Section 3.08.00A - Article A. Intentional or Negligent Fire Recovery Costs

Section 3.08.010 - County entitled to cost recovery.
Section 3.08.020 - Definitions.

Section 3.08.010 - County entitled to cost recovery.

Davis County shall be entitled to recover the cost of any fire intentionally caused by any person or any fire caused by the gross negligence of any person from the person or entity who intentionally caused or whose gross negligence was the cause of any fire occurring within the unincorporated area of Davis County.

(Ord. 4-1990 § 1)

Section 3.08.020 - Definitions.

As used in this article:

1. "Cost" means actual labor costs of Davis County or its agent and any volunteer personnel, including worker' s compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operations, costs of materials, and the cost of any contract, labor, and materials as well. In addition, it includes attorney' s fees and court costs and any other costs of collection under this article.
2. "Gross negligence" is the entire want of care which would raise belief that the act or omission complained of was a result of conscious indifference to the rights and welfare of persons affected by it.
3. "Intentionally caused fire" is any fire caused by the willful conduct of a person inflicted with design and foresight as distinguished from a fire caused by negligence of a person.

(Ord. 4-1990 §§ 2—4)

Chapter 9.12 - BURNING PERMITS

Sections:

Section 9.12.010 - Definitions.
Section 9.12.020 - Declaration of open burning.
Section 9.12.030 - Unlawful burning.
Section 9.12.040 - Permissible burning.
Section 9.12.050 - Burning requirements.
Section 9.12.060 - Liability.
Section 9.12.070 - Setting **fire** on others property unlawful.
Section 9.12.080 - Recreational fires—Private lands.
Section 9.12.090 - Recreational fires—Public lands.
Section 9.12.100 - **Fire** bans.

Section 9.12.010 - Definitions.

1. "Open burning" means the burning of dried clippings, leaves, bushes, plants and prunings incident to property clean-up activities, regardless of property size or use.
2. "Agricultural and horticultural operations" means:
   a. Fruit orchard of 25 or more trees on a single parcel of property; or
   b. Agricultural activities on 2 or more cultivated acres on single or contiguous, parcels of property.
3. "**Fire**" means any burning or smoldering materials or coals, with or without visible flame. Campfires and any flame, burning, or smoldering materials, coals or flames used for cooking, warming, aesthetics, lighting, ceremonies, or otherwise are considered to be fires.

(Ord. 08-2003, Amended, 06/19/2003)

Section 9.12.020 - Declaration of open burning.

Each year the County **Fire** marshal may declare a 30-day period between March 1 and May 30 for open burning. If declared, the County **Fire** marshal must notify the executive secretary of the State Air Quality Division prior to the designated period.

(Ord. 08-2003, Amended, 06/19/2003)

Section 9.12.030 - Unlawful burning.

It is unlawful to build, maintain, attend or use a **fire** in the unincorporated County area on or below the high Lake Bonneville shoreline water mark bench (approximately five-thousand two-hundred feet (5,200) elevation) to State Road 89, or within one-half mile of any residential structure on or east of that bench, between the Davis/Weber County line and the Davis/Salt Lake County line, from April 1st through October 31st, unless authorized by an open burning period or this chapter.

(Ord. 08-2003, Amended, 06/19/2003)

Section 9.12.040 - Permissible burning.

A. Burning in fireplaces within residential structures;
B. **Fire** departments in the performance of their official duties or training;
C. Agriculture and horticultural operations may burn ditch banks, prunings, stubble, and dead or diseased trees, bushes, and plants;
D. Controlled heating of orchards or other crops;
E. Forest Service, law enforcement or Search and Rescue Units in the performance of official duties;
F. Persons using portable gas stoves, lanterns or tent heaters which use natural gas, jellied petroleum, or pressurized liquid fuel either outdoors or within a building, an enclosed recreational vehicle, or tent, unless otherwise posted as closed to such use;
G. Permanent facilities constructed for the use of fires in a picnic or campground site designated by the county or forest service;
H. Recreational fires on private lands unless otherwise prohibited;
I. Recreational fires on public lands unless otherwise prohibited.

(Ord. 08-2003, Amended, 06/19/2003)

Section 9.12.050 - Burning requirements.

A. All fires shall be attended to by a responsible person at all times;
B. All fires shall be conducted in accordance with applicable clean air rules and state and local laws.

(Ord. 08-2003, Amended, 06/19/2003)

Section 9.12.060 - Liability.

Authorization to burn shall in no way relieve an individual from personal liability due to neglect or failure to use reasonable precautions and exercise due care.

(Ord. 08-2003, Amended, 06/19/2003)

Section 9.12.070 - Setting fire on others property unlawful.

It is unlawful for any person in the unincorporated area of Davis County to willfully or negligently set on **fire**, cause to be set on **fire**, or procure to be set on **fire**, any tree, shrub, grass, brush, undergrowth, cultivated crops, or other property on any land, public or private, not his or her own, without permission from the property owner.

(Ord. 08-2003, Add, 06/19/2003)

Section 9.12.080 - Recreational fires—Private lands.

Recreational fires on private property shall not be conducted within 25 feet of a structure or combustible material; unless in a barbecue pit; shall be no larger than 3 feet in diameter and 2 feet high; shall be inspected by a local **fire** official prior to burning; shall have extinguishments capabilities readily at hand; shall not be used to burn rubbish, garbage, waste, or debris; shall be constantly attended to by a responsible person knowledgeable in the use of the **fire** extinguishing equipment at hand; may be required to be extinguished if deemed to constitute a hazardous situation or nuisance.

(Ord. 08-2003, Add, 06/19/2003)

Section 9.12.090 - Recreational fires—Public lands.

Recreational fires on public lands shall be conducted under conditions that do not allow for the **fire** to escape a confined area and ignite other materials; shall be no larger than 3 feet in diameter and 2 feet high; shall have extinguishing capabilities at hand; shall be constantly attended to by a responsible person knowledgeable in the use of the **fire** extinguishing equipment at hand; may be required to be extinguished if deemed to constitute a hazardous situation or nuisance.

(Ord. 08-2003, Add, 06/19/2003)

Section 9.12.100 - Fire bans.

Any or all fires may be prohibited by the County **Fire** Marshal in any specified areas of the unincorporated territory of Davis County at any time of the year due to hazardous **fire** conditions.

(Ord. 08-2003, Add, 06/19/2003)

Chapter 9.20 - FIREWORKS

Sections:

Section 9.20.010 - Sale of Class C explosives.
Section 9.20.020 - Display or special effects fireworks.
Section 9.20.030 - Fireworks prohibited on forest service lands.
Section 9.20.040 - Fireworks ban.

Section 9.20.010 - Sale of Class C explosives.

No person may engage in the retail sale of any Class C common state approved explosives, as defined in Section 53-7-202, Utah Code Annotated 1953 as amended, within the unincorporated territory of the County without first obtaining and displaying a current and valid license from the County.

(Ord. 08-2003, Amended, 06/19/2003)

Section 9.20.020 - Display or special effects fireworks.

No person may purchase, possess or discharge or hold any exhibition of any display or special effects fireworks, as defined in Section 53-7-202, Utah Code Annotated 1953 as amended; and no person may discharge or hold a pyrotechnic display inside any public building or on any public property within the unincorporated territory of the County without first obtaining and displaying both a current and valid permit from the jurisdictional fire department and a display or special effects operators license from the State Fire Marshal Division of the Utah Department of Public Safety.

(Ord. 08-2003, Amended, 06/19/2003)

Section 9.20.030 - Fireworks prohibited on forest service lands.

It shall be unlawful to ignite any fireworks on forest service lands within the unincorporated territory of Davis County at any time of the year.

(Ord. 08-2003, Add, 06/19/2003)

Section 9.20.040 - Fireworks ban.

The ignition of fireworks may be prohibited by the County Fire Marshal in any specified areas of the unincorporated territory of Davis County at any time of the year due to hazardous fire conditions.

(Ord. 08-2003, Add, 06/19/2003)

Chapter 10.04 - OVERNIGHT PARKING

Sections:

Section 10.04.010 - Definitions.
Section 10.04.020 - Overnight parking.
Section 10.04.030 - Parking restrictions.
Section 10.04.040 - Enforcement.

Section 10.04.010 - Definitions.

As used in this chapter:

1. "Vehicle" means any motor vehicle, trailer, off-highway vehicle, manufactured or mobile home, or farm equipment.
2. "Public street" means the entire width between property lines of every highway, road, or street that is open to the public for purposes of vehicular traffic.

(Ord. 13-2003, Amended, 12/02/2003)

Section 10.04.020 - Overnight parking.

A. It is unlawful for any person who owns or has possession, control, or custody of any vehicle to park, allow, or permit another person to park any such vehicle or equipment upon any public street or highway within the unincorporated territory of Davis County:
   1. Between the hours of twelve midnight and six a.m. from November 1st to March 1st, except as follows:
      a. Physicians, emergency medical service providers, law enforcement officers, or fire department personnel during emergency calls or circumstances; or
      b. Residents or their guests or invitees, when required by emergency or other unusual circumstances, who have been issued a permit for overnight parking and display a sticker issued by the Davis County Sheriff's Office on the vehicle or farm equipment in a place which is readily visible from outside the vehicle.
   2. When the removal of snow from the streets is apparent or imminent or when necessary as determined by the County.

B. Residents or their guests or invitees, when required by emergency or other unusual circumstances, may apply to the Davis County Sheriff's Office for a permit for all night parking on a public street within the unincorporated territory of Davis County. The Davis County Sheriff's Office Department, for good cause shown, may issue a permit and a sticker to the applicant.

C. A violation of this section is a class C misdemeanor.

(Ord. 13-2003, Add, 12/02/2003)

Section 10.04.030 - Parking restrictions.

In addition to other parking restrictions in this chapter, it shall be unlawful to park any vehicle:

A. Over, above, on or across the any public easement between the sidewalk and curbing abutting any public street or any sidewalk or portion thereof, or to otherwise park a vehicle in such a manner so as to obstruct access upon, or us of, the entire surface of any sidewalk;
B. Upon any street or publicly owned or controlled property or right-of-way for the principal purpose of performing maintenance or repairing such vehicle except as is necessitated by an emergency;
C. That is mechanically inoperable or cannot be lawfully operated on public streets upon any street, public right-of-way or publicly owned or controlled property;
D. In a manner proscribed above, or to park such an item on any public street except for the immediate loading or unloading and never longer than twenty-four (24) consecutive hours;
E. In any fire lane or to otherwise block or obstruct any fire lane established by the county;
F. On any public property other than in designated parking or obvious parking areas or as legally permissible on roadways; or
G. In any location that interferes with the delivery and monitoring of essential services, such as utilities, postal services and refuse collection.

(Ord. 06-2004, Amended, 08/06/2004; Ord. 13-2003, Add, 12/02/2003)

Section 10.04.040 - Enforcement.

This chapter may be enforced by any law enforcement officer and by the zoning officers of the Davis County Department of Community and Economic Development and citations may be issued by these officers to offenders.

(Ord. 13-2003, Add, 12/02/2003)

★ "Fire" reference

Section 14.04.069A - Article B. Residential Construction

Section 14.04.070 - Applicability.
Section 14.04.075 - Compliance with Wildland-Urban Interface Code.
Section 14.04.080 - Site plan requirements.
Section 14.04.090 - General requirements.
Section 14.04.100 - Ditches, canals, waterways and other hazards.
Section 14.04.110 - Manufactured housing requirements.

Section 14.04.070 - Applicability.

The provisions of this article shall apply to all single-family and two-family residential construction.

(Ord. 5-1989 § 1 (part). Development Code § 2-2-1)

Section 14.04.075 - Compliance with Wildland-Urban Interface Code.

Compliance with the standards and provisions of the Wildland-Urban Interface Code and Section 9.16.010, Davis County Code, is required for the issuance of all building and land use permits for property located within the Wildland-Urban Interface Area of the unincorporated territory of the County.

(Ord. 03-2007, Add, 03/20/2007)

Section 14.04.080 - Site plan requirements.

Site plans on residential structures must be reviewed by the Building Official. Two copies of the site plan at least eight and one-half inches by eleven (11) inches in size, containing the following information and drawn to scale must be submitted to the Building Official:

A. Location and size of the lot showing actual lot dimensions and abutting streets;
B. Location, size and dimensions of all existing and proposed structures;
C. Location of driveways and parking facilities;
D. Side, front and rear setbacks to structures from the property lines;
E. Location of the nearest fire hydrant and provision for additional hydrants and water lines if required herein;
F. Location of any existing irrigation systems including but not limited to, open ditches, pipes, culverts, pressurized systems, etc. on the lot or in road right-of-way adjacent to the lot;
G. Location of existing curbs, gutter and sidewalk;
H. North arrow and drawing scale;
I. Location of all encroachments and restrictions to the property;
J. Signature of building permit applicant to attest to the accuracy of the site plan and the date submitted.

(Ord. 5-1989 § 1 (part). Development Code § 2-2-2)

Section 14.04.090 - General requirements.

The following requirements shall be met prior to issuance of a building permit. ★ "Fire" reference

A. Water Supply.
   1. If an approved public water system serves the area in which the lot is located, written verification of the availability of a water connection for the lot must be provided from the water supplier. Compliance with the provisions of the Uniform Fire Code together with its appendices is required.
   2. If no approved public water system serves the area in which the lot is located, the building permit applicant shall provide a copy of their well permit for the lot as well as written verification from the Davis County Health Department that the well water tests suitable for residential use. The test result verification shall be no more than six months old at the time of building permit application. If the well is to be used by more than one residence or structure, the Davis County Health Department must approve the well for use by the total number of use sites. Potential users of wells which are used for a required water supply and which wells are not on the same parcel as the intended use shall provide verification of a recorded water line easement of at least ten (10) feet in width, from the well to the subject lot and a perpetual use agreement with the owner of the well.
B. Sewage Disposal.
   1. If a sewer line is within three hundred (300) feet of the lot and is available for use, the residence shall connect to such sewer lines. All sewer lines within public street right-of-ways shall be public lines of at least eight inches in diameter and shall be installed to sewer district specifications. Written proof of permission to connect to the sewer line shall be provided. Owners of any proposed private sewer lines that cross private property owned by any person or entity other than the building lot owner shall provide verification of a recorded pipeline easement across that property.
   2. If there is no sewer line available for use, the applicant shall provide verification from the Davis County Health Department that a septic tank is feasible on each lot.
★ C. Fire Protection.
   1. If an approved public water system is available to serve the lot, an operating fire hydrant must be located within two hundred fifty (250) feet of the parcel before a building permit may be issued.
   2. Where no approved public water system is available to serve the lot, a fire release waiver and assumption of risk statement shall be signed and approved before a building permit may be issued, holding Davis County harmless against personal losses due to limited fire fighting capabilities.
D. Public Roadway Improvements. If the road on which the lot fronts does not have full improvements as described in the Davis County Subdivision Ordinance, the property owner shall, at the discretion of the County, either install such improvements as may be required to be fully improved or provide a lien upon the owners property in form and substance satisfactory to the County that will guarantee the installation of the improvements.

(Ord. 2-1999 § 2 (part). Ord. 3-1992 § 1. Ord. 5-1989 § 1 (part). Development Code § 2-2-3)

Section 14.04.100 - Ditches, canals, waterways and other hazards.

Open ditches or canals shall not be allowed on lots less than one acre in area. The developer shall work with the County and/or irrigation or canal companies as to:

A. Methods of covering, realigning or eliminating ditches or canals within or adjoining the development;
B. Size of pipe and culverts required, which in no case will be less than eighteen (18) inches in diameter;
C. Responsibility for periodic inspection, cleaning and maintenance of ditches, pipes, and culverts;
D. Method of fencing canals or ditches or adjoining property.

(Ord. 2-1999 § 2 (part). Ord. 5-1989 § 1 (part). Development Code § 2-2-4)

Section 14.04.110 - Manufactured housing requirements.

A manufactured home shall be allowed on an approved building lot, provided the following standards and requirements are met. Building permits are required for all manufactured housing installations.

A. The real property and the manufactured home installed thereon are held in common ownership and are classified and taxed as real estate.
B. The manufactured home shall be certified by U.S. Department of Housing and Urban Development inspectors, as meeting the National Manufactured Housing Construction and Safety Standards Act of 1974; effective June 15, 1976 (HUD Code).
C. Each manufactured home shall be installed, with or without basement, on a site-built, permanent foundation system that meets or exceeds applicable requirements of the building codes as detailed in the "Guidelines for Manufactured Housing Installations." Permanent masonry or concrete perimeter enclosures shall be required for manufactured home installations and shall conform to the adopted edition of the Uniform Building Code as specified for foundation walls.
D. Permanent connection to all available utilities, with local authority approval required, or to approved private utility systems.
E. Any and all appendages or accessory uses such as steps and stoops, carports and garages, storage buildings, patios and awnings, or additions and alterations shall be addressed by the adopted edition of the Uniform Building Code.
F. The manufactured home, when fully installed, must generally have the appearance of a site-built single family-dwelling including but not limited to the following:
   1. The manufactured home shall contain a minimum of six hundred (600) square feet and have a minimum width of twenty-four (24) feet, each half of the unit to be not less than twelve (12) feet wide.
   2. Towing hitches and running gear, which includes tongues, axles, brakes, wheels, lights and other parts of the chassis intended to operate only during transport, shall be removed.
   3. Exterior siding and trim materials shall consist of durable, weather resilient materials approved for dwelling construction in the building codes such as masonry, stucco, woods,

Section 14.04.119A - Article C. Multifamily, Commercial, Industrial and Institutional Development

Section 14.04.120 - Applicability.

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Section 14.04.160 - Ditches, canals, waterways and other hazards.
Section 14.04.170 - Site plan fee.

Section 14.04.120 - Applicability.

The provisions of this article shall apply to all multifamily, commercial, industrial and institutional construction.

(Ord. 5-1989 § 1 (part). Development Code § 2-3-1)

Section 14.04.130 - Site plan requirements.

Site plans on the uses mentioned above shall be submitted to the Building Official. Approval of the site plan by the County Planning Director or Planning Commission shall be required as provided in Section 15.08.410(A). Five copies of the site plan for the proposed development shall be submitted to the Planning Department. The site plan shall contain the following:

A. Title of development;
B. Name, address and telephone number of owner, developer and engineer;
C. North arrow, drawing scale of at least one inch equals fifty (50) feet or larger, and date;
D. Vicinity map showing abutting properties and owners, uses of abutting properties, and city streets;
E. Dimensions of property and all lots (including area in square feet), drawn accurately to scale;
F. Dimensions of the existing and proposed buildings (including area in square feet), drawn accurately to scale and showing uses and type of construction and setbacks from the structures to side, front and rear property lines;
G. Adjoining streets including numbers or names;
H. Location of existing and proposed curb, gutter, and sidewalk. If property abuts a State Highway, approval of the State Right-of-Way Engineer must be obtained for location of curb, gutter and sidewalk;
I. Location of existing edge of asphalt surfacing;
J. Location of proposed paved areas, including entrances and exits, and walkways;
K. Location and number of parking stalls, loading areas, and docks;
L. Easements;
M. Location and size of existing and proposed culinary water, sanitary sewer, storm sewers, and electric power utilities;
N. Calculations for and location of stormwater detention facilities;
O. Location of nearest existing and proposed fire hydrants;
P. Location of any existing irrigation systems including open ditches, pipe culverts, diversion boxes and cleanouts;
Q. Landscaping plan;
R. Location of all fences, lighting, signs, and other items to be included on site;
S. Drawings, sketches or perspectives of proposed buildings.

(Ord. 5-1989 § 1 (part). Development Code § 2-3-2)

Section 14.04.140 - General requirements.

The following requirements shall be met prior to issuance of a building permit. ☆ "Fire" Reference

A. Water Supply.
   1. If an approved public water system serves the area in which the lot is located, written verification of the availability of a water connection for the lot must be provided from the water supplier. Compliance with the provisions of the Uniform Fire Code together with its appendices is required.
   2. If no approved public water system serves the area in which the lot is located, the building permit applicant shall provide a copy of their well permit for the lot as well as written verification from the Davis County Health Department that the well water tests suitable for human consumption. The test result verification shall be no more than six months old at the time of building permit application. If the well is to be used by more than one residence or structure, the Davis County Health Department must approve the well for use by the total number of uses. Potential users of wells which are used for a required water supply and which wells are not on the same parcel as the intended use shall provide verification of a recorded water line easement of at least ten (10) feet in width, from the well to the subject lot and a perpetual use agreement with the owner of the well.

B. Sewage Disposal.
   1. If a sewer line is within three hundred (300) feet of the lot and is available for use, the residence shall connect to such sewer lines. All sewer lines within public street right-of-ways shall be public lines of at least eight inches in diameter and shall be installed to sewer district specifications. Written proof of permission to connect to the sewer line shall be provided. Owners of any proposed private sewer lines that cross private property owned by any person or entity other than the building lot owner shall provide verification of a recorded pipeline easement across that property.
   2. If there is no sewer line available for use, the applicant shall provide verification from the Davis County Health Department that a septic tank is feasible on the lot.

C. Fire Protection.
   1. If an approved public water system is available to serve the lot, an operating fire hydrant must be located within two hundred fifty (250) feet of the parcel before a building permit may be issued.
   2. Where no approved public water system is available to serve the lot, a fire release waiver and assumption of risk statement shall be signed and approved before a building permit may be issued, holding Davis County harmless against personal losses due to limited fire fighting capabilities.

D. Public Roadway Improvements. If the road on which the lot fronts does not have full improvements as described in the Davis County Subdivision Ordinance, the property owner shall, at the discretion of the County, either install such improvements as may be required to be fully improved or provide a lien upon the owners property in form and substance satisfactory to the County that will guarantee the installation of the improvements.

(Ord. 2-1999 § 3. Ord. 5-1989 § 1 (part). Development Code § 2-3-3)

Section 14.04.150 - Storm drainage.

A. Prior to receiving a building permit, the developer shall pay the Davis County Flood Control Fee as required by Article E of this chapter.
B. The developer shall provide all storm drains, cross gutters, dipstone inlets and other appurtenant structures as required by the Davis County Engineers, and Article E of this chapter, to adequately dispose of the ten (10) year frequency storm flows generated within the limits of the development and from adjacent tributary properties.

(Ord. 5-1989 § 1 (part). Development Code § 2-3-4)

Section 14.04.160 - Ditches, canals, waterways and other hazards.

A. Open ditches or canals shall not be allowed within the project site. The developer shall work with the County and/or the irrigation or canal companies as to:
   1. Methods of covering, realigning or eliminating ditches or canals within or adjoining the development;
   2. Size of pipe and culverts required, which in no case will be less than eighteen (18) inches in diameter;
   3. Responsibility for periodic inspection, cleaning, and maintenance of ditches, pipes, and culverts;
   4. Method of fencing canals or ditches or adjoining property.
B. The developer shall provide the County with a detailed written proposal of such measures that are satisfactory to water users and/or canal companies. Where canals or ditches cross public roads or proposed public roads, grades and specifications for pipes or culverts must be approved by the County Engineer and user company.
C. The developer shall install a six-foot security fence along any other open waterway, open reservoirs or bodies of water, railroad rights-of-way, and other such features which the Planning Director or Planning Commission shall determine would be a hazard.

(Ord. 5-1989 § 1 (part). Development Code § 2-3-5)

Section 14.04.170 - Site plan fee.

For each site plan submitted to the Planning Department for review, a site plan fee shall be paid prior to the review beginning. The amount of the fee shall be set from time to time by the Davis County Commission by resolution.

Section 14.04.179A - Article D. Technical Codes

Section 14.04.180 - Uniform Building Code.
Section 14.04.190 - International Mechanical Code.
Section 14.04.200 - International Plumbing Code.
Section 14.04.210 - International Fire Code
Section 14.04.220 - National Electrical Code.
Section 14.04.230 - Uniform Code for the Abatement of Dangerous Buildings.
Section 14.04.240 - Manufactured Housing Construction and Safety Standards.
Section 14.04.250 - Manufactured Home Installations.

Section 14.04.210 - International Fire Code

The International Fire Code (IFC), 2006 edition, as published and promulgated by the International Code Council and as adopted by the Utah Fire Prevention Board, including Appendices A, B, C, and D to that Code, is hereby adopted as the fire code of Davis County regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises. Each and all of the regulations, provisions, conditions and terms of said Fire Code are hereby referred to, adopted, and made a part of this section, as if fully set forth in this ordinance.

(Ord. 11-2000 § 4; Ord. 3-1992 §§ 2 (part), 3; Ord. 5-1989 § 1 (part); Development Code § 2-4-4)
(Ord. 08-2007, Amended, 08/12/2007)

Section 15.36.009A - Article A. South Davis Metro Fire Agency Impact Fee

(Ord. 13-2007C, Add. 09/25/2007)

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Section 15.36.020 - Purpose.
Section 15.36.030 - Public safety impact fee.
Section 15.36.040 - Agency service area.
Section 15.36.050 - Impact fee calculation.
Section 15.36.060 - Impact fees.
Section 15.36.070 - Adjustment or waiver of fee.
Section 15.36.080 - Assessment and collection of fee.
Section 15.36.090 - Refund.
Section 15.36.100 - Remission of impact fee.
Section 15.36.110 - Administrative appeal.
Section 15.36.120 - Other ordinances.

Section 15.36.010 - Title

The title of this title is "South Davis Metro Fire Agency Impact Fee."

(Ord. 13-2007C, Add. 09/25/2007)

Section 15.36.020 - Purpose.

This chapter establishes a public safety facility impact fee pursuant to the requirements of the Utah Impact Fee Act as that act currently exists or may be modified in the future and provides a schedule of impact fees for differing types of land-use development for the service area described in Section 15.36.030.

(Ord. 13-2007C, Add. 09/25/2007)

Section 15.36.030 - Public safety impact fee.

A. A public safety facility impact fee shall be assessed and collected upon development activity in the service area as defined in Section 15.36.040 as a condition of development approval from the developer.

B. For the purposes of this chapter, "development activity" means any construction or expansion of a building, structure, or use, any change in the use of a building or structure, or any changes in the use of land that creates additional demand and need for public safety facilities.

C. Nothing in this chapter shall preclude the County from imposing other fees or impact fees as permitted by law.

D. The public safety impact fee is separate from and in addition to any other user fees or other charges lawfully imposed by the County.

(Ord. 13-2007C, Add. 09/25/2007)

Section 15.36.040 - Agency service area.

The Agency Service Area for the purposes of the public safety facility impact fee is the area within which the South Davis Metro Fire Agency provides fire protection, emergency medical, and hazardous materials enforcement services which includes the geographic areas within Woods Cross City, Centerville City, West Bountiful City, North Salt Lake City, and Bountiful City as well as that portion of the unincorporated territory of the County located south of Lund Lane and Ricks Creek. The impact fee imposed by this chapter shall be assessed and collected for development activity within that portion of the unincorporated territory of the County located south of Lund Lane and Ricks Creek.

(Ord. 13-2007C, Add. 09/25/2007)

Section 15.36.050 - Impact fee calculation.

The public safety impact fee for the service area of the Agency shall be calculated by first determining the sum of the construction costs for project improvements and systems improvements related to existing and future public safety facilities including:

A. Construction costs; the costs of acquiring land, improvements, materials, and fixtures; and the cost for planning, surveying, and engineering fees for services provided for and directly related to the construction of the project and system improvements;

B. Costs of the issuance, debt service, and interest accruing on any future financing through bonds, notes, inter-fund loans, or other obligations issued to finance the costs of the project and system improvements; and

C. Appropriate professional services adjusted from current values to construction year costs.

(Ord. 13-2007C, Add. 09/25/2007)

Section 15.36.060 - Impact fees.

The following public safety impact fees only shall be assessed and imposed upon development activity within that portion of the unincorporated territory of the County located south of Lund Lane and Ricks Creek:

Single Family Residential (Dwelling)	$ 389.73 per dwelling unit
Multi-Family Residential (Dwelling)	$ 193.87 per dwelling unit
Hotel/Motel (Rooms)	$ 233.68 per room
Nursing Home (Rooms)	$8,235.47 per room
Commercial	$ 119.62 per 1,000 square feet of building
Office	$ 77.70 per 1,000 square feet of building
School	$ 445.25 per 1,000 square feet of building
Church	$ 49.96 per 1,000 square feet of building
Industrial	$ 29.35 per 1,000 square feet of building

(Ord. 13-2007C, Add. 09/25/2007)

Section 15.36.070 - Adjustment or waiver of fee.

A. The standard public safety impact fee may be adjusted by the County Commission at the time the fee is charged in order to respond to relevant circumstances in specific cases and ensure that the impact fee is imposed fairly.

B. The calculation of the impact fee to be imposed upon a particular development may be subject to a reasonable adjustment based upon adequate and appropriate studies and data submitted by the developer.

C. A developer may be allowed a credit against the public safety impact fee for any dedication or improvement to land or new construction of project or systems improvements provided by the developer if the improvement or new construction is identified in the Capital Facilities Plan for the South Davis Metro Fire Agency and is required by the County and South Davis Metro Fire Agency as a condition of approval for the development activity.

D. The County Commission may authorize an exception or adjustment to or waiver of the public safety impact fee for a development activity funded by tax-supported agencies, affordable or low-income housing projects, or temporary facilities.

(Ord. 13-2007C, Add. 09/25/2007)

Section 15.36.080 - Assessment and collection of fee.

A. The public safety impact fee shall be assessed and collected by the Davis County Planning Department as a condition for the approval of a development activity or issuance of a building permit.

B. Revenues from the public safety impact fee shall be deposited into a separate interest bearing ledger account as required by the Utah Impact Fee Act and administered by the Davis County Treasurer.

(Ord. 5-2009, Amended, 02/12/2010; Ord. 13-2007C, Add, 09/25/2007)

Section 15.36.090 - Refund.

The County shall refund any public safety impact fee paid by a developer together with interest earned if:

A. The developer does not proceed with the development activity and has filed an appropriate written request for a refund;

B. The fees have not been spent or encumbered; and

C. No public safety impact has resulted.

(Ord. 13-2007C, Add, 09/25/2007)

Section 15.36.100 - Remission of impact fee.

The public safety impact fees collected and held under this chapter shall be remitted quarterly to the Agency pursuant to an agreement with the Agency which includes specific provisions for the holding, expenditure, and refund of the fees in accordance with the provisions and principles of the *Utah Impact Fee Act.*

(Ord. 13-2007C, Add, 09/25/2007)

Section 15.36.110 - Administrative appeal.

A. Any person or entity residing in or owning real property within the service area, or a developer who is to be or has been assessed and charged a public safety impact fee under this chapter, may challenge the validity or reasonableness of the public safety impact fee by filing an application with the Davis County Planning Department using forms approved by that department together with relevant and appropriate documentation.

1. If the fee has been assessed and written notice given to the person or entity but not paid, the application shall be filed within thirty (30) calendar days of the issuance of that assessment notice.
2. If the fee has already been assessed and collected, the application shall be filed within 30 calendar days of that payment.

B. Any affected or potentially affected person or entity who wishes to challenge the public safety impact fee may file a written request of information concerning the fee. Within two (2) weeks of the receipt of that request, the County shall provide a copy of the written analysis, the capital facilities plan, and other relevant information relating to the fee to the requester.

C. The appeal application and attached documents shall be reviewed by the Davis County Planning Department for completeness. The Department shall notify the applicant of any incompleteness. The Department shall submit the completed application, attached documents, and the recommendations of the Department to the County Commission within five (5) calendar days.

D. A hearing shall be held by the County Commission in a public meeting, but not as a public hearing, within thirty (30) calendar days of the filing of the complete application. Written notice of the date, time, and place of the hearing shall be given to the applicant and other interested parties at least three (3) business days before the hearing.

E. Upon the conclusion of the hearing and within thirty (30) calendar days of the filing of the appeal application, the County Commission shall take action and render a decision upon the appeal. The County Commission shall make written findings, issue its decision in writing, and give copies of its findings and decision to the applicant.

F. If the hearing is not held, or the findings and decision not made within the time period specified by this section, the appeal may be deemed denied.

(Ord. 5-2009, Amended, 02/12/2010; Ord. 13-2007C, Add, 09/25/2007)

Section 15.36.120 - Other ordinances.

Except as provided in this ordinance, the terms, definitions, procedures, and provisions set forth in Chapters 15.04 and 15.08 of this title shall be applicable to the imposition and collection of the public safety impact fee.

(Ord. 13-2007C, Add, 09/25/2007)