry, pharmacy, art supply/gallery, craft store, photocopy center, etc.).

Nursing home, convalescent center.

Pet store or pet grooming establishment.

Private school.

Public or quasi-public uses, material additions or modifications on a developed site.

Reception center.

Research services.

Residential facilities for the disabled.

Residential facilities for the elderly.

Restaurant.

Single-family dwellings.

Temporary uses.

Two-family dwellings.

Uses customarily accessory to a listed conditional use.

FARMINGTON CITY – CITY COUNCIL MINUTES

October 3, 2023

WORK SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,
Councilmember Alex Leeman,
City Attorney Paul Roberts,
City Recorder DeAnn Carlile*

*Recording Secretary Deanne Chaston,
Assistant City Manager/City Engineer Chad
Boshell,
Accountant Kyle Robertson,
Public Works Director Larry Famuliner,
Police Chief Eric Johnsen, and
Assistant Public Works Director Cory
Brazell.*

Mayor **Brett Anderson** called the work session to order at 6:07 p.m. Councilmember **Amy Shumway** was excused.

NO PARKING SIGN DISCUSSION

City Manager **Brigham Mellor** said Farmington has no parking signs in three areas of the City, and there are different versions. They can be found by the school, across the street from the Legacy Events Center, further south on 1100, Chestnut Farms, and State Street. They call for “no event parking” as well as parking permitted only for adjacent property owners and their guests. Recently no parking signs at Glover Lane and 475 West were taken down because they were non-enforceable.

Mayor Anderson said the City should decide where and why no parking signs are put up. Councilmember **Scott Isaacson** said his neighbors complain a lot when Davis County Fair parking backs clear up to their neighborhood. Assistant City Manager/City Engineer **Chad Boshell** said parking spilled onto Farmington streets when Davis County began charging for parking at the Legacy Events Center. Even though the parking lot was half full, some motorists would rather park on City roads than pay for parking. The County has since discontinued paid parking. **Mellor** said the determination of “guests” became problematic at The Avenues.

Mellor said there are three alternatives to consider. First, red curbs are easy to enforce with tickets, as nobody can park there. Second, no parking signs are an alternative. Near Heritage Park by the mortuary, parking is allowed on one side of the street, but not on the freeway side of the street. Farmington Greens has no parking around the park in the center, but allows parking on the other side of the street. Lastly, putting in permits is an option. However, it can be financially and administratively prohibitive. This is similar to how universities and downtown Salt Lake handle parking, which is enforced by full-time meter maids. Residents could be issued permits or decals.

Councilmember **Alex Leeman** said since enforcement is non-existent, the no parking signs are merely meant as a deterrent that keeps 90% of the problem off the street. It was never about enforcement.

Public Works Director **Larry Famuliner** said the high school only has about seven football games a year and maybe one basketball game each year where parking is a problem. Therefore, the signs are up for only seven nights each year. Now that the use of the Legacy Events Center is changing, the County may need to keep evaluating how parking problems affect the City.

Police Chief **Eric Johnsen** said the purpose of no parking signs should be directly related to public safety issues. He said there is no public safety problems parking in neighborhoods by the golf course. It is just inconvenient for people when others are parked in front of their home.

Isaacson said on 1100 there is a safety concern because there are no sidewalks on one side of the road. **Mellor** said there is no way to red curb that area, as there are no curbs there. **Isaacson** said the residents on 1100 feel strongly about this.

Boshell said at the angled trail crossing, there are many reasons to restrict parking such as not having an ample shoulder. However, there is no curb there either. In the redesign of the Legacy Events Center, Davis County considered pathways to alternative parking such as the justice court lot, which is never used on the weekends.

Mellor said Station Park put up signs prohibiting event parking, but now the County is cooperating with both Station Park and the University of Utah. A free shuttle will weave from the FrontRunner station to Station Park, UTA bus stops, and Lagoon. Lagoon users don't park at the Clark trail head. The signs as they are don't work.

Leeman said he is less concerned with event parking such as high school football games and more concerned with Pioneer Lane along State Street. If there are cars on both sides of the road all summer long every day, it could be a fire drill problem. **Mellor** said the north side of the road could be red curbed after taking down the signs. He said Lagoon putting in a north parking lot could change things in the future.

Ed Rose, who lives four houses in south of 475 West, addressed the Council. He felt he and his neighbors were singled out when the City recently removed no parking signs. His street is now used for drag racing. It is a safety issue to turn left because he can't see oncoming cars when stopped at the stop sign. He agrees that the no parking signs are deterrents, and that many people ignore the signs. He is worried that the City took something away and didn't give citizens the right to appear in support or opposition of the change. When people park on the street during high school games, they litter. He said the City should take down all no parking signs, or none at all. Only taking down his makes him feel targeted.

Assistant Public Works Director **Cory Brazell** said corners are red curbed 40 to 50 feet out, including all entrances and intersections from Glover to the high school. **Boshell** said it is standard practice to analyze sight distances for intersections, and to stop at a stop sign before then pulling forward to look for oncoming traffic. There is no cross walk at 650. **Mellor** said he would like to hold off on mid-block beacons for now on Doberman Lane, as there is not that much parking there during the day. **Famuliner** said that compared to four to five years ago, there are fewer students parking there now. **Mellor** said allowing traffic to park at Innovator and Maker Way actually acts as a deterrent to slow traffic. Cars parked on the sides of the road can help mitigate drag racing. **Isaacson** said he is shocked at the drag racing that occurs on 1100. He would like to study the issue more, especially as the Legacy Events Center is built out. This

could include new sidewalks. **Boshell** said there could be a new signal at University Avenue. **Mellor** said there is no way the County or City can pay for a pedestrian bridge.

CLOSED SESSION

Present:

*Mayor Brett Anderson,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,*

*Councilmember Melissa Layton,
Councilmember Alex Leeman, and
City Attorney Paul Roberts.*

Motion:

At 6:38 p.m., Councilmember **Roger Child** made the motion to go into a closed meeting for the purpose of character, professional competence, or the physical or mental health of an individual.

Councilmember **Melissa Layton** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay

Sworn Statement

I, **Brett Anderson**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session, and that no other business was conducted while the Council was so convened in a closed meeting.

Brett Anderson, Mayor

Motion:

At 7:02 p.m., Councilmember **Alex Leeman** made the motion to reconvene to an open meeting.

Child seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay

REGULAR SESSION

Present:

*Mayor Brett Anderson,
City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,*

*Councilmember Alex Leeman,
City Attorney Paul Roberts,
City Recorder DeAnn Carlile
Recording Secretary Deanne Chaston, and
Assistant City Manager/City Engineer Chad
Boshell.*

CALL TO ORDER:

Mayor **Brett Anderson** called the meeting to order at 7:06 p.m. Councilmember **Amy Shumway** was excused.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Councilmember **Alex Leeman** offered the invocation, and the Pledge of Allegiance was led by Councilmember **Roger Child**.

Mayor Anderson said he recently read a Court decision about prayer in public meetings. The Utah Supreme Court said it is permissible. However, the City Council or Staff reading and approving the prayer beforehand—such as was done in Murray, Utah—is not permissible. That is discrimination. If you have an open forum, you can't pick which voice you are going to hear.

Councilmember **Scott Isaacson** said that because Farmington has different congregations that meet in the City, the Council has had prayers offered by denominations outside the predominant religion of the area.

PRESENTATION:

Hopebox Theater presents a selection from The Little Mermaid

This is closing week for this production, and tickets are sold out for Friday and Saturday.

UDOT I-15 Environmental Impact Statement (EIS) Study Update by UDOT Program Manager Mike Romero and Consultant Project Manager Shane Marshall

Utah Department of Transportation (UDOT) reached a milestone when it released the EIS draft last Friday, and they are still looking for feedback. Traffic analysis for the Interstate 15 EIS assumes all other projects in the 2050 Regional Transportation Plan (RTP) are already successfully implemented. This plan includes over 53 planned projects and improvements for all modes within the study area including double tracking and electrifying FrontRunner in Davis and Salt Lake Counties; extending Legacy Parkway Trail and more than 30 other projects improving and adding new facilities for those who walk and bike; constructing future phases of West Davis Corridor and widening I-80, I-215, Redwood Road, and Legacy Parkway.

In 2019, northbound travel time from Park Lane in Farmington to 400 South in Salt Lake City took 19 minutes. Travel southbound in the same area took 18 minutes. If no action is taken, those travel times would increase significantly by 2050. Northbound would take 66 minutes, and

southbound would take 55 minutes. The study considered the entire corridor and all travel needs along it, including for motorists, pedestrians, and cyclists.

The study was done for many purposes and needs including improving safety, better connecting communities, strengthening the economy, and improving mobility for all users. The study addressed improving the safety and operations of the I-15 mainline, I-15 interchanges, bicycle and pedestrian crossing, and connected roadway network. The study considered consistency with planned land use, growth objectives, and transportation plans; and will support the planned FrontRunner double track projects and enhance access and connectivity to Fronrunner, regional transit and trails, and across I-15. The study considered replacing aging I-15 infrastructure and enhancing the economy by reducing travel delay on I-15. The study also considered improving mobility and operations on the I-15 mainline, I-15 interchanges, connected roadway network, transit connections, and bicyclist and pedestrian facilities to help accommodate projected travel demand in 2050.

There is aging infrastructure and drainage issues that require more maintenance. With its sharp curves, the current roadway was designed for lower speed limits and less traffic. The study considered a crash history “heat map.” The 6th North interchange is not currently user friendly from a traffic, pedestrian, or bicyclist standpoint. There are limited connections for people to walk to school and work both safely and comfortably. There will be walking and biking improvements, including changing geometry and marking where drivers should stop to give pedestrians and bikers a chance to cross. In Farmington, the State Street east-west crossing will be wider for pedestrians. Also, the 200 West interchange is getting comments.

The EIS is now online (i15eis.udot.utah.gov) with interactive GIS maps that can be zoomed in on. There is also a link for comments on the map. Comments can be shared via email at I15EIS@utah.gov or facebook.com/groups/udoti15eis. Comments can also be shared in-person from 5 to 7 p.m. at the online open house Oct. 16; open house and hearing Oct. 17 at the State Fair Park, Bonneville Building; or open house and hearing at the South Dais Rec Center on Oct. 18. The 45-day comment period ends Nov. 11.

UDOT has determined to proceed with Option A, as it is a better balance to meet travel needs. Option B was 16 feet wider (242 feet) and affected more property. Right now the width of I-15 varies, and it is 226 feet in Salt Lake City. Option A (226 feet wide) features one right-hand auxiliary lane and five lanes on each side of the freeway, as well as two hot lanes between the two directions. Using these hot lanes, travel times by 2050 are estimated to be 28 minutes southbound during the morning peak, and 30 minutes northbound during the evening peak.

Next steps include preparing the final EIS, releasing the final EIS, issuing a record of decision by the Spring of 2024, and funding the project. The priority of the project with the legislature is not yet known.

Isaacson said traveling from Farmington to a Brigham Young University football game recently took 2 hours, which was very frustrating.

BUSINESS:

Consolidated Fee Schedule (CFS) Amendments

Accountant **Kyle Robertson** presented this agenda item. The amendments address recovery costs and fines for illicit discharge into the City's storm water system; fines for nuisance, zoning, and building violations; and fines for violations of posted orders.

Containing and mitigating an illicit discharge into the City's storm water system requires extensive time and equipment. Administration proposes having the cleanup fee separate from any fines to ensure that the violator does not confuse fines with cost recovery. Discharges into the City storm water system are expensive to redress and greatly impact the environment and the community. Administration proposes that fines be established for illicit discharges or connections into the storm drain system. The proposed fines are higher for hazardous waste (sewage, cleaning chemicals, concrete dust, etc.) than they are for non-hazardous waste (soaps, grass clippings, etc.). The proposed fines are also higher for intentional discharges than they are for negligent discharges. If violations are continuous (like a sewer system surreptitiously connected to the storm drain line), daily fines may be assessed. Administration also proposed that fines double and triple if an offender has made multiple illicit discharges within 12 months of the initial violation.

Regarding fines for nuisance, zoning and building violations, the City is requesting a more robust set of tools to enforce City code. Currently, citations can be issued each day at \$100 per citation. However, the administrative burden of issuing daily citations is high and can be taxing on all parties involved. The proposed fee schedule retains the smaller, one-time penalty for citations on the grounds of nuisances like weeds and junk vehicles. For building code, zoning, and business licensing violations, Administration requests the ability to impose daily fines through Notices of Violation (NOV). Daily fines through an NOV are useful tools for continuous violations. Rather than issue a citation every day, the NOV serves as a standing citation until the property is brought into compliance. The City's standard practice would be to issue the smaller, daily fines while working with individuals, resorting to the larger fine (\$1,000) only if individuals have demonstrated that they will not comply with the code.

Staff seeks the imposition of fines for individuals who violate posted orders. For instance, if the Building Official posts a stop work order due to lack of a permit or safety concerns, anyone working on site would be subject to the fine.

Leeman asked what makes building code or zoning violations "severe." This may need to be defined and standardized if the City proposed to assess fines per day. He feels there needs to be more commentary in the ordinance. City Attorney **Paul Robertson** said if the violator demonstrates noncompliance, that could be considered severe. **Isaacson** suggested flagrant, repeated, or intentional noncompliance. City Manager **Brigham Mellor** said situations could be brought to the attention of the Council, who could preauthorize the fine. **Roberts** said that could prove to be a long process, and may need to be assessed by an enforcement official. **Mayor Anderson** said he likes the proposed language, but it is a bit subjective and needs more refining. **Roberts** will bring a zone text amendment that provides factors to be used by an administrative officer to assess a fine up to \$1,000.

Councilmember **Melissa Layton** asked about the length of time it takes to get police reports. **Roberts** said that since records are digitized in Lexus Nexus, it should take only two weeks.

Motion:

Leeman moved that the City Council adopt the resolution amending the Consolidated Fee Schedule, with one change: in Section G3 of the proposed fee schedule, the penalty for severe building code or zoning violations be “up to” \$1,000, instead of just \$1,000. This would add the words “up to.”

Layton seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay

SUMMARY ACTION:

Minute Motion Approving Summary Action List

The Council considered the Summary Action List including:

- Item 1: UDOT Jurisdictional transfer of the frontage roads near the Highway 89 Main Street interchange. **Mayor Anderson** noticed the use of the term “maintenance,” and he wants to know what that means and doesn’t mean.
- Item 2: Fraud Risk Assessment. The Office of the State Auditor requires that all local government complete an annual fraud risk assessment internally. After completing the State Auditor’s fraud risk assessment questionnaire, Farmington has been found to be at low risk for fraud.
- Item 3: Approval of minutes for September 5, 2023, and September 19, 2023.

Motion:

Child moved to approve the Summary Action list items as noted in the Staff Report.

Isaacson seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor had nothing to present.

Mayor Anderson and City Council Reports

Layton mentioned a recent Clearfield City Staff recommendation for a social media policy, where City Council members’ online presence would be controlled. She will send an email from Clearfield City Councilmember **Nike Peterson** to **Roberts**. It will be interesting to follow this.

Isaacson asked about the Glover Lane roundabout, saying it feels open and weird. **Mellor** said they have contacted those who are responsible. Discussions included a guard rail on the back of the sidewalk, a sound wall, and vegetation for privacy screening. Since, stamped concrete has been put in the middle of the roundabout. Farmington Staff is considering hiring an artist for an art installation in the center of the roundabout. It may be the same artist the City will be hiring to do an art installation on the northwest corner of the new park. Farmington has \$700,000 to \$800,000 in UDOT betterment money they can use. Staff will bring costs back to the Council for consideration.

Isaacson said he recently spoke with the residents who live north of the tennis facility, and asked why they didn’t come to recent public meetings regarding that facility. They responded that they didn’t get notice of the meetings because during construction, the Post Office wouldn’t deliver their mail, so they had to go pick it up. They live next door, but didn’t get notice of the agenda item until after the fact. They said they didn’t support the recent changes, as they create parking problems. They were also promised that the applicant would put in a fence, but that never happened. **Mellor** said the City put up a framed sign with notice as well, and they were surprised when the applicant’s neighbor didn’t show up for the public hearing.

Isaacson said it is very frustrating to hear that residents don’t hear about agenda items. He feels the 300-foot notice should be increased for noticing purposes. During a future work session, he wants to discuss the opportunity for residents to get due process and be heard. He wants to take away all excuses for residents not to get notice of items that affect them.

Leeman said the office buildings to the west of the credit union don’t have trees planted in the park strip, when he thought the City was making everyone put trees in park strips. **Mayor Anderson** said Community Development Director **Dave Petersen** would look into the issue.

Child said due to the current economy, interest rates, and construction rates, he doesn’t predict any new projects starting in Farmington for a long time. It might be a couple of years before Farmington gets any impact fees, so they should plan accordingly. From an economist’s perspective, things are slowing down.

ADJOURNMENT

Motion:

Child made a motion to adjourn the meeting at 7:58 p.m.

Layton seconded the motion. All Council members voted in favor.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___ Nay
Councilmember Roger Child	X Aye	___ Nay
Councilmember Melissa Layton	X Aye	___ Nay
Councilmember Alex Leeman	X Aye	___ Nay

DeAnn Carlile, Recorder

FARMINGTON CITY – CITY COUNCIL MINUTES

October 17, 2023

WORK SESSION

Present:

*City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,
Councilmember Alex Leeman,
Councilmember Amy Shumway,*

*City Attorney Paul Roberts,
City Recorder DeAnn Carlile
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen, and
Assistant City Manager/City Engineer Chad
Boshell.*

Mayor Pro Tempore/Councilmember **Scott Isaacson** called the work session to order at 6:04 p.m. Mayor **Brett Anderson** was excused.

APPEAL AUTHORITY CONSOLIDATION AND REMOVAL OF REFERENCES TO BOARD OF ADJUSTMENT

City Attorney **Paul Roberts** presented this work session item. Earlier this year, the Council discussed moving administrative appeals from various appeal bodies and placing those appeals within the jurisdiction of an Administrative Hearing Officer (AHO). This year all employee appeals were transferred to the AHO, as were reasonable accommodation appeals in the land use context. Staff proposes forwarding ordinances that establish the following: move nearly all administrative appeals to the AHO; standardize the administrative hearing process by creating Chapter 3-7; and eliminate references to the Board of Adjustment. This is Part 1 and Part 2 will come in a few months. The misnumbering on the last page, as well as changing the reference from business days to calendar days, will be fixed when it comes back for the next review.

Roberts said the City Council has three big decisions before them tonight. First, do they like the appeal table with the Planning Commission, City Council, or AHO? Second, if they have any comments on procedures. Lastly, if they would like to remove the Board of Adjustment (BOA) in favor of a hearing officer. Half of these changes affecting development will go the Planning Commission.

Councilmember **Scott Isaacson** noted that Farmington hasn't had a functioning BOA since he has lived in the City. If it is not functioning, there is no sense in keeping it around. It is better to have an officer than a board, and he says that even after sitting on the Centerville BOA.

Community Development Director **Dave Petersen** said they have only used a hearing officer a few times, and it is going great. **Roberts** suggests having a fee for all appeals, paid for by the moving party. If they win, they would get the fee reimbursed. If the City initiates a demolition, they pay for all fees. The City initiates enforcement, but rarely an appeal. If the City wants to appeal an AHO's decision, they would appeal it to the Court. **Petersen** said the recent U-Haul issue was an enforcement action, not an appeal. There have been a couple of occasions where the Planning Commission approved a preliminary plat, but the City Council didn't, and it was directed to the City Manager for appeal.

Roberts said the new code changes will mean most subdivisions will be administrative decisions and will not make it on City Council agendas, unless they require legislative actions. The Council could be the appeal body, holding a closed meeting to discuss case law. However, this would be cumbersome and it would be better to have an AHO. **Isaacson** said at the municipal level, there is often not a clear separation of powers. The legislative body interprets and applies ordinances all the time, mushing together the executive, judicial, and legislative. A hired expert hearing appeals would be better.

Councilmember **Alex Leeman** said the City Council is a hybrid or duo branch of government. While it is important for the Council to check the boxes of statutes and ordinances, they need to recognize their shortcomings and take themselves out of it so they are not blown by the wind of political opinion.

Petersen noted that currently, any notice of violation issued by code enforcement is appealed to the Community Development Director, and he would like that changed as soon as possible.

Roberts said that any question about a constitutional taking would still go the City Council, and would cost the City a lot of money. The Council would still be left with questions of policies and resource/budgetary allocations. The Council can weigh in on political decisions, including those of the Historic Preservation Commission, which are very squishy.

Isaacson asked if other cities have 10 days to appeal, as that seems short to him. **Roberts** replied that 10 calendar days is typical, but he could change it to 10 business days if the Council preferred. He said it could be longer, but he would like to keep it as informal as possible without lengthy briefs like those seen in district courts.

CLOSED SESSION

Present:

*City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,
Councilmember Alex Leeman,
Councilmember Amy Shumway,*

*City Attorney Paul Roberts,
City Recorder DeAnn Carlile
Recording Secretary Deanne Chaston,
Community Development Director Dave
Petersen, and
Assistant City Manager/City Engineer Chad
Boshell.*

Motion:

At 6:25 p.m., Councilmember **Alex Leeman** made the motion to go into a closed meeting for the purpose of acquisition or sale of real property; and character, professional competence, or the physical or mental health of an individual.

Councilmember **Roger Child** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	<input type="checkbox"/> Nay
Councilmember Roger Child	X Aye	<input type="checkbox"/> Nay
Councilmember Melissa Layton	X Aye	<input type="checkbox"/> Nay
Councilmember Alex Leeman	X Aye	<input type="checkbox"/> Nay
Councilmember Amy Shumway	X Aye	<input type="checkbox"/> Nay

Sworn Statement

I, **Scott Isaacson**, Mayor Pro Tempore of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session, and that no other business was conducted while the Council was so convened in a closed meeting.

Scott Isaacson, Mayor Pro Tempore

Motion:

At 7:06 p.m., Councilmember **Amy Shumway** made the motion to reconvene to an open meeting.

Councilmember **Leeman** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	<input type="checkbox"/> Nay
Councilmember Roger Child	X Aye	<input type="checkbox"/> Nay
Councilmember Melissa Layton	X Aye	<input type="checkbox"/> Nay
Councilmember Alex Leeman	X Aye	<input type="checkbox"/> Nay
Councilmember Amy Shumway	X Aye	<input type="checkbox"/> Nay

REGULAR SESSION

Present:

*City Manager Brigham Mellor,
Mayor Pro Tempore/Councilmember Scott
Isaacson,
Councilmember Roger Child,
Councilmember Melissa Layton,
Councilmember Alex Leeman,
Councilmember Amy Shumway,
City Attorney Paul Roberts,*

*City Recorder DeAnn Carlile
Recording Secretary Deanne Chaston,
Public Works Director Larry Famuliner,
Community Development Director Dave
Petersen, and
Youth City Councilmembers Tanner and
Cannon Christensen.*

CALL TO ORDER:

Mayor Pro Tempore/Councilmember **Scott Isaacson** called the meeting to order at 7:09 p.m. Mayor **Brett Anderson** was excused.

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

Councilmember **Melissa Layton** offered the invocation, and **Isaacson** led the Pledge of Allegiance.

PRESENTATION:

Student Spotlight: Genevieve Foster, Ascent Academy

Genevieve Foster was nominated by **Shelly Baker**, Ascent Academy fourth grade teacher. **Genevieve** excels academically while also being a dancer and athlete. “She is changing the world every day with her knowledge, her kindness, and her willingness to try new things without being afraid of failing,” **Baker** said. “She is a dream student that every teacher would love to have. Her work ethic is spectacular.” **Genevieve** comes from a loving family that loves to hike and pushes her academically.

Department Report by Public Works

Public Works Director **Larry Famuliner** thanked the Council for their attention to salaries in his department. He said the water line project on 550 North and 100-200 East is as big as the wind storm event from a few years ago. The Smith home does not have adequate water pressure. City Manager **Brigham Mellor** said that homes were torn down in 1983, and water was stubbed there east of the pond.

Famuliner said that after a leak happened, the line was capped and crews couldn’t find anywhere where water was coming out. For six weeks, the whole crew was up there non-stop unless pulled away by an emergency. It was quite the project that caused his department to get behind on much of their other chores. In 2021, there were 65 leaks; 2023, 59 leaks; and this year he expects to get to 65 leaks. Most leaks are in areas with older pipes, but it is also spread around the City. Surface lines were replaced on 200 East and Main Street. Older water lines take up most of the time. 180 water meters were installed this year while 300 were repaired.

Famuliner said 1,100 water meters were read with a continuous flow, which can be as low as drips. When this occurs, letters are sent to the resident encouraging an appointment with a crew member to help trouble shoot for leaks. Councilmember **Amy Shumway** said she recently had such an appointment, where she was taught how to read her water meter. They discovered her hose had been slowly running for 30 days after the faucet wasn't completely turned off following a family car wash.

Famuliner said this year they have taken 671 water samples for the Environmental Protection Agency (EPA), which is trying to regulate forever chemicals that are migrating into water systems. Farmington is fortunate to not have them in their water system. His department sends water samples to the state monthly, annually, and every three years, which adds up to a lot of employee time. If a city fails, they may end up in the news or worse.

By October 2024, the EPA wants all lead lines in the City identified. Those can be found in homes built prior to 1990. This will be a huge undertaking, as Farmington has only done 10% of what needs to be accomplished. An inspector of older homes will save a ton of work time-wise.

This year, Farmington's 19-member Public Works Department has handled 652 garbage work orders; 60 street sign work orders; 60 sections of broken sidewalk pulled out with an excavator and then replaced; 550 lifted sidewalk sections that have been ground off smooth; 85 storm drain work orders; 3 land drain work orders; and 16 general work orders. 1,1594 blue stakes tickets have come in, which has required a lot of painting. Crews have patched 206 tons of hot mix asphalt, which they have done themselves. They have done 45 tons of Quality Pavement Repair (QPR), which is used in the winter when the weather is too cold for a hot batch. They have issued 235 excavation permits, where crews have to go back and inspect before determining refunds. Crews have been running the sweeper as well as hauling 7 to 8 tons of salt already this year. It is estimated that Farmington had over 2,150 tons of salt left over from last year. Crews haul road base; hang banners along roadways for Christmas as well as in July; and trim trees to allow passage of large vehicles. After sending notices, Farmington shuts off water to three to five homes each month. After payment is received, these have to be turned back on. They fix emergency water leaks as quickly as possible, and then get to a schedule of small water pipe repairs as they can. It takes one employee three days to read meters.

Shumway asked if school-related banners could be hung on poles near Farmington High School for football, plays, and other departments. **Mellor** replied that there is a strategy for spacing, and it is not very labor intensive. He said **Shumway** should pass his contact information to the high school booster.

BUSINESS:

Zone Text Amendments regarding Historic Resources on the Farmington City Landmarks Register

Community Development Director **Dave Petersen** presented this agenda item. The Farmington City Landmarks Register consists of at least 11 historic resources and the Clark Lane Historic District. On September 19, 2023, the City Council held a public hearing to consider whether or not to include the Main Street Historic District on the Landmarks Register as well, but tabled action for further deliberation.

Whether or not the Council decides to place the Main Street Historic District on the Register, it is recommended that the City clarify that a Certificate of Historic Appropriateness is only required for the issuance of building permits related to exterior repairs, alterations, additions, relocation, or demolitions to historic resources. It would not apply to interior projects. (Note: Ordinary maintenance and repair of any exterior architectural or environmental feature in or on a historic resource to correct deterioration, decay, or to sustain the existing form, and that does not involve material change in design, material, or outer appearance does not require a Certificate of Historic Appropriateness.)

Petersen said there are up to nine members in the Historic Preservation Commission (HPC), and many don't know if windows and columns would be wrong, for example. They only meet once a month. Farmington is known for having an efficient building department. If someone came in for a building permit, a historic preservation architect appointed by the City could help. This architect could review repairs, alterations, and additions. All demolitions and relocations would still be in the purview of the HPC. On page 5, paragraph 3, the Zoning Administrator would be the one who determines items, not the HPC.

Motion:

Councilmember **Roger Child** moved that the City Council adopt the enabling ordinance (enclosed in the Staff Report) approving the proposed changes to section 11-39-050 of the Zoning Ordinance.

Findings 1-2:

1. The changes to the zoning text clarify that only certain kinds of building permits for exterior work require a Certificate of Historic Appropriateness.
2. The amendment provides a more expeditious path where needed to the owner to obtain a Certificate of Historic Appropriateness.

Councilmember **Alex Leeman** seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

GOVERNING BODY REPORTS:

City Manager Report

Mellor reminded City Council candidates that they may put out their campaign signs this Saturday, October 21, 2023. If there are questions regarding where signs may be placed, he encouraged candidates to contact him.

Mayor Anderson and City Council Reports

Shumway said keeping open space and parks maintained takes the Parks and Recreation Department time and money. Although they put in a lot of effort to keep open spaces nice, a lot of people complain. She said these are more than just parks; they are places of healing. Many

people take a walk with a friend who is having a hard time, or take a walk to contemplate life and figure things out. These are places of reflection. She said mowing is not necessarily a fun job, and those doing it don't make great wages, but they need to be reminded what they are really doing for the City and its residents. It is more than just an economic impact on the City.

Leeman said that when he was invited to go to pickle ball at Somerset recently, he noticed they were using affordable pickle ball nets on tennis courts. He was able to see them in action, and they work great. The lines for pickle ball were painted a faint blue. He encouraged Councilmembers to check it out. **Mellor** said he talked to Gym Manager **Linda Weeks** about the idea.

Isaacson said the roundabout still needs some attention. He is worried someone will go through the middle of it, as there is not much of a lip to prevent it. This may be a problem for the Utah Department of Transportation (UDOT) to handle. **Mellor** said a guardrail should be going in soon. There was an accident there recently that left glass and a tail light the next day. He took pictures of the debris and will forward them. It may get worse when the roads ice over.

Leeman mentioned a Wasatch Front Regional Council Unified Transportation Plan he saw recently, and it included a number of projects that could impact Farmington in the future. It is a 20- to 30-year plan, and included a 525 West interchange as well as a road straight through to Parrish Lane. He noted a GIS map that can be zoomed into to see various road improvements, drains, and freeway widenings.

Shumway said according to the Utah League of Cities and Towns, Farmington's No. 1 emergency threat is HAZMAT/chemical spills, considering all the waste transported along Interstate 15. Both Farmington and Centerville are very close to major roadways.

Child asked for an update on the helicopter ordinance that the City had started drafting. Residents ask him two to three times a week about this, as one resident has helicopter parties with up to six helicopters present at one time. **Child** said instead of coming from the west, the helicopter has changed its approach and now comes along the eastern mountain bench. Now many east bench residents are complaining.

Mellor said he thought complaints had died down, so the City had backed off. At one point it was determined that the clamor that would come from prohibiting helicopters would outweigh any public benefit. The helicopter owner had won over a lot of people, and outcry from them could be traumatic. He said it is up to the Council how to proceed, considering this from a land use or police enforcement perspective. He feels the best bet is from a land use perspective. Of all the calls that came in last year, **Mellor** said none of them were his direct neighbors. The last complaint he fielded was at the beginning of the summer.

Isaacson said the helicopter pilot has a lot of followers. **Leeman** said his following and many local people are defending him. **Roberts** recommended talking to **Mayor Anderson** and getting it on a future agenda for a detailed discussion. **Mellor** recommended it be put on a work session agenda. The next work session will be Stack asking for a configuration change for the south portion of their office property component.

Youth City Councilmember **Tanner Christensen** asked what the fine was for litter on public trails. **Mellor** said it is probably \$100.

ADJOURNMENT

Motion:

Layton made a motion to adjourn the meeting at 8:03 p.m.

Shumway seconded the motion. All Council members voted in favor, as there was no opposing vote.

Mayor Pro Tempore/Councilmember Scott Isaacson	X Aye	___	Nay
Councilmember Roger Child	X Aye	___	Nay
Councilmember Melissa Layton	X Aye	___	Nay
Councilmember Alex Leeman	X Aye	___	Nay
Councilmember Amy Shumway	X Aye	___	Nay

DeAnn Carlile, Recorder