**NOTICE AND AGENDA**
**BRIGHAM CITY COUNCIL MEETING**
Thursday, May 7, 2026 5:30 PM
City Council Chambers, 20 North Main
**To View Live Meeting Visit:**
https://www.bcutah.gov/mayor-and-city-council.htm **or**
www.youtube.com/brighamcitycorp

**5:30 WORK SESSION ON NEW TITLE 3 OF CITY CODE**

**6:00 REGULAR COUNCIL MEETING**
Thought, Reading, or Invocation: Pastor Ernie Fonseca – Victory Church
Pledge of Allegiance

**6:03 EMPLOYEE RECOGNITION**
Oath of Office and Badge Pinning for Fire Department – Brandon Thueson

**6:10 CONSENT**
Approval of April 16, 2026 City Council Meeting Minutes

**SCHEDULED DELEGATION**
Youth City Council Annual Report – Linda Baugh

**6:12 MAYOR'S 2026-27 BUDGET PRESENTATION**

**6:12 STATEMENT REGARDING A PROPOSED TAX RATE INCREASE**
**This statement is intended to demonstrate Brigham City's compliance with Utah Code 59-2-919(4)(a)(i) and 59-2-919(4)(b)(ii) as follows:**

Brigham City in this public meeting at which its' tentative budget is first presented to the City Council as the governing body of the taxing entity, intends to have an executive officer or budget officer of Brigham City, as the taxing entity, state that the tentative budget includes a proposed tax rate increase and present a property tax impact schedule as defined in Section 59-2-924 and Brigham City in full compliance with 59-2-9191(4)(b)(ii) has provided notice for the public meeting described in 59-2-919(4)(b)(i) in accordance with Title 52, Chapter 4, Open and Public Meetings Act including providing the separate item (see below) on the meeting agenda that notifies the public of Brigham City's statement from 59-2-919(4)(b)(i).

**6:13 STATEMENT REQUIRED BY UTAH CODE 59-2-919(4)(b)(i)**
**This Agenda item is intended to demonstrate Brigham City's compliance with Utah Code 59-2-919(4)(b)(i) with the statement as follows:**

Brigham City on or after May 1 (in this case May 7, 2026) but on or before June 13, states at this public meeting as follows:

A. As a fiscal year taxing entity Brigham City is considering levying a tax rate that exceeds the fiscal year taxing entity's certified tax rate; and
B. the approximate dollar amount of and purpose for additional ad valorem tax revenue that would be generated by the proposed tax rate increase described in (A) is as follows:
    1. $455,000
    2. To provide funding for various city positions.
C. The approximate percentage increase in ad valorem tax revenue for the fiscal year taxing entity based on the proposed tax rate increase described in Subsection (A) is 12.93%, and
D. That if the fiscal year taxing entity proceeds with the proposed tax rate increase, the fiscal year taxing entity will provide notice of and conduct a public hearing, as required by Subsection (4)(c), at which members of the public will have an opportunity to provide comments on the proposed tax rate increase in compliance with the notice requirements of 59-2-919(6)(b); and

1. The public hearing is scheduled for August 13, 2026, at 6:00 PM in the Brigham City Council Chambers, located at 20 North Main Street, Brigham City, Utah.

**6:15 PUBLISHING OF THE PROPERTY TAX IMPACT SCHEDULE**

1. This Agenda item is intended to demonstrate compliance with 59-2-919(4)(a)(i) and 59-2-924(8)(b) by providing a Property Tax Impact Schedule as attached to this Agenda

**6:30 PUBLIC COMMENTS** [1] ***(Per Utah Code, Council will receive input only, no decision can be made)***

**6:35 COUNCILMEMBER COMMENTS**

**6:40 ACTION ITEMS**

1. Consideration of Approval of Brigham City School Subdivision Preliminary & Final Plat Located at 650 South and 1200 West – Mark Bradley
2. Consideration of Approval of Sandpiper Meadows Subdivision Preliminary Plat Located at approximately 250 South and 1200 West – Mark Bradley
3. Consideration of Approval of Heron Ridge Subdivision Preliminary Plat located at Approximately 660 South and 1225 West – Zane Billings
4. Approval of Interlocal Agreement with Box Elder School District for School Resource Officers – Chad Reyes
5. Consideration of Ordinance Amending the Brigham City Code by Repealing All Applicable Codes Related to Public Safety and Re-Enacting Them as Title 3 Public Safety – Nicole Cottle

**8:00 CLOSED SESSION**

Consideration to enter a closed session to discuss: purchase/exchange/lease of real property; pending litigation; cyber security; or character/professional competence or physical/mental health of an individual.

Assigned times may vary depending on discussion length or agenda alteration. ADA Notice: Individuals needing special accommodations should contact the City Recorder at 435-734-6621 at least 48 hours before the meeting. Councilmembers may participate electronically.

CERTIFICATE OF POSTING

The undersigned duly appointed City Recorder certifies the above notice was posted in three public places within the Brigham City limits, and on the City and State Public Meeting Notice websites on May 1, 2026. A copy was also provided to the Box Elder New Journal.

Kristina Rasmussen, City Recorder

[1] Each individual is limited to three minutes. Total input period is limited to 15 minutes.

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Chief Thueson

2. DEPARTMENT OR DIVISION: Fire

3. DATE INITIATED: April 07, 2026

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

Oath of Office and Badge Pinning for:
Engineer Scott Best
FF/PM Nigel Dalton
FF/PM Duncan Steele
FF/AEMT Ryan Zook
FF/AEMT Aspyn Stevens
FF/AEMT Carsen Matlock

5. ESTIMATED TIME NEEDED: 15 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: May 07, 2026

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| April 07, 2026 | Brandon Thueson | eSigned via GovOS.com Brandon Thueson Key: 323521ea-7128-4d20-b69a-a3d90f6ade1e | |
| | | | |

9. MAYOR'S SIGNATURE:

**REGULAR SESSION OF THE**
**BRIGHAM CITY COUNCIL**
**April 16, 2026**
**6:00 p.m.**

| | | |
|---|---|---|
| **PRESENT:** | DJ Bott | Mayor |
| | Dave Hipp | Councilmember |
| | Dave Jeffries | Councilmember |
| | Matthew Jensen | Councilmember |
| | Ryan Smith | Councilmember |
| | Robin Troxell | Councilmember |
| **ALSO PRESENT:** | Nicole Cottle | City Attorney |
| | Chris Horsley | Recreation Director |
| | Tom Kotter | Community and Economic Development Director |
| | Derek Oyler | City Administrator |
| | Tyler Pugsley | Power Director |
| | Kristina Rasmussen | City Recorder |
| | Chief Reyes | Police Chief |
| | Jeff Schmitt | Finance Director |
| | Mike Waite | Public Works Director |

Mayor Bott called the meeting to order at 6:00 p.m. The invocation was offered by Bishop Robert Riley of the 16th Ward. The Pledge of Allegiance followed.

## CONSENT ITEMS

Mayor Bott introduced two consent items:

1. Approval of the April 2, 2026 City Council Meeting Minutes.
2. Request to write-off utility accounts totaling $3,068.60 due to being sent to collections.

Councilmember Smith made a motion to approve the consent items as presented. Councilmember Jensen seconded the motion. The vote was unanimous in favor.

## PUBLIC COMMENT

There were no public comments.

## COUNCILMEMBER COMMENTS

**Councilmember Smith** – reminded residents that Spring Cleanup ends April 17.

Mayor Bott then asked council to approve moving the discussion item to after the action items. All agreed.

UNAPPROVED

## ACTION ITEMS

**Consideration to Amend Land Lease Agreement with Verizon Wireless at Pioneer Park**

Tom Kotter explained that this item had been discussed previously and relates to an existing cell tower structure installed by Verizon Wireless in 2017 at Pioneer Park. He stated that T-Mobile has submitted a request to co-locate on the existing Verizon structure, which requires a small expansion of the site.

Using visual exhibits, Mr. Kotter showed the location of the tower near the railroad tracks and provided both zoomed-in and zoomed-out views for context. He then reviewed the proposed expansion, explaining that the additional footprint is minimal and identified in the images by staked boundaries. He clarified that the expansion area is approximately 12 by 13 feet and is necessary to accommodate the co-location equipment.

Mr. Kotter further explained that the lease amendment would allow for this expansion and that the additional area would be leased at the same rate as the existing agreement. He emphasized that the City would incur no costs, as Verizon (and its co-locating partner) would be responsible for all improvements.

During Council discussion, several clarifying questions were asked:

- A Councilmember asked whether the expansion shown was simply a fenced area extending to the staked boundaries. Mr. Kotter confirmed that it was, noting that due to elevation differences, the enclosure would include a concrete retaining wall with fencing on top, rather than a standard fence throughout.
- Mr. Kotter clarified that the equipment would be built onto the existing structure, not a separate tower.
- Clarification was requested regarding the lease structure. Mr. Kotter explained that the City's lease remains solely with Verizon, while T-Mobile would co-locate under Verizon's agreement, not through a separate lease with the City.

**MOTION:** Councilmember Troxell made a motion to amend the land lease agreement with Verizon Wireless at Pioneer Park as presented. Councilmember Hipp seconded the motion.

**Roll Call:**
Councilmember Hipp – Aye; Councilmember Jensen – Aye; Councilmember Troxell– Aye: Councilmember Jeffries – Aye; Councilmember Smith – Aye

**Consideration of Approval of Façade Grant at 63 S Main Street**

Tom Kotter presented the application for the property known as the Knutson Brothers Building, owned by Chad Greer. He noted that although Mr. Greer was not present, he had submitted a request for participation in the program.

Mr. Kotter provided a brief history of the building, explaining it was originally constructed in 1914 by the Knutson Brothers. He noted that the building previously housed the early version of the Chamber of Commerce (then called the Commercial Club) and, for a short time in the 1950s, also housed Thiokol offices while operations were expanding at Promontory. He credited the Brigham City Museum for assisting in gathering historical information and images.

Using historic photos and current images, Mr. Kotter explained that the building's original façade included open upper-story windows and architectural features that have since been covered or altered. He

stated that Mr. Greer's proposal is to restore the building's historic character, including reopening long-covered windows and improving the storefront.

He explained that the total project cost is estimated at approximately $1 million, and that the City's façade grant program provides a 50% reimbursement match up to a maximum of $10,000. He stated that the grant is reimbursement-based and requires proof of completed work and payment. Based on the scope of the project, staff anticipates awarding the full $10,000 upon completion.

During Council discussion:

- A Councilmember expressed appreciation for the historical information included in the presentation, noting it was clear and helpful.
- Mr. Kotter added that Mr. Greer has invited Councilmembers to tour the building and view the ongoing renovations. He noted that the upper floor has already been converted into apartments and that tenants are secured for the basement space.
- Councilmembers commented positively on Mr. Greer's previous projects along Main Street, noting the high quality and contribution to the area's appearance.

**MOTION:** Councilmember Hipp made a motion to approve the Façade Grant at 63 S Main Street as presented. Councilmember Jensen seconded the motion. Motion passed unanimously.

**Consideration of Ordinance Amending City Code Title 5, Consolidated Fee Schedule, Regarding Airport, Library, Public Works and Power Fees**

Mayor Bott introduced Action Item #3, noting that it would be presented in two parts and relates to updates to the City's consolidated fee schedule. He explained that City Attorney Nicole Cottle would present most of the item, but invited Dave Berg to present the power rate portion first.

Mr. Berg stated that he had previously presented the rate study and was now providing a final recommendation. He began by reviewing the overall context, explaining that Brigham City is anticipating significant growth compared to many other utilities, which is driving the need for major infrastructure investments. He noted that the City's five-year capital improvement plan includes several large projects, including new substations, and that these projects are a primary factor behind the need for rate adjustments.

He explained that under current rates, while revenues are expected to increase due to growth, expenses—particularly wholesale power costs—will also rise. He emphasized that the key concern is not just operating performance, but the long-term impact on reserves. Mr. Berg stated that without rate adjustments, reserve levels would steadily decline and fall well below the City's target.

He summarized that:

- The City's reserve goal is 50% of operating expenses
- Under current rates, reserves would drop to approximately 11%
- This would result in a significant shortfall compared to the City's target

Mr. Berg explained that maintaining reserve levels is the primary driver for the recommended rate increases.

He then outlined his recommendation of 4% annual increases over a four-year period, beginning in fiscal year 2027. He noted that the increases would apply across all customer classes, though the structure varies slightly depending on usage type.

Focusing on residential rates, Mr. Berg explained that the City's tiered summer rate structure is designed to encourage conservation during peak demand periods. He stated that the proposal includes increases to both the monthly customer charge and the energy usage rates, with an effort to balance impacts across different types of users.

He explained that:

- The monthly customer charge would increase by $2 each year
- Lower usage levels would see smaller increases
- Higher usage, particularly over 1,000 kilowatt hours in the summer, would see larger increases

Mr. Berg noted that this approach helps soften the impact on lower-use households while still moving the utility toward a more cost-based rate structure.

Councilmembers asked clarifying questions during the presentation. One Councilmember asked whether the increase to the monthly customer charge was included in the overall 4% increase. Mr. Berg confirmed that it was, explaining that both the customer charge and energy rates together make up the total rate adjustment.

Another Councilmember asked whether the lower usage tier was intentionally being kept lower to reduce the impact on smaller users. Mr. Berg confirmed that this was the intent, noting that the rate design was structured to balance affordability and fairness.

Mr. Berg then reviewed the projected financial outcomes if the proposed rates were adopted. He explained that under the recommendation, operating results remain positive and reserves would return to the City's 50% target by the end of the study period. He acknowledged that projections are subject to change but stated that the recommendation is designed to keep the system financially stable.

The discussion then shifted to the reserve policy. A Councilmember asked whether a lower reserve percentage might be sufficient as the system grows. Mr. Berg explained that reserves function as a form of self-insurance and are critical for responding to unexpected events. He provided examples such as major equipment failures, market volatility, and emergency infrastructure needs, noting that these situations can be extremely costly and require immediate funding.

Staff added that replacing major system components, such as transformers, can cost between $5 million and $8 million and may take years to procure, reinforcing the importance of maintaining adequate reserves.

Councilmembers also discussed the relationship between growth and costs. One Councilmember expressed concern that existing residents may feel they are paying for new growth. Mr. Berg explained that while growth does increase costs, it also increases revenue and is partially offset by impact fees. He added that many system costs are shared across all users, which is typical in utility rate structures.

Staff further noted that projected revenue from growth is expected to exceed the debt service associated with new infrastructure, while also helping maintain reserve levels.

Additional discussion included typical residential usage. Mr. Berg explained that most customers fall within the mid-range of usage, and staff noted that average usage is approximately:

- 843 kWh in July
- 940 kWh in August
- Lower usage during winter months

A Councilmember expressed concern about maintaining competitive rates compared to Rocky Mountain Power. Mr. Berg explained that utilities across the industry are experiencing similar rate pressures due to increasing costs and demand. Staff added that based on comparisons, Brigham City's proposed first-year rates would remain slightly below Rocky Mountain Power during the summer months and lower during non-summer months.

Toward the conclusion of the discussion, Councilmembers asked about implementation. Staff clarified that the ordinance before the Council includes only the first year of the proposed increase. Any future adjustments would require additional Council action, and the four-year plan is intended as a guideline rather than a binding schedule.

Following the discussion on power rates, the Mayor invited City Attorney Nicole Cottle to present the remaining portions of the proposed amendments to City Code Title 5.

Ms. Cottle reminded the Council that Title 5 was recently adopted to consolidate all City fees into a single, transparent location. She explained that at the time of adoption, two sections—airport and library fees—were intentionally left as "reserved" sections, not because fees did not exist, but to allow staff additional time to compile and properly present those fees for Council adoption.

Ms. Cottle explained that the airport fees included in the current ordinance are not new or increased fees, but rather the formal inclusion of existing fees into the consolidated schedule.

She then addressed the library fees, noting that while most of the fees remain consistent with current practice, there are a few minor adjustments. She explained that because these fees had previously been adopted at the library board level rather than by the Council, they are now being formally adopted at the Council level for the first time. As a result, the ordinance does not reflect redline changes in the same way, even though minor adjustments—such as a reduction in the barcode replacement fee—have been made.

Ms. Cottle then reviewed the public works fee updates, explaining that:

- Some changes reflect a reorganization of how the fees are listed, based on staff preference for usability
- Redline strikeouts primarily reflect reordering rather than substantive changes
- A few adjustments were made to better align fees with the actual cost of service

She reminded the Council that under state law, the City is required to base fees on actual costs and cannot charge more than the cost of providing the service. She noted that in many cases, the actual cost to the City exceeds the fees being charged, particularly for smaller service fees included in the consolidated schedule.

Ms. Cottle concluded her presentation by noting that additional fee schedule updates may be brought forward in the coming weeks and invited any questions from the Council.

At that time, staff also identified a correction within the proposed ordinance. It was noted that in Section 5-1-106, Schedule 1 (Residential), Tier 3 incorrectly listed usage as "601 kilowatts and above," and should instead read "1,000 kilowatt hours and above." Staff indicated that this correction could be incorporated into the motion.

**MOTION:** Councilmember Jensen made a motion to approve the Ordinance Amending City Code Title 5, consolidated Fee Schedule, with the one change in the Tier 3 in Schedule 1 to start at 1000 kilowatt hours instead of 601 Kilowatt hours. Councilmember Hipp seconded the motion.

**Roll Call:**
Councilmember Hipp – Aye; Councilmember Jensen – Aye; Councilmember Troxell– aye: Councilmember Jeffries – Aye; Councilmember Smith – Aye

## DISCUSSION ITEM

**Indoor Recreation Space Needs Presentation**

The Mayor turned the time over to City Administrator Derek Oyler and Recreation Director Chris Horsley for a presentation regarding recreation programming needs and potential future gym space.

Mr. Horsley thanked the Council for its support of Parks and Recreation and explained that the presentation would summarize 20 years of data showing the City's need for additional gym space. He reviewed trends in gym hours rented from community partners, noting that the City averaged more than 900 hours annually from 2013 to 2017, compared to just 387 hours over the last five years. He emphasized that this was not a criticism of community partners, but rather a reflection of their own growing demands and reduced availability.

Mr. Horsley then reviewed participation trends for indoor programs such as basketball, volleyball, and pickleball, explaining that participation has declined in recent years as access to gym space has decreased. He said the City's participation-to-population ratio has also dropped and noted that, as Brigham City continues to grow, the City risks serving fewer residents simply because it does not have enough space to offer programs consistently.

He explained that limited access has affected practices, staff training, draft nights, and games, sometimes forcing multiple activities into the same time slot. He said that reduced training time can also affect program quality. He noted that several programs have been discontinued because of limited space, including adult basketball, volleyball leagues, youth volleyball, and indoor pickleball.

Mr. Horsley said additional gym space would allow the City to restore programs, expand offerings, and provide more consistent and reliable recreation opportunities. He also highlighted the affordability and community value of City recreation programs compared to more expensive travel leagues and referenced outside research showing that community-based recreation remains the primary way many families participate in youth sports. He added that recreation programs also support physical, mental, emotional, and social health.

Using sample schedules from recent months, Mr. Horsley showed the difference between current space limitations and what programming could look like if the City had its own facility. He concluded that the City's reduced access to gym space has already reduced the level of service Parks and Recreation can provide.

During Council discussion, one Councilmember commented that community recreation plays an important role in the overall health and connection of the community. Councilmember Jeffries said he appreciated the data but wanted future information broken down by specific programs, such as Junior Jazz, rather than combined totals. He said gym space is clearly a factor, but program quality is also important, noting concerns about staffing, supervision, and the experience families have in City leagues.

Mr. Horsley responded that staff has the more detailed program-specific data and could provide it at a future meeting. He also agreed that stronger adult supervision improves quality and said staff would welcome the resources to provide more experienced support in gym settings.

Mr. Oyler then presented two conceptual facility options that could be attached to the existing Recreation Office building at Pioneer Park. He explained that one concept included two full-size courts and six cross courts, with an estimated cost of $12 million, while the other included two full-size courts and four cross courts, with an estimated cost of $9 million. He emphasized that both were preliminary concepts only and that staff was seeking general Council feedback before proceeding further.

Mr. Oyler stated that the City has a possible path forward to build gym space without a general obligation bond and without a property tax increase specifically for construction. Council discussion followed regarding how the project would affect future budgets, including operating costs, maintenance, and public perception. Mr. Oyler explained that while construction would not require a tax increase, operating costs would still need to be evaluated and brought back to the Council in more detail.

Councilmembers discussed the pros and cons of each option. Some preferred the smaller concept because it felt less crowded and more practical, while others supported the larger concept because of projected population growth and the opportunity to plan for the future. Staff noted that the layouts were only conceptual and could be refined, and that the larger space would allow more flexibility for multiple sports and drop-in use.

Questions were also raised about parking, possible partnerships, and whether the public had been surveyed. Staff explained that parking could be expanded as part of the site design, that conversations with potential partners had occurred in the past and may continue, and that while no public survey had been conducted, participation data and reduced program offerings showed there is still clear demand for indoor recreation space.

By the end of the discussion, the Council expressed general support for having staff continue evaluating both concepts and bringing back more detailed information, including engineering, operating costs, and refined design options, before any final decision is made.

At 8:25 PM Councilmember Smith made a motion to proceed into closed session to discuss the purchase/exchange/lease of real property. The motion was seconded by Councilmember Jensen.

**Roll Call:**
Councilmember Hipp – Aye; Councilmember Jensen – Aye; Councilmember Troxell– Aye; Councilmember Jeffries – Aye; Councilmember Smith - Aye

At 8:48 PM The council returned to opened and a motion was made by Councilmember Jeffries to adjourn. Seconded by Councilmember Smith and approved unanimously.

*The undersigned duly appointed Recorder for Brigham City Corporation hereby certifies that the foregoing is a true, accurate and complete record of the April 16, 2026 City Council Meeting.*

*Dated this 8th of May, 2026.*

_____

*Kristina Rasmussen, City Recorder*

** These meeting minutes were generated with the assistance of artificial intelligence and have been reviewed, edited and approved by Brigham City Staff.

UNAPPROVED

# REQUEST TO APPEAR
# BEFORE THE BRIGHAM CITY COUNCIL

MEETINGS ARE HELD THE 1ST AND 3RD THURSDAY OF EACH MONTH AT 6PM. What is your preferred date to appear before the council? May 7th

NAME: Brigham City Youth City Council
c/o Linda Baugh

FULL ADDRESS: 730 W. 885 S Brigham, UT 84302

PHONE NUMBER: 435-720-0637

EMAIL: lindabaugh29@gmail.com

PLEASE GIVE A DETAILED DESCRIPTION OF YOUR REQUEST.

Annual Report - 2025-2026

WILL YOU BE ASKING THE COUNCIL FOR ANY ASSISTANCE, FINANCIAL OR OTHERWISE?

No

IF YOU ARE REPRESENTING AN ORGANIZATION OR BUSINESS PLEASE ENTER THE NAME:

Requester Signature Linda Baugh

*For City Use Only:*

Approvals:

City Administrator:

Mayor:

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Jeff Schmitt

2. DEPARTMENT OR DIVISION: Finance

3. DATE INITIATED: April 29, 2026

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):
   Mayor's 2026-27 Budget Presentation

5. ESTIMATED TIME NEEDED: 10 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: May 7, 2026

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 04.29.2026 | Jeff Schmitt | | |
| | | | |

9. MAYOR'S SIGNATURE: _____

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Jeff Schmitt

2. DEPARTMENT OR DIVISION: Finance

3. DATE INITIATED: April 29, 2026

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):
Statement regarding a proposed tax rate increase

5. ESTIMATED TIME NEEDED: 10 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: May 7, 2026

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 04.29.2026 | Jeff Schmitt | | |
| | | | |

9. MAYOR'S SIGNATURE: _____

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Jeff Schmitt

2. DEPARTMENT OR DIVISION: Finance

3. DATE INITIATED: April 29, 2026

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):
Statement Required by Utah Code 59-2-919(4)(b)(i)

5. ESTIMATED TIME NEEDED: 10 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: May 7, 2026

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 04.29.2026 | Jeff Schmitt | | |
| | | | |

9. MAYOR'S SIGNATURE: _____

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Jeff Schmitt

2. DEPARTMENT OR DIVISION: Finance

3. DATE INITIATED: April 29, 2026

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):
Publishing of the Property Tax Impact Schedule

5. ESTIMATED TIME NEEDED: 10 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: May 7, 2026

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 04.29.2026 | Jeff Schmitt | | |
| | | | |

9. MAYOR'S SIGNATURE: _____

# PROPETY TAX IMPACT SCHEDULE

Pursuant to 59-2-919(4)(a)(i) and 59-2-924(8)(b), the proposed tax rate increase is summarized as follows:

**Revenue Impact**

- Estimated additional property tax revenue: $455,000
- Percentage increase in total property tax revenue: 12.93%

**Taxpayer Impact**

- Average residential property ($400,000):
  - Prior year tax: $370.80
  - Proposed tax: $418.76
  - Annual Increase: $47.96
  - Percentage Increase: 12.93%

- Average commercial property ($1,200,000):
  - Prior year tax: $2,022.31
  - Proposed tax: $2,283.87
  - Annual Increase: $261.56
  - Percentage Increase: 12.93%

**Departmental Budget and Operational Impact**
The proposed tax rate increase will impact the following departments:

**Mayor's Office**
**Budget Impact ($140,000):** This change is attributable to personnel costs associated with transitioning from a contracted attorney to a full-time City Attorney position, including wages and benefits that were not previously provided under the contract arrangement.

**Operational Impact:** Approval of the proposed tax rate increase will allow the City to maintain consistent legal services following the anticipated conclusion of the current contract. While the City has greatly benefited from a highly effective contracted attorney, the transition to a full-time City Attorney is intended to provide dedicated, on-site legal support and ensure continuity of services moving forward.

A full-time attorney will offer increased day-to-day availability, more direct integration with City staff and operations, and the ability to provide timely review of contracts, ordinances, and policies. This position will also support ongoing legal needs related to economic development, personnel matters, and regulatory compliance.

Without the proposed increase, the City would need to secure alternative contracted legal services, which may result in variability in availability, higher hourly costs over time, or reduced consistency depending on the provider.

**Parks Department**
**Budget Impact ($110,000):** This change is due to increased temporary wage costs to address seasonal staffing needs and rising service demands.

**Operational Impact:** Approval of the proposed tax rate increase will allow the department to enhance service levels by adding temporary staff to better maintain the City's parks system. This includes improved mowing schedules,

landscaping, cleanliness, and overall park appearance. Additional staffing will help the department keep pace with increased usage and expectations as the City continues to grow.

Without the proposed increase, the department would likely continue to fall behind on routine maintenance and upkeep, resulting in declining park conditions, reduced aesthetic quality, and potential impacts to public use and community satisfaction.

**Police Department**

**Budget Impact ($205,000):** This increase is driven by personnel costs related to adding an Administrative Sergeant position, as well as market-based wage adjustments for animal control officers and staff.

**Operational Impact:** Approval of the proposed tax rate increase will allow the department to enhance service levels by adding an Administrative Sergeant to oversee animal control, school crossing guards, IT functions, and key administrative responsibilities, including policy updates and accreditation standards. Adjustments to animal control wages will help the City remain competitive in the labor market and support retention of qualified staff. These changes will improve overall operational efficiency and allow sworn officers to focus more directly on core public safety duties.

Without the proposed increase, the department would likely need to delay or forego adding the Administrative Sergeant and may face challenges in retaining animal control staff, resulting in continued strain on existing personnel and reduced capacity to effectively manage administrative and support functions.

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Mark Bradley

2. DEPARTMENT OR DIVISION: Community & Economic Development

3. DATE INITIATED: 4/22/26

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Brigham City School Subdivision Preliminary & Final Plat located at 650 South and 1200 West. Brigham City Corporation

5. ESTIMATED TIME NEEDED: 10 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: 5/7/26

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

   See attached material.

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 4/22/26 | Mark Bradley | Mark Bradley | ✓ |
| 4/22/26 | Tom Kotter | | |

9. MAYOR'S SIGNATURE: _____

BRIGHAM CITY

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Brigham City School Subdivision
Preliminary & Final Subdivision Plat

Name of Person Requesting Legal Review: Mark Bradley

Date Sent: April 22, 2026 Review Date Deadline: April 27, 2026

Reviewed by Attorney: _____ Date: _____

X Reviewed and acceptable as submitted
_____ See suggested changes

Returned to: MB Date: 4/22/26

_____ Accepted as Received

Submitted to Mayor's Office By: Destry Larsen Date: 4/28/2026

Reviewed by Mayor's Office: _____
Derek Oyler, City Administrator

BRIGHAM CITY

# MEMORANDUM

**To:** Mayor Bott, City Council Members

**From:** Mark Bradley, City Planner MB

**Subject:** School Sports Subdivision (name change to Brigham City School Subdivision)
Preliminary/Final Subdivision Plat
Application #26-034

**Date:** April 22, 2026

**City Council Agenda:**
May 7, 2026

**Overview:**
This is a proposed 5 lot subdivision plat to create a parcel for a future school site. Lot 1 is the identified school site. Lot 2 would remain a sports complex site and Lots 3, 4, and 5 are designated for future development. This property is included in the Avian Shores P-R-M-7 Planned District and identified on the General Development Plan as City Park. According to the Planned District "*Any school (educational institution) or church (religious institution) sites, which are encouraged to be located in residential neighborhoods, does not constitute an amendment to the Planned District, but does require the plans to be submitted for Planning Commission review and approval as outlined in the Brigham City land use code." City Code – Avian Shores Planned District, Section 156.286 Planned District (E) General Development Plan.*

The school site doesn't cause an amendment to the Planned District, however, as modifications are made to the Avian Shores Planned District, and prior to applications for the future developable lots identified as Lots 3, 4, and 5, the General Development Plan should be updated and amended. The subdivision plat has been updated and submitted for a second review.

**Planning Commission Recommendation:**
On April 21, 2026, the Planning Commission considered the application and recommended approval to the City Council (4-1 vote), subject to staff comments, recommendations, stipulations, and Findings of Fact as noted in the Staff Evaluation with a concern that 525 South Street does not provide more of a direct route from 1200 West to the sports complex. If possible, would like to see an easier access route to the sport complex.

*The nay vote was based on a concern that the subdivision design does not take into account enough area for the sports complex long term with the growing population.*

**Attachments:**
1. Staff Evaluation dated April 16, 2026
2. Locator Parcel Map
3. Subdivision Plat – Initial Submission
4. Subdivision Plat – Updated for Second Review

**BRIGHAM CITY, UTAH**
**PLANNING COMMISSION**
**STAFF EVALUATION**

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**APPLICANT:** Brigham City Corporation
**OWNER:** Brigham City Corporation
**ADDRESS:** 650 South 1200 West
**PARCEL NO:** 03-114-0021

**APPLICATION NO.:** 26-034
**OVERALL AREA:** 62.33 acres
**ZONING DISTRICT:** P-R-M-7
**DATE:** April 16, 2026

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**PLANNING COMMISSION MEETING:** April 21, 2026
**APPLICATION TYPE:** Legislative
**PLANNING COMMISSION ROLE:** Recommending Body to City Council

**NATURE OF REQUEST:**
Preliminary Subdivision Plat: School Sports Subdivision *(name to be changed to Brigham City School Subdivision)*

**OVERVIEW:**
This is a proposed 5 lot subdivision plat to create a parcel for a future school site. Lot 1 is the identified school site. Lot 2 would remain a sports complex site and Lots 3, 4, and 5 are designated for future development. This property is included in the Avian Shores P-R-M-7 Planned District and identified on the General Development Plan as City Park. According to the Planned District "*Any school (educational institution) or church (religious institution) sites, which are encouraged to be located in residential neighborhoods, does not constitute an amendment to the Planned District, but does require the plans to be submitted for Planning Commission review and approval as outlined in the Brigham City land use code." City Code – Avian Shores Planned District, Section 156.286 Planned District (E) General Development Plan.*

The school site doesn't cause an amendment to the Planned District, however, as modifications are made to the Avian Shores Planned District, and prior to applications for the future developable lots identified as Lots 3, 4, and 5, the General Development Plan should be updated and amended.

**STAFF COMMENTS:**

**Box Elder County Recorder's Office/GIS:**
1. Everything looks good on this subdivision, GIS has no remarks.

**Community and Economic Development Department:**
1. Plat Name. Mayor Bott would like the plat name changed to Brigham City School Subdivision.
2. Owner's Dedication. Recommend "SAID ACCESS AND UTILITY EASEMENT WILL BE VACATED ONCE THE FUTURE ROAD 550 SOUTH IS BUILT" be inserted following sentence THE SAME TO BE USED FOR INGRESS, EGRESS AND UTILITY PURPOSES. It may seem a little redundant but removes validity question when placed in the Owner's Dedication. Also keep reference in note section.
3. Approval and Acceptance Block. Please update to "Presented to the Brigham City Council"... and signed by Mayor form.

4. Streets. Extend 1100 West and 1150 West Streets to south boundary as stub streets.
5. Notes. Update note #3 with creation of additional lots due to extending 1100 and 1150 West Streets.
6. Addresses. Recommend the following updates with Lot 1:
   A. Change 590 S to 588 S
   B. Change 591 S to 585 S
   C. Change 1124 W to 1120 W

**Engineering Department:**
1. Comments not provided where our office created the subdivision plat.
2. Once comments are received, we will address them and provide an updated plat with responses.

**Fire Department:**
1. No comments

**GIS Division:**
1. No comment for me on this plat, it looks good on the items I review.

**Police Department:**
1. No comments

**Public Power Department:**
1. Will need to come up with a different way to feed power to the Sports Park.

**Public Works Department:**
**(Culinary Water, Street, and Wastewater Treatment/ Storm Drain Divisions)**
1. Show the existing sewer line and easement.
2. Update irrigation information.

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**PLANNING COMMISSION RESPONSIBILITY:**
1. The Planning Commission is the recommending body for this application.
2. The Planning Commission is to forward a recommendation to the City Council.
3. The Planning Commission may recommend approval as is, approval with stipulations, denial, or request additional information to help make a recommendation.

**STAFF RECOMMENDATIONS:**
1. Support the proposed subdivision subject to staff comments being addressed.

**STIPULATIONS:**
1. Update the plat to address the review comments and submit for a final review.

**FINDINGS OF FACT:**
1. The driving factor for this subdivision is to set aside property for a future school site shown as Lot 1.
2. Lot 2 would remain a City sports complex site.
3. Lots 3, 4, and 5 are designated for future development.
4. The subject property is zoned P-R-M-7 (Planned – Multiple Residential) District, is located within the Avian Shores Planned District, and identified on the General Development Plan as City Park.

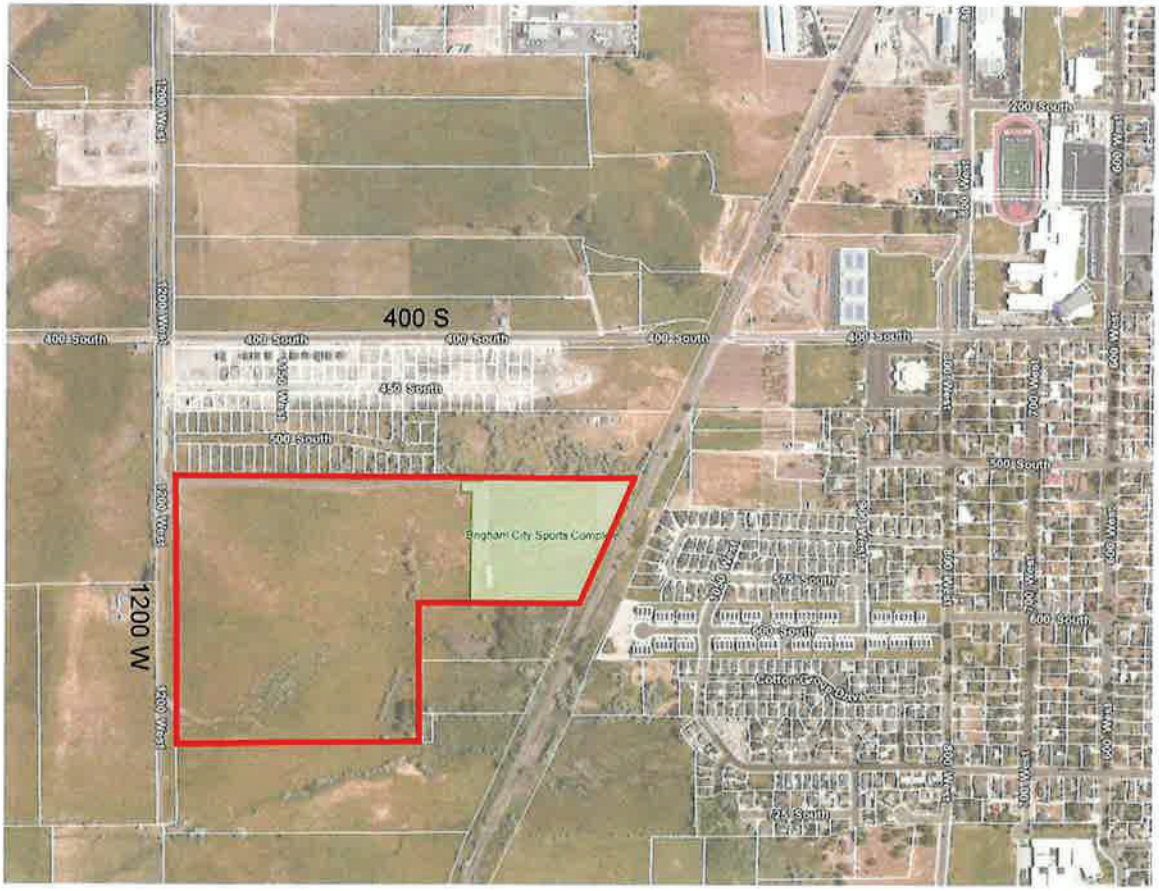
5. Per the adopted Avian Shores Planned District, City Code Chapter 156 Zoning, Section 156.286 Planned District (E) General Development Plan, *"Any school (educational institution) or church (religious institution) sites, which are encouraged to be located in residential neighborhoods, does not constitute an amendment to the Planned District, but does require the plans to be submitted for Planning Commission review and approval as outlined in the Brigham City land use code."*
6. The school site would not cause an amendment to the Planned District, however, as modifications are made to the Avian Shores Planned District, and prior to applications for the future developable lots identified as Lots 3, 4, and 5, the General Development Plan should be updated and amended.

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**ATTACHMENTS:**

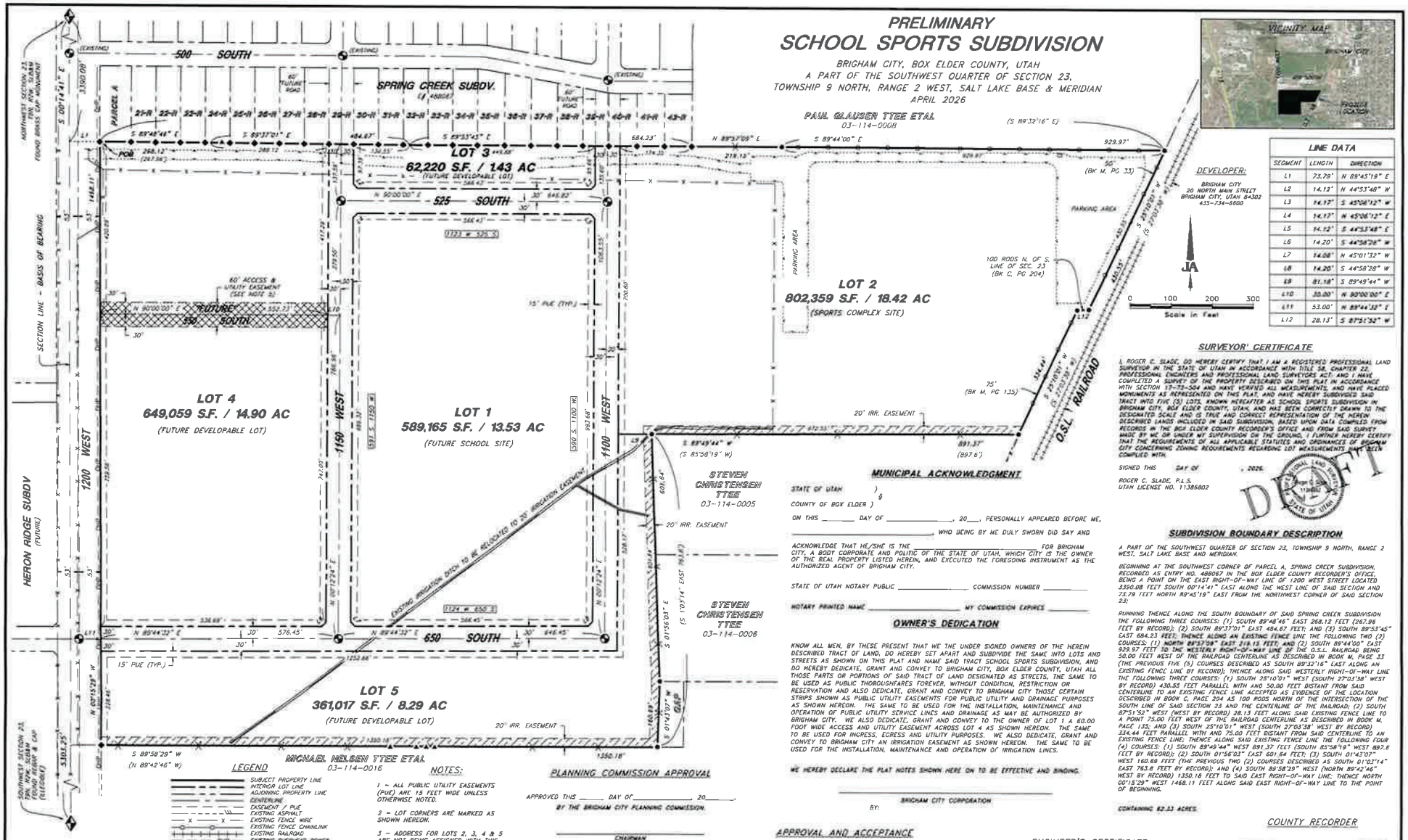
1. Locator Parcel Map
2. School Sports Subdivision Preliminary Plat

# LOCATOR / PARCEL MAP



# PRELIMINARY
# SCHOOL SPORTS SUBDIVISION

BRIGHAM CITY, BOX ELDER COUNTY, UTAH
A PART OF THE SOUTHWEST QUARTER OF SECTION 23,
TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
APRIL 2026




## LINE DATA

| SEGMENT | LENGTH | DIRECTION |
|---|---|---|
| L1 | 73.79' | N 89°45'19" E |
| L2 | 14.12' | N 44°53'48" W |
| L3 | 14.12' | S 45°06'12" W |
| L4 | 14.12' | N 45°06'12" E |
| L5 | 14.12' | S 44°53'48" E |
| L6 | 14.20' | S 44°58'28" W |
| L7 | 14.08' | N 45°01'32" W |
| L8 | 14.20' | S 44°58'28" W |
| L9 | 81.18' | S 89°49'44" W |
| L10 | 30.00' | N 90°00'00" E |
| L11 | 53.00' | N 89°44'32" E |
| L12 | 28.13' | S 87°51'52" W |

**DEVELOPER:**
BRIGHAM CITY
20 NORTH MAIN STREET
BRIGHAM CITY, UTAH 84302
435-734-6600

## LEGEND

- SUBJECT PROPERTY LINE
- INTERIOR LOT LINE
- ADJOINING PROPERTY LINE
- CENTERLINE
- EASEMENT / PUE
- EXISTING ASPHALT
- EXISTING FENCE WIRE
- EXISTING FENCE CHAINLINK
- EXISTING RAILROAD
- EXISTING OVERHEAD POWER
- 60' ACCESS & UTILITY EASEMENT
- 20' IRRIGATION EASEMENT
- SECTION LINE
- SECTION TIE
- OLD FENCE POST
- FOUND SURVEY MARKER
- SET REBAR & CAP
- STREET MONUMENT
- SECTION CORNER

## NOTES:

1 - ALL PUBLIC UTILITY EASEMENTS (PUE) ARE 15 FEET WIDE UNLESS OTHERWISE NOTED.

2 - LOT CORNERS ARE MARKED AS SHOWN HEREON.

3 - ADDRESS FOR LOTS 2, 3, 4 & 5 ARE NOT BEING ASSIGNED WITH THIS PLAT. ADDRESSES WILL BE ASSIGNED WHEN THE LOTS ARE FURTHER DEVELOPED AND SUBDIVIDED.

4 - ALL LOTS IN SUBDIVISION ARE RESPONSIBLE FOR HALF OF THE ROAD SURFACE AND UTILITY IMPROVEMENTS ALONG STREET FRONTAGE.

5 - THE 60' ACCESS AND UTILITY EASEMENT ON LOT 4 WILL BE VACATED ONCE THE FUTURE ROAD 550 SOUTH IS BUILT.

## PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20____
BY THE BRIGHAM CITY PLANNING COMMISSION.

CHAIRMAN

## APPROVAL AS TO FORM

APPROVED AS TO FORM
THIS _____ DAY OF _____, 20____

CITY ATTORNEY

## MUNICIPAL ACKNOWLEDGMENT

STATE OF UTAH )
$
COUNTY OF BOX ELDER )

ON THIS _____ DAY OF _____, 20___, PERSONALLY APPEARED BEFORE ME, _____ WHO BEING BY ME DULY SWORN DID SAY AND ACKNOWLEDGE THAT HE/SHE IS THE _____ FOR BRIGHAM CITY, A BODY CORPORATE AND POLITIC OF THE STATE OF UTAH, WHICH CITY IS THE OWNER OF THE REAL PROPERTY LISTED HEREIN, AND EXECUTED THE FOREGOING INSTRUMENT AS THE AUTHORIZED AGENT OF BRIGHAM CITY.

STATE OF UTAH NOTARY PUBLIC _____ COMMISSION NUMBER _____

NOTARY PRINTED NAME _____ MY COMMISSION EXPIRES _____

## OWNER'S DEDICATION

KNOW ALL MEN, BY THESE PRESENT THAT WE THE UNDER SIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT SCHOOL SPORTS SUBDIVISION, AND DO HEREBY DEDICATE, GRANT AND CONVEY TO BRIGHAM CITY, BOX ELDER COUNTY, UTAH ALL THOSE PARTS OR PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, WITHOUT CONDITION, RESTRICTION OR RESERVATION AND ALSO DEDICATE, GRANT AND CONVEY TO BRIGHAM CITY THOSE CERTAIN STRIPS SHOWN AS PUBLIC UTILITY EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY BRIGHAM CITY. WE ALSO DEDICATE, GRANT AND CONVEY TO THE OWNER OF LOT 1 A 60.00 FOOT WIDE ACCESS AND UTILITY EASEMENT ACROSS LOT 4 AS SHOWN HEREON. THE SAME TO BE USED FOR INGRESS, EGRESS AND UTILITY PURPOSES. WE ALSO DEDICATE, GRANT AND CONVEY TO BRIGHAM CITY AN IRRIGATION EASEMENT AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF IRRIGATION LINES.

WE HEREBY DECLARE THE PLAT NOTES SHOWN HERE ON TO BE EFFECTIVE AND BINDING.

BRIGHAM CITY CORPORATION
BY:

## APPROVAL AND ACCEPTANCE

PRESENTED TO THE BRIGHAM CITY LAND USE AUTHORITY
THIS _____ DAY OF _____, 20____
AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

BY: _____
LAND USE AUTHORITY

ATTEST: _____
CITY RECORDER

## ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION FILE IN THE BRIGHAM CITY OFFICE.

SIGNED THIS _____ DAY OF _____, 20____.

CITY ENGINEER

## SURVEYOR' CERTIFICATE

I, ROGER C. SLADE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT; AND I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-73-504 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND HAVE HEREBY SUBDIVIDED SAID TRACT INTO FIVE (5) LOTS, KNOWN HEREAFTER AS SCHOOL SPORTS SUBDIVISION IN BRIGHAM CITY, BOX ELDER COUNTY, UTAH, AND HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS TRUE AND CORRECT REPRESENTATION OF THE HEREIN DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE BOX ELDER COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND, I FURTHER HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF BRIGHAM CITY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 2026.

ROGER C. SLADE, P.L.S.
UTAH LICENSE NO. 11386802

DRAFT

## SUBDIVISION BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A, SPRING CREEK SUBDIVISION, RECORDED AS ENTRY NO. 488067 IN THE BOX ELDER COUNTY RECORDER'S OFFICE, BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET LOCATED 3390.08 FEET SOUTH 00°14'41" EAST ALONG THE WEST LINE OF SAID SECTION AND 73.79 FEET NORTH 89°45'19" EAST FROM THE NORTHWEST CORNER OF SAID SECTION 23;

RUNNING THENCE ALONG THE SOUTH BOUNDARY OF SAID SPRING CREEK SUBDIVISION THE FOLLOWING THREE COURSES: (1) SOUTH 89°48'46" EAST 268.12 FEET (267.96 FEET BY RECORD); (2) SOUTH 89°37'01" EAST 484.67 FEET; AND (3) SOUTH 89°53'45" EAST 684.23 FEET; THENCE ALONG AN EXISTING FENCE LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 89°37'09" EAST 218.13 FEET; AND (2) SOUTH 89°44'00" EAST 929.97 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE O.S.L. RAILROAD BEING 50.00 FEET WEST OF THE RAILROAD CENTERLINE AS DESCRIBED IN BOOK M, PAGE 33 (THE PREVIOUS FIVE (5) COURSES DESCRIBED AS SOUTH 89°32'16" EAST ALONG AN EXISTING FENCE LINE BY RECORD); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES: (1) SOUTH 25°10'01" WEST (SOUTH 27°03'38" WEST BY RECORD) 430.55 FEET PARALLEL WITH AND 50.00 FEET DISTANT FROM SAID CENTERLINE TO AN EXISTING FENCE LINE ACCEPTED AS EVIDENCE OF THE LOCATION DESCRIBED IN BOOK C, PAGE 204 AS 100 RODS NORTH OF THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 23 AND THE CENTERLINE OF THE RAILROAD; (2) SOUTH 87°51'52" WEST (WEST BY RECORD) 28.13 FEET ALONG SAID EXISTING FENCE LINE TO A POINT 75.00 FEET WEST OF THE RAILROAD CENTERLINE AS DESCRIBED IN BOOK M, PAGE 135; AND (3) SOUTH 25°10'01" WEST (SOUTH 27°03'38" WEST BY RECORD) 334.44 FEET PARALLEL WITH AND 75.00 FEET DISTANT FROM SAID CENTERLINE TO AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 89°49'44" WEST 891.37 FEET (SOUTH 89°58'29" WEST 897.6 FEET BY RECORD); (2) SOUTH 01°56'03" EAST 601.64 FEET; (3) SOUTH 01°43'07" WEST 160.69 FEET (THE PREVIOUS TWO (2) COURSES DESCRIBED AS SOUTH 01°03'14" EAST 763.8 FEET BY RECORD); AND (4) SOUTH 89°58'29" WEST (NORTH 89°42'46" WEST BY RECORD) 1350.18 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°15'29" WEST 1468.11 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 92.33 ACRES.

## COUNTY RECORDER

ENTRY NO. _____ FEE PAID _____ FILED FOR RECORD AND RECORDED _____ AT _____ IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____

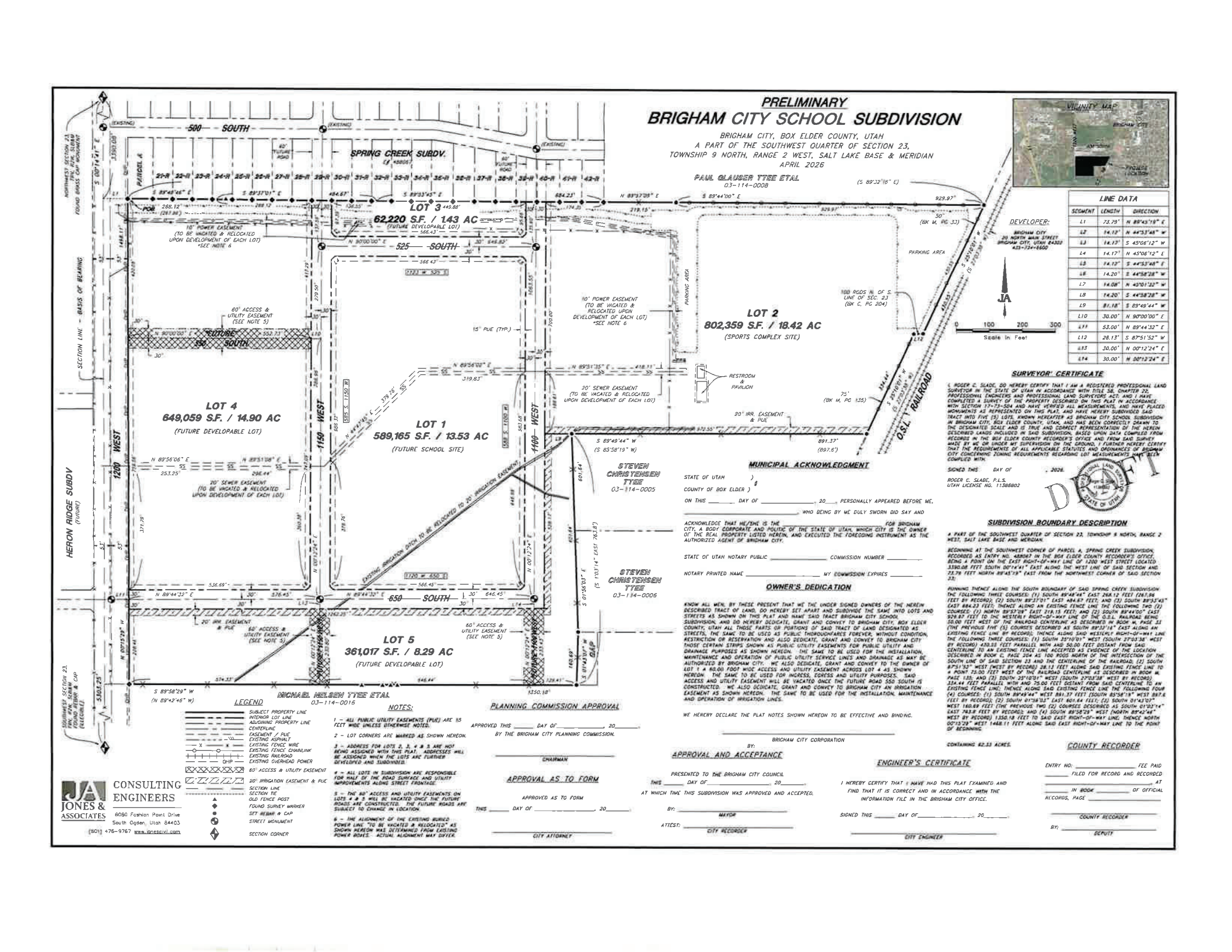
COUNTY RECORDER

BY: _____
DEPUTY


JONES & ASSOCIATES
CONSULTING ENGINEERS
6080 Fashion Point Drive
South Ogden, Utah 84403
(801) 476-9767 www.jonesuvl.com

# PRELIMINARY
# BRIGHAM CITY SCHOOL SUBDIVISION

BRIGHAM CITY, BOX ELDER COUNTY, UTAH
A PART OF THE SOUTHWEST QUARTER OF SECTION 23,
TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE & MERIDIAN
APRIL 2026







## LINE DATA

| SEGMENT | LENGTH | DIRECTION |
|---|---|---|
| L1 | 73.79' | N 89°43'19" E |
| L2 | 14.12' | N 44°53'48" W |
| L3 | 18.13' | S 45°06'12" W |
| L4 | 14.17' | N 45°06'12" E |
| L5 | 14.12' | S 44°53'48" E |
| L6 | 14.20' | S 44°58'28" W |
| L7 | 14.08' | N 45°01'32" W |
| L8 | 14.20' | S 44°58'28" W |
| L9 | 81.18' | S 89°49'44" W |
| L10 | 30.00' | N 90°00'00" E |
| L11 | 53.00' | N 89°44'32" E |
| L12 | 28.13' | S 87°51'52" W |
| L13 | 30.00' | N 00°12'24" E |
| L14 | 30.00' | N 00°12'24" E |

DEVELOPER:
BRIGHAM CITY
20 NORTH MAIN STREET
BRIGHAM CITY, UTAH 84302
435-734-4600

0 100 200 300
Scale in Feet

## LEGEND

- SUBJECT PROPERTY LINE
- INTERIOR LOT LINE
- ADJOINING PROPERTY LINE
- CENTERLINE
- EASEMENT / PUE
- EXISTING ASPHALT
- EXISTING FENCE WIRE
- EXISTING FENCE CHAINLINK
- EXISTING RAILROAD
- OHP — EXISTING OVERHEAD POWER
- 60' ACCESS & UTILITY EASEMENT
- 20' IRRIGATION EASEMENT & PUE
- SECTION LINE
- SECTION TIE
- OLD FENCE POST
- FOUND SURVEY MARKER
- SET REBAR & CAP
- STREET MONUMENT
- SECTION CORNER

## NOTES:

1 - ALL PUBLIC UTILITY EASEMENTS (PUE) ARE 15 FEET WIDE UNLESS OTHERWISE NOTED.

2 - LOT CORNERS ARE MARKED AS SHOWN HEREON.

3 - ADDRESS FOR LOTS 2, 3, 4 & 5 ARE NOT BEING ASSIGNED WITH THIS PLAT. ADDRESSES WILL BE ASSIGNED WHEN THE LOTS ARE FURTHER DEVELOPED AND SUBDIVIDED.

4 - ALL LOTS IN SUBDIVISION ARE RESPONSIBLE FOR HALF OF THE ROAD SURFACE AND UTILITY IMPROVEMENTS ALONG STREET FRONTAGE.

5 - THE 60' ACCESS AND UTILITY EASEMENTS ON LOTS 4 & 5 WILL BE VACATED ONCE THE FUTURE ROADS ARE CONSTRUCTED. THE FUTURE ROADS ARE SUBJECT TO CHANGE IN LOCATION.

6 - THE ALIGNMENT OF THE EXISTING BURIED POWER LINE "TO BE VACATED & RELOCATED" AS SHOWN HEREON WAS DETERMINED FROM EXISTING POWER BOXES. ACTUAL ALIGNMENT MAY DIFFER.

## PLANNING COMMISSION APPROVAL

APPROVED THIS _____ DAY OF _____, 20____,
BY THE BRIGHAM CITY PLANNING COMMISSION.

_____
CHAIRMAN

## APPROVAL AS TO FORM

APPROVED AS TO FORM
THIS _____ DAY OF _____, 20____

_____
CITY ATTORNEY

## MUNICIPAL ACKNOWLEDGMENT

STATE OF UTAH )
§
COUNTY OF BOX ELDER )

ON THIS _____ DAY OF _____, 20____, PERSONALLY APPEARED BEFORE ME, _____, WHO BEING BY ME DULY SWORN DID SAY AND ACKNOWLEDGE THAT HE/SHE IS THE _____ FOR BRIGHAM CITY, A BODY CORPORATE AND POLITIC OF THE STATE OF UTAH, WHICH CITY IS THE OWNER OF THE REAL PROPERTY LISTED HEREIN, AND EXECUTED THE FOREGOING INSTRUMENT AS THE AUTHORIZED AGENT OF BRIGHAM CITY.

STATE OF UTAH NOTARY PUBLIC _____ COMMISSION NUMBER _____

NOTARY PRINTED NAME _____ MY COMMISSION EXPIRES _____

## OWNER'S DEDICATION

KNOW ALL MEN, BY THESE PRESENT THAT WE THE UNDER SIGNED OWNERS OF THE HEREIN DESCRIBED TRACT OF LAND, DO HEREBY SET APART AND SUBDIVIDE THE SAME INTO LOTS AND STREETS AS SHOWN ON THIS PLAT AND NAME SAID TRACT BRIGHAM CITY SCHOOL SUBDIVISION, AND DO HEREBY DEDICATE, GRANT AND CONVEY TO BRIGHAM CITY, BOX ELDER COUNTY, UTAH ALL THOSE PARTS OF PORTIONS OF SAID TRACT OF LAND DESIGNATED AS STREETS, THE SAME TO BE USED AS PUBLIC THOROUGHFARES FOREVER, WITHOUT CONDITION, RESTRICTION OR RESERVATION AND ALSO DEDICATE, GRANT AND CONVEY TO BRIGHAM CITY THOSE CERTAIN STRIPS SHOWN AS PUBLIC UTILITY EASEMENTS FOR PUBLIC UTILITY AND DRAINAGE PURPOSES AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF PUBLIC UTILITY SERVICE LINES AND DRAINAGE AS MAY BE AUTHORIZED BY BRIGHAM CITY. WE ALSO DEDICATE, GRANT AND CONVEY TO THE OWNER OF LOT 1 A 60.00 FOOT WIDE ACCESS AND UTILITY EASEMENT ACROSS LOT 4 AS SHOWN HEREON. THE SAME TO BE USED FOR INGRESS, EGRESS AND UTILITY PURPOSES. SAID ACCESS AND UTILITY EASEMENT WILL BE VACATED ONCE THE FUTURE ROAD 550 SOUTH IS CONSTRUCTED. WE ALSO DEDICATE, GRANT AND CONVEY TO BRIGHAM CITY AN IRRIGATION EASEMENT AS SHOWN HEREON. THE SAME TO BE USED FOR THE INSTALLATION, MAINTENANCE AND OPERATION OF IRRIGATION LINES.

WE HEREBY DECLARE THE PLAT NOTES SHOWN HEREON TO BE EFFECTIVE AND BINDING.

_____
BRIGHAM CITY CORPORATION
BY:

## APPROVAL AND ACCEPTANCE

PRESENTED TO THE BRIGHAM CITY COUNCIL
THIS _____ DAY OF _____, 20____,
AT WHICH TIME THIS SUBDIVISION WAS APPROVED AND ACCEPTED.

BY: _____
MAYOR

ATTEST: _____
CITY RECORDER

## ENGINEER'S CERTIFICATE

I HEREBY CERTIFY THAT I HAVE HAD THIS PLAT EXAMINED AND FIND THAT IT IS CORRECT AND IN ACCORDANCE WITH THE INFORMATION FILE IN THE BRIGHAM CITY OFFICE.

SIGNED THIS _____ DAY OF _____, 20____.

_____
CITY ENGINEER

## SURVEYOR' CERTIFICATE

I, ROGER C. SLADE, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF UTAH IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS ACT, AND I HAVE COMPLETED A SURVEY OF THE PROPERTY DESCRIBED ON THIS PLAT IN ACCORDANCE WITH SECTION 17-23-504 AND HAVE VERIFIED ALL MEASUREMENTS, AND HAVE PLACED MONUMENTS AS REPRESENTED ON THIS PLAT, AND HAVE HEREBY SUBDIVIDED SAID TRACT INTO FIVE (5) LOTS, KNOWN HEREAFTER AS BRIGHAM CITY SCHOOL SUBDIVISION IN BRIGHAM CITY, BOX ELDER COUNTY, UTAH, AND HAS BEEN CORRECTLY DRAWN TO THE DESIGNATED SCALE AND IS TRUE AND CORRECT REPRESENTATION OF THE HEREON DESCRIBED LANDS INCLUDED IN SAID SUBDIVISION, BASED UPON DATA COMPILED FROM RECORDS IN THE BOX ELDER COUNTY RECORDER'S OFFICE AND FROM SAID SURVEY MADE BY ME OR UNDER MY SUPERVISION ON THE GROUND, I FURTHER HEREBY CERTIFY THAT THE REQUIREMENTS OF ALL APPLICABLE STATUTES AND ORDINANCES OF BRIGHAM CITY CONCERNING ZONING REQUIREMENTS REGARDING LOT MEASUREMENTS HAVE BEEN COMPLIED WITH.

SIGNED THIS _____ DAY OF _____, 2026.

ROGER C. SLADE, P.L.S.
UTAH LICENSE NO. 11388802

DRAFT

## SUBDIVISION BOUNDARY DESCRIPTION

A PART OF THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASE AND MERIDIAN.

BEGINNING AT THE SOUTHWEST CORNER OF PARCEL A, SPRING CREEK SUBDIVISION, RECORDED AS ENTRY NO. 489087 IN THE BOX ELDER COUNTY RECORDER'S OFFICE, BEING A POINT ON THE EAST RIGHT-OF-WAY LINE OF 1200 WEST STREET LOCATED 3390.08 FEET SOUTH 00°14'41" EAST ALONG THE WEST LINE OF SAID SECTION AND 73.79 FEET NORTH 89°43'19" EAST FROM THE NORTHWEST CORNER OF SAID SECTION 23;

RUNNING THENCE ALONG THE SOUTH BOUNDARY OF SAID SPRING CREEK SUBDIVISION THE FOLLOWING THREE COURSES: (1) SOUTH 89°48'44" EAST 268.12 FEET (268.26 FEET BY RECORD); (2) SOUTH 89°37'01" EAST 484.67 FEET; AND (3) SOUTH 89°33'43" EAST 684.23 FEET; THENCE ALONG AN EXISTING FENCE LINE THE FOLLOWING TWO (2) COURSES: (1) NORTH 89°57'09" EAST 219.15 FEET; AND (2) SOUTH 89°44'00" EAST 929.97 FEET TO THE WESTERLY RIGHT-OF-WAY LINE OF THE O.S.L. RAILROAD BEING 50.00 FEET WEST OF THE RAILROAD CENTERLINE AS DESCRIBED IN BOOK M, PAGE 33 (THE PREVIOUS FIVE (5) COURSES DESCRIBED AS SOUTH 89°31'14" EAST ALONG AN EXISTING FENCE LINE BY RECORD); THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES: (1) SOUTH 25°10'01" WEST (SOUTH 27°03'38" WEST BY RECORD) 420.53 FEET PARALLEL WITH AND 50.00 FEET DISTANT FROM SAID CENTERLINE TO AN EXISTING FENCE LINE ACCEPTED AS EVIDENCE OF THE LOCATION DESCRIBED IN BOOK C, PAGE 204 AS 100 RODS NORTH OF THE INTERSECTION OF THE SOUTH LINE OF SAID SECTION 23 AND THE CENTERLINE OF THE RAILROAD; (2) SOUTH 87°51'52" WEST (WEST BY RECORD) 28.13 FEET ALONG SAID EXISTING FENCE LINE TO A POINT 75.00 FEET WEST OF THE RAILROAD CENTERLINE AS DESCRIBED IN BOOK M, PAGE 135; AND (3) SOUTH 25°10'01" WEST (SOUTH 27°03'38" WEST BY RECORD) 334.44 FEET PARALLEL WITH AND 75.00 FEET DISTANT FROM SAID CENTERLINE TO AN EXISTING FENCE LINE; THENCE ALONG SAID EXISTING FENCE LINE THE FOLLOWING FOUR (4) COURSES: (1) SOUTH 89°49'44" WEST 891.37 FEET (SOUTH 85°58'19" WEST 897.6 FEET BY RECORD); (2) SOUTH 01°58'32" EAST 801.64 FEET; (3) SOUTH 01°42'03" WEST 160.69 FEET (THE PREVIOUS TWO (2) COURSES DESCRIBED AS SOUTH 01°03'14" EAST 763.8 FEET BY RECORD); AND (4) SOUTH 89°58'29" WEST (NORTH 89°42'46" WEST BY RECORD) 1350.18 FEET TO SAID EAST RIGHT-OF-WAY LINE; THENCE NORTH 00°15'29" WEST 1448.11 FEET ALONG SAID EAST RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING.

CONTAINING 82.33 ACRES.

## COUNTY RECORDER

ENTRY NO: _____ FEE PAID _____
FILED FOR RECORD AND RECORDED _____, AT _____
IN BOOK _____ OF OFFICIAL RECORDS, PAGE _____

_____
COUNTY RECORDER

BY: _____
DEPUTY


JA JONES & ASSOCIATES
CONSULTING ENGINEERS
6080 Fashion Point Drive
South Ogden, Utah 84403
(801) 476-9767 www.jonespivil.com

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Mark Bradley

2. DEPARTMENT OR DIVISION: Community & Economic Development

3. DATE INITIATED: 4/14/26

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Sandpiper Meadows Subdivision Preliminary Plat located at approximately 250 South and 1200 West. Garth Day, Heritage Land Development

5. ESTIMATED TIME NEEDED: 10 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: 5/7/26

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

   See attached material.

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 4/14/26 | Mark Bradley | Mark Bradley | ✓ |
| | Tom Kotter | | |

9. MAYOR'S SIGNATURE: _____

BRIGHAM CITY

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Sandpiper Meadows Subdivision Preliminary Plat

Name of Person Requesting Legal Review: Mark Bradley

Date Sent: April 15, 2026 Review Date Deadline: April 20, 2026

Reviewed by Attorney: [signature] Date: 4/16/26

X Reviewed and acceptable as submitted
____ See suggested changes

Returned to: Mark Bradley Date: 4/16/26

X Accepted as Received

Submitted to Mayor's Office By: MB Date: 4/20/26

Reviewed by Mayor's Office: /s/ Derek Oyler by dp
Derek Oyler, City Administrator

BRIGHAM CITY

# MEMORANDUM

**To:** Mayor Bott, City Council Members

**From:** Mark Bradley, City Planner MB

**Subject:** Sandpiper Meadows Subdivision Preliminary Plat (Application #26-015)

**Date:** April 14, 2026

**City Council Agenda:**
May 7, 2026

**Overview:**
Sandpiper Meadows is an area in the new Avian Shores Planned District located north of 400 South Street and east of 1200 West Street. The proposed subdivision preliminary plat consists of two phases with a total of 54 townhome units and 55 single family lots:

- Phase 1 – 54 townhome units, 37 single family lots
- Phase 2 – 18 single family lots

Additional phases in the Sandpiper Meadows area will take place in the future with a planned public trail network and a public park. Sandpiper Meadows is planned to include townhomes, single family dwelling lots, and villas single family.

Fencing/Walls

*1200 West Corridor*

- Gabion columns with 5-foot-tall wrought iron fencing (welded ornament steel fence) along 1200 West Street for the townhome sections.
- Gabion columns with 5-foot-tall gabion walls along 1200 West Street for sections of single-family lots that back up against the corridor subject to engineering. Columns to have different color of rock from walls.

*Lots Abutting Open Space Areas*

- Gabion columns with 5-foot-tall wrought iron fencing (welded ornament steel fence) for uniformity and ambience.

*Single-Family Lots not Abutting Open Space*

- Homeowners or homebuilders install privacy fences. Developer can identify allowable fence materials in their CC&Rs (Covenants, Conditions, and Restricts) but cannot be less restrictive than City Code "156.346 Fences and Walls, Subsection (E)(1) Fences and walls shall be constructed according to the local building code and consist of durable industry standard materials including:
  (a) Cedar, douglas fir, redwood or pressure-treated wood products;
  (b) Vinyl (Polyvinyl chloride) fencing products;
  (c) Natural boulder, rock or stone products;

(d) Prefabricated masonry block, brick or stone products;
(e) Cast in place or precast concrete products; and
(f) Wrought iron, welded wire mesh, aluminum or galvanized chain link products."

Lot Sizes/Setbacks

- Proposed single-family dwelling lot widths are 36, 40, and 50 ft. Corner lots must be wide enough to meet clear view requirement with placement of driveways.
- Proposed single-family dwelling lot setbacks:
  - Front Yard: 25 ft
  - Side Yard: 5 ft
  - Rear Yard: 20 ft
- Staff can support the proposed single-family dwelling lot sizes and width for the first two phases but strongly encourage and recommend a variation of single-family dwelling lot sizes, width, and setbacks throughout Sandpiper Meadows.
- Staff does not support 3500 – 5000 lot sizes throughout entire Sandpiper Meadows. There should be a mix or transition of lot sizes and width.

**Planning Commission Recommendation:**
The Planning Commission considered and discussed this application during two meetings on March 17, 2026, and April 7, 2026. On April 7, 2026, the Planning Commission recommended approval to the City Council (6-0 vote) for the Sandpiper Meadows Subdivision Preliminary Plat phases 1 and 2, subject to Staff comments, Findings of Fact, and stipulations as noted [meeting and Staff Evaluation].

**Attachments:**

1. Staff Evaluation dated March 31, 2026
2. Locator Map
3. Sandpiper Meadows area of Avian Shores Planned District
4. Sandpiper Meadows Subdivision Preliminary Plat Phases 1 & 2
5. Fencing/Walls - Examples
6. Lot Widths – Building Footprints Examples
7. Elevations – Single-Family Dwelling
8. Elevations – Townhomes
9. Planning Commission Meeting Minutes

**BRIGHAM CITY, UTAH**
**PLANNING COMMISSION**
**STAFF EVALUATION**

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**APPLICANT:** Garth Day, Heritage Land Development
**OWNER'S NAME:** Valentine Nicholas L. TTEE
**PROPERTY ADDRESS:** Approximately 250 S 1200 W
**PARCEL NO.:** Portion of 03-118-0021 / 0023 / 0025

**APPLICATION NO.:** 26-015
**PARCEL AREA:** ~13 acres
**ZONING DISTRICT:** P-R-M-7
**DATE:** March 31, 2026

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**PLANNING COMMISSION MEETING:** April 7, 2026
**APPLICATION TYPE:** Legislative
**PLANNING COMMISSION ROLE:** Recommending Body to City Council

**NATURE OF REQUEST:**
Subdivision Preliminary Plat – Sandpiper Meadows Subdivision

**OVERVIEW:**
*On March 17, 2026, the Planning Commission considered the application. After a healthy discussion, the Commission continued the application to allow the applicant time to provide a more complete application to advance the project in accordance with the Avian Shores Planned District.*

*This application was taken back to Staff DRT on March 23, 2026, for further discussion. Following Staff DRT and a follow-up meeting on March 25, 2026, the following is the outcome:*

*Trials, Open Space, Park (see attached map)*

- *The trail through Sandpiper Meadows is to be installed by developer and deeded to the City to achieve a "public trail system" as identified in the adopted Avian Shores Planned District.*
- *The open space area around the trail by the townhomes and villas are to be maintained by an HOA.*
- *The open space area around the trail between the single-family lots (non HOA), consisting of at least a two-foot shoulder on each side of the trail will be dedicated to the City as part of the trail right-of-way and maintained by City. The open space width between Lots 42 and 43 will be modified with the final plat.*
- *The block area east of the easterly townhomes (future phase) between the townhomes and villages which is bound by public streets will be a public park. The park is being relocated from west side and is to be installed by developer and deeded to City and maintained by City.*

*Fencing/Walls (see attached renderings included in Heron Ridge packet)*

***1200 West Corridor***

- *Gabion columns with 5-foot-tall wrought iron fencing (welded ornament steel fence) along 1200 West Street for the townhome sections.*
- *Gabion columns with 5-foot-tall gabion walls along 1200 West Street for sections of single-family lots that back up against the corridor subject to engineering. Columns to have different color of rock from walls.*

***Lots Abutting Open Space Areas***

- *Gabion columns with 5-foot-tall wrought iron fencing (welded ornament steel fence) for uniformity and ambience.*

***Single-Family Lots not Abutting Open Space***

- *Homeowners or homebuilders install privacy fences. Developer can identify allowable fence materials in their CC&Rs (Covenants, Conditions, and Restricts) but cannot be less restrictive than City Code "156.346 Fences and Walls, Subsection (E)(1) Fences and walls shall be constructed according to the local building code and consist of durable industry standard materials including:*
  *(a) Cedar, douglas fir, redwood or pressure-treated wood products;*
  *(b) Vinyl (Polyvinyl chloride) fencing products;*
  *(c) Natural boulder, rock or stone products;*
  *(d) Prefabricated masonry block, brick or stone products;*
  *(e) Cast in place or precast concrete products; and*
  *(f) Wrought iron, welded wire mesh, aluminum or galvanized chain link products."*

*Lot Sizes/Setbacks*

- *Garth Day is working on additional information to present to the Planning Commission regarding lot sizes and setbacks.*
- *Staff can support the smaller SFD (single-family dwelling) lot sizes and width for the first two phases but strongly encourage and recommend a variation of SFD lot sizes, width, and setbacks throughout Sandpiper Meadows.*
- *Staff does not support 3500 – 5000 lot sizes throughout Sandpiper Meadows. There should be a mix or transition of lot sizes and width.*

Previous Overview (March 17, 2026):

Updated plans have been submitted for review. This is one of two preliminary plat applications submitted together in the new Avian Shores Planned District. Garth Day mentioned that the name on the submitted plat is incorrect and will be Sandpiper Meadows. This subdivision will consist of two phases with a total of 54 townhome units and 55 single family lots:

- Phase 1 – 54 townhome units, 37 single family lots
- Phase 2 – 18 single family lots

Sandpiper Meadows is located north of 400 South Street, and north of the Dickamore property, straddling the three Valentine properties along 1200 West Street. An updated Avian Shores Master Plan and Site Location is provided.

Per the adopted Avian Shores Planned District, "the standards for density, height regulations, and parking, shall be governed by the standards of the R-M-7 District. *The Planned District provides flexibility for lot sizes and yard requirements (setbacks) to allow a variety of lot sizes and housing type, and for compatible design with mixed-uses, and street scale. Design flexibility must provide a variation of lot sizes.* The overall density of the Planned District area, excluding the City properties, is limited to a maximum of 7 dwelling units per acre." City Code Section 156.286(A)

The following are items we need to continue to work through:

- Process to incorporate the updated Avian Shores Master Plan
- What is the desirable and acceptable setback along 1200 West Street, which is a 106' ROW?
- What are the allowable setbacks for the single-family dwelling lots? It appears they are proposing 20 ft front, 5 ft side, and 15 ft rear.

- What are acceptable minimum single-family dwelling lot sizes? The lots range from 3,564 sq. ft. to 5,950 sq. ft. with a majority being 3,960 sq. ft. The Planned District encourages a variety of lot sizes and housing types. These lot sizes are quite small but basically provide a detailed style townhome.
- This phase is a higher density than 7 du/ac, which is fine if the overall project doesn't exceed the maximum 7 du/ac. Each phase hereafter should provide a density tracking provision.
- Fencing detail – 1200 West Corridor. A wrought iron fence like Cardamine Village and North Point PUDs is being proposed where townhomes face 1200 West Street. Recommend concrete curbing under the fence, an aesthetic structure column regularly spaced throughout to create a structural integrity component and aesthetic component. A solid type of wall needs to be determined for areas where lots back up to 1200 West Street.
- Consideration of the 1200 West Street cross-section.
- Trail and Open Space details. Some illustrations have been provided to paint the picture. The first step in the process.
- Private drive details and distances.
- Signage/Wayfinding Plan. Locations and who is responsible for maintenance.
- Landscape Plans. 1200 West Corridor and Inside Development

**STAFF COMMENTS:**

**Community and Economic Development Department:**

1. *Townhome parking to comply with City Code 156.448 Off-Street Parking Schedules, which is a two car garage with a two-car driveway width no less than 18 ft and 22 ft in length, plus 1 guest parking space per 4 dwelling units. New comment 3/31/2026*
2. *Standards for density, height regulations, and parking, shall be governed by the standards of the R-M-7 District. The Planned District provides flexibility for lot sizes and yard requirements (setbacks) to allow a variety of lot sizes and housing type, and for compatible design with mixed-uses, and street scale. Design flexibility must provide a variation of lot sizes. The overall density of the Planned District area, excluding the City properties, is limited to a maximum of 7 dwelling units per acre (156.286(A)).*
   A. Recommend setbacks be established for the single-family dwelling lots. Developer is proposing a 20 ft front, 5 ft side, and 15 ft rear.
   B. Recommend a minimum setback along 1200 West Street corridor be 25 feet for both townhomes and single-family lots.
   C. Concerned with the proposed lot sizes backing up against 1200 West Street. Would like to see a footprint plan with the proposed lots to show how setbacks can be met.
   D. Not supportive of lot sizes ranging from 3,500 – 6,000 sq. ft. throughout the Sandpiper area of the project. A variety of lot sizes and housing types should be planned for in this area.
3. Street numbers. Street numbers must be a whole, half, three-quarters, or one-quarter numbers.
   A. 310 South, 1170 West, and 1185 West must be revised.
4. Addresses. Addresses to be assigned with final plat. Unable to work on address assignments until street numbers are solidified.
5. *Landscape and screening plan shall be submitted with the final design and construction plans for Planning Commission review and approval (156.286(C)(3).*
   A. Received landscape illustrations for open space, wetlands, and 1200 West Street Corridor.

B. Need a detailed plan for the landscape and trail for the open space shown between Lots 42 and 43.
C. Need landscape plan for this phase.

6. Trail and Open Space.
   A. The sidewalk width along 310 South (to be revised) must be updated to the Urban Trail standard, a wider sidewalk.
   B. Need a detailed plan for the landscape and trail for the open space shown between Lots 42 and 43
7. Fencing Plan. *The fencing plan shall be submitted with the final design and construction plans for Planning Commission review and approval (156.286(E).*
   A. Recommend concrete curbing with wrought iron fence along with aesthetic structural columns spaced uniformly along 1200 West where townhome units face 1200 West.
   B. Recommend other fencing through out the development be discussed. Focus is primarily on the 1200 West Street Corridor, but there are other areas of consideration (i.e. along trails, open space, etc.)
8. 1200 West Street Corridor. *Developer shall install a low maintenance safety barrier fence or wall to ensure privacy and safety. Said fence or wall design is to be coordinated and approved by the Brigham City Staff DRT prior to installation (156.286(H)(2).*
   A. A privacy wall along 1200 West Street is required for single-family lots. Developer would like to use concrete panel like installed at Beeton Path Subdivision by the railroad. The wall design is to be coordinated and approved by the Brigham City Staff DRT prior to installation.
   B. Recommend a different concrete panel for this corridor to be used. Requires additional discussion with the Staff DRT.
   C. Provide an updated cross-section to show Public Works Standards and existing overhead powerline.
9. General Development Plan. The applicant has provided an amended General Development Plan (Master Plan) for the project. However, some of the information is missing and colors are off. Per the purpose and intent of the Avian Shores Planned District, … *The district's development plan provides general guidance on the location and density of residential units and land uses compatible with adjacent properties, ensuring adequate infrastructure and services (156.285).*
   A. Recommend the proposed updated General Development Plan (Master Plan) be cleaned up and run through the process to be incorporated in the Avian Shores Planned District. This would be an amendment to the zoning code.

**Engineering Department:**

1. *It is our understanding that the developer will be providing updated plans that reflect an updated trail design following discussion from the meeting held on March 25, 2026. New comment 3/26/2026*
2. *Please update the 1200 W. road cross section to match the City Standard (6" HMA, 8" UTBC, 18" Granular Sub Base). New comment 3/26/2026*
3. Please note that the proposed townhomes are only wide enough for single vehicle parking within the garage. Please ensure that your parking calculations include one vehicle in the garage per unit.
4. We will review the geotechnical report and provide any necessary feedback.
5. Please update the 1200 W. cross section on SHEET L-101 to match the City Standard 1200 W. cross section on SHT R3 of the City Standard Drawings.
6. We will provide a thorough review of the utilities when construction drawings are provided.

7. The corner of 1170 W and 350 South should have a curved radius and not a 90 degree turn. City Standard drawings specify this radius. Unless directed differently by Community Development or Public Works, a curved radius will be required. This improves traffic flow and plowing operations.

**Fire Department:**

1. No comments

**Police Department:**

1. No comments

**Public Power Department:**

1. Show location of existing overhead power pole and lines.
2. Reminder: From the pitch of the roof to the outer most phase on the power line needs to be a minimum of 15 feet.

**Public Works Department:**
**(Culinary Water, Street, and Wastewater Treatment/ Storm Drain Divisions)**

1. Public Works supports the application with no additional comments.
2. See Engineering Department comments.

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**PLANNING COMMISSION RESPONSIBILITY:**

1. The Planning Commission considers the application and determines whether the proposed subdivision plat is in harmony with the Avian Shores Planned District. *The purpose and intent of establishing the Avian Shores Planned District is to create a dynamic and vibrant area that fosters the orderly development of residential uses along with potential neighborhood commercial uses that would service the residential area. … The district's development plan provides general guidance on the location and density of residential units and land uses compatible with adjacent properties, ensuring adequate infrastructure and services. City Code 156.285 Purpose and Intent*

D. The Planning Commission is the recommending body to the City Council for this application. Process established with the Planned District.

E. The Planning Commission may recommend approval, disapproval, or request additional information to make a recommendation to the City Council.

**STAFF RECOMMENDATIONS:**

1. Consider the proposed outcome/solutions for Sandpiper Meadows:
   A. Trials, Open Space, Park
      (i) The trail through Sandpiper Meadows is to be installed by developer and deeded to the City to achieve a "public trail system" as identified in the adopted Avian Shores Planned District.
      (ii) The open space area around the trail by the townhomes and villas are to be maintained by an HOA.
      (iii) The open space area around the trail between the single-family lots (non-HOA), consisting of approximately a two-foot shoulder on each side of the trail will be dedicated to the City as part of the trail right-of-way and maintained by City. The open space width between Lots 42 and 43 will be modified.
      (iv) The block area east of the easterly townhomes (future phase) between the townhomes and villages which is bound by public streets will be a public park (relocated from west side). The park is to be installed by developer and deeded to City and maintained by City.

B. Fencing/Walls
   (i) 1200 West Corridor
      a. Gabion columns with 5-foot-tall wrought iron fencing (welded ornament steel fence) along 1200 West Street for the townhome sections.
      b. Gabion columns with 5-foot-tall gabion walls along 1200 West Street for sections of single-family lots that back up against the corridor subject to engineering. Columns to have different color of rock from walls.
   (ii) Lots Abutting Open Space Areas
      a. Gabion columns with 5-foot-tall wrought iron fencing (welded ornament steel fence) for uniformity.
   (iii) Single-Family Lots not Abutting Open Space
      *a.* Homeowners or homebuilders install privacy fences. Developer can identify allowable fence materials in their CC&Rs (Covenants, Conditions, and Restricts) but cannot be less restrictive than City Code *156.346 Fences and Walls, Subsection (E)(1) Fences and walls shall be constructed according to the local building code and consist of durable industry standard materials including:*
         - *Cedar, douglas fir, redwood or pressure-treated wood products;*
         - *Vinyl (Polyvinyl chloride) fencing products;*
         - *Natural boulder, rock or stone products;*
         - *Prefabricated masonry block, brick or stone products;*
         - *Cast in place or precast concrete products; and*
         - *Wrought iron, welded wire mesh, aluminum or galvanized chain link products.*

2. Staff can support the smaller SFD (single-family dwelling) lot sizes and width for the first two phases but strongly encourage and recommend a variation of SFD lot sizes, width, and setbacks throughout Sandpiper Meadows.
3. Staff does not support 3500 – 5000 lot sizes throughout Sandpiper Meadows. There should be a mix or transition of lot sizes and width.
4. If resolution on lot sizes and width, support Planning Commission forwarding a recommendation on the Sandpiper Meadows Preliminary Plat to the City Council subject to addressing Planning Commission items, Staff Comments, and the Stipulations.

**STIPULATIONS:**

1. Update plans to address Staff Comments
2. Provide details to address items note in application submission.
3. The landscaping and screening plan, and the fencing plan shall be submitted with the final design and construction plans for Planning Commission review and approval.

**FINDINGS OF FACT:**

1. The proposed subdivision is in the Avian Shores Planned District.
2. The Avian Shores Planned District was adopted by the City Council on November 6, 2025 as a P-R-M-7 zoning district.
3. The Avian Shores Planned District allows for townhomes and variation of single-family dwelling lots.
4. The Avian Shores Planned District allows for an overall density of 7 dwelling units per acre.

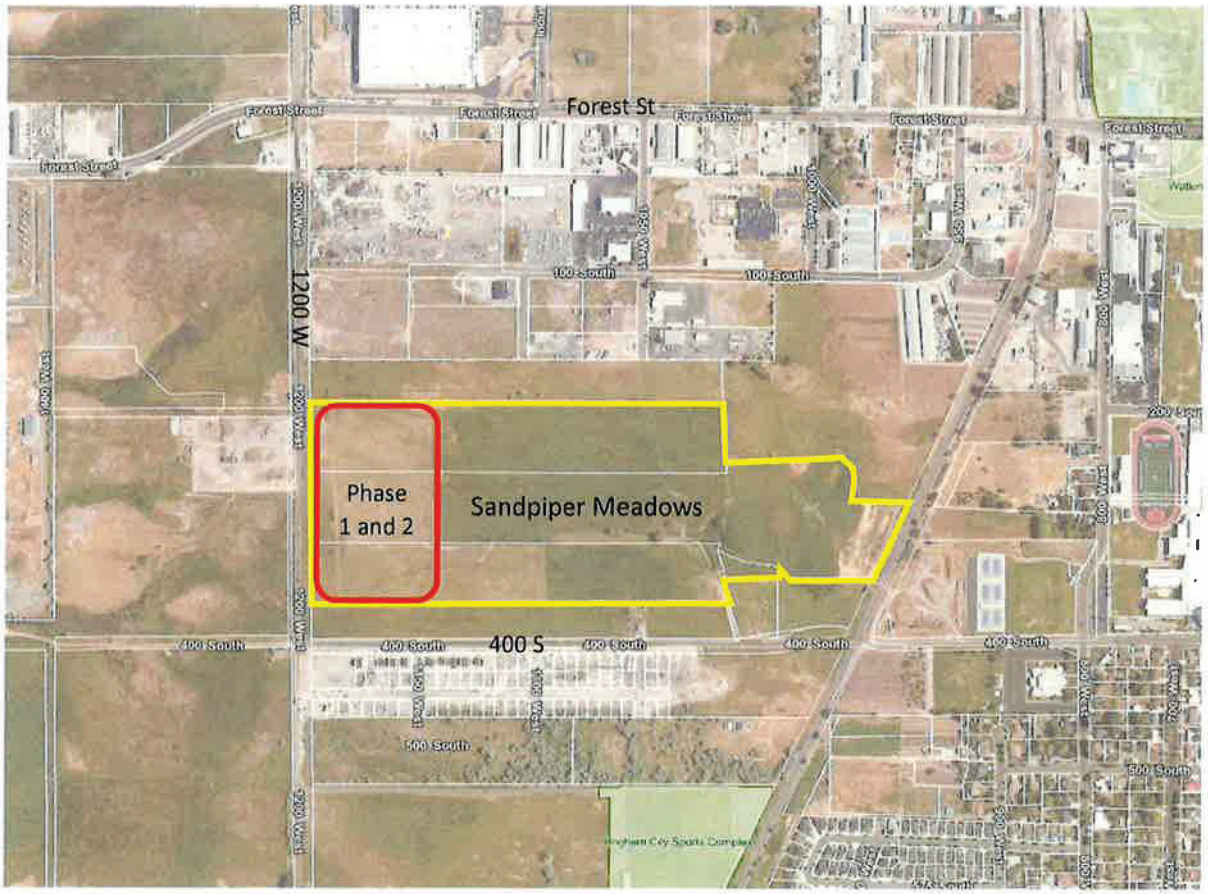
5. The proposed subdivision exceeds 7 dwelling units per acre by itself but will balance out with future phases according to the adopted General Development Plan (Master Plan).
6. Additional details on certain design elements must be worked out and finalized with the final design and construction drawings.

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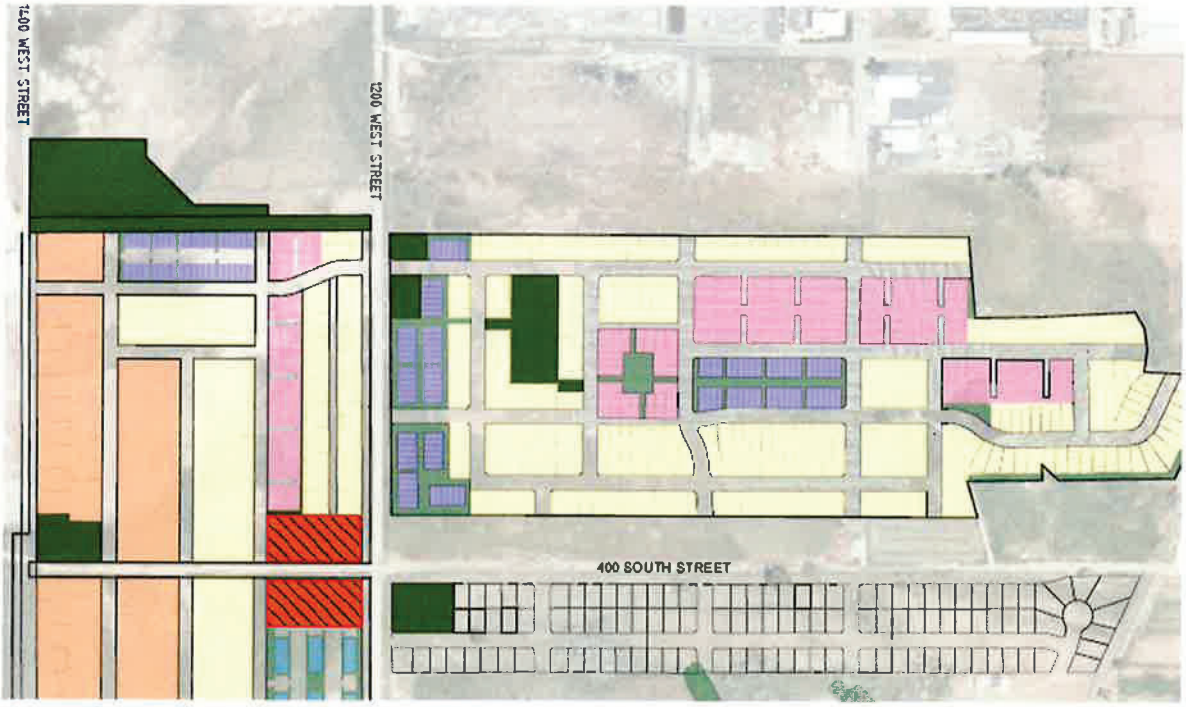
**ATTACHMENTS:**

1. Locator Map
2. Sandpiper Meadows Area Map – Adopted Version / Modified Version
3. Sandpiper Preliminary Plat
4. Avian Shores Planned District (Included in the Heron Ridge packet)
5. Fencing/Walls (Included in the Heron Ridge packet)
6. Elevations (Emailed Electronically. Included in PowerPoint)
7. Landscape Architect Illustrations (Emailed Electronically. Included in PowerPoint)

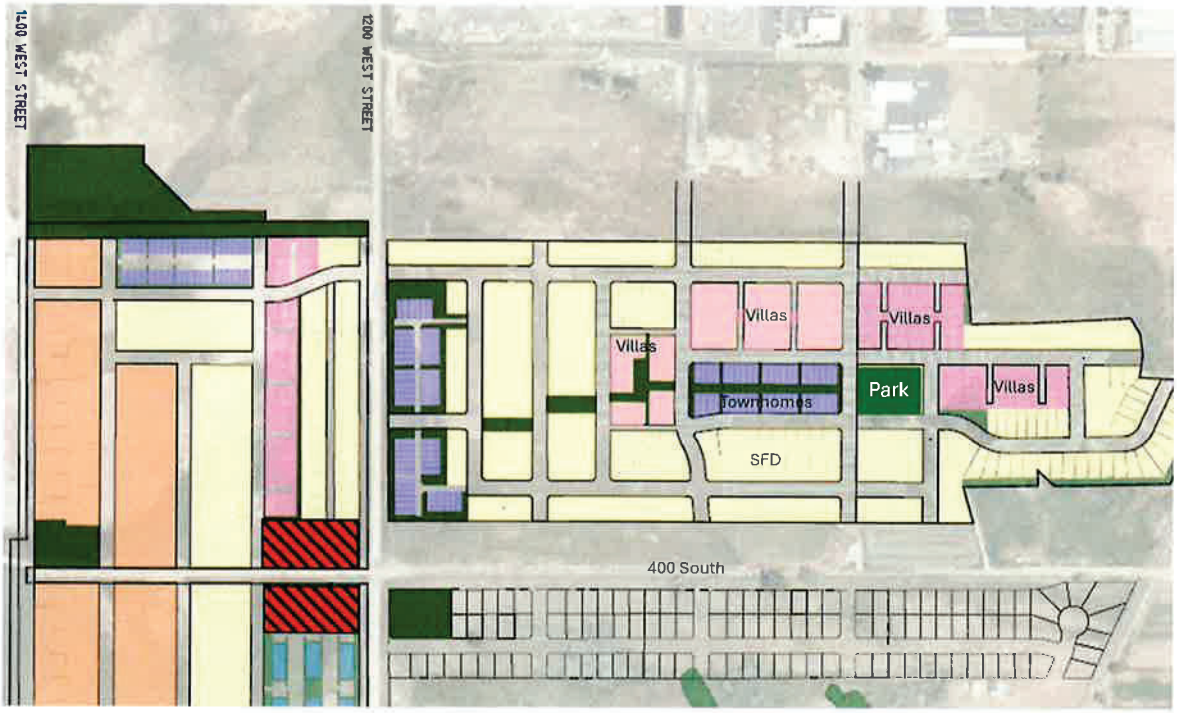
# LOCATOR MAP



# SANDPIPER MEADOWS – AVIAN SHORES




ADOPTED VERSION




MODIFIED VERSION

# SANDPIPER RIDGE SUBDIVISION

## PRELIMINARY PLAT

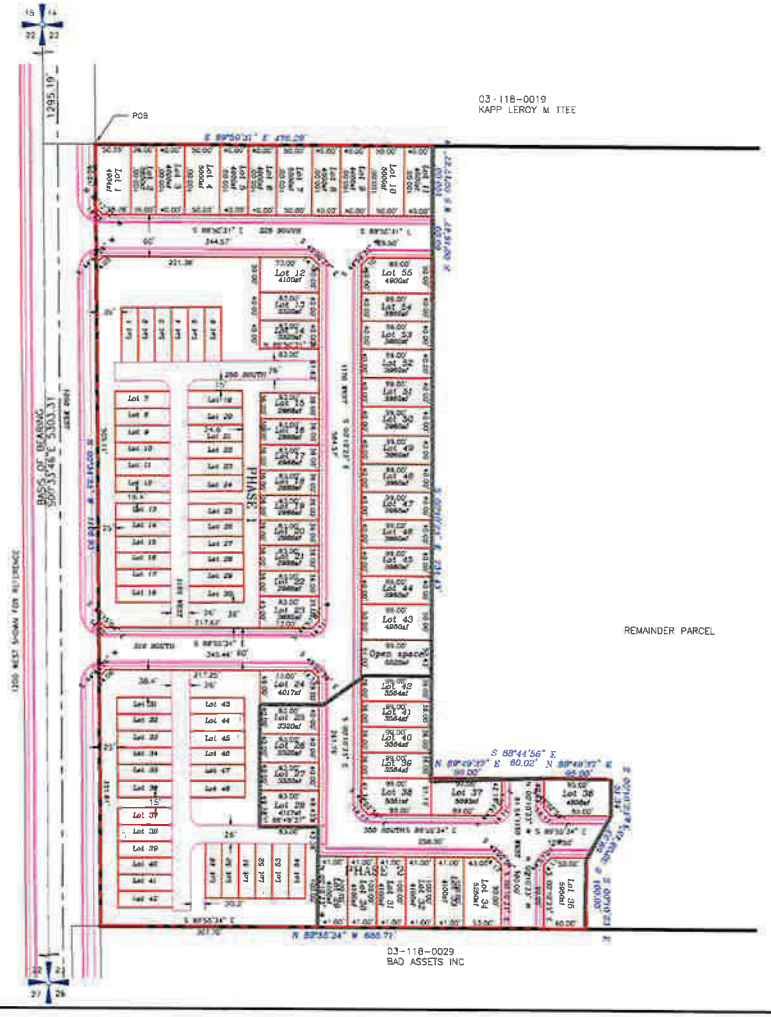
SCALE: 1" = 80' (22x34 PLAN SET)



VICINITY MAP



TYPICAL 6-PLEX




LEGEND

BOUNDARY LINE

PROPOSED EASEMENT (10' TYPICAL)

PROPOSED CENTERLINE

### BOUNDARY LEGAL DESCRIPTION

Part of the Northwest Quarter of Section 23, Township 9 North, Range 2 West of the Salt Lake meridian described as follows:

Commencing at the Northwest Corner of Section 23, Township 9 North, Range 2 West of the Salt Lake Base and Meridian thence S00°33'46"E 1295.19 feet along the west line of said Section 23; thence East 73.31 feet to the POINT OF BEGINNING and running

thence S 89°50'31" E 475.29 feet;
thence S 00°17'27" W 100.00 feet;
thence S 00°46'47" W 60.00 feet;
thence S 00°10'23" E 734.43 feet;
thence N 89°49'37" E 89.00 feet;
thence S 88°44'56" E 60.02 feet;
thence N 89°48'37" E 85.00 feet;
thence S 00°10'23" E 51.34 feet;
thence S 30°08'45" W 89.35 feet;
thence S 00°10'23" E 100.00 feet;
thence N 88°55'34" W 685.71 feet to the east right of way line of 1200 West Street;
thence N 00°34'33" W 1106.93 feet along said right of way line to the point of beginning containing 13.087 acres, more or less.

2-18-2026


ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LEHI, UTAH 84043
(435)795-5121
allianceloganfly@yahoo.com


OWNER: HERITAGE LAND DEVELOPMENT
1222 NORTH 2450 WEST
TREMONTON, UTAH

ATTN: GARTH DAY
435-730-9708

PROJECT TITLE:
SANDPIPER RIDGE SUBDIVISION
PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST
SALT LAKE BASELINE AND MERIDIAN
BRIGHAM CITY, UTAH

DRAWING TITLE:
PRELIMINARY PLAT

DATE: DEC 2025

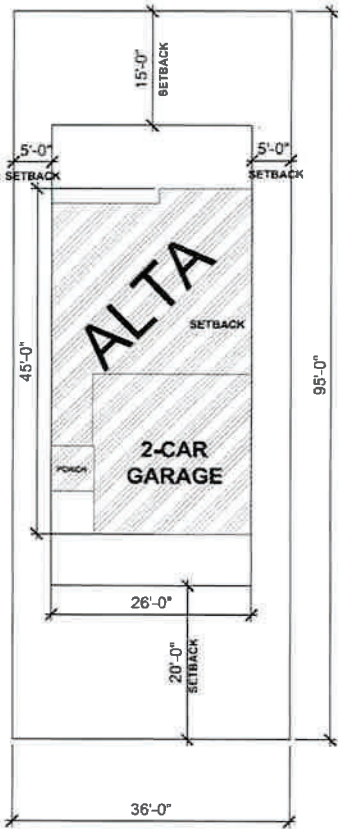
DRAWING No.


AVIAN SHORES
MASTER PLANNED COMMUNITY
SANDPIPER
-MEADOWS-

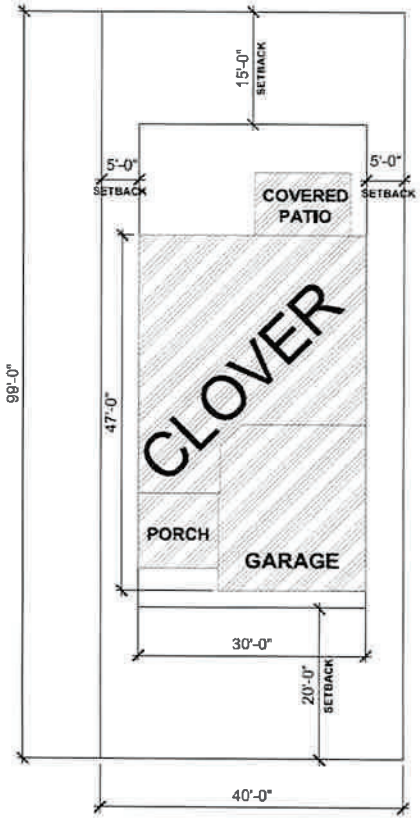

AVIAN SHORES
HERON RIDGE


Trail Loop
Park Access
Sandpiper Meadows
Heron Ridge
AVIAN SHORES

# 36' WIDE




# 40' WIDE




Proposed Setbacks:

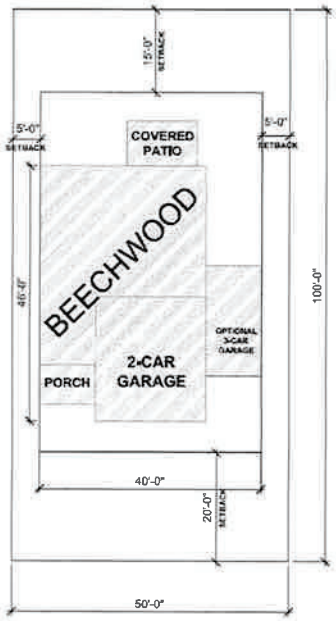
Front: 25 feet

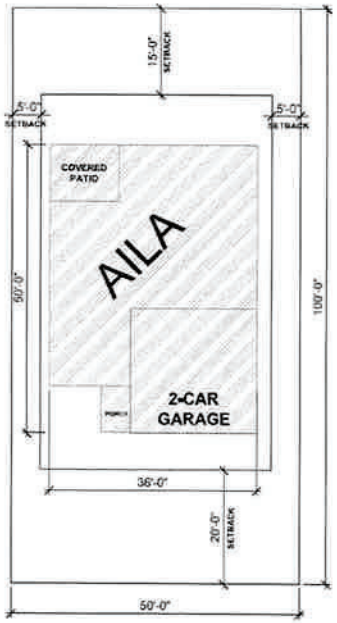
Rear: 20 feet

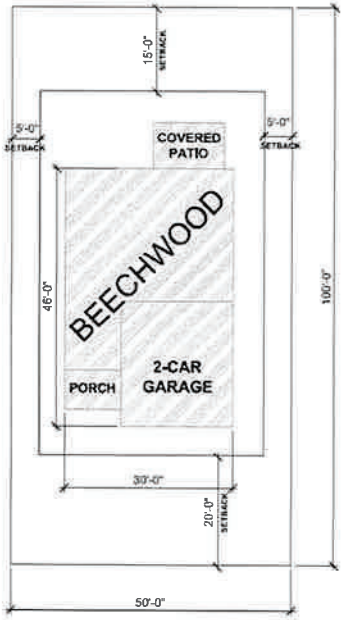
Side: 5 feet

# 50' WIDE




Proposed Setbacks:
Front: 25 feet
Rear: 20 feet
Side: 5 feet

Beechwood: 50' frontage





Cali: 50' frontage





Alta: 36' frontage



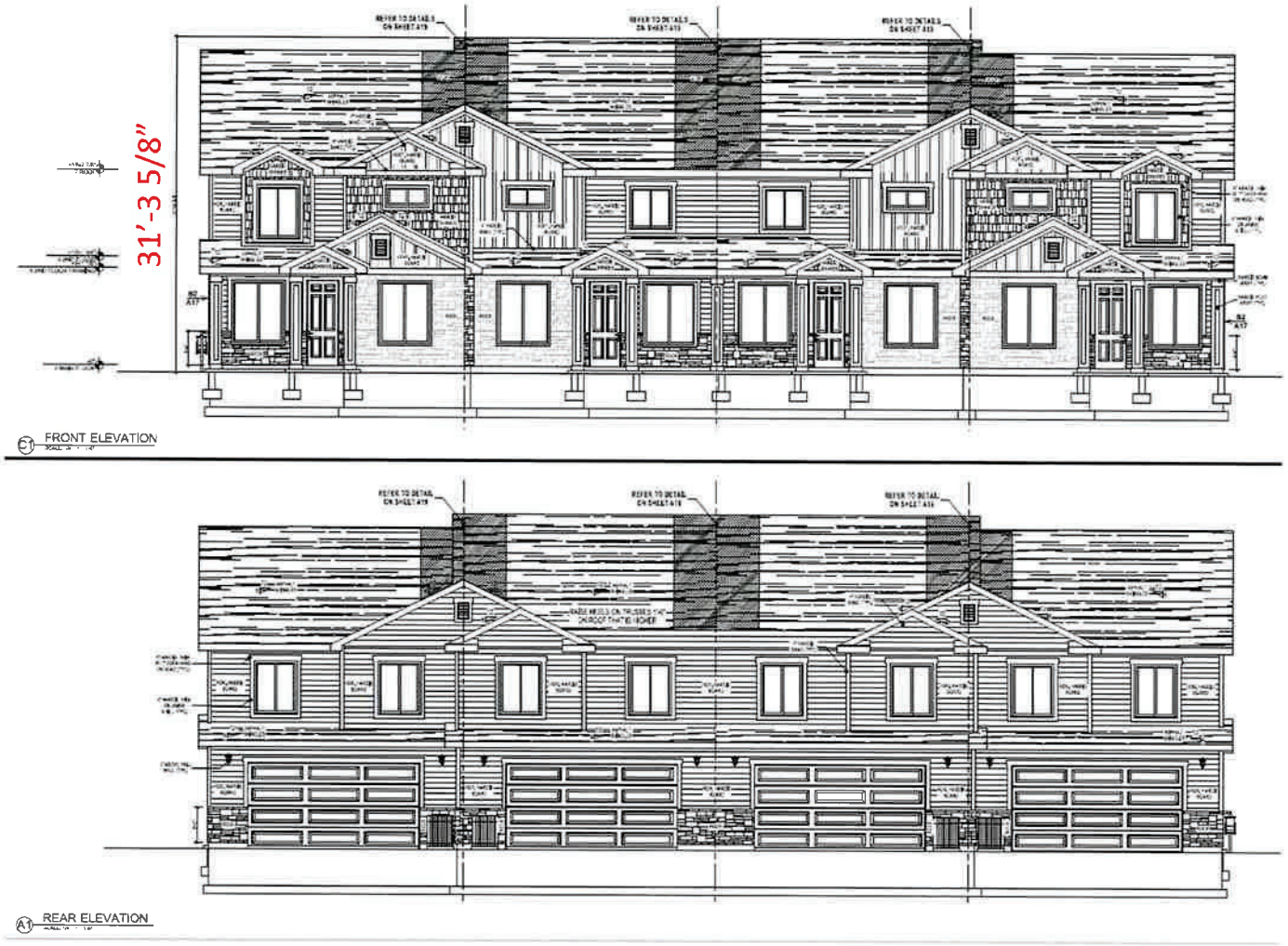


Clover: 40' frontage





# EDEN




Asphalt Shingles
Hardie Shakes
Hardie Board
-Horizontal
-Vertical
Rock

**BRIGHAM CITY PLANNING COMMISSION**
**BRIGHAM CITY COUNCIL CHAMBERS**
**Tuesday, 3/17/2026 6:00 p.m.**

| | | |
|---|---|---|
| PRESENT: | Roger Manning | Commissioner – Chair |
| | Jason Coppieters | Commissioner |
| | Isaac Herbert | Commissioner |
| | Wayne McConkie | Commissioner |
| EXCUSED: | Garl Waldron | Commissioner – Vice Chair |
| | Donny Constantineau | Commissioner |
| | Vince Crane | Commissioner |
| ALSO PRESENT: | Mark Bradley | City Planner |
| | Zane Billings | Assistant City Planner |
| | Destry Larsen | Administrative Assistant |

## AGENDA

Pledge of Allegiance

Approval of Minutes

Application # 26-014 / Preliminary Plat / Heron Ridge Subdivision – Avian Shores Planned District / Approximately 650 South and 1200 West / Garth Day, Heritage Land Development

Application # 26-015 / Preliminary Plat / Sandpiper Meadows Subdivision – Avian Shores Planned District / Approximately 250 South and 1200 West / Garth Day, Heritage Land Development

Discussion Items

A. Private Property and the Development of Affordable Single-Family Housing / Randy David Navarro

## REGULAR MEETING

Regular session opened at 6:00 p.m. by Chairman Manning and the Pledge of Allegiance was recited.

## APPROVAL OF MINUTES

Commissioner Herbert moved to approve the minutes with corrections as noted for March 3, 2026, meeting. Commissioner Coppieters seconded the motion and it passed unanimously.

**Application # 26-014 / Preliminary Plat / Heron Ridge Subdivision – Avian Shores Planned District / Approximately 650 South and 1200 West / Garth Day, Heritage Land Development**

**Application # 26-015 / Preliminary Plat / Sandpiper Meadows Subdivision – Avian Shores Planned District / Approximately 250 South and 1200 West / Garth Day, Heritage Land Development**

Chairman Manning introduced the next agenda items, noting that two subdivision applications were related and would benefit from a combined overview. He invited Garth Day, representing Heritage Land Development, to present an overview of the Avian Shores project prior to formal consideration of the applications.

**Applicant Presentation – Garth Day**

Mr. Day gave an overview of the Avian Shores P-District, stating the project was previously approved and that infrastructure work is underway, including a PID "(Public Improvement District)" for funding. He noted 1200 West will be widened and drainage improvements have significantly reduced existing issues. In response to Chairman Manning, he explained the drainage system routing and that different areas drain separately.

Mr. Day stated the project includes approximately 192 acres with an R-M-7 designation, though current layouts are closer to six units per acre. He described the trail-oriented design, neighborhood areas, and housing mix, noting the project is ownership-focused with single-family homes, townhomes, and future condominiums. HOAs will apply only to multifamily areas, with a master set of CC&Rs governing the development. He identified builders for current phases.

Discussion addressed infrastructure constraints, including the need for sewer lift stations, which Mr. Day stated are anticipated to begin construction in the summer.

Commissioner Coppieters asked about roads and parking. Mr. Day confirmed townhome areas will have private roads and single-family areas public streets, with garage and driveway parking provided and guest parking to be incorporated. Mr. Bradley noted guest parking must meet City standards.

Mr. Bradley stated staff continues to review lot sizes and setbacks, noting the proposal includes smaller lots and reduced spacing. Commissioners discussed spacing, rear yard depth, and layout concerns. Mr. Day responded that smaller lots are limited and reflect market conditions, with a range of housing types planned and adjustments still possible.

Additional discussion addressed wetlands, trail connections, and parking. Mr. Day stated wetland areas are being monitored and enhanced and confirmed parking details will be finalized. Commissioners also raised concerns about functionality of smaller lots, including spacing and yard use.

Mr. Bradley emphasized the importance of maintaining variety and monitoring density over time. Mr. Day agreed. Chairman Manning and the Commission expressed appreciation for the presentation and noted the project will continue to be refined through future phases.

**Staff Presentation – Zane (Heron Ridge Subdivision)**

City Planner Mark Bradley invited Assistant City Planner Zane Billings to present the Heron Ridge portion of the project.

Mr. Billings explained that Heron Ridge is located southwest of the Spring Creek and Beeton Path subdivisions, just off 1200 West near the sports complex. He stated the area is approximately 10 acres and includes a mix of 23 single-family lots and 40 townhome units.

He noted the development includes both public and private streets, with roads serving the single-family lots and certain internal streets as public, and the townhome areas on the north end accessed by private streets.

Mr. Day added that the circular road at the south end has been redesigned as a full public road.

Mr. Billings briefly referenced the submitted townhome elevations, noting multiple variations proposed by Richmond American Homes, and concluded his overview.

**Staff Presentation – Mark Bradley (Sandpiper Meadows Subdivision)**

City Planner Mark Bradley provided comments on the Sandpiper Meadows Subdivision, stating the primary remaining issue is how the flexibility of the P-District is being applied, particularly with lot sizes and layout.

Mr. Bradley clarified with Mr. Day that the proposed townhomes are rear-loaded product and noted the elevations reflect a mix of materials. Chairman Manning commented that the design avoids a repetitive appearance. Mr. Bradley noted the units are larger than comparable products but raised concern with the material treatment on one elevation not anticipated in this phase.

Mr. Bradley reviewed the Sandpiper Meadows layout, identifying a mix of 36-, 40-, and 50-foot lots. Mr. Day explained certain lots are intended as model homes and that lot groupings are arranged by width.

Discussion followed on fencing. Mr. Bradley noted the Commission must approve a fencing plan and raised concerns about consistency on smaller lots. Mr. Day stated frontage along 1200 West would include a park strip and wrought iron fencing, while interior fencing would be installed by the builder and governed by CC&Rs as needed. He indicated a mix of vinyl privacy fencing and wrought iron depending on location.

Mr. Bradley requested additional details on trail improvements and corridor design along 1200 West, including setbacks and layout. Discussion included driveway depth, fire access, and corridor width requirements.

Commissioner Coppieters asked about spacing between homes, and Mr. Day confirmed side setbacks of five feet, resulting in approximately ten feet between structures. Commissioners noted concerns with proximity of utilities and overall spacing. Commissioner Herbert added that window placement and similar details would need consideration.

Mr. Bradley and Mr. Day discussed examples from other developments to illustrate transitions between tighter and wider lot patterns. Mr. Day stated Sandpiper Meadows is intended to follow a similar progression from townhomes to larger lots.

Further discussion addressed fencing materials and treatments along 1200 West. Mr. Bradley noted staff was not yet comfortable with some proposed wall options and that corridor treatments would require additional refinement. Mr. Day acknowledged those items still needed to be worked through.

The Commission also discussed guest parking requirements, with Mr. Bradley noting that standards must be met and locations finalized.

Mr. Bradley summarized that remaining items include lot sizes, setbacks, fencing, trail improvements, and townhome design details. He stated the intent is for the applicant to revise and return with updated plans.

Commissioner Coppieters emphasized the importance of carefully considering spacing and overall layout. Mr. Day stated smaller lots are intentionally grouped near townhomes to provide transition within the development.

Mr. Bradley concluded that the discussion was helpful and that the next step is for the Commission to provide direction on whether to continue the applications for further refinement.

> **Motion:** Commissioner Herbert moved that the Planning Commission, acting as the recommending body to the City Council, recommend continuation of application #26-014 to allow the applicant more time to prepare a more complete application subject to Staff comments, Findings of Fact, and stipulations as noted. Commissioner Coppieters seconded the motion and it passed unanimously.
>
> **Motion:** Commissioner Coppieters moved that the Planning Commission, acting as the recommending body to the City Council, recommend continuation of application #26-015 to allow the applicant more time to prepare a more complete application. Subject to Staff comments, Findings of Fact, and stipulations as noted. Commissioner McConkie seconded the motion and it passed unanimously.

**Discussion Item: Private Property and the Development of Affordable Single-Family Housing / Randy David Navarro**

Chairman Manning introduced the final agenda item, a discussion with Randy David Navarro regarding his property and the possibility of affordable single-family housing. Mr. Navarro reviewed background information on the property, including the existing houses, parcel layout, and a concept he had prepared for discussion only. He explained that one of the homes is boarded to prevent vandalism, but stated it has not been abandoned, taxes have continued to be paid, and in his view the foundation and roof remain sound. He asked for direction on whether the existing house could potentially be rehabilitated and made livable again.

City Planner Mark Bradley explained that because the property is located in a General Commercial zone, staff would need to consult with the City Attorney regarding whether the existing home could be reestablished as a residence and what options may be available moving forward. Mr. Navarro said the three parcels total just under an acre and a half and that he was interested in pursuing affordable single-family housing, discussing larger lot sizes (approximately 8,000 square feet) with flexibility in the total number of lots depending on site constraints.

The Commission discussed access, roadway alignment, utilities, zoning, and the complications created by the existing residential structures. Mr. Navarro explained that his concept showed access from the east side with a hammerhead turnaround. Chairman Manning and Commissioner Coppieters noted the importance of adequate access for fire and garbage services, including sufficient turnaround space, and Mr. Navarro acknowledged those requirements and indicated they would need to be addressed as part of any development. Mr. Bradley reviewed the status of the earlier roadway discussion, noting that the City Council had tabled the matter and that no further direction had yet been given.

Mr. Bradley further explained that new residential development on the undeveloped parcel would not be allowed under the current zoning, though existing residences may be able to continue as legal nonconforming uses. He noted that any new direction would likely require either a formal application or additional legal review. The Commission also discussed whether a private road or future public street would be more appropriate, with staff expressing concern that a private road could create long-term maintenance costs for future homeowners.

Mr. Navarro stated that he was mainly seeking a clear answer on what the City would allow before investing further in either rehabilitation or redevelopment. He said that even if no broader development plan is approved, he remains interested in restoring the boarded-up house. Commissioners acknowledged the challenges of the site, including zoning, access, utilities, septic service, and the location of the parcels within the block, but thanked Mr. Navarro for bringing forward the discussion and for improving the condition of the property.

Mr. Bradley concluded that staff would review the issues further with the City Attorney. Chairman Manning thanked Mr. Navarro and stated that the Commission appreciated both his vision and his efforts to improve the property.

Motion to adjourn

**Motion:** Commissioner McConkie moved to adjourn the meeting. Commissioner Coppieters seconded the motion, which passed unanimously.

The meeting was adjourned at 7:47 p.m.

*This certifies that the regular meeting minutes of March 17, 2026, is a true and accurate copy as approved by the Planning Commission on April 7, 2026.*

*Signed:* Destry Larsen

*Destry Larsen, Administrative Assistant*

**BRIGHAM CITY PLANNING COMMISSION**
**BRIGHAM CITY COUNCIL CHAMBERS**
**Tuesday, 4/7/2026 6:00 p.m.**

| | | |
|---|---|---|
| PRESENT: | Roger Manning | Commissioner – Chair |
| | Garl Waldron | Commissioner – Vice Chair |
| | Jason Coppieters | Commissioner |
| | Donny Constantineau | Commissioner |
| | Isaac Herbert | Commissioner |
| | Vince Crane | Commissioner |
| | Wayne McConkie | Commissioner |
| | Rachel Ekman | Commissioner |
| EXCUSED: | Jake Barker | Commissioner |
| ALSO PRESENT: | Mark Bradley | City Planner |
| | Zane Billings | Assistant City Planner |
| | Destry Larsen | Administrative Assistant |

**AGENDA**

Pledge of Allegiance

Approval of Minutes

Application #26-023 / Fence Height Exception for Special Type Facilities / 775 North 200 East / Richard Anderson, Monument Health Brigham City

Continuation / Application # 26-014 / Preliminary Plat / Heron Ridge Subdivision – Avian Shores Planned District / Approximately 660 South and 1200 West / Garth Day, Heritage Land Development

Continuation / Application # 26-015 / Preliminary Plat / Sandpiper Meadows Subdivision – Avian Shores Planned District / Approximately 250 South and 1200 West / Garth Day, Heritage Land Development

Training

**REGULAR MEETING**

Regular session opened at 6:00 p.m. by Chairman Manning and the Pledge of Allegiance was recited.

Chairman Manning asked City Planner Mark Bradley to introduce the newly appointed commissioners. Mr. Bradley introduced Commissioner Rachel Eckman and noted that another appointee, Jake Barker, was unable to attend. Chairman Manning welcomed Commissioner

UNAPPROVED

Eckman to the Planning Commission. Chairman Manning then invited members of the Commission to briefly introduce themselves.

## APPROVAL OF MINUTES

Commissioner Coppieters moved to approve the minutes including the noted address discrepancy for March 17, 2026, meeting. Commissioner Herbert seconded the motion and it passed unanimously.

## Application #26-023 / Fence Height Exception for Special Type Facilities / 775 North 200 East / Richard Anderson, Monument Health Brigham City

City Planner Mark Bradley provided an overview of the request, identifying the facility's location near the former Foothill Elementary site and the six-foot vinyl fence installed along the east property line. He explained that the fence was installed to meet state requirements for a secured outdoor area associated with memory care services and noted that City code allows the Planning Commission, as the land use authority, to consider fence height exceptions for special type facilities.

Richard Anderson, administrator for Monument Health, explained that the facility recently reopened its memory care unit and that state regulations require a secure outdoor space. He stated that a four-foot fence was insufficient for resident safety and that the six-foot fence was installed to meet those requirements. He added that the facility is still evaluating whether the unit, and therefore the fence, will remain long-term.

In response to Chairman Manning, Mr. Anderson clarified that the six-foot fence is located along the east side near an egress door, while the remainder of the property is either open or enclosed with an existing four-foot chain link fence.

Commissioner Coppieters asked about long-term plans and whether drive access would be addressed if the fence remained. Mr. Anderson confirmed temporary measures are currently in place and stated the facility would work with the City on appropriate modifications if the fence becomes permanent. He also confirmed the gate is secured and that residents would only access the outdoor area under staff supervision.

Commissioner Crane asked about the timeline for determining permanency. Mr. Anderson indicated there is no set timeline but estimated approximately six months would be needed for evaluation.

Commissioner Eckman asked whether any concerns had been raised by neighboring properties. Mr. Anderson stated there had been none.

Commissioner McConkie expressed concern about the appearance of the fenced area, noting it felt uninviting. Mr. Anderson responded that the space includes both paved and landscaped elements designed to reduce trip hazards while providing usable outdoor space, including seating and shade for resident activities.

Commissioner Coppieters suggested that, if approved, a condition should require the drive approach to be removed or permanently blocked if the fence remains long-term. Mr. Anderson agreed, and Chairman Manning noted this aligns with staff recommendations.

Commissioner Crane recommended establishing a defined review timeframe, and Mr. Anderson agreed that six months would be appropriate.

> **Motion:** Commissioner Crane moved that the Planning Commission, acting as the Land Use Authority, approve application #26-023 for up to six months, with the condition that the applicant return to the Planning Commission to report on the status of the use and subject to Staff comments, Findings of Fact, and stipulations as noted. Commissioner Coppieters seconded the motion and it passed unanimously.

**Continuation / Application # 26-014 / Preliminary Plat / Heron Ridge Subdivision – Avian Shores Planned District / Approximately 660 South and 1200 West / Garth Day, Heritage Land Development**

**Continuation / Application # 26-015 / Preliminary Plat / Sandpiper Meadows Subdivision – Avian Shores Planned District / Approximately 250 South and 1200 West / Garth Day, Heritage Land Development**

Chairman Manning introduced the next agenda items, a continuation of Application #26-014 and Application #26-015 for the preliminary plats of the Heron Ridge and Sandpiper Meadows subdivisions. He explained that the Commission would consider the Heron Ridge portion first, followed by Sandpiper, with separate motions for each due to overlapping discussion topics.

Zane Billings provided an overview of the Heron Ridge subdivision, located near 650 South and 1225 West adjacent to the Brigham City Sports Complex. He summarized prior Commission discussion, including concerns related to trail placement and safety. He noted that a southern trail had been recommended for relocation to the front of the lots to improve accessibility, and that concerns with front-loaded townhomes and pedestrian conflicts had prompted a redesign. Mr. Billings stated that the townhome portion would be removed from the current application and resubmitted at a later date, with the Commission's consideration limited to the single-family portion. He also noted that fencing along 1200 West would be addressed by the applicant.

Garth Day confirmed that the townhome portion would be withdrawn for redesign and resubmittal, while the single-family portion remained largely unchanged and ready for consideration. He explained that internal trail connections would function as wider, "urban-style" pedestrian pathways. Mr. Day then presented a proposed fencing design along 1200 West, utilizing gabion walls—rock-filled wire cages—as an alternative to traditional concrete walls. He described a five-foot solid gabion wall along rear yard edges adjacent to 1200 West, transitioning to a gabion base with wrought iron fencing along front-facing units to create a more visually appealing streetscape. He noted the design aligns with the development's natural, bird refuge theme while providing a durable, low-maintenance solution.

Commissioner Coppieters asked for clarification on the construction of the gabion walls. Mr. Day explained they would be built in stacked sections of rock-filled cages with structural base

and cap elements for stability. City Planner Mark Bradley asked whether the gabion base would extend beneath the wrought iron sections, and Mr. Day confirmed that it would function similarly to a mow strip while maintaining design consistency. Mr. Bradley added that variations in rock color at column features could provide visual contrast and enhance the overall aesthetic.

Mr. Day concluded by reiterating that the fencing design would be consistent throughout the development and that the current request before the Commission pertained only to the single-family portion of the Heron Ridge subdivision.

City Planner Mark Bradley reviewed the Sandpiper Meadows portion of the Avian Shores Planned District, located north of Beeton Path and including Phases 1 and 2, consisting of 54 townhomes and 55 single-family lots. He noted that lot sizes range from approximately 3,500 to 6,000 square feet, with widths of 36, 40, and 50 feet, and that corner lots require additional width to address driveway placement and clear-view requirements. He also referenced prior discussion regarding guest parking within the townhome areas, which the applicant would address.

Mr. Day explained that guest parking would be accommodated within internal open space areas and identified on the final plat. Mr. Bradley then outlined revisions to the trail, open space, and park plan. He explained that while some trails pass through HOA common areas, the trails would be dedicated to and maintained by the City, constructed by the developer, with the HOA maintaining the surrounding landscaping. Mr. Day also noted that a previously planned internal detention basin was no longer needed, as stormwater would be routed to a larger regional facility west of 1200 West.

Mr. Day added that the regional detention area would function as a wetland feature, allowing the internal basin to be replaced with a public park located farther east within the project. He stated the park would be approximately three acres, with potential for expansion, and confirmed it would be City-owned. Mr. Bradley noted this location allows residents to access park space without crossing 1200 West, a point Mr. Day agreed was an important safety consideration.

Mr. Bradley further explained that open space between townhomes and villas would remain HOA-maintained, while trail corridors in single-family areas would be narrowed so the City maintains only the trail and minimal shoulder areas. In response to Chairman Manning, Mr. Day stated trail surfacing would be asphalt or concrete depending on final design. Mr. Bradley added that narrowing corridors also improves adjacent lot area and clear-view conditions. Mr. Day noted that the proposed fencing, wall system, and wayfinding signage would extend throughout the trail network to create a consistent theme.

Mr. Day described the wayfinding signage as directional markers designed to match the gabion and wrought iron fencing. City Planner Bradley confirmed the signage would be permitted under the Planned District standards. Commissioners noted the fencing concept as attractive and consistent with similar developments.

Chairman Manning asked about the structural integrity of the gabion walls. Mr. Day explained they are constructed in stacked lifts of rock-filled cages, with additional support provided as needed, and are commonly used in structural applications such as retaining walls.

Mr. Bradley then addressed lot size and setback concerns, noting staff's concern with the concentration of smaller lots. He outlined proposed setbacks of 25 feet front, 20 feet rear, and 5 feet side. Mr. Day clarified that building placement would typically provide more separation than the minimums suggest and that home designs would avoid direct window alignment to address privacy concerns. He added that any plans not meeting required setbacks would not be used.

Commissioner Coppieters expressed concern with the 5-foot side setbacks and potential precedent. Mr. Day responded that the Planned District is unique to this development and does not establish a citywide standard. Mr. Bradley acknowledged this but emphasized staff's interest in achieving greater lot variety. Mr. Day noted that while early phases along 1200 West are denser, later phases farther west will include larger lots and lower density as the project transitions toward the bird refuge.

Mr. Bradley summarized that trail, open space, park, and fencing issues were moving toward acceptable solutions and that staff could support the proposal with continued lot variation and resolution of remaining comments.

Commissioner Herbert asked about density exceeding seven units per acre. Mr. Day explained that individual phases may exceed that density, but the overall Planned District remains below the cap when all phases are considered. Mr. Bradley added that future preliminary plats will allow ongoing review of density.

Commissioner Coppieters expressed appreciation for the applicant's responsiveness. Mr. Day noted the project had evolved significantly and aimed to balance a distinctive design with market realities.

Commissioner Constantineau asked about overall green space. Mr. Day explained that Heron Ridge would include a larger City-owned park tied to a pond feature, while Sandpiper would include a central neighborhood park (Peterson Legacy Park), with additional park and wetland areas planned in later phases.

Mr. Bradley noted ongoing coordination regarding which amenities would be City-maintained versus HOA-maintained. Mr. Day added that the Public Infrastructure District would help fund major improvements, allowing the project to largely pay for itself while balancing City and HOA responsibilities.

Commissioner Eckman asked about setbacks along 1200 West. Mr. Bradley responded that a minimum 25-foot setback would be maintained, with variation based on lot orientation. Mr. Day added that design consistency would be achieved through coordinated fencing and streetscape elements. Commissioners McConkie commented positively on the project's progression.

Chairman Manning concluded by asking about coordination with the school district. Mr. Bradley stated the City is working closely with the district and anticipates a future plat for a school site near Heron Ridge. Mr. Day added that coordination is ongoing to ensure infrastructure access to the future site.

**Motion:** Commissioner Coppieters moved that the Planning Commission, acting as the recommending body to the City Council, recommend approval of application #26-014 the single-family lots only noting that that town home portion will come later. Based upon the staff recommendations with outlines, the trails, the fencing walls and the stipulations and the findings of facts. Commissioner Herbert seconded the motion and it passed unanimously.

**Motion:** Commissioner Herbert moved that the Planning Commission, acting as the recommending body to the City Council, recommend approval of application #26-015 subject to Staff comments, Findings of Fact, and stipulations as noted. Commissioner Coppieters seconded the motion and it passed unanimously.

**Discussion Item: 2026 Utah Legislative Session Land Use and Housing Bills**

City Planner Mark Bradley provided a brief training overview on recent state legislative changes affecting land use and housing. He explained that the Legislature continues to expand statewide standards impacting local governments, particularly in areas such as housing, accessory dwelling units, application procedures, moderate income housing, political signage, and infrastructure.

He also reviewed legislative focus on planning commission training and ethics, including impermissible bias, noting that Brigham City remains well positioned but will need to make ongoing administrative adjustments to stay compliant. Additional topics included micro-schools, annexation trends, alcohol licensing proximity standards, consideration of family health in land use decisions, trail planning, building permit timelines, and continued pressure on impact fees.

Motion to adjourn

**Motion:** Commissioner Crane moved to adjourn the meeting. Commissioner McConkie seconded the motion, which passed unanimously.

The meeting was adjourned at 7:37 p.m.

*This certifies that the regular meeting minutes of April 7, 2026, is a true and accurate copy as approved by the Planning Commission on April 21, 2026.*

*Signed:* _____

*Destry Larsen, Administrative Assistant*

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Zane Billings

2. DEPARTMENT OR DIVISION: Community & Economic Development

3. DATE INITIATED: 4/14/26

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Heron Ridge Subdivision Preliminary Plat located at approximately 660 South and 1225 West. Garth Day, Heritage Land Development

5. ESTIMATED TIME NEEDED: 10 minutes

6. PROPOSED DATE FOR COUNCIL ACTION: 5/7/26

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

   See attached material.

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 4-14-2026 | Zane Billings | | ✓ |
| 4/14/2026 | Tom Kotter | | ✓ |

9. MAYOR'S SIGNATURE: _____

BRIGHAM CITY

CITY ATTORNEY
LEGAL DOCUMENT REVIEW

Document Name: Heron Ridge Subdivision Preliminary Plat

Name of Person Requesting Legal Review: Zane Billings

Date Sent: April 15, 2026 Review Date Deadline: April 20, 2026

Reviewed by Attorney: _____ Date: 4/16/26

X Reviewed and acceptable as submitted
_____ See suggested changes

Returned to: Zane Billings Date: 4/16/26

X Accepted as Received

Submitted to Mayor's Office By: ZB Date: 4/20/26

Reviewed by Mayor's Office: /s/ Derek Oyler by dp
Derek Oyler, City Administrator

BRIGHAM CITY

# MEMORANDUM

**To:** Mayor Bott, City Council Members

**From:** Zane Billings, Assistant City Planner

**Subject:** Heron Ridge Preliminary Plat (Application #26-014)

**Date:** April 14th, 2026

**City Council Agenda:**
May 7, 2026

**Overview:**
Updated plans have been submitted for review. This preliminary plat application was originally submitted as part of a combined proposal for the Heron Ridge subdivision within the Avian Shores Planned District. The applicant has since separated the preliminary plat into two components. The single-family portion of the subdivision, consisting of 23 single-family dwelling lots, has been reviewed and recommended for approval. The townhome portion, originally proposed as 40 units, will be redesigned and resubmitted as a separate application at a later date.

The proposed single-family lots will be accessed from publicly dedicated roads, with primary access provided from 1200 West. This portion of the subdivision reflects one phase of the overall Avian Shores Planned District development, which allows for a mixture of housing types and flexibility in lot sizes while maintaining an overall density of seven (7) dwelling units per acre. Future submittals for the townhome portion are expected to include updated layouts, access configurations, and coordination with planned trail systems and corridor improvements along 650 South and 725 South, as well as along 1200 West.

**Planning Commission Recommendation:**
The Planning Commission held a public meeting on April 7, 2026, and recommended approval to the City Council (5-0 vote) for application #26-014, consisting of the single-family portion of the Heron Ridge Preliminary Plat located at approximately 660 S 1225 W. The recommendation was made with the understanding that the townhome portion will be submitted at a later date. Approval is subject to staff comments, recommendations, stipulations, and the noted findings of fact as outlined in the Staff Evaluation, including considerations related to the trail system.

**Attachments:**
1. Staff Evaluation dated March 31, 2026
2. Locator Map
3. Heron Ridge area of Avian Shores Planned District
4. Fencing/Walls – Examples
5. SFD - Elevations
6. Planning Commission Meeting Minutes

**BRIGHAM CITY, UTAH**
**PLANNING COMMISSION**
**STAFF EVALUATION**

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**APPLICANT:** Garth Day
**OWNER'S NAME:** Heritage Land Development
**PROPERTY ADDRESS:** Approx. 660 S 1225 W
**PARCEL NO.:** 03-112-0038

**APPLICATION NO.:** 26-014
**PARCEL AREA:** 9.9 acres
**ZONING DISTRICT:** P-R-M-7
**DATE:** March 31, 2026

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**PLANNING COMMISSION MEETING:** April 7, 2026
**APPLICATION TYPE:** Legislative
**PLANNING COMMISSION ROLE:** Recommending Body to City Council

**NATURE OF REQUEST:**
Subdivision Preliminary Plat – Heron Ridge

**OVERVIEW:**
*On March 17, 2026, the Planning Commission considered the application. After a healthy discussion, the Commission continued the application to allow the applicant time to provide a more complete application to advance the project in accordance with the Avian Shores Planned District.*

*This application was taken back to Staff DRT on March 23, 2026, for further discussion. Following Staff DRT and a follow-up meeting on March 25, 2026, the following is the outcome:*

- *Trail alignment along 730 South Street, including potential relocation and overall connectivity within the development.*
- *Trail improvements along the north side of 660 South Street, including width, construction responsibility, and transition into the adjacent park area.*
- *Townhome layout adjacent to the trail corridor, including configuration and access to minimize impacts to the trail.*
- *Privacy wall design along 1200 West, including materials, placement, and treatment along single-family lots.*
- *Fencing type and height along 1200 West for townhome frontage, including overall design and consistency with adjacent improvements.*

*Trails and Townhome Layout*

- *The trail along 730 South Street will be relocated to the front (north) side of the lots to improve connectivity and access.*
- *The trail along 660 South Street will be installed by the developer as an 8-foot-wide trail and will widen as it enters the park area to the west.*
- *The townhome portion of this plat will be redesigned to incorporate rear-loaded units along the trail corridor to reduce vehicular conflicts and improve trail functionality.*

*Fencing/Walls (see attached renderings included in Heron Ridge packet)*

***1200 West Corridor***

- *Gabion columns with 5-foot-tall wrought iron fencing (welded ornament steel fence) along 1200 West Street for the townhome sections.*

- *Gabion columns with 5-foot-tall gabion walls along 1200 West Street for sections of single-family lots that back up against the corridor subject to engineering. Columns to have different color of rock from walls.*

***Lots Abutting Open Space Areas***

- *Gabion columns with 5-foot-tall wrought iron fencing (welded ornament steel fence) for uniformity.*

***Single-Family Lots not Abutting Open Space***

- *Homeowners or homebuilders install privacy fences. Developer can identify allowable fence materials in their CC&Rs (Covenants, Conditions, and Restricts) but cannot be less restrictive than City Code "156.346 Fences and Walls, Subsection (E)(1) Fences and walls shall be constructed according to the local building code and consist of durable industry standard materials including:*
  *(a) Cedar, douglas fir, redwood or pressure-treated wood products;*
  *(b) Vinyl (Polyvinyl chloride) fencing products;*
  *(c) Natural boulder, rock or stone products;*
  *(d) Prefabricated masonry block, brick or stone products;*
  *(e) Cast in place or precast concrete products; and*
  *(f) Wrought iron, welded wire mesh, aluminum or galvanized chain link products."*

Previous Overview (March 17, 2026):

Updated plans have been submitted for review. This is one of two preliminary plat applications submitted together in the new Avian Shores Planned District. The proposed subdivision will consist of 63 residential units, including 23 single-family dwelling lots and 40 townhome units.

The proposed subdivision includes a combination of public streets and private drives. The single-family dwelling lots will be accessed from publicly dedicated roads, while the townhome units will be served by private drives extending from the proposed 660 South street. Primary access to the subdivision will be provided from 1200 West.

This subdivision represents one phase of the overall Avian Shores Planned District development. The Planned District allows for a mixture of housing types and flexibility in lot sizes while maintaining an overall density of seven (7) dwelling units per acre across the development area.

**STAFF COMMENTS:**

**Community and Economic Development Department:**

1. *Townhome parking to comply with City Code 156.448 Off-Street Parking Schedules, which is a two car garage with a two-car driveway width no less than 18 ft and 22 ft in length, plus 1 guest parking space per 4 dwelling units. New comment 3/31/2026*
2. Standards for density, height regulations, and parking, shall be governed by the standards of the R-M-7 District. The Planned District provides flexibility for lot sizes and yard requirements (setbacks) to allow a variety of lot sizes and housing type, and for compatible design with mixed-uses, and street scale. Design flexibility must provide a variation of lot sizes. The overall density of the Planned District area, excluding the City properties, is limited to a maximum of 7 dwelling units per acre.
   A. Recommend setbacks be established for the single-family dwelling lots. Developer is proposing a 20 ft front, 5 ft side, and 15 ft rear.

B. Recommend a minimum setback along 1200 West Street corridor be 25 feet for both townhomes and single-family lots.
C. Concerned with the proposed lot sizes backing up against 1200 West Street. Would like to see a footprint plan with the proposed lots to show how setbacks can be met.

3. Landscape and screening plan shall be submitted with the final design and construction plans for Planning Commission review and approval.
3. Fencing Plan. The fencing plan shall be submitted with the final design and construction plans for Planning Commission review and approval.
   A. Recommend concrete curbing with wrought iron fence along with aesthetic structural columns spaced uniformly along 1200 West where townhome units face 1200 West.
   B. Recommend other fencing through out the development be discussed. Focus is primarily on the 1200 West Street Corridor, but there are other areas of consideration (i.e. along trails, open space, etc.)
4. 1200 West Street Corridor. Developer shall install a low maintenance safety barrier fence or wall to ensure privacy and safety. Said fence or wall design is to be coordinated and approved by the Brigham City Staff DRT prior to installation
   A. A privacy wall along 1200 West Street is required for single-family lots. Developer would like to use concrete panel like installed at Beeton Path Subdivision by the railroad. The wall design is to be coordinated and approved by the Brigham City Staff DRT prior to installation.
   B. Recommend a different concrete panel for this corridor to be used. Requires additional discussion with the Staff DRT.
5. Recommend increasing the setback along 1200 West from ten (10) feet to a minimum of twenty-five (25) feet.
6. Recommend updating the Avian Shores Master Plan color coordination to reflect the proposed housing types within this phase.
7. Support the Fire Department recommendation to provide full road width along the west side of the townhomes to ensure adequate emergency access.
8. Support the Fire Department recommendation for a secondary access east of 1200 West connecting to the Spring Creek development for emergency access and egress.
9. Street numbers. Street numbers must be a whole, half, three-quarters, or one-quarter numbers.
   A. 660 South and 730 South must be revised.
   B. Provide street number for private drive.
10. Trail and Open Space.
    A. Include the Regional Trail detail along the south properties (Lots 11-15).
    B. Show trail will interface with lots.
11. Drawing No. 2. Typical Drive Aisle Cross-Section.
    A. Label as Private Drive.
    B. Please include the section widths of the roadway and driveways.

**Engineering Department:**

1. The setback of the townhomes along 1200 W. needs to be greater than 10 feet. The PUE along 1200 W. is 15 feet. Please coordinate with Mark Bradley in determining the setback.
2. Please note that the proposed townhomes are only wide enough for single vehicle parking within the garage. Please ensure that your parking calculations include one vehicle in the garage per unit.
3. We will review the geotechnical report and provide any necessary feedback.
4. Please ensure that the half-width roadway includes 26' of paved surface. The gutter pan can be included within that distance.

5. Please update the 1200 W. cross section you provided to match the City Standard 1200 W. cross section on SHT R3 of the City Standard Drawings.
6. We will provide a thorough review of the utilities when construction drawings are provided.

*New Comments 3/26/26*

7. *It is our understanding that the developer will be providing updated plans that reflect an updated trail design following discussion from the meeting held on March 25, 2026.*
8. *Please update the proposed profiles street naming to match the updated street names.*
9. *Our office supports the proposed fencing along the townhomes that fronts 1200 W. It will need to be noted on future plans or agreements what fencing will be privately owned versus publicly owned.*
10. *We will provide a thorough review of the utilities when construction drawings are provided. Prior to final plan approval, a complete storm drainage plan will be required to understand where flows from the temporary ponds will be going.*
11. *It is our understanding that the proposed trail on the southern edge of the development will be part of a future phase of Avian Shores*

**Fire Department:**
1. We need to have a full road width on the west side of the townhomes to ensure adequate emergency access and egress.
2. Additionally, we will need to have the second access, east of twelve hundred, that will tie into the Spring Creek development

**Police Department:**
1. No comments

**Public Power Department:**
1. If the power pole needs to be moved for the road placement, there will be an additional cost.
2. Power Dept needs CAD drawings for the power plan.

**Public Works Department:**
**(Culinary Water, Street, and Wastewater Treatment/ Storm Drain Divisions)**
1. Public Works supports the application with no additional comments.
2. See Engineering Department comments.

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**PLANNING COMMISSION RESPONSIBILITY:**
1. The Planning Commission considers the application and determines whether the proposed subdivision plat is in harmony with the Avian Shores Planned District. *The purpose and intent of establishing the Avian Shores Planned District is to create a dynamic and vibrant area that fosters the orderly development of residential uses along with potential neighborhood commercial uses that would service the residential area. … The district's development plan provides general guidance on the location and density of residential units and land uses compatible with adjacent properties, ensuring adequate infrastructure and services. City Code 156.285 Purpose and Intent*
2. The Planning Commission is the recommending body to the City Council for this application. Process established with the Planned District.

3. The Planning Commission may recommend approval, disapproval, or request additional information to make a recommendation to the City Council.

**STAFF RECOMMENDATIONS:**

1. Consider the proposed outcome/solutions for Heron Ridge:

   A. Trails and Circulation
      (i) The trail along 730 South Street is to be relocated to the front (north) side of the lots to improve connectivity and access.
      (ii) The trail along 660 South Street is to be installed by the developer as an 8-foot-wide trail and will widen as it enters the park area to the west.
      (iii) The townhome portion of this plat is to be redesigned to incorporate rear-loaded units along the trail corridor to reduce vehicular conflicts and improve trail functionality.

   B. Fencing/Walls
      (i) 1200 West Corridor
         a. Single-family lots backing or side-yard facing 1200 West shall include a solid gabion wall with varied rock colors, subject to engineering.
         b. Townhome frontage along 1200 West shall include gabion basket columns with 5-foot-tall wrought iron fencing (welded ornamental steel fence) to maintain a cohesive corridor design.

2. The open space lots and associated trail improvements are part of a separate plat and are not included within this application.

3. The detailed section from 1200 West Street to the face of the townhome units has been reviewed and is no longer required for this submittal.

4. If the above items are addressed, staff supports the Planning Commission forwarding a recommendation on the Heron Ridge Preliminary Plat to the City Council, subject to addressing Planning Commission items, Staff comments, and applicable stipulations.

**STIPULATIONS:**

1. Update plans to address Staff Comments
2. Provide details to address items note in application submission.
3. The landscaping and screening plan, and the fencing plan shall be submitted with the final design and construction plans for Planning Commission review and approval.

**FINDINGS OF FACT:**

1. The proposed subdivision is in the Avian Shores Planned District.
2. The Avian Shores Planned District was adopted by the City Council on November 6, 2025 as a P-R-M-7 zoning district.
3. The Avian Shores Planned District allows for townhomes and variation of single-family dwelling lots.
4. The Avian Shores Planned District allows for an overall density of 7 dwelling units per acre.

5. Additional details on certain design elements must be worked out and finalized
6. The Heron Ridge subdivision proposes sixty-three (63) residential units, including twenty-three (23) single-family dwelling lots and forty (40) townhome units.
7. The subdivision includes a combination of public streets and private drives, with townhomes accessed from private drives extending from 660 South.
8. Primary access to the subdivision will be from 1200 West.
9. The preliminary plat establishes the general layout of lots, streets, and access, with additional details to be addressed during final plat review.
10. The development includes design elements along the 1200 West corridor, including proposed fencing treatments and setback considerations intended to address the interface between the subdivision and the arterial roadway.

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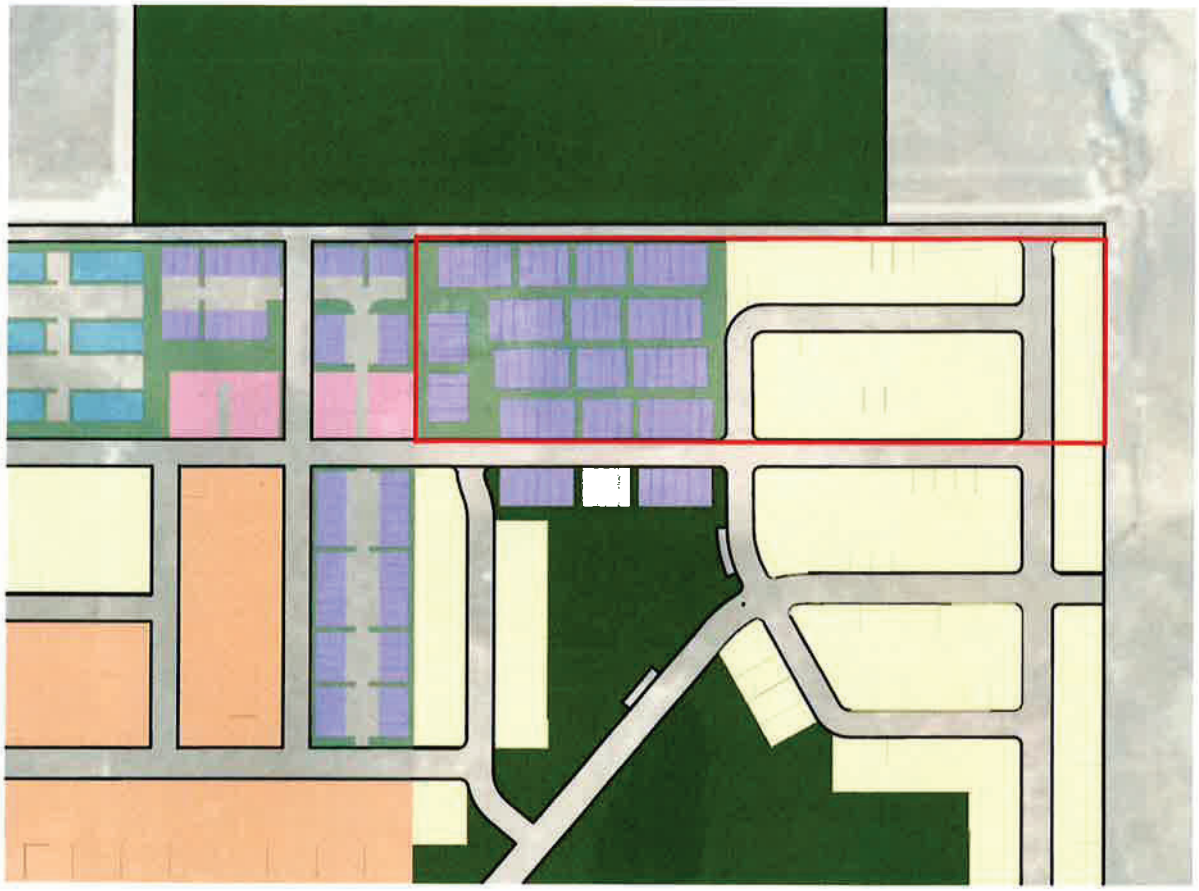
**ATTACHMENTS:**

1. Locator Map
2. Avian Shores Planned District
3. Fence Detail
4. Heron Ridge Preliminary Plat and Drawings
5. Elevations (Emailed Electronically)
6. Landscape Architect Illustrations (Emailed Electronically)

# LOCATOR MAP


Box Elder Stake
Orchard and Garden
Brigham City
Sports Complex
Heron Ridge

# Heron Ridge Portion of Avion Shores




AVIAN SHORES
MASTER PLANNED COMMUNITY
SANDPIPER
-MEADOWS-


AVIAN SHORES
MASTER PLANNED COMMUNITY
HERON RIDGE


Trail Loop
Park Access
Sandpiper Meadows
Heron Ridge
AVIAN SHORES

# HERON RIDGE SUBDIVISION
## PRELIMINARY PLAT



VICINITY MAP

0 60 120

SCALE: 1" = 60' (24x36 PLAN SET)

NOTES
1-TOTAL AREA: 7.375 ac
2-NUMBER OF UNITS: 63
23 single family lots
40 multi-family units

LEGEND

BOUNDARY LINE
PROPOSED EASEMENT (10' TYPICAL)
PROPOSED CENTERLINE

### BOUNDARY LEGAL DESCRIPTION

Part of the Southwest Quarter of Section 22, Township 9 North, Range 2 West of the Salt Lake Meridian described as follows:

Commencing at the Northwest Corner of Section 22, Township 9 North, Range 2 West of the Salt Lake Base and Meridian thence S00°33'46"E 5303.31 feet along the east line of said Section 22 to the Southeast Corner of said Section 22; thence S 89°40'56" W 31.77 feet to an HAI rebar and the POINT OF BEGINNING and running

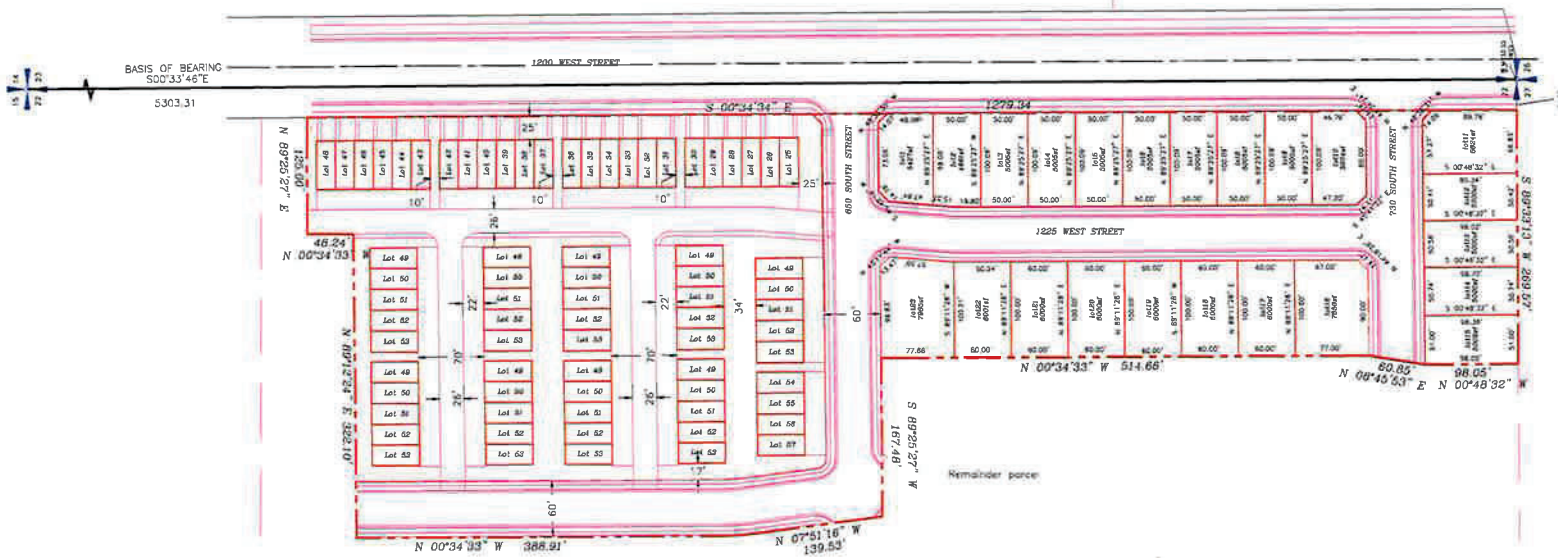
thence S 89°33'13" W 269.57 feet;
thence N 00°48'32" W 98.05 feet;
thence N 08°45'53" E 60.85 feet;
thence N 00°34'33" W 514.68 feet;
thence S 89°25'27" W 167.48 feet;
thence N 07°51'16" W 139.53 feet;
thence 26.22 feet along a curve to the right having a radius of 230 feet;
thence N 00°34'33" W 388.91 feet;
thence N 89°19'24" E 323.10 feet;
thence N 00°34'33" 46.24 feet;
thence N 89°25'27" E 125.00 feet to the west right of way line of 1200 West Street;
thence S 00°34'33" E 1279.34 feet along said right-of-way line to the point of beginning, containing 9.87 acres, more or less.




TYPICAL FRONT-LOAD UNIT




TYPICAL REAR-LOAD UNIT




3-16-2026

ALLIANCE CONSULTING ENGINEERS
1150 SOUTH 500 WEST SUITE #
LEHI, UTAH 84043
(LOCAL, UTAH #4321)
(435)755-5321
info@allianceengineering.com

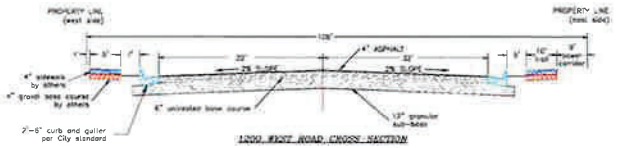
OWNER: HERITAGE LAND DEVELOPMENT
470 NORTH 2400 WEST
TREMONTON, UTAH
ATTN: GARTH DAY
435-730-8208

PROJECT TITLE
HERON RIDGE SUBDIVISION
PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST SALT LAKE BASELINE AND MERIDIAN
BRIGHAM CITY, UTAH

DRAWING TITLE
PRELIMINARY PLAT

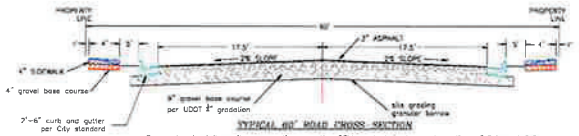
DATE: MARCH 2026

# HERON RIDGE SUBDIVISION
## PRELIMINARY PLAN



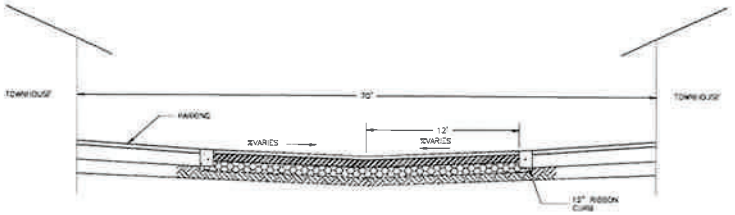

1200 WEST ROAD CROSS SECTION

Contractor to follow site preparation per the GSH geotechnical report sections 5.2.1 and 5.8. Contractor required to obtain and keep a copy of the GSH geotechnical report on site.




TYPICAL 60' ROAD CROSS SECTION

Contractor to follow site preparation per the GSH geotechnical report sections 5.2.1 and 5.8. Contractor required to obtain and keep a copy of the GSH geotechnical report on site.



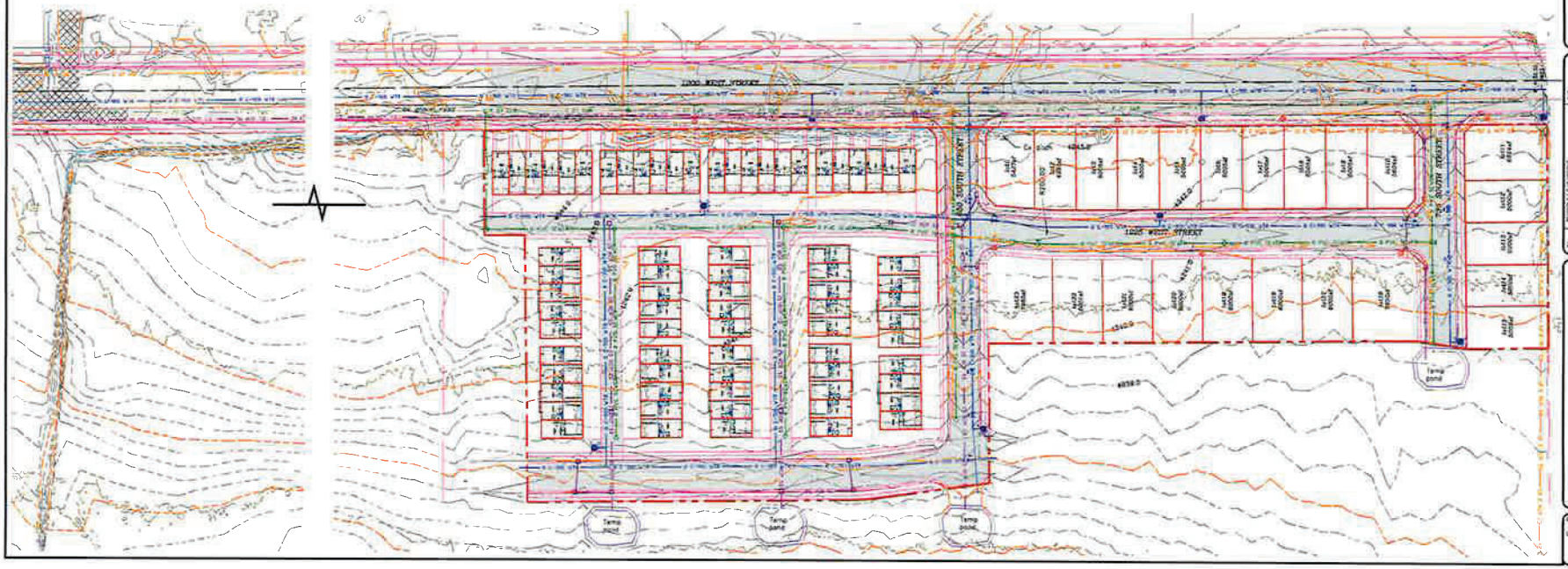

TYPICAL DRIVE AISLE CROSS SECTION

0 60 120

SCALE: 1"=60' (24x36 PLAN SET)

LEGEND

- BOUNDARY LINE
- EXISTING SEWER-AS NOTED
- EXISTING WATER-AS NOTED
- EXISTING STORM
- EXISTING FENCE
- EXISTING 1' MNR CONTOUR
- EXISTING 5' MJR CONTOUR
- PROPOSED 1.0' MNR CONTOUR
- PROPOSED 2.5' MJR CONTOUR
- PROPOSED STREET LIGHT
- PROPOSED CENTERLINE
- PROPOSED SEWER-AS NOTED
- PROPOSED WATER-AS NOTED
- PROPOSED STORM-AS NOTED
- PROPOSED IRRIGATION-AS NOTED
- PROPOSED ASPHALT




5-16-2026

ALLIANCE CONSULTING ENGINEERS
150 EAST 200 NORTH SUITE P
LOGAN, UTAH 84321
(435)755-5121
allianceloganut@yahoo.com

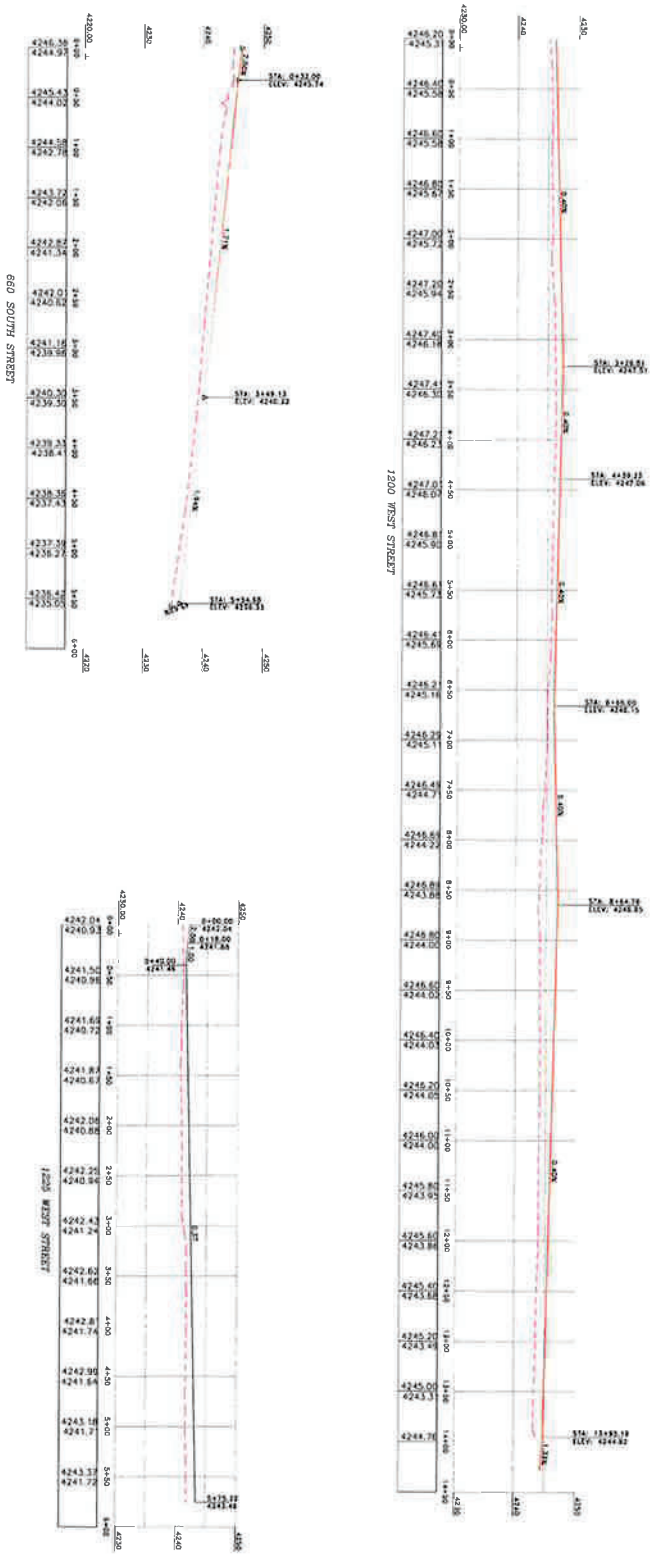
OWNER: HERITAGE LAND DEVELOPMENT
1400 NORTH 250 WEST
TREMONTON, UTAH
ATTN: GARTH DAY
435-730-8208

PROJECT TITLE
HERON RIDGE SUBDIVISION
PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 9 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN
BRIGHAM CITY, UTAH

DRAWING TITLE
PRELIMINARY PLAN

DATE: 5/MAY/2026

DRAWING NO.




# HERON RIDGE SUBDIVISION
## PRELIMINARY PROFILES

SCALE: 1"= 60' (24x36 PLAN SET)
SCALE: 1"= 10' VERTICAL

0 60 120

| | |
|---|---|
| PROJECT TITLE | HERON RIDGE SUBDIVISION<br>PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 8 NORTH, RANGE 2 WEST, SALT LAKE BASELINE AND MERIDIAN<br>BRIGHAM CITY, UTAH |
| DRAWING TITLE | PRELIMINARY PROFILES |
| OWNER: | HERITAGE LAND DEVELOPMENT<br>470 NORTH 2450 WEST<br>TREMONTON, UTAH<br><br>ATTN: GARTH DAY<br>435-730-8208 |
| ENGINEER: | ALLIANCE CONSULTING ENGINEERS<br>150 EAST 200 NORTH SUITE P<br>LOGAN, UTAH 84321<br>(435)755-5121<br>allianceLogan@yahoo.com |

3-16-2026

Beechwood: 50' frontage





Cali: 50' frontage





Alta: 36' frontage





Clover: 40' frontage





**BRIGHAM CITY PLANNING COMMISSION**
**BRIGHAM CITY COUNCIL CHAMBERS**
**Tuesday, 3/17/2026 6:00 p.m.**

| | | |
|---|---|---|
| PRESENT: | Roger Manning | Commissioner – Chair |
| | Jason Coppieters | Commissioner |
| | Isaac Herbert | Commissioner |
| | Wayne McConkie | Commissioner |
| EXCUSED: | Garl Waldron | Commissioner – Vice Chair |
| | Donny Constantineau | Commissioner |
| | Vince Crane | Commissioner |
| ALSO PRESENT: | Mark Bradley | City Planner |
| | Zane Billings | Assistant City Planner |
| | Destry Larsen | Administrative Assistant |

## AGENDA

Pledge of Allegiance

Approval of Minutes

Application # 26-014 / Preliminary Plat / Heron Ridge Subdivision – Avian Shores Planned District / Approximately 650 South and 1200 West / Garth Day, Heritage Land Development

Application # 26-015 / Preliminary Plat / Sandpiper Meadows Subdivision – Avian Shores Planned District / Approximately 250 South and 1200 West / Garth Day, Heritage Land Development

Discussion Items

A. Private Property and the Development of Affordable Single-Family Housing / Randy David Navarro

## REGULAR MEETING

Regular session opened at 6:00 p.m. by Chairman Manning and the Pledge of Allegiance was recited.

## APPROVAL OF MINUTES

Commissioner Herbert moved to approve the minutes with corrections as noted for March 3, 2026, meeting. Commissioner Coppieters seconded the motion and it passed unanimously.

**Application # 26-014 / Preliminary Plat / Heron Ridge Subdivision – Avian Shores Planned District / Approximately 650 South and 1200 West / Garth Day, Heritage Land Development**

**Application # 26-015 / Preliminary Plat / Sandpiper Meadows Subdivision – Avian Shores Planned District / Approximately 250 South and 1200 West / Garth Day, Heritage Land Development**

Chairman Manning introduced the next agenda items, noting that two subdivision applications were related and would benefit from a combined overview. He invited Garth Day, representing Heritage Land Development, to present an overview of the Avian Shores project prior to formal consideration of the applications.

**Applicant Presentation – Garth Day**

Mr. Day gave an overview of the Avian Shores P-District, stating the project was previously approved and that infrastructure work is underway, including a PID "(Public Improvement District)" for funding. He noted 1200 West will be widened and drainage improvements have significantly reduced existing issues. In response to Chairman Manning, he explained the drainage system routing and that different areas drain separately.

Mr. Day stated the project includes approximately 192 acres with an R-M-7 designation, though current layouts are closer to six units per acre. He described the trail-oriented design, neighborhood areas, and housing mix, noting the project is ownership-focused with single-family homes, townhomes, and future condominiums. HOAs will apply only to multifamily areas, with a master set of CC&Rs governing the development. He identified builders for current phases.

Discussion addressed infrastructure constraints, including the need for sewer lift stations, which Mr. Day stated are anticipated to begin construction in the summer.

Commissioner Coppieters asked about roads and parking. Mr. Day confirmed townhome areas will have private roads and single-family areas public streets, with garage and driveway parking provided and guest parking to be incorporated. Mr. Bradley noted guest parking must meet City standards.

Mr. Bradley stated staff continues to review lot sizes and setbacks, noting the proposal includes smaller lots and reduced spacing. Commissioners discussed spacing, rear yard depth, and layout concerns. Mr. Day responded that smaller lots are limited and reflect market conditions, with a range of housing types planned and adjustments still possible.

Additional discussion addressed wetlands, trail connections, and parking. Mr. Day stated wetland areas are being monitored and enhanced and confirmed parking details will be finalized. Commissioners also raised concerns about functionality of smaller lots, including spacing and yard use.

Mr. Bradley emphasized the importance of maintaining variety and monitoring density over time. Mr. Day agreed. Chairman Manning and the Commission expressed appreciation for the presentation and noted the project will continue to be refined through future phases.

**Staff Presentation – Zane (Heron Ridge Subdivision)**

City Planner Mark Bradley invited Assistant City Planner Zane Billings to present the Heron Ridge portion of the project.

Mr. Billings explained that Heron Ridge is located southwest of the Spring Creek and Beeton Path subdivisions, just off 1200 West near the sports complex. He stated the area is approximately 10 acres and includes a mix of 23 single-family lots and 40 townhome units.

He noted the development includes both public and private streets, with roads serving the single-family lots and certain internal streets as public, and the townhome areas on the north end accessed by private streets.

Mr. Day added that the circular road at the south end has been redesigned as a full public road.

Mr. Billings briefly referenced the submitted townhome elevations, noting multiple variations proposed by Richmond American Homes, and concluded his overview.

**Staff Presentation – Mark Bradley (Sandpiper Meadows Subdivision)**

City Planner Mark Bradley provided comments on the Sandpiper Meadows Subdivision, stating the primary remaining issue is how the flexibility of the P-District is being applied, particularly with lot sizes and layout.

Mr. Bradley clarified with Mr. Day that the proposed townhomes are rear-loaded product and noted the elevations reflect a mix of materials. Chairman Manning commented that the design avoids a repetitive appearance. Mr. Bradley noted the units are larger than comparable products but raised concern with the material treatment on one elevation not anticipated in this phase.

Mr. Bradley reviewed the Sandpiper Meadows layout, identifying a mix of 36-, 40-, and 50-foot lots. Mr. Day explained certain lots are intended as model homes and that lot groupings are arranged by width.

Discussion followed on fencing. Mr. Bradley noted the Commission must approve a fencing plan and raised concerns about consistency on smaller lots. Mr. Day stated frontage along 1200 West would include a park strip and wrought iron fencing, while interior fencing would be installed by the builder and governed by CC&Rs as needed. He indicated a mix of vinyl privacy fencing and wrought iron depending on location.

Mr. Bradley requested additional details on trail improvements and corridor design along 1200 West, including setbacks and layout. Discussion included driveway depth, fire access, and corridor width requirements.

Commissioner Coppieters asked about spacing between homes, and Mr. Day confirmed side setbacks of five feet, resulting in approximately ten feet between structures. Commissioners noted concerns with proximity of utilities and overall spacing. Commissioner Herbert added that window placement and similar details would need consideration.

Mr. Bradley and Mr. Day discussed examples from other developments to illustrate transitions between tighter and wider lot patterns. Mr. Day stated Sandpiper Meadows is intended to follow a similar progression from townhomes to larger lots.

Further discussion addressed fencing materials and treatments along 1200 West. Mr. Bradley noted staff was not yet comfortable with some proposed wall options and that corridor treatments would require additional refinement. Mr. Day acknowledged those items still needed to be worked through.

The Commission also discussed guest parking requirements, with Mr. Bradley noting that standards must be met and locations finalized.

Mr. Bradley summarized that remaining items include lot sizes, setbacks, fencing, trail improvements, and townhome design details. He stated the intent is for the applicant to revise and return with updated plans.

Commissioner Coppieters emphasized the importance of carefully considering spacing and overall layout. Mr. Day stated smaller lots are intentionally grouped near townhomes to provide transition within the development.

Mr. Bradley concluded that the discussion was helpful and that the next step is for the Commission to provide direction on whether to continue the applications for further refinement.

> **Motion:** Commissioner Herbert moved that the Planning Commission, acting as the recommending body to the City Council, recommend continuation of application #26-014 to allow the applicant more time to prepare a more complete application subject to Staff comments, Findings of Fact, and stipulations as noted. Commissioner Coppieters seconded the motion and it passed unanimously.
>
> **Motion:** Commissioner Coppieters moved that the Planning Commission, acting as the recommending body to the City Council, recommend continuation of application #26-015 to allow the applicant more time to prepare a more complete application. Subject to Staff comments, Findings of Fact, and stipulations as noted. Commissioner McConkie seconded the motion and it passed unanimously.

**Discussion Item: Private Property and the Development of Affordable Single-Family Housing / Randy David Navarro**

Chairman Manning introduced the final agenda item, a discussion with Randy David Navarro regarding his property and the possibility of affordable single-family housing. Mr. Navarro reviewed background information on the property, including the existing houses, parcel layout, and a concept he had prepared for discussion only. He explained that one of the homes is boarded to prevent vandalism, but stated it has not been abandoned, taxes have continued to be paid, and in his view the foundation and roof remain sound. He asked for direction on whether the existing house could potentially be rehabilitated and made livable again.

City Planner Mark Bradley explained that because the property is located in a General Commercial zone, staff would need to consult with the City Attorney regarding whether the existing home could be reestablished as a residence and what options may be available moving forward. Mr. Navarro said the three parcels total just under an acre and a half and that he was interested in pursuing affordable single-family housing, discussing larger lot sizes (approximately 8,000 square feet) with flexibility in the total number of lots depending on site constraints.

The Commission discussed access, roadway alignment, utilities, zoning, and the complications created by the existing residential structures. Mr. Navarro explained that his concept showed access from the east side with a hammerhead turnaround. Chairman Manning and Commissioner Coppieters noted the importance of adequate access for fire and garbage services, including sufficient turnaround space, and Mr. Navarro acknowledged those requirements and indicated they would need to be addressed as part of any development. Mr. Bradley reviewed the status of the earlier roadway discussion, noting that the City Council had tabled the matter and that no further direction had yet been given.

Mr. Bradley further explained that new residential development on the undeveloped parcel would not be allowed under the current zoning, though existing residences may be able to continue as legal nonconforming uses. He noted that any new direction would likely require either a formal application or additional legal review. The Commission also discussed whether a private road or future public street would be more appropriate, with staff expressing concern that a private road could create long-term maintenance costs for future homeowners.

Mr. Navarro stated that he was mainly seeking a clear answer on what the City would allow before investing further in either rehabilitation or redevelopment. He said that even if no broader development plan is approved, he remains interested in restoring the boarded-up house. Commissioners acknowledged the challenges of the site, including zoning, access, utilities, septic service, and the location of the parcels within the block, but thanked Mr. Navarro for bringing forward the discussion and for improving the condition of the property.

Mr. Bradley concluded that staff would review the issues further with the City Attorney. Chairman Manning thanked Mr. Navarro and stated that the Commission appreciated both his vision and his efforts to improve the property.

Motion to adjourn

**Motion:** Commissioner McConkie moved to adjourn the meeting. Commissioner Coppieters seconded the motion, which passed unanimously.

The meeting was adjourned at 7:47 p.m.

*This certifies that the regular meeting minutes of March 17, 2026, is a true and accurate copy as approved by the Planning Commission on April 7, 2026.*

*Signed:* Destry Larsen

*Destry Larsen, Administrative Assistant*

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Chad Reyes

2. DEPARTMENT OR DIVISION: Police

3. DATE INITIATED: 30 April, 2026

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

   Execute interlocal contract with Box Elder School District for School Resource Officers.

5. ESTIMATED TIME NEEDED:

   Ten (10) minutes.

6. PROPOSED DATE FOR COUNCIL ACTION:

   07 May, 2026

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

   N/A

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 30 APR 26 | C. REYES | C. Reyes | |
| | | | |

9. MAYOR'S SIGNATURE: 

**AGREEMENT BETWEEN**

THE BOARD OF EDUCATION OF BOX ELDER COUNTY, UTAH

and

THE BRIGHAM CITY POLICE DEPARTMENT

for

THE SCHOOL RESOURCE OFFICER (SRO) PROGRAM

THIS AGREEMENT, made and entered into this _____ day of _____, 2026, by and between the BOARD OF EDUCATION OF BOX ELDER COUNTY, UTAH, (hereinafter referred to as the "Board"), and THE BRIGHAM CITY POLICE DEPARTMENT, (hereinafter referred to as the "Police").

BE IT RESOLVED:

A. The Board and the Police will provide a School Resource Officer Program for the public school system in Brigham City, Utah as hereinafter described; and

B. The Board and the Police recognize the potential outstanding benefits of the School Resource Officer Program to the citizens of Brigham City, Utah, and particularly to the students of the public school system of Box Elder County, Utah; and

C. It is in the best interests of the Board, the Police, and the citizens of Brigham City to establish this program.

NOW THEREFORE, in consideration of the mutual promises and covenants, herein contained, the Board and the Police hereby agree as follows:

ARTICLE I

A School Resource Officer Program is hereby established in the public school system in Brigham City, Utah for the program period from August 26th, 2025 to August 26th, 2031.

ARTICLE II

Rights and Duties of the Police

The Police shall provide a School Resource Officer (hereinafter referred to as "SRO") as

follows:

A. Number of School Resource Officers

1. The Police shall assign at will one regularly employed Police Officer to the following school(s):

Box Elder High School
Box Elder Middle School

Other schools may be added and amended under this current Agreement as needed; and

2. The Police Chief or his/her designee shall directly supervise the SRO assigned above and will perform scheduled or non-scheduled visits to the program schools; and

a. Approve reports, provide leadership, train, direct, evaluate, analyze campus statistics and problem areas, establish rapport with the school's administration;

b. The Police Chief or his/her designee will serve as liaison with the Board.

B. Regular Duty Hours of School Resource Officers

1. A SRO shall be assigned to a school on a full time basis and during those hours that the school is in regular session. The SRO shall be on campus from 1/2 hour prior to the start of classes until 1/2 hour after classes are dismissed. During their daily tour of duty, the SRO may be off campus performing such tasks as may be required by their assignments. The SRO may be reassigned by the Chief of Police during school holidays and/or during periods of law enforcement emergencies.

2. Regular working hours maybe adjusted on a situational basis with the consent of the Chief of Police or his/her designee. These adjustments will be approved prior to being required and should only cover scheduled school related activity requiring the presence of a law enforcement officer.

C. Duties of Resource Officer

1. Instructional responsibilities for the SRO:

a. The SRO shall act as an instructor for specialized, short-term programs at the school, when assigned to do so by the Principal, or when invited by a member of the faculty.

b. The SRO shall serve when requested as a guest speaker. The Principal or member of the faculty shall make the request of the SRO.

c. Any exceptions to the above must be mutually agreed upon by the Chief of Police, the Superintendent of Schools and the individual school Principal.

2. Additional duties and responsibilities of the SRO:

a. The SRO shall coordinate all of his/her special activities with the Principal and staff members concerned and will seek permission, advice and guidance prior to enacting any program within the school.

b. The SRO shall develop expertise in presenting various subjects to the students. Such subjects shall include a basic understanding of the laws, the role of the police officer and the police mission.

c. The SRO shall encourage individual and small group discussions with students, based upon material presented in class to further establish rapport with the students.

d. When requested by the Principal or Assistant Principal, the SRO shall attend parent/faculty meetings to solicit support and understanding of the program.

e. The SRO shall make himself/herself available for conference with students, parents and faculty members in order to assist them with problems of a law enforcement or crime prevention nature. Confidential information shall not be disclosed except as provided by law or court order.

f. The SRO shall become familiar with all community agencies which offer assistance to youths and their families such as mental health clinics, drug treatment center, DCFS, Youth Court, Juvenile Court, Youth Commission, etc. The SRO shall make referrals to such agencies when necessary thereby acting as a resource person to the students, faculty and staff of the school.

g. The SRO shall assist the Principal and staff in developing plans and strategies to prevent and/or minimize dangerous situations which may occur on campus.

h. Should it become necessary to conduct formal police activities with any student, the SRO shall adhere to Board policy, police policy and all legal requirements regarding investigations and interviews.

i. The SRO shall take law enforcement action as required. As soon as practical, the SRO shall inform the Principal or Assistant Principal of the school of any such action. The SRO shall take appropriate law enforcement action against intruders and unwanted guests who may appear at the school and related school functions, to the extent that the SRO may do so under the authority of law. Whenever practical, the SRO shall advise the Principal or

Assistant Principal before requesting additional police assistance on campus.

j. The SRO shall give assistance to other police officers and deputy sheriffs in matters regarding his/her school assignment whenever necessary. The SRO shall participate in and/or attend school functions. For other social functions (games, dances, etc.) the SRO will be compensated as other contracted officers.

k. The SRO may be assigned to assist investigations relating to runaways, thefts or any crime, provided such investigations relate to the students attending the school to which the SRO is assigned.

l. The SRO shall maintain detailed and accurate records of the operations of the School Resource Officer Program, including yearly statistics, and shall submit any other reports of an instructional nature as required by the Principal or school staff.

m. The SRO shall assist school administration, when requested, in school discipline. If the Principal or Assistant Principal believes an incident is a violation of the law, the Principal/Assistant Principal shall contact the SRO and the SRO shall then determine whether law enforcement action is appropriate. School Resource Officers are not normally used for regularly assigned lunchroom duties, hall monitors or other monitoring duties except on an emergency basis and when requested by the Principal or Assistant Principal for a specific reason. If there is a problem area, the SRO may assist the school until the problem is solved.

n. The SRO may be assigned to assist from school to school during the school year under emergency circumstances and with the approval of the Chief of Police

ARTICLE III

Rights and Duties of the Board of Education

The Board shall provide to the full-time SRO the following materials and facilities, which are deemed necessary for the performance of the SRO's duties:

A Access to a heated and/or an air conditioned and properly lighted private office which shall contain a telephone which may be used for general business purposes;

B. A location for files and records which may be properly located and secured:

C. A desk with drawers, a chair, work table, locking file cabinet, and office supplies, as needed; and

D. Access to a typewriter/computer and/or secretarial assistance

E. School Radio (two way)

ARTICLE IV

Employment Status of School Resource Officer

The School Resource Officer shall remain an employee of the Brigham City Police Department, and shall not be an employee of the Board of Education of Box Elder County, Utah. The Board and the Chief of Police acknowledge that the School Resource Officer shall remain within the chain of command of the Brigham City Police Department; as such, Brigham City Corporation accepts all liability for its School Resource Officers.

ARTICLE V

Appointment of School Resource Officers

A. Applicants will be interviewed by a panel consisting of representatives of the police department and the school district. The Chief of Police shall have a final interview and assign SRO's and advise the principal of their selection.

B. The SRO applicant must meet the following requirements:

A. The applicant must be a volunteer for the position of School Resource Officer;

2. The applicant must be a full-time Police Officer with a minimum of three (3) years of law enforcement service. A combination of time in service and higher education may be considered.

3. It is preferable the SRO applicant have at least an Associate of Arts or Science degree from an accredited college, although a Bachelor of Arts or Science degree is preferred. On an individual basis, additional law enforcement training and experience may substituted in lieu of a degree.

4. The applicant must be a certified graduate from the School Resource Officer Training School.

C. Additional criteria for consideration for the School Resource Officer are job knowledge, experience, training, education, appearance, attitude, communications skills and bearing.

D. The names of any applicants meeting the requirements shall be forwarded to the Chief of Police, who shall recommend a Police Officer from the list submitted.

ARTICLE VI

Dismissal of School Resource Officer, Replacement

A. In the event the Principal of the school to which the SRO is assigned believes that the particular SRO is not effectively performing his/her duties and responsibilities, the Principal shall recommend to the Superintendent that the SRO be removed from the program at his/her school by stating the reasons therefore in writing. (Within 3 days after receiving the recommendation from the Principal, the Superintendent or his/her designee shall advise the Chief of Police of the Principal's request.) If the Chief of Police so desires, the Superintendent and Chief of Police shall meet with the SRO to resolve any problems which may exist. At such meeting, specified members of the staff of the school to which the SRO is assigned may be required to be present. If, within a reasonable period of time after such meeting the problem cannot be solved, or in the event a meeting is not desired, the SRO shall be removed from the program at the school and a replacement shall be assigned.

B. The Chief of Police may transfer or reassign a SRO when it is in the best interest of the citizens of Brigham City, after advising the Principal of such reassignment, transfer, etc.

C. In the event of a dismissal or reassignment; or in the case of long term absences of the SRO, the Chief of Police may provide a temporary replacement for the SRO within thirty (30) school days of receiving notice of such absence, dismissal or reassignment. As soon as practicable, the Chief of Police shall provide a permanent replacement for the SRO position.

ARTICLE VII

Termination of Agreement

This agreement may be terminated by either party upon ninety (90) days written notice that the other party has failed to substantially perform in accordance with the terms and conditions of this Agreement. This Agreement may be terminated without cause by either party upon one hundred eighty (180) days written notice. Termination of this Agreement may only be accomplished as provided herein. In the event this Agreement is terminated, the required compensation will be to the Police Department for all services performed to the date of termination. The Board shall be entitled to a pro-rated refund for that period of time when SRO's services are not provided because of the termination of this Agreement.

ARTICLE VIII

Notices

Any and all notices of any other communication herein required or permitted shall be

deemed to have been given when deposited with the United States Postal Service as regular mail, postage prepaid and addressed as follows:

Steven E. Carlsen
Superintendent
The Board of Education of Box Elder County, Utah
960 South Main
Brigham City, Utah 84302

Chad D. Reyes
Chief of Police
Brigham City Police Department
20 North Main, Ste. B
Brigham City, Utah 84302-2199

ARTICLE IX

Good Faith

The Board, the Chief of Police, their agents and employees agree to cooperate in good faith in fulfilling the terms of this Agreement. Unforeseen difficulties or questions will be resolved by negotiation between the Superintendent and the Chief of Police.

ARTICLE X

Modification

This document constitutes the full understanding of the parties and no term, conditions, understandings or agreement purporting to modify or vary the terms of this document shall be binding unless hereafter made in writing and signed by the party to be charged.

ARTICLE XI

Non-Assignment

This Agreement and each and every covenant herein, shall not be capable of assignment, unless the express written consent of the Board and the Chief of Police is obtained.

ARTICLE XII

Merger

This Agreement constitutes a final written expression of all the terms of this Agreement and is a complete and exclusive statement of those terms.

ARTICLE XII

Costs

Annually, prior to August 1, THE BRIGHAM CITY POLICE DEPARTMENT shall furnish a schedule of officer costs including wages, benefits, uniforms and equipment costs. THE BOARD OF EDUCATION OF BOX ELDER COUNTY, UTAH, shall pay 50% of the annual costs. Addendum 1attached to this agreement references the annual costs for the 2025-26 school year.

IN WITNESS WHEREOF, the parties have caused this Agreement to be signed by their duly authorized officers.

Signed, sealed and delivered in the presence of.

THE BOARD OF EDUCATION OF BOX ELDER COUNTY, UTAH:

| | |
|---|---|
| _____ | _____ |
| Steven E. Carlsen | Neil Stevens |
| Superintendent | Business Administrator |

THE BRIGHAM CITY POLICE DEPARTMENT:

| | |
|---|---|
| _____ | _____ |
| Chad D. Reyes | Dennis J. Bott |
| Chief of Police | Mayor of Brigham City |

Attest:

_____

Kristina Rasmussen

City Recorder

# Addendum 1

**RESOURCE OFFICER COSTS – 2025-2026 School Year**

| CATEGORY | WAGES AND BENEFITS | UNIFORMS AND EQUIPMENT | TOTAL |
|---|---|---|---|
| TOTAL COSTS (PER SRO) | $168,331.00 | $2,200.00 | $170,531.00 |
| BRIGHAM CITY COSTS (PER SRO) | $84,165.00 | $1,100.00 | $85,265.00 |
| BOX ELDER SCHOOL DISTRICT COSTS (PER SRO) | $84,165.00 | $1,100.00 | $85,265.00 |

DISTRICT OBLIGATION: $170,531.00

BRIGHAM CITY OBLIGATION: $170,531.00

**BRIGHAM CITY**
**AGENDA ITEM FOR CITY COUNCIL MEETING**

1. INITIATED BY: Nicole Cottle

2. DEPARTMENT OR DIVISION: Mayor's Office

3. DATE INITIATED: 4/20/26

4. BRIEF EXPLANATION OF PROPOSED ACTION (ATTACH OTHER DOCUMENTATION AS NECESSARY):

AN ORDINANCE AMENDING THE BRIGHAM CITY CODE BY REPEALING ALL APPLICABLE CODES RELATED TO PUBLIC SAFETY AND RE-ENACTING THEM AS TITLE 3 PUBLIC SAFETY

5. ESTIMATED TIME NEEDED: 30 Minutes

6. PROPOSED DATE FOR COUNCIL ACTION: May 7, 2026

7. EXPLANATION OF DEADLINE, IF APPLICABLE:

8. REVIEW

| Date | Name | Signature | Attachment |
|---|---|---|---|
| 4/30/26 | Nicole Cottle | | X |
| | | | |

9. MAYOR'S SIGNATURE: _____

BRIGHAM CITY

# CITY ATTORNEY
# LEGAL DOCUMENT REVIEW

Document Name:

AN ORDINANCE AMENDING THE BRIGHAM CITY CODE BY REPEALING ALL APPLICABLE CODES RELATED TO PUBLIC SAFETY AND RE-ENACTING THEM AS TITLE 3 PUBLIC SAFETY

Name of Person Requesting Legal Review: Nicole Cottle

Date Sent: 4/30/26 Review Date Deadline: 4/30/26

Reviewed by Attorney: _____ Date: 4/30/26

x Reviewed and acceptable as submitted

☐ See suggested changes:

Returned to: Nicole Cottle Date: 4/30/26

x Accepted as Received

Submitted to Mayor's Office By: Date:

Reviewed by Mayor's Office: _____
Derek Oyler, City Administrator

ORDINANCE 26-_____

AN ORDINANCE AMENDING THE BRIGHAM CITY CODE BY REPEALING ALL APPLICABLE CODES RELATED TO PUBLIC SAFETY AND RE-ENACTING THEM AS TITLE 3 PUBLIC SAFETY

**WHEREAS**, the City has conducted a thorough review and modernization of the City Code for the purpose of ensuring usability, clarity and compliance with all applicable laws, rules and regulations; and

**WHEREAS**, the City has reviewed the provisions of the City Code relating to public safety including fire, police and emergency services; and

**WHEREAS**, following the review and study of these sections, a repeal, renumbering and reenactment is determined to be in the best interest of the City;

**NOW, THEREFORE**, be it ordained by the City Council of Brigham City, Utah that the following titles and sections of the Brigham City Code shall be repealed and reenacted:

1. Title 7, Title 13, Chapters 33, 70, 71, 72, 73, 90, 94 and Sections 93.045-049, of the Brigham City Code shall be repealed; and
2. Title 3 as set forth in Exhibit A to this Ordinance shall be enacted.
3. This Ordinance shall become effective upon publication and posting as required by law and there shall be no gap in ordinance coverage between repeal and reenactment for enforcement purposes.

**PASSED AND ADOPTED** by the City Council of Brigham City, Utah by a vote of ____ ayes and ___ nays this ___ day of _____, 2026.

_____
Dennis J. Bott, Mayor

_____
Kristina Rasmussen, City Recorder

**EXHIBIT A**

# TITLE 3 PUBLIC SAFETY

**CHAPTER 1 POLICE**
**3-1-101 POLICE DEPARTMENT**
**3-1-102 CRIMINAL AND TRAFFIC CODE**
**3-1-103 PARKING CODE**
**3-1-104 GENERAL OFFENSES**
**3-1-105 OFFENSES AGAINST PUBLIC ORDER AND DECENCY**

1. Discharge of Weapons
2. Curfew for Minors
3. Interference with School Operation
4. Abandoned and Unlicensed Vehicles
5. Illegal to Possess or Consume Alcohol in Certain Locations
6. Smoking or Vaping
7. Noise
8. Nuisance

**3-1-106 ANIMAL SERVICES**

**CHAPTER 2 FIRE AND EMERGENCY MEDICAL SERVICES**
**3-2-101 ADMINISTRATION**
**3-2-102 FIRE PREVENTION**
**3-2-103 FIREWORKS**

**CHAPTER 3 OFFICE OF EMERGENCY SERVICES**

## CHAPTER 1 POLICE

3-1-101POLICE DEPARTMENT

1. CHIEF OF POLICE; POWERS AND DUTIES. The Chief shall, diligently and faithfully discharge all duties and enforce all ordinances and regulations of the city for the preservation of peace and good order and the protection of the rights and property of all persons. The Chief shall be under the direction of the City Administrator.

2. POWERS AND DUTIES OF POLICE GENERALLY. It shall be the duty of the police force at all times to preserve the public peace, prevent crime, detect and arrest offenders, suppress riots, protect persons and property, remove nuisances existing in the public streets, roads and highways, enforce every law relating to the suppression of offenses, and perform all duties required of them by ordinance or resolution. This section is not a limitation of a police officer's statewide authority as otherwise provided by law.

(Prior Code, § 20.01.020; §33.015-016)

3-1-102 CRIMINAL AND TRAFFIC CODE

1. The Utah Criminal and Traffic Code as amended is adopted as the Criminal and Traffic Code for the city, except as such codes may be altered or modified by the ordinances of the city.

(Prior Code §15.04.010; §70.001-006; §70.999; §15.040.020-070; §16.01.010)

2. TRAFFIC CODE.

   The Motor Vehicle Act, U.C.A. Title 41, Chapter 1a, as amended, is hereby adopted as a city ordinance; provided, however, that, any provision of the foregoing having a penalty which cannot be imposed for violation of a city ordinance is not adopted.

(Prior Code, § 15.01.010, § 71.001)

3. UNIFORM DRIVER'S LICENSE ACT.

   The Uniform Driver License Act, U.C.A. Title 53, Chapter 3, as amended, is hereby adopted as a city ordinance; provided, however, that, any provision of the foregoing having a penalty which cannot be imposed for violation of a city ordinance is not adopted.

(Prior Code, § 15.01.020, § 71.002)

4. UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS.

   The Uniform Act Regulating Traffic on Highways, U.C.A. Title 72, Chapter 4, as amended, is hereby adopted as a city ordinance; provided, however, that, any provision of the foregoing having a penalty which cannot be imposed for violation of a city ordinance is not adopted.

(Prior Code, § 15.01.030, § 71.003)

5. MOTOR VEHICLE SEAT BELT USAGE ACT.

The Motor Vehicle Seat Belt Usage Act, U.C.A. Title 41, Chapter 6a, Article 18, as amended, is hereby adopted as a city ordinance; provided, however, that, any provision of the foregoing having a penalty which cannot be imposed for violation of a city ordinance is not adopted.

(Prior Code, § 15.01.040, § 71.004)

6. FINANCIAL RESPONSIBILITY OF MOTOR VEHICLE OWNERS AND OPERATORS ACT.

The Financial Responsibility of Motor Vehicle Owners and Operators Act, U.C.A. Title 41, Chapter 12a, as amended, is hereby adopted as a city ordinance; provided, however, that, any provision of the foregoing having a penalty which cannot be imposed for violation of a city ordinance is not adopted.

(Prior Code, § 15.01.050, § 71.005)

7. OFF-HIGHWAY VEHICLES ACT.

The Off-Highway Vehicles Act, U.C.A. Title 41, Chapter 22, as amended, is hereby adopted as a city ordinance; provided, however, that, any provision of the foregoing having a penalty which cannot be imposed for violation of a city ordinance is not adopted.

(Prior Code, § 15.01.060, § 71.006)

8. MOTOR VEHICLE INSURANCE LAWS.

The Motor Vehicle Insurance laws, U.C.A. Title 31A, Chapter 22, Part III, is hereby adopted as a city ordinance; provided, however, that, any provision of the foregoing having a penalty which cannot be imposed for violation of a city ordinance is not adopted.

(Prior Code, § 15.01.070, § 71.007)

9. DUTY TO KEEP PROPER LOOKOUT.

No person shall drive a vehicle on the streets of the city without keeping a reasonable and proper lookout for other traffic.

(Prior Code, § 15.01.090, § 71.008) Penalty, see § 71.999

10. NEGLIGENT COLLISION.

It shall be unlawful to operate a vehicle with such lack of due care and in such negligent manner as to cause the same to collide with any vehicle, person or object.

(Prior Code, § 15.01.100, § 71.009) Penalty, see § 71.999

11. NOISE EMANATING FROM MOTOR VEHICLE.

a. It is unlawful for any person, while operating, driving or parking any motor vehicle, to use or operate any electronic device, radio, stereo, tape player, disc player or other device for the producing or reproducing of sound in such a manner that it disturbs the peace, quiet and comfort of persons in the vicinity of the motor vehicle, unless said person is operating under authority duly and properly given by the city.

b. It is prima facia evidence of a violation of this section if the sound emanating from the electronic device, radio, stereo, tape player, disc player or other device for producing or reproducing sound in or on the motor vehicle is clearly audible from a distance of 50 feet.

(Prior Code, § 15.01.110, § 71.010) (Ord. 98-46, passed 9-24-1998) Penalty, see § 71.999

12. DYNAMIC BRAKING DEVICES PROHIBITED.

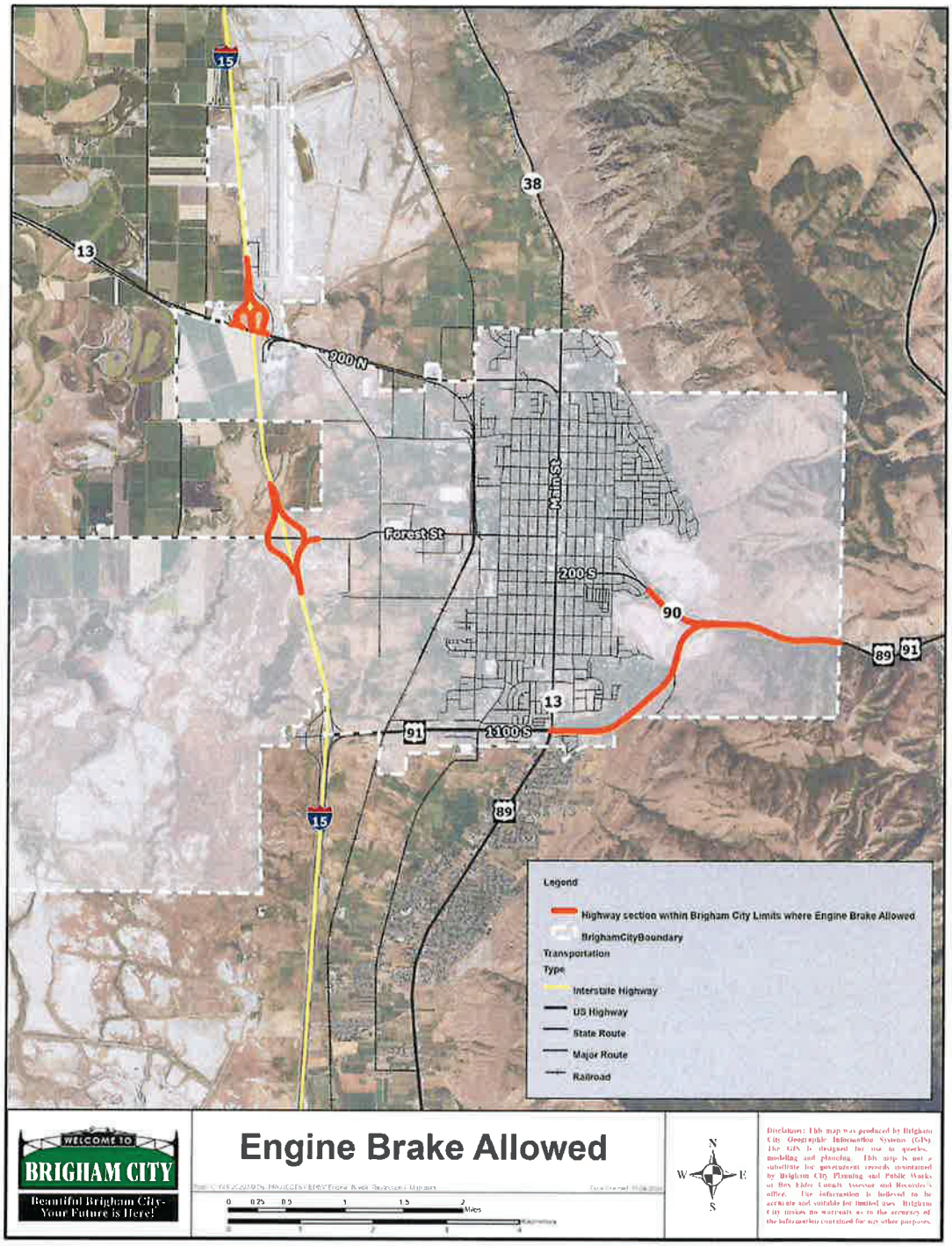
a. It is unlawful for any person to operate any motor vehicle with a dynamic braking device which is as any device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes engaged, except for the aversion of imminent danger or emergency services.

b. This restriction does not apply to the following street segments:

i. The portion of U.S. Highway 89 east of Main Street to the eastern city corporate boundary;

ii. The portion of 200 S./SR-90 east of the intersection of 350 S. Street to the eastern city corporate boundary; and

iii. On and off-ramps at I-15 interchanges 363 (Forest Street) and 365 (900 North Street), as illustrated in the following image.




(Prior Code, § 15.01.120, § 71.011) (Ord. 20-21, passed 11-19-2020) Penalty, see § 71.999

13. STREET-LEGAL ALL-TERRAIN VEHICLE USE.

a. All public streets and highways within the jurisdictional limits of the city are designated as open for street-legal all-terrain vehicles, as defined in Utah Code.

i. This designation does not apply to any individual operator of a street-legal all-terrain vehicle under the age of 16 years old.

ii. All operators of street-legal all-terrain vehicles on the city streets and highways must be 16 years of age or older and have obtained a driver's license in accordance with the state's Uniform Driver License Act, being U.C.A. Title 53, Chapter 3, or its successor statute.

iii. This designation specifically excludes any interstate freeway or limited access highway located within the boundaries of the city.

iv. It shall be unlawful for a parent or custodian of any child and the guardian of any ward to knowingly permit any such child or ward to violate any of the provisions of this code.

(Prior Code, Ch. 15.05, § 73.001) (Ord. 08-15, passed 9-18-2008) (Prior Code, § 15.03.010, § 73.015) Penalty, see § 70.999

14. BICYCLES

a. Every person riding a bicycle upon the streets, alleys, sidewalks or public ways of the city shall be subject to the provisions of this code.

b. No person shall willfully or maliciously destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this code, or remove, destroy or mutilate any registration tag while the same is valid, or operate any bicycle without having attached thereto a registration issued as provided herein.

c. Any bicycle operated upon any street, alley, sidewalk or public way of the city shall be equipped with a warning device consisting of a bell or horn which must be sounded to warn all persons of its approach. However, no bicycle shall be equipped with and no person shall use a siren or whistle as a warning device.

d. Any bicycle operated during the period of one-half hour after sunset and one-half hour before sunrise, shall in addition to the foregoing, be equipped with a lighted lamp, attached to the front of bicycle, under normal atmospheric conditions visible for a distance of at least 500 feet. There shall be attached to the rear of said bicycle a reflector or a lighted lamp visible under like conditions for a distance of at least 500 feet.

e. It shall be unlawful

i. When riding upon a sidewalk to fail to yield the right-of-way to pedestrians and sound a warning device before overtaking or passing any pedestrian;

ii. To ride more than two abreast upon any street and must proceed on a single file upon any sidewalk;

iii. To carry extra passengers or carry any packages, bundle or article which would require the removal of the hand or hands from the handle bars of said bicycle, nor permit the bicycle he or she is riding to be towed by another vehicle; and/or

iv. To operate or ride a bicycle upon the sidewalks adjoining Main Street between Second South and First North.

f. The Police Department is hereby directed and authorized to impound any bicycle so used in violation of this code for a reasonable period of time pending investigation of any alleged violation of this code or until such bicycle is registered and licensed by the owner thereof and equipped as herein provided.

(Prior Code, § 15.03.020, § 73.016, § 15.03.040, § 15.03.060, § 73.018 § 15.03.030, § 73.017, § 73.019)

15. PENALTY. Violation of this chapter is a Class B misdemeanor.

(Prior Code, § 15.01.110, § 71.999) (Ord. 98-46, passed 9-24-1998)

**3-1-103 PARKING CODE**

1. DEFINITIONS. For this section, the following definitions shall apply.

   TRAILER. A vehicle without a motor designed for carrying persons or property and for being drawn by a motor vehicle and constructed so that no part of the vehicle weight rests upon the towing vehicle.

   VEHICLE. Includes a motor vehicle, trailer, semitrailer, off-highway vehicle, camper, park model recreational vehicle, manufactured home, and mobile home.

2. PARALLEL PARKING. It shall be unlawful to park a motor vehicle on any city street other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right-hand wheels of the vehicle within 18 inches of the curb or edge of street, except as otherwise provided in this code.

3. ANGLE PARKING. Angle parking is permitted only where the curb and gutter have been designed and constructed to facilitate angle parking or the roadway has been properly and clearly marked.

4. MAIN STREET PARKING. It shall be unlawful to park or leave a motor vehicle on Main Street between Second South Street and First North Street, and upon Forest Street between Main Street and First West Street, and upon First South Street between First East Street and First West Street, for a length of time in excess of two hours between the hours of 9:00 a.m. and 6:00 p.m. of each day, except on Sundays and legal holidays.

5. DISABLED PARKING. It is unlawful to park in any parking stall designated for disabled parking unless the motor vehicle has either license plates or a window identification issued by the state and identifying the operator of the vehicle as disabled. The parking privileges granted by this section also apply to vehicles displaying a distinctive disabled license plate or transferable identification issued by any other state or nation; provided, such identification is displayed on the vehicle utilized by the disabled person. This section applies to and may be enforced on both public property and private property which is used or intended for use by the public.

6. RESTRICTION ON TRUCKS AND BUSSES. It shall be unlawful for trucks and buses with a length overall of greater than 20 feet to park on either side of Main Street of the city between Two Hundred South and One Hundred North, except between the hours of 12:00 midnight and 6:00 a.m. of the following day.

7. PARKING REGULATIONS.

    a. It shall be unlawful for any person to park a commercial licensed vehicle with a load capacity greater than 21,000 pounds on any city street for a period of time longer than the time reasonably necessary to load or unload the vehicle.

    b. No person shall park any vehicle over 30 feet in length on any city street for a period of time longer than the time reasonably necessary to load or unload the vehicle.

    c. Sections (a) and (b) above shall not apply to stops made by such vehicles for meals during the day or night for one hour, if the street is well lighted at the point of parking.

    d. Sections (a) and (b) above shall not apply in the case of an accident or other emergency when the operator of any such vehicle is reasonably required to leave said vehicle.

    e. It shall be unlawful to park any vehicle, upon any street unless it is currently registered and displays current license plate and registration, and if unattached to a motorized vehicle, is secured by wheel chocks.

    f. It shall be unlawful to park any vehicle upon any street for a period longer than 72 hours, except that a vehicle associated with a current ongoing construction project is exempt.

    g. Vehicles and trailers shall not be placed or parked within 30 feet of an intersection.

    h. It shall be unlawful to park any vehicle defined in this section on the street which is connected to any water, electric or other utility wire, pipe or hose which crosses a public right-of-way or sidewalk.

    i. It shall be unlawful to park, place, store, abandon or otherwise leave any unmounted camper or watercraft on any public street, alley, sidewalk or right-of-way at any time.

8. DOUBLE PARKING PROHIBITED. It shall be unlawful to park a motor vehicle parallel to and outside of the marked lines or stalls so laid out and designated for parallel parking wherein another car is so parked within said lines or stalls, in a manner commonly called double parking within the corporate limits of the city.

9. RESTRICTED AREAS AND RED CURBS. It shall be unlawful for any person to park any motor vehicle upon the streets in front of any officially designated curb painted red or designated "no parking" by any sign or device placed by the City.

10. DISABLED VEHICLES.

    a. It shall be unlawful for any person, firm or corporation, to leave or cause to be left upon the public streets of the city, any disabled vehicle for a period longer than 48 consecutive hours or if the vehicle has been parked in one or more locations within the same city block or within 1200 foot radius for a consecutive 48 hours.

    b. It shall be unlawful for any person, firm or corporation to dismantle, or cause to be dismantled, any disabled vehicle upon the public streets of the city.

    c. The Chief of Police or any police officer is hereby empowered to remove, or cause to be removed from the streets of the city, at the expense of the owner any disabled vehicle found left upon the public streets of the city.

11. UNATTENDED MOTOR VEHICLE. No driver or person in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when such motor vehicle is standing upon any perceptible grade without effectively setting the brakes thereon and turning the front wheels towards the nearside curb or edge of the street.

12. POLICE OFFICER TO MOVE ILLEGALLY PARKED VEHICLE. Whenever any officer finds a vehicle parked or standing upon a street in violation of any provisions of this code, such officer is hereby authorized to move such vehicle or require the driver or other person in charge of the vehicle to move the same to a position off the main traveled part of such street.

13. APPROACH TO PARKING SPACE.

    a. It is unlawful for any person to move his or her vehicle in any manner or leave a parking space and then re-enter it to avoid the intent of this code.

    b. Every driver about to enter a parking space being vacated shall stop his or her vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space and having so waited shall have prior right to the parking space over all other drivers.

    c. No driver shall stop his or her vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.

d. No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion in the process of vacating.

14. PARKING NOT TO OBSTRUCT TRAFFIC.

    a. It shall be unlawful for any person to park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

    b. It shall be unlawful for any person to park any vehicle in such manner or under such conditions as to obstruct any sidewalk, crossing or private driveway.

15. PARKING IN ALLEYS. It shall be unlawful for any person to park a vehicle within an alley, except during the necessary and expeditious loading and unloading of merchandise, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property or interfere with the free movement of traffic through the alley.

16. STANDING AND PARKING ON ROADWAYS. In the event a street includes two separate roadways, and traffic is restricted to one direction upon each of said roadways, no person shall stand or park a vehicle upon the left side of either of such roadways.

17. PARKING PROHIBITED ON CERTAIN STREETS. When signs or traffic markings are erected by the city or other authorized entity no person shall park a vehicle or permit such vehicle to remain standing at any time upon any of the streets or parts of streets.

18. PARKING ON WALK, CURB OR PARKING STRIP.

    a. It shall be unlawful for any person to leave, or cause to be left or parked, any vehicle upon, over or across any sidewalk, or that parking strip area between the sidewalk and curb. SIDEWALK, for the purposes of this section, means that portion of the street between curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

    b. Should there be no paved sidewalk in place, the PARKING STRIP shall be defined to be that area lying between the curb, or if no curb, the lateral line of the street, and ten feet towards the adjacent property, along the length of the street abutting the property. Should the property line of the property upon which there is no paved sidewalk adjacent to the street be less than ten feet from the curb or lateral line of the street, the PARKING STRIP shall be defined as that area between the curb or lateral line of the street and the property line.

19. CORPORATE OR BUSINESS PARKING LOTS.

    a. Unless previously authorized by the city, it shall be unlawful for any person to park or cause to be parked, any motor vehicle in any parking lot owned by the city, except in the designated parking lots and within a single lined parking stall. The city may designate specific lined parking stalls for use exclusively by designated individuals.

b. Unless previously authorized by the city, it shall be unlawful for any person to park or cause to be parked, any motor vehicle in any parking lot owned by the city between the hours of 10:00 p.m. and 6:00 a.m.

20. EVIDENCE REQUIRED. The presence of any vehicle in or upon any public street in the city parked in violation of the city ordinance regulating the parking of vehicles, shall be prima facie evidence that the person in whose name such vehicle is registered, as owner, committed or authorized the commission of such violation.

21. PARKING ON A PUBLIC STREET. Longer than 72 consecutive hours in one location on any public street or highway.

22. WINTER PARKING REGULATIONS.

    a. It is unlawful for any person who owns or has possession, custody, or control of any vehicle or trailer, as defined in this section, to park, or knowingly allow any vehicle or trailer to park on any city street or right-of-way during the following periods:

        i. From December 1 through March 1 between the hours of 12:00 a.m. and 6:00 a.m.

        ii. On any public roadway during any snowstorm or within 24 hours following the cessation of snow after any snowstorm.

        iii. Vehicles and trailers which have been plowed around will be deemed to be abandoned and/or in continued violation of this chapter and shall be subject to removal. All costs for removal will be borne by the owner of the subject vehicle or trailer.

        iv. The mayor or his or her designee have the authority to designate specific properties with inadequate off-street parking as exempt from this section.

23. PENALTY AND ENHANCED PENALTY.

    a. Any violation of this section shall be classified as an infraction, and violators are subject to impound or tow at owner's expense.

    b. Any person receiving three or more notices for violation of this title, or for violations of the Brigham City Traffic Code, within the jurisdiction of Brigham City, within a 180 day period, shall be subject to having his or her vehicle impounded.

(Prior Code, § 15.02.190; Ord. 97-25, passed 10-16-1997; Ord. 00-23, passed 7-6-2000; Ord. 07-05, passed 3-29-2007; § 15.02.010-200, § 72.001-023; Ord. 23-26, Ord. 23-26, passed 12-7-2023)

## 3-1-104 GENERAL OFFENSES, CRIMINAL RESPONSIBILITY AND PENALTY

1. Criminal Responsibility. Every person, acting with the mental state required for the commission of an offense who directly commits the offense, who solicits, requests, commands, encourages or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable as a part for such conduct.

2. Penalty. Any person violating, causing or permitting violation of any provision of the Utah Code hereby adopted shall be guilty of an offense classified as provided in the Utah Code; provided that, in the event Utah Code does not provide the appropriate classification, the same shall be determined by reference to the applicable city ordinance. In the event neither code provide for the classification of such an offense, then any person violating, causing or permitting violation of any provision of the code adopted hereby shall be guilty of a Class B misdemeanor. Any such violator, upon conviction, unless otherwise provided in said codes, shall be punished by a fine of not more than $1,000, for a Class B misdemeanor and not more than $750 for a Class C misdemeanor and infraction, or by a jail sentence not to exceed six months, or by both a fine and jail sentence; provided that, minimum sentences and all other sanctions consistent with the aforementioned guidelines and contained in Utah Code in force at the time of the violation.

(Prior Code, § 16.01.040, §130.002; §130.999; § 16.01.020)

## 3-1-105 OFFENSES AGAINST PUBLIC ORDER AND DECENCY

1. DISCHARGE OF WEAPONS.

    a. It shall be unlawful to discharge any firearm within the corporate limits of the city, except:

        i. Officers of the law in the performance of their duty;

        ii. Any citizen when lawfully defending their person or a third party;

        iii. Training range for law enforcement purposes;

        iv. Discharge of a shotgun west of 1200 West (Watery Lane) when discharge can be accomplished without placing property or person at peril, and the discharge is not within 600 feet of a house, dwelling or any other building, or any structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen or stockyard, unless written permission is obtained from the owner or person in charge of the property.

    b. It shall be unlawful for any person to discharge any kind of dangerous weapon or firearm:

        i. From an automobile or other vehicle; or

ii. From upon or across any highway.

(Prior Code, § 16.03.010; §131.001)

2. CURFEW FOR MINORS.

a. It is unlawful for any minor under 14 years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the city between 10:00 p.m. and 5:00 a.m.

b. It is unlawful for any minor under 18 years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the city between 12:00 a.m. and 5:00 a.m.

c. It is unlawful for any parent, guardian or other person having legal care and custody of any minor dealt with respectively in divisions (a) and (b) above to allow or permit any such minor to remain or loiter on any of the sidewalks, streets, alleys or public places in the city within the times provided in divisions (a) and (b) above, except as provided below:

i. The provisions of (a), (b) and (c) above shall not apply where the minors descripted in (a) and (b) above are:

a) Married;
b) Accompanied by a parent, guardian or other adult person having the care and custody of such minor;
c) Returning home from, going to or attending any civic, religious or school function; provided, however, that, going to or from such function shall be by a direct route and within a reasonable time of the commencement or termination of the function;
d) Engaged in a legitimate emergency errand;
e) Engaged in legitimate employment and can produce evidence of such employment; or
f) In a motor vehicle engaged in normal travel, while traveling to, from or through the city on an interstate trip.

(Prior Code, § 16.03.020) (Ord. 97-16, passed 7-31-1997)

3. INTERFERENCE WITH SCHOOL OPERATIONS. Any person who comes into any school building or upon any school ground, or street, sidewalk or public way adjacent to any school building or ground and who presence or acts interfere with the peaceful conduct of the activities of any school or disrupt the school or its pupils or school activities, and who remains there, or who re-enters or comes upon the place within 72 hours, after being asked to leave by the chief administrative official of that school or his or her representative or agent is guilty of a misdemeanor.

(Prior Code, § 16.03.040, §131.004)

4. ABANDONED OR INOPERABLE VEHICLES ON PRIVATE PROPERTY.

   a. It shall be unlawful for a person to abandon a vehicle upon any private property without the express or implied consent of the owner or person in lawful possession or control of the real property.

   b. For the purpose of this section, a vehicle shall be presumed to be abandoned if it is inoperable or left unattended on private property for a period in excess of 24 hours.

   c. Abandoned vehicle(s) situated on a person's private property and not owned by him or her may be removed upon the property owner's request provided proper city business licensing has been granted to the towing company. The costs for removal of the vehicle shall be the responsibility of the motor vehicle owner.

   d. It shall be unlawful for any person to cause or permit scrap, metal, junk, wrecked, abandoned or unlicensed vehicles or vehicle parts to remain on any real property or premises, unless in connection with a lawfully situated and licensed business.

   e. It shall be unlawful for any person to have more than two unregistered vehicles on a parcel at any time. Any abandoned or unlicensed vehicles must be stored behind a legally constructed barrier from the view from street or adjoining properties.

   f. Vehicles used for agricultural purposes are excluded from this section.

(Prior Code, § 16.03.050, §131.005)

5. ILLEGAL TO POSSESS OR CONSUME ALCOHOL IN CERTAIN LOCATIONS. It shall be unlawful for any person to consume or possess any alcoholic beverage in any public park or public school or at any city-owned building open to the public unless the premises are properly licensed, and the consumption is in accordance with the laws and regulations regarding licensure and the terms and conditions of the premises.

(Prior Code, § 16.03.070; §131.007)

6. SMOKING OR VAPING

   a. Definitions:

      CITY PARK means city-owned parks and recreational areas, including city-owned spectator and concession areas, playgrounds, public squares, cemeteries, athletic fields, zoos and walking and biking trails, excluding city-owned golf courses.

      E-CIGARETTE means any electronic oral device that provides a vapor of nicotine or other substance and which simulates smoking through its use or through

inhalation of the vapor through the device; and includes an oral device that is composed of a heating element, battery or electronic circuit and marketed, manufactured, distributed or sold as an e-cigarette, e-cigar, e-pipe or any other product name or descriptor, if the function of the product meets the definition of an electronic oral device.

MASS GATHERING. An outdoor assembly of 50 or more people on city-owned property that reasonably can be expected to continue for at least one hour.

SMOKE or SMOKING. Possession, carrying or holding a lighted pipe, cigar, e-cigarette or cigarette of any kind, or any other lighted smoking equipment, or the lighting, emitting or exhaling of smoke of a pipe, cigar or cigarette of any kind, or of any other lighted smoking equipment, including e-cigarettes.

b. In addition to Utah Code prohibitions, smoking is prohibited:

   i. In City Parks;
   ii. Within 25 feet of bus stops; and
   iii. Within 50 feet of Mass Gatherings.

c. A violation of this section is an infraction punishable by a fine not to exceed $100, but not by imprisonment. Police officers shall have the discretion to issue a "warning" if the deem it is in the best interests of the city for the first offense.

(Prior Code § 133.001-003, § 13.03.010-040)

7. NOISE

a. It shall be unlawful for any person to make any noise which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city between the hours of 11:00 p.m. and 6:00 a.m. in such a manner that is plainly audible at a distance of 30 feet from a building, structure, vehicle or property line. Noise of any type emanating from any location during the hours of 11:00 pm and 6:00 am shall be prima facie evidence of a violation of this section. Noise that annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the city outside of those hours may be deemed a violation of this section.

b. Exceptions. The following uses and activities shall be exempt from noise level regulations:

   i. Noise of safety signals, warning devices and emergency pressure relief valves;

   ii. Noise resulting from any authorized emergency vehicle, when responding to an emergency;

   iii. Noise resulting from emergency work;

iv. Any other noise resulting from activities of a temporary duration permitted by law for which a license or permit therefor has been granted by the city; and

v. Any aircraft or railroad equipment operated in conformity with, or pursuant to state statute, federal law, federal regulations and traffic control instruction used pursuant to and within the duly adopted state or federal regulations.

c. Special Permit. Applications for a permit for relief from the noise level designated in this chapter based on undue hardship may be made to the council or duly authorized representative. Any permit granted by the Community Development Director hereunder shall contain all conditions upon which the permit has been granted and shall specify a reasonable time that the permit shall be effective.

d. Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction. Each occurrence when such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense.

e. As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions hereof or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed, and is declared to be, a public nuisance and may be subject to abatement as prescribed by law.

(Prior Code, § 13.02.060; § 13.02.010-050; 132.001-004; §132.999)

8. NUISANCE

a. DEFINITIONS. For this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABATE means to repair, replace, remove, destroy, correct or otherwise remedy a condition which constitutes a nuisance.

CODE ENFORCEMENT OFFICER means any code enforcement officer(s) designated by the city to enforce city ordinances.

COMPLETION DATE means the date by which the responsible person must abate a nuisance. The COMPLETION DATE is set by the Code Enforcement Officer.

EMERGENCY means a situation which, in the opinion of the Code Enforcement Officer or applicable city official, requires immediate action to prevent or eliminate an immediate threat to the health or safety of a person or property.

PUBLIC PLACE means an area generally used by or visible to the public.

RESPONSIBLE PERSON(S) means the owner(s), lessor(s), lessee(s) or other person(s) entitled to control, use and/or occupy property upon which a nuisance is found; and any person, whether as owner, agent or occupant, who creates, aids in creating, or contributes to a nuisance, or who supports, continues, or retains a nuisance.

b. ENUMERATION. Without limiting or impairing the effect of other sections of the code, the following, are specifically declared to be public nuisances:

i. Nuisances as defined by Utah Code;

ii. Fire hazard. Any fire hazard as determined by the Fire Marshal as well as the burning of material which causes a dangerous or offensive smell, smoke, soot or cinders;

iii. Improper accumulation or storage. Accumulation of soil, sand, gravel or rock, litter, debris, construction materials, equipment, vehicles, plant trimmings or trash, in the public right-of-way or visible from the street or an adjoining property. Material stored as part of an active construction project that has an active building permit shall not be considered a nuisance;

iv. Accumulation of junk. Accumulation of used or damaged lumber; junk; salvage materials; abandoned, discarded or unused furniture; stoves, sinks, toilets, cabinets or other fixtures or equipment visible from a public street, alley or adjoining property, or anything which is likely to harbor rats, vermin or other pests. However, nothing shall preclude the placement of stacked firewood for personal non-commercial use on the premises;

v. Attractive nuisances. Any attractive nuisance dangerous to children and other persons including, but not limited to, abandoned, broken or neglected household appliances, equipment and machinery, abandoned foundations or excavations, or improperly maintained or secured pools;

vi. Vegetation. Dead, decayed, diseased or hazardous trees, noxious weeds, hedges, and overgrown or uncultivated vegetation which is in a hazardous condition, is an obstruction to pedestrian or vehicular traffic, is a potential fire hazard or which is likely to harbor rates, vermin or other pests;

vii. Fugitive dust. Any premises or property from which dust escapes;

viii. Construction equipment. Construction equipment or machinery of any type or description parked or stored on property, without a business license specifically regulating the parking or storage of such equipment or machinery, when it is readily visible from a public street, alley or adjoining property, except while excavation, construction or demolition operations covered by an active building

permit are in progress on the subject property or an adjoining property, or where the property is zoned for the storage of construction equipment and/or machinery. This section shall not apply to the keeping or storage of equipment, implements or tools normally kept for the maintenance of residential yards such as lawn mowers, roto-tillers;

ix. Graffiti. Any graffiti which remains on the exterior of any building, fence, sign or within a public place which is visible to the general public;

x. Improper maintenance.

a) Maintenance of buildings, structures, walls, signs, fences, gates, hedges or structures in such condition as to be deemed defective or in a condition of deterioration or disrepair including, but not limited to:

i. Any building or structure which is unfit for human habitation or which is an unreasonable hazard to the health of people residing in the vicinity, and which is not reasonably secured against entry;

ii. Any building or structure that presents an unreasonable fire hazard;

iii. Any building or structure which is abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six months or longer. The building or structure shall not be considered a nuisance if it is under active construction as evidenced by a current building permit, or a plan for its rehabilitation is being reasonably pursued;

iv. Any building or structure having dry rot, warping, termite infestation, decay, excessive cracking, peeling or chalking finish material, to render the building unsightly or in a state of disrepair, and for which no plan for its rehabilitation is being reasonably pursued; and

v. Any building, structure or condition that violate any building, electrical, plumbing, fire, housing or other code adopted by the city.

c. HISTORIC BUILDINGS. This section shall not be construed to require the removal of buildings which have a legitimate and demonstratable historic significance to the community; however, such buildings shall be maintained in a condition that does not create a visual blight, health or safety hazard to persons working or residing in the vicinity, or to the general public.

d. DANGEROUS CONDITIONS. Any fence, wall, shed, deck, house, garage, building, structure or any part of any of the aforesaid; or any tree, pole, smokestack; or any excavation, hole, pit, basement, cellar, sidewalk, subspace, dock or loading dock; or any lot, land, yard, premises or location which in its entirety, or in any part thereof, by reason of the condition in which the same is found or permitted to be or remain, shall or may endanger the health, safety, life, limb or property, or cause any hurt, harm, inconvenience, discomfort, damage or injury to any one or more individuals in the city; and

e. OTHER CONDITIONS. Anything which is injurious to the health or morals or which is indecent or offensive to the senses or whatever is dangerous to human life or health or whatever renders soil, air, water or food impure or unwholesome or whatever is an obstruction to the free use of property to interfere with the enjoyment of life or property is a nuisance.

f. COURT ORDER. No situation, conduct, or activity, which is done or maintained under the express authority of an authoritative statute, ordinance or court ruling, shall be declared a nuisance.

g. RESPONSIBILITY FOR NUISANCES.

    i. Every Responsible Person(s) is responsible for abating any nuisances found on the Responsible Person's property and every Responsible Person(s) is liable, both civilly and criminally, for all costs, fees, damages or penalties associated with such nuisance.

    ii. Every successive owner or tenant of a property or premises who fails to abate a continuing nuisance upon or in the use of such property or premises caused by a former owner or tenant is responsible therefore in the same manner as the one who first created it.

h. NUISANCE ABATEMENT.

    i. Administration. This section shall be administered and enforced by the Code Enforcement Officer. In case of nuisances involving criminal violations, or violations of codes typically administered and enforced by the Police Department, this subchapter may also be administered and enforced by the Police Department.

    ii. Finding of nuisance. If a Code Enforcement Officer finds that a nuisance exists, they shall attempt to have the responsible person abate the nuisance. Although the Code Enforcement Officer's first step in correcting or abating the nuisance will always be to seek voluntary compliance, the Code Enforcement Officer may pursue any remedy or combination of remedies. Nothing in this section shall be interpreted to prohibit the city from engaging in its standard prosecution practices. Therefore, the city may prosecute violators of city ordinances or state laws without first having to comply with the

provisions of this section, even though the activity or conduct prosecuted may also constitute a nuisance under this section.

iii. Voluntary correction; contact. Before taking other steps to abate the nuisance, the Code Enforcement Officer shall make a reasonable attempt to secure voluntary correction or abatement of the nuisance by:

a) Contacting the Responsible Person(s), where possible; and

b) Explaining the nuisance.

iv. Non-voluntary correction.

a) Enforcement. If the Responsible Persons fails to correct or abate the nuisance, the Code Enforcement Officer may still abate the nuisance using one or more of the procedures set forth in this subchapter, state law or common law.

b) Civil actions. Either the city or any private person directly affected by a nuisance may bring a civil action as allowed by law to abate or enjoin the nuisance, or for damages for causing or maintaining the nuisance (including the cost, if any, of cleaning the subject property).

c) Criminal actions. Criminal actions may be initiated by criminal citation from the Code Enforcement Officer, Police Department or by long-form information.

d) Any Responsible Person who maintains or assists in maintaining a nuisance is guilty of a Class C misdemeanor.

e) If the alleged nuisance is also a violation of a provision of city code (other than this subchapter) or state law, the Responsible Person may be charged under the specific provision of city code or state law, even if the Code Enforcement Officer did not first attempt to obtain voluntary correction.

f) Any person who knowingly obstructs, impedes or interferes with the city or its agents, or with the Responsible Person, in the performance of duties imposed by this subchapter is guilty of a Class B misdemeanor.

g) Lien for costs. If a person fails to pay any fines or costs related to nuisance abatement when due, the city may record a lien on the property or premises of the full amount of the unpaid fines and costs.

(Prior Code, § 13.01.220-260; Ord. 13-23, passed 11-21-2013; Ord. 02-17, passed 6-20-2002; Ord. 13-23, passed 11-21-2013; § 13.01.250)

**3-1-106 ANIMAL SERVICES**

1. GENERAL PROVISIONS

   a. DEFINITIONS for the purpose of this chapter, the following definitions shall apply:

      ANIMAL means all types of livestock, dogs and cats, and all other subhuman creatures, both domesticated and wild.

      ANIMAL BOARDING ESTABLISHMENT mean any establishment that takes in animals and boards them for profit.

      ANIMAL GROOMING PARLOR means any establishment maintained for the purpose of offering cosmetology services for animals at a profit.

      ANIMAL SHELTER means any facility owned and operated by a governmental entity or any animal welfare organization which is incorporated within the state for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats or other domestic animals.

      ANIMALS AT LARGE means an animal shall be considered "at large" when it is off the owner's property and not under immediate control, by means of a durable restraint device capable of keeping the animal restrained; or an animal that is on the property of the owner and not securely confined by a leash, building, fenced area or appropriate transport device.

      BITE means any actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

      CAT means any age feline, of the domestic type.

      CATTERY means land or buildings used in the keeping of three or more cats, six months or older.

      DOG means any Canis Familiaris over six months of age. Any Canis Familiaris under the age of six months is a puppy.

      DOMESTICATED ANIMALS means animals accustomed to living in or about the habitation of humans, including, but not limited to, cats, dogs, rabbits, fowls, horses, swine, goats, sheep, mules, donkeys, lamas and cattle.

      GOVERNMENT WORKING DOG mean a dog trained to assist officials of government agencies in law enforcement exercises.

      GUIDE DOG means a dog trained and certified by a nationally recognized training establishment to assist persons that are "visually-impaired", "hearing-impaired" or "mobility-limited".

      KENNEL means land or buildings used in the keeping of three or more dogs older than four months.

LIVESTOCK means any normally domesticated animal that is ordinarily kept on a farm, such as cattle, swine, sheep, goats, mules, burros, horses, geese, ducks, turkeys, llamas and the like.

OWNER means any person or persons, firm association or corporation or other entity owning, keeping or harboring the animal in question, or any person having charge, care, custody or control of such animal.

PET means any animals ordinarily permitted in the city residences and kept for the company or pleasure of city residents, such as domesticated dogs, domesticated cats and domesticated birds. PETS also include tropical fish, amphibians, reptiles or invertebrates of a number that do not constitute a health hazard or nuisance, and can be safely and humanely kept in aquariums, cages or enclosures, the cumulative size of which shall not exceed 50 cubic feet per household. PETS shall not include exotic, pygmy or dwarf variations of animals defined as either "wild animals" or "livestock", including, but not limited to, miniature horses, pygmy goats and Vietnamese pot-bellied pigs, notwithstanding that such animals may be kept as household pets by residents of other communities.

PET SHOP means any establishment containing cages or exhibition pens, not part of the kennel or cattery, wherein dogs, cats, birds or other pets for sale are kept or displayed.

QUARANTINE means the isolation of an animal in a substantial enclosure, so the animal is not subject to contact with other animals or unauthorized persons.

RESIDENCE means place where a person or persons live. A dwelling unit is considered one RESIDENCE and not construed to mean multiple residences based upon the number of individual persons, whether related or not, living at the residence in further reference, a single-family dwelling is one RESIDENCE, a duplex is considered two RESIDENCES and a four-unit apartment building would be considered four RESIDENCES, and so forth.

RESTRAINT DEVICE means any chain, leash, cord, rope or other device commonly used to restrain an animal.

SERVICE ANIMAL means as defined by the Americans with Disabilities Act (ADA) § 35.104, or its successor law, being 42 U.S.C. §§ 12101 et seq., or its successor statute, which at the time of its adoption to this chapter, means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability.

Other species of animals, whether wild or domestic, trained or untrained, are not SERVICE ANIMALS for the purposes of this definition. The work or tasks performed by a SERVICE ANIMAL must be directly related to the individual's disability.

WILD ANIMAL means any animal which is not commonly domesticated, or which is of a wild or predatory nature, or any animal which, because of its size,

growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner. Those animals, however domesticated, shall include, but are not limited to:

Alligators, crocodiles, caiman;

Bears (ursidae); all bears including grizzly bears, brown and black bears;

Cat family (felidae); all except the commonly accepted domestic cats; including cheetahs, cougars, leopards, lions, lynx, bobcats, panthers, mountain lions, tigers and wildcats. Any cat crossbred with a WILD ANIMAL as described herein shall be considered wild;

Dog family (canidae); all dogs, with the exception of domesticated dogs, including, but not limited to, fox, coyote, wolf and wild dingo. Any dog crossbred with a WILD ANIMAL, as described herein, shall be considered to be a WILD ANIMAL;

Porcupines;

Primates (all subhuman primates);

Raccoons (all varieties);

Skunks;

Venomous snakes or lizards;

Any snake or reptile of such size or characteristics as to pose a threat to human life;

Weasels (all weasels, martins, wolverines, badgers, otters, ermine, mink and mongoose); except that, the possession of mink shall not be prohibited when raised commercially for their pelts, in or upon a property constructed for a legally operated ranch; and

Marsupials.

2. ADMINISTRATION AND ENFORCEMENT

   a. ANIMAL CONTROL DIVISION. The Animal Control Division is a subdivision of the city's Police Department, for the purpose of resolving animal related disputes in the corporate limits of the city.

   b. ANIMAL CONTROL OFFICIALS; POWERS AND DUTIES.

      i. Any person employed by the Animal Control Division as an Animal Control Officer shall be vested with the power and authority to enforce this chapter.

ii. Specifically, Animal Control Officers or assistants are authorized and empowered to apprehend and remove and impound any animal found in violation of this chapter, and all other duties prescribed in the enforcement of this chapter. office.

c. RIGHT OF ENTRY FOR ENFORCEMENT. All peace officers or Animal Control Officers are hereby authorized to enter onto the open premises of any person or entity to take possession of any animal in violation of this chapter.

d. INTERFERING WITH OFFICERS PROHIBITED. It is unlawful for any person to knowingly and intentionally interfere with any Animal Control Officer in the lawful discharge of his or her duties as prescribed in this chapter.

e. INVESTIGATION. Animal Control Officer may enter upon privately-owned land to investigate reports of vicious animals, cruelty cases, rabies and other contagious animal disease or to investigate violations of and enforce the provisions of this chapter.

f. LICENSURE AND REGULATORY PERMITS

i. It shall be unlawful for any person to own, keep, harbor or maintain a dog over the age of six months of age, without registering and obtaining a license for such dog(s) from the city.

ii. All dogs brought into the city shall require registering and licensing within 30 days after they enter the city, or within 30 days after having reached the age of six months.

iii. No dog shall be licensed as spayed or neutered without proof that the surgery has been performed.

iv. Proof that the dog has a current rabies inoculation shall be presented at the time the license application. Proof must be in writing and must include the licensed veterinarian who administered the vaccine.

g. TAG AND COLLAR REQUIRED.

i. Upon payment of the license fee, there shall be issued to the owner, a tag for each dog so licensed. Every owner shall be required to provide each dog with a collar to which the license tab must be affixed constantly worn. It shall be unlawful to deprive a registered dog of its collar and/or its tag.

ii. In the event a dog tag is lost or destroyed, a duplicate will be issued, upon presentation of a receipt showing payment of the license fee, and payment of a "duplicate license" fee.

iii. The license shall not be transferable from one dog to another, and no refund shall be made on any dog license for any reason.

h. NUMBER OF CATS AND/OR DOGS PER RESIDENCE.

i. No person or persons at any one residence or property within the city shall at any one time own, harbor or license more than three adult dogs or three cats and no more than four total animals (dogs or cats) in any combination, except as otherwise provided in this section. If a person owns an appropriate service animal, or government working dog, as defined in this chapter, that animal shall not count toward the maximum number of three dogs per residence.

ii. If more than two disabled persons reside at any one residence within the city, each individual in the residence is allowed one service dog.

i. KENNELS/CATTERY PERMITS.

i. General. No person shall operate or maintain a kennel or cattery without first obtaining a permit from the Community Development Department.

ii. Kennel/cattery. It shall be the duty of the Animal Control Officer to periodically inspect all registered kennels and catteries to see that the provisions of the city ordinances pertaining to the sanitation and care of such places are being observed.

iii. Display of permit. A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises, and not transferrable to another location or owner.

iv. The permittee shall notify the Animal Control Department within 30 days of any change of its establishment or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the Department of Animal Control immediately.

v. Renewal of permit. Any permit issued, pursuant to this section, shall automatically expire one year immediately following the date of issue.

vi. Within two months prior to the date of expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee.

vii. Any application made after the expiration date, except in application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee, in addition to the regular permit fee.

viii. Suspension or revocation of permit.

1. Grounds. A kennel/cattery permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

a. Falsification of facts in a permit application;

b. Violation of any of the provisions of this chapter or any other regulation governing the establishment including noise,

building and zoning ordinances or maintaining or selling illegal species; or

c. Conviction of a charge of cruelty to animals.

2. Procedure. If an inspection of any facility operating with a permit reveals a violation of this chapter, the inspector shall notify the permit holder or operator of such violation by means of an inspection report for, or other written notice. The notification shall:

a. Set forth the specific violation;

b. Establish a specific and reasonable period of time for the correction of the violation(s);

c. State that any failure to comply with any notice issued in accordance with the provisions of this chapter shall result in immediate suspension of the permit; and

d. State that an opportunity for an appeal from any notice of inspection finding shall be provided if a written request for hearing is filed with the Department of Animal Control within five days of the date of notice. Upon request of a hearing, a minimum of five days' notice shall be given to the permittee, advising him or her of the date and time of such hearing and listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked, except upon application for a new permit, accompanied by the required application fee and unless or until all requirements of this chapter have been met. Any permit granted under this chapter may be suspended or revoked by the Animal Control Department for violations listed in this chapter.

e. Notice served. Notice provided for under this chapter shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered, personally, to the permit holder or person in charge, or such notice has been sent by certified mail to the last known address of the permit or license holder. A copy of such notice shall be filed with the records of the Animal Control Department.

3. MAINTENANCE AND CONDUCT OF ANIMALS

a. ANIMALS ATTACKING PERSONS OR OTHER ANIMALS.

i. Unlawful. It shall be unlawful for the owner of any animal to allow such animal to bite, attack, chase or worry any person, domesticated animal or any species of hoofed, protected wildlife or domestic fowl.

ii. Owner liability. Any owner in violation of this section above shall be strictly liable for violation of this section. In addition to being subject to prosecution, the owner of such animal shall also be liable for damages to any person injured or to the owner of any animal injured or destroyed.

iii. Defenses. The following shall be considered in mitigating the penalties or damages, or in dismissing the charge:

1. The animal was properly confined on the premises; and

2. The animal was deliberately or maliciously provoked.

iv. Animal may be killed. Any public safety officer or person may kill an animal while it is committing any of the acts specified above or while such animal is being pursued thereafter, pursuant to Utah Code.

v. Impound. After any animal bites, attacks, chases or worries any person, domesticated animal, or any species of hoofed, protected wildlife or domestic fowl, the Animal Control Officer may impound the animal, which may not be redeemed while awaiting final disposition of any criminal charges associated with said animal.

vi. Destruction of animal. Upon conviction of any offense under this section, or upon failure to appear after citation, the court may, after attempting to notify the animal's owner, order the Animal Control Officer or other authorized person of the city, to destroy the animal, or may order such other disposition of the animal, as will protect the inhabitants and animals of the city.

4. NUISANCE ANIMALS. Any owner of an animal causing a NUISANCE, as defined below, shall be in violation of this chapter and subject to the penalties provided herein. Any animal shall be deemed a nuisance if the animal:

a. Causes damage to the property of anyone other than its owner;

b. Causes unreasonable odors;

c. Causes unsanitary conditions;

d. Defecates on any public property, or on any private property without the consent of the owner of such private property, unless the owner of such animal shall remove any such defecation to a property trash receptacle;

e. Barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion;

f. Unreasonably and continuously disturbs or threatens passers-by by barking, snapping, pawing, clawing, biting or growling

g. Chases vehicles;

h. Is continuously or excessively found to be an animal at large or in violation of city ordinances; or

i. Is determined by the Animal Control Officer to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare or safety.

j. Remedy. Any individuals or entities making a complaint of a nuisance animal must sign a written statement against the violator and deliver it to the Animal Control Officer. Nuisances will be cited as a Class C misdemeanor. Any nuisance which continues subsequent to the receipt of a citation shall be deemed a separate offense and may be cited as such.

5. FEMALE DOGS IN HEAT. Any owner of any female dog in heat, shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting, by scent, or coming into contact with other dogs and creating a nuisance, except for planned breeding.

6. ANIMALS AT LARGE PROHIBITED. It shall be unlawful for any animal, as defined herein, to be allowed, either negligently or with specific intent, to run at large as defined in this chapter. However, dogs may be at large while participating in field trials and obedience classes organized and sanctioned by recognized dog clubs, while assisting their owner or trainer in legal hunting or in herding of livestock, while assisting a peace officer engaged in law enforcement duties or while being trained for the above purposes, or while on the owner's private property, so long as such dogs are under the direct and effective sound or gesture control, and within sight of owners or such individuals noted above, to assure that such animals do not violate any provisions of this chapter.

7. ALLOWING DOMESTIC FOWL TO TRESPASS PROHIBITED. It is unlawful for the owner of any domestic fowls such as: turkeys, ducks, geese, chickens, peacocks or any other variety of fowl, to permit such fowl to trespass or go upon the premises of another or to run at large on any public property or roadway.

8. STAKING ANIMALS IMPROPERLY ON UNENCLOSED PREMISES. It is unlawful for any person to chain, stake out or tether any animal on any unenclosed premises, in such a manner that the animal may go beyond the property line, unless such person has permission of the owner of the affected property, or the person with whom he or she shares joint tenancy. No animals are to be staked along public roadway easements.

9. KEEPING OF CERTAIN ANIMALS PROHIBITED; EXCEPTIONS. It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor or purchase any animal not defined as a "pet", or any wild animal, as defined in C.F.R. Title 50, state law or regulation, or which is fierce, dangerous, noxious or naturally inclined to do harm; provided, however, that, an animal shelter, zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show or facility for education or scientific purposes may keep such animal if protective devices are provided and adequate to prevent such animal from escaping or injuring the public.

10. IMPOUNDMENT

a. IMPOUNDMENT AUTHORIZED. The Animal Control Division shall place all animals which are taken into custody in a designated animal impound facility. The following animals may be taken into custody and impounded as deemed necessary:

i. Any animal being kept or maintained contrary to the provisions of this chapter;

ii. Any animal running at large, with any reasonable means used to immobilize or capture such animal;

iii. Any animal which is by this chapter required to be licensed and is not licensed; an animal not wearing a tag shall be presumed to be unlicensed for the purposes of this section;

iv. Sick or injured animals, whose owner requests impoundment, and agrees to pay a reasonable fee for services rendered;

v. Any abandoned, neglected animal, whose safety may be threatened, should the animal not be readily placed into protective custody;

vi. Animals which are not vaccinated for rabies in accordance with the requirements of this chapter;

vii. Any animal required to be held for quarantine; and

viii. Any animal, in the custody of any person or persons who are arrested or otherwise detained, by any police officer, in the event another responsible party cannot be located by the owner.

b. IMPOUNDMENT/RECORD KEEPING REQUIREMENTS.

i. The impounding facility shall keep a record of each animal impounded, which includes the following information:

1. Complete description of the animal, including any tag numbers;

2. The manner and date of impoundment;

3. The location of the pickup and identification number of the impounding officer;

4. The manner and date of disposal;

5. The name and address of the redeemer or purchaser;

6. The name and address of any person relinquishing the animal;

7. All fees received; and

8. All expenses occurring during impoundment.

c. REDEMPTION REQUIREMENTS. An impounded animal whose redemption has been authorized by the Animal Control Officer, may be redeemed by the owner or his or her authorized representative, before disposition, provided he or she pays:

   i. The impound fees;

   ii. The daily board charges;

   iii. The veterinary costs incurred during the impoundment period;

   iv. License fee, if applicable;

   v. A transportation fee, if transportation of an impounded animal, by specialized equipment, is required. SPECIALIZED EQUIPMENT is that equipment, other than the usual patrol and operation vehicles of Animal Control, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers.

   vi. Any other expenses incurred, to impound an animal in accordance with state or local laws, including any reasonable restitution for property damage created by the animal, or that occurs as a result of the impoundment.

d. TERMS OF IMPOUNDMENT, DESTRUCTION AND DISPOSAL OF ANIMALS.

   i. Animals shall be impounded for a minimum of five working days before further disposition. If an animal is licensed or has other identification, the impoundment shall be for five working days. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time.

   ii. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof, for destruction or other disposition need not be kept for the minimum holding period before release or other disposition, as herein provided.

   iii. All animals, except those quarantined or confined by court order, or those subject to Utah Code which are held longer than the minimum impoundment period, and all animals voluntarily relinquished to the impound facility, may be destroyed.

   iv. Any healthy dog or cat may be sold after payment of all applicable fees.

   v. Other small animals, not included as livestock, may also be sold at the discretion of the Animal Control Department.

   vi. Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, at

the discretion of the Animal Control Officer be released to the care of a veterinarian with or without the consent of the owner.

vii. When, in the judgment of an Animal Control Officer, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitation otherwise established in this chapter, and without court order.

viii. An appropriate fee may be charged the owner of the destruction and any subsequent disposal of the carcass by the Animal Control Department.

e. RABIES CONTROL/ANIMAL BITES

i. VACCINATION REQUIREMENTS. All dogs, cats or other animals susceptible to rabies, for which a federally approved vaccine is available, shall be vaccinated at six months of age by a licensed veterinarian or rabies clinic. Every dog shall be revaccinated every 36 months and every cat revaccinated every 36 months thereafter. Any unvaccinated dog or cat over six months of age, adopted or brought into the jurisdiction, must likewise be vaccinated initially. Thereafter, valid protection must be maintained.

ii. VACCINATION CERTIFICATION AND TAGS. It shall be the duty of each veterinarian when vaccinating any animal for rabies to complete a certificate of rabies vaccination, in duplicate, which includes the following information

1. Owner's name and address;
2. Description of the animal;
3. Date of vaccination;
4. Rabies vaccination tag number;
5. Type of vaccine administered; and
6. Manufacturer's serial number of vaccine.
7. A copy of the certificate shall be distributed to the owner of the animal, and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter.

iii. Additionally, a metal or durable plastic rabies vaccination tag or rabies identification microchip implanted beneath the skin, serially numbered, shall be securely attached to the collar, implanted microchip or harness of the animal. An animal not wearing such a tag shall be deemed to be

unvaccinated and may be impounded and processed pursuant to this chapter.

iv. IMPOUNDMENT OF ANIMALS WITHOUT VALID RABIES VACCINATION TAGS. Any vaccinated animal impounded because of a lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of a rabies vaccination and payment of all impoundment fees prior to release. Any unvaccinated animal may be reclaimed prior to disposal by payment of impoundment fees and by obtaining or providing proof of a rabies vaccination within 72 hours of release. Any animal not reclaimed within the prescribed period of time shall be disposed of pursuant to this chapter.

v. RABID ANIMAL REPORTS. Any person having knowledge of the whereabouts of an animal known to have been exposed to or suspected of having rabies or of an animal or person bitten by such a suspected animal shall notify the Department of Animal Control or the State or County Health Department.

vi. QUARANTINE AND DISPOSITION OF BITING ANIMALS.

1. An animal that has rabies or shows signs of having rabies and every animal bitten by another animal affected with rabies or that has been exposed to rabies, shall be reported by the owner as set forth above and shall immediately be confined in a secure place by the owner.

2. The owner shall turn over the animal to the Animal Control Agents upon demand.

3. Any person authorized to enforce this chapter may enter upon private property to seize the animal if the owner refuses to surrender the animal.

4. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than 12 days by the Animal Control Department. The owner of the animal shall bear the cost of confinement.

5. The Animal Shelter shall be the normal place for such quarantine but other arrangements, including confinement by the owner, may be made by the Animal Control Department if the animal has current rabies vaccinations at the time the bite is inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Animal Control Department if the animal shows any signs of sickness or abnormal behavior or if the animal escapes confinement.

6. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within 12 days from the date of the bite, the person having custody shall immediately notify the Animal Control Department in order that the Department may immediately remove and deliver the head to the state's Health Department.

7. If, at the end of the 12-day period, an investigating officer of the Department of Animal Care and Control examines the animal and finds no sign of rabies, the animal may be released to the owner, or in the case of a stray, it shall be disposed of as provided in this chapter.

8. In the case of an unvaccinated animal species subject to rabies, which is known to have been bitten by a known rabid animal, such bitten or exposed animal shall be immediately destroyed. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply.

9. If the bitten animal is currently vaccinated and not revaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for ten days.

10. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Chief of Police of the city.

vii. BITES; DUTY TO REPORT. Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Animal Control Division.

viii. The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the Animal Control Division within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

ix. A physician or other medical personnel who renders professional treatment to a person bitten by an animal, the bite of which might cause rabies, shall report the fact that he or she has rendered professional treatment to the Animal Control Division within 24 hours of his or her first professional attendance.

x. They shall report the name, sex and address of the person bitten, as well as the type and location of the bite. If known, he or she shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the Animal Control Division.

xi. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the Animal Control Department. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury and the location of the incident.

f. ANIMAL CARE AND OFFENSES

i. DEFENSE. Any person may kill an animal while it is attacking, chasing or worrying any domestic animal having a commercial value, or any species of hoofed protected wildlife, while attacking domestic fowls or while such animal is being pursued thereafter.

ii. INJURIES AND COMMUNICABLE DISEASES. No person shall knowingly harbor or keep any animal with a serious injury, or afflicted with mange, ringworm, distemper, parvo, kennel cough or any other contagious disease, unless such animal is being given adequate treatment to control or eliminate disease.

iii. CHARGE OF VIOLATOR SEIZURE OF ANIMALS. It shall be the duty of a person filing charges, under this chapter, to seize or arrange to be seized, an animal found in the keeping or custody of a person being charged, and which are being used or will be used, as evidence in the case, resulting from such charge. The person making said seizure shall cause such animals to be delivered immediately to the Animal Control Division, or in such cases as may be necessary, to a veterinarian for treatment. It shall be the duty of that Division to humanely hold such animals until further court order regarding their disposal. The perpetrator of any such act shall be responsible for the cost of impoundment, board and any medical expenses incurred during the holding period of the animal.

iv. HARBORING OF ANIMALS PROHIBITED; DUTY TO NOTIFY. It is unlawful for any person to harbor or keep within the city any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the city's Animal Shelter within 72 hours. An Animal Control Officer may take the animal into protective custody or authorize the finder to maintain possession of the animal until its owner is located or the animal is properly licensed.

v. PLACES PROHIBITED TO ANIMALS. It shall be unlawful for any person to take or permit any animals, whether on a leash or in the arms of the owner, in any establishment or place of business where food or food products are sold or distributed, including, but not limited to, restaurants, grocery stores, meat markets and fruit and vegetable stores. This, however,

shall not apply to guide dogs or to government working dogs, while they are being used in law enforcement exercises.

g. PENALTY. Any violation of this chapter, either by failing to do those acts required herein or by doing any act prohibited herein, shall be guilty of a Class C misdemeanor. A person who Interfering with an Officer shall be guilty of a Class B misdemeanor.

   i. Any incident relating to animals attacking persons or livestock, where such incident is not reported within 24 hours, constitutes a civil dispute. Neither the city, nor its employees, shall become involved in civil disputes arising between persons because of damages caused by animals. Should any civil dispute arise from a violation of this chapter, and if the Animal Control Officer responds, the limit of the city's responsibility is to provide testimony by order of a subpoena as to what was personally observed by such officer and make public records available.

   ii. Any settlement or claims for damages are strictly a civil matter and must be pursued by the damaged party.

(Prior Code §4.02.010-4.08.040; Ord. 99-25, passed 9-23-1999; Ord. 02-25, passed 8-15-2002; Ord. 24-07, passed 4-4-2024)

## CHAPTER 2 FIRE
## 3-2-101 ADMINISTRATION

1. SUPERVISION OVER FIRE AND AMBULANCE DIVISIONS.

   The Fire Chief shall be appointed by the mayor with the advice and consent of the City Council and shall be responsible for effective management of the Fire and EMS Department.

(Prior Code, § 11.02.010, 33.030) (Ord. 15-15, passed 9-3-2015)

2. FIRE MARSHAL

   The Fire Marshal shall work at the direction of and under the supervision of the Fire Chief to administer and enforce the provisions of the Fire Codes.

(Prior Code, § 11.02.020, §33.031) (Ord. 15-15, passed 9-3-2015)

3. FIRE CODES ADOPTED.

   a. The currently adopted International Fire Code, the State Wildland Interface Code and other referenced NFPA standards as periodically adopted and amended by the state under the state's Fire Code Adoption Act.

   b. The Fire Marshal, with the approval of the City Council, shall have the power to modify any of the provisions of the International Fire Code upon application when the Fire Marshal recommends that there are practical difficulties in applying the code, provided that public safety is not jeopardized.

(Prior Code, § 11.02.040, §33.032) (Prior Code, § 11.02.030, §33.032)(Ord. 15-15, passed 9-3-2015)

4. APPEAL FROM FIRE MARSHAL DECISION.

   An applicant may appeal any final determination of the Fire Marshal to the Administrative Law Judge as set forth in the International Fire Code and the City Code.

(Prior Code, § 11.02.050, §33.033) (Ord. 15-15, passed 9-3-2015)

## 3-2-102 FIRE PREVENTION AND ANNUAL FIRE RESTRICTION ORDER

1. OPEN BURNING PROHIBITED WITHOUT PERMIT. No person may burn on property owned or leased by that person unless the person has a valid burning permit issued by the city.

2. OPEN BURNING AUTHORIZED WITHOUT PERMIT. It is lawful for a person or entity to burn without a permit under the following circumstances as defined and governed by all applicable federal and state provisions:

   i. Campfires or fires used solely for recreational purposes or the use of devices for the primary purpose of preparing food.

ii. Open agricultural burning on land over five acres in size;

iii. Controlled heating of orchards or other crops so long as the emissions from this heating do not violate minimum standards as set forth by the state's Department of Environmental Quality.

iv. Governmental prescribed burning authorized by the City Fire Chief or Fire Marshal.

3. ENFORCEMENT. Fire officers, Fire Department personnel, police officers and Code Enforcement personnel are authorized to cause any fire which creates a hazardous condition or public nuisance to be extinguished regardless of permit or permit exempt status.

4. ANNUAL FIRE RESTRICTION ORDER.

   a. Beginning on July 1, at 12:01 a.m., and concluding October 1 of the same year in the locations listed below, a fire restriction order shall be in force to protect the health, safety and welfare of the citizens of the city and their property. During the Annual Fire Restriction Order the following are prohibited:

      i. Open fire of any kind except campfires built within a designated in approved campgrounds, picnic areas or permanently improved places of habitation;

      ii. Smoking, except within an enclosed vehicle or building, a developed recreation site or in an area at least three feet in diameter that is barren or cleared to mineral soils;

      iii. Discharging or using any kind of fireworks or tracer ammunition or other pyrotechnic devices;

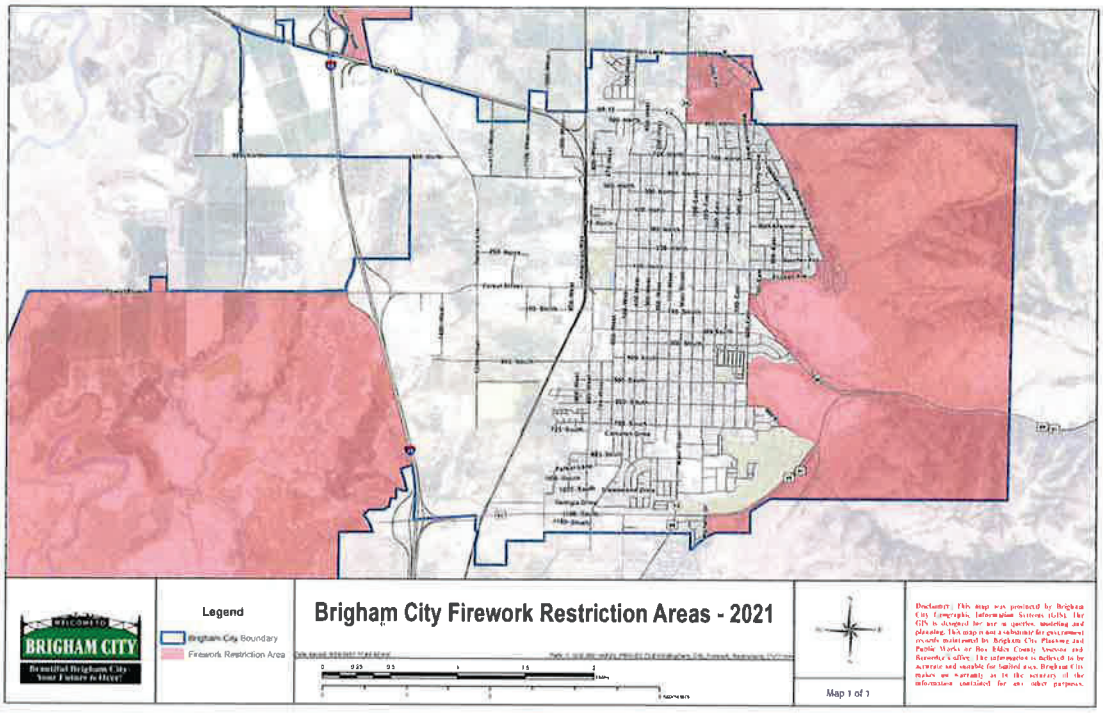
      iv. Operating equipment without spark arresters;

      v. Operating any motorized vehicle off designed roads or trails;

      vi. Blasting or any other activities which generate flames or flammable materials;

      vii. Welding, except within a building, or a concrete driveway or in an area with at least a 20- foot diameter fire break that is barren or cleared to mineral soils.

   b. Location. The location of the Annual Fire Restriction Order includes all property in red on the map.




c. Exempted individuals. The following individuals are exempted from the provisions of Annual Fire Restriction Order:

i. Any individual with a permit specifically authorizing the prohibited act issued by the city; and

ii. Any federal, state, county or city law enforcement officer or firefighting personnel engaged in the lawful performance of their official duties.

5. PENALTY. Any person or entity deemed to be in violation of the provisions of of this section for a first offense may be charged with a criminal infraction. Any individual or entity who have subsequent and repeat violations of this chapter may be charged with criminal charges up to a Class B misdemeanor.

(Prior Code, §13.04.020-090 §94.001-023) (Ord. 21-04, passed 4-1-2021)

3-2-103 FIREWORKS PERMIT

1. Formal fireworks displays are prohibited within city limits without a permit. The city council may at their sole discretion and with appropriate conditions, issue a Fireworks Permit for the public display of fireworks.

2. Fireworks Permits are non-transferable.

3. Any violation of this section is a Class B Misdemeanor.

(Prior Code § 16.03.110; § 16.03.080; §131.008; § 16.03.090; § 16.03.100; §16.03.010)

## CHAPTER 3 OFFICE OF EMERGENCY SERVICES

3-3-101 EMERGENCY MANAGER.

1. The office of Emergency Management is created and is managed by the mayor to coordinate disaster emergency planning, training and facilitation.

2. The Emergency Manager shall be an employee of the city who is appointed by the Mayor and approved by the City Council. The Emergency Manager shall report directly to the City Administrator or designee.

3. The Emergency Manager shall have the following responsibilities:

    a. Carrying out the policy decisions of the mayor;

    b. Coordinate disaster related emergency response actions of all city departments;

    c. Coordinate activities of the Emergency Coordination Center;

    d. Act as point of contact with other municipal, county, state or federal organization;

    e. Coordinate recovery activities following a disaster situation; and

    f. Coordinate all mitigation and preparation activities of the city.

(Prior Code, § 11.03.010, § 33.045) (Ord. 15-15, passed 9-3-2015)

3-3-102 MAYOR'S EMERGENCY POWERS AND DUTIES.

1. The mayor is authorized to declare an emergency upon finding a disaster has occurred or is imminent.

2. The mayor may create any orders deemed necessary to preserve the peace and order of the city including establishing a curfew, closing any businesses

(Prior Code, § 11.03.020, § 33.046) (Ord. 15-15, passed 9-3-2015)

3-3-103 EMERGENCY MANAGEMENT PLAN

1. The Emergency Manager shall prepare an Emergency Management Plan that shall be submitted to and approved by the Mayor. The City Council shall receive copies and training associated with the plan. The plan shall establish an Emergency Management Committee providing for the use of services, equipment, facilities and personnel of all city government departments and agencies and other service providers during a threatened or actual local disaster emergency.

2. It shall be the duty of all Emergency Management Committee members to perform the functions assigned to them in the plan and to maintain their portion of the plan in the state of readiness at all times.

3. All substantive amendments to the plan shall be approved by the Emergency Management Committee and the Mayor; provided, however, that, in the event an amendment is pending at the time a disaster is proclaimed, the amendment will be considered approved immediately and will remain effective unless specifically revoked by the Mayor or the Emergency Management Committee.

(Prior Code, § 11.03.030) (Ord. 15-15, passed 9-3-2015)

3-3-104 EMERGENCY COORDINATION CENTER.

The Emergency Manager shall establish and staff an Emergency Coordination Center (ECC) equipped with a communications system to support government operations in emergencies and provide other essential support to families and equipment for agencies and activities assigned emergency functions. An alternate ECC will also be established in the case the ECC is not able to operate in an emergency.

(Prior Code, § 11.03.040, § 33.048) (Ord. 15-15, passed 9-3-2015)

3-3-105 NATIONAL INCIDENT MANAGEMENT SYSTEM.

The Emergency Manager shall ensure compliance with the National Incident Management System (NIMS) standardized procedures for managing personnel, communications, facilities and resources.

(Prior Code, § 11.03.050, § 33.049) (Ord. 15-15, passed 9-3-2015)

3-3-106 PURCHASING GOODS AND SERVICES

1. When a disaster emergency has been declared, the purchasing of goods and services will not follow the normal purchasing procedures. The department needing the goods or services will try and obtain a fair market value from the supplier or contractor, but the need for the goods or services will take priority.
2. The purchase process that is issued for the goods or services will contain the following information:
    a) Supplier/contractor;
    b) Authorized signature/name of city official;
    c) Location of the goods or services to be used;
    d) Department requesting goods or services;
    e) Price for goods and services
    f) "Disaster Emergency" will be written at the top of the purchase order/or credit card statement;
    g) Upon receipt of the invoice for the goods or services will be attached to the emergency purchase order/or credit card statement; and
3. The completed documentation will be forwarded to the Finance Director for payment of the invoice.

(Prior Code, § 11.03.060, 33.050 (Ord. 15-15, passed 9-3-2015)

| Code Section | Summary of Changes | Other Notes |
|---|---|---|
| **Repeal**<br>Title 7, Title 13, Chapters 33, 70, 71, 72, 73, 90, 94 and Sections 93.045-049<br><br>**Reenact**<br>Title 3<br>Chapter 1 - Police<br>Chapter 2 - Fire<br>Chapter 3 – Emergency Management | **Old Code** **New Code**<br>Title 7 3-1-102 & 103<br><br>Title 13 3-1-104 & 105<br><br>Chapter 33<br>33.015-33.016 3-1-101<br>33.030-33.033 3-2-101<br>33.045-33.050 3-3-101-106<br>Chapter 70 3-1-102<br>Chapter 71 3-1-102<br>Chapter 72 3-1-103<br>Chapter 73 3-1-103<br>Chapter 90<br>90.015-90.021 3-1-106<br>Chapter 94 3-2-101-103<br><br>Sections 93.045-93-049. 3-1-105(8) | All code checked with state law.<br><br>Deleted in full 33.066-33.069 & 33.999 Public Safety Cost Recovery (section not utilized) |