

**Title 7**

**PUBLIC SAFETY**

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## Chapter 7.01

### ALARM SYSTEM REGULATIONS

#### Sections:

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#### **Section 7.01.01      Definitions.**

- (1) "Alarm system" is any telephonic or electronic device used to monitor and/or notify the Wasatch County Sheriff's Dispatch Center of personal or property crimes or emergencies, **except that "alarm system" shall not include a "medical alert alarm" as defined below.**
- (2) "Alarm company" is any business conducted by any person, firm, partnership, association, corporation, limited liability company, or organization of any kind which sells, leases, maintains, services, repairs, alters, replaces, moves, or installs any alarm system or causes to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- (3) "Alarm number" is a numerical designation assigned by the Wasatch County Sheriff under which the Sheriff may store and systemically access information such as the location of an alarm site and the identity of the corresponding alarm company and alarm user.
- (4) "Alarm system site" is any building, structure, or facility, or any part thereof, wherein an alarm system is installed and maintained.
- (5) "Alarm user" is any person, firm, partnership, association, corporation, company, or organization of any kind in possession and control of any building, structure, or facility, or any part thereof, wherein an alarm system is installed and maintained.
- (6) "Automatic dialing device" is any device that is interconnected to telephone access and is programmed to select a predetermined telephone number and transmit by voice message or signal code a message indicating a need for law enforcement or emergency response.
- (7) "Direct access alarm system" is an alarm system that has the capability of remote access to the automated monitoring devices installed in the Wasatch County Sheriff's Office Dispatch Center.
- (8) "Dispatch Center" is, for the purpose of this Ordinance, the shortened name of the Wasatch County Sheriff's Office Dispatch Center and is the division of that Office that receives telephone calls from alarm companies and the general public regarding possible emergencies and/or criminal activity.
- (9) "False alarm" is an alarm signal requiring the Dispatch Center to send law enforcement or emergency officials to the alarm site when, in fact, a situation requiring law enforcement or emergency response does not exist. A false alarm is not created when an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm company or alarm user. **Also, a false alarm is not created when an alarm signal is the result of a medical-alert alarm.**
- (10) "False alarm fee" is a \$50.00 fee imposed by the Wasatch County sheriff upon an alarm company for having more than two false alarms at a single alarm site within six months; a separate fee will be imposed for each false alarm that exists after two such alarms.
- (11) "Medical-alert alarm" is a class II medical device as defined by 21 CFR Section

890.3710, which has been approved by the Food and Drug Administration, and which has been designed to notify emergency medical service providers of a person's medical emergency. Such alarm typically notifies emergency medical personnel and family members, as well as law enforcement, of the medical emergency.

(12) "Responsible party" is a person or property management business that resides or is located relatively close in proximity to an alarm site and that is listed on the alarm system registration forms as being willing to respond to the site of the alarm within thirty minutes of an alarm activation.

(Ord. 10-01, Amended, 01/21/2010; Ord. 09-08, Amended, 07/14/2009)

## **Section 7.01.02 Registration.**

### **(1) Registration Generally.**

(a) It shall be unlawful for an alarm company to install an alarm system on any premises in Wasatch County without first registering the alarm system with the Wasatch County Sheriff. The information required for registration will include, but not limited to: the location of the alarm site, the type of structure involved, the type of alarm(s) involved (e.g. burglary, fire, , or the specific combination of the aforementioned alarms), the name and contact information of the alarm company, and the names and contact information of the responsible parties authorized to enter the alarm user's premises and deactivate the alarm or clear the premises as safe. Registration is not complete until and unless the contact information for at least one responsible person is provided to the Sheriff. The Sheriff may reject or revoke a previous acceptance of the designation of a responsible party if he has previously found the responsible party to be unresponsive, unhelpful, or unworkable. (b) Each alarm company shall notify the Sheriff in writing of any changes in alarm system ownership, mailing addresses, and names and contact information for all responsible parties and alarm users for which the alarm company provides service. In addition, alarm companies must provide the Sheriff with prompt notice when its obligations or maintenance duties for an alarm system expire or are no longer in effect. (c) Prior to January 1 of each year, each alarm company shall provide the Sheriff with a current list of:

(i) All alarm site locations serviced by the alarm company in Wasatch County;

(ii) The types of alarms maintained at each site (e.g. burglary, fire, , or the specific combination of the aforementioned alarms);

(iii) The current contact information of the alarm company and the responsible parties associated with each alarm site.

(d) The Sheriff shall notify the alarm company of the acceptance or rejection of the registration application within 10 business days of his receipt of the application. If the registration application is rejected, the Sheriff will notify the alarm company in writing of the reasons therefor. (e) Law enforcement and emergency officials will not respond to alarms generated from alarm systems that are not registered in accordance with this Chapter.

(2) Registration Fee. Each alarm company shall pay to the Sheriff a one-time registration fee of \$10.00 per alarm site serviced by the alarm company. Each alarm company shall submit the fee to the Sheriff with a completed alarm system registration form.

(3) Alarm Number. After an alarm company properly completes and submits the registration form and fee, the Sheriff shall notify the alarm company of acceptance and assign the alarm company alarm number. After notice of registration acceptance, alarms will only be received at the Dispatch Center using the assigned alarm number.

(4) Alarm Site. The address number or lot number of all alarm sites must be visible from the nearest access road or street. If the alarm system site is not accessible to law enforcement or emergency officials because of a gate or other barrier, the responsible party obligated to respond to the alarm shall meet the responding law enforcement or emergency officials at the gate or barrier and assist them in accessing the alarm system site within 30 minutes of the party receiving notice of the alarm.

(Ord. 10-01, Amended, 01/21/2010; Ord. 09-08, Renamed, 07/14/2009)

### **Section 7.01.03 Alarm System Protocol.**

(1) Alarm Company Notifies Dispatch Center.

(a) When the alarm at an alarm site is initiated, an alarm company representative will contact the Dispatch Center using the alarm number assigned by the Sheriff. No automated or computer generated services shall report an alarm to the Dispatch Center.

(b) At the time of notification, the alarm company will confirm the physical address of the alarm site and advise as to the nature of the alarm (e.g. the type of alarm and the specific location of the alarm initiation at the alarm site), and the identity of the responsible party responding.

(c) Direct access monitors, namely cameras placed inside the Dispatch Center to be viewed by dispatchers, are not remitted, except those positioned over facilities owned or operated by Wasatch County and approved by the Sheriff.

(2) Dispatch Center Notifies Appropriate Emergency Agencies. After the Dispatch Center gathers sufficient information regarding an alarm, the Dispatch Center shall promptly notify the appropriate emergency agencies (e.g. law enforcement, fire, ).

(3) Alarm Company Notifies Responsible Party.

(a) If the alarm company did not locate and notify a responsible party of the alarm and the need for the party to respond to the alarm site prior to its first call to the Dispatch Center, the alarm company must do so immediately after first reporting the alarm to the Dispatch Center.

(b) The reason this ordinance does not strictly require notification to the responsible party prior to initial notification to the Dispatch Center, and thereby encourage efficiency in telephone calls, is because the County recognizes the need to get emergency agencies en route to the alarm and because the County understands that alarm companies often need time to locate a responsible party available to respond to the alarm site.

(c) It shall be unlawful for any responsible party named on the alarm system registration form to knowingly fail to respond to the alarm site within 30 minutes of receiving notice of the alarm.

(4) Alarm Company Notifies Dispatch Center of Responsible Party Status. After notifying the responsible party of the alarm, the alarm company shall notify the Dispatch Center of the identity and vehicle description of the responsible person responding to the alarm site. The alarm company shall also notify the Dispatch Center as to the responsible party's approximate time of arrival.

(Ord. 10-01, Amended, 01/21/2010; Ord. 09-08, Renamed, 07/14/2009)

### **Section 7.01.04 False Alarms.**

(1) Agency Response to False Alarms. The Sheriff or his designee shall impose and collect a \$50.00 fee from any alarm company of the third and subsequent false alarms, of any variety, at an alarm site within a six month period; each false alarm after two false alarms within six month period; each false alarm after two false alarms within six months shall be considered a separate violation of the ordinance and the Sheriff or his designee is hereby directed to impose and collect a \$50.00 fee for each violation.

(2) Penalty Fee Not Paid. If a penalty fee is not paid by the alarm company within fifteen days of the date of billing, the Sheriff or his designee shall send certified notice to the alarm company and user advising that emergency response to their alarm site will be suspended if the penalty fee, all mailing costs, and a \$15.00 late fee are not paid within fifteen days of receipt of the notice. If a penalty is not paid within fifteen days of receipt of this notice, the Sheriff and other emergency officials may, in their individual agency discretion, elect not to respond to further alarms at the alarm site until the false alarm penalty fees, all mailing costs, and a \$15.00 late fee are paid to the Sheriff or his designee.

(Ord. 09-08, Renamed, 07/14/2009)

**Section 7.01.05 Criminal Violations and Penalties.**

(1) Culpability Applied to False Alarms. Any person who intentionally or knowingly activates an alarm when no emergency exists shall be guilty of a class B misdemeanor. Any person who recklessly or with criminal negligence activates an alarm when no emergency exists shall be guilty of a class C misdemeanor. This subsection shall not apply to alarm technicians authorized to inspect, repair, test, or otherwise maintain an alarm system, provided that the technician notifies the Dispatch Center prior to commencing any inspection, repair, test or other maintenance activity.

(2) Misuse or Tampering With an Alarm System. Any person, except the owner or responsible party, who intentionally or knowingly misuses, tampers with, alters, or obstructs any alarm system is guilty of a class B misdemeanor. The fact that the misuse, tampering, alteration, or obstruction did not cause an alarm to malfunction is not a defense. This subsection shall not apply to alarm technicians authorized to inspect, repair, test, or otherwise maintain an alarm system, provided that the technician notifies the Dispatch Center prior to commencing any inspection, repair, test, or other maintenance activity.

(3) Other Violations of Chapter. A person who violates any other provision of this Section shall be guilty of an infraction.

(4) Penalties. The fines and other penalties imposed upon a person by a court of competent jurisdiction shall be in accord with the State of Utah's Fine/Bail Schedule.

(Ord. 09-08, Renamed, 07/14/2009)

**Section 7.01.06 Automatic Dialing Devices.**

(1) Automatic Dialing Devices Prohibited. Alarm systems equipped with automatic dialing devices are prohibited.

(2) No Response. Law enforcement and emergency officials will not respond to a voice message or signal generated by an automatic dialing device.

**Section 7.01.07 Prohibited Acts and Penalties.**

(1) False Alarms. Any person who intentionally or knowingly activates an alarm when no emergency exists shall be guilty of a class C misdemeanor. Any person who recklessly or with criminal negligence activates an alarm when no emergency exists shall be guilty of an infraction. This subsection shall not apply to alarm technicians authorized to inspect, repair, test, or otherwise maintain an alarm system, provided that the technician notifies the County Sheriff's Office prior to commencing any inspection, repair, test or other maintenance activity.

(2) Misuse or Tampering With an Alarm System. Any person who intentionally or knowingly misuses, tampers with, alters, or obstructs any alarm system is guilty of a class C misdemeanor. The fact that the misuse, tampering, alteration, or obstruction did not cause an alarm signal is not a defense. This subsection shall not apply to alarm technicians authorized to inspect, repair, test, or otherwise maintain an alarm system, provided that the technician notifies the County Sheriff's Office prior to commencing any inspection, repair, test or other maintenance activity.

(3) Other Violations of Chapter. A person who violates any other provision of this Chapter shall be guilty of an infraction.

**Chapter 7.02**

**ALCOHOL REGULATIONS**

**Sections:**

**7.02.01 Alcohol at Public Facilities.**

**Section 7.02.01 Alcohol at Public Facilities.**

(1) Definitions. The definitions set forth in Title 32A, Chapter 12, “ The Alcoholic Beverage Control Act,” as amended, shall apply to this section.

(2) Prohibited Acts.

(a) Except as expressly permitted under Title 32A, Chapter 12, “ The Alcoholic Beverage Control Act,” as amended, a person may not consume liquor alcoholic beverages at any public building, public park, or county-owned facility. A person who violates this subsection is guilty of a class C misdemeanor.

(b) A person may not knowingly sell or purchase alcoholic beverages at any public building, public park or county-owned facility. A person who violates this subsection is guilty of a class C misdemeanor.

**Chapter 7.03**

**BAIL COMMISSIONERS**

**Sections:**

**7.03.01 Appointment and Term of Office.**

**7.03.02 Duties of Bail Commissioner.**

**Section 7.03.01 Appointment and Term of Office.**

The County Executive, with the advice and consent of the County Legislative Body, may appoint one or more responsible and discreet members of the Sheriff's Department to serve as a bail commissioner. The term of office of each bail commissioner shall be four years.

**Section 7.03.02 Duties of Bail Commissioner.**

Each duly appointed bail commissioner shall perform the duties set forth in Section 17-32-1 Title 17, Chapter 32 of the Utah Code, as amended. The bail commissioner shall give bond as required by state law, and may, if authorized by the County Legislative Body, collect and receipt moneys tendered in payment of the fine of a person serving sentence in default of the payment of the fine when court is closed.

**Chapter 7.04**

**BUILDING CODES**

**Sections:**

- 7.04.01            2000 International Building Code.**
- 7.04.02            2000 International Plumbing Code.**
- 7.04.03            2000 International Mechanical Code.**
- 7.04.04            2001 National Electric Code.**

**Section 7.04.01            2000 International Building Code.**

The 2000 International Building Code of the International Code Council is hereby adopted and incorporated by reference into this Title.

**Section 7.04.02            2000 International Plumbing Code.**

The 2000 International Plumbing Code of the International Code Council is hereby adopted and incorporated by reference into this Title.

**Section 7.04.03            2000 International Mechanical Code.**

The 2000 International Mechanical Code of the International Code Council is hereby adopted and incorporated by reference into this Title.

**Section 7.04.04            2001 National Electric Code.**

The 2001 National Electric Code of the International Code Council is hereby adopted and incorporated by reference into this Title.

## Chapter 7.06

### LARGE PUBLIC ASSEMBLY ORDINANCE

#### Sections:

<b>7.06.01</b>	<b>Intent and Definitions.</b>
<b>7.06.02</b>	<b>License Required.</b>
<b>7.06.03</b>	<b>Conditions for Issuing License.</b>
<b>7.06.04</b>	<b>Application.</b>
<b>7.06.05</b>	<b>Fees and Costs.</b>
<b>7.06.06</b>	<b>Alcoholic Beverages.</b>
<b>7.06.07</b>	<b>Conflicting Applications – Priority.</b>
<b>7.06.08</b>	<b>Issuance.</b>
<b>7.06.09</b>	<b>Revocation.</b>
<b>7.06.10</b>	<b>Enforcement.</b>

#### **Section 7.06.01 Intent and Definitions.**

(1) It is the purpose of the County Legislative Body to regulate the assembly of large numbers of people, where the assembly's impact upon the health, sanitary, fire, police, transportation and utility services exceeds those services regularly provided in the County, in order that the health, safety and welfare of all persons in the County, residents and visitors alike, may be protected from conditions which create disturbances, become nuisances, menace life, health, and property, disrupt traffic, and create or threaten tangible public or private mischief. It is not the intent of the County Legislative Body to regulate in any manner the content of speech or infringe upon the right to assemble, except for the time, place and manner of speech and assembly, and this Chapter should not be interpreted, nor construed otherwise.

(2) It is the intent of the County Legislative Body that all sections and provisions of this Chapter have an independent existence and are severable. If any section or provision is declared invalid, unlawful, or unconstitutional by a court of competent jurisdiction, the remaining sections and provisions of this Chapter shall be unaffected and continue in full force and effect.

(3) As used in this Chapter:

(a) "Assembly" means an actual assembly of one thousand or more persons for two or more hours, or an assembly where it is reasonably anticipated that one thousand or more persons will attend assemble for two or more hours.

(b) "County Manager" means the Wasatch County Manager, or his or her authorized designee, including the Events Coordinator.

(c) "County Legislative Body" means the Wasatch County Council.

(d) "County Sheriff's Office" means the Wasatch County Sheriff's Office.

(e) "Events Coordinator" means an individual employed by the County, who shall act as the officer to take and to process applications on behalf of the County.

(f) "Person" means any individual person, firm, general or limited partnership, corporation, limited liability company, or other association, or other entity, however designated, making application under this Chapter.

#### **Section 7.06.02 License Required.**

(1) No person shall permit, maintain, promote, conduct, advertise, act as entrepreneur, undertake, organize, manage, sell or give tickets to an assembly, of one thousand (1000) or more people whether on public or private property, unless a license to hold such assembly has first been issued by the County

Manager. A separate license shall be required for each location in which an assembly will occur. one thousand (1000) or more people assemble or can reasonably be anticipated to assemble.

(2) This Chapter shall not apply to the following:

(a) Assemblies occurring inside permanently established, fully enclosed places of assembly such as a place of worship, public auditorium, theater, recreation hall, or other enclosed structure designed primarily for housing an assembly of people, provided that the number of persons attending does not exceed the maximum capacity of the enclosed place of assembly.

(b) Assemblies in conjunction with the County fair, City celebrations, school district events, or government sponsored public hearings.

(c) Assemblies at privately owned ski resorts and golf facilities during normal day-to-day operations.

(3) A person seeking to sponsor an assembly of less than one thousand (1000) persons but more than two hundred fifty (250) persons, while not required to obtain a license under this Chapter, must still consult with and meet all requirements imposed by the City/County Health Department prior to commencement of the assembly. Any person who knowingly fails to do so shall be guilty of a class B misdemeanor.

### **Section 7.06.03            Conditions for Issuing License.**

(1) As a condition of issuing a license under this Chapter, the applicant shall provide proof of the maximum number of people which shall be assembled or admitted to the location of the assembly, including staff. The maximum number of people shall not exceed the maximum number which can safely assemble at the proposed location. The number of tickets issued for the assembly shall not exceed the maximum number of people set forth in the application for license.

(2) Before a license may be issued, the applicant shall provide proof that he/she will furnish at his/her own expense prior to the commencement of the assembly, and as a condition to issuance of the license, the following:

(a) Proof that the applicant has met with City/County Health Department officials and has obtained Health Department approval to conduct the assembly in accordance with all state and local Health Department conditions and requirements. An applicant under this Chapter shall not be issued a license unless the applicant complies with all conditions imposed by the Health Department. In the event that this Chapter conflicts with any state or local Health Department regulations, then the more restrictive requirements shall control;

(b) A crowd control fence enclosing the proposed location with appropriate gates as required by the County Sheriff;

(c) Law enforcement officers certified as peace officers in the State sufficient to provide traffic control and to protect the health, safety and welfare of the community prior to, during, and after the assembly. The Wasatch County Sheriff shall designate the number of law enforcement officers required and shall coordinate the duties of such officers. In designating the number and cost of necessary law enforcement officers, the Sheriff shall consider:

(i) whether or not state or federal funding for law enforcement officers is available to the applicant;

(ii) the requirements of any public safety plan prepared for the assembly on a state or multi-county level with the participation of a Wasatch County representative;

(iii) the date, time, location and length of the assembly, the anticipated traffic, and weather conditions;

(iv) the maximum number of people to assemble or to be admitted to the location of the assembly, and the schedule of events during the assembly; and

(v) any other factor the Sheriff deems relevant to the protection of the health, safety, and welfare of the community.

The County Sheriff shall coordinate the use of all law enforcement officers. Under the County Sheriff's direction, law enforcement officers may interrupt and terminate any assembly at any time in the event of a life threatening emergency or condition.

(d) Physicians or Emergency Medical Technicians (E.M.T.'s) licensed to practice in the State sufficient to provide the medical care for the maximum number of people to be assembled. At least one physician or E.M.T. shall be required for any assembly. For assemblies exceeding 1000 persons, the applicant shall provide physicians or E.M.T.'s at the rate of at least one physician or E.M.T. for every 1,500 people up to 3,000 people, and one additional E.M.T. for every additional 5,000 people thereafter. At least two physicians or E.M.T.'s provided by the applicant shall be affiliated with the Wasatch County Ambulance. The Wasatch County Fire Chief may require one or more ambulances to be on-site during any assembly, provided that at least one ambulance shall be required for any assembly of 3000 persons or more. The Fire Chief may require additional physicians or E.M.T.'s. In making this determination, the Fire Chief shall consider:

- (i) whether or not state or federal funding for emergency personnel is available to the applicant;
- (ii) the requirements of any public safety plan prepared for the assembly on a state or multi-county level with the participation of a Wasatch County representative;
- (iii) the date, time, location and length of the assembly, the anticipated traffic and weather conditions;
- (iv) the maximum number of people to assemble or to be admitted to the location of the assembly, and the schedule of events during the assembly; and
- (v) any other factor the Fire Chief deems relevant to the protection of the health, safety, and welfare of the community.

The applicant shall also provide an enclosed covered structure where treatment may be rendered;

(e) Security Personnel situated at each entrance to the assembly grounds trained to detect and prevent attendees or others from unlawfully taking alcoholic beverages (including beer), glass or metal containers, dangerous weapons, firearms, or explosive, chemical, or incendiary devices into the assembly grounds;

(f) If the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly at the rate of at least five foot candles, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

(g) If the assembly is not confined to one specific location, the applicant shall also specify, by a map and written narrative, the route of the assembly, and the location of any gathering and disbanding areas;

(h) A parking plan designating the number of parking spaces to be provided on and off the assembly site, the number of parking attendants, the method for mitigating dust, the access routes to parking, and any other information required by the County Manager. At least one (1) parking attendant shall be provided for every 500 anticipated vehicles. The number of anticipated vehicles shall be equal to the maximum number of people to be assembled or to be admitted to the location of the assembly, including staff, multiplied by .5. The County Manager may vary from this requirement if the County Manager determines that persons attending the assembly will be transported by bus or other means to the location of the assembly. All parking plans shall comply with the County Sheriff's requirements regarding on-street parking;

(i) Fire protection, including access, suppression, alarms, extinguishing devices and fire lanes and escapes, meeting all federal, state and local requirements for the location of the assembly and sufficient emergency personnel to efficiently operate the required fire equipment. In determining what fire protection will be required, the Fire Chief, or his/her designee shall consider:

- (i) whether or not state or federal funding for fire personnel is available to the applicant;
- (ii) the requirements of any public safety plan prepared for the assembly on a state or multi-county level with the participation of a Wasatch County representative;
- (iii) the date, time, location and length of the assembly, the anticipated traffic and weather conditions;
- (iv) the maximum number of people to assemble or to be admitted to the location of the assembly, and the schedule of events during the assembly; and
- (v) any other factor the Fire Chief deems relevant to the protection of the health, safety, and welfare of the community.

(j) A \$1,000.00 refundable cash deposit filed with the Events Coordinator to cover any cost incurred in cleaning up any waste material produced or left by the assembly; and

(k) A single limit broad form liability insurance policy acceptable to the County with minimum policy

limits of \$1,000,000.00 for events with an anticipated assembly of 5,000 or less, \$2,000,000.00 for events with an anticipated assembly of at least 5,001 to 10,000 and \$5,000,000.00 for events with an anticipated assembly of 10,001 or more. The insurance policy must be from an A+12 rated or better insurance company which specifically names the County, its officers, agents, servants and employees as insureds. The County reserves the right to require additional insurance coverage based on the nature and location of the assembly, the number of people to be assembled, and other relevant factors. The applicant must also obtain an employer's liability compensation insurance policy with a minimum policy limit of \$1,000,000.00 and workman's compensation insurance. The insurance policies shall not be subject to cancellation ten days prior to the assembly and must contain a provision that if canceled before said ten-day period, the insurance company must immediately notify in writing by registered mail the Events Coordinator of such cancellation. If an insurance policy is canceled, the applicant shall immediately cancel the assembly or obtain like insurance acceptable to the County not less than ten days prior to the assembly.

(3) The applicant shall indemnify, hold harmless and defend the County, its officers and employees, against any claim for injury, loss, damage or expense sustained by any person, occurring during, by reason of, or arising out of the assembly.

(4) If the assembly is to use a public address system or sound amplification equipment such as used in the amplification of live or recorded music, the noise levels shall not exceed County or State limits, as stated in applicable ordinances, regulations and statutes.

(5) All assemblies shall conclude prior to 12:00 a.m. on nights that elementary and secondary schools are in session the next morning and 1:00 a.m. on all other nights in order to protect the security and peaceful environment of County citizens during the nighttime. Following the conclusion of the assembly, all patrons shall have left the premises of the event no later than one hour thereafter. Exceptions to the hours of operation limitations may be granted on a case-by-case basis where exceptional circumstances exist, such as campouts and other overnight activities.

(6) Multi-day assemblies on subsequent days by the same applicant, at the same location, where over 2,000 people are in attendance at each assembly, may be unreasonably inconvenient and cost prohibitive to the public as a result of traffic congestion, exhaustion of County law enforcement resources, solid waste disposal, and the right of residents to a peaceful environment. Applicants for multi-day events shall demonstrate to the County Manager that the assembly will not be injurious to the health, safety, and general welfare of the residents of the area.

(7) All temporary structures shall be inspected and approved by the Fire Marshall and Building Inspector for safety.

(8) No animals shall be allowed at the site of the assembly without prior permission being requested in the application, and granted by the County Manager, except guide dogs which are trained and certified to assist physically disabled persons.

(9) The County Manager may impose other conditions, in addition to those specified herein, as may be reasonable to protect the health, safety, and general welfare of the public. Additional conditions shall directly mitigate the secondary impacts of the assembly, and shall not regulate the content of speech, nor unreasonably limit the lawful freedom of assembly.

(10) An applicant shall not be issued a license unless the applicant completes an application, pays all fees and costs, and meets all the requirements imposed under of this Chapter.

#### **Section 7.06.04      Application.**

(1) For assemblies over 5,000 persons, applications shall be filed at least ninety (90) days in advance of such assembly. For assemblies under 5,000 persons but more than 1000 persons, applications shall be filed at least thirty (30) days in advance of such assembly. These time limits are enacted in order to allow the County sufficient time to process the application. Untimely applications shall be denied unless the applicant demonstrates to the County Manager that compliance with the applicable deadline was

impractical or impossible due to the nature of the event.

(2) For assemblies which occur as a regularly occurring event series within the County (i.e.; entertainment series which have multiple concerts or performances throughout the year), a comprehensive operational plan and schedule of performances shall be required 90 days in advance of the initial yearly performance. This requirement is in addition to the other licensing requirements set forth in this Chapter for assemblies.

(3) Applications shall be made available from the office of the Events Coordinator. Each application shall contain and disclose:

(a) The name, age, residence and mailing address of all persons required to sign the application as set forth herein and, in the case of a corporation, a certified copy of the Articles of Incorporation and written proof that the person submitting the application has authority from the corporation to submit the application and otherwise act for the corporation in seeking licensure under this Chapter;

(b) The address and a description of all property upon which the assembly is to be held together with the name, residence and mailing address of the record owner(s) of all such property;

(c) Proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for an assembly; of one thousand (1000) or more persons;

(d) The nature or purpose of the assembly;

(e) The total number of days and/or hours during which the assembly is to last;

(f) The maximum number of persons which the applicant shall permit to assemble at any time not to exceed the maximum number which can safely assemble at the location of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning and health ordinances and regulations of the County if the assembly is to continue overnight;

(g) The maximum number of tickets to be sold if any;

(h) The plan by which the applicant shall comply with all conditions imposed by the local Health Department;

(i) The public safety plan for the assembly, which plan shall demonstrate how the applicant will provide, as required under this chapter, law enforcement, emergency medical, and fire suppression services, and shall list the names, addresses, and certification of persons providing these services;

(j) The plan of the applicant to limit the maximum number of people permitted to assemble;

(k) The plan for fencing the location for the assembly and the gates contained in such fence or otherwise restricting entrance to the assembly;

(l) The plan for providing access and facilities to physically disabled persons;

(m) The plan for parking, and for traffic control, mitigation, and management;

(n) The plan for maintaining the security and safety of the assembly grounds, including the names, addresses, and credentials of all security personnel;

(o) The plan, if any, to illuminate the location of the assembly including the source and amount of power and the location of lamps;

(p) The plan for telephone service including the sources, number and location of telephones;

(q) The plan for not unreasonably disturbing or interrupting the peaceful enjoyment of surrounding properties;

(r) A signed statement from the Events Coordinator that the aforementioned plans of the applicant meet all the requirements of this Chapter;

(s) A copy of the insurance policies obtained by the applicant as required by this Chapter;

(t) The plan for satisfying any other conditions of license approval imposed by the County Manager;

(u) A cash deposit as required by this Chapter. Said deposit and license fee shall be paid in cash, certified check or money order; and

(v) A statement made upon oath or affirmation that the statements made in the application are true and correct to the best knowledge of the applicant, which statement shall be signed and sworn to or affirmed by the applicant or by an agent authorized to sign on behalf of the corporation, association society, or group making application.

**Section 7.06.05 Fees and Costs.**

(1) Prior to the issuance of a license, the applicant must pay a non-refundable fee of \$300.00 for each day of an assembly over one thousand (1000) people. This fee shall be used to defray the costs associated with processing and reviewing the application, however, the County Manager may waive this fee for non-profit or charitable applicants.

(2) Prior to issuance of the license, the applicant shall pay for or deposit in an escrow account all anticipated costs of law enforcement, emergency medical, fire suppression, and Health Department services, equipment, and support.

(3) The County Sheriff and Fire Chief shall determine prior to the assembly the foreseeable costs associated with the use of necessary law enforcement officers, emergency medical personnel, and firefighters, including support equipment, prior to, during, and after the assembly. Any further costs not assessed by the County Sheriff and/or Fire Chief prior to the assembly, but incurred as a direct consequence of the assembly remain the sole obligation of the applicant and shall be due and payable within 30 days of the last day of the assembly. Unpaid costs for law enforcement officers under this Chapter shall incur interest at the rate of 10% per annum. Applicants shall be responsible for attorney fees incurred by the County in collecting unpaid fees and costs.

(4) Additional fees and costs may be charged by the City/County Health Department or other county agencies for special services, equipment, or facilities provided to the applicant by these agencies. Such additional fees and costs shall be specified prior to the time the license application is approved by the County Manager. Any further costs not assessed by the City/County Health Department or other county agencies prior to the assembly, but incurred as a direct consequence of the assembly remain the sole obligation of the applicant and shall be due and payable within 30 days of the last day of the assembly. Unpaid fees and costs under this section shall incur interest at the rate of 10% per annum. Applicants shall be responsible for attorney fees incurred by the County in collecting unpaid fees and costs.

**Section 7.06.06 Alcoholic Beverages.**

Except as otherwise prohibited by state law of this Code, the County Manager may issue a license to sell beer for on-premise consumption at a public assembly that does not last longer than 30 days. Licenses may not be granted by the County Commission to sell beer within one thousand (1000) feet of any church or school. Any other sale of alcoholic beverages must comply with the Utah Alcoholic Beverage Control Act and this Code. All beverages including alcohol, soft drinks, water, coffee and tea, must be dispensed in plastic, styrofoam, or paper containers. No glass bottles or metal cans will be permitted at the public assembly. Alcoholic beverages may be served to guests free of charge.

**Section 7.06.07 Conflicting Applications – Priority.**

(1) When one or more applications for a public assembly governed by this Chapter are received for the same day(s) and for locations or routes which are conflicting, the Events Coordinator shall issue a permit subject to the other provisions of this Chapter, based on the following order of priority:

(a) Events planned, organized or presented by state, federal, county or city governmental entities or their agents if the governmental request is made in good faith and not with the intent or purpose of improperly chilling constitutionally protected rights of competing petitioners;

(b) Events where the same applicant or sponsor has been granted use of a particular forum at a particular time, date and place for more than fifteen consecutive years;

(c) If neither subsections (a) or (b) above are applicable, priority shall be given to the applicant who

first submitted a completed application under this Chapter.

(2) Consideration for Unsuccessful Applicants: In the event an applicant is denied a license because of a conflicting assembly, the Events Coordinator shall cooperate with that applicant in finding an alternate public forum, time, place, date or manner for the applicant's proposed assembly.

#### **Section 7.06.08 Issuance.**

(1) All conditions of this Chapter must be complied with prior to issuance of the license.

(2) For assemblies under 5,000, but more than one thousand (1000), within fourteen (14) days of receipt of a completed license application form submitted to the Events Coordinator, the County Manager shall either (1) issue the license as applied for, or (2) deny the license and provide the applicant with the reason(s) for denial. The applicant shall request reconsideration of any denial within 10 days of such denial and shall be accorded notice and an opportunity to be heard before the County Legislative Body at its next regularly scheduled meeting thereafter.

(3) For assemblies over 5,000, within thirty (30) days of receipt of a completed license application form submitted to the Events Coordinator, the County Manager shall either (1) issue the license as applied for, or (2) deny the license and provide the applicant with the reason(s) for denial. The applicant shall request reconsideration of any denial within 10 days of such denial and shall be accorded notice and an opportunity to be heard before the County Legislative Body at its next regularly scheduled meeting thereafter.

(4) The County reserves the right to deny permit applications for proposed assemblies which pose a significant danger or threat to the public health, safety or welfare, or which may result in unreasonable inconvenience or cost to the public. Failure to comply with conditions necessary for issuing a license may constitute grounds for denial of a license in the future.

#### **Section 7.06.09 Revocation.**

(1) The County Manager Legislative Body may at any time revoke a license issued under this Chapter if the applicant fails to comply with any condition of the license or any provision of this Chapter.

(2) Revocation may occur without notice to the applicant or a hearing if the assembly has commenced or will commence in seven (7) or fewer days and the basis for revocation threatens the health, safety, or general welfare of any person.

(3) In all other cases, revocation of a permit issued under this Chapter requires notice to the applicant and a hearing before the County Manager Legislative Body. For purposes of this section, notice may be given:

(a) in writing, mailed or hand-delivered to the address provided by the applicant in the application; or

(b) by telephone, provided that the Event's Coordinator speaks directly to the applicant named in the application, or the applicant's designated representative, details the basis for revocation, and discloses the date, time, and place of the hearing.

#### **Section 7.06.10 Enforcement.**

(1) The County Manager may, but is not required to, hire an independent monitor, at the expense of the applicant, to ensure that the license conditions are met during the public assembly.

(2) The provisions of this Chapter may be enforced by revocation of the license, injunction, restraining order or other available legal process.

(3) The holding of any assembly in violation of any provision or condition contained in this Chapter shall be deemed a public nuisance and may be abated as such.

(4) Any person who violates any provision of this Chapter or fails to comply with any condition of

Wasatch County Code

licensure hereunder is guilty of a Class “ B” misdemeanor. Each day of violation and each violation shall be considered a separate offense.

**Chapter 7.07**

**GENERAL PROVISIONS**

**Sections:**

- 7.07.01 Curfew for Minors.**
- 7.07.02 Parking at Fair Grounds.**
- 7.07.03 Reckless Skiing and Snowboarding Prohibited.**
- 7.07.04 SKIING IN CLOSED AREAS PROHIBITED**

**Section 7.07.01 Curfew for Minors.**

- (1) It shall be unlawful for any minor under the age of 14 to be or remain upon any public street, public way, public park or other public property between 11:00 p.m. and 4:00 a.m. A violation of this section is a class C misdemeanor.
- (2) It shall be unlawful for a minor between the ages of 14 and 17 to be or remain upon any public street, public way, public park or other public property between 12:00 a.m. and 4:00 a.m., Sunday through Thursday, and between 1:00 a.m. and 4:00 a.m. on Friday and Saturday. A violation of this section is a class C misdemeanor.
- (3) A peace officer having probable cause to believe that a minor has violated this section may detain the minor until such time as the minor is released to the custody of the minor's parent or guardian.
- (4) This section shall not apply to (a) any minor who is in the company of a parent or guardian, or (b) who is engaged in lawful employment that requires the minor to work during the prohibited hours.

**Section 7.07.02 Parking at Fair Grounds.**

No person shall drive on or across, stop, park, or leave standing any vehicle or trailer or other object, whether attended or unattended, on the racetrack surface or inside the racetrack oval at the Wasatch County Fairgrounds in Heber City. This section shall not apply to emergency or law enforcement vehicles, or to persons who are directed to engage in the above activities on the racetrack surface or within the racetrack oval by authorized County Fair personnel or a peace officer the Director of the Wasatch County Recreation Special Service District Number 21. Any person who violates this section is guilty of a class C misdemeanor.

**Section 7.07.03 Reckless Skiing and Snowboarding Prohibited.**

**Section I.** Repeal. The following provisions of Section 7.07.03, "Reckless Skiing and Snowboarding Prohibited," are hereby repealed:

**Section II:** Amendment. Section 7.07.03, "Reckless Skiing and Snowboarding Prohibited," of the Wasatch County Code, is hereby amended to read as follows:

**RECKLESS SKIING AND SNOWBOARDING PROHIBITED**

- (1) Definitions:

a. Injury: Any personal injury, death or property damage or loss suffered by a skier, snowboarder, observer, ski area operator, ski area or other person lawfully within the boundaries of a Ski Area.

b. Ski Area: Any area designated by a Ski Area Operator to be used for skiing, nordic, freestyle, or other type of ski jumping and snowboarding. Or " The geographic area, terrain, and ski slopes served by a passenger ropeway." 102(3)

c. Ski Area Operator: Those persons, and their agents, officers, employees or representatives, who operate a Ski Area.

d. Skier: Any person present in a Ski Area for the purpose of engaging in the sport of skiing, nordic, freestyle, or other types of ski jumping using skis, sled, tube, snowboard or any other device.

e. Passenger Ropeway: A device, excluding an elevator, used to transport passengers along a level, inclined or declined path by means of a haul rope or other flexible elements that is driven by a power unit that remains essentially at a single location. Passenger Ropeways include an aerial tramway; an aerial lift, including a detachable grip lift and chair lift; a conveyor; a funicular; a surface lift, including a J-bar, T-bar, or platter pull; and a rope tow.

f. Ski Patrol: Those employees of a Ski Area who are employed to provide first aid or other medical attention to skiers injured on the mountain, or any person who as a volunteer sanctioned by the Ski Area carries out these functions.

g. Snowboarder: Any person present in a ski area for the purpose of engaging in the sport of snowboarding.

(2) Reckless Skiing or Snowboarding Prohibited. No person shall ski or snowboard in a reckless or negligent manner so as to endanger the life, limb, or property of any person, or so as to display a willful or wanton disregard for other persons or property. The primary duty shall be on the Skier or Snowboarder to avoid collision with any person or object below him. Each Skier or Snowboarder shall be presumed to have seen and understood skier information posted near base area ski lifts, on the passenger tramways, on trail maps, and/or on such ski slopes or trails as such person is skiing or snowboarding. The duty is on the Skier or Snowboarder to locate and ascertain the meaning of all signs posted.

(3) Skier's or Snowboarder's Duty to Injured Party in the Event of a Collision. Any Skier or Snowboarder involved in a collision resulting in injury to any person shall immediately stop at the scene of such collision and provide such care and treatment to any injured person as is reasonably necessary. Such assistance may include contacting Ski Area personnel or Ski Patrol to advise that aid is necessary.

(4) Skier's or Snowboarder's Duty of Notification in Event of a Collision. Any Skier or Snowboarder involved in a collision with another person in which injuries result must give his or her name, address, and phone number to a member of the Ski Patrol, or other employee of the Ski Area, before leaving the vicinity of the collision. If it is necessary to leave the vicinity in order to secure aid for an injured person, the Skier or Snowboarder shall give his or her name and address as required herein after such aid is secured and before leaving the Ski Area.

(5) Penalty. Any person violating any provision of this ordinance shall be of a Class B misdemeanor and shall, upon conviction, be punished by a fine of not more than \$1000 or by a jail sentence not to exceed (6) months, of both, for each violation.

(6) Trail Boards Required. Ski Area Operators shall post trail boards at one or more prominent locations within each Ski Area which shall include the duties of Skiers and Snowboarders and prohibition against reckless skiing and snowboarding as defined by this Ordinance.

(7) Enforcement. The Sheriff, upon notification from a Ski Area operator, its designee, or an injured Skier or Snowboarder, shall have authority to investigate violations of this section and issue citations. Citations may be referred to the County Attorney's Office for prosecution.

Violations of this section that occur within Ski Areas the boundaries of which extend into neighboring jurisdictions shall be referred to the appropriate authority for investigation and prosecution.

(Ord. 08-03, Amended, 05/23/2008)

## **Section 7.07.04 SKIING IN CLOSED AREAS PROHIBITED**

### **SKIING IN CLOSED AREAS PROHIBITED**

#### 1. Definitions

a. **Ski Area:** Any area designated by a Ski Area Operator to be used for skiing, nordic, freestyle, or other type of ski jumping and snowboarding.

b. **Ski Area Operator:** Those persons, and their agents, officers, employees or representatives, who operate a Ski Area.

c. **Skier:** Any person present in a Ski Area for the purpose of engaging in the sport of skiing, nordic, freestyle, or other types of ski jumping using skis, sled, tube, snowboard or any other device.

d. **Closed Area:** An area designated by the Ski Area Operator as inaccessible by signs, ropes, flags, or any other indicia of closure, including, but not limited to, the existence of natural features impeding entrance to the area. A Closed Area can be anywhere within a Ski Area.

2. Skiing and Snowboarding in Closed Areas Prohibited. It shall be unlawful for any Skier to negligently or intentionally fo onto or upon any Closed Area. In the event a Closed Area is closed from one direction, but not all directions, sntering the area from the closed direction is a violation of this ordinance.

3. Penalty. Any person violating the provisions of this ordinance shall be guilty of a Class B misdemeanor and shall, upon conviction, be punished by a fine of not more than \$1000 or by a jail sentence not to exceed (6) months, or both, for each violation.

4. Enforcement. The Sheriff, upon notification from a Ski Area Operator, shall have authority to investigate violations of this section and issue citations. Citations may be referred to the Wasatch County Attorney's Office

(Ord. 08-04, Add, 05/23/2008)

## Chapter 7.08

### COST RECOVERY FOR RESPONDING TO EMERGENCIES

#### Sections:

- 7.08.01 Purpose.
- 7.08.02 Definitions.
- 7.08.03 Recovery Authorization and Procedure.
- 7.08.04 Liability:
- 7.08.05 Action to Recover Expenses.

#### Section 7.08.01 Purpose.

This chapter shall provide procedures for recovering costs incurred by the County or other local governmental agencies for assistance rendered in responding to hazardous materials emergencies, aggravated fire emergencies and aggravated emergency medical responses.

#### Section 7.08.02 Definitions.

As used in this chapter:

**(1) Aggravated Fire Emergency: Means:**

(a) A fire proximately caused by the owner or occupier of property or a structure, which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat, and the fire:

(i) Is caused or contributed to by the failure to comply with an order from any, State, County or local agency, department or official; or

(ii) Occurs as a direct result of a deliberate action in violation of the State law or the ordinances or regulations of the County or any other local agency.

(b) Is caused by arson, or reckless burning as defined by the State Code.

(c) Is an alarm that results in a County fire unit being dispatched, and the person transmitting, or causing the transmission of the alarm, knows at the time of said transmission that no fire, or fire related, emergency exists.

**(2) Aggravated Medical Emergency:** Means an alarm that results in a County fire unit or a County emergency medical unit being dispatched, and the person transmitting, or causing the transmission of the alarm, knows at the time of said transmission that there are no reasonable grounds for believing that a medical emergency exists.

**(3) Expenses:** Means the actual costs of government and volunteer personnel including worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment, cost of equipment operation, costs of materials, costs of disposal and the cost of any contract labor and materials.

**(4) Hazardous Materials Emergency:** Means a sudden or unexpected release of substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

#### Section 7.08.03 Recovery Authorization and Procedure.

(1) The County is hereby empowered to recover expenses incurred by virtue of the County's, or any other local government agency's, response to a hazardous materials emergency, aggravated fire emergency or an aggravated medical emergency from any person, corporation, partnership or other individual or entity who caused such an emergency, pursuant to the following procedure:

(a) The Chairperson of the EMS/LEPC, or his or her designee, shall determine the responsibility for the emergency or response as defined above and notify the responsible party by mail of the LEPC's determination of responsibility and the expenses to be recovered.

(b) The notice shall specify that the determined responsible party may appeal the LEPC's decision before a hearing officer designated by the County Council and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen days from the date of the notice.

(2) In the event the determined responsible party appeals the determination, the hearing officer shall hold a hearing to consider any issues raised by the appeal, at which hearing the appealing party and the Sheriff's Department or other local government shall be entitled to present evidence in support of their respective positions.

(3) After the hearing, the hearing officer shall make a recommendation to the County Council which shall issue a decision determining responsibility and assessing expense. The Council may adopt, modify or remand the recommendation of the hearing examiner for further proceedings. The Council may, in its sole discretion, hear additional evidence prior to issuing its decision.

#### **Section 7.08.04      Liability:**

The payment of expenses determined owing under this Section does not constitute:

- (1) an admission of liability or negligence in any legal action for damages; or
- (2) a criminal fine.

#### **Section 7.08.05      Action to Recover Expenses.**

In the event the parties determined to be responsible for the repayment of expenses incurred due to the County's, or other local agencies', response to such an emergency fail to make payment to the County within thirty (30) days after a final administrative determination of any appeal to the County, or thirty (30) days from the deadline for appeal, in the event no appeal is filed, the County may initiate legal action to recover from the determined responsible parties the expenses determined to be owing, including the County's reasonable attorney's fees.

## Chapter 7.09

### HAZARDOUS MATERIAL PLANNING

#### Sections:

<b>7.09.01</b>	<b>Definitions.</b>
<b>7.09.02</b>	<b>Committee created.</b>
<b>7.09.03</b>	<b>Haz-mat Coordinator.</b>
<b>7.09.04</b>	<b>Emergency Planning and Community Right-to-Know Act.</b>
<b>7.09.05</b>	<b>Notice of violation.</b>
<b>7.09.06</b>	<b>Hearing Examiner.</b>
<b>7.09.07</b>	<b>Service of Notice of Violations.</b>
<b>7.09.08</b>	<b>Failure to pay.</b>
<b>7.09.09</b>	<b>Enforcement.</b>

#### **Section 7.09.01 Definitions.**

As used in this chapter:

(1) **"EMS/LEPC"**: Means the Wasatch County Emergency Medical Services/Local Emergency Planning Council, as authorized by 42 USC 11001 and Utah Code Annotated Section 63-5-5(5).

(2) **"EPCRA"**: Means the Federal Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 11001 through 11050.

#### **Section 7.09.02 Committee created.**

The Emergency Medical Services/Local Emergency Planning Council, through the Wasatch County Fire Department, Division of Hazardous Materials, is hereby authorized to enforce the provisions of this chapter.

#### **Section 7.09.03 Haz-mat Coordinator.**

The Hazardous Materials Coordinator shall or designee may, upon resolution of the EMS/LEPC, act as the EMS/LEPC's agent for the enforcement, management and administration of the EMS/LEPC's duties set forth under EPCRA.

#### **Section 7.09.04 Emergency Planning and Community Right-to-Know Act.**

(1) The requirements of EPCRA shall be the law of Wasatch County and shall apply equally to federal, state, county or local governmental agencies, departments, installations, and facilities located in this county, as well as to other facilities that are subject to the provisions of EPCRA.

(2) The provisions of EPCRA are hereby deemed rules and regulations of the Fire Departments Hazardous Materials Division and the fire department governing the operation of the business holding a license or permit pursuant to Wasatch County ordinances.

(3) An owner or operator of a covered facility under the provisions of EPCRA who violates such provisions, shall be subject to a civil administrative fine not to exceed \$1,000 per violation. The EMS/LEPC shall establish the fine based on the severity of the violation, the duration of the violation, the alleged violator's history of non-compliance, the economic benefit of non-compliance, the EMS/LEPC's or the county's investigative costs and the cooperation of the owner or operator in remedying the alleged violation.

**Section 7.09.05 Notice of violation.**

(1) Whenever the EMS/LEPC determines that any person or facility is in violation of any applicable emergency plan accepted by or created by the EMS/LEPC pursuant to EPCRA, the requirements of EPCRA, or any rules of the EMS/LEPC, the EMS/LEPC through the chairperson or co-chairperson or designee may cause a written Notice of Violation(s) to be served on the owner of operator (hereinafter the "alleged violator").

(2) The Notice of Violation shall specify the provisions of the emergency plan, the section of the law, or rule alleged to have been violated, the facts alleged to constitute the violation(s) and advise the alleged violator that an administrative hearing shall be held to determine if a civil administrative fine should be imposed for the alleged violation. The EMS/LEPC shall specify the time, date, and place where the hearing shall be conducted.

**Section 7.09.06 Hearing Examiner.**

The EMS/LEPC may, by resolution, appoint a hearing examiner in its place to conduct a hearing on the Notice of Violation. The hearing examiner shall make a written non-binding recommendation to the EMS/LEPC on whether the violation occurred, which shall be duly served on the alleged violator. The alleged violator may, within 15 days after the date the recommendations of the hearing examiner were duly served, submit written objections to the EMS/LEPC, in the event the hearing examiner makes an adverse recommendation. The EMS/LEPC shall review the hearing examiner's recommendations as well as any timely objections submitted by the alleged violator and may adopt or reject the examiner's recommendations. The EMS/LEPC, after review of the hearing examiner's recommendations, shall issue a written order which shall be served on the alleged violator in the same manner as the Notice of Violation. The alleged violator shall have 30 days from the date affixed on the order in which to seek judicial review of the order in the appropriate court. The alleged violator shall serve a copy of the complaint seeking judicial review with the EMS/LEPC and the appropriate court. The EMS/LEPC shall promptly file in such court a certified copy of the record upon which such violation was found or fine imposed.

**Section 7.09.07 Service of Notice of Violations.**

The Notice of Violation, the hearing examiner's recommendations to the EMS/LEPC and any order issued by the EMS/LEPC, shall be served to the alleged violator and/or record owner of the facility upon which the violation is alleged to have occurred, either personally, or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the facility where the violation is alleged to have occurred.

**Section 7.09.08 Failure to pay.**

If any person fails to pay a civil penalty imposed by the EMS/LEPC after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the EMS/LEPC, the EMS/LEPC may request the Wasatch County Attorney to institute a civil action to collect the fine imposed.

**Section 7.09.09          Enforcement.**

(1) Nothing contained in this chapter shall prohibit the county or EMS/LEPC or any other person from initiating suit pursuant to 42 USC 11045 and 11046 of EPCRA at any time during the pendency of the administrative proceedings authorized herein.

(2) The EMS/LEPC shall have the authority to enter into informal settlement agreements with an alleged violator in lieu of seeking a civil administrative fine under this chapter.

## Chapter 7.10

### Addressing

#### Sections:

#### 7.10.01 House and Road Numbering.

##### Section 7.10.01 House and Road Numbering.

**(1) Identification Required.** A number shall be affixed to each dwelling unit or business or industrial building for all existing buildings; hereinafter, all buildings shall receive an address designation at the time a development lot is created or a building permit is issued for the structure, whichever is sooner. All dwellings or buildings with street addresses shall display their numerical designation prominently on the front of the building in numbers at least three (3) inches in height.

**(2) Official Map.** The Wasatch County GIS Department shall assign addresses and maintain a map that shall list street names and address range designations. These designations shall be regarded as the official country street and address range designations map.