

#4

FOUNTAIN GREEN CITY, UTAH

RESOLUTION 2023 - 08

A RESOLUTION IMPLEMENTING A CODE ENFORCEMENT OFFICER
JOB DESCRIPTION FOR THE CITY OF FOUNTAIN GREEN

WHEREAS, Fountain Green is a municipal corporation duly organized and existing under the laws of State of Utah;

WHEREAS, the Fountain Green City Council finds the governing body may exercise all administrative and legislative powers by resolution and ordinance, in accordance with Utah State law;

WHEREAS, the Fountain Green City Council finds it is in the public interest for the municipality to adopt a Resolution implementing a code enforcement officer job description for the City of Fountain Green and the adoption of this resolution will serve that purpose; and

WHEREAS, the Fountain Green City Council finds the public safety, health, and welfare of the City of Fountain Green will be better served by the adoption of this ordinance.

NOW THEREFORE,

The Fountain Green City Council hereby ordains as follows:

That a Resolution implementing a code enforcement officer job description is established and adopted as follows:

SECTION 1: GENERAL PURPOSE:

Performs various duties and assignments as assigned to assure compliance with Fountain Green's Land Use and Public Nuisance Ordinances.

SECTION 2: SUPERVISION:

Works under the general supervision of the Mayor and in coordination with the ~~Planning Commission.~~ *City Council*

SECTION 3: ESSENTIAL FUNCTIONS:

- A. Educates and acquaints property owners with the stipulations of Fountain Green's Land Use Ordinances and Nuisance Codes.
- B. Ensures compliance with the regulations outlined in Chapter 3 of Fountain Green's Land Use Ordinance
- C. Initiates communication with property owners verbally and or through written correspondence to inform and clarify any breaches of the ordinance or codes that might

occur on their property. This should follow the process of notification as outlined in Fountain Green City ordinances.

- D. Undertakes property abatement clean-up operations as necessary and, if warranted, lodges a criminal complaint.
- E. Common infractions encompass, but are not restricted to, property nuisances, public nuisances, as well as other stipulated ordinance violations.
- F. Maintains comprehensive records of all interactions with property owners, site locations, issued Notice of Violations, captured photographs, and any records of verbal interactions.
- G. Undertakes additional associated duties as deemed necessary by the Mayor and City Council.

SECTION 4: SAVING CLAUSE

If any provision(s) of this ordinance shall be held or deemed to be invalid, inoperable, or unenforceable for any reason, such shall not have the effect of rendering any other provision(s) invalid, inoperable, or unenforceable to any extent. The remainder of the provisions herein shall be deemed to be separate, independent, and severable acts of Fountain Green City.

SECTION 5: EFFECTIVE DATE

This resolution shall become effective upon passage.

PASSED this ____ day of _____, 2023.

FOUNTAIN GREEN CITY:

Mark Coombs, Mayor

Council Member Julio Tapia	Yes ____	No ____
Council Member Shelith Jacobson	Yes ____	No ____
Council Member Rod Hansen	Yes ____	No ____
Council Member Stuart Smith	Yes ____	No ____
Council Member Alyson Strait	Yes ____	No ____

ATTEST:

Michele Walker, Recorder

#5

Mayor and City Council Members,

I am submitting this document because I have concerns and some confusion about some of the Land Use Ordinances. I, like many others, love the small town feel of Fountain Green. I also believe government overreach should be minimal. As leaders of Fountain Green, we should look out for the safety and wellbeing of our citizens without taking away their ability to do with their property as they want because of strict land-use ordinances. Those who have drafted what we have now are trying to look out for the safety and wellbeing, but is it too far? As background for this document, I met with members of the Planning Commission about some infractions I had naively signed-off on, and they educated me. I was taught that if changes needed to be made to submit changes I feel are needed. This document is my attempt to begin the process to change ordinances that I feel need to be tweaked in relation to the fire department. Please know that I am in no way demeaning or disrespecting what the current ordinances are. As it states in the disclaimer at the bottom of the ordinance webpage... the ordinances are a living document that can be changed.

I have looked at the ordinances of the cities in Sanpete County and Nephi and have included segments that are pertaining to what I would like to change. I did this to see how other cities around us are dealing with my list of issues. I propose the following changes:

1. Take out the words "fire lanes". Fire lanes to me indicate a fire truck can drive through this to reach a fire. This is not feasible for many reasons.
2. Take out the distance of 12 feet between accessory structures. No other city has this except Nephi, which is 10 feet. An ordinance states that that no more than 40% of the lot can be occupied by structures. I believe this is sufficient.
3. Redefine attached/unattached accessory structures to the primary structure. I could not find a measurement for this in the current ordinances. I was told in my meeting that to attach an accessory building to the primary one could simply run a board between the two structures, and they would be attached. I find this confusing and would recommend this be an actual measurement. I would propose including the phrase "an accessory structure is attached to the primary if it is within 10 feet measured at closest points".
4. At present there seems to be a lot of turmoil over metal carports. In my opinion, metal carports are less of a fire hazard than a wood garage. I would propose that an ordinance be added that allows the carports to be closer to the property line. I would propose 5 feet with the stipulation that the storm water does not drain onto the neighbor's property.

I appreciate your time in looking at my proposal. I look forward to discussing these items further.

Todd Robinson, Chief
Fountain green Fire and Rescue

Gunnison City

Appendix B-1 Standards for Detached Accessory Buildings And Structures

Location

No Accessory Building/Structure shall be located in any required Front Yard area.

An Accessory Building/Structure located ten (10) feet or less, measured to the closest point, from the Primary Building shall be considered an attached structure and shall comply with all setback standards required for the Primary Structure, as provided by Appendix B. An Accessory Building/Structure located a distance greater than ten (10) feet from a primary building, at the closest point, shall be considered as detached and shall comply with the requirements of this Table.

All accessory buildings located ten (10) feet or more away from the primary building or structure, at the closest point, and twenty (20) feet or more from any property line that abuts a road or street, at the closest point, may be located not less than three (3) feet from the side or rear property line(s), provided no accessory buildings are located in the required front yard or within an area containing a recorded easement and provided that the accessory building meets a one (1) hour, or more, fire rated construction, and no drainage from the accessory building is permitted to drain onto any adjacent property.

No Accessory Building/Structure shall be located in any required Front Yard area.

An Accessory Building/Structure located ten (10) feet or less from the Primary Building, measured at the closest point, shall be considered an attached structure and shall comply with all setback standards required for the Primary Structure, as provided by Appendix B. An Accessory Building/Structure located a distance greater than ten (10) feet from a primary building, at the closest point, shall be considered as detached and shall comply with the requirements of this Table.

All accessory buildings located ten (10) feet or more away from the primary building or structure, at the closest point, and twenty (20) feet or more from any property line that abuts a road or street, at the closest point, shall be located as required by the Land Use Authority for Site Plan approval.

Manti City

1. Accessory buildings and accessory uses shall only be authorized and constructed concurrently with, or subsequent to, the establishment of a primary building or primary use.
2. All accessory buildings require a zoning permit in order to determine proper setbacks from streets, property lines and utility lines. Accessory buildings larger than 199 square feet also require a building permit.
3. Detached accessory buildings, including garages, shall meet all requirements, including setback requirements, including setback requirements, for the location of a detached accessory building, as provided in this chapter.
4. No storm water runoff from any accessory building shall be allowed to run onto adjacent property.
5. Accessory buildings located on corner lots shall meet the required setbacks for side yards with street frontage.

6. No mobile home, travel trailer, boat or similar recreational vehicle shall be used as an accessory building.
7. No utility connections or meters, separate from the primary building, shall be allowed for accessory buildings.
8. No accessory building shall be used as a dwelling unit unless it has been permitted and registered as an "*Accessory Dwelling Unit*".
9. Accessory buildings used for the housing of livestock or fowl shall comply with the requirements of this chapter.

Size, Placement & Setback requirements

1. Accessory buildings shall not be erected to a height of greater than 20 feet.
2. Accessory buildings shall not be placed between the primary structure and any property line with street frontage.
3. Accessory buildings shall be at least 10 feet away from the primary structure.
4. Accessory buildings located beside the front of a primary structure shall be set back at least 30 feet from the street-frontage property line, but not less than the front setback of the primary structure.
5. Accessory buildings located beside the side elevation of a home with street frontage shall be set back at least 25 feet from the property line, but not less than the setback of the primary structure.
6. Rear yard and side yard setbacks for accessory buildings (not including "*Accessory Dwelling Units*") shall be at least 5 feet from the property line.
7. No accessory building, regardless of size, may be placed outside of the required streetwise or property line setbacks.

Ephraim City

Accessory Buildings: (see definition) All detached buildings or structures, including carports or shipping storage containers, must meet the following requirements:

1. Must be located behind the front wall plane of the principal structure for non- corner lots.
2. For corner lots, the accessory building may not extend closer to either road than the principle structure on the lot, and/or closer than the required front or front side setbacks unless located behind a sight obscuring fence which meets the provisions for fences in this ordinance, as approved by the Planning Director.
3. Accessory buildings shall not cover more than 30% of the rear yard

4. Accessory buildings, including carports, may be attached or detached to the existing house or any other structure, in accordance with applicable fire and building codes, including provisions for fire walls.
5. Accessory buildings shall not contain more than one story unless the City Council issues a conditional use permit authorizing more than one story.
6. Accessory buildings or structures must meet the following requirements:
 1. Must be set back at least 5 feet from property lines unless firewalls are provided for walls which lay closest and parallel to property lines, as approved by the building inspector or designee
 2. The roof must be no taller than 12 feet tall at the property lines and may slope higher at the maximum rate of 1 vertical foot per horizontal foot away from the property line. Buildings taller than 12 feet must be set back from property lines at least 1 foot for every foot above 12 foot in height.
 1. Exceptions to this setback requirement for height may be granted by the Planning Director or designee if all adjoining property owners agree to the proposed height in writing.
7. Accessory buildings or structures over 200 square feet in area must have a building permit and comply with all requirements of this ordinance and the building and fire codes.
8. No building which is accessory to any residential dwelling shall be erected to a height greater than twenty-five feet.
9. Private garages and accessory buildings located less than 5 foot from the property line must also meet the following:
 1. the roof shall not project across the property line;
 2. storm water runoff from the building shall not flow onto adjacent property.
10. Accessory buildings shall not provide living quarters nor act as a dwelling unit or an accessory apartment to the primary dwelling residence unless granted through a conditional use permit. Such accessory buildings used for residential occupancy shall only be permitted as specified in this ordinance.

Spring City

1. Residential dwellings and accessory structures that measure greater than two hundred (200) square feet shall have a minimum rear yard of thirty feet (30'). (Note: A deck may extend 12 feet into the rear setback.)
2. No accessory structure may be closer than thirty feet (30') of both property lines along public streets for corner lots and shall (i) not cover more than thirty percent (30%) of the rear yard, and (ii) not contain more than one (1) story unless a conditional use permit is obtained authorizing more than one (1) story; provided that, in the case of a Small Lot, no accessory structure may be closer than twenty feet (20') of both property lines along public streets for corner lots. No structure, landscaping, or other

obstruction shall obscure the view of automobile drivers on corner lots. It is preferred that accessory structures shall be in the rear yard, but they shall not be closer to the property line than the dwelling. Exceptions may be made for decorative structures such as gazebos or pergolas.

3. Accessory structures shall have a setback from all residential dwellings of twelve feet (12'), ten feet (10') from side-yard property lines and thirty feet (30') from property line corners of lots facing a public street; provided that, in the case of a Small Lot, accessory structures shall have a setback from all residential dwellings of nine feet (9'), five feet (5') from side-yard property lines and twenty feet (20') from property lines on corner lots facing a public street.
4. There shall be ten feet (10') setbacks from irrigation lines and spouts; provided that, in the case of a Small Lot, irrigation lines and spouts setbacks shall be at least five feet (5').
5. Accessory structures that measure two hundred (200) square feet and under will require a zoning permit with no fee to ensure proper setbacks. Any structures more than two hundred (200) square feet will need to obtain a zoning permit. (Ord. 2014-01, 5-15-2014)

Fairview City

GENERAL REQUIREMENTS:

- 1) Accessory buildings and accessory uses are permitted in conjunction with a primary building or use.
- 2) All accessory buildings or accessory uses shall only be permitted concurrently with, or following, the establishment of the primary building or primary use. Effective Date 11.03.2008 As Adopted by the Fairview City Council – Ordinance #2008-01 B-9
- 3) Accessory buildings may be attached to, or detached from, the primary building, except all accessory building(s) housing animals or fowl shall be located, as provided herein.
- 4) An accessory building that is attached to a primary building shall meet all requirements for the location of the primary building.
- 5) A detached accessory building shall meet all requirements for the location of a detached accessory building, as provided herein.
- 6) The location of all accessory buildings, located on corner lots, shall meet the required side yard setback, applicable in the zone.
- 7) No mobile home, travel trailer, or similar recreational vehicle shall be used as an accessory building.
- 8) All accessory buildings shall comply with the requirements of the Building Codes, as adopted, and as applicable.
- 9) No accessory building shall be used as a dwelling unit for human occupancy.
- 10) No separate utility connections or meters shall be allowed for accessory buildings.

11) Accessory buildings shall not be rented, leased, or sold separately from the rental, lease, or sale of the primary building located on the same lot.

12) No portion of any accessory building shall be allowed to extend over any property line.

13) No storm water runoff from accessory buildings shall be allowed to run onto adjacent property.

14) The square footage of any attached accessory garage or structure shall not be greater than the square footage of the primary building to which it is associated.

15) Steel Cargo containers can be placed on property within the City limits and used as accessory buildings. They must meet all the requirements of an accessory building. They must be painted to blend in with surrounding buildings. If the container is rented or leased, then the rental company may leave their logo on it while being rented. Once container is purchased it needs to be painted to blend in with surrounding buildings. There is a three Effective Date 11.03.2008 As Adopted by the Fairview City Council – Ordinance #2008-01 B-10 (3) month time limit to paint the container. A permit is required if it is larger than 200 sq feet. (Adopted by the City Council May 23, 2017.) SECTION 1127—

SMALLER ACCESSORY BUILDINGS—EXEMPTION FROM BUILDING PERMIT REQUIREMENTS:

All accessory buildings with a maximum height of ten (10) feet and a maximum size less than one-hundred twenty (120) two-hundred (200) square feet shall not (revised Oct, 2017) (require a building permit, provided all setback requirements for the Zoning District in which the accessory building is located are met, no portion of the accessory building extends over any property line, and no storm water runoff from the accessory building allowed to run onto adjacent property.

Nephi City

0.6D.6 Yard Setback Regulations - Accessory Buildings

A. Side Yard Setbacks for Accessory Buildings in the R1-5 Zone:

1. Side yard setbacks from the property line for an accessory building, located to the rear of a main building, shall be not less than one (1) foot to the roof dripline on interior lots, and on corner lots the setback shall be not less than twenty (20) feet as measured to the roof dripline that abuts the street.
2. Side yard setbacks from the property line for an accessory building, located to the side of a main building, shall be not less than eight (8) feet as measured to the roof dripline on interior lots, and on corner lots the setback shall be not less than twenty (20) feet as measured to the roof dripline that abuts the street.

B. Front Yard Setbacks for Accessory Buildings:

1. Front yard setbacks from the property line for all accessory buildings shall not be less than thirty (30) feet as measured to the roof dripline.

C. Rear Yard Setbacks for Accessory Buildings:

1. Rear yard setbacks from the property line for all accessory buildings shall not be less than one (1) foot as measured to the roof dripline.

D. Separation for Accessory Buildings: There shall be a minimum of ten (10) feet of separation between the closest point of any accessory building and any other building,

including main or accessory buildings on site, or neighboring buildings, as measured from the outside wall of the main floor of both structures.

Fountain Green City

Table 7.2-3a MINIMUM LOT AND DEVELOPMENT STANDARDS Lot Area Lot Frontage Depth Setbacks Eave Height Single Family Dwelling 0.455 acre 19,820 ft 2 90 ft 100 ft Front: 25 ft Rear: 25 ft Side: 12 ft unless property fronts on a city street right-of-way where it remains 25ft. 21 ft max

Accessory Building See above. 90 ft 100 ft Auxiliary buildings (sheds) must be situated no closer to the front street right of-way than 25 ft. Auxiliary building side and rear setbacks between the back edge of the house to the property midpoints are 12 feet from property lines not bounding a street right-of-way where they remain 25 feet. Fire lanes require 12 feet between any unattached structures. There are 2-foot setbacks for auxiliary buildings behind property midpoints. The roofs of these buildings must be such that snow and rain drain onto the building owner's property. Fire lanes must be 12 feet between buildings on adjoining properties. Auxiliary buildings that house animals (barns, animal sheds, and kennels, etc) must be placed behind property midpoints. Lots larger than one acre will use the same midpoints as a square one-acre lot.

Table 7.3-3

Lot Area Lot Frontage Depth Setbacks Eave Height

Accessory Building on a Residential Lot See above. 100 ft Auxiliary buildings (sheds) must be situated no closer to the front street right-of-way than 25 ft. Auxiliary building side and rear setbacks between the back edge of the house to the property midpoints are 12 feet from property lines not bounding a street right-of-way where they remain 25 feet. Fire lanes require 12 feet between any unattached structures. There are 2-foot setbacks for auxiliary buildings behind property midpoints. The roofs of these buildings must be such that snow and rain drain onto the building owner's property. Fire lanes must be 12 feet between buildings on adjoining properties. Auxiliary buildings that house animals (barns, animal sheds, and kennels, etc) must be placed behind property midpoints. Lots larger than one acre will use the same midpoints as a square one-acre lot

7.5-3 DEVELOPMENT STANDARDS (Sensitive Lands)

Table 7.5-3a MINIMUM LOT AND DEVELOPMENT STANDARDS Lot Area Lot Frontage Depth Setbacks Eave Height Single Family Dwelling 0.455 acre 19,820 ft 2 90 ft 100 ft Front: 25 ft Rear: 25 ft Side: 12 ft unless property fronts on a city street right-of-way where it remains 25 ft 21 ft max Accessory Building See above. 90 ft 100 ft

Auxiliary buildings (sheds) must be situated no closer to the front street right-of-way than 25 ft. Auxiliary building side and rear setbacks between the back edge of the house to the property midpoints are 12 feet from property lines not bounding a street right-of way where they remain 25 feet. Fire lanes require 12 feet between any unattached structures. There are 2-foot setbacks for auxiliary buildings behind property midpoints. The roofs of these buildings must be such that snow and rain drain onto the building owner's property. Fire lanes must be 12 feet between buildings on adjoining properties.

Auxiliary buildings that house animals (barns, animal sheds, and kennels, etc) must be placed behind property midpoints. Lots larger than one acre will use the same midpoints as a square one-acre lot. 21 ft max A. Erection of only one principal structure which is the residence on the lot. B. LOT COVERAGE. All buildings, including accessory buildings and structures, shall cover not more than forty (40%) percent of the area of the lot or parcel of land. C. ACCESS. All structures shall be on a lot adjacent to a public street or with access to an approved private street, and shall be so located on lots as to provide safe and convenient access for fire protection.